

Planning Committee 17th June 2025
Report of the Head of Planning

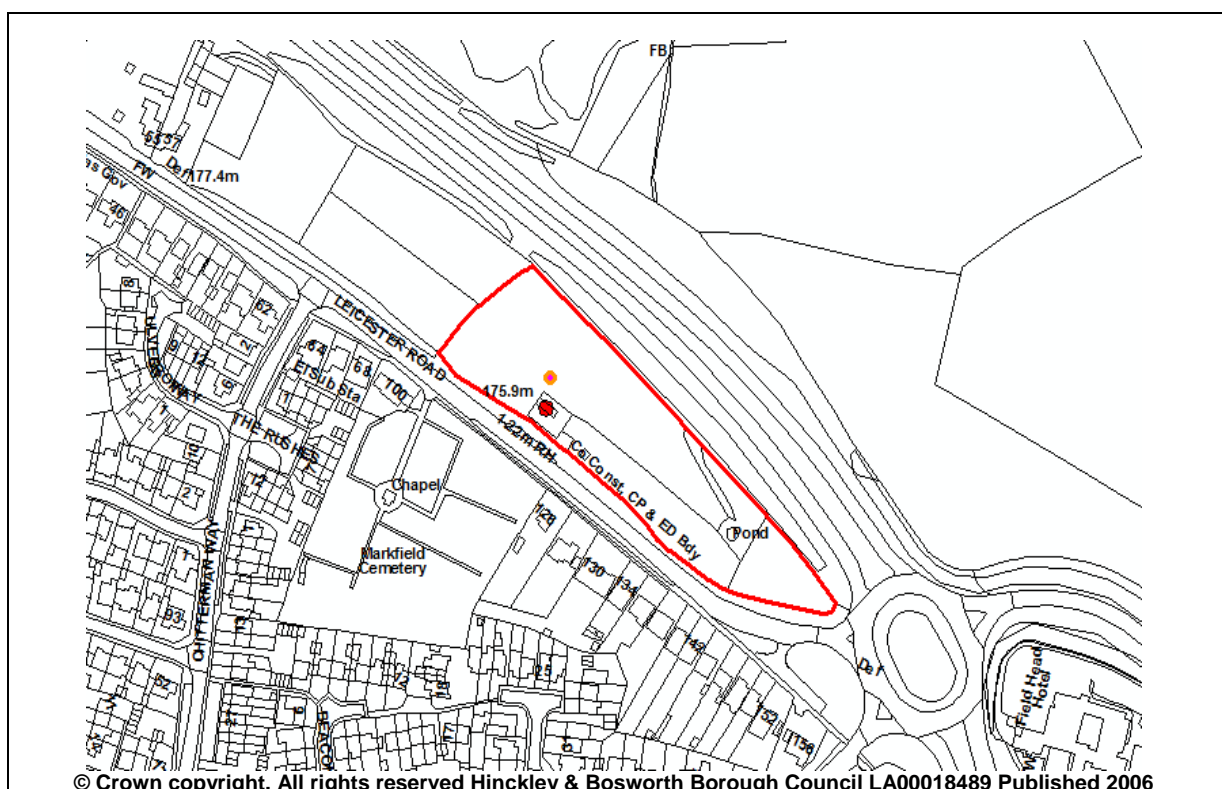
Planning Ref: 23/01144/FUL
Applicant: Mr Giles Nursey
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: Land off Leicester Road, Markfield

Proposal: Construction of a 72-bed residential care home (C2) and associated solar panels, access, parking and landscaping (cross boundary application with Charnwood Borough Council)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- Approval of application P/23/2197/2 (Charnwood Borough Council)
- The Head of Planning being given powers to determine the final detail of planning conditions

2. Planning application description

- 2.1. The application seeks full planning permission for a 72-bed residential care home (use Class C2) with associated access from Leicester Road, parking and landscaping.

- 2.2. The application is a cross-boundary application with Charnwood Borough Council (CBC). The land within Hinckley and Bosworth Borough accounts for less than 5% of the total site area, with only the consideration of the site's access falling within HBBC's jurisdiction. The wider site and all the proposed built development lies within the Charnwood Borough, HBBC has no jurisdiction to grant or refuse planning permission on land within the CBC area.
- 2.3. The vehicular access is located at the western edge of the site, to the north of Leicester Road and would lead to a parking area with 34 spaces, including 6 EV charge points and covered cycle and motorcycle parking.
- 2.4. The proposed two-storey building would be located towards the west of the site, and takes a broadly linear rectangular form, measuring approximately 80m in length, with five projecting gables of varying sizes. There is a small area of landscaping to the east of the building, and the rest of the site is retained as natural grassland (as existing). A section of hedgerow and some trees are to be removed to facilitate the access from Leicester Road.

