

Public Document Pack



Hinckley & Bosworth
Borough Council

A Borough to be proud of

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Date: 23 January 2017

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, 31 JANUARY 2017** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

Rebecca Owen
Democratic Services Officer

PLANNING COMMITTEE - 31 JANUARY 2017

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 3 January 2017.

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. 16/00925/FUL - 1 BURTON ROAD, TWYXCROSS (Pages 5 - 14)

Application for erection of one dwelling and garage.

8. 16/00818/FUL - 4 THE HORSEFAIR, HINCKLEY (Pages 15 - 30)

Application for conversion, extension and alterations, including part demolition, of buildings to form 27 apartments, associated parking and access.

9. APPEALS PROGRESS (Pages 31 - 34)

Report of the Director (Environment & Planning) attached.

10. 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

3 JANUARY 2017 AT 6.30 PM

PRESENT: Mr R Ward - Chairman
Mr BE Sutton – Vice-Chairman
Mrs MA Cook, Mr WJ Crooks, Mrs L Hodgkins, Mr E Hollick, Mrs J Kirby, Mr C Ladkin,
Mr RB Roberts, Mrs H Smith, Mrs MJ Surtees, Ms BM Witherford, Ms AV Wright,
Mr DC Bill MBE (for Miss DM Taylor), Mr DS Cope (for Mrs GAW Cope) and
Mr K Morrell (for Mr LJP O'Shea)

In accordance with Council Procedure Rule 4.4 Councillor Mr SL Rooney was also in attendance.

Officers in attendance: Rebecca Owen, Pete Reid, Michael Rice, Nicola Smith and Helen Wilson

310 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillors Mrs Cope, O'Shea and Taylor, with the following substitutions authorised in accordance with council procedure rule 4:

Councillor Mr Cope for Mrs Cope
Councillor Morrell for O'Shea
Councillor Bill for Taylor.

311 MINUTES

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

RESOLVED – the minutes of the meeting held on 6 December be confirmed and signed by the Chairman.

312 DECLARATIONS OF INTEREST

No interests were declared.

313 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all decisions delegated at the previous meeting had been issued.

314 16/00820/FUL - NEOVIA LOGISTICS SERVICES (UK) LTD, PECKLETON LANE, DESFORD

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.

Concern was expressed in relation to the proposed section 106 agreement and Leicestershire County Council's proposal to contribute to Desford crossroad junction highway improvement, and it was suggested that the Dan's Lane junction was in greater need of improvement and that the County Council should be asked to reconsider the contribution and which junction it should be used to improve.

An amendment was moved by Councillor Sutton and seconded by Councillor Cook that the Head of Planning and Development in consultation with the Chairman and Vice-Chairman be granted delegated authority to approve the application subject to the conditions contained in the officer's report and late items and completion of a S106 agreement following discussions with Leicestershire County Council with regard to the contribution to junction improvements at Dan's Lane instead of Desford crossroads.

Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the Head of Planning and Development in consultation with the Chairman and Vice-Chairman be granted delegated authority to approve the application subject to:

- (i) Completion of a S106 agreement to secure the following obligations:
 - A highway improvement contribution (exact details to be discussed and agreed with Leicestershire County Council) and agreed with the Chairman and Vice-Chairman
 - Heavy Goods Vehicle signage review
 - Bus stop improvement contribution
 - Highways monitoring contribution
 - Public realm improvement contribution
 - Green space and play provision contributionContributions and terms of the agreement including trigger points and clawback periods delegated to the Head of Planning and Development as described above.
- (ii) The conditions contained in the officer's report and late items, final details of which to be determined by the Head of Planning and Development.

315 16/00885/FUL - 83 - 103 CHURCH STREET, BURBAGE

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.

It was moved by Councillor Sutton and seconded by Councillor Ladkin that permission be granted.

Councillor Wright, along with two other members, requested that voting on this motion be recorded. The vote was subsequently taken as follows:

Councillors Cook, Kirby, Ladkin, Morrell, Roberts, Smith, Surtees, Sutton and Ward voted FOR the motion (9);

Councillors Bill, Crooks, Hodgkins, Hollick and Wright voted AGAINST the motion (5);

Councillors Cope and Witherford abstained from voting.

The motion was therefore declared CARRIED and it was

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

316 16/00922/FUL - BON ACCORD, NUTTS LANE, HINCKLEY

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

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

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

317 16/00827/OUT - 103 COVENTRY ROAD, BURBAGE, HINCKLEY.

Application for residential development (outline – access only).

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

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

318 APPEALS PROGRESS

The appeals progress report was noted.

(The Meeting closed at 8.23 pm)

CHAIRMAN

This page is intentionally left blank

Planning Committee 31 January 2017
Report of the Head of Planning and Development

Planning Ref: 16/00925/FUL
Applicant: P A Wright And Sons
Ward: Twycross Sheepy & Witherley

