

# Public Document Pack



Hinckley & Bosworth  
Borough Council

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

Date: 26 February 2018

**To: Members of the Planning Committee**

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

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, 6 MARCH 2018 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen  
Democratic Services Officer

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- **Do not** use the lifts.
- **Do not** stop to collect belongings.

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## PLANNING COMMITTEE - 6 MARCH 2018

### A G E N D A

1. APOLOGIES AND SUBSTITUTIONS
2. MINUTES (Pages 1 - 4)  
To confirm the minutes of the meeting held on 6 February 2018.
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 12.
6. DECISIONS DELEGATED AT PREVIOUS MEETING  
To report progress on any decisions delegated at the previous meeting.
7. 17/01043/HYB - LAND EAST OF HINCKLEY ISLAND HOTEL, WATLING STREET, BURBAGE (Pages 5 - 48)  
Hybrid application.
8. 17/01002/FUL - ALLOTMENT GARDENS NEWTOWN LINFORD LANE, GROBY (Pages 49 - 62)  
Application for the replacement of an existing dwelling with a new dwelling.
9. 17/01319/FUL - MILLENNIUM HALL, BRITANNIA ROAD, BURBAGE, HINCKLEY (Pages 63 - 72)  
Application for erection of a new pavilion.
10. 17/01240/OUT - TRANSCO NTS, COVENTRY ROAD, HINCKLEY (Pages 73 - 92)  
Outline application for residential development for up to 42 dwellings (Access only) and demolition of the existing building.
11. 18/00024/FUL - 7 UTAH CLOSE, HINCKLEY (Pages 93 - 98)  
Application for erection of a detached log cabin for a footcare and beauty salon business (retrospective) (resubmission of 17/01004/FUL).
12. 18/00038/HOU - 15 DENIS ROAD, BURBAGE (Pages 99 - 106)  
Application for first floor extension to bungalow to form two and a half storey dwelling with alterations to all elevations (resubmission of 17/00546/HOU).
13. 17/00862/CONDIT - 23 STATION ROAD, RATBY (Pages 107 - 114)  
Application for variation of condition 2 of planning permission 15/01090/FUL to extend the

flue by 1 metre and to reflect the correct position of the flue.

14. 17/01292/FUL - 38 ALMEYS LANE, EARL SHILTON (Pages 115 - 122)

Application for erection of one detached bungalow (resubmission of 17/00636/FUL).

15. APPEALS PROGRESS (Pages 123 - 126)

To report on progress relating to various appeals.

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

# Agenda Item 2

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### PLANNING COMMITTEE

6 FEBRUARY 2018 AT 6.30 PM

PRESENT: Mr R Ward - Chairman  
Mr BE Sutton – Vice-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 MJ Surtees, Miss DM Taylor and Ms BM Witherford

In accordance with Council Procedure Rule 11 Councillors Mr RG Allen were also in attendance.

Officers in attendance: Craig Allison, Helen Knott, Rebecca Owen, Michael Rice and Nicola Smith

#### 321 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Smith.

#### 322 MINUTES

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

RESOLVED – the minutes of the meeting held on 9 January 2018 be confirmed and signed by the chairman.

#### 323 DECLARATIONS OF INTEREST

No interests were declared at this stage.

#### 324 DECISIONS DELEGATED AT PREVIOUS MEETING

It was noted that the decision relating to application 17/00765/FUL had been issued, applications 17/00148/FUL and 17/00302/FUL were subject to a legal agreement which was to be signed, and application 17/01047/HOU was on the agenda for this meeting.

Councillor Ladkin arrived at 6.32pm.

#### 325 17/00730/FUL - 100 MAIN STREET, NAILSTONE

Application for demolition of existing dwelling and erection of two dwellings, garages and associated drive.

Whilst generally in support of the application, Councillor Crooks expressed concern about the levels and asked that he be consulted before the condition in relation to levels was discharged. He also sought reassurance that retention of the holly tree as referred to earlier in the report was included in conditions.

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

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report;
- (ii) Councillor Crooks be consulted before discharging conditions 4 and 7;
- (iii) The Planning Manager (Development Management) be granted powers to determine the final detail of planning conditions.

326 17/00819/FUL - THE GATE INN, ASHBY ROAD, OSBASTON

Application for installation of new remote condenser and condensing unit.

Whilst the committee was generally in support of the application, Councillor Boothby proposed that the Environmental Health Service be requested to make routine visits to monitor the noise from the units once installed.

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

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report;
- (ii) The Planning Manager (Development Management) be granted powers to determine the final detail of planning conditions;
- (iii) The Environmental Health Service be requested to undertake regular monitoring.

327 17/01084/FUL - 1 THE NOOK, MARKFIELD

Application for conversion of existing building to create five flats.

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

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report;
- (ii) The Planning Manager (Development Management) be granted powers to determine the final detail of planning conditions.

328 17/01085/LBC - 1 THE NOOK, MARKFIELD

Application for conversion of existing building to create five flats.

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

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report;
- (ii) The Planning Manager (Development Management) be granted powers to determine the final detail of planning conditions.

329 17/01249/FUL - 35 FORRESTERS ROAD, BURBAGE

Application for demolition of existing bungalow and erection of two detached houses.

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

RESOLVED –

- (i) Permission be granted subject to the conditions in the officer's report and late items;
- (ii) The Planning Manager (Development Management) be granted powers to determine the final detail of planning conditions.

330 17/01047/HOU - 80 MAIN STREET, DESFORD

Application for removal of a section of wall to create a vehicular access and erection of gates.

This application was before the committee following members indicating there were "minded to refuse" at the previous meeting.

Notwithstanding the officer recommendation that the application be approved, Councillor Surtees proposed that the application be refused due to the development having a detrimental impact on the character and appearance of the conservation area. It was seconded by Councillor Crooks and

RESOLVED – Permission be refused for the following reasons:

The development, by virtue of the loss of part of an important wall within Desford conservation area, would result in a detrimental impact on the character and appearance of the conservation area and is therefore contrary to policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD 2016.

331 APPEALS PROGRESS

Members received a report which updated on progress in relation to various appeals. Discussion ensued regarding the appeals on Paddock way and The Common and it was agreed that Barwell Parish Council would be kept informed about dates for the appeal in relation to The Common.

RESOLVED – the report be noted.

(The Meeting closed at 7.58 pm)

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CHAIRMAN

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Planning Committee 6 March 2018  
Report of the Planning Manager, Development Management

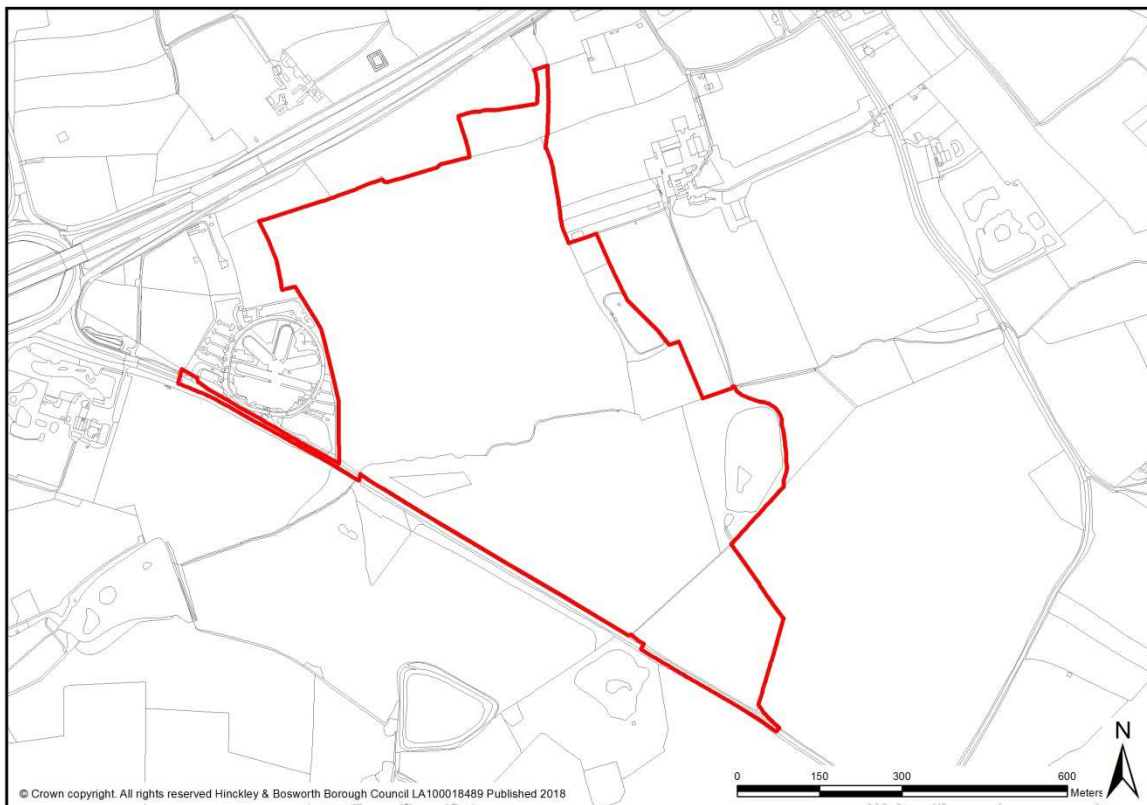


Hinckley & Bosworth  
Borough Council

Planning Ref: 17/01043/HYB  
Applicant: IM Properties (Development) Ltd  
Ward: Burbage Sketchley & Stretton

Site: Land East Of Hinckley Island Hotel Watling Street, Burbage

Proposal: Hybrid planning application comprising: Full Application for a 29,563 sq m storage and distribution facility (Use Class B8), including ancillary offices, salt barn, tyre and vehicle storage unit, vehicle maintenance unit, canteen and security office, service yard with HGV parking, car parking, landscaping, and other associated development, a 49,470 sq m industrial / storage and distribution unit (Use Class B1c/B2/B8) including ancillary offices, service yard and HGV parking, car parking, landscaping, and other associated development, creation of a new access from the A5, internal spine road and associated infrastructure including earthworks, a new substation and substation access from the A5, and temporary construction access from the A5; Outline application with all matters reserved except for access, for up to 42,000 sq m of Use Class B1c, B2 and B8 floorspace, including ancillary offices, service yards and HGV parking, car parking, landscaping, and other associated development.



## 1. Recommendations

### 1.1. Grant planning permission subject to

- The prior completion of a S106 agreement to secure the following obligations:

### Highways:-

- A contribution towards improvements to the wider highway network within Hinckley. Further details will be provided to Members as Late Item.
  - Provision of bus services and contribution towards future service. New bus stop infrastructure must include but not be limited to: bus stops, bus shelters, facilitation of Real Time Information, raised kerbs, lighting and timetable information. Further details will be provided to Members as a Late Item.
  - One Travel Pack per employee £52.85 from first occupation
  - One six month bus pass per employee at an average of £360 per pass to be offered on commencement of bus service provision on site
  - Framework Travel Plan monitoring fee of £11,337.50
  - Site Wide Travel Plan Co-ordinator to be funded and employed by the applicant from the commencement of development until 5 years following full occupation
- Provision of opportunities for apprenticeships and work experience and employment and skills related training during the construction of the development. Further details of this will be provided to Members as a Late Item.
  - Planning conditions outlined at the end of this report.
- 1.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.
- 1.3. That the Planning Manager, Development Management be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

## **2. Planning Application Description**

- 2.1. This is a hybrid application seeking full planning permission for:
- A 29,563 sq m storage and distribution facility (Use Class B8), including ancillary offices, salt barn, tyre and vehicle storage unit, vehicle maintenance unit, canteen and security office, service yard with HGV parking, car parking, landscaping, and other associated development (Zone 1).
  - 49,470 sq m industrial/storage and distribution unit (Use Class B1c/B2/B8) including ancillary offices, serviceyard and HGV parking, car parking, landscaping, and other associated development (Zone 2).
  - Creation of a new access from the A5 involving the creation of a new roundabout, internal spine road and associated infrastructure including earthworks,
  - A new substation and substation access from the A5, and
  - Temporary construction access from the A5.
- 2.2. Outline permission with all matters reserved except for means of access is sought for up to 42,000 sq m of Use Class B1c, B2 and B8 floorspace, including ancillary offices, service yards and HGV parking, car parking, landscaping, and other associated development (Zone 3).
- 2.3. The storage and distribution facility (Zone 1) is to be occupied by DPD; the scale of the proposed hub is therefore occupier driven; and has very specific requirements in terms of required length and width of the building and its relationship to ancillary buildings and hardstanding. The building would not exceed 12.5 metres in height

above floor level and it is proposed to locate this building to the east of the Soar Brook on the flattest and lowest lying plot within the site.

- 2.4. The B1c/B2/B8 unit proposed within Zone 2 has no confirmed end user, the proposed building height is designed to meet market demands, which require this size of facility to have an internal height of at least 18m clear giving the flexibility to install high level racking schemes, automation systems or multiple mezzanine levels. This gives rise to a maximum building height of 22m above floor level. It is proposed to locate this building to the west of the Soar Brook corridor where the topography is flatter.
- 2.5. During the course of the application amended plans were submitted amending the profile of the roof to Unit 2 to introduce a curved roof design.
- 2.6. Zone 3, applied for in outline is the portion to the north-west; adjacent to the M69. Two Masterplan Options have been provided for Zone 3. Masterplan option A shows an indicative layout including a range of B1(C)/B2/B8 units ranging from a terrace of small/starter units of 500-1000m<sup>2</sup> up to a stand alone unit of approximately 9000m<sup>2</sup>. Masterplan B illustrates two stand alone B1(c)/B2/B8 units of around 21,000m<sup>2</sup> and 17,500m<sup>2</sup>.
- 2.7. Whilst all matters apart from means of access are reserved for subsequent approval, a parameters plan has been submitted for Zone 3 which shows:
  - A maximum floor area of 42,000m<sup>2</sup>
  - A maximum height of roof to be 19m and minimum height of 7m
  - Materials and design concepts aimed at minimising the impact of these buildings would be similar to those utilised in Zone 2.
- 2.8. The delivery of the site for DPD requires the additional 'enabling development' (Zones 2 and 3) to support the viability of the DPD proposals and to dilute the up front infrastructure costs of providing the new site access roundabout and delivering services to the site.
- 2.9. Viability information to support this position was submitted and independently reviewed, confirming that the scale of enabling development is required to ensure that the development is viable.
- 2.10. A two metre wide access path to provide a new cycle and pedestrian access would be provided into the site from the A5 adjacent to the south-eastern corner of the Jurys Inn Hotel.
- 2.11. The proposal is EIA (Environmental Impact Assessment) development under the Town and Country Planning (EIA) (England and Wales) Regulations 2017. For the sake of clarity it should be noted that transition arrangements specified in the newly adopted regulations require that schemes that made a formal request for a 'scoping opinion' before the new regulations came into force should be considered under the Town and Country Planning (EIA) Regulations 2011. The Scoping Opinion was submitted on 15<sup>th</sup> May 2017, it is therefore the 2011 Regulations (as amended) that apply to this application and the ES.
- 2.12. An Environmental Statement (ES) has been produced to examine and evaluate the likely environmental effects of the development as required by Schedule 2 (Urban Development Projects of over 5 hectares in size) of the Regulations. The ES contains the information necessary to enable a decision to be made for the purpose of assessing the significant environmental effects of the development. The ES includes the following topics:
  - Transport

- Hydrology
  - Ecology and Nature Conservation
  - Landscape and Visual Assessment
  - Air Quality
  - Noise
  - Built Heritage
  - Archaeology
  - Socio-Economics
  - Agricultural Land and Soils
- 2.13. For each issue identified the ES sets out the methodology used, including details of the baseline situation and impacts likely to result from the proposed development. All potential effects have been analysed and assessed against the baseline and measures considered so as to mitigate any identified impacts. The potential for cumulative impacts has also been assessed.
- 2.14. The non technical summary document comprises a summary of the findings which the general public and non technical experts can understand.
- 2.15. The scheme would provide a number of benefits to the local area and the wider Borough which are set out below:

#### Key Benefits

##### During Construction

- Estimated construction expenditure of approximately £100 million, generating wider benefits for the supply chain
- 280 gross direct FTE jobs per annum of construction
- 105 direct Full Time Equivalent jobs in Hinckley and Bosworth
- Total contribution of around £20.2 million in GVA to the local economy during construction.

##### Operational Phase

- Creation of 2,395 gross direct jobs on site through provision of new commercial floorspace
- 895 net direct FTE jobs will be held by Hinckley and Bosworth residents
- 225 indirect/induced FTE jobs will be held by Hinckley and Bosworth residents
- Annual contribution of £48.7 million in GVA economic output across the Borough
- Creation of a range of managerial, professional, skilled trades and administrative jobs
- £24.9 direct wage expenditure per annum and £5.8 million indirect wage expenditure per annum in Hinckley and Bosworth; and
- Retention of approximately £3.5 million in additional business rate revenue annually by Hinckley and Bosworth Borough Council.

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

- 3.1. The site is located approximately 4 kilometres south of Hinckley; adjacent to junction 1 of the M69 motorway where it meets the A5 trunk road. Immediately to the west of the site is the Jurys Inn Hotel which is accessed directly from the A5. The site comprises a range of arable fields on the north eastern side of the A5 with approximately 800 metres fronting directly onto the trunk road itself. The Soar Brook watercourse forms a green corridor through the site bisecting it in an east-west orientation. The eastern edge of the site is defined by the edge of existing fields and two existing water bodies in the form of a pond and lake.

