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Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

**Steve Atkinson** MA(Oxon) MBA FIoD FRSA  
Chief Executive

Date: 05 September 2016

**To: Members of the Planning Committee**

Mr R Ward (Chairman)	Mr C Ladkin
Mr BE Sutton (Vice-Chairman)	Mr LJP O'Shea
Mr PS Bessant	Mr RB Roberts
Mrs MA Cook	Mrs H Smith
Mrs GAW Cope	Mrs MJ Surtees
Mr WJ Crooks	Miss DM Taylor
Mrs L Hodgkins	Ms BM Witherford
Mr E Hollick	Ms AV Wright
Mrs J Kirby	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite - Hub on **TUESDAY, 13 SEPTEMBER 2016** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen  
Democratic Services Officer

**PLANNING COMMITTEE - 13 SEPTEMBER 2016**

**A G E N D A**

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 16 August 2016.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 10.

6. DECISIONS DELEGATED AT PREVIOUS MEETING

The Deputy Chief Executive (Community Direction) to report progress on any decisions delegated at the previous meeting.

7. 15/00767/OUT - FORMER HIGHWAY LAND, LEICESTER ROAD, GROBY (Pages 5 - 24)

Residential development (outline – access only).

8. 15/01318/OUT - LAND AT BATTLEFLAT LODGE FARM, VICTORIA ROAD, STANTON UNDER BARDON (Pages 25 - 48)

Outline application for storage and distribution uses (class B8), general industry (class B2) and associated infrastructure including the formation of a new access (accompanied by an environmental statement) (cross boundary application with North West Leicestershire District Council) (outline – access only)

9. 14/01189/OUT - SKETCHLEY HILL HOUSE, RUGBY ROAD, BURBAGE (Pages 49 - 60)

Erection of 9 dwellings and associated roads and car parking, following demolition of existing property (outline – access, layout and siting)

10. 16/00576/FUL - CHEQUERS INN, 30 LUTTERWORTH ROAD, BURBAGE (Pages 61 - 66)

Erection of play area, play equipment, decking and timber framed structure (retrospective)

11. 16/00600/FUL - 31 CHURCH STREET, EARL SHILTON (Pages 67 - 76)

Erection of three dwellings and associated parking.

12. APPEALS PROGRESS (Pages 77 - 80)

Report of the Deputy Chief Executive (Community Direction) attached.

13. ENFORCEMENT UPDATE (Pages 81 - 86)

Report of the Deputy Chief Executive (Community Direction).

14. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

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## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### PLANNING COMMITTEE

16 AUGUST 2016 AT 6.30 PM

PRESENT: Mr R Ward - Chairman

Mr MB Cartwright (for Mrs GAW Cope), Mrs MA Cook, Mr WJ Crooks, Mrs L Hodgkins, Mr E Hollick, Mrs J Kirby, Mr C Ladkin, Mr LJP O'Shea, Mr RB Roberts, Mrs H Smith, Miss DM Taylor, Ms BM Witherford and Ms AV Wright

In accordance with Council Procedure Rule 4.4 Councillors Mr DC Bill MBE and Mr SL Rooney were also in attendance.

Officers in attendance: Valerie Bunting, Rebecca Owen, Michael Rice, Nic Thomas and Helen Wilson

#### 119 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Cope and Sutton with the substitution of Councillor Cartwright for Councillor Cope authorised in accordance with council procedure rule 4.

#### 120 APPOINTMENT OF VICE-CHAIRMAN

In the absence of the vice-chairman, it was moved by Councillor Ward, seconded by Councillor Cartwright and

RESOLVED – Councillor Cook be appointed vice-chairman for this meeting only.

#### 121 MINUTES

On the motion of Councillor Crooks, seconded by Councillor Ladkin, it was

RESOLVED – the minutes of the meeting held on 21 June be approved and signed by the Chairman.

#### 122 DECLARATIONS OF INTEREST

Councillors Cartwright, Crooks, Hodgkins, Hollick, Taylor and Witherford declared personal, non-pecuniary interests in application 16/00444/HOU as the agent was a colleague.

Councillors Kirby, Roberts, Smith and Wright declared personal, non-pecuniary interests in application 15/01119/FUL as the neighbour of the site was known to them.

Councillor O'Shea declared a personal, non-pecuniary interest in application 15/00767/OUT as a county councillor but stated he had had no involvement in the matter at the County Council. His son also lived opposite the site.

#### 123 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that the section 106 agreement was still under negotiation in relation to applications 15/00188/OUT and 14/01279/OUT.

124 15/00582/FUL - LAND NORTH EAST OF TRIUMPH MOTORCYCLES LTD, DODWELLS ROAD, HINCKLEY

Application for development of 260 dwellings (use class C3), formal and informal public open space including children's play area and associated infrastructure including highways, landscaping and sustainable urban drainage system.

Whilst in support of the application, a member reminded the meeting that, when the outline application for the development had been considered at the previous meeting, the final agreement on the detail of the S106 agreement had been delegated to a group of six members. An AMENDMENT to this effect was moved by Councillor Witherford and seconded by Councillor Cartwright and subsequently CARRIED.

It was moved by Councillor Ladkin, seconded by Councillor Taylor and

RESOLVED –

- (i) Planning permission be granted subject to completion of a Section 106 agreement and the conditions contained in the officer's report and late items;
- (ii) Negotiation of the details of the Section 106 agreement be delegated to officers, with the final decision on the terms of the agreement delegated to a group of six members to be agreed by the chairman and the opposition representative for planning.

Councillor Bill left the meeting at 6.45pm.

125 16/00496/DEEM - LAND TO REAR OF 3 MARTINSHAW LANE, GROBY

Application for erection of 9 dwellings (regulation 3 application).

It was moved by Councillor Cartwright, seconded by Councillor Hollick and

RESOLVED – permission be granted subject to the conditions contained in the officer's report and late items.

126 15/00767/OUT - FORMER HIGHWAY LAND, LEICESTER ROAD, GROBY

Application for residential development (outline – access only).

Notwithstanding the officer's recommendation that the application be approved, concern was raised in respect of highways and flood risk, although it was acknowledged that the latter was subject to separate assessment.

It was moved by Councillor Cartwright and seconded by Councillor O'Shea that the application be refused on grounds of highway safety. Upon being put to the vote there were six votes for the motion and six against. The Chairman exercised his casting vote and the motion was LOST.

Councillor Ladkin, seconded by Councillor Hodgkins, proposed that the application be approved as per the officer's recommendation. Upon being put to the vote, the motion was LOST with six votes for the motion and seven against.

It was subsequently moved by Councillor O'Shea and seconded by Councillors Crooks that, due to being unable to reach a decision, the application be deferred. The motion was CARRIED and it was

RESOLVED – due to being unable to reach a decision at this time, the application be deferred.

127 15/01119/FUL - 87 HIGH STREET, BARWELL

Application for extensions / alterations to existing 2 retail units and 1 residential unit to form 1 retail unit and 5 self-contained apartments.

Following concerns raised about highways, the reported wells on the site and the position of the proposed property, it was moved by Councillor Roberts and seconded by Councillor Wright that this application be deferred for further information on the wells and to discuss the possibility of setting back the building.

A motion was subsequently proposed by Councillor Taylor to refuse the application due to being dissatisfied with the positioning of the building. In the absence of a seconder, the motion was not put.

Councillor Cartwright moved that it be delegated to officers to discuss the siting with the applicant and approve if an agreement could be reached. In the absence of a seconder, the motion was not put.

It was moved by Councillor Roberts, seconded by Councillor Wright and

RESOLVED – the application be deferred for further discussion on setting back the property.

128 16/00566/FUL - 23 BRADGATE ROAD, HINCKLEY

Application for erection of one dwelling.

It was moved by Councillor Cartwright, seconded by Councillor Crooks and

RESOLVED – planning permission be granted subject to the conditions in the officer's report and late items.

129 16/00444/HOU - 58 FLORIAN WAY, HINCKLEY

Application for single storey front extension.

It was moved by Councillor O'Shea, seconded by Councillor Ladkin and

RESOLVED – planning permission be granted subject to the conditions outlined in the officer's report.

130 APPEALS PROGRESS

A report showing progress on all appeal cases was presented to the committee. It was noted that, since publication of the report, the start date of the appeal on the Good Friday site had been received and the decisions on Stretton House and Cold Comfort Farm had been received.

Officers were thanked for their involvement in the appeal on Land East of Wallace Drive.

RESOLVED – the report be noted.

(The Meeting closed at 8.25 pm)

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CHAIRMAN



Planning Committee 13 September 2016  
Report of the Chief Planning and Development Officer

Planning Ref: 15/00767/OUT  
Applicant: Leicestershire County Council  
Ward: Groby

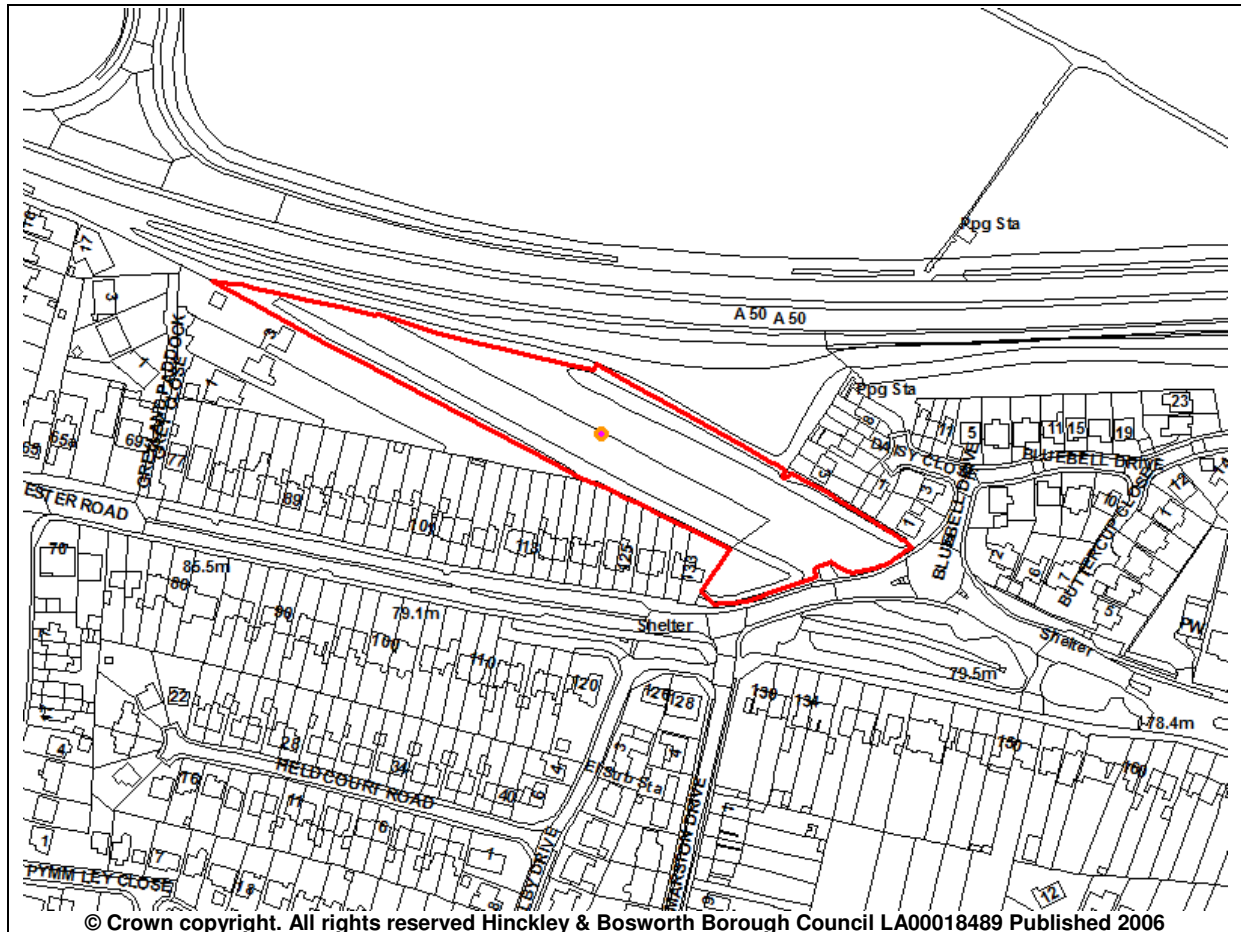


Hinckley & Bosworth  
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Site: Former Highway Land Leicester Road Groby

Proposal: Residential Development (outline - access only)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - Affordable Housing - 40% on site and local connections
  - Education – Based on the DFE cost multiplier as follows:-
    - Primary School £12,099.01 per pupil at a pupil ratio of 0.24 per dwelling.
    - Secondary £17,876.17 per pupil at a ration of 0.1 per dwelling.
  - Highways – Travel Packs - £52.82 per pack, 6 months bus passes, two per dwelling (average £350.00 per pass), new/improvements to 2 nearest bus

stops (including raised and dropped kerbs to support modern bus fleets with low floor capabilities £3263.00 per stop, information display case at £120.00 per display, and Real Time Information system at the nearest bus stop £4500.

- Health – £16,661.52 towards the refurbishment of existing building and consulting rooms to create multifunctioning treatment rooms to cater for the increased number of patients.
- Public Open space –
  - Equipped Children's Play Space 3.6m<sup>2</sup> per dwelling, Off site provision per square metre £145.08 and Maintenance £70.70
  - Casual/informal Play spaces 16.8m<sup>2</sup> per dwelling, Off site provision per square metre £6.16 and £5.30
  - Outdoor sports provision 38.4m<sup>2</sup> per dwelling, Off site provision per square metre £13.76 and maintenance £13.20
  - Accessibility and natural green space 40m<sup>2</sup> per dwelling, off site provision per square metre £6.16 and maintenance £5.30
- Planning conditions outlined at the end of this report.

## **2. Reasons for bringing report back to committee**

- 2.1 At its meeting on 16 August 2016, in respect of this application, an initial motion was moved and seconded to refuse the application, against officers' recommendation, on highway safety grounds. On being put to the vote, the committee voted against the motion and it was lost.
- 2.2 A further motion was moved and seconded to approve the application on the basis of the officers' recommendation. Upon being put to the vote, the motion was lost.
- 2.3 The committee then discussed deferring the item to enable the legal position to be checked on what steps could be taken to try to move the matter forward.
- 2.4 The result of that voting process meant that the committee did not determine the application in accordance with s 70(1) of the TCPA 1990 which provides that a LPA may grant permission or refuse permission.
- 2.5 It is considered therefore that it is appropriate to return the application to committee to seek a determination in accordance with s 70(1).
- 2.6 The applicant has agreed an extension of the time for determining the application.
- 2.7 Should there again be no determination upon expiry of the extension of time agreement, the applicant would have the right to appeal to the Secretary of State against that non-determination pursuant to s 78 TCPA 1990.
- 2.8 In those circumstances, officers would need to know from members, for the purposes of the appeal, whether the committee was minded to grant or refuse the application.
- 2.9 The committee therefore has to come to a view on the application and it is prudent to determine the application prior to any appeal against non-determination. Members are therefore strongly recommended to come to a view and to determine the application at the meeting on 13 September 2016.

- 2.10 Following concerns expressed by some members of the committee at its 16 August 2016 meeting, the planning merits of the case have been reviewed. This process has re-affirmed that officers' recommendation to grant permission is robust and fully takes account of development plan policies and the site's allocation in the SADMP as a residential development site. The recommendation has regard to other material considerations, including the views put forward by local residents. Taking all of this into account, the original recommendation to grant planning permission, subject to planning obligations and planning conditions, remains appropriate.

### **3. Planning Application Description**

- 3.1. This application is to be considered at Planning Committee as it is an application that has attracted community interest and Councillor Cartwright has requested in writing that the application be referred to the committee for determination.
- 3.2. This is an outline application with access the only detail for approval at this stage. The application was amended following submission, with layout removed from consideration. A full 10 day re-consultation has been carried out following this amendment to the description. All other matters, apart from access, are reserved for subsequent approval. The proposal is for a residential development with the indicative plan illustrating a development of 30 dwellings.
- 3.3. Access to the site is to be taken directly from Leicester Road, utilising an existing access into the site. The indicative plan illustrates a mix of residential units served by a main access drive through the centre of the site with some informal space provided to the south adjacent to the proposed access. Provision is shown for a Suds (Sustainable urban drainage system) including a balancing pond.
- 3.4. The application proposes 40% affordable housing.

### **4. Description of the Site and Surrounding Area**

- 4.1. The site is currently overgrown and formed part of the alignment of the A50, prior to its diversion. The application site is therefore previously developed land. The A50 is situated to the north of the application site. To the south, the land is bordered by the rear of dwellings which front Leicester Road and Greys Close, with dwellings at Daisy Close to the east. To the north there is a belt of trees situated between the application site and the A50. Levels within the application site generally rise to the north west, with levels within the site raised in the central area. The application site is situated within the settlement boundary of Groby as defined on the proposals Map contained within the Site Allocations and Development Management Policies DPD (adopted July 2016).

### **5. Relevant Planning History**

None relevant.

### **6. Publicity**

- 6.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

6.2. 38 letters of objection have been received from neighbouring properties raising the following issues:-

- 1) More congestion in the village
- 2) Loss of wildlife and ecology on site
- 3) The local primary schools are all at capacity and can not accommodate any further pupils
- 4) Number of proposed houses is too many on this small constrained site
- 5) Already flooding problems which exist within Leicester Road and Daisy Road, and this is likely to increase with this development
- 6) Removal of trees and increase in hardstanding will increase the risk of flooding
- 7) Leicester Road already has traffic flow problems, this will be exacerbated
- 8) Application lacks detail and therefore prevents detail examination of likely problems and denies the right of proper objection
- 9) Additional dwellings will add pressure on existing services, such as dentists and doctors
- 10) Will remove the small amount of greenbelt left on the north side of the village
- 11) Trees were planted to protect the existing surrounding properties from noise and pollution, taking the trees away would result in an increase in noise
- 12) Would result in the loss of a leisure area
- 13) Access is inadequate, and would create a pedestrian and highway danger
- 14) Better located sites within Groby
- 15) Land is full of concrete and to development would be enormous work and stress to the local area
- 16) Likely to result in subsidence issues
- 17) Development would not fulfil the needs of the village
- 18) Would result in a loss of light, overshadowing and overlooking as the land is higher than the surrounding residential dwellings
- 19) Proposed layout is poor and plots are small
- 20) Removal of trees would result in poor air quality
- 21) All existing surface water is piped into the watercourse, the proposal would add additional quantities of water will increase the chances of further flooding incident in the future
- 22) Watercourse situated to the rear of Daisy Close is an open ditch and is not adequately maintained
- 23) Inaccuracies within the Flood Risk Assessment
- 24) Visibility along Leicester Road is inadequate and car travels at high speeds.

## **7. Consultation**

7.1. No objection, subject to conditions have been received from:-

Environment Agency  
Severn Trent Water Limited  
Leicestershire County Council (Ecology)  
Leicestershire County Council (Archaeology)  
Leicestershire County Council (Highways)  
Leicestershire County Council (Flooding) (Lead Local Flood Authority)  
Leicestershire County Council (Rights of Way)  
HBBC Environmental Health (Pollution)  
HBBC Environmental Health (Drainage)  
HBBC Waste Services  
Groby Parish Council

An objection has been raised by the Tree Officer.

Grobby Village Society has objected on the following grounds:-

- 1) The land provides a vital barrier between the very busy A50 and the village
- 2) The village contends with 3 major roads which enclose the village and therefore needs to be shielded
- 3) The development would put considerable strain on the public services such as schools and medical services
- 4) The proposal would add to traffic problems.

Councillor Cartwright has expressed concerns over drainage issues and the need to ensure they are fully considered.

