



PLANNING, DESIGN AND ACCESS STATEMENT

**HYBRID PLANNING APPLICATION – RESIDENTIAL
DEVELOPMENT OF UP TO 6 DWELLINGS AND ACCESS
(OUTLINE) AND CONVERSION OF COMMERCIAL BUILDING
TO A MEETING HALL AND CAR PARK (FULL) AT SWEDISH
COTTAGE, LEICESTER ROAD,
EARL SHILTON, LE9 7TJ**

on behalf of

MOSTYN GOSPEL HALL TRUST

January 2024

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1. INTRODUCTION

1.1 This statement is submitted in support of a hybrid planning application for the erection of up to 6 dwellings with details of access (Outline) and conversion of an existing building to a meeting hall and parking (Full) at Swedish Cottage, Leicester Road, Earl Shilton, LE8 7TJ. The statement should be read in conjunction with other supporting information supplied as part of the planning application including:

- Application Forms
- Site Location Plan
- Block Plan
- Floor plans and elevations of meeting hall
- Illustrative Street Scene
- Illustrative 3D visualisations
- Ecology Assessment

1.2 The following sections of the statement provide a description of the application site and its surroundings, details of the proposal, alongside an overview and assessment of the planning policy context relevant to the proposed development.

1.3 The statement demonstrates that the benefits this housing development will deliver outweigh any impacts. The conversion of commercial building to a meeting hall has recently been permitted, this application seeks minor alterations to enable an efficient use of the whole site. The application represents an opportunity to secure an economically, socially and environmentally sustainable development in accordance with the National Planning Policy Framework. There are positive grounds to grant planning permission, not least the clear direction in the Framework to permit sustainable development. Therefore, it is respectfully requested that the application is viewed favourably and approved without delay.

2. Application Site and Surroundings

- 2.1 The application site is located on the northern side of Earl Shilton to the east of Leicester Road, where the site is located on a small slip road off Leicester Road as shown in Figure 1 below. Planning Permission has been granted for 190 dwellings (Ref: 21/00135/OUT and 20/00916/FUL) to the west of Leicester Road site shaded on the image below, extending the urban boundary to abut the application site.



Figure 1: Location of application site

- 2.2 Figure 2 shows the current site which includes a redundant commercial building, car park and the adjacent dwelling that shares the commercial access at present. A portacabin is also located within the car park and was used as an office in association with the business. The dwelling has a large garden to the rear and eastern side. To the north of the commercial building is a paddock and to the west is a yard area that is partly grassed over. The site is enclosed by fencing and mature vegetation. At present there is a single gated access.

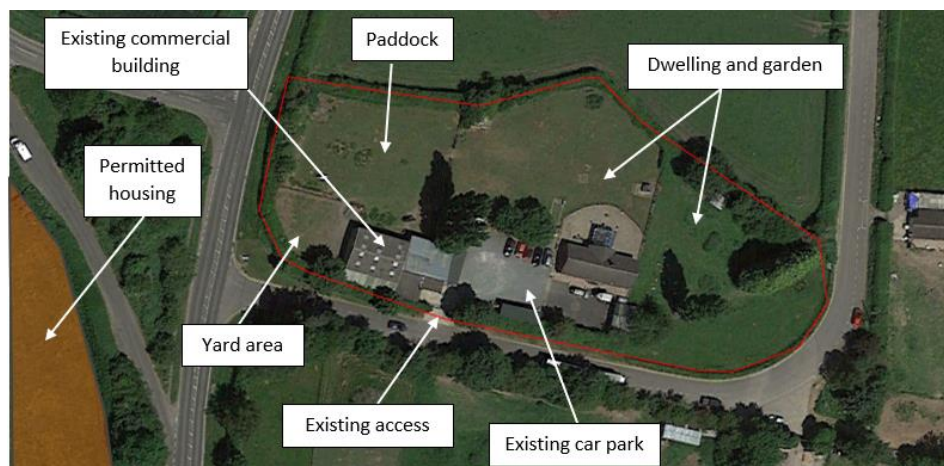


Figure 2: Site layout

- 2.3 The commercial property is currently vacant however planning permission was obtained in June 2023 (Ref: 23/00596/FUL) for its re-use to a meeting hall and a new access to the adjacent dwelling. Figure 3 below shows the existing front (east elevation) of the commercial building, portacabin and car park area. Figure 4 is the rear of the building (north and west elevations) showing the partly grassed over yard.



Figure 3: Commercial building, portacabin and car park



Figure 4: Commercial building and yard area

- 2.4 The existing dwelling is a bungalow with a double garage, large parking area and large garden area, seen in Figure 5 below. The site is generally flat, sloping slightly away on the south eastern corner.