- 3.2. Around 200 metres to the north east of the site is Burbage House; a residential property with a range of farm buildings adjacent. Further residential properties are located to the north, accessed from Workhouse Lane.
- 3.3. The levels across the site vary significantly, with Soar Brook being the lowest point. The land to the north is the steepest gradient, with a rise of around 14 metres towards the northern boundary, near the M69. South of the brook the land rises by six to eight metres, towards the boundary fronting the A5.
- 3.4. Within the site there are a number of trees and existing hedgerows which are not protected by a tree preservation order.

#### 4. Relevant Planning History

17/00473/SCOPE	Environmental Impact Assessment - Screening and Scoping Opinion for the development of land for an employment park comprising Use Class B1c, B2 and B8 floorspace, including ancillary office floorspace, new vehicular access from the A5, internal spine road, car parking, pedestrian and cycle routes, drainage infrastructure, lighting and soft and hard landscaping.	Opinion Issued	07.07.2017
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#### 5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. Three site notices were also posted within the vicinity of the site and a notice was displayed in the local press. 78 letters of representation have been received from 68 separate addresses, raising the following concerns.

- 1) Impact on existing traffic problems
- 2) Impact on local resources
- 3) Infrastructure not sufficient to support this development
- 4) Impact on village feel
- 5) Warehouse jobs not required locally
- 6) Promises of increasing employment and training may not be realised
- 7) Impact on Jurys Inn hotel
- 8) Environmental impact
- 9) No need for industrial development given empty units/other sites/existing DPD presence in Hinckley
- 10) Noise, water, air and light pollution
- 11) Impact on wildlife
- 12) Impact on Soar Brook
- 13) Potential for flooding
- 14) Loss of hedgerows, trees and woodland

- 15) Impact on Workhouse Lane and Burbage House Estate
- 16) Danger to pedestrians and other road users
- 17) Lack of adequate access to site on foot/on bike
- 18) Contrary to Policy DM4
- 19) Loss of agricultural land
- 20) Lack of consultation on application
- 21) Contrary to emerging Burbage Neighbourhood Plan
- 22) Would set a precedent
- 23) Possible site of last battle of Boudica

Two letters in support and one which neither objected to nor supported the application were received, raising the following points.

- 1) Conditions should be imposed prohibiting vehicular access during construction and subsequent operational phase via the southern part of Workhouse Lane
- 2) Upkeep of proposed landscaping should be required in perpetuity
- 3) Scheme should include some residential development
- 4) Support the pro-active stance the applicants have taken
- 5) Broadly support the application but have concerns regarding the cumulative impacts of this and other development approved locally in terms of traffic
- 6) Minimise noise and light pollution
- 7) The routes used should be conditioned as part of the planning permission

Re-consultation was carried out following revisions to the design of the roof profile for Unit 2 (Zone 2) to incorporate a curved roof. Following this consultation; eight further letters of objection were received, raising the following points.

- 1) Revised plans do not address the traffic issues with the proposed development
- 2) Negative effect on environment and nature
- 3) Increased noise and air pollution
- 4) Green field site; impact on environment and wildlife
- 5) Poorly timed submission of amended plans during Christmas break
- 6) Has DPD considered the alternative site which is not on green fields near to a small village
- 7) Unlikely to achieve any of the aims re increasing employment and offering training
- 8) Empty premises on existing industrial estates should be used
- 9) Well known accident black spot

A letter of support was also received; reiterating points raised in response to the original consultation.

A further period of re-consultation was carried out following the receipt of amended plans responding to comments received by Highways England. At the time of writing, no responses had been received in response to this.

## **6. Consultation**

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

Natural England  
 Environment Agency  
 Historic England  
 Highways England  
 Leicestershire County Council (Ecology)  
 Leicestershire County Council (Archaeology)  
 Leicestershire County Council (Flooding) (Lead Local Flood Authority)

Leicestershire County Council (Minerals)  
HBBC Environmental Health (Pollution)  
HBBC Environmental Health (Drainage)  
HBBC Waste Services  
HBBC Conservation Officer  
HBBC Arboricultural Officer  
Rugby Borough Council  
Cadent  
HBBC Compliance and Monitoring Officer  
BT Openreach

- 6.2. The Ramblers Association has no comments on the application.
- 6.3. No response was received from:  
Cycling UK  
Leicestershire Police  
Blaby Borough Council
- 6.4. Burbage Parish Council raise the following objections to the proposed development:
- 1) Loss of open countryside
  - 2) Proposed roundabout access is inadequate and will detrimentally impact traffic flow
  - 3) Other sites more suitable and would have less impact
  - 4) Would not complement the existing hotel or provide amenity for visitors to enjoy
  - 5) Impact on existing traffic problems
  - 6) Cycle improvements required around the M69 junction
  - 7) Paladin fencing unattractive/vandal proof, better fencing required on the bund along the road way and use of more natural features i.e. hedge planting and fencing more in keeping with the open countryside
  - 8) LCC Archaeologist report should be checked for necessary measures and protection required as the site is over Palaeolithic Archaeology
  - 9) Loss of wildlife habitat and pollution of environment
  - 10) Opportunity for the creation of a marsh area along the brook is not explored.
  - 11) Creation of wild flower areas with more fruiting trees and species of plant that provide pollen for a longer season would be welcomed
  - 12) Owl, bird and bat boxes needed; together with lighting that reduces light pollution that will be generated as a result of the over night business use
- 6.5. Burbage Neighbourhood Plan Group raises the following objections to the proposed development:
- 1) Contrary to Policy 1 of the emerging BNP as it would be located outside of the settlement boundary thus in an inappropriate location which would increase traffic flow to the A5 and have a massive impact on the countryside
  - 2) No cycleway/footway close to planned development therefore only access is by motor vehicle
  - 3) Two sites (32 and 33 in BNP) have been listed as Ecological and Historical Interest

## **7. Policy**

- 7.1. Core Strategy (2009)
- Policy 4: Development in Burbage
- 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 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 DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM20: Provision of Employment Sites

#### 7.3. National Planning Policies and Guidance

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

#### 7.4. Other relevant guidance

- Employment Land and Premises Study and Review (2018)
- Landscape Character Assessment and Landscape Sensitivity Assessment (2017)
- Draft Burbage Neighbourhood Plan (BNP) 2015-2026

### **8. Appraisal**

#### 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Highways Considerations
- Impact upon Heritage Assets
- Impact upon Ecology
- Impact upon Drainage and Flood Risk
- Land Contamination and Pollution
- Developer Contributions and Obligations

#### Assessment against strategic planning policies

- 8.2. Paragraphs 11-13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies Development Plan Document DPD (SADMP).
- 8.3. The emerging Burbage Neighbourhood Plan is still in development; not yet having been submitted to the Local Planning Authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore, only very limited weight can be afforded to the policies within this document at this time.
- 8.4. The Core Strategy (2009) sets out the overarching spatial strategy for the Borough. In terms of Development in Burbage (Policy 4) the relevant part of this policy to the application is to ensure there are a range of employment opportunities.
- 8.5. Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the



development plan should be approved without delay unless material considerations indicate otherwise.

The application site is located outside any defined settlement boundaries, and is therefore situated within the countryside. Policy DM4 of the SADMP seeks to safeguard the countryside from unsustainable development and identifies several criteria outlining where development in the countryside can be considered to be sustainable. The policy identifies that development in the countryside can be considered sustainable where proposed development would significantly contribute to economic growth, job creation; subject to it meeting further detailed criteria; namely that the development would not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development.

- 8.6. As outlined within the key benefits section above; the proposed development would significantly contribute to job creation and economic growth and is therefore in accordance with Criterion c) of Policy DM4 of the SADMP, subject to satisfying the detailed design criteria with the Policy.
- 8.7. The SADMP acknowledges that although sufficient employment land is available in the Borough to support the identified growth of the plan period it is important that employment opportunities are not stifled. Policy DM20: Provision of Employment Sites applies to this application and sets out that proposals which stand outside the settlement boundary and on greenfield sites will only be found acceptable where it is demonstrated that there are no suitable alternative sites identified sequentially in the following locations:
- Within settlement boundaries
  - On previously developed land
  - Adjacent to existing employment sites
  - Adjacent to settlement boundaries
- 8.8. The Employment Land and Premises Review (2013), is currently being updated and at the time of writing, this work was due to be finalised during February 2018. Whilst The Employment Land and Premises Study (ELPS) has not received final sign off by Members of the Council the findings from this Study are pertinent to this planning proposal and will be an important consideration in the determination of the planning application.
- 8.9. The emerging ELPS will form a key part of the evidence base for the new Local Plan for the period 2016 to 2036. A key focus for the emerging ELPS is the need to ensure that sufficient suitable employment sites are provided to achieve long term economic growth. The Study provides an assessment of the current position and recent trends within the Borough's economy, and the potential scale and type of future economic growth and business needs. The forthcoming ELPS has been informed by the results of HEDNA, produced on behalf of the Leicester and Leicestershire Authorities and the Leicester and Leicestershire Enterprise Partnership in January 2017. The HEDNA provided employment land requirements, both local and strategic, for Hinckley and Bosworth Borough over the period to 2036. The emerging ELPS reassessed these figures to distinguish between local and wider needs for employment land, broken down into land, floor space and jobs for specific B-Class uses.

- 8.10. The Study found that there is particularly high market demand for large scale B8 logistics space, reflecting the Borough's transport links and location at the heart of the logistics sector's 'golden triangle'. This demand is focused on prime sites in close proximity to the motorway network. Hinckley and Bardon Hill are the Borough's focus of market demand for the logistics sector due to their proximity to the motorway network. The document highlights that sites need to be of a sufficient size to achieve economies of scale to respond to the demands of the logistics sector, and businesses require modern facilities, for example with high bay access.
- 8.11. The quantitative and qualitative analysis in the Study identifies that there is a need for new employment land allocations within the Borough and the table below sets out the recommended employment land portfolio contained within the emerging ELPS.

Table 8.1 Emerging employment land portfolio recommendations

Recommendation	Sites	Ha
Retain New Employment Sites	1	9.29
Retain and protect Existing Employment Sites	54	82.63
Other sites with extant planning permission for employment use to be retained (not assessed as part of this ELR)	9	0.47
Barwell and Earl Shilton Sustainable Urban Extensions - employment land	2	10.70
Existing New Employment Sites to be released from employment use	0	0.00
Existing Employment Sites to be released	3	0.00
<b>Adjusted Existing Employment Land Supply</b>	<b>66</b>	<b>103.09</b>
Potential new sites recommended to be allocated for B-Class employment uses	2	99.40
Potential new sites recommended to be allocated / retained for mixed use development*	3	14.96
Potential sites not recommended to be taken forward	4	44.55
<b>Final Recommended Employment Land Portfolio</b>	<b>71</b>	<b>217.45</b>

Source: Lichfields' analysis

- 8.12. The emerging ELPS assessed a number of sites which are not currently allocated, do not benefit from extant planning permission for B-Class employment development and are not part of any committed employment site. The planning application site was assessed as part of a larger potential site and the findings are as follows:
- '2 Land between A5 and M69 (AS1009), 96.52 ha (gross) 67.06 ha (net), overall rating 'very good' – this large greenfield site is located adjacent to the Hinckley Island hotel at junction 1 of the M69 which gives it excellent accessibility to the motorway network. The site was suggested in the call for sites process of the 2017 Strategic Housing and Employment Land Availability Assessment (reference AS1009). The site is recommended to be allocated for employment use given its attractive location at the heart of the logistics sector's 'golden triangle' and relatively limited development constraints. The site could accommodate some of the sub-region's need for strategic B8 space (and could accommodate other B-Class space).'*
- 8.13. The emerging ELPS therefore recommends that this site is allocated for employment use through the Local Plan process. In light of the sequential assessment provided, and the findings of the ELPS it is considered that the development proposed is acceptable in principle at this location subject to considerations of other material considerations.
- 8.14. In addition, the EIA regulations also require an ES to include an outline of the main alternatives considered by the applicant, indicating the main reasons for the choice made, taking into account the environmental effects. The applicant has submitted a

sequential assessment which considers alternative sites. The assessment concludes that the proposal could not be accommodated within existing settlement boundaries and that given the scale of the site it would not be possible to accommodate it on any available previously developed land, adjacent to existing employment areas or adjacent to settlement boundaries and therefore complies with Policy DM20 of the SADMP.

- 8.15. The NPPF identifies that where significant development of agricultural land is demonstrated to be necessary, areas of poor quality land should be use in preference to higher quality. This development would result in the loss of approximately 46 ha of agricultural land, 20% of site is Grade 2 (very good); 58.8% is Subgrade 3a (Good) and 19.7% Subgrade 3b (Moderate) in the Agricultural Land Classification (ALC) system).
- 8.16. It is recognised that a proportion of the agricultural land affected by the development will remain undeveloped. In order to retain the long term potential of this land and to safeguard soil resources as part of the overall sustainability of the whole development, the applicant has committed to mitigation as much as possible against the permanent loss of Best and Most Versatile soil with the creation of a Soil Resource Plan to determine the most appropriate re-use of topsoils and a Soil Management Plan to ensure that soils that are re-used abide by best practise in accordance with the provision of the NPPF.
- 8.17. Given the quality of this land; and preferable location compared to other greenfield sites which could involve loss of best and most versatile agricultural land it is considered that the proposal is acceptable.
- 8.18. The proposed development would make a significant contribution to economic growth and job creation within the Borough; in addition, the applicant has satisfactorily demonstrated that there are no suitable alternative employment sites to accommodate the location requirements for DPD or the enabling development within existing settlement boundaries, on previously developed land; adjacent to existing employment areas or adjacent to settlement boundaries. It is considered therefore that the proposed development would be in accordance with Policies DM4 and DM20 of the SADMP.

#### Impact upon the character of the area

- 8.19. Policy DM4 of the SADMP seeks to ensure proposals for development within the countryside reflect the surrounding character of the countryside, and protect its intrinsic value, beauty and open character.
- 8.20. The application site falls within the Burbage Common Rolling Farmland Character Area as detailed within the Landscape Character Assessment (2017). The document notes that the landscape around this area is influenced by large scale infrastructure such as the M69 and railway which introduces noise and movement in a relatively rural landscape. It also highlights that there are extensive views across agricultural fields and successive hedgerows are common as a result of the relatively few trees, and consequently the urban edges of Hinckley, Burbage, Barwell and Earl Shilton are often starkly visible as a result of their elevated ridgeline location and the relatively open settlement edge. Because of this extensive visibility and long distance views the area is sensitive as any change or development has the potential to be widely visible. This leads to the landscape strategy of ensuring any new and existing development is integrated into the landscape such as ensuring built form is orientated to provide broken rooflines and integrated with woodland copses. It also suggests strategic scale woodland planting should be considered to help screen development.

- 8.21. The Landscape Sensitivity Assessment (2017) provides a general overview of comparative landscape sensitivity around key settlements based on landscape character. The application site falls within Sensitivity Area 9: Land south of M69. This area is considered to have a medium high sensitivity to residential and commercial development due to the strong rural character with intact historic features which is detached from the existing settlement and creates separation from Burbage and smaller villages within Blaby District. There are minor urbanising features such as the A5 and the M69 and it has strong separation from Burbage which results in the site having wide intervisibility with the surrounding landscape. Development within this area would 'leapfrog' the M69 and be disassociated with the existing development form.
- 8.22. The Landscape Sensitivity Study sets out the following guidance to new development within the area:
- Consider the importance of existing levels of landscape visibility in the siting and design of new development and incorporate screening to existing and potential future visual detractors where appropriate and ensure any new built development is well integrated into the landscape
  - Seek to retain historic field patterns and conserve and enhance the character of the historic parkland in and around Burbage House
  - Retain the pattern of hedgerows and trees and incorporate further buffer planting to major transport corridors
  - Maintain the separate identity of Burbage
  - Consider opportunities to create and promote an integrated green infrastructure network around the Burbage, Hinckley, Barwell and Earl Shilton urban edge.
- 8.23. A Landscape and Visual Impact Assessment (LVIA) has been carried out by the applicant and comprises a combination of desk top and field studies. As part of this assessment, wireframes and photomontages were included to illustrate the likely effect views from key receptors. The LVIA acknowledges that there would be some significant adverse effects on landscape and visual amenity in both the short and long term and has sought to mitigate this through the landscaping proposals for the site.
- 8.24. The parkland to the former Burbage House to the north of the site includes intact parkland features in the form of designed ponds, specimen trees and sheep grazing. It could be considered to be a historic landscape of local heritage significance. The proposed development in this part of the site would not change the layout of the parkland and would be restricted to earthwork bunds, which would not remove any features such as the trees and would preserve Burbage House Lake and surrounding trees. The hedgerows which define the extent of the parkland are to be retained, further native hedgerow and tree and wood planting is to take place. HBBC's Conservation Officer is satisfied that the landscaping scheme proposed for the former parkland area has had regard to the character and local significance of the historic landscape, as required by Policy DM11 of the SADMP, and it also successfully incorporates those surviving features that are the most sensitive in terms of historic character, as well as proposing new appropriate features, which is in adherence to the Borough Council's recently updated Landscape Character Assessment (with associated Landscape Sensitivity Study).
- 8.25. The proposed buildings; particularly in Zone 2 are of a very large scale and will take some time to be absorbed into the landscape from certain directions and will remain a permanent feature from others. However, the proposed graduated colour of the cladding would help to assimilate the scheme into the landscape setting to a degree, together with the proposed landscape works to the perimeters. In

landscape and visual terms the scheme as proposed is not considered to be unacceptable. Whilst there would be some significant short and long term effects on landscape character and visual amenity this is only to be expected for a development of this scale in a countryside location and this harm must be balanced against the public benefits which would be provided as part of this development. In respect of criterion ii to v of Policy DM4, it is considered the proposed development will not undermine the physical and perceived separation and open character between settlements, it is not considered the proposals will create or exacerbate ribbon development, and the proposals are not located within a Green Wedge or the National Forest.

