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Steve Atkinson MA(Oxon) MBA FIoD FRSA
Chief Executive

Date: 21 December 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, 3 JANUARY 2017** 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 - 3 JANUARY 2017

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 2)

To confirm the minutes of the meeting held on 6 December.

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. 16/00820/FUL - NEOVIA LOGISTICS SERVICES (UK) LTD, PECKLETON LANE, DESFORD (Pages 3 - 34)

Application for storage and distribution warehouse building, unloading/loading bays, office unit, car parking, circulation, revised access, associated hard standing areas, landscaping, diversion of bridleway R119 and ancillary works.

8. 16/00885/FUL - 83 - 103 CHURCH STREET, BURBAGE (Pages 35 - 46)

Application for change of use of part of existing retail unit to either a retail unit (A1) or hot food takeaway (A5). Change of use of office (B1) and dance studio (D2) to residential (C3) to form 5 flats. Demolition of part of outbuilding to rear and erection of a two storey side extension.

9. 16/00827/OUT - 103 COVENTRY ROAD, BURBAGE, HINCKLEY (Pages 47 - 56)

Application for residential development (outline – access only).

10. 16/00922/FUL - BON ACCORD, NUTTS LANE, HINCKLEY (Pages 57 - 68)

Application for change of use from dwelling to children's day care nursery including two storey side extension.

11. APPEALS PROGRESS (Pages 69 - 72)

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

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

Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

6 DECEMBER 2016 AT 6.30 PM

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

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

Officers in attendance: Rebecca Owen, Michael Rice, Nicola Smith and Nic Thomas

263 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Bessant, with the substitution of Councillor Boothby authorised in accordance with council procedure rule 4.

264 MINUTES

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

RESOLVED – the minutes of the meeting held on 8 November be confirmed and signed by the Chairman.

265 DECLARATIONS OF INTEREST

Councillor Witherford declared a personal interest in application 16/00247/FUL.

266 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all decisions had been issued, and 16/00636/HOU, which had been deferred at the previous meeting, was on this agenda.

267 16/00712/FUL - 9 COSTALOT STABLES, BARLESTONE ROAD, BAGWORTH

Application for erection of livestock building.

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

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

268 16/00247/FUL - LAND SOUTH EAST OF JUNCTION OF BARWELL LANE AND HARWOOD DRIVE, HINCKLEY

Application for relocation of Dorothy Goodman School.

Councillor Taylor entered the meeting at 6.49pm.

It was moved by Councillor Sutton, seconded by Councillor Boothby and

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

Councillor Taylor wished it to be noted that she had abstained from voting due to having arrived partway through the debate on the item.

269 16/00636/HOU - 38 FARAY DRIVE, HINCKLEY

Application for two storey rear extension.

Councillor Taylor proposed that the application be refused. In the absence of a seconder, the motion was not pursued.

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

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

270 14/01189/OUT - SKETCHLEY HILL HOUSE, RUGBY ROAD, BURBAGE

Application for erection of nine dwellings and associated roads and car parking, following demolition of existing property (outline – access, layout and siting).

Notwithstanding the officer's recommendation that the application be approved, it was moved by Councillor Wright that permission be refused. In the absence of a seconder, the motion fell.

It was suggested that a condition be added to retain or replace the hedgerow on the frontage.

It was moved by Councillor Sutton, seconded by Councillor Surtees and

RESOLVED – permission be granted subject to the conditions contained in the officer's report and late items and the abovementioned additional condition in relation to retention of the hedgerow.

271 APPEALS PROGRESS

On the motion of Councillor Boothby, seconded by Councillor Sutton, it was

RESOLVED – the report be noted.

(The Meeting closed at 7.44 pm)

CHAIRMAN

Planning Committee 3 January 2017
Report of the Chief Planning and Development Officer



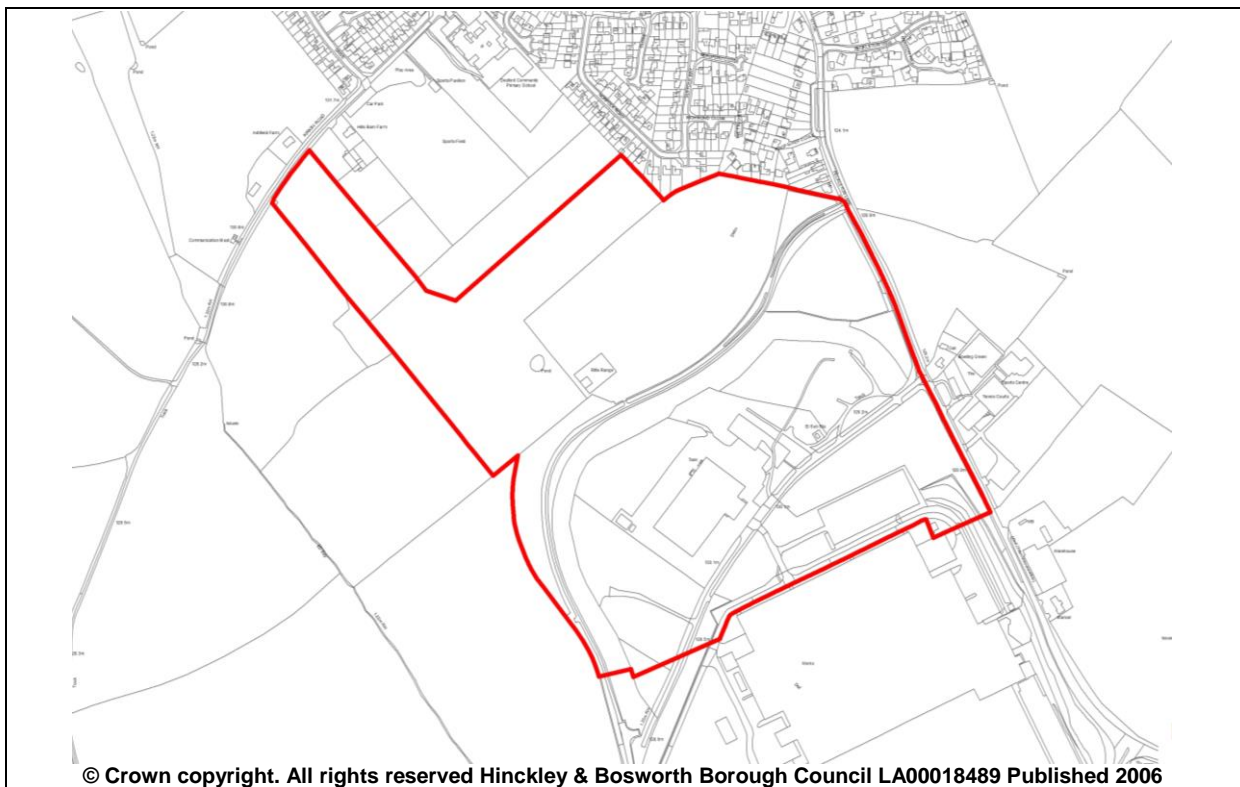
Hinckley & Bosworth
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Planning Ref: 16/00820/FUL
Applicant: Neovia Logistics
Ward: Newbold Verdon With Desford & Peckleton

Site: Neovia Logistics Services (UK) Ltd Peckleton Lane
Desford

Proposal: Storage and distribution warehouse building, unloading/loading bays, office unit, car parking, circulation, revised access, associated hard standing areas, landscaping, diversion of bridleway R119 and ancillary works.



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
- Desford crossroad junction highway improvement contribution
- Heavy Goods Vehicle signage review
- Bus stop improvement contribution
- Highways monitoring contribution
- Public realm improvement contribution
- Green space and play provision contribution
- 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 contributions and terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This application seeks planning permission for the demolition of an existing building and the erection of a storage and distribution warehouse building, unloading/loading bays, office unit, car parking, circulation, revised access, associated hard standing areas, landscaping and ancillary works.
- 2.2. The warehouse building would be 1.2 million sq ft with a maximum roof height of 18m above ground floor level. The building would have a low pitched roof which would be hidden by a parapet. Lorry loading docks would be provided along the east and west elevations of the warehouse building. On the north west corner of the building would be an ancillary, four storey office building with a maximum height of 15m above ground level.
- 2.3. Pedestrian access to the site would be in the north east corner. Vehicular access to the site would be split for heavy goods vehicles (HGVs) and cars. HGVs would access the site via the existing 'Gate 2' entrance and would travel along internal circulation areas to the rear of the existing buildings and would egress the site via a new 'right turn only' exit onto Peckleton Lane in the south east corner of the site. Cars would access the site via a new roundabout to be constructed in the north east corner of the site. Car parking would be provided to the north and east of the building.
- 2.4. Landscaping proposals include retention of existing trees along the frontage of the site, additional hedgerow and tree planting and a 2-3m high earth bund along the southern section of the eastern boundary.
- 2.5. Attenuation ponds are proposed to the north west of the warehouse building.

3. Description of the Site and Surrounding Area

- 3.1. The Site is situated approximately 12km west of Leicester City and 9.5km north east of Hinckley. The site is to the south of Desford and north east of Peckleton and immediately to the west of Peckleton Lane. The site is in close proximity to the A47 and relatively close proximity to M1, M69 and A5.
- 3.2. The site forms part of and is adjacent to the Neovia and Caterpillar sites immediately to the south which comprise approximately 81 hectares. To the east of Peckleton Lane is primarily agricultural land although there is a single dwelling, an agricultural business, a building with planning permission for a place of worship and Sport in Desford. To the north of the application site are dwellings forming the southern boundary of Desford comprising: Kingfisher Close, The Finches, Richmond Close, Suffolk Way, and Norfolk Road. To the west of the application site are agricultural fields with one agricultural dwelling accessed Desford Lane and located 400m from the site.
- 3.3. The Desford conservation area is located approximately 500m to the north of the application site with the closest listed buildings located approximately 700m to the north.
- 3.4. The application site sits on a plateau with the surrounding land undulating and gently sloping down to the north east and west. Immediately adjacent to the application site along Peckleton Lane the land slopes down to the north before rising into the centre of Desford.
- 3.5. The Site forms part of and is adjacent to the wider Neovia site which is situated to the south. The site covers an area of 29.9 hectares. The Site currently comprises a

small warehouse building, hardstanding areas, a car park, circulation and practice area for the fire brigade and a former World War II firing range. The remainder of the site comprises open land with some areas containing trees and shrubs and a woodland area to the north.

- 3.6. There is a bridleway running through the site which links Peckleton and Desford. There are numerous footpaths across the agricultural land to the east and west of the application site.

4. Relevant Planning History

16/00829/SCOPE	Erection of a new storage and distribution warehouse screening opinion	EIA not required	19.10.2016
16/00553/FUL	Replacement storage warehouse	Permitted	14.09.2016

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. Site notices were posted within the vicinity of the site and a notice was displayed in the local press. Additionally, prior to the submission of this application the applicant's undertook a pre-application public consultation event at Desford library.

- 5.2. 11 representations have been received; one of support, six of objection and four neither supporting nor objecting. The comments are summarised below:

- 1) Impact upon the rural character of the village
- 2) Privacy and security issues diverting the footpath close to the properties to the north of the application site
- 3) Insufficient new plantings and maintenance of existing woodland on the north of the site
- 4) Volume of traffic to be generated by employees will impact on Parkstone Road as a rat run and coincide with school finishing time
- 5) Excessive noise creation, especially at night
- 6) A management plan should be required to ensure the existing and proposed trees are maintained
- 7) Too close to domestic properties
- 8) Light pollution from the parking and building
- 9) HGVs travelling through the village is an issue at present
- 10) The roundabout at the top of a blind summit is an accident risk
- 11) Desford village does not have the infrastructure to accommodate additional employee traffic
- 12) Accessing the A47 from Dan's Lane is problematic in the morning and evening
- 13) The bridleway should have lights
- 14) The footpath should also be extended from the village to the A47
- 15) Many vehicles along Peckleton Lane exceed the speed limit
- 16) Developers should ensure the WW2 firing range is preserved
- 17) Part of the site is outside the employment allocation and within the countryside
- 18) The proposal is not compliant with Policy DM4 of the Sites Allocation DPD
- 19) Adverse impact on neighbouring amenity from noise 24/7
- 20) Adverse impact on rare and protected species
- 21) There is very little awareness of the application amongst local people

6. Consultation

- 6.1. No objection, some subject to conditions and obligations, has been received from the following:
- Environment Agency
 - Environmental Health (Drainage)
 - Environmental Health (Pollution)
 - Waste Services
 - Leicestershire County Council (Highways)
 - Leicestershire County Council (Rights of Way)
 - Leicestershire County Council (Drainage)
 - Leicestershire County Council (Archaeology)
 - Severn Trent Water
- 6.2. Leicestershire County Council (Ecology) – recommend refusal due to insufficient information on the presence of badgers within the application site. No objection with regards to bat and reptile mitigation.
- 6.3. Desford Parish Council – support the application subject to appropriate mitigation and planning obligations.
- 6.4. Peckleton Parish Council – no objection subject to conditions and planning obligations.
- 6.5. Sport in Desford – there are concerns over the additional traffic associated with the development. A footpath should be provided along the eastern side of Peckleton Lane and traffic calming should be provided.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 7: Key Rural Centres
 - Policy 8: Key Rural Centres Relating to Leicester
 - Policy 14: Rural Areas: Transport
- 7.2. Site Allocations and Development Management Policies DPD (2016) (SADMP)
- DM1: Presumption in Favour of Sustainable Development
 - DM3: Infrastructure and Delivery
 - DM4: Safeguarding the Countryside and Settlement Separation
 - DM6: Enhancement of Biodiversity and Geological Interest
 - DM7: Preventing Pollution and Flooding
 - DM10: Development and Design
 - DM11: Protecting and enhancing the Historic Environment
 - DM12: Heritage Assets
 - DM13: Preserving the Borough's Archaeology
 - DM17: Highways and Transportation
 - DM18: Vehicle Parking Standards
 - DM19: Existing Employment Sites
 - DM20: Provision of Employment Sites
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)
 - The Noise Policy Statement for England
 - World Health Organisation Guidelines for Community Noise

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon heritage assets
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Impact upon ecology
- Drainage
- Lighting
- Contamination
- Construction
- Developer contributions
- Public consultation

Assessment against strategic planning policies

- 8.2. The application site is located to the south of Desford; outside the settlement boundary. Policy 7 of the Core Strategy seeks to support Key Rural Centres, of which Desford is designated, and ensure they can provide key services to their rural hinterland by ensuring there is a range of employment opportunities within the Key Rural Centres. To support this, the enhancement of allocated employment sites in the Key Rural Centres will be supported. Policy 8 of the Core Strategy, with specific relation to Desford, notes that the Council will support additional employment provision to meet local needs in line with Policy 7.
- 8.3. The majority of the application site falls within an employment site with a smaller proportion of the northern section of the site being located on land designated as countryside in the SADMP.
- 8.4. Policy 19 of the SADMP refers to existing employment areas noting that they are identified on the policies map and the site category are provided by the most up-to-date Employment Land and Premises Review. The employment site is designated as DES27 in the SADMP which is identified as a Category A Employment Site. Category A sites are to be retained in their entirety for B1, B2 and B8 employment uses. This application proposes the erection of a storage and distribution warehouse building which is a B8 use and therefore acceptable in-principle on the allocated employment site, subject to satisfying all other relevant policies in the Development Plan and material planning considerations.
- 8.5. The smaller proportion of the site outside the identified employment allocation and identified as countryside would be subject to Policies DM4 and DM20 of the SADMP.
- 8.6. Policy DM20 of the SADMP relates to the provision of employment sites. The development of new employment sites for B1, B2 and B8 uses outside of allocated employment areas will be supported where they stand within settlement boundaries or on previously developed land. In this instance, a section of the site which comprises a former World War II firing range would constitute previously developed land and is acceptable in-principle. However, a proportion of the site designated as countryside is outside the settlement boundary and does not constitute previously developed land. The policy goes on to note that proposals which stand outside settlement boundaries and on greenfield sites will only be found acceptable where it is demonstrated that there are no suitable alternative sites identified sequentially in the following locations:

- a) Within settlement boundaries
 - b) On previously developed land
 - c) Adjacent to existing employment sites
 - d) Adjacent to settlement boundaries
- 8.7. In this instance, the development of the greenfield site is associated with the development of the Category A employment site. Therefore, it is not feasible for the development to be within the settlement boundary or on previously developed land. Furthermore, the Employment Land and Premises Review (2013) identifies that the *'forecasts (which determine the employment allocations) represent the absolute minimum amount of land required to accommodate the activities of different industry sectors'*. It is considered that the proposed development within the countryside is in accordance with Criterion c) of the Policy DM20 of the SADMP.
- 8.8. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. Development which significantly contributes to economic growth, job creation and/diversification of rural businesses is considered to be sustainable development in the countryside.
- 8.9. Neovia (formerly Caterpillar Logistics) has been providing logistics services to external clients since 1986 from the Desford site, with Land Rover being their first client. Following the amalgamation of Jaguar with Land Rover, the combined Jaguar Land Rover ('JLR') business is experiencing growth resulting in the need for suppliers to increase capacity by investing in a larger operating premises and additional jobs here in the UK.
- 8.10. To ensure Neovia can support JLR with their continued growth Neovia needs to ensure that there is the capacity to meet their current and future requirements. Neovia and JLR has invested substantially in the Desford campus to increase capacity through operational efficiency to meet the needs of JLR but the identified required capacity is still not being met. At present, 46,500 sq m of additional warehousing space is being leased across the Midlands to meet demand. For Neovia to meet the forecast growth of the JLR business Neovia needs to invest in an additional 111,484 sq m of capacity on the Desford campus. This significant investment programme will secure the jobs of existing employees as well as creating new jobs that will benefit the local and national economy.
- 8.11. The applicant has submitted an Additionality Statement which demonstrates the job creation and economic growth which is associated with the proposed development. During the construction phase it is anticipated that the development would create 439 full time employment jobs which are anticipated to be for a period of 1.5 years. The construction costs associated with the project are estimated to be £38-45 million with a large proportion spent on a local and regional scale. Therefore, the proposed development would support job growth indirectly through suppliers of construction materials and equipment. Once the development is fully operational, it is anticipated that the up to 305 permanent jobs would be created.
- 8.12. It is considered that the proposed development would significantly contribute to job creation and economic growth and is in accordance with Criterion c) of Policy DM4 of the SADMP, subject to satisfying the design criteria.
- 8.13. The proposed development would make a significant contribution to economic growth and job creation in and around Desford. The proposed development is considered acceptable in-principle in accordance with Policies 7 and 8 of the Core Strategy and Policies DM4, DM19 and DM20 of the SADMP, subject to satisfying other relevant policies in the Development Plan and material planning consideration.

