

Planning Committee 27th June 2023
Report of the Head of Planning (Development Management)

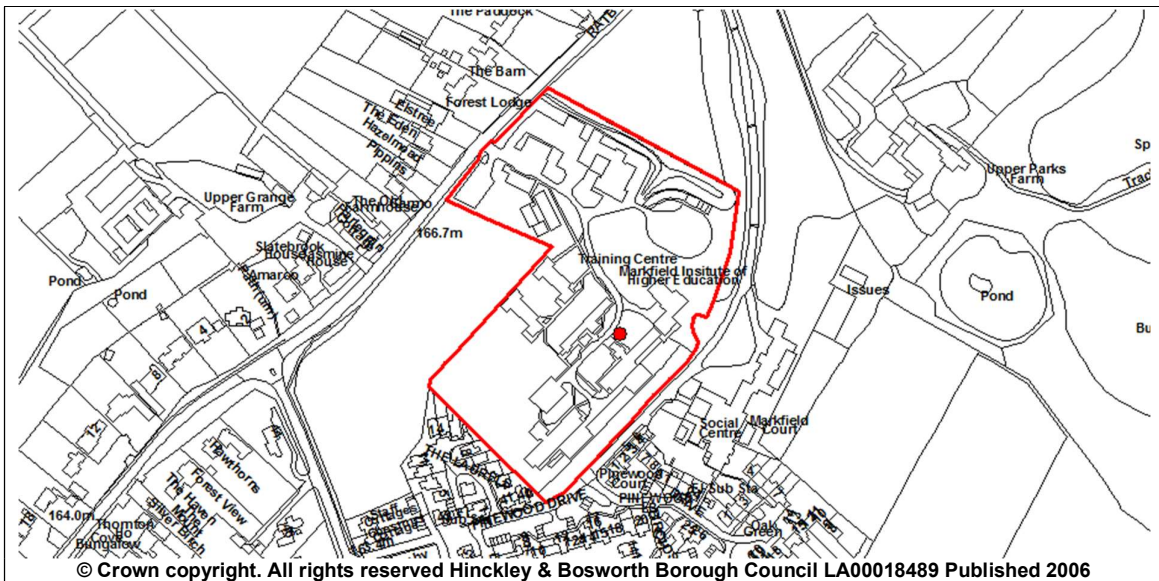


Hinckley & Bosworth
Borough Council

Planning Ref: 20/00887/FUL
Applicant: The Markfield Institute of Higher Education
Ward: Markfield Stanton & Fieldhead

Site: The Islamic Foundation Markfield Conference Centre

Proposal: Demolition of existing conference centre and a residential building and erection of a new conference centre, including indoor sports facility, and new residential building with associated landscaping



1. Recommendations

1.1. Grant planning permission subject to:

- The completion of a S106 agreement to secure the following obligations:
A contribution of £209,182 towards the Coalville Transport Strategy to enable required highway works at the A50 / Field Head junction.
- Planning conditions outlined at the end of this report.

2. Planning application description

- 2.1. This application seeks full planning permission for the demolition of the existing conference centre and a residential building at the Markfield Institute of Higher Education, Ratby Lane, Markfield, to facilitate the construction of a new conference centre (with ancillary indoor sports facilities) and a new residential building along with associated landscaping and facilities.
- 2.2. The new conference centre would have a contemporary design, with facing brickwork, timber cladding and a distinctive glazed façade on the front and rear elevations. The proposed new residential building would be two-storeys in height with a mono pitch roof, with similar brick and timber cladding to the conference centre. It would provide 30 en-suite bedrooms for students, staff, research scholars and visitors.

2.3. Vehicular, pedestrian and cycle access will be provided via the existing access on to Ratby Lane. In addition to the existing car parking facilities, an additional 43 new spaces will be provided as part of the scheme, along with 24 new cycle parking spaces within the site.

2.4. The following documents were submitted in support of this application;

- Location Plan,
- Existing and Proposed Parking Plan,
- Conference Centre Proposed Ground Floor Plan
- Conference Centre Proposed First Floor Plan
- Conference Centre Proposed Roof Plan
- Conference Centre Proposed Elevations
- Residential Building Proposed Ground Floor and First Floor Plans
- Residential Building Proposed Roof Plan
- Residential Building Proposed Elevations
- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Arboricultural Report
- Business Plan and Needs Assessment
- Covering Letter
- Design and Access Statement
- Drainage Strategy Report
- Flood Risk Assessment
- Preliminary Ecological Appraisal and Protected Species Assessment

3. Description of the site and surrounding area

3.1. The application site measures 3.58 hectares and is located to the east of Ratby Lane in Markfield. The site is bound by a field to the northeast, the land associated with Woodrow House and Markfield retirement Village to the southeast, the Markfield Retirement Village to the southwest and Ratby Lane to the northwest.

