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Borough Council

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

Date: 20 March 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, 28 MARCH 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 - 28 MARCH 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 28 February 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. 17/00053/HOU - 26 SYCAMORE CLOSE, BURBAGE (Pages 5 - 10)

Application for single storey rear extension (retrospective).

8. 16/01058/CONDIT - LAND OFF HINCKLEY ROAD, STOKE GOLDING (Pages 11 - 22)

Application for variation of condition 1 of planning permission 15/00073/REM to amend siting of plots 49-71 with associated substitution of house types.

9. 17/00130/FUL - LAND OFF HINCKLEY ROAD, STOKE GOLDING (Pages 23 - 30)

Application for erection of one new dwelling and detached double garage.

10. 17/00010/OUT - LAND REAR OF 237 MAIN STREET, THORNTON (Pages 31 - 38)

Application for erection of detached dwelling (outline – all matters reserved).

11. 16/01159/HOU - 68 LANGDALE ROAD, HINCKLEY (Pages 39 - 46)

Following a decision of 'minded to refuse' at the previous meeting, this application is brought to this meeting for decision.

12. 17/00080/FUL - 10 THE BOROUGH, HINCKLEY (Pages 47 - 56)

Application for change of use from a betting shop to a restaurant and five apartments.

13. APPEALS PROGRESS (Pages 57 - 60)

Report showing the progress of various appeals.

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



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# Agenda Item 2

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### PLANNING COMMITTEE

28 FEBRUARY 2017 AT 6.30 PM

PRESENT: Mr R Ward - Chairman  
Mr BE Sutton – Vice-Chairman  
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 DC Bill MBE, Mr DS Cope and Mr SL Rooney were also in attendance.

Officers in attendance: Gemma Dennis, Rebecca Owen, Michael Rice and Nic Thomas

#### 380 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Ladkin.

#### 381 MINUTES

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

RESOLVED – the minutes of the meeting held on 31 January 2017 be confirmed and signed by the Chairman.

#### 382 DECLARATIONS OF INTEREST

No interests were declared at this stage.

#### 383 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that the decision relating to application 16/00925/FUL had now been issued. In relation to application 16/00818/FUL, it was noted that discussion on the S106 agreement was still taking place so the decision had not yet been issued.

#### 384 16/00270/FUL - NEWHAVEN, 12 WYKIN ROAD, HINCKLEY

Application for erection of seven dwellings with associated access.

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

RESOLVED – planning permission be refused for the reasons contained in the officer's report.

#### 385 16/01159/HOU - 68 LANGDALE ROAD, HINCKLEY

Application for two storey side and single storey rear extension.

Notwithstanding the officer's recommendation that the application be approved, it was moved by Councillor Taylor and seconded by Councillor Witherford that they be minded to refuse permission on grounds of impact on residential amenity. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – Members be minded to refuse the application and it be brought to the following meeting for decision.

386 16/00976/FUL - LAND ADJACENT TO COMFORT FARM, ROGUES LANE, HINCKLEY

Application for erection of day room building and the relocation of the site access.

In presenting the application, attention was drawn to the late items which reported that the application had been amended to reduce the number of day rooms from two to one.

It was moved by Councillor Ward and seconded by Councillor Sutton that permission be granted subject to the conditions contained in the officer's report and late items. Upon being put to the vote, the motion was LOST.

Some members felt that the development would have an unacceptable impact on the countryside and it was moved by Councillor Mrs Cope and seconded by Councillor Taylor that the committee be minded to refuse the application for this reason. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED - Members be minded to refuse the application and it be brought to the following meeting for decision.

387 16/00441/FUL - CEDAR LAWNS, CHURCH STREET, BURBAGE

Application for conversion of offices (B1a) to five flats (C3) including demolition of single storey rear extension, conversion of outbuilding to one dwelling and erection of three new dwellings.

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

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

388 16/00442/LBC - CEDAR LAWNS, CHURCH STREET, BURBAGE

Application for listed building consent for the conversion of offices (B1a) to five flats (C3) including demolition of single storey rear extension, conversion of outbuilding to one dwelling.

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

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

389 APPEALS PROGRESS

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

RESOLVED – the report be noted.

390 MAJOR PROJECTS UPDATE

Members received an update on major projects. Progress on the Barwell SUE was questioned and in response it was noted that the draft s106 agreement had now been signed off by the developers and was with the authority for checking.

RESOLVED – the report be noted.

391 ENFORCEMENT UPDATE

The committee received an update on planning enforcement matters. It was noted that whilst E Taylor skip hire on Leicester Road, Hinckley, had complied with the notice and tidied up part of the site, some containers had reportedly been returned to the site. The difficulty of dealing with car sales on the highway was also discussed.

RESOLVED – the report be noted.

(The Meeting closed at 8.14 pm)

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CHAIRMAN

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Planning Committee 28 March 2017  
Report of the Head of Planning and Development

Planning Ref: 17/00053/HOU  
Applicant: Mr Ryan Farmer  
Ward: Burbage Sketchley & Stretton

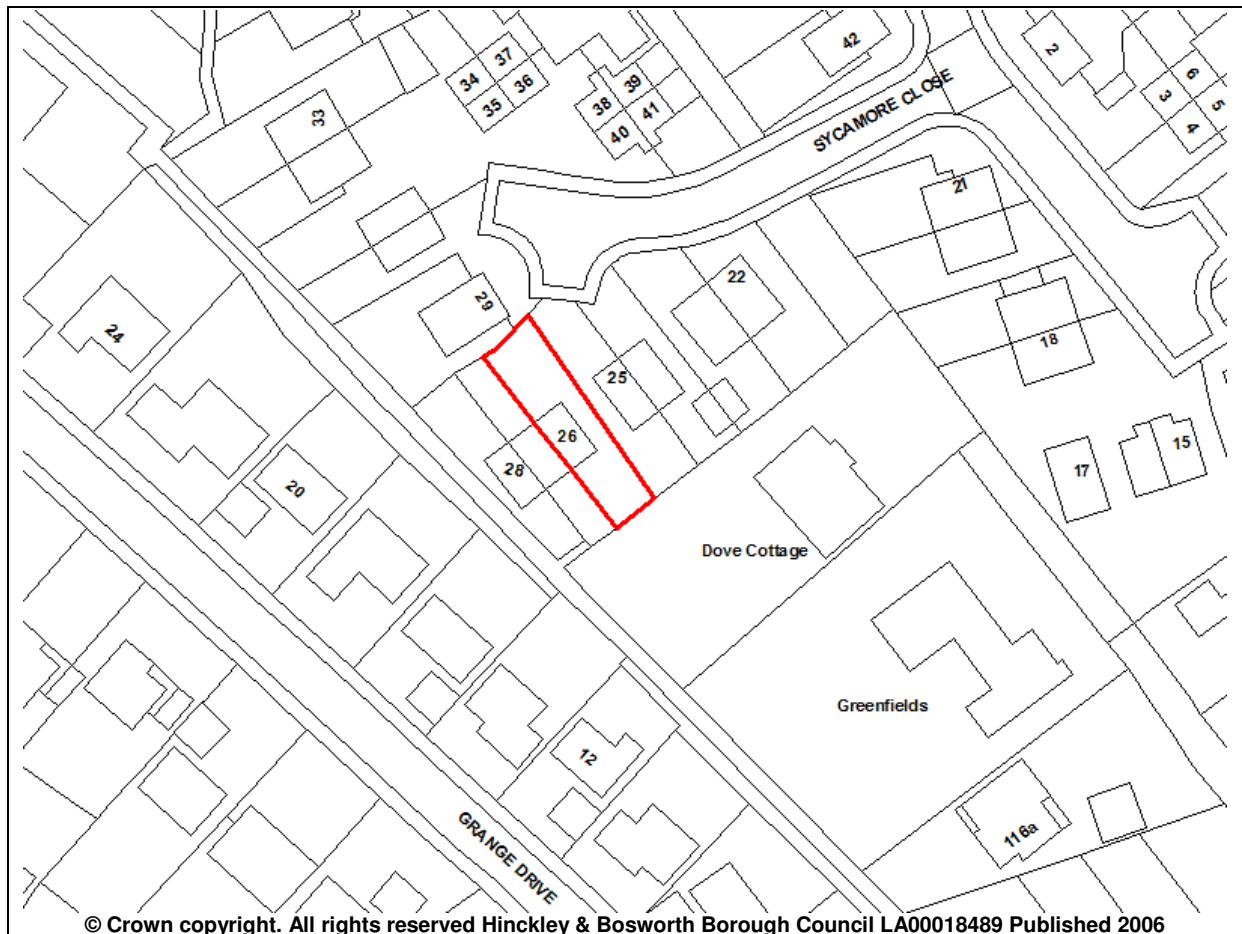
Site: 26 Sycamore Close Burbage

Proposal: Single storey rear extension (retrospective)



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## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

## 2. Planning Application Description

- 2.1. This is a retrospective application for the erection of a single storey rear extension which projects out approximately 5.5m from the rear of the original dwelling. It measures approximately 2.2m to eaves height and it has a dual pitched roof which measures approximately 3.3m to ridge height. The walls are constructed from concrete blocks and are to be rendered white. There are uPVC French doors to the rear (south east) elevation.

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

- 3.1. The subject property is a two storey end terrace dwelling located within the settlement boundary of Burbage. The property is situated at the end of a cul-de-sac and the surrounding properties are all residential, with a mix of semi-detached and detached two storey dwellings.

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

- 4.1. None relevant.

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. Five letters of objection have been received with the following issues raised:

- 1) Overbearing and shadowing effect on rear of no. 27 Sycamore Close.
- 2) Materials for the walls not matching those on the original property.
- 3) Loss of garden area at application property
- 4) Scale of extension in relation to the original property
- 5) Rainwater goods overhanging property boundary with no. 27 Sycamore Close
- 6) Maintenance of render on elevation facing no. 27 Sycamore Close and maintenance of boundary fence
- 7) Impact on property value of no. 27 Sycamore Close
- 8) Setting a precedent for rear extensions in Sycamore Close
- 9) The application is retrospective

### **6. Consultation**

- 6.1. Burbage Parish Council has no objection to the extension itself but is unhappy that the application is retrospective.

### **7. Policy**

#### 7.1. Core Strategy

- Policy 4: Development in Burbage

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

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

#### 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
- 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 and that it is a material consideration in the determination of planning applications. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) DPD (2016).

- 8.3. Policy DM1 of the SADMP provides a presumption in favour of sustainable development. The policy sets out that those development proposals which accord with the development plan should be approved without delay unless material considerations indicate otherwise.
- 8.4. The application site is located within the settlement boundary for Burbage, which is a local centre and so the principle of a house extension is considered acceptable subject to all other material planning considerations being acceptable.

Impact upon the character of the area

- 8.5. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.6. The extension is to the rear of the property but it also extends to the side (north east) by approximately one metre. It is therefore marginally visible from the public highway but it is screened by a timber gate and fence. As it is single storey it appears subordinate to the original property. The grey concrete roof tiles match the original property but the walls are constructed of concrete blocks which are to be rendered white. Whilst render would not match the original property there are other examples of extensions incorporating white rendered walls elsewhere in the street at nos. 24 and 29.
- 8.7. The extension replaces a conservatory which was the same height but had a steeper pitch and which had a solid wall set the same distance off the boundary from no. 27 Sycamore Close; the neighbouring property to the west. The extension projects out approximately 5.5 metres from the rear wall of the original property, which is approximately 2.4 metres further than the previous conservatory.
- 8.8. The extension has no adverse impact on the character of the area as viewed from the public highway. Whilst the extension projects out further to the rear it still leaves an amenity area of approximately 29m<sup>2</sup> which is considered acceptable. In addition, the extension still appears subordinate to the original property and the materials are in keeping with the existing properties in the street. The extension is therefore considered to be in accordance with Policy DM10 in relation to its impact on the existing property and character of the surrounding area

Impact upon neighbouring residential amenity

- 8.9. In terms of impact on neighbouring amenity, Policy DM10 of the SADMP states that proposals should not adversely affect the occupants of the neighbouring properties.
- 8.10. The extension is single storey and has no windows overlooking either no. 27 or no. 25 Sycamore Close. Objections received in connection with to the application consider the extension to be overbearing on no. 27 Sycamore Close, resulting in an overshadowing effect and loss of daylight to the only ground floor window on the rear elevation, which serves an open plan living/kitchen/dining area. The window is approximately 0.6 metres from the boundary fence and 0.8 m from the side elevation of the extension. The height of the boundary fence is approximately 2 metres and the eaves of the extension are therefore only slightly higher, which was also the case for the solid wall of the conservatory which this extension replaces. Furthermore, the pitch of the roof on the extension is shallower than the pitch of the roof of the previous conservatory; therefore slightly reduces the impact in terms of overshadowing effect and loss of light to the neighbouring property.
- 8.11. Given the above, it is considered that any loss of light to the rear of no. 27 is comparable to that resulting from the existing boundary fence and the previous conservatory wall. With regard to shadowing effect, the gardens of no. 26 and no. 27 face south east and so there is little sunlight lost to the rear of no. 27 throughout

the day. It is considered that there would be no adverse impact on no. 25 as the extension is approximately 1 metre from the boundary with no.25 and approximately 3.5 metres from the gable wall of no. 25. Furthermore, there is a 2 metre boundary fence between the two properties.

- 8.12. The shadowing effect and loss of daylight to no. 27 Sycamore Close is not considered to be significantly adverse. The extension is considered to be in accordance with Policy DM10 of the SADMP in relation to the impact on the amenity of neighbouring properties.

