

Delegated Report

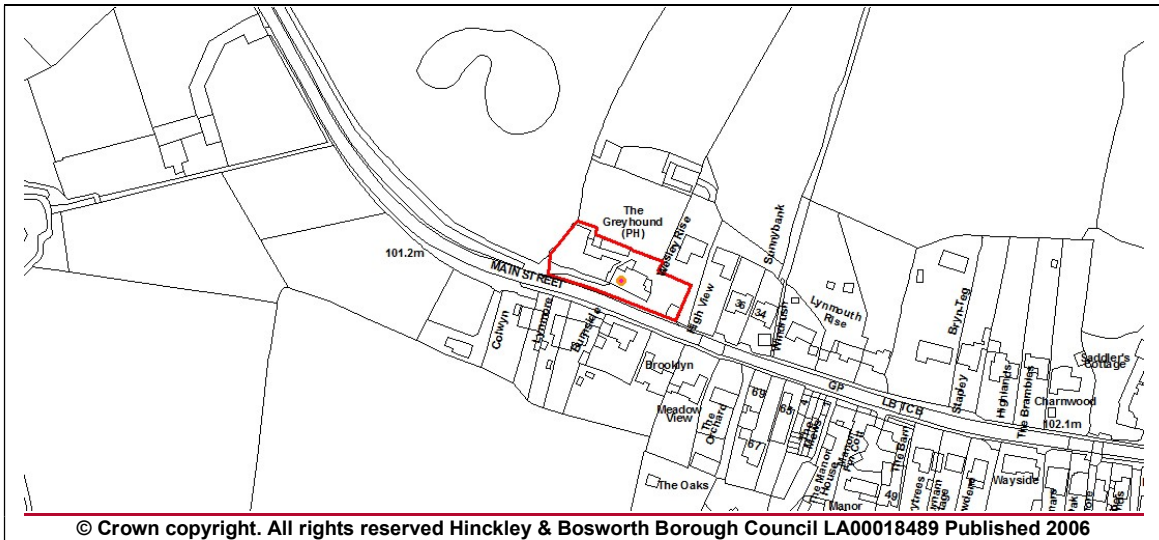
Planning Ref: 21/01377/FUL
Applicant: The Greyhound (Botcheston) Ltd C/o Agent
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Greyhound Inn, Main Street, Botcheston Leicester

Proposal: Demolition of outbuilding, external staircase and single storey rear projection to Public House. Erection of two storey rear extension, conversion of part of Public House to form two residential dwellings. Reconfigured Public House with guest accommodation on first floor. Erection of two residential dwellings with associated access points to west of the Public House.



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- The signing of a Section 106 Agreement

2. Planning application description

2.1. The application seeks full planning permission for alterations and demolition works to part of the Public House, extensions to the Public House, conversion of part of the Public House to two dwellings and the erection of two detached dwellings to the west of the site.

2.2. The Public House works/alterations would result in an entrance lobby, dining room area, bar, kitchen area, bin store and toilets at ground floor level and guest accommodation at first floor level. The proposed part conversion of the Public House would result in two residential units comprising a kitchen/dining area, WC, living area, bathroom and two bedrooms. The proposed two dwellings on site would comprise three-bedroom detached properties with garages and parking areas.

3. Description of the site and surrounding area

3.1. The majority of the red line of the application site lies within the settlement boundary of Botcheston to the western side of the village. Open countryside lies to the north

of the application site and neighbouring residential properties bound the site to the east. The site fronts onto Main Street to the south and neighbouring properties are located on the opposite side of the highway.

3.2 The site presently consists of a rectangular plot and measures approximately 0.21 ha. It comprises the Greyhound Public House, car parking to the front and eastern side of the plot, an outbuilding/function room and garden to the rear and lawned garden to the western side. There is a fall across the site from south to north of approximately 2 metres.

3.3 The site is not contained within a conservation area and is not a listed building but the Greyhound Public House is identified as local heritage asset within the Desford Neighbourhood Plan.