Figure 5: Bungalow, garden and car park

- 2.5 Earl Shilton urban area currently lies 150m south of the site but will be extended on the erection of the new housing to the west of Leicester Road. The settlement is accessed via the footpath on Leicester Road and Spring Gardens, a public right of way opposite the site. Earl Shilton High Street is 350m to the south with a range of shops, services and community facilities. The location of the site is within walking and cycling distance of this wide range of amenities and a regular bus service connects on the High Street provides connections to Hinckley and Leicester.

Planning History

- 2.6 Planning permission was granted for the 3 bedroomed bungalow in 1989 (Ref: 89/00373/4). A subsequent Certificate of lawfulness was permitted in 2001 (Ref: 01/00230/CLU) for the removal of the agricultural tie attached to the dwelling.
- 2.7 Planning permission was granted in 1999 for the change of use of the agricultural building to retail sales of animal and pet food (Ref: 99/00195/COU).
- 2.8 In June 2023 permission was granted for the change of use of the commercial building to a meeting hall with car parking and the creation of a new access to serve the existing dwelling (Ref: 23/00596/FUL). The approved layout is shown below and includes the partial demolition of some sections of the building.

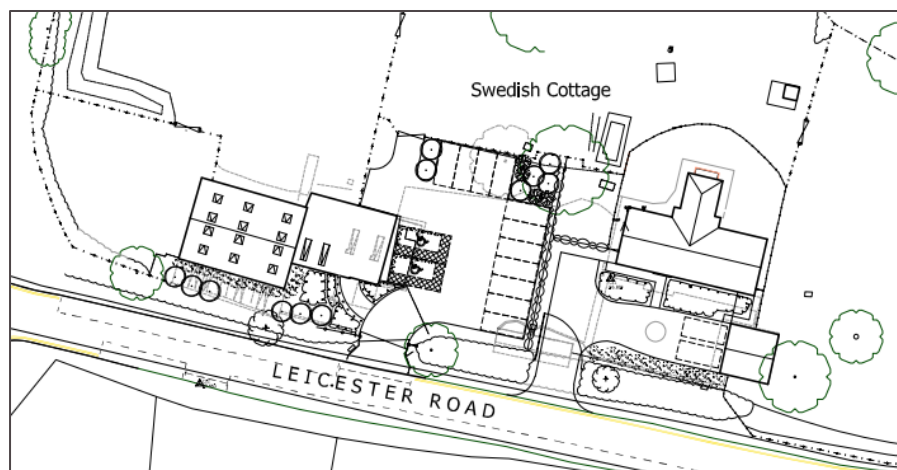


Figure 6: Approved change of use to Meeting Hall, car park and new access.

Designations

- 2.9 The site is not within any landscape, ecological or heritage designation. The buildings are not at risk of flooding.

3. PROPOSED DEVELOPMENT

- 3.1 Planning permission is sought for the erection of up to 6 dwellings with details of access (Outline) and conversion of an existing building to a meeting hall and parking (Full) at Swedish Cottage, Leicester Road, Earl Shilton, LE8 7TJ. The residential development would provide four 1.5 storey dwellings with private gardens, off road parking and garaging. Additional landscaping would be undertaken to supplement the existing boundary vegetation. The conversion of to the Meeting Hall reflects that already permitted (Ref: 23/00596/FUL) with the parking to be rearranged and a section of the existing building approved for conversion would be removed. The plan below shows the proposed layout of the site with the residential development area 0.49ha and the meeting hall development area 0.12ha.



Figure 7: Proposed Illustrative Block Plan

Residential Design and Layout

- 3.2 The context and existing buildings on site have shaped the proposed residential development. The current dwelling is a bungalow and the commercial buildings are single storey. The proposed new dwellings would therefore be of a similar height with rooms in the roof space. As less than 10 dwellings are proposed and the residential development area is below 0.5ha, affordable housing provision is not required. However, bedrooms would be provided on the ground floor to ensure the dwellings are suitable for those with limited mobility.

- 3.3 The recently approved new access to the bungalow meets highway standards and would service the residential development with the driveway extended to the additional plots. Turning space, off road parking and garages would be provided for each house. The properties maximise the existing developed area of the car park and bungalow garden, retaining large landscape buffers to the site boundary. Below is an indicative 3D Visualisation of the proposals integrated with the existing buildings and vegetation.



Figure 8: Illustrative 3D Visualisation

- 3.4 The houses would incorporate the latest energy efficiency standards and utilise, renewable energy to reduce reliance on non-renewable sources. Solar panels, ground source heat and air source heat would all be considered and incorporated as practicable at the detailed design stage. Electric charging points would be installed to each property to allow more sustainable means of private transport.
- 3.5 The indicative site layout ensures that sufficient garden spaces are provided and distance between dwellings, both existing and proposed, can meet the Council's required standards for privacy and ensures homes would not be overlooked.

Design and layout of Meeting Hall

- 3.6 The conversion of the Meeting Hall is a resubmission of the approved development (Ref: 23/00596/FUL) including relatively minor alterations with the removal of a section of the front part of the building, highlighted yellow below. Having assessed the approved plans, the meeting group considered the reception area too large for their needs and the proposal is to reduce the size for more efficient construction and running costs. The entrance door would be relocated and internal layout adjusted.