#### Other issues

- 8.13. Concerns have been raised that the rainwater goods overhang the property boundary and in relation to the future maintenance of the render on the extension, but these are not material planning considerations and therefore cannot be considered in the determination of the planning application.
- 8.14. Concerns have also been raised in relation to the impact of the extension on the market value of no. 27 Sycamore Close but again this is not a material planning consideration.
- 8.15. Objectors have also raised concerns that granting planning permission for this extension will set a precedent in Sycamore Close for similar extensions. Each planning application is determined on its own merits and granting permission for this extension to no. 26 does not guarantee approval for similar extensions to other properties in the street.
- 8.16. The concerns raised in relation to the application being retrospective are also not a material planning consideration. Retrospective applications are a permitted means of regularising unauthorised development and they must be determined on their own merits as if the development had not yet occurred.

### **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 extension does not have an adverse impact on the character of the streetscape. The extension by virtue of the fact that it replaces an existing extension and has a low eaves line, with a roof that pitches away from the neighbouring properties is also not considered to result in an adverse affect on the amenity of the adjoining properties. The application is therefore considered to be in accordance

with Policy DM10 of the SADMP and it is 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 Head of Planning and Development be given delegated powers to determine the final detail of planning conditions

**11.3. Conditions and Reasons**

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Application Form, Site Location Plan #00183168-E1FFF0 (scale 1:1250), Block Plan #00183166-4475DD (scale 1:200), Proposed Elevations (scale 1:100) and Existing and Proposed Floorplan received by the Local Planning Authority on 16 January 2017.

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

**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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.

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Planning Committee 28 March 2017  
Report of the Head of Planning and Development



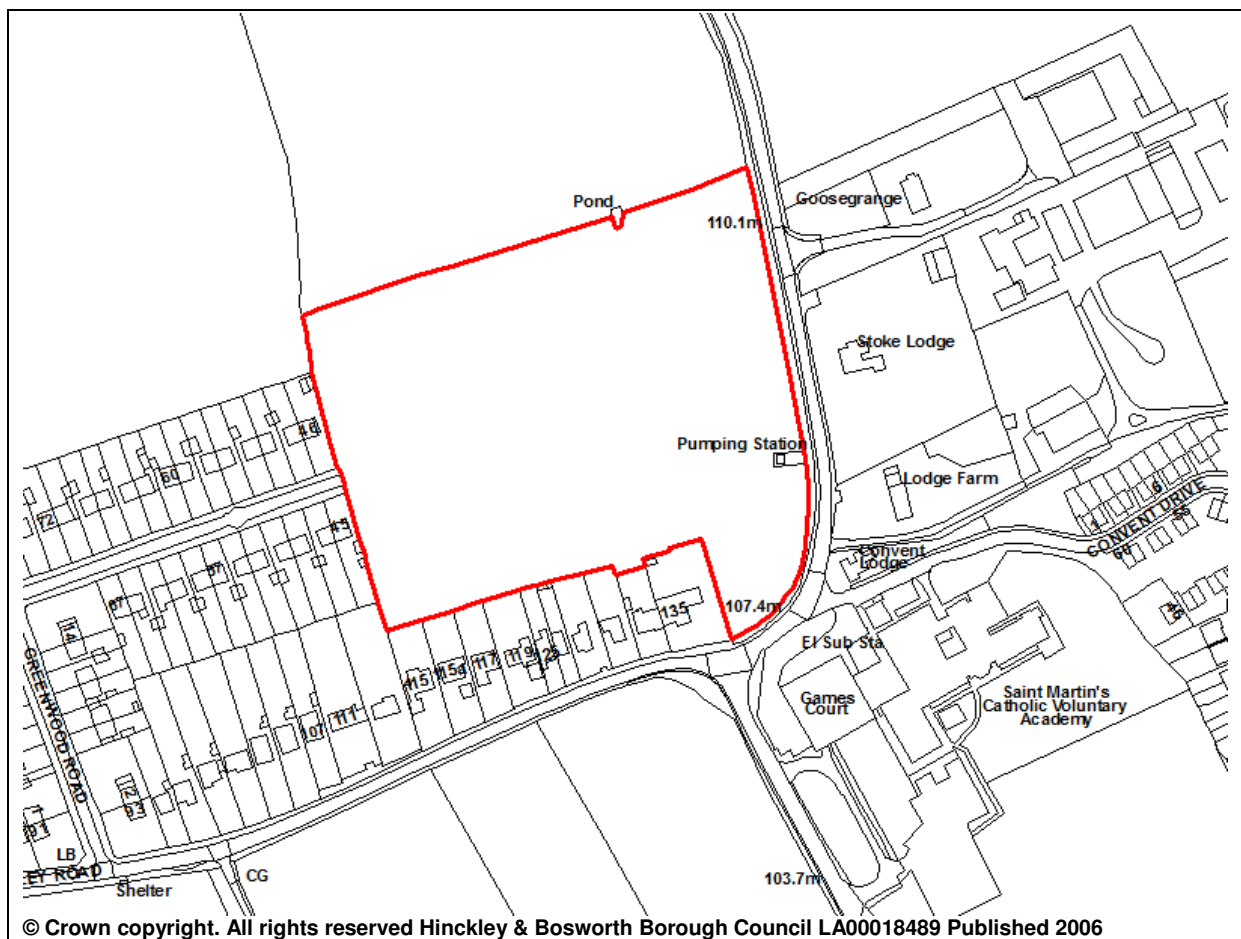
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Planning Ref: 16/01058/CONDIT  
Applicant: Mr Earley  
Ward: Ambien

Site: Land Off Hinckley Road Stoke Golding

Proposal: Variation of Condition 1 of planning permission 16/00212/CONDIT to amend siting of plots 49 - 71 with associated substitution of house types



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## 1. Recommendations

### 1.1. Grant planning permission subject to:

- The prior completion of a Deed of Variation to link the proposed development with the requirements of the Unilateral Undertaking completed under the original outline planning permission for the scheme (ref: 14/00262/OUT).
- Planning conditions outlined at the end of this report.

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

- 1.3. 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.

## **2. Planning Application Description**

- 2.1. This is an application to vary condition 1 of planning permission 16/00212/CONDIT, which relates to the approved plans for the scheme.

- 2.2. This condition read as:

- 1) The development approved shall be carried out in accordance with the submitted details as follows:-

Dwg No. E169/P/PL01 Rev P - Site Layout Plan (amended)  
Dwg No. HRSG-OS Rev A - Site Location Plan  
Dwg No. E169/P/MP01 Rev D - Materials Plan  
Dwg No. E3373/501 Rev C - Drainage Strategy Plan  
Dwg No. MM2633.01\_B - Proposed Landscaping Plan  
Dwg No. E169/P/BS01 Rev B - Bedroom Size Plan  
Dwg No. E169/A/AH01 - Affordable Housing Plan  
Dwg No. Q3492\_D - Proposed LEAP Plan  
Dwg No. E169/P/TP01 Rev B - Tracking Plan  
Dwg No. 2631.TPP Rev B - Proposed Tree Protection Plan  
Dwg No. E169/P/GAR\_01 - Garage Plans and Elevations  
Dwg No. E149/P/CARP\_01 - Carport Plans and Elevations  
Dwg No. E169/P/BIN\_01 - Binstore Plans and Elevations  
Dwg No. E169/P/HTAPP/01 - Appleton 2 House Type Elevations  
Dwg No. E169/P/HTAPP/02 - Appleton 2 House Type Floor Plans  
Dwg No. E169/P/HTDA/01 - Dalton House Type Elevations  
Dwg No. E169/P/HTDA/02 - Dalton House Type Floor Plans  
Dwg No. E169/P/HTDUN/01 - Dunham 2 House Type Elevations  
Dwg No. E169/P/HTDUN/02 - Dunham 2 House Type Floor Plans  
Dwg No. E169/P/HTRUF/01 - Rufford 2 Plus House Type Elevations  
Dwg No. E169/P/HTRUF/02 - Rufford 2 House Type Floor Plans  
Dwg No. E169/P/HTCAP/01 Rev A - Capesthorpe House Type Elevations  
Dwg No. E169/P/HTCAP/02 - Capesthorpe House Type Floor Plans  
Dwg No. E196/P/HTMAL/01 - Malham House Type Elevations  
Dwg No. E196/P/HTMAL/02 - Malham House Type Floor Plans  
Dwg No. E169/P/HTBRA/01 - Bramhall House Type Elevations  
Dwg No. E169/P/HTBRA/02 - Bramhall House Type Floor Plans  
Dwg No. E196/P/HTWIL/01 - Willington House Type Elevations  
Dwg No. E169/P/HTWIL/02 - Willington House Type Floor Plans  
Dwg No. E169/P/HTWIN/01 - Winster House Type Elevations  
Dwg No. E169/P/HTWIN/02 - Winster House Type Floor Plans  
Dwg No. N196/P/HTMOR/01 - Moreton 2 House Type Elevations  
Dwg No. E169/HTMOR/02 - Moreton 2 House Type Floor Plans  
Dwg No. E196/P/HTSTRA/01 - Stratford A House Type Elevations  
Dwg No. E169/P/HTSTRA/02 - Stratford A House Type Floor Plans  
Dwg No. E196/P/HTPIC/01 - Pickmere House Type Elevations  
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Dwg No. E196/P/HTSTA/01 - Staunton House Type Elevations  
Dwg No. E196/P/HTSTA/02 - Staunton House Type Floor Plans  
Dwg No. E196/P/HTEAT/01 - Eaton House Type Elevations  
Dwg No. E196/P/HTEAT/02 - Eaton House Type Floor Plans  
Dwg No. E196/P/HTSEV/01 - Severn House Type Elevations  
Dwg No. E196/P/HTSEV/02 - Severn House Type Floor Plans



Dwg No. E196/P/HTWILSA/01 - Willington Hip House Type Elevations  
 Dwg No. E196/P/HTWILSA/02 - Willington Hip House Type Floor Plans  
 Dwg No. E169/P/HTBUFG/01 Rev A - Budworth FG House Type Elevations  
 Dwg No. E169/P/HTBUFG/02 - Budworth FG House Type Floor Plans  
 Dwg No. E169/P/HTWHA/01- Wharfedale House Type Elevations  
 Dwg No. E169/P/WHA/02 - Wharfedale Floor Plans  
 Dwg No. N196/P/HTMORSA/01 - Moreton 2 SA House Type Elevations  
 Dwg No. E169/HTMORSA/02 - Moreton 2 SA House Type Floor Plans  
 Dwg No. E169/P/HTWILSA/02 - Willington SA House Type Floor Plans  
 Dwg No. N196/P/HTWILSA/01 - Willington SA House Type Elevations  
 Dwg No. N196/P/HTSTADG/01 - Stratford A DG House Type Elevations  
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 Dwg No. E169/P/HTCHSA/01 - Chatsworth SA House Type Elevations  
 Dwg No. E169/P/HTCHSA/02 - Chatsworth SA House Type Floor Plans  
 Dwg No. E169/P/HTBRE/01 - Brereton House Type Elevations  
 Dwg No. E169/P/HTBRER/02 - Brereton House Type Floor Plans  
 Dwg No. E169/P/HTBUDX/01 - Budworth Extended House Type Elevations  
 Dwg No. E169/P/HTBUDX/02 - Budworth Extended House Type Floor Plans  
 Dwg No. E169/P/HTCHAX/01 - Chatsworth Extended House Type Elevations  
 Dwg No. E169/P/HTBUDX/02 - Chatsworth Extended House Type Floor Plans  
 Dwg No. E169/P/HTCHAXE/01 - Chatsworth Extended End House Type Elevations  
 Dwg No. E169/P/HTBUDXE/02 - Chatsworth Extended End House Type Floor Plans  
 Dwg No. E169/P/HTR1/01 - R1 1 Bed House Type Floor Plans  
 Dwg No. E169/P/HTR1/02 - R1 1 Bed House Type Floor Plans

- 2.3. The residential development was originally granted under outline planning permission 14/00262/OUT and subsequent approval of reserved matters 15/00073/REM. Following this, there have been three applications to vary the scheme, including amendments to the layout and the removal of an oak tree on site.
- 2.4. The most recent variation of planning permission (ref: 16/00212/CONDIT) was granted for the removal of an oak tree to the south-east of the site on 4 November 2016.
- 2.5. This variation seeks to amend the site layout further, re-configuring a section of highway and the associated re-siting of dwellings to the north edge of the site. The scheme would result in one additional dwelling to the site, which is subject to a separate application for full planning permission for one new dwelling (17/00130/FUL).
- 2.6. Following initial concerns raised by the Local Planning Authority, an amended layout plan (Amended Site Layout Plan PL01 Rev W) has been submitted for consideration.

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

- 3.1. The site was previously agricultural land, however is currently under development following the approval of the outline and reserved matters applications for the residential scheme.
- 3.2. The site is situated within Stoke Golding, and is approximately 3.1 hectares in size.