3.4 The application site is contained within the boundary of the National Forest.

4. Relevant planning history

4.1 No relevant planning history.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents and posting a site notice.

5.2. Nine letters of objection have been received raising the following concerns:

- Flooding concerns
- Loss of car parking facilities
- Will the bus stop be retained?
- Opposed to the change/relocation of the outdoor space in relation to noise and disturbance
- Outdoor areas will be closer to neighbouring properties and will affect amenity
- Opposed to the siting of the bi-fold doors/UPVC doors will be out of character for this building
- There was always the intention from the applicant to buy the pub and redevelop it for housing
- Viability of the food trade on site is not being enhanced by the opportunity to extend the hours
- A pub with no beer garden is not welcoming for families
- The changes will negatively affect trade due to smaller trading area
- Poorly designed residential properties that have no connection to the Public House
- More traffic = highway safety concerns
- Light pollution
- The Greyhound Pub is the heart of the village and we will lose this facility for greed and money
- Concerns over loss of trees on site

5.3 1 letter of support received which raises the following point:

- 1.) This is a well thought out plan – too many public houses are closing. If this business doesn't diversify the village could lose their local pub altogether. The pub is able to survive in a more financially efficient way.

6. Consultation

- 6.1. No objection has been received from:
- HBBC ES Pollution (Conditions on contaminated land, ventilation, noise attenuation and construction hours)
 - LCC Ecology – subject to the planting of a native species hedgerow along the northern boundary
 - HBBC Drainage
 - HBBC Waste Management (Condition on bin storage and collection required)
 - LCC Highways (Conditions on access details, visibility splays, turning areas and cycle storage required)
 - LCC Archaeology – subject to an archaeological written scheme of investigation condition
- 6.2. Hinckley and Bosworth Branch of CAMRA – Whilst the proposal shows some retention and internal rearrangement of the existing Public House this is considered to be on a much reduced scale. Indoor floorspace is considerably less and it seems the beer garden and games room are being removed entirely. This will result in a much diminished community use of a building recognised as possessing community value to the settlement of Botcheston. The provision of guest accommodation is welcomed particularly if this will aid the viability of the Public House. However the Council need to be satisfied that the applicant has provided justification that the existing facilities are unviable. Is a reduction in the public house trading area warranted and will it provide sufficient space to continue with a viable community facility?
- 6.3. Desford Parish Council – No objection subject to the following:
- An undertaking made by the applicant to make best endeavours to ensure the viability of the pub for a period of 3-5 years
 - That all opportunities for sustainable improvements on the site should be made
 - That the impact of the development on neighbouring properties should be minimised.
 - Residents would like every endeavour made to keep the pub open while work is ongoing.
- 6.4. National Forest Company – Although the NFC are pleased to note that the site's location is referenced within the applicant's planning statement the case officer is asked to consider whether there is further opportunity to reflect the character of the National Forest within the design of buildings as required by Core Strategy 21 and the Good Design Guide

7. Policy

- 7.1. Core Strategy (2009)
- Policy 13: Rural Hamlets
 - Policy 16: Housing Density, Mix and Design
 - Policy 21: National Forest
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the countryside and settlement separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding

- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)
- Desford Neighbourhood Plan
 - Policy H6 – Windfall Site Development
 - Policy H7 – Housing Design
 - Policy ENV2 – Biodiversity
 - Policy ENV5 – Local Heritage Assets
 - Policy F1 – Retention of Existing Community Facilities
 - Policy F2 – New or Improved Community Facilities
 - Policy T1 – Traffic Management

8. Appraisal

8.1. Key Issues

- Principle of development
- Impact on Community facility
- Heritage impacts and archaeology
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Flood risk and drainage
- Ecology
- Contamination
- Section 106
- Planning Balance

Principle of development

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up to date plan, permission should not usually be granted unless other material considerations indicate otherwise.

8.3. The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and the Desford Neighbourhood Plan. The spatial distribution of growth across the Borough during the plan period 2006-2026

is set out in the adopted Core strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.