## **8. Policy**

### 8.1. Local Plan 2006 – 2026: Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

### 8.2. Site Allocations and Development Management Policies DPD Submission Version (Dec 2014)

- Policy SA1: Safeguarding Site Allocations
- Policy DM1: Presumption in favour of development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and design
- Policy DM17: Highway design
- Policy DM18: Vehicle parking standards

### 8.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
  - The presumption in favour of sustainable development
    - Paragraph 11-14
  - Promoting sustainable transport
    - Paragraph 34, 37 and 38
  - Requiring good design
    - Paragraph 56
  - Conserving and enhancing the natural environment
    - Paragraph 109 – 111 and paragraph 120
- Planning Practice Guidance (PPG)

## **9. Appraisal**

### 9.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Affordable Housing

- Impact upon neighbouring residential amenity
- Impact upon the highway
- Infrastructure obligations
- Impact upon Drainage and Flood Risk
- Impact upon Ecology
- Land Contamination and Pollution
- Impact upon trees
- Other matter

#### Assessment against strategic planning policies

- 9.2. Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies Development Plan Document DPD (SADMP).
- 9.3. Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless materials consideration indicate otherwise.
- 9.4. Groby is identified as a Key Rural Centre which relates to Leicester, being a settlement located on the edge of the Leicester Principal Urban Area. The focus of such settlements is on maintaining existing services, with the scale and type of development in these areas based on supporting local needs. The application site is located within the settlement boundary of Groby as defined within the SADMP, as such the site is considered to be situated within a sustainable location. Policy 7 of the Core Strategy also supports housing development in Key Rural Centres.
- 9.5. Core Strategy Policy 8 seeks to allocate land for the development of a minimum of 110 new homes in Groby. The site is allocated within the Site Allocations and Development Management Policies DPD (SADMP) for residential development up to 38 dwellings (allocation reference GRO03). Policy SA1 of the SADMP seeks to safeguard allocated sites for the same land uses, in this case this is safeguarding for residential use.
- 9.6. Policy 16 of the Core Strategy seeks to ensure that new build residential development to meet a minimum net density of 30 dwellings per hectare within and adjoining the Key Rural Areas. Policy 6 of the Core Strategy also requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings. As this application is at the outline stage this detail is not provided and would therefore be assessed at any subsequent reserve matters stage.
- 9.7. Policy 15 of the Core Strategy seeks to secure 40% on site affordable housing in the rural areas with a tenure split of 75% social rented and 25% intermediate housing. This mix would be secured by a Section 106 agreement and is discussed further within this report.
- 9.8. The allocation of the site in the recently adopted SADMP for residential development (allocation reference GRO03 – Land to the Rear of Daisy Close) is a consideration that carries significant weight in the assessment of the application. Policy SA1 of the adopted SADMP seeks to safeguard allocated sites for the allocated uses. The application site is situated within the Settlement Boundary of

Groby and in close proximity to existing services within the village and existing residential development. Given this policy context, the application site is considered to be in a sustainable location and that residential development is acceptable in principle, subject to all other planning matters being appropriately address.

#### Impact upon the Character of the Area

- 9.9. Policy DM10 of the adopted SADMP requires developments to complement and enhance the character of the surrounding area. Paragraph 56 of the NPPF states good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.
- 9.10. The site is bound by the A50 dual carriageway to the north of the application, linear residential development to the south and further dwellings situated to the north east of the application site. The proposal would involve the redevelopment of a former highway alignment associated with the redevelopment of the A50, within the settlement boundary of Groby as identified within the SADMP.
- 9.11. The site comprises of a strip of land which has been allowed to overgrow with vegetation and trees. There is evidence that the site is accessed for informal recreational use by local residents. To the north of the site there is a belt of tree planting to which screens the A50 from Leicester Road. The indicative layout seeks to retain the existing trees situated to the south of the site which border the entrance to the site, and the planting buffer along the southern facing boundary of the application site. The latter would assist in screening the development from the rear of properties in Leicester Road and Greys Close. The indicative layout suggests that the development would be largely inward-facing with rear gardens acting as a further buffer to the wider surrounding dwellings along Daisy Close.
- 9.12. The surrounding residential properties vary in terms of their siting, scale and design, with plots along Leicester Road and Greys Close occupying modest sized plots.
- 9.13. Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings requires at least 30 dwellings per hectare to be achieved within rural areas unless individual site characteristics indicate otherwise. Given the existing physical characteristics of the application site, as set out above, it is considered that there will be the opportunity to bring forward an acceptable detailed scheme and layout taking account of the flexibility that Policy 16 and Policy DM10 provide with regard to design and density issues.
- 9.14. Further detailed work on layout issues will be required on the siting and layout of dwellings; parking arrangements; how properties address internal roads; the mix of houses and appropriate levels of amenity space. As the layout of the proposal is not for consideration at this stage as part of this amended application, these layout issues can be addressed in detail at the reserved matters stage.
- 9.15. Given the above, it is considered that the site has the potential to accommodate a high quality and sustainable residential development to take account of the site characteristics and the character of the local area in accordance with Policy DM1 and DM10 of the adopted SADMP.

### Affordable Housing

- 9.16. In rural areas, Policy 15 of Core Strategy requires that 40% of the dwelling should for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. The applicant is proposing to meet this requirement through its indicative scheme.
- 9.17. There is a recognised need for affordable housing in this area. Such provision would need to be secured by way of a S106 agreement, with a clause to ensure that applicants for affordable housing have a local connection to the parish of Groby in the first instance and in the second instance the borough of Hinckley and Bosworth.
- 9.18. It is anticipated that the affordable housing would be spread across the site to ensure a balanced and appropriate mix of market and affordable housing to accord with relevant planning policy.

### Impact upon Residential Amenity

- 9.19. Policy 10 of the adopted SAMP seeks to ensure that development does not adversely affect the privacy and amenity of neighbouring properties.
- 9.20. The nearest dwellings adjoining the site are located to the south and north east along Leicester Road, Grey Close and Daisy Close. The rear gardens of the dwellings situated along Leicester Road, Daisy Close and Greys Close are of considerable length, approximately 17metres on average, and generally back onto the application site. As appearance, layout and scale are not for consideration at this stage; privacy, overshadowing and overbearing impacts resulting from the development cannot be assessed in detail. However, given the significant separation distances between the site and existing properties, it is considered that the development proposal would not have any significant impacts on residential amenity that could not be addressed at the reserved matters stage, when relevant detail designs will be subject to local consultation and planning assessment.
- 9.21. Subject to further details, it is considered that the development would be in accordance with Policy DM10 of the adopted SADMP with regard to impacts on neighbouring residential amenity.

### Highway Considerations

- 9.22. Policies DM17 and DM18 of the emerging SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 9.23. The application has been accompanied by a Transport Assessment. This has taken account of existing traffic conditions, accessibility, sustainable modes of transport, accidents and vehicular impacts.
- 9.24. Vehicular access would be provided from a priority junction with Leicester Road. This is the same location as the existing site access point. Leicester Road is an adopted road, approximately 7 metre wide, with residential development and pedestrian footpaths on both sides. The speed limit is 30mph. The existing access into the application site would be improved and widened to approximately 6.75 metres with footway provision on both sides.
- 9.25. The submitted transport assessment concludes that given the scale of the development proposed on the indicative plan there would be minimal effect upon



the local highway network. Leicestershire County Council (Highways) has no objection subject to the imposition of planning conditions. Given this context, the scheme is considered to be in accordance with adopted Policies DM17 and DM18 of the SADMP.

#### Infrastructure Obligations

- 9.26. The requirement for developer contributions must be considered against statutory requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL (regulation 122) requires that where developer contribution are requested they need to be necessary to make the development acceptable in planning terms, directly related to the development and fairly reasonably related in scale and kind of the development proposed. The following requests have been received:-

#### Education

- 9.27. Leicestershire County Council considers the proposed development is of a scale and size which would have an impact on local school provision. The site is within the catchment of Martinshaw Primary School, which would have a deficit of 10 pupil places generated by this development. There is currently 1 pupil place at this particular school being funded from S106, this reduced the deficit to 9 pupil places, of which 8 is created by this development and 1 is existing. There are three other primary schools within a two mile walking distance of the development. Overall, the deficit including all schools within a two mile walking distance of the development is 83 pupil places. Therefore the 8 pupil places generated by this proposal cannot be accommodated at nearby schools. A contribution has therefore been requested for £87,112.87 based on Department for Education cost multipliers on a formula basis. The contribution would be used to address existing capacity issues created by the proposed development. The request is considered to be directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 year of receipt of the final payment.
- 9.28. A Secondary School contribution request of £53,628.51 has been made for Brookvale High School. The school has a net capacity of 720 and 744 pupils are projected on roll should this development proceed; a deficit of 24 pupil places, 1 pupil place is included in the forecast for this school being funded from 106 agreements for other development in this area this reduces the deficit to 23 (of which 20 are existing and 3 are created by this development). There are no other high schools within a three mile walking distance of the site. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Brookvale High School.
- 9.29. No contribution has been requested for the Upper School Sector or Post 16 section.
- 9.30. Having assessed the above request, it is considered that the education contribution, based on the relevant cost multipliers, is directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of the final payment. However, given that further design work is required at the reserved matters stage, the final sums to be requested will need to be revisited. The S106 legal agreement at this stage should include an appropriate mechanism to calculate the final level of the contribution based on the detailed scheme that comes forward.

### Transport

- 9.31. A request has been made from Leicestershire County Council (Highways) for Travel Packs (£52.85 per pack) to inform new residents from first occupation what sustainable travel choices are available in the surrounding area. Bus passes at two per dwelling for a six month period are required to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. The Travel Packs are to be funded by the developer with two application forms for bus passes at £350.00 per pass.
- 9.32. Improvement are sought for the nearest bus stops on Leicester Road, Groby including raised and dropped kerbs to allow level access, supporting modern bus fleets with low floor capabilities, at £3263.00 per stop. A contribution of £120.00 for information display cases at the 2 nearest bus stops to inform new residents of nearest bus services in the area. A contribution of £4500 towards equipping the nearest bus stop with Real Time Information system to assist in improving and providing attractive public transport choices. It is considered that the request is directly, fairly and reasonable related in scale and kind to the development proposed.

### Library

- 9.33. Leicestershire County Council considered the proposed is of a scale and size which would have an impact on the delivery of library facilities within the local area. The nearest local library facility is Groby Library on Leicester Road, Groby under 400 metres away from the site. The library facilities contributions request is £910. Leicestershire County Council considers that the proposed development will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for materials, such as books, audio books, newspapers and periodicals for loan and reference use to account for additional use the proposed development.
- 9.34. Groby Library has an active borrower base of 1,317 people. Active users of Groby Library currently borrow on average 23 items a year. Leicestershire County Council consider that the proposed development is likely to generate an additional 44 plus users and would requires an additional 104 items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service. It is considered that the library contribution request has not clearly demonstrated that the contribution is necessary and how increasing lending stock would mitigate any impact of the development on the library facility. The request is therefore not considered to be reasonable in this case.

### Health

- 9.35. It is considered that the development could result in an additional 73 patients to the local health centre. The local health centre is Groby Surgery located on Rookery Lane, Groby. The surgery is limited in terms of capacity, space and resources. It is considered that 73 patients would result in 1.92 hours per week for consulting rooms and 0.51 hours per week in treatment rooms. Contributions are requested towards refurbishment of the existing building and consulting rooms to create multifunctioning treatment rooms, which would increase in the number of services which can be offered to patients in each of the consulting rooms. A contribution request of £16,661.52 is requested.

9.36. It is considered that this contribution is necessary, fairly and reasonably related in scale and kind to the development proposed using Department for Health cost multipliers and was essential to relieve the impact of the development on health provision locally and provide for capacity to deal with the increased population that would arise as a result of this development.

Play and Open Space

9.37. Core Strategy Policy 8 states that new development should address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Groby. New green space should meet the standards in Policy 19 of the Core Strategy. Policy 19 sets out standards to be used to determine what improvements are required to existing facilities, and what new provision is required for new development.

9.38. The proposal will need to provide green space and play provision using the quantity standards outlined in Core Strategy 19. The overall provision is dependant upon the number of dwellings to be provided on site. As this application does not definitively specify the number of dwellings the exact provision of green space and play provision necessary for this development cannot be given at this stage.

9.39. In the first instance, the green space and play provision should be provided on site. However this is not always practical due to other factors, such as minimum sizes of types of green space/play provision, levels issues, awkward site shapes. To ensure that the development is in accordance with Policy 19 of the Core Strategy if the full on-site green space and play provision is not provided contributions towards the off-site provision and maintenance of open space will be requested through a Section 106 legal agreement. For clarity, the quantity required is broken down per dwelling and the provision and maintenance figures per square metre. The contributions sought will therefore be based upon the table below:

	Provision per dwelling (based upon 2011 census - 2.4 people per dwelling)	Off site provision per square metre	Maintenance contribution per square metre
Equipped Children's Play Space	3.6 m <sup>2</sup>	£145.08	£70.70
Casual/Informal Play Spaces	16.8 m <sup>2</sup>	£6.16	£5.30
Outdoor Sports Provision	38.4 m <sup>2</sup>	£13.76	£13.20
Accessibility Natural Green Space	40 m <sup>2</sup>	£6.16	£5.30

- 9.40. These contributions are considered reasonable in mitigating the impact of the proposed development upon the existing facilities and/or maintaining the green space and play provision provided on site. Subject to the signing of a Section 106 legal agreement which includes the prevailing contributions, as currently indicated above, the application is considered in accordance with Policy 19 of the Core Strategy.

#### Civic Amenity

- 9.41. No contribution request has been made for the local civic amenity facilities.

#### Impact upon Drainage and Flood Risk

- 9.42. Policy DM7 of the SADMP requires adverse impacts from flood to be prevented and that development should not create or exacerbate flooding by being located away from area of flood risk unless adequately mitigated. The application has been accompanied by a Flood Risk Assessment (FRA) and the scheme has been considered by Leicestershire County Council (Drainage), Environmental Health (Drainage) and Seven Trent.
- 9.43. The applicant has submitted a Flood Risk Assessment (FRA). The site is located in Flood Zone 1 (low less than 1 in 1,000 annual probability of flooding). Flood mapping indicated a medium to high risk of surface water flooding at the east of the south boundary of the site and a low risk of surface water flooding at the east boundary, on Bluebell Drive. The historic surfacing flooding is largely related to the maintenance of the highway culvert. The site itself is raised and not subject to significant surface water flooding. However levels within the site would be required to be addressed.
- 9.44. A surface water management system will be designed to accommodate a 5 year storm without surcharge and a 30 year storm without surface flooding. The surface water would be discharged into the watercourse to the north with outflow limited to 5l/s. The existing (adopted) surface water sewer which runs under the site from south west to north east will remain the responsibility of the Severn Trent Water, and will be monitored to ensure no damage is caused during construction. Given the south east corner of the site is an area of high risk for surface water flooding, site levels within the site are proposed to be managed. This would ensure that no additional run-off is channelled to that area.
- 9.45. Leicestershire County Council (Drainage) initially objected to the application as the site adjoins land that is susceptible to surface water flooding and the FRA had not adequately assessed the impact of the proposed development works on neighbouring properties to the site. Within its consultation response, Leicestershire County Council (Drainage) provided methods to overcome the objections raised. In response to this, an updated Flood Risk Assessment has been provided to overcome the objection.
- 9.46. The further information submitted identifies that the proposed development would not contribute to the historic flooding issues experienced to the south of the site and that surface water will be appropriately managed on site. Leicestershire County Council (Drainage) has assessed this information and now has no objections to the proposed development subject to the imposition of conditions relating to the scheme. These include the utilisation of using balancing ponds for holding surface water and drainage techniques in the form of treatment trains, which would limit the surface water run off, in addition to setting a minimum floor level. Planning

conditions to secure appropriate related provisions are considered necessary and reasonable.

- 9.47. Severn Trent Water have confirmed that it has no objections to the proposals subject to the inclusion of a condition for drainage details for surface and foul sewerage to be submitted to and approved in writing.
- 9.48. Given the above updated position, although it is identified that there have been some historic flood issues in the local area, it is not considered that the proposal would lead to harm to the quality of groundwater from surface or foul water, and would not cause or aggravate flooding in accordance with Policy DM7 of the SADMP.

#### Impact upon Ecology

- 9.49. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 9.50. The application has been accompanied by an Ecology Report. The content of this has been considered by Leicester County Council (Ecology). Leicestershire County Council (Ecology) has raised no objections to the proposed, and although the grassland and scrubland habitats have local value, the value is not significant in the context of the county and would not meet the Local Wildlife Site criteria. The site is flanked by the A50, a busy trunk road, to the north, and residential development to the south and east, unconnected to any good wildlife sites.
- 9.51. It is acknowledged that there will be a loss of habitat resulting from the development, especially for birds. However it is not considered that that this development would significantly impact on local bird populations, and there is a considerable amount of similar habitat available along the trunk road to the east and west, and to the north of the application site, on the opposite side of the A50. Given there are suitable habitats on site, it is recommended that any site clearance should take place outside the bird nesting season (March – July inclusive) and an updated Badger survey be provided. It is also suggested that the open space and sustainable drainage features should be designed to optimise wildlife value to mitigate any loss of bird habitats, with appropriate planting of native trees and shrubs of value as bird-nesting and feeding habitats. Accordingly, subject to the imposition of appropriate planning conditions, the development would be in accordance with Policy DM6 of the adopted SADMP with regard to considering biodiversity and ecological issues.

#### Land Contamination and Pollution

- 9.52. Policy DM7 of the adopted SADMP seeks to prevent the risk of pollution resulting from development. The application was submitted with a noise report and, given the close proximity of the site to the A50, it is identified that mitigation measures would be required, in the form of enhanced glazing, mechanical ventilation, acoustic fencing or brick walling across the site. It is identified that careful consideration at the detailed design stage is required to locate living rooms and bedrooms appropriately. Given the proposed layout is indicative, it is necessary that a condition is imposed for a scheme of proposed noise mitigation to be submitted for

protecting proposed dwellings from road noise and that the scheme be completed prior to first occupation of the development.

- 9.53. Environmental Health (Pollution) has raised no objection to the proposal subject to the imposition of conditions relating to a scheme of investigation for any possible land contamination on site being carried out prior to the commencement of development.
- 9.54. Subject to those conditions is not considered that the proposed development would lead to an issue with contaminated land and would be in accordance with Policy DM7.

#### Impact upon Trees

- 9.55. Concerns have been raised by the tree officer concerning the loss of the trees on site which provide screening between the A50 and Leicester Road and Grey Close. It is acknowledged that the scheme would result in a loss of trees which were planted on the old carriageway to provide natural screening. However it is noted that the existing belt of tree planting would be retained to the north of the application site, thereby maintaining a natural buffer between the residential dwellings and the A50. It is also accepted that the development would provide an opportunity for the inclusion of a well designed landscaping scheme and, given the loss of trees, any subsequent application should seek to mitigate this loss through the incorporation of a high quality and sympathetically designed landscaping proposal. It is therefore not considered that the loss of trees would provide a reason not to support the proposal given the substantial retained planting and the mitigation that could be provided.

#### Other Matters

- 9.56. Street Scene Services (Waste) has raised no objections to the application, subject to a requested condition to secure the provision of waste recycling, storage and collection for the scheme. It is considered that this matter can be satisfactorily addressed through the detailed consideration of reserved matters submissions. Therefore a separate condition is not required for this outline proposal.
- 9.57. Concerns have been raised in respect of any subsequent development likely to result in subsidence and damage to neighbouring properties. Any damage which may be caused is not a material planning consideration and is deemed to be a civil matter between any affected parties.

### **10. Equality Implications**

- 10.1. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-  
(1) A public authority must, in the exercise of its functions, have due regard to the need to:  
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same

when determining this planning application. There are no known equality implications arising directly from this development.