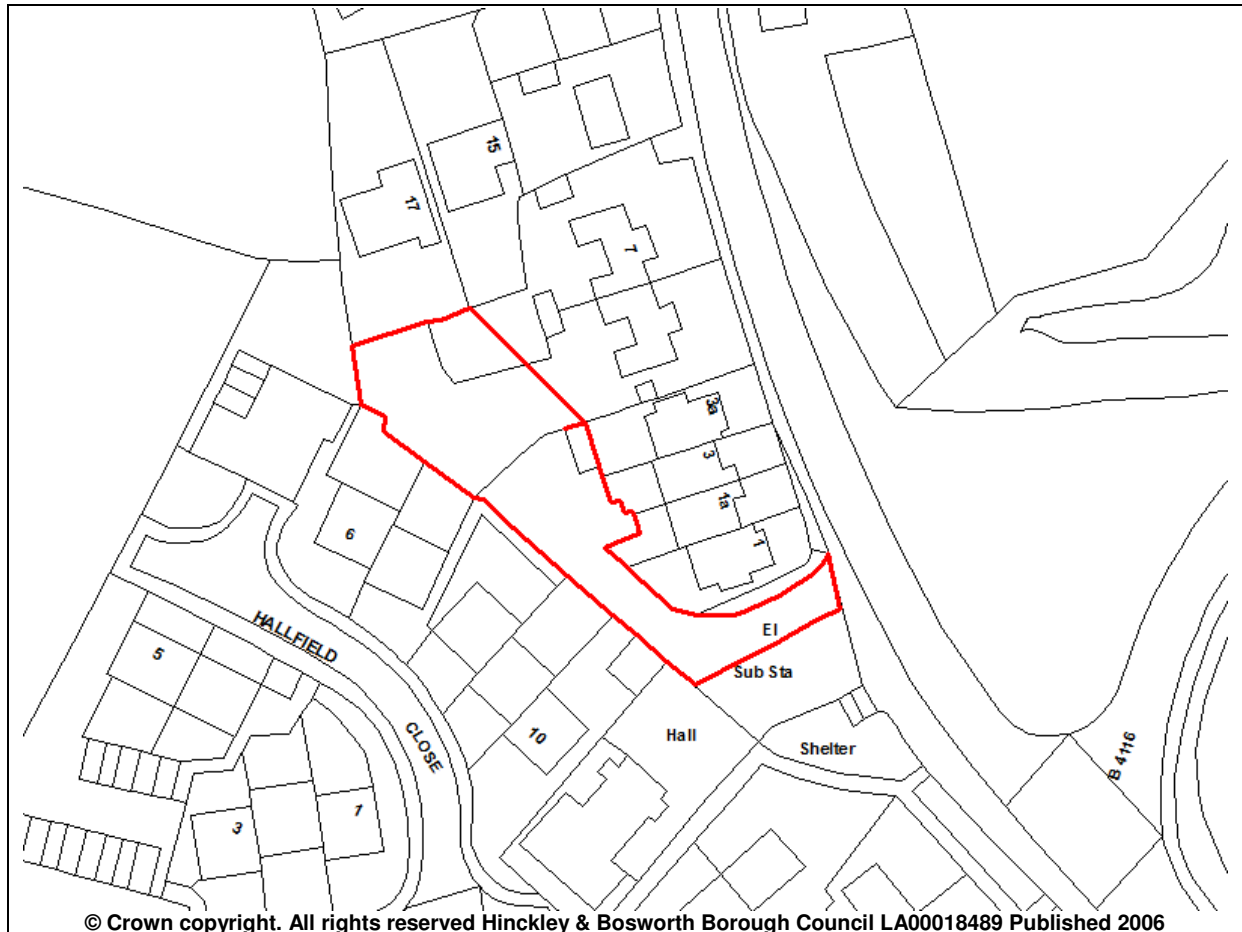
Site: 1 Burton Road Twycross

Proposal: Erection of one dwelling and garage



Hinckley & Bosworth
Borough Council

A Borough to be proud of



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

2.1. This application seeks full planning permission for the erection of a three bedroom detached dwelling and garage on a plot of vacant land. The proposed dwelling would have a dormer bungalow design with rooms in the roof space, an eaves height of 2.4 metres and a ridge height of 6 metres. It would have roof light windows to the front elevation and a non-opening dormer window with opaque glazing to the rear roof elevation. Parking would be provided within a single (part attached) garage and driveway. Access would be from an existing shared track from Burton Road.

2.2. A Planning Statement has been submitted to support the application.

2.3. The application site has been subject to a previously dismissed appeal decision for a larger dwelling on the site (reference APP/K2420/A/14/2223516). The main issues identified by the Inspector were: the effects on the living conditions of neighbouring occupiers in terms of light, outlook and privacy; the amenities of the future occupiers of the development; and the effect on the character and appearance of the area.

3. Description of the Site and Surrounding Area

3.1. The site lies within the settlement boundary of Twycross and comprises a vacant plot of land located between the rear of 1 – 5 Burton Road, 17 Burton Road and 6 and 7 Hallfield Close, Twycross. The development area measures approximately 415 square metres (excluding the access and turning areas). The site is predominantly enclosed by close boarded timber fencing of approximately 1.8 metres in height.

3.2. The surrounding area has a varied pattern of built development with a variety of plot size, depth and shape and a mix of housing types, scales and architectural styles within the vicinity. There are semi-detached and terraced bungalows on Hallfield Close to the south west of the site, modern detached two storey houses to the north (Nos. 17 and 15 Burton Road), a pair of semi-detached bungalows with traditional design and steep pitched roof form to the east (Nos. 5 and 7 Burton Road) and a recently constructed terrace of two storey houses to the south east (Nos. 1, 1A, 3 and 3A Burton Road).

3.3. The application site has a slightly lower ground level than the bungalows to the south west on Hallfield Close but otherwise there are no significant variations in land levels.

4. Relevant Planning History

16/00013/VCON	Variation of condition 2 of planning permission 10/00133/FUL to allow for the removal of two car parking spaces	Appeal Allowed	28.06.2016
15/00624/CONDIT	Variation of condition 2 of planning permission 10/00133/FUL to allow for the removal of two car parking spaces	Refused	21.10.2015
14/00009/PP	Erection of 3 bedroomed detached dwelling and revised car parking layout to serve existing neighbouring dwellings	Appeal Dismissed	17.11.2014
14/00060/FUL	Erection of 3 bedroomed detached dwelling and revised car parking layout to serve existing neighbouring dwellings	Refused	05.06.2014
13/00928/FUL	Erection of one new dwelling	Withdrawn	13.12.2013
10/00133/FUL	Demolition of existing dwellings and erection of 4 new dwellings.	Permitted	15.07.2010

5. Publicity

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

5.2. Responses have been received from five separate addresses including the Twycross Parish Council raising objections to the proposal on the following grounds:-

- 1) Land ownership/rights of access/access maintenance issues
- 2) Will exacerbate existing parking and manoeuvring issues
- 3) Contrary to Supplementary Planning Guidance for New Residential Development
- 4) Loss of light and privacy due to constricted site and proximity
- 5) Inadequate privacy for future occupier due to overlooking

5.3. One letter of support for the proposal has been received.

6. Consultation

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

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

6.2. No response has been received from:-

Leicestershire County Council (Rights of Way)
Ramblers Association

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- 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)
- Community Infrastructure Levy (CIL) Regulations (2010)

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

- 8.2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. Policy 12 of the adopted Core Strategy identifies Twycross as a Rural Village where services and facilities are limited but supports some residential development within the settlement boundary of Twycross to deliver a minimum of 20 new homes to maintain existing services and community cohesion. The adopted SADMP has identified an alternative site to deliver the housing requirement for the village. However, it is considered that the provision of one additional small unit on an infill plot within the settlement boundary would not compromise the wider spatial vision for the village.