#### 4. Relevant Planning History

10/00408/OUT	Residential development (outline - access only)	Refused Appeal Dismissed	20.08.2010 10.05.2010
14/00262/OUT	Residential development (outline - access only)	Permitted	27.01.2015
15/00073/REM	Application for approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 14/00262/OUT for residential development of 80 dwellings	Approval of Reserved Matters	23.12.2015
16/00212/CONDIT	Removal of condition 2 of planning permission 15/00073/REM to allow for the removal of an oak tree NT1	Permitted	04.11.2016
16/00342/CONDIT	Variation of condition 1 of planning permission 15/00073/REM to amend positioning of plots 75-80 due to the Water Main Easement with plot 76 house type substituted	Permitted	21.07.2016
16/00472/CONDIT	Variation of condition 1 of planning permission 15/00073/REM to amend plots 42-44 from 3 dwellings to 5 dwellings	Permitted	06.09.2016

#### 5. Publicity

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

5.2 Representations have been received from four members of the public, raising the following objections:-

- 1) Re-location of affordable housing is not acceptable
- 2) Adverse impact of the construction of development on neighbouring properties, in terms of noise, dust, and general disturbance
- 3) Would result in an increase to the number of dwellings on site
- 4) Stoke Golding does not need more houses
- 5) Would result in parking on Sherwood Road
- 6) Proposed housing is not integrated well on site
- 7) Would impact on views from neighbouring properties to the site
- 8) Would result in a loss of privacy to neighbouring properties
- 9) No justification submitted to change the layout
- 10) Would result in overshadowing impacts to neighbouring properties
- 11) Would have a detrimental impact on the quality of life of residents
- 12) The developer intends to expand the residential development into the adjoining field to the north of the site

## **6. Consultation**

6.1. Stoke Golding Heritage Group have objected to the application, raising the following concerns:-

- 1) The proposal would result in an increase to the number of dwellings on site
- 2) There is no requirement for more housing within Stoke Golding

6.2. Leicestershire County Council (Highways) has raised no objection to the principle of the development. Final comments are awaited for the current version of scheme. Members will be updated through Late Items.

6.3. No objections have been received from:-

Stoke Golding Parish Council  
Leicestershire County Council (Ecology)  
Leicestershire County Council (Archaeology)  
Leicestershire County Council (Drainage)  
Severn Trent Water (Ltd)  
Arboricultural Officer  
Affordable Housing Officer  
Environmental Health (Pollution)  
Environmental Services (Drainage)  
Street Scene Services (Waste)

## **7. Policy**

7.1. Core Strategy (2009)

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

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- 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
- Design, scale and layout
- Impact upon neighbouring residential amenity
- Highway considerations
- Previously imposed planning conditions
- Developer contributions
- Other matters

#### Assessment against strategic planning policies

8.2. Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the SADMP (2016). Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

8.3. The principle of the additional dwelling to the site is appraised under the separate application 17/00130/FUL.

8.4. The principle of development for existing dwellings on site has already been established through the approved outline planning permission (our ref: 14/00262/OUT). This permission was subject to the subsequent approval of reserved matters (our ref: 15/00073/REM) and S106 agreement to secure infrastructure obligations and developer contributions. These have now been approved.

8.5. It is therefore considered, the proposal is acceptable in principle subject to all other planning matters being addressed.

#### Design, scale and layout

8.6. Policy DM10 requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.7. Concerns have been raised for the proposed amended layout, in regard to the re-location of the affordable housing units, the increase in the number of dwellings, and the lack of integration of the dwellings on the site.

8.8. The development would result in the re-configuration of the layout to the north-west corner of the site. The scheme as approved under the reserved matters application indicated two side roads off the main estate road through the site to the North West section. This revised layout now proposes one side road. The proposed layout would incorporate the additional dwelling proposed under application 17/00130/FUL.

- 8.9. The amended layout would result in majority of the affordable housing to be located within the western area of the site, adjacent to the area of open space for the development. The affordable housing units comprise of a mix of house types, smaller in size to the market housing proposed. The affordable units are designed as such that they have a smaller amount of garden space than the proposed market dwellings. Therefore, the siting of the units adjacent to the area of open space would provide additional amenity area for future residents to utilise.
- 8.10. The dwellings proposed along the northern boundary of the site are large, detached dwellings with a range of designs. The revised layout will result in the realignment and re-siting of dwellings to this northern section, however it is considered that the proposed layout would enhance the northern boundary, providing an attractive outlook when viewed from the north of the site.
- 8.11. Further, the proposed house types and orientation on the plot would result in no overlooking, overshadowing or overbearing impacts to any future residents.
- 8.12. Therefore, the proposal would be in accordance with Policy DM10 of the SADMP in this respect.

#### Impact upon neighbouring residential amenity

- 8.13. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.14. Objections have been raised in relation to the development resulting in adverse overshadowing impacts a loss of privacy to neighbouring properties.
- 8.15. The neighbouring property along the north-west boundary with the site is No. 46 Sherwood Road, which would share the boundary with Plots 63 and 49 of the development site.
- 8.16. Notwithstanding the fact that Plot 63 is subject to planning application 17/00130/FUL, given the siting of the plot to the bottom end of No. 46, and the positioning of the garage and dwelling on the plot, it is not considered to have any adverse impact on No. 46, in terms of overlooking, overshadowing or overbearing impacts.
- 8.17. The separation distance between No. 46 and the proposed Plot 49 would be a minimum of 9.5 metres. The dwelling proposed on Plot 49 would extend past the original building line of No.46, however, given the distance between the dwellings, would not result in any adverse overbearing or overshadowing impacts to this neighbour. Further, the windows that would face No. 46 from the western elevation of the dwelling proposed on Plot 49 would serve bathrooms, and thus would not result in any adverse overlooking impacts.
- 8.18. Therefore, the development would be in accordance with Policy DM10 of the SADMP in this respect.

#### Highway considerations

- 8.19. Policy DM17 of the SADMP states that all new development should in be accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.20. Concerns have been raised in regard to the development leading to an increase in on-street parking, particularly along Sherwood Road. The proposed layout demonstrates off-road parking provision for each dwelling, which reduces the need for vehicles to be parked on the road. In any case, on-street parking is not restricted within this area as it is a residential area.

- 8.21. The proposed layout would include the creation of a new access from the main road through the development, which would split at the north boundary of the site to serve two shared drives. It is proposed that this access is to be adopted by the Highway Authority.
- 8.22. The amended site layout plan has been submitted to LCC for their updated comments on the scheme, and these are awaited. A further update will be provided to committee through late items.

#### Previously imposed planning conditions

- 8.23. It is necessary to consider whether or not it is appropriate to re-impose the original conditions attached to the permission. The original consent was subject to one condition.
- 8.24. Condition 1, concerns the plans for the development, which is proposed to be varied within this application. The variation would be for the replacement of the previously approved Site Layout Plan (Drg. No. E169/P/PL01/Rev P – Site Layout Plan). Therefore, the condition would be re-worded in accordance with the proposed Site Layout plan (Drg No. E169/P/PL01 Rev W), and would be re-imposed.

#### Developer contributions

- 8.25. Policy 15 of the Core Strategy sets out the provision of affordable housing for new development. The Affordable Housing SPD provided further information on this.
- 8.26. Policy 19 of the Core Strategy and Policy DM3 of the SADMP require developers to contribute towards infrastructure, amenities and facilities where the need is created through new development.
- 8.27. The original outline application for the residential scheme (ref: 14/00262/OUT) was granted subject to the completion of a Unilateral Undertaking that sought developer contributions through appropriate funding for improvements to Education, Public Transport, Play and Open Space and Affordable Housing.
- 8.28. Therefore, a Deed of Variation would need to be undertaken in order to link the proposed development with the requirements of this Unilateral Undertaking.

#### Other matters

- 8.29. In regard to the comments concerning the noise, dust and disturbance caused through the construction of the development, all construction carried out is to be in accordance with the submitted and approved Construction Management Plan attached to condition 17, and in accordance with the hours specified in condition 4 of the original outline permission for the site (ref: 14/00262/OUT).
- 8.30. In regard to the comments stating that Stoke Golding does not require any more houses and that the development would result in an increase to the number of dwellings on site, this is dealt with within a separate application for planning permission (ref: 17/00130/FUL).
- 8.31. In regard to the comments concerning the views of the development from neighbouring properties, this is not a planning consideration and cannot be taken afforded any weight.
- 8.32. In regard to the comments regarding the lack of justification for the proposed amendments to the previously approved scheme, the applicant has the right to propose to vary any permission granted.
- 8.33. In regard to the comments concerning the developer's intention to expand the residential site to the north, any application received would be considered by the

Local Planning Authority. Any permission granted would be subject to all planning matters being suitably addressed.

## **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 variation of condition 1 of planning permission 16/00212/CONDIT would be considered acceptable. The application is considered to be in accordance with Policies DM1, DM3, DM4, DM7, DM10, DM17 and DM18 of the SADMP, and the overarching principles of the NPPF, and is therefore recommended for approval, subject to conditions.

## **11. Recommendation**

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

- The prior completion of a Deed of Variation to link the proposed development with the requirements of the Unilateral Undertaking completed under the original outline planning permission for the scheme (ref: 14/00262/OUT).
- 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 approved shall be carried out in accordance with the submitted details as follows:-

- Dwg No. E169/P/PL01 Rev W - Site Layout Plan (received 13 March 2017)
- Dwg No. HRSG-OS Rev A - Site Location Plan
- Dwg No. E169/P/MP01 Rev D - Materials Plan
- Dwg No. E3373/501 Rev C - Drainage Strategy Plan
- Dwg No. MM2633.01\_B - Proposed Landscaping Plan
- Dwg No. E169/P/BS01 Rev B - Bedroom Size Plan

Dwg No. E169/A/AH01 - Affordable Housing Plan  
 Dwg No. Q3492\_D - Proposed LEAP Plan  
 Dwg No. E169/P/TP01 Rev B - Tracking Plan  
 Dwg No. 2631.TPP Rev B - Proposed Tree Protection Plan  
 Dwg No. E169/P/GAR\_01 - Garage Plans and Elevations  
 Dwg No. E149/P/CARP\_01 - Carport Plans and Elevations  
 Dwg No. E169/P/BIN\_01 - Binstore Plans and Elevations  
 Dwg No. E169/P/HTAPP/01 - Appleton 2 House Type Elevations  
 Dwg No. E169/P/HTAPP/02 - Appleton 2 House Type Floor Plans  
 Dwg No. E169/P/HTDA/01 - Dalton House Type Elevations  
 Dwg No. E169/P/HTDA/02 - Dalton House Type Floor Plans  
 Dwg No. E169/P/HTDUN/01 - Dunham 2 House Type Elevations  
 Dwg No. E169/P/HTDUN/02 - Dunham 2 House Type Floor Plans  
 Dwg No. E169/P/HTRUF/01 - Rufford 2 Plus House Type Elevations  
 Dwg No. E169/P/HTRUF/02 - Rufford 2 House Type Floor Plans  
 Dwg No. E169/P/HTCAP/01 Rev A - Capesthorpe House Type Elevations  
 Dwg No. E169/P/HTCAP/02 - Capesthorpe House Type Floor Plans  
 Dwg No. E196/P/HTMAL/01 - Malham House Type Elevations  
 Dwg No. E196/P/HTMAL/02 - Malham House Type Floor Plans  
 Dwg No. E169/P/HTBRA/01 - Bramhall House Type Elevations  
 Dwg No. E169/P/HTBRA/02 - Bramhall House Type Floor Plans  
 Dwg No. E196/P/HTWIL/01 - Willington House Type Elevations  
 Dwg No. E169/P/HTWIL/02 - Willington House Type Floor Plans  
 Dwg No. E169/P/HTWIN/01 - Winster House Type Elevations  
 Dwg No. E169/P/HTWIN/02 - Winster House Type Floor Plans  
 Dwg No. N196/P/HTMOR/01 - Moreton 2 House Type Elevations  
 Dwg No. E169/HTMOR/02 - Moreton 2 House Type Floor Plans  
 Dwg No. E196/P/HTSTRA/01 - Stratford A House Type Elevations  
 Dwg No. E169/P/HTSTRA/02 - Stratford A House Type Floor Plans  
 Dwg No. E196/P/HTPIC/01 - Pickmere House Type Elevations  
 Dwg No. E169/P/HTPIC/02 - Pickmere House Type Floor Plans  
 Dwg No. E196/P/HTSTA/01 - Staunton House Type Elevations  
 Dwg No. E196/P/HTSTA/02 - Staunton House Type Floor Plans  
 Dwg No. E196/P/HTEAT/01 - Eaton House Type Elevations  
 Dwg No. E196/P/HTEAT/02 - Eaton House Type Floor Plans  
 Dwg No. E196/P/HTSEV/01 - Severn House Type Elevations  
 Dwg No. E196/P/HTSEV/02 - Severn House Type Floor Plans  
 Dwg No. E196/P/HTWILSA/01 - Willington Hip House Type Elevations  
 Dwg No. E196/P/HTWILSA/02 - Willington Hip House Type Floor Plans  
 Dwg No. E169/P/HTBUFG/01 Rev A - Budworth FG House Type Elevations  
 Dwg No. E169/P/HTBUFG/02 - Budworth FG House Type Floor Plans  
 Dwg No. E169/P/HTWHA/01 - Wharfedale House Type Elevations  
 Dwg No. E169/P/WHA/02 - Wharfedale Floor Plans  
 Dwg No. N196/P/HTMORSA/01 - Moreton 2 SA House Type Elevations  
 Dwg No. E169/HTMORSA/02 - Moreton 2 SA House Type Floor Plans  
 Dwg No. E169/P/HTWILSA/02 - Willington SA House Type Floor Plans  
 Dwg No. N196/P/HTWILSA/01 - Willington SA House Type Elevations  
 Dwg No. N196/P/HTSTADG/01 - Stratford A DG House Type Elevations  
 Dwg No. E169/HTSTADG/02 - Stratford A DG House Type Floor Plans  
 Dwg No. N196/P/HTSTDG/01 - Stratford DG House Type Elevations  
 Dwg No. E169/HTSTADG/02 - Stratford A DG House Type Floor Plans  
 Dwg No. E169/P/HTCHSA/01 - Chatsworth SA House Type Elevations  
 Dwg No. E169/P/HTCHSA/02 - Chatsworth SA House Type Floor Plans  
 Dwg No. E169/P/HTBRE/01 - Brereton House Type Elevations  
 Dwg No. E169/P/HTBRER/02 - Brereton House Type Floor Plans



Dwg No. E169/P/HTBUDX/01 - Budworth Extended House Type Elevations  
Dwg No. E169/P/HTBUDX/02 - Budworth Extended House Type Floor Plans  
Dwg No. E169/P/HTCHAX/01 - Chatsworth Extended House Type Elevations  
Dwg No. E169/P/HTBUDX/02 - Chatsworth Extended House Type Floor Plans  
Dwg No. E169/P/HTCHAXE/01 - Chatsworth Extended End House Type Elevations  
Dwg No. E169/P/HTBUDXE/02 - Chatsworth Extended End House Type Floor Plans  
Dwg No. E169/P/HTR1/01 - R1 1 Bed House Type Floor Plans  
Dwg No. E169/P/HTR1/02 - R1 1 Bed House Type Floor Plans

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

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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.