## **11. Conclusion**

11.1. This application site is allocated for residential development in the adopted SADMP. Given the above assessment, it is considered that the revised outline application is in accordance with the provisions of the allocation. The proposal therefore accords with this important provision within the Development Plan. It is also considered that with appropriate mitigation the proposal would not have a detrimental impact upon the highway network, ecology, neighbouring residential amenity, flood risk, land contamination and pollution, and would accord with other policies within the Development Plan. Relevant detailed matters can be further considered at the reserved matters stage. This outline application is therefore recommended for approval subject to conditions and appropriate contributions being secure through a S106 legal agreement.

## **12. Recommendation**

12.1. **Grant planning permission** subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - Affordable Housing - 40% on site and local connections
  - Education – Based on the DFE cost multiplier as follows:-
    - Primary School £12,099.01 per pupil at a pupil ratio of 0.24 per dwelling.
    - Secondary £17,876.17 per pupil at a ration of 0.1 per dwelling.
  - Highways – Travel Packs - £52.82 per pack, 6 months bus passes, two per dwelling (average £350.00 per pass), new/improvements to 2 nearest bus stops (including raised and dropped kerbs to support modern bus fleets with low floor capabilities £3263.00 per stop, information display case at £120.00 per display, and Real Time Information system at the nearest bus stop £4500.
  - Health – To be confirmed through the late items on the committee agenda.
  - Public Open space – Based on number of dwellings and square meterage as set out in the section 8 of this report.
- Planning conditions outlined at the end of this report.

12.2. That the Chief Planning and Development Officer be given delegated powers to determine the final detail of planning conditions.

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

### **12.4. Conditions and Reasons**

1. An application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not

later than two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:
  - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
  - b) The scale of each building proposed in relation to its surroundings.
  - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
  - d) The landscaping of the site including the provision of treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

**Reason:** This planning permission is submitted in outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

3. No development shall commence until a Construction Transport Management Plan (TMP) is submitted to and approved in writing by the local planning authority. The plan shall set out details and schedule of works and measures to secure:-
  - a) cleaning of site entrance, facilities for wheel washing, vehicle parking and turning facilities;
  - b) the construction of the accesses into the site, the erection of any entrance gates, barriers, bollards, chains or other such obstructions; and
  - c) details of the route to be used to access the site, including measures to ensure a highway condition inspection prior to commencement and any required repair works upon completion of construction.

**Reason:** To ensure the protection of neighbouring residential amenity during construction to accord with Policy DM7 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document.

4. No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

**Reason:** To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document.



5. No development shall commence until such time as the proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

**Reason:** In the interests of visual amenity, to accord with Policy DM10 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document.

6. No development shall commence until drainage details for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full before the development is first brought into use.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document.

7. No development shall commence until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water the site in accordance with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document.

8. Residential properties should have a minimum floor level of 300mm above the level for the 1 in 100 year surface water flood depth and ground levels within or adjacent to surface water flood risk should be in compliance with Section 8.3 the submitted Flood Risk Assessment received October 2015. .

**Reason:** To prevent the flooding of new properties from surface water flooding and not increase flood risk elsewhere in accordance with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document.

9. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the local planning authority which shall include details of how the unsuspected contamination shall be dealt with. Any

remediation works so approved shall be carried out prior to the site first being occupied.

**Reason:** In the interests of protecting the amenity of future occupiers from possible contamination to accord with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and development Management Policies Development Plan Document.

10. A validation report shall be submitted to and agreed in writing by the Local Planning Authority. The report shall detail the source of any soil to be imported on to site and shall include such details required to demonstrate that the soil will not lead to contaminated soil being brought on to site. Any works so approved shall be carried out prior to the site first being occupied.

**Reason:** In the interests of protecting the amenity of future occupiers from possible contamination to accord with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and development Management Policies Development Plan Document.

11. No site clearance shall commence until such time as an updated Badger Survey has been carried out on site and has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved survey and any mitigation measures.

**Reason:** To ensure the impact upon protected species on site are identified and mitigated accordingly in accordance with DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document and Paragraph 109 of the NPPF.

12. No vegetation shall be removed on site during the bird nesting season (1st March - 31st July inclusive).

**Reason:** To ensure the development does not have a detrimental impact upon nesting birds in accordance with DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document and Paragraph 109 of the NPPF.

13. The gradient(s) of the access drive(s) shall not exceed 1:12 for the first 5 metres behind the highway boundary.

**Reason:** To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document.

14. Before first occupation of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

15. Before first occupation of any dwelling hereby permitted, turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.

**Reason:** To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Plan Policies Development Plan Document.

16. Before the development commences, details of satisfactory pedestrian visibility splays at the junction of each private access with the main access road shall be submitted to the LPA for approval in writing. Before the first occupation of each dwelling, the approved pedestrian visibility splays in connection with the access serving that dwelling shall be provided with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

**Reason:** In the interests of pedestrian safety to accord with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Plan Policies Development Plan Document.

17. Before first use of the development hereby permitted, visibility splays of 2.4 metres by 47 metres shall be provided at the junction of the access with Leicester Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

**Reason:** To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

18. Any shared private drive serving more than 25 dwellings shall be a minimum of 5.5 metres wide for at least the first 5 metres behind the highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained. NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway to accord with Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

19. Notwithstanding the conclusions of the noise report submitted with the application, development shall not begin until a scheme for protecting the proposed dwelling from road noise has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of first occupations of any of the dwellings.

**Reason:** To ensure the development does not have an adverse impact on the amenities of the proposed properties in terms of noise to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document.

12.5. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.

Planning Committee 13 September 2016  
Report of the Chief Planning and Development Officer



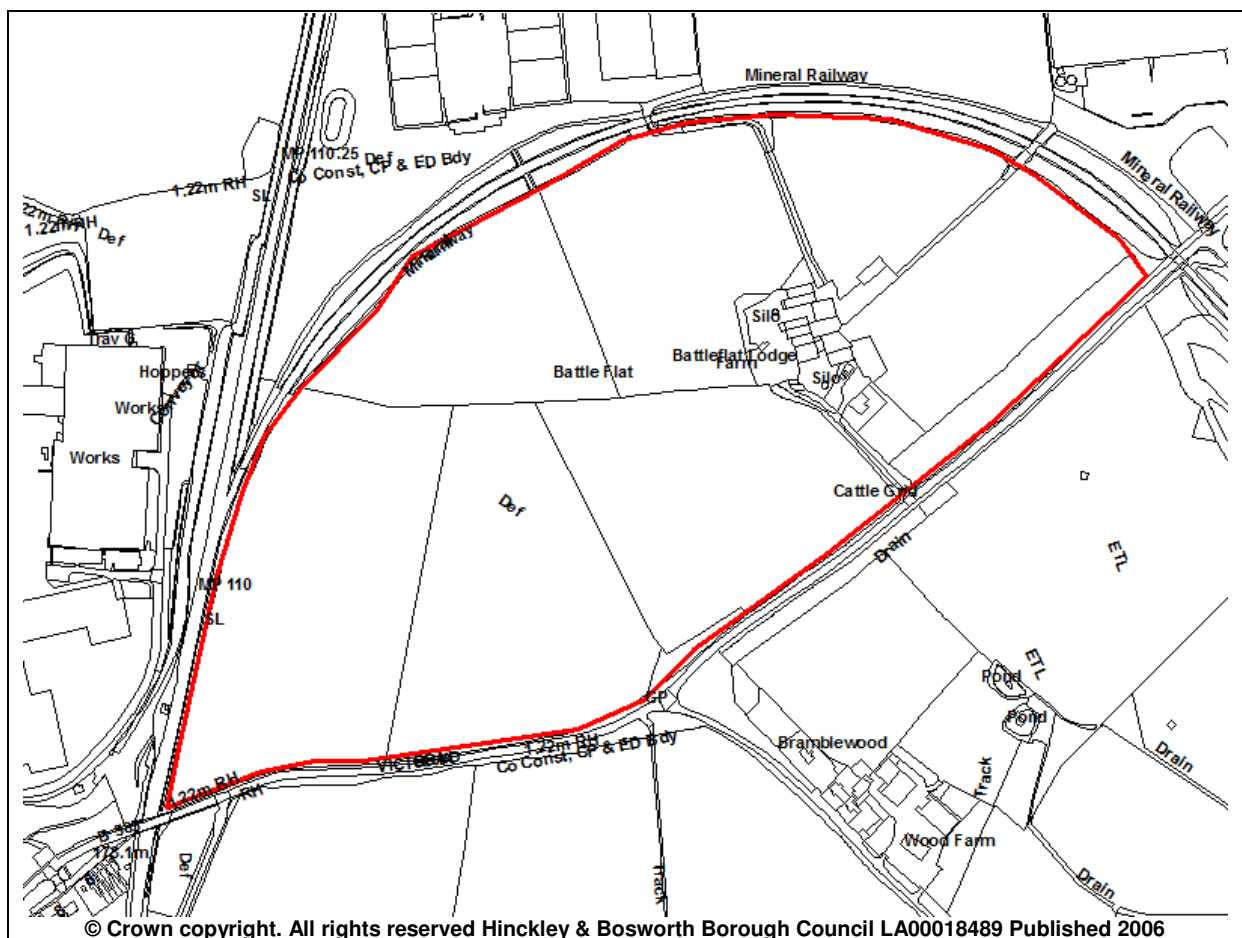
Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Planning Ref: 15/01318/OUT  
Applicant: Cordovan Holdings Ltd  
Ward: Markfield Stanton & Fieldhead

Site: Land At Battleflat Lodge Farm Victoria Road  
Stanton Under Bardon

Proposal: Outline application for storage and distribution uses (Class B8),  
general industry (Class B2) and associated infrastructure including  
the formation of a new access (accompanied by an Environmental  
Statement) (cross boundary application with North West  
Leicestershire District Council) (outline - access only)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - Highways-
    - Coalville Transportation Infrastructure Strategy contribution  
£1,560,640
    - Provision of new bus service
    - One travel pack per employee £52.85 per pack from first occupation

- One six month bus pass per employee £350 per pass
- A framework travel plan monitoring fee £11,337.50
- National Rail Pedestrian crossing monitoring scheme in line with submitted mitigation strategy
- National Forest off site Planting and green infrastructure scheme

- Planning conditions outlined at the end of this report.

1.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

1.3. That the Chief Planning and Development Officer be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

## **2. Planning Application Description**

2.1. This application is an outline application with access the only detail for approval at this stage. All other matters, apart from access, are reserved for subsequent approval. The proposal is for employment development for storage and distribution uses (Class B8) and General Industrial uses (Class B2) together with ancillary offices and associated infrastructure. The application falls within the administrative areas of Hinckley and Bosworth and North West Leicestershire District Council (NWLDC); however Hinckley and Bosworth Borough Council has no power to determine the application in within the NWLDC area. A separate application for the development proposed within North West Leicestershire has been submitted to NWLDC. Joint working has been undertaken with NWLDC to ensure all issues across boundaries have been considered.

2.2. Whilst some matters are reserved for subsequent approval, a parameters plan has been submitted which shows:

- Max floor area: 120,773 square metres
- Max number of buildings to be developed within the site to be 10
- Max height of roof ridge 20 metres

2.3. The proposed vehicular access would be from Victoria Road (B585), and would be positioned south west of the existing access which serves the Farm. Internal circulation routes through the site are reserved for subsequent approval.

2.4. The application has been accompanied by an Environmental Statement under Regulation 16 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and has been advertised accordingly.

## **3. Description of the Site and Surrounding Area**

3.1. The site is 29.39 hectares and located within the open countryside to the north east of Bagworth, and west of Stanton Under Bardon. The north boundary of the application site is defined by a railway line that serves the quarry at Stanton under Bardon situated to the east of the application site; the railway line follows the curved northern edge of the site.

3.2. To the north of the railway line the site is surrounded by industrial development known as Interlink Bardon Industrial Estate. The application site is currently an operational farm known as Battleflat Lodge Farm which is located centrally within

the application site. An existing public footpath runs through the site from south to north and connects with a large rural footpath network. A belt of woodland planting situated to the north east boundary is protected by an existing Tree Preservation Order. Within the site there are a number of isolated and sporadic trees and existing hedgerows which are not protected by a tree preservation order.

#### **4. Relevant Planning History**

None Relevant.

#### **5. Publicity**

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press. Two letters of representation have been received, raising the following concerns:-

- 1) The proposed development would bring an increase in traffic along a poor road.
- 2) The proposal would result in the erosion of green belt
- 3) Lack of provision for forestry and loss of farm
- 4) Erosion of rural and domestic road
- 5) Development should be placed elsewhere

#### **6. Consultation**

6.1. No objection, subject to conditions have been received by:

Natural England  
Highways England  
Environment Agency  
Coal Authority  
National Forest Company  
Severn Trent Water Limited  
Ramblers Association  
Leicestershire County Council (Ecology)  
Leicestershire County Council (Archaeology)  
Leicestershire County Council (Highways)  
Leicestershire County Council (Flooding) (Lead Local Flood Authority)  
Leicestershire County Council (Rights of Way)  
Leicestershire County Council (Minerals)  
HBBC Environmental Health (Pollution)  
HBBC Environmental Health (Drainage)  
Leicestershire and Rutland Wildlife Trust  
Leicestershire Footpaths Association  
HBBC Waste Services  
Stanton Under Bardon Parish Council  
Bagworth Parish Council

An objection has been raised by HBBC's Tree Officer.

#### **7. Policy**

- 7.1. Core Strategy (2009)
- Policy 21: National Forest

- 7.2. Site Allocations and Development Management Policies DPD (2016)
- DM1: Presumption in favour of Sustainable Development
  - DM3: Infrastructure and Delivery
  - DM4: Safeguarding the Countryside and Settlement Separation
  - DM6: Enhancement and Biodiversity and Geological Interest
  - DM7: Preventing Pollution and Flooding
  - DM10: Development and Design
  - DM11: Protecting and Enhancing the Historic Environment
  - DM13: Preserving the Boroughs Archaeology
  - DM17: Highways and Transportation
  - DM18: Vehicle and Parking Standards
  - DM20: Provision of Employment Sites
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
  - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Employment Land and Premises Review (July 2013)

## **8. Appraisal**

### 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Siting Design and Layout
- National Forest
- Highway Considerations
- Developer Contributions and Obligations
- Impact upon neighbouring residential amenity
- Impact upon Drainage and Flood Risk
- Impact upon Ecology
- Land Contamination and Pollution
- Impact upon Archaeological Heritage Assets
- Impact upon trees
- Impact upon public right of way

#### Assessment against strategic planning policies

- 8.2. Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that the NPPF is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies Development Plan Document DPD (SADMP).
- 8.3. Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless materials consideration indicate otherwise.
- 8.4. The application site is situated outside any defined settlement boundaries, and is therefore situated within the countryside. Policy DM4 of the SADMP seeks to



safeguard the countryside from unsustainable development. Policy DM4 identifies several criteria outlining where development in the countryside will be considered sustainable. The policy identifies that development in the countryside will be considered sustainable where proposed development would significantly contribute to economic growth, job creation and/or diversification of rural business; subject to it meeting further detailed criteria.

- 8.5. Paragraph 19 of the NPPF seeks to ensure that the planning system does everything it can to support sustainable economic growth, and that planning should operate to encourage and not act as an impediment to sustainable growth, and confirms that significant weight should be placed on the need to support economic growth through the planning system.

#### *Employment Land Study*

- 8.6. The Employment Land Availability Monitoring Statement 2014-2015 identifies that there has been a positive gain of 12.17 hectares of employment land within the rural villages and hamlets, ranging from small scale to large scale proposed at Nailstone Colliery, Wood Road, Nailstone, meeting the requirement of the Core Strategy.
- 8.7. The Employment Land and Premises Review (2013), which is an evidence base document, identifies that there is 'relative scarcity of a range and choice of available developable employment land, due to the domination of the supply by just four sites. The Employment Land and Premises Review also identifies that the Borough Council does not need to allocate additional employment sites and confirms that the forecast provided within the review represents an absolute minimum amount of land required to accommodate the activities of different industry sectors, and therefore there should be a continuing supply to accommodate site development beyond this. The proposed provision of an additional employment site would therefore provide more competition and choice and would continue the supply of employment land within the borough.
- 8.8. Policy DM20 of the SADMP states that the location of a new employment development on a greenfield site, outside the settlement boundary, will only be found acceptable where it is demonstrated that there are no suitable alternative sites identified sequentially in the following locations:
- 1) Within settlement boundaries
  - 2) On previously development land
  - 3) Adjacent to existing employment sites
  - 4) Adjacent to settlement boundaries
- 8.9. Whilst the site is situated outside any settlement boundary, it is situated adjacent to an existing employment site known as Interlink Park, Beveridge Lane, an allocated employment site (Ref: STA20) and is identified within the Employment Land and Premises Review as a category A site, meaning it is a key employment site to be retained. The proposal would effectively extend and expand the adjacent Interlink Park employment site.
- 8.10. The proposed development is for up to 120773 sq.m of B2/B8 floorspace and is therefore considered a strategic proposal requiring a large site. Although indicative, the proposed scale and layout suggests a number of individual units based on market demands in the area. The applicant has demonstrated that the proposal could not be accommodated within existing settlement boundaries, and given the scale of the site would not be possible to be accommodated on any available

previously developed land. It would also be situated adjacent to existing employment sites and there are no other sites suitable or available in this part of Leicestershire. It is therefore considered that the location is acceptable due to the proximity of an existing employment site.

#### *Loss of Agricultural Land*

- 8.11. The site includes 10 agricultural fields a total of 26.5 hectares, the remaining land comprises tracks, hardstandings and farm buildings. This development would result in the loss of this agricultural land.
- 8.12. An assessment has been undertaken upon the agricultural quality of the land and has concluded that 100% of the land is sub-grade 3b quality, which is low quality. The NPPF identifies that where significant development of agricultural land is demonstrated to be necessary, areas of poor quality land should be used in preference to higher quality. Due to the issues identified above the development must be situated upon greenfield land and therefore the quality of this land is limited and is a preferable location compared to other greenfield sites which could involve the loss of best and most versatile agricultural land.

#### *Contribution to sustainable development*

- 8.13. The NPPF identifies that there are three core strands underpinning the presumption in favour of sustainable development which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. Paragraph 8 of the NPPF sets out that these roles should not be undertaken in isolation because they are mutually dependent. Therefore those roles need to be balanced and a cost benefit analysis undertaken to determine whether a development is considered to be sustainable. The NPPF defines the three dimensions of sustainable development as follows:-

#### Economic

- 8.14. The NPPF gives a very strong steer that support should be given for proposals which boost the economy and provide job opportunities. The application documents suggest that this proposal would create a minimum of 1300 jobs within the B2 and B8 industries. The site would also provide economic benefits through the construction phase.

#### Social

- 8.15. The economic benefits associated with the proposed development could, by virtue of the jobs created, encourage new residents and employees to the local area who would in turn support local services and facilities.

#### Environmental

- 8.16. The site falls within the countryside, Policy DM4 of the SADMP supports development within the countryside where it has been demonstrated that development would significantly contribute to economic growth and job creation, and does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements, does not exacerbate ribbon development, and if within the National Forest contributes to the delivery of National Forest Strategy.

- 8.17. The proposal would result in the loss of agricultural land; however the surrounding area is dominated by employment uses. Whilst the NPPF makes it clear that site of lower environmental quality should be preferred to those of higher value, the applicant has demonstrated during the course of the application that there are no brownfield sites within the Borough of the scale of this proposed development and the proposal would significantly contribute towards economic growth and the creation of jobs. The proposal would result in development outside any defined settlement boundary, as set out in more detail elsewhere within this report, but it would not result in unacceptable impact in terms of the environment, by virtue of its location, close to the existing built up areas of industrial uses and associated services. As such the proposal is considered to be sustainable from an environmental perspective.