3.2. The site is occupied by a series of buildings which collectively form the Markfield Institute of Higher Education campus. The buildings on site are constructed primarily of facing brickwork, a mixture of pitched and flat roofs, ranging from single storey to three storeys in height. The site is screened by trees that line most of its boundaries, and there are open spaces across the site. The application site is situated within the National and Charnwood Forest.

4. Relevant planning history

95/00228/FUL

- Erection of a Library
- Approved
- 03.05.1995.

96/00709/FUL

- Extension to residential units
- Approved
- 16.10.1996.

00/00501/FUL

- Erection of a two-storey academic and educational building
- Approved
- 24.04.2001.

01/00871/FUL

- Erection of a two-storey academic and educational building (amended scheme)
- Approved
- 16.04.2003.

11/00052/FUL

- Demolition of porta cabin and erection of building for prayer room, sports hall and residential study rooms
- Approved
- 21.03.2011.

17/00145/FUL

- Subdivision of 1 flat to create 3 flats for the residents of the Islamic Foundation Centre
- Approved
- 04.04.2017.

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. 4 letters of objection from 4 addresses have been received, along with a petition comprising 57 letters of concern from the neighbouring Markfield Retirement Village outlining the following concerns:
- 5.3.
- Increase in traffic
 - Impact on the countryside
 - Excessive scale of the proposed buildings
 - Construction working hours, particularly at weekends.
 - Noise pollution
 - Increased traffic on Ratby Lane
 - Loss of trees and increased visibility
 - Potential overlooking/loss of privacy

6. Consultation

- 6.1. No objection, some subject to conditions and/or obligations have been received from:
- HBBC Drainage
 - HBBC Environmental Health
 - HBBC Affordable Housing
 - HBBC Compliance and Monitoring
 - HBBC Planning Policy
 - LCC Ecology
 - LCC Drainage
 - LCC Highways
 - National Forest Company

6.2. Markfield Parish Council have provided the following comments:

05/10/2022

The Parish Council does not object to the development, in principle, however concerns have been raised particularly regarding the impact of the increased traffic on Ratby Lane both during the period of construction and when the Centre holds events. The problem of on-street parking is a major concern especially if the events coincide with any events being held at Tomlinsons Boarding Kennels and Canine Centre.

Whilst the Parish Council understand that the proposed A511 improvements will go some way to alleviating the traffic problem, the question is what happens if the proposed improvements do not proceed as planned. The Highway Authority is requesting a contribution to the improvements to mitigate the otherwise severe impact of the development on the A511/A50 corridor. The Parish Council would welcome your thoughts on this.

The Parish Council believe it is imperative that the Centre engages at the beginning of this development particularly with residents of the Retirement Village as its near neighbours and would suggest a liaison committee would be the best approach. The Parish Council would request that construction is restricted to weekdays only and with no early starts to mitigate the impact on the residents of the Retirement Village.

6.3. HBBC Tree Officer has provided the following final comments (26/04/2023):

My concerns were in relation to the close proximity of proposed construction to trees in G50. Both from potential damage during building works and compatibility with the new building because it will be so close.

The report indicates that two high quality trees (Cedar and Beech) in G50, which have still not been individually surveyed, would require crowns pruning back by 5m. to enable construction and would also require root pruning. This is unacceptable for the species and the quality of trees involved.

The statement also indicates that no ground protection will be required and site works will be carried out well inside the root protection area of these two trees.

Unfortunately Arboricultural Impact Assessments rarely consider long term suitability in respect of future growth.

In my opinion the building needs to be further away to safeguard important trees and lessen future nuisance impact.

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

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 DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. Markfield Neighbourhood Plan

- Policy M1: Countryside
- Policy M3: Green Infrastructure
- Policy M4: Ecology and Biodiversity
- Policy M5: Trees
- Policy M7: Renewable Energy
- Policy M10: Design
- Policy M12: Markfield Institute of Higher Education
- Policy M14: Infrastructure

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

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

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
- National Forest
- Drainage
- Impact upon trees
- Impact upon Public Rights of Way
- Ecology
- Obligations
- Other matters

Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) 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 NPPF and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (2016) (SADMP) set out a presumption in favour of sustainable development, and state that development

proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016). SADMP.