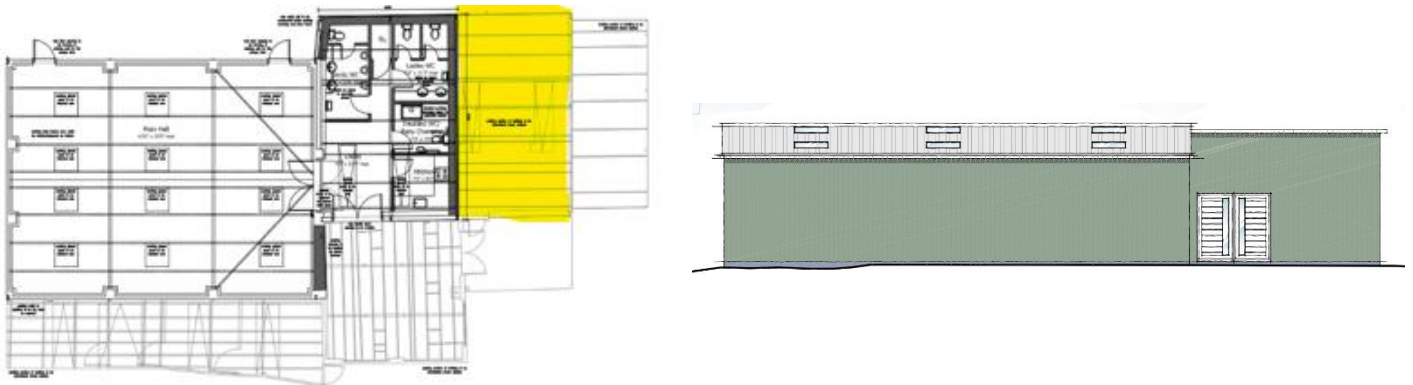


Figure 9: Proposed alterations to Meeting Hall

3.7 The existing access off Leicester Road would be retained as the access for the meeting hall with a new gate set back to allow vehicles to pull off the highway as approved. The car parking would be rearranged to use the former yard area to the west of the meeting hall accessed by a new track joining the current car park. The number of approved spaces, 12 plus a disabled space, would be retained and there are no changes to the proposed use of the meeting hall. The layout allows vehicles to manoeuvre and exist the site in a forward facing motion.

3.8 The building would be used by the Plymouth Brethren Christian Church (www.plymouthbrethrenchristianchurch.org) as local meeting hall for congregation members in the surrounding area. The group have been searching for a local meeting hall for several years following the growth in members and to replace a facility in the West End area of Leicester which had been in use for over 60 years but became unsuitable and finally closed in 2019. Since that time and in the absence of a formal meeting place, members have been meeting in private houses which is not a sustainable arrangement. The need for the facility is therefore becoming increasingly urgent.

3.9 Use of the meeting room would generally follow the pattern and members attending set out in the table below, however small groups may meet from time to time outside of this schedule. The maximum occupancy of the hall would be 50.

Schedule of meetings and members attendance

Day	Time of Meeting	Frequency	Members Attending	Vehicles
Sunday	6:00am	Weekly	38-45	9-10
Sunday	5:30pm	Every 6 weeks	38-45	9-10
Monday	7:00pm	Weekly	38-45	9-10

- 3.10 In addition to Christian worship, the church group place great emphasis on charitable duties and working with the local community through Rapid Relief Team (rrtglobal.org). This is a charity organisation of volunteers from the church group set up to provide fast response support services to those urgently in need, such as providing meals to those in the locality facing hardship to disaster relief globally. This planning proposal will provide a vital meeting hall for this charity work.
- 3.11 The existing commercial building will be altered by removing extensions, reducing the overall built form and mass. The remaining building will have new fire doors on the northern elevation and existing doors on the southern elevation will be altered. Internally the larger open room will remain unchanged except for new doors through to the eastern section and an existing opening to a section being demolish will be blocked up. The eastern section of the building will have internal partitions to create toilet facilities, a small kitchen and a reception area. The current entrance will be altered to provide access to the reception foyer. Some of the existing roof lights will be panelled over. Additional insulation will be provided to internal walls as necessary.

