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Hinckley & Bosworth
Borough Council

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

Date: 12 June 2017

To: Members of the Planning Committee

Mr R Ward (Chairman)
Mr PS Bessant
Mr CW Boothby
Mrs MA Cook
Mrs GAW Cope
Mr WJ Crooks
Mrs L Hodgkins
Mr E Hollick
Mrs J Kirby

Mr C Ladkin
Mr RB Roberts
Mrs H Smith
Mrs MJ Surtees
Mr BE Sutton
Miss DM Taylor
Ms BM Witherford
Ms AV Wright

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, 20 JUNE 2017** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

Rebecca Owen
Democratic Services Officer

PLANNING COMMITTEE - 20 JUNE 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 25 April 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. 17/00271/FUL - BEECHWOOD FARM, ASHBY ROAD, STAPLETON (Pages 5 - 12)
Application for widened vehicular access and new driveway.
8. 17/00295/HOU - JASMINE, RATBY LANE, MARKFIELD (Pages 13 - 18)
Application for wood store to the rear of garage and reduction in the size of garage.
9. 17/00278/DEEM - MILLFIELD DAY CENTRE, FREDERICK AVENUE, HINCKLEY (Pages 19 - 34)
Application for residential development of up to 23 dwellings (outline – access only)
10. 17/00340/FUL - LAND NORTH OF DORMER HOUSE, TWYCROSS ROAD, SHEEPY MAGNA (Pages 35 - 44)
Application for construction of 3 detached dwellings.
11. 17/00049/FUL - LAND OPPOSITE THORNTON NURSERIES, RESERVOIR ROAD, THORNTON (Pages 45 - 50)
Application for creation of an agricultural access.
12. 16/01019/CLUE - THORNTON STABLES, RESERVOIR ROAD, THORNTON (Pages 51 - 56)
Application for certificate of (existing) lawful development for the use of a mobile home/caravan as permanent living accommodation.
13. APPEALS PROGRESS (Pages 57 - 60)
To update members on progress of appeals.

14. ENFORCEMENT UPDATE (Pages 61 - 68)

To update members on enforcement cases.

15. MAJOR PROJECTS UPDATE (Pages 69 - 72)

To update members on major projects.

16. 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

25 APRIL 2017 AT 6.30 PM

PRESENT: Mr R Ward - Chairman
Mr BE Sutton – Vice-Chairman
Mr CW Boothby (for Mr LJP O'Shea), Mrs MA Cook, Mrs GAW Cope, Mrs L Hodgkins,
Mr E Hollick, Mrs J Kirby, Mr C Ladkin, Mr RB Roberts, Mrs MJ Surtees and
Ms BM Witherford

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

Officers in attendance: Mary-Ann Jones, Rebecca Owen, Michael Rice and Nicola Smith

450 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Crooks, O'Shea, Taylor and Wright with the substitution of Councillor Boothby for Councillor O'Shea authorised in accordance with council procedure rule 4.

451 MINUTES

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

RESOLVED – the minutes of the meeting held on 28 March 2017 be confirmed and signed by the chairman.

452 DECLARATIONS OF INTEREST

No interests were declared at this stage.

453 DECISIONS DELEGATED AT PREVIOUS MEETING

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

454 16/01164/FUL - KINGSCLIFFE, 48 BARTON ROAD, MARKET BOSWORTH

Application for construction of a new dwelling.

Notwithstanding the officer's recommendation that permission be granted, some members felt that the proposed development would have a detrimental impact on the streetscene and character of the area. It was moved by Councillor Cook and seconded by Councillor Boothby that the application be refused on these grounds. Upon being put to the vote, the motion was LOST.

Councillor Sutton, seconded by Councillor Hodgkins, proposed that the application be approved subject to the conditions outlined in the officer's report. Upon being put to the vote, the motion was CARRIED and it was

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

455 16/01163/HOU - KINGSCLIFFE, 48 BARTON ROAD, MARKET BOSWORTH

Application for part demolition of existing dwelling and garage and erection of new garage.

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

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

456 17/00141/FUL - WOODLANDS, THORNTON LANE, MARKFIELD

Application for erection of two detached dwellings.

Councillor Ladkin moved that the application be refused for the reasons contained in the officer's report. In the absence of a seconder, the motion was not put.

Some members felt that the proposed development would not be unsustainable nor would it have an urbanising and adverse impact on the visual appearance and rural character of the countryside. It was moved by Councillor Boothby and seconded by Councillor Roberts that the application be approved for these reasons. Upon being put to the vote, the motion was LOST.

It was moved by Councillor Ladkin and seconded by Councillor Hodgkins that the application be refused for the reasons contained in the officer's report. Upon being put to the vote, the motion was CARRIED and it was

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

457 16/01058/CONDIT - LAND OFF HINCKLEY ROAD, STOKE GOLDING

This report was withdrawn from the agenda.

458 17/00130/FUL - LAND OFF HINCKLEY ROAD, STOKE GOLDING

This report was withdrawn from the agenda.

459 17/00053/HOU - 26 SYCAMORE CLOSE, BURBAGE

Application for single storey rear extension.

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

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

460 APPEALS PROGRESS

The committee was updated on progress in relation to various appeals. It was moved by Councillor Boothby, seconded by Councillor Roberts and

RESOLVED – the report be noted.

(The Meeting closed at 8.01 pm)

CHAIRMAN

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Planning Committee 20 June 2017
Report of the Head of Planning and Development

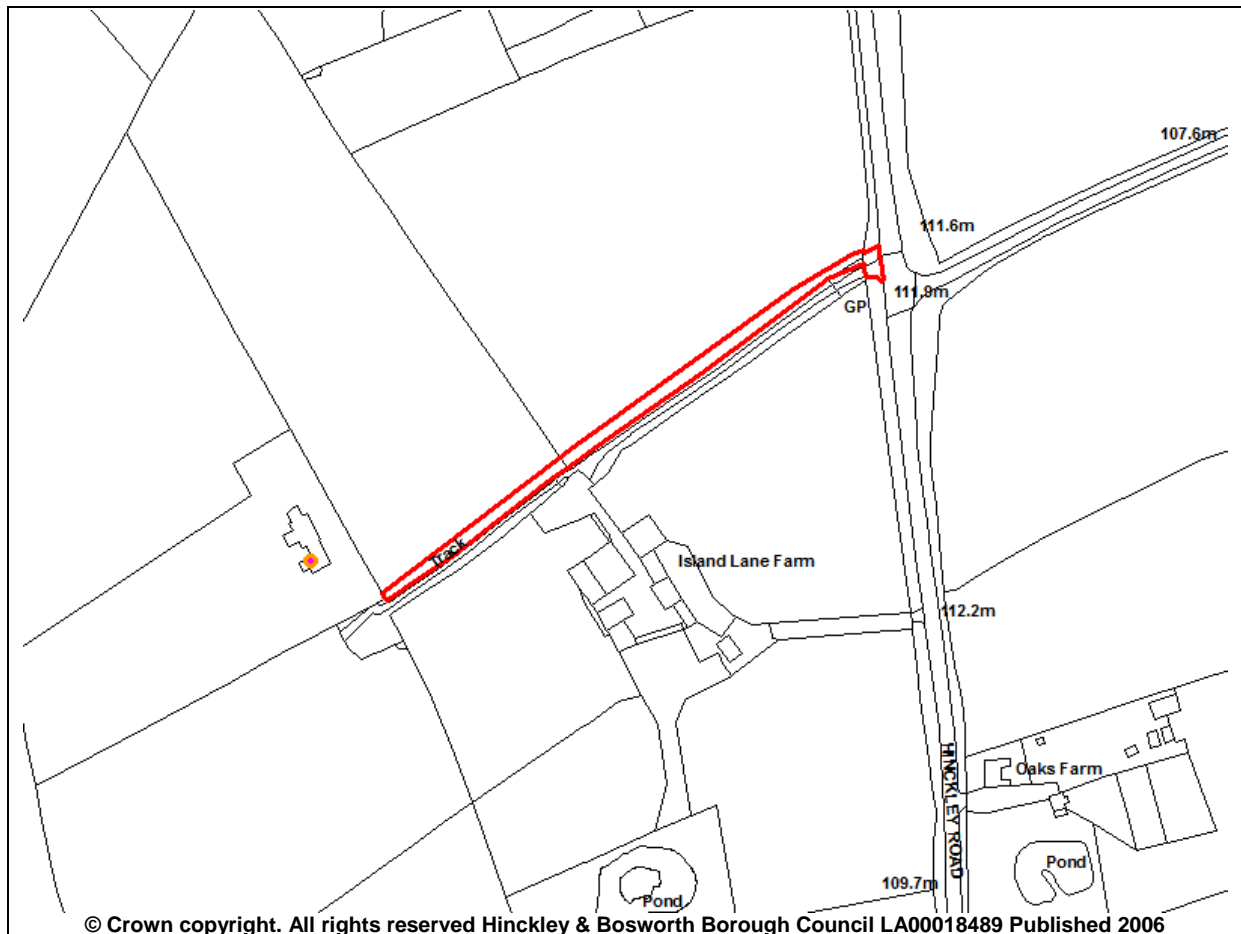


Hinckley & Bosworth
Borough Council

Planning Ref: 17/00271/FUL
Applicant: Mr James Whitby
Ward: Newbold Verdon With Desford & Peckleton

Site: Beechwood Farm Ashby Road Stapleton

Proposal: Widened vehicular access and new driveway



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.
- That the Head of Planning and Development be given delegated powers to grant planning permission subject to no further letters of objection raising new and significant material planning objections being received prior to the expiry of the public consultation period ending on 28 June 2017.

2. Planning Application Description

- 2.1. The application site is located within Beechwood Farm which is located to the west of the A447. The proposal is to create a widened vehicular access and new driveway from the A447 to Beechwood Farm. During the application process, a new

red line plan has been submitted which changes the application site boundary. The new red line plan (as shown above) incorporates the entirety of the existing access which is to be widened.

- 2.2. The new driveway would be approximately 255m in length and would extend from the dwelling across what is currently agricultural land parallel to the existing private access road which serves both Beechwood Farm and Island Lane Farm. The proposed driveway would be approximately 4.25m wide for a distance of 20m back from the highway boundary and then would narrow to 2.75m with passing places. The driveway will be separated by hedgerow from the existing private access road and it is proposed that a new hedgerow is also planted along the north side of the new driveway to separate it from the remainder of the field. It is proposed to widen the existing access at the A447 to allow it to serve the existing access road and the proposed new driveway, leading to Beechwood farm.
- 2.3. This application follows the refusal of a previous planning application (16/00904/COU) which had a design that was deemed to be such that it created an entirely new access onto the A447. The formation of an entirely new access would have an adverse impact on highway safety.

3. Description of the Site and Surrounding Area

- 3.1. Beechwood Farm is a detached residential property surrounded by open agricultural land. Island Lane Farm, with which it currently shares an access road, is located approximately 145m to the south east. Greenacres Garden Centre is approximately 300m to the north east and Woodlands Garden Centre is approximately 380m to the south east. The T-junction of the A447 and Bosworth Road is on the opposite (east) side of the A447 approximately 14m to the south of the existing access.
- 3.2. There is a bridleway on the existing access road running between the A447 and Island Lane Farm. A public footpath then runs to the west and the proposed new access road would cross this footpath.

4. Relevant Planning History

13/00567/FUL	Erection of new dwelling, demolition of existing outbuildings and conversion of existing dwelling into garage and workshop ancillary to new dwelling	Granted	03.09.2013
14/01126/FUL	Demolition of existing buildings on site and erection of a dwelling	Granted	07.01.2015
16/00904/COU	Change of use to residential and increase in width of vehicular access onto A447	Refused	28.11.2016

5. Publicity

- 5.1. The application was publicised by sending letters to local residents surrounding the site. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. The application red line boundary was been altered to incorporate the existing access. Following receipt of revised plans a second round of consultation was undertaken. All consultations were undertaken again to ensure this change is publicised correctly.
- 5.3. Seven representations of objection have been received, the objections are summarised below:
- 1) Harmful impact on Highway Safety in an area that is understood to be hazardous
 - 2) In conflict with 6c's Design Guide
 - 3) In conflict with the Design Manual for Roads and Bridges
 - 4) In conflict with previous decision
 - 5) In conflict with paragraph 32 of the NPPF as the residual cumulative impact of development is severe
 - 6) Description does not accurately reflect the development as proposed
 - 7) Visual Amenity and harm to countryside
 - 8) Development will see encroachment on neighbouring land
- 5.4. Seven letters in support of the proposal have been received. These are summarised below;
- 1) Will improve traffic flow and Highway safety as it would remove the risk of vehicles waiting on the A447
 - 2) Existing access track surface is inadequate for regular vehicular movement
 - 3) New hedgerow will enhance the wider area

6. Consultation

- 6.1. No objections have been received from:
- LCC Public Rights of Way
LCC Ecology Unit
- 6.2. No response has been received from:
- Peckleton Parish Council
Ramblers Association
- 6.3. LCC Highways – support the proposal subject to conditions. A revised response is awaited due to the re-consultation. Highway observations will be reported in the late items at planning committee.

7. Policy

- 7.1. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
- 7.2. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

8.2. There is a presumption in favour of sustainable development provided in the NPPF and Policy DM1 of the SADMP. Whilst there is a presumption in favour of sustainable development under Policy DM1, development in the countryside must be in accordance with Policy DM4 in order to be considered to be sustainable.

8.3. The site lies outside of the settlement boundary of Stapleton, as defined on the Policies map of the adopted SADMP and is therefore within open countryside. In this instance, Policy DM4 sets out the criteria for what is considered to be sustainable development in the countryside.

Impact upon the character of the area

8.4. Policy DM4 of the SADMP states that development in the countryside will first and foremost be safeguarded from unsustainable development to protect its intrinsic value, beauty, open character and landscape character. Policy DM4 directs the type of development which is considered acceptable within the countryside;

- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
- e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.

and:

- i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
- ii) It does not undermine the physical and perceived separation and open character between settlements; and
- iii) It does not create or exacerbate ribbon development;
- iv) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
- v) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21

- 8.5. Whilst this proposal does not specifically fall within any of the categories (a –e) of development deemed acceptable within Policy DM4, it is considered that the proposed new access road; which would sit parallel with the existing access road; effectively having the appearance of a single widened access road. The road would be screened by both the existing hedgerow and additional hedgerow therefore it is considered it would not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, furthermore, the proposal does not undermine the physical and perceived separation and open character between settlements - specifically criteria i) and ii). On this basis and on balance, it is considered the proposal is acceptable and accords with Policy DM4 of the SADMP.
- 8.6. The new access road and hedging was deemed to be in accordance with DM4 when assessed in the previous application (16/00904/COU).
- 8.7. Policy DM10 requires that new development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. The proposed access road would be constructed of type 1 rolled stone and gravel and this would give it a similar appearance to the existing access road. It is considered therefore that the proposal is in accordance with Policy DM4 and DM10.