Impact upon the character of the area

- 8.14. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policy DM4 of the SADMP ensures that development does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.
- 8.15. A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application which identifies that the development is characteristic of the surrounding area and that the visual impacts can be mitigated; as proposed.
- 8.16. A zone of theoretical visibility map identifies that due to the form of the landscape views of the site are localised to the immediate setting. Longer distance views are contained by ridges, rolling landscape, mature vegetation and intervening built form which characterises the wider landscape.
- 8.17. The landscape area is characterised as forming part of the Desford Vales in the Landscape Character Assessment. The main characteristics of which are as follow :
- Gently rolling landform
 - Although predominantly arable, clustered areas of industry and recreational facilities are locally prominent
 - Tree cover is limited with scattered trees and small linear woodland copses
 - Large to medium sized field pattern is defined by single species hawthorn hedgerows. Where hedgerows have been removed, open views across the landscape are possible
 - Clustered villages of varying size centre around crossroads. Desford is the largest settlement in the area.
 - Good network of footpaths link settlements; few major roads
 - Open views give an impression of a large scale landscape. Masts, poles and pylons are often prominent.
- 8.18. More specifically to the application site, the area is characterised by:
- Gently rolling landform to the east and west
 - The site forms part of and is located adjacent to a series of commercial buildings with arable land also bordering the site
 - There is a small woodland copse to the north of the site separating the village of Desford
 - The site is located on the southern edge of Desford and the clustered villages of Peckleton and Kirkby Mallory are nearby
 - A bridleway follows the western edge of the site linking Peckleton and Desford. The B582 passes through Desford and the A47 lies to the south of the site apart from which there are mainly only minor roads
- 8.19. The LVIA concludes that the change in character of the area would be small as it is considered that the proposed development would result in a minor loss to the key characteristics of the Desford Vales Character Area and increase the industrial uses that are already recognised as forming part of the character of the area.
- 8.20. With regards to the visual impact, Table 10 of the submitted LVIA summarises the impact on selected viewpoints which are representative of the impact on the surrounding area. The table notes that there are a series of receptors that are of high sensitivity; these are primarily along footpaths in the surrounding area and nearby residential properties. The table summarises that with appropriate mitigation (as proposed) there would not be a significant visual impact on the receptors.

- 8.21. The proposed development is for the erection of a storage and distribution warehouse and associated offices. The warehouse building would have a maximum height of 18m above ground level. It was discussed whether the building could be reduced in height but it was concluded that this was not possible due to the functionality of the design. The building has been designed to a specified height to allow for internal racking for the storage of goods. Reducing the height of the building would result in a greater required footprint for the building as the amount of internal space has been determined based on the commercial need for the building; providing a smaller building would not be viable. The building would have a series of low pitched roofs with valleys for drainage which would be hidden by a parapet. The parapet raises the height of the building along the east and west elevations but creates a cleaner elevation to the north and south, concealing the gable ends of the portal frames. The building would be constructed using a mix of light grey, mid grey and charcoal vertical emphasised panelling. Different coloured panelling would be used for the bottom and top halves of the building helping to reduce the bulk of the elevations. A lighter cladding would be used for the top half of the building to reduce its prominence. The office building would provide more of a feature to the development with large areas of glazing with dark grey framing, surrounded by charcoal cladding and a large area of anodised aluminium cladding to break up the principal elevation and provide architectural interest to the building.
- 8.22. The mitigation proposed in order to help assimilate the views of the proposed development within the local landscape context and more effectively integrate the site into the local landscape include; woodland planting, woodland edge/buffer planting, hedgerow boundary improvements including enhancement and strengthening with native species, hedgerow tree planting and amenity planting. The additional tree planting would be between 1 – 3 years old and planted with a height of between 0.8m and 2m. The intention of additional planting is to mitigate the visual impact in the medium to long term. More information on the size and species of planting can be found on drawing: Planting Sheet 1 of 2. Concern has been raised that the existing woodland planting in the ownership of the applicants is not well maintained and the additional planting could exacerbate issues of poor maintenance. Maintenance of the proposed planting would be secured through the imposition of a planning condition requiring a management plan to be submitted. However, it should be noted that the management plan would be for the maintenance of the proposed planting and cannot be used to remedy an existing issue.
- 8.23. The most common views of the building would be from Peckleton Lane and along the bridleway with less commonly seen views from the surrounding footpaths and Kirkby Road.
- 8.24. Along Peckleton Lane the office building will be highly visible from the break in landscaping surrounding the roundabout although due to the high quality design of the building it is considered this will provide architectural interest and complement the character of the area. Along the eastern boundary of the site, existing mature trees would reduce views of the building along the northern section of the boundary. A tree survey has been submitted with the application noting that the mature trees along the eastern boundary to be retained are mostly 12m tall. On the southern section of the eastern boundary a 3m high earth bund; reducing to 2m high at its northern end and finishing adjacent to the existing mature trees near to the entrance of Sport in Desford is proposed. The earth bund would be consistent with the earth bund in front of the existing Neovia buildings along Peckleton Lane which will be planted with hedgerow and trees. Between the landscaping on the eastern boundary and the car park to the east of the building a 4m high acoustic fence is

proposed. The design/appearance of this shall be secured through planning permission.

- 8.25. At present, from the north east the bridleway follows the southern boundary of the woodland area with relatively uninhibited medium distance views of the warehouse buildings to the south before meandering south and closely following the western boundary, although separated by a landscaped earth bund. It is proposed to divert the bridleway through the woodland area on the north side of the site with a small grass verge planted on each side. In the north west corner of the site the bridleway would exit the woodland area and turn south along the western boundary of the site. The western boundary of the site would be separated by woodland edge/buffer planting. The diversion of the footpath through the woodland area would provide a greater sense of distance from the site as opposed to the existing route although the western section of the bridleway would be in close proximity with less landscaping to mitigate the development. User's experience of the bridleway would be improved along the northern section and worsened along the western section. Overall, there would be a relatively neutral impact on the users of the bridleway.
- 8.26. It is considered that views of the proposed building from footpaths in the vicinity of the site would be subject to a relatively minor impact. From the medium to long distance views, the building would be seen in the context of the adjacent employment buildings, and with mitigation planting and therefore would not drastically change the character and appearance of the area. From Kirkby Road, there would be minimal visibility of the building due to the large areas of planting proposed to the north and west of the building.
- 8.27. A tree survey and arboricultural impact assessment has been submitted with the application. The development would result in the loss of multiple mature trees of high amenity value along the existing internal road which is within the proposed footprint of the building. Wherever possible, trees are proposed to be retained and protected during construction; details of which are contained in the arboricultural impact assessment. The loss of the trees is regrettable although it is considered the benefits of the scheme outweigh the harm caused by the loss of the trees and substantial mitigation planting is proposed comprising native species. The loss of the trees would not have a significant adverse impact on the countryside.
- 8.28. It is considered that the proposed development by virtue of its location adjacent to the existing employment sites would not be uncharacteristic of the area. The building has been designed consistently with the surrounding employment buildings and incorporates lighter materials used at greater heights to reduce prominence. Substantial mitigation is proposed to reduce the visibility of the building and where the building is highly visible adjacent to the roundabout it provides architectural interest. The proposed development would have a limited impact on the wider area due to the characteristics of the surrounding area. As per the findings of the submitted LVIA, it is considered that the proposed development would not have an adverse impact on the intrinsic value, beauty, landscape character or open character of the countryside and is in accordance with Policies DM4 and DM10 of the SADMP.

Impact upon heritage assets

- 8.29. Policies DM10, DM11, DM12 and DM13 of the SADMP seek to protect and enhance the historic environment, heritage assets and the Borough's archaeology.
- 8.30. The proposed building would be located approximately 500m from the conservation area of Desford and 700m from the nearest listed building. Some glances of the building may be visible from the conservation area although it is not considered that

these would be sufficient to have an impact on the setting of the conservation area. The building would not be visible from the surrounding listed buildings.

- 8.31. Leicestershire County Council (Archaeology) has been consulted and commented that the area has previously been subject to archaeological investigation including trial trenches evaluation and watching brief. The trenching provided no evidence of archaeological deposits and therefore no further investigation is requested.
- 8.32. It is acknowledged that concern has been raised over the loss of the World War II firing range as part of the application. The firing range is considered to be of local historic interest with only limited significance due to the lack of public visibility and access. The development would see the loss of the firing range although the applicant has agreed to erect a small memorial along the diverted bridleway in order to retain the historic interest of the site. The design/ form and location of the memorial would be secured through the imposition of a planning condition.
- 8.33. It is considered that the proposed development would not have an adverse impact on any designated heritage assets and is in accordance with Policies DM10, DM11, DM12 and DM13 of the SADMP.

Impact upon neighbouring amenity

- 8.34. Policy DM10 of the SADMP seeks to ensure that development proposals do not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality, noise, vibration and visual intrusion. To the east of the application site is: Oak View (a dwelling), The Bungalow (a vacant building with planning permission for a place of worship, formerly a dwelling), Sport in Desford and Highfield Seeds. To the north of the application site, dwellings back onto the site from Kingfisher Close, The Finches and Norfolk Road.

Noise impact

- 8.35. A Noise Assessment has been submitted the application. The noise Assessment sets out the existing noise climate based on the results of surveys undertaken at two locations surrounding the existing site, identifies and models the noise implications of the proposed development based on noise from similar sources i.e. the existing Neovia warehouse and proposes mitigation to ensure no significant adverse impact on neighbouring amenity in accordance with the advice in the Planning Practice Guidance, the Noise Policy Statement for England and World Health Organisation – Guidelines for Community Noise.
- 8.36. It should be noted that the noise assessment has been modelled as a worst case scenario i.e. 12 vehicles per hour at night and 20 during the day. It is only anticipated that there will be 2 vehicles per hour at night and a maximum of 15 per hour in the day.
- 8.37. The level difference between the rating noise level and the existing background noise level during the day and night, from site noise, is some 14 to 16 dB above the typical measured background sound level. Therefore, the proposal, according to the initial estimate from a BS4142 assessment, has the potential to result in a significant adverse impact. This is not surprising as the current site is unoccupied and therefore background sound levels are relatively low. However, it should be noted that through a BS4142 assessment various penalty decibel levels are applied which inflate the expected noise level. These penalties are not always applicable in actuality as they can be mitigated through noise management plans and functioning of the site.
- 8.38. It is the opinion of the author of the noise assessment that it is appropriate to consider the impact relative to the WHO guideline values. Therefore, the proposal

has been designed and mitigated so that that the predicted noise levels does not exceed the WHO guidelines - noise levels below the threshold values where effects such as annoyance can be assumed to be negligible.

- 8.39. To ensure compliance with WHO noise standards a 4m high acoustic fence is proposed around the eastern loading bay area and car park and a 2.4m high acoustic fence is proposed surrounding the northern car park.
- 8.40. Following the submission of the noise assessment, additional information was requested to clarify the modelling and questions asked as to whether the design/layout/functioning of the site could be reviewed to avoid impacting upon the neighbouring residential properties. Subsequent discussions concluded that reasonable steps had been taken to reduce noise implications where possible and alternatives designs and functioning of the site had been discounted for various operational reasons.
- 8.41. Environmental Health (Pollution) has commented that the noise investigation and additional clarification submitted demonstrates that if operated as predicted and as inputted into the noise model, current noise standards should be met. There is therefore no justification for refusal on noise grounds. However, the development will change the noise environment in its vicinity and it is therefore important to continue working with the applicant to ensure that operations are controlled so that the least impact from noise as is possible is achieved.
- 8.42. A draft Noise Management Plan has also been submitted. Revisions are required to ensure appropriate management which can be secured through the imposition of a planning condition. The management plan details noise emitting sources and how these can be minimised such as through the fitting of broadband reversing alarms on forklifts, minimising speed limits on the site, locating speed bumps in areas with least impact. Additionally, a specification of the proposed loading docks on the building has been submitted which identifies the use retractable dock shelters to be fitted with inflatable dock seals and external high speed dock doors. This dock design is not used on the existing buildings and was not used to model the expected noise levels. Therefore, it is anticipated that with this mitigation, the expected noise levels would be lower than as modelled. The detailed design of the loading docks, including the proposed dock specification provided shall be secured through the imposition of a planning condition. Additionally, a planning condition is proposed to ensure that the HGV numbers to and from the site do not exceed those used for the modelling to ensure the worst case scenario is not exceeded and would require Neovia to keep a log book which can be inspected by the Local Planning Authority. Furthermore, a planning condition shall be imposed which requires intermittent noise monitoring at the closest point to the façade of neighbouring dwellings at times agreed with the Local Planning Authority. The monitoring will be undertaken during various stages of the operation of the development and will be on an ongoing basis.
- 8.43. The submitted noise assessment demonstrates that current noise levels can be met in a worst case scenario. Due to the increased noise environment there is likely to be some noise implications for the occupiers of neighbouring residential properties and their living experience and enjoyment of private amenity spaces. However, the impact would be relative to the existing, reasonably tranquil environment and although the noise levels would be greater, and cause some harm to the amenity of the neighbours, they would not be to a severe level that would be considered to cause significant adverse harm which would be contrary to policy. However, as noted above, the harm has been predicted on a worst case scenario which takes into account higher levels of vehicle movements than is expected and does not take

into account additional mitigation measures which will be proposed as part of the design and through the management plan.

- 8.44. The location of the mechanical plant associated with the development has not been specified at this stage as it would be decided during the detailed design phase. Therefore, a planning condition is proposed to limit the noise levels.
- 8.45. Therefore, subject to the submission of an appropriate noise management plan which can be secured through the imposition of a planning condition, it is considered that the proposed development would not have a significant adverse impact on neighbouring amenity with regards to noise impacts.

Visual impact

- 8.46. Oak View and The Bungalow are located approximately 95m from the east elevation of the proposed building. The closest dwellings to the north elevation of the office building are located approximately 95m. A site Section plan has been submitted with the application which demonstrates that due to the separation distances, landscaping and height of the building, it would not have an overbearing impact on the occupiers of the neighbouring residential dwellings. The dwellings to the north of the application site would not have views of the building due to the topography of the land and the existing woodland planting to the north of the site which is to be retained. There would be views of the building from Oak View and The Bungalow but these would not be at a scale which could be considered to be overbearing.