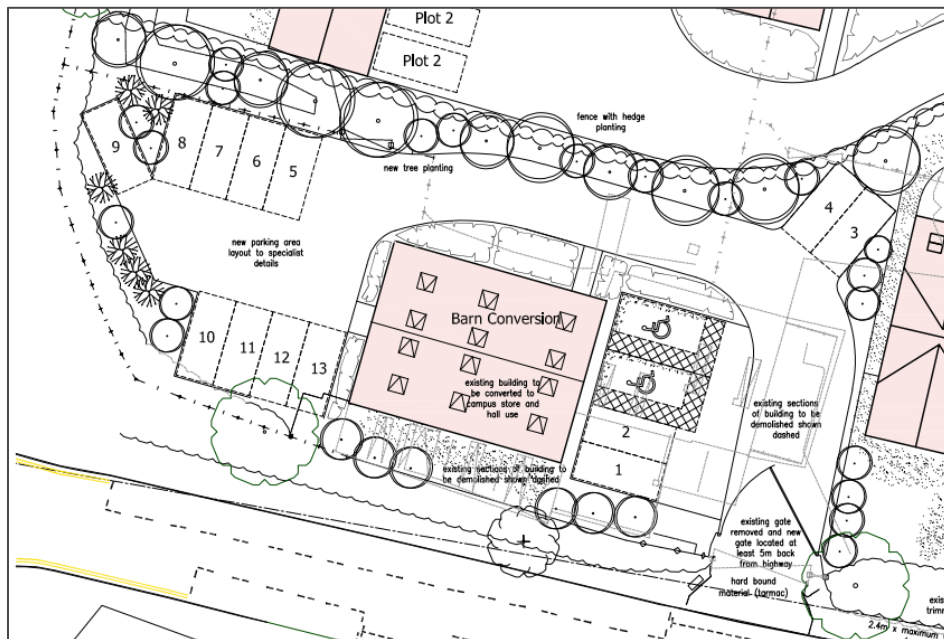


Figure 10: Proposed parking for Meeting Hall

Landscaping and Biodiversity

- 3.12 Existing vegetation is mainly to the site boundaries and would be retained aside from the approved new access point. Additional planting is proposed around each residential plot and

the meeting hall. Biodiversity enhancement would be provided through planting, bat and bird boxes. There are no landscape or biodiversity designations within the site.

Drainage

- 3.13 A sustainable drainage system would be provided for the development ensuring no additional surface water runoff would be generated thereby removing any risk of surface water flooding. Foul drainage for the new dwellings would be confirmed at reserved matters stage.

4. PLANNING POLICY

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (the Act) requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In addition, government policy, principally the National Planning Policy Framework 2023, is material to the determination of planning applications.
- 4.2 The statutory Development Plan against which this application should be determined comprises the Hinckley and Bosworth Core Strategy DPD 2009, the Site Allocations and Development Management Policies DPD (SADMP) 2016 and the Earl Shilton and Barwell Area Action Plan 2014.
- 4.3 The Core Strategy DPD 2006 predates the publication of the National Planning Policy Framework (NPPF) 2023. The Plan's housing requirement is therefore considered as out of date. Furthermore, the Council is currently unable to demonstrate a five-year housing land supply, on 1st April 2022 the supply is 4.89 years. These points are recognised and accepted by the Council in numerous planning application committee reports and appeal decisions, including a recent appeal decision in September 2023 allowing up to 85 dwellings at Lychgate Lane, Burbage (Appeal Ref: APP/K2420/W/23/3321670), where the Appeal Decision states.

“40. It was agreed at the hearing that the Council cannot currently demonstrate a five-year housing land supply. In consequence, the provisions of Paragraph 11(d) of the Framework are engaged.

41. Amongst other matters, this states that planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is often referred to as the ‘tilted balance’.

42. This means that although the current level of supply is not a substantial amount below the required five-year housing supply, there remains a notable shortfall that I am compelled to give weight to.

43. In this instance, the benefits of the development include an increase in the local housing supply. This would, by reason of the scale of the development, be a sizeable increase. In addition, the proposed development would deliver a level of affordable housing consistent with the requirements of the Development Plan. Therefore, the development would also assist in delivering a mixture of tenure types.

44. Although I understand that the current housing land supply is fluctuating, it remains below the five-year level. In addition, I understand that a new local plan, which would include allocations for a five-year housing land supply, may not occur imminently. In result, given that there is a need in the Framework to significantly boost the supply of homes, I give the benefits to the local housing supply, arising from both the delivery of market and affordable housing, a significant amount of weight.”

4.4 The Framework is unequivocal in such circumstances; planning applications for residential development must be determined in accordance with paragraph 11(d) of the NPPF, where applications for sustainable development must be approved unless:

- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.5 It is therefore incumbent on the Council to consider the second criterion of Paragraph 11(d) of the NPPF and whether any adverse impacts in approving the application would significantly and demonstrably outweigh the benefits.

CORE STRATEGY DPD, 2009

4.6 The Core Strategy DPD provides the overarching spatial strategy and vision for the development of the District up to 2026. The Plan contains a number of strategic policies to guide planning applications and subsequent development plan documents. Policies which are considered most relevant to the determination of this application are set out below, including to what extent they can be afforded weight. Whilst the Plan is not time-expired, it is necessary to consider each policy in respect of its consistency with the Framework and to what extent it could obstruct current housing requirements.

