

**Planning Committee 7th November 2023
Report of the Head of Planning (Development Management)**

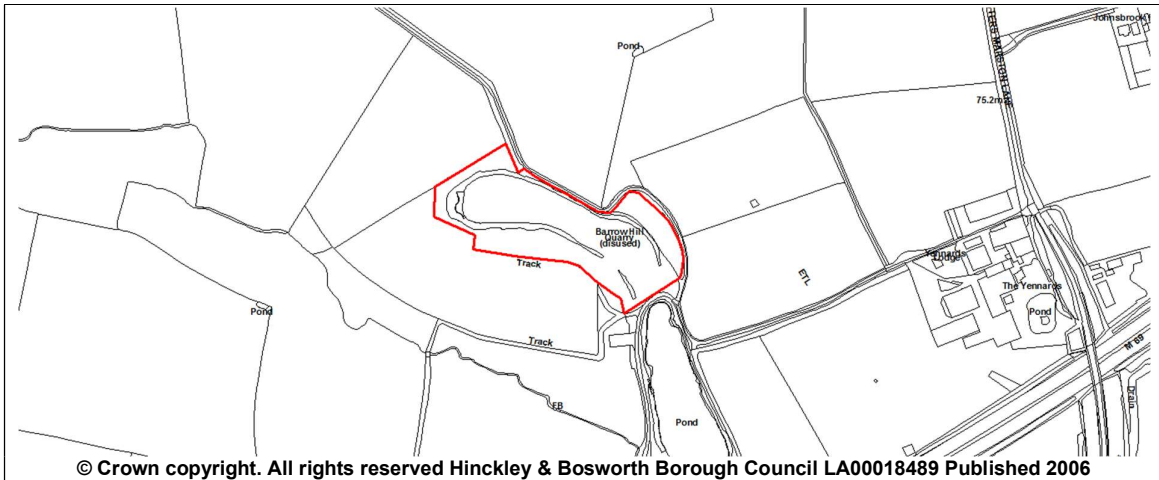


Hinckley & Bosworth
Borough Council

**Planning Ref: 23/00767/FUL
Applicant: MR IAN FENNY
Ward: Earl Shilton**

Site: Barrow Hill Quarry, Mill Lane, Earl Shilton, Leicester

Proposal: Erection of 36 holiday lodges and a management building with associated vehicular accesses, parking, surface water balancing and landscaping (revised scheme of application reference 21/01390/FUL).



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- That power to determine the final details of the conditions to be delegated to the Head of Planning.

2. Planning application description

2.1. The application seeks planning permission for the development of 36 single-storey holiday lodges and management building with associated vehicular access, parking, surface water drainage provision and landscaping – specifically:

- 36 Holiday Lodges (2 bed 4 person) with a maximum ridge height of less than 5m;
- Parking for each lodge with 4 parking spaces at the main entrance;
- Single storey Management Building with terrace area
- Main access from Mill Lane and a new access track through the site;
- Landscape buffers to parts of the southern boundary and across the site; and
- A new acoustic fence along the south eastern corner of the site.

2.2. The site is accessed from Mill Lane. Mill Lane is accessed directly off the A47, Clickers Way.

2.3. The site extends to approximately 2.9 hectares.

3. Description of the site and surrounding area

- 3.1. The application site lies to the south of Mill Lane approximately 2 kilometres from the centre of Earl Shilton. The nearest farm is The Yennards, which is accessed off Potters Marston Lane to the east. Mill Lane also serves Hinckley Equestrian Centre at Mirfield Farm, an existing riding school.
- 3.2. The site comprises a former quarry area.
- 3.3. A number of PRow footpaths surround the Site. PRow Bridleway U107 lies along the track at the northern boundary of the Site and leads to the public highway to the east. PRow Footpath T88/1 is at the north western corner of the Site and runs roughly parallel to Mill Lane.
- 3.4. The M69 lies to the south of the site.