Light impact

- 8.47. A car park lighting proposal has been submitted with the application which illustrates the illumination levels surrounding the site. The images demonstrate that the illumination levels from the development will be 0 lux at Oak View and the nearest residential properties in Desford. Therefore, it is considered that the proposed development would not have an adverse impact on neighbouring residential amenity from lighting.

Privacy

- 8.48. Concern has been raised that the diversion of the bridleway closer to the properties on the southern boundary of Desford would lead to a loss of privacy and security concerns. The bridleway would be located a minimum of 35m from the rear boundary of the closest neighbouring property and would be separated by the existing woodland area. Due to the separation distance and presence of landscaping it is not considered that there would be a loss of privacy for the occupiers of neighbouring dwellings. The bridleway would be bounded by a post and rail timber fence, similar to the existing fence, with signs notifying users off the bridleway that the land to the south is privately owned and there is no access. There is no evidence to suggest that the relocation of the bridleway would pose security concerns.
- 8.49. It is considered that the proposed development would not have a significant adverse impact on neighbouring amenity and is in accordance with Policy DM10 of the SADMP.

Impact upon the highway

- 8.50. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development. The application has been submitted accompanied by a Transport Assessment (TA) and

Travel Plan (TP) the scope of which was established during pre-application discussions and revised during the assessment of the application.

- 8.51. It should be noted that the Transport Assessment has been modelled on a worst case scenario. The traffic calculations do not take into account (i.e. do not apply a traffic reduction) that the proposed development will replace an existing c. 7,500sqm warehouse and the trip generation includes vehicle trips from a new contract at the site to be accommodated in the existing buildings. Furthermore, there are a number of existing contracts at the site, which are due to move off site within the next 18 months in any event. This will reduce the warehouse related trips to and from the site although this reduction has not been applied.
- 8.52. The proposed development incorporates vehicular use of the existing Gate 2 access, an additional HGV egress onto Peckleton Lane and a roundabout at the northern end of Peckleton Lane to be used by light vehicles. It is proposed to provide car parking to the north and east of the building which would be accessed via the roundabout. The existing bridleway through the site would be diverted further north and a footpath installed along the frontage of the site.

Trip generation

- 8.53. The proposed development will comprise 2 main operational uses; warehouse and office. The proposed warehouse component will operate in the same way as the existing Neovia warehouse use. The products stored within the warehouse are in low demand and spend significant time in storage as opposed to typical storage/warehousing thus generating a lower number of associated vehicle movements.
- 8.54. The shift changeovers for warehouse employees occur at 0700, 1500 and 2300 hours. The 1500 and 2300 changeovers would occur outside of the typical highway peak hours, when background traffic levels are lower. Office employees start between the 07:00 and 09:00 and leave between 15:00 and 17:00. Some trips generated by the office use will occur during the typical highway peak hours, when the traffic impacts are most sensitive.
- 8.55. It is anticipated that the following number of vehicular trips would be generated by the development per day:

Daily 2-Way Light Vehicles	
300	Office Employee-related vehicles
580	Warehouse Employee-related vehicles
80	Warehouse Operational-related vehicles
960	Total Light Vehicles

Daily 2-Way HGVs	
140	Total HGVs

- 8.56. The table below summarises the total number of trips proposed to be generated by the development during the AM and PM peak traffic hours.

Table 2 - Development Trips				
	AM (0700-0800)		PM (1700-1800)	
	IN	OUT	IN	OUT
Office Employees (Cars)	49	11	4	53
Warehouse Employees (Cars)	5	80	5	5
Warehouse Operational trips (HGVs)	3	3	0	2
Total Lights	54	91	9	58

Trip distribution

- 8.57. For employee/light vehicle trips: 20% of trips route via Desford village using Peckleton Lane to/from the north, and 10% route via Peckleton Common to/from the west. The remaining 70% route via Dan's Lane to/from the south, and are then distributed at the three A47 junctions.
- 8.58. HGVs can only follow certain routes to and from the Site which are as follows:
- All HGVs route to/from the A47 to the south of the Site;
 - At the A47/Dan's Lane junction, movements are in proportion with the counted flows;
 - At the A47/Leicester Road roundabout, all HGVs route via the A47 south west; and
 - At the A47/B582 junction, 50% route via the A47 East and 50% route via B582 Leicester Lane.

Peckleton Lane

- 8.59. A roundabout is proposed along Peckleton Lane at the northern end of the application site. In-principle the construction of roundabout is acceptable and would provide an ease of access into and out of the site. Concern has been raised that a roundabout at the top of the hill would cause safety concerns. LCC Highways have raised no objection to the roundabout, subject to a Road Safety Audit and approval of a detailed design being secured through the imposition of a planning condition. It is acknowledged that vehicles exceeding the 30 mph speed limit along the northern section of Peckleton Lane on approach to the village have become an issue. The presence of a roundabout would cause vehicles to reduce their speed along the northern section of Peckleton Lane and would likely lead to an improvement to highway safety.
- 8.60. A new HGV egress is proposed at the southern end of the application site onto Peckleton Lane. The proposed egress would only allow for a right turn. The reasoning behind the egress being at the southern end of the site and being right turn only is to ensure HGV movements along the northern section of Peckleton Lane, near to sensitive noise receptors, are avoided and to ensure that HGVs are not directed through the village centre. HGVs travelling through the village have been identified as a point of concern for residents. The egress would prohibit HGV movements through the village when leaving the site. The egress is in close proximity to the existing 60 mph speed restriction and therefore it is proposed to extend the 30 mph speed restriction further south along Peckleton Lane. The extension to the 30 mph speed limit would lead to speed reduction along the northern section of Peckleton Lane which lead to a betterment of highway safety.

- 8.61. The above improvements to the site and Peckleton Lane are considered to mitigate the proposed intensification of traffic along Peckleton Lane and would not result in an adverse impact on highway safety.

Desford Crossroads and the A47

- 8.62. Concern has been raised that egressing from Dan's Lane onto the A47 is problematic in the mornings and evenings due to the capacity of the existing highway network. As identified in the TA, junction modelling analysis has identified a material impact at the Desford Crossroads junction following the introduction of development traffic. The junction currently operates over capacity with frequent queuing and delays which exacerbate delays at the junction of Dan's Lane and the A47. The junction analysis results have demonstrated that the addition of development traffic would exacerbate an already overloaded situation.
- 8.63. The capacity issues at the junction are well established and improvements to the junction have been identified as part of a series of network improvements to support growth across the Borough. LCC (Highways) are seeking a percentage based contribution towards the improvement to the junction. The contributions would be spent on junction improvements to increase the capacity of the highway which would reduce congestion and improve ease of access onto the A47 from Dan's Lane. The proposed contribution would mitigate the additional impact of the development. The contribution is being negotiated and it is requested that approval of the contribution is delegated to the Chief Planning and Development Officer; to be secured through a S106 agreement.
- 8.64. It was suggested providing reactive traffic lights at the junction of Dan's Lane and the A47. LCC (Highways) did not consider that there was an adverse impact on the junction resulting from the development that would require additional mitigation beyond the above contribution that would alleviate some pressures from this junction.

Desford Village

- 8.65. As noted above, only 20% of light vehicle movements' are through Desford via Peckleton Lane. However, concern has been raised over the impact of the 15:00 shift change occurring in conjunction with the end of school and the implications with the associated traffic of both.
- 8.66. It is anticipated there would be 30 inbound movements prior to 15:00 and 40 outbound movements post 15:00 associated with the shift change. The 15:00 shift change would generate short, sharp, traffic demand which would affect the immediate local highway network; as is currently the case with the existing Neovia warehouse trips. Comments from the applicant's highway consultant note that the traffic demand from the shift change clears the surrounding junctions in approximately 20 minutes after the shift change time due to the low background traffic conditions. Although the shift change causes some congestion at present, and the proposed development would exacerbate this, LCC (Highways) have raised no objection to this and therefore it is not considered that the congestion would have an adverse impact on highway safety. A travel plan is to be agreed which would encourage use of sustainable modes of transport and reduce private car movements. The travel plan would help in alleviating the congestion implications of the additional vehicle movements.
- 8.67. Concern has been raised that Parkstone Road is being used as a rat run by employees at the end of shifts. It is not considered that the movements would cause a highway safety concern. However, it is recognised that Neovia are pro-actively discouraging use of the 'rat run' through the dissemination of e-mails to staff examples of which have been provided to the Local Planning Authority. Additionally,

the travel plan would be used to discourage use of the rat run helping to alleviate the issue. Furthermore, the bridleway extension adjoining Kirkby Road may reduce the need for some employees to drive to take this route as there would be easy access from the south west of the village.

- 8.68. Concern was raised that the existing raised table at the junction of Peckleton Lane and High Street allowed HGVs to mount the kerb when turning and therefore it should be removed. The raised table was previously implemented by Neovia at the recommendation of the highway authority as a speed mitigation measurement and the route along High Street and Peckleton Lane is not an approved HGV route. Therefore, ensuring vehicles do not travel through the village through the use of the right turn only egress and through improved signage to the site is more proactive and would allow the raised table to remain and be effective in mitigating vehicle speeds.

Travel Plan

- 8.69. A travel plan is proposed which aims to reduce single occupancy vehicle trips and encourage travel by sustainable modes of transport which will reduce the impact on the village.
- 8.70. A Travel Plan has been submitted with the application. The TP aims to encourage people to travel by more sustainable modes where possible, including walking, cycling, public transport and car sharing, is of high importance for this TP. The TP is not a one-off promotion of sustainable travel; the effect will be monitored on an ongoing basis, with an action plan developed. Neovia will appoint a staff member as the 'Travel Plan Co-ordinator' who will be responsible for promotion and ongoing implementation of the TP.
- 8.71. LCC Highways have commented that the TP requires amendment as targets for an overall reduction in single occupancy vehicles trips (SOV) have not been set, and a minimum of 10% reduction would be expected over 5 years. Furthermore, it is expected that the TP reviews of on-site parking, and a method by which the parking will be increased should this be required in the future.
- 8.72. The amendments to the TP and its implementation should be secured through the imposition of a planning condition.

Vehicle Access and Signage

- 8.73. It is acknowledged that HGV movements along restricted roads through the village are an issue and that Neovia and Caterpillar are working with the Local Liaison Group to remedy the existing issues. However, it has been raised that one cause for concern is inadequate signage on approach to the site. Appendix C of the Transport Assessment sets out that the applicant's are willing to engage and fund a signage review in an attempt to further resolve the issue. LCC Highways have commented that they would expect a signage review to be undertaken within two years of first use of the building and then a subsequent review three years later. It is considered that the proposed signage review intervals could appropriately mitigate issues following the first occupation of the building and once the building is fully operational and this can be secured through a S106 agreement.

Vehicle parking

- 8.74. On-site car parking arrangements are detailed within Appendix B of the submitted TA. On site parking for the Neovia site comprises of a total of 456 spaces of which 200 are existing spaces (which would be relocated), of which 73 are HGV spaces.
- 8.75. The total net increase in parking for this application is 256 spaces. In accordance with the 6Cs Design Guide, for the net increase in warehouse and office use, the

development requires a maximum total of 641 spaces. This shortfall has been discussed with LCC Highways and the additional car parking proposed has been calculated based on the existing parking demand for the wider site. The total parking provision of this application has been informed by the existing Neovia logistics site with current operation information and traffic count data collected at the site. The low level of car parking associated with the development is due to the long term storage nature of the products and therefore the low requirement of warehouse staff in comparison to normal warehouse uses.

- 8.76. The wider Neovia site of 150,000 sq m, as existing, has a total parking provision of 200 spaces. On a pro-rata basis, the total net development area for this application would require approximately 150 spaces for the warehouse element. Taking into account the demand of the office element of the proposed development, the total provision of 456 is reasonable.
- 8.77. The car parking provision would include 22 disabled car parking spaces.
- 8.78. Provision shall be made on-site for 48 cycle parking spaces to encourage sustainable modes of transport. Within the office building showering facilities are provided.
- 8.79. Although the parking provision is not in accordance with the maximum standards as set out in the 6Cs Design Guide, the parking has been calculated in a reasoned manner to provide appropriate parking provision in accordance with Policy DM18 of the SADMP.

Pedestrian movements

- 8.80. At present there is a footway and street lighting along Peckleton Lane from the northern end of the wider Neovia Site to Desford village centre and a bridleway running through the site from Desford to Peckleton. There is access by foot to bus stops on Desford's Manor Road and bus stops to the south of the site on the A47.
- 8.81. In order to ensure pedestrian safety and to encourage greater use of sustainable methods of transport to and from the site a plan has been submitted for the reinstatement of a footpath along the frontage of the site linking the northern and southern sections of Peckleton Lane. The reinstatement of the footpath will also allow for safer access to Sport in Desford. A central reservation was discussed near to the entrance of Sport in Desford although this was not considered reasonable and necessary as part of this planning application as the 30 mph speed limit area is being relocated further south along Peckleton Lane. Construction of the footpath shall be secured through a planning condition.
- 8.82. To encourage sustainable transportation further, a contribution has been requested by LCC (Highways) towards improvements to the nearest bus stops. This shall be secured through a S106 agreement.
- 8.83. The proposed building is located on the adjacent bridleway which runs between Desford and Peckleton. It is proposed to divert the bridleway around the development and through the northern woodland area of the site. LCC (Rights of Way) has raised no objection to the diversion of the bridleway, subject to appropriate details of the design being submitted and implemented. It was suggested that the bridleway should be bound by street lighting. This has not been requested by LCC (Rights of Way) as the existing bridleway is not bound by street lighting.
- 8.84. To improve connectivity to the site, it has been agreed to provide an extension of the bridleway to adjoin Kirkby Road through the Parish Council owned recreation ground. The extension to the bridleway will improve connectivity between the south east and south west of Desford improving access to Sport in Desford and Kirkby

Road Recreation Ground. The bridleway extension is on land within the ownership of the Parish Council who have agreed in-principle to the bridleway and therefore it is considered the delivery of the footpath can be secured through the imposition of a Grampian style condition.

- 8.85. It was suggested that a footpath should be provided from Desford along Peckleton Lane and Dan's Lane to the A47. It is not considered that the proposed development would generate pedestrian movements to and from the A47 that would justify the implementation of a footpath along roads suggested. As noted above, it is proposed to construct a footpath along the frontage of the site improving pedestrian access to Desford which would also benefit residents with regards to access to Sport in Desford.

Highway conclusion

- 8.86. The proposed development would increase vehicular movements to and from the site by approximately 1100 movements per day. The majority of the movements would be to and from the south of Peckleton Lane towards the A47. The construction of a roundabout and egress onto Peckleton Lane would avoid an adverse impact on highway safety along Peckleton Lane. Contributions are sought towards the improvement of the Desford Crossroads to offset the additional impact of the development and improvements to the nearest bus stops. Improvements to pedestrian connectivity are proposed including a footpath along the site frontage and the replacement of, and extension to, the bridleway through the site. It is considered that the proposed development would not have an adverse impact on highway safety, would provide sufficient parking provision, would seek to ensure sustainable methods of transport are encouraged and would improve connectivity to and from the site and with Desford. It is considered that the proposed development is in accordance with Policies DM17 and DM18 of the SADMP.

Impact upon ecology

- 8.87. Policy DM6 of the SADMP seeks to conserve features of nature conservation and requires major developments include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats.
- 8.88. A Preliminary Ecological Assessment was submitted with the application which identified ecological habitats for further investigation. There are no statutory designated sites located within or adjacent to the application site. There is a Local Wildlife Site comprising a hedgerow immediately east of the site although this is not impacted by the development. There is a pond located in the north west of the site which is proposed to be retained as part of the development. However, the pond is considered to be of low ecological value due to the extent of vegetation cover.
- 8.89. A Reptile Survey has been submitted which identifies the presence of adult grass snakes on the application site although in very low numbers. The report recommends mitigation during construction and operational phases of the development. Leicestershire County Council (Ecology) have confirmed the findings of the report and recommended the mitigation is secured through a planning condition.
- 8.90. A Bat Survey has been submitted which demonstrates the presence of six species of bat on-site representing a low to moderate diversity with a low level of activity recorded. Bat activity at the site was found to be concentrated in the woodland and adjacent grassed area but with some bat activity for foraging and commuting present across the entire site. No bat roosts identified during the inspection of those trees and features at the site identified to have the greatest roosting potential. However the static detectors recorded bat activity within the woodland very close to dusk and dawn, indicating that bat roosts may exist in the woodland or that bats

have roosts very close by.. LCC (Ecology) have confirmed that the impact on bats is mitigatable and the submitted report makes recommendations which would enhance biodiversity in the medium to long term. Mitigation should be secured through a planning condition.