- 4.7 Spatial Objective 2: Regeneration of Urban Centres. To deliver the regeneration of Hinckley town centre, as a vibrant, thriving sub regional centre, which provides opportunities for retail, leisure and commercial activities, whilst supporting the vibrancy and vitality of Earl Shilton, Barwell and Burbage as important urban local centres
- 4.8 The Core Strategy sets out at Table 1 the current housing requirement is 9,000 dwellings over the period 2006-2026, equating to 450 dwellings per annum.
- 4.9 Policy 2: Development in Earl Shilton sets out how the Council will support the regeneration of Earl Shilton through various measures including a sustainable urban extension of 2000 homes and associated development. Development of a minimum of 10 dwellings is supported within the settlement boundary.

SITE ALLOCATIONS & DEVELOPMENT MANAGEMENT POLICIES DPD, JULY 2016

- 4.10 The Allocations & Development Management DPD (SADMP) sets out detailed policies and allocations to deliver the requirements of the Core Strategy 2009. The policies which are considered most relevant to this application are set out below.
- 4.11 The Policies Map for the SADMP has an inset map for Earl Shilton and shows the application site as being outside of but adjacent to the Settlement Boundary. It is therefore within the countryside. There are no specific designations on the site.
- 4.12 Earl Shilton is identified in the SADMP as a The Urban Area where the main focus of new development will be located, including housing and employment allocations. New development is required to enable the regeneration of the settlement. A major extension to the settlement is allocated and a minimum of 10 houses are stated as required in the settlement.
- 4.13 Policy DM1: Presumption in Favour of Sustainable Development repeats the former Paragraph 14 of the Framework (now paragraph 11 of the 2021 Framework).
- 4.14 Policy DM4: Safeguarding the Countryside and Settlement Separation states that the countryside will be safeguarded from unsustainable development. The policy goes on to state that development in the countryside will only be considered suitable for recreation; reuse of

an existing building, economic growth, renewable energy development or the provision of accommodation for a rural worker. The re-use of existing buildings is acceptable.

- 4.15 However, as set out above, the Council have acknowledged this policy is out of date, due to the housing requirement within the existing Development Plan being out of date.
- 4.16 Policy DM6: Sustainable Development sets out that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value, including proposals for their long term future management. Development must deliver biodiversity gains and on site features should be retained, buffered and managed favourably to maintain their value long-term.
- 4.17 Policy DM7: Preventing Pollution and Flooding states that developments should ensure adverse impacts from pollution and flooding are prevented.
- 4.18 Policy DM10: Development and Design sets out that developments will be permitted providing no significant adverse effect amenity , it complements or enhances the character of the surrounding area, the use materials respects the existing, adjoining/neighbouring, it incorporates a high standard of landscaping, it maximises opportunities for the conservation of energy and resources including charging points for vehicles, a Sustainable Drainage Scheme is incorporated and natural surveillance and the principles of Secured by Design are maximised.
- 4.19 Policy DM15: Redundant Rural Buildings allows the reuse of redundant rural buildings where it is demonstrated the building is no longer viable in its current/original use, it is in sound condition capable of conversion without significant rebuilding or alteration, any alterations are proportionate and there is an enhancement of the immediate setting.
- 4.20 Policy DM17: Highways and Transportation outlines that development proposals will be supported where they make the best use of existing public transport services, there is convenient and safe access for walking and cycling to services and facilities, no adverse impact on highway safety, and sustainable transport modes can be maximised.
- 4.21 Policy DM18: Vehicle Parking Standards states that all proposals for new development will be required to provide an appropriate level of parking provision, justified by an assessment of the site's location, housing proposed and availability of other modes of transport.
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EARL SHILTON AND BARWELL AREA ACTION PLAN, 2014

- 4.22 The Area Action Plan identifies land for a sustainable urban extension to deliver 2000 dwellings to the south east of Earl Shilton. It is important to note that none of the allocated 2000 houses have been delivered in the near 10 years since the adoption of the Action Plan.

EMERGING PLANNING POLICY

- 4.23 The Hinckley and Bosworth Borough Council Local Plan 2020 -2039 is in preparation. Consultation was undertaken of the Draft Plan in June 2021 and the Regulation 19 Consultation in March 2022. However, the draft Local Plan is being comprehensively reviewed following significant changes in housing requirements. The Regulation 19 Plan set out requirements for 444 dwellings per annum (dpa) however using the now required Standard Methodology approach, this is increased to 472 dpa. Furthermore, the Housing and Economic Needs Assessment (HENA) for Leicester and Leicestershire housing market area has identified an unmet need for Leicester City, of which an additional 187 dpa has been apportioned to Hinckley and Bosworth Borough Council (HBBC). There is disagreement over this figure, however the Council accept that 102 dpa is to be provided, the addition 85 dpa is disputed.
- 4.24 Therefore, as a minimum, HBBC has to provide for of 574 dpa over the plan period, which has also been extended to cover the period 2000 - 2041, an additional 2 years. This results in an addition requirement of 3,618 dwellings, possibly 5,403 if the full requirement for the HENA is imposed.
- 4.25 As the Plan has not undergone Examination and significant amendments are required to accommodate the substantial housing requirements, it can be afforded little weight, in accordance with Paragraph 48 of the Framework.