#### Summary

- 8.18. It is considered that the proposal would support economic development and benefit the economy of the immediate area and the Borough as a whole. The proposal is considered to be sustainable economic development which will not have any significant detrimental impact upon the character of the countryside. The development therefore accords with Policy DM1, DM4 and DM20 of the adopted SADMP. Given this context the application is considered to be sustainable and acceptable in principle, subject to all other planning matters being appropriately addressed.

#### Impact upon the character of the area

- 8.19. As discussed the site in policy terms lies outside of any defined settlement boundaries and therefore within an area designated as countryside. Policy DM4 of the SADMP seeks to resist unsustainable development within countryside locations and seeks to ensure proposals reflect the surrounding character of the countryside, and protect its intrinsic value, beauty and open character.
- 8.20. Within the Landscape Character Assessment 2006, which is an evidence based document, the application site falls within the Forest Hills Character Area. Key characteristics of this area are predominantly rural landscapes with arable and rough set-aside influenced by industrial and urban features. This area is identified as more resilient to change due to the evolving nature of the landscape.
- 8.21. The site comprises agricultural land and farm, with an area of 29.3 hectares situated to the northern edge of the Borough and surrounded by industrial uses and buildings, and quarries. Defining the application sites southernmost boundary is a belt of woodland trees which enclose the application site and are to be retained, to the east north and west a curved railway line. The surrounding land comprises of predominately quarrying, employment and agriculture, and the neighbouring employment buildings and quarrying activity is evident in long distance views from higher ground.
- 8.22. The site comprises of undulating topography with a higher land level to the north east of the site. The belt of woodland along the southern boundary largely restrict views into the site and encloses West Lane/Victoria Road and screens long distance views from the south. The indicative plans seeks to retain the belt of trees to the south of the site and seeks to provide potential footpath and cycle links to the wider employment site to the north reinforced by sympathetic landscaping. The application would also allow for a high quality landscaping scheme to be delivered within the site. This would mitigate the loss of existing trees within the site and

strengthening the existing landscaping along the south boundary. This would provide a continuous green corridor to surround the proposed built form and would relate well to the existing woodland and trees which are present within the wider surrounding area, such as the newly planted national forest area to the south of the brick works.

- 8.23. The proposed employment development would be viewed against the existing built form situated to the north of the site, and would relate to and be read in conjunction with this wider industrial use. The proposed development would result in loss of its current agricultural character, however, in the context of the wider area, which is dominated by industrial uses, it is not considered to have a detrimental impact would be significant. The development therefore considered to be in accordance with Policy DM4 of the SADMP.

#### Siting, Design and Layout

- 8.24. Policy DM10 of the adopted SADMP requires developments to complement and enhance the character of the surrounding area.
- 8.25. The detailed design, siting, appearance and layout of the scheme are reserved matters however from the indicative scheme submitted a well designed development laid out to minimise impact on the character of the surrounding area and existing pattern of industrial development to the north, east and west can be achieved. Open space and landscaping would be carefully considered as part of any reserved matters submission to ensure that the development would assimilate into its surroundings.
- 8.26. Therefore subject to the detailed layout proposed at reserved matters stage, it is considered that layout could be achieved that would result in a high quality form of development that would accord with Policy DM10 of the SADMP and the NPPF.

#### National Forest

- 8.27. Core Strategy Policy 21 requires development to contribute towards the delivery of the National Forest Strategy. Developments will be required to reflect the Forest context in their accompanying landscape proposals and shall provide on-site or nearby landscaping that meets the National Forest development planting guidelines. The National Forest has requested that 30% of the site is set for woodland planting and landscaping which would equate to 8.82ha.
- 8.28. The application was supported by the submission of a National Forest Statement, which sets out the proposed approach in delivering and meeting the requirement of Policy 21 of the Core Strategy. It is proposed that the expected woodland planting and landscaping would be met through a combination of bringing existing on site woodlands into management as well as on site planting and off site planting. It is identified by the National Forest that the full 8.82ha may not be provided. However they acknowledge that the ecological connectivity provided by the proposed off-site planting would address the deficiency in quantity on this occasion as it would be unlikely that the National Forest Commission would be able to deliver the connectivity through any other method. This request is for the delivery of woodland planting is considered to be directly, fairly and reasonable related in scale and kind to the development proposed and can be secured through a Section 106 legal agreement.

### Highway Considerations

- 8.29. Policies DM17 and DM18 of the emerging SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 8.30. Given the scale of this proposal the application has been accompanied by a Transport Assessment. This has taken account of existing traffic conditions, accessibility, and sustainable modes of transport, accidents and vehicular impacts.
- 8.31. The applicant proposes that the site would be accessed via new T junction with a ghost island right turn lane on the B585. West Lane enters Victoria Road which is subject to a 60mph speed limit. The design of the new junction has been submitted as part of the Transport Assessment. Leicestershire County Council (Highways) have considered the application, and whilst a development of this proposed scale would have more than 1 point of access there is limited potential for a second point of access being proposed in the instance. The proposed visibility splay is considered satisfactory and Leicestershire County Council (highways) have no objection to the proposed splays.
- 8.32. Although there have been a number of recorded injury accidents in the area, with the majority resulting in slight injuries, there is no common trend which can be identified for the cause of these accidents. A fatal accident has been recorded at the Wood Road/Station Road junction which is situated to the west of the application site. However it is not considered that this proposal would have an impact on the safety of the junction and would not be made worse by the proposed development. Therefore Leicestershire County Council (Highways) do not object to the principle of the development.
- 8.33. In terms of highway capacity, the impact upon the wider highway network has been investigated within the submitted Transport Assessment. It is forecast that in 2020 with the additional background traffic growth Junctions 1 to 3 along the A511 are likely to operate with some queues/ delays without this development. When the development traffic is added to the local road junctions in the area, although it is acknowledged there would be an increase, it would not be considered severe in the context of Paragraph 32 of the NPPF, subject to mitigation measures to overcome the impact upon the local road network. These mitigation measures are outlined below within the developer contributions and obligations section.
- 8.34. Given the outline nature of the proposed development the internal road layout would have to be considered at the detailed design stage, and would be required to ensure that the internal road layout would not impact upon the external highway network. The applicant has indicated that car parking and cycle provision would be provided in accordance with the guidance set out in the 6C's Design Guide, and indicated that there would be a minimum of 302 HGV parking spaces to be provided on site, which would be in accordance with guidance as set out within the 6Cs Design Guide. However this detail would be secured through the detailed design stage of the application.
- 8.35. In summary, Leicestershire County Council (Highways) has no objection subject to the imposition of planning conditions. The scheme is considered to be in accordance Policies DM17 and DM18 of the adopted Site Allocations and Development Plan Policies DPD and the guidance contained within the NPPF. The development is also not considered to result in a severe highway impact in accordance with Paragraph 32 of the NPPF.

## Developer Contributions and Obligations

- 8.36. Policy DM3 of the SADMP identifies that where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through the appropriate funding mechanism. Paragraphs 203 and 204 of the NPPF also provides that planning obligations should be, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind of the proposed development. This wording reflects the tests set out within the Community Infrastructure Regulations 2010.
- 8.37. Developer contributions and obligations have been requested by Leicestershire County Council (Highways). As previously mentioned above, the proposed development due to its size and scale would have wider impacts upon the highway network. It is therefore identified that mitigation measures are required to ensure this does not have a severe impact. In terms of the cumulative impact of this development, Leicestershire County Council (Highways) consider that a contribution should be provided towards improvements of the wider highway network in the area and a contribution of £1,560,640 towards the Coalville transportation infrastructure for accommodating growth is sought. In addition to this obligation the following contributions/obligations are requested by the County Council and are as follows:-
- One Travel Pack per employee, to be provided from first occupation. This can be provided through Leicestershire County Council at a cost of £52.85 per pack. If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.
  - A Framework Travel Plan monitoring fee of £11,337.50 for Modeshift STARS (Sustainable Travel Accreditation and Recognition for School) for website. To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance report to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.
  - Provision of bus services calling at new bus stops to be agreed with the Local Planning Authority. The proposed bus services shall be scheduled to coincide with the 6am, 2pm and 10pm shift changes seven days a week and the 9am and 5pm office hours five days per week. The bus services shall be operational at 25% occupation of the development, unless an alternative date is agreed in writing by Leicestershire County Council (Highways), and until five years following 50% occupation. Details of the bus services and any amendments are to be submitted to and approved in writing by Leicestershire County Council (Highways). The agreed bus services may be secured through area wide initiatives provided that the minimum service level provision is met. To encourage employees to use bus services as an alternative to the private car.
  - The appointment of a Framework Travel Plan Co-ordinator from commencement of the development until 5 years following the occupation of the last unit. For the effective implementation and monitoring of the Travel Plan submitted in support of the planning application.
  - A construction Traffic Routeing Agreement to be submitted to and approved in writing by Leicestershire County Council. During the period of construction, all traffic to and from the site shall use the agreed route at all times. To ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site.

- 8.38. Policy DM17 identifies that development should have 'convenient and safe access for walking and cycling to services and facilities' and 'the need to travel will be minimised and the use of sustainable transport modes can be maximised'. The submitted travel plan includes a number of measures designed to encourage sustainable forms of transport. In addition to the footways which will run contiguously with the internal estate roads and green corridors to enable walking and cycling to destinations within the site. It is considered that the request is directly, fairly and reasonable related in scale and kind to the development proposed and can be secured through a S106 legal agreement.

#### Impact upon Residential Amenity

- 8.39. Policy 10 of the adopted SAMP seeks to ensure that development does not adversely affect the privacy and amenity of neighbouring properties.
- 8.40. The nearest dwellings to the site are located to the south of the application and access from Stanton Lane, at a distance of excess of 100 metres, known as Bramble Wood. The illustrative submission and Design and Access statement seek to provide a robust planting scheme along the southern boundary of the site, and retain the existing belt of trees, through the implementation of a long term management plan. The illustrative submission also indicates that any proposed buildings would be a maximum of 20 metres in height. Given the existing landscaping and the proposed landscaping together with the significant separation distance of any surrounding properties being in excess of 100 metres it is considered that in principle a form of development could be achieved which would not lead to any undue loss of amenity by virtue of any loss of light, dominance or any other residential amenity impacts. Environmental Health (Pollution) have no objection to the proposed development
- 8.41. Subject to further details at the reserved matter stage, it is considered that the development would be in accordance with Policy DM10 of the adopted SADMP with regard to impacts on neighbouring residential amenity.

#### Impact upon Drainage and Flood Risk

- 8.42. Policy DM7 of the SADMP requires adverse impacts from flood to be prevented and that development should not create or exacerbate flooding and be located away from area of flood risk unless adequately mitigated. The application has been accompanied by a Flood Risk Assessment (FRA) and the scheme has been considered by Leicestershire County Council (Drainage), Environment Agency, Environmental Health (Drainage) and Seven Trent.
- 8.43. The applicant has submitted a Flood Risk Assessment (FRA). The site is located in flood zone 1 (low less than 1 in 1,000 annual probability of flooding). The proposal includes a surface water management strategy to control outflows to a private surface water sewer aligned north to south that passes through the western part of the site, and below ground features, such as modular storage, with surface water run off being limited to existing greenfield rates of 1 in 100 year plus climate change event.
- 8.44. Leicestershire County Council (Drainage) has assessed the information accompanying the application, including the further submission of an addendum to the initial submitted Flood Risk Assessment. Given the outline nature of the application the precise nature and layout of the proposal is to be determined, and the addendum to the Flood Risk Assessment provides the principles of the drainage

scheme, Leicestershire County Council (Drainage) has no objections to the proposal subject to the imposition of conditions. These include the submission of a surface water drainage scheme.

- 8.45. The Environment Agency does not object to the proposal subject to the imposition of a condition relating to the installation of oil interceptors, for surface water draining from areas of hardstanding, prior to being discharged into any watercourses, which is necessary and reasonable to reduce any risk of pollution to the water environment.
- 8.46. Severn Trent Water have confirmed that it has no objections to the proposals subject to the inclusion of a condition for drainage details for surface and foul sewerage to be submitted to and approved in writing.
- 8.47. Therefore it is not considered that the proposal would lead to harm to the quality of groundwater from surface or foul water, and would not cause or aggravate flooding in accordance with Policy DM7 of the SADMP.

#### Impact upon Ecology

- 8.48. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.49. The application has been accompanied by an Ecology Report. The content of this has been considered by Leicestershire County Council (Ecology), who raise no objections in principle to the development however concerns were raised with regards to further details through a badger survey and the layout must include a 5-10 metre buffer of natural vegetation along the locally important wildlife corridors. Several planning conditions have been recommended.
- 8.50. As the application is for outline with access only the layout of the development is a matter to be determined at a later date and at this point the 5-10 metre buffer can be identified. A badger survey has been submitted and LCC Ecology are content with this report and request a planning condition to require an updated badger survey prior to the commencement of development if it is over a year from the date of the badger survey.
- 8.51. The main habitat of value is the woodland strip to the south east of the site, which is to be retained, the wider site being species poor. Wrapping round the northern perimeters and western perimeters of the site is the railway lines which are locally important wildlife corridors which act as a complimentary wildlife corridor and a clear buffer zone should be provided to protect the corridor. During the course of the application the applicant has submitted a proposal for a natural corridor running along the western and northern parameters of the application site. Additionally there are no protected species on site, however a great crested newt colony is known to exist off-site and therefore precautionary working practices throughout the construction period are necessary.
- 8.52. Given the proposal would involve the demolition of farm buildings which has nesting birds evident a condition is considered necessary to ensure demolition of any buildings and removal of any hedges and trees is carried out outside the bird nesting season. It is also suggested that the open space and sustainable drainage



features should be designed to optimise wildlife value to mitigate any loss of bird habitats, with appropriate planting of native trees and shrubs of value as bird-nesting and feeding habitats. Accordingly, subject to conditions the development would be in accordance with Policy DM6 of the adopted SADMP with regard to biodiversity enhancements.

#### Land Contamination and Pollution

- 8.53. Policy DM7 of the adopted SADMP seeks to prevent the risk of pollution resulting from development.
- 8.54. The application was submitted with a noise report, Environmental Health (Pollution) have no objection to the principle of the development, however the scheme through the design stage would require this to be revisited, to ensure the development would not result in materially adverse impacts in terms of noise and pollution arising from the site. Given the proposal is indicative a number of conditions are necessary and these include an investigation into the impact on air quality from the proposed development any mitigation measures, imposition of conditions relating to land contamination on site, a scheme for ventilation of the premises, proposed noise attenuation to protect nearby dwellings from noise from the proposed development, an environmental construction management plan, proposed lighting scheme and odour management, prior to any commencement of development on site.
- 8.55. Given the size of development and the range of employment uses there is potential for the storage of oils, fuels or chemicals on site. It is therefore recommended by Environmental Health that a condition is included to ensure that oil interceptors are provided and all surface water shall pass through these before being discharged into any watercourse, soakaway or surface water sewer. This condition is considered reasonable and necessary.
- 8.56. Subject to the conditions, it is considered that the proposed development would be in accordance with Policy DM7 of the SADMP.

#### Impact upon Archaeological Heritage Assets

- 8.57. Policy DM11 and DM12 of the adopted SADMP seeks to ensure that development proposals shall protect, conserve and enhance the historic environment.
- 8.58. A geophysical survey, field walking, metal detector survey and a Cultural Heritage statement was submitted as part of the Environmental Statement. The Leicestershire and Rutland Historic Environment Records show that the site lies within an area of archaeological interest. There are a number of recorded sites in the vicinity of the application area, including Neolithic flint scatters from Common Hill Wood and Pickering Grange (HER Ref: MLE10590 and MLE10595) approximately 1.5 km to the west, and an Iron age/roman enclosure and roundhouse to the North (HER Ref: MLE10594).
- 8.59. The place name 'Battleflat' is identified on Leicestershire HER as being of post medieval origin (HER Ref: MLE2956). The cultural heritage statement which accompanies the application identified a possible link between the place name 'Battailwonge' or 'Batalyewonge' recorded in 14<sup>th</sup> century documentary evidence, which may be interpreted as a Saxon derivative meaning 'site of battle'. Field walking and metal detector surveys carried out across the site have not provided strong evidence for archaeology activity within the application area. Geophysical survey of the site indicates the presence of a number of sub surface anomalies

which may be of archaeological origin, which would require further investigation, through intrusive evaluation, in the form of trial trenching.

- 8.60. Given that the geophysical survey and fieldwalking of the site has already been carried out, an effective trial trenching investigation of the development area should provide a 2% sample of the site. Based on the site area of 26.8 hectares this would amount to a total of 5360m<sup>2</sup> of trenching. This investigation is to be secured by a two stage mitigation scheme. Leicestershire County Council (Archaeology) do not object to the proposal. It seeks further information with regard to the archaeological evaluation of the site. This information can be secured by condition and is considered to be a reasonable approach to ensure that any archaeological remains present are treated appropriately. Subject to the inclusion of this condition the development would not have a detrimental impact upon the understanding of the significance of any heritage asset, and would therefore be in accordance with Policies DM11 and DM12 of the SADMP.

#### Impact upon Trees

- 8.61. The application has been accompanied by an Arboricultural report considering the impact that the development proposal may have upon the surrounding trees and providing any mitigating measures. The proposed layout has been designed to accommodate the key boundary trees along the southern boundary of the site which run parallel to the B585, and are subject to a Tree Preservation Order. The development would result in the partial removal of one woodland group along the southern boundary for the proposed site access and tree loss has been limited to that which is necessary to enable development, with replacement tree planting to be provided as part of a landscaping plan, with the majority of the loss of trees central to the site, and not protected by way of a preservation order, the key boundary arboricultural features are proposed to be retained and protected during the course of the development.
- 8.62. Concerns have been raised by the Tree Officer concerning the loss of the trees on site which are considered to be veteran trees, especially those that denote existing field boundaries within the site and flank the existing access up to the farm stead of Battleflat. The existing belt of trees and woodland to the south of the application site are subject to an existing Tree Preservation Order and some partial removal of this woodland would be necessary for the access and required visibility splay. The Tree officer agrees that this loss could be mitigated by replacement woodland. However a number of individual trees would be removed which are categorised as mature and over mature. These trees are concentrated to the east of the application site.
- 8.63. Paragraph 118 of the NPPF indicated that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and loss of aged veteran trees found outside of ancient woodland, unless the need and benefits of the development in that location clearly outweigh the loss.
- 8.64. Due the location of the mature trees within the site, options to develop the scheme around the affected trees would render the scheme undeliverable. Given the significant economic benefits this proposal would deliver, the loss of the trees within the application site are considered to be outweighed by the significant economic benefits of the proposal.
- 8.65. The development would provide an opportunity for the inclusion of a well designed landscaping scheme on site, as well as providing off site planting within the National

Forest, providing an important green corridor linking the application site with the wider National Forest. Given the loss of trees any subsequent application should seek to mitigate this loss through the incorporation of a high quality and sympathetically designed landscaping proposal. It is therefore considered that the loss of trees would not provide a reason not to support the proposal given the on site and off site mitigation that could be provided and the significant economic benefits of this development.