- 8.91. A Badger Survey has been submitted which demonstrates signs of badger activity including subsidiary and outlier setts, latrines, snuffle holes and runs were found across the site. Two outlier setts and one subsidiary sett have been identified on site. Two of these setts are located within the footprint of the proposed development. Additionally, although not confirmed, the signs of activity and the suitability of the habitat indicate that there may potentially be a main sett located within the scrub-covered ditch / embankment area in the north-east corner of the site. The report recommends that further surveys are undertaken in January once vegetation begins to die away and that mitigation should be submitted based on the findings. The report notes that should a main sett be found, there is sufficient woodland cover to provide an artificial sett on-site and therefore the impact on badgers can be mitigated regardless of the findings of the additional surveys.
- 8.92. LCC Ecology requested the additional survey work to be undertaken and submitted with the application prior to determination and recommend refusal of the application in lieu of the additional survey work. Following subsequent discussions between LCC Ecology and the applicant's ecologist, it was agreed that mitigation could be provided regardless of whether a main sett was present or not due to the extensive covering of existing and proposed woodland. Therefore, it is considered that appropriate mitigation can be secured through the imposition of planning conditions. It should be noted that the applicant has been made aware that badger licences cannot be issued at this time of year, and therefore the development would not be able to proceed until next summer, at the very earliest, and possibly much later if a main sett is found.
- 8.93. It is considered that, subject to further surveys and subsequent mitigation secured by relevant conditions, the proposed development would not have an adverse impact on biodiversity and is in accordance with Policy DM6 of the SADMP.

Drainage

- 8.94. Policy DM7 of the SADMP seeks to ensure that surface water and groundwater quality are not adversely impacted by new development and that it does not exacerbate flood risks. A Flood Risk Assessment and Drainage Strategy (FRA) has been submitted with the application which has been amended during the assessment of the application.
- 8.95. This submitted FRA considers the flood risk posed to the proposed site from a variety of flood risk sources. The development lies outside of any fluvial flood risk areas and is in Flood Zone 1 as identified on the Environment Agency flood maps. The location is therefore acceptable and in accordance with the sequential test requirements in the NPPF. The site is also at low flood risk from surface water, sewer, groundwater and artificial sources of flooding.
- 8.96. The surface water collected from the new development building and external hard paved areas are proposed to be directed to two new large on site attenuation ponds to the north west of the warehouse building. Discharge of the surface water from the attenuation ponds into existing watercourse would be restricted to greenfield runoff rates. Discharge into local watercourses would match the pre-development runoff characteristics of the site. Sustainable Drainage Systems (SuDS) in the form of Pollution Prevention, Source Control and Site Control methods will be incorporated with a full Treatment Train approach to be considered.

- 8.97. Foul water generated by the development will be discharged by gravity to the existing drainage network
- 8.98. Environmental Health (Drainage) has raised no objection to the revised FRA subject to the imposition of a planning condition requiring a surface water drainage system is implemented in accordance with the submitted details.
- 8.99. Leicestershire County Council (Drainage) has also raised no objection to the revised FRA subject to the imposition of planning conditions relating to surface water drainage scheme and SuDs maintenance.
- 8.100. It is considered that the proposed development would adequately mitigate any additional surface water runoff caused by the development and would include an appropriate treatment train to ensure no contamination of water in existing watercourses. The proposed development is considered to be in accordance with Policy DM7 of the SADMP.

Lighting

- 8.101. Policy DM7 of the SADMP seeks to ensure all reasonable steps have been taken to ensure abatement of obtrusive light to avoid sky glow and light intrusion.
- 8.102. A car park lighting proposal has been submitted with the application. The proposal shows the use of three differing types of mounted LED luminaires:-
- 6m columns, as single fittings strategically positioned along the perimeter to beam light directly down to the car park;
 - 6m columns, as twin fittings strategically position in the centre of the car parks to beam light directly down to the car park; and
 - building mounted at 9m from floor level approximately 20m centres to beam light directly to the car park and surrounding areas (including loading areas)
- 8.103. All fittings are positioned to provide maximum illumination and angled to reduce light pollution.
- 8.104. A revised car park lighting proposal was submitted to reduce the height of the columns upon which the LED luminaries are mounted from 8m to 6m.
- 8.105. Environmental Health (Pollution) has raised no objection to the proposed car park lighting scheme and following the submission of the revised proposal it is considered that all reasonable steps have been taken to ensure abatement of obtrusive light in accordance with Policy DM7 of the SADMP.

Contamination

- 8.106. Policy DM7 of the SADMP seeks to prevent adverse impacts from pollution by ensuring appropriate remediation of contaminated land in line with minimum national standards.
- 8.107. The site has been subject to a preliminary Phase I and Phase II ground investigation. Environmental Health (Pollution) and the Environment Agency have made comments in relation to land contamination. The Environment Agency agree with the proposals in the report for supplementary site investigation to be undertaken once the existing building has been demolished including soil and groundwater sampling. Environmental Health also agree that further investigation is required following demolition of the existing building but also consider the number of samples in the undertaken investigation is not sufficient for the size of the site. Both consultees consider that additional investigation is required prior to commencement of development, excluding the demolition of the existing building, which can be secured through the imposition of a planning condition.

- 8.108. It is considered that appropriate remediation could be provided, subject to conditions, in accordance with Policy DM7 of the SADMP.

Construction

- 8.109. Environmental Health (Pollution) has requested a Construction Environmental Management Plan (CEMP) is to be submitted and approved to the Local Planning Authority prior to the commencement of development which can be secured through the imposition of a planning condition. The CEMP would detail how, during the site preparation and construction phase of the development the impact on neighbouring residential properties and the environment shall be protected from dust, odour, noise, smoke, light and land contamination as well as how such controls will be monitored and establish a procedure for the investigation of complaints. Additionally, conditions are proposed to restrict the burning of any materials on-site and limit time in which construction can take place.
- 8.110. Leicestershire County Council (Highways) has requested a Construction Traffic Routing and Management Plan (CTRMP) to be submitted to be approved by the Local Planning Authority prior to commencement of development. The CTRMP would detail: wheel cleaning facilities vehicle parking facilities and a timetable for their provision.
- 8.111. Leicestershire County Council (Drainage) has requested Construction Surface Water Management Plan (CSWMP) to be submitted and approved by the Local Planning Authority prior to commencement to ensure there are no surface water drainage/flooding implication during construction.
- 8.112. It is considered that a CEMP, CTRMP and CSWMP are necessary to ensure that during the construction phases there is no harm to the environment, nearby residential properties, highway safety or drainage/flooding issues. The CEMP, CTRMP and CSWMP should be secured through the imposition of planning conditions.

Developer contributions

- 8.113. Policy DM3 of the SADMP seeks to ensure that where development would create the 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.
- 8.114. The proposed development would result in a significant number of additional employees to the area which would increase pedestrian movements from Desford and Peckleton. Contributions towards public realm improvements would improve and potentially increase pedestrian movements from the proposal. It is considered reasonable and necessary to seek a contribution towards public realm improvements for each settlement. The contribution would be proportionate for each settlement based on the likely movements through each settlement. The contribution is subject to negotiation and it is requested that approval of the contribution be delegated to the Chief Planning and Development Officer.
- 8.115. The proposed development would result in an additional 350 employees to the area. These employees would have access to and use these existing green spaces and sports provision, specifically the Kirkby Road recreation ground. It is considered reasonable and necessary to seek a contribution towards the improvement and maintenance of the green space and play provision that would be used by employees of the proposed development. The Parish Council has provided a list of schemes being considered in the surrounding area which they are seeking contribution towards and requested additional land adjacent to Kirkby Road recreation ground. In this instance, it is not considered appropriate for the developer

to provide additional land adjacent to Kirkby Road. However, contributions towards the improvement of the existing Kirkby Road recreation ground are considered reasonable and necessary due to the improved connectivity of the site which is resultant of the extension to the bridleway. The final contribution sum is subject to negotiation and it is requested that approval of the contribution be delegated to the Chief Planning and Development Officer.

- 8.116. Other contributions towards infrastructure include highway improvements; are detailed in the sections above. The identified contributions are considered reasonable, necessary and specific to the mitigation of the impacts of the proposed development.
- 8.117. It is considered that, subject to the agreement of appropriate contributions, the proposed development would not have an adverse impact on the surrounding infrastructure and facilities in accordance with Policy DM3 of the SADMP.

Public consultation

- 8.118. Concern has been raised that there is little awareness of the application amongst residents in Desford and of those that were aware did not understand the scale of the proposed development.
- 8.119. The Local Planning Authority sent letters to the properties adjoining the application site to notify them of the application and posted a notice in the local newspaper in accordance with the statutory duties set out in the General Development Procedure Order. Additionally, site notices were displayed adjacent to the application beyond the statutory duties. All information and documentation associated with the application is available to view on the Council's website or hard copies are viewable at the Hinckley Hub on request.
- 8.120. Paragraph 189 of the NPPF notes that where the Local Planning Authority think it would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications. Prior to the submission of an application Neovia undertook a public exhibition at Desford Library on 10th August between 14:00-20:00 which was well attended.
- 8.121. It is considered that reasonable steps have been taken by both the Local Planning Authority and the applicant to ensure local knowledge of the application.

9. Equality Implications

- 9.1. Section 149 of the Equality 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 proposed development would make a significant contribution to economic growth and job creation in and around Desford. The development would largely be located within an employment allocation and therefore the location of the proposed development is considered acceptable in-principle.
- 10.2. The proposed development by virtue of its location, layout, appearance, scale and proposed landscaping would not have an adverse impact on the intrinsic value, beauty, landscape character or open character of the countryside or impact on heritage assets.
- 10.3. The development would result in some harm to neighbouring residential properties due to noise associated with the end use however this is being mitigated as far as practicable and the noise impact would meet current noise standards. Therefore, the proposed development would not give rise to a significant adverse impact that would be contrary to policy and warrant a reason for refusal.
- 10.4. The development would generate additional vehicular movements to and from the site associated with the warehouse and office operations. The additional impact is mitigated on-site through the construction of a roundabout and new HGV egress and off-site improvements and contributions would offset the additional traffic and pedestrian movements on the surrounding area.
- 10.5. Protected species have been found to be present on the site. It is considered that the impact on protected species can be mitigated through the use of planning conditions and therefore there would be no adverse impact.
- 10.6. A flood risk assessment and drainage strategy has been submitted which demonstrates that a detailed drainage scheme can be implemented which would not exacerbate flooding on site or in the surrounding area and would ensure water quality.
- 10.7. A lighting scheme has been submitted which demonstrates the impact of the proposed car park lighting proposals and ensures there is no unnecessary light pollution.
- 10.8. Conditions are proposed to ensure that remediation of any contaminants found on site are suitably remediated and that there are no adverse impacts during the construction phases of the development.
- 10.9. It has been agreed in-principle that contributions would be provided towards public realm improvements and green space and play provision as a result of the additional employees which the development will bring to mitigate use of additional facilities.
- 10.10. It is considered that the proposed development would be in accordance with Policies 7, 8 and 14 of the Core Strategy and Policies DM1, DM3, DM4, DM6, DM7, DM10, DM11, DM12, DM13, DM17, DM18, DM19 and DM20 of the SADMP and therefore is recommended for approval subject to conditions and the completion of a S106 agreement.

11. Recommendation

11.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
- Desford crossroad junction highway improvement contribution
- Heavy Goods Vehicle signage review
- Bus stop improvement contribution
- Highways monitoring contribution

- Public realm improvement contribution
 - Green space and play provision contribution
 - 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 contributions and terms of the S106 agreement including trigger points and claw back periods.

11.4. **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 except in complete accordance with the details shown on the submitted plans, details and materials:

Proposed Warehouse Phased Ground Floor Plan Phase 1b Drg. No. 7689_P103 (received on 6 September 2016)

Proposed Warehouse Phased Ground Floor Plan Phase 1a Drg. No. 7689_P102 (received on 6 September 2016)

Proposed Warehouse Ground Floor Plan Drg. No. 7689_P101 (received on 6 September 2016)

Proposed Footpath Reinstatement Drg. No. 7689_P011 (received on 6 September 2016)

Proposed Site Sections Drg. No. 7689_P010 (received on 6 September 2016)

Proposed Security Office and Site Egress Arrangement Drg. No. 7689_P009 (received on 6 September 2016)

Proposed Phase 1b Roof Plan Drg. No. 7689_P110 (received on 6 September 2016)

Proposed Phase 1a Roof Plan Drg. No. 7689_P109 (received on 6 September 2016)

Proposed Roof Plan Drg. No. 7689_P108 (received on 6 September 2016)

Proposed Warehouse Sections Drg. No. 7689_P107 (received on 6 September 2016)

Proposed Office Roof Plan Drg. No. 7689_P205 (received on 6 September 2016)

Proposed Warehouse Elevations Drg. No. 7689_P104 (received on 6 September 2016)

Proposed Sections Office Drg. No. 7689_P207 (received on 6 September 2016)

Office Building Proposed Elevations Drg. No. 7689_P206 (received on 6 September 2016)

Site Location Plan Drg. No. 7689_P001 Rev. A (received on 29 September 2016)

Arboricultural Impact Assessment (received on 8 November 2016)

Car Park Lighting Proposals (received on 11 November 2016)

Proposed Office First Floor Plan Drg. No. 7689_P202 Rev. A (received on 5 December 2016)

Proposed Office Ground Floor Plan Drg. No. 7689_P201 Rev. A (received on 5 December 2016)

Proposed Office Third Floor Plan Drg. No. 7689_P204 Rev. A (received on 5 December 2016)

Proposed Office Second Floor Plan Drg. No. 7689_P203 Rev. A (received on 5 December 2016)

Planting Plan Sheet 2 of 2 Drg. No. ExA_1630_PL_501 Rev. D (received on 12 December 2016)

Planting Plan Sheet 1 of 2 Drg. No. ExA_1630_PL_500 Rev. D (received on 12 December 2016)

Landscape General Arrangement Drg. No. ExA_1630_PL_100 Rev. D (received on 12 December 2016)

Proposed Site Plan Drg. No. 7689_P006 Rev. B (received on 12 December 2016)

Flood Risk Assessment and Drainage Strategy Report (received on 12 December 2016)

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

3. Prior to commencement of development, including site clearance and preparation, notwithstanding the details as shown on the submitted drawings, a revised detailed access scheme and drawings shall be submitted to and approved in writing by the Local Planning Authority. The details shall incorporate further two and three dimensional revisions as recommended by a Stage 2 Safety Audit, and details of the construction, surfacing, associated highway infrastructure, drainage and extension to street lighting. Thereafter the construction of the development accesses shall be carried out in full accordance with the approved scheme and drawings.

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

4. No development shall commence until such time as the existing and 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: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

5. No development, including site clearance and preparation, shall commence until an updated badger survey and mitigation plan has been submitted to and approved by the Local Planning Authority. The updated badger survey shall be no more than 3 months old at the date of submission.

Reason: To ensure there is no harm to valuable habitats which would adversely impact on protected species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD.

6. Following the approval of a badger mitigation plan in accordance with condition 5, no development shall commence, including site clearance and preparation, until the Local Planning Authority has, to their satisfaction from a suitably qualified ecologist, received, and approved in writing, confirmation in writing that the approved mitigation has been implemented, that any artificial setts created as part of the mitigation plan are occupied by the badgers and

that existing setts have been vacated and can be destroyed under licence from Natural England.

Reason: To ensure there is no harm to valuable habitats which would adversely impact on protected species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD.

7. Prior to the commencement of development, including site clearance and preparation, a Construction Environmental Management Plan shall be submitted to and approved 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 residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The construction of the development shall be carried out in full accordance with the approved plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure neighbouring amenity and the environment are adequately protected during construction in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

8. No development shall commence, including site clearance and preparation, until such time that a construction traffic routing and management plan has been submitted to and approved in writing by the Local Planning Authority. Details shall include wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision. The construction of the development shall be carried out in full accordance with the approved plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure neighbouring amenity and highway safety are adequately protected during construction in accordance with Policies DM10 and DM17 of the adopted Site Allocations and Development Management Policies DPD.

9. No development shall commence, including site clearance and preparation, until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided. The construction of the development shall be carried out in full accordance with the approved plan.