8.4 This site lies outside of the settlement boundary of Markfield and is identified as countryside on the Borough Wide Policies Map and therefore Policy DM4 should be applied. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.

8.5 Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:

- 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
- The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
- It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.

and:

- 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;

8.6 The proposal relates to the demolition and replacement of existing buildings, which although not explicitly outlined under DM4, is considered sustainable development subject to the development leading to an enhancement of the immediate setting.

8.7 Policy M12 of the made Neighbourhood Plan relates to the Markfield Institute of Higher Education and reads:

New buildings that will be used for educational, administrative, residential and recreational/ sport purposes associated with the educational use of the Markfield Institute of Higher Education will be supported subject to the following:

1. Built development does not extend beyond the developable area shown on Map 14 and the Policies Maps;

2. Residential development should be restricted to occupancy by staff and students of the Markfield Institute of Higher Education; and

3. There is no access to Pinewood Drive for vehicles, cycles and pedestrians.

8.8 The planning application site falls within the Markfield institute of Higher Education Developable Area as indicated on Map 14 of the Neighbourhood Plan and the new buildings include a replacement of both the conference centre and residential

building, which were both existing and integral parts of the facility which required upgrading.

- 8.9 Policy 8 of the Core Strategy states that to support the local services in Markfield, the council will support the attraction of knowledge-based services to support the Markfield Institute of Higher Education which is linked to Loughborough University.
- 8.10 Therefore, subject to compliance with other relevant planning considerations, the proposal is considered acceptable in principle in accordance with Policy DM4 of the SADMP and Policy M12 of the Neighbourhood Plan.

Design and impact upon the character of the area

- 8.11 Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.12 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, any harm to the intrinsic value, beauty, open character, and landscape character of the countryside would therefore be unjustified.
- 8.13 Policy 21 of the Core Strategy supports development in the National Forest providing that the siting and scale of the proposed development is appropriately related to its setting within the forest and respects the character and appearance of the wider countryside.
- 8.14 Policy M10 of the Markfield Neighbourhood Plan states that development must be sympathetic to local character and history unless it is of exceptional quality or innovative design. It must also be in keeping with the scale, form, and character of its surroundings.
- 8.15 The site lies within the Charnwood Forest Settled Forest Hills Landscape Character Area as defined in the HBBC Landscape Character Assessment (2017). The proposed development area is already occupied by built development and is surrounded by wider buildings, therefore not contributing towards the open character and appearance of the countryside. The buildings would be well contained within the development of this site and the neighbouring residential care home and village to the southeast and would not encroach into any open countryside. It is therefore concluded that the proposed development would not have a detrimental impact upon the Landscape Character Area.
- 8.16 The proposed development involves the demolition of two ward buildings which have become unsustainable and are no longer fit for purpose – the Markfield Conference Centre and one of the residential buildings. The replacement buildings will be on the same footprints of the two buildings; however, the scale and massing of each building is proposed to be increased.
- 8.17 The new conference centre features a contemporary mono pitch roofed design which slopes down from front to rear, with a distinctive glazed façade on the front and rear elevations and louvred windows on the rear elevation. The building would measure approximately 56m in width, 31m in depth, 8.5m at its tallest point and 7m at its

lowest, and would be constructed of buff brick, timber cladding and cream cladding. Although the new Conference Centre would be significantly larger than the existing building, it is not considered that the design would be excessive or out of character in the context of the surrounding buildings and wider site.

- 8.18 The replacement residential building would be two-storeys high, featuring a similar contemporary design to the conference centre, with a mono pitch roof, a combination of buff facing brick and timber cladding, with feature glass curtain walls. The rectangular footprint of the building would include stepped frontages which break up the massing of the building and create visual interest with contrasting depths and materials. The building would measure approximately 52m in maximum width, 17m in maximum depth, 7.3m at its tallest point and 5.7m at its lowest,
- 8.19 A landscaping scheme has been submitted which surrounds both new buildings, enhancing the appearance of the site and ensuring that the proposed development integrates with the existing landscape setting. The majority of the mature trees, hedgerows and planting along the boundary are to be retained, reducing the prominence of the building when viewed from the retirement village.
- 8.20 In summary, it is considered that the design, layout, and landscaping details would result in a development which complements the character of the surrounding area with regard to scale, layout, density, mass, design, materials, and architectural features, and would not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. The proposal therefore complies with Policies DM4 and DM10 of the SADMP (2016).