#### Impact upon Public Right of Way

- 8.66. An existing public right of way N50 currently runs through the site from south to north and links in to a wider public right of way N47 which spans the perimeter of the site to the north. The proposal would seek to divert the existing footpath which would be realigned through the site providing a public link and corridor, however given the indicative nature of the application the precise alignment would be fixed at the detailed design stage. Following Consultation with Leicestershire County Council (Public Rights of Way) they have no objection to the proposed diversion, however the construction and surface specification would be subject to a separate consent from Leicestershire County Council.
- 8.67. To the north of the site, the railway line denotes the northern boundary of the application site. The public right of way N50 provides access to a wider footpath network to the north of the application and includes access over the railway line via level crossing. Network Rail has provided comments in respect of the application, which would likely result in the increased use of the level crossing with more people walking to the site for work, given the wider connectivity to the north of the application site. Network Rail have therefore requested that such impacts upon the level crossing is required to be monitored following the completion of the development and any arising mitigating safety improvements to the level crossing are agreed and carried out following any subsequent monitoring. The applicant has provided during the course of this application a monitoring proposal which includes the agreement of a single one off payment to £10,000 to be paid to Network Rail towards implementing improved safety measures at this crossing. The sum would be time limited, and if following monitoring is not required or spent within a defined period of full occupation would be returned. This would be secured through Section 106 agreement.

### **9. Equality Implications**

- 9.1. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-  
(1) A public authority must, in the exercise of its functions, have due regard to the need to:  
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

## **10. Conclusion**

- 10.1 It is considered that the scheme provides significant economic benefits which would outweigh the harm to the countryside, the scheme is considered to comprise sustainable development adjacent to an existing category 'A' employment site, and due to the size and scale of the proposed development the applicant as demonstrated there are no other suitable alternative sites. The application has demonstrated that it meets the requirement as set out by the Core Strategy and the Site Allocations and Development Management Plan Policies DPD. The proposal therefore accords with the provisions of the Development Plan, specifically Policy CS21 of the Core Strategy and Policies DM1, DM3, DM4, DM6, DM7, DM10, DM11, DM13, DM17, DM18 and DM20 of the SADMP.
- 10.2. Potential environmental effects arising from this development have been appropriately addressed and it is considered that with appropriate mitigation the proposal would not have a detrimental impact upon the highway network, ecology, neighbouring residential amenity, flood risk, land contamination and pollution and contributions to the National Forest. Appropriate matters can also be further considered at the reserved matters stage. This outline application is therefore recommended for approval subject to conditions and appropriate contributions and obligations being secured through a legal agreement.

## **11. Recommendation**

### **11.1. Grant planning permission subject to:**

- The prior completion of a S106 agreement to secure the following obligations:
  - Highways-
    - Coalville transportation infrastructure strategy contribution £1,560,640
    - Provision of new bus service
    - One travel pack per employee £52.85 per pack from first occupation
    - One six month bus pass per employee £350 per pass
    - A framework travel plan monitoring fee £11,337.50
  - National Rail Pedestrian crossing monitoring scheme in line with submitted mitigation strategy
  - National Forest off site Planting and green infrastructure scheme
- Planning conditions outlined at the end of this report.

11.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

11.3. That the Chief Planning and Development Officer be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

### **11.4. Conditions and Reasons**

1. An application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:
  - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
  - b) The scale of each building proposed in relation to its surroundings.
  - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
  - d) The landscaping of the site including the provision of treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

**Reason:** This planning permission is submitted in outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

3. The proposed development shall be carried out strictly in accordance with the following plans deposited with the Local Planning Authority on 18 December 2016, unless otherwise required by a condition of this permission:

Site location plan (30751-PL-101)  
LPA boundary plan (6756-L-06)  
Parameters plan (30751-PL-102B)  
Access junction layout (ADC1231/001 Rev E)  
Proposed footway provisions (ADC1231/002 Rev A)

**Reason:** To define the terms of the reserved matters and for the avoidance of doubt, in the interests of proper planning.

4. Notwithstanding Conditions 1 and 2 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of site layout, areas of open space, landscaping / National Forest planting, density parameters and scale, as well as details of any proposed phasing of development. The masterplan shall accord with the principles of the submitted Design and Access Statement. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

**Reason:** To ensure that the development of the site (including where undertaken in a phased manner) takes place in a consistent and comprehensive manner and to ensure a high quality scheme is development in accordance with the design principles of the development to accord with Policy DM4 and DM10 of the adopted Site Allocations and Development Management Plan Document.

5. No development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as precise details

of all means of mitigation measures as set out in the Environmental Statement, and including timetables for their provision, have been submitted to and agreed in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with the approved details and timetables unless in accordance with any variation first agreed in writing by the Local Planning Authority.

**Reason:** To ensure the development and associated impacts take the form envisaged in the Environmental Statement

6. No development shall commence on the site until such time as a Design Code for the entirety of the site (based upon, and according with, the general principles set out in the Design and Access Statement) has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details, or in accordance with any amendment to the Design Code subsequently agreed in writing by the Local Planning Authority.

**Reason:** To ensure an appropriate form of design, and to comply with Policy DM4 and DM10 of the adopted Site Allocations and Development Management Plan Document.

7. Notwithstanding the submitted details, nor Condition 6 above, no development shall commence on the site until such time as a surface water drainage scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:

- The utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality;
- The limitation of surface water run-off to equivalent greenfield rates;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations;
- The responsibility for the future maintenance of drainage features;
- Full details for the drainage proposal (including but not limited to, headwall details, pipe protection details, long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change events);
- Details of any discharging of surface water to sewers (including the discharge modelled as surcharged for all events above the 1 in 30 year event); and
- A timetable for its implementation

The scheme shall thereafter be fully implemented and subsequently maintained in accordance with the agreed details and timing / phasing arrangements.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water the site in accordance with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2014, and in the interests of ensuring the safety, operations needs and integrity of the railway.

8. Notwithstanding the submitted details, nor Condition 6 above, no development shall commence on the site until such time as a scheme of foul drainage (and including a timetable for its implementation) has been submitted to and agreed in

writing by the Local Planning Authority. The scheme shall thereafter be fully implemented and subsequently maintained in accordance with the agreed details and timing / phasing arrangements.

**Reason:** To ensure that the development is provided with a satisfactory means of foul drainage, to reduce the risk of creating or exacerbating a flooding problem, to minimise the risk of pollution, and in the interests of ensuring the safety, operational needs and integrity of the railway, to accord with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2014.

9. Notwithstanding the submitted details, nor Condition 6 above, the first reserved matters application in respect of the development (or, in the case of phased development, the first reserved matters application in respect of the relevant phase) shall be accompanied by full details of all measures proposed in respect of the enhancement of the biodiversity of the area, including proposals in respect of future maintenance and a timetable for the implementation of the relevant measures. The development shall thereafter be undertaken and occupied in accordance with the agreed measures and timetable unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure the development contributes to enhancement and management of biodiversity of the area to accord with Policy DM6 of the adopted Hinckley and Bosworth Site Allocations and Development Plan Document 2014.

10. No development shall take place within each phase of development, until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out the overall strategies for:

- a) The means of access and routing for demolition/ ground work and construction traffic
- b) The parking of vehicles of site operatives and visitors
- c) Loading and unloading of plant and materials
- d) Storage of plant and materials used in constructing the development
- e) Location of Contractor compound(s)
- f) Wheel washing facilities
- g) Management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction
- h) Temporary highway works
- i) Prevention of impact to existing and proposed residents from dust, odour, noise, smoke, light and land contamination during construction
- j) Details of how the above will be monitored and a procedure for the investigation of complaints.

The approved CEMP shall be adhered to throughout the construction period for that phase of development to which it relates.

**Reason:** To ensure appropriate mitigation for the impacts caused by the construction phases of the development and to reflect the scale and nature of development in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

11. With the exception of any works associated with the formation of the accesses and highway network connections as shown in ADC Drawing No. ADC1231\_001 Rev H no development shall commence on the site until such time as the site accesses shown in in ADC Drawing No. ADC1231\_001 Rev H has been provided in full and is available for use by vehicular traffic.

**Reason:** To provide vehicular access to the site, including for construction traffic and in the interests of highway safety Policy DM17 of the Site Allocations and Development Management Policies.

12. No part of the development shall be occupied until such time as pedestrian improvement works to tie in with existing pedestrian infrastructure are delivered to the satisfaction of the Local Planning Authority in accordance with ADC Drawing no 1231\_002 Rev A.

**Reason:** To provide access to the site for pedestrians from public transport services in the area, and to ensure adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to encourage the use of more sustainable transport choices to and from the site, in accordance with Policy DM17 of the Site Allocations and Development Management Plan Document.

13. No part of the development hereby permitted shall be brought into use until such time as a scheme of mitigation measures at the Beveridge Lane/ Whitehill Road/ Midland Road/ Ibstock Road double-mini-roundabout junction in Ellistown has been undertaken and implemented in full in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

**Reason:** To ensure that adequate steps are taken to mitigate the vehicular impact of the development in accordance with Policy DM17 of the Site Allocations and Development Management Plan Policies DPD.

14. Notwithstanding the submitted Framework Travel Plan prior to first occupation, a list of measures to promote sustainable travel and their timetable for implementation shall be submitted to the Local Planning Authority and approved in writing.

**Reason:** To ensure that adequate steps are taken to provide a choice in mode of travel to and from the site to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

15. If any vehicular gatehouses, access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 60 metres behind the highway boundary and shall be hung so as not to open outwards.

**Reason:** To enable sufficient space for vehicles to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

16. Prior to first use of the development hereby permitted, the existing vehicular access to Battleflat Lodge Farm that becomes redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority.



**Reason:** To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

17. No works shall be undertaken within 20 metres of the existing railway identified on the submitted plans, unless in accordance with a method statement for the works first submitted to and agreed in writing by the Local Planning Authority in consultation with Network Rail.

**Reason:** In the interests of ensuring the safety, operational needs and integrity of the railway

18. No work shall commence on site until such time as precise details of all measures designed to prevent unauthorised and / or accidental vehicular or pedestrian access onto the adjacent railway (together with a timetable for their implementation) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable, and the agreed measures shall thereafter be so maintained.

**Reason:** In the interests of ensuring the safety, operational needs and integrity of the railway.

19. No development (including any associated demolition) shall commence on site until such time as a programme of archaeological mitigation, informed by an initial phase of trial trenching and including provision for historic building recording, has been detailed within a Written Scheme of Investigation first submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:

- An assessment of significance and research questions;
- The programme and methodology of site investigation and recording;
- The programme for post-investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation;
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation; and
- A timetable for its implementation

No development (including any associated demolition) shall take place on the site at any time, nor shall the development be occupied at any time, other than in accordance with the agreed Written Scheme of Investigation and timetable.

**Reason:** To ensure satisfactory archaeological investigation and recording in accordance with Policy DM13 of the Site Allocations and Development Management Policies DPD.

20. No site works of any description in respect of the formation of the vehicular access and associated visibility splays as shown on drawing no. ADC1231/001 Rev E shall take place on the site at any time unless all tree protection fencing as shown on inset nos. 4, 5 and 6 of drawing no. D15-1682 Rev v2 (within the amended Lockhart Garratt Arboricultural Report (ref. 15-1723 3872 01, version 5,

dated April 2016)) within 10 metres of any part of the access or its visibility splays is erected in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

**Reason:** The trees are an important feature in the area and this condition is imposed to make sure that they area properly protected while building works take place on the site in accordance with Policy DM and DM10 of the adopted Site Allocations and Development Management Policies.

21. No development shall commence, in any phase, unless and until such time as a scheme for the investigation of any potential land contamination on that phase has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

**Reason:** To protect future users of the land from land contamination in accordance with adopted Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

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

**Reason:** To protect future users of the land from land contamination in accordance with adopted Policy DM7 of the Site Allocations and Development Management Policies Development Policies Document.

23. Before the commencement of development, a scheme for protecting nearby dwellings from noise from the proposed development should be submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be carried out and completed before first use of the development.

**Reason:** To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy DM10 and DM7 of the Site Allocations and Development Policies Document.

24. Details of any external lighting on site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

**Reason:** To protect the appearance of the area, the environment and local residents from nuisance from artificial light to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Plan.

25. No development shall commence until a scheme for protecting nearby dwellings from odour from the proposed development has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before first use of the development.

**Reason:** To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of odour to accord with Policy DM7 of the Site Allocations and Development Policies Document.

26. No development shall commence until an investigation into the impact on air quality from the proposed development and any identified mitigation measure have been submitted to and approved in writing by Local Planning Authority. The identified mitigation measures shall be completed before first use of the site.

**Reason:** To ensure the development does not have an adverse impact upon the air quality within the surrounding area to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Plan.

27. Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The Interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained.

**Reason:** To protect the water environment and to ensure compliance with Policy DM7 of the Site Allocations and Development Management Policies Plan.

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Planning Committee 13 September 2016  
Report of the Chief Planning and Development Officer

Planning Ref: 14/01189/OUT  
Applicant: Mr Derek Fox  
Ward: Burbage Sketchley & Stretton

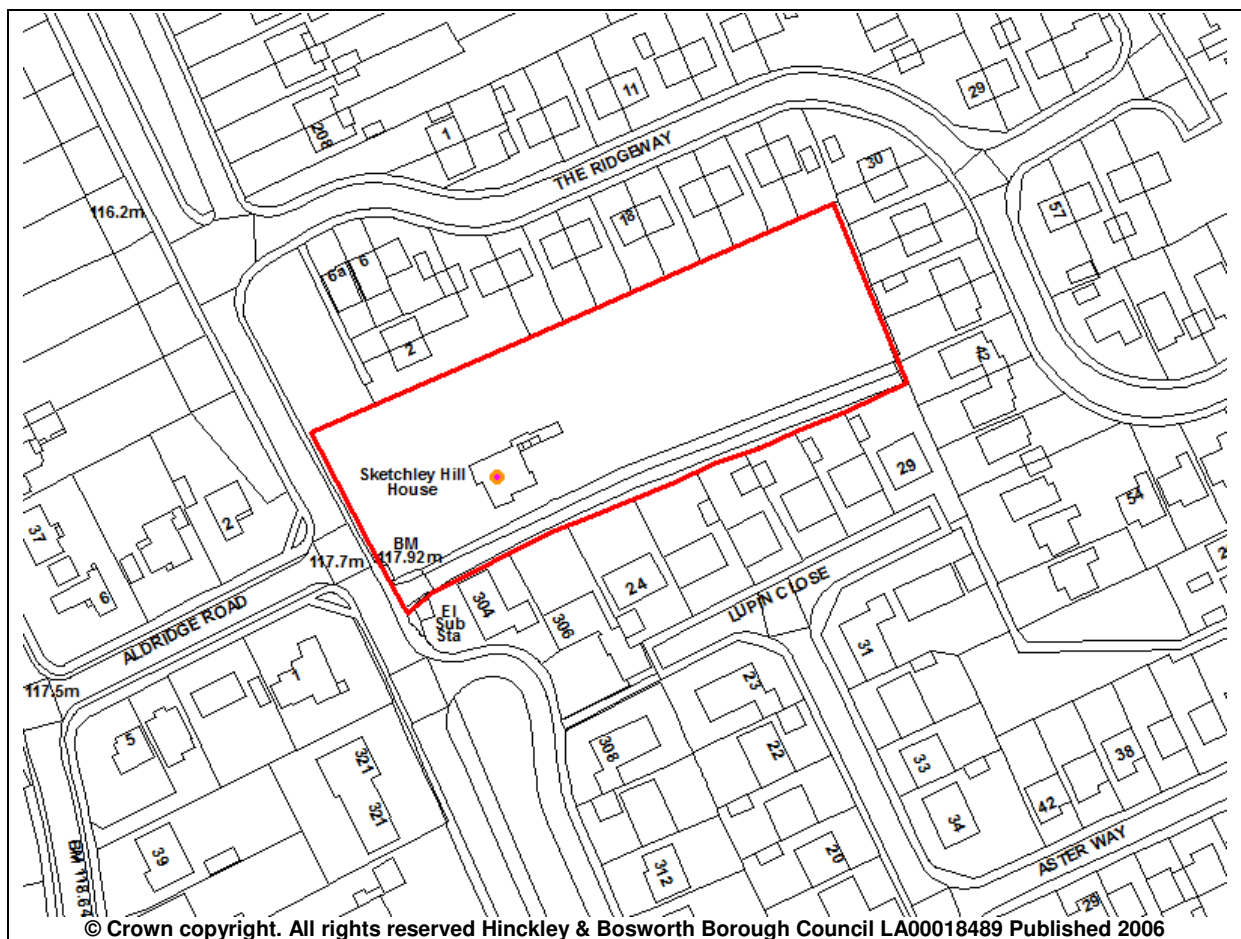


Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Site: Sketchley Hill House Rugby Road Burbage

Proposal: Erection of 9 dwellings and associated roads and car parking,  
following demolition of existing property (outline - access, layout and  
siting)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

## 2. Planning Application Description

- 2.1. This application seeks outline planning permission for access, layout and siting only for the proposed development. The scheme comprises the demolition of the existing dwelling Sketchley Hill House, and erection of 9 detached dwellings with associated road and parking provision.

- 2.2. The layout indicates that the development will comprise 9 dwellings (including one bungalow on Plot 6). With the exception of Plot 6, all the dwellings proposed would include a garage. All plots would have car parking provision for a minimum of two cars. Plot 9 is the only dwelling with a proposed detached double garage, which is sited at the end of the proposed access road. All dwellings would be sited south of the proposed road, and the proposed rear gardens would back onto the rear gardens of the existing bungalows along Lupin Close and Rugby Road.
- 2.3. The access point to the site would be located to the north-west edge of the site frontage on Rugby Road. The proposed road would run more or less parallel to the north boundary of the site, and includes a manoeuvring area for vehicles to turn in the site. The site is only accessible from Rugby Road.
- 2.4. The proposed layout would include the retention of a number of existing trees on the site, including those protected by an existing Tree Preservation Order sited along the northern boundary of the site. Notwithstanding this, the proposed development would also result in the removal of 24 trees, and some groups of trees and hedges on site, as stated within the submitted revised arboricultural report.
- 2.5. During the course of the application, a number of revised plans have been received for the proposed layout. Following the most recent comments received from the Council's Tree Officer, the layout plan was amended to the version appraised in this report (Drg no. 4642/J received in March 2016). Further, revised plans for the proposed house types for the development have been received. However, these are for indicative purposes only as access, layout and siting are the only detailed matters to be determined at this stage.
- 2.6. An ecology report has also been submitted with this application for consideration.

### **3. Description of the Site and Surrounding Area**

- 3.1. Sketchley Hill House is a detached two storey dwelling, with a parking area, driveway and extensive gardens, within an approximate site area of 0.52 hectares.
- 3.2. The site is within the settlement boundary of Burbage, sited within close proximity to shops and services within Burbage and Hinckley.
- 3.3. The site is surrounded by residential development and gardens. Rugby Road is characterised by a range of dwellings of a variety of size, type and style. The designs are predominantly traditional. To the immediate south of the site are bungalows, and to the north of the site are semi-detached, two storey dwellings.
- 3.4. The current site is accessible directly off Rugby Road.
- 3.5. There are 4 trees on the site protected by an existing Tree Preservation Order, located to the north-west corner of the site. There are also a large number of unprotected trees and hedges within the site.

#### 4. Relevant Planning History

06/00183/TPO	Works to tree	Permitted	25.04.2006
88/01159/4	Replacement bay window to front of property	Permitted	21.10.1988
79/00554/4M	Erection of car port	Permitted	18.05.1979

#### 5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2. Representations have been received from 15 members of the public. 25 objections and seven comments neither objecting nor supporting the application have been submitted. The concerns raised are summarised below:-

- 1) The siting of the proposed access would be dangerous for road users and pedestrians
- 2) Rugby Road is already very congested, and development would increase this existing issue
- 3) There is an existing problem with vehicles speeding along Rugby Road
- 4) The existing infrastructure within the area, including schools and the doctor's surgery are already at maximum capacity and would not be able to cope with an increase in population resulting from the development
- 5) Concern for existing wildlife on the site
- 6) The development would result in a loss of light to surrounding residential properties
- 7) The proposed dwellings would overlook into neighbouring properties
- 8) The development is unnecessary as there are other residential sites being developed within the area
- 9) There are discrepancies with the submitted plans
- 10) The development would ruin the existing peaceful area
- 11) The scales of the houses proposed are too large, and would have an overbearing impact on neighbouring residential properties
- 12) Loss of privacy
- 13) Overwhelming, and would be overdevelopment of the plot
- 14) Adverse impact on the property values within the area
- 15) The trees indicated on the plans would need to be retained and protected
- 16) A construction plan would be required to control the impact of the construction of the development on the amenity of neighbouring properties
- 17) Concerns with the width of the pavement at the front of the site
- 18) The fencing and other boundary treatments would need to be secured prior to any commencement of development
- 19) Would result in noise, fumes and light pollution from cars utilising the access
- 20) Would be out of keeping with the character of the area, in particular, in relation to the existing bungalows along the southern boundary of the site
- 21) Concerns with the boundary treatments to the site, and maintenance of the vegetation
- 22) A proposal for bungalows only would be more suitable
- 23) Plot 9 and the associated garage are sited too close to the eastern boundary
- 24) Some dwellings proposed are 3 storeys in height.