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Planning Committee 28 March 2017  
Report of the Head of Planning and Development

Planning Ref: 17/00130/FUL  
Applicant: Morris Homes Ltd  
Ward: Ambien

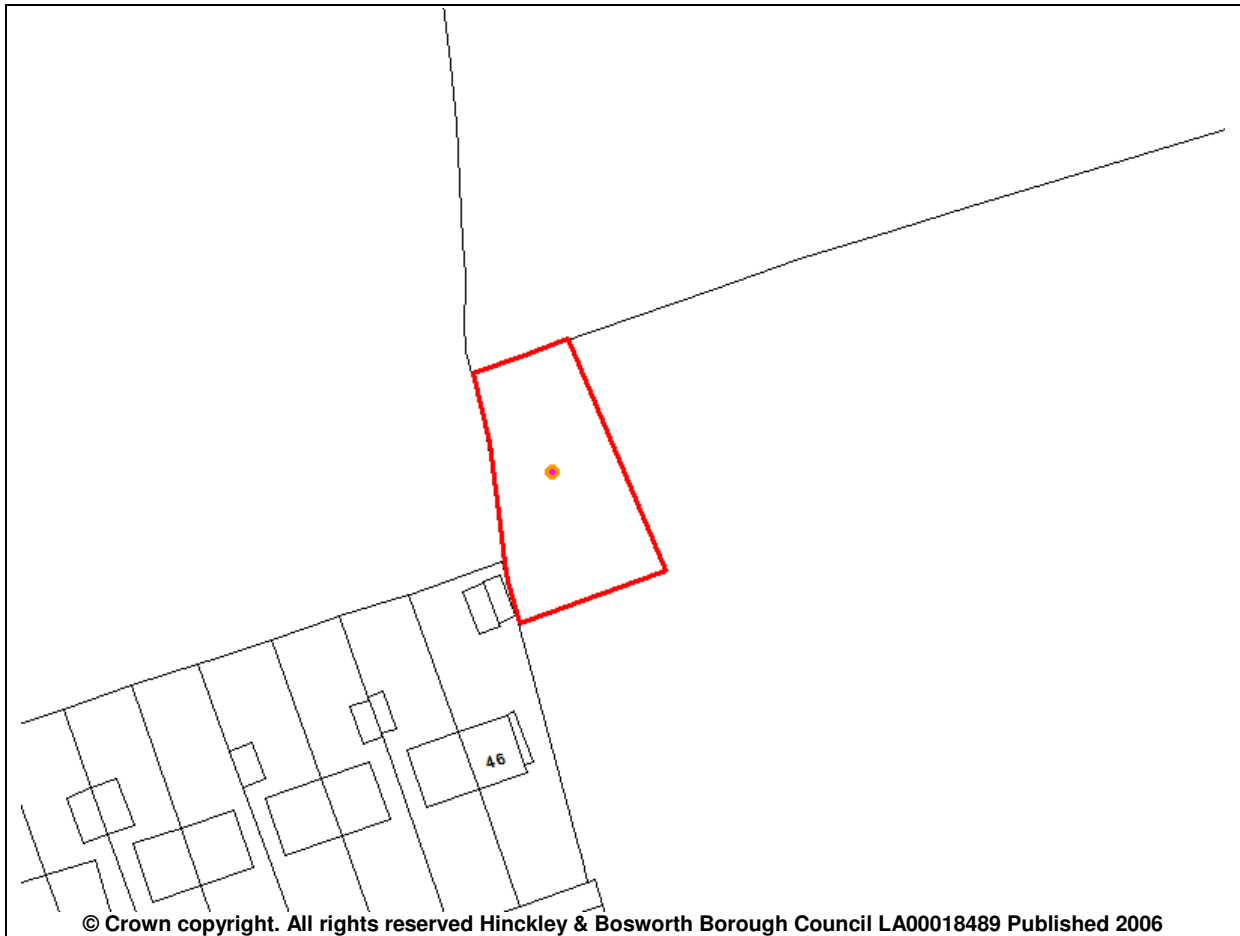


Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Site: Land Off Hinckley Road Stoke Golding

Proposal: Erection of one new dwelling and detached double garage



## 1. Recommendations

### 1.1. Grant planning permission subject to:-

- The prior completion of a Deed of Variation to the Unilateral Undertaking attached to previously granted outline planning permission 14/00262/OUT, to amend the level of contributions sought from the developer.
- Planning conditions outlined at the end of this report.

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

1.3. 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.

## 2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of one new dwelling with associated landscaping. The scheme would comprise a two and a half storey, detached house with a detached double garage to serve this dwelling.
- 2.2. The site forms part of a larger residential site, that was granted outline planning permission (ref: 14/00262/OUT) on 27 January 2015 and subsequent approval of reserved matters (ref:15/00073/REM) on 23 December 2015.

## 3. Description of the Site and Surrounding Area

- 3.1. The application site comprises a plot of land situated in the North West corner of a residential site that is currently under construction. The site is bounded by open fields to the north and west.
- 3.2. The site is situated within the settlement boundary of Stoke Golding.
- 3.3. The site would be accessible from an access proposed under a separate application 16/01058/CONDIT, which leads from the access previously approved under 14/00262/OUT, off Hinckley Road.

## 4. Relevant Planning History

10/00408/OUT	Residential development (outline - access only)	Refused Appeal Dismissed	20.08.2010 10.05.2010
14/00262/OUT	Residential development (outline - access only)	Permitted	27.01.2015
15/00073/REM	Application for approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 14/00262/OUT for residential development of 80 dwellings	Approval of Reserved Matters	23.12.2015
16/00212/CONDIT	Removal of condition 2 of planning permission 15/00073/REM to allow for the removal of an oak tree NT1	Permitted	04.11.2016
16/00342/CONDIT	Variation of condition 1 of planning permission 15/00073/REM to amend positioning of plots 75-80 due to the Water Main Easement with plot 76 house type substituted	Permitted	21.07.2016

16/00472/CONDIT	Variation of condition 1 of planning permission 15/00073/REM to amend plots 42-44 from 3 dwellings to 5 dwellings	Permitted	06.09.2016
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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. No representations have been received from members of the public for this application.

## 6. **Consultation**

- 6.1. Stoke Golding Parish Council has objected to the application, raising the following concerns:-
- 1) There is no requirement for more housing in Stoke Golding
  - 2) Existing village facilities and services are unable to sustain new homes
  - 3) Would result in an increase to the number of dwellings on site
- 6.2. The Affordable Housing Officer has submitted comments, stating that an additional affordable housing contribution is required, as the site relates to the wider residential scheme approved under 14/00262/OUT.
- 6.3. No objections have been received from:-
- Environmental Health (Pollution)
  - Leicestershire County Council (Drainage)
  - Leicestershire County Council (Highways)
  - Leicestershire County Council (Ecology)
  - Leicestershire County Council (Archaeology)
  - Stoke Golding Heritage Group
  - Street Scene Services (Waste)

## 7. **Policy**

- 7.1. Core Strategy (2009)
- Policy 7: Key Rural Centres
  - Policy 15: Affordable Housing
  - Policy 19: Green Space and Play Provision
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM3: Infrastructure and 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)

7.4. Supplementary Planning Guidance/ Documents

- Affordable Housing (SPD)

**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
- Developer contributions

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. Policy DM1 of the SADMP and Paragraph 14 of the NPPF set out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved. As of 1 September 2014, the minimum housing requirement for Stoke Golding has been met. Therefore, the development proposed within the current application would exceed the minimum housing requirement in Stoke Golding. Comments have been received stating that the development would be unnecessary given that there is no requirement for additional housing in Stoke Golding, and objecting to the provision of another dwelling in the area. However, the figure is a minimum figure and does not prevent the granting of permission for additional residential development within the settlement limits which are in accordance with the Development Plan.
- 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. Stoke Golding is defined as a Key Rural Centre within Policy 7 of the Core Strategy, which seeks to support housing development within settlement boundaries.
- 8.5. The site is located within a sustainable location within the settlement boundary of Stoke Golding. The site would be bounded by residential properties to the east, south and south-west, and is within the immediate vicinity of existing bus routes, schools, local shops and other services. The proposal would contribute to the social role of sustainable development by providing 1 new dwelling 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. Further, given that the siting of the plot on an existing residential site, the proposal would not result in any additional impacts on the natural or built environment than that has been previously approved.
- 8.6. The principle of residential development of the site is considered to be sustainable and therefore acceptable in terms of strategic planning policies subject to all other planning matters being satisfactorily addressed.

#### Impact upon the character of the area

- 8.7. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.8. The proposed design of the dwelling would be Stratford A House Type, which is a large, detached, two and a half storey dwelling. There are other dwellings approved within the wider residential scheme that also incorporate the Stratford A House Type design, and therefore the proposed dwelling would relate well with the existing site in this respect.
- 8.9. The style of dwelling would be in keeping with the other large, detached dwellings along the northern boundary of the wider residential site, providing an attractive outlook from any views from the north. The siting of these other dwellings is subject to the separate application 16/01058/OUT.
- 8.10. Further, the proposed detached garage would be in keeping with other detached garages within the wider residential site.
- 8.11. It is therefore considered that the proposal would be in keeping with the character and appearance of the wider residential site, and would be in accordance with Policy DM10 of the SADMP in this respect.

#### Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.13. The existing residential property along the south-east boundary of the site is No. 46 Sherwood Road. The layout of the proposal is such that the proposed dwellinghouse would be sited approximately 11 metres from this shared boundary, and the proposed garage sited within 1 metre of the shared boundary. Notwithstanding these distances, majority of the development would be sited to rear of the rear boundary of No.46. Notwithstanding the close proximity of the proposed garage with the shared boundary, the garage would be single storey in nature and would incorporate a hipped roof. Therefore, given the proposed siting, design and scale of development, it is not considered that the proposed dwelling and garage would result in any adverse overshadowing, overbearing or overlooking impacts to this neighbouring property.
- 8.14. The neighbouring properties to the east and south of the site are subject to the separate application 16/01058/CONDIT. By virtue of the proposed siting of the dwelling and garage, it is not considered to result in any adverse overshadowing or overbearing impacts to any future neighbouring properties in this respect.
- 8.15. The proposed design of the dwelling would result in three bedroom windows facing the rear elevations of the residential properties to the south of the site. However, given the proposed separation distance of approximately 19.5 metres between the dwellings, it is not considered that any overlooking impacts to these properties would be adverse.
- 8.16. The development would therefore accord with Policy DM10 of the SADMP in this respect.

#### Impact upon highway safety

- 8.17. Policy DM17 of the SADMP states that all new development should in be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.

- 8.18. Leicestershire County Council (Highways) has raised no objections to the application. The proposed access to the dwelling is subject to the approval of a separate application (ref: 16/01058/CONDIT). It is not considered that an erection of an additional dwelling on the site would result in any adverse impacts to highway or pedestrian safety.
- 8.19. The proposed layout demonstrates that there would be a minimum provision of three off-street car parking spaces to serve the proposed dwelling.
- 8.20. Therefore, it is considered that the development would be in accordance with Policies DM17 and DM18 of the SADMP.

#### Developer contributions

- 8.21. Policy 15 of the Core Strategy sets out the provision of affordable housing for new development. The Affordable Housing SPD provided further information on this.
- 8.22. Policy 19 of the Core Strategy and Policy DM3 of the SADMP require new residential development to contribute towards Green Space and Play Provision.
- 8.23. The original outline application for the residential scheme (ref: 14/00262/OUT) was granted subject to the completion of a Unilateral Undertaking that sought developer contributions through appropriate funding for improvements to Education, Public Transport, Play and Open Space, and an Affordable Housing contribution.
- 8.24. Comments have been received stating that the current village facilities and services cannot sustain additional housing. The proposal would increase the amount of market housing on the wider site to which the proposed new dwelling relates. Therefore, additional developer contributions are sought to provide towards Affordable Housing, Play and Open Space, Education and Public Transport. A Deed of Variation would therefore need to be undertaken to incorporate these additional contributions. Negotiations are currently underway between the developer and the Local Authority, and members will be updated further on the level of contributions sought through late items.

### **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 sustainable location within a reasonable distance of services and facilities located within Stoke Golding. The proposed dwelling and garage would be in keeping with the character of the wider residential area and would not result in any significant adverse impacts on the privacy or amenity of



neighbouring properties. The proposed development would therefore be in accordance with Policies 7 and 19 of the adopted Core Strategy, Policies DM1, DM3, DM10, DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF and is therefore recommended for approval subject to conditions.