- 8.26. The proposals would deliver a number of key benefits to the local area and wider Borough as outlined earlier in the report. It is therefore considered that whilst there will be a degree of conflict with criterion i of Policy DM4 of the SADMP, other material considerations, including the economic benefits of the proposed development, the proposed landscape mitigation and the absence of harm when considered against other policies of the adopted development plan, outweigh the harm to the open countryside.

#### Siting, Design and Layout

- 8.27. Policy DM10 of the SADMP requires developments to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials and architectural features.
- 8.28. The scale of the proposed DPD hub is occupier driven; and has very specific requirements in terms of required length and width of the building and its relationship to ancillary buildings and hardstanding proposed. The hub would have a maximum height of 12.5 metres above floor level and it is proposed to locate this building to the east of the Soar Brook on the flattest and lowest lying plot within the site. All the buildings within Zone 1 would be co-ordinated in terms of materials, so it would be held together as one cohesive development. The cladding colour would be light grey, which is recessive against the sky backdrop, drawing attention away from the higher level of the building.
- 8.29. The massing of the building would be broken up vertically with various elements including loading docks and doors and a continuous canopy which would create a strong horizontal shadow line along the length of the building. Vertical sections of polycarbonate glazing at high level on the long elevations would further break up the mass of the long facades, running between sections of vertical colour-coated cladding. The eastern elevation is most visible on the approach from the A5, so a curved gable is used to this prominent office elevation. Glazing and access doors would also bring human scale to this frontage.
- 8.30. The developer has provided a statement which seeks to justify the parameters for the proposed units within Development Zones 2, 3A and 3B. The scale parameters proposed need to be flexible to cater for distribution and manufacturing uses. It is noted that modern day industrial and warehouse buildings are very different to buildings of the past, both in terms of the design and fabric of the buildings and the technology used within them. More efficient racking methods, the increased use of multi-tier mezzanines and introduction of automation has led occupiers to demanding taller buildings.
- 8.31. The Unit 2 building is proposed to be a portal steel frame construction with a curved roof. It would have a maximum height of 22 metres above floor level. In order to break up the mass of the façade semi detached office elements are proposed which would sit out from the main block of the building. This is designed to focus attention on these elements, with the main building being more recessive. Further treatment

to reduce scale and bulk is proposed through the use of contrasting colours with further detailing at lower levels where the loading docks and doors draw attention and focus. The use of lighter cladding at high level would reduce the impact on mid/distant views from the Burbage direction and merge against the sky backdrop. The use of slate grey cladding at high levels to the Eastern elevation would respond to the views of this building from Lutterworth Road and Workhouse Lane; the building would sit as a backdrop to existing landscape to these views, so this cladding would merge more comfortably, reducing impact. The projecting main office block addresses the main approach into the Unit 2 plot with glazing over three storeys and the main entrance giving orientation and human scale.

- 8.32. A general design code for buildings within Zone 3 is proposed. The buildings within this Zone would have a minimum height of 7 metres and a maximum height of 19 metres. Materials and design concepts aimed at minimising the impact of these buildings would be similar to those utilised in Zone 2.
- 8.33. The detailed design, siting, appearance and layout of Zone 3 are reserved matters, however, from the indicative layouts submitted a well designed development laid out to minimise impact on the character of the surrounding area and neighbouring hotel can be achieved. A condition is included to ensure reserved matters are in accordance with the principles and parameters described in the Design and Access Statement. Open space and landscaping would be carefully considered as part of any reserved matters submission to ensure that the development would assimilate into its surroundings.
- 8.34. The design of the buildings proposed in zone 1 and 2 are contemporary and modern and are designed to balance the needs of future employment uses against the requirement to mitigate the impact on the surrounding countryside. The proposed development is therefore considered to comply with the requirements of Policy DM10 of the SADMP.

#### Trees and Landscape

- 8.35. The landscaping proposed is impacted by the parameters for the buildings required to accommodate the proposed use; particularly in the case of the DPD building which has very specific requirements in respect of size and shape and operation and configuration of external areas. The applicants have sought to assimilate the development into the surrounding landscape utilising existing levels and landscaping.
- 8.36. In order to minimise the impact on the A5, the proposed DPD plot has been set back 10 metres and generally lower than existing ground level. This has allowed a large percentage of mature tree cover to be retained. The existing fragmented agricultural style hedge is to be managed, infilled and supplemented with extra heavy tree planting to create a strong tree lined boundary along the A5 route. In addition to the rear of the hedge a linear belt of woodland planting will establish to create a dense zone of native planting which will serve to both soften views into/across the site whilst also providing an important ecological corridor linking back into the Soar Brook. The belt of woodland planting will include 20 no. 2 – 2.5m pine trees, which provide some instant evergreen screening from day one.
- 8.37. The proposals comprise the introduction of a hedge together with tree planting which will, once matured; provide a dense visual buffer at low level (up to 2 metres) with filtering of views above this by the trees. As this belt establishes and the branch/canopy structure begins to merge, the filtering effect will naturally increase and provide effective screening of the site, particularly for car users.

- 8.38. Unit 2 would have a maximum height of 22 metres above floor level and is positioned over 55m in distance from the boundary of the Jurys Inn Hotel. The area between Unit 2 and the hotel boundary would be profiled to create an undulating bund. A native hedge is proposed with a pallet of mixed native woodland species to be planted on the outward facing slopes. This would serve to establish woodland corridor which over time would soften views in and out of the development. Whilst it is acknowledged that this bund will initially appear an unnatural feature in this generally flat rolling landscape, this will soften over time as indicated in the photomontages at year 1 and year 15.
- 8.39. Significant landscaped bunds have been incorporated within the landscaping scheme in other areas including along the south western boundary providing screening for the Jury's Inn Hotel and the north eastern boundary which provides screening to the residential properties to the north east of the site. Landscaping to the North West boundary will be covered at reserved matters stage; however these plots will be set down lower than existing ground levels along the boundary reducing visual impact when viewed from Burbage.
- 8.40. A general design code for buildings within Zone 3 is proposed. The buildings within this Zone would have a minimum height of 7 metres and a maximum height of 19 metres.
- 8.41. A planting zone ranging between 12 and 17 metres in width would be provided to the north western boundary of the site with native planting proposed to enhance the existing native hedge which varies from 2.5 to 7 metres tall. It is envisaged that as this establishes it will begin to break up the massing of the building elevations when viewed from the residential area to the north of the M69.
- 8.42. In addition, as part of the landscape proposal the Soar Brook corridor is to be retained and enhanced.
- 8.43. Existing trees on and adjacent to the site were surveyed by the Tree and Woodland Consultancy in accordance with BS5837:2012 "Trees in Relation to Design, Demolition and Construction – Recommendations". A pre-development tree survey (PDTS) and schedule have been submitted in support of the application considering any impact that the development proposal may have upon the surrounding trees and providing any mitigating measures.
- 8.44. The submitted Arboricultural Impact Assessment indicates 8 individual mature trees which are to be removed and 66 to be retained; mainly around the perimeter. Additionally 1 mature woodland tree group is to be removed near the west end of the A5 boundary. The scheme proposes the removal of 1 Category A tree, 6 Category B trees and 1 Category C tree. Whilst ideally these trees would be retained as part of the development the applicant has provided justification in terms of the overall design of the scheme; and the constraints that this type of development brings. In addition, the access proposed, which will result in the loss of two trees is dictated by the size and configuration of Zone 1 necessary to accommodate the DPD requirement as well as Highways England requirements and cannot therefore be amended to allow for the retention of the tree. As part of the mitigation for the tree and hedgerow loss a significant belt of native planting has been proposed along the A5 including re-instatement of missing/lost sections of hedgerow and supplementary tree planting.
- 8.45. Greater diversity in terms of species mix to improve sustainability and avoid monotony was requested by the HBBC Arboricultural Officer and proposals have been amended to incorporate these suggestions. The percentage of evergreen species within the shelterbelt mix has been increased from 10-15% and 20no. 2-

2.5m tall pine trees have been introduced. The design intent is that this would provide some instant evergreen screening from day one and as these establish and begin to increase in height the lower understorey of native planting would then also begin to create a dense belt of planting that would filter views of the service yard from below the canopy line.

- 8.46. Whilst there will be some significant effects in terms of landscape and visual impact associated with the proposed development, these effects are to be expected as a consequence of developing a greenfield site. The landscape strategy for the development has sought to retain and enhance existing landscape features where possible and augment this with significant new landscape planting. In addition, the development has utilised the existing topography of the site and sought to locate the built development within the lowest lying sections of the site.
- 8.47. As set out above; the development proposed in zone 1 and 2 has been designed in a contemporary and modern style; utilising materials and colours to reduce and mitigate the impact on the countryside. In balancing the needs of future employment uses against the requirement to mitigate the impact on the surrounding countryside; it is considered that the impact on the landscape is outweighed by the benefits that the proposed development would provide and it is therefore considered to be in accordance with Policy DM10 of the SADMP. As set out earlier in this report, whilst there will be a degree of conflict with criterion i of Policy DM4, other material considerations, including the economic benefits of the proposed development, the proposed landscape mitigation and the absence of harm when considered against other policies of the adopted development plan, outweigh the harm to the open countryside.

#### Heritage

- 8.48. Policies DM11, DM12 and DM13 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building. Development proposals should ensure the significance of a conservation area is preserved and enhanced. Proposals which adversely affect a scheduled monument or its setting should be wholly exceptional and accompanied by clear and convincing justification. Where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.49. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Ancient Monuments and Archaeological Area Act 1979 provides the regime for the scheduling of monuments, although it does not address the concept of setting.
- 8.50. Section 12 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting (paragraph 128).



- 8.51. Paragraph 129 of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. It goes on to state that They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 8.52. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification, and it is recognised that significance can be harmed or lost through development within a heritage asset's setting (paragraph 132). In many cases non-designated heritage assets are components within the setting of a designated heritage asset and the NPPF indicates the need to take into account of their significance under the planning process (paragraph 135).
- 8.53. The ES includes assessments of the impact on the proposal on archaeology, built heritage and the landscape.
- Above ground heritage assets
- 8.54. The extent of the assessment of the proposal on the built (above ground) heritage was agreed at the scoping stage of the application, with the study area being the application site and a radius of 1km from the site. Additionally, due to the potential for visibility or impact upon heritage assets beyond this study area, baseline information was obtained for designated heritage assets located at Aston Flamville and Wigston Parva, which includes two conservation areas and a number of listed buildings within each area. The assessment establishes the relative value or importance of the heritage assets in the study area, and then assessed this against the magnitude of impact of the proposal to determine the significance of the potential effects against each asset.
- 8.55. There are 16 grade II listed buildings within the study area, but none within the application site. The closest to the site boundary are the former north and south lodges to Burbage House and the milestone on Lutterworth Road. Burbage Conservation Area is located within the study area, and Aston Flamville and Wigston Parva Conservation Areas have been included for landscaping considerations. Excluding archaeological remains, two non-designated heritage assets were identified within the study area. Both the construction and operational phases of the development have been assessed, with the conclusion that both phases will have an imperceptible impact on the heritage assets within the study area, resulting in a negligible overall effect on the significance of the heritage assets, and subsequently causing them no harm. This is due to the distance between each asset and the application site and intervening topography and trees, and that there is no known functional or historic relationship between the assets and the application site. HBBC's Conservation Officer agrees with the conclusions of this assessment, therefore it has been demonstrated that the proposal is compatible with the setting of the nearby listed buildings and non-designated heritage assets and it preserves the character and appearance and thus significance of the nearby conservation areas. In this regard, the proposal complies with Policies DM11 and DM12 of the SADMP DPD, section 12 of the NPPF (paragraphs 132 and 135), and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Below ground heritage assets

- 8.56. The extent of the assessment of the proposal on archaeology was discussed during the scoping stage of the application, with input provided from the Leicestershire County Council Historic and Natural Environment Team. The scope of the assessment includes the potential for direct effects on Palaeoarchaeological and archaeological remains, and the historic landscape, and the potential for indirect effects on designated (non-built) heritage assets. The assessment establishes the sensitivity of the heritage assets in the study area, and then assesses this against the magnitude of impact of the proposal to determine the significance of the potential effects against each asset.
- 8.57. Three scheduled monuments are located within 2km of the application site. Some artefact finds are contained within the site, and the site is located on the route of the Roman road of Watling Street. Within the site, the Historic Landscape Characterisation Study for Leicestershire records the eastern part of the application site as “parks and gardens”, being part of the parkland to the former Burbage House. Both the construction and operational phases of the development have been assessed, with the conclusion that there would be no significant effects on Palaeoarchaeological remains, a potential moderate adverse effect on archaeological remains that would have a significant impact without any mitigation, and a negligible effect on the parkland to Burbage House, with comments on the impact of the proposals on the historic landscape provided below.
- 8.58. The assessment suggests that it is unlikely that any archaeological remains are present within the site that would pose any barrier to the proposed development. However, the nature, extent, and quality of survival of archaeological remains within the site cannot be fully understood without some further investigation. The archaeological potential of the site is being tested by a programme of archaeological evaluation, as agreed in conjunction with the Leicestershire County Council Historic and Natural Environment Team. HBBC’s Conservation Officer agrees with the conclusions of the archaeological assessment, in that likely effects on the heritage significance of archaeological heritage assets in the vicinity of the site, through changes to their setting, would be negligible. In this regard, the proposal complies with Policies DM11, DM12 and DM13 of the SADMP DPD and section 12 of the NPPF (paragraphs 132 and 135). There is the potential for impact on archaeological remains within the site; this is subject to the programme of archaeological evaluation being undertaken as advised by the Leicestershire County Council Historic and Natural Environment Team. A condition is proposed which would ensure that no development takes place within the proposed excavation areas until a programme of archaeological fieldwork has been undertaken according to a Written Scheme of Investigation to be submitted and approved by the Local Planning Authority. This will ensure that any effects on archaeological remains as a result of the development will not be significant. Subject to this and any subsequent recommendations being appropriately actioned the proposal will comply with Policy DM13 of the SADMP DPD and the relevant paragraphs of section 12 of the NPPF.

Other items for consideration

- 8.59. During the consultation period two outstanding items for consideration have been identified by Historic England.
- 8.60. The first concerns further information being required to demonstrate that an assessment of impact on the scheduled monument known as the Roman town of High Cross has been undertaken. This scheduled monument is located just over 2km distance from the eastern boundary of the application site, and despite its relative proximity it appears never to have formed part of the scope of archaeological assessment in discussions between the developer and

Leicestershire County Council Historic and Natural Environment Team (plus other relevant stakeholders/consultees). This does not mean it is not of interest and would not be impacted upon by the proposal, so a further assessment has been completed and summarised in comments received by the applicant dated 16 February 2018.

- 8.61. The Roman town of High Cross comprises below ground archaeological remains of a Roman settlement at the crossroads of Watling Street and Fosse Way Roman roads. Its heritage significance therefore derives from its archaeological interest, of which one would need prior knowledge in order to experience it. The routes of the current roads are believed to follow the courses of the Roman roads contemporary to the monument, and therefore elements of its setting (the way in which the asset is experienced) make a small positive contribution to its primary archaeological interest. Built elements of the proposed development may be visible from land within the monument and therefore could potentially affect it. Views of the proposed development along the A5 (the route of which has a bearing on the setting on the monument), could be possible from higher parts of the monument, where this would be seen in the context of other modern features. Such views would be precluded from other parts of the monument by the slight curvature of the road to the west, where this would ensure that roadside trees and other vegetation would effectively screen views of the proposed development. It is therefore judged that the potential for harm to the significance of the monument, through changes in its setting, is minimal, and given the small but positive contribution the setting of the monument makes to its significance, any harm would be very minor.
- 8.62. The second item for consideration concerns the degree of harm that the proposed insertion of a roundabout will have on the small positive contribution that the linearity of Watling Street makes to the scheduled monument known as High Cross. No remains of the Roman road of Watling Street have been found in the vicinity of the application site, so it cannot be claimed with any assertion that the insertion of a roundabout would cause direct harm to a heritage asset. Currently, the linearity of the road remains clearly legible through the application site so it is considered that this aspect makes a small positive contribution to the extended setting of the scheduled monument. The insertion of the roundabout will cause a slight change to this linearity along a small length of the road, adversely impacting upon the positive contribution through changes in its setting, causing a level of harm to the significance of the monument, considered to be very minor in this case.
- 8.63. As required by paragraph 132 of the NPPF any harm caused to a heritage asset requires clear and convincing justification. In the case of providing access for the development, the requirements of Highways England have been followed and a roundabout is the only feasible option to provide access, this provides clear reasoning for the harm. In terms of the visibility of the proposed development from the monument, the instances of visibility are minimal and in the context of other modern features, it appears disproportionate to suggest the layout of the proposed development should have been altered to further reduce or prevent visibility all together. Nonetheless, it is concluded above that the development (the erection of the buildings and the creation of a roundabout) will cause a very minor level of harm to the significance of the scheduled monument; in this case the harm is considered to be "less than substantial". Where harm is caused, paragraph 134 of the NPPF and Policy DM11 of the SADMP DPD requires the harm to be considered against the public benefits of the proposal, with the benefits needing to outweigh the harm for the proposal to comply with these relevant policies.
- 8.64. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF

(paragraph 7). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment – paragraph 20), such as:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- Reducing or removing risks to a heritage asset
- Securing the optimum viable use of a heritage asset in support of its long term conservation

8.65. In this case the development can demonstrate no heritage benefits. However, there are considerable benefits associated with the development with the creation of around 2,395 gross direct full time equivalent jobs, as well as jobs involved with the construction of the development. The economic benefits associated with the proposed development, could, by virtue of the jobs created, encourage new residents and employees to the local area who would in turn support local services and facilities. As part of landscaping proposals for the scheme the Soar Brook corridor is to be enhanced. A new wide foot/cycle path is to be created linking users and visitors to the proposed footpath extension along the A5. It is therefore considered that these identified economic, social and environmental public benefits are of a substantial nature which outweighs the less than substantial harm identified to the significance of the scheduled monument, therefore the proposal complies with policies DM11 and DM12 of the SADMP DPD and section 12 of the NPPF (paragraphs 132 and 134).

