

Planning Statement for Erection of 5 dwellings and the conversion of the 'Oddfellows' into 2 dwellings along with access and parking.

**Land to the R/O the former Oddfellows Public House, Main
Street, Higham on the Hill, CV13 6AH .**

On behalf of A.R. Cartwright LTD .

Date: 1 March 2024 | Pegasus Ref: p19-1632

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Document Management.

Version	Date	Author	Checked/ Approved by:	Reason for revision
	06.03.24	EO		



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1. Introduction

- 1.1. Pegasus Group have been instructed by A R Cartwright to draft this planning statement in support of the full planning application for the 'erection of 5 dwellings and the conversion of the 'Oddfellows' into 2 dwellings along with access and parking'.
- 1.2. The 'Oddfellows' and the surrounding land has a detailed planning history. This application follows the refusal of planning permission ref:22/00124/FUL for the erection of 9 dwellings with associated access, parking and landscaping on a wider site which included the surrounding land but omitted the former 'Oddfellows Arms' Public House. This application was refused on 1 December 2023 on five grounds. These reasons included principle of development, heritage, character and appearance, design, biodiversity and arboriculture.
- 1.3. This refusal has provided the applicant with an opportunity to re-evaluate the development strategy for the site.
- 1.4. This statement will provide further detail on the planning history and its relevance to this submission and will demonstrate the ways in which the proposed development is compliant with the relevant planning policy and so, comprises sustainable development which should be approved without delay.
- 1.5. This submission is supported by the following documents:
 - Planning Statement – Pegasus Group
 - Design and Access Statement – Haywards Architects
 - Heritage Statement – Gerwyn Richards BA MCIfA Archaeological Building Recording Services
 - Archaeological Assessment – Gerwyn Richards BA MCIfA Archaeological Building Recording Services
 - PEA – Casey Griffin – Griffin Ecology
 - Foul and Storm Water Drainage Strategy – PRP Drainage and Infrastructure
 - Transport Statement – ADC Transport
 - Tree Survey – Stefan Bodnar
 - Building Conditions Survey – Martin Sansom MRICS FAAV @ Sansom Hamilton & Co Chartered surveyors.
- 1.6. The layout of the Statement is as follows:
 - Introduction
 - Site and Surrounding Area

- Description of Proposal
- Planning History
- Engagement with the LPA
- Planning Policy
- Planning Appraisal
- Planning balance (material considerations)
- Conclusion

2. Site and Surrounding Area

- 2.1. The application site has an area of 0.29 hectares and comprises the former Oddfellows Arms Public House and its hard-surfaced parking area. (to the rear) The former Oddfellows Arms Public House is a three storey building which fronts Main Street. The building has a series of flat roof extensions to its north and west. The site is currently served by two accesses, one to the east of the 'Oddfellows' and the other to the west.
- 2.2. Further north of the site is an area of grassland. This was previously used as a beer garden, and further beyond this, is a paddock (also within the ownership of the applicant) which extends to the rear boundaries of properties on Hilary Bevins Close. The paddock land is enclosed by a vegetated boundary and is host to a pond. To the west of the paddock is the 'King George V Playing Field' and further northeast are pastoral fields.
- 2.3. By virtue of its central village location, built development, primarily in residential use, is both adjacent to, and opposite the site.
- 2.4. The site is located within the Higham on the Hill Conservation Area and is within the defined settlement boundary.
- 2.5. The site lies within the administrative boundary of Hinckley and Bosworth Borough Council.

3. Development Proposal

- 3.1. This is a full application for the erection of 5 dwellings and the conversion of the former Oddfellows Arms public house into 2 dwellings. The proposed layout is shown on the extract below:



3.2. The image below shows the site layout at present.



3.3. A new access is proposed off Main Street to serve the proposal. The converted 'Oddfellows' would be to the east of this and one of the proposed new dwellings would be to the west. Four further dwellings would be sited to the rear of the frontage properties.

The mix of dwellings would be as follow: 3 x 2 bedroomed properties and 4 x 3 bedroomed properties and each property would have dedicated parking and amenity provision.

- 3.4. In terms of their design, the dwellings would be of traditional style, incorporating brick header, sill and under eaves detail, porches and chimneys and would be finished in a mix of render and brick.

4. Planning History

- 4.1. Planning permission ref: 22/00124/FUL – Full application for the residential development of 9no. dwellings with associated access, parking and landscaping. This application was refused on 5 grounds on 1 December 2023.
- 4.2. Planning application ref: 20/01065/HYB – Hybrid application consisting of full permission for the part demolition/part conversion of former public house to a dwelling house and construction of five dwellings with access and outline permission for the erection of up to 20 dwellings and associated infrastructure. This application was subsequently withdrawn on the 22 November 2021.
- 4.3. Planning application ref: 20/00153/FUL related to the public house, car park and beer garden. The application sought consent for the demolition of the former Oddfellows Arms public house and the erection of eight dwellings and associated infrastructure. During the course of the application exception was taken to the potential loss of the public house, the application was subsequently withdrawn on 19th April 2020 and the proposal revisited.
- 4.4. Planning application ref: 14/00367/OUT relating predominantly to the land to the rear of the site, sought consent for the erection of 13 dwellings (outline – access and layout). The application description was amended during the course of the application, to the erection of 10 dwellings which was subsequently refused on 15 October 2014. Additional detail is discussed below: –

June 2012

- 4.5. An application for the erection of 21 dwellings ref: 12/00482/OUT was submitted to the Council at land at Hilary Bevins Close, Higham on the Hill.

February 2014

- 4.6. Two sites were identified within Higham on the Hill the Council's Site Allocations and Development Management Policies (SADMP) Pre-Submission Report (Consultation Document), as of February 2014.
- 4.7. The rear of the site (beyond the existing pub car park) was allocated as ref: 'HIG02' and whilst planning permission had been sought in 2012, at the time of the Consultation for the Pre-Submission Report in February 2014, the planning application ref: 12/00482/OUT at Land at Hilary Bevins for 21 dwellings was still pending consideration. This, however, was allocated under ref: 'HIG03PP'.

April 2014

- 4.8. Planning application ref: 12/00482/OUT at Land at Hilary Bevins for 21 dwellings was considered at 1 April 2014 Planning Committee where is received a resolution to grant planning permission, pending S106 Agreement.

May-July 2014

- 4.9. In May 2014 two planning applications were submitted for residential development in Higham on the Hill.
- 4.10. Firstly on 19 May 2014, A planning permission was submitted to the Council for the erection of 43 dwellings at Hilary Bevins, Higham on the Hill ref: 14/00503/FUL.
- 4.11. On 28 May 2013, a planning application ref: 14/00367/OUT relating predominantly to the land to the rear of this application site sought was submitted to the Council for the erection of 13 dwellings (outline – access and layout) on the site identified at HIG02 in accordance with the Site Allocations and Development Management Policies Pre-Submission Report, Consultation Document.
- 4.12. Planning permission was granted for the erection of 43 dwellings at Hilary Bevins, Higham on the Hill on 29 July 2014 ref: 14/00503/FUL. Accordingly, the minimum requirement had been met by this application.