## 11. Recommendation

### 11.1. Grant planning permission subject to:

- The prior completion of a Deed of Variation to the Unilateral Undertaking attached to previously granted outline planning permission 14/00262/OUT, to amend the level of contributions sought from the developer.
- 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: Drg No. E169/P/GAR\_01 (Garage Plans and Elevations), E196/P/HTSTRA/01 (Stratford A House Type Elevations), E169/P/HTSTRA/02 (Stratford A House Type Floor Plans), and LOC 02 (Location Plan) received on 10 February 2017, as well as Drg No. E169/P/PL02 (Planning Layout) received on 13 March 2017.

**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. Notwithstanding the submitted plans no development shall commence until full details of both hard and soft landscape works have first 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:

- Means of enclosure and boundary treatments
- Hard surfacing materials
- Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate
- Implementation programme

**Reason:** To enhance the appearance of the development and to protect the amenity of neighbouring properties, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

4. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details under Condition 3 shall be carried out during the first available planting and seeding seasons (October - March inclusive) following the approval of the landscaping scheme. Any trees or shrubs

which, within a period of 5 years of being planted die are removed or seriously damages or diseased shall be replaced in the next planting season with others of a similar size and species.

**Reason:** In the interests of visual amenity, and to ensure that the work is carried out within a reasonable period and thereafter maintained, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

5. Prior to the commencement of development, details of the types and colours of materials to be used on the external elevations of the proposed dwelling and garages shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

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

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

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

#### 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. 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 discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
3. 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).

Planning Committee 28 March 2017  
Report of the Head of Planning and Development

Planning Ref: 17/00010/OUT  
Applicant: Mike Petty Design  
Ward: Ratby Bagworth And Thornton

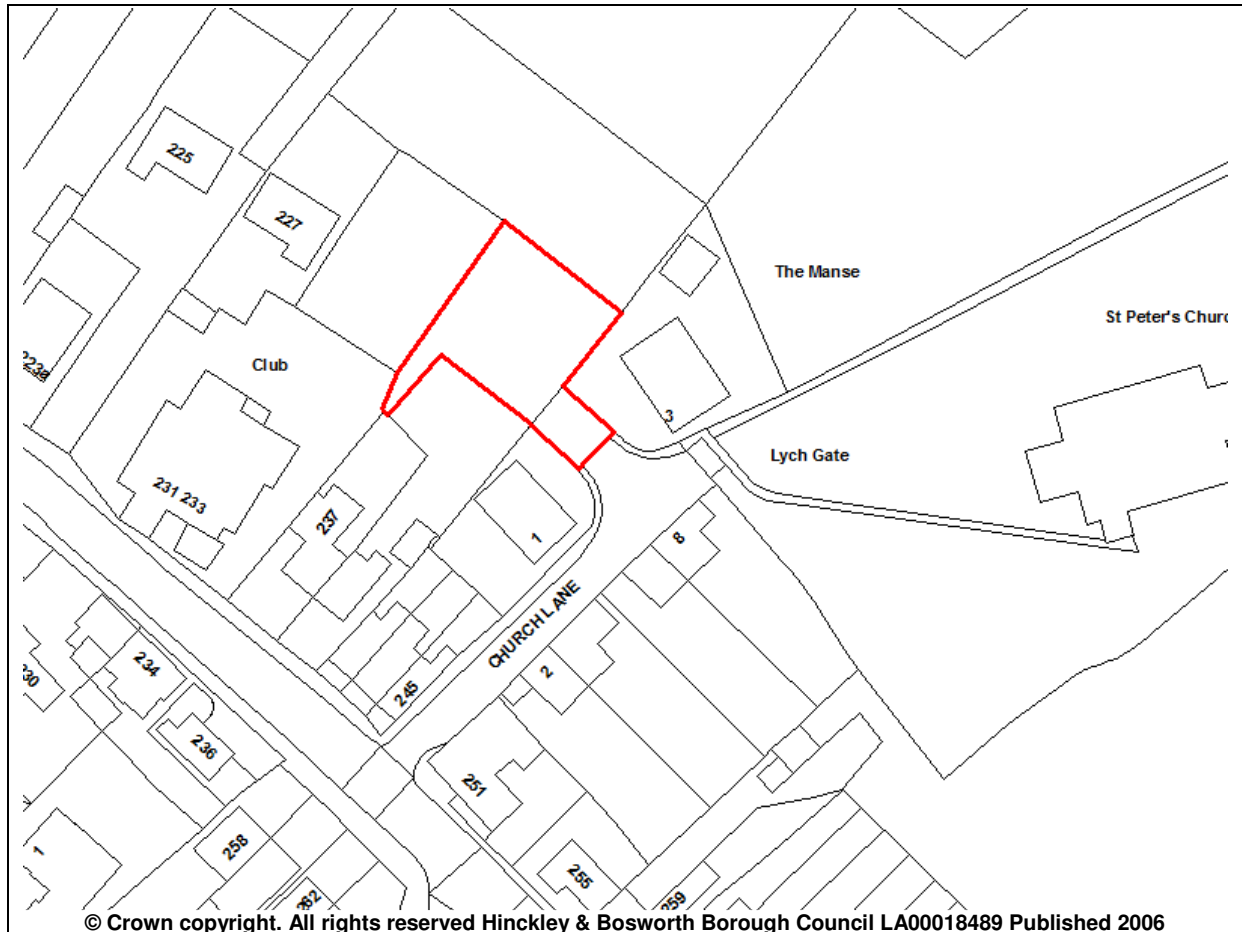


Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Site: Land Rear Of 237 Main Street Thornton

Proposal: Erection of detached dwelling (Outline - all matters reserved)



## 1. Recommendations

### 1.1. Grant outline 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 the erection of a detached dwelling. Outline permission is sought with all matters reserved. It has been indicated the access to the site would be gained via the existing shared access to Lychgate Cottage and The Manse at the end of the turning head on Church Lane.

## 3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the settlement boundary of Thornton. The area is characterised by primarily residential development of varying size and design

which are located to the east, south and west of the application site. To the east of the application site is the Grade I listed St Peter's Church. To the north of the application site is an area of woodland planting. Immediately adjacent to the west of the application site is a parcel of land which has been hard landscaped but has no authorised use.

3.2. The application site comprises a piece of land currently forming the extended garden area to the rear of no. 237 Main Street. The area has been left to become overgrown.

3.3. There is a public right of way running along Church Lane and the edge of St Peter's Church yard leading down to Thornton Reservoir.

3.4. Thornton is located within the National Forest.

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

None applicable.

#### **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. Five letters of objection have been received from three different addresses. The responses are summarised as follows:

- 1) Church Lane is busy with resident's parking, customers of the shop, visitors using the graveyard, access to the reservoir and as a general turning point
- 2) The principle of development is unacceptable
- 3) The proposal would ruin the character of the road which comprises 150 year old cottages and only two newer properties around the turning circle
- 4) There are two vacant properties along Church Lane at present which rely on on-street car parking when in occupation
- 5) Visibility at the junction with Main Street is poor
- 6) Weddings and funerals often block the road for their duration

#### **6. Consultation**

6.1. No objections, some subject to conditions, has been received from the following:

Conservation Officer  
Environmental Health (Pollution)  
Environmental Health (Drainage)  
HBBC Waste Services  
Severn Trent Water

6.2. Leicestershire County Council (Highways) refer to standing advice.

#### **7. Policy**

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 10: Key Rural Centres within the National Forest
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 21: National Forest

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

- Policy DM1: Presumption in Favour of Sustainable Development
- 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

7.3. 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 heritage assets
- Impact upon the character of the area
- Impact upon residential amenity
- Impact upon the highway
- Drainage

Assessment against strategic planning policies

8.2. Thornton is designated as a Key Rural Centre in the Core Strategy. Policy 7 of the Core Strategy states that to support the Key Rural Centres and ensure they can provide key services to their rural hinterland, the Council will support housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Policy 15 and Policy 16.

8.3. The proposed development is for one dwelling and the application site is located within the settlement boundary of Thornton. Therefore, the proposed development is considered to be acceptable in principle in accordance with Policy 7 of the Core Strategy, subject to satisfying other relevant policies and material planning considerations.

8.4. The requirement for affordable housing as set in Policy 15 of the Core Strategy is not applicable for developments under 4 dwellings and therefore there is no conflict with this policy.

8.5. Policy 16 of the Core Strategy requires a minimum net density of 30 dwellings per hectare within and adjoining Key Rural Centres. The application site measures approximately 380 sq m and would result in a density the equivalent of 27 dwellings per hectare. Policy 16 allows for lower densities where individual characteristics dictate. In this instance, it is not feasible to provide a greater density without resulting in over development of the site and having adverse impacts on the surrounding area. The development is considered to be in accordance with Policy 16 of the Core Strategy.

8.6. Policy 21 of the Core Strategy seeks to support the implementation of the National Forest and support proposals that contribute positively to the delivery provided that the siting and scale of the proposed development is appropriately related to its setting within the Forest, respects the character and appearance of the wider countryside and does not adversely affect the existing facilities and working landscape. The application site is located on the edge of the settlement of Thornton and would respect the urbanised character of the location within the Forest. There is an area of woodland to the north of the site which would mitigate any visual impacts on the surrounding countryside. The proposed development is in accordance with Policy 21 of the Core Strategy.

#### Impact upon heritage assets

- 8.7. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment. Development proposals which affect the setting of a listed building will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it poses.
- 8.8. The application site is located within the vicinity of the Grade I listed St Peter's Church. The immediate setting of the church is confined to the churchyard allowing full appreciation of the significance of the building but it is visible from various locations in the surrounding area which is considered to be its wider setting. The application site has been historically used as an orchard and has always been separate from the defined curtilage of the churchyard. There is no direct relationship between the application site and the church and churchyard. Therefore, the application site makes no contribution to the significance of the listed building.
- 8.9. This application is for outline planning permission with all matters reserved. The layout and scale of a dwelling could have an impact on the wider setting of the listed building if located to the rear of the site with a scale larger than the surrounding building. However, it is considered that a dwelling could be accommodated within the site where it would not have an impact on the wider setting of the listed building. Therefore, the proposed dwelling is considered to be in accordance with Policies DM11 and DM12 of the SADMP and the LPA have had special regard to the duty as set out in Section 66 of the 1990 Act.

#### Impact upon the character of the area

- 8.10. 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.
- 8.11. The application site is located on land to the rear of No. 237 Main Street and has indicated access onto Church Lane. The location to the rear of No. 237 would constitute backland development. There are two large detached dwellings to the rear of 223a and 231 Main Street. Church Lane comprises two storey cottages abutting the road on the eastern side with two large detached dwellings on the western side fronting the turning head with a shared access.
- 8.12. Due to the detached dwellings to the rear of Main Street and to the west of the application site it is considered that a dwelling on the application site could complement the character of the surrounding area. Layout, landscaping and appearance are reserved matters as it is considered a development can be provided which complements the visual appearance of the existing built form along Church Lane. However, it is important to state from the outset that a development will be sought that reflects the high quality design of the properties within the immediate vicinity of the site. The proposed dwelling would be expected to be orientated so that it would address the turning head and shared access and create an active frontage which could complement the layouts of The Manse and Lychgate Cottage. The design should incorporate high quality building materials and architectural features i.e. a porch, chimneys, cills and headers, brick detailing and traditional fenestration, similar to those on The Manse due to the close relationship to one another. Landscaping would be expected to enhance the end of the turning head including high quality hardstanding, planting and low stone wall.

- 8.13. It is considered that a dwelling could be provided on the application site which is in accordance with Policy DM10 of the SADMP.

Impact upon residential amenity

- 8.14. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties and the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.15. The application site is located to the west of The Manse and Lychgate Cottage and to the rear of nos. 237 and 239 Main Street.
- 8.16. Due to the location of the application site to the side of The Manse and Lychgate Cottage there are no windows serving habitable rooms which face the application site. Additionally the site is not adjacent to the private rear amenity spaces of the dwellings. It is not considered that a dwelling would have an adverse impact on the amenity of the occupiers.
- 8.17. The boundary of the application site is located 21m from the rear elevations of No's 237 and 239 Main Street. The separation between the dwellings and the application site it is considered a dwelling could be accommodated on the application site without having an adverse impact on the amenity of the occupiers.
- 8.18. The amenity of the occupiers of No 227 Main Street to the west of the application site would not be adversely impacted by a dwelling on the application site due to the separation distance and orientation of the existing dwelling.
- 8.19. The application site measures approximately 380sq m. The size of the site is considered sufficient to accommodate a dwelling and the required associated external spaces including amenity space for the future occupiers.
- 8.20. It is considered that a dwelling could be provided which would not adversely impact on the amenity of the occupiers of surrounding dwellings and would provide sufficient amenity for the future occupiers in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.21. 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.
- 8.22. Access is a reserved matter and does not form part of the consideration of this application. However, under Part 3 Paragraph 5(3) of The Town and Country Planning (Development Management Procedure (England) Order 2015 the applicant is required to state where access points to the development proposed will be situated. The applicant has indicated that the site will be accessed across the shared driveway between The Manse and Lychgate Cottage at the end of the turning head in Church Lane.
- 8.23. Leicestershire County Council (Highways) was consulted on the application and referred to their standing advice. The proposed access point already serves as an access onto the public highway for two dwellings and it is considered that an additional dwelling could use the access without harm to highway safety. Church Lane adjoins Main Street where there are substandard visibility splays in accordance with the 30mph speed limit in both directions at the junction due to surrounding buildings and on-street car parking. The junction is well used due to the customers of the shop on the corner and therefore it is considered that the vehicular movements associated with one dwelling would not materially impact on highway safety.