Reason: To ensure the development does not increase surface water runoff during construction which would exacerbate risk of flooding in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

10. No development shall commence, including site clearance and preparation, until a scheme to provide a surface water drainage system in accordance with the submitted 'Flood Risk Assessment and Drainage Strategy Report' dated 9 December 2016 has been submitted to and approved by the Local Planning Authority. The 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 agreed in writing by the Local Planning Authority.

Reason: To ensure the development does not exacerbate risk of flooding in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

11. No development shall commence, including site clearance and preparation, until a long term maintenance plan of the sustainable surface water drainage system on the development, approved by condition 10, shall be submitted to and approved in writing by the Local Planning Authority. Details of the maintenance plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site. The maintenance shall be carried out in accordance with the approved maintenance plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development does not exacerbate risk of flooding in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

12. No waste materials shall be burnt on the site at any time during construction phases.

Reason: To ensure neighbouring amenity and the environment are adequately protected during construction in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

13. Construction shall be limited to the following hours:
Monday - Friday 08:00 - 18:00
Saturday 09:00 - 13:00
No construction shall take on Sundays and Bank Holidays.

Reason: To ensure neighbouring amenity are adequately protected during construction in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

14. No development shall commence until a contaminated land report which includes the following has been submitted to and approved, in writing, by the Local Planning Authority:
 - 1) A preliminary risk assessment which has identified:
 - a) All previous uses
 - b) Potential contaminants associated with those uses
 - c) A conceptual model of the site indicating sources, pathways and receptors
 - d) Potentially unacceptable risks arising from contamination of the site
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that all risks to controlled waters are identified and addressed prior to the commencement of development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

15. No part of the building hereby permitted shall be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation, if necessary in accordance with condition 14, shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long term monitoring and maintenance plan shall be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that all risks to controlled waters have been appropriately addressed and/or managed in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

16. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written consent from the Local Planning Authority that works can commence. The remediation strategy shall be implemented as approved.

Reason: To ensure that any previously unidentified contamination has been assessed and the risks posed to controlled waters appropriately addressed and/or managed prior to development recommencing in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

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

Reason: To ensure appropriate mitigation of contaminants in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

18. Notwithstanding the submitted details, as shown on drawing nos. ExA_1630_PL_501 Rev. D, ExA_1630_PL_500 Rev. D and ExA_1630_PL_100 Rev. D received on 12 December 2016, prior to commencement of development; landscape planting plans shall be submitted

to and approved by the Local Planning Authority. The planting shall be implemented in accordance with the approved plans.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

19. Prior to commencement of development, details of the timings of the proposed planting and landscaping earthworks to provide the bund along the eastern boundary, in accordance with plans to be approved in accordance with condition 18, shall be submitted to and approved by the Local Planning Authority. The planting and earthworks shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

20. Prior to commencement of the proposed planting to be approved in accordance with condition 18, a maintenance plan shall be submitted to and approved by the Local Planning Authority. The planting shall be maintained in accordance with the approved plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

21. Prior to commencement of development, protective fencing shall be erected around the trees to be retained in accordance with the Tree Protection Plan and as illustrated on the drawings in Appendix 1 of the submitted Arboricultural Impact Assessment received on 08.11.2016. Protective fencing shall remain in place until all works have been completed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

22. Prior to commencement of development, details for the protection of trees within the Special Measure Areas as illustrated on the drawings in Appendix 1 of the submitted Arboricultural Impact Assessment received on 08.11.2016, shall be submitted to and approved by the Local Planning Authority. No development shall commence until the approved protection measures have been implemented.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

23. Prior to commencement of development, a detailed design of the loading docks on the east and west elevation of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The loading docks shall be constructed in accordance with the approved details.

Reason: To ensure neighbouring amenity is adequately protected in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

24. Prior to commencement of development, a detailed design for the relocation and reconstruction of the diverted bridleway R119 to the north and west of the

building permitted, shall be submitted to and approved by the Local Planning Authority. The diverted bridleway shall be constructed in accordance with the approved details and completed to the satisfaction of the Local Planning Authority and made available for public use prior to the closure of the existing Bridleway. Prior to the closure of the existing bridleway, a signing and waymarking scheme in respect of the diverted bridleway shall be formulated be submitted to and approved by the Local Planning Authority.

Reason: to ensure that there is convenient and safe access for walking and cycling to services and facilities in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

25. Site clearance, preparation and the construction phases shall be carried out in accordance with mitigation measures as recommended and set out in Sections 4.2 and 4.3 of the submitted 'Reptile Survey Report' received on 26 October 2016.

Reason: To ensure there is no harm to protected species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD.

26. Felling of trees, which are identified as having Low or Moderate bat roost potential as detailed in the submitted Bat Survey Report received on 01.11.2016, shall be carried out in accordance with the recommendations of Section 4.3 of the same Bat Survey Report.

Reason: To ensure there is no harm to protected species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD.

27. Prior to first occupation of any part of the development hereby permitted, a scheme for compensation and enhancement measures for the provision of bat roosting, foraging and commuting at the site shall be submitted to and approved by the Local Planning Authority. The scheme shall include measures as recommended in Section 4.3 of the submitted Bat Survey Report received on 01.11.2016. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure compensation for the loss of foraging and commuting areas for bats which would adversely impact on protected species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies DPD.

28. Prior to first occupation of any part of the building hereby permitted, a detailed design for the extension to the bridleway between the diverted bridleway R119 and Kirkby Road as shown on drawing no. 7689_P006 Rev. B received on 12 December 2016, shall be submitted to and approved by the Local Planning Authority. The extension to the bridleway shall be constructed in accordance with the approved details and completed to the satisfaction of the Local Planning Authority and made available for public use within 6 months of the first occupation of any part of the building.

Reason: to ensure that there is convenient and safe access for walking and cycling to services and facilities in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

29. Prior to first occupation of any part of the building hereby permitted, a 2 metre wide footway, identified on drawing no. 7689_P011 received shall be constructed to the satisfaction of the Local Planning Authority.

Reason: To ensure that there is convenient and safe access for walking and cycling to services and facilities in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

30. Prior to first use of any part of the building hereby permitted, a revised Noise Management Plan shall be submitted and approved by the Local Planning Authority to detail each noise source associated with the end use and how noise from that source is to be controlled. Recommendations for the control of noise sources shall be implemented in accordance with the approved details.

Reason: To ensure neighbouring amenity is adequately protected in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

31. Within 28 days from the receipt of a written request from the local planning authority, the operator shall, at its own expense, employ an independent consultant to assess the level of noise emissions from the operation at agreed locations following a procedure to be agreed in writing with the Local Planning Authority. Details of the assessment and its results as to whether the predicted noise levels detailed in the noise contours in the submitted document entitled 'Environmental Noise Assessment of a Proposed Distribution Unit on Peckleton Lane, Desford' received on 06.09.2016 have been exceeded shall be reported to the Local Planning Authority as soon as the assessment is completed.

Reason: To ensure neighbouring amenity is adequately protected in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

32. Upon notification in writing to the Local Planning Authority of an established exceedance of the noise levels detailed in the noise contours, as required by condition 30, the operator shall within 28 days propose a scheme to the Local Planning Authority to mitigate the exceedance to prevent its future occurrence, including a timetable for its implementation. Following the written approval of the scheme by the Local Planning Authority, the scheme shall be implemented in accordance with the approved timetable.

Reason: To ensure neighbouring amenity is adequately protected in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

33. Prior to first use of any part of the building hereby permitted, the specification and design of the acoustic barriers shall be submitted and approved by the Local Planning Authority. The acoustic barriers shall be erected in accordance with the approved details.

Reason: To ensure neighbouring amenity is adequately protected in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

34. Prior to first use of any part of the building hereby permitted, a scheme to prevent sound leaking from the gap in the acoustic barrier caused by the turnstile and security barrier shall be submitted for approval by the Local Planning Authority. All works in accordance with the approved scheme shall be completed prior to the first use of any part of the building.

Reason: To ensure neighbouring amenity is adequately protected in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

35. There shall be no more than 12 Heavy Goods Vehicle movements to and from the building, and associated loading/unloading operations, per hour between 23:00 - 07:00 and no more than 20 HGV movements to and from the building and associated loading/unloading operations per hour between 07:00 - 23:00. The applicant shall keep a log book of the movements and operations which shall be made available to the Local Planning Authority within 7 days of a request for the information.

Reason: To ensure neighbouring amenity is adequately protected in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

36. Prior to first occupation of any part of the building hereby permitted, details of an updated Workplace Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan, once agreed, shall be implemented in accordance with the approved details. Thereafter, the implementation of the proposals and the achievement of targets of the Workplace Travel Plan shall be subject to regular monitoring and review reports to the Local Planning Authority, as detailed in the approved plan, and if invoked, to the implementation of the specified additional measures, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maximise use of sustainable modes of transport and reduce the impact on the highway network in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

37. Within one year of the first occupation of any part of the building hereby permitted, the design and siting of the World War II firing range memorial shall be submitted to and approved by the Local Planning Authority. The memorial shall be erected in accordance with the approved design and siting and shall be erected within six months of the approval of the design and siting

Reason: To mitigate the loss of features of local historic interest.

11.5 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 or call 01455 238141.

Planning Committee 3 January 2017
Report of the Chief Planning and Development Officer

Planning Ref: 16/00885/FUL
Applicant: Central England Co-operative Limited
Ward: Burbage St Catherines & Lash Hill

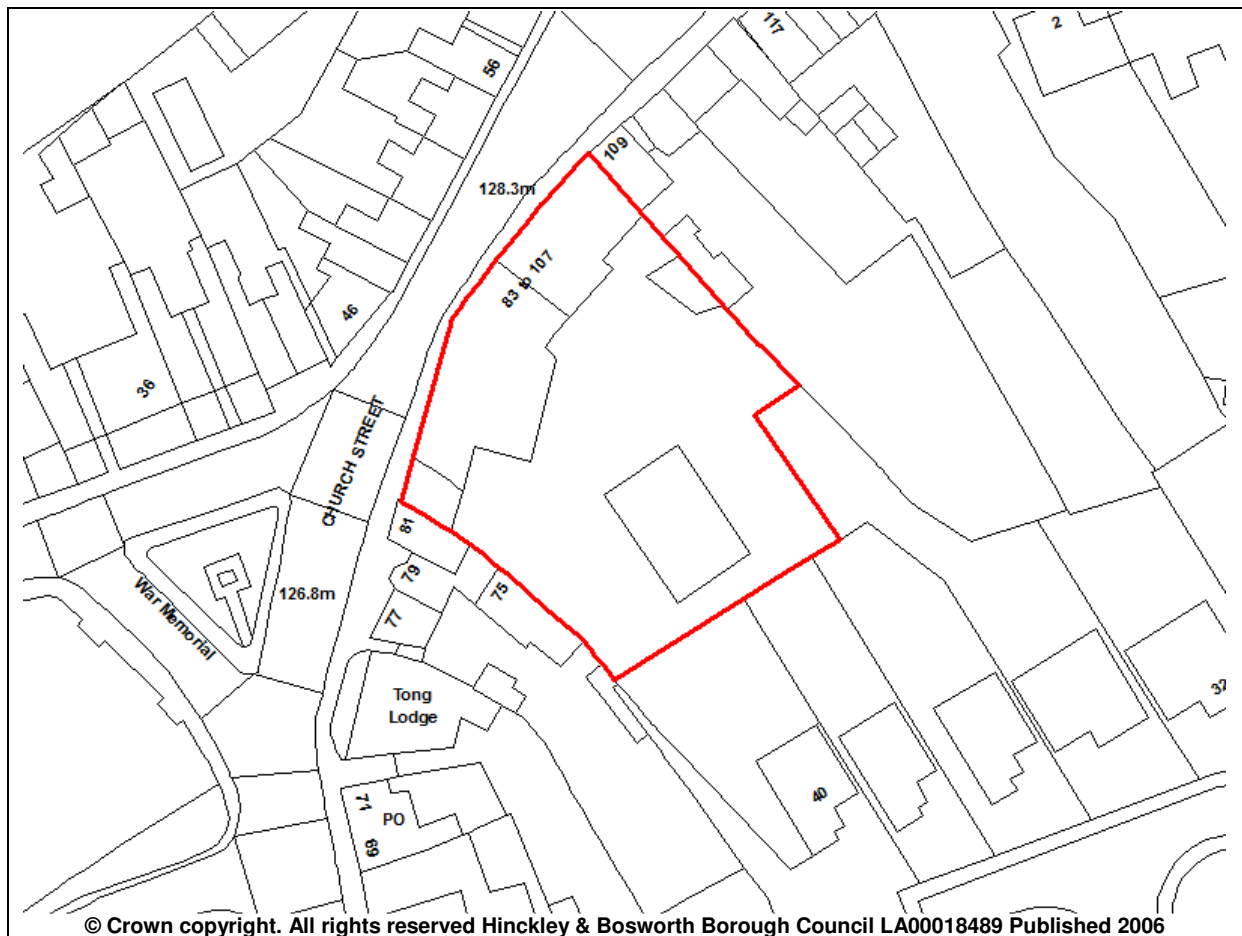


Hinckley & Bosworth
Borough Council

A Borough to be proud of

Site: 83 - 103 Church Street Burbage

Proposal: Change of use of part of existing retail unit to either a retail unit (A1) or hot food takeaway (A5). Change of use of office (B1) and dance studio (D2) to residential (C3) to form 5 flats. Demolition of part of outbuilding to rear and erection of a two storey side extension



1. Recommendations

1.1. Grant planning permission subject to:

- 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.

2. Planning Application Description

- 2.1. This application seeks full planning permission for the refurbishment of the existing ground floor retail use and subdivision of the existing unit to form either an additional retail unit (A1) or a hot food takeaway (A5). The proposal also aims to convert the existing office and first floor dance studio to form 5 flats. Additionally the proposal includes part demolition of the existing outbuilding and the erection of a two storey side extension to the existing office.
- 2.2. There are minimal changes proposed to the existing front elevation of the main buildings with changes only to the ground floor. A new powder coated shopfront is proposed for the smaller A1 or A5 use with a new powder coated aluminium window. The existing aluminium shopfront to the vacant retail use is to be refurbished and repainted with a replacement powder coated aluminium glazed door and side screen. A replacement powder coated aluminium glazed door is proposed to serve the apartments.
- 2.3. Changes are proposed to the rear elevation of the main building with new air conditioning units on the existing flat roof, new air intake and extract ducts with louvres and a new ramp with 1.1 metre high metal railings to create access to the new doors serving the refurbished funeral home unit. The funeral home unit does not require planning permission as no change of use is proposed as a funeral home unit is an A1 use.
- 2.4. Access to the parking, situated at the rear of the site, is through an existing archway from Church Street. This application proposes to formalise the existing car park, identifying and maintaining the proposed and allocated car parking spaces. 20 parking spaces are proposed to the rear of the site with the funeral vehicle space to be hatched in 50mm wide yellow lining. This equates to 2 spaces for each flat, 3 for the existing dentist, 2 for the new retail unit or hot food takeaway, 2 for the office unit, 1 for the funeralcare unit and 2 visitor spaces. A bin store would be located to the rear of the site.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the settlement boundary and conservation area of Burbage. The built form in the surrounding area is predominantly two storey, with the existing building itself being two storey. The building curves round reflecting the curved nature of Church Street. Adjacent to the site is an existing dentist unit which is to be retained with parking spaces for the dentist provided within the rear of the site. Adjacent the main property and located opposite the application site are two storey terraced residential properties.

4. Relevant Planning History

03/00609/FUL	Installation of disabled ramp	Permitted	17.07.2003
03/01197/FUL	Retention of ATM satellite dish	Permitted	26.11.2003
04/00005/FUL	Rear extensions and alterations to extend storage	Permitted	01.03.2004
05/01151/COU	Change of use to retail warehouse / showroom	Refused	08.12.2005

08/00363/FUL	Proposed roller shutter to existing entrance	Permitted	29.05.2008
09/00320/ADV	Erection of fascia sign and window graphics.	Advertisement Consent	13.07.2009
09/00473/COU	Change of use to office (b1)	Permitted	18.08.2009

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. Neighbour contributions from seven addresses raising the following concerns:

- 1) Over proliferation of hot food takeaways within the area
- 2) Limited number of parking spaces
- 3) Noise disturbance from users of the hot food takeaway
- 4) Noise disturbance from ventilation, cooling and air conditioning units
- 5) Smells from A5 use (hot foot takeaway)
- 6) Vermin and litter within the rear of the site
- 7) Loss of the dance school
- 8) Increase in anti-social behaviour
- 9) Increase in traffic
- 10) Movements of a funeral vehicle
- 11) Increase in pedestrian traffic
- 12) A5 use not in keeping or sympathetic with the conservation area
- 13) Access to the site is inadequate
- 14) Funeral home unit would be emotionally detrimental
- 15) Extension to the rear building would result in a loss of view

6. Consultation

6.1. No objection subject to conditions from the following:

LCC Highways
 HBBC Environmental Health
 HBBC Waste

6.2. No objection from the following:

HBBC Conservation Officer
 HBBC Drainage
 LCC Ecology
 LCC Drainage

6.3. Burbage Parish Council raise concerns regarding the take-away use and the impact upon the conservation area and the neighbouring properties and impact upon highway safety.