3. Description of the site and surrounding area

- 3.1. The site is situated to the north of Leicester Road, Markfield, outside of the defined settlement boundary on the northern edge of Markfield. The application site is approximately 1.1 hectares with only a small section of the site including the proposed access located within the jurisdiction of HBBC. The land within HBBC's jurisdiction comprises an existing gate to the field, and a small section of hedgerow/grassland around the proposed access area.
- 3.2. The application site is situated within the National and Charnwood Forest, and is bound by Leicester Road to the south, the A50 to the north. The site is roughly rectangular in shape with a long frontage to Leicester Road. To the south, across Leicester Road, is a cemetery and a small number of residential properties. To the north at a higher level beyond a mature landscape embankment is the A50. Westwards is agricultural land and land used for horses and beyond that a housing site that recently obtained planning permission (21/00787/OUT – 93 dwellings). To the east the site comes to a point where Leicester Road joins the A50 – the Field Head Roundabout.

4. Relevant planning history

P/23/2197/2 (Charnwood Borough Council corresponding application)

- Erection of 72 bedroom Residential Care Home (Use Class C2) with associated parking provision, cycle parking, bin store, landscaping, air source heat pump enclosure and associated works
- Pending consideration

22/10120/PREMAJ

- Construction of a 72-bed residential care home (C2)
- Closed
- 23.11.2022

5. Publicity

- 5.1. The application has been publicised by sending out letters to residents and posting a site notice.
- 5.2. 7 objections (including the Parish Council) have been received making the following comments:
- Lack of on-site parking
 - Insufficient capacity of local road network
 - Noise impact on immediate neighbours
 - Drainage issues
 - Air quality not conducive to a care home
 - Impact on ecology and wildlife
 - Increased air pollution
 - More pressure on local GP services
 - Highway safety
 - Impact on trees

6. Consultation

- 6.1. No objection has been received from:
- LCC Highways- Subject to conditions and monitoring fees/contributions – to be secured by CBC
 - HBBC Waste
 - HBBC Affordable Housing- C2 use class is exempt from AH provision.
 - HBBC Environmental Health (Pollution) (subject to conditions)
 - National Forest Company: Financial Contribution of £7,700 in lieu of onsite/offsite planting – to be secured by CBC via s106.
 - HBBC Drainage
 - Environment Agency
 - LCC Tree Officer
 - LCC Archaeology
 - LCC Drainage
 - Leicestershire Police
 - NHS England- Financial Contribution of £23,040.00 – to be secured by CBC via s106.
 - National Highways
 - LCC Ecology (subject to conditions)

- 6.2. Markfield Parish Council: Object - *The committee flagged the lack of on-site parking, questioned if the immediate local road network was appropriate and whether it could meet the additional traffic demands. It also voiced concerns in relation to the potential detriment to neighbours from noise caused by shift changes and emergency call-outs. Drainage concerns relating to this strip of land were raised. The committee noted that another consultee had flagged the capacity of the proposed septic tank. The air quality at this site was also not considered to be conducive to a care-home.*

This application does not align with Markfield's made Neighbourhood Plan.

Should Charnwood Borough Council be minded to approve this planning application then the Parish Council will make two requests. The first is that section 106 agreements for new community assets and to improve existing community assets for Markfield's older residents are put in place and that the care home provider is encouraged to recruit local staff. Both requests would help strengthen community resilience. Further details of the potential section 106 requests can be made available.

- 6.3. LCC Drainage: Further Consultation Required:

- Pipe size details.
- Evidence that the watercourse into which surface water is to be discharged is in an adequate condition to receive the flows.
- Details relating to the management and maintenance of the surface water system.
- Evidence of consideration of pervious paving in the car parking areas.

Evidence of consideration of pervious paving in car parking areas has been provided. Other details remain outstanding.

Officer note: Following discussions with the LLFA and upon assessing the consultation response from HBBC Drainage, HBBC has imposed pre-commencement conditions for the provision of information relating to the management and maintenance of the surface water drainage system.