Impact upon neighbouring residential amenity

- 8.21 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.22 Objections have been received from local residents individually and in the form of a petition from the neighbouring Retirement Village. Some of these concerns relate to potential impacts on residential amenity caused by the proposed development itself, such as the scale of the proposed buildings and increases in traffic to and from the site. There is also reference to the informal use of open space within the site, which is causing noise and disturbance to residents of the retirement village. Officers have met with the Development Opposition Steering Group formed by residents of the Residential Village and confirmed that as the open space/informal playing field does not form part of the proposal before us, it is a civil matter and not one which can be addressed by the Local Planning Authority in this instance.
- 8.23 The proposed replacement conference centre and residential building are both larger in scale and massing than the existing buildings, and therefore there must be consideration for potential overbearing or loss of light impacts upon neighbouring residences. In this regard, all separation distances are met for a building of this size, and there is a substantial boundary treatment between the site and the neighbouring residential care home and residential village. It is not considered that there will be any unacceptable degree of overbearing, loss of light or loss of privacy impacts upon any of the neighbouring residences.
- 8.24 In terms of any potential noise and disturbance being caused by general activity on the site, the use of a conference centre and residential block has already been

established on the site, and the increase in capacity and scale is not considered to be of a magnitude which would result in an unacceptable increase in traffic, noise or general activity which could have a harmful impact on neighbouring amenity. The management and coordination of the centre takes place internally therefore any complaints of unacceptable or unneighbourly activity can be addressed on-site theoretically.

- 8.25 In summary, the proposed development would not have any significant adverse impact upon the privacy and amenity of nearby residents at Markfield Court Retirement Village and Woodrow House Residential Care Home and would provide an acceptable level of amenity for the occupants of the proposed residential block. The proposal is therefore in accordance with Policy DM10 of the SADMP and Policy M10 of the MNP in this regard.

Impact upon highway safety

- 8.26 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.27 The applicant submitted details for some additional widening to the southwestern junction which was previously advised by the LHA that the radii to the southwest should also be widened in order for a consistent design and in the event that larger vehicles were to arrive/ depart to the south. This was later amended by the applicant and is now considered acceptable by the LHA.
- 8.28 In terms of potential trip generation, the LHA is of the view that despite maximum capacity events are likely to be infrequent and outside peak hours, there could be potential for large events on a more frequent basis without further planning permission which could generate peak hour trips. The applicant suggested the avoidance of the Field Head roundabout by occupants/guests; however, this is not controllable via condition. It is instead considered that mitigation for the junction should be sought accordingly as it would be necessary to mitigate the impact of the development in accordance with the NPPF. This is detailed in the *Obligations* section of this report. The internal layout is considered acceptable by the LHA.
- 8.29 Policy M12 of the MNP states that there should be no access to pinewood Drive for vehicles, cycles or pedestrians, and the proposals ensure that this is adhered to.
- 8.30 In summary, the LHA are satisfied that a safe and suitable access is proposed, that the internal arrangement has been demonstrated, and that additional trip generation can be mitigated through the requested s106 contribution. The LHA subsequently have no objections to the proposed development subject to conditions and contributions advised below. Therefore, with the suggested conditions and the S106 obligations the proposal is considered to satisfy policies DM17 and DM18 of the SADMP, Policy M12 of the MNP and the NPPF.

National Forest

- 8.31 Policy 21 of the Core Strategy in order to supports the implementation of the National Forest to the north east of the Borough, requires that proposals contribute to the delivery of the National Forest Strategy.

- 8.32 The National Forest Strategy confirmed that they would not be seeking additional dedicated tree planting apart from normal landscaping provisions as the additional gross floorspace proposed is 989 sqm, therefore not meeting the threshold for additional dedicated planting.
- 8.33 The NFC initially requested further information regarding the size, species, and location of proposed trees, along with consideration to include more wooden materials on the front/public facing elevations of the buildings. The NFC also requested further information regarding the energy efficiency measures which would be incorporated into the buildings. The applicant responded confirming that there are no protected trees on the site, and submitted revised drawings which incorporate additional timber cladding on both buildings. Energy efficiency measures are to be agreed at the detailed design stage according to the applicant.
- 8.34 In terms of landscaping within the developable and built part of the application site, the NFC are satisfied with the proposed landscaping scheme and level of tree planting within the site. Therefore, the proposed development is considered to adequately mitigate the impact upon the National Forest subject to conditions to secure landscaping and tree planting provision.