7. Policy

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage
- Policy 5: Transport Infrastructure in the Sub-regional Centre
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 24: Sustainable Design and Technology

7.2. 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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highway Safety
- Policy DM18: Vehicle Parking Standards
- Policy DM22: Vitalising District, Local and Neighbourhood Centres
- Policy DM23 : High Quality Shop Fronts and Advertisements
- Policy DM25: Community Facilities

7.3. 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 the Burbage Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Drainage
- Ecology
- 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 making. The NPPF is a material consideration in determining applications. The development plan in this instance consists of the Site Allocations and Development Management Policies (SADMP) DPD (2016) and the Core Strategy (2009).

8.3. Policy DM1 of the adopted SADMP and paragraph 14 of the NPPF provide a presumption in favour of sustainable development with planning applications that

accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.

- 8.4. The application site is located within the settlement boundary and conservation area of Burbage. Policy 4 of the Core Strategy identifies Burbage as a key centre where residential development is generally supported within the settlement boundary, subject to consideration of all other material planning considerations. Policy 4 also aims to support the Burbage local centre and ensure that the village's infrastructure can accommodate new development.
- 8.5. The site is designated as a Neighbourhood Centre within Policy DM22 of the SADMP. Policy DM22 states that 'the change of use or loss of A1 or A2 uses within the neighbourhood centres will only be permitted where it would not reduce the community's ability to meet its day to day needs.'
- 8.6. The proposed use would retain a large amount of ground floor space for an A1 use and only a minor part of the building would be potentially for an A5 use. The funeralcare unit would be situated in the existing retail unit and the proposed A5 use would be located in the existing storage area for the retail unit with a small amount of customer space (approximately 29.25 square metres). Due to the large floor space of A1 use to be retained and the number of existing A1 uses within the neighbourhood centre it is not considered that the proposed A5 use and loss of approximately 67.5 square metres of A1 floor space would reduce the community's ability to meet its day to day needs and is therefore in accordance with Policy DM22.
- 8.7. Policy DM22 of the SADMP supports the use of upper floors of retail premises within local and neighbourhood centres for residential use where they accord with other policies in the Development Plan.
- 8.8. The development is sustainably located in regards to access to services, facilities and modes of public transport and would therefore be in accordance with Policies 4 and 5 of the Core Strategy and DM22 of the SADMP.
- 8.9. The principle of retail and residential development and the retention of the office use to the rear are considered in accordance with Policy 4 of the Core Strategy and Policy DM22 of the SADMP and is therefore acceptable in principle, subject to all other planning matters being appropriately addressed.

Impact upon the character of the area and the Burbage Conservation Area

- 8.10. Policy DM10 requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features.
- 8.11. The built form in the surrounding area is predominantly two storey, with the existing building itself being two storey. The building curves round reflecting the curved nature of Church Street.
- 8.12. Minor changes are proposed to the front elevation with only one new entrance for the smaller retail unit. All existing openings are to be reused and either refurbished or replaced with a powder coated aluminium glazed door and shopfront.
- 8.13. The premises are an important local building within the Burbage Conservation Area. Its timber sash windows and gated service entrance maintain the traditional

appearance of the building despite the modern interventions around the shop entrance, and it contributes positively to the character and appearance, and thus significance of the conservation area.

- 8.14. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.15. Section 12 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.16. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.17. The proposal to bring the building back into use is welcomed and the limited number of refurbishments proposed to the frontage of the building will slightly enhance its appearance. The small office outbuilding to the rear is of no historic or aesthetic significance, but the proposed demolition and alterations to the building will provide it with a more traditional appearance and will enhance the setting of the main building.
- 8.18. The proposed air conditioning units, intake and extract ducts and potential flue would be located to the rear of the site and would not be visible from the street scene and there would therefore be no impact upon the character of the area or the Conservation Area.
- 8.19. The works will provide a minor enhancement to the character and appearance of the conservation area. The proposal will enhance the significance of the conservation area and it therefore complies with Policies DM11 and DM12 of the SADMP, section 12 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 8.20. Due to the nature of the site and the proposed location of the bin store, a scheme which makes adequate provision for waste and recycling and collection across the site would need to be submitted to ensure that there is no impact from waste on the street scene or the conservation area. It is recommended that this be secured by condition.
- 8.21. The proposal would therefore be in accordance with Policy DM10, DM11 and DM12 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.22. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.23. No extensions are proposed to the main building with the only significant alteration resulting from the part demolition of the outbuilding and a two storey side extension to allow for access to the first floor. The proposed extension would project

approximately 2.7 metres from the existing building and would be sited approximately 4 metres from the boundary with the residential properties to the rear of the site. Therefore due to the siting of the extension from the neighbouring properties, there would be no impact upon residential amenity from the proposed outbuilding.

- 8.24. Air conditioning units are to be relocated to the extension of the outbuilding and new air conditioning units are proposed to the existing flat roof to the rear of the main building. New air intake and extract ducts with louvres are also proposed to the rear and side of the site. Environmental Health have assessed the noise report submitted and considers there will be no harm caused to residential amenity from these air conditioning units. To ensure that there would be no impact upon residential amenity, a condition is recommended to secure the noise levels of the units.
- 8.25. There is no end user identified currently for the hot food take away aspect. The type of hot food which is served at a take away dictates the type of ventilation which is needed and therefore the full details for ventilation and the assessment of its acoustic impact have not been submitted with this application.
- 8.26. Whilst the full details cannot be provided the applicant has indicated an indicative location for a potential extraction flue. Environmental Health have assessed the application and consider that a flue could be installed in this location which would not have a detrimental impact upon the residents of the first floor and the residents adjacent the site. To ensure this, a condition is recommended to require full details to be submitted and approved prior to the conversion of the unit to A5.
- 8.27. The proposed A5 use would also have opening hours from 8am to 11 pm in the evening and again this would be conditioned to ensure the development would not be detrimental to residential amenity.
- 8.28. The proposed first floor residential flats would be situated on the front of the building, with a communal corridor separating the residential accommodation with the rear elevation of the building. As such, there would be distance between the first floor apartments and the proposed air conditioning units and the possible indicative location of the flue.
- 8.29. Therefore the proposal is considered to comply with Policy DM10 of the SADMP.

Impact upon Highway Safety

- 8.30. Policy DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.31. The proposed access to the site is from Church Street, using an existing access through an archway under the proposed residential flats. It is proposed to formalise and allocate parking spaces within the existing car park to the rear of the site. It is proposed to have a total of 20 parking spaces with space for a funeral vehicle reserved by hatched yellow lines. The applicant has submitted a Transport Assessment which looks at all aspects of the proposed development. At this point, the road has a 20 mph speed limit.
- 8.32. Revised plans have been received amending the size of the parking spaces to be in accordance with the minimum size of parking spaces, altering the visibility splays and showing pedestrian visibility.

- 8.33. The amended transport statement details the stopping site distances that show that approaching vehicles would be able to see a vehicle exiting from the site. The site has an existing access, with an existing A1 use class and it is considered that the proposals will not lead to a material increase in traffic to/from the site. There are sufficient parking requirements provided in accordance with Leicestershire County Council's 6c's design guidance and as such the proposal provides adequate parking provision which should not lead to an increase in on-street parking in the area.
- 8.34. The swept path analysis for the funeral vehicle shows that on one of the manoeuvres of this vehicle, the vehicle would slightly go over into the opposite carriageway. However as the existing use is an A1 use and the proposed funeral home unit is also an A1 use, it is considered that the refurbishment to a funeral home unit and all associated movements could occur without the requirement to apply for planning permission. Therefore limited consideration should be given regarding the movements associated with the hearse. Further to this, due to the infrequent nature of these trips, the layout of the road, and the likely speeds this will not constitute severe harm in accordance with Paragraph 32 of the NPPF.
- 8.35. The amended plans now show a single warning sign within the site for vehicles leaving the site to be careful and watch out for pedestrians. To ensure there is no impact upon pedestrians and to ensure vehicles exit the site slowly, a condition is recommended for a scheme of warning signs to be erected within the site.
- 8.36. To ensure vehicles can stand clear of the highway, a condition is recommended to ensure that no gates or barriers are erected at the site entrance.
- 8.37. Although the site access falls short of current highway standards, the proposed use does not result in a demonstrable increase in traffic over the current lawful use of the site. This is a key factor when considering the impact on highway safety for development on brownfield sites.
- 8.38. LCC Highways have assessed and considered the application and the submitted details and have stated that the residual cumulative impacts of the development can be mitigated by condition and the design of the parking layout and are not considered severe in accordance with Paragraph 22 of the NPPF.
- 8.39. The proposals would not have a severe adverse impact upon highway safety and would therefore be in accordance with Policy DM17 and DM18 of the SADMP.

Drainage

- 8.40. Policy DM7 of the SADMP states that adverse impacts from pollution and flooding will be prevented by ensuring that the development does not create or exacerbate flooding. Paragraph 103 of the NPPF requires that development does not increase flood risk elsewhere.
- 8.41. The proposed parking spaces will be permeable. The existing drainage channel located on-site is also to be retained and repaired/widened/generally improved as necessary, which will help to increase flow rates off of the site. There would be a designed solution to the site drainage during construction as opposed to the ad-hoc strategy which currently exists on site. Therefore the proposal would have no impact upon flooding or drainage in accordance with Policy DM7 of the SADMP.

Ecology

- 8.42. Leicestershire County Council Ecology has been consulted and has no objection. A Bat Survey has been submitted as part of the application.
- 8.43. The surveys show that there was no evidence of bats.

Other Issues

- 8.44. Policy 19 of the Core Strategy and Policy DM3 of the SADMP requires new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. 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 and the fact the application is recommended for refusal, a contribution towards play and open space provision is not being sought.
- 8.45. Concerns have arisen regarding the loss of the dance school. The dance school is not recognised as a protected community facility under Policy DM25 of the SADMP and therefore there is no requirement for the justification of the loss of the dance school. Notwithstanding the above, the applicant has confirmed that the dance school is to be retained and relocated to a nearby dance studio within the vicinity of the area within Burbage.
- 8.46. Concerns have arisen regarding an increase in anti-social behaviour. There are no known issues in the area and it is not considered that this small A5 unit would result in an anti social behaviour problem in the area.
- 8.47. Concerns have arisen regarding the potential for vermin on the site, emotionally detrimental, loss of view. However these are not material planning considerations in the determination of this application.

9. Equality Implications

- 9.1. Section 149 of the Equality 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 proposal, due to the size, scale, bulk and design, would not have an adverse impact with regards to the visual appearance and character of the area and the Burbage Conservation Area. The proposal would respect the scale and character of the existing building and street scene and would not adversely affect the amenities of the occupiers of neighbouring properties and it is assessed that there would be no intensification of the site and the proposal would not have a severe adverse impact upon highway safety. The proposal is considered to be sustainable development in accordance with Policies DM1 of the SADMP together with paragraph 14 of the NPPF. The application is considered to be in accordance with Policy DM1, DM7, DM10, DM11, DM12, DM17 and DM18 of the SADMP 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. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

11.3. 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: Proposed Elevations Drg. No. 3138-SK-120 Rev. A (scale 1:100), Proposed First Floor Plan and Basement Drg. No. 3138-SK-061 (scale 1:100) and Site Location Plan Drg. No. 3138-SK-001 (scale 1:1250 and 1:500) received by the Local Planning Authority on 22 September 2016, Proposed Site Plan Drg. No. 3138-A-010 Rev. B (scale 1:100) received by the Local Planning Authority on 10 November 2016 and Proposed Site and Ground Floor Plan Drg. No. 3138-SK-060 Rev. B (scale 1:100) received by the Local Planning Authority on 23 November 2016.

Reason: To ensure a satisfactory 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 a scheme that makes provision for waste and recycling storage and collection across the site have been submitted to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme, in accordance with Policy DM10 of

the Site Allocations and Development Management Policies Development Plan Document.

4. Prior to first occupation of any dwelling, retail unit or office unit hereby approved, parking and turning facilities, as shown on approved drawing 3138/SK/060 Rev. B (scale 1:100) received by the Local Planning Authority on 23 November 2016, shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter, park, and leave in a forward direction. The parking spaces and 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 and to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

5. No gates/barriers/bollards/chains or other such obstructions shall be erected to the vehicular access.

Reason: To enable a vehicle to pull clear of the highway in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

6. No development shall commence on site until a scheme that makes provision for on-site signage works have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To reduce vehicle speeds to ensure that there would be no impact upon highway safety in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

7. No development shall commence in relation to the hot food take away until a scheme for ventilation of the premises, which shall include installation method, maintenance and managements, has been submitted to and approved in writing by the Local Planning Authority. These details shall be fully implemented prior to first use of the A5 unit and thereafter maintained as such at all times.

Reason: To ensure satisfactory extraction/ventilation/filtration of the premises and to protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory odour, noise, disturbance and vibration in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

8. The proposed hot food take-away shall not be open to the public outside the following hours:
08.00 - 23:00, Monday - Sunday including Bank Holidays.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with

Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

9. The level of noise emitted from the extraction/air conditioning units of the retail and office unit hereby approved shall be in accordance with the noise levels as outlined in section 7 - Noise Mitigation of the submitted Environmental Noise Assessment Report received by the Local Planning Authority on 22 September 2016.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

11.4. 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 or call 01455 238141.
2. The existing sewerage network in the locality is likely to have limited capacity, and the opportunity should be taken to relieve this system of unnecessary surface water as and when brownfield development occurs within its drainage area. It is important, therefore, that a sustainable drainage approach is applied to surface water management in the proposed development, and peak runoff rates should be returned to greenfield levels wherever possible. The preferred use of infiltration devices (soakaways, pervious paving, filter drains etc.) will depend on suitably permeable ground strata and the site being free from a previous land use legacy of ground contamination. Source control techniques and runoff attenuation systems should be considered and incorporated where possible.