- 8.4. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing at 1st April 2022. Due to this and the change in the housing figures required for the borough paragraph 11(d) of the NPPF is triggered. Therefore, this application should be determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.5. The Emerging Local Plan for 2020-39 has just been out for consultation at Regulation 19 draft stage (February to March 2022). The LDS anticipates that the Plan will be submitted in spring/summer 2022, and an estimated date for examination of late summer/autumn 2022. This will increase the weight to be afforded to the new Local Plan.
- 8.6. The majority of the application lies within the settlement boundary of Botcheston and part of the north of the site is within open countryside. Botcheston is a rural hamlet as set out within Policy 13 of the Core Strategy (CS). The CS states that rural hamlets have limited if any services and generally rely on Key Rural Centres or surrounding urban areas for schooling, employment and provision of goods and services. The policy goes on to state that development will be confined to infill housing development, local choice schemes and conversion of agricultural buildings to employment uses. Policy H6 of the Desford Neighbourhood Plan supports small residential and infill proposals subject to design, amenity and character considerations. The northern part of the application site is located within open countryside as such Policy DM4 of the SADMP is applicable. The development as proposed seeks to locate garden areas for the two dwellings within this area of the development site. As such the proposal seeks no built development on land outside of the settlement boundary.
- 8.7. Policy DM25 of the SADMP states that the Council will resist the loss of community facilities including ancillary areas. The redevelopment or loss of community facilities will only be appropriate where it can be demonstrated that:
 - An equivalent range of replacement facilities will be provided in an appropriate location within a reasonable distance of the local community or
 - There is a surplus of the facility type within the immediate locality exceeding the needs of the community or
 - The loss of a small portion of the site would result in wider community benefits on the remainder of the site
- 8.8 The Greyhound Inn is also specifically mentioned in the Desford Neighbourhood Plan as a community facility covered by Policy F1 which seeks to retain existing community facilities.
- 8.9 Within the National Forest area Core Strategy Policy 21 expects a proportion of new development to be woodland planting and landscaping. However the scale of

residential development which triggers this requirement is 0.5ha – 10ha. This site falls below this threshold (0.21ha) and so Policy 21 is not applicable for this development.

Impact of the development upon the Community Facility

- 8.10. Public Houses can represent a social focal point for communities and community activities and can form part of the character and charm of rural settlements. However, there has been a significant reduction in public houses nationally and locally. The British Beer and Pub Association identified that 25 public houses nationally are closing each week. Locally, the Borough is also suffering a decline in public houses with the loss in the rural area having the greatest impact on the rural community life and the sustainability of settlements.
- 8.11. The proposal seeks to retain the Greyhound Inn but diversify the facility to provide guest accommodation on site and also new residential properties through the conversion of part of the Public House and the development of two detached dwellings on site. The changes will result in the reduction of overall floorspace for the existing Public House and the loss of the beer garden and games room area. The application details note that the proposals would retain the existing nine members of staff at the Greyhound Inn and the revised pub layout would accommodate around 38 covers (for consumption of food) which is a similar level to the existing capacity of the pub.
- 8.12. The application details state that the current owner of the Public House bought the business in 2018 and has struggled to make a profit. The building is expensive to run due to its age. The proposal seeks permission to create a modern facility and provide guest bedrooms above part of the Public House to generate other income streams. The applications details also highlight that the Public House is not listed as an asset of Community Value. There was an opportunity for the local community to purchase the Greyhound Inn in 2018 but no bids were put forward despite a letter being sent out to every member of the Village and the arrangement of a public meeting.
- 8.13. It is considered that whilst the proposal reduces the size/floorspace of the Public House use, the use of the building will remain on site and measures are proposed to modernise and reconfigure the building in order to optimise the functionality of the building and improve financial potential. Policy DM25 of the SADMP states that the redevelopment or loss of community facilities will only be appropriate where it can be demonstrated that the loss of a small portion of the site would result in wider community benefits. The benefits are considered to be an upgraded and modernised public house that is more fit-for-purpose. The justification for the changes are to diversify the site and enable the best opportunity for longevity of the Public House. The Parish Council have raised no objections to the proposals subject to assurances that the applicants will seek to retain the Public House use for the long term. A legal agreement has been proposed as a way of securing this measure and this is discussed in more detail in a later section of the report.

Impact on Heritage Assets and Archaeology

- 8.14. Section 16 of the NPPF provides national policy on conserving and enhancing the historic environment. Specifically Paragraph 203 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. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets.

Policy DM12 also states that development proposals should make every effort to retain the significance of locally-listed heritage assets. Policy ENV5 of the Desford Neighbourhood Plan requires development proposals to preserve and enhance the significance and setting of heritage assets and specifically identifies the Greyhound Inn as a building of local significance.

- 8.15. The Greyhound Inn is located on the western edge of the historic core of Botcheston it is not within a conservation and is not listed but it is identified as a local heritage asset within the Desford Neighbourhood Plan (a non-designated heritage asset in terms of the NPPF). Originally, the building is likely to have housed agricultural workers. It became a Public House in 1856. Architectural interest includes a decorative door feature, terracotta ridge tiles, gable and ridge chimney stacks, chimney pots and finials and slate tiles. Artistic interest includes pub lettering and hanging sign to communicate the use of the building. The building has a visual prominence at the back edge of the road and is a landmark within the street scene.
- 8.16. The historic structure of the Public House is to be retained via its conversion and the public house use would remain on site albeit rationalised but in heritage terms it is considered that the historic value of the building would be retained. The conservation officer notes that materials need to be agreed via a condition (if approved) and that slate or clay tiles should be confirmed in order to reflect the traditional characteristics of the building. The use of flush casement windows would also have a positive effect upon the character of the building and so their specification should form part of the wording of the materials condition. It is considered that the careful use of materials would ensure that the aesthetic value of the building would be retained and would preserve the significance of this locally listed heritage asset. Therefore, it is considered that subject to a materials condition the application accords with Section 16 of the NPPF, Policies DM11 and DM12 of the SADMP and Policy ENV5 of the Desford Neighbourhood Plan.