4. Relevant planning history

21/01390/FUL

- Construction of 21 holiday lodges and associated infrastructure
- Planning Permission
- 11.04.2023

2016/CM/0302/LCC

- Restoration of former Barrow Hill Quarry to an agricultural use with inert waste and soils including temporary passing bays on Mill Lane
- Refused

5. Environmental Impact Assessment

- 5.1 Under the Town and Country (Planning Impact Assessment) Regulations 2017 there is a requirement to 'screen' certain types of major development or other industrial, agricultural schemes to ascertain whether they would have significant environmental effects and are considered to be EIA development. Under Schedule 2 of these Regulations there are thresholds and criteria that are applicable to certain types of development in order to be 'Schedule 2 development'.
- 5.2 This development is considered under Category 12 (c) 'tourism and leisure' and the thresholds for this are:
 - The area of the development exceeds 0.5ha
- 5.3 In this case, the development exceeds 0.5 hectares and so is considered to be Schedule 2 development. This type of development requires 'screening' to determine whether it requires an Environmental Impact Assessment. The scheme has been screened by the Council and it has been concluded that the site is not in or adjacent to an environmentally sensitive area (as per the definition within the Regs), is not unusually complex and does not pose potentially hazardous environmental effects. Although it is acknowledged that the proposal would create some effects upon the environment when compared to the existing situation it was concluded that these effects would not be 'significant' and therefore under the provisions of the screening regulations the proposal did not require an Environmental Impact Assessment.

6. Publicity

6.1. The application has been publicised by a site notice in close proximity to the site, an advert in the local newspaper and sending out letters to local residents.

6.2. 2 letters of objection have been received which make the following comments:

- Increasing the number of residential holiday lodges will increase the number of vehicle movements, the turning into Mill Lane is on a blind summit with traffic travelling at 60 mph accidents have already occurred.
- Mill Lane is a single track road, with no passing places, not maintained and suitable only for farm traffic. The applicant states they are willing to upgrade the road and it will be resurfaced and passing places put in but stated that the road may need to be closed for 6 months. But we will require access at all times with large agricultural machines with no other way of getting to our fields available, the ditches each side of road will need to be upgraded to take water run off, currently used by some for regular fly tipping. Also being 'willing' does not necessarily mean 'required to' as part of planning application
- For a " luxury" site all these extra lodges will not enhance the site because of overcrowding leading to loss of privacy for occupants.
- I am deeply sceptical of the whole planning application, as I cannot see the attraction of such a site for a luxury holiday destination
- It should be filled and planted with trees which would be far more beneficial for the environment and the local area.
- Clear contraventions of the Council's own planning policies remain, the same as the last planning application that was approved. These being:
- the proposal contravenes Development Management Policy 4 A, B, C, E and possibly also D as no proposals to date for renewable energy. This also relates to Development Management Policy 10 F and G.
- I can't see how the site will be managed such that it does not infringe on Development Management Policy 7 C or D.
- The requirements of Development Management Policy 10 B and C cannot be met due to the nature of the areas surrounding the site.
- Due to the isolated location of the site Development Management Policy 17 cannot be met. Development Management Policy 17 C is of particular importance and cannot be adhered to due to the access point being from a major A road with a national speed limit.
- Due to the isolated location of the site Development Management Policy 24 also cannot be met.
- No flood risk assessment submitted. Developments over 1ha require an FRA.
- As the conflicts with the Council's own policies above were ignored through the planning phase and again by committee members at hearing, my additional comments are as follows.
- Clearly the initial development was commercially unviable, requiring the applicant to resubmit to include additional units on the site. As the amount of units has increased, all previously approved reports should be reassessed. The additional units will inevitably increase demands on the already approved services, increased frequency of traffic, refuse vehicles, foul sewerage tankers, delivery vehicles, increase in vehicular movements through the Mill

Lane/A47 junction, storm water run-off via impermeable surfaces. There will also be a decrease in bio-diversity.

- Planning approval for this new application should not be warranted on an initial ill thought out, bad business venture.
- There is also STILL no information relating to the existing or proposed ground levels on the development. The site currently lies lower than Mill Lane. If ground levels were to be raised then any buildings placed on site will be clear to see, absolutely not in keeping with the surrounding countryside.
- Unless restrictions are placed on proposed levels then the applicant, who is known to have a very large quantity of material associated with earthworks activities stored locally, will have the perfect opportunity to dispose of this material within the site. Do earthworks exercises constitute a commencement of development? If not, how will the council ensure that the proposed road improvement scheme will be delivered, once the applicant has filled the site in question and destroyed Mill Lane in the process?
- At the committee meeting where the previous scheme was approved it was stated that this site will absolutely not be used as a traveller's site. This new application has increased unit numbers with a much denser overall layout. I feel that this is just the start, with the site ultimately evolving into exactly that, a traveller's site.
- If this site was proposed in the middle of any of the surrounding villages then it would never have been granted approval. Therefore, why is it acceptable in the countryside? It seems there are different rules in that regard??
- It seems that the previously approved scheme was a quick win for the locally elected committee members. A planning approval 'box ticked', with less opposition due to the rural location and fewer objectors, meaning fewer votes lost.