Drainage

- 8.35 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.36 A Flood Risk Assessment has been submitted with the application along with a Drainage Strategy Report in accordance with paragraph 163 of the NPPF. The application site is situated within Flood Zone 1 being at low risk of fluvial flooding. The application site lies is remote from the extents of the mapped flood plain of main river systems and is classified as a low risk area in terms of surface water, groundwater sources and manmade lakes.
- 8.37 The submitted Drainage Strategy Report provides further details about the management of surface water on the site. The proposed discharge rates represent a minimum reduction of 30% when compared to the existing on-site arrangement. To achieve the reduction in discharge rate, the development will provide a cellular tank to attenuate runoff and the discharge rate will be restricted by utilising an orifice flow control manhole.
- 8.38 The Lead Local Flood Authority (LLFA) have no objections to the proposals subject to conditions which are recommended as part of this report. The proposed conditions are considered to be necessary and reasonable. The proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk.

Impact upon Trees

- 8.39 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.40 Policy M5 of the MNP seeks to avoid the avoidable loss of trees or hedgerows and where this is the case, replacement planting of native species should be provided.
- 8.41 The application has been accompanied by an arboricultural report, arboricultural impact assessment and method statement. The tree survey work is comprehensive

in its detail and identifies trees which are to be retained or removed, with an assessment of their condition.

- 8.42 To facilitate the larger footprints of the replacement conference centre and residential building, the proposed development would result in the loss of some trees within application site. The Arboricultural report identifies that these trees which would be lost are identified as moderate and low-quality trees none of which are the subject of Tree Preservation Orders. Within the application site, there is 1 tree and 7 groups of trees identified as Category A (High quality). Paragraph 180 of the NPPF, states that when determining application development on land resulting in the loss of deterioration of irreplaceable habitats, such as ancient woodland and ancient or veteran trees. None of the Category A trees are to be removed as part of the proposals.
- 8.43 The accompanying Arboricultural Impact Assessment and Arboricultural method Statement collectively set out a series of Tree Protection measures which are to be implemented to protect the retained trees and their root protection areas before, during and after the demolition of the conference centre and residential building and the erection of the replacement buildings.
- 8.44 Concerns have been raised by HBBC Tree Officer regarding the proximity of the proposed construction to trees in G50 (Category A), both from potential damage during building works and compatibility with the new conference centre as it will be closer than the existing situation. The report indicates that two trees within this group (Cedar and Beech) will require crowns pruning back by 5m to enable construction and would also require root pruning. The report goes on to state that no ground protection will be required, and site works will be carried out inside the root protection area of these trees.
- 8.45 Whilst the LPA shares these concerns regarding the impact on the trees identified within G50, the root pruning is to be carried out under the supervision of an appointed arboriculturist. The Impact Assessment states that the root pruning will accommodate the proposed building and drainage runs whilst preventing any 'ripping' damage, a problem commonly associated with mechanical excavations. Furthermore, a high-quality landscaping scheme is to be provided around both of the new buildings, which will help to mitigate the loss of the trees through additional planting.
- 8.46 It is therefore considered that the proposed loss of trees and potential harm to Category A trees would not provide a robust reason to resist the proposal given the on-site mitigation that is to be provided and the significant social and economic benefits of this development. Therefore, on balance, it is considered that subject to the submission adequate mitigation for the loss of the trees and management of the existing tree stock, it is considered that the application would accord with Policy DM6 of the SADMP.

Ecology

- 8.47 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.48 Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.49 The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and

proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions. An ecology survey was provided by the applicant and has been considered satisfactory by LCC Ecology.

- 8.50 No evidence of protected species was recorded, and the site is considered to be of overall low ecological value. The site is dominated by buildings, hardstanding and amenity grassland, with the proposed new conference centre and residential building sited mostly within the existing built footprint. The proposed enhancement measures are welcomed by the LPA and LCC Ecology, including bird, bat, bee & hedgehog boxes and native planting. No further survey work is required, and no ecology mitigation as planning condition is needed.
- 8.51 Overall, the impact of the proposed development, subject to conditions, upon protected species is accordance with Policy DM6 of the SADMP and the general principles of the NPPF.