Archaeology

- 8.17. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate assessment detailing the significance of any affected asset. Paragraph 194 of the NPPF reiterates this advice.
- 8.18. The County archaeologist has been consulted on the above application and notes that the site is located within the medieval and post medieval historic settlement core of Botcheston. The Greyhound Inn appears on ordnance survey maps of the 19th Century demonstrating particular architectural characteristics. Therefore there is the potential for below ground archaeological remains to be taken into consideration. Consequently, there is a likelihood that buried archaeological remains will be affected by groundworks associated with the proposed development including topsoil stripping, ground reduction and excavation of service trenches.
- 8.19. A condition is therefore recommended if members are minded to approve the application in order to safeguard the archaeological and heritage interest of the site. Subject to this, the application is considered to be acceptable and in accordance with Policy DM13 of the SADMP and Section 16 of the NPPF in relation archaeology matters.
- Design and impact upon the character of the area
- 8.20. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and

application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping. Policy H7 of the Neighbourhood Plan states that all new housing should continue to reflect the character and historic context of existing development and incorporate a diversity of materials.

- 8.21. The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment.
- 8.22. Paragraph 134 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.23. Botcheston is a linear hamlet formed along the principal spine of Main Street. The village was historically a close collection of agricultural buildings and small cottages set along Main Street with the Desford Brickworks at the western end. The Greyhound Pub marks the entrance to the village from the west. One of the key design objectives for Botcheston set out within the Good Design Guide is to protect the setting of the Greyhound Inn.
- 8.24. The proposal involves the demolition of a single storey rear projection to the Public House, a proposed two storey rear extension, internal reconfiguration works to convert part of the Public House to two dwellings and the erection of two detached properties to the western end of the site. One of the proposed two storey rear extensions would measure approximately 7.668 metres in width, 6.41 metres in length with a double pitch roof comprising an eaves height of 4.8 metres and ridge height of 6.4 metres approximately.
- 8.25. The proposal also seeks some alterations to the principal elevation of the Public House including replacement windows within existing windows, the re-positioning of the existing doorway and the creation of two new door openings.
- 8.26. The provision of two new dwellings on site with garden areas will result in the loss of a large portion of the pub garden and outdoor area limiting it to a smaller, more focused area immediately to the rear of the public house. However, outdoor space will still be provided for users of the Public House.
- 8.27. Use of materials is critical for this development to ensure that the scheme responds positively to the character of the immediate area and preserves the significance of the Greyhound Inn. Notwithstanding the submitted plans and as per the recommendations of the Conservation Officer it is recommended that high quality materials will be required for this site. As such, if permission is granted then a condition will be required for the submission of material samples to the local planning authority and agreed in writing to ensure the use of materials for this site are appropriate for its context.
- 8.28. Overall the scheme is considered to be acceptable and in compliance with Policy DM10(c), (d) and (e) of the SADMP, the Good Design Guide SPD and the requirements of the NPPF.

Impact upon neighbouring residential amenity

- 8.29. 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 with in the vicinity of the site.
- 8.30. 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.
- 8.31. Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.32. Local residents and the HBBC Environmental Services Team originally raised concerns about noise and the relationship between residential uses and the proximity with the Public House use. Further information was sought in relation to food preparation and how noise from the commercial premises would be controlled/mitigated. The Environmental Services team considered that subject to appropriately worded conditions in respect of ventilation measures on site and noise attenuation the application would be acceptable in relation to residential amenity considerations.
- 8.33. Garden/private amenity areas are provided for the proposed new dwellings and converted residential units. An outdoor area will also be provided for users of the Public House. The garden areas would exceed the 7 metre length as recommended within the Good Design Guide.
- 8.34. The windows proposed to the two detached dwellings would be located approximately 33 metres from the existing windows of neighbouring properties located opposite the site on the south side of Main Street. This is an acceptable distance with respect to privacy and minimising overlooking concerns. Wesley Rise is a neighbouring property sited to the north east of the application site. It is set on higher ground than the application site and existing vegetation also helps to separate the dwelling from the application site and provide some level of screening/privacy. Whilst the relationship is close (approx. 15 metres between the front elevation of the dwelling and the nearest element of the development proposal) the height difference and provision of landscaping is considered to offset any adverse residential amenity impacts.
- 8.35. Subject to conditions 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.
- Impact upon highway safety
- 8.36. 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)).