- 8.24. There is a public right of way running along Church Lane and the churchyard leading down to the reservoir. The proposed dwelling would not impact on the public right of way.
- 8.25. Layout is a reserved matter and therefore a car parking layout has not been submitted. However, it is considered that the site is of a size sufficient to accommodate off-street car parking to serve the occupiers of the proposed dwelling in accordance with Policy DM18 of the SADMP.
- 8.26. Concern has been raised that Church Lane suffers from significant levels of on-street car parking at present and another dwelling would exacerbate this issue. As noted above, the site is able to accommodate off-street car parking and therefore it is not considered that the existing on-street car parking issue would be exacerbated. However, during construction there would be larger vehicles accessing the site which cause concern if not appropriately managed. Therefore, it is considered that a Construction Management Plan should be secured by way of a planning condition.
- 8.27. It is considered that a dwelling could be provided which provide sufficient off-street car parking for the occupiers and would not have an adverse impact on highway safety. The proposed development is considered to be in accordance with Policies DM17 and DM18 of the SADMP.

#### Drainage

- 8.28. Policy DM7 seeks to ensure developments do not create or exacerbate flooding.
- 8.29. Environmental Health (Drainage) and Severn Trent Water has been consulted on the application and raised no objections subject to condition. It is considered that drainage can be provided for the dwelling without creating or exacerbating flooding in accordance with Policy DM7 of the SADMP.

### **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 located within the settlement boundary of Thornton where new residential development is considered acceptable in accordance with Policy 7 of the Core Strategy.
- 10.2. Given the site location within the settlement boundary, its relationship with nearby uses and proximity to nearby properties, it is considered that the site could accommodate a dwelling which would complement the character and appearance of the area, would not impact on the setting of the nearby listed building and would not adversely impact on the amenity of the occupiers of surrounding dwellings. An



access could be provided which would not impact upon highway safety and the site would have sufficient off-street car parking. Drainage could be provided which would not create flooding risks. The proposed development is considered to be in accordance with Policies 7, 16 and 21 of the Core Strategy and DM1, DM7, DM10, DM11, DM12, DM17 and DM18 of the SADMP.

## **11. Recommendation**

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

- Planning conditions outlined at the end of this report.

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

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

**Reason:** To comply with the requirements of Section 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 access arrangements to and within the site for vehicles, cycles and pedestrians
- e) 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. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Site Location Plan received on 13 January 2017

**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.

4. Prior to commencement of development, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling 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 a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

5. 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 a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

6. Prior to commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To mitigate the traffic and amenity impacts of the development during construction in accordance with Policies DM10 and DM17 of the adopted Site Allocations and Development Management Policies DPD.

7. Prior to commencement of development, a drainage scheme for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme prior to first occupation of the dwelling hereby permitted.

**Reason:** To ensure adequate drainage in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

Planning Committee 28 March 2017  
Report of the Head of Planning and Development

Planning Ref: 16/01159/HOU  
Applicant: Mr Gary Henly  
Ward: Hinckley Clarendon

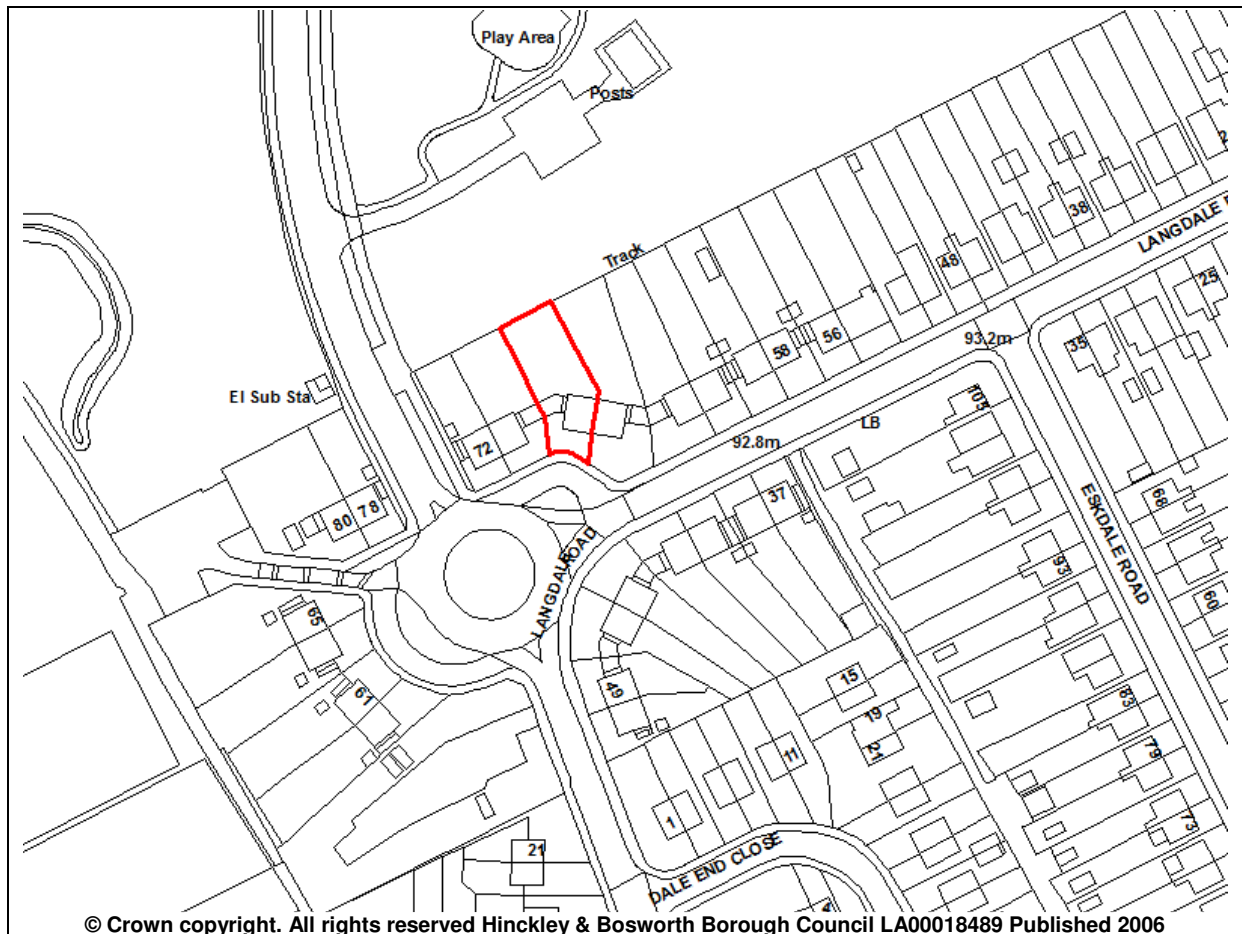


Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Site: 68 Langdale Road Hinckley

Proposal: Two storey side and single storey rear extension



## 1. Recommendations

### 1.1. Grant planning permission subject to:-

- Planning conditions outlined at the end of this report.

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

1.3. The application was deferred from the Committee of the 28 February as Members were 'minded to refuse' the application due to concerns the impact of the development would have on the character of the surrounding area.

1.4. In considering the application Officers have considered the impact of the development on the surrounding area. It is recognised that the dwelling could accommodate up to 6 people and that this is likely to increase the comings and goings at the property and increase the likelihood of additional vehicle journeys

however if up to 6 people are to reside in the property then this would not require planning permission and therefore a reason for refusal on this basis would be difficult to substantiate.

- 1.5. The extensions which are the subject of this application are subordinate to the existing dwelling and are in keeping with the surrounding area and would not adversely affect the amenities of adjoining residents and therefore are in accordance with Policy DM10 of the SADP.

## **2. Planning Application Description**

- 2.1. This application seeks full planning permission for a two storey side and single storey rear extension at 68 Langdale Road, Hinckley.
- 2.2. This would allow the property to be occupied as a house of multiple occupation and the agent has confirmed that this will be the case. Class L Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 allows the change of use from a dwellinghouse (class C3) to a house of multiple occupation (Class C4). Class C4 is defined as 'use of a dwellinghouse by not more than six residents as a 'house in multiple occupation'. The applicant has confirmed that the proposal will be in compliance with permitted development and therefore this application is for the extension to the property only and not for the change of use to a house of multiple occupation.

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

- 3.1. The application property is a two storey semi-detached dwelling located in a residential area adjacent to similarly designed two storey semi-detached properties. The application property is set on a curved lay-by, set off Langdale Road adjacent a roundabout.
- 3.2. Many of the semi-detached pairs are also linked by single storey elements to another semi-detached pair. To the front of site is a gravel parking area and to the rear of the site is a large playing field.

## **4. Relevant Planning History**

None

## **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. 12 letters of representation were received from seven different addresses raising the following concerns:-
  - 1) Impact upon parking
  - 2) Impact upon sewerage
  - 3) Inaccuracy of the plans
  - 4) Impact upon noise, light and privacy or adjoining neighbours
  - 5) Impact upon the character of the area and street scene
  - 6) Impact during construction
  - 7) The use of the property is out of character and potential anti-social behaviour
- 5.3. Since the application was previously reported to Committee a further five letters have been received raising the additional concerns:-
  - 1) Insufficient bin storage facilities
  - 2) A house with up to 12 people living in it is not in keeping with the character of the surrounding area which is family dwellings
  - 3) Problems with maintenance of walls do location of extensions in relation to the boundary walls

- 4) Plans are incorrect
- 5) The property is still a 3 bedroomed house not 5 bedroomed as stated in the report
- 6) Concerned about the party wall as outbuildings are adjoined

## **6. Consultation**

- 6.1. No comments received from West Clarendon Neighbourhood Forum.

## **7. Policy**

- 7.1. Core Strategy (2009)

- None relevant

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highway Safety
- 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
- 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 and that it is a material consideration in determining applications. The development plan in this instance consists of the Site Allocations and Development Management Policies (SADMP) DPD and the Core Strategy (2009).

- 8.3. Policy DM1 of the SADMP provides a presumption in favour of sustainable development. The policy sets out that those development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise.

- 8.4. The proposal is located within the settlement boundary for Hinckley, which is a sub regional centre and the principle of a house extension is considered acceptable, subject to all other material planning considerations being acceptable.

### Impact upon the character of the area

- 8.5. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It is contended that the development proposed by this application would meet the aims and requirements of the above for the reasons given below.

- 8.6. The application dwelling is a two storey semi-detached property located adjacent two storey semi-detached properties. The proposed two storey side extension would project approximately 2.9 metres from the existing side elevation, would be set back from the front elevation by approximately 1 metre and would be set level with the rear elevation of the existing property. The proposed extension would be set down from the existing ridge by approximately 0.35 metres and would be hipped, matching the existing hipped nature of the property. The proposed two storey side extension would be set approximately a minimum of 0.7 metres from the boundary of the site. The proposed materials for the extension would match that of the existing.
- 8.7. Due to the curved nature of the street scene, the set back and set down nature of the extension, the distance to the boundary and the matching roof and materials, the proposed two storey side extension would not have an adverse impact upon the character of the street scene or the character of the host dwelling.
- 8.8. In addition to the above, there is a matching two storey side extension located in the vicinity of the application site (no. 63 Langdale Road), with a similarly designed set down, set back and hipped nature.
- 8.9. The proposed single storey rear extension would project approximately 1.5 metres from the existing rear elevation of the property and would be set on the centre of the application site, not visible from the street scene. The proposed rear extension would match the existing style, design and materials of the existing rear extension and would therefore not impact upon the character of the host dwelling.
- 8.10. The parking spaces provided to the front of the site would not detract from the character of the area. To ensure there is no impact upon the street scene it is recommended to condition appropriate landscaping to the front of the site.
- 8.11. Overall the proposal is considered to complement the character of the existing dwelling and street scene in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.13. The proposed two storey side extension would be set off the boundary by approximately a minimum of 0.7 metres from the boundary with no. 70 Langdale Road, a two storey semi-detached property. Due to the curved nature of the street, no. 70 projects away from the application site and is therefore located approximately a distance of 5.5 metres from the boundary of the site. There are two windows located on the side elevation of no. 70, however one serves a non-habitable room and one is obscure glazed serving a bathroom. Further to this, the proposed two storey side extension projects away from no. 70 and would have a hipped roof. There is one window located on the front elevation of the ground floor side extension of no. 70, however the proposed extension would be set only slightly forward of this window and as such would have no adverse impact upon loss of light.
- 8.14. As a result of the distance to the neighbouring property, the proposed extension projecting away from the neighbouring property and the siting of the windows, there is not considered to be an adverse impact upon residential amenity in respect of loss of light or an overbearing effect.
- 8.15. There are no windows located on the side elevation of the proposed extension and as a result of the proposed extension projecting away from no. 70 there would be no impact upon loss of privacy.

- 8.16. The proposed rear extension as a result of its single storey nature and location in the centre of the site would not impact upon the residential amenity of any neighbouring properties.
- 8.17. It is therefore considered that due to the siting of the proposed extensions, there would be no adverse impact upon the residential amenity of any neighbouring properties and the proposal is considered to comply with Policy DM10 of the SADMP.