8.66. It is considered that the assessments provide an adequate and proportionate assessment of the impact of the proposal on archaeology, the above ground built heritage and the landscape, meeting the requirements of paragraph 128 of the NPPF and the Policies DM11, DM12 and DM13 of the SADMP.

#### Impact upon neighbouring residential amenity

8.67. Policy DM10 of the adopted SADMP seeks to ensure that development does not adversely affect the privacy and amenity of neighbouring properties. The proposed development within Zones 1 and 2 is a detailed submission and therefore it is possible to fully assess the impact of the development proposal upon surrounding properties. Notwithstanding that the exact detail proposed for Zone 3 is a Reserved Matter, from the information provided it is possible to provide general observations on whether or not the amenity of existing residential areas/properties located adjacent to or within close proximity will be affected.

8.68. The nearest dwelling the site is Burbage House to the north east which is set within parkland style gardens at a distance in excess of 200 metres of the application site. Other properties are located on Workhouse Lane to the north of the site.

8.69. The proposed units would be set back from the northern boundary of the site and a planting zone ranging between 12 and 17 metres in width would be provided to the north western boundary of the site with native planting proposed to enhance the existing native hedge which varies from 2.5 to 7 metres tall. It is envisaged that as this establishes it will begin to break up the massing of the building elevations when viewed from the residential area to the north of the M69.

8.70. Jury's Inn Hotel is located to the south west of the site in close proximity to Zone 2. The building within this Zone will be over 55 metres in distance from the boundary with the hotel. The area between Unit 2 and the hotel would be profiled to create an undulating bund which would break the line of sight from the hotel. It is considered given the location of the hotel; adjacent to the M69 and A5 and the existing impact this has in terms of noise, light pollution and general disturbance; and given the

sporadic way in which this property is occupied; the proposed development is not considered unacceptable in terms of its impact upon occupants of the hotel.

- 8.71. Subject to consideration of further details at reserved matters stage in relation to Zone 3, it is considered that given the existing landscaping and the proposed landscaping together with the significant separation distance of any surrounding properties being in excess of 100 metres; the proposed development would not lead to any undue loss of amenity by virtue of any loss of light, dominance or any other residential amenity impacts.
- 8.72. The development is not considered to have an adverse impact on the amenities of surrounding residents and would be in accordance with Policy DM10 of the adopted SADMP with regard to impact on neighbouring residential amenity.

#### Highway Considerations

- 8.73. Policies DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 requires adequate parking provision to be provided to serve developments.
- 8.74. Given the scale of this proposal, the application has been accompanied by a Transport Assessment. This has taken account of existing traffic conditions, accessibility and sustainable modes of transport, accidents and vehicular impacts.
- 8.75. The site is located approximately 3.5km to the south east of Hinckley Town and 1.5km Burbage Parish centres. It is bound to the south by the A5 (T), the M69 to the northwest and open countryside to the east. The A5 past the site is single carriageway approximately 7.5m in width with no existing footways or dedicated cycle facilities and is unlit. To the west the A5 connects with the M69 at Junction 1 before continuing to various employment areas south of Hinckley and North Warwickshire. The M69 connects the M1 at junction 21, the M6 at Junction 2 and the M40 at Junction 15 via the A46.
- 8.76. Highways England have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.
- 8.77. The site proposes a main vehicular access onto the SRN from the A5, taking the form of a 55m ICD three arm roundabout. A temporary construction access is proposed from the A5 which would be used to transport plant, equipment and material to site prior to completion of the proposed new roundabout and permanent access.
- 8.78. The principle of the proposed new access arrangements on the A5 have been reviewed and agreed by Highways England. The proposals have been subject to Road Safety Audit and Walking, Cycling and Horse-Riding Assessment and Review procedures. It is also noted that the proposed roundabout has been designed in accordance with The Design Manual for Roads and Bridges (DMRB), Volume 6 Road Geometry, Section 2 Junctions, Part 3 TD16/07 Geometric Design of Roundabouts with no departures from standard applied for.

#### Trip Generation and impact on existing highway network

- 8.79. As part of the desktop analysis, the applicant calculated trip generation from data provided from the TRICS database. TRICS is a computer database that validates assumptions about the transport impacts of new developments. It is the industry standard system for calculating trip generation in the UK and is used as an integral and essential part of the Transport Assessment process. During pre-application scoping it was agreed trip rates derived from TRICS for Industrial Units covering a B1(c) use, would be used to present a more vehicular intensive assessment of Zones 2 and 3 which is set out as scenario 2. Scenario 1 has assessed Zone 2 within a B8 use class which presents the larger unit being used for warehousing purposes.
- 8.80. To ensure a robust assessment was undertaken, the transport assessment assumed a like for like operation in Zone 1 compared to DPD's existing HUB4 and a total floorspace of 102,000m<sup>2</sup> for Zones 2 and 3, which is a total of circa 132,000m<sup>2</sup>. The TRICS database was interrogated for Warehousing and Industrial Unit trip rates to derive the potential future traffic generation of the site.
- 8.81. Whilst 24 hour counts were commissioned, it has since been confirmed by DPD that the site will not operate in the same manner as the HUB4 building, insofar that it will not offer facilities and general office accommodation during the day time. Therefore, its peak hours of operation are between 17:00 and 04:00 and the data for these times has been extracted from the counts and will be used to assess the impacts of this element of the wider development. Furthermore, the site will also have no collection depot, so there will be no vans operating from the site.

The only movements that will take place during the network peak times, is between 17:00 and 18:00, which is the highlighted row, primarily where employees are arriving. However, to present a robust position the AM peak hour traffic will also be included. Zones 2 and 3 are to be assessed for open B1(c)/ B2/ B8 uses, for up to a total of 102,000m<sup>2</sup>.

- 8.82. The traffic generation has been estimated and distributed onto the local network. Future year traffic forecasts also include wider development growth. This has informed the design of the access and the appraisal of the off-site impact. Accordingly the operation of the site access has been modelled which shows that there is adequate capacity to accommodate the additional traffic generation.
- 8.83. Leicestershire County Council Highways Authority has assessed the assessment and their comments are set out below.
- 8.84. Access to Hinckley from its southern side is inevitably constrained by the presence of the rail line causing both severance and limited route choice for motorists locally. Furthermore, the presence of the M69 to the south and A5 to the west, further encapsulates Hinckley whilst offering access to the SRN facilitating the wider movement of goods and people.
- 8.85. The two north/south routes serving the southern side of the town, Rugby Road from M69 J1 and Burbage Road from the A5, carry by far the greatest volume of traffic in Hinckley. Although future year analysis has demonstrated that east/west routes will deteriorate at a faster rate within the next 10-15 years, congestion and delays remain notably worse in real terms both now and in the future on the two north/south routes.
- 8.86. Ensuring that these two vital local routes operate efficiently, with journey times and delays minimised is essential for all traffic in Hinckley. The combination of

Zone 1, 2, 3 and 4 measures contribute greatly to reducing overall levels of congestion, monitoring air quality, enhancing public health and the efficient operation of the network; the latter of which is particularly relevant to the type of trip making associated with the development proposals.

- 8.87. The analysis has demonstrated that the development site is a strong trip attractor with a significant percentage of trips originating from within Hinckley. This further demonstrates the importance of maintaining traffic flow on key routes, ensuring that the network can adequately accommodate development trips, existing traffic and forecast levels of growth.
- 8.88. It is evident from the strategic model testing that the performance of M69 J1 and maintaining traffic flow on the A5, affects the operation of the County road network within Hinckley. The operation of M69 J1 is particularly relevant to the development traffic routing. Following the optimisation of the traffic signals, development traffic relies more greatly on the SRN. Without the signal optimisation of M69 J1, the analysis demonstrates a far greater reliance on County roads with development traffic avoiding a congested junction.
- 8.89. The effects of background traffic re-distribution and development traffic impact on the network, as congested junctions and routes become further overloaded, are apparent both *with* and *without* enhancement to M69 J1. As a consequence there remains a dependency on the efficient operation on County roads, with the two north/south corridors remaining critical to efficient network operation.
- 8.90. The National Productivity Investment Fund funding (NPIF) allow the County Council to invest in measures based on their necessity and priority. This is based upon a £3.5m investment from Central Government and £1.5m investment on behalf of the County Council, in addition to the £800,000 the County Council has already allocated.
- 8.91. The NPIF funded package of measures includes network improvements on Rugby Road and its associated junctions; these are considered sufficient to mitigate the impact of development traffic along this route. To ensure that both these key routes can satisfactorily accommodate development traffic, a contribution towards network enhancement is necessary to mitigate the material impact of development traffic along Burbage Road/ London Road corridor.

#### Routing of vehicles

- 8.92. Concerns have been raised regarding the potential impact the proposed development would have on existing traffic problems within Burbage village from HGV's and construction traffic. DPD has confirmed that their HGVs would not travel through Hinckley town centre and/or Burbage village at any time, as given the size of their fleet notwithstanding the self-imposed routeing restrictions, the vehicles cannot physically manoeuvre through certain junctions.
- 8.93. Routing for construction traffic would be subject to existing physical and legal restrictions on movements of large vehicles. In addition; a Construction Traffic Routeing Agreement will be required to be submitted to and approved in writing to ensure that all construction traffic associated with the development does not use unsatisfactory roads to and from the site.
- 8.94. Whilst occupiers for the other parts of the development are yet to be confirmed, as set out in response to the item above, the forecast distribution of traffic from the site

shows the majority of HGV traffic will travel to and from the M69 and A5 to the north of the site. No HGV movements through Burbage are forecasted.

#### Sustainable Travel

- 8.95. There are currently no footways or cycleways in close proximity of the site. The nearest provision is a combined footway/ cycleway to the west of the Island Hotel that terminates at their site access junction. There are crossing points on the M69 southbound off-slip and northbound on-slip as well as the Rugby Road arm which enables cyclists to cross from A5N to A5S.
- 8.96. Rugby Road has on carriageway cycle lanes with no footways. The footway/cycleway crosses to the southern side of the A5 approximately 80m from the M69 roundabout. It then continues as a shared use footway/cycleway for 1.5km where it crosses back over the A5 and connects to Sketchley Lane. This in turn provides access into the various residential areas of Sketchley and Hinckley Town Centre. The applicant has proposed to implement a footway / cycleway along Rugby Road to tie in with the existing footway / cycleway which currently terminates at the junction of Rugby Road with Canberra Way. This has been proposed in response to consultation feedback.
- 8.97. Upon review by the LHA the general principles of a footway / cycleway provided along Rugby Road is acceptable and necessary to enable adequate provision for access by pedestrians and cyclists to the proposed site. The LHA has therefore advised inclusion of a condition accordingly.
- 8.98. Each individual unit within the development will be accompanied by a full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets and aims to reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport.
- 8.99. Travel Packs including the offer of a six month bus pass will be provided to all employees from first occupation of the site to inform those working within the development of the sustainable travel choices available and to encourage use of bus services.
- 8.100. The nearest bus service to the site is the Hinckleybus 8 service, which is a Monday-Saturday hourly service. The first service leaves Hinckley at 05.15 and the last service leaves at 17.20. This service travels through to Lutterworth, where the first service leaves Lutterworth at 06.00 and the last service leaves at 18.35.
- 8.101. Confirmation has been received from Arriva, the service operator confirming their agreement in principal for the diversion of Service 8 into the proposed development. Arriva have indicated that should additional journeys be required in order to coincide with shift changes outside the hours within which the service usually operates they would be happy to provide these subject to the necessary financial support from the developer.
- 8.102. During review of the development proposals the LHA has advised that the most appropriate option to reduce the reliance on single occupancy car journeys for zone 1 may be a "workers bus". This is a site specific option which could pick up workers from at least the nearest town centre of Hinckley and would be more flexible than an extension of the Arriva service, possibly at a much reduced expense. For the following phases (2 & 3), an agreement with the commercial bus operator may be more appropriate, due to the more traditional working hours and operation of site use anticipated. The LHA has therefore advised the imposition of a planning obligation to enable this further assessment and review to be undertaken prior to first use of the development.



- 8.103. Finally, a Site Wide Travel Plan co-ordinator would be funded and employed by the Applicant from the commencement of development until 5 years following first occupation; this role will involve promotion of public transport services in accordance with the Framework Travel Plan.

#### Road Safety

- 8.104. The applicant has collated and analysed Personal Injury Collision (PIC) data on the local highway network over a period of 01/01/2012 to 31/12/2016. The study area included the following links and junctions:

- M69 J1 roundabout and short lengths of approaches;
- A5 link past the site;
- Lutterworth Road from the A5 to the Windsor Street junction.

- 8.105. Following on from the period analysed in preparation of the transport assessment the LHA has reconsidered the defined study area, collating and analysing the Personal Injury Collision (PIC) data for the period of 01/01/2017 – 27/12/2017 and in which there was a single slight incident recorded within the study area.

- 8.106. Upon further investigation of the specific details of the above incidents, in addition to a review of the year on year trends in data, the LHA would conclude that there are no cluster spots or patterns in the data that the development proposals could reasonably be expected to exacerbate.

#### Car Parking

- 8.107. For Zone 1 the application proposes 425 car parking spaces and 74 HGV spaces in line with the 6Cs Design Guide standards. The applicant has proposed that since the specific end user is known for Zone 1 the car parking requirements of that proposed are based on the operation of their other sites, such as HUB4 in Hinckley. The parking provision proposed is in excess of the requirements detailed in the 6Cs Design Guide for Zone 1 and therefore considered acceptable to the Local Highways Authority (LHA).

- 8.108. For Zone 2, the exact requirement for car and HGV parking would vary depending on the proportion of each land use which is sought. That said; the Unit 2 Site Layout drawing number 14102 P200 Rev C details a schedule of accommodation and associated parking provision (545 spaces). The LHA consider that the parking provision is suitable for the land use indicated in the accommodation schedule.

- 8.109. For Zone 3, two options have been proposed for parking provision on indicative masterplans depending on the makeup of the land uses sought by future occupiers of the site. Given the uncertainties over the land use requirement of future users and consequential varying parking requirements under the different land uses this would need to be considered in further detail in preparation of the reserved matters application for Zone 3.

- 8.110. In summary, the Transport Assessment has reviewed the highways and transport implications of providing a total quantum of 132,000m<sup>2</sup> of B1c/B2/ B8 employment floorspace on land to the north of the A5 and east of M69 Junction 1, south of Hinckley, Leicestershire. The traffic generation has been estimated and distributed onto the local network. Future year traffic forecasts also include wider development growth. This has informed the design of the access and the appraisal of the off-site impact. Accordingly the operation of the site access has been modelled which shows that there is adequate capacity to accommodate the additional traffic generation.

- 8.111. The proposals include the construction of a new roundabout access on the A5 in addition to an extension to the existing footway/ cycleway, emergency access and substation access. Parking provision on site will be provided in general accordance with parking standards set by the Local Authority. The additional traffic would not have a material impact on the safety or operation of the local road network and it can clearly be concluded that the impact of the development will not be “severe” and overall there are no justifiable reasons for refusal on highway grounds.
- 8.112. In summary, Highways England and Leicestershire County Council Highways have no objection to the development subject to the imposition of planning conditions. The scheme is considered to be in accordance with Policies DM17 and 18 of the SADMP and the guidance contained within the NPPF. The development is not considered to result in a severe highway impact in accordance with Paragraph 32 of the NPPF.

#### Environmental Impact

- 8.113. Policy DM7 of the SADMP seeks to prevent the risk of pollution resulting from development.
- 8.114. The ES contains a chapter on Land Contamination and Pollution and has assessed air quality impact to existing receptors resulting from the construction and operational activities associated with the development.

#### Noise

- 8.115. A noise impact assessment was submitted which predicts that the construction of the site, even taking account of the identified mitigation measures, could lead to moderate adverse effects from noise where the construction works are close to the off-site receptors. However, it concludes that these are likely to be short-term in duration. It should also be noted that the acoustic benefit of the early construction of the bund along the western edge of the site was not factored into the assessment.
- 8.116. A CEMP has been submitted however HBBC’s Environmental Health Officer considers that this should be revisited to include a process for reactive monitoring should complaints arise. Mitigation is proposed in the form of acoustic barriers to reduce potential noise impacts during the operational phase of the proposed development.
- 8.117. A condition is proposed to require an additional noise impact assessment for any B2 use for Unit 2, once the final user is known and more accurate data is available on which to base the predictions. A further condition is proposed requiring submission of a noise assessment with any reserved matters applications for Zone 3, to confirm the need for, and extent of, further noise mitigation measures and any such measures shall be installed prior to the first use of the relevant units.