Planning Committee 3 January 2017
Report of the Chief Planning and Development Officer

Planning Ref: 16/00827/OUT
Applicant: Mrs M Sykes
Ward: Burbage Sketchley & Stretton

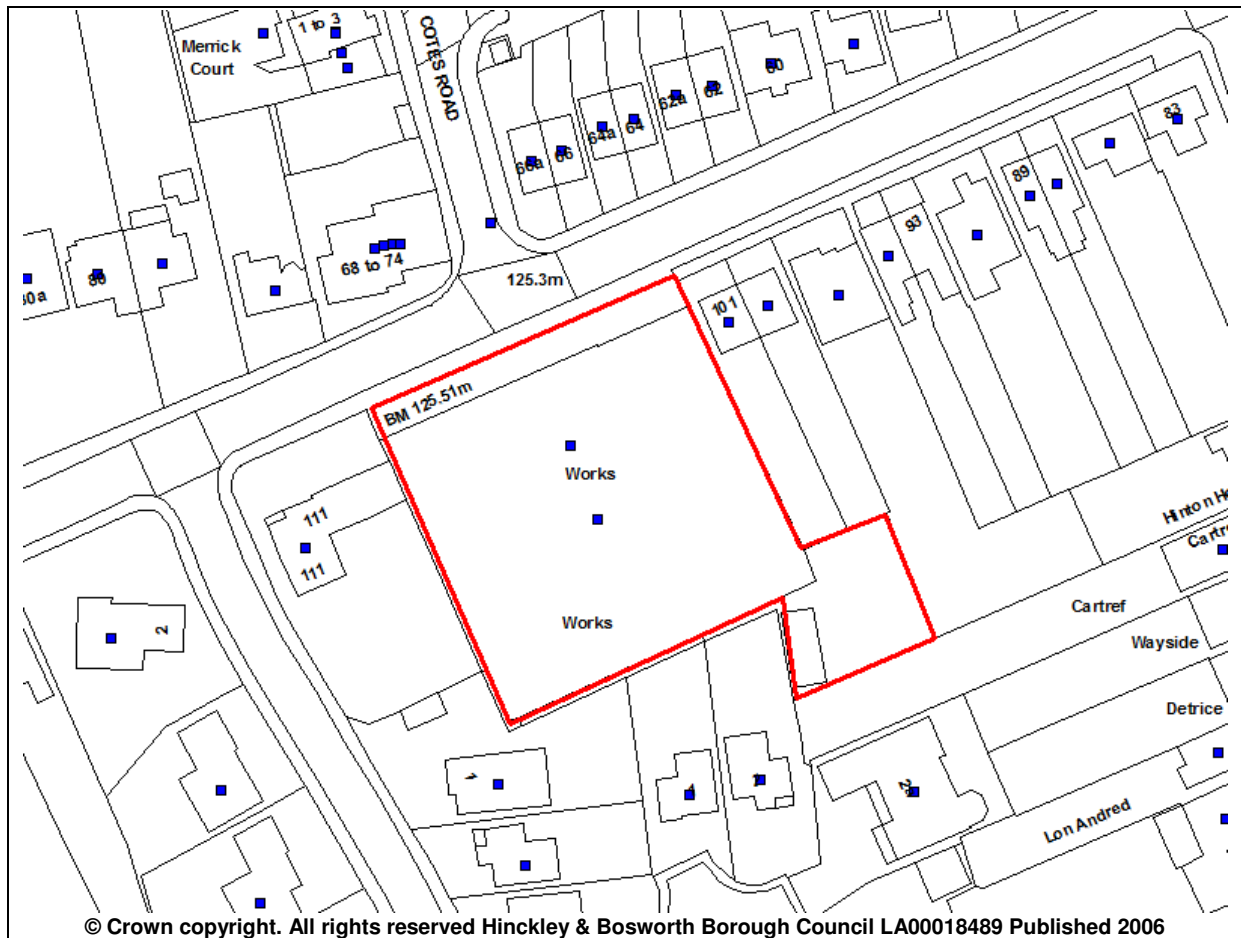


Hinckley & Bosworth
Borough Council

A Borough to be proud of

Site: 103 Coventry Road Burbage

Proposal: Residential Development (Outline - access only)



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 means of access only, for a proposed residential development. The scheme comprises the demolition of the existing commercial building.

2.2. Indicative plans show a layout of 9 dwellings. However, the amount of dwellings and the layout are not under consideration within this application and will be considered at Reserved Matters stage.

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

- 3.1. The site relates to a former factory building which would be demolished. The first floor was granted a change of use to a boxing club under 03/00476/COU. The site remains in use as a storage unit for Wiltshire Carpets.
- 3.2. The site is surrounded by residential development within the settlement boundary of Burbage.

4. **Relevant Planning History**

03/00476/COU	Change of use of first floor to boxing club	Permitted	19.06.2003
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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. There have been three letters of objection from local residents. The objections relate to:
- 1) Highways concerns
 - 2) Overdevelopment of site

6. **Consultation**

- 6.1. The following consultees were notified of the application and have no objections:

Burbage Parish Council

- 6.2. The following consultees have no objection subject to Conditions:

HBBC (Drainage)
Leicestershire County Council (Highways)

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 DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Design & Development
- Policy DM17: Highways & Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

- Policy DM25: Community Facilities

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- 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

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. 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). Paragraph 47 requires local authorities to identify and update annually a supply of deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional 5 % buffer. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and the relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. As of 1 April 2016, the Council could confirm a five year housing land supply of 5.84 years and so the relevant policies relating to the supply of housing are considered up-to-date.

8.3. 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. It makes provision for a minimum of 295 dwellings in Burbage over the plan period to 2026. The most up-to-date information confirms that Burbage has currently met its housing target and therefore the development proposed within the current application would exceed the minimum housing requirement in Burbage. However, the numbers stipulated within the Policy are a minimum and there is no limit on the consideration of housing proposals provided that they accord with policies in the development plan.

8.4. Policy 19 refers to green space and play provision. The PPG provides that contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1000sqm gross internal area). The agent has confirmed the indicative layout of 9 dwellings would have an approximate GFA of between 800-850 sqm. In this case, there is no requirement for a Section 106 Agreement.

- 8.5. The site has a mixed use. In a building approximately 1942 sqm, 1518sqm relates to a Category C employment site. It is described within the Employment Land and Premises Review (2013) as an outdated building (size and configuration) in a suburban location with limited commercial demand and poor access. Policy DM19 relates to existing employment sites and states that in the case of Category C sites the Borough Council is able to take a more flexible approach for alternative uses. The loss of the site for continued employment uses would have little impact on the employment land supply of Burbage and the Borough.
- 8.6. The remaining 424sqm on the first floor is in use as a Boxing Club (03/00476/COU refers). Under Policy DM25, the Local Planning Authority should resist the loss of community uses unless it can be demonstrated that replacement facilities will be provided or; a surplus of the facility type exceeds the needs of the community; or the loss of a small portion of the site would result in wider community benefits on the remainder of the site. Where none of the above can be met, the loss of the community facility is only acceptable where; the facility has been proactively marketed and it has been offered to the local community to take ownership of the facility.
- 8.7. The agent has provided a letter from the Boxing Club which indicates they are actively looking for alternative premises. Furthermore the Club uses less than a quarter of the floor space and it is considered that as the employment use is not protected, the use of the site for housing purposes would result in a wider community benefit and therefore the loss of the community use, in this case, is acceptable.
- 8.8. The site is within the settlement boundary where sustainable development is encouraged the loss of both the employment use and the community use is acceptable. In accordance with Policy DM1 of the SADMP, the site is located within a highly sustainable urban location within the settlement boundary of Burbage and within a reasonable distance of its services and facilities.
- 8.9. There are three core strands underpinning the presumption in favour of sustainable development as set out within the NPPF 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 these roles need to be balanced and a cost benefit analysis undertaken to determine whether a development is considered to be sustainable. The proposal would contribute to the social role of sustainable development by providing 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. Residential development of the site would therefore 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

- 8.10. 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.
- 8.11 It is considered that new residential development of a scale and appearance in keeping with the surrounding established suburban area would be more in keeping than the existing industrial building. The site is within the settlement boundary where residential development is appropriate and new residential development would both complement and enhance the character of the area.
- 8.12 Objections have been received with regard to the potential overdevelopment of the site. The indicative layout for 9 dwellings appears cramped with plot sizes smaller than the prevailing layout of development within the immediate vicinity. However, notwithstanding the indicative layout as shown on the submitted plan, the number of dwellings and layout would be dealt with at Reserved Matters stage and it is considered that there is scope for a smaller scheme which would complement the character of the surrounding area and would therefore be in accordance with Policy DM10 in this respect.

Impact upon neighbouring residential amenity

- 8.13 Policy DM10 of the adopted SADMP states that development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. Paragraph 17 of the NPPF also seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.14 It is considered that a smaller scheme of residential development would enable adequate separation distances to be achieved to the windows and gardens of neighbouring dwellings such that it would not result in any significant overbearing impacts or loss of privacy from overlooking to neighbouring dwellings. A reserved Matters application would assess the impact on residential amenity once a layout is provided, however in principle the site is of a size that could accommodate a form of residential development without an adverse affect on the amenities of surrounding residents. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP in respect of impact on residential amenity.

Impact upon Highway Safety

- 8.15 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.
- 8.16 Objections have been received on the grounds that there is an existing traffic congestion problem on Coventry Road due to on-street parking in the vicinity of the site.
- 8.17 The indicative 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 of dimensions in accordance with adopted highway design guidance. 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. Leicestershire County Council (Highways) has assessed the scheme and raises no objections in principle.

Other Matters

- 8.18 The site is within Flood Zone 1 which is the lowest risk area for flooding. Policy DM7 relates to the prevention of pollution and flooding and states that development proposals must demonstrate that the proposals would not adversely impact the water quality, ecological value or drainage function of water bodies in the Borough. Policy DM10 requires an appropriate Sustainable Drainage System to be submitted as part of an application. HBBC (Drainage) have assessed the scheme with regard to SUDs and Surface Water Management and find it in accordance with the above policies and subject to conditions have no objections to the scheme.

9. Equality Implications

- 9.1. Section 149 of the Equality 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 close to the centre of Burbage. Subject to the detailed approval of the scheme, residential development of the site would complement the character of the surrounding area and would not result in any significant adverse impacts on the privacy or amenity of any neighbouring properties or highway safety.
- 10.2. The loss of the employment/community use has been justified in this case and the proposal would be in accordance with Policies 4 and 8 of the Core Strategy, Policies DM1, DM7, DM10, DM17, DM18, DM19 and DM25 of the SADMP and the overarching principles of the NPPF.

11. Recommendation

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

12. 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 92 of the Town & Country Planning Act 1990 (as amended).

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 treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: No 16/52 04A but only in respect of those matters not reserved for later approval.

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).

4. Notwithstanding condition 3, no development shall take place until a plan detailing the dimensions of the site access and associated visibility splays has been submitted to and approved in writing by the local planning authority.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the details submitted, 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 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 Site Allocations and Development Management Policies Development Plan Document (2016).

6. 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 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 Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development shall commence until surface water drainage details, incorporating sustainable drainage principles (SuDS) and foul sewerage disposal details have been submitted to and approved in writing 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 of surface water and foul water drainage to prevent flooding and minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

9. Construction shall be limited to 08:00 - 18.00 hrs Monday to Friday and 09:00 - 13:00hrs Saturdays with no working on Sundays or Bank Holidays.

Reason: To ensure there is not excessive noise and disturbance during construction at times that would have an adverse impact on the amenity of the occupiers of adjacent dwellings in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

10. No development shall commence until a site investigation for any contaminated land on the site has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before the development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: In order to safeguard human health and the environment and identify potential contamination on-site and the potential for off-site migration in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12.1. 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 or call 01455 238141.

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Planning Committee 3 January 2017
Report of the Chief Planning and Development Officer



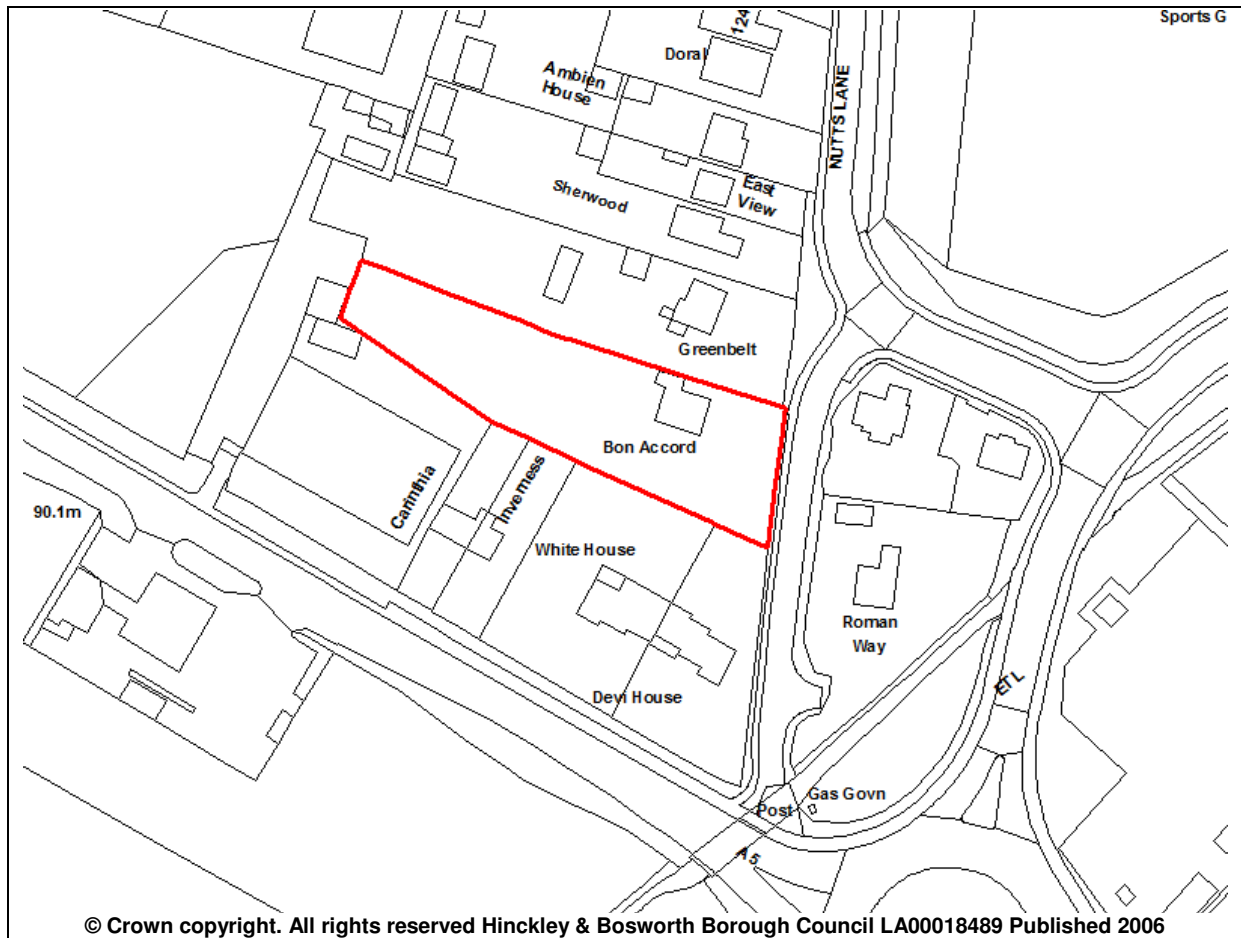
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 16/00922/FUL
Applicant: Mrs Sarah Payne
Ward: Hinckley Clarendon

Site: Bon Accord Nutts Lane Hinckley

Proposal: Change of use from dwelling to children's day care nursery including two storey side extension



1. Recommendations

1.1. Grant planning permission subject to:

- 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.

2. Planning Application Description

2.1. This application seeks full planning permission for the change of use from the existing residential dwelling to a 70 place children's day care nursery including a

two storey side extension at Bon Accord, Nutts Lane. No residential accommodation is proposed to be retained.

- 2.2. Both the ground and first floor would be used for the nursery with 6 rooms available. The rear garden would also be used for out door play with acoustic fencing proposed on part of the border of the site. The proposal would utilise the two existing accesses to the site and would create 15 off street parking spaces.

3. Description of the Site and Surrounding Area

- 3.1. The application property is a two storey detached property located within the settlement boundary of Hinckley. The application site is set on the old part of Nutts Lane which used to connect to the A5 but got rerouted as part of the improvements to the A5. The application site therefore lies on a cul-de-sac with a hammerhead which provides space for the turning of vehicles located at the end of the road. Two storey residential properties surround the application site with the application site set a long distance back from Nutts Lane.

4. Relevant Planning History

03/01127/FUL	Extension and alterations to bungalow to form two storey dwelling	Permitted	31.12.2003
05/00213/FUL	Change of use from domestic garden to boarding kennels	Refused	15.06.2005

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. Seven letters of representation have been received from five addresses raising the following concerns:

- 1) Flooding
- 2) Impact upon the sewers and drains
- 3) Noise impact upon neighbouring properties
- 4) Impact upon highway safety, traffic congestion and lack of parking
- 5) Impact from delivery and waste lorries
- 6) Potential to extend opening hours and open at the weekend
- 7) Privatisation of the road
- 8) No transport connections
- 9) Existing anti-social behaviour within the vicinity of the area
- 10) Loss of value of the neighbouring properties and difficulties when selling
- 11) Impact upon health of neighbouring residents

- 5.3. A petition has also been received with 16 signatures raising the same concerns as above.

6. Consultation

- 6.1. No objection subject to conditions from:-
HBBC Environmental Health
LCC Highways
- 6.2. No objection from:-

Highways England
Environment Agency
HBBC Waste
HBBC Drainage
- 6.3. LCC Children's and Young Peoples Service support the application.

7. Policy

- 7.1. Core Strategy
- Policy 1: Development in Hinckley
- 7.2. Site Allocations and Development Management Policies DPD
- Policy DM1: Presumption in Favour of Sustainable Development
 - 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)
 - Planning Practice Guidance (PPG)

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 and flooding
 - 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 making. The NPPF is a material consideration in determining applications. The development plan in this instance consists of the Site Allocations and Development Management Policies (SADMP) DPD (2016) and the Core Strategy (2009).
- 8.3. Policy DM1 of the adopted SADMP and paragraph 14 of the NPPF provide a presumption in favour of sustainable development with planning applications that

accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.