#### Impact upon Highway Safety

- 8.18. 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.
- 8.19. The proposal would result in a 6 bedroomed property. Leicestershire County Council's 6Cs Design Guide states that dwellings with four or more bedrooms should provide three off street parking spaces. There is a parking area located to the front of the site with the proposal providing provision for three off-street parking spaces. All three parking spaces would be of adequate size in accordance with Leicestershire County Council's 6Cs Design Guide.
- 8.20. Discussions have taken place with Leicestershire County Council Highways regarding the number of bedrooms and the provision of off street parking spaces. LCC Highways have confirmed that the proposal would be in accordance with their guidelines and the application would therefore not warrant refusal on highways grounds.
- 8.21. Further to this and to overcome concerns raised by neighbouring properties, a lay by is situated to the front of the site which would allow for further parking off the main road. In addition, on street parking is common within this area of Langdale Road and there is also a car park located to the rear of the application site.
- 8.22. It is therefore considered that due to the nature of the site and provision of off street parking and further parking in the vicinity it is considered that there would be no impact upon highway safety and the proposal would comply with Policy DM17 and DM18 of the SADMP.

#### Other issues

- 8.23. Concerns have arisen regarding the potential impact upon drainage of the property. However it is not anticipated that this minor extension would impact upon the existing drainage network.
- 8.24. Concerns have arisen regarding the use of the property, with 6 bedrooms provided and the impact this could have on the character of the area including potential anti-social behaviour. As discussed earlier, under permitted development rights, permission is not required to change a dwelling to a small (6 residents or under) house in multiple occupation (HMO). As this would only have 6 bedrooms, planning permission is not required to change this property into a small HMO. This application is therefore only for a two storey side and single storey rear extension and no consideration can be given for the use of the property. In addition to this, the applicant has a number of existing properties which are in use as a small HMO and there have been no issues or concerns that have arisen regarding these properties.
- 8.25. Concerns have arisen regarding potential impact during construction. It is not anticipated that there would be any impact upon neighbouring properties during construction due to the size of the extension and on site availability. Any access within neighbouring properties during construction is a civil matter between the parties and is not a material planning consideration.

8.26. Concerns have arisen regarding the accuracy of the plans, however the application is valid and the plans are accurate.

## **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 is located within the settlement boundary for Hinckley and there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.

10.2. The proposal would respect the scale and character of the existing dwelling and street scene, retain adequate private amenity within the curtilage and would not adversely affect the amenities of the occupiers of neighbouring properties. The application is considered to be in accordance with Policy DM1, DM10, DM17 and DM18 of the SADMP and is recommended for approval subject to conditions.

10.3. The application has previously been considered at 28 February planning committee. No changes have been sought as the extensions would not have an adverse impact upon the character of the host dwelling, street scene or the character of the area. The proposed two storey side and single storey rear extension would also have no adverse impact upon the residential amenity of any neighbouring properties.

10.4. Concerns that have arisen regarding the use of the property, with 6 bedrooms provided and the impact this could have on the residential amenity of neighbouring properties; however planning permission is not required to change a dwelling to a small (6 residents or under) house in multiple occupation (HMO).

10.5. The proposal would also have no adverse impact upon the provision of parking in accordance with Leicestershire County Council's 6Cs Design Guide. Therefore the proposal would be in accordance with Policy DM1, DM10, DM17 and DM18 of the SADMP and is 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 Head of Planning and Development 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 and A-A Section drg. no. 25706 (20) 002C (scale 1:50), Proposed Floor and Roof Plans drg. no. 25706 (20) 001D (scale 1:50), Proposed Roof Plan drg. no. 25706 (20) 102D (scale 1:100), Proposed Site Plan drg. no. 25706 (20) 101D (scale 1:100) and Proposed Block Plan drg. no. 25706 (20) 103A (scale 1:250) received by the Local Planning Authority on 6 February 2017.

**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 materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved Proposed Elevations and A-A Section drg. no. 25706 (20) 002C (scale 1:50).

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

4. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping works for the front of the site. All hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of a similar size and species.

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

5. Before first use of the development hereby permitted, parking facilities as shown on approved plan Proposed Block Plan drg. no. 25706 (20) 103A (scale 1:250) received by the Local Planning Authority on 06 February 2017 shall be provided and be made available for use within the site to allow the provision of three vehicles to park. The area so provided shall not be obstructed and shall thereafter be permanently so maintained at all times.

**Reason:** To enable vehicles to park within the application site to ensure the proposal does not lead to an increase in on-street parking in accordance with Policy DM17 and DM18 of the adopted 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.

Planning Committee 28 March 2017  
Report of the Head of Planning and Development



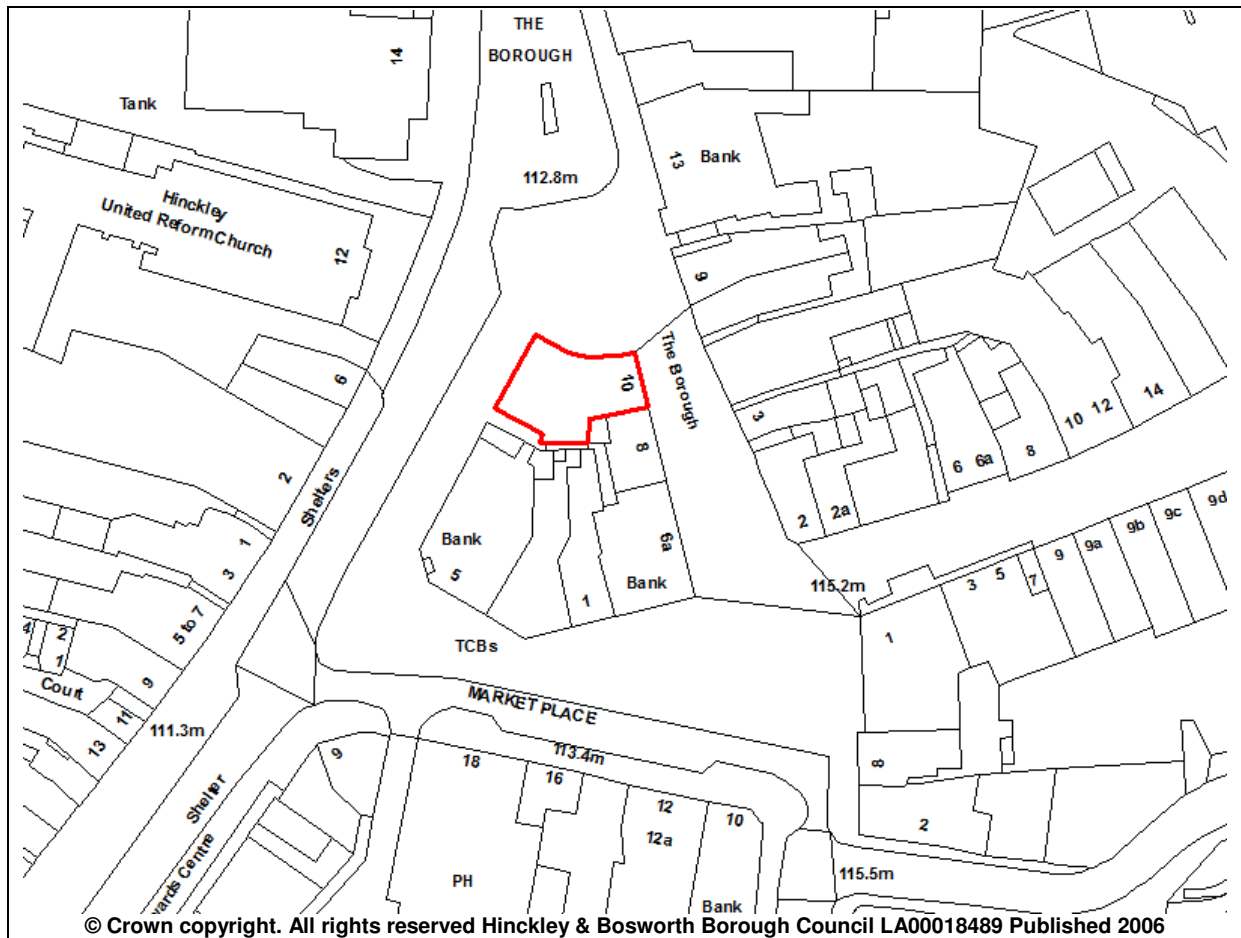
Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Planning Ref: 17/00080/FUL  
Applicant: Mr Arginda Singh  
Ward: Hinckley Castle

Site: 10 The Borough Hinckley

Proposal: Change of use from a betting shop (sui generis use) to a restaurant (A3 use) and 5 no. apartments



## 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 planning permission for the change of use from a betting shop to a restaurant on the ground floor with 5 one-bedroom flats on the first and second floors.
- 2.2. The application was originally submitted proposing 7 flats on the first and second floors. However, follows concerns raised by the case officer regarding amenity of the occupiers of the proposed residential units and the impact on the conservation

area resulting from the proposed bin storage provision and roof lights, revised plans have been submitted.

- 2.3. There are some external alterations proposed, these include the insertion of sky lights to the roof and the installation of a flue to serve the restaurant.

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

- 3.1. The application site is located within the town centre of Hinckley in an area designated as secondary shopping frontage in the Hinckley Town Centre Area Action Plan. The site is located within the Hinckley Town Centre Conservation Area. The site comprises a building on a corner plot with Regent Street to the west and The Borough to the east; which is a pedestrianised area. Within the vicinity of the site is a mix of uses that comprise primarily shops, banks and cafes. To the south west of the site along Market Place and Regent Street are several bars and pubs. There are several residential flats at first floor level along The Borough.
- 3.2. The building on the application site is currently vacant with the last use being a betting shop on the ground floor and office/storage at first floor level. The main entrance fronts onto an area of hard landscaping to the north west with a side access onto Regent Street. There is no existing car parking serving the building.
- 3.3. There is an extant planning permission, ref: 15/00630/FUL, for the change of use of the ground floor to a drinking establishment with 3 residential units above.

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

15/00630/FUL	Change of use of ground floor of building from a betting shop to a drinking establishment and 3 No. studio apartments at the first floor	Approved	23.09.2015
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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. No representations have been received

### **6. Consultation**

- 6.1. Leicestershire County Council (Highways) referred to their standing advice
- 6.2. Environmental Health (Drainage) has raised no objection
- 6.3. Waste Services commented that if bin storage is within the alleyway then it should be screened to avoid contamination
- 6.4. Conservation Officer has no objection subject to conditions

### **7. Policy**

- 7.1. Core Strategy (2009)
- Policy 1: Development in Hinckley
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM10: Development and Design
  - Policy DM11: Protecting and Enhancing the Historic Environment
  - Policy DM12: Heritage Assets
  - Policy DM18: Vehicle Parking Standards

- 7.3. Hinckley Town Centre Area Action Plan
  - Policy 13: Hinckley Town Centre Shopping Areas
- 7.4. 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 conservation area
- Amenity of future occupiers
- Impact upon neighbouring residential amenity
- Car parking provision
- Other matters

#### Assessment against strategic planning policies

- 8.2. There are two principal considerations to be considered: the change of use of the ground floor of the building and whether residential development above is acceptable.
- 8.3. Policy 13 of the Hinckley Town Centre Area Action Plan (AAP) states that the ground floor development along primary shopping frontages will be restricted primarily to A1 uses to protect the vitality and retail integrity of the town centre's retail core. In the rest of the Town Centre Area a mix of A1-5 and D2 uses will be acceptable. Policy DM22 of the SADMP states that to ensure the vitality and viability of district centres, the change of use from A1 or A2 retail or loss of A1 or A2 retail uses within district centres will only be permitted where the proposal would not result in an over proliferation of any one use type in the centre other than A1 retail.
- 8.4. At present, the application site is vacant and has been since March 2009. The last use of the building was as a betting shop which is now classified as a Sui Generis use. Betting shops were formerly classified as A2 uses when the change of use from the bank took place. However, the classification has subsequently changed and therefore the change of use would not result in the loss of an A2 use but a Sui Generis use.
- 8.5. Restaurants are an A3 use class and therefore supported by Policy 13 of the AAP. There is a mix of uses within the vicinity of the application site including some cafes which also have an A3 use. However, the change of use to a restaurant would not lead to an over proliferation of A3 uses in the centre.
- 8.6. It is considered that the change of use of the ground floor of the building to a restaurant use is acceptable in principle in accordance with Policies 13 of the AAP and DM22 of the SADMP.
- 8.7. Hinckley is a sub-regional centre which is a sustainable location for new residential development. Policy 1 of the Core Strategy supports new residential development in Hinckley. Policy DM22 of the SADMP states that the use of upper floors of retail premises (A1-A5) within the district, local and neighbourhood centres, for residential use, will be supported where they accord with other policies in the Local Plan. Policy DM22 reiterates the aims of paragraph 23 of the NPPF which notes that Local Planning Authorities should recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites.

- 8.8. The application site is located within the settlement boundary of Hinckley and within the town centre as defined by the AAP map. The site has easy access to a range of services, facilities, employment and modes of sustainable transport. It is therefore considered the application site is located within a sustainable location.
- 8.9. The building has an extant planning permission for change of use to a drinking establishment (A4) at ground floor with the conversion of the upper floors to three residential units. This permission can still be implemented, therefore is considered to be the fall back position for the application site. This proposal seeks a net increase of two residential flats over and above what has been previously approved. Furthermore the previous application granted permission for A4 use (drinking establishments). The proposed residential units would now be located above an A3 (restaurant and café use). It is considered that residential development is acceptable in principle in accordance with Policies 1 of the Core Strategy and DM22 of the SADMP.
- 8.10. The proposed change of use to a restaurant with residential units above is considered to be acceptable in accordance with Policies 1 of the Core Strategy, 13 of the AAP and DM22 of the SADMP, subject to satisfying all other relevant policies and material planning considerations.