Impact upon neighbouring residential amenity

- 8.5. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenities of the future occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.6. Objections have been received on the grounds that the proposal would result in a loss of light and privacy due to the constricted nature of the site and proximity of the proposed dwelling to neighbouring dwellings and that the future occupiers would be subject to a loss of privacy from overlooking.
- 8.7. The application site has been subject to a previous application which was refused and subsequently dismissed at appeal. The main issues identified were: the effects on the living conditions of neighbouring occupiers in terms of light, outlook and privacy; the amenities of the future occupiers of the development; and the effect on the character and appearance of the area. The previous refusal and Inspectors decision are a material consideration in the determination of this planning application. In assessing the application regard should be given to the Inspectors findings and whether the new application has overcome the reasons for refusal.
- 8.8. On the first matter the Inspector concluded that the appeal proposal would materially harm the living conditions of occupiers of nearby dwellings but only in terms of the outlook of occupiers of 7 Hallfield Close. No adverse impacts in respect of loss of light or privacy from overlooking were identified.
- 8.9. The revised scheme proposes a dormer bungalow with significantly lower ridge height (1.8 metres lower) and eaves height (1.6 metres lower) than the previously proposed dwelling. In addition, the proposed dwelling would be sited between approximately 11.5 – 14 metres from the rear elevation of 7 Hallfield Close (an increase in separation of approximately 3 metres over the previously refused scheme). The ground level of the site is also slightly lower than that of these neighbouring bungalows and a close boarded timber fence of approximately 1.8 metres in height separates the plots and would provide adequate screening to protect the privacy of the respective occupiers.
- 8.10. By virtue of the reduction in ridge and eaves height of the proposed dwelling and its siting further from the rear elevation of No. 7 Hallfield Close, it is considered that the revised scheme would not result in any significant adverse impacts on the privacy

or outlook of the occupiers of 7 Hallfield Close and would overcome the previous reason for refusal in the Inspectors decision in respect of impact on the outlook of the occupiers of 7 Hallfield Close.

- 8.11. The previously refused scheme did not propose built form in direct view from the rear of 6 Hallfield Close. The revised scheme proposes a single storey garage with a blank gable with a ridge height of 4.9 metres which would be located between approximately 8.5 – 12 metres from the rear elevation of 6 Hallfield Close. By virtue of the single storey scale of the garage, separation distance, lower ground level and part screening provided by the existing close boarded timber fencing it is considered that the proposal would not result in any significant adverse impacts on the privacy or outlook of the occupiers of 6 Hallfield Close. Therefore the proposal would not be in conflict with the previous Inspectors decision.
- 8.12. 17 Burton Road is a two storey detached house located approximately 20 metres to the north of the proposed dwelling with each having a reasonable rear garden depth of approximately 10 metres. The only first floor window on the rear elevation of the proposed dwelling would be to an en-suite shower room/toilet and noted on plan to be a fixed opaque window. By virtue of the window design, scale and separation distance, it is considered that the proposal would not result in any significant adverse overbearing impacts or loss of privacy or light to the occupiers of 17 Burton Road. Therefore the proposal would not be in conflict with the previous Inspectors decision.
- 8.13. 5 and 7 Burton Road are semi-detached bungalows located to the north east of the application site and have rear gardens of approximately 13 metres in length backing onto the site. By virtue of the scale of the proposed dwelling and separation distances it is considered that the proposal would not result in any significant adverse overbearing/overshadowing impacts on Nos. 5 or 7 Burton Road and the existing close boarded timber fencing of approximately 1.8 metres in height that separates the plots would provide adequate screening to maintain privacy for the respective occupiers.
- 8.14. On the second matter, the Inspector concluded that the appeal proposal would not provide future occupiers of the development with acceptable living conditions due to the potential for an unacceptable level of noise and disturbance as a result of the inclusion of two parking spaces to serve a neighbouring dwelling within the frontage of the proposed dwelling close to a habitable room. No adverse impacts in respect of privacy from overlooking were identified.
- 8.15. The occupiers of the proposed dwelling would be subject to a degree of overlooking from the first floor rear elevation windows of No. 17. However, as with the appeal proposal, the separation distance of 20 metres between elevations would not be insignificant. Taking this into account, along with the fact that some overlooking in built up areas is inevitable, on the second matter, the Inspector (in considering the previous appeal proposal for a larger dwelling that included rear facing first floor windows) considered that the development would not result in overlooking of the proposed dwelling sufficient to form a reason to withhold planning permission. The proposal is similar in this regard.
- 8.16. By virtue of the design and scale of the proposed dwelling and separation distances, it is considered that the proposed scheme would not result in any significant adverse overbearing/overshadowing impacts or result in any significant loss of privacy to the occupiers of any neighbouring properties and would therefore overcome the first matter identified by the Inspector in the appeal decision.
- 8.17. Future occupiers of the development would not be subject to any significant loss of privacy from overlooking from any neighbouring properties or any other adverse

noise impacts identified within the previous appeal scheme. The proposal would therefore overcome the second matter identified by the Inspector in the appeal decision and would be in accordance with Policy DM10 of the adopted SADMP.

Design and impact upon the character of the area

- 8.18. 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.
- 8.19. The surrounding area has a varied pattern of built development and a mix of housing types, scales and architectural styles within the vicinity. A majority of these dwellings have road frontage to either Burton Road or Hallfield Close, however, there are also houses at depth located immediately to the north of the application site and accessed off a single width drive from Burton Road.
- 8.20. On the third matter, in dismissing the previous appeal, the Inspector recognised that *'development set off Burton Road may be characteristic of the area'*, but considered that *'the pattern of this is distinctly different to that of the appeal proposal which would fail to create a positive street scene and, as such, would be out of keeping with the area'*. Concerns were raised regarding the back-land position of the plot, the car dominated frontage of the appeal scheme and limited space for planting to soften the hard landscaping. The current scheme has removed the frontage parking and provides adequate space for landscaping to soften the development. No details of landscaping have been submitted therefore the imposition of a planning condition to require the submission of landscaping details for prior approval would be reasonable and necessary in this case to enhance the overall appearance of the scheme.
- 8.21. The application site is currently a vacant plot within the settlement boundary of Twycross and is likely to deteriorate further in condition and appearance if not put to a viable use. Reasonable development of the site would enhance its appearance and future maintenance. The current proposal has addressed the principal concerns of impact on neighbours and future occupiers residential amenity identified within the appeal scheme by the Inspector and, on balance, it is considered that the positive visual aspects of this revised scheme would outweigh any limited adverse impacts on the character/pattern of development of the surrounding area.
- 8.22. The design of the proposed dwelling would complement the varied character of surrounding development and its appearance could be controlled by a suitable planning condition to require the submission of external materials for prior approval.
- 8.23. As such it is considered that the proposal would not be so out of keeping with the character of the surrounding area that, on its own, would warrant refusal of the application, would be acceptable in respect of Policy DM10 of the adopted SADMP and would satisfactorily address the third matter identified by the Inspector in the appeal decision.

Impact upon highway safety

- 8.24. 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.
- 8.25. Objections have been received on the grounds that the proposal would exacerbate existing parking and manoeuvring issues.