#### Lighting

- 8.118. An External Lighting Impact Assessment and detailed lighting plans have been provided as part of the application for Zone 1 and 2. HBBC Environmental Health considers the lighting plans acceptable.

#### Ventilation and extraction

- 8.119. In relation to Zone 2; given that there is no confirmed end user; HBBC Environmental Health Officer recommends that a condition be imposed to any permission granted to control ventilation from the premises to control potential odour impacts on neighbouring properties.

## Contamination

- 8.120. A condition will also be imposed to ensure that any land contamination encountered during the development is dealt with appropriately.
- 8.121. Subject to conditions and on the basis of submission of an updated Construction Environmental Management Plan, it is considered that the proposed development would not give rise to excessive levels of noise, vibration, smell, or light pollution and would therefore be in accordance with Policy DM7 and DM10 of the SADMP.

## Drainage and Flood Risk

- 8.122. Policy DM7 of the SADMP requires adverse impacts from flooding to be prevented and provides that development should not create or exacerbate flooding and be located away from areas of flood risk unless adequately mitigated. The application has been accompanied by a Flood Risk Assessment (FRA) and the scheme has been considered by Leicestershire County Council (Drainage), the Environment Agency, HBBC (Drainage) and Severn Trent.
- 8.123. A Hydrology chapter has been prepared as part of the ES which assesses the likely significant effects of the proposed development on the environment.
- The assessment of likely significant effects has considered the following:
  - Surface water drainage
  - Flood risk
  - Water Quality
  - Groundwater
- 8.124. The ES and FRA confirm that the site lies predominantly in Flood Zone 1 (low risk of flooding) as defined by the Environment Agency's (EA) flood maps. A very small area of the site is within Flood Zone 3 (High probability of flooding) this equates to less than 0.5% of the entire site. No building is proposed within this area.
- 8.125. Identification of suitable and appropriate mitigation measures for all stages of the development and an indication of how these measures will affect the significance of any impacts has been provided.
- 8.126. The assessment has taken account of mitigation incorporated into the design, such as the provision of surface water attenuation. As no significant effects have been assessed as likely, no further mitigation has been proposed and therefore no residual effects are anticipated.
- 8.127. HBBC's Drainage Officer does not object to the proposed development subject to a condition requiring details of the final surface water drainage scheme. Similarly, Leicestershire County Council (Drainage) has no objections to the proposal subject to the imposition of conditions. The Environment Agency does not object to the proposal.
- 8.128. It is therefore considered that the proposal would not lead to harm to the quality of groundwater from surface or foul water and would not cause or aggravate flooding in accordance with Policy DM7 of the SADMP.

## Impact upon Ecology

- 8.129. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and management favourably to maintain their ecological value, connectivity and functionality in the long term.

- 8.130. The ES contains a chapter on Ecology providing an overview of any significant effects, both beneficial and adverse on ecological features which may result during construction and operational phases of the proposed development. The report has also been accompanied by a Construction Ecological Management Plan.
- 8.131. There are a small number of non-statutory local wildlife sites that occur adjacent to the site, the central Soar Brook watercourse that acts as a valuable wildlife corridor and the network of boundary hedgerows on and adjacent to the site. The Soar Brook corridor is to be retained and enhanced as part of the Landscape proposal.
- 8.132. Proposed additional mitigation to address the predicted effects includes the provision of new nesting and roosting habitat features for bats and birds; detailed within the Ecological Mitigation Strategy (EMS) submitted with the application, production of a Reasonable Avoidance Method Statement for amphibians, implementation of a landscaping management and maintenance plan focused on biodiversity, appropriate post development monitoring of habitats and species, sensitively designed lighting proposals and implementation of a speed limit to reduce the risk of road mortality to species such as badgers.
- 8.133. Works would proceed only in accordance with the methodology set out within the Ecological Mitigation Strategy. A Great Crested Newt Survey has been completed and included a Habitat Suitability Index Assessment and a presence/absence survey in accordance with English Nature methodology. This survey incorporated all the ponds on site within 500 metres of the site which had suitable connectivity to the site and where access was permitted. No GCN were identified within the ponds surveyed although access was denied to three ponds. As a result; Reasonable Avoidance Measures will be applied to minimise the risks to Great Crested Newts within 250m of the ponds on site which the applicant has not been able to access for survey as recommended by LCC Ecology.
- 8.134. LCC's Ecologist and Natural England have fully appraised the submitted statements and reports and commented accordingly. On the basis of the evidence provided and subject to securing the proposed mitigation outlined in the EMS no objections have been received on ecology grounds. The proposal is considered to comply with both local and national policy.
- 8.135. Accordingly subject to conditions, the development would be in accordance with Policy DM6 of the adopted SADMP with regard to biodiversity enhancements.

#### Planning Obligations

- 8.136. Policy DM3 of the SADMP identifies that where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through the appropriate funding mechanism. Paragraphs 203 and 204 of the NPPF also provides that planning obligations should be necessary to make the proposed development acceptable in planning terms, directly related to the proposed development and fairly and reasonably related in scale and kind of the proposed development. This wording reflects the tests set out within the Community Infrastructure Regulations 2010.
- 8.137. Developer contributions and obligations have been requested by Leicestershire County Council (Highways). As previously mentioned above, the proposed development due to its size and scale would have wider impacts upon the highway network. It is therefore identified that mitigation measures are required to ensure this does not have a severe impact. In terms of the cumulative impact of this development, Leicestershire County Council (Highways) consider that a contribution

should be provided towards improvements of the wider highway network in the area and a contribution towards infrastructure for accommodating growth is sought.

- 8.138. Due to the scale of the proposal developer contributions are required to mitigate the impact of the proposed development.
1. A contribution towards improvements to the wider highway network within Hinckley as considered appropriate by Hinckley & Bosworth Borough Council in consultation with Leicestershire County Council.
  2. Provision of bus services calling at new bus stop(s) to serve the development site as agreed with the Local Planning Authority. The bus services shall be scheduled to coincide with both the off peak shift changes associated with the proposed development, seven days a week (including Bank Holidays) and the 9am to 5pm peak hours Monday to Friday. Any new bus stop infrastructure must include, but not be limited to: bus stops, bus shelters, facilitation of Real Time Information, raised kerbs, lighting and timetable information.
  3. The bus services shall be operational to coincide with 25% occupation of phase 1 of the development, unless an alternative date is agreed to in writing by the Local Planning Authority, and until five years following 50% occupation of the total development.
  4. All details of the bus services and any amendments are to be submitted to and approved in writing by the Local Planning Authority. The bus services may be secured through area-wide initiatives provided that the minimum service level provision is met and for the stipulated timescale of 5yrs from 50% occupation of the total development.
  5. One Travel Pack per employee, to be provided from first occupation. This can be provided through Leicestershire County Council at a cost of £52.85 per pack. If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.
  6. One six-month bus pass per employee to be offered on commencement of bus service provision on site. This can be provided through Leicestershire County Council at an average cost of £360.00 per pass.
  7. A Framework Travel Plan monitoring fee of £11,337.50 for Leicestershire County Council's Travel Plan Monitoring System.
  8. A Site-Wide Travel Plan Co-ordinator to be funded and employed by the Applicant from the commencement of development until 5 years following full occupation. Specifically, the Site-Wide Travel Plan Co-ordinator shall undertake tasks in accordance with the Framework Travel Plan for the promotion of public transport services.
- 8.139. Policy DM17 identifies that development should have 'convenient and safe access for walking and cycling to services and facilities' and 'the need to travel will be minimised and the use of sustainable transport modes can be maximised'. The submitted travel plan includes a number of measures designed to encourage sustainable forms of transport. In addition the footways which will run contiguously with the internal estate roads and green corridors will enable walking and cycling to destinations within the site. It is considered that the request is directly, fairly and reasonable related in scale and kind to the development proposed and can be secured through a S106 legal agreement.

## **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. Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise.

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

10.3. The proposed development would deliver a wide range of benefits as set out below:

### **During Construction**

- Estimated construction expenditure of approximately £100 million, generating wider benefits for the supply chain
- 280 gross direct FTE jobs per annum of construction
- 105 direct Full Time Equivalent jobs in Hinckley and Bosworth
- Total contribution of around £20.2 million in GVA to the local economy during construction.

### **Operational Phase**

- Creation of 2,395 gross direct jobs on site through provision of new commercial floorspace
- 895 net direct FTE jobs will be held by Hinckley and Bosworth residents
- 225 indirect/induced FTE jobs will be held by Hinckley and Bosworth residents
- Annual contribution of £48.7 million in GVA economic output across the Borough
- Creation of a range of managerial, professional, skilled trades and administrative jobs
- £24.9 direct wage expenditure per annum and £5.8 million indirect wage expenditure per annum in Hinckley and Bosworth; and

- Retention of approximately £3.5 million in additional business rate revenue annually by Hinckley and Bosworth Borough Council.
- 10.4. The economic benefits associated with the proposed development could, by virtue of the jobs created, encourage new residents and employees to the local area who would in turn support local services and facilities. It is considered that the proposal would support economic development and benefit the economy of the immediate area and the Borough as a whole.
  - 10.5. The proposed development, whilst within open countryside is not subject to any statutory landscape designations. As such any identified harm is only on a local level and the proposals have been designed to minimise these effects through additional planting. As part of the landscape proposal the Soar Brook corridor is to be retained and enhanced. A new wide foot/cycle path is to be positioned running parallel to the watercourse linking users/visitors to the proposed footpath extension along the A5.
  - 10.6. The proposal would result in the loss of agricultural land, however, this is a preferable location, close to the motorway junction; existing hotel and conference facility and A5 compared to other greenfield sites which could involve loss of best and most versatile agricultural land it is considered that the proposal is acceptable in terms of the impact on agricultural land.
  - 10.7. The proposed development is considered appropriate in design terms; the buildings proposed in zone 1 and 2 are contemporary and modern and are designed to balance the needs of future employment uses against the requirement to mitigate the impact on the surrounding countryside.
  - 10.8. Both the construction and operational phases of the development have been assessed, with the conclusion that both phases will have an imperceptible impact on the heritage assets within the study area, resulting in a negligible overall effect on the significance of the heritage assets, and subsequently causing them no harm. This is due to the distance between each asset and the application site and intervening topography and trees, and that there is no known functional or historic relationship between the assets and the application site. It has therefore been demonstrated that the proposal is compatible with the setting of the nearby listed buildings and non-designated heritage assets and it preserves the character and appearance and thus significance of the nearby conservation areas.
  - 10.9. The proposed development provides mitigation against the impact of development upon Ecology. Where negative effects have been identified in terms of species and habitats, mitigation measures are proposed to minimise any potential impact. The proposal provides mitigation against flood risk, in particular surface water run off. It is considered that the proposed mitigation provided will offset any harm that may be caused.
  - 10.10. The proposed development would be visible from some local properties; however it is not considered that the proposal would have any demonstrable impact upon these properties. Furthermore whilst there may be some audible noise emanating from the development, given the existing background noise levels in the area, it is not considered that there would be any demonstrable harm caused by noise from the development which could not be adequately mitigated against.
  - 10.11. The proposed buildings; particularly in Zone 2 are of a very large scale and will take some time to be absorbed into the landscape from certain directions and will remain a permanent feature from others. Whilst the proposed development would utilise the topography of the site, combined with the design of the buildings and proposed

landscaping there would clearly be some significant short and long term effects on landscape character and visual amenity; this is only to be expected for a development of this scale in a countryside location. However, the proposed development will significantly contribute to economic growth and job creation and would be located adjacent to the strategic road network of the M69 and A5 which offer accessibility to the regional and national supply chain and consumer markets. These benefits are significant in scale and it is considered that the benefits which would be provided through this scheme would outweigh this acknowledged harm. Whilst there will be a degree of conflict with criterion i of Policy DM4 of the SADMP, other material considerations, including the economic benefits of the proposed development, the proposed landscape mitigation, and the absence of harm when considered against other policies of the adopted development plan, outweigh the harm to the open countryside.

- 10.12. In reaching this conclusion, Officers have taken into account the ES which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations. It is considered that the information provided complies with the above regulations and that sufficient information has been provided to assess the environmental impact of the proposals.
- 10.13. The proposal therefore accords with the provisions of the Development Plan, specifically Policies DM1, DM3, DM4, DM6, DM7, DM10, DM11, DM12, DM13, DM17, DM18 and DM20 of the SADMP and section 12 of the NPPF (paragraphs 132 and 135), and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990
- 10.14. This hybrid application is therefore recommended for approval subject to conditions and appropriate contributions and obligations being secured through a legal agreement.

## **11. Recommendation**

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

The prior completion of a S106 agreement to secure the following obligations:

- A contribution towards improvements to the wider highway network within Hinckley as considered appropriate by Hinckley & Bosworth Borough Council in consultation with Leicestershire County Council.
- Provision of bus services calling at new bus stop(s) to serve the development site as agreed with the Local Planning Authority. The bus services shall be scheduled to coincide with both the off peak shift changes associated with the proposed development, seven days a week (including Bank Holidays) and the 9am to 5pm peak hours Monday to Friday. Any new bus stop infrastructure must include, but not be limited to: bus stops, bus shelters, facilitation of Real Time Information, raised kerbs, lighting and timetable information.
- The bus services shall be operational to coincide with 25% occupation of phase 1 of the development, unless an alternative date is agreed to in writing by the Local Planning Authority, and until five years following 50% occupation of the total development.
- All details of the bus services and any amendments are to be submitted to and approved in writing by the Local Planning Authority. The bus services may be secured through area-wide initiatives provided that the minimum service level provision is met and for the stipulated timescale of 5yrs from 50% occupation of the total development.



- One Travel Pack per employee, to be provided from first occupation. This can be provided through Leicestershire County Council at a cost of £52.85 per pack. If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which may involve an administration charge.
- One six-month bus pass per employee to be provided on commencement of bus service provision on site. This can be provided through Leicestershire County Council at an average cost of £360.00 per pass.
- A Framework Travel Plan monitoring fee of £11,337.50 for Leicestershire County Council's Travel Plan Monitoring System.
- A Site-Wide Travel Plan Co-ordinator to be funded and employed by the Applicant from the commencement of development until 5 years following full occupation. Specifically, the Site-Wide Travel Plan Co-ordinator shall undertake tasks in accordance with the Framework Travel Plan for the promotion of public transport services.
- Provision of opportunities for apprenticeships and work experience and employment and skills related training during the construction of the development.

11.2 Planning conditions outlined at the end of this report.

11.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.

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

11.4. **Conditions and Reasons**

**Site Wide Conditions**

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following submitted plans and documents received by the local planning authority:

- 14102 - P001 Site Location Plan
- 14102 - P002E Parameter Plan
- 14102 - P006 Illustrative Masterplan Ancillary Building Details
- 1693-16\_11E Landscape Strategy Plan (Site Wide)
- 1693-16\_17G Infrastructure & Zone 2 Landscape Plan Sheet 1 of 5
- 1693-16\_18G Infrastructure & Zone 2 Landscape Plan Sheet 2 of 5
- 1693-16\_19D Infrastructure & Zone 2 Landscape Plan Sheet 3 of 5
- 1693-16\_20F Infrastructure & Zone 2 Landscape Plan Sheet 4 of 5
- 1693-16\_21G Infrastructure & Zone 2 Landscape Plan Sheet 5 of 5
- 1693-16\_22E Infrastructure & Zone 2 Landscape Sections
- 1693-16\_12 Landscape Strategy Sections Sheet 1 of 2
- 1693-16\_13 Landscape Strategy Sections Sheet 2 of 2
- 1693-16\_25A A5 Roundabout Landscape Plan
- 1693-16\_01B Tree Constraints Plan Sheet 1 of 5
- 1693-16\_02A Tree Constraints Plan Sheet 2 of 5
- 1693-16\_03A Tree Constraints Plan Sheet 3 of 5
- 1693-16\_04A Tree Constraints Plan Sheet 4 of 5
- 1693-16\_05A Tree Constraints Plan Sheet 5 of 5
- 1693-16\_06B Tree Retention Removal and Protection Plan (Sheet 1 of 5)
- 1693-16\_07A Tree Retention Removal and Protection Plan (Sheet 2 of 5)

1693-16\_08A Tree Retention Removal and Protection Plan (Sheet 3 of 5)  
 1693-16\_09A Tree Retention Removal and Protection Plan (Sheet 4 of 5)  
 1693-16\_010A Tree Retention Removal and Protection Plan (Sheet 5 of 5)  
 116257-2001-B Site Drainage Strategy (Site Wide)  
 18216-12 Site Access (55m ICD Roundabout)  
 18216-13 Site Access Visibility Appraisal  
 18216-04E A5 Footway and Cycleway Improvements  
 18216-09B Proposed New Substation Access on A5  
 18216-10A Proposed New Construction Access on A5  
 18216-14 Land at Junction 1 M69, Proposed Mitigation Works  
 116257-2003 Proposed A5 Access Drainage  
 116257-2201-A Internal Spine Road Centreline Longitudinal Section  
 116257-2200-A Internal Spine Road Layout and Typical Section  
 116257-1800-A Internal Spine Road Swept Path Analysis  
 500547-5001-P5 Primary Substation General Arrangement  
 500547-5002-P2 Primary Substation Elevations  
 116257-2004 Primary Substation - Drainage Layout  
 Q10788-E-500\_P6 External Lighting Development Zones  
 Q10788-E-502\_P6 External Lighting Layout – Pedestrian Walkway, Cycle  
 Route and Access Road  
 116257-0013-A Possible Topsoil Bund Location