Impact upon neighbouring residential amenity

- 8.8. Policy DM10 of the SADMP requires that new development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. The proposed development is considered to be in accordance with this part of Policy DM10 as it would divert vehicular traffic for Beechwood Farm away from Island Lane Farm and there would be no loss of privacy or amenity for the occupants of Island Lane Farm.

Impact upon Highway Safety

- 8.9. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.10. This application seeks the widening of the existing vehicular access and construction of a new, separated driveway leading to Beechwood Farm. Visibility splays would be achieved in both directions which are considered sufficient for the applicable speed limit. The provision of two access roads adjacent to each other is also deemed to lessen the risk associated with two vehicles having to pass along the existing single track access road. The access geometry from the highway boundary up to the Beechwood Farm, which will be 4.25m for 20m back from the highway boundary and then narrowing to 2.75m is also in conformity with the 6Cs Design Guide.
- 8.11. The Local Highways Authority comments are awaited on the basis on the revised location plan and second round of consultation. Comments have been received in the first round of consultations and stated that highway officers were satisfied there will be no intensification of use of the access as part of the proposals, as the existing users of the access will not change. Moreover, the Highways Authority has not found any evidence of a history of road traffic accidents relating to this access based on a review of the last 5 years of personal collision data.

- 8.12. It is considered that the proposed widening of the access and new driveway would not have an adverse impact on highway safety. The Local Highway Authority advice is that, in its view the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the conditions as outlined at the end of this report. It is therefore considered that the proposed development is in accordance with Policies DM17 of the SADMP.

Other issues

- 8.13. The following of objection has not been considered as part of this application:

- 1) Development will see encroachment on neighbouring land.

This concern has not been considered as it is a civil matter and not a material planning consideration.

9. Equality Implications

- 9.1. Where No Known Implications Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The proposed development would respect the character of the wider area and would not adversely affect the amenities of the occupiers of neighbouring properties or have an adverse impact on highway safety. The application is considered to be in accordance with Policies DM1, DM4, DM10 and DM17 of the SADMP and is therefore recommended for approval subject to conditions.

11. Recommendation

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

- Planning conditions outlined at the end of this report.
- Subject to no further representations being received raising additional material planning considerations which would warrant the reconsideration of the application by the Committee.

- 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: Site Plan as Proposed, Dwg No. 1599 – 003 Rev D, Preferred Access Agreement, Dwg. No. F16054/03 Rev C received by the Local Planning Authority on 18 May 2017.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1, DM10 and DM17 of the adopted Site Allocations and Development Management Policies DPD.

3. The Public Right of Way footpath, T67, should be provided with a gate and waymark post compliant with the LCC standard drawings FP11_REV_A and FP6_REV_A at the point where it leaves the driveway.

Reason: To provide access to the public footpath and mark the new crossing point clearly.

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

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

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

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.

6. No development shall commence unless and until a comprehensive landscaping scheme for the hedging (indicated on drawing number F16054/03 REV C) has been submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place at all times. The approved landscaping scheme shall be implemented no later than the first planting season following first use of the development. If within a period of 5 years from the date of planting, any hedgerow is removed, uprooted, destroyed or dies, (or becomes in the opinion of the LPA seriously damaged or defective), another hedgerow of the same species and size originally planted shall be planted at the same place.

Reason: To ensure the proper development of the site and in the interest of visual amenity in accordance with Policy DM10 of the SADMP.

11.4 Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' - <http://resources.leicestershire.gov.uk/environment-and-planning/planning/the-6cs-design-guide>.
3. A public footpath crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council. Any footpath furniture that requires relocation, alteration, or any new stiles/gates/crossings that are required shall be carried out entirely at the expense of the applicant, who shall first obtain separate consent from Leicestershire County Council.

Planning Committee 20 June 2017
Report of the Head of Planning and Development

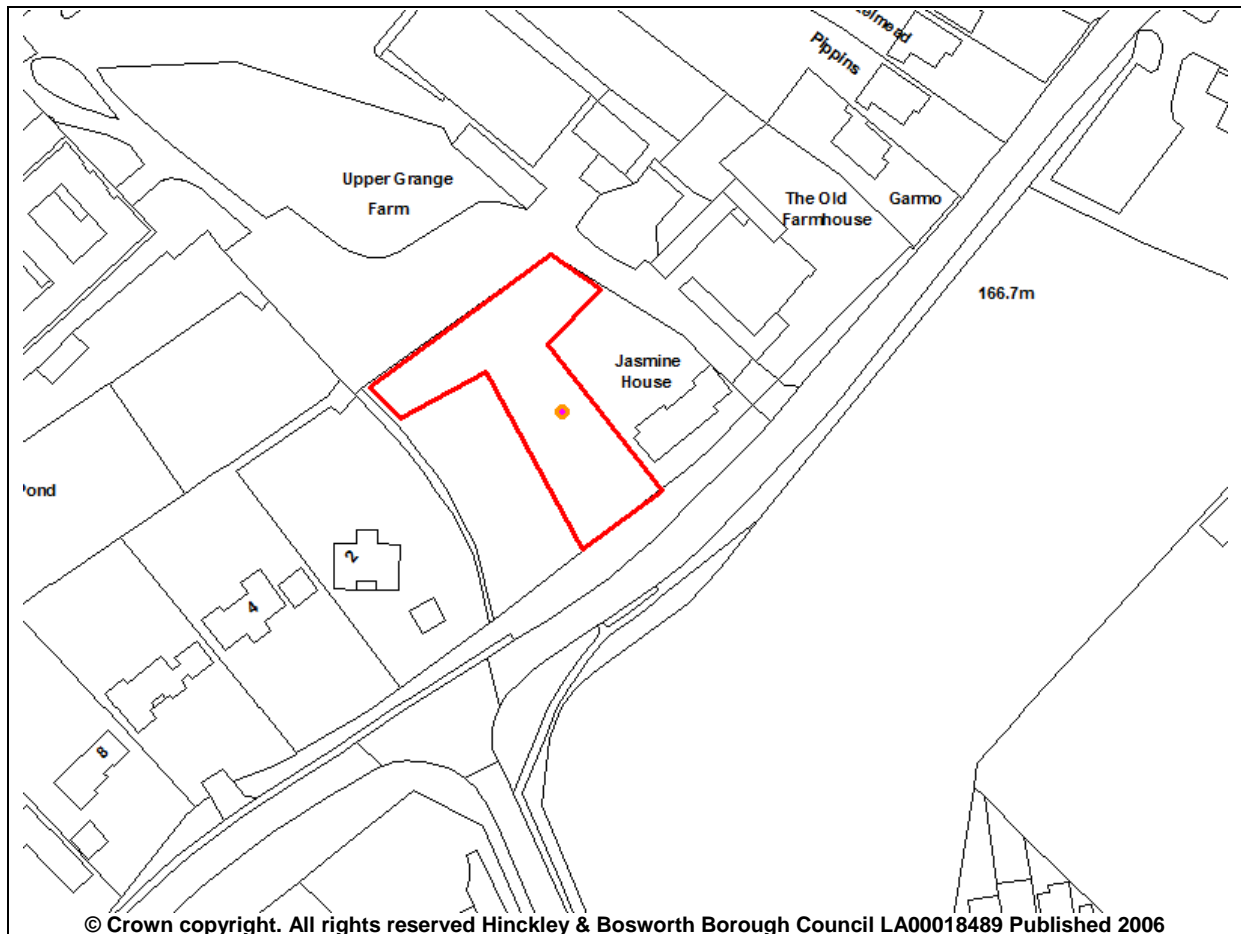
Planning Ref: 17/00295/HOU
Applicant: Mr J Bowler
Ward: Markfield Stanton & Fieldhead

Site: Jasmine Ratby Lane Markfield

Proposal: Wood store to the rear of garage and reduction in the size of garage



Hinckley & Bosworth
Borough Council



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. The application seeks planning permission for the reduction in size of a garage which was previously approved as part of a scheme to sub-divide the residential curtilage of Jasmine House and construct a two storey detached dwelling and detached garage (ref 15/00237/FUL). The applicant also seeks permission for the erection of a wood store to the rear of the garage.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 1150 square metres and was previously part of the residential curtilage to Jasmine House. The site is located outside the settlement boundary of Markfield and fronts onto Ratby Lane, in an area characterised by individually designed detached properties ranging from single to two storey dwellings within a ribbon development extending along Ratby Lane. To the northwest of the application site there is an existing dog kennels and dog training area.

4. Relevant Planning History

14/00086/OUT	Erection of two dwellings (outline - access only)	Permitted	01.04.2014
15/00223/FUL	Erection of dwelling with detached double garage	Permitted	19.05.2015
15/00237/FUL	Erection of new dwelling with detached double garage.	Permitted	28.05.2015
17/00291/CONDIT	Variation of condition 2 of planning permission 15/00223/FUL for alterations to dormer windows, doors and rooflights	Permitted	22.05.2017

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. Six letters of objection have been received in regard to this application with the grounds of objection being summarised below:
- The wood store proposed would be positioned on land not within the applicant's ownership
 - The wood store would be a fire risk at this location next to an established hedge.
 - The wood store will increase the population of vermin as they will be encouraged to the wood pile

6. Consultation

- 6.1. No comments have been received from:

Markfield Parish Council
Ramblers Association

7. Policy

- 7.1. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design

7.2. National Planning Policies and Guidance

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

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

8.2. Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved unless material considerations indicate otherwise.

8.3. The site is located outside of the settlement boundary of Markfield. Therefore Policy DM4 of the SADMP also has to be considered which provides the circumstances within which development would be considered sustainable within the countryside.

8.4. Whilst Policy DM4 makes no specific provision for the type of development being considered as part of this application; given the small scale and height of the wooden structure to the rear of a previously approved garage; it is considered that the development would be appropriate development at this location and would not have a significant adverse effect on the intrinsic value of the countryside. It is therefore considered acceptable subject to other material planning considerations.

Impact upon the character of the area

8.5. Policy DM10 of the SADMP require developments 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 wood store would be located to the rear of the garage which would not be visible from the street scene. Therefore the proposed wood store would have no impact upon the character of the area and it is considered to be in accordance with Policy DM10 of the SADMP.

8.7. The application also proposes the reduction in size of the garage from 8 metres x 8 metres in floor area to 7 metres x 7 metres. The garage was previously approved and had no adverse impact on the character of the area. Therefore with the reduction in size of the garage the impact would be reduced further. It is considered that the development is in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon neighbouring residential amenity

8.8. Policy DM10 of the SADMP states that development should be permitted providing it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.

8.9. The wood store would have a maximum height of 3 metres with a mono pitch roof. It would be located to the rear of the garage; in addition the neighbouring boundary has significant boundary treatments with significant hedgerows surrounding the site and a 1.8 metre high fence to the rear of the garage. Therefore the wood store would have no impact upon residential amenity and would be in accordance with Policy DM10 of the SADMP.

Other Issues

- 8.10. Within the objections received it is alleged that the proposed wood store is not within the ownership of the applicant. The owner has signed Certificate A of the application form however and if there is a dispute in regard to land ownership this is a civil matter and not a material planning consideration in regard to this application.
- 8.11. Further objections stated that the wood store is a fire risk and could attract vermin to the wood pile. Neither of these matters are material planning considerations.

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 wood store would be located to the rear of the garage and given this location would have no impact upon either the character of the area or upon neighbouring residential amenity. Given that the garage would be reduced in size from that previously approved; there would be no adverse impact on the character of the area or in terms of the impact on the neighbouring residential amenity as a result of the proposed scheme. It is therefore considered that the development is in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

11. Recommendation

- 11.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.
- 11.2. 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: Site Plan (Drawing Number: 1893 A) and Floor Plan & Elevations received by the Local Planning Authority on the 13 March 2017 and Site Location Plan received by the Local Planning Authority on the 16 March 2017.

Reason: To ensure a satisfactory appearance and impact of the developments to accord with Policies DM1 and 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 or call 01455 238141.

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Planning Committee 20 June 2017
Report of the Head of Planning and Development

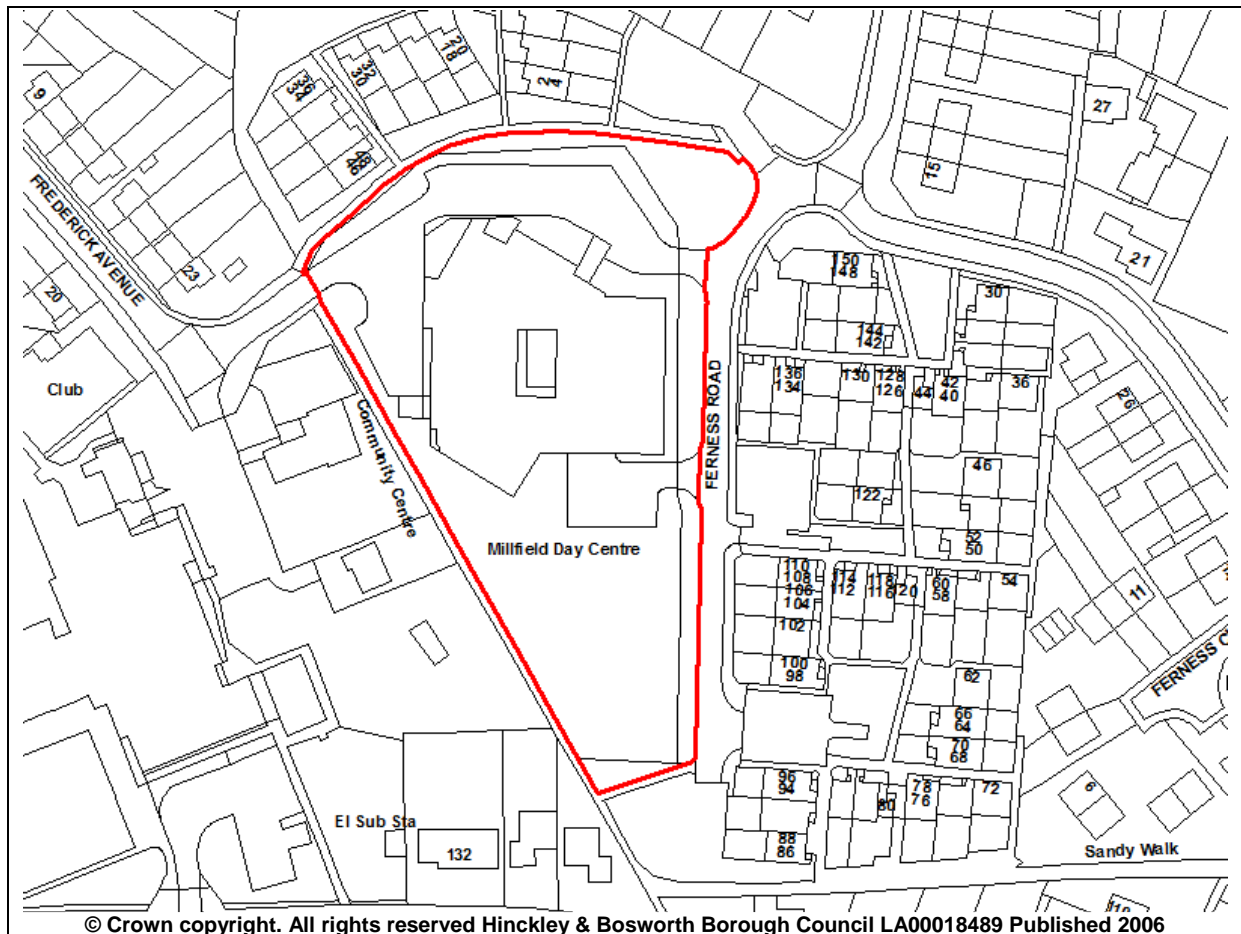
Planning Ref: 17/00278/DEEM
Applicant: Mr Steve Robson
Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: Millfield Day Centre Frederick Avenue Hinckley