- 8.26. In considering the previous appeal scheme, the Inspector did not identify any significant issues in respect of development of the site for one dwelling in terms of highway safety.
- 8.27. The site has adequate access from Burton Road and the additional use of the access to serve one new dwelling would not result in any significant increase in turning traffic compared to the existing situation or result in any significant adverse impacts on highway safety.
- 8.28. The proposed layout would provide two parking spaces to serve the proposed three bedroom dwelling in line with highway design standards and could be secured by the imposition of a planning condition to require their provision prior to first occupation of the dwelling. The proposal would not have any impact on the existing six parking spaces provided for the neighbouring four dwellings that were approved on appeal (reference APP/K2420/W/16/3143843).
- 8.29. Leicestershire County Council (Highways) has assessed the scheme and raised no objections.
- 8.30. The proposal would not result in any adverse impacts on highway safety and provides adequate off-street parking to serve the development and would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Infrastructure contributions

- 8.31. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.32. However, Paragraph: 031 Reference ID: 23b-031-20160519 of the Planning Practice Guidance, which is a material consideration, notes that tariff style planning obligations should not be sought for developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000 square metres. Therefore, in light of the guidance in the NPPG, infrastructure contributions towards public play and open space provision are not being sought.

Other Issues

- 8.33. Land ownership/rights of access and future arrangements for access maintenance are not material planning considerations.
- 8.34. Following formal adoption of the SADMP, the Supplementary Planning Guidance on New Residential Development no longer forms part of the Local Development Plan and can no longer be given any weight in decision making.

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 site is located within the settlement boundary of Twycross where the adopted Core Strategy and SADMP seek to provide a limited number of new dwellings to support local services and facilities. By virtue of the proposed layout, scale and design of the scheme it would not result in any significant adverse impacts on the amenities of the occupiers of any neighbouring properties or future occupiers of the site and addresses the residential amenity issues identified by the Inspector in the previously dismissed appeal.

10.2. Notwithstanding the back-land nature of the development, there is development at depth off Burton Road located immediately to the north of the site. The proposed scheme would result in a viable use of this vacant site and development would secure its future maintenance and enhance its appearance. The visual benefits of the scheme are considered to outweigh any limited harm identified to the character of the surrounding area. The proposal would not result in any significant adverse impacts on highway safety.

10.3. The proposed scheme would be in accordance with Policy 12 of the adopted Core Strategy and Policies DM1, DM10, DM17 and DM18 of the adopted 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.

Conditions and Reasons

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site Location Plan Drawing No. BRS.5457_01A received by the local planning authority on 15 November 2016; Proposed Dwelling Floor Plans and Elevations Drawing No. BRS.5457_03C and Proposed Garage Floor Plans and Elevations Drawing No. BRS.5457_04 received by the local planning authority on 20 October 2016 and Proposed Site Layout Plan Drawing No. BRS.5457_02C received by the local planning authority on 11 January 2017.

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

3. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed 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 appearance in the interests of visual amenity and to protect the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwelling and garage hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

5. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- a) Hard surfacing materials
- b) Existing trees to be retained and details of their protection
- c) Planting plans
- d) Written specifications
- e) Schedules of plants, noting species, plant sizes and numbers/densities where appropriate
- f) Implementation programme.

Reason: To enhance the appearance of the development and to ensure that the works are carried out in a reasonable time period to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The hard landscaping scheme shall be completed prior to the first occupation of the dwelling hereby permitted. The soft landscaping scheme shall be implemented during the next available planting season following first occupation of the dwelling hereby permitted and maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: To ensure that the works are carried out in a reasonable time period and thereafter maintained to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. Prior to the first occupation of the dwelling hereby permitted, the parking and turning facilities shall be provided and hard-surfaced in accordance with the

details approved under condition 5 of this planning permission and once so provided shall be permanently maintained for such use at all times thereafter.

Reason: To ensure that satisfactory off-street parking and turning is provided to serve the dwelling hereby permitted in the interests of highway safety to accord with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.2. 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. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk
3. This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc. Act 1996.
4. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone or, if practicable, in combination with infiltration systems and/or rainwater harvesting systems.
5. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
6. The applicant is reminded that waste (refuse and recycling) collection is from the public highway and therefore the future occupiers of the development will be responsible for presenting the relevant containers in a suitable position at the public highway boundary on collection days.

Planning Committee 31 January 2017
Report of the Head of Planning and Development

Planning Ref: 16/00818/FUL
Applicant: The Good Old Days Ltd
Ward: Hinckley Castle