Obligations

- 8.52 Policy DM3 of the 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.
- 8.53 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) and paragraph 56 of the Framework. The CIL Regulations and NPPF confirm that where developer contributions are requested, they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

LCC Developer Contributions

- 8.54 One contribution has been requested towards the Coalville Transport Strategy to enable required highway works at the A50/Field Head Junction to mitigate the otherwise severe impact of the development on the A511/A50 corridor. In this instance it is considered that these requests are CIL compliant, as the junction is in close proximity to the site, and it is reasonable to expect some additional traffic associated with the site and consequently the junction. Moreover, the requested contribution is considered to reasonably relate in scale and kind to the proposed development.
- 8.55 The Applicant has confirmed that the development can viably support the above S106 contribution.

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.
- 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 and Planning Balance

- 10.1 By virtue of the proposed design, layout, and landscaping details, the proposal would result in a development which complements the character of the surrounding area with regard to scale, layout, density, mass, design, materials, and architectural features, and would not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. Furthermore, there is no identified unacceptable harm to the amenity of neighbouring residents, and prospective residents of the premises would have acceptable levels of amenity. The proposal therefore complies with Policies DM4 and DM10 of the SADMP in this regard.
- 10.2 The proposal would not lead to any highway safety concerns, and planning obligations have been sought and agreed to regarding highway works at the A50/Field Head Junction to mitigate the otherwise severe impact of the development on the A511/A50 corridor. The proposal therefore accords with Policies 17 and 18 of the SADMP and Policy M14 of the MNP in this regard. Equally, the submitted drainage information is considered acceptable subject to conditions and would not increase the risk of flooding in the area.
- 10.3 There is no harm identified to ecology or biodiversity, and enhancement measures have been included as a condition. The LPA acknowledges that the proposals would demonstrate a degree of harm to two Category A trees within group 'G50' as identified in the Arboricultural Assessment. Whilst it is agreed that this harm is regrettable, the trees are not to be removed and the protection measures as outlined in the arboricultural report, arboricultural impact assessment and method statement are considered sufficient to ensure the long-term vitality of all important trees within the site.
- 10.4 Therefore, on balance it is considered that the harm identified to the Category A trees would not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan.
- 10.5 In conclusion, subject to conditions the proposal would not have any significant adverse impacts on the character of the area, residential amenity, vehicular or pedestrian safety, ecology, drainage and National Forest considerations. It is

considered that the proposed development is in accordance with the Markfield Neighbourhood Plan, Policies 7 and 8 of the Core Strategy and Policies DM1, DM3, DM4, DM6, DM7, DM10, DM11, DM13, DM17 and DM18 of the SADMP (2016) and is therefore recommended for approval subject to the conditions and planning obligations listed below.

11. Recommendation

12.1. Grant planning permission subject to:

- The completion of a S106 agreement to secure the following obligations:

- A contribution of £209,182 towards the Coalville Transport Strategy to enable required highway works at the A50 / Field Head junction.

Reason: To mitigate the otherwise severe impact of the development on the A511/A50 corridor.

- Planning conditions outlined at the end of this report.

12.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

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

12.4. Conditions and Reasons

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

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

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

- Masterplan Design Drawing No.: MPD333-PL-01F – Location Plan
- Masterplan Design Drawing No.: MPD333-PL-02F – Existing and Proposed Parking Plan
- Masterplan Design Drawing No.: MPD333-PL-03B – Conference Centre Proposed Ground Floor Plan
- Masterplan Design Drawing No.: MPD333-PL-04B - Conference Centre Proposed First Floor Plan
- Masterplan Design Drawing No.: MPD333-PL-05B - Conference Centre Proposed Roof Plan
- Masterplan Design Drawing No.: MPD333-PL-06B - Conference Centre Proposed Elevations
- Masterplan Design Drawing No.: MPD333-PL-07A – Residential Building Proposed Ground & Floor Plans
- Masterplan Design Drawing No.: MPD333-PL-08A – Residential Building Proposed Roof Plan
- Masterplan Design Drawing No.: MPD333-PL-09B – Residential Building Proposed Elevation