#### Zone 1

##### Architectural

14102 - P100F Unit 1 - Site Layout  
 14102 - P101 Unit 1 – Hub Building – Basement Plan  
 14102 - P102 Unit 1 – Hub Building Ground Floor Plan – Sheet 1 of 3  
 14102 - P103 Unit 1 - Hub Building Ground Floor Plan – Sheet 2 of 3  
 14102 - P104 Unit 1 - Hub Building Ground Floor Plan – Sheet 3 of 3  
 14102 - P105 Unit 1 - Hub 5 Office First Floor Plan – Sheet 1 of 3  
 14102 - P106 Unit 1 - Hub 5 Office First Floor Plan – Sheet 2 of 3  
 14102 - P107 Unit 1 - Hub 5 Office First Floor Plan – Sheet 3 of 3  
 14102 - P108B Unit 1 - Hub Building Elevations - Sheet 1 of 2  
 14102 - P109B Unit 1 - Hub Building Elevations - Sheet 2 of 2  
 14102 - P110A Unit 1 - Canteen & Security Building Layout  
 14102 - P111B Unit 1 - Canteen & Security Building Elevations  
 14102 - P112A Unit 1 - Vehicle Maintenance Unit Layout  
 14102 - P113A Unit 1 - Vehicle Maintenance Unit Elevations  
 14102 - P114A Unit 1 - Salt Barn, Tyre & Vehicle Storage  
 14102 - P115A Unit 1 - Water Storage Tank, Generators & Fuel Tanks  
 14102 - P116A Unit 1 - Steam Prep Enclosure  
 14102 - P117A Unit 1 - Gatehouse Type 1  
 14102 - P118A Unit 1 - Gatehouse Type 2  
 14102 - P119 Unit 1 – Hub Building Roof Plan  
 14102 - P120B Unit 1 – Site Fencing Layout  
 14102 - P121A Unit 1 – Canteen & Security Building Roof Layout  
 14102 - P122A Unit 1 – VMU Building Roof Layout  
 1693-16\_14J Landscape Concept Plan Zone 1 DPD Hub 5 Sheet 1 of 3  
 1693-16\_15K Landscape Concept Plan Zone 1 DPD Hub 5 Sheet 2 of 3  
 1693-16\_24A Landscape Concept Plan Zone 1 DPD Hub 5 Sheet 3 of 3  
 1693-16\_16F Landscape Concept Sections Zone 1, DPD Hub 5

##### Engineering

2403-05-P3 DPD Hub 5 Site Levels and Gradient Principles Sheet 1  
 2403-06-P2 DPD Hub 5 Site Levels and Gradient Principles Sheet 2

2403-51-P1 Overall Site Drainage Layout  
2403-52-P1 Part Site Drainage Layout (Sheet 1)  
2403-53-P1 Part Site Drainage Layout (Sheet 2)

Lighting

D30454-JM-D DPD Hub 5 External Lighting Layout

Zone 2

Architectural

14102 - P200C Unit 2 – Site Layout  
14102 - P201 Unit 2 – Building Layout  
14102 - P202 Unit 2 - Main Office Layouts  
14102 - P203 Unit 2 - Hub Office Layouts  
14102 - P204B Unit 2 - Building Elevations  
14102 - P205A Unit 2 - Roof Plan  
14102 - P206 Unit 2 - Cycle & Smoking Shelter Details  
14102 - P207 Unit 2 - Gatehouse  
14102 - P208 Unit 2 - Ancillary Building Details  
14102 - P209 Unit 2 - External Finishes  
14102 - P210A Unit 2 - Fencing Layout  
1693-16\_23B Zone 2 Car Park Frontage Detailed Planting Plan

Engineering

116257-2100-B Unit 2 - Existing and Proposed Site Levels  
116257-2300 Unit 2 Drainage Layout Plans

Lighting

Q10788-E-501\_P6- External Lighting Layout – Unit 2, Pedestrian Walkway,  
Cycle Route and Access Road

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

2. A minimum of 7.3 ha across Development Zones 2 and 3 will be reserved for uses falling with Use Class B1(c) (Light Industry) and/or Use Class B2 (General Industrial) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

**Reason:** To ensure the site is developed with the appropriate mix of employment uses to meet the identified employment needs and in accordance with Policy DM20 of the Site Allocations and Development Management Policies DPD July 2016.

3. Trees T46 (English Oak) and T104 (Common Ash) as defined in the submitted Pre-Development Tree Survey and accompanying Tree Constraints Plans (refs) shall be retained in accordance with the approved Tree Retention, Removal and Protection Plans (refs).

**Reason:** The trees are an important feature in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site and retained in accordance with Policy DM6 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

4. Prior to commencement of works on any building, representative samples of the types and colours of materials to be used on the exterior of that building shall be deposited with and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved materials.

**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. No development shall take place/commence until a written scheme of investigation (WSI) for the necessary archaeological mitigation of the site has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, development shall only take place following the completion of the necessary archaeological mitigation for that area, to be undertaken in accordance with the agreed WSI. The WSI shall include a statement of significance and research objectives for the known and anticipated archaeological resource, and:

The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;

The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

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

6. The development shall be carried out in accordance with the Ecological Mitigation Strategy (RT-MME-124163-02 dated July 2017).

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

7. The development shall be carried out and maintained thereafter in accordance with the Soft Landscape and Biodiversity Maintenance and Management Specification (1693/16/RP02 rev A dated July 2017).

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

8. The development shall be carried out in accordance with the submitted Construction Ecological Management Plan (RT-MME-125673-01 dated 7th July 2017).

**Reason:** To ensure appropriate mitigation for the impacts caused by the construction phases of the development and to reflect the scale and nature of development in accordance with Policy DM6 and Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

9. Prior to commencement of works on site, a Soil Resource and Management Plan shall be prepared and agreed with the local planning authority. This plan shall identify the existing soil resources within the site; the volumes of soils to be displaced by the proposed development; the receptor sites and uses for the displaced soils; and the methods for stripping, storing and replacing soils.

**Reason:** To ensure appropriate mitigation for the impacts caused by the construction phases of the development and to reflect the scale and nature of development in accordance with Policy DM6 and Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

10. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination and include a construction traffic management plan, including details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints.

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

11. Construction shall be limited to the following hours, unless express permission is granted by the Local Planning Authority for certain activities/specific stages to occur outside of these hours:

- Monday – Friday: 0730hrs to 1800hrs
- Saturday: 0800hrs to 1300hrs
- No working on Sundays and/or bank holidays

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

12. Prior to installation of fixed plant machinery and ventilation equipment, details which shall include installation method, maintenance and management, shall be submitted to and agreed in writing with the LPA. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use and maintained in use thereafter

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

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

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

14. The noise barrier shown on the Parameters Plan 10402 P002 D shall be installed prior to first use of the development, and maintained thereafter unless agreed otherwise by the local planning authority.

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

15. Prior to commencement of development, protective fencing shall be erected around the trees to be retained in accordance with the Tree Retention Removal and Protection Plans (drawings 1693-16-06B; 1693-16-07A; 1693-16-08A; 1693-16-09A; 1693-16-10A) and the submitted Arboricultural Impact Assessment (dated June 2017) . Protective fencing shall remain in place until all works have been completed, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** The trees are an important feature in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site in accordance with Policy DM6 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

16. The development shall be carried out in accordance with the submitted Drainage Strategy and Drainage Infrastructure Maintenance and Management Proposal contained within the Flood Risk Assessment (116257/R2.3 dated June 2017).

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

17. No part of the development shall be occupied until a footway / cycleway has been constructed along Rugby Road which links the existing footway/cycleway provision at the junction of Rugby Road with Canberra Way with the new footway to be provided along the A5 between the site and connecting into the M69 J1.

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

18. No individual unit hereby permitted shall be occupied until a full Travel Plan for that unit, which sets out actions and measures with quantifiable outputs and outcome targets in accordance with the agreed Framework Travel Plan, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

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

19. Prior to the first occupation of the development hereby permitted, improvement works to the A5 Trunk Road as detailed in DTA Drawing No. 18216-04 Rev E (or as amended by Road Safety Audit or Detailed Design) must be complete and open to traffic. The approved scheme must comply with the requirements of the Design Manual for Roads and Bridges, including those relating to Road Safety Audit and Walking, Cycling and Horse-Riding Assessment and Review procedures.

**Reason:** To ensure that the M69 Motorway and the A5 Trunk Road continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising

disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

20. Prior to the first occupation of the development hereby permitted, improvement works to the A5 Trunk Road as detailed in DTA Drawing No. 18216-09 Rev B (or as amended by Road Safety Audit or Detailed Design) must be complete and open to traffic. The approved scheme must comply with the requirements of the Design Manual for Roads and Bridges including those relating to Road Safety Audit and Walking, Cycling and Horse-Riding Assessment and Review procedures.

**Reason:** To ensure that the M69 Motorway and the A5 Trunk Road continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

21. The temporary construction access shall be constructed in accordance with the approved plans as detailed in DTA Drawing No. 18216-10 Rev A (or as amended by Road Safety Audit or Detailed Design). The approved scheme must comply with the requirements of the Design Manual for Roads and Bridges, including those relating to Road Safety Audit and Walking, Cycling and Horse-Riding Assessment and Review procedures.

**Reason:** To ensure that the M69 Motorway and the A5 Trunk Road continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document..

22. Prior to the first occupation of the development hereby permitted, improvement works to the A5 Trunk Road as detailed in DTA Drawing No. 18216-12 (or as amended by Road Safety Audit or Detailed Design) must be complete and open to traffic. The approved scheme must comply with the requirements of the Design Manual for Roads and Bridges, including those relating to Road Safety Audit and Walking, Cycling and Horse-Riding Assessment and Review procedures.

**Reason:** To ensure that the M69 Motorway and the A5 Trunk Road continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

23. Prior to the first occupation of the development hereby permitted, improvement works to the M69 Motorway and A5 Trunk Road as detailed in DTA Drawing No. 18216-14 (or as amended by Road Safety Audit or Detailed Design) must be complete and open to traffic. The approved scheme must comply with the requirements of the Design Manual for Roads and Bridges, including those

relating to Road Safety Audit and Walking, Cycling and Horse-Riding Assessment and Review procedures.

**Reason:** To ensure that the M69 Motorway and the A5 Trunk Road continue to serve their purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

#### **Outline Planning Permission – Conditions**

24. An application for the approval of reserved matters shall be made within five 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).

25. 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 development

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 DPD.

26. The reserved matters submitted under Condition 25 shall be strictly in accordance with the principles and parameters described and illustrated in the Design and Access Statement and the Plans hereby approved.

Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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

27. Any reserved matters applications submitted under this permission shall be accompanied by a noise assessment to confirm the need for, and extent of, further noise mitigation measures and any such measures shall be installed prior to the first use of the units covered by the reserved matters application unless agreed otherwise by the local planning authority.

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



28. A light impact assessment shall be provided for the final lighting scheme for Development Zone 3 showing compliance with the light levels recommended in the Institute of Lighting Professionals environmental light guidance GN01 for lighting within environmental zone 3 and a statement to this effect submitted by a suitably qualified contractor upon completion of the development

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

29. Details of any external lighting for each building within Development Zone 3 shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building to which it relates. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

30. Updated ecology surveys are to be completed in support of reserved matters applications for each phase, where original ecological surveys are more than two years old. Each phase shall be accompanied by an ecology survey no more than two years old.

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

#### **Full Conditions**

31. 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.

32. The following soft landscaping plans shall be implemented within the first planting season following occupation of any building within Zone 1 or 2:

- Strategic Planting (inc A5 corridor) to be added

The following soft landscaping plans shall be implemented within the first planting season following first occupation of Development Zone 1:

- Zone 1 (detailed planting on plot) to be added

The following soft landscaping plans shall be implemented within the first planting season following first occupation of Development Zone 2:

- Zone 2 (detailed planting on plot) to be added

**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.

33. The 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.

34. Development Zone 1 shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Unit 1 Site layout drawing number 14102 P100 Rev F. Thereafter the onsite parking provision shall be so maintained in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Paragraphs 32 and 35 of the National Planning Policy Framework 2012 in accordance with Policy DM10 and DM17 of the Site Allocations and Development Management Policies Development Plan Document.

35. Prior to occupation of any building within Zone 2 for a B2 use, a noise assessment shall be submitted to confirm the need for, and extent of, further noise mitigation measures and any such measures shall be installed prior to the first use of the unit unless agreed otherwise by the local planning authority.

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

36. Prior to first / each occupation of Development Zone 2, full details of the parking and turning provision required in accordance with the land use and nature of operation of the occupant shall be provided to and agreed in writing by the Local Planning Authority. Once agreed the agreed scheme shall be implemented prior to first use of the development permitted and permanently so maintained for the extent of the site occupants' tenure.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Paragraphs 32 and 35 of the National Planning Policy Framework 2012; in accordance with Policy DM10 and DM17 of the Site Allocations and Development Management Policies Development Plan Document.

#### 11.5. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the

process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the 6Cs Design Guide which is available at <https://www.leicestershire.gov.uk/environment-andplanning/planning/6cs-design-guide>

3. Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.
4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
5. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the 6Cs Design Guide which is available at <https://www.leicestershire.gov.uk/environment-andplanning/planning/6csdesign-guide>.
6. If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following:  
<http://www.leicestershire.gov.uk/Flood-risk-management>

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Planning Committee 6 March 2018  
Report of the Planning Manager (Development Management)

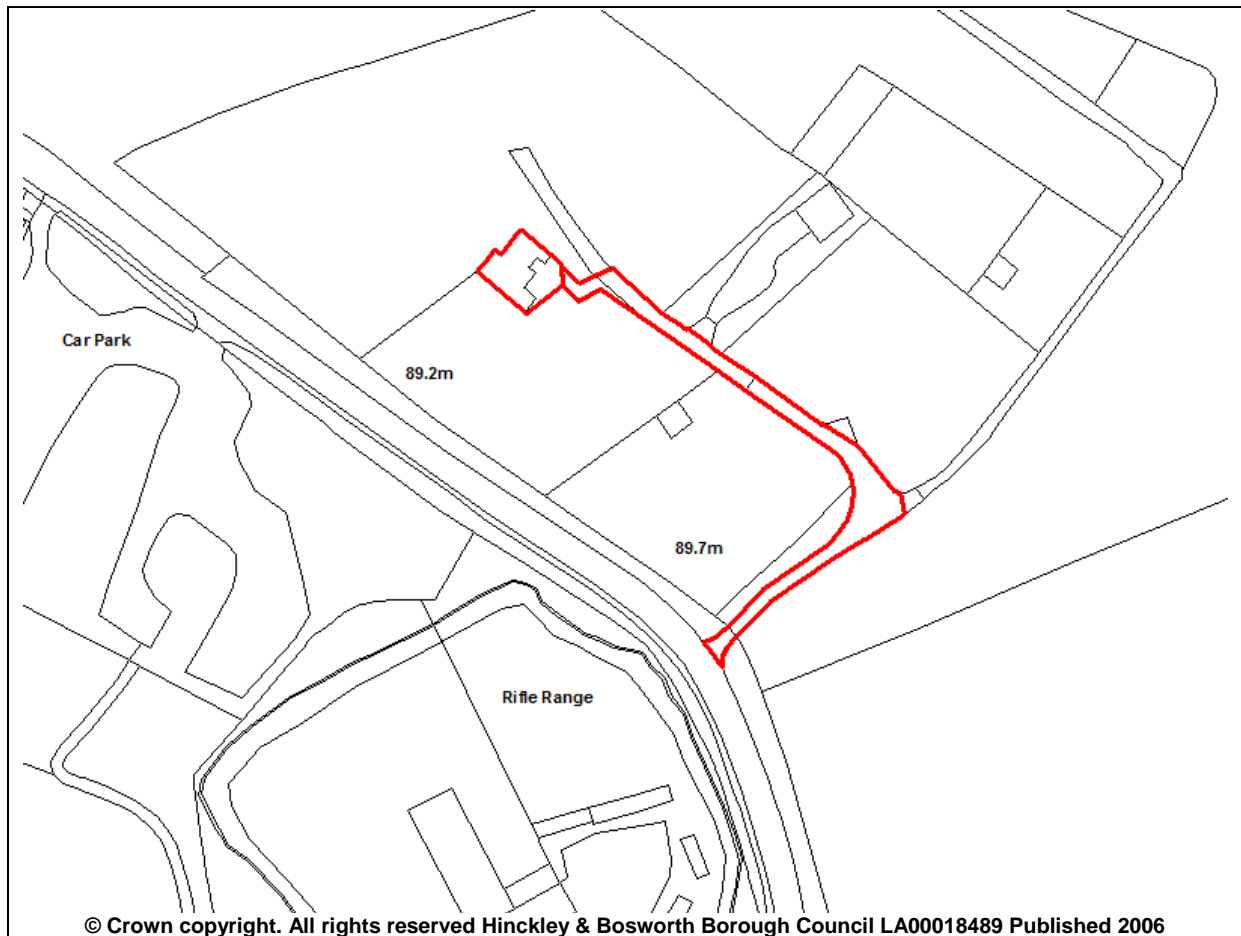
Planning Ref: 17/01002/FUL  
Applicant: Mr Arthur McDonagh  
Ward: Groby



Hinckley & Bosworth  
Borough Council

Site: Allotment Gardens Newtown Linford Lane Groby

Proposal: Application for the replacement of an existing dwelling with a new dwelling



## 1. Recommendations

1.1. **Refuse planning permission** subject to the reasons at the end of this report.