7. Policy

- 7.1. Core Strategy (2009)

- 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 DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM8: Safeguarding Open Space, Sport and Recreational Facilities
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.3. National Planning Policies and Guidance

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

7.4. Markfield Neighbourhood Plan (2021)

- Policy M4: Ecology and Biodiversity
- Policy M10: Design
- Policy M14: Infrastructure

7.5. Other relevant policies and guidance

- Leicestershire Highways Design Guide
- Good Design Guide Supplementary Planning Document (2020)
- HBBC Housing Needs Study (2024)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact on ecology and biodiversity
- Flood risk and drainage
- Other matters

Principle of development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF, 2024) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF 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 (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS), the Site Allocations and Development Management Policies DPD (2016) (SADMP) and Markfield Neighbourhood Plan (2021).
- 8.4. The Core Strategy (CS) sets out the settlement hierarchy for the Borough where Markfield is identified as a Key Rural Centre relating to Leicester. There is no policy requirement for applicants for C2 use developments to demonstrate the need for older person's accommodation. It is however noted that the Housing Needs Study 2024 considered the needs of older people, concluding that there is a current shortfall in provision and there will be an additional demand for residential care bedspaces of

301 by 2041, leaving the Borough with a shortfall in this housing needs of 336 by 2041.

- 8.5. In terms of locational sustainability, the LPA considers that any proposal for specialist accommodation should demonstrate that it is conveniently situated in relation to local retail and community services. The proposal would be approximately half a mile to the Co-Op shop on Main Street and the Londis shop on Chitterman Way, as well as the Medical Centre on Chitterman Way. Other Community Services such as pubs, churches, cafes are similarly located approximately half a mile from the site around Markfield. Officers consider that the proposal is conveniently situated in relation to local retail and community services and although the walking distance to key services is at the limit to what may be acceptable for this type of use, there is a bus stop nearby which would also provide a regular service.
- 8.6. The site is located outside of the settlement boundary of Markfield, within the countryside and therefore any application would be assessed against Policy DM4 of the SADMP. 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. However, the proposed built development is located entirely within CBC. HBBC's consideration of the scheme amounts to the suitability and safety of the access, any potential associated impacts upon the character of the countryside, along with any ecological impacts of the proposed access arrangement.

Design and impact upon the character of the area

- 8.7. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.8. The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment.
- 8.9. Paragraph 139 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.10. The LPA acknowledges that the main built form would fall outside the jurisdiction of HBBC, therefore the assessment of design and visual impact falls to CBC regarding the built form of the Care Home and associated landscaping.
- 8.11. The site falls adjacent to HBBC Landscape Character Area (LCA) A: Charnwood Forest Settled Forest Hills, where the majority of the Borough's woodland is found. Rectilinear agricultural fields make up much of the land cover in the area and these are arranged in an irregular pattern, well-defined by hedgerows and hedgerow trees, which add to the perception of a well-wooded context. Smaller blocks of deciduous woodland plantations also break up the expanse of agricultural fields, as well as frequent historic quarries which are scattered throughout the landscape within this

character area. Markfield is well integrated in the landscape because of the rolling topography and wooded character and is well connected by a good road network with links to Leicester via the M1, A46 and A50.