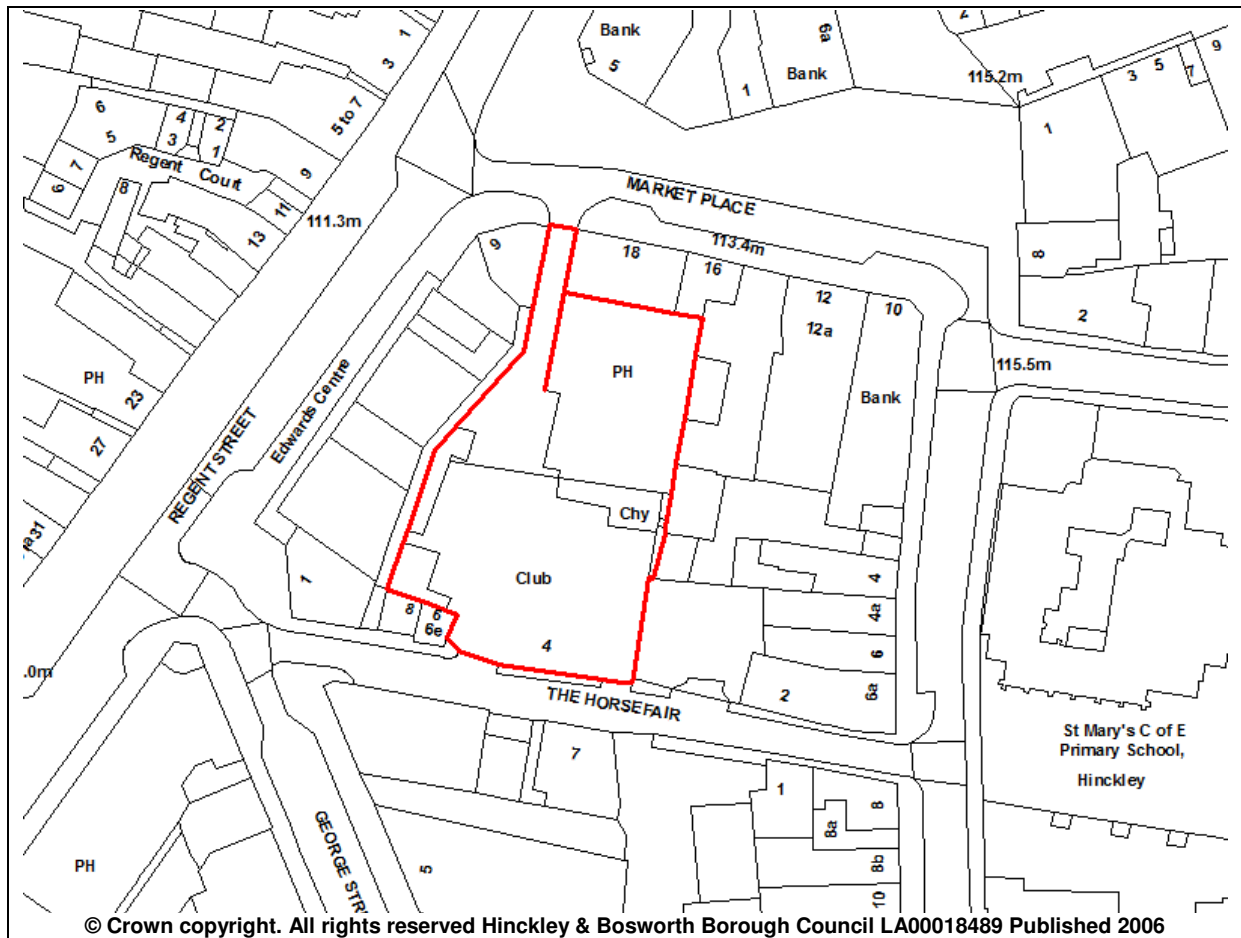


Hinckley & Bosworth
Borough Council

A Borough to be proud of

Site: 4 The Horsefair Hinckley

Proposal: Conversion, extension and alterations, including part demolition, of buildings to form 27 apartments, associated parking and access



1. Recommendations

1.1. That the Head of Planning and Development be given delegated powers to grant planning permission subject to:

- No further letters of objection raising new and material planning objections being received prior to the expiry of the public consultation period ending on 8 February 2017.
- The prior completion of a S106 agreement to secure the following obligations:
 - Affordable housing - 6 units, four for social rent and two for intermediate housing
 - Public open space facilities/public realm improvements - £38,548.88
 - Primary School Sector education facilities - £14,034.85

- Planning conditions outlined at the end of this report.
- 1.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.
 - 1.3. That the Chief Planning and Development Officer be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This application seeks full planning permission for the remodelling, conversion and extension of the former George Ballroom (most recently Elements nightclub) and demolition of the function room (formerly Alley Cats) at the rear of The Bounty public house to form 27 two bedroomed apartments with integral parking areas. Vehicular access is proposed from the two existing accesses from The Horsefair. Pedestrian access would be retained through to the Market Place.
- 2.2. The proposal would provide 21 apartments set over five floors within the converted, altered and extended former ballroom/nightclub building and 6 apartments set over a combination of two and four floors in a new building replacing the single storey, flat roof function room at the rear of The Bounty public house.
- 2.3. The principal front elevation and rear courtyard elevation would have full height glazing to each floor leading to private external balconies to upper floor apartments. A number of new windows are proposed in the side elevation walls. The design includes central atriums with vaulted glazed domes in both the conversion scheme and new build apartments. Private roof gardens are proposed for the top floor apartments in the conversion scheme. The existing access to the building would lead to an entrance foyer on the ground floor. Bin storage areas are proposed close to the existing vehicular access. A total of 29 vehicle parking spaces are proposed to serve the development comprising 15 parking spaces and cycle storage area on the ground floor and 14 vehicle spaces at first floor accessed by a new ramp.
- 2.4. A Design and Access Statement, Heritage Statement, computer generated images and Heads of Terms information sheet have been submitted to support the application.
- 2.5. Amended plans have been submitted with minor amendments to the ground floor and first floor layout and access ramp.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 0.142 hectares (1420 square metres) and is located within Hinckley Town Centre between The Horsefair and Market Place. The site comprises a former dance hall/theatre/concert hall building constructed in 1935 (most recently used as a nightclub before its closure in 2012), an under-croft vehicle parking and servicing area and a C20th single storey flat roof building attached to the rear of The Bounty Public House and used as a function room.
- 3.2. The site is surrounded by buildings of different scale, design and appearance used for a variety of commercial purposes including retail, public house, café, offices and residential apartments.

4. Relevant Planning History

None relevant

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice has been displayed in the local press. The public consultation period remains open at the time of writing this report and expires on 8 February 2017.
- 5.2. No responses have been received at the time of writing this report as a result of public consultation.

6. Consultation

- 6.1. No objections, some subject to conditions, have been received from:-
Leicestershire County Council (Highways)
Leicestershire County Council (Ecology)
Severn Trent Water Limited
Environmental Health (Drainage)
Environmental Health (Pollution)
Street Scene Services (Waste)
- 6.2. Leicestershire County Council (Developer Contributions) have assessed the scheme and request the following infrastructure contributions:-
- 1) Director of Children and Family Services requests a contribution of £14,034.85 towards education facilities in the Primary School Sector in Hinckley
 - 2) Director of Environment and Transport requests a contribution of £1,337 towards the delivery of civic amenity services and facilities at the nearest site in Barwell
 - 3) Library Services Locality Manager requests a contribution of £820 towards the delivery of library services and facilities in Hinckley Library
- 6.3. Leicestershire County Council (Drainage) has provided a holding response pending the submission of additional surface water drainage strategy and flood risk information.
- 6.4. No responses have been received at the time of writing this report from:-
NHS England
Leicestershire Police
Leicestershire Fire and Rescue Service
Cyclists Touring Club
CAMRA

7. Policy

- 7.1. Hinckley Town Centre Area Action Plan
- Spatial Objectives 1, 2, 4 and 7
 - Policy 11: Public Realm Improvements
- 7.2. Core Strategy (2009)
- Policy 1: Development in Hinckley
 - Policy 15: Affordable Housing
 - Policy 16: Housing Density, Mix and Design
 - Policy 19: Green Space and Play Provision

7.3. Site Allocations and Development Management Policies (SADMP) 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: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Community Infrastructure Levy (CIL) Regulations (2010)

7.5. Other relevant guidance

- Hinckley Town Centre Conservation Area Appraisal and Map (2013)
- Affordable Housing Supplementary Planning Document
- Open Space, Sports and Recreational Facilities (PPG17) Study

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character and appearance of the Hinckley Town Centre Conservation Area
- Impact upon neighbouring residential amenity
- Parking and impact upon highway safety
- Drainage
- Ground investigation
- Affordable housing
- Infrastructure contributions

Assessment against strategic planning policies

8.2. To support Hinckley's role as a sub-regional centre, Policy 1 of the adopted Core Strategy seeks to allocate land for the development of 1120 new residential dwellings for Hinckley, diversify the existing housing stock in the town centre, support the sympathetic reuse of existing buildings and require new development to enhance the public realm within the town centre. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development.