NATIONAL PLANNING POLICY FRAMEWORK, 2023

The Achieving Sustainable Development

- 4.26 The National Planning Policy Framework (NPPF) sets that the purpose of the planning system is to contribute to the achievement of sustainable development.

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- 4.27 Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and to be pursued in mutually supportive ways:
- a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth.
 - b) A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient range of homes can be provided to meet the needs of present and future generations.
 - c) An environmental objective - to contribute to protecting and enhancing our natural, built and historic environment.
- 4.28 At the heart of the Framework is a presumption in favour of sustainable development. The Framework in paragraph 11 states “plans and decisions should apply a presumption in favour of sustainable development”.
- 4.29 As Paragraph 11 goes on to state, for decision-taking this means:
- “c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 4.30 Footnote 7 of the Framework sets out that the protected areas referred in (i) above include “habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of
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archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.”

- 4.31 Footnote 8 of the Framework confirms that policies which are most important for determining of applications for housing are considered out of date where the Local Authority cannot demonstrate a five-year supply of deliverable housing sites or where the housing delivery test is less than 75% of the housing requirement over the previous three years.

Decision-Making

- 4.32 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.
- 4.33 Paragraph 47 reiterates that planning law requires applications be determined in accordance with the development plan, unless material considerations indicate otherwise. As previously set out with reference to Paragraph 12, this only applies only where the development plan is up to date. Paragraph 224 sets out that the policies within the Framework are material considerations which should be taken into account in dealing with applications.
- 4.34 In determining applications, Paragraph 48 allows Local planning authorities to give weight to relevant policies in emerging plans subject to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 4.35 Paragraph 47 also underlines that decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
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Delivering a Sufficient Supply of Homes

- 4.36 Paragraph 60 states that to support the Government's objective to significantly boost the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 4.37 In Paragraph 70 the Framework states small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. To promote the development of a good mix of sites authorities should identify brownfield land to accommodate at least 10% of their housing requirement.

Promoting Healthy and Safe Communities

- 4.38 Paragraph 96 states that decisions should aim to achieve healthy, inclusive and safe places and beautiful building.

Promoting Sustainable Transport

- 4.39 In Paragraph 108 the Framework states that transport issues should be considered from the earliest stages of development proposals. Opportunities to promote walking, cycling and public transport use should be maximised.

Making Effective Use of Land

- 4.40 Paragraph 123 promotes the effective use of land in meeting needs for homes where policies should make as much use as possible of previously developed or brownfield land.

Achieving well-designed places

- 4.41 The creation of high quality, beautiful and sustainable buildings is fundamental to the development process and good design is a key aspect of sustainable development, creating better places to live and work. In Paragraph 135 it sets out that planning decisions should ensure developments function well and add to the overall quality of the area, are visually attractive, sympathetic to local character, establish a strong sense of place, optimise the potential of the site and support local facilities, and create inclusive accessible places the promote health and well-being.

Meeting the Challenge of Climate Change, Flooding and Coastal Change

- 4.42 This section of the NPPF sets out ways in which planning can support measures to adapt to changing climate, taking full account of flood risk particularly through the use of sustainable drainage techniques.

Conserving and Enhancing the Natural Environment

- 4.43 Paragraph 180 sets out a number of ways in which planning policies and decisions should contribute to and enhance the natural and local environment including enhancing landscapes and biodiversity.

Implementation

- 4.44 Annex 1 of the Framework confirms that the policies within it are material considerations which should be taken into account in dealing with applications.

5. ASSESSMENT AND CONCLUSION

- 5.1 This planning application is for the erection of up to 6 dwellings with details of access (outline) and conversion of an existing building to a meeting hall and parking (Full) at Swedish Cottage, Leicester Road, Earl Shilton, LE8 7TJ. The two elements of the application are linked by the current land uses, joint ownership and the use of previously developed land.
- 5.2 The recent permission in June 2023 for the change of use of the commercial building to a meeting hall, car parking and new access to the existing dwelling establishes this development is acceptable. The alterations to the permitted conversion are relatively minor with the removal of a small section of the building to reduce the hall for practical reasons, resulting in minimal change to the external appearance of the building. The use of the building would not alter nor would the associated traffic movements. The only other external change would be the alteration to the parking area, using part of the existing car park and building footprint with the remainder of the parking on a former yard area that has become partly grassed over. This part of the site is enclosed by the rear of the permitted meeting hall and mature hedgerow that screens the area entirely from adjoining Leicester Road and the wider area.
- 5.3 Given the established nature of the meeting hall and car park, coupled with the minor alterations which would be screened from the wider area, it is considered that this part of the proposal meets planning policy.