- 8.12. The Landscape Character Assessment (2017) sets out key sensitivities of this LCA which include;
- Late to post medieval enclosure, ridge and furrow as well as some assarts in and around Ancient Woodland contributes to the sense of place and provides continuity to the agricultural past.
 - Large mature woodlands and newer woodland plantations interspersed throughout the landscape create a well-wooded context and create relatively tranquil subareas away from the busy roads.
 - The distinct historic cores of the villages with an abundance of local building stone provide a strong sense of place and a sense of time depth.
- 8.13. In accordance with this strategy the proposal should seek to conserve and enhance the historic core of the village, promote characteristic building forms and integrate within this wooded landscape. It should also support the vision of the National Forest Strategy by planting native and mixed species woodland. Conserve and enhance the well wooded character of the landscape. Promote woodland management such as coppicing and ground flora diversification, as well as hedgerow tree planting. Additional planting to the sum of 20% of the site area is required by the National Forest Strategy.
- 8.14. The site plan indicates a parking and turning area along the western and southern boundaries, with the rest of the site to feature landscaping and patio areas, and possible accessible gardens beyond. No tree report has been submitted, but it appears that all trees on site would be retained, with the exception of the access point. The retention of the existing boundary tree and hedgerow planting aligns with the landscape strategies for this LCA and would help integrate development into the landscape. Landscaping of the wider site would fall within CBC's jurisdiction.
- 8.15. The proposed care home would be mostly two-storey with a three-storey section on the western wing of the building. The building would be approximately 93m long in total, with a maximum depth of approximately 28m. The maximum height is approximately 11m, with the predominant crown roof element measuring approximately 9.5m. The proposed design takes a broadly symmetrical form, with projecting gables intersecting the front and rear elevations with a main large feature gable in the centre, all crossing the main pitched crown roof. The design adds architectural interest with a central balcony, chimneys, and a mixed materials palette which has not been specified at this stage.
- 8.16. HBBC support the comments from National Forest Company in that materials should reflect the National Forest character in the design of the proposal. The visible use of timber (as opposed to timber effect) and green roofs and walls should be considered to reflect the site's location within the National Forest. The use of British timber cladding is supported both to create a National Forest character, while supporting the British forestry sector. The proposed materials currently include a mix of red and buff facing bricks, with slate tiles and white uPVC doors and windows. Architectural detailing is included in the form of white render and artificial stone bands. As with landscaping matters for the wider site, CBC will ultimately decide whether the proposed materials of the building itself could be improved in line with the comments of the National Forest Company.

- 8.17. The proposed building would result in a considerable change to the landscape and would have a significant visual impact when viewed through the proposed access from Leicester Road facing north. Any views from the A50 would be transient and would also be screened by the hedgerow/foliage along the northern boundary and the level change which falls from the A50 towards the site. Although there would be a large degree of screening provided by the hedgerow along the southern boundary, the outlook and views towards the site would be permanently altered from its current openness particularly during winter months, and specifically for residents of 126 – 144 Leicester Road and visitors to Markfield Cemetery. It is notable that the principle of development north of Leicester Road and south of the A50 has been accepted by CBC and the Planning Inspectorate in allowing the development of 93 dwellings to the west of the application site (21/00787/OUT). The quantum and location of the proposed development would not be wholly out of keeping with the settlement form once the above development has been implemented.
- 8.18. In terms of the design and impact on the character of the area regarding the access which is the only part of the development under HBBCs jurisdiction, it is not considered that there would be any unacceptable harm. Any visual harm caused by the entire proposal including on the CBC land would need to be balanced in the assessment by CBC, however the conclusion in this case is that the proposal within the jurisdiction of HBBC would not cause unacceptable harm to the character and appearance of the area and therefore complies with Polic DM10 of the SADMP in this regard.

Impact upon neighbouring residential amenity

- 8.19. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.20. Paragraph 135 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.21. Paragraph 198 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.22. The proposed development is located more than 60m from the closest neighbouring dwelling to the south on Leicester Road. It is therefore not considered that there will be any unacceptable harm to neighbouring amenity in terms of loss of privacy or overbearing impacts. Traffic movements will increase on this part of Leicester Road, however it is not considered that this will generate an unacceptable level of noise and disturbance in the context of the site.
- 8.23. Regarding prospective occupiers of the care home, HBBC Environmental Health has identified that the submitted noise report details that the site is in a high noise area.

Notwithstanding this, Officers consider that as the potential noise issues would be caused by the development within CBCs jurisdiction, any mitigation measures or relevant conditions regarding the build form itself would need to be included within CBCs decision as they do not relate to the access itself.

- 8.24. A condition is recommended requiring details of any lighting to be submitted to and approved by the LPA to ensure lighting of the access point does not cause amenity harm to those residents in proximity to the access.
- 8.25. In conclusion, the application is considered to be acceptable in amenity terms and in compliance with Policy DM10 of the SADMP and the requirements of the NPPF, subject to the recommended conditions.