6.3. Where the above comments relate to material planning considerations they are addressed in the report below. With respect to the last comment, this is not a material planning consideration and has not therefore been considered. Comments relating to the potential redevelopment of the site for purposes other than holiday lodges, likewise, are not relevant to this application. Any such development would require permission in its own right.

7. Consultation

7.1. No objection has been received from:

- LCC Tree Officer
- LCC Archaeology
- LCC Drainage (subject to conditions)
- Leicestershire Police (Recommendations made for the consideration of the applicant)
- HBBC Drainage (subject to a condition)
- HBBC Waste (subject to a condition)
- HBBC Environmental Health (subject to conditions))
- Health and Safety Executive
- National Gas Transmission

- LCC Minerals and Waste
- LCC Highways (subject to conditions)

7.2. Earl Shilton Town Council – No comments received. However, the Town Council did object to the previous scheme, making the following comments:

This application fails to address certain concerns or is contrary to HBBC planning policies:

- HBBC policy DM4 – ‘development in open countryside outside the settlement boundary’.
- Mill Lane from the A47 Clickers Way to Barrow Hill Quarry is a farm track so only accessible safely by 4 wheel drive vehicles during the best of weather conditions. It is not suitable for family saloon holiday traffic.
- Health and safety issues. The site is close to the M69 and subject to exhaust fume and noise pollution due to the prevailing wind and cannot be seen in isolation to the plans for the HNRFI; in particular new M69 junctions proposed for the motorway.
- What lies beneath the quarry site? Is there methane under where the 21 lodges are to be sited as has been the recent major issue at Huncote Leisure Centre, (a former household waste site)?

Given that this scheme is very similar to that which the Town Council previously objected to, it is reasonable to assume that their objections would be maintained in this instance.

7.3. LCC Ecology – No comments received. However, the applicants worked closely with LCC Ecology during the course of the previous application; leading to the removal of an objection and the imposition of a number of conditions. This application relates to a very similar form of development, and as such it is reasonable to reapply the same conditions here.

8. Policy

8.1. Core Strategy (2009)

- Policy 14: Rural Areas: Transport
- Policy 17: Rural Needs
- Policy 20: Green Infrastructure
- Policy 23: Tourism Development

8.2. 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
- Policy DM24: Cultural and Tourism Facilities

8.3. National Planning Policies and Guidance

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

- 8.4. Other relevant guidance
- Good Design Guide (2020)
 - Leicestershire Highway Design Guidance
 - LCC Minerals and Waste Local Plan

9. **Appraisal**

9.1. Key Issues

- Principle of Development
- Impact on Archaeology
- Design and Impact upon the Landscape Character of the Area
- Impact upon Neighbouring Residential Amenity
- Impact upon Highway Safety
- Flood Risk and Drainage
- Ecology
- Contamination and Other Issues
- Planning Balance

Principle of development

- 9.2. 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.
- 9.3. 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). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core strategy.
- 9.4. The Emerging Local Plan for 2020-39 has previously been out for consultation at Regulation 19 draft stage (February to March 2022). The latest Local Development Scheme (LDS), was approved at Full Council on 13 December 2022. The updated LDS extends the Local Plan period to 2041, revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a second Regulation 19 Consultation which is not scheduled until May-June 2024. The Replacement Local Plan is therefore delayed and carries little weight at this time.
- 9.5. The application lies adjacent to but outside the settlement boundary of Earl Shilton within open countryside at a former Quarry site. Policy DM4 is therefore applicable and 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
- 9.6. The application proposes 36 holiday lodges and therefore can be considered to comply with part of DM4. The development would have no perceptible impact on the separation of settlements, as it is located outside of the built confines of Earl Shilton. The purpose of Policy DM4 is to protect the open character and landscape character of the countryside. Policy DM4 is considered to be consistent with paragraph 174b of the NPPF, which provides that planning policies should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 9.7. The application is accompanied by a Landscape and Visual Impact Assessment which was submitted as part of the previous application 21/01390/FUL.
- 9.8. Policy DM24 of the SADMP is also applicable. This policy states that development of new cultural and tourism facilities will be supported across the Borough. Policy 23 of the Core Strategy also supports tourism development including holiday accommodation comprising bed and breakfast, holiday lodges and tenting fields in suitable locations where:
- The development can help to support existing local community services and facilities and
 - Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the area with acceptable landscaping and
 - The development adds to the Hinckley and Bosworth's local distinctiveness and
 - Complements the tourism themes of the Borough and
 - The development adds to the economic wellbeing of the area
- 9.9. Paragraph 84 of the NPPF states that planning policies and decisions should enable:
- The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings

- The development and diversification of agricultural and other land-based rural businesses
 - Sustainable rural tourism and leisure developments which respect the character of the countryside and
 - The retention and development of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship
- 9.10. This site is located on a former quarry site; however, a quarry is not defined as previously developed land within the NPPF.
- 9.11. The previous scheme was approved by the Council earlier in 2023. This extant permission therefore constitutes a material consideration.
- 9.12. Given the above, it is considered that the proposals are acceptable in principle, subject to the detailed matters discussed below.

Impact on Archaeology

- 9.13. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate assessment detailing the significance of any affected asset. Paragraph 194 of the NPPF reiterates this advice.
- 9.14. LCC Archaeology responded to the consultation and stated that the proposal will not result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. The application warrants no further archaeological action and is therefore in accordance with Section 16, para. 194-195 of the NPPF and Policy DM13 of the SADMP.

Design and impact upon the landscape character and appearance of the area

- 9.15. 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.
- 9.16. 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.
- 9.17. The LCC Tree Officer has confirmed that the proposal does not affect any Protected Trees.
- 9.18. The proposed holiday lodges and management building are single-storey in proportion and approx. 4.7 metres in maximum height to the ridge of the roof. In relation to materials, timber cladding would be used, together with profiled metal cladding to reflect the site's surroundings. Floor to ceiling glazing would be included on the front elevation of the proposed lodges to provide a contemporary feel to the otherwise traditional looking buildings.
- 9.19. The LVIA submitted with the application sets out that the application site lies within Landscape Character Area F- Burbage Common Rolling Farmland. This character

area lies at the eastern edge of the Borough and surrounds settlement at the settlement fringe. The Site appears slightly elevated as compared to that of the surrounding countryside to the south and lies approximately at 85m AOD.

9.20. The key characteristics of this Landscape Character Area, as relevant to the Site, are listed below:

- 1) Large scale, gently rolling arable and pasture farmland with local variations in topography influenced by small streams.
- 2) Burbage Common and ancient woodland is of national and local importance as an ecological and recreational resource.
- 3) Medium to large scale rectilinear field pattern bounded by low hedgerows and post and wire fencing with smaller scale pasture fields around the settlements. Field boundaries and hedgerows generally follow contours.
- 4) Urban fringe influences as a result of exposed settlement edges of Hinckley and Earl Shilton situated on higher ground and recreational uses around Burbage Common.
- 5) Sparse settlement within the area, comprising individual buildings and scattered farm complexes.
- 6) Major transport corridors dissect the landscape and introduce noise and movement.
- 7) Open landform and lack of tree cover allows for expansive and distant views to edge of settlement, often situated on the skyline, and punctuated by major infrastructure.
- 8) Public rights of way including the Leicestershire Round, concentrated around Burbage Common and extending outside the borough into Blaby.
- 9) Green Wedge providing separation between Hinckley and Barwell and green infrastructure to the cluster of settlements of Burbage, Hinckley, Barwell and Earl Shilton.”

9.21. The application site falls within sensitivity area 11: Earl Shilton East. The area is described as ‘a semi-rural area in arable land use with limited tree planting’.