## 2. Planning Application Description

2.1. This application is for the replacement of an existing dwelling with a new dwelling. The 'existing dwelling' referred to is a building situated within the 'Klondyke' site which was granted a Certificate of Lawful Development on appeal on 2 June 2017. The Certificate certified that operational development comprising the erection of a dwellinghouse was lawful.

2.2. The Appeal decision made the point that the Certificate did not address the lawfulness of any existing use of that building and if a lawful use of the dwelling for residential purposes was to be sought, a fresh application would be necessary pursuant to section 191(1)(a) of the Town and Country Planning Act 1990.

- 2.3. The proposed dwelling which would replace the building currently on site would be single storey and would be sited in the approximate location of the existing building. It would have an approximate footprint of 98.3m<sup>2</sup>; which would be slightly smaller than the building which it would replace.
- 2.4. Were permission to be granted for the proposed replacement dwelling, Section 75(3) of the Town and Country Planning Act 1990 states that “if no use is so specified, the permission shall be construed as including permission to use the building for the purpose for which it is designed”
- 2.5. This has been clarified by the Court of Appeal in **Barnet v. SSCLG (2009)**  
*“Permission to construct a new dwelling on non-residential land will carry with it permission to use the new building for residential purposes: see section 75(3) of the 1990 Act. Thus there is in a sense a built-in application for a change of use of land in such cases, and the extent of the land covered by the implicit permission for a change of use will normally be ascertained by reference to the site as defined on the site plan.”*
- 2.6. Therefore, should planning permission be granted for the current application; any such grant of permission would include the residential use as well as the operational development.

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

- 3.1. The application site lies to the north of Newtown Linford Lane and is known locally as ‘The Klondyke’. The site is located within the Green Wedge as well as within the National Forest. It is outside of any settlement boundary therefore located within the open countryside. Groby Pool Site of Special Scientific Interest is located to the west on the opposite side of Newtown Linford Lane.
- 3.2. The Klondyke site was originally allotment gardens; divided up into various different sections in various ownerships. The application site itself is a fenced compound which contains an area of hardstanding and a building which was granted a Certificate of Lawful Development in 2017 as outlined above. This piece of land lies within the north east section of the wider ‘Klondyke’ site and is accessed via the existing access track serving the wider site which runs from Newtown Linford Lane.
- 3.3. Various parts of the wider site; including the land which forms the subject of the current application have been subject to enforcement action in relation to various breaches of planning control over the last decade; some of which is still ongoing.

### 4. Relevant Planning History

05/00019/ENF	Appeal against Enforcement Notice (Change of Use)	Dismissed	17.08.2006
06/00005/PP	Change of use of land to permanent residential for siting of six caravans and three toilet blocks	Dismissed	17.08.2006

16/00003/CLD	Application for a Certificate of Lawful Existing Use for a dwelling	Allowed	02.06.2017
16/00006/ENF	Appeal	Withdrawn	30.03.2017
05/00366/COU	Change of use of land to permanent residential for siting of six caravans and three toilet blocks	Refused	15.06.2005
07/01241/COU	Change of use of allotment gardens to create farm space and erection of day centre and stables	App Returned	05.12.2007
08/00186/FUL	Erection of three timber stables and one tack room and associated area of hard standing	Refused	04.06.2008
15/00933/CLUE	Application for a Certificate of Lawful Existing Use for a dwelling	Refused	02.11.2015

## 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. Eight letters of objection were received which raised the following issues:
- 1) No doubt an attempt to open the door to much larger development
  - 2) Ownership of the applicant is debatable
  - 3) Residents were promised a Compulsory Purchase Order on this site
  - 4) Land is allotment gardens so occupation of a dwelling would constitute a change of use
  - 5) Falls short of minimum standard one would expect a household to enjoy
  - 6) Loss of any potential recreational use of the land should be avoided. Land is part of a diverse recreational area which includes Groby Pool SSSI, Newtown Linford Lane Meadow, Groby Fishing Lakes, the Small Bore Rifle and Pistol Club and Sheet Hedges Wood
  - 7) Development north of the A50 should be discouraged
  - 8) Land should be cleared and developed to form a community facility
  - 9) Existing dwelling drawing should be named "Dwelling House"; throughout the application they falsely refer to "Dwelling" and not "Dwelling House"
  - 10) Existing dwelling drawing shows a shower but there is no provision for a water supply. Is there water not declared? Should Severn Trent be consulted?
  - 11) Environmental Health raised no objection yet there is no evidence of an in depth survey of the plot or surrounding area. Given the unauthorised uses that have taken place all sorts of pollution may be present

- 12) A condition is recommended in relation to adequate provision of refuse and recycling containers and access for service of the containers. This is laudable but will be ignored. Waste is already being disposed of without such provision
- 13) Flies in the face of the Groby poll
- 14) Detrimental to mineral reserves on the land and make way for the applicants known and stated ambition for the whole site to become a caravan site
- 15) Land has never had planning permission for residential use so an application for a replacement dwelling makes no sense
- 16) Land is subject to an existing Enforcement Notice from 2007 which required the occupiers to return it to its previous state by removal of hardcore
- 17) Conflict with Policy 9 of the Core Strategy and Policies DM1, DM10, DM14 and DM4 of the SADMP
- 18) Replacement dwelling would not be similar to what is currently on the site
- 19) Submitted plans do not show any garden provision
- 20) Small garage; therefore no usable parking for two cars  
No provision for services to the site i.e. electric generator or energy storage

## **6. Consultation**

- 6.1. LCC Highways does not object subject to conditions.
- 6.2. LCC Ecology notes that the proposed development is sited very close to woodland where a number of badger setts have been recorded. A badger survey should therefore be completed and submitted. Should badgers be recorded, a mitigation plan would also be required.
- 6.3. LCC Archaeology do not consider that any archaeological work is required as part of the scheme.
- 6.4. HBBC Private Sector Housing comment that the proposed dwelling should ensure full compliance with current Building Regulations and make sure there is sufficient and compliant drainage provision, fire safety arrangements within the dwelling and compliant thermal insulation. A suitable and sufficient fixed heating system should be installed in each habitable room capable of heating each room at a reasonable cost to between 18-21 degrees C when the outdoor temperature is -1 degrees C.
- 6.5. HBBC Environmental Services object to the proposed development given that the site does not have lawful domestic use and as this application could establish such use investigations are required into how noise, vibration and dust are likely to impact on the use and how these could be mitigated to an acceptable level. As this information has not been submitted, it is recommended that the application be refused.
- 6.6. HBBC Drainage Officer does not object but recommends notes to applicant.
- 6.7. HBBC Waste does not object.
- 6.8. Midland Quarry Products object to the application:
  - 1) Proximity to the permitted quarry development in terms of both permitted extraction areas and proximity of the processing plant in terms of noise.
  - 2) Do not consider that the proposed dwelling accords with the Local Plan as it would be much bigger than that which is replaces. The CLEUD also does not appear to include residential access to and from the property.
- 6.9. The Mineral Planning Authority object to the proposed development which would conflict with Policy MCS10 and Policy MDC8 of the Leicestershire Minerals Development Framework Core Strategy & Development Control Policies up to 2021 which seeks to safeguard proven mineral resources from sterilisation and Policies M11 and M12 of the emerging Leicestershire Minerals and Waste Local Plan.



- 6.10. Groby Parish Council object to the application for the following reasons:
- 1) Conflict with Policy 9 of the Core Strategy – Rothley Brook Meadow Green Wedge
  - 2) Fails to meet three elements of sustainability as set out in the NPPF; in economic terms it would sterilise valuable mineral resource, in environmental terms a modern brick dwelling would not enhance/be consistent with existing surrounding; in social terms it would not support the identified need to restore the land to a proper planning purpose
  - 3) Not consistent with objectives of Policy DM4 of the SADMP
  - 4) Does not meet the majority of requirements of Policy DM10; in particular in relation to the impact on the amenity of occupiers of the proposed development due to activities in the vicinity of the site i.e. the quarry
  - 5) There is planning permission for a HGV access road to the quarry which would be in close proximity to the proposed dwelling
  - 6) Does not meet any of the requirements of Policy DM14; would not enhance the immediate setting; no garden/amenity area which could not be provided within the existing curtilage; does not accord with DM10
  - 7) Planning application form and Planning Statement make a number of incorrect claims that could be prejudicial in consideration of the proposal

## **7. Policy**

### 7.1. Leicestershire Minerals Development Framework Core Strategy and Development Control Policies DPD

- Policy MCS10: Strategy for resource management
- Policy MDC8: Safeguarding Mineral Resources

### 7.2. Core Strategy (2009)

- Policy 9: Rothley Brook Meadow Green Wedge
- Policy 21: National Forest

### 7.3. 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 DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM14: Replacement Dwellings in Rural Areas
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### 7.4. Emerging Leicestershire Minerals and Waste Local Plan

- Policy M11: Safeguarding of Mineral Resources
- Policy M12: Safeguarding of Existing Minerals Sites and Associated Minerals Infrastructure

### 7.5 National Planning Policies and Guidance

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

## **8. Appraisal**

### 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area

- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) confirms that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the development plan is the starting point for decision making and that proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 13 confirms that the NPPF constitutes guidance and is a material consideration in determining planning applications.
- 8.3. The development plan in this instance consists of the Leicestershire Minerals Development Framework Core Strategy and Development Control Policies DPD, the adopted Core Strategy (2009) the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and the emerging Emerging Leicestershire Minerals and Waste Local Plan.
- 8.4. Policy DM1 of the SADMP provides a presumption in favour of sustainable development that is in accordance with the development plan. The site is located outside of any settlement boundary and is therefore in the countryside as defined in the SADMP. Policy DM4 of the SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will be first and foremost safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable within the countryside subject to meeting a number of other criteria set out within the second part of Policy DM4. The policy does not identify replacement dwellings within the countryside as sustainable development within the countryside.
- 8.5. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. Policy 11 of the adopted Core Strategy states that to support local services and maintain rural population levels the Council will allocate land for the development of a minimum of 110 new dwellings in Groby.
- 8.6. The most recent figure available (April 2017) confirm that the Council is able to demonstrate a five year housing land supply of 5.74 years. Therefore the relevant development plan policies relating to the supply of housing are considered up to date and in accordance with paragraphs 47 and 49 of the NPPF. There is therefore no current overriding need for additional housing for Groby.
- 8.7. Policy 9 of the Core Strategy provides details of those land uses which will be considered acceptable within the Green Wedge; provided that the operational development associated with such uses does not damage the function of the Green Wedge. Residential development is not included within the acceptable land uses.
- 8.8. Policy DM14 of the SADMP deals with replacement dwellings outside the settlement boundary; subject to compliance with the criteria set out within this policy; namely that it leads to an enhancement of the immediate setting and general character of the area and where the new dwelling is proportionate to the size, scale, mass and footprint of the original dwelling and situated within the original curtilage and meets the design criteria set out in Policy DM10.
- 8.9. Therefore whilst the proposal is not in accordance with Policy 9 of the Core Strategy or Policy DM4 of the SADMP; in principle the proposed development could be

acceptable subject to compliance with the relevant criteria within Policy DM14. The issue to be determined in this case is whether a proposal for a replacement dwelling can be made for a building which is lawful and is defined as a dwelling in the certificate of lawfulness but does not have a certificate of lawfulness in relation to the use as a dwellinghouse.

#### Mineral Reserves

- 8.10. Given that the building itself is already lawful; it could be argued that there would be no material harm in the use of the dwelling. However, given the location of the site; adjacent to Groby Quarry; the compound itself being approximately 50 metres from the boundary with the Quarry, it is contended that in this instance there would in fact be material harm caused if permission were to be granted for this development due to the impact that this would have in terms of the potential sterilisation of mineral reserves.
- 8.11. The NPPF requires at Para 144 that the 'benefits of mineral extraction should be given great weight' when determining planning applications and should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes; Whilst district councils are not mineral planning authorities, they have an important role in safeguarding minerals by consulting the mineral planning authority and taking account of the local minerals plan before determining a planning application on any proposal for non-minerals development within it; and when determining planning applications, doing so in accordance with development policy on minerals safeguarding, and taking account of the views of the mineral planning authority on the risk of preventing minerals extraction.
- 8.12. The application area lies within a Minerals Consultation Area notified to HBBC and within a Mineral Safeguarding Area in the emerging Minerals and Waste Local Plan which will be submitted for examination on 23rd March 2018. The adopted Leicestershire Minerals Core Strategy and Development Control Policies document which forms part of the Development Plan for the area contains policies to protect valuable mineral resources from sterilisation by other forms of development.
- 8.13. This is therefore significant and material in the determination of this application for a replacement dwelling given the fact that whilst this is an application to replace an existing dwelling; the result of granting this permission would be to allow for the use of the dwelling for residential purposes which at present is not lawful.
- 8.14. Leicestershire Minerals Development Framework Core Strategy & Development Control Policies document seeks to safeguard proven mineral reserves from sterilisation. Policy MCS10 is to safeguard deposits of sand and gravel, limestone, igneous rock, shallow coal, fireclay, brick clay, gypsum, building and roofing stone in Leicestershire that are of current or future economic importance.
- 8.15. Policy MDC8 – Safeguarding Mineral Resources also applies; Groby Quarry and its igneous rock resource already lie within a Minerals Consultation Zone and are mapped on Key Diagram Figure 1, and it is identified as a Mineral Safeguarding Area (MSA) in the emerging Leicestershire Minerals and Waste Local Plan. Minerals are a non-renewable resource and minerals safeguarding is the process of ensuring that non-minerals development does not needlessly prevent the future extraction of mineral resources, of local and national importance. The main purpose of Mineral Safeguarding Areas (MSA) is to protect a mineral resource for the long term for future generations.

- 8.16. The Plan is to be submitted for examination by an Inspector on 23<sup>rd</sup> March and there have been no objections to the proposal to include this area as a MSA therefore significant weight can be given to this document.
- 8.17. As noted above, the application site adjoins Groby Quarry, for which there is extant permission for the extraction of hard rock and related development. The location of new residential accommodation; within 50 metres of the boundary with the Quarry would be likely to result in adverse living conditions for the occupants of the application site. Furthermore, the introduction of such accommodation could seriously prejudice the extraction and working of the permitted mineral (and related) operations at Groby.
- 8.18. Planning permission was granted on 1<sup>st</sup> October 1996 for the Quarrying of Stone, Construction of a Conveyor Tunnel and Processing Plant and Associated Ancillary Development. This is expected to release 90 million tonnes of stone. The planning permission is implemented but no stone extraction is currently taking place within Groby Quarry because the quarry development is on hold pending Cliffe Quarry Hill Quarry, a sister quarry operated by the same company a few miles to the north west who operate Groby Quarry, approaching the end of its life. Although no stone extraction is taking place in Groby Quarry ancillary quarrying activity in the form of a coated roadstone plant and ready mix concrete plant do currently operate within the Quarry.
- 8.19. Given the particular qualities of the rock at this location, its proximity to important markets of the South East of England, and the limited amount of such workable resource; the permitted mineral reserve at Groby Quarry is of regional and national importance.
- 8.20. As a condition of the 1996 planning permission a new access to Groby Quarry must be constructed off Newtown Linford Lane at a point west of the site. For a length of about 50 metres the proposed quarry access road would run adjacent to the northern boundary of the wider Klondyke site. The average daily lorry movements on the new access road were calculated at 1122 at the time of the quarry application in 1996.
- 8.21. The existing planning conditions on the extant planning permissions require the site operator to comply with set blast and noise limits. If the proposal were to be allowed then when Groby Quarry starts extracting mineral again it is considered that the Quarry operator would be unable to comply with planning conditions imposed to protect the amenity of nearby residential properties. Significant adverse environmental impact would thus be experienced by residents of the application site unless the Minerals Planning Authority enforced those conditions. Complying with planning conditions to protect the amenity of residents at the application site would severely constrain the working of the existing permitted reserve of rock at Groby Quarry.
- 8.22. The Minerals Planning Authority note that it is unaware of any mitigation measures which would enable the permitted Groby Quarry operation to take place in such close proximity to a residential property without causing an unacceptable environmental impact to the occupiers. The quarry development would be seriously compromised and the sterilisation of valuable mineral reserves would be likely to result.
- 8.23. The onus rests on the applicants to demonstrate that the proposed development is acceptable and it is for the applicants to provide evidence to demonstrate that the proposed development would not infringe on the activities of the quarry as asserted by LCC Minerals and MQP.

- 8.24. The applicants were given the opportunity to respond to the objections raised by the Minerals Planning Authority and MQP but have yet to provide any information to demonstrate that the proposed development would not impact upon the workability of and have the potential to sterilise the mineral resource at Groby Quarry.
- 8.25. In addition to the above; it is possible that the mineral resource extends under the application site and consequently there could be sterilisation of that resource as well. It would be for the applicant to demonstrate that that there was no valuable mineral resource under their land.
- 8.26. If the applicant does not provide evidence to address the issues identified by LCC Minerals and MQP it is appropriate for the Committee to refuse permission on the basis that he has failed to demonstrate that the proposed development would not have an adverse impact upon the quarry operations contrary to the Minerals Core Strategy and the emerging Waste Plan. That burden would remain should the applicant appeal any refusal.
- 8.27. It is therefore considered that whilst the application could be considered acceptable subject to compliance with the requirements of Policy DM14; given that in this instance the grant of permission for a replacement dwelling would allow for a lawful use of the dwelling where none currently exists which would, as the Council is advised by the Minerals Planning Authority, likely result in the sterilisation of minerals; the application would be contrary to Paragraph 144 of the NPPF and Policies MCS10 and MDC8 of the Leicestershire Minerals Development Framework Core Strategy & Development Control Policies document and the emerging Leicestershire Minerals and Waste Local Plan.
- 8.28. These factors also impact on consideration of the application for a replacement dwelling pursuant to Policies DM4 DM10 and DM14 and this is dealt with later in the report.