Impact upon highway safety

- 8.26. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)). DM18 states that developments within Hinckley Twon Centre should demonstrate that they would not exacerbate existing problems in the vicinity with increased on-street parking.
- 8.27. Paragraph 115 of the NPPF (2024) 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.
- 8.28. The application proposes a new access in the form of a T-junction fronting Leicester Road (north). Leicester Road is a C classified road subject to a 40mph. The proposed access achieves 2.4 x 65m visibility splays at the site access in both directions which are achievable within the public highway. Whilst no speed survey has been provided, the LHA has utilised its own mapping service and is satisfied that a 2.4 x 175.0m splay can be achieved to the southeast and splays more than 2.4 x 375.0m can be achieved to the northwest. Therefore, the LHA are satisfied that appropriate visibility splays are achievable from the site access.
- 8.29. The LHA note that a bus layby is located in close proximity to the site access on the development access side of Leicester Road. The shown visibility splay, measured correctly to a 1.0m offset of the nearside kerb in accordance with Figure DG2a of the LHDG, passes through only the first 14.0m of the bus stop layby. The LHA note that the bus layby measures in excess of 38.0m. The LHA therefore consider that a bus at the stop, which has a typical length of circa 12-14m, would not necessarily obstruct the visibility splay. The LHA are therefore content that appropriate visibility splays are proposed.
- 8.30. A 2.0m footway has been provided on the eastern side of the access to provide connectivity to the existing footway on the northern side of Leicester Road adjacent to the nearest bus stop to the site. For an alternative pedestrian access into the site, a 2.0m designated pedestrian access is proposed adjacent to the existing bus shelter on the northern side of Leicester Road. The footway widths proposed accord with Table DG9 of Part 3 of the LHDG.

- 8.31. A swept path analysis exercise has been undertaken at the site access using a large refuse vehicle and is shown on Drawing ADC2643-DR-001-P1. The LHA note that the vehicle over-runs the centreline of the carriageway however this is an infrequent movement and that the vehicle used is larger than a private collection vehicle, as referenced within the design and access statement.
- 8.32. A Stage 1 Road Safety Audit (RSA) raised a single problem with the location of the bus stop on the southern side of Leicester Road stating:
- 'There is an existing bus stop on the opposite side of Leicester Road to the proposed access. Should this bus stop remain, there is a risk that a vehicle overtaking a stationary bus, may come into collision with a vehicle turning left out of the proposed access, that may not be expecting an overtaking vehicle and consequentially increase the risk of a head on type or junction related collision.'*
- 8.33. The RSA recommended relocating the bus stop. The Designer's Response disagreed stating that sufficient visibility can be achieved from the proposed site access in both directions. The LHA, in its previous observations disagreed with the Designer's Response and considered that since the stops are served frequently, up to every 30mins, forward visibility between a vehicle approaching the bus stop and the site access should be demonstrated in order to demonstrate that the bus stop does not need to be relocated and that the site access is safe and suitable.
- 8.34. Drawing ADC2643-DR-003-P1 demonstrates forward visibility is achievable with a bus positioned at the stop and therefore relocation is not required to make the proposed site access safe and suitable. The LHA have sought to condition the site access in the relevant section below.
- 8.35. Regarding trip generation, the submitted Transport Assessment confirmed that there would be two shift patterns, the day shift from 08:00-20:00 and then the night shift from 20:00-08:00. During the day, there would be 16 carers/nurses, up to three administrators and a manager plus up to four ancillary staff for the kitchen and maintenance. For the night shift, there would be 10 carers/nurses.
- 8.36. The LHA welcome the first principles approach to trip generation and note that no staff trips will likely take place within the normal AM (08:00-09:00) and PM (17:00-18:00) peak periods.
- 8.37. The Applicant's transport consultant has submitted a trip generation exercise based on the 'Health - Care Home (Elderly Residential)' category of the TRICS database. The trip generation exercise results in an expected 10 two-way vehicle trips during the AM peak period and 8 two-way vehicle trips during the PM peak period.
- 8.38. The LHA note that these rates are broadly comparable with accepted trip generation for Application 23/0091/FUL for the erection of a 74-bed care home at 5 And 7 Groby Road, Glenfield. That scheme, based upon a sensitivity test, expected 11 two-way vehicle trips in the AM peak and 8 two-way vehicle trips in the PM peak. The LHA note that the ADC Infrastructure resulted in a daily two-way trip rate of 2.151 corresponding to 155 two-way trips across a day.
- 8.39. Regarding junction capacity, The LHA note that the Applicant has provided a distribution and assignment exercise based on National Census 'Location of Usual Residence and place of work method of travel to work' dataset for the 'Charnwood 016' MSOA. The LHA have conducted a high-level review and accept the distribution exercise which shows 82.9% of the development traffic would travel through the Field

Head roundabout whilst the remaining 17.1% would travel to and from the west of the site access, 14.9% of which via Ashby Road and Whitwick Road.