9.22. The key sensitivities for this area are listed below:

- Mature trees in hedgerow and woodland in the landscape;
- Open views and some intervisibility to higher lying land including parts of Earl Shilton settlement;
- Semi-rural nature of the landscape;
- Isolated farmsteads; and
- Woodland and wetland habitats

9.23. The application site is within the boundaries of the former quarry, but outside of the lake that lies to the south. The centre of the site is at a much lower ground plane to that of the sides of the former quarry. Parts of the site are naturalised with scrub, ruderal and other types of vegetation. More mature scrub with some trees lies at the boundaries of the site, with greater gaps in this boundary vegetation and security

fencing at the roadside, along the access track and designated PRow bridleway to the north, and to the eastern boundary, that allow for some visibility into the site at these accessible locations.

- 9.24. The LVIA submitted with the application assesses the site as having a low to medium sensitivity to the proposals due to the small scale and nature of the proposals as well as a lack of valued features at the former quarry. Valued elements include semi-natural habit areas of trees and scrub and grassland.
- 9.25. The immediate landscape surrounding the site is assessed as having a low to medium sensitivity due to its semi-rural arable character with local detractors such as noise and movement from transport infrastructure, local recreational activities and the lines of pylons running across the local landscape.
- 9.26. The proposal will however be visible from a number of PRow routes.
- 9.27. Guidelines given for new development are:
- Consider the extensive visibility of the area in siting and design of new development and incorporate screening to existing visual detractors where appropriate and ensure any new built development is well-integrated into the landscape.
 - Seek to retain historic field patterns where distinctive s-shaped or dog-leg boundaries remain.
 - Retain the pattern of hedgerows and hedgerow trees and incorporate further planting of trees and vegetation.
 - Maintain the separate identity of Earl Shilton and prevent gradual incremental extension eastwards, considering opportunity for a carefully planned new development with its own separate identity.
 - Seek to maintain and enhance the network of rights of way and consider opportunities to create and promote an integrated green infrastructure network around the Burbage, Hinckley, Barwell and Earl Shilton urban edge.
 - Conserve and enhance woodland and wetland habitats associated with Barrow Hill Quarry.
- 9.28. The LVIA proposes mitigation in the form of greater screening to the lodges, particularly, to the more open areas of the site, along part of the southern boundary and at the south east corner. New areas of structural planting are also proposed within site to include the use of native species.
- 9.29. It is considered overall that the low rise height of the lodges and new vegetation, would be unlikely to significantly alter views within the local Landscape character of Burbage Common Rolling Farmland LCA and intervisibility to surrounding LCAs would be limited to very elevated positions to the east and west of the application site.
- 9.30. Though this scheme represents an intensification of the proposed use with respect to the extant permission (an additional 15 lodges across the site), this in itself is not considered to alter the above consideration of the scheme. The additional lodges are to be contained within the same red line as the extant permission – the additional lodges would result in less spacing between lodges when compared to the extant permission (ref 21/01390/FUL), but, overall, with a robust landscaping scheme the impact of this proposal is still considered to be low to medium as per the conclusions of the original scheme.

9.31. Subject to appropriate landscaping on site and a long term management plan for the landscaping provision by way of suitably worded conditions, it is considered that this application is acceptable with respect to its impact on the character and appearance of the area and therefore in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

Impact upon neighbouring residential amenity

9.32. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

9.33. 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.

9.34. The proposal seeks provision of 36 detached, single storey, holiday lodges. Spacing between lodges is deemed satisfactory for recreation/holiday use and landscaping measures throughout the site and between lodges will help to promote the feeling of privacy. There are no residential properties so close to the site that the proposal would impact upon existing levels of residential amenity.

9.35. The site is located in close proximity to the M69 motorway. The site layout drawing 1001 shows proposed upgraded fencing "for acoustic break". The Noise Impact Assessment models an acoustic fence and shows a low level of improvement to be achievable on site. The Environmental Health Team have been consulted on the application details and state that the recommendations within the noise impact assessment relating to the sound reduction requirements for the lodges should be followed. Noise attenuation and details of the acoustic fence are therefore proposed as conditions if Members are minded to approve the application.

9.36. Overall, it is considered that subject to conditions the proposal would be acceptable in residential 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

9.37. 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)).

9.38. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.

- 9.39. 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.
- 9.40. The applicant worked closely with the Highways Authority during the course of the previous application to provide sufficient information to enable the Highways Authority to remove their objection to the scheme, subject to various conditions being attached to any permission.
- 9.41. In responding to this application the Highways Authority have raised no objection from the outset – though they continue to require a number of conditions to be added to any approval. This includes a requirement to upgrade and improve Mill Lane.
- 9.42. As such it is considered that the proposals are in accordance with the requirements of the Development Plan and NPPF in relation to their impact on the highway network.