## **6. Consultation**

6.1. Burbage Parish Council has submitted revised comments on the 23 August 2016, raising no objections to this application.

6.2. Leicestershire County Council (Highways) submitted comments for the previous scheme. These raised no objection to the principle of the development. Revised comments are awaited for the current version of scheme for further details.

6.3. No objections subject to conditions have been received from:-

Street Scene Services (Waste)  
Environmental Health (Pollution)  
Environmental Services (Drainage)

6.4. No objections have been received from:-

Leicestershire County Council (Ecology)  
HBBC Tree Officer

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage
- Policy 19: Green Space and Play Provision

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Deliver
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012) (Paragraphs 17, 56 and 58)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Burbage Village Design Statement (VDS) 2006

## **8. Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Drainage
- Developer contributions
- Other issues



### Assessment against strategic planning policies

- 8.2. Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision taking and that the NPPF is a material consideration in determining applications.
- 8.3. The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP).
- 8.4. Policy 4 of the Core Strategy seeks to ensure sustainable development in Burbage, including providing support to Burbage local centre, and ensuring development contributes to Burbage's character and sense of place. As of 1 September 2014, the minimum housing requirement for Burbage is 46 dwellings. This minimum requirement will be provided through the allocations within the SADMP. The development proposed within the current application would exceed the minimum housing requirement in Burbage. Comments have been received stating that the development would be unnecessary given the other residential developments currently on going within the area. However, there is no limit on the consideration of housing proposals provided that they accord with policies in the development plan. Policy DM1 of the adopted SADMP is a key starting point, setting out a presumption in favour of sustainable development
- 8.5. The site is located within a sustainable urban location within the settlement boundary of Burbage. The site is bounded by existing residential properties and is within the immediate vicinity of existing bus routes, schools, local shops and other services. The proposal would contribute to the social role of sustainable development by providing 9 new dwellings towards the housing supply within the Borough. The construction of the development and its future ongoing occupation would contribute to the economic role of sustainable development by supporting the local economy both during construction and by the use of local facilities by future residents. Subject to matters including design, appearance and landscaping, which would be considered at the reserved matters stage, the proposal would not result in any adverse impacts on the natural or built environment. The principle of residential development of the site at this outline stage is considered to be sustainable and therefore acceptable in terms of strategic planning policies subject to all other planning matters being satisfactorily addressed.

### Impact upon the character of the area

- 8.6. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings.
- 8.7. The site is identified within the Burbage Village Design Statement within Zone 3: Rugby Road to Western Settlement Boundary. Rugby Road is noted to be one of the main arteries into Burbage and Hinckley, and is described to be particularly picturesque.
- 8.8. The proposed layout shows that Plot 1 would be set back from Rugby Road, in line with the existing neighbouring property to the north of the site, No. 6 The Ridgeway. This is considered to be in keeping with the surrounding grass verges along Rugby

Road and thus maintaining the open character of the area. Although the proposal will result in an increase in the number of dwellings on the site, the proposed linear siting of the plots will mean that the views of Plots 2 – 9 from Rugby Road will be limited.

- 8.9. The layout indicates the existing trees that are proposed to be retained and removed within the site. The Council's Tree Officer has raised no objections to the revised scheme. Further landscaping details would be determined at reserved matters stage. The trees proposed to be retained to the site entrance and along the north-west corner of the site will provide significant screening for the proposed development, and would reduce the visibility and impact of the proposed built form within the area, in keeping with the grass verges and existing large trees along Rugby Road.
- 8.10. Objections have been received stating that the proposed scheme would be overdevelopment of the site. The proposed revised layout demonstrates that the overall density of the site would be similar to that of the adjacent residential development on The Ridgeway and Lupin Close. The layout indicates that the individual plot sizes would vary within the site and this would reflect the general nature of neighbouring plot sizes.
- 8.11. Objections have been raised in relation to the development being out of keeping with the other residential properties within the area, notably the existing bungalows along the southern boundary of the site. The indicative plans submitted suggest a mix of two storey and two and a half storey dwellings, and one bungalow. The bungalow on Plot 6 is confirmed through this application as it is indicated on the proposed layout plan which is being formally considered. However, all other house types are indicative only, and final details will be secured at the subsequent reserved matters application. It is considered that the mix of housing would not be out of keeping with the character of the area in this respect, given the variety of house types along Rugby Road itself, and the mix of neighbouring properties bounding the site.
- 8.12. Therefore, subject to design, scale and landscaping being considered at the reserved matters stage, the current outline proposal is in accordance with Policy DM10 of the SADMP and paragraphs 56 and 58 of the NPPF in respect of design and impact on the character of the area.

#### Impact upon neighbouring residential amenity

- 8.13. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties. The NPPF in paragraph 17 seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.14. Objections have been raised in relation to the development resulting in adverse overlooking, overbearing and overshadowing impacts to neighbouring properties.
- 8.15. The proposed layout demonstrates that, subject to design and appropriate positioning of windows (which would be assessed at reserved matters stage), a residential development of 9 new dwellings would enable adequate separation distances to be achieved to the windows and gardens of neighbouring properties such that it would not result in any significant overbearing impacts, overshadowing or loss of privacy from overlooking. The proposed separation distances, between proposed windows and site boundaries, vary between approximately 9 metres up to

a maximum of approximately 21 metres. The minimum distance relating to the windows on a proposed single storey property.

- 8.16. Further, in relation to the positioning of the garage to serve Plot 9, subject to design to be secured at reserved matters stage, given the nature of the building proposed, it is not considered that the siting of the garage would result in any adverse impacts to neighbouring properties.
- 8.17. Concerns have been raised in relation to the noise, fumes and light pollution resulting from the development. Environmental Health (Pollution) has raised no objections to the application, but has recommended conditions in relation to the construction phase of the development to safeguard the amenity of the surrounding residential properties. These conditions are appropriate and could be attached to any permission granted. In relation to the noise, fumes and light pollution resulting from the use of the development itself, it is not considered that these would be significantly different from the existing residential properties and roads in the area, and therefore would not result in any adverse impacts on neighbouring properties.
- 8.18. Therefore, subject to design, scale and landscaping being considered with the subsequent reserved matters application, the proposal is in accordance with Policy DM10 of the SADMP and paragraph 17 of the NPPF in respect of impact on residential amenity.

#### Impact upon Highway Safety

- 8.19. Policy DM17 of the SADMP states that all new development should in be accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.20. The proposed layout demonstrates that the proposed dwellings could be provided with adequate access from the public highway and a minimum of two off-street parking spaces to serve each plot. This level of provision within a sustainable urban area with access to alternative means of transport would be satisfactory to serve the proposed dwellings. Therefore the proposed scheme would not result in any severe adverse impacts on highway safety.
- 8.21. Objections have been received in relation to the siting of the access to the site, and the intensification of the use of Rugby Road. There is an existing access located to the south-west corner of the site frontage. This currently serves Sketchley Hill House. LCC (Highways) has raised no objection to the principle of the development proposed. Revised comments have been requested for the amended scheme and are awaited. A further update will be provided to committee through late items.

#### Drainage

- 8.22. No objections have been received from Environmental Services (Drainage) subject to a recommended condition to secure a drainage scheme for the site prior to commencement of development. An appropriate condition could be attached to any permission granted.

#### Developer contributions

- 8.23. Policy 19 of the Core Strategy and Policy DM3 of the SADMP require new residential development to contribute towards Green Space and Play Provision. However, Paragraph: 031 Reference ID: 23b-031-20160519 of the Planning

Practice Guidance, which is a material consideration, notes that tariff style planning obligations cannot be sought for developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000sqm. In light of the guidance in the PPG, a contribution towards play and open space provision is not being sought.

#### Other issues

- 8.24. Concerns have been raised regarding speeding down Rugby Road. This is not considered to be an issue that can be dealt with through this application.
- 8.25. In relation to the concerns raised for the existing wildlife on site, no objections have been received from LCC (Ecology).
- 8.26. Comments received stating that there are discrepancies with the submitted plans. Revised plans have been submitted since this comment was received, and no further issues have been raised.
- 8.27. In relation to the comments stating that the development would decrease the value of properties in the area, this is not a planning consideration that can be taken into account in the determination of this application.
- 8.28. In relation to the concerns raised in relation to the boundary treatments for the site, these can be considered through the submission of reserved matters should this outline application be approved. Members of the public will be given the opportunity to view and comment on those submissions when they are received.
- 8.29. With regard to capacity issues with the existing infrastructure within the area, this cannot be given weight in the determination of this application as the level of development proposed is below the threshold set out in planning guidance for which infrastructure contributions should be sought.

#### **9. Equality implications**

- 9.1 Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-
  - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.

#### **10. Conclusion**

- 10.1. The application site is in a highly sustainable urban location within a reasonable distance of services and facilities located within both Burbage and Hinckley. The proposed layout for the scheme for 9 new dwellings would complement the

character of the area and would not result in any significant adverse impacts on the privacy or amenity of neighbouring properties, subject to the consideration of further details that will form part of any subsequent reserved matters application. Provided that there are no issues raised within the formal response from LCC (Highways), the proposed development would be in accordance with Policy 4 of the adopted Core Strategy, Policies DM1, DM7, DM10, DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF and is therefore recommended for approval subject to conditions.

## **11. Recommendation**

### **11.1. Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

### **11.2. Conditions and Reasons**

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:

- a) The scale of each building proposed in relation to its surroundings.
- b) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
- c) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

**Reason:** To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted in writing to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with approved proposed ground levels and finished floor levels.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

4. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

5. Development shall not begin until surface water drainage details (including calculations), incorporating sustainable drainage principles (SuDS) and an assessment of the hydrological and hydrogeological context of the development have been submitted in writing to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** To ensure that the development is provided with satisfactory means drainage to prevent flooding and minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

6. No development shall commence until a Construction Environmental Management Plan shall be submitted in writing to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints.

**Reason:** To minimise the risk of pollution and in the interests of protecting the amenity of the residents of neighbouring properties, in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

7. No waste materials shall be burnt on site at any time during construction phase.

**Reason:** To minimise the risk of pollution and in the interests of protecting the amenity of the residents of neighbouring properties, in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

8. Construction shall be limited to the following hours: Monday – Friday 07:30 – 18:00, Saturdays 08:00 – 13:00, and no working on Sundays or Bank Holidays.

**Reason:** In the interests of protecting the amenity of the residents of neighbouring properties, in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

9. No development works shall commence until existing trees, identified to be retained in the approved layout, have been protected by the erection of temporary protective fences in accordance with BS5837:2012 and are of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained through out the duration of building and engineering works in the vicinity of the trees to be protected.

**Reason:** The trees are important features in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site.

10. No development shall take place until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary.

**Reason:** In the interests of protecting the visual amenity the area, in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

### 11.3. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.

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Planning Committee 13 September 2016  
Report of the Chief Planning and Development Officer



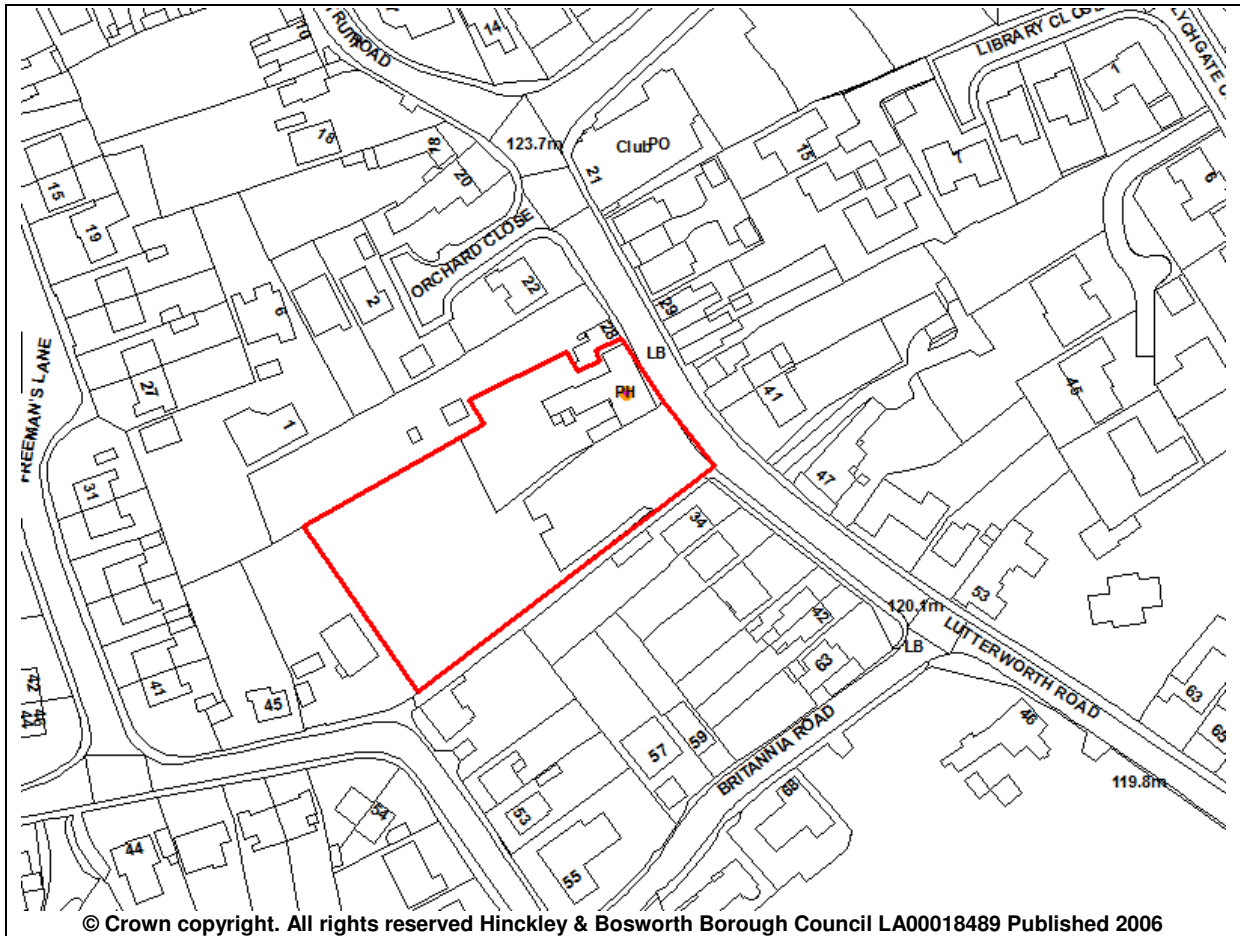
Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Planning Ref: 16/00576/FUL  
Applicant: Mr Roger Bell  
Ward: Burbage Sketchley & Stretton

Site: Chequers Inn 30 Lutterworth Road Burbage

Proposal: Erection of play area, play equipment, decking and timber framed structure (retrospective)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

## 2. Planning Application Description

- 2.1. The applicant is seeking retrospective planning permission for the erection of a play area, play equipment and additional decking to be used as an additional area for outside seating. The play area is located to the rear of the public house; in the western corner of the beer garden and is surrounded by a 1 metre high timber picket fence. The maximum height of the play equipment is 3.4 metres. The surrounding surfacing is timber bark. Adjacent to the public house additional

decking has been erected with open ended, timber post and rails which has a finish as a pergola. The decking area provides additional seating for users of the public house.

### **3. Description of the Site and Surrounding Area**

- 3.1. The Chequers Inn is a public house and is located within the settlement boundary of Burbage. The public house is located adjacent to the main street of Lutterworth Road. To the north of the site the public house is adjacent to a residential property of 28 Lutterworth Road; to the south of the premises is the existing car park for the public house. On the opposite side of Lutterworth Road there is a row of terraced houses. To the west and to the rear of the public house there is a large open space which is all within the ownership of the public house with the rear garden to a detached house on xx running along the boundary with the premises.

### **4. Relevant Planning History**

- 4.1. None relevant.

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

- 5.2. Responses from four separate addresses have been received objecting to the application on the following grounds:

- 1) The height of the structure towers over the fence and is covered in flashing lights
- 2) More people, outside to the rear of the public house, causing an inconsiderate amount of noise to neighbours
- 3) The temptation of playing music outside until late in the evening to attract people to the premises would cause disturbance to neighbours
- 4) Additional outside seating create more capacity at the premises which increase parking issues, in particular leading to customers parking outside of residents properties.

### **6. Consultation**

- 6.1. Burbage Parish Council has objected to the proposal because the timber structure protrudes significantly above the boundary fencing and has an overbearing impact. Flashing lights on the structure are causing significant disturbance to neighbours. Within the decking area a large chimney creates smoke/odour pollution to adjacent properties. Appears that a historic hedgerow has been removed to facilitate the landscaping changes to the site.

- 6.2. No objection has been received from:

Environmental Health (Pollution)  
Environmental Health (Drainage)

- 6.3. Leicestershire County Council (Highways) have provided no comments on the application.

## **7. Policy**

### 7.1 Core Strategy (2009):

- Policy 4: Development in Burbage

### 7.1. Site Allocations and Development Management Policies DPD (adopted July 2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

### 7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

## **8. Appraisal**

### 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area and neighbouring residential amenity

#### Assessment against strategic planning policies

8.2. Policy DM1 of the adopted Site Allocations and Development Management Policies DPD (SADMP) and paragraph 14 of the NPPF provide a presumption in favour of sustainable development and state that development proposals that accord with the development plan should be approved.

8.3. The site is located within the settlement boundary of Burbage which is defined as an Urban Area within the SADMP. In functioning terms, Burbage acts largely as an extension to the Hinckley urban area. Development in this area therefore provides an important opportunity to support Hinckley's role as a sub regional centre, whilst recognising that Burbage is a settlement in its own right with individual characteristics and needs.

8.4. The proposed development is contained within the rear garden of the existing public house which is located within the settlement boundary of Burbage. The proposal is considered to comply with the National Planning Policy Framework, as it would contribute towards sustainable development, as it is an additional outside seating area that offers economic, social and environmental benefits. The outside seating area would contribute economically as more people can use the facility which can in turn increase the trade of the premises. Socially it gives local people more choice at the site and a suitable environment for people to enjoy. It is considered that the proposal is to be sustainable and is therefore considered acceptable in principle subject to all other planning matters being adequately addressed.

#### Impact upon the character of the area and neighbouring residential amenity

8.5. Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (SADMP) states that development will be permitted providing it will not have a significant adverse effect on the privacy and amenity of nearby residents. The additional outside seating will encourage more customers to use the outside space which could result in more noise being generated. A concern has been raised that music could be played in this outside space. To prevent this from becoming a matter that would have a significant impact on neighbouring residential

amenity it would be appropriate to attach a condition to ensure no music is played outside. Environmental Health (Pollution) has no objection to the application, subject to conditions. It is considered that with suitably worded conditions the proposal would accord with Policy DM10 of the SADMP.