- Highway Access Solutions Drawing No.: HAS/20-071/01A – Existing Site and Layout Parking Plan
- Highway Access Solutions Drawing No.: HAS/20-071/02B – Proposed Site Layout and Parking Plan
- Highway Access Solutions Drawing No.: HAS/20-071/03B – Proposed Works at Access and Site Frontage
- Highway Access Solutions Drawing No.: HAS/20-071/04B – Proposed Works at Access (Including Removed Kerbs/Fences)
- Highway Access Solutions Drawing No.: HAS/20-071/05B – Swept Path Assessment of Tour Coach (Arrival)
- Highway Access Solutions Drawing No.: HAS/20-071/06B - Swept Path Assessment of Tour Coach (Departure)
- Highway Access Solutions Drawing No.: HAS/20-071/07A – Proposed Works at Car Parking Area North of Access
- Highway Access Solutions Drawing No.: HAS/20-071/08A – Proposed Works and Additional Car Parking at Former Skid Pan
- Highway Access Solutions Drawing No.: HAS/20-071/09A – Disabled and Cycle Parking (Layout by Masterplan Design)
- Farrow Walsh Consulting Drawing No.: FW1932-D-400-01 Rev A1 – Drainage Strategy
- Farrow Walsh Consulting Drawing No.: FW1932-D-400-02 Rev A1 – Proposed Drainage Strategy
- Farrow Walsh Consulting Drawing No.: FW1932-E-500-01 Rev A1 – Hardstand Areas (Existing)
- Farrow Walsh Consulting Drawing No.: FW1932-D-500-02 Rev A1 – Hardstand Ares (Proposed)

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

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted 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 appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted in writing 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 lead to on-street parking problems in the area.

5. No part of the development hereby permitted shall be used until such time as the access arrangements shown on HAS drawing number HAS/20-071/03 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, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

6. The development hereby permitted shall not be used until such time as the parking and turning facilities have been implemented in accordance with the proposed parking plan detailed on Masterplan Design LTD drawing number MPD333-PL-02 Rev F. 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 the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

7. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 11 metres of the highway boundary, nor shall any be erected within a distance of 11 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 the National Planning Policy Framework (2021).

8. The development hereby permitted shall not be used 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 11 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 the National Planning Policy Framework (2021).

9. The development hereby permitted shall not be used until such time as secure (and under cover) cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

Reason: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2021).

10. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted in writing

to and approved in writing by the Local Planning Authority. The approved scheme shall be completed in accordance with the details and operations prior to first occupation of the development hereby approved.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11. 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 in writing to and approved in writing by the Local Planning Authority.

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

12. 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 in writing to and approved in writing by the Local Planning Authority.

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 sustainable drainage system within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

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

Reason: To demonstrate that the site is suitable for the use of infiltration techniques as part of the drainage strategy to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

14. Before the conference centre is first brought into use, a scheme for ventilation of the kitchen, which shall include odour control, noise levels, installation method, maintenance and management has been submitted in writing to and agreed in writing with the Local Planning Authority. The approved scheme shall be maintained in use thereafter.

Reason: To ensure that potential cooking odour and noise from the extraction system does not adversely impact the amenity of nearby residents in accordance with DM10 of the SADMP.

15. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local

planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. The development shall be implemented in accordance with the approved Tree Protection Plan prepared by JCA Limited in conjunction with Arboricultural Report Ref 19357/B/AJB (Appendix 5) received 20/03/2023.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2018).

17. During the construction period, no trees or hedges are to be cut down, uprooted or destroyed, nor shall be topped or lopped apart from those identified within approved Tree Protection Plan prepared by JCA Limited in conjunction with Arboricultural Report Ref 19357/B/AJB (Appendix 5) received 20/03/2023. 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 maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph.

18. The ecological enhancement measures contained within paragraph 5.2 of the submitted Ecological Appraisal (May 2020) shall be implemented in full prior to first occupation of the buildings hereby approved. The recommended enhancements are as follows:

- 2 x Integrated Eco Bat boxes (integrated into buildings);
- 2 x Integrated Vivara Pro WoodStone House Sparrow nest box (integrated into buildings);
- 1 x Schwegler 1B nest box (erect on trees);
- 1 x Schwegler 2H open fronted nest box (erect on trees);
- 2 x Bee brick (integrated into buildings).

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

19. 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 detail prior to the occupation of the dwelling to which it relates.

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 Site Allocations and Development Management Policies Development Plan Document (2016).

12.5. 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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
3. Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.
4. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100-year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g., trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
5. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and

protection. Details regarding the protection of any proposed infiltration areas should also be provided.

6. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system and should also include procedures that must be implemented in the event of pollution incidents within the development site.
7. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.