Proposal: Residential development of up to 23 dwellings (Outline - access only)



1. Recommendations

1.1. Grant outline planning permission (access only) subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - 20% affordable housing units subject to a reduction for vacant building credit
 - Public play and open space facilities contribution of £1,427.74 per unit with a 25% reduction for each one bedroom unit
 - Primary school sector education facilities contribution of £66,786.54
- 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 is made by Leicestershire County Council under Regulation 4 of the Town and Country Planning General Regulations 1992 for deemed consent. A majority of the application site is owned by Leicestershire County Council but also includes land within the ownership of Hinckley and Bosworth Borough Council. The application seeks outline planning permission for access only with all other matters (layout, scale, appearance and landscaping) reserved, for the demolition of a former County Council community day care centre and redevelopment of the site for the erection of up to 23 dwellings.
- 2.2. The scheme proposes the use of two altered (existing) vehicular accesses off Ferness Road and the closure of the other existing access to the site off Frederick Avenue. A third access would be created off Ferness Road to serve dwellings at the southern end of the site. An indicative site layout has been submitted to demonstrate how up to 23 dwellings could be arranged within the application site together with access, parking, amenity and landscaping requirements.
- 2.3. A Design and Access Statement, Transport Statement, Ground Investigation Report, Preliminary Surface Water Drainage Strategy and Extended Phase I Habitat Survey, Tree Survey and s106 Heads of Terms have been submitted to support the application.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the settlement boundary of Hinckley and is designated as a 'Community Facility' within the adopted Site Allocations and Development Management Policies Development Plan Document. It measures approximately 0.88 hectares. It comprises a former day care centre (a single storey red brick building with a flat roof design), car parking areas to the north and west of the building, landscaped/garden area and some hardstanding to the south and peripheral incidental grassed areas along Ferness Road to the east. The boundaries of the site are a mix of hedgerows and small trees with metal palisade security fencing of between 2.4 metres and 2 metres in height inside the planting. There are three existing vehicular accesses to the site, one off Frederick Avenue in the north west corner and two off Ferness Road to the east.
- 3.2. The application site is located in a predominantly residential area with dwellings located to the north, east and south of the site and Battling Brook Primary School and pre-school and Wykin Social Club located to the west. A public footpath (PRoW U42) runs along the western boundary between the application site and school. Another non-designated footpath runs along the northern boundary linking Frederick Avenue and Ferness Road.

4. Relevant Planning History

No relevant planning history.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. Site notices were also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. One response received objecting to the application on the grounds that it would adversely affect views, result in loss of privacy and devalue property.

6. Consultation

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

Leicestershire County Council (Highways)
Leicestershire County Council (Public Rights of Way)
Leicestershire County Council (Archaeology)
Leicestershire County Council (Ecology)
Severn Trent Water Limited
Environmental Health (Drainage)
Environmental Health (Pollution)
Street Scene Services (Waste)

6.2. Standing advice has been received from:-

National Grid
Leicestershire Fire and Rescue Service

6.3. Leicestershire County Council (Drainage) request additional information to be provided in respect of surface water drainage to enable them to provide a more detailed response

6.4. Hinckley Area Committee comment that safe access needs to be provided, the houses should be in keeping with the area and section 106 contributions should be sought for the area including education, healthcare and police and affordable housing

6.5. Leicestershire County Council (Developer Contributions) request the following infrastructure contributions:-

- 1) Director of Children and Family Services requests a contribution of £66,786.54 towards educational services and facilities to accommodate the capacity issues created by the proposed development in the Primary School Sector in Hinckley;
- 2) Director of Environment and Transport requests a contribution of £1,339 towards the delivery of civic amenity services and facilities at the nearest site in Barwell to mitigate the additional use of the facility as a result of the proposed development;
- 3) Library Services Locality Manager North does not request a contribution.

6.6. No responses have been received from:-

Leicestershire Police
NHS England
Ramblers
Cycling UK

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding

- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)
- Community Infrastructure Levy (CIL) Regulations (2010)

7.4. Other relevant guidance

- Affordable Housing Supplementary Planning Document
- Open Space, Sports and Recreation Facilities Study (2011)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Redevelopment of part of a community facility
- Impact upon the character of the area/density
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Affordable housing
- Infrastructure contributions
- Biodiversity/Trees
- Archaeology
- Drainage
- Ground investigation
- Other issues

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraphs 12 and 13 of the NPPF state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.
- 8.3. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009), and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. The Core Strategy states that the focus of most new development will be in and around the Hinckley sub regional centre as this is where there is a concentration of services, where accessibility can be maximised and modal choice made available.
- 8.5. To support Hinckley's role as a sub-regional centre, Policy 1 of the adopted Core Strategy seeks to allocate land for the development of 1120 new residential dwellings for Hinckley with a range of house types, sizes and tenures as supported by Policies 15 and 16 of the adopted Core Strategy. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development.

- 8.6. The HBBC 'Briefing Note 2016 - Five Year Housing Land Supply Position at 1 April 2016' confirms that the Council is able to demonstrate a five year housing land supply of 5.84 years. Therefore the relevant development plan policies relating to the supply of housing are neither absent nor silent and are considered up to date and in accordance with paragraphs 47 and 49 of the NPPF. The settlement-specific housing targets within the adopted Core Strategy are only 'minimum' figures and as at 1 April 2016 the allocation of 1120 dwellings for Hinckley had already been exceeded by 72 additional dwellings. There is therefore no overriding need for additional housing for Hinckley.
- 8.7. Notwithstanding this, the application site is located in a sustainable urban location within the settlement boundary of Hinckley as defined in the adopted SADMP and with reasonable access to a full range of services and facilities. Residential redevelopment of the site would therefore be generally in accordance with the adopted strategic planning policies of the development plan. However, the site is currently designated as forming part of a 'Community Facility' (reference HIN168 – Battling Brook Community Hub) within the SADMP.

Redevelopment of part of a community facility

- 8.8. Policy DM25 of the adopted SADMP states that the redevelopment or loss of community facilities will only be appropriate where it can be demonstrated that:
- a) An equivalent range of replacement facilities will be provided in an appropriate location within a reasonable distance of the local community; or
 - b) There is a surplus of the facility type within the immediate locality exceeding the needs of the community; or
 - c) The loss of a small portion of the site would result in wider community benefits on the remainder of the site.

The policy also states that where replacement facilities will not be provided or a surplus cannot be demonstrated that loss of the facility would only be acceptable where it can be demonstrated that:

- d) The facility has been proactively marketed for a community use for a reasonable period of time at a reasonable marketed rate as supported and demonstrated through a documented formal marketing strategy.
 - e) It has been offered to the local community for them to take ownership of the facility.
- 8.9. The submitted Design and Access Statement advises that the former Millfield Day Care Centre was a facility for the care of individuals with complex learning disabilities and/or multiple needs. In 2013 the County Council undertook an Equality Impact Assessment which concluded that Millfield was no longer fit for purpose and would require significant modernisation in order to deliver specialist services required under the Day Services Strategy. The services provided were therefore relocated to the Deveron Way Community Life Choices Centre approximately 0.38 kilometres to the south of the site. The statement also advises that there are two further centres: Roseleigh Day Care, a brand new day care facility supporting young people and adults with learning disabilities and The Limes, a facility offering dementia and respite care to older people. Both of these facilities are within 2 miles of the application site and close to the centre of Hinckley. The combination of these facilities now covers the service needs for young people and adults with learning disabilities and older people and therefore Millfield is surplus to requirements. The applicant has confirmed that the only use of the building that remains is to provide mess facilities for a small fleet of minibus drivers that operated from the site. These will also be transferring to an alternative site in the Blaby area in the near future.

- 8.10. Leicestershire County Council has not marketed the site for alternative community use due to the incompatible nature of the building for alternative uses. The building was constructed to a specification for the specialist needs of the users at that point in time. There are a large number of smaller rooms and no rooms of a size conducive to community uses. The cost of adapting the building to alternative uses would be unviable. Modern purpose built facilities have adequately replaced the buildings former use as a day care centre and adequate replacement facilities have been provided therefore criteria d and e of Policy DM25 are not relevant to this case.
- 8.11. On the basis that the application can demonstrate that adequate replacement community day care services have been provided within nearby alternative centres and that the Millfield Day Care Centre is surplus to requirements, the loss of the centre and redevelopment of the site would be in accordance with relevant Policy DM25 criteria and acceptable in principle.
- 8.12. Therefore, notwithstanding that the minimum allocation for Hinckley in the Core Strategy has already been exceeded, given the settlement's status as a sub-regional centre and the thrust of national planning guidance contained within the NPPF which seeks to boost the supply of housing sites in sustainable locations, a sympathetic residential development of the site that complies with all other relevant development plan policies would be acceptable in terms of the strategic planning policies of the development plan.

Impact upon the character of the area/density

- 8.13. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area.
- 8.14. Surrounding residential development to the north and east of the site is characterised predominantly by short terraces of two storey dwellings and flats with private rear amenity spaces and communal parking courts. These developments provide very limited street frontages.
- 8.15. The application seeks outline planning permission for access only at this stage with layout, scale, appearance and landscaping being matters reserved for consideration at a later date. However, the submitted illustrative masterplan for the site demonstrates that the site would be capable of providing a scheme that would complement the density of surrounding residential development. The NPPF identifies that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Subject to detailed layout and design which will be considered at the reserved matters stage, redevelopment of the site would provide an opportunity to positively enhance the character of the area through the inclusion of active street frontages and appropriate landscaping to mitigate the loss of the existing mature hedgerow that currently encloses the site along Ferness Road to the east.
- 8.16. Policy 16 of the adopted Core Strategy requires a mix of house types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 40 dwellings per hectare unless individual site characteristics dictate that a lower density can be justified. In this case, the provision of 23 dwellings on the site would result in a density of just 26 dwellings per hectare. In order to achieve 40 dwellings per hectare an additional 12 dwellings would be required from the site. The illustrative masterplan layout includes the retention of a generous landscaping buffer to existing dwellings to the north and south and the public right of way to the west to enhance the appearance of the development and to ensure that it assimilates into the existing built form. An increase in the density on the site would be likely to result in the undesirable removal of landscaped buffers, a compromise

in private amenity space for each unit and/or the addition of more flats rather than family houses. Therefore the lower density proposed for the site is considered to complement that of surrounding development and be justified in this case.

- 8.17. The proposed residential redevelopment of the site would therefore be in accordance with Policy DM10 of the adopted SADMP and acceptable in respect of Policy 16 of the adopted Core Strategy in this case.

Impact upon neighbouring residential amenity

- 8.18. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.19. An objection has been received on the grounds that the development would adversely affect views and result in loss of privacy from overlooking.
- 8.20. The illustrative masterplan demonstrates that, subject to siting, design and careful positioning of windows which would be assessed at the reserved matters stage, a residential development of up to 23 new dwellings could enable adequate separation distances to be achieved to the windows and gardens of neighbouring dwellings such that it would not result in any significant overbearing/overshadowing impacts or loss of privacy from overlooking.
- 8.21. A residential development of the site that protects the residential amenity of neighbouring occupiers and future occupiers of the site would therefore be achievable and in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.22. Policy DM17 of the adopted SADMP supports development that would be able to demonstrate that there would not be a significant adverse impact on highway safety and that proposals reflect the latest highway authority design standards. Policy DM18 requires new development to provide an appropriate level of parking provision taking into account the sites location, type of housing and other modes of transport available.
- 8.23. A Transport Statement has been submitted to support the application along with details of Ferness Road access junction visibility splays and swept path analysis in respect of refuse vehicles.
- 8.24. Ferness Road is an adopted road and is adequate in respect of its width and construction to cater for redevelopment of the site for the proposed number of new dwellings. The scheme proposes the use of two existing access points to the site off Ferness Road and the creation of a third access to serve dwellings at the south end of the site. By virtue of the size of the site and the illustrative masterplan submitted adequate access would be available from the public highway and adequate off-street parking could be provided to serve each plot in accordance with adopted highway design guidance. The site is within a sustainable urban area with access to sustainable means of transport to access services and facilities.
- 8.25. Leicestershire County Council (Highways) has assessed the scheme and considers that the proposal would not result in a material increase in traffic visiting the site taking into account the previous use and traffic generation. Therefore, the highway authority raises no objections to the scheme. A number of highway related conditions are recommended to ensure safe and satisfactory development. A condition to require the accesses to be constructed in accordance with the approved details would be reasonable and necessary. However, site layout and design details would be fully assessed at the reserved matters stage, a sustainable drainage scheme is required by a condition covering the whole site and given the

scale and location of the development a condition to require construction traffic/management details would not be reasonable or necessary in this case.