- 8.40. The LHA note that the Field Head roundabout is forecast to operate above capacity in 2027 without this development. However, following further assessment and review, based on the scale and land use proposed the vehicular impact on this junction is unlikely to be significant. Accordingly, the LHA do not consider in this case that a contribution to the North West Leicestershire District Council Coalville Transport Strategy to improve the junction would meet the relevant CIL tests.
- 8.41. Drawing ADC2643-DR-002-P1 shows a swept path analysis exercise has been undertaken of a large refuse vehicle and ambulance within the site. The drawing demonstrates a large refuse vehicle can enter the site, reverse towards the bin store and drive out in a forward gear. The assessment also demonstrates an ambulance would be able to use the layby outside the entrance and use the turning circle to exit in a forward gear.
- 8.42. Internally, parking provision will need to be in line with the Highway Requirements for Development Part 4 document available within the LHDG. For a residential home for the elderly with communal facilities, one car space per four bedrooms, plus one car space for each staff member on site would be required.
- 8.43. It has been confirmed that there would be up to 24 full time employees on site during the day and 10 during the night shift. For a 72-bed care home, this would result in a requirement for 38 parking spaces during the daytime period and 28 during the night-time period. 34 car parking spaces would be provided including four disabled spaces and three motorcycle spaces. Whilst this falls below the required figure of 38 suggested by the LHA, there is no objection and it is considered that the proposed parking arrangement is acceptable on balance, when considering the proximity to the bus stop as an alternative mode of transport for employees and visitors, as well as the inclusion of cycle and motorcycle parking.
- 8.44. The LHA note that as per Section 3.148 of Part 3 of the LHDG, where the LHA continue to apply previous guidance from its document 'Highway Requirements for Development' (HRfD), for the time being these are to be treated as maximum standards. The LHA therefore consider that the parking provision levels are in general accordance with local design guidance.
- 8.45. The LHA note that standard parking bays appear to measure 2.5 x 5.5m in excess of local design guidance (2.4 x 5.5m) and that the disabled parking bays provide a 1.2m buffer area as required. A 6.0m aisle space is also provided and therefore the LHA are satisfied that parking and turning is in accordance with local design guidance.
- 8.46. The LHA has requested planning obligations in the form of Travel Plan Monitoring Fee, Travel Packs, and Six-month bus passes. As HBBC is not the lead authority in this case, these obligations are to be requested as part of CBCs decision.
- 8.47. The LHA also advised planning conditions relating to access arrangements, vehicular visibility splays, parking and turning facilities, a construction traffic management plan, and a travel plan. As the lead authority in this case CBC have included these conditions in their decision notice, however they are repeated within the HBBC decision in order to ensure compliance for the part of the site within HBBCs jurisdiction.

- 8.48. To summarise, the proposed access arrangement and parking provision is acceptable, and the site is located in a sustainable location, with good access to bus stops, shops and other services. As such, the proposal will satisfy policies DM10(g), DM17, DM18 of the SADMP and the relevant policies in the NPPF, subject to section 106 contributions and conditions included in the CBC application.

Impact on Ecology and Biodiversity

- 8.49. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 187 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.50. The initial response from LCC Ecology expressed major concerns regarding the grassland, stating that it has been undervalued with a lack of justification as to why it's not mapped as lowland meadow and why there was a lack of quadrats in the northern field (outside of HBBCs area).
- 8.51. Regarding BNG, the metric has been amended to reflect the specific grassland classifications, and which are to be retained. As a priority habitat, this southern area is shown as retained on the plans and is in accordance with the mitigation hierarchy.
- 8.52. LCC Ecology therefore state that it is important that the long-term management of all the retained grassland is secured, to prevent it being lost to either scrub-encroachment or an inappropriate mowing regime. The HBBC comments confirm that given that as most of the site lies within Charnwood, detailed comments regarding the metric, appropriate enhancement measures, off-setting requirements and recommended conditions are left to their biodiversity team.
- 8.53. In summary, as the majority of the site falls within CBC, their Ecology team will appropriately make the final decision regarding the suitability of BNG provision and any other biodiversity issues and are to include any conditions and informatives within their decision. No objections have been raised with specific regards to the access point by LCC. The proposal is considered to accord with Policy DM6 of the SADMP and Paragraph 180 of the NPPF. CBC will be responsible for the imposition of any ecological/biodiversity conditions relating to the wider site.