- 8.37. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.38. Paragraph 111 of the NPPF (2019) 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 112(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.39. The site currently benefits from an access into the existing dedicated car parking area to the east of the main building and an existing gated field to the west. The scheme seeks to upgrade the western-most access point and provide a new access point between the public house and the existing western access. Both proposed three bed dwellings would benefit from 3 off road car parking spaces and the two residential conversions (2 bed units) would be served by four car parking spaces at the front of the site. 13 car parking spaces would be retained for users of the Public House.
- 8.40. The Highways Authority have no objection to the scheme in terms of highway safety or car parking provision, but, have requested conditions should the application be approved. These are considered to be appropriate and reasonable.
- 8.41. The proposals are considered to have a negligible impact on the highway network. As such, subject to the conditions recommended by the LHA, and an additional condition with respect to EV charging points, the proposal will satisfy policy DM17 and DM10(g) and the requirements of the NPPF.

Flood Risk and Drainage

- 8.42. 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.
- 8.43. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 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.
- 8.44. The site lies in Flood zone 1 (at lowest risk of flooding) and is at low risk of being adversely affected by surface water flooding. The HBBC Drainage Officer has raised no objections to the proposals and has not proposed conditions. The development will therefore satisfy Policy DM7 of the SADMP and the NPPF.

Ecology

- 8.45. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation and ecological value. The application submission was supported by an ecological assessment and concludes

that the proposal would not have an adverse impact upon the natural environment. The county ecologist has been consulted on the application and is satisfied with the content of the report. There are not considered to be any ecological matters pertinent to the determination of this application and subject to a condition relating to the planting of a native species hedgerow on site the application is considered to be acceptable and accords with Policy DM6 of the SADMP.

S106 Heads of Terms

- 8.45. 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. No contributions for open space have been sought in this instance.
- 8.46. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010, as amended. (CIL). The CIL Regulations and paragraph 57 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:
- A) Necessary to make the development acceptable in planning terms;
 - B) Directly related to the development; and
 - C) Fairly and reasonably related in scale and kind to the development.
- 8.47. Concerns have been raised by local residents and the Parish Council about the future of the Public House and its continuation. The applicants have agreed to sign up to a legal agreement in order to provide some reassurance in this regard. The wording of the legal agreement needs to include a requirement for all practical endeavours to be made to keep the Public House open and to agree to keep the Public House open for a reasonable period of time post works to demonstrate viability and long term future.

Planning Balance

- 8.48. 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.
- 8.49. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing at 1st April 2022. Therefore the Council does not have a 5 year housing land supply.
- 8.50. 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 proposed7; or*

ii. 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”

8.51. Footnote 8 in the NPPF states that the application of this approach “*includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years*”.

8.52. 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.

8.53. The proposal is considered to be acceptable when taking into account all of the material considerations set out above. There are no adverse impacts associated with this development that would outweigh the benefits identified. Therefore this application is recommended for approval subject to the signing of Section 106 legal agreement and conditions set out below.

9. Equality implications

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

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

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

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

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

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

10. Recommendation

10.1 Grant planning permission subject to signing a Section 106 Agreement, and to the following planning conditions.

11. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Site Layout Plan 20.253.01B
 - Block Plan 20.253.BP A received 28 January 2022
 - Site Location Plan received 28 January 2022
 - Site Sections 20.253.06 received 15 November 2021
 - Unit B Floorplan and Elevations 20.253.05 received 15 November 2021
 - Unit A Floorplan and Elevations 20.253.04 received 15 November 2021
 - Greyhound Inn Floorplan and Elevations 20.253.03 received 15 November 2021
 - Sections 20.253.06 received 15 November 2021
 - Sections 20128-20-04 received 15 November 2021
 - Ecological Appraisal and Protected Species Survey dated June 2021 received 15 November 2021

Where the above documents and plans include recommendations or propose mitigation measures, they shall be implemented in accordance with the approved details and timeframes and retained thereafter.