- 8.26. The proposed scheme would not result in any adverse impacts on highway safety and would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Affordable Housing

- 8.27. Policy 15 of the adopted Core Strategy requires the provision of 20% affordable housing on sites of over 15 dwellings or more or on sites measuring 0.5 hectares or more in Hinckley. For all sites a tenure split of 75% social rented and 25% intermediate housing is required to support mixed sustainable communities.
- 8.28. As of 20 April 2017 there were 1229 households on the Council's housing register for Hinckley and that the preferred mix of dwellings for affordable housing in this case would be for 5 x two bedroomed 4 person houses, either 3 for rent and 2 for intermediate tenure of 5 for affordable rent.
- 8.29. The Affordable Housing Statement within the submitted Design and Access Statement suggests that 20% of the dwellings proposed (5 units) would be affordable in line with Policy 15 of the adopted Core Strategy. However, the statement also refers to the application site qualifying for Vacant Building Credit (for 2,069 square metres of gross internal area) as detailed in Planning Practice Guidance.
- 8.30. This provides an incentive for brownfield development on sites containing vacant buildings. It states that where a vacant building is demolished the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when calculating any affordable housing contribution (paragraph 021 reference ID: 23b-021-20160519).
- 8.31. As the application seeks the approval of outline planning permission for access only, the proposed floorspace provided by the development will be unknown until the submission of reserved matters and therefore the ultimate provision of any affordable housing on the site will not be able to be calculated until that stage.

Infrastructure contributions

- 8.32. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.33. The request for any planning obligations (infrastructure contributions) must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 1) Public play and open space
- 8.34. Policies 1 and 19 of the adopted Core Strategy seek to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within Hinckley. The Open Space, Sports and Recreational Facilities (PPG17) Study provides further advice on the quality of facilities at each designated public open space.
- 8.35. In this case, the site is located within 400 metres of a number of areas providing a range of public play and open space facilities. These include Wykin Park that provides children's equipped play facilities, casual/informal play space along with natural and semi-natural green space, Preston Road children's equipped play

facilities and a number of other green open space amenity areas. In order to mitigate the impact of additional users of these facilities as a result of the proposed development, a contribution of £1,427.74 per unit with a 25% reduction for each one bedroom unit has been identified towards schemes aimed at improving the range of public open space and children's play facilities within the vicinity of the site, particularly at Wykin Park.

2) Education

- 8.36. The Director of Children and Family Services requests a contribution of £66,786.54 towards education facilities in Hinckley to mitigate the impact of additional users from the development on the Primary School Sector either at Battling Brook Community Primary School or Richmond Primary School where deficits have been identified. No contributions are requested for the Secondary School Sector or Special Schools Sector.

3) Civic amenity

- 8.37. The Director of Environment and Transport requests a contribution of £1,339 towards the delivery of civic amenity services and facilities at the nearest site in Barwell to mitigate the impact of additional users from the development on the facility. Due to the small scale of the estimated impact from the development on the civic amenity facility (an additional 6 tonnes to the latest estimated figure of 7,874 tonnes per annum for the year 2012/13) it is considered that the impact would not be so significant to justify mitigation by way of a financial contribution from the development. In this instance the contribution is not considered CIL compliant and therefore is not requested.
- 8.38. The infrastructure contributions identified above, with the exception of civic amenity are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and could be secured through the completion of a suitable section 106 agreement which is currently under negotiation.

Biodiversity/Trees

- 8.39. Policy DM6 of the adopted SADMP requires that development proposals demonstrate how they conserve and enhance features of nature conservation value. On site features should be retained, buffered and managed favourably. The removal of such features would only be acceptable where it can be demonstrated that the proposal would not result in any net loss of biodiversity.
- 8.40. An Extended Phase I Habitat Survey and Tree Survey has been submitted to support the application. The habitat survey concludes that the site is dominated by common and widespread habitats of low ecological interest other than the species poor hedgerow bounding the site which has some ecological value. A number of recommendations are made to mitigate any potential adverse impacts on any protected species. Leicestershire County Council (Ecology) raises no objection to the application subject to the recommendations within the report and advises that an updated bat survey would need to be completed if a reserved matters application is not submitted prior to December 2017. The recommendations could be secured by a planning condition to accord with Policy DM6 of the adopted SADMP.
- 8.41. The Tree Survey identifies 25 trees within the site predominantly of moderate quality and one of high quality. The illustrative masterplan suggests that the trees around the northern perimeter could be retained but those within the central areas of the site would be removed and mitigation provided through replacement tree planting to be considered at the reserved matters stage.

Archaeology

- 8.42. Policy DM11 and Policy DM13 of the adopted SADMP seek to protect and enhance the historic environment and archaeology and full archaeological investigation and recording to be undertaken within areas of potential archaeological interest prior to any development commencing.
- 8.43. Leicestershire County Council (Archaeology) advises that the site lies within an archaeological interest and therefore recommends a number of pre-commencement conditions to ensure satisfactory archaeological investigation and recording of the site in accordance with Policies DM11 and DM13 of the adopted SADMP and Section 12 of the NPPF.

Drainage

- 8.44. Policy DM7 of the adopted SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.45. A Preliminary Surface Water Drainage Strategy has been submitted to support the application. This concludes that it would be possible to provide a feasible drainage solution for the site which includes a sustainable drainage system to attenuate surface water run-off to ensure that it would not pose an increased risk to the site or wider catchment.
- 8.46. The response from Leicestershire County Council (Drainage) advises that insufficient detail has been provided to enable them to provide a detailed response. However, the application is for outline planning permission for access only at this stage. The site is located within Flood Zone 1 within an urban area. There is no suggestion that it is susceptible to flooding and therefore the requirement to submit full details prior to determination would not be reasonable or necessary in this case.
- 8.47. Environmental Health (Drainage) has also assessed the submitted strategy and considers that it is satisfactory in that it proposes a 30% decrease in existing run-off rates which is reasonable for a brownfield site. A planning condition is therefore recommended requiring the submission of surface water drainage details, incorporating sustainable drainage principles, prior to any development commencing and the completion of the approved scheme prior to completion of the development to ensure compliance with Policy DM7 of the adopted SADMP.

Ground investigation

- 8.48. Policy DM7 of the adopted SADMP seeks to prevent adverse impacts from pollution by ensuring that development proposals demonstrate that appropriate ground investigation and any necessary remediation of contaminated land is undertaken.
- 8.49. A Ground Investigation Report has been submitted to support the application. This concludes that no specific remedial measures would be necessary to ensure safe development and protection of future occupiers of the site.
- 8.50. Environmental Health (Pollution) has assessed the report and raises no objection to the scheme. The proposal would therefore be in accordance with Policy DM7 in terms of protection from pollution.

Other issues

- 8.51. Public footpath U42 runs along the western boundary of the site. As the application is outline only with layout as a reserved matter, Leicestershire County Council (Public Rights of Way) recommend a condition to require full details of a scheme for the treatment of the public footpath, including management during construction, to be submitted in the interests of amenity, safety and security of users.

- 8.52. Street Scene Services (Waste) recommend a condition to require the submission of a scheme for the provision of waste and recycling facilities across the site. The application is in outline only with layout to be considered as a reserved matter. Therefore a condition is not considered to be necessary at this stage.

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. The equality implications arising from this application relate to the protected characteristics of the former users of the day care centre with learning disabilities and/or multiple needs.
- 9.4. The needs of the former users have been assessed within the Equality Impact Assessment undertaken in 2013 by Leicestershire County Council. The assessment concluded that the facility was not fit for purpose for the specialist services required under their Day Services Strategy. Therefore, the specialist service provision was transferred to an upgraded facility nearby (Deveron Way Community Life Choices). The provision of alternative specialist facilities ensures that there would be no adverse impacts on equality of opportunity for the former or potential future users of the facility.

10. Conclusion

- 10.1. The application site forms part of a designated 'Community Facility' within the adopted SADMP. However, it has been demonstrated that it is no longer fit for purpose for the specialist services formerly provided and these services have not been lost but transferred to an alternative upgraded facility on a nearby site. The site is therefore surplus to requirements for the services.
- 10.2. The site lies within the settlement boundary of Hinckley in a sustainable urban location for residential development with reasonable access to a full range of services and facilities from sustainable transport modes. The approval of a sympathetic residential scheme on this sustainable brownfield site would contribute to boosting the supply of housing and reduce pressure to release less sustainable greenfield sites.
- 10.3. The Transport Statement and submitted access junction visibility splays demonstrate that adequate access would be available to serve the site and that redevelopment for 23 dwellings would not give rise to any significant adverse impacts on highway safety.
- 10.4. The illustrative masterplan demonstrates that the redevelopment of the site for up to 23 dwellings would complement the density of surrounding development, provide an opportunity to enhance the character of the surrounding area through the provision

of active street frontages and would not have any significant adverse overbearing impacts or loss of privacy to any neighbouring properties. Technical reports have been submitted to demonstrate that the proposal would not result in any significant environmental impacts on biodiversity, important trees, flooding or pollution. Any impacts on archaeology can be controlled by conditions. The scheme would contribute towards affordable housing (subject to vacant building credit) and education facilities.

- 10.5. The scheme would therefore be in accordance with Policies 1, 15, 16 and 19 of the adopted Core Strategy, Policies DM1, DM3, DM6, DM7, DM10, DM11, DM13, DM17, DM18 and DM25 of the adopted SADMP and the overarching principles of the NPPF. The proposal is therefore recommended for outline planning permission for access only subject to conditions.

11. Recommendation

- 11.1. **Grant outline planning permission (access only) subject to:**

- The prior completion of a S106 agreement to secure the following obligations:
 - 20% affordable housing units subject to a reduction for vacant building credit
 - Public play and open space facilities contribution of £1,427.74 per unit with a 25% reduction for each one bedroom unit
 - Primary school sector education facilities contribution of £66,786.54
- 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. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

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

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

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

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing No. G5492.001 and Planning Application Boundary Drawing No. G5492.004 received by the local planning authority on 22 March 2017 and Junction Visibility Splays Drawing No. TPMA1430-103 Rev B received by the local planning authority on 16 May 2017.

Reason: To define the permission and ensure satisfactory impact of the development to accord with Policies DM1 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

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 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 Development Plan Document (2016).

6. No development shall commence until surface water drainage details, incorporating sustainable drainage principles (SuDS) and foul sewerage disposal details have been submitted to and approved in writing by the local planning authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the development is provided with satisfactory means of surface water and foul water drainage to prevent flooding and minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching and test pitting, has been detailed within a Written Scheme of Investigation,

submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11 and DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No demolition/development shall take place/commence other than in accordance with the Written Scheme of Investigation approved under condition 7.

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11 and DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11 and DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. The development shall be carried out in accordance with the recommendations contained within Section 5 of the submitted Extended Phase I Habitat Survey by BSG Ecology dated December 2015.

Reason: To ensure appropriate protection to biodiversity and protected species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 118 of the National Planning Policy Framework (2012).

11. No development shall take place until a scheme for the treatment of the Public Right of Way (U42) has been submitted to and approved in writing by the local planning authority. The scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping and shall be fully implemented in accordance with the approved details.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. The accesses hereby permitted shall be constructed in full accordance with the details submitted on approved Junction Visibility Splays Drawing TPMA1430-103 Rev B dated 16 May 2017.

Reason: To ensure a satisfactory form of development and in the interests of highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.5. Notes to Applicant

1. The approved development requires Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. You will be required to enter into a suitable legal agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The agreement must be signed and all fees paid and surety set in place before the highway works are commenced. Any street furniture, street lights or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant/developer, who shall first obtain the separate consent of the Highway Authority. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide'.
3. A public footpath (PRoW U42) runs adjacent to the western boundary of the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council. In relation to Condition 11 of this permission the applicant/developers attention is drawn to the public footpath design guidance contained within Leicestershire County Council's document: Guidance Notes for Developers.
4. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. Telephone 024 7771 6843 or email Planning.APEast@severntrent.co.uk.
5. The applicant/developers attention is drawn to the consultation response from National Grid in relation to electricity and gas network apparatus within and surrounding the site to ensure safe development.
6. The applicant/developer's attention is drawn to the consultation response from Leicestershire Fire and Rescue Service and their Standing Advice Notes to ensure safe development of the site.

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Planning Committee 20 June 2017
Report of the Head of Planning and Development

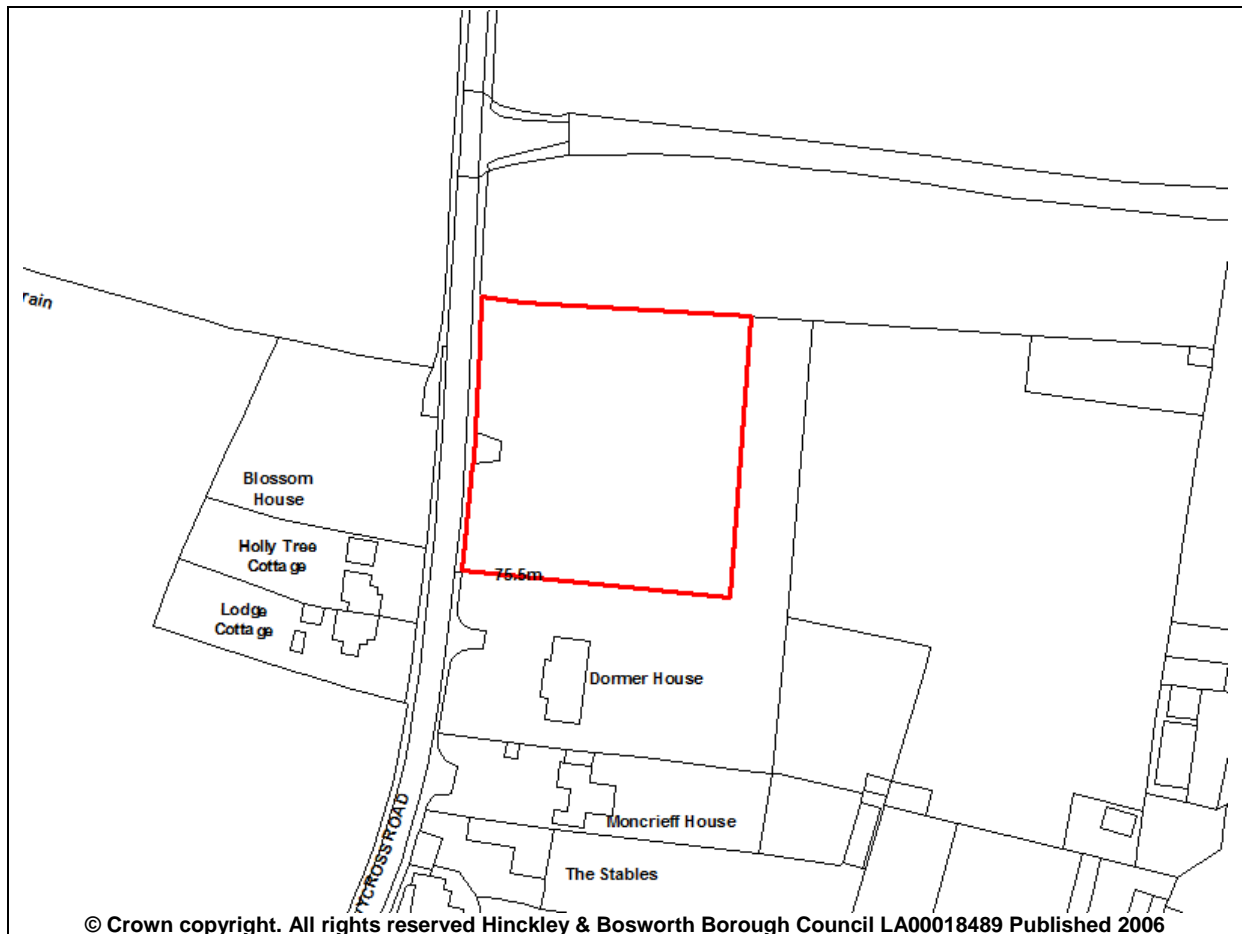
Planning Ref: 17/00340/FUL
Applicant: Mr Peter Wileman
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Land North Of Dormer House Twycross Road Sheepy Magna

Proposal: Construction of 3 detached dwellings



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1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - Green space and play provision and maintenance - £7,388.99
- Planning conditions outlined at the end of this report.