September-October 2014

- 4.13. During the course of the application for the 13 dwellings on land to the rear of the Oddfellows ref: 14/00367/OUT, concerns were raised regarding ecological surveys. Accordingly, additional ecological surveys were undertaken which was presented to the County Ecologist who subsequently withdrew her objection on 2 September 2014, confirming that the existing pond to the centre of the site was unsuitable for Great Crested Newts and was of local ecological value.
- 4.14. Application ref: 14/00367/OUT was considered at Planning Committee in on 14 October 2014 and refused by the Council on 15 October 2014, on the basis that the allocated housing requirement for Higham would be significantly exceeded and the proposed development would cause harm to the rural setting of the village and the Higham on the Hill Conservation Area.
- 4.15. Furthermore, given that planning permission had been granted for 43 dwellings (ref: 14/00503/FUL) on land at Hilary Bevin, the application for 21 dwellings (ref: 12/00482/OUT) was withdrawn on 14 October 2014.

July 2016

- 4.16. By the time the Council's SADMP was formally adopted in July 2016, the 14/00503/FUL application for 43 dwellings at Hilary Bevins had been approved and the adopted SADMP confirmed that:-

“The residual minimum housing requirement for Higham on the Hill, as of 1 September 2014 has been met and as such no additional sites are required to be allocated for residential development in Higham on the Hill.”

- 4.17. Furthermore, in respect of the earlier allocation ref: 'HIG02' the site was removed as a site allocation. Paragraph 8.12 of the SADMP it was confirmed that:-

“Ecological information as of 1 September 2014, identified the previously allocated site HIG02: Land to the rear of The Oddfellows Arms Public House, Main Street as having significant ecological constraints. The allocation of this site for residential development is therefore not considered a sustainable option for further residential growth above the already permitted minimum housing requirement.”

- 4.18. The site was therefore also removed as an allocation, based upon the ecological information as of 1 September 2014, which was based upon the consultation response from the County Ecologist, in relation to the planning application on site ref: 14/00367/OUT.
- 4.19. It should be noted however, that as part of application ref: 14/00367/OUT an additional ecological survey was undertaken, which was presented to the County Ecologist who subsequently withdrew her objection on 2 September 2014, confirming that the existing pond to the centre of the site was unsuitable for Great Crested Newts and was of local ecological value.

5. Engagement

- 5.1. Paragraph 39 of the Framework sets out the importance of pre-application engagement and front-loading. It states that early engagement has significant potential to improve the efficiency and effectiveness of the planning system for all parties. The Framework identifies that good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
- 5.2. Throughout the course of the previous planning application submissions, there has been significant dialog with the Councils planning officers and conservation officer. In addition, there has been extensive consultation and dialog with a local interest group “Save the Oddies’ regarding the potential of transferring the former public house to the community. This engagement has been ongoing since December 2019

6. Planning Policy

- 6.1. This section sets out the key national and local planning policy which is material to the determination of this planning application.
- 6.2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (PCPA) requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan

- 6.3. The Development Plan comprises of the following documents:
 - 2009 Hinckley and Bosworth Core Strategy (CS)
 - 2016 Site Allocations and Development Management Policy Development Plan Document (SADMP)

Hinckley and Bosworth Core Strategy (CS)

6.4. The following policies are applicable to the nature of the development proposals:

6.5. Policy 12 – Rural Villages, which “supports housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Policy 15 and Policy 16.”

6.6. Specifically, in respect of Higham on the Hill Policy 12 states that the Council will:

“Allocate land for the development of a minimum of 40 new homes. Developers will be required to demonstrate that the number, type and mix of housing proposed will meet the needs of Higham on the Hill, taking into account the latest Housing Market Assessment and local housing needs surveys where they exist in line with Policy 15 and Policy 16.

Address the existing deficiencies in the quality and accessibility of green space and play provision in Higham on the Hill as detailed in the council’s most up to date strategy and the Play Strategy. New green space and play provision will be provided where necessary to meet the standards set out in Policy 19.

Require new development to respect the character and appearance of the Higham on the Hill Conservation Area by incorporating locally distinctive features of the conservation area into the development.

Deliver safe cycle routes as details in Policy 14, in particular from Higham on the Hill into Hinckley and Nuneaton and to MIRA.”

Hinckley & Bosworth Site Allocations and Development Management Policies DPD 2016 (SADMP)

6.7. Policy DM1 – Presumption in Favour of Sustainable Development, repeats the presumption in favour as found in the National Planning Policy Framework.

6.8. Policy DM6 – Enhancement of Biodiversity and Geological Interest – sets out that proposals which would result in the loss or deterioration of an irreplaceable habitats would only be acceptable, subject to satisfying certain criteria, and a sequential approach is required where a proposal is likely to result in harm to locally important sites.

6.9. Policy DM7 – Preventing Pollution and Flooding seeks to ensure the development does not create or exacerbate flooding.

6.10. Policy DM10 – Development and Design, provides a series of design-based criteria to which new development is required to meet.

6.11. Policy DM11 – Protecting and Enhancing the Historic Environment, requires development to understand, minimise and outweigh any harm caused to affect heritage assets.

6.12. Policy DM12 – Heritage Assets, builds upon the umbrella protection provided by Policy DM11 and provides specific tests, consistent with the statutory tests, in respect of prescribed heritage assets.

6.13. Policy DM13 – Preserving the Boroughs Archaeology, requires desk based and field evaluation of archaeological interests where applicable.

- 6.14. Policy DM17 – Highways and Transportation, confirms that development proposals should be in accordance with highways design standards as set out in the most up to date guidance adopted by the relevant Highway Authority.
- 6.15. Policy DM18 – Vehicle Parking Standards, confirms that new development proposals will be required to provide an appropriate level of parking provision justified by assessment.

Other Guidance

6.16. Conservation Area Appraisal (2009)

- 6.17. The Higham on the Hill Conservation Appraisal was adopted alongside the Higham on the Hill Conservation Area Management Plan in December 2009. This identified key spaces as well as important buildings, hedgerows, walls, and key views and vistas to be protected. The Higham on the Hill Conservation Area Management Plan sets out issues that should be addressed within the village, identifying for examples where surfacing, signage gates, walls and lighting should be replaced and improved.

Higham on the Hill Neighbourhood Plan

- 6.18. A consultation on the Higham on the Hill Neighbourhood Plan Area was undertaken in 2016, however the plan has not been progressed.

Emerging Local Plan – Hinckley and Bosworth Local Plan 2020–2039

- 6.19. As required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, it is a legal requirement for Local Plans to be reviewed at least every 5 years.
- 6.20. The emerging Hinckley and Bosworth Local Plan for 2020–39 reached Regulation 19 stage in February 2022 and consultation was undertaken on the Pre-Submission Draft Local Plan in February to March 2022.
- 6.21. On Tuesday 30 January Hinckley and Bosworth took a report to their full Council meeting to discuss various planning related matters. In a response to a question the Lead Member also provided an update on the Local Plan timetable (copied below), which notes the Council plan to return to a Regulation 18 Plan, with consultation this summer. It is therefore inferred that the Council will be revisiting the strategy for growth along with proposing additional sites.

“The Local Development Scheme (LDS) has been updated and will be published online imminently. The LDS proposes the following next stages for the local plan:

- *Completion of outstanding evidence December 2022 – February 2025*
- ***Public consultation on draft plan (regulation 18) June – July 2024***
- *Public consultation on submission draft plan (regulation 19) January – February 2025*
- *Submission to Secretary of State (Regulation 22) by 30 June 2025*
- *Estimated date for examination September 2025 to November 2025*
- *Programmed date for adoption January / February 2026.*

This council is engaged with Leicestershire County Council for a number of evidence documents, including the South Leicestershire Joint Transport Study. This work is

ongoing and across two stages, with each stage to inform the regulation 18 and regulation 19 consultation documents as mentioned above.