PRINCIPLE OF RESIDENTIAL DEVELOPMENT

- 5.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Hinckley and Bosworth is the Core Strategy, 2009, the Site Allocations & Development Management Policies DPD, 2016 and the Earl Shilton and Barwell Area Action Plan, 2014.
- 5.5 The NPPF, 2023 is material to the determination of this planning application. To ensure that sustainable development is pursued in a positive way, it contains a presumption in favour of sustainable development at its heart. Paragraph 11 requires that plans and decisions should “apply a presumption in favour of sustainable development”. For decision making, this means

that where the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) “the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

5.6 The Footnote 7 to Paragraph 11 sets out what specific designations qualify as protected areas or assets. The application site is not protected by of the listed designations meaning the first criteria is not applicable. The second criteria requires the decision maker to apply a planning balance, but the test is weighted towards approval, as in order to refuse the application, the Council must demonstrate that the approval would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole.

5.7 With regard to the residential part of the application, the Core Strategy predates the NPPF and the Plan’s housing figures and policies must be considered out of date. Furthermore, the Council cannot demonstrate a five year housing land supply, as confirmed in the September 2023 Appeal Decision Ref: APP/K2420/W/23/3321670 allowing 85 dwellings at in Burbage. It is therefore a requirement of the Council to consider Paragraph 11(d) ii) of the NPPF and whether any adverse impacts of approving this application would significantly and demonstrably outweigh the benefits.

5.8 Earl Shilton is part of the main urban area as identified in Core Strategy Policy 2. The application site is just outside the current settlement boundary where new housing is not supported, however this part of the policy relates to the control of housing development and it has been established that such policy is out of date and cannot be given any weight in the consideration of this development. Equally Policy DM1 of the SADMP, relating to development outside settlement boundaries, restricts the location of housing delivery and is also out of date. Furthermore, the urban extension including 2000 new homes identified in the Area Action Plan 10 years ago has not been delivered and is not expected to be delivered fully within the next plan period.

- 5.9 The emerging Local Plan is at early stages with fundamental uncertainty regarding housing numbers to be resolved. As such, no weight can be afforded to the settlement boundary for Earl Shilton.
- 5.10 Given that the housing policies in the Development Plan are out of date, the emerging housing policy relating to Earl Shilton can be afforded no weight and the Council cannot demonstrate a five year supply of housing, the presumption in favour of development set out in the Framework is engaged and this planning application should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits.
- 5.11 The Framework clearly states that housing development should be focused in and around main urban areas to promote sustainable development enhancing and maintaining local services and minimising the need for travel. The redevelopment of previously developed land is a key principle promoted in the NPPF and the Development Plan. This application site is partly brownfield and on the edge of a main urban area, resulting in a sustainable location and effective use of land.

DETAILED MATTERS

- 5.12 The new housing development would be of a high quality and constructed using the most up to date energy efficiency standards and incorporate renewable energy generation, minimising fossil fuel consumption and responding to the needs of climate change.
- 5.13 The existing hedgerow fronting Leicester Road, the slip road and along the northern boundary vegetation would be retained and enhanced as part of the development proposals. A detailed landscaping scheme would be prepared to frame the new housing and integrate the site into the surrounding area.
- 5.14 No ecological designation impacts on the application site or the surrounding area. Biodiversity enhancement measures would be included within the detailed design proposals to ensure overall net gain in ecological and habitat provision on the site.
- 5.15 The site is not within an area of flood risk, however a sustainable drainage system would be incorporated into the full design proposals ensuring that surface water is held and released reflecting natural runoff rates and allowing for climate change.

- 5.16 The residential site access would utilise an approved entrance on Leicester Road which has a raised no objection from the highway authority in the June 2023 permission and meets standards for accessing the proposed dwellings. The footpath along Leicester Road links the site to Earl Shilton High Street with local shops and services. The indicative site layout demonstrates that sufficient parking would be provided to meet the required standards and allow turning within the site.

BENEFITS OF THE PROPOSAL

- 5.17 The proposed development is considered to be in line with the aims of the Framework to boost housing supply whilst achieving sustainable development where economic, social and environmental benefits result.

Economic Benefits

- 5.18 The economic benefits of the proposal would not only relate to the construction of the dwellings but the demand new residents would bring to local services and facilities. Supporting rural communities is a vital role of new housing identified in the Framework, is a key Objective of the Core Strategy and policies in the SADMP. The economic benefits of the development include:

- Construction employment – the proposal would support jobs during the preparation and development of the site for housing, including on-site construction and jobs supported in the wider supply chain.
- Buying and selling of new homes – various parties are involved in the stages of the conveyancing process such as solicitors, sales agents, financial advisors. In addition the furnishing of the homes is also likely to boost the local economy.
- Increased labour force – new residents would be economically active providing new skills and professions.
- Household spend – once built and occupied the new households would contribute to local expenditure on services and facilities, supporting regeneration.
- Increased Council Tax – the new homes would generate annual receipts to the Council from Council Tax.