2. Planning Application Description

2.1. This application seeks planning permission for the erection of three dwellings. This application is a revision to the design of the dwellings approved under ref: 15/00358/FUL.

2.2. Amended plans have been submitted during the assessment of the application following concerns raised by the case officer.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located outside of but adjacent to the settlement boundary of Sheepy Magna and therefore is in the countryside. The area is characterised by agricultural land and paddocks to the north and east and with residential development to the south and west. Residential development in the area comprises a mix of dwelling size and styles.
- 3.2. The site area is approximately 0.34 hectares in size and comprises an open area of paddock land enclosed on the northern side by existing hedgerow and a post and rail fence; the east boundary comprises 2m high close boarded fencing and the western boundary hedgerow has been removed.

4. Relevant Planning History

15/00358/FUL	Erection of three dwellings and associated access	Permitted	14.06.2016
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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 and a notice was displayed in the local press.
- 5.2. Six representations of objection have been received from five differing addresses. The representations are summarised below:
- 1) The dwellings and sites are too large in size and scale to be characteristic of the area
 - 2) The site is outside the settlement boundary
 - 3) The previously approved scheme was more characteristic of the surrounding area
 - 4) The second floors are likely to be used as habitable rooms potentially causing issues of overlooking
 - 5) This section of the road is already very narrow with agricultural machinery mounting the grass verge; the access will cause further issues.

Following the submission of the amended plans and re-consultation, no further representations were received.

6. Consultation

- 6.1. No objection, some subject to conditions, has been received from the following:
- Environmental Health (Pollution)
Waste Services
Leicestershire County Council (Highways)

7. Policy

- 7.1. Core Strategy (2009)
- Policy 12: Rural Villages
 - Policy 19: Green Space and Play Provision
- 7.2. Site Allocations and Development Management Policies 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
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Planning obligations

Assessment against strategic planning policies

- 8.2. Core Strategy Policy 12 identifies Sheepy Magna as a rural village. Rural Villages are less sustainable than the Key Rural Centres as car travel would be required in most cases to access employment and services. However, these areas will be the focus of limited development as it is considered necessary to ensure existing services and community cohesion is maintained.
- 8.3. The site lies outside of but adjacent to the settlement boundary for Sheepy Magna, as defined on the settlement map in the SADMP and is therefore within the countryside. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development and identifies developments which are considered sustainable in the countryside. Unrestricted residential development is not considered sustainable development in the countryside and therefore would not ordinarily be considered as acceptable in principle.
- 8.4. Notwithstanding the above, there is an extant planning permission on the application site for the erection of three large dwellings, ref: 15/00358/FUL and therefore the principle of residential development on the site of the proposed scale has already been established as acceptable.
- 8.5. The extant planning permission for the erection of three dwellings on the application site is a material planning consideration. In this instance, it is considered that the material consideration of the extant permission should be given considerable weight and as such outweighs the proposed development's conflict with Policy DM4 of the SADMP.

Impact upon the character of the area

- 8.6. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside. 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.
- 8.7. The land is currently used as paddock land and is open in character. The delegated report for the previous permission highlighted that the development would change the existing open character to a more urban built up form. However, due to the existing dwellings on the other side of the road, the development would not have a significant impact upon the character of the countryside.
- 8.8. The previously approved dwellings were set back from Twycross Road in roughly a similar building line to the existing dwelling situated to the south and a similar set back to the development on the opposite side of Twycross Road. The

dwellings incorporated a range of architectural features and details including chimneys, string course and soldier courses added above window and door openings.

- 8.9. The proposed revision to the previously approved design is primarily to facilitate additional accommodation within the roof space and external garages on plots 1 and 3 and a double internal garage on plot 2.
- 8.10. Plots 1 and 3 would have a ridge height of 9m, previously approved at 8.4m and plot 2 would have a ridge height of 9.2m, previously approved at 8.5m. The revised roof heights are not significantly higher than that previously approved and hipped roofs have been incorporated to reduce the overall bulk and massing of the roof slopes.
- 8.11. The dwellings are still proposed along a similar building line to the adjacent dwelling and with a similar set-back from the road as the dwellings on the opposite side of Twycross Road. One of the dwellings opposite includes a forward projecting garage and therefore the proposed forward projecting garages are characteristic of the surrounding area. Although the garages project forward of the adjacent dwelling, due to their scale in relation to the bulk of the dwellings and their set back from the road, they would not be an overly prominent feature in the street scene. The revisions to the dwellings amend the visible side elevations to break up the bulk. Fenestration detailing and a chimney stack have been added to the northern elevation of plot 3 to provide an elevation of interest visible above the hedgerow on approach to the village from the north along Twycross Road.
- 8.12. The materials proposed have been specified as: Hampton Rural Blend bricks, Sandtoft 20-20 clay roof tiles in Antique slate, cast stone cills and lintels in bathstone and windows and doors in cream. It is considered that the proposed materials would be characteristic of, and complement, the existing materials in the surrounding area. The site layout identifies a landscaping scheme which is generally acceptable although some additional detail is required. The site although relatively flat is at a different level to the adjacent road and therefore existing and proposed ground levels and finished floor levels should be established. The additional detail will be sought through the use of a planning condition.
- 8.13. Due to the size, layout and scale of the proposed dwellings and associated plots it is considered reasonable and necessary to remove permitted development rights to avoid development that may be harmful to the character of the area and countryside.
- 8.14. It is considered that the amended design of the proposed dwellings would complement the character of the area and would not adversely impact on the countryside. The proposed development is in accordance with the design criteria of Policy DM4 and Policy DM10 of the SADMP

Impact upon neighbouring residential amenity

- 8.15. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties. The application site is adjacent to the north of Dormer House and opposite three recently constructed dwellings on the west side of Twycross Road.
- 8.16. The proposed dwellings are set well back from the Twycross Road as are the existing dwellings on the opposite side of the road. Therefore, there is sufficient separation distance between the dwellings to avoid any adverse impacts on neighbouring amenity.
- 8.17. Plot 1 would be located near to the boundary adjoining Dormer House. The proposed dwelling would extend beyond the rear building line of Dormer House.

However, both properties would be offset from the common boundary providing sufficient separation to avoid an overbearing impact on the rear facing windows and amenity space of Dormer House. There would be two windows in the first floor of the south elevation of Plot 1 which would overlook the rear amenity space of Dormer House. Although these windows serve bathrooms, it is considered necessary to impose a condition requiring these windows to be obscure glazed and non-opening.

- 8.18. It is considered that the proposed development would not have an adverse impact on neighbouring amenity and would be in accordance with Policy DM10 of the SADMP.

Impact upon Highway Safety

- 8.19. 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.
- 8.20. The proposed development would be served by a shared access onto Twycross Road as per the previously approved application. The access would be constructed in accordance with design guidance in the 6Cs and able to achieve appropriate visibility splays in a northerly and southerly direction. Each dwelling would have ample car parking provision to serve the occupiers. Leicestershire County Council (Highways) has raised no objection subject to conditions.
- 8.21. It is considered there would be suitable car parking provision and the development would not have an adverse impact on highway safety in accordance with Policies DM17 and DM18 of the SADMP.

Planning obligations

- 8.22. Policy DM3 of the SADMP seeks to ensure that where development creates a need for additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through the appropriate funding mechanism. The planning practice guidance states that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres. The dwellings have a combined gross floorspace in excess of 1,000 square metres and therefore the contributions in accordance with policies in the Development Plan are sought.

Play and open space

- 8.23. Policy 19 of the Core Strategy seeks to ensure that residents have access to sufficient, high quality and accessible green spaces and plays. Brookside Place is located approximately 300m to the south of the application site and provides equipped children's play space, casual/informal play spaces and outdoor sports provision. The Glade is a natural green space located a similar distance to the site. These areas and their facilities have been identified as having a sub-standard quality score and therefore the following contributions are sought:
- Equipped Children's Play Space - £1566.86 (Provision) and £763.56 (Maintenance)- to be spent at Brookside Place Play Area
 - Casual/Informal Play Space - £310.46 (Provision) and £267.12 (Maintenance) – to be spent at Brookside Place
 - Outdoor Sports Provision - £1,585.15 (Provision) and £1,520.64 (Maintenance) – to be spent at Brookside Place Football Pitch
 - Accessible Natural Green Space - £739.20 (Provision) and £636 (Maintenance) – to be spent on a footpath extension from the Main Road to the footpath around the Glade to improve disabled access

8.24. The above contributions will be sought through a S106 agreement. Subject to the completion of a S106 agreement, the proposed development would comply with Policy DM3 of the SADMP and Policies 15 and 19 of the Core Strategy.

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 outside the settlement boundary of Sheepy Magna in the countryside where unrestricted development would be contrary to Policy DM4 of the SADMP. However, there is an extant planning permission for three dwellings on the site which is a material consideration and outweighs the conflict with Policy DM4.

10.2. The revised design of the previously approved dwellings would not adversely impact on the character of the area nor give rise to adverse impacts on neighbouring amenity. The development would have sufficient car parking provision to serve the occupiers and would not have an adverse impact on highway safety. A contribution is being sought for the provision and maintenance of green space and play provision.

10.3. The proposed development is considered to be in accordance with Policies DM1, DM3, DM10, DM17 and DM18 of the SADMP and Policy 19 of the Core Strategy.

11. Recommendation

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

- The prior completion of a S106 agreement to secure the following obligations:
 - Green space and play provision and maintenance - £7,388.99
- 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:

- 17-003 0200 - Site Location Plan (received on 10 April 2017)
- 17-003 0201 A - Plot 1 Proposed Plans and Elevations (received on 23 May 2017)
- 17-003 0202 A - Plot 2 Proposed Plans and Elevations (received on 23 May 2017)
- 17-003 0203 A - Plot 3 Proposed Plans and Elevations (received on 23 May 2017)
- 17-003 0205 A - Site Plan (received on 23 May 2017)
- 17-003 0207 A - Street Scene and Materials (received on 23 May 2017)

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

3. The materials to be used on the external elevations of the dwellings hereby approved shall be as detailed on drawing no. 17-003 0207 A - Street Scene and Materials (received on 23/05/2017) unless otherwise agreed in writing by the local planning authority

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

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

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

5. Notwithstanding the details shown on drawing no. 17-003 0205 A, prior to first occupation of the dwellings hereby permitted full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to first occupation of the dwellings hereby permitted. These details shall include:

- a) Proposed finished levels or contours
- b) Means of enclosure
- c) Car parking layouts
- d) Other vehicle and pedestrian access and circulation areas
- e) Hard surfacing materials
- f) Planting plans
- g) Written specifications
- h) Implementation programme

The soft landscaping shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

6. Notwithstanding the provisions of Classes A to E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) the buildings hereby approved shall not be extended or altered and no outbuildings shall be erected without the grant of planning permission by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

7. Notwithstanding the provisions of Class A of Part 2 of Schedule 2 Class XX of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) no gate, fence, wall or other means of enclosure shall be erected or constructed without the grant of planning permission by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

8. The garages hereby approved, once provided, shall thereafter permanently remain available for car parking.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policies DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

9. Prior to first occupation of any dwelling hereby approved, the car parking and turning facilities shall be provided, hard surfaced and made available for use and shall thereafter be permanently so maintained.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policies DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

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

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

11. Prior to occupation of Plot 1, the windows hereby permitted serving the first floor in the southern elevation of Plot 1, shall be obscured glazed and non-opening and shall remain as such thereafter in perpetuity

Reason: To avoid overlooking and loss of privacy of the rear amenity space serving Dormer House to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

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Planning Committee 20 June 2017
Report to the Head of Planning and Development

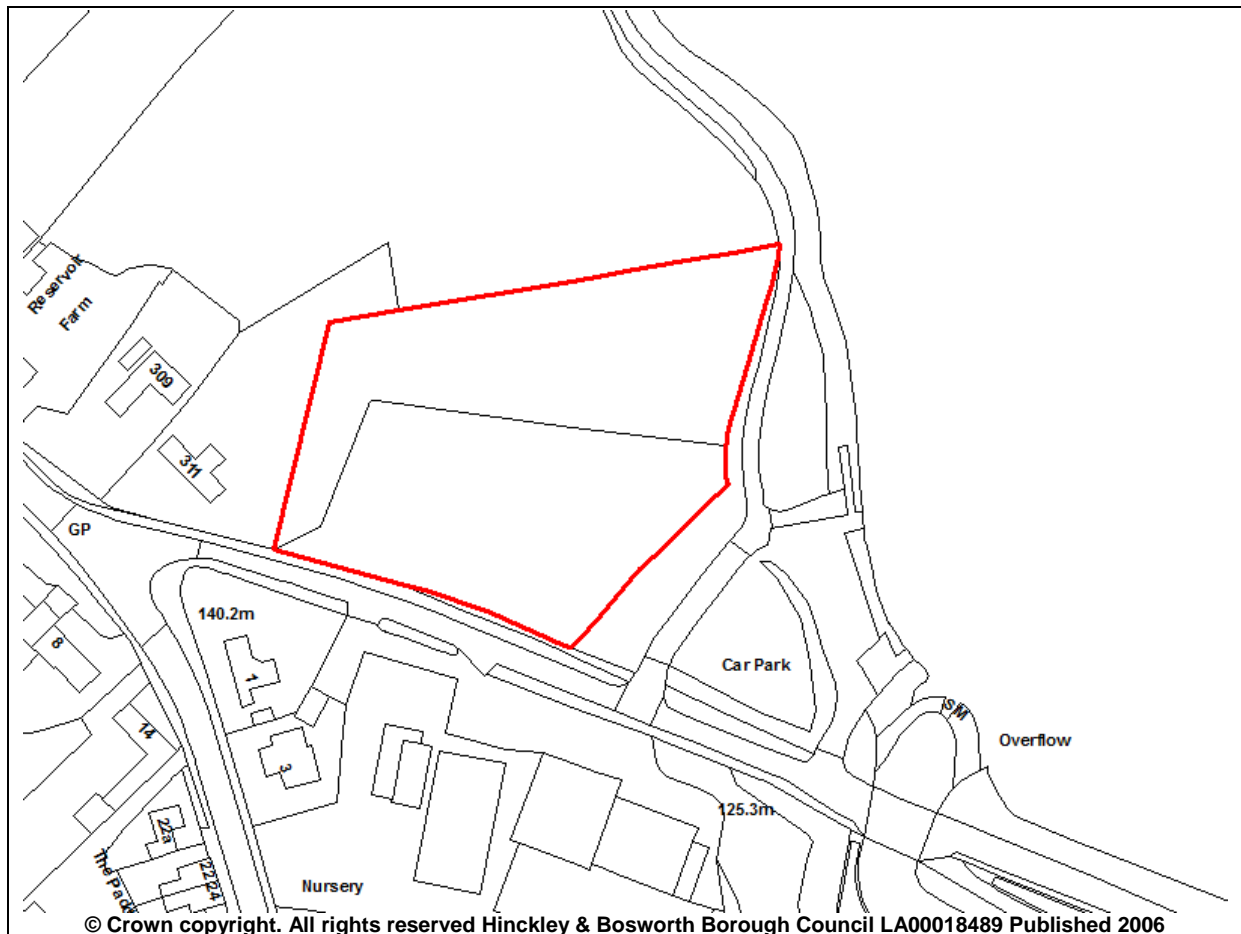
Planning Ref: 17/00049/FUL
Applicant: Tiffany Green
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Land Opposite Thornton Nurseries Reservoir Road Thornton

Proposal: Creation of an agricultural access



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 delegated powers to determine the final terms of the S106 agreement including contributions, trigger points and claw back periods based on the terms agreed by the committee.