- 8.4. The application site is located within the settlement boundary of Hinckley. Policy 1 of the Core Strategy identifies Hinckley as a sub regional centre where development that provides employment opportunities are generally supported within the settlement boundary.
- 8.5. The NPPF in paragraph 14 provides a presumption in favour of sustainable development and paragraphs 17 and 20 supports sustainable economic development to provide for the future business and community needs of an area. Paragraphs 21 and 70 of the NPPF encourage flexibility and the integration of residential and commercial uses within the same unit, to enhance the sustainability of communities and residential environments.
- 8.6. The proposal constitutes the change of use of the existing dwelling to a childcare facility. The scheme would result in the incorporation commercial uses in a sustainable location within the settlement boundary. The proposed scheme would capitalise on the sites potential, resulting in economic, social and environmental benefits.
- 8.7. In respect of concerns raised over the need for the facility; commercial demand is a private matter and does not constitute a material planning consideration; however, notwithstanding this the applicant has identified a need for a further facility within the Hinckley area. Leicestershire County Council have been working with the nursery to look at possible growth due to the Government expansion of free childcare in September 2017 from 15 hours to 30 hours a week. The proposal has been assessed over a number of different sites. Therefore notwithstanding the objections received, which have been carefully considered, by virtue of the sustainable location of the site and the social, environmental and economic benefits, the change of use and extension of the dwelling to provide a childcare facility is not considered to conflict with the adopted planning policies.
- 8.8. The proposal is considered to be in accordance with Policies DM1 of the SADMP together with paragraph 14 of the NPPF and is therefore acceptable in principle, subject to all other planning matters being appropriately addressed.

Impact upon the character of the area

- 8.9. Policy DM10 requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features.
- 8.10. The built form in the surrounding area is predominately two storey residential properties set back from Nutts Lane. The proposal would involve a two storey side extension to the existing property with a single storey front extension with a mono pitch roof to the front and a single storey rear extension with a dual pitched roof. The proposed extension would match the existing dual pitched roof and mono pitched roof to the front of the property. The materials would also match as existing. It is therefore considered that due to the set back nature of the property within the site and the proposed side extension set off the boundary with the adjacent property, White House, by approximately 8 metres, the proposed extension would not impact upon the character of the existing property. There is dense screening of the property from Nutts Lane and therefore the property is not easily visible from the street and as such would have no impact upon the character of the street scene.

- 8.11. As the application seeks to introduce a commercial use to an area predominantly residential in character, there would be an impact in this respect. The scheme seeks to contain the proposed use within the existing and proposed floor space of the dwelling. Externally the existing rear garden to the west of the dwelling is proposed to be enclosed by way of a 1.8 metre high acoustic fencing and dense screening, for use in conjunction with the nursery.
- 8.12. There would be additional vehicle trips associated with the use, however these are not considered to be of a level that would materially impact upon the residential characteristics of the area. There is proposed to be large areas of hardstanding to the front of the property for parking and pick up and drop off, however there are a number of other properties in the area with a large amount of hardstanding and this is not something which is unusual in the area. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.13. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.14. Objections have been received on grounds that the proposal would result in an adverse impact on the amenities of neighbouring properties from noise and disturbance generated from the general use of the premises, additional traffic movements and increased on-street parking. The concerns raised by the neighbouring residents have been carefully considered.
- 8.15. The application seeks to change the use of the dwelling from the existing dwelling to a children's nursery. The maximum number of children would be 70 and the operating hours would be between 0730hrs and 1830hrs Monday to Friday only and not at any time on Saturday or Sunday.
- 8.16. The application site is located on a cul-de-sac, adjacent to and opposite two storey detached properties. Located to the south of the site are two pairs of two storey semi-detached properties. The closest residential properties are located to the north and the south west of the property. To the north, Greenbelt, comprises a two storey detached dwelling situated approximately 10 metres from the north elevation and north boundary of the site. To the south, White House, whose rear boundary borders the site with the front of the application site and is situated perpendicular to the application site. Carinthia and Inverness, two storey semi-detached properties situated perpendicular to the application site and are located to the south west of the application property.
- 8.17. Further information has been provided by the applicant detailing specifics in regards to the operations on site and the use of the rear garden. This information has enabled further consideration in regards to the likely impact of noise and an informed conclusion to be drawn in relation to this matter. It has been stated that the outdoor area to the rear of the site would be split into two sections, one for a baby and toddler area and one for a pre-school age area. The areas proposed would enable children to partake in activities including water and sand play, painting and vegetable cultivation. The baby and toddler area would be located closest to the main property with the pre school play area located to the rear of the site. All of the garden area would be adjacent to the side boundary of Greenbelt and only the baby and toddler play area would be bounded by the rear boundary of Carinthia and Inverness.

- 8.18. A 1.8 metre high acoustic fence is proposed to border the baby and toddler play area, the area of the rear garden of the site which is immediately bounded by the residential properties to the south and the closest part of the rear garden to the property of Greenbelt. Therefore significant noise protection has been provided by the applicant to prevent any potential impact upon the neighbouring properties.
- 8.19. It is also proposed that the use of the garden shall be limited to the hours of between 0900hrs – 1130hrs and 1400hrs – 1600hrs and it is recommended to secure this by condition.
- 8.20. As a result of the recommended conditions, acoustic fencing protecting the properties to the south and part of the rear garden and main dwelling of Greenbelt and due to the large nature of the rear garden of Greenbelt, it is considered that the impact of noise from the rear garden of the application property would be minimal upon these properties. Further to this, there would be existing background noise due to the proximity of the A5 to the application site which would help alleviate any impacts upon neighbouring residential properties in respect of noise and disturbance. Environmental Health have considered the application and as a result of the further information submitted regarding hours of use and acoustic fencing, would have no objection subject to the recommended conditions.
- 8.21. The proposed two storey side extension would be sited approximately 8 metres from the boundary with the nearest residential property, White House. Due to the distance from the boundary and the siting of White House away from the application property, there would be no impact upon residential amenity in respect of overlooking, overbearing or loss of light.
- 8.22. Therefore subject to conditions the proposal is considered to comply with Policy DM10 of the SADMP.

Impact upon Highway Safety

- 8.23. Policy DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.24. Neighbour concerns have been raised that the parking provision proposed is not adequate for peak drop off and collection times, that the existing access is not sufficient to cater for the use and that the proposal would lead to additional congestion along Nutts Lane. Notwithstanding these comments Leicestershire County Council (Highways) has considered the proposal in detail and raises no objection to the scheme on highway safety grounds subject to conditions.
- 8.25. The application site proposes off road parking spaces for 15 vehicles. If the proposed use was at maximum capacity of 70 children at the site at anyone time, that would result in 17 full time members of staff and 4 part time members of staff. The existing site has two access points and it is proposed as part of this change of use to utilise the two access points, widening as appropriate, to allow for one entrance and one exit. Therefore the vehicles will be able to pull into the site, drop off their children and then exit the site without interfering with vehicles entering the site.
- 8.26. Further to this, the application site is located on the cul-de-sac part of Nutts Lane with no through traffic. Therefore the existing traffic flow on this part of Nutts Lane is

very small, with the road serving only the few adjacent residential properties. With the entrance to Nutts Lane from the north, and the two access points providing an in and an out, vehicles will be able to use a one way system with no vehicles crossing over each other when entering and exiting the site.

- 8.27. In addition, the use of alternative means of transport to the site would be encouraged. In relation to potential delays and congestion, given that the drop of and collection of the children would be a relatively quick activity, associated impacts would not be sustained and would not justify refusal of the application. Impact experienced would be time specific and would not lead to constant congestion or parking problems, as such are not considered to be significantly harmful in highway safety terms to lead to a detrimental impact upon highway safety. Parking is also available within the site for staff and users of the facility who wish to stay for a longer period of time.
- 8.28. In order to provide maximum pedestrian visibility, it will be necessary to reduce the roadside hedge in width but this need not affect the canopy of the trees. This is recommended to be secured by condition.
- 8.29. Concerns have arisen regarding delivery vehicles. There would be suitable access and parking arrangements within the site for delivery vehicles to ensure there would be no impact upon highway safety.
- 8.30. The objections and concerns of neighbouring residents in respect of parking and traffic movements have been carefully considered along with the formal comments from Leicestershire County Council (Highways). Based upon this, it is considered that the proposed use would not result in any demonstrable or significant impacts in terms of highway safety and as such the proposal is considered to be in accordance with Policy DM17 and DM18 of the SADMP.

Drainage and flooding

- 8.31. Policy DM7 of the SADMP states that adverse impacts from pollution and flooding will be prevented by ensuring that the development does not create or exacerbate flooding. Paragraph 103 of the NPPF requires that development does not increase flood risk elsewhere.
- 8.32. The Flood Map for Planning was updated for the adjacent Sketchley Brook within the last two years. Therefore the application site falls within an area at risk of flooding from the Sketchley Brook. However this change of use application does not result in a more vulnerable class of development than its current use as a domestic dwelling, and therefore there would be no impact upon exacerbating flooding within the area. The large area of hardstanding proposed to the front of the property would need to have drainage to ensure there would be no impact upon flooding; this is recommended to be secured by condition.
- 8.33. Appropriate drainage would be provided within the existing drainage network and drainage channel. Severn Trent have also been consulted on the application in relation to impact on foul and surface water drainage. They raise no objections to the proposal.

Other issues

- 8.34. Concerns have arisen regarding the potential to extend opening hours and to open at the weekend. However this is not considered as part of the application.

8.35. Concerns have arisen regarding the privatisation of the road, existing anti-social behaviour within the vicinity of the site and decrease in value of neighbouring properties. However there are no known issues of anti social behaviour in the area and the privatisation of the road and decrease in neighbouring properties value are not material planning considerations in the determination of this application.

9. Equality Implications

9.1. Section 149 of the Equality 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. This application is for the change of use of the existing residential dwelling for the purposes of a nursery with a two storey side extension. The application site is situated within a sustainable location within the settlement boundary of Hinckley, in a predominately residential area. Both the Core Strategy and the NPPF seek to encourage economic development and enterprise through the use of existing premises to provide employment opportunities, including homeworking.

10.2. By virtue of the specific nature and level of the proposal, the siting of the property in relation to the adjacent properties, the proposed boundary treatments and the access arrangements and parking provision it is not considered that the development would result in any materially adverse impacts on the residential amenity of surrounding dwellings, either by way of noise and disturbance associated with vehicle movements or the children cared for, nor would the proposal result in any severe harm in terms of highway safety. The proposal is considered acceptable in accordance with Policies DM1, DM7, DM10, DM17 and DM18 of the SADMP 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. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

11.3. **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: Proposed Site Layout and Parking drg. no. Planning 02 (scale 1:200), Proposed Elevations and Plans drg. no. Planning 04 (scale 1:100 and 1:50), received by the Local Planning Authority on 5 October 2016 and Proposed Site Layout and Parking drg. no. Planning 05 (scale 1:200) received by the Local Planning Authority on 1 December 2016.

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

3. The number of children attending the premises shall not exceed 70 at any one time.

Reason: To ensure that the development does not have a detrimental impact upon highway safety and existing residential amenity in accordance with Policy DM10, DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

4. The rear garden of the property as identified in the approved plan Proposed Site Layout and Parking drg. no. Planning 05 (scale 1:200) received by the Local Planning Authority on 01 December 2016 shall only be used for children's recreation between the hours of 09:00am - 11:30am and 2:00pm - 4:00pm.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

5. The use hereby approved shall not be in operation outside the hours of between 07:30am and 18:30pm Monday to Friday, and shall not operate at any time on Saturday or Sundays.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

6. Before first use of the development hereby permitted, the proposed acoustic fence as identified in the approved plan Proposed Site Layout and Parking drg. no. Planning 05 (scale 1:200) received by the Local Planning Authority on 01 December 2016 shall be constructed in accordance with the Acoustic

Fence Specification received by the Local Planning Authority on 13 December 2016. The proposed acoustic fence shall thereafter be permanently retained.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

7. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as not to open outwards.

Reason: To enable a vehicle 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 in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

8. No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway.

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 in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

9. Before first use of the development hereby permitted, parking and turning facilities as shown on approved plan Proposed Site Layout and Parking drg. no. Planning 02 (scale 1:200) received by the Local Planning Authority on 05 October 2016 shall be provided and surfaced with a hard bound porous material (not loose aggregate) and be made available for use within the site. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained at all times.

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

11.4. 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 or call 01455 238141.
2. The comments from the Environment Agency received by the Local Planning Authority on 04 November 2016 should be considered prior to

development.

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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 16.12.16

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
	RWR	16/00618/FUL (PINS Ref 3164579)	WR	Mr Daniel Luczywo 27 Church Road Nailstone Nuneaton CV13 0QH	27 Church Road Nailstone Nuneaton (Erection of one dwelling with associated access)	Awaiting Start Date	
	RWE	16/00835/OUT (PINS Ref 3163760)	WR	Mr & Mrs Valney & Tracy Hunter 2 Delaware Road Leicester LE5 6LG	62 Forresters Road Burbage Hinckley (Erection of a detached dwelling (Outline - access only))	Awaiting Start Date	
16/00036/PP	RWE	16/00505/FUL (PINS Ref 3163336)	WR	Mr Nigel Osbourne Kirkby Lane Peckleton Leicester	Peckleton House Farm Land North Of Kirkby Lane Peckleton (Erection of one dwelling)	Start Date Questionnaire Statement of Case Final Comments	15.12.16 22.12.16 19.01.17 02.02.17
16/00035/PP	RWR	15/00536/OUT (PINS Ref 3159043)	WR	Mrs Lynette Fallows Highfield Farm, No Mans Heath Road Chilcote Swadlincote	8 Wood Lane Norton Juxta Twycross Atherstone (Erection of 3 dwellings (outline - access and layout) (revised scheme))	Start Date Statement of Case Final Comments	17.11.16 22.12.16 05.01.17
	RWR	16/00113/COU (PINS Ref 3157918)	IH	Mr Fred Price c/o Agent	Land Adj. Hissar House Farm Leicester Road Hinckley LE9 8BB (Change of use of land for gypsy/traveller site for the provision of two static caravans, one touring caravan, erection of two amenity buildings and associated infrastructure)	Awaiting Start Date	

16/00032/PP	CA	16/00362/OUT (PINS Ref 3159649)	WR	Mr Ian Holdaway Mancetter Farm Quarry Lane Mancetter Warwickshire CV9 1HL	Land South West Of Charnwood House Thornton Lane Markfield Leicestershire (Erection of 4 dwellings (outline - access only))	Start Date Awaiting Decision	07.10.16
16/00027/TREE	AC	16/00487/TPO (PINS Ref 5421)	IH	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))	Start Date Awaiting Decision	23.08.16
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 Awaiting Decision	12.07.16
16/00034/PP	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)	Start Date Statement of Case Final Comments Hearing Date	16.11.16 21.12.16 11.01.17 07.02.17
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 Awaiting new Inquiry Date	12.02.16
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 Awaiting new Inquiry Date	12.02.16
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	HW	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 48 dwellings (Outline - access))	Start Date Statement of Common Grd Proof of Evidence Public Inquiry (6 days)	22.08.16 14.02.17 14.02.17 14-17 & 21 & 22.03.17
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Decisions Received

Rolling 1 April 2016 - 16 December 2016

16/00028/PP	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)	ALLOWED	06.12.16
16/00030/PP	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))	DISMISSED	25.11.16
16/00031/PP	SP	16/00202/FUL (PINS Ref 3157729)	WR	Ms Sue Johnson 3 Markfield Lane Botcheston Leicester LE9 9FH	Polebrook Hayes Farm 3 Markfield Lane Botcheston (Change of use and extension of agricultural building to form an agricultural workers dwelling and erection of agricultural building (resubmission))	DISMISSED	02.12.16
16/00029/PP	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)	DISMISSED	30.11.16
16/00016/HEDGE	CA	15/00816/HEDGE (PINS Ref APP/H/16/1509)	WR	Mr & Mrs Stokes	90 Forest Road Hinckley (Complaint High Hedges)	ALLOWED NOTICE VARIED	14.12.16

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
32	8	24	0	0	5	0	20	3	0	4	0	0	0

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
3	2	1		