The council has previously sought engagement with the county council on highways evidence to support the local plan as far back as 2018. This was hampered by the exorbitant cost proposals from the county council and the long length of time in order for them to undertake the work. This led to HBBC asking the Department for Levelling Up, Housing and Communities to assist intervening with the county council. I am pleased to report that joint evidence, as set out, is now underway."

- 6.22. Based on the above, due to the fact that the Council are not yet at Regulation 18 stage, the emerging plan can hold not weight in the decision making process.

National Planning Policy Framework (NPPF)

- 6.23. The NPPF was originally published in March 2012. Since this date, various revisions have been published. The most recent revision was published on 19 December 2023.
- 6.24. The National Planning Policy Framework (NPPF) is an important material consideration.
- 6.25. At the heart of the NPPF is a presumption in favour of sustainable development. However, the NPPF makes clear that this does not change the statutory status of the development plan as the starting point for decision making.
- 6.26. There are three dimensions to sustainable development: economic, social and environmental. The presumption in favour of sustainable development is at the 'heart' of the Framework.
- 6.27. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development; the second limb of the paragraph at 11(c) and 11(d) sets out how this should be done. Paragraph 11(d) is referred to as the tilted balance.
- 6.28. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, it is stated that planning permission should be granted, unless the application of Framework policies that protect areas or assets of particular importance provide a clear reason for refusing the development, or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
- 6.29. In reference to the above, development plan policies that are out-of-date includes where the local planning authority cannot demonstrate a 5 or (4 in certain circumstances) year supply of deliverable housing sites, as stated at Footnote 8 of the Framework.
- 6.30. **Section 4** sets out the approach to be taken by Local Planning Authorities in decision-making for proposed development in a positive and creative way. Paragraph 38 suggests that LPAs should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.
- 6.31. **Section 5** deals with the delivery of a sufficient supply of homes. Paragraph 60 outlines the importance of a sufficient amount and variety of land to come forward where it is needed, the needs of groups with specific housing requirements are addressed and land with permission is developed without unnecessary delay.

6.32. Paragraph 67 states that strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period.

6.33. Paragraph 70 acknowledges the benefits that small and medium sized sites can make to achieving the housing requirement of an area:

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 local planning authorities should:

a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;

b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custombuild housing;

c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;

d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes;

6.34. Paragraph 83 states, that: *to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*

6.35. **Section 8** relates to the promotion of healthy and safe communities. Planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and enable and support healthy lifestyles. Section 8 also promotes access to a network of high quality open spaces and opportunities for sport and physical activity. Paragraph 97 of the Framework states that to provide the social, recreational and cultural facilities and services the community need planning decision should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

6.36. **Section 9** of the NPPF focuses upon the promotion of sustainable transport. Paragraph 109 acknowledges that: opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

6.37. Paragraph 114 states that when considering applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸;

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

6.38. Paragraph 115 states 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’.*

6.39. **Section 11** seeks for planning policies and decisions to promote an effective use of land in meeting the need for homes... Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.

6.40. Paragraph 127 states that: *Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.. and that they should support proposals to... (b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.*

6.41. The requirement to achieve well-designed and beautiful places is set out in **section 12** of the NPPF. Paragraph 135 states that planning decisions should aim to ensure that developments;

- function well and add to the overall character of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change;
- establish or maintain a strong sense of place;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible.

- 6.42. Paragraph 139 advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.43. **Section 14** relates to planning for climate change and flood risk.
- 6.44. **Section 15** relates to conserving and enhancing the natural environment. Paragraph 180 advises that development should: ... d) minimise impacts on and providing net gains for biodiversity...; e) prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and f) remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land.
- 6.45. Paragraph 191 states *Planning policies and decisions should also 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.*
- 6.46. **Section 16** of the NPPF focuses upon the conservation and enhancement of the historic environment. It seeks to understand the wider social, cultural, economic and environmental benefits brought by the conservation of the historic environment, as well as the conservation of England's heritage assets in a manner appropriate to their significance. Paragraph 189 states that planning decisions should be based on the significance of heritage assets and that the level of detail supplied by an applicant should be proportionate to the importance of the asset and should be no more than sufficient to review the potential impact of the proposal upon the significance of that asset. Paragraph 207 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7. Planning Appraisal

- 7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.2. Whilst the Framework does not change the statutory status of the development plan as the starting point in decision making, it is an important material consideration. The Framework comprises the Government's view of what sustainable development means in practice for the planning system. A key message within the Framework is the need for positive planning to significantly boost the supply of housing.
- 7.3. For decision taking, the Framework requires local planning authorities to approve development proposals that accord with the development plan without delay and where the Plan is absent, silent or policies are out of date, approve planning permission unless one of two exceptions apply.

- 7.4. The first exception is not applicable to this application (despite the site being within a conservation area, as will be explained, there are no clear reasons for refusing the application on these grounds) as there are no areas or assets of particular importance affected.
- 7.5. The second exception states that planning permission should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific Framework policies indicate that development should be restricted.
- 7.6. The Development Plan for Hinckley and Bosworth Borough consists of the Core Strategy adopted in December 2009 and the Site Allocation and Development Management Policies, adopted in July 2016.
- 7.7. Paragraph 33 of the Framework requires that policies in local plans should be reviewed to assess whether they need updating at least once every 5 years. The Development Plan for Hinckley and Bosworth is over 5 years old and is therefore out of date. Whilst the Core Strategy Review and new Local Plan was underway, the Council have confirmed that they will be consulting on a new Reg.18 Plan in summer this year. (2024)
- 7.8. In determining which policies are of most relevance and so should be attributed the most weight in the decision-making process, key considerations include:
- Whether the Council can demonstrate a five year supply of housing sites;
 - Whether the policies most important for determining the application are out-of-date; and
 - The consistency of Local Plan Policies with the Framework.
- 7.9. It has been agreed with the Council that they cannot currently demonstrate a 5 (or 4) year supply of housing sites and that the policies most important for determining the application are out of date and so should be afforded very limited weight in the decision making process.
- 7.10. The most important policy in this case is considered to be the strategic policy (Core Strategy Policy 12 – Rural Villages. This policy is considered out of date due to the time expired nature of the Local Plan (CS and SADMP) which is based on out-of-date housing figures and an out-of-date spatial distribution of growth.
- 7.11. The nature and weight to be applied to LP Policies has been confirmed in appeal decision (APP/K2420/W/20/3262295). Whilst this related to a different settlement and so Policies, the approach in regards to the appropriation of weight remains the same and is of relevance here. The Inspector stated:

CS Policies 7 and 11 set out the spatial strategy and policies for Key Rural Centres. Amongst other things, CS Policy 7 supports housing development within settlement boundaries. CS Policy 11 sets a housing requirement of a minimum of 60 new homes for Stoke Golding...

The CS housing requirement figures are derived from the now revoked East Midlands Regional Spatial Strategy which set a target of 450dpa. The Council accepts that the

two policies are out of date due to more up to date assessment of housing requirement via the government's Standard Methodology (SM).

.....it is also apparent that planning permission has been granted for sites outside of settlement boundaries even where minimum CS housing figures for settlements have been exceeded. This includes the Roseway site in Stoke Golding and two sites in Desford. The reasons for these permissions vary but has included situations where the tilted balance applied such as at Roseway.