8.3. The application buildings were last used as a nightclub and function room but do not have any formal use designation within the adopted SADMP. The site is located within the settlement boundary of Hinckley and in a highly sustainable location in the town centre close to a full range of services and facilities where residential development is generally acceptable in principle subject to all other planning matters being satisfactorily addressed. Therefore a sympathetic residential conversion/new build scheme that would enhance the appearance of the site would result in planning gain and be in accordance with adopted strategic planning policies.

Design and impact upon the character and appearance of the Hinckley Town Centre Conservation Area

- 8.4. Section 12 of the NPPF provides national guidance 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. Policies DM11 and DM12 of the adopted SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure that the significance of a conservation area is preserved and enhanced. Proposals which seek to improve identified neutral and negative areas inside designated conservation areas, which lead to the overall enhancement of the conservation area, will be supported and encouraged. Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the special character or appearance of conservation areas.
- 8.5. 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.
- 8.6. The site comprises the principal building fronting onto The Horsefair, a ballroom constructed in 1935, and a 20th century flat roofed building to the rear which is proposed to be demolished. The 20th century building is related to the former George Hotel (now The Bounty) so is included within the Hinckley Town Centre Conservation Area boundary, however the building is of no historical or architectural interest and does not contribute to the significance of the conservation area. As such, its demolition would not be unacceptable in this case.
- 8.7. The appearance of the former ballroom is of no particular architectural interest so it is not included within the conservation area boundary. The building has been vacant for approximately four years, requires significant repair and by virtue of its current appearance does not contribute in a positive way to the setting of the conservation area. Some physical elements of the building, including the metal roof and variety of construction materials, could be considered to have a detrimental visual impact on the surrounding area, including the conservation area. As a result of its former historic entertainment/leisure uses, the building does retain some social significance and this has been recognised with a blue plaque at the main entrance from The Horsefair. It is therefore fitting that the position and scale of the entrance to the building would to be retained as part of the proposed conversion scheme. The blue plaque will be retained in a similar position as part of the proposed conversion.
- 8.8. The demolition of the flat roof single storey building at the rear and its replacement with a new, well designed two and four storey apartment block attached to the proposed conversion scheme would result in an enhancement of this section of the conservation area. The existing pedestrian access to the former ballroom between The Horsefair and Market Place would be retained and this would also provide a reference point to the social history of the building.
- 8.9. The existing parapet wall of the principal building measures approximately 15.2 metres in height and the central ridge is approximately 19.7 metres in height. The proposed scheme would result in an eaves height of approximately 17.85 metres (an increase of 2.65 metres) and a glazed dome height of 22.8metres (an increase of 3.1 metres). This would effectively result in an extra storey being added to the building which already comfortably exceeds the height adjacent buildings.

- 8.10. Notwithstanding this, the design of the proposed conversion, which includes the removal of the metal roof and its replacement with a more sympathetic glazed vaulted roof, provides the opportunity to improve the overall physical appearance of the building and lead to an enhancement to the setting of the conservation area.
- 8.11. The proposed design includes external balconies with metal columns and railings and full height glazing to the main front and rear elevations, together with some modest additional fenestration to the side elevation walls and proposes the use of more sympathetic external materials. It is considered that the architectural detail and enhanced appearance of the proposed scheme, particularly to the main façade on The Horsefair, would outweigh any concerns in relation to its relatively modest increase in height and would therefore be acceptable in this town centre location. External materials and landscaping could be controlled through the use of a planning condition to ensure a satisfactory appearance that would reflect the character and context of the surrounding area including the conservation area.
- 8.12. By virtue of the layout, scale and design of the conversion and new build scheme, together with the use of sympathetic external materials, the proposal would preserve the significance of the Hinckley Town Centre Conservation Area and would enhance its setting. The proposal would therefore be in accordance with Policies DM10, DM11 and DM12 of the adopted SADMP, section 12 of the NPPF and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The Conservation Officer therefore raises no objections to the scheme.

Impact upon neighbouring residential amenity

- 8.13. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the occupiers of the development would not be adversely affected by activities within the vicinity of the site.
- 8.14. The site is surrounded by buildings of smaller scale that are used for a variety of commercial purposes including retail, public house, café, offices and residential apartments. The proposed external balconies and additional fenestration to all elevations is likely to result in additional views being available from the development towards surrounding properties. However, by virtue of the adjoining properties predominantly commercial use and separation distances to nearby residential apartments, it is considered that the scheme would not result in any significant adverse effects on neighbouring residential amenity from loss of privacy from overlooking or visual intrusion. No objections to the scheme have been received from any neighbouring properties. However, to protect surrounding properties from potential noise and disturbance during the construction phase Environmental Health (Pollution) recommend the imposition of a reasonable condition to require the submission of a construction environmental management plan for prior approval should planning permission be granted.
- 8.15. A degree of noise and activity is not unreasonable in a town centre location. However, the proposed apartments would be surrounded by a variety of commercial activities including a licensed public house which has the potential to affect the residential amenity of the occupiers of the proposed development. Therefore, whilst raising no objections in principle, to protect future occupiers from potential noise and disturbance from nearby commercial operations, Environmental Health (Pollution) recommend the imposition of a reasonable condition to require the submission of noise mitigation measures for prior approval should planning permission be granted.

- 8.16. Subject to satisfactory construction management and noise mitigation measures being submitted, the proposal would not result in any significant adverse impacts on any neighbouring occupiers or the future occupiers of the development and the scheme would therefore be in accordance with Policy DM10 of the adopted SADMP.