2. Planning Application Description

2.1. This application seeks full planning permission for the creation of an agricultural access to land opposite Thornton Nurseries, Reservoir Road, Thornton.

2.2. The proposed access would measure approximately 5 metres wide and would incorporate a 5 metre wide timber gate set back approximately two to three metres from the highway.

3. Description of the Site and Surrounding Area

- 3.1. The application site comprises a parcel of agricultural land forming part of a larger field which falls away to the South East. The application site is bounded by Reservoir Road to the south which is located just outside of the settlement boundary of Thornton. The site also borders Thornton Reservoir to the South East and is located opposite Thornton Nurseries to the South.
- 3.2. This section of Reservoir Road is characterised by mature hedgerows and grass verges. The application site is located adjacent to the 30mph speed limit signs leading into the village. There is an existing section of dropped kerb which is used for pedestrians to cross to Thornton Nurseries Garden Centre which would be widened as part of this application to 5 metres to accommodate the tractor accessing the field.

4. Relevant Planning History

No relevant planning history

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A site notice was also posted within the vicinity of the site
- 5.3. There was one letter of objection received from the public consultation which raised concerns with regards to:
 - a) Traffic congestion
 - b) Highway safety
 - c) Public safety

Consultation

- 5.4. LCC Highways referred to Standing Advice
- 5.5. LCC Ecology raised no objections to the proposal but did state that if any more of the hedge to be removed would require a botanical survey, a habitat survey and for the works to be completed outside of bird nesting season.
- 5.6. LCC Archaeology raised no objections to the proposal
- 5.7. Bagworth and Thornton Parish Council objects to the proposal with regards to the potential impact on highway safety and public safety. The parish council also made reference to the fact that there is already an access to the site.

6. Policy

- 6.1. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
- 6.2. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)

7. Appraisal

7.1. Key Issues

- Impact upon the character of the countryside
- Impact upon the highway

Impact upon the character of the area

- 7.2. The application site lies within the open countryside. Policy DM4 of the SADMP sets out the types of development which can be considered sustainable within the countryside which includes supporting agriculture and outdoor recreation uses. Development of this nature has to ensure that it does not have an adverse effect on the intrinsic value and landscape character of the area. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design and materials. The policy also provides that a high level of landscaping should be incorporated where this would add to the quality of the design and siting.
- 7.3. The applicant requires the access and timber gate to allow for the mowing and general maintenance of the land for a limited amount of times (approximately 8 times a year); with the tractor being used once a month during the months of May to October. The site currently has an access through the reservoir public car park and through adjoining fields which is also located adjacent to the settlement boundary. However, the applicant has highlighted the difficulty of driving a tractor through the Thornton Reservoir car park and also considers that the existing access is inappropriate due to the parked vehicles at the reservoir and the angle on approach into the access from Thornton Reservoir Car Park. The new access proposed as part of this application has therefore been located to improve ease and safety into the agricultural field.
- 7.4. The proposed access would require the removal of part of the established hedgerow along the lower section of Reservoir Road when approaching the village. However the hedgerow is approximately 75 metres long so the proposed five metre wide access would result in only a minor loss of hedgerow. Furthermore; the overall impact of the access would be reduced as it is not proposed to set the access back into the field from the line of the hedgerow as the applicant has stated that there would be no requirement to provide room to pull off the road to accommodate a trailer. The gate would also be constructed from timber and would be a traditional field gate design which would be appropriate at this location within the countryside.
- 7.5. It is considered that due to the minor nature of the proposal would not have a significant adverse impact upon the countryside. The proposal is therefore in accordance with Policy DM4 and DM10 of the SADMP.

Impact upon Highway Safety

- 7.6. Policy DM17 of the SADMP seeks to ensure that developments do not have a significant adverse impact upon highway safety.
- 7.7. The proposed access would be located at the speed limit sign where on approach to the village the speed limit changes from 40mph to 30mph. The road is relatively straight from the junction at the end of Reservoir Road into the village of Thornton. LCC Standing Advice provides that visibility splays in a 30mph speed limit should measure 2.4m by 43m which would be possible in both North West and South East directions as there is no hedgerow blocking this visibility. However the applicant has not demonstrated that this could be achieved as part of the application. The 6Cs Design Guide notes that where any gates are to be provided, they should open inwards and be set back a distance appropriate to the type of vehicle likely to require access to the development. The gates are proposed to be set back two to

three metres from the highway which is insufficient for a tractor to pull clear of the carriageway so would inhibit the free movement of vehicles in the carriageway. However, having regard to the proposed limited use of the access and the fact that it is an unclassified road in a rural location, the number of vehicle movements along Reservoir Road are considered to be infrequent and it is considered that the proposed access would not have a significant adverse impact on highway safety.

- 7.8. It is considered therefore that the proposed development would not have a significant adverse impact on highway safety and is in accordance with Policy DM17 of the SADMP.

8. Equality Implications

- 8.1. 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.

- 8.2. 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.

- 8.3. There are no known equality implications arising directly from this development.

9. Conclusion

- 9.1. The proposed access; which is to be used to maintain the field is considered acceptable due to the inappropriate existing access and the proposal would not cause significant harm to the character and appearance of the countryside. Furthermore It is considered that the access would not have a significant adverse impact on highway safety therefore it is in accordance with Policies DM4, DM10 and DM17 of the SADMP.

10. Recommendation

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

- Planning conditions outlined at the end of this report.

- 10.2. That the Head of Planning and Development be given delegated powers to determine the final terms of the S106 agreement including contributions, trigger points and claw back periods based on the terms agreed by the committee.

10.3. 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:

Site Location, Scale 1:500, Dwg No 2007-P-01 Rev C

Proposed Timber Gate, Dwg No 2007-P-03A

Received by the Local Planning Authority on 2 June 2017.

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.

10.4. **Notes to Applicant**

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

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Planning Committee 20 June 2017
Report of the Head of Planning and Development

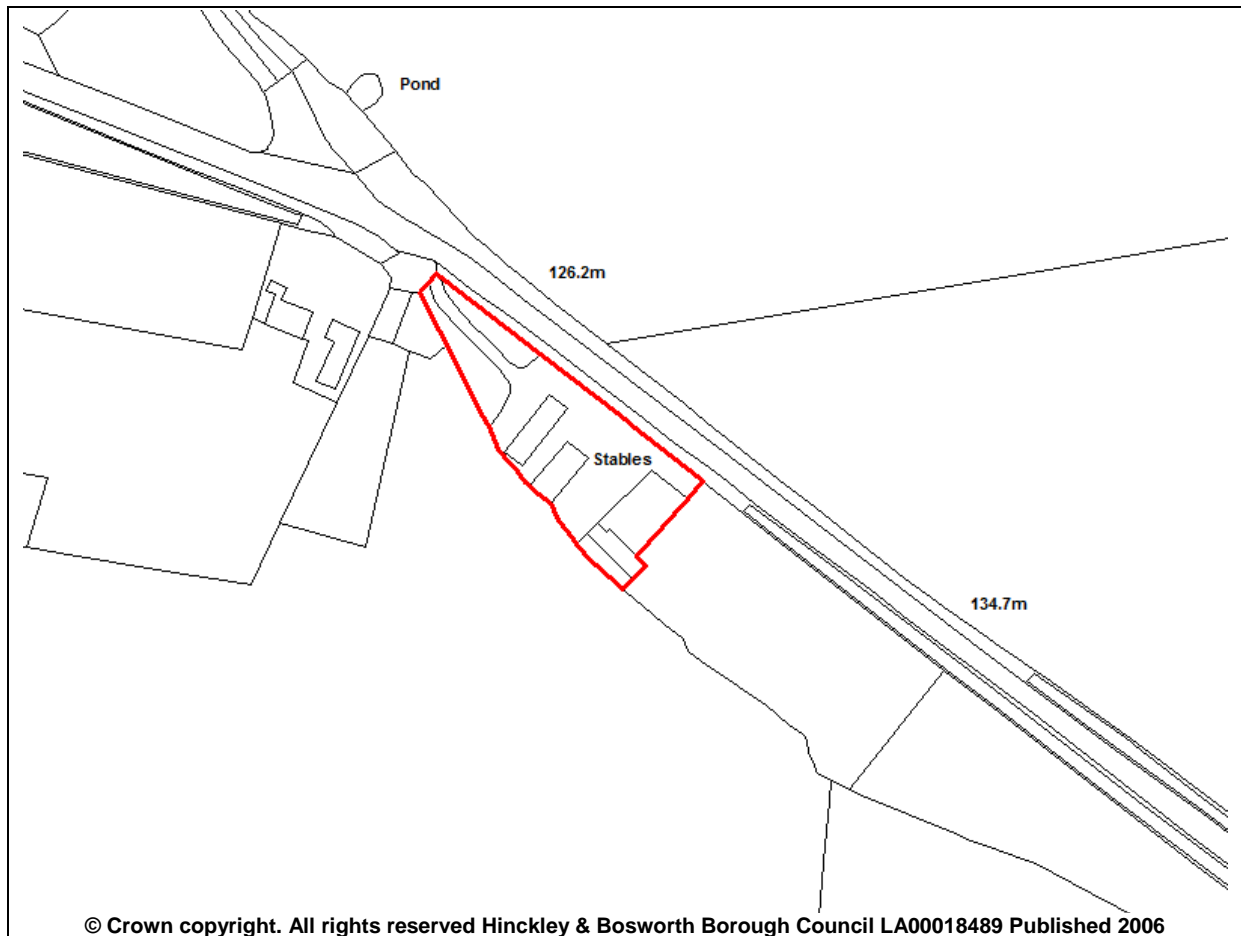
Planning Ref: 16/01019/CLUE
Applicant: Mr Paul Colman
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Thornton Stables Reservoir Road Thornton

Proposal: Certificate of (existing) lawful development for the use of a mobile home/caravan as permanent living accommodation



1. Recommendations

1.1. **Refuse Certificate of (existing) lawful development** for the use of a mobile home/caravan as permanent living accommodation for the reasons at the end of this report.

2. Application Description

2.1. This is an application for a certificate of lawful existing use for the use of a mobile home/caravan known as Thornton Stables as permanent living accommodation. The applicant claims that successive mobile homes/caravans on the site have been used continuously for residential occupation throughout the ten years back from the date of the application.

2.2. The following documents/information have been submitted to support the application:-

- Application Form
- Land Registry Title
- 2 x Site Plans
- 4 x Statutory Declarations by the applicant
- Council Tax Bills
- Utility Bills (electricity)
- Purchase invoice of latest mobile home/caravan
- 2 x supporting letter from applicants dated 2 April 2017 and 28 April 2017
- 12 x supporting letters from family and friends
- Supporting letter from agent for the application

3. Description of the Site and Surrounding Area

3.1. The application site is located in the countryside to the south east of Thornton and south west of Reservoir Road. The site comprises a hard surfaced access road leading to a row of four stables constructed of brick and corrugated metal roof sheets, a garage/storage building constructed of timber frames and corrugated metal sheets, a mobile home/caravan with an attached lean-to conservatory structure, two further storage buildings of timber frame and corrugated metal sheet construction, hardstanding and a garden area. There is also a large grassed paddock to the south east of the application site within the applicant's ownership. The site is surrounded by agricultural fields.

4. Relevant Planning History

No relevant planning history.

5. Publicity

5.1. No publicity has been undertaken as the application is for a certificate of lawful existing use.

6. Consultation

6.1. No consultations have been undertaken as the application is for a certificate of lawful existing use. However, letters of support have been received from Councillors Boothby and Crooks.

7. Policy

Town and Country Planning Act 1990 (Section 191) as amended by Section 10 of the Planning Compensation Act 1991.

Town and Country Planning (Development Management Procedure)(England) Order 2015.

Planning Practice Guidance

8. Appraisal

Key Issues

8.1. Whether the mobile home/caravan known as Thornton Stables has been continuously occupied for the residential purposes claimed during the relevant 10 year period for lawfulness to be established.

Legal Background

8.2. The committee needs to consider whether, on the facts of the application, the specific matter is lawful. It is not an application for planning permission and planning merits are not relevant at any stage in this particular application process.