There remains a need for development to be sustainable, while settlement boundaries continue to be an important tool to guide development even if they are somewhat dated or under review. Nevertheless, these permissions are an indication that the spatial strategy and settlement boundaries in the borough have been applied in a flexible rather than a rigid way due to specific circumstances. Therefore, this provides an additional reason to state that CS Policies 7 and 11 are out of date. As such, I consider only moderate weight can be afforded to CS Policies 7 and 11 and any conflict with them insofar as they seek housing development within settlement boundaries and set housing targets for Stoke Golding.

7.12. On this basis, it is clear that paragraph 11 (d) of the Framework would be triggered on two counts:

- the inability of Hinckley and Bosworth Council to demonstrate a five year supply of deliverable housing sites against their identified housing requirement.
- the outdated nature of their strategic policies and settlement boundaries.

7.13. The key planning issues that have been identified in respect of the proposed development are as follows:

- The Principle of Development (loss of community facility)
- Design
- Impact of Heritage Assets
- Impact upon Residential Amenity
- Access and Highway Considerations
- Ecology
- Archaeology
- Flood Risk and Drainage
- Trees

Loss of Community Facility

7.16. Policy 12 of the Core Strategy also states the following:

The Council will: *resist the loss of local shops and facilities in rural villages unless it is demonstrated that the business or facilities can no longer operate in a viable manner....*

7.17. Policy DM25 of the SADMP also deals with the loss/re-purposing of community facilities. This policy is split into two parts, the first considering requirements relating to the retention of provision, and the second considering circumstances where there will be a loss. The first part seeks to resist the loss of community facilities, including ancillary areas, unless it can be demonstrated that:

- a) An equivalent range of replacement facilities will be provided in an appropriate location within a reasonable distance of the local community; or
- b) There is a surplus of the facility type within the immediate locality exceeding the needs of the community; or
- c) The loss of a small portion of the site would result in wider community benefits on the remainder of the site.

7.18. Whilst it is the applicant's argument that the former Oddfellows Arms no longer comprises of a 'community facility', should the LPA consider otherwise, Criterion b) is the most relevant consideration.

7.19. Criterion b) suggests that the loss of a 'facility' would be acceptable if there was a surplus of the facility type within the immediate locality, exceeding the needs of the community.

7.20. There is no definition of what constitutes the 'immediate locality' however on grounds that the former public house ceased operating on viability grounds, (in 2018) this is evidence in itself that there are a sufficient level of existing facilities serving the need – had there not been, the former public house would have remained operational. Furthermore, the premises also closed previously (in 2009), as confirmed within the Higham on the Hill Conservation Area Management Plan. This suggests that the public house has struggled to trade over a prolonged period.

7.21. To establish the number of existing public houses within the 'vicinity' of the application site, a crude 'Google' search has been undertaken.

Name of Facility	Approximate distance (miles) from application site
George and Dragon Public House, Stoke Golding	1.8 miles
The White Swan Public House, Stoke Golding	2 miles

The Longshoot Pub and Carvery	2 miles
Marina Brewers Fayre	2.7 miles
Harvester Yeoman	2.2 miles
The Royal Redgate Public House	2 miles

7.22. In regard to the loss of existing facilities, the Policy states as follows:-

Loss of Existing Facilities

Where replacement facilities will not be provided or a surplus cannot be demonstrated and the scheme would not result in wider community benefits on the remainder of the site, the loss of a community facility would only be considered acceptable where it can be demonstrated that:

- d) The facility has been proactively marketed for a community use for a reasonable period of time at a reasonable marketed rate as supported and demonstrated through a documented formal marketing strategy.
- e) It has been offered to the local community for them to take ownership of the facility.

7.23. On the same issue, national policy as set out in Paragraph 88 (d) of the NPPF states:

7.24. Planning policies and decisions should enable: the retention and development of accessible local services and community facilities, such as ... public houses.

7.25. Whilst the application site is identified as a 'community facility' within the Core Strategy, further consideration of this is required.

7.26. Firstly, as agreed, the Core Strategy is out of date. Its adoption date was 2012, but its evidence base is far older. As such, the sites it identifies for various uses have not been subject to a recent review.

7.27. Therefore, to determine whether the site remains a 'community facility' more recent evidence must be considered.

7.28. It is not in dispute that the last use of the buildings on the site were as a public house. The public house ceased trading in August 2018, as it was not viable to do so. As such, the site has not been operational as a community use for a period exceeding 5 Years.

7.29. It is also relevant to mention that on the 10th December 2018, the council listed the property as an Asset of Community Value (ACV). On the 9th July 2020 the ACV listing was removed due to the sale of the property. On the 10th December 2020 the council again

listed the property as an Asset of Community Value. On the 18th January 2021, the owner requested a review of the ACV decision. On 10th June 2021, the council review the listing but upholds ACV designation. On 5th July the owners submitted a notice of appeal to the tribunal. The current ACV listing expires on the 9th December 2025.

- 7.30. Since the site's designation as an ACV, there has been extensive dialog between the owners of the property and a community group with the intent of transferring the asset into their ownership, for use as a community facility. Despite the owners' best efforts, this transaction has not occurred.

- 7.31. Research has also been undertaken in regard to the relationship between ACV designations and the planning system.

- 7.32. An Asset of Community Value is defined as:

*A building or other land is an asset of community value if its **main use has recently been or is presently used** to further the social wellbeing or social interests of the local community and could do so in the future. The Localism Act states that 'social interests' include cultural, recreational and sporting interests. (authors emphasis)*

- 7.33. Once listed, if an Asset of Community Value is advertised **for sale**, the community have an opportunity to make a bid to purchase the asset. Initially there is a period in which communities can express an intention to bid for an asset, this is followed by a period during which communities can prepare their bid. During this time, the owner cannot dispose of the asset. However, the owner is under no obligation to accept the bid – the provisions do not restrict who an owner can sell their property to or at what price, and communities bidding have no right of first refusal.

- 7.34. An Asset of Community value listing does not place any restriction on what an owner can do with their property, once listed, if it remains in their ownership. It is important to remember that it is planning policy that determines permitted uses for particular sites. It is however open to the Local Planning Authority to decide that listing as an Asset of Community Value, is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.

- 7.35. In this case, the site is not for sale and so the provisions of the ACV are not triggered. In addition, the site has not been in any kind of community use since late 2018. As mentioned, the ACV designation does not prohibit the property from a change of use, the acceptability of this is determined in relation to the applicable planning policies and material considerations, which may or may not include the assets' listing.

- 7.36. The starting point in this case is to establish whether the property (the former Oddfellows Arms Public House) is a community asset/facility.

- 7.37. The property was last used as a public house in late 2018. The property was subsequently advised for sale. The property ceased trading on viability grounds. For the period between its closure and the current day, it is understood that alternative 'community' uses for the property have been explored, along with the upgrading works necessary to facilitate such a use, but as yet, none have resulted in a viable proposal on which to make a business case that would warrant the transfer of the facility to a community group.