Parking and impact upon highway safety

- 8.17. Policy DM17 of the adopted SADMP supports development that would be able to demonstrate that there would not be a significant adverse impact on highway safety and that proposals reflect the latest highway authority design standards. Policy DM18 requires new development to provide an appropriate level of parking provision taking into account the sites location, type of housing, other modes of transport available. Proposals in Hinckley Town centre should also demonstrate that they would not exacerbate existing problems in the vicinity with increased on-street parking.
- 8.18. The Horsefair is a relatively narrow one way street with parking restrictions in the form of double yellow lines along both sides. It is a public highway that serves a number of commercial and residential properties. The application site currently benefits from two vehicular accesses from The Horsefair to a ground floor under-croft parking area. Both accesses are approximately 3.7 metres in width and have little or no visibility in either direction. A narrow pedestrian footway crosses the site frontage.
- 8.19. One of the accesses is proposed to provide under-croft parking at first floor level through the construction of an internal ramp (gradient 1:12), the other is proposed to provide access to under-croft parking at ground floor similar to the current situation. A total of 29 parking spaces over two floors are proposed to serve the 27 two bedroom apartments, along with a cycle storage area at ground floor.
- 8.20. The proposal has been assessed by Leicestershire County Council (Highways) who have no objections to the scheme in principle as it could not be demonstrated that it would result in a material increase in traffic visiting the site. Concerns are raised in respect of the available (existing) visibility at the accesses, in particular in respect of pedestrians using the narrow footway across the site frontage. To address this issue the highway authority recommend the imposition of a reasonable condition to require a scheme of pedestrian safety mitigation to be submitted for prior approval, including warning signage and potentially shutter type gates with automated audible warning signals. The Highway Authority note that the proposed parking provision of 1 space per two bedroom dwelling is less than standard for a two bedroom dwelling, however, they also acknowledge and take into account that the development is in a town centre location where other modes of sustainable travel are readily available and that roads in the immediate vicinity are subject to parking restrictions. The Highway Authority therefore raises no objection to the proposed parking provision in this case and no significant adverse impacts on highway safety are identified as a result of potential on-street parking.
- 8.21. Subject to reasonable conditions including parking and turning provision, cycle storage provision and ramp gradient in accordance with the submitted plans, a satisfactory scheme of pedestrian safety mitigation and construction site/traffic management being agreed, the proposed scheme would be acceptable in respect of Policies DM17 and DM18 of the adopted SADMP.

Drainage

- 8.22. Policy DM7 of the adopted SADMP seeks to ensure that development does not create or exacerbate flooding.

- 8.23. Leicestershire County Council (Drainage) request that additional information in the form of a surface water risk assessment, drainage strategy and Sustainable Drainage Scheme assessment be submitted before a response can be provided. However, the site measures only 0.142 hectares and is located in a town centre location within Flood Zone 1 where neither national nor local requirements require the submission of such details to be submitted prior to determination.
- 8.24. Severn Trent Water Limited and Environmental Health (Drainage) raise no objection to the application subject to the imposition of a reasonable condition to require the submission for prior approval of a sustainable surface water drainage scheme and foul sewer drainage system for the site and its subsequent implementation to ensure that the scheme does not create or exacerbate flooding as a result of development in accordance with Policy DM7 of the adopted SADMP.

Ground investigation

- 8.25. Policy DM7 of the adopted SADMP seeks to ensure that development does not result in any adverse impacts from pollution and that appropriate remediation of any contaminated land is undertaken.
- 8.26. Environmental Health (Pollution) therefore recommend the imposition of reasonable conditions to require appropriate ground investigations and remediation of any contamination found to be undertaken to ensure safe development of the site in accordance with Policy DM7 of the adopted SADMP.

Affordable housing

- 8.27. Policy 15 of the adopted Core Strategy requires the provision of 20% affordable housing on sites of over 15 dwellings or more or on sites measuring 0.5 hectares or more in Hinckley. For all sites a tenure split of 75% social rented and 25% intermediate housing is required to support mixed sustainable communities.
- 8.28. The Housing Strategy and Enabling Officer has confirmed that as of 18 November 2016, there were 1147 households on the Council's housing register for Hinckley, including 394 households for two bedroom accommodation. In this case, the provision of a total of 6 x two bedroom affordable units, four for social rent and two for intermediate housing tenure within the scheme would be in accordance with Policy 15 of the Core Strategy. The affordable units have not been identified on the submitted plans and clarification will be sought and reported as a late item to the agenda.

Infrastructure contributions

- 8.29. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.30. The request for any planning obligations (infrastructure contributions) must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 1) Public open space/public realm
- 8.31. Policies 1 and 19 of the adopted Core Strategy seek to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within Hinckley. Policy 1 of the adopted Core Strategy and Policy 11 of the adopted Hinckley Town Centre AAP seek new development to enhance the public realm within Hinckley town centre. The Open Space, Sports and Recreational

Facilities (PPG17) Study provides further advice on the quality of facilities at each designated public open space.

- 8.32. In this case, the site is located within the Hinckley town centre and within 400 metres of both Argents Mead and Hollycroft Park which provide a range of public play and open space facilities. In order to mitigate the impact of additional users of these facilities as a result of the proposed development, a contribution of £38,548.88 has been identified towards improving public open space facilities within the vicinity.

2) Education

- 8.33. The Director of Children and Family Services requests a contribution of £14,034.85 towards education facilities in Hinckley to mitigate the impact of additional users from the development on the Primary School Sector. No contributions are requested for the Secondary School Sector or Special Schools Sector.

3) Civic Amenity

- 8.34. The Director of Environment and Transport requests a contribution of £1,337 towards the delivery of civic amenity services and facilities at the nearest site in Barwell to mitigate the impact of additional users from the development on the facility. Due to the small scale nature of the development it is not considered that the development would result in additional pressure to civic amenity services that need to be mitigated by way of a contribution. Therefore in this instance this requested contribution is not considered CIL compliant and is not requested.

4) Libraries

- 8.35. The Library Services Locality Manager requests a contribution of £820 towards the delivery of library services and facilities in Hinckley library to mitigate the impact of additional users from the development on the facility. Due to the small scale nature of the development it is not considered that the development would result in additional pressure to library services that need to be mitigated by way of a contribution. Therefore in this instance this requested contribution is not considered CIL compliant and is not requested.

5) Health

- 8.36. No response has been received at the time of writing this report from NHS England.

6) Police

- 8.37. No response has been received at the time of writing this report from Leicestershire Police.

- 8.38. The infrastructure contributions identified above, with the exception of civic amenity and libraries, are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and could be secured through the completion of a suitable section 106 agreement which is currently under negotiation.

Other issues

- 8.39. Due to the scale of the development, likely timescale/duration of construction works and the potential for disturbance to neighbouring occupiers and the highway from obstruction, Environmental Health (Pollution) and Leicestershire County Council (Highways) recommend the imposition of a reasonable condition to require the submission of a construction management scheme for prior approval to address potential environmental and highway issues.

Street Scene Services (Waste) recommend the imposition of a condition to require the submission of a scheme for refuse and recycling storage. However, the

amended ground floor plan submitted would provide refuse storage and collection areas in close proximity to the access to the site from The Horsefair.

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. A sympathetic residential conversion/new build scheme in this highly sustainable town centre location would not be in conflict with any strategic planning policies, would provide additional housing for the Borough and would result in environmental improvements through the enhancement of the appearance of the site. The proposed scheme would preserve the character of the Hinckley Town Centre Conservation Area and would not result in any significant adverse impacts on the amenities of the occupiers of neighbouring properties or highway safety. The proposed scheme would provide appropriate affordable housing and infrastructure contributions through the completion of a suitable section 106 agreement.