- 8.6. Local residents have also raised issues that there are a number of flashing lights on the decking area and that this is causing a disturbance to residents. Policy DM10 of the SDAMP states that developments should not affect neighbouring properties, therefore with flashing lights on the decking area and adjacent to residential properties this could affect the neighbouring amenity of residents. To address this impact, a suitably worded condition can be imposed to ensure that no artificial lighting is used on the outside area surrounding the decking area. This would also ensure that there is no adverse impact on neighbouring amenity in accordance with Policy DM10 of the SADMP.
- 8.7. The play equipment has a maximum height of 3.4 metres and is situated to the rear of the beer garden and is set in from the west boundary which is screened by fencing to the south east of the site. The play equipment will be partially visible from neighbouring properties but opportunities for overlooking of neighbouring properties will be limited due to the planting surrounding the site and the closest building outside of the site to the play equipment appears to be an outbuilding which is 15 metres to the north of the site. To the east of the site, the nearest residential property is 40 metres away. Also due to the fact that the structure is surrounded by fencing and planting, there are limited views to/from the play equipment. It is therefore considered that the development accords with Policy DM10 of the SADMP.
- 8.8. Policy DM10 of the SADMP states that development should complement or enhance the character of the area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.9. The physical appearance of the outside decking area would be in keeping with local character, constructed from timber posts which are of a suitable scale and design, complementing the surrounding area. The play area equipment is located to the rear of the public house and there are limited views of the equipment from any public vantage point. The play equipment has been constructed from timber and is of suitable design and scale which complements the surrounding area. Therefore, it is considered that both elements of the development are in accordance with Policy DM10 of the adopted SADMP.

#### Other Issues

- 8.10. Concern has been raised with regard to a chimney that has been erected within the beer garden which is creating smoke and odour concerns for nearby residents. This has been raised with the applicant and the Council is investigating this separately through the planning enforcement process. The structure is not part of this application and its merits are not considered in this planning assessment.
- 8.11. Residents have raised a concern that with additional seating the public house will become more popular which will then result in more people parking on Lutterworth Road. This concern has been raised with Leicestershire County Council (Highways) who have raised no further concerns in relation to this comment.
- 8.12. The final concern raised is that the applicant has removed an existing ancient hedgerow in order to facilitate this development. Under the Hedgerow Regulations

1995, a hedgerow adjacent to a residential boundary is not classed as important and is therefore not protected. Even though the removal of a hedgerow will make the structures slightly more visible when viewed from neighbouring properties, the material considerations in regard to its impact on the character of the area and on residential amenity has been considered elsewhere in this report. Appropriately worded conditions are to be imposed to ensure there is no significant adverse impact on neighbouring residential properties as a result of the development.

## **9. Equality Implications**

- 9.1 Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-  
(1) A public authority must, in the exercise of its functions, have due regard to the need to:  
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;  
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;  
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equalities Act 2010 in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.

## **10 Conclusion**

- 10.1 The applicant is seeking retrospective planning permission for the erection of a play area and equipment and decking area for additional outside seating. The use of the outside area will have some impact on nearby residents. However, having carefully considered the issues which have arisen in response to consultation on the application, as well as responses from technical consultees, it is considered that with suitably worded conditions the development will accord with relevant planning policies. The development has been constructed out of timber both in terms of the play area and the outside seating area, and complements the surrounding area with regard to scale, design and materials. It is therefore considered that the development meets the provisions of Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

## **11 Recommendation**

- 11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

## **11.2 Conditions and Reasons**

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Plan and Site Location Plan (Drawing Number: 16-201-01, Scale: 1:1250), Proposed Plans and Elevations (Drawing Number: 16-204-02, Scale: 1:00) received by the Local Planning Authority on the 22 June 2016.

**Reason:** To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

2. No equipment either for the amplification of sound or for the playing of recorded music shall be operated and no live music shall be played outside of the public house building.

**Reason:** To protect neighbouring residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

3. No means of external artificial light shall be installed or operated on the site at any time on the play equipment or the outside seating area.

**Reason:** To protect neighbouring residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

### 11.3 Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.

Planning Committee 13 September 2016  
Report of the Chief Planning and Development Officer

Planning Ref: 16/00600/FUL  
Applicant: Mr Jon Coulthurst  
Ward: Earl Shilton

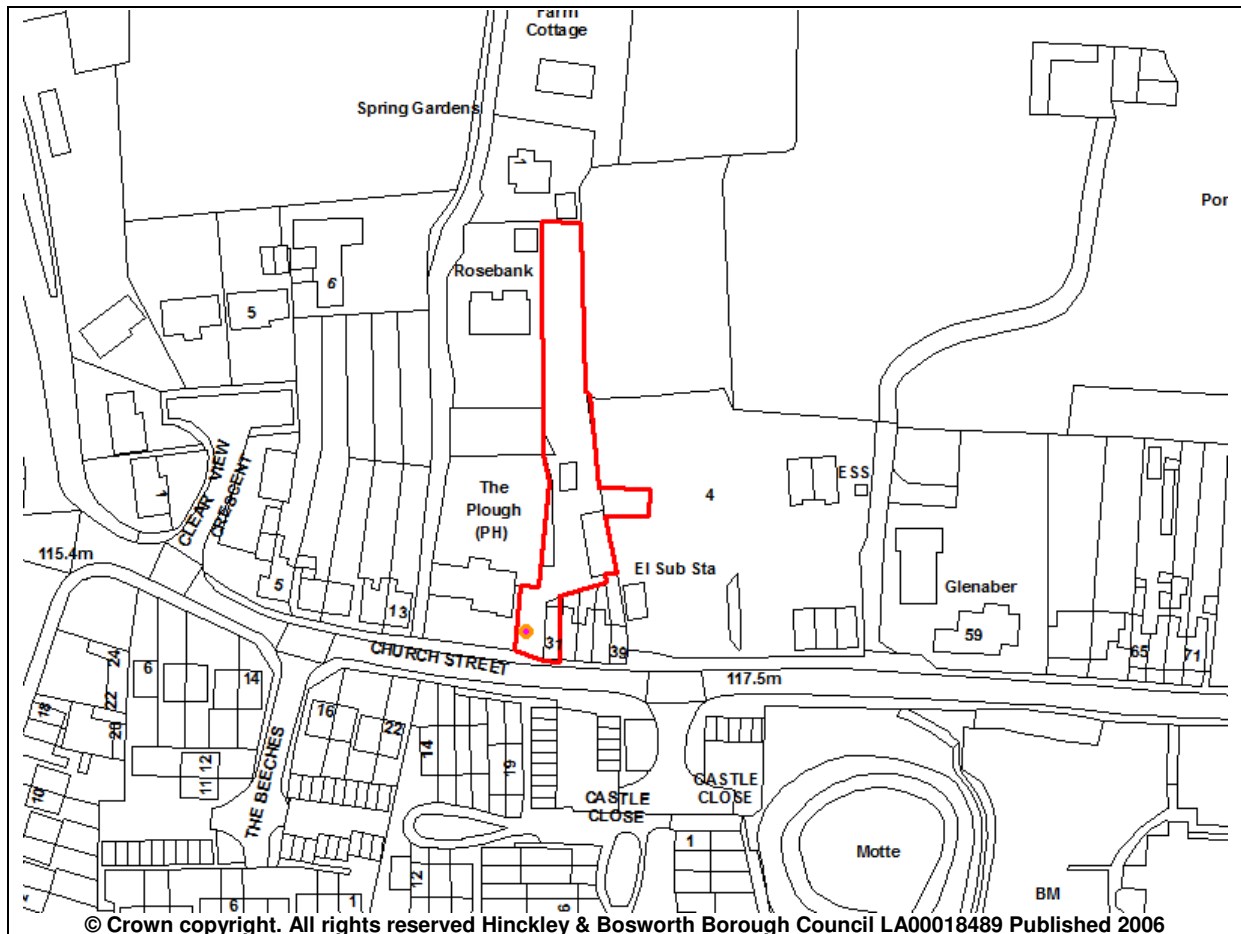


Hinckley & Bosworth  
Borough Council

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Site: 31 Church Street Earl Shilton

Proposal: Erection of three dwellings and associated parking



## 1. Recommendations

- 1.1. Grant planning permission subject to:
  - Planning conditions outlined at the end of this report.

## 2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of three new dwellings and formation of associated parking. The proposal includes 2 x split-level semi-detached three storey houses (1 x 3 bedroom and 1 x 2 bedroom) and a 1 bedroom maisonette and double car port. Access to the site would be via Grewcock Place, a recently completed residential cul-de-sac.

2.2. Amended plans have been submitted to address concerns raised in respect of the design of Plot 3 and the car port and overlooking issues.

### **3. Description of the Site and Surrounding Area**

3.1. The application site measures approximately 0.06 hectares and is located within the settlement boundary of Earl Shilton to the rear (north) of 31 – 39 Church Street and immediately to the west of 1 Grewcock Place. It comprises a derelict abandoned building and an area of overgrown scrub.

3.2. There are two storey terraced houses fronting Church Street to the south of the site, a new development of predominantly 2½ storey houses to the east on Grewcock Place, a converted (residential) two storey public house with a large garden to the west and a paddock and two detached dwellings on a lower ground level to the north. Ground levels fall fairly steeply to the north and the application site is lower than the adjacent development on Grewcock Place.

### **4. Relevant Planning History**

13/01064/FUL	Part demolition of existing building (retrospective) and erection of 14 dwellings with associated vehicle parking and landscaping.	Permitted	30.06.2014
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### **5. Publicity**

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2. Responses from five separate addresses have been received objecting to the proposal on the following grounds:-

- 1) Loss of light/overshadowing due to height and proximity of development
- 2) Overlooking/loss of privacy
- 3) Surface water drainage and flood risk
- 4) Noise and disturbance
- 5) Right of way.

### **6. Consultation**

6.1. No objections, some subject to conditions, have been received from:-

Leicestershire County Council (Highways)  
Environmental Health (Pollution)  
Environmental Health (Drainage)  
Street Scene Services (Waste)

6.2. No response has been received from Earl Shilton Town Council.

### **7. Policy**

7.1. Earl Shilton and Barwell Area Action Plan (AAP) DPD (2014)

- Policy 23: Existing Employment Sites



- 7.2. Core Strategy (2009)
  - Policy 2: Development in Earl Shilton
- 7.3. Site Allocations and Development Management Policies DPD (2016)
  - Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM3: Infrastructure and Delivery
  - Policy DM7: Preventing Pollution and Flooding
  - Policy DM10: Development and Design
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
  - Policy DM19: Existing Employment Sites
- 7.4. National Planning Policies and Guidance
  - National Planning Policy Framework (NPPF) (2012)
  - Planning Practice Guidance (PPG)
  - Community Infrastructure Levy (CIL) Regulations (2010)

## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Other issues
- Equality

#### Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraphs 12 and 13 of the NPPF state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.
- 8.3. The development plan in this instance consists of the adopted Core Strategy (2009), the Earl Shilton and Barwell Area Action Plan Development Plan Document (2014) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. The southern section of the site is designated as a Category C employment allocation within the Earl Shilton and Barwell AAP. However, this is merely a remnant of the main site that has already been developed for housing (Grewcock Place) and there is no employment use on the site remaining. Therefore, the development would not result in a loss of an employment use that would be contrary to Policy 23 of the Earl Shilton and Barwell AAP or Policy DM19 of the SADMP.
- 8.5. Policy 2 of the adopted Core Strategy supports development within the settlement boundary to deliver a minimum of 10 new dwellings in addition to a mixed use

sustainable urban extension (SUE) including 2000 new homes to the south of Earl Shilton. Notwithstanding that this minimum allocation of 10 new dwellings has been exceeded, the location is considered to be sustainable with access to facilities, services and sustainable modes of transport and Policy DM1 of the adopted SADMP and the NPPF in paragraph 14 provide a presumption in favour of sustainable development. Paragraph 7 of the NPPF states that sustainable development has three interacting dimensions: - the social, economic and environmental roles.

- 8.6. The site is located within a sustainable urban location within the settlement boundary of Earl Shilton and within a reasonable distance of its services and facilities. The proposal would contribute in a limited way to the social role of sustainable development by providing three additional dwellings towards the housing supply within the Borough. The construction of the development and its future ongoing occupation would contribute in a limited way to the economic role of sustainable development by supporting the local economy both during construction and by the use of local facilities by future residents. The proposal would also contribute to the environmental role through the visual enhancement of this derelict overgrown site that currently detracts from the visual amenity of the surrounding area.
- 8.7. Residential development of the site would therefore be sustainable and acceptable in terms of strategic planning policies subject to all other planning matters being satisfactorily addressed.

#### Design and impact upon the character of the area

- 8.8. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.9. Amendments to the scheme have been submitted to address minor design concerns. By virtue of the proposed siting, scale, design and external materials, the proposed dwellings would complement the character and appearance of the adjacent residential development on Grewcock Place to the east of the site and form a visual end stop to that development to enhance its overall appearance. The split level/three storey nature of the scheme and the inclusion of 'basement' style accommodation into two of the units would not create any adverse visual impacts on the character or appearance of the area by virtue of the existing lower ground levels of the site in relation to Grewcock Place.
- 8.10. The west elevation of the scheme also has limited window openings to avoid any potential overlooking issues. The proposal is also not overly prominent in any street scene.
- 8.11. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP regarding design and impact on the character of the area and the overarching design principle of the NPPF.

#### Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and

occupiers of adjacent buildings. The NPPF in paragraph 17 seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

- 8.13. Objections have been received on the grounds of loss of light/overshadowing impacts on neighbouring properties due to height and proximity, loss of privacy from overlooking and noise and disturbance.
- 8.14. 1 Grewcock Place is a 2½ storey end terraced house located immediately to the east of the proposed dwellings, of which the ground level of the rear garden falls to the north. The proposed dwellings would project a total of approximately 5.5 metres beyond the rear elevation of No. 1 (and at a separation of 2 metres) but only 2 metres above the ground floor level, the remaining depth of rear projection being a flat roof single storey section, set on a lower ground level than the adjacent property. Therefore, the proposal would not result in any significant adverse overbearing/overshadowing impacts on the occupiers of No. 1. By virtue of the amended plans, that have removed the originally proposed balconies, the proposal would not result in any significant adverse impacts on the occupiers of No. 1 from any loss of privacy from overlooking.
- 8.15. Rosebank is a detached bungalow located on a much lower ground level and located approximately 22 metres to the north west of the proposed dwellings. Notwithstanding the differences in relative ground levels, by virtue of the separation distance and offset position of the scheme, the proposal would not result in any significant overbearing/overshadowing impacts on Rosebank. Amended plans have removed the proposed rear elevation balconies that would have overlooked the windows and rear garden of Rosebank. The rear elevation windows of the proposal would have a separation distance of approximately 26 metres to those of Rosebank and approximately 10 metres to the rear garden boundary. The boundary contains a 3 metre high, mature hedgerow owned by Rosebank. By virtue of the offset position, separation distances and amended plans, the proposal would not result in any significant adverse impacts on the amenities of the occupiers of Rosebank from loss of privacy from overlooking.
- 8.16. 31 – 37 Church Street are two storey terraced houses with subordinate two storey rear extensions. The nearest principal habitable room windows facing the site would be approximately 15 metres from the maisonette which has a ridge height of 7.3 metres. By virtue of the separation distance the proposal would not result in any significant adverse overbearing or overshadowing impacts on the amenities of the occupiers of these properties. There are no windows in the south elevation of the proposed scheme that would result in any loss of privacy from overlooking due to separation distances and boundary treatments.
- 8.17. 23 Church Street lies approximately 10 metres to the south west of the proposed dwellings and is a detached two storey former public house converted to residential use. It has an extensive rear garden that is currently well screened from the site by tall trees and hedgerow along the boundary. Notwithstanding that the built form of the proposed dwellings would extend along a majority of the rear garden, by virtue of the separation distance and existing screening, the majority of which would be retained, the proposal would not result in any significant adverse overbearing/overshadowing impacts on the amenity of the occupiers of No. 23. Although the existing tree screen would provide protection from potential overlooking, the windows on the west elevation of the scheme would be obscurely glazed to provide additional mitigation from any impact on privacy from overlooking.

- 8.18. By virtue of separation distances to any other dwellings, the proposed scheme would not have any significant adverse impacts on the privacy or amenity of any other properties.
- 8.19. The proposed use of the site for residential purposes would not give rise to any significant adverse impacts on the amenities of neighbouring properties from noise or disturbance. Noise and disturbance during construction would be temporary in nature and would not result in any long term significant adverse impacts on the amenities of neighbouring properties.
- 8.20. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP in relation to impacts on neighbouring residential amenities.

#### Impact upon highway safety

- 8.21. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision. Paragraph 32 of the NPPF states that a safe and suitable access to sites should be achieved and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.22. Adequate access is available to the site from Grewcock Place. The proposed scheme includes two parking spaces for each of Plots 1 and 2 (2 bed and 3 bed respectively) and a single space for Plot 3 (1 bed). This level of provision would be in accordance with adopted highway design standards and would therefore be acceptable. The proposed scheme would not result in any significant adverse impacts on highway safety and would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP. No objection in respect of highway safety has been received from Leicestershire County Council (Highways).

#### Drainage

- 8.23. Policy DM7 of the adopted SADMP requires that any adverse impacts from flooding as a result of development would be prevented.
- 8.24. Objections have been received that the proposal may result in additional surface water run-off from the site, particularly given the higher ground levels and the tendency for surface water springs in the area to the north.
- 8.25. The application proposes the use of soakaways to dispose of surface water. Environmental Health (Drainage) has assessed the scheme and points out that the use of soakaways may not be feasible in this case. A note to applicant is recommended that suitability for the use of soakaways should be tested and the results approved by Building Control prior to development commencing. Irrespective of the results of such tests, the scheme would still require building regulations approval for a suitable technical solution for surface water drainage and therefore no condition to require the submission of additional details is considered necessary at this stage, particularly given the small scale of development.

#### Other issues

- 8.26. Objections have been received in respect of a private right of way that runs through the site. Land ownership/rights of way are civil matters that would need to be resolved between the respective parties.

- 8.27. As the former uses of the site and now derelict building are not known, there is a potential for previous land contamination from past use. Therefore Environmental Health (Pollution) recommends a condition to require that any land contamination encountered during development of the site is satisfactorily investigated and mitigated to ensure safe development and protect the health of future occupiers.
- 8.28. Following amendments to national planning guidance, infrastructure contributions can no longer be sought on schemes of less than 10 dwellings, therefore notwithstanding Policy DM3 of the adopted SADMP, no contribution has been pursued in this case.

## **9.0. Equality Implications**

- 9.1. Objections Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-  
(1) A public authority must, in the exercise of its functions, have due regard to the need to:  
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;  
(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;  
(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development

## **10. Conclusion**

- 10.1. The site is within a sustainable urban location and the proposed scheme would contribute in a positive way to the social, environmental and economic roles of sustainable development. The layout, scale, design and appearance of the scheme would complement the character and appearance of the surrounding area. By virtue of the amendments to the scheme, the proposal would not result in any significant adverse impacts on the amenities of any neighbouring properties or highway safety. Satisfactory surface water drainage would be subject to building regulations approval. The amended scheme would therefore be in accordance with Policy 2 of the adopted Core Strategy, Policies DM1, DM7, DM10, DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF and is therefore recommended for approval subject to conditions.

## **11. Recommendation**

- 11.1. **Grant planning permission** subject to:

Planning conditions outlined at the end of this report.

### **11.2. Conditions and Reasons**

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

**Reason:** To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing No. CJ-101 Revision A received by the local planning authority on 8 August 2016 and Site Layout as Proposed Drawing No. CJ-107 Revision B, Proposed Floor Plans Drawing No. CJ-110 Revision B, Proposed Elevations Drawing No. CJ-109 Revision C and Proposed Section Drawing No. CJ-108 Revision A received by the Local Planning Authority on 18 August 2016.