- 8.3. The Town and Country Planning (Development Management Procedure)(England) Order 2015 and the Town and Country Planning Act (TCPA) 1990 (Section 191) as amended by Section 10 of the Planning Compensation Act 1991 provide advice and guidance in respect of applications for certificates of lawfulness of existing or proposed use or development.
- 8.4. Section 191 of the Town and Country Planning Act 1990 (as amended) provides that if a person wishes to ascertain whether:-
- a) any existing use of buildings or other land is lawful, then he/she can apply to the local planning authority for a certificate to that effect.
- 8.5. Uses are lawful at any time if no enforcement action may be taken by the Council, in the present case this means that the applicant has to show that the use claimed has been continuous for a period of ten years back from the date of the application i.e. 10 February 2017.
- 8.6. Planning Practice Guidance confirms that the burden of proof is on the applicant and the relevant test is the 'balance of probability'. The applicant's evidence in support of the application must be sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 8.7. In determining applications such as this, if the local planning authority has no evidence itself to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probabilities.
- 8.8. It is against this guidance that the application is assessed.
- Assessment of the Evidence
- 8.9. The Land Registry Title (LT98874) and Statutory Declaration (PMC1) names Paul Mark Colman and Alexandra Mary Colman as registered proprietors of the application site from 18 July 2003.
- 8.10. Mr Colman in paragraph 6 of his Statutory Declaration (PMC2) states that he moved into the mobile home/caravan referred to approximately two weeks after purchasing the property (July 2003), and has been living at the application premises as his residence ever since, along with maintaining the domestic curtilage. The declaration also states that the mobile home/caravan on the site has been upgraded during that period. It states that the current mobile home/caravan is the third, and the purchase invoice submitted confirms that it was purchased on 14 April 2014 with a delivery date to be confirmed, and the previous mobile home/caravan was to be removed.
- 8.11. An aerial photograph of the site in 2006 appears to show the stables and storage buildings on the site but no evidence of a mobile home/caravan. An aerial photograph of the site in 2011 appears to show an additional structure on site in roughly the same position as the current mobile home/caravan and roughly the same size. An aerial photograph in 2014 appears to show an additional structure on site in roughly the same position as the current mobile home/caravan and roughly the same size. In their letter dated 28 April 2017 Mr & Mrs Colman explain that the aerial photograph taken in 2006 would be the time when Mr Colman was waiting for delivery of a replacement mobile home, the previous one having already been taken off the site. The letter states that Mr Colman lived in a touring caravan on site (located underneath the trees) until the new one was delivered. No evidence of that delivery has been submitted.

- 8.12. Statutory Declaration (PMC3) provides details of Mr Colman's Goods Vehicle Operator's Licence which refers to Thornton Stables as the 'new operating centre' for two vehicles by a variation dated 15 June 2005. However, the document refers to both 8 Oaks Drive and Thornton Stables as contact addresses for Mr Colman. In their letter dated 28 April 2017 Mr & Mrs Colman explain this is due to Mrs Colman being named as his Transport Manager on his Vehicle Operator License. This does not provide any conclusive evidence of residential occupation. The applicant has not made any claim that he needed to live on site in the mobile home/caravan for the purposes of that business.
- 8.13. Statutory Declaration (PMC4) provides a number of utility bills relating to the ongoing electricity supply at Thornton Stables. The bills are addressed initially during the period of Mr and Mrs Colman's ownership to 8 Oaks Drive, Newbold Verdon (albeit for the supply at Thornton Stables) up to 24 August 2007 and thereafter to Thornton Stables itself from 21 November 2007. However, a letter submitted by Mrs Colman dated 2 April 2017 states that the billing address was changed to Thornton Stables from 8 Oaks Drive in 2007 as the applicant's thought they had sold the house but the sale fell through, and the billing address was not changed back at that time. The utility bills also indicate that the usage of electricity supply at Thornton Stables was extremely low until the beginning of 2014 when it increased significantly. In their letter dated 28 April 2017 Mr & Mrs Colman explain that Mr Colman worked long hours and used electricity only for lighting as hot water, heating and cooking was all done with gas and that once Mrs Colman moved in permanently with all the usual electrical appliances and only working part-time, the electricity usage increased. No evidence of the purchase of gas bottles or mains gas supply has been submitted.
- 8.14. Council Tax bills for Thornton Stables submitted to support the application do not commence until 10 December 2013, when Mr Colman became registered for liability for Council Tax there. There is no evidence of Mr Colman's liability for Council Tax due to occupation prior to this date at Thornton Stables. Mr & Mrs Colman were registered for Council Tax at 8 Oaks Drive, Newbold Verdon from 1983 and paid continuously thereafter until the sale of the property in December 2013. In their letter dated 28 April 2017 Mr & Mrs Colman explain that Mr Colman saw no need to pay Council Tax at Thornton Stables as he disposed of any rubbish or recycling himself.
- 8.15. Mr and Mrs Colman are registered at 8 Oaks Drive, Newbold Verdon on the Electoral Register as recently as 16 October 2012. The Electoral Register has no voters registered at Thornton Stables until the 'property' was created on the system in April 2014. In their letter dated 28 April 2017 Mr & Mrs Colman explain that Mr Colman does not usually vote and was not interested in changing where he could vote from.
- 8.16. The supporting information submitted by others is in large part from immediate family members and friends and is in the form of letters as opposed to statutory declarations which would carry more weight evidentially. In addition, many of the letters do not actually address the issue of the occupation of the mobile home/caravan at all or provide any significant evidence as to its continuous occupation over the previous ten year period.
- 8.17. Notwithstanding Mr Colman's declaration in paragraph 6 of his Statutory Declaration (PMC2), that he moved permanently on site in July 2003, there is evidence from Council Tax records, the Electoral Register, aerial photography and utility bills/electricity usage which in officer's opinion make the applicant's version of events less than probable and which seem to suggest that continuous occupation of the site did not commence until around 10 December 2013, when 8 Oaks Drive,

Newbold Verdon was sold, Mr & Mrs Colman registered for Council Tax at the site, and thereafter electricity usage increased significantly. The supporting letter submitted by the applicants dated 2 April 2017 states that Mrs Colman and her daughter resided primarily at 8 Oaks Drive, Newbold Verdon until the house was sold in December 2013 and Mrs Colman then moved to live permanently at Thornton Stables. Not long afterwards (April 2014) the mobile home/caravan was upgraded.

- 8.18. Officers have taken legal advice on whether, based on the same information as is listed in this report, officers' conclusion are robust and that a certificate should not be granted.
- 8.19. Based on the evidence available the advice given is that the applicant's version of events is less than probable and that a certificate should not be granted. The evidence submitted to support the application in this case is arguably not 'sufficiently precise or unambiguous' to justify the grant of a certificate, not least by reason of the fact that much of the evidence in support does not actually address the issue of the mobile home itself. In addition, the local planning authority has evidence itself which contradicts the applicant's contentions.

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. Planning Practice Guidance confirms that the applicant is responsible for providing sufficient information to support the application and that such evidence should be sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 10.2. In applications such as this, if the local planning authority has no evidence itself to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probabilities.
- 10.3. In this case, it is considered that the information which the Council has, namely Council Tax records, Electoral Registration records, aerial photographs, electricity usage, sale of 8 Oaks Drive, Newbold Verdon and upgrading of the mobile home/caravan provide evidence to suggest that, on the balance of probability, continuous occupation of the mobile home/caravan has not occurred for a period in excess of 10 years to justify the grant of a Certificate of Lawful Existing Use of the

mobile home/caravan as permanent living accommodation. It is therefore recommended that the application is refused for these reasons.

11. Recommendation

11.1. **Refuse Certificate of (existing) lawful development** for the use of a mobile home/caravan as permanent living accommodation for the reasons at the end of this report.

11.2. **Reasons**

1. The applicant has failed to submit sufficiently precise and unambiguous evidence/information to demonstrate that on the balance of probability a mobile home/caravan known as Thornton Stables has been occupied continuously as living accommodation throughout the period of ten years prior to the submission of the application on 10 February 2017 to justify the grant of a certificate of lawful existing residential use.

PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 09.06.17

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
	RWE	16/00270/FUL (PINS Ref 3176703)	WR	Walrus (Vinyl Revival) Ltd c/o Agent	Newhaven 12 Wykin Road Hinckley (Erection of 7 dwellings with associated access)	Awaiting Start Date	
	CA	17/00263/HOU (PINS Ref 3176186)	WR	Mr. G. Walsh	77 Outlands Drive Hinckley (Single storey front and rear extensions and first floor extension above existing garage (Re-submission))	Awaiting Start Date	
	RWR	16/01148/FUL (PINS Ref 3175878)	WR	Mr Nigel Foulds	Hill Farm, Markfield Lane, Botcheston, LE9 9FH (Erection of one detached dwelling - single storey bungalow)	Awaiting Start Date	
	CA	16/00944/FUL (PINS REF 3174674)	WR	Mr Patrick Godden c/o Agent	Upper Grange Farm 1A Ratby Lane Markfield (Erection of new dwelling and conversion of existing hydro pool to garages)	Awaiting Start Date	
	RWE	16/00726/OUT (PINS Ref 3174326)	IH	Ms J Perrin c/o Agent	65 Coventry Road Burbage Hinckley (Demolition of no. 65 Coventry Road and erection of 13 no. dwellings (outline - access, layout and scale))	Awaiting Start Date	
		16/00757/FUL (PINS Ref 3173503)	WR	Mrs Rita Morley 5 Whitehouse Close Groby	5 White House Close Groby (Erection of 1 dwelling (resubmission))	Awaiting Start Date	
17/00008/PP	SF	16/01003/OUT (PINS Ref 3173191)	WR	Mr & Mrs Raynor Hill Rise Station Road Desford	Land Adj Hill Rise Station Road Desford (Two new dwellings (outline - access and layout))	Start Date Statement of case Final Comments	17.05.2017 21.06.2017 05.07.2017

17/00007/COND	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)	Start Date Awaiting Decision	11.04.17
17/00006/PP	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))	Start Date Awaiting Decision	07.04.17
17/00004/PP	JB	16/00674/OUT (PINS Ref 3167591)	WR	Mr & Mrs Payne Robert and Linda Oak Farm Lychege Lane Aston Flamville Hinckley	Oak Farm Lychgate Lane Burbage (Erection of one dwelling (outline - access, layout and scale))	Start Date Awaiting Decision	30.03.17
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

Decisions Received

17/00005/FTPP	JB	16/01033/HOU (PINS Ref 3171481)	WR	Mr Manjit Singh 8 Drovers Way Desford	8 Drovers Way Desford (Single storey rear extension)	ALLOWED	18.05.17
16/00003/CLD	CA	15/00933/CLUE (PINS Ref 3143504)	PI	Mr Arthur McDonagh	Land To The North Of Newton Linford Lane Newtown Linford Lane Groby	ALLOWED	02.06.17

Rolling 1 April 2017 - 9 June 2017

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
4	3	1	0	0	3	0	1	0	0	0	0	0	0

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
0	0	0	0	0

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Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

PLANNING COMMITTEE

20 JUNE 2017

WARDS AFFECTED: All Wards

Planning Enforcement Update

Report of Head of Planning and Development

1. PURPOSE OF REPORT

- 1.1 To provide an update to Members on current sensitive planning enforcement cases
- 1.2 To provide an update on planning enforcement workload and performance.

2. RECOMMENDATION

- 2.1 That the report be noted.

3. PLANNING ENFORCEMENT CASE UPDATE

3.1 Good Friday Caravan Site

Following an appeal to the High Court, the judge on the 15 July 2015 upheld the enforcement notice requiring the cessation of the use of land as a caravan site. Therefore, the occupiers of the Good Friday site were required to vacate the site by 15 January 2017, and reinstate the land by 15 April 2017.

Following the High Court decision, the occupiers of the Good Friday site submitted another planning application for the site, this application being for five traveller pitches, as opposed to the previous application for 10 pitches that was been refused on 15 May 2009; this refusal having been upheld at Public Inquiry and in the High Court. The council refused this latest application on the 4 February 2016 on the same grounds as the previous application for 10 pitches (highway safety and visual amenity). Subsequently, the applicant has lodged an appeal against this planning decision. An Informal Hearing took place on the 7 February 2017 and the Council now awaits the decision of the Planning Inspectorate.

The owners have not appealed against the enforcement notice and this is still valid. Officers are preparing for the legal proceedings necessary to require compliance with

the enforcement notice. External legal advice on these actions is being obtained to make sure that the council stands the best chance of success.

Since the appeal, two of the pitches which were not part of the appeal proceedings have been occupied. The Council has a Court date of the 22 June 2017 at Leicester County Court to seek to obtain an Injunction for the removal of the occupants of these pitches.

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

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

The appeal was allowed, and the site has been granted temporary planning permission for five years. The Inspector stated that the site is located within the countryside and will harm the countryside and is also in an unsustainable location away from local services. The Inspector found that the development was contrary to the Council's Core Strategy and the Site Allocations and Development Management Policies DPD. However, the inspector took into account the fact that one of the occupiers is pregnant and that special circumstances should apply which to take into account the unborn child. He considered that the five year permission will enable the child to attend a local school; the Inspector also concluded that a five year period would allow the council to plan for future Gypsy and Traveller Sites in accordance with the Local Development Scheme.

Following the appeal being allowed development commenced on site in September 2016, it became apparent to the Local Planning Authority that there were more caravans on site than permitted under the terms of the planning conditions attached to the permission issued by the Inspector. The Local Planning Authority therefore issued the owners with a Breach of Condition Notice to ensure that no more than four mobile homes are present on the site. The notice has now been complied with; however the Council will continue to regularly monitor the situation at the site as it develops.

Further to this a number of planning applications have been submitted, the first one was in regard to the erection of day rooms at the site which has been withdrawn. The second application which is currently pending consideration is in regard to a variation of condition application for the addition of an extra mobile home on the site.

3.3 Newton Linford Lane, Groby (Known as Klondyke)

On 7 September 2015, the owner of a piece of land within "Klondyke" submitted an "Application for a certificate of lawful existing use for a dwelling". The application sought to establish the use of an area within the site as a residential dwelling; the applicant was claiming that the site has been used as a permanent residential dwelling

since 1985. This site is particularly well known to the Council and there is an extensive enforcement history on the whole of the site, with previous enforcement notices and Injunctions served on the land. Based on the evidence provided by the applicant the Council refused the application and subsequently an enforcement notice was served on the 7 January 2016, stating that the dwelling had to be removed. Following the service of an enforcement notice, the applicant has submitted an appeal to the Secretary of State against the notice.

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

There have been a number of high profile court cases where owners have sought to deceive the local planning authority in their initial application for planning permission or have concealed the development and then sought to argue that the local planning authority is out of time for taking enforcement action. Where it appears to the local planning authority that there may have been a breach of planning control in its area it may apply to a magistrates court for a planning enforcement order. If the Court makes such an order then the local planning authority may take enforcement action in respect of the apparent breach at any time within a period of one year and 22 days of the making of the order. Following the submission by the Council of a claim (in accordance with advice from an independent barrister) for a Planning Enforcement Order, the owner challenged the council's evidence on the basis that he believed that concealment had not occurred. The case was heard at Leicester Magistrates Court on the 7 October 2016.