Flood Risk and Drainage

- 8.54. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.55. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.56. The applicant has submitted a flood risk assessment and drainage strategy commensurate with the type of development.
- 8.57. The LLFA requested further details including pipe size, surface water discharge area suitability, and general details regarding the management and maintenance of the surface water system. Whilst the applicant attempted to provide this information, it was not considered adequate for the LLFA to provide a full response.

- 8.58. HBBC Drainage assessed the application and has no objections subject to three pre-commencement conditions. These conditions address the issues raised by the LLFA which relate to surface water drainage. However, none of the surface water arrangements lie within land within HBBC's jurisdiction and therefore drainage matters fall to be considered/conditioned by CBC. The development of the access within HBBC's area is considered to satisfy Policy DM7 of the SADMP and the NPPF with respect to drainage and flooding matters.

Conclusion

- 8.59. With regard to the proposed development falling within the jurisdiction of HBBC, the proposed access arrangement is acceptable. As such, the proposal satisfies policies DM10(g), DM17, DM18 of the SADMP and the relevant policies in the NPPF.
- 8.60. Whilst the built development and care home itself fall within the jurisdiction of CBC, the access would facilitate the provision of the care home. Furthermore, the assessment for the principle of development for the built elements of the proposal fall on CBC, but notwithstanding this the LPA considers that the proposed care home is in a sustainable location.
- 8.61. When considering the benefits of the proposal, HBBCs recent housing needs survey outlines a shortfall of 336 residential care bed spaces for the period 2020-2041. The provision for a 72-bed care home would therefore make a significant contribution to tackling this shortfall.
- 8.62. Regarding any visual or landscape harm, the final assessment for much of the built development again falls to CBC, however it is considered that any significant harm from public vantage points would be tempered given the site's location between Leicester Road and the A50.
- 8.63. There is no identified harm to neighbouring or occupier amenity, and the proposed access, parking and turning design is considered acceptable, both subject to conditions.
- 8.64. On the matter of ecology and biodiversity, again the decision falls with CBC regarding whether the proposal satisfies BNG requirements, and whether there is no unacceptable harm to species or habitats. Within the HBBC part of the site no concerns have been noted.
- 8.65. Regarding drainage and flood risk, the LLFA maintain some concerns over the lack of evidence that surface water drainage is acceptable. This will be dealt with via a pre-commencement condition. HBBC Drainage have no objections subject to conditions, and the LLFA have no objections regarding the CBC part of the site.
- 8.66. In conclusion, the proposal is considered to accord with Policies DM1, DM10, DM17, DM18, and DM24 of the SADMP, Policy 1 of the Core Strategy and the requirements of the NPPF.
- 8.67. Given the floorspace of the development lies within CBCs area, they will be responsible for the imposition of conditions and a S106 agreement as relevant to the wider development.

9. Equality implications

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

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

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

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

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

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

10. Recommendation

- 10.1 **Grant planning permission** subject to

- Planning conditions outlined at the end of this report
- Approval of application P/23/2197/2 (Charnwood Borough Council)

11. Conditions and Reasons

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

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

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

- Site Location Plan – 2153\PA\001
- Proposed Site Plan – 2153\PA\003
- Proposed Access Junction Layout-ADC2643-DR-001 Rev.P1

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

3. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing ADC2643-DR-001 Rev.P1 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the SADMP and the National Planning Policy Framework (December 2024).

4. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 x 65.0m to the southeast 2.4 x 65.0m to the northwest 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 Policy DM17 of the SADMP and the National Planning Policy Framework (December 2024).

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

The agreed details shall be implemented throughout the course of the development.

Site preparation and construction shall be limited to the following hours;

Monday – Friday 07:30 – 18:00

Saturday 08:00 – 13:00

No working on Sundays and Bank Holidays

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Notes to applicant

1. All businesses have a duty of care to ensure that any waste produced is handled safely and within the law.

All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/waste, is commercial waste. For this reason, it legally has to be discarded in a certain way via a trade waste service or transfer station and cannot be disposed of through the residential service.

Bins should be maintained and stored so that they don't cause problems to neighbouring premises due to smells, and should be stored correctly in a suitable container which needs to be closed or lidded.

Operators should arrange their own business/trade waste collection service. If you give your waste to someone else you must be sure that they are authorised to take it and can transport, recycle or dispose of it safely

Please contact us via email waste.officers@hinckley-bosworth.gov.uk for any further advice.