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. Prior to commencement of development and notwithstanding the approved plans in Condition 2 the external materials for the development hereby permitted shall include slate or clay roof tiles in addition to the use of flush casement windows. These details and samples shall be submitted to and approved in writing by the local planning authority. No other materials shall be used other than in accordance with approved details and implemented as such.

Reason: To preserve the locally listed heritage asset and preserve its significance to reflect the character of the immediate area in accordance with Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD 2016 and the design and heritage requirements of the NPPF.

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

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

5. No development shall take place until a scheme for ventilation of the Greyhound Inn Premises which shall include installation method, maintenance and management has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details before the premises are first brought into use and shall be maintained as such thereafter.

Reason: To safeguard the amenities of adjoining and neighbouring properties in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

6. No development shall take place unless and until a scheme for protecting the proposed dwellings from noise from the commercial aspect of the development (public house and accommodation) has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be implemented and completed before any of the permitted dwellings are first occupied.

Reason: To ensure the proposed use does not become a source of annoyance to neighbouring dwellings and to protect residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

7. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted 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: In the interests of ensuring against issues arising from land contamination in accordance Policy 7 of the Site Allocations and Development Management Policies DPD (2016) and with the National Planning Policy Framework (2021).

8. Site Preparation and construction shall be limited to the following hours:
 - Monday – Friday 0730-1800
 - Saturday 0800-1300No working on Sundays and Bank Holidays

Reason: To minimise disruption and to protect residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

9. Prior to the commencement of development a scheme for the installation of electric vehicle charging points to serve the new dwellings will be submitted to and approved in writing by the local planning authority. The scheme shall

identify the number of units to benefit from electric charging points, together with full detail of the location and fitting of the units.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework.

10. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on R3design drawing number 20.253.01 Rev B 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 and to aid highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

11. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 45 metres by 2.4 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in accordance with Policy DM17 of the Site Allocations and Development Management DPD 2016 and the requirements of the NPPF.

12. Notwithstanding the approved plans the proposed access to Units A and B shall have a gradient of no more than 1:12 for a distance of at least 5 metres behind the highway boundary.

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

13. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number 20.253.01 Rev B. Thereafter the onsite parking provision shall be so maintained in perpetuity.

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

14. No part of the development hereby permitted shall be occupied until such a time as site drainage details for Units A and B have been submitted to and approved in writing by the local planning authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce surface water runoff in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

15. The development hereby permitted shall not be occupied until such a time as each access drive and turning area has been surfaced with tarmacadam or similar hard bound material for a distance of least 5 metres behind the highway boundary and once so provided shall be retained as such in perpetuity.

Reason: To ensure highway safety 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 existing gates to the vehicular access have been permanently removed. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary nor shall any be erected within a distance of 5 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.

17. Notwithstanding the approved plans any new/replacement windows and/or doors on the ground floor within 0.5 metres of the Main Street frontage of the existing Public House shall not open so as to overhang the public highway and shall thereafter be so maintained in perpetuity.

Reason: To aid highway and pedestrian safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

18. No development shall take place until a scheme of hard and soft landscaping works including boundary treatments for the site and an implementation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall also include the provision of a native species hedgerow to be planted along the northern boundary of the site. The development shall be carried out in full accordance with the approved landscaping details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed or diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the local planning authority.

Reason: To ensure the development has a suitable external appearance in accordance with Policy DM4 and DM10 of the Site Allocations and

Development Management Policies DPD 2016 and the requirements of the NPPF.

19. No development/demolition shall take place until a written scheme of investigation (WSI) has been submitted to and approved in writing by the local planning authority. For the land and structures that are included within the WSI no demolition/development shall take place other than in accordance with the agreed WSI which shall include a statement of significance and research objectives and:
- a. The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme) and the nomination of a competent person or organisation to undertake the agreed works
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation

Reason: To ensure a satisfactory historic building survey and archaeological investigation to record and advance understanding of the significance of the affected resource prior to its loss in accordance with Policy DM13 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

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

Reason: To safeguard the amenities of neighbouring properties and protect the character and appearance of the area in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016.

21. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) all bathroom, en-suite and WC windows shown on the approved plans shall be non-opening and glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this form.

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

11.1 Notes to applicant

1. Surface water should be managed by sustainable methods preferably those which disperse runoff by infiltration into the ground strata i.e. soakaways, pervious paving, filter drains, swales etc and the minimisation of paved area

subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed either alone or in combination with infiltration systems and/or rainwater harvesting systems.

2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
4. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>