Flood Risk and Drainage

- 9.43. 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.
- 9.44. 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.
- 9.45. The 2.9ha former quarry site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding. The proposals seek to discharge at 7.2 l/s via two attenuation basin to a watercourse off site and not on land under the developers control via a sewer run.
- 9.46. The applicant has submitted a flood risk assessment with supplementary information for the drainage strategy and an agreement from the neighbouring landowner for a sewer run to the proposed outfall. Following Land Registry checks of the land title this is accepted as valid.
- 9.47. Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable subject to conditions. The proposal is therefore considered to be in accordance with Policy DM7 of the SADMP and the requirements of the NPPF.

Ecology

- 9.48. 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.

- 9.49. During the course of the previous application, the Ecologist has confirmed that the submitted biodiversity metric and habitat creation proposals are acceptable. Reptiles were not found on site, and the presence of badgers can be addressed with a Precautionary Method of Working within the wording of a suitably worded Construction and Environmental Management Plan (CEMP) condition.
- 9.50. To mitigate the chances of Great Crested Newts being impacted by the works, the Ecologist has confirmed that a District level licence has been obtained. A copy of the Impact Assessment & Conservation Payment Certificate (IACPC) is required to be submitted to the LPA prior to determination. This was received as part of the previous application.
- 9.51. Therefore, subject to ecological conditions as recommended by the Ecologist as part of the previous application, the proposal accords with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF with respect to biodiversity net gain and ecological considerations.

Contamination and Other Issues

- 9.52. Policy DM7 of the SADMP states that development proposals must demonstrate appropriate remediation of contaminated land in line with minimum standards. The revised NPPF at paragraphs 183 and 184 sets out policies on development involving contaminated land. The planning practice guidance also offers detailed government advice on this topic.
- 9.53. HBBC Environmental Services Team have been consulted on the proposals and do not raise objections but do request conditions in relation to contaminated land, landfill gas and noise attenuation. It is considered that the application is considered to be acceptable subject to the imposition of suitably worded conditions and therefore in accordance with development plan policy with respect to contamination, landfill gas and noise.
- 9.54. The Minerals and Waste Team have confirmed that the area has previously been worked for sand and gravel. Therefore, it is likely that any mineral within the proposed development area has been exhausted and there would be no concerns from a minerals safeguarding perspective. Thus, a minerals reports is not required in relation to this submission. The County Planning Authority (CPA) have no concerns in relation to waste safeguarding.

Planning Balance

- 9.55. 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.
- 9.56. The proposal seeks the provision of 36 holiday lodges which accords with Policy 23 of the Core Strategy and Policy DM24 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.
- 9.57. Policy DM4 seeks to protect the open character and landscape character of the countryside. The LVIA submitted with the application concludes that the proposal would have low to medium impact on the landscape character.
- 9.58. The Highways Authority have raised no objection to the scheme, subject to a number of conditions being added to any approval including the required works to Mill Lane.

9.59. Taking all of the above issues/material considerations into account, subject to suitably worded conditions the application is recommended to Members for approval.

10. Equality Implications

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

10.2. 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.

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

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

10.5. 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).

11. Recommendation

11.1. **Grant planning permission subject to the following planning conditions:**

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

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

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

Site Location Plan drawing number 5001 received 7 August 2023
Site Layout Plan drawing number 5002 received 7 August 2023
Access Plan drawing number 5003 received 7 August 2023
Elevations and Floorplans drawing number 5004 received 7 August 2023
Elevations and Floorplans drawing number 5005 received 7 August 2023
Noise Assessment ref 26726-04-NA-O1 dated October 2021
Ecological Impact Assessment ref RSE_5294_R2_V2_ECIA June 2023

Reason: To ensure the development is carried out in accordance with the approved details.

3. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site

has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

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

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

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

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

Reason: To ensure public safety and monitor risk in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

6. Development shall not begin until a scheme for protecting the proposed mobile homes/lodges from noise from the M69 has been submitted in writing to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted holiday lodges are first occupied.