- 7.38. Notwithstanding that the provisions of the ACV not having been triggered (as the property is not for sale) through their goodwill, the owners of the property (the applicant) has been working with the community group and the LPA with the aim of reaching a mutually acceptable resolution to allow the transfer of the facility to the community.
- 7.39. Over the last 4+ years no tangible progress has been made in regard to reinstating the property into a viable community use. Throughout this period, the condition of the property has deteriorated and it is now time to bring the building back into a viable use.
- 7.40. Owing to the specific set of circumstances, the property is no longer considered to fall into the categorisation of 'community use', and due to this, it is contended that the application should be considered on the basis of it entailing the conversion of existing buildings into two dwellings, along with the erection of 5 new dwellings.
- 7.41. However, should the LPA disagree with this position and consider the building (the former Oddfellows Arms Public House) to retain its designation as a 'community building', an appraisal is provided below against the most relevant policies, setting out why the proposed development is acceptable.
- 7.42. The most relevant planning policies in this regard are Policy 12 and Policy DM25. Whilst policy 12 is relevant, the weight attributed to it in the decision-making process is very limited. This is on account of its dated nature and on grounds that it has been superseded by Policy DM25. Notwithstanding this, its content will be considered.
- 7.43. Policy 12 seeks to resist the loss of community facilities.. unless they are unviable. The former public house ceased trading in 2018, on viability grounds. When offered for sale on the open market there was no interest to retain the properties use as a public house and it was ultimately purchased by a developer. Since its closure, there has been extensive dialog between the current owners and a local community group regarding a transfer of ownership to allow the property to re-commence its former community use. Despite the owners' best efforts these discussions have not amounted to a transfer – this provides further evidence that it is not viable to operate the property as a community use. It has therefore been demonstrated that the operation of a community use from the property would not be viable and so in this regard the proposed development would be compliant with Policy 12 of the CS.
- 7.44. Policy DM25 (Community Facilities) of the SADMP is split into two parts.
- 7.45. It is considered that criterion b) of the initial part of this policy has been satisfied on the basis that a surplus of existing facilities have been identified (as set out in paragraph 7.23)
- 7.46. It is considered, notwithstanding that a surplus of existing local facilities have been identified, that both criterion d) and criterion e) of policy DM25 have been satisfied on the basis that the former public house has been offered for sale on the open market and was eventually purchased by the applicant (not a publican).
- 7.47. As further evidenced, the former public house has also been offered to the Local Community, but on viability grounds, despite the discussions continuing for over three years, the transaction has not occurred.
- 7.48. The application is accompanied by a marketing report prepared by Everard Cole. The marketing report confirms that the premises were marketed from 26 September 2018 for a

guide rent of £35,000 per annum, offering a leasehold interest and approaches were made to known pub, restaurant, leisure and commercial retail operators, and distributions of sales particulars to leisure operators and commercial retailers. The property was also subject to widespread 'e-marketing' by being advertised on ten media outlets and 'The Morning Advertiser'.

- 7.49. In late October 2018 the marketing strategy was amended to incorporate the potential to acquire the freehold, and new separate sales particulars produced to reflect this and marketing continued on a dual basis, offering both freehold and leasehold options. The site has been marketed from September 2018 to August 2019 as a leasehold and from October 2018 to August 2019 with a freehold option.
- 7.50. The report confirms that during the entire marketing time there were 38 enquiries for use as a public house; there were 15 viewings for use as a public house and for alternative uses, there was interest from 2 parties to retain it as a licensed public house and there was 1 offer. An offer was subsequently accepted and solicitors were instructed to progress the sale of the freehold interest, as a licensed public house.
- 7.51. As set out in this Statement, in October 2018 with the Parish Council nominated the pub as an Asset of Community Value (ACV), and notice was served on the owner in December 2018. Meetings were held with local representatives during this time. Once the expression was received, this led to a period of four and a half month pause in the sale process. This nomination of the ACV led to uncertainty, and the purchaser withdrew from the deal.
- 7.52. Once this sale was aborted, additional viewings were undertaken, however none of these led to any real interest or offers, despite the moratorium end date of the ACV in early July 2019 and the site still being marketed until August 2019.
- 7.53. The report sets out that there are a number of factors which affected the interest in the site: –
 - Poor trading history;
 - Damage caused by break in;
 - The high cost of remedial and refurbishment of the entire property and grounds; and
 - The quiet village location and absence of a significant population density severely limits the trading potential of the business (which is supported by the poor trading history).
- 7.54. The accompanying marketing report confirms the extent and range of marketing of premises for a public house and other alternative uses for nearly a year with only interest from just two parties. This interest led to one freehold offer, however the sale was withdrawn due to the ACV nomination and there has been no further interest in the premises, since that time. The marketing report clearly demonstrates that the site has been proactively marketed for a community use for a reasonable period of time, and at a reasonable marketed rate in conformity with criterion (d) of Policy DM25 of the SADMP.
- 7.55. It is therefore demonstrated that the proposal would be compliant with Policy DM25 (should it be considered relevant).

- 7.56. The redevelopment scheme would result in wider community benefits through the conversion of the now derelict building into two dwellings. In turn, through bringing the building back into a viable use, the potential for anti-social behaviour would be removed. Furthermore, the site is currently derelict, unused and an eyesore and the scheme would remove the unsympathetic extensions to the public house and the comprehensive redevelopment of the site would result in an enhancement to the site and the village and Conservation Area.

Design

Conversion of the Public House Building

- 7.57. The scheme proposes the conversion of the public house and the demolition of its associated extensions and later additions. The application is supported by a Building Condition Survey which demonstrates that there are significant inherent failures in terms of thermal efficiency, structure, future maintenance and damp proofing which would result in ongoing maintenance of the building.
- 7.58. The works required include, but are not limited to: –
- Repair and ensuring safe electrical wiring system;
 - Replacement of all water/waste/gas pipework;
 - Re-plastering of water damaged areas;
 - Repair and renewal of heating system; and
 - Remedial action to external render as well as redecoration and repainting to the exterior.
- 7.59. The survey confirms that all aspects of the building have suffered from a lack of maintenance and that it has been unsympathetically extended and altered throughout its history. The building is now at a stage where every area of the building requires attention and in effect requires taking back to a brick shell, which also requires repair, before replacing all of the exterior and interior features.
- 7.60. The findings of the survey conclude that it would be preferable to completely re-build using insulated walls, damp proof courses and employing modern building techniques to ensure a property which is suitable for modern living, which would meet modern Building Regulations.
- 7.61. Notwithstanding above, the applicant wishes to reuse and convert the existing building in line with the wishes of both the Council and the local community. The applicant is happy to agree to a positive trigger, through a planning condition or planning obligation, to guarantee with that the conversion of the public house will be undertaken alongside the wider redevelopment of the site.
- 7.62. The design proposes to convert the building into two dwellings, one x 3 bedroomed property and one 2 bedroomed property. The conversion would be undertaken in a sympathetic manner through the use of like for like materials and features and through its conversion and the demolition of the unsympathetic extensions the character of the existing building and the wider street scene would be improved.

- 7.63. The house types have been designed to be in keeping within and sympathetic to the existing development within the Village, incorporating architectural details and materials that are common of the local vernacular.