Impact upon the character of the conservation area

- 8.11. 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 1 of the Core Strategy expects development to respect Hinckley's industrial heritage through sympathetic reuse of existing buildings unless it can be demonstrated that this is not achievable. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced. 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.
- 8.12. No.10 The Borough is an important local building within the Hinckley Town Centre Conservation Area. It is a prominent landmark building of considerable aesthetic and architectural value that contributes positively to the character and appearance and thus significance of the conservation area.
- 8.13. The proposal seeks to convert the building with a restaurant on the ground floor and five apartments over the first floor and within the existing roof space. The alterations to the external appearance of the building are the insertion of sky lights to the roof and the installation of a flue to serve the restaurant. The application also proposes bin storage.
- 8.14. Initially it was proposed to insert roof lights within the roof slopes fronting onto The Borough and Regent Street and bin storage was proposed in the alleyway fronting onto Regent Street. Following concerns raised by the case officer amended plans were submitted. It is proposed to insert skylights on the flat sections of the existing roof rather than on the roof slopes to retain their important aesthetic appearance. The roof lights will therefore not be visible to the wider conservation area.
- 8.15. The flue serving the kitchen of the restaurant would be located within the internal servicing area of the building where it would not be visible from The Borough or Regent Street.
- 8.16. The location of the bin storage area has now been amended in order to reduce the visual impact on the conservation area. The storage area is now proposed to be

located within the internal servicing area as opposed to the alleyway where it would be highly visible within the conservation area setting. The maximum depth of the required bins is 78cm and therefore it is possible to fit the bins through the doors. As the bins are to be located in the service area and pulled to kerbside on collection days, there is no requirement to screen the alleyway from view. It is considered there would be no detrimental impact on the external appearance of the building or wider conservation area.

- 8.17. The submitted plans also state that the existing steel frame within the roof space is to be removed and replaced with a new system to allow for the apartment layouts. These works would likely require temporary removal and replacement of the existing roof. In order to ensure that the current appearance of the roof is retained a Construction Method Statement should be secured by way of a planning condition prior to commencement of development.
- 8.18. Having paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in accordance with the requirements of section 72 Planning (Listed Building and Conservation Areas) Act 1990 it is concluded that the proposed development would not impact on the special character and significance of the conservation area and would sympathetically reuse the existing building. The proposal is considered to be in accordance with Policy 1 of the Core Strategy and Policies DM10, DM11 and DM12 of the SADMP.

#### Amenity of future occupiers

- 8.19. Policy DM10 of the SADMP seeks to ensure that the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site. Paragraph 17 of the NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.20. The proposed units have a floorspace consistent with other flats in the surrounding area. The floorspace proposed are as follows:
- Apartment 1 – 30 sq m
  - Apartment 2 – 41 sq m
  - Apartment 3 – 39 sq m
  - Apartment 4 – 44 sq m
  - Apartment 5 – 50 sq m
- 8.21. Apartments 4 and 5 are located on the proposed second floor and are required to be larger due to the pitch of the roof making some areas close to the external elevations unusable. The floorspace proposed for the units is considered sufficient to provide space to meet modern living standards. The first floor units would be served by the windows in the elevations at first floor level and the second floor units served by sky lights and the kitchen/living area for apartment 5 would have windows facing into the service area to the rear of the building. Apartment 4's kitchen/living area would only be served by a skylight but this is considered to provide sufficient outlook to avoid an unacceptable sense of enclosure. The use of sky lights in the second floor would not cause an issue with building regulations and fire escape as the stair case would be required to be a protected route.
- 8.22. It is considered, on balance, that the proposed units would provide a reasonable level of amenity for future occupiers in accordance with Policy DM10 of the SADMP and paragraph 17 of the NPPF.

#### Impact upon neighbouring residential amenity

- 8.23. Policy DM10 of the SADMP seeks to ensure that development does 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.

- 8.24. Consideration of the noise impacts resulting from the restaurant are required for the existing residential properties at first floor level in close proximity to the site and the impact on the proposed residential units on the first and second floors.
- 8.25. A noise report has been submitted with the application. The noise report has the same information as for the previous application and makes references to the approved drinking establishment use. However, it is considered the noise report adequately assesses the existing background noise levels and makes recommendations based on future noise levels not exceeding the existing levels. The report concludes that a reasonable level of amenity could be achieved for the residential units proposed on the first and second floors and the development would not have an adverse impact on the occupiers of residential properties in the vicinity of the site. The report makes various recommendations of how noise mitigation can be achieved. Mitigation methods are to be secured by condition.
- 8.26. Following concerns raised by the case officer over the potential visual and noise impact of the flue, revised details of the siting were submitted. The flue is now proposed in an existing service area to the rear of the building. Although the flue noise levels have not been assessed, due to the location of the flue being at some distance from habitable rooms serving the proposed residential flats it is accepted by Environmental Health Officers that the flue could be provided without adversely affecting residential amenity, subject to detailed mitigation which will be secured by condition.
- 8.27. Environmental Health (Pollution) has raised no objection subject to conditions. The conditions require an updated noise report including the noise implications of the flue and the final design of the noise mitigation. Additionally, a condition is required to ensure the kitchen ventilation system is submitted and agreed to ensure it is compliant with the DEFRA document: Guidance on the control of odour and noise from commercial kitchen exhaust to ensure air quality.
- 8.28. The previous planning permission for a change of use to a drinking establishment had opening times restricted through a planning condition to 09:00 to 22:30 Monday to Sunday. The applicant has agreed the opening times of the restaurant to be restricted to 11:00 to 22:30 Monday to Saturday and 11:00 to 21:30 on Sundays. Opening times will be secured by condition.
- 8.29. It is likely there would be some level of noise and disturbance to neighbouring properties as a result of pedestrians moving to and from the restaurant. However, taking into account the location within the town centre, it is expected there would be some level of noise and disturbance as existing and therefore the additional noise and disturbance would not be considered sufficient to have a significant adverse impact on neighbouring amenity.
- 8.30. It is considered that the development would not have a significant adverse impact on neighbouring amenity; the residential units would have a reasonable level of amenity and would not be adversely impacted by activities within and in the vicinity of the site. The proposed development is considered to be in accordance with Policy DM10 of the SADMP.

#### Car parking provision

- 8.31. Policy DM18 of the SADMP states that all proposals for new development will be required to provide an appropriate level of car parking provision justified by an assessment of the site location, type of housing, other modes of transport available and appropriate design. Developments within Hinckley town centre should



demonstrate that they would not exacerbate existing problems in the vicinity with increased on-street parking.

- 8.32. The building is not currently served by any car parking. The application site is located within the town centre with easy access to facilities, services, employment and modes of public transport. Whilst in most circumstances it would be required that developments provide some level of on-site car parking provision, the proposed development is for the conversion of the existing building with no associated land and there is no potential for the provision of additional car parking. Furthermore there is an extant planning permission which was granted in 2015 for a similar scheme, albeit with two fewer residential units which did not require parking provision.
- 8.33. Leicestershire County Council (Highways) has been consulted on the application and commented that although the proposals do not include any vehicle parking; the local area is fully constrained with parking restrictions already and therefore no harm could be caused to the surrounding highway by residents wishing to park outside their apartments. The development would provide five one-bedroom units for rent which would be advertised as having no parking. Should the occupiers of the units require car parking they will have the option to use the local public car parks. However, it is anticipated the occupiers of these town centre units would be reliant on public transport in most instances. Bus and train stations are within easy walking distance of the application site.
- 8.34. In this instance, taking into account the site location being highly sustainable, the type of housing, availability of other modes of transport in close proximity to the site and lack of possibility of providing any car parking, the proposed development is considered acceptable in accordance with Policy DM18 of the SADMP.

#### Other matters

- 8.35. A viability statement has been submitted with the application identifying that the previous permission for change of use to a drinking establishment and 3 residential units of accommodation above is not viable. The statement highlights the overall construction costs and potential returns but with no details or evidence provided and the cost of purchasing the building has not been provided. For a viability assessment to be given weight in the determination of an application its needs to be detailed and independently reviewed as part of the application assessment. As the statement does not contain sufficient detail and has not been independently assessed, it is given no weight 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 proposed change of use to a restaurant with residential units above is considered to be acceptable in accordance with Policies 1 of the Core Strategy, 13 of the AAP and DM22 of the SADMP, subject to satisfying all other relevant policies and material planning considerations.
- 10.2. The proposed development would not impact on the special historic character of the Hinckley Town Conservation Area. It is therefore considered the significance of the conservation area would be preserved. Subject to mitigation, the development would not have a significant adverse impact on neighbouring amenity; the residential units would have a reasonable level of amenity and would not be adversely impacted by activities within and in the vicinity of the site. Taking into account the site location, type of housing, other modes of transport and lack of possibility of providing any car parking due to the conversion, the lack of car parking is acceptable. The proposed development is considered to be in accordance with Policies 1 of the Core Strategy, Policy 13 of the AAP and Policies DM1, DM10, DM11, DM12, DM18 and DM22 of the SADMP.

## 11. Recommendation

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

- Planning conditions outlined at the end of this report.

### 11.2. Conditions and Reasons

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, details and materials:

DSA-15056-PL-PRO-01-J - Proposed plans received on 6 March 2017

**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. Notwithstanding the recommendations in the document entitled 'Acoustic report in respect of the proposed re-development of the former banking hall at 10 The Borough' carried out by Sanctuary Acoustics and dated August 2015, development shall not commence until a scheme for protecting the proposed dwellings and the amenity of the area from noise from the proposed commercial premises has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to first occupation of any of the dwellings hereby permitted.

**Reason:** To ensure there is no adverse impact on neighbouring residential amenity and to ensure a good level of amenity for future occupiers of the residential units hereby permitted in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

4. No development shall take place until a scheme for ventilation of the commercial and residential units, which shall include installation method, maintenance and management has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented

in accordance with the agreed details prior to any of the uses hereby permitted being brought into first use and shall be maintained as such thereafter.

**Reason:** To ensure there is no adverse impact on neighbouring residential amenity and to ensure a good level of amenity for future occupiers of the residential units hereby permitted in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

5. Prior to commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include all the physical works required to implement the permission. All works shall be carried out in accordance with the approved statement.

**Reason:** To ensure the development does not have an adverse impact on the conservation area in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD.

6. The ground floor use shall not be open for customers outside the following hours:

11:00 - 22:30 Monday to Saturday

11:00 - 21:30 Sunday and bank holidays

**Reason:** To ensure there is no adverse impact on neighbouring residential amenity and to ensure a good level of amenity for future occupiers of the residential units hereby permitted in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

7. Prior to the first occupation of the first residential unit, the bin store indicated on drawing number DSA-15056-PL-PRO-01-J - Proposed plans (received on 06/03/2017), shall be laid out in full and remain accessible and available at all times to all residents and occupiers of the development hereby approved.

**Reason:** To ensure there is no adverse impact on neighbouring residential amenity and to ensure a good level of amenity for future occupiers of the residential units hereby permitted in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

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## PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 17.03.17

**WR - WRITTEN REPRESENTATIONS**

**IH - INFORMAL HEARING**

**PI - PUBLIC INQUIRY**

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
	CA	16/00973/HOU (PINS Ref 3171542)	WR	Mr P Lee Hideaway Witherley Atherstone	Hideaway 4B Hunt Lane Witherley (Erection of a single storey link between the garage and the dwelling)	Awaiting Start Date	
		16/01033/HOU (PINS Ref 3171481)	WR	Mr Manjit Singh 8 Drovers Way Desford	8 Drovers Way Desford (Single storey rear extension)	Awaiting Start Date	
	CA	16/00592/OUT (PINS Ref 3169951)	WR	Mr William Richardson 295 Main Street Stanton Under Bardon LE67 9TQ	Land Adjacent To 5 Thornton Lane Stanton Under Bardon (Erection of up to 2 dwellings (outline - access only))	Awaiting Start Date	
17/00003/PP	RWR	16/00883/COU (PINS Ref 3167902)	WR	Mr Daemon Johnson 14 Landseer Drive Hinckley	23C Wood Street Hinckley (Change of use to dog day care and dog grooming centre (retrospective))	Start Date Letter Statement of Case Final Comments	15.02.17 22.03.17 05.04.17
	JB	16/00674/OUT (PINS Ref 3167591)	WR	Mr & Mrs Payne Robert and Linda Oak Farm Lycheigate Lane Aston Flamville Hinckley	Oak Farm Lychgate Lane Burbage (Erection of one dwelling (outline - access, layout and scale))	Awaiting Start Date	
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 Awaiting Decision	05.01.17

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 Awaiting Decision	21.12.16
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 Awaiting Decision	16.11.16
16/00003/CLD	CA	15/00933/CLUE (PINS Ref 3143504)	PI	Mr Arthur McDonagh	Land To The North Of Newton Linford Lane Newtown Linford Lane Groby (Application for a Certificate of Lawful Existing Use for a dwelling)	Start Date 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

**Decisions Received**

Rolling 1 April 2016 - 10 March 2017

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))	<b>DISMISSED</b>	<b>01.03.17</b>
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)	<b>DISMISSED</b>	<b>03.03.17</b>

**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	6	24	0	2	3	0	21	3	0	3	0	0	0

**Enforcement Appeal Decisions**

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
4	2	2		

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