Reason: To protect amenity and mitigate noise impact in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

7. No development shall take place until a scheme which makes adequate provision for waste and recycling storage of containers 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 confirm adequate space is provided to facilitate collection of waste via a registered waste carrier. The development shall be carried out in accordance with the approved details.

Reason: To ensure the bin storage on site is not detrimental to the character and appearance of the area and waste can be collected satisfactorily in

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

8. The holiday accommodation units shall be for holiday purposes only and shall not be used as the sole or main residence of the occupiers. No person shall occupy any part of the accommodation for a period exceeding four weeks. Furthermore, no person shall occupy the accommodation within a period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names and main home addresses of all the individual occupiers and shall make this information available for inspection within 7 days of any request in writing from the Local Planning Authority.

Reason: The site of the permission is outside any area where planning permission would normally be forthcoming for residential development and is permitted only as a dwelling for holiday purposes in the interests of contributing to tourism and the economy of the area and to ensure compliance with Policy DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. 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 include the provision of native tree species and 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).

10. No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted in writing to and approved in writing by the LPA. The LEMP shall include the following details:

- A) Description and evaluation of the features to be created/managed
- B) Aims and objectives of management
- C) Appropriate management options for achieving aims and objectives
- D) Prescriptions for management actions
- E) Work schedule
- F) Species/seed mixes to be planted/sown
- G) Ongoing monitoring and remedial measures

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

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policies DM6 and DM10 of the

adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF.

11. 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 holiday lodges and management building 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).

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

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. Prior to first occupation of the holiday lodges hereby permitted details of the acoustic fence for the development site in relation to height, length, location and proposed materials shall be submitted in writing to and approved in writing by the local planning authority. The acoustic fence shall be erected and in place on site before the holiday lodges are first brought into use.

Reason: In order to help protect users of the site from noise pollution in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

14. Prior to development above slab level a scheme for the installation of electric vehicle charging points will be submitted in writing 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.

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

- A) Identification of potentially damaging construction activities

- B) Identification of biodiversity protection zones
- C) Practical measures and sensitive working practices to avoid or reduce impacts during construction, in particular for badgers and reptiles
- D) Timing of works to avoid harm to nesting birds
- E) Responsible persons for overseeing sensitive works
- F) Use of protective fencing where required

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

Reason: To help to protect and enhance ecological features, habitats and wildlife in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

16. No development 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 development must be carried out in accordance with these approved details and completed prior to first occupation on site.

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

17. No development 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. The construction of the development must be carried out in accordance with these approved details.

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

18. 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. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

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

19. 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 (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

20. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, 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 use unsatisfactory roads and lead to on-street parking problems in the area.

21. Prior to commencement of development, further details of access road reconstruction and surfacing, to include a bituminous road base, binder and surface course construction dependent on ground investigation and CBR readings, shall be submitted in writing to and approved in writing by the Local Planning Authority. The improvements to the access road, for the full length from the A47 junction to the access to the development, shall then be implemented in accordance with the approved carriageway reconstruction and surfacing details and in accordance with the passing places shown on Bancroft Consulting drawing number F21116/05 prior to first occupation of the development.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

22. No part of the development hereby permitted shall be first used until such time as the access arrangements shown on Bancroft Consultancy drawing number F21116/01 Rev. C 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).

23. No part of the development hereby permitted shall be first used until such time as vehicular visibility splays of 2.4 x 43 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 the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

24. The development hereby permitted shall not be first used until such time as the parking (and turning facilities) have been implemented in accordance with BHC drawing number 5002. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

25. No part of the development hereby permitted shall be first used until such time as the existing gate to prevent unauthorised vehicular access to The Yennards has been relocated to the east of the proposed development access, as detailed within the Applicants Technical Note dated April 2022.

Reason: In the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

26. Prior to construction, any changes to the existing boundary treatment currently separating the application site from the Public Rights of Way U106 and U107, must be approved in writing by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2021).

27. No trees or shrubs should be planted within 1 metre of the edge of Public Rights of Way U106 and U107. Any trees or shrubs planted alongside a Public Right of Way should be of a non-invasive species.

Reason: to prevent overgrowth in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2021).

11.2. Informatives

1. The following notes should be drawn to the applicant's attention:
 - 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>

- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- 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>
- The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk
- Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
- The Public Right of Way must not be re-routed, encroached upon, or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- The Public Right of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
- Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- No new gates, stiles, fences, or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.