Impact upon Heritage Assets

- 7.64. The statutory provisions contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 along with Policies DM11, DM12 and DM13 of the SADMP do not prevent development. They seek to guide development to be appropriate.
- 7.65. Policy 12 of the CS requires all new development to respect the character and appearance of the Higham on the Hill Conservation Area by incorporating locally distinctive features of the Conservation Area into the development.
- 7.66. The application has been accompanied by an Archaeological Heritage Assessment undertaken by the Archaeological Recording Building Services.
- 7.67. The building is located within the Higham on the Hill Conservation Area and has been identified within the Conservation Area Appraisal as a "Significant Local Building". The Conservation Area Appraisal also states that the Oddfellows Arms was originally built in 1791 as two cottages but in 1862 was converted into one property and became a public house in 1874.
- 7.68. The Higham on the Hill Conservation Area Management Plan (2009) also states:
- "The Oddfellows Arms pub on Main Street which is currently closed, occupies a potential development site. The pub however, which is sited in a prominent location at the junction with Nuneaton Lane, should be retained although the outbuildings could be demolished."
- 7.69. The Conservation Area Management Plan documents for Higham on the Hill identify the Oddfellows Arms as a potential development site. According to the Management Plan, "[the pub] should be retained although the outbuildings could be demolished". The proposed demolition of the modern accretions to the former public house will therefore cause no harm to the character or appearance of the Conservation Area.
- 7.70. The other proposed changes within the Conservation Area comprise the retention, repair and residential conversion of the historic element of the former public house; the erection of 5no. dwellings with associated garage buildings; and the laying of a new driveway. All new built form will reflect the architectural vernacular of the Conservation Area, using external materials, windows and doors that respect the character and appearance of the village. The placement and orientation of the most readily visible dwelling to the west of the former public house (opposite the proposed new driveway) will mimic the general settlement pattern and plot arrangements of Higham on the Hill, and it should also be reiterated that, historically, there was built form in this part of the Site (as evidenced by the earliest historic mapping).
- 7.71. Considering the baseline conditions of the Site, the proposals will cause no material harm to the character or appearance of the Higham on the Hill Conservation Area.

- 7.72. It is anticipated that there will be glimpsed views to this new built form from Main Street, specifically in those 'key views' out of the Conservation Area identified in the Conservation Area Appraisal.
- 7.73. According to the Conservation Area Appraisal, the open spaces either side of the former public house and the car parking area to the rear facilitate key views out of the Conservation Area, presumably because at that time there were long-range views out to the surrounding agricultural land (which includes the undeveloped northern part of the Site). However, since the Conservation Area Appraisal was adopted in 2009, there have been important material changes to these views owing to new residential development to the north. Today, these new dwellings are clearly visible when looking across the Site and out of the Conservation Area, and they curtail views to the wider agricultural landscape. As a result, these views are now of limited importance to the experience of the rural setting of the Conservation Area.
- 7.74. As explained above, the 'key views' have been undermined by recent residential development to the north, meaning the northern part of the Site now gives limited legibility to the rural setting of the Higham on the Hill Conservation Area.
- 7.75. The new built form will be visible in long-range views towards the Conservation Area from the public right of way that runs to the east of the Site. This public footpath historically connected Higham on the Hill to the railway station in the north (now disused), and views across the northern part of the Site to the Conservation Area make a very small contribution to the historic experience of the Conservation Area.
- 7.76. Therefore, at the very most, it is anticipated that the proposed development will cause negligible, less than substantial harm to the heritage significance of the Higham on the Hill Conservation Area through change to its setting. It should be reiterated that there is no statutory protection for the settings of Conservation Areas.
- 7.77. As per paragraph 207 of the Framework, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the scheme. Paragraph 20 of the PPG clarifies that public benefits include heritage benefits, which are discussed below.
- 7.78. The proposals will ensure the long-term viable use and maintenance of the historic core of the former Oddfellows Arms. The Conservation Area Appraisal explicitly identifies this as an 'important local building' and the preceding analysis has demonstrated that this is the only element of the building's fabric to positively contribute to the character and appearance of the Conservation Area.
- 7.79. The schedule of repair works to the frontage of the former public house will include the replacement of the unsympathetic external doors and uPVC windows with historically appropriate alternatives, and thus enhancing key sequential views along Main Street.
- 7.80. The demolition of the unattractive modern accretions to the public house core, especially the west flank extension, will also enhance key views within the Conservation Area.
- 7.81. As such, the proposals will result in moderate heritage benefits to the character and appearance of the Higham on the Hill Conservation Area, specifically through the sensitive repair and renovation of the former Oddfellows Arms.

7.82. On balance, the moderate heritage benefits to the character and appearance of the Higham on the Hill Conservation Area will firmly outweigh the negligible, less than substantial harm to its heritage significance through change to setting that is anticipated to arise from the residential development of the northern part of the Site.

7.83. The baseline conditions of the southern part of the Site should be an important material consideration in the decision-making process: this is occupied by a derelict, boarded up public house building, a large area of hardstanding for parking, and tall metal fencing along the frontage. The proposals will therefore serve to revitalise and visually enhance this part of the Conservation Area.

7.84. Overall the Heritage report concludes as follows:

This assessment has confirmed that the proposed development area is located within the Higham on the Hill Conservation Area. The proposed development has been sympathetically designed in order to maintain the character and appearance of the Conservation Area and will have a less than substantial impact upon the setting of the Conservation Area.

7.85. In respect of the scheme as a whole, it therefore accords with Policy 12 of the CS, along with Policies DM11, DM12 and DM13, Chapter 16 of the Framework and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Design

7.86. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

Layout

7.87. The frontage element of the site looks to retain the historic element of the public house with a new access point off Main Street. A new extension to the rear is proposed to provide the required accommodation, along with off road parking provision and a large garden to the rear. This design allows views through the site retaining the identified protected view from the conservation area.

7.88. The layout also provides a range of house types that will have a traditional vernacular appearance with a mix of materials (brick and render), that will complement the detailing and appearance of buildings in the local area.

7.89. The proposed layout is served by a single point of access off Main Street with all properties, aside from the frontage properties facing, or having views towards the access. This provides a high level of natural surveillance that will create a safe environment for all future occupants.

7.90. It is therefore considered that the layout of the proposed development and the design of the individual houses will create a distinctive sense of place and provide an attractive and safe environment.

Scale

- 7.91. The scale of the development will be in keeping with the height of the buildings in the surrounding context. It is envisaged that the development will comprise mainly of 2 storey dwellings with some elements of single storey to break the mass. Design considerations to avoid overlooking and loss of privacy to the adjacent dwellings were paramount.
- 7.92. The mass and scale of the extensions to the converted public house building are considered to be in keeping with the area, as is the architectural detailing in respect of chimneys, eaves, verges, windows, heads and cills to be suitable in this location. The former public house is 3 storeys in height so the 2 storey extension will be subservient.

Appearance

- 7.93. The application covers the conversion of the former public house at the front of the site. The newer, less attractive sections of the existing building will be demolished to leave the original public house with materials to be used on any new extensions, matching the current materials on the building. The design of the five new dwellings are in keeping with surrounding architecture of the area which consists mainly of 2 storey flat fronted traditional properties with pitched roofs. All properties will have private rear amenity space, appropriately sized, commensurate to the footprint of the dwellings.
- 7.94. The design of the former public house and the approach to the remaining dwellings have been carefully considered and the key architectural features and materials schedule are set out within the accompanying Design and Access Statement and Heritage Assessment.
- 7.95. Criterion (e) of Policy DM10 requires that the scheme incorporates a high standard of landscaping, where this would add to the quality of the design and siting. Landscaping elements are shown, including shrub planting, turfed areas and paving slabs.
- 7.96. For the reasons set out, the requirements of Policy DM10 are satisfied.

Impact upon Residential Amenity

- 7.97. Policy DM10 also requires that the proposal would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 7.98. The closest neighbour is No. 27 Main Street, located to the east of the application site, containing one ground floor, one first floor and one second floor non-habitable windows (these will serve a W/C and a stairwell). No new development is designed to be located any closer to the dwelling than the existing public house which ensures that there would be no significant adverse impacts upon the occupiers of the neighbouring dwelling. Sufficient distance is also maintained between the development and neighbouring No. 23 Main Street to the west of the site. The layout ensures that development is sufficiently distanced away from neighbours on the north and south of Main Street and to the rear of the site from properties on Hilary Bevins Close.
- 7.99. The scheme has been designed to ensure that there would be no adverse impact upon future residents, with acceptable front to back distances between properties.
- 7.100. Any potential noise and disturbance during the construction phase would be for a temporary period only and would not result in any long-term adverse impacts on residential amenity of the occupiers of neighbouring properties.