**Reason:** To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Notwithstanding the submitted details, the materials to be used on the external elevations of the dwellings hereby permitted shall be: Walls - Wienerberger/Terca Bellbrook 65 mm facing bricks and K-Rend (Buttermilk) render; Roof - Forna Especial Spanish Natural Slates; Doors and Windows - uPVC (White).

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The development hereby permitted shall be constructed in accordance with the approved proposed ground levels of the site and approved proposed finished floor levels as submitted on the approved plans.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The flat roof areas above the kitchen/dining rooms to Plot 1 and Plot 2 shall only be accessed and used for purposes associated with the repair and maintenance of the building and for no other purposes whatsoever.

**Reason:** To safeguard the privacy and amenity of neighbouring dwellings from loss of privacy from overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Prior to the first occupation of Plots 2 or Plot 3 hereby permitted, all windows in the west side elevation of the scheme (facing 23 Church Street) shall be fitted with obscure glazing and once so provided shall be permanently retained as such at all times thereafter.

**Reason:** To safeguard the privacy and amenity of neighbouring dwellings from loss of privacy from overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

**Reason:** To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. Prior to the first occupation of any of the dwellings hereby permitted, the access and vehicle parking spaces to serve each dwelling shall be constructed, hard surfaced in block paving and marked out in accordance with the approved Site Layout as Proposed Drawing No. CJ-107 Revision B received by the local planning authority on 18 August 2016 and once provided shall be permanently so maintained and retained for such use at all times thereafter.

**Reason:** To ensure that adequate access and off-street parking and turning provision is made in the interests of highway safety to accord with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

### 11.3. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. Any soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor. If soakaway drainage proves impractical, alternative sustainable options should be considered.
3. Application forms to discharge conditions and further information can be found on the planning portal website [www.planningportal.gov.uk](http://www.planningportal.gov.uk)
4. In relation to condition 7 advice from Health and Environment Services can be viewed via the following web address: - <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

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## PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 26.08.16

**WR - WRITTEN REPRESENTATIONS**

**IH - INFORMAL HEARING**

**PI - PUBLIC INQUIRY**

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
	KP	16/00487/TPO	WR	Adam Powell 38 The Limes Ravenstone Coalville LE67 2NW	1A Everards Way Stanton Under Bardon Markfield LE67 9TH (Fell and replace laburnum (T1) and silver birch (T2), crown lift silver birch (T3) and fell rowan (T5))	Awaiting Start Date	
	RWE	16/00339/FUL (PINS Ref 3156193)	WR	Mr Paul Batson The Breson Partnership Keats Lane Earl Shilton LE9 7DR	9 Equity Road East Earl Shilton (Erection of 2 no. dormer bungalows with 2 no. detached garages)	Awaiting Start Date	
	SF	16/00386/FUL (PINS Ref 3156057)	WR	Mr Nigel Salt NP Salt Builders Ltd c/o Agent	Cadeby Hall Main Street Cadeby (Erection of two detached dwellings (revised scheme))	Awaiting Start Date	
16/00025/FTPP	SF	16/00191/HOU (PINS Ref 3155176)	WR	Mr Colin Varney 20 Pennant Road Burbage LE10 2LA	1 Cumbrae Drive Hinckley LE10 0SL (Extension to rear garden area and erection of fence)	Start Date Awaiting Decision	10.08.16
16/00024/FTPP	RWE	16/00428/HOU (PINS Ref 3154127)	WR	Mr Michael Gregory 30 Primrose Drive Burbage LE10 2SL	30 Primrose Drive Burbage Hinckley (Two storey front extension)	Start Date Awaiting Decision	28.07.16
16/00023/FTPP	RWR	16/00129/HOU (PINS Ref 3153896)	WR	Mr J. Fox 61 Station Road Ratby Leicester LE6 0JQ	61 Station Road Ratby Leicester LE6 0JQ (Side extension to dwelling)	Start Date Awaiting Decision	28.07.16

	RWR	16/00178/FUL (PINS Ref 3153867)	WR	Mr Shaun Hussey Dash Homes (Midlands) Ltd C/o Agent	Land To The Rear Of 25 & 27 Burbage Road Burbage (Subdivision of rear gardens of No's. 25, 27 and 29 and erection of four dwellings and erection of single garages for No's. 25 & 27)	Awaiting Start Date	
16/00022/ENF	CA	15/00119/UNBLDS (PINS Ref 3152517)	WR	Mr Graham Penney The Oaks Stapleton Lane Kirkby Mallory Leicester LE9 7QJ	The Oaks Stapleton Lane Kirkby Mallory Leicester LE9 7QJ (Extending bed and breakfast accommodation)	Start Date <b>Site Visit</b> Final Comments	12.07.16 <b>31.08.16</b> 13.09.16
16/00021/VCON	CA	16/00117/CONDIT (PINS Ref 3152465)	WR	San Giovanni Mill Lane Sheepy Parva Atherstone CV9 3RL	San Giovanni Mill Lane Sheepy Parva Atherstone CV9 3RL (Removal of condition 4 of planning permission 14/00099/FUL to remove the obscure windows (retrospective))	Start Date Awaiting Decision	30.06.16
	CA	15/01243/COU (PINS Ref 3154702)	IH	Mr P Reilly and Others Good Friday Caravan Site Bagworth Road Barlestone CV13 0QJ	Good Friday Caravan Site Bagworth Road Barlestone (Retention of five traveller pitches)	Awaiting Start Date	
16/00019/PP	RWE	15/00858/FUL (PINS REF 3151312)	WR	Mr Vinny Bhandari Character Developments Newlands Rickmansworth WD3 4EP	Bosworth House 46 New Buildings Hinckley (Additional storey to create 3 No. flats above existing building and amendments to the external appearance of the building)	Start Date Awaiting Decision	13.06.16
16/00020/PP	AC	15/01173/OUT (PINS Ref 3150072)	WR	Mr P Vesty 34 Lindridge Lane Desford	Field Maple House 34 Lindridge Lane Desford (Erection of 1 dwelling (outline - access only) (revised scheme))	Start Date Awaiting Decision	21.06.16
16/00016/HEDGE	CA	15/00816/HEDGE (PINS Ref APP/H/16/1509)	WR	Mr & Mrs Stokes	90 Forest Road Hinckley (Complaint High Hedges)	Start Date Awaiting Decision	15.04.16

16/00003/CLD	CA	15/00933/CLUE (PINS Ref 3143504)	PI	Mr Arthur McDonagh	Land To The North Of Newton Linford Lane Newtown Linford Lane Groby (Application for a Certificate of Lawful Existing Use for a dwelling)	Start Date Proof of Evidence (TBA) Inquiry Date - 2 days	12.02.16 20.09.16 18 & 19.10.16
16/00006/ENF	CA	10/00234/UNAUTH (PINS Ref 3143502)	PI	Mr Arthur McDonagh	Land To The North Of Newton Linford Lane Newtown Linford Lane Groby (Caravans present on land in contravention to the court order and enforcement action)	Start Date Proof of Evidence Inquiry Date - 2 days	12.02.16 20.09.16 18 & 19.10.16
15/00013/PP	HW	14/01274/OUT (PINS Ref 3081119) To be conjoined with 3156239	PI	JH Hallam & Son Ltd	Land Beech Drive Thornton (Residential development of up to 49 dwellings (Outline - access))	Start Date Public Inquiry (6 days)	09.07.15 14-17 & 21 & 22.03.17
16/00026/PP	JU	16/00311/OUT (PINS Ref 3156239) To be conjoined with 3081119	PI	JH Hallam & Son Ltd	Land Beech Drive Thornton (Residential development of up to 49 dwellings (Outline - access))	Start Date 3rd Party Notification Questionnaire Rule 6 Statement Statement of Common Grd Proof of Evidence Public Inquiry (6 days)	22.08.16 05.09.16 05.09.16 03.10.16 14.02.17 14.02.17 14-17 & 21 & 22.03.17

**Decisions Received**

15/00026/ENF	CA	15/00145/UNUSEH (PINS Ref 3132569)	IH	Michael Cash	Land North West Of Cold Comfort Farm Rogues Lane Hinckley (Unauthorised Traveller Encampment)	<b>ALLOWED</b>	<b>10.08.16</b>
16/00018/PP	RWR	15/00570/FUL (PINS Ref 3146368)	WR	Sachkhand Nanak Dham	Stretton House Watling Street Burbage (Change of use of residential to mixed use of premises to provide accommodation and meeting and teaching facilities, extensions and alterations, alterations to access and provision of associated car parking)	<b>DISMISSED</b>	<b>15.08.16</b>

**Rolling 1 April 2016 - 26 August 2016****Planning Appeal Decisions**

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
22	4	18	0	0	2	0	14	2	0	4	0	0	0

**Enforcement Appeal Decisions**

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
2	1	1		

## PLANNING COMMITTEE – 13 SEPTEMBER 2016

### REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION) PLANNING ENFORCEMENT UPDATE



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

### WARDS AFFECTED: ALL WARDS

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#### **1. PURPOSE OF REPORT**

- 1.1 To provide an update to Members on the number of active and closed enforcement cases within the borough.
- 1.2 To provide an update on the current work load that is being handled and managed by the team.
- 1.3 To provide an overview of the performance of the compliance, monitoring and enforcement function within the planning and development management service area.

#### **2. RECOMMENDATION**

That the report be noted.

#### **3. PLANNING ENFORCEMENT CASE UPDATE**

##### Good Friday Caravan Site

- 3.1 Following the appeal of the enforcement notice to cease the use of the land for the purpose of a caravan site the owners of the site appealed against the Secretary of State's decision to dismiss the appeal in regard to the enforcement notice. Following an appeal to the High Court, the judge determined on the 15 July 2015 that the enforcement notice stands. Therefore, the occupiers of the Good Friday site have to vacate the site by 15 January 2017 and reinstate the land by 15 April 2017. If this is not adhered to the Council has the option to prosecute for failing to comply with an Enforcement Notice or to take direct action. The Council are undertaking a number of options to ensure the successful removal on the date stated above.

##### Land North West of Cold Comfort Farm, Rogues Lane, Hinckley

- 3.2 At the beginning of July 2015 it was reported to the Council that an unauthorised gypsy and traveller incursion had taken place on the land. A Temporary Stop Notice was served requiring occupation of the site to cease within 28 days. In addition to this, a formal injunction was also sought and granted from the County Court to prevent any further incursion onto the rest of the land. Following on from this the Council served a full Stop Notice and an Enforcement Notice to remove the caravans from the site. The Council returned to court to seek a further injunction to remediate the breach of planning control. However the Court only granted a further interim Injunction until a decision has been made on the enforcement notice. The owner subsequently appealed the enforcement notice and this appeal was heard at an Informal Hearing on the 7 June 2016.

The Local Planning Authority has now received a response from the Inspectorate; the appeal was allowed and the site has been granted temporary planning permission for five years. The Inspectorate stated that the site is located within the countryside and

will harm the countryside and is also in an unsustainable location away from local services, and considered that the development was contrary to the Council's Core Strategy and the Site Allocations and Development Management Policies DPD. However, the inspector took into account the fact that one of the occupiers is pregnant and under Article 24 of the Convention on the Rights of the Child special circumstances should apply which to take into account the unborn child. He considered that the five year permission will enable the child to attend a local school, the Inspector also went onto state thatwhilst the Council has programmed into its Local Development Scheme (LDS) the completion of a DPD to allocate Gypsy and Traveller Sites he did not believe that this would be done by October 2017 (as set out within the LDS) therefore he considered that the grant of a five year temporary permission would enable the Council to get an up to date document produced.

Newton Linford Lane, Groby (Known as Klondyke)

- 3.3 On the 7 September 2015, the owner of a piece of land within "Klondyke" submitted an "Application for a certificate of lawful existing use for a dwelling". The application seeks to establish the use of an area within the site as a residential dwelling; the applicant was claiming that the site has been used as a permeant residential dwelling since 1985. This site is particularly well known to the Council and there is an extensive enforcement history on the whole of the site, with previous enforcement notices and Injunctions sought on the land. Based on the evidence provided by the applicant the Council refused the application and subsequently an enforcement notice was served on the 7 January 2016, stating that the dwelling had to be removed. Following the service of an enforcement notice, the applicant has appealed the notice and has been listed for a Public Inquiry between the 18 and 20 October 2016.

Section 124(1) of the Localism Act 2011 inserted new sections into the Town and Country Planning Act 1990 (as amended) to allow enforcement action to be taken in England against a breach of planning control when the time limits for taking enforcement action have expired and the breach has been concealed. Following a number of site visits by the Council, the local authority believes that the dwelling has deliberately been concealed by a person with a view to obtaining a certificate of lawful use.

There have been a number of high profile court cases where owners have sought to deceive the local planning authority in their initial application for planning permission or have concealed the development and then sought to argue that the local planning authority is out of time for taking enforcement action. Where it appears to the local planning authority that there may have been a breach of planning control in its area it may apply to a magistrates court for a planning enforcement order. If the Court makes such an order then the local planning authority may take enforcement action in respect of the apparent breach at any time within a period of one year and 22 days of the making of the order. Following the submission by the Council of a claim for a Planning Enforcement Order, the applicant has appealed against the claim on the basis that concealment has not occurred. The hearing of the case is due to be heard at Leicester Magistrates Court on the 7 October 2016.

Dagleys Farm, Earl Shilton

- 3.4 On the 3 August 2012, the Planning Inspectorate granted planning permission for the change of use of the land from use as agricultural land to a mixed use as agricultural land and residential use, and the siting of a twin unit mobile home for residential use but only on a three year temporary basis. This time period passed and the unit was

still present and an enforcement notice was therefore issued for its removal. No appeal was lodged and the unit has to be removed by the 11 June 2016.

Further to this the unit has been removed and the enforcement notice has been complied with.

231 Shaw Lane, Markfield

- 3.5 On the 7 January 2016, the Council issued the owner of a property with an enforcement notice for the use of the land for a dog breeding establishment and the keeping of dogs. The owner appealed the decision and the Planning Inspectorate dismissed the appeal on the 25 April 2016 giving the owner three months to cease the change of use. Therefore all the dogs at the property needed to be removed by the 25 July 2016.

Following a site visit, all dogs on the property have now been removed and the enforcement notice has now been complied with.

Ellis Taylor, Leicester Road, Hinckley

- 3.8 Two Enforcement Notices were served, one in regard to the creation of hard standing for the parking of non-agricultural vehicles. The second Enforcement Notice served on the site was in regard to the change of use of land from agricultural use to the storage of non-agricultural waste and equipment.

An appeal was made and an Informal Hearing took place on the 29 September 2015. The Inspector's decision was received on the 2 October 2015 which dismissed the two appeals. Therefore the whole site should have been cleared by the 2 May 2016. The two enforcement notices have not been complied with and the Council are now taking prosecution action against the owner for failing to comply with the notices. This has been listed at Leicester Magistrates Court for the 7 September 2016 and a further update will be provided in due course.

152 Wolvey Road, Burbage

- 3.9 At the above mentioned property the owner had erected a 2 metre high fence surrounding a residential property, with the fence fronting the highway. Therefore, the fence required consent from the Local Planning Authority. An application was submitted in an attempt to regularise the situation however this was refused by the Council. The owner then appealed the refusal which was then dismissed by a Planning Inspectorate.

The Council then issued an enforcement notice on the 23 June 2016 for its removal. The owner has subsequently removed the fence and the notice has been complied with.

Greenacres, Ashby Road

- 3.10 On the highway verge of the above property there was a constant problem with a number of advertisements being displayed on the side of the road. The Council took enforcement action for their removal, by the period of time the advertisements were still in place. However, the advertisements were not removed and the Council undertook direct action for their removal.

## S215 – Untidy Land Notices

- 3.11 Within the period from 1 June 2016 to the 31 August 2016 the Local Planning Authority were made aware of 10 untidy properties. Eight of the properties still under investigation are affecting the public amenity of the area and appropriate steps are being taken to ensure that the properties are tidied to a more acceptable level with certain Section 215 Notices to be issued in necessary.

Out of the other untidy properties 2 cases were closed off as these properties were not affecting the public amenity of the area. Two successful stories can be reported to members; one in regard to 41 Jacqueline Road, Markfield where the front garden was very overgrown; after discussing the issue with the owner the site has now been tidied and is to an acceptable standard. A further site which has been tidied up following successful negotiation is the old St Peters Scout Hut, Sunnyhill South, Burbage this site was very overgrown and adjacent to a playing field and public footpath this site has now been tidied up and is no longer adversely affecting the amenity of the area.

The team are still working on a number of other untidy property cases within the borough and hope to provide more updates in the future where successful action has been taken to restore land to an acceptable visual standard.

## **4.0 WORKLOAD & PERFORMANCE**

- 4.1 The following tables show the current work load the team is managing in respect of current enforcement investigations. Table 1 demonstrates the number of cases that have been opened within that period and how many cases have been closed. This table demonstrates the number of cases that the team is managing. The team ensures that enforcement cases are closed off as expediently as possible. Table 2 shows in more detail how the cases were closed. This table demonstrates that the majority of cases that the team have closed are either through negotiation, or by retrospective planning applications being received. As of the 24 August 2016 there are 236 enforcement cases; however a number of these are currently dormant i.e. awaiting further information or subject to ongoing monitoring to collate evidence. The team is taking a proactive approach to ensuring cases are resolved and closed as promptly as possible.

*Table 1: Number of Enforcement cases opened and closed*

<b>Period of time</b>	<b>Number of cases opened</b>	<b>Number of cases closed</b>
1 July 2016 to 31 August 2016	59	22
1 April 2016 to 30 June 2016	74	68
1 January 2016 to 31 March 2016	76	64

*Table 2: How the enforcement cases were closed*

<b>Period of time</b>	<b>Total Cases closed</b>	<b>Case closed by resolving breach</b>	<b>Case closed by not being a breach</b>	<b>Cases closed by being Permitted</b>
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				<b>Development</b>
1 July 2016 to 31 August 2016	22	9	9	4
1 April 2016 to 30 June 2016	68	22	43	3
1 January 2016 to 31 March 2016	64	27	31	6

- 4.2 On the 9 March 2016, Council approved an updated Planning Enforcement Protocol as set out in Appendix 1. The Planning Enforcement Protocol has been updated to be in accordance with the NPPF and to also set out how the Council will proactively manage enforcement issues within the borough by monitoring the implementation of planning permissions and ensuring conditions are fully complied with. As part of a review of the protocol, in order to be more proactive in our investigations, time scales for carrying out a site visit in response to an alleged breach have been reviewed. The previous protocol set out that a site visit would be undertaken within 15 working days. This target time has been shortened to ensure visits are done within 7 working days. Currently the enforcement team are hitting this target at 100%. The second performance indicator is in regard to acknowledging complainants within 3 working days and this target is being met at 100%.

**5. FINANCIAL IMPLICATIONS [TF]**

- 5.1 Currently a cost of £11,268 has been incurred for the Newton Linford Lane, Groby appeal. This and any other costs for appeals will be met from within existing budgets.

**6. LEGAL IMPLICATIONS LEGAL IMPLICATIONS [MR]**

- 6.1 None

**7. CORPORATE PLAN IMPLICATIONS**

This document contributes to Strategic Aim 1 of the Corporate Plan

- Creating a vibrant place to work and live.

**8. CONSULTATION**

None

**9. RISK IMPLICATIONS**

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
None	None	

**10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

This report is for information purposes to update Members on the progress of recent enforcement cases. As this report is not seeking a decision it is envisaged that there are no equality or rural implications arising as a direct result of this report.

**11. CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Voluntary Sector

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Contact Officer: Craig Allison, Planning Enforcement Officer ext. 5700

Executive Member: Cllr Stan Rooney