10.2. The proposal would be in accordance with Policies 1, 15 and 19 of the adopted Core Strategy and Policies DM1, DM3, DM7, DM10, DM11, DM12, DM17 and DM18 of the adopted SADMP and is therefore recommended for approval subject to conditions and no significant new material planning objections being received prior to the expiry of the public consultation period ending on 8 February 2017.

11. Recommendation

11.1. **That the Head of Planning and Development be given delegated powers to grant planning permission** subject to:

- No further letters of objection raising new and material planning objections being received prior to the expiry of the public consultation period ending on 8 February 2017.
- The prior completion of a S106 agreement to secure the following obligations:
 - Affordable Housing – 6 units, four for social rent and two for intermediate housing
 - Public open space facilities/public realm improvements - £38,548.88
 - Primary School Sector education facilities - £14,034.85
- Planning conditions outlined at the end of this report.

- 11.2. That the Head of Planning and Development be given powers to determine the final detail of planning conditions.
- 11.3. That the Head of Planning and Development be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

11.4. **Conditions and Reasons**

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site Location Plan; Principle Facade Drawing No. HMD/PD/0368/08A; Rear Elevation Drawing No. HMD/PD/0368/09A; Side Elevation (East) Drawing No. HMD/PD/0368/10A; Side Elevation (West) Drawing No. HMD/PD/0368/11A; Section Drawing Nos. HMD/PD/0368/12A and HMD/PD/0368/13A; Second Floor Layout Plan Drawing No. HMD/PD/0368/03A; Third Floor Layout Plan Drawing No. HMD/PD/0368/04A; Fourth Floor Layout Plan Drawing No. HMD/PD/0368/05A; Fifth Floor Layout Plan Drawing No. HMD/PD/0368/06A; Roof Plan Drawing No. HMD/PD/0368/07A received by the local planning authority on 11 November 2016 and Ground Floor Layout Plan Drawing No. HMD/PD/0368/01 REV B; First Floor Layout Plan Drawing No. HMD/PD/0368/02 REV B received by the local planning authority on 15 December 2016.

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

3. No development shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the apartments hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

4. No development shall commence on site until drainage details for the disposal of surface water, incorporating sustainable drainage principles (SuDS), and foul sewerage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a

flooding problem and to minimise the risk of pollution to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development shall commence until a scheme for protecting the proposed apartments from noise from nearby commercial operations has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any of the apartments hereby approved are first occupied.

Reason: To protect the amenities of the future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

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

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

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

8. Before any development commences, a Construction Environmental Management Plan shall be submitted to and agreed in writing by the local planning authority. The plan shall include hours of operation and detail how, during the site preparation and construction phase of the development, the potential impact on residential amenities and the environment from dust, odour, noise, smoke, light and land contamination shall be prevented or mitigated. The plan shall detail how such controls will be monitored and provide a procedure for the investigation of complaints. The approved details shall be implemented throughout the course of the development.

Reason: To protect the amenity of neighbouring occupiers and the environment during the site preparation and construction phase to accord with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. 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 ensure that construction traffic/site traffic associated with the development does not lead to on-street parking and access problems in the area or deleterious materials (mud, stones etc.) being deposited in the highway in the interest of highway safety to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Before first occupation of the development hereby permitted, full details of a scheme to warn all users of the highway, including pedestrians, of emerging traffic from the two access points shall be submitted to and approved in writing by the local planning authority. The scheme shall include full details of any access gates/barriers, warning signage and any visual and/or audible warning measures. The development shall be implemented in accordance with the approved details and permanently so maintained at all times thereafter.

Reason: In the interests of highway and pedestrian safety to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Prior to the first occupation of any of the apartments hereby permitted, the accesses, access ramp gradient, vehicle parking and turning facilities and cycle storage shall be provided in accordance with the details submitted on Ground Floor Layout Plan Drawing No. HMD/PD/0368/01 REV B and First Floor Layout Plan Drawing No. HMD/PD/0368/02 REV B received by the local planning authority on 15 December 2016 and once so provided shall be permanently retained as such at all times thereafter.

Reason: To ensure satisfactory access, parking and turning is provided within the site and thereafter maintained in the interests of highway safety to accord with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to the first occupation of any of the apartments hereby permitted, the refuse waste and recycling storage areas shall be provided in accordance with the details submitted on Ground Floor Layout Plan Drawing No. HMD/PD/0368/01 REV B received by the local planning authority on 15 December 2016 and once so provided shall be permanently retained for such use at all times thereafter.

Reason: To ensure that the future occupiers of the development are provided with satisfactory waste and recycling storage facilities in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a) Means of enclosure

- b) Hard surfacing materials
- c) Minor artefacts and structures (e.g. lighting, etc.)
- d) Planting plans
- e) Written specifications
- f) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- g) Implementation programme.

Reason: To enhance the appearance of the development and to ensure that the works are carried out in a reasonable period of time to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: To ensure that the works are carried out within a reasonable time period and thereafter maintained to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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.
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
3. In relation to Condition 4, the existing sewerage network in the locality is likely to have limited capacity. The opportunity should therefore 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 run-off 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.
4. Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer of Sewers Regulations (2011). Public sewers have statutory protection and may not be built close to, directly over or diverted without separate consent. You are advised to contact Severn Trent Water Limited to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
5. In relation to Conditions 6 and 7, advice from Health and Environment Services can be viewed via the following web address:-

(<http://www.hinckley-bosworth.gov.uk/contaminatedsite>) which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

6. This planning permission does NOT allow you to carry out access alterations in the highway or to erect any signage in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.
7. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.

This page is intentionally left blank

PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 13.01.17

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
17/00002/PP	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)	Start Date Statement of Case Final Comments	05.01.17 09.02.17 23.02.17
17/00001/PP	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))	Start Date Statement of Case Final Comments	04.01.17 08.02.17 22.02.17
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 Statement of Case Final Comments	15.12.16 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 Awaiting Decision	17.11.16
16/00037/PP	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)	Start Date Statement of Case Hearing Date	21.12.16 03.02.17 22.02.17

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
16/00034/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 Hearing Date	16.11.16 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 Public Inquiry (2 days)	12.02.16 4&5.04.17
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 Public Inquiry (2 days)	12.02.16 4&5.04.17
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

Decisions Received**Rolling 1 April 2016 - 13 January 2017**

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))	DISMISSED	19.12.16
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)	DISMISSED	06.01.17

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	25	0	0	5	0	21	3	0	4	0	0	0

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
4	2	2		

This page is intentionally left blank