7.101. Overall, the requirements of Policy DM10 are satisfied.

Access and Highway Considerations

7.102. Policy DM17 seeks to ensure that development proposals can be accessed via public and private transport and Policy DM18 requires development to provide an appropriate level of parking.

7.103. The Framework is supportive of development that will provide a safe and suitable access for all and at paragraph 115 confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.

7.104. The application has been supported by a Transport Assessment. This provides the following information.

7.105. In terms of locational sustainability, the facilities in the vicinity to the site, including the primary school and convenience store, are within the preferred maximum walking distance. The facilities can be accessed via the existing and proposed footways. National Cycle Network route 52 is to the south of the site and the local roads in the vicinity of the site are suitable for cycle travel. The nearest bus stops are on Main Street, within 125 metres walking distance from the site access and provides regular running to Burbage and Nuneaton. There are therefore opportunities for sustainable travel, proportionate to the scale and location of the development.

7.106. In terms of development specific design requirements, the proposed development will be accessed via a new priority-controlled T-junction on Main Street. The site access carriageway will be 4.8m wide with 6m kerb radii whilst having 2m wide footways either side of the site access road. This is in accordance with LCC's Highway Design Guide for a residential access road.

7.107. In accordance with the posted 20mph speed limit on Main Street, 2.4 x 25m visibility splays are achievable and within public highway land.

7.108. Refuse vehicles will serve the site from Main Street and a bin store will be provided which will be within the recommended carry distances for residents and bin collectors.

7.109. Plot 1 would be accessed via a private drive on Main Street. A swept path assessment has been undertaken to demonstrate a car would be able to enter and exit the car parking spaces for Plot 1 without conflicting with the parked cars on the southern side of Main Street. A forward visibility assessment has also been undertaken which demonstrates there would be sufficient forward visibility for a vehicle negotiating the left hand bend on Main Street to a car reversing out of the car parking spaces for Plot 1.

7.110. The development would generate up to four two-way vehicle movements in a peak hour. The Transport Statement submitted as part of the previous application was based on nine dwellings. LCC stated the trips associated with that application would not lead to an unacceptable impact on the local highway network. Hence, given the smaller quantum of development for the updated application, the reduced amount of traffic as a result of the development would not lead to adverse impacts on the local highway network on safety or capacity grounds.

- 7.111. HBBC's parking standards state that two car parking spaces are required for a dwelling with three bedrooms and less, whilst dwellings of four or more beds should provide three car parking spaces. The converted public house will be subdivided into two dwellings, with two car parking spaces provided for each dwelling. These parking standards have also been incorporated into the five new dwellings with the appropriate number of driveway spaces provided.
- 7.112. Overall, the proposed development would accord with the aims of the NPPF and Policies DM17 and DM18 of the Local Plan. Safe and suitable access is achievable by all modes of travel. The development would not result in an unacceptable impact on highway safety nor a severe residential cumulative impact on the road network. Therefore it would be unreasonable to prevent the development on transport grounds.

Ecology

- 7.113. Policy DM6 requires proposals to demonstrate how they conserve and enhance features of nature conservation and geological value including for their long-term management. The Policy continues that on site features should be retained, buffered and managed, to maintain their ecological value, connectivity and functionality in the long-term.
- 7.114. The NPPF at paragraph 186 (a) states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 7.115. This application has been supported by a Preliminary Ecological Appraisal (PEA). The report states that this report seeks to provide an update to the previous Preliminary Roost Appraisal, and that this report should therefore be read in conjunction with the previous reports (PEA Report & Bat emergence Survey Report – GUMA Ltd., 2019 & 2020).
- 7.116. An Ecological Appraisal by Griffin Ecology has been undertaken to ensure the proposals satisfy the requirements of Policy DM6 and the overarching advice contained within the Framework. The objectives of the survey are to:
- Assess potential presence / likely absence of roosting bats within the building to be impacted.
 - Assess any impacts that the proposals may have on any roosting and foraging / commuting bats.
 - Determine, where possible, the need for a Natural England European Protected Species Mitigation (EPSM) licence.
 - Assess the potential for usage of the building by nesting birds.
 - Inform any avoidance and mitigation measures, if required.
- 7.117. The report sets out the following:
- 7.118. The conclusions drawn within the GUMA reports of 2019 and 2020 remain valid and appropriate given the current conditions provided within the subject building.

- 7.119. The new proposals put forward in this application will seek to retain the original building which will be converted for residential use. With the building continuing to offer “low” suitability, potential for summer bat roosting remains and in accordance with good practice the previous bat emergence survey, undertaken in 2019, should be updated prior to the start of works. Any recommendation, following this updated survey should be implemented in full. Any disturbing works must be carried out sensitively to ensure that nesting birds, should they be present, are not disturbed. Ideally, potentially disturbing works should be timed to avoid the main nesting season (March to September inclusive), or alternatively disturbing works to the building should be immediately preceded by a nesting bird check by a suitably qualified ecologist and following any recommendations made as a result of this check.
- 7.120. If nesting birds are found to be present prior to or during works a suitable buffer of no disturbance must be maintained around the nest(s) until all of the young have naturally fledged and are no longer dependent on the nest. Replacement nesting opportunities should then be provided post development to ensure nesting opportunities are not permanently lost.
- 7.121. The habitats on site are currently subject to levels of artificial light filtration from existing lighting provided by the neighbouring buildings. No external lighting is proposed, however should this not be the case any proposed lighting both during works and permanent lighting once the proposed has been completed should be LED type within the warm-white spectrum and cowled to direct light towards the ground and away from potential bat foraging, commuting and roosting areas including adjacent grassland. Any security lighting will be agreed with the appointed ecologist prior to the commencement of activity on site.
- 7.122. A pond located within grassland approximately 25 metres north of the site was subject to a Great Crested Newt Habitat Suitability Index Assessment (HSI) to determine its suitability for Great Crested Newts. The pond scored 0.66, a rating of ‘average’ and above the threshold of 0.5 at which further surveys are usually required. Accordingly, the pond was subject to a Great Crested Newt eDNA analysis in April 2020 where it was confirmed to be negative for Great Crested Newts.
- 7.123. The appraisal confirms that the potential for other species of protected or notable mammal species to use the site is deemed to be low and no constraints are predicted as a result of the likely presence of common small mammals and the possible presence of passing Badgers.
- 7.124. Accordingly, it is demonstrated that the proposals fully satisfy the requirements of Policies DM6 and criterion h of DM10, and the overarching requirements of the NPPF.

Archaeology

- 7.125. The application submission has been accompanied by an Archaeological Desk Based Assessment prepared by Archaeological Building Recording Services (ABRS).
- 7.126. The site visit did not reveal any clear evidence of potential archaeological remains within the proposed development area, there is, however evidence of modern disturbance, including modern extensions and a carpark which will have had a detrimental impact upon potential archaeological remains at the southern end of the site. A previous archaeological evaluation of the northern end of the site (Event ID ELE8958) returned negative results.