Social Benefits

- 5.19 In terms of the Social benefits that will arise from the development these encompass:

- Housing - the provision of the housing itself meeting local housing needs, which will enable people to move into the area, but also provide opportunities for existing residents to move to more appropriate accommodation.
- Flexible accommodation – the proposed dwellings are 1.5 storey and would have bedroom accommodation on the ground floor providing for those with limited mobility.
- Support to local community services and facilities -The other facilities in the settlement such as the pubs, church and community groups would be further supported by new residents.

Environmental Benefits

5.20 Whilst only an outline application, this Statement has explained how environmental factors have been considered and will be further addressed in the detailed design of the scheme. Enhancement and mitigation measures would be undertaken to deliver the following environmental benefits:

- High quality design – the housing would be a high quality sustainable design that responds positively to the site setting and landscape beyond. The layout and scale of the dwellings adapt to the location and topography of the land providing a graduated edge to the settlement.
- Sustainable development – the properties would be constructed using the best available building techniques to meet the latest environmental standards. Renewable energy will be incorporated into the scheme with solar PV, ground source heat and air source heat options all being assessed. Electric vehicles charging points will be installed in each dwelling allowing more sustainable means of private transport.
- Protection and enhancement of existing vegetation – boundary hedgerow and vegetation would be protected during the course of construction with a maintenance and enhancement scheme to improve the quality taken forward.
- Additional landscaping and biodiversity proposals – additional planting and proactive ecological enhancements would be key to the detailed design delivering a biodiversity net gain.

- Sustainable drainage – within the full design specification a sustainable urban drainage system will be incorporated to ensure existing surface water drainage rates are maintained with additional allowance for climate change.
- Reuse of previously developed land.

THE PLANNING BALANCE

- 5.21 In undertaking the planning balance, Paragraph 11 of the Framework is engaged and a tilted balance in favour of development must be taken unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”. To effectively carry out the planning balance, the sustainability of the development needs to be considered and conclusions need to be drawn as to whether the resulting development is sustainable development in accordance with the Framework and the presumption in favour.
- 5.22 It is clear that the development will deliver a number of economic, social and environmental benefits to the site and Earl Shilton. These have been outlined above and demonstrate a positive impact from the development of up to 6 houses which are suitable for those with limited mobility.
- 5.23 In reviewing the potential negative impacts, it is accepted that there would be the loss of a small paddock to development. The land is not designated for any ecological, landscape, heritage or other importance. The site is largely hardstanding and garden area with boundary vegetation. The land is largely enclosed open when entering the settlement from the north, where the landform and mature vegetation screen the existing buildings. The proposed development would retain this vegetation and include further planting to soften the new development. A strategy to implement biodiversity net gain for the land would also be implemented. The impact of the development in terms of loss of a small amount of paddock is therefore not considered to be significant due to the small size, no designations, the limited landscape value, the enclosed nature of the site and the mitigation measures proposed.
- 5.24 In terms of other factors, the increase in surface water runoff would be mitigated by a sustainable drainage system. Traffic generation is not likely to be excessive and the availability of schools, shops, recreation facilities, employment and local services all within walking and cycling distance considerably reduces the need for vehicle movements. Public

transport is available in the within walking distance. Furthermore electric charging points would be installed in each dwelling, allowing more sustainable private transport options.

5.25 The detailed design of the development would ensure a high quality design with private gardens, parking, separation distances and no overbearing impact meeting Council standards.

5.26 Having considered the potential adverse impacts of the development, it has been established that these would be minimal and mitigation measures secured through planning conditions would ensure impacts are further reduced. Assessing these impacts against the requirements of Paragraph 11 of the Framework and when the Framework is taken as a whole, it is concluded that these would not significantly and demonstrably outweigh the benefits. Moreover, there would be substantial economic, social and environmental benefits of the proposal which substantially outweigh any minor negative impact. The planning balance therefore weighs positively in favour of granting planning permission for the planning application.

Conclusion

5.27 This statement has demonstrated that the erection of up to 6 dwellings with details of access (Outline) and conversion of an existing building to a meeting hall and parking (Full) at Swedish Cottage, Leicester Road, Earl Shilton will deliver benefits that outweigh any minor impacts. The application represents an opportunity to secure an economically, socially and environmentally sustainable development in accordance with the National Planning Policy Framework. There are compelling grounds to grant planning permission, not least the unequivocal direction in the Framework to permit sustainable development where the development plan policy is out of date and there is a housing shortage. The minor changes to the meeting hall and car parking remain in accordance with planning policy. There are no other factors would render the proposal unacceptable in planning terms, indeed the material consideration of the Framework is positively overriding of the outdated development plan in this case. In accordance with the Act, it is therefore respectfully requested that the application is viewed favourably and approved without delay.