The District Judge found that, based on the evidence that deliberate concealment had not occurred at the site and the Planning Enforcement Order was not granted on a the basis of a narrow 'technicality'. This decision was made on the basis that evidence was presented that suggested that people could, if they chose, view the site on a particular day in 2006 as part of an appeal site visit.

Prior to the Public Inquiry, Counsel advised that the Council withdraw the enforcement notice due to legal discrepancies in the notice and to focus purely at the appeal on the refusal of the certificate of existing lawful use. At the Inquiry a number of developments occurred including the fact that the appellants were only seeking a certificate for a dwelling, but not for the use as a dwelling. All parties agreed that there had been a building in place for a long period of time.

The Council has now received the decision from the Planning Inspectorate which grants a certificate confirming that the building; which was constructed as a dwelling is lawful due to the passage of time. The Council are currently exploring options in regard to whether further enforcement action is appropriate in relation to the use of the building for residential purposes.

3.4 19 Sycamore Drive, Groby

On the 11 October 2016 the Local Planning Authority served the owners of 19 Sycamore Drive, Groby with an Enforcement Notice in regard to the erection of an

unauthorised fence. The owner has not appealed against this notice and as a result; the owner was required to remove the fence by the 11 December 2016.

Subsequently, the fence was reduced to one metre in height which meant that the fence is permitted development and therefore lawful. However, temporary fencing has since been erected behind this and a further enforcement notice has now been served for the removal of this temporary fence.

3.5 Dalebrook Farm, Earl Shilton

Following the grant of planning permission for an additional 10 gypsy and traveller pitches in 15/01089/COU, the council received complaints that the owners were carrying out unlawful works on the site. On the 22 December 2016 the Local Planning Authority served the owners of Dalebrook Farm with a Temporary Stop Notice which required all works on the site to cease for the period during which the Stop Notice is effective; the Notice expired on the 19th January 2017. The reason for the serving of this notice is that work that has taken place on site is not in accordance with the approved plans which may have implications in relation to impact on the Flood Plain. Discussions with the Environment Agency are taking place with a view to ensuring that the works do not cause flooding problems. This will inform the next steps to be taken on this site. The owner of the site is working with the Local Planning Authority to move forward with this development. An unlawful incursion occurred on the site in May and a Temporary Stop Notice was served to require this use to cease; all caravans have now left the site and it has been secured.

3.6 23C Wood Street, Hinckley

On the 4 October 2016 the Council received a retrospective planning application for the "Change of use to dog day care and dog grooming centre" (Planning Reference: 16/00883/COU). This was refused planning permission on the 29 November 2016.

On the 6 January 2017 the council issued the owners of the property with an Enforcement Notice requiring the unauthorised use of the premises as a dog day care and grooming centre to cease.

Following on from this the owners did appeal the refusal of planning permission but not the enforcement notice. However the Inspector dismissed the appeal and now further enforcement action will be taken to ensure the cessation of the use at the site; in parallel; work is also ongoing to seek to assist the owners to find suitable alternative premises from which to run their business.

3.7 31 Flaxfield Close, Groby

On the 14 March 2017 the Council issued an enforcement notice for the unauthorised change of use of 31 Flaxfield Close, a private residential property for the parking of one flat bed lorry, which constitutes a material change of use. The owners have not submitted an appeal against the notice, and the flat bed lorry had to be removed from the site by the 14 May 2017. The flat bed lorry has now been removed from the site and the notice has been complied with.

3.7 S215 – Untidy Land Notices

Within the period from 1 January 2017 to 30 April 2017, the council was made aware of ten untidy properties. Eight properties are still under investigation and are affecting the public amenity of the area and appropriate steps are being taken to ensure that

the properties are tidied to an appropriate level with certain Section 215 Notices to be issued as necessary.

Out of the other properties, one case was closed as it was found to be not affecting the public amenity of the area to a level where action could be taken. The other case was at 42 Park Road, Hinckley where the property was affecting the public amenity of the area, however after discussions with the Council the site was tidied to a more acceptable level that no longer affects the public amenity of the area.

Further to this the Council has also issued a Section 215 Notice on owners of 1 Trinity Vicarage Road, Hinckley. This is an abandoned factory premises located adjacent to a Hammonds furniture showroom. Within the notice the owner was required to demolish the building and remove all overgrown vegetation from the premises by the 6 April 2017. It is evident that this notice has not been adhered to; this is due to the land owners going into receivership. New owners have now taken over the site and are working with the Council to remedy the issue.

A Section 215 Notice has been served upon owners of 140 Leicester Road, Markfield. This is a property which was granted planning permission in 2006 to undertake extensions and alterations. Works have been ongoing at an extremely slow rate for over 10 years. A notice has been served to ensure that the building works are completed within six months. If an appeal is not lodged then the works should be complete by 23 July 2017.

4.0 WORKLOAD & PERFORMANCE

4.1 The following tables show the current work load the service is managing in respect of current enforcement investigations. Table 1 demonstrates the number of cases that have been opened within that period and how many cases have been closed. The team ensures that enforcement cases are resolved as expediently as possible. Table 2 shows in more detail how the cases were closed. This table demonstrates that the majority of cases that have closed are either through negotiation, or by retrospective planning applications being received and approved. As of the 30 April 2017 there were 231 enforcement cases; however a number of these are currently dormant i.e. awaiting further information or subject to ongoing monitoring to collate evidence. The team is taking a proactive approach to ensuring cases are resolved as promptly as possible, using all available powers where appropriate.

Table 1: Number of Enforcement cases opened and closed

Period of time	Number of cases opened	Number of cases closed
1 January 2017 to 30 March 2017	99	112
1 October 2016 to 31 December 2016	86	99
1 July 2016 to 30 September 2016	98	80

Table 2: How the enforcement cases were closed

Period of time	Total Cases closed	Case closed by resolving breach	Case closed by not being a breach	Cases closed by being Permitted Development
1 January 2017 to 30 March 2017	112	40	63	9
1 October 2016 to 31 December 2016	99	42	49	8
1 July 2016 to 30 September 2016	80	28	42	10

- 4.2 On the 9 March 2016, the Council approved an updated Planning Enforcement Protocol. The protocol has been updated to be in accordance with the NPPF and sets out how the Council will proactively manage planning enforcement issues within the borough by monitoring the implementation of planning permissions and ensuring conditions are fully complied with. Currently the service is achieving its targets by ensuring that 98% of complaints received site visits are undertaken within seven working days. The service also acknowledges receipt of 100% of complainants within its three working days target.
- 4.3 Planning enforcement and monitoring is carried out on a pro-active basis to seek solutions to problems that may arise. The service provides pre-application advice which allows issues that could delay the speed at which a planning application to be determined to be resolved prior to submission. The way in which enforcement cases are dealt with now reflects this proactive approach.
- 4.4 The first strand to this proactive approach involves working more closely with elected members and community groups; for example Parish Councils and Neighbourhood Forums to deal with common complaints that are raised. This may include untidy sites, unauthorised advertisements and unlawful land uses. The aim is to actively seek out problem cases and tackle them before they become an eyesore and detract from the local area or have an adverse impact on amenity. A proactive approach is also taken to the checking and monitoring of planning permissions. A new system of regular monitoring of sites ensures that the development is built in accordance with the approved plans and that relevant condition and Section 106 obligations have been complied with (or enforced against).
- 4.5 The service will continue to take a proactive approach to monitoring progress on large housing developments in close consultation with the Executive Member for Development Services. Recent examples of this would include the work undertaken at Higham on the Hill and Welbeck Avenue in Burbage, ensuring that conditions imposed are complied with. This also allows relationships to be brokered between the site manager and those residents living within the vicinity of a development to ensure that they are not adversely affected by a development which is likely to go on for several years. The approach to tackling enforcement cases will continue to be a collaborative one; involving joined up working with other service areas within the council to find solutions. Work is also on-going to create a Leicestershire wide

enforcement group; to include all Enforcement Officers within Leicestershire Local Authorities as a forum to share experiences and best practice.

5. FINANCIAL IMPLICATIONS [TF]

5.1 None

6. LEGAL IMPLICATIONS LEGAL IMPLICATIONS MR

6.1 None

7. CORPORATE PLAN IMPLICATIONS

The 2017-2021 Corporate Plan sets out ambitions for improving neighbourhoods, parks and open spaces, improving the quality of homes and creating attractive places to live (Places theme). It also promotes regeneration, seeks to support rural communities and aims to raise aspirations for residents (Prosperity theme). This report sets out how planning enforcement powers are being used to deliver these aims.

8. CONSULTATION

None

9. RISK IMPLICATIONS

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

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

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

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Dealing with numerous Public Enquiries	Monthly monitoring of implications on revenue budget by Head of Service and Service Manager. Review and forecast overspend and review supplementary estimate/virement as part of budget review. Constant review of budget for public enquires for duration of the masterplan. Monitoring of budget in relation to appeal costs. Monitoring of planning decisions	Rob Parkinson

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

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

11. CORPORATE IMPLICATIONS

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

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

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

Executive Member: Cllr Stan Rooney



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

PLANNING COMMITTEE

20 June 2017

WARDS AFFECTED: All Wards

Major Projects Update

Report of Head of Planning and Development

1. PURPOSE OF REPORT

- 1.1 The purpose of this Report is to provide an update to Planning Committee on a number of major schemes in the Borough that are currently being proposed or implemented.

2. RECOMMENDATION

- 2.1 That Planning Committee notes the content of this report.

3. BACKGROUND TO THE REPORT

- 3.1 This report provides an update of progress with regard to the delivery of major development projects. The following sections provide the latest update:

Strategic Planned Housing Sites

- 3.2 **Barwell Sustainable Urban Extension (SUE)**
The Barwell SUE is allocated in the adopted Earl Shilton and Barwell Area Action Plan (AAP) for the development of 2,500 new homes and a minimum of 6.2ha of employment land plus open space, a new primary school, shops and leisure facilities. The draft Section 106 document has been broadly agreed subject to several minor outstanding points that is awaiting the developer's response. Most of these discussions are now complete and once the final details are agreed, detailed designs will be drawn up for the first phases. The final sign off is scheduled for the summer of 2017.
- 3.3 **Earl Shilton Sustainable Urban Extension (SUE)**
The Earl Shilton SUE is allocated in the adopted Earl Shilton and Barwell Area Action Plan (AAP) for the development of 1,600 new homes and a minimum of 4.5ha of employment land.

- 3.4 The developer consortium is working with their consultant and the Council to commence pre-application discussions. The Council has had the developer's viability appraisal independently assessed, which will inform the eventual S106 package. The council is waiting for the developer consortium to consider the independent assessment. Officers are in regular contact with the developers to seek to make sure that progress is made at the earliest opportunity.

Land West of Hinckley

- 3.5 The development site covers an area of 44.04 hectares. The site is allocated in the Site Allocations and Development Management Policies DPD for 850 dwellings, including 20% affordable housing, a local shop, a primary school, pedestrian access links across Normandy Way and appropriate provision of play and open space.
- 3.6 An outline planning application for the development of 850 homes including 20% affordable housing, 500m² of retail units, a primary school, community facilities including sport pitches, parkland, children's play areas, allotments, sustainable urban drainage systems, a new access from Normandy Way and associated infrastructure. on the site was submitted to the Council on 27 February 2015.
- 3.7 A full application for an element of the allocated site, phases 1 and 2 has been submitted. This application is for 260 dwellings, formal and informal public open space, a new access from Normandy Way and associated infrastructure including a sustainable urban drainage system. Both this and the outline applications were approved by Planning Committee 16th August 2016 subject to conditions and the completion of a Section 106. The final decision on the terms of the S106 agreement has been delegated to a group of six members. Work is at an advanced stage with concluding the Section 106 negotiations and a decision is due to be made in summer 2017.

Other Strategic Planning and Economic Development updates

Town centre regeneration

- 3.8 The Council set out its high level ambition for our town centres in the Town Centre Vision document in October 2015. Work continues on bringing forward sites through discussions and meetings with various interested parties. The site of the former Leisure centre site at Trinity Lane is being marketed with interested parties being asked to submit their proposals by July this year. The Council is looking for a landmark development at this important gateway to the town. Other sites include, Stockwell Head where there is developer interest in part of the site and early discussions with development management are taking place. At Castle Street the former Coop site is generating interest from developers and occupiers too. Appropriate updates will be brought to members as matters move forward.

LEADER

- 3.9 The England's Rural Heart LEADER Programme 2015-2019 (European Union initiative for rural development) covers rural areas within the boroughs of North Warwickshire and Hinckley & Bosworth. Grants are available for small and medium sized enterprises, farming, forestry, tourism, culture and heritage and community initiatives. Its overall purpose is to benefit rural businesses and communities by stimulating economic growth, developing those businesses and creating new jobs in rural areas.

3.10 The last call for applications included Tourism and Culture and Heritage for the first time plus Farming Productivity, Small and Micro Enterprises and Forestry Productivity. During this call for applications fourteen outline stage projects were submitted. At the Local Action Group decision meeting on 23rd May eleven of the projects were approved to submit a full application and five of these were from Hinckley and Bosworth. The decision meeting also considered three full applications and all of these were approved with two from Hinckley and Bosworth.

3.11 The next call for applications will open on 3rd July 2017.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

4.1 This report will be taken in open session.

5. FINANCIAL IMPLICATIONS [IB]

Strategic Planned Housing Sites

5.1 Negotiations are taking place in relation to S106 contributions for the Land West of Hinckley (Paragraph 3.5).

Other

5.2 Staff time on Planning and Regeneration updates are met from existing budgets.

5.3 LEADER project funding is applied for directly by enterprises concerned, so do not go through the Council financial procedures.

6. LEGAL IMPLICATIONS [MR]

6.1 None

7. CORPORATE PLAN IMPLICATIONS

7.1 This Report provides an update on projects that will contribute to the following strategic aims of the Council:

- Creating clean attractive places to live and work
- Encouraging growth, attracting business, improving skills and supporting regeneration

8. CONSULTATION

8.1 None directly required in relation to this update. Statutory consultation processes on schemes form part of the development management and local plan making processes.

9. RISK IMPLICATIONS

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

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

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to provide a five year land supply. This leads to speculative unplanned housing developments plus additional costs incurred due to planning appeal process.	Proactive work to bring forward site allocations and maintain five year land supply	KR
Non delivery of Sustainable Urban Extension	Close working with developers and regular progress reviews.	NT

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 10.1 This Report provides an update on a number of schemes, several of which are the subject of separate reporting mechanisms within which equality and rural implications are considered.

11. CORPORATE IMPLICATIONS

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

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: None
 Contact Officer: Stephen Meynell 01455 255775
 Executive Member: Councillor M Surtees