- 7.127. The site visit did not reveal any clear evidence for the presence of archaeological remains, either below ground or as standing earthworks. It is likely that the construction of the modern extensions to the building will have truncated any archaeological remains in these areas, it is also likely that the construction of the carpark will have also impacted upon any archaeological remains in these areas, but the extent of this impact is difficult to ascertain. Areas under grass may have remained relatively undisturbed.
- 7.128. There is a low to medium potential for the survival of buried archaeological remains within the proposed development area – deeper archaeological remains may be present below the carpark or within areas of less disturbance.
- 7.129. The assessment confirms that the site visit did not reveal any clear evidence for the presence of archaeological remains, either below ground or as standing earthworks and there will be no impact upon the setting of any of the known and currently identified archaeological remains within the vicinity of the proposed development area.
- 7.130. The scheme is considered to accord with Policy DM13. In addition, as a whole the scheme fully satisfies the Policies DM10 and DM12, DM13 of the SADMP, along with the overarching guidance contained within the Framework.

Flood Risk and Drainage

- 7.131. Local Plan policies DM7 and DM12 and paragraph 168 of the NPPF make clear that through following the sequential approach, development in areas at risk of flooding should be avoided through directing development to areas of lower flood risk.
- 7.132. The application has been accompanied by a Foul and Storm Water Drainage Strategy prepared by PRP.
- 7.133. The site lies wholly within Flood Zone 1, as confirmed by the Flood map for Planning and as such is at a low probability of flooding. In accordance with the Flood Risk Vulnerability Classification matrix as contained in the Planning Practice Guidance, all types of development are acceptable in principle within Flood Zone 1.
- 7.134. A preliminary drainage schematic shows how the drainage is to be achieved.
- 7.135. A topographical survey was performed on the existing site which showed a combined system connecting in the combined sewer to the south of the property. Whilst the existing connection cannot be reused due to clashes with the proposed layout, the proposed development will connect into the same combined Severn Trent Water sewer.
- 7.136. The report concludes that the development is acceptable on grounds of drainage and flood risk due to the following:
- The foul drainage and surface water drainage can be connected by gravity into an existing Severn Trent Water sewer at the outfall
 - The issue of water quality and quantity is addressed through the use of permeable paving, upsized pipes, and a flow control chamber housing a Hydrobrake
 - The surface water discharge rate from site will be 12.0l/s for a 1 in 100 year storm (plus 40% for climate change) which represents a 50.7% betterment on the

brownfield runoff rate. The system is designed to cause no above ground flooding for a 1 in 100 year event plus 40% and exceedance flows have been shown to have no impact on the proposed development and neighbouring properties.

- A sustainable drainage operation and maintenance plan specific to the site has been developed and is appended to the drainage report. Both the foul drainage and surface water will culminate in a combined manhole within the carriageway at the southern border of the site with Main Street.

7.137. Overall, it is demonstrated that the proposals fully satisfy the requirements of Policy DM7 and the overarching requirements of the NPPF.

Trees

7.138. A Tree Survey accompanies the application submission. The survey sets out that there are two elements of the site to consider, the public house conversion and the larger site-wide development. The constraints in terms of nominal RPAs and trees of quality are described as follows: the trees present are largely of C quality. None of these are proposed for removal, for the initial scheme (Conversion of the public house) and for the larger application, this will require only removal of the G1 group of young field maple (Category C). All the on-site B quality trees are outside the zone of development. The development are assessed as having minimal arboricultural impacts, as each has been carefully planned to avoid the canopies and RPZs of the (mainly) boundary trees. The design allows for the boundary trees to be within the back garden areas of properties.

7.139. All trees that are being retained on site are to be protected by barriers and/or ground protection. Overall, the development is assessed as having minimal arboricultural impacts.

Conclusion

7.140. The proposed development is considered to be acceptable in planning terms.

7.141. The site is located within the settlement boundary for Higham on the Hill, supported by Policy 12 of the Core Strategy.

7.142. The housing policies in the development plan are considered to be out-of-date as the housing requirement as set out in the adopted CS and delivered through the SADMP is out of date and the Council are not currently in the process of preparing a new Local Plan. Therefore, the presumption in favour of sustainable development (as set out in paragraph 11 (d) of the Framework) is engaged.

7.143. The site associated with the public house is previously developed land, where substantial weight is placed upon the value of using brownfield land (Paragraph 124 (c) of the Framework).

7.144. The former Oddfellows Arms Public House is no longer considered to be defined as a 'community use' by virtue of the period of time it has been 'out of use' and there is no viable way to bring the building back into a community use.

7.145. Notwithstanding the above, a robust marketing strategy has been submitted to demonstrate that the loss of the former community use has been proactively marketed for

a reasonable period and at a reasonable rate, without success and the site has been subject to the ACV process, with no sale agreed with the local community. Further work in relation to the economic viability of reopen the public has been commissioned and confirmed that a significant investment of £390k would be required just to open the building, unfortunately rendering the public house economically unviable. The scheme is therefore considered to satisfy criteria d and e of Policy DM25 of the SADMP.

- 7.146. The Conservation Area Management Plan identifies the sites as a potential development site and is supportive of the demolition of the later, flat roof additions to the main three storey building. A Building Survey report has been submitted which clearly shows that building is not fit for habitation without significant adaptation and modernisation.
- 7.147. Notwithstanding above, the applicant wishes to reuse and convert the existing building in line with the wishes of both the Council and the local community.
- 7.148. The scheme proposes the retention and conversion of building within the Conservation Area. The scheme would also enable the entire site to be brought back into use, representing an enhancement to the character and appearance of the Conservation Area.
- 7.149. The scheme would result in wider community benefits through the reuse and conversion of the public house as two dwellings, representing a local landmark building, as well as providing additional well-designed market family housing units and removing the potential for anti-social behaviour on this vacant site. Furthermore, the site is currently unused, derelict and an eye sore and the scheme would remove the unsympathetic extensions to the public house and the comprehensive redevelopment of the site would result in a visual enhancement to the site, the village and Conservation Area.
- 7.150. The moderate heritage benefits to the character and appearance of the Higham on the Hill Conservation Area will firmly outweigh the negligible, less than substantial harm to its heritage significance through change to setting that is anticipated to arise from the residential development of the northern part of the Site.
- 7.151. The development scheme demonstrates that an appropriate highways access can be formed to serve the proposed development and that there would not be a material increase in traffic on the off-site highway network. There is no accident problem in the vicinity to the site on Main Street. As conditions would not materially alter, an adverse impact would not occur. Therefore, the additional traffic as a result of the development would not have a severe impact.
- 7.152. The Ecological Appraisal also recommends that the proposed development provides an opportunity to enhance the site for bats, by proposing new panels and roosting opportunities through the provision of bat boxes, as well as proposing new shrub, hedgerow and tree planting Overall, the measures will result in a net gain in ecological benefits.
- 7.153. This statement demonstrates how the proposal is consistent with the policies within the development plan and the Framework. The proposals are accompanied by robust technical evidence that demonstrates that any potential adverse impacts are limited and can be mitigated.
- 7.154. The assessment of proposals demonstrate that they comply with the Hinckley and Bosworth Borough Council Core Strategy Policy 12 and 15 and, Sites Allocation and

Development Management Policies Development Plan Policies DM1, DM4, DM6, DM7, DM10, DM12, DM13, DM17, DM18, DM25 and the Framework.

- 7.155. It is not considered that there are any adverse impacts of the development arising from the development that would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework taken as a whole.
- 7.156. It is concluded that the development will be of a high quality and carefully minimises adverse impacts on the environment, whilst providing significant economic, social and environmental benefits.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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