Design and impact upon the character of the area

- 8.29. Notwithstanding the concerns raised regarding sterilisation of the mineral resource; the acceptability of the proposed development must also be assessed against the policies within the Core Strategy and the SADMP. As set out above; Policy DM14 allows for the replacement of dwellings within rural areas subject to certain criteria. However, the provisions of Policy 9 and 21 of the Core Strategy and Policy DM4 of the SADMP should also be met in terms of the appropriateness of proposed development within the Green Wedge, National Forest and the wider open countryside.
- 8.30. Policy 9 requires that any land use or associated development proposed within the Green Wedge should retain the visual appearance of the area. Similarly, Policy 21 of the Core Strategy requires that any new development reflects the Forest context in their accompanying landscape proposals; is appropriate in terms of its siting and scale; respects the character and appearance of the wider countryside and does not adversely affect the existing facilities and working landscape of the Forest or wider countryside. Policy 21 also provides that new development within the National Forest will be required to reflect the Forest context in their accompanying landscape proposals. Development shall provide on-site or nearby landscaping that meets the National Forest development planting guidelines.
- 8.31. Policy DM4 requires that development in the countryside should not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. 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, materials and architectural features

and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the area generally.

- 8.32. Policy DM14 provides that a proposal for the demolition and rebuild of an existing dwelling outside the settlement boundary will be supported where it leads to an enhancement of the immediate setting and general character of the area, and the new dwelling is proportionate to the size, scale, mass and footprint of the original dwelling and situated within the original curtilage.
- 8.33. The replacement of a dwelling can lead to improved design and construction standards leading to better energy efficiency. It can also overcome poor construction techniques employed with the original dwelling and can provide accommodation and facilities which more appropriately accord with modern life. The existing dwelling is unattractive in terms of its appearance; and it is considered that the proposed brick and tile replacement bungalow would introduce a much better design quality which would enhance the immediate setting and general character of the area.
- 8.34. It is proposed to provide additional planting within the confines of the compound; in addition; the site sits within the wider Klondyke site which itself is already well screened from view by existing planting. In addition it is proposed to provide 1.8 metre high close boarded timber fencing to replace the sheet metal cladding which currently encloses the compound. Again, this would be considered to improve upon the current appearance of the site. Accordingly it is considered that the proposal would satisfy criterion a) of Policy DM14 and criterion c) of Policy DM10.
- 8.35. The existing dwelling has a footprint of 117m<sup>2</sup>. The proposed replacement dwelling would have a footprint of 98.3m<sup>2</sup> and would be sited within the curtilage of the original dwelling. The existing property has a maximum height of approximately 2.8 metres, the replacement dwelling would have an eaves height of approximately 2.7 metres with a ridge height of approximately 4.8 metres. Policy DM14 allows for modest increases in size, scale, mass and footprint and it considered that this is not a disproportionate increase in size.
- 8.36. Whilst there is no proposal to provide a rear garden area to serve the replacement dwelling; it does not currently benefit from such an area and indeed it is difficult to see how this could practically be achieved given the confined space available. It is proposed however to provide a paved concrete courtyard with a small grassed area to the front of the dwelling which would provide the site with private amenity space given the proposed boundary treatments. In addition, given that the application site sits within the wider Klondyke site within the Green Wedge and open countryside; adjacent to Groby Pool SSSI, Newtown Linford Lane Meadow, Groby Fishing Lakes and Sheet Hedges Wood there are plenty of opportunities to access green space locally.
- 8.37. Whilst it is considered that the proposed replacement dwelling would comply with the requirements of paragraphs (c) and (d) of Policy DM10, it is nevertheless considered that occupiers of the proposed development (and permission for a replacement dwelling would bring with it permission for the residential use of the new dwelling) could be adversely affected by the operation of Groby Quarry as set out above.
- 8.38. No information has been supplied by the applicant to demonstrate how the above identified impacts on occupiers of the replacement dwelling, from quarry operations might be mitigated to an acceptable level. It is therefore concluded that the proposed development would not meet the requirement in paragraph (b) of Policy DM10 and as a result of that the development would fail to comply with the requirements set out within Policy DM14

#### Impact upon neighbouring residential amenity

- 8.39. Policy DM10 (criterion (a)) requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings.
- 8.40. The closest residential properties to the application site are Pool Tail Cottage; which lies to the opposite side of Groby Pool; and The White House located to the north of Groby Quarry approximately half way between the Quarry and Newtown Linford. It is not considered that there would be any adverse impact on neighbouring amenity of nearby residents as a result of the proposed development, nor is it considered that the proposed use would have any adverse impact on other land owners of the Klondyke site.
- 8.41. The proposal would therefore be in accordance with criterion (a) of Policy DM10.

#### Impact upon highway safety

- 8.42. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision.
- 8.43. Access to the site is gained via an unmade track leading from Newtown Linford Lane, which is a classified road. Newtown Linford Lane is a winding rural highway, which is moderately trafficked and is subject to the national speed limit of 60mph. It is not proposed to alter the existing access from Newtown Linford Lane and LCC Highways considers that the existing track has adequate width and visibility at its junction to provide satisfactory access to serve the proposed dwelling.
- 8.44. The application form provides that there are currently two parking spaces serving the compound and two spaces would be retained if planning permission were granted for this proposal which meets the standards required by LCC Highways for this size of dwelling.
- 8.45. The proposal would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP in terms of highway safety.

#### Drainage

- 8.46. It is proposed that the dwelling would be served by a septic tank to dispose of foul sewage. It is also proposed to connect to the existing drainage system and to dispose of surface water by SUDs. HBBC Drainage Officer does not object to the proposed development. It is therefore considered to comply with Policy DM7 of the SADMP.

#### Biodiversity and Geology

- 8.47. LCC Ecology note that the proposed development is close to woodland where badger setts have been recorded, it is therefore recommended that should permission be granted that a badger survey be completed and submitted in support of the application. This was highlighted to the applicant but no survey has been received.
- 8.48. Whilst Groby Pool Site of Specific Scientific Interest is located immediately to the North West there is no evidence to suggest the development would directly harm the habitats associated with it, the proximity of the development is not likely to have an adverse visual intrusion on its wider setting and enjoyment as a well used informal recreational resource.
- 8.49. In the absence of a badger survey the Council are unable to determine the impact of the development on the ecology of the immediate area and therefore the application is contrary to Policy DM6 of the SADMP.

### Other considerations

- 8.50. It has been highlighted that the application makes no provision for the storage of waste; however this could be conditioned if the application was recommended for approval; indeed a suitable condition has been proposed by HBBC Waste.
- 8.51. Groby Parish Council considers that a full tree survey should be carried out; however there are no trees within the compound site itself and this is therefore not considered necessary. It is noted that only a selective planning history is listed; however the Borough Council has access to the full history regardless.
- 8.52. It has been noted that the land which forms the subject of this application is subject to an Enforcement Notice served in 2007, this is incorrect.
- 8.53. A query has been raised as to why no objection to the proposed works has been raised by HBBC Environmental Health given that there is no evidence of an in depth survey of the plot or surrounding area and all sorts of pollution may be present. Given that this is an application for a replacement dwelling which would be sited approximately on the same footprint as that which is currently on site, it is considered unlikely that this land would be contaminated from uses elsewhere on the site.
- 8.54. The Parish Council consider that the application misrepresents the current situation regarding the dwelling house suggesting that the use was considered to be lawful on appeal. However, this decision is made on the basis that it is only the building operation which is lawful as a result of the CLEUD application.
- 8.55. The Parish Council also raise concerns regarding the fact that there are no mains services to the site (prohibited by a 2011 injunction). The existing dwelling relies on a petrol/diesel generator for electricity and gas bottles for heating yet there is no safe storage or housing for a generator, its fuel or gas bottles shown on the application plans. In the event that the recommendation was to approve the application; a note to applicant could be added to highlight to the applicant that the proposed dwelling should ensure full compliance with current Building Regulations and make sure there is sufficient and compliant drainage provision, fire safety arrangements within the dwelling and compliant thermal insulation. As an aside, it should be noted that the 2011 Injunction was an Interim Injunction which is no longer in place therefore the provisions of this Injunction are no longer of relevance.
- 8.56. Reference is made to the resolution to compulsorily purchase the site and the Groby Poll which expressed the desire by residents for this course of action to proceed. However, these issues are not material to the determination of this application.

### **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. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is the starting point for decision making. The development plan in this instance consists of the Leicestershire Minerals Development Framework Core Strategy and Development Control Policies DPD, the Core Strategy (2009), the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and the Emerging Leicestershire Minerals and Waste Local Plan.

10.2. In this case the building to be replaced; albeit defined as a dwelling and lawful as a dwelling cannot lawfully be used as a dwelling; and therefore this application would in effect grant residential use where none currently exists. Given that there is already a building on site there would arguably be no further adverse impact on the countryside or green wedge as a result of the use of this building becoming established. The replacement dwelling would be more attractive in design terms; albeit that given the extensive screening to the site this would not be readily appreciated from outside the site.

10.3. The applicant has however failed to demonstrate that the proposed development would not have an adverse impact upon Groby Quarry. The proposed development would therefore fail to comply with Policies MCS10 and MDC8 of The Minerals Core Strategy and Policies M11 and M12 of the emerging Leicestershire Minerals and Waste Plan.

10.4 In addition, the applicant has failed to demonstrate that the noise, vibration and dust from the quarry could be mitigated to an acceptable level in terms of impact on the occupier of the replacement dwelling and as such the development does not satisfy requirement (b) in Policy DM10 and as a result the proposed development does not satisfy the requirements of Policy DM14.

10.5. Finally, the applicant has failed to provide a badger survey which would be required in order to determine the presence of badgers within the site; to demonstrate that the impact on any badgers could be accommodated and mitigated.

10.6. The application is therefore contrary to Policies MCS10 and MDC8 of the Leicestershire Minerals Development Framework Core Strategy and Development Control Policies DPD, Policies DM1, DM6, DM14 and criterion b of Policy DM10 of the Site Allocations and Development Management Policies DPD and Policies M11 and M12 of the Emerging Minerals and Waste Plan.

10.7. It is therefore recommended that the application should be refused for the reasons set out below.

**11. Recommendation**

**11.1. Refuse planning permission for the following reasons**

**11.2. Reasons**

1. The applicant has failed to demonstrate that the proposed development would not sterilise nationally important mineral resources at Groby Quarry, the extraction of which has the benefit of planning permission or mineral resource extending beyond the existing permission. The proposed development would therefore be contrary to Paragraph 144 of the NPPF, Policies MCS10 and MDC8 of the Leicestershire Minerals Development Framework Core Strategy and Development Control Policies document and the emerging Leicestershire Minerals and Waste Plan, Policies M11 and M12 as contained in the Leicestershire Minerals and Waste Local Plan Submission document.
2. Insufficient information has been provided to demonstrate that future occupiers would not be adversely affected by noise, vibration and dust nor how such matters could be mitigated to an acceptable level. In the absence of such information the proposed development is contrary to criterion (b) of Policy DM10 of the SADMP and criterion (c) of Policy DM14 of the Site Allocations and Development Management Policies DPD 2016.
3. Insufficient information has been submitted to demonstrate that the development would not have an adverse effect on badgers which are recorded in the locality. In the absence of a badger survey the applicant has failed to demonstrate that the impact on any badgers could be accommodated and mitigated. The application is therefore contrary to Policy DM6 of the Site Allocations and Development Management Policies DPD 2016.

**11.3. Notes to Applicant**

1. This application has been determined having regard to the following documents and plans submitted with the application:-

Site Location Plan (revised) 15\_686A\_001A  
Existing Site Plan Dwg No: 15\_686A\_002  
Proposed Site Plan Dwg No: 15\_686A\_003  
Existing Dwelling Dwg No: 15\_686A\_MCD04  
Proposed Dwelling Dwg No: 15\_686A\_005  
Planning Statement

Planning Committee 6 March 2018  
Report of the Planning Manager, Development Management

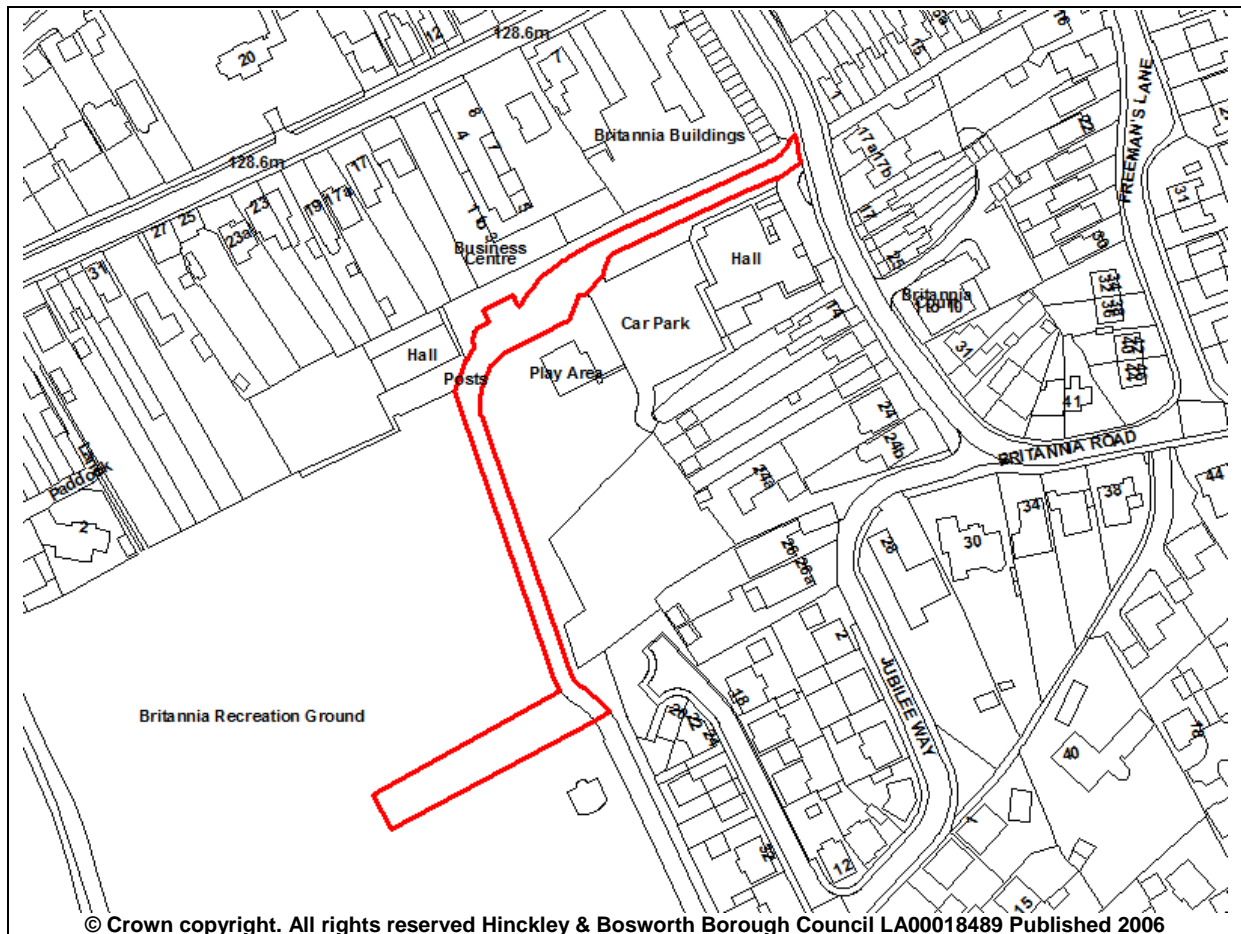


Hinckley & Bosworth  
Borough Council

Planning Ref: 17/01319/FUL  
Applicant: Mrs Debbie Perry  
Ward: Burbage Sketchley & Stretton

Site: Millennium Hall Britannia Road Burbage

Proposal: Erection of a new pavilion



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

### 1.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.

## 2. Planning Application Description

2.1. This application seeks full planning permission for the erection of a new single storey sports pavilion on Britannia Road Recreation Ground, Burbage. The pavilion would be located between sports pitches on a narrow terrace and immediately to the south of an existing hedgerow that runs east to west across the site.

2.2. The proposed pavilion would measure approximately 31 metres in width x 6.3 metres in depth with an eaves height of 2.5 metres and a ridge height of

approximately 4 metres. It would provide 4 x changing rooms, each with 4 x showers, toilet facilities, 2 x officials changing rooms with separate toilet facilities and cleaner facilities. The proposed facilities would replace the existing changing facilities within the Millennium Hall and enable extensions and alterations to the Hall to be undertaken to enhance other facilities to the community.

- 2.3. The proposal is similar to a previously approved scheme (reference 12/00512/FUL) which has expired. A smaller extant scheme for 2 x changing rooms was also approved in 2016 (reference 16/00681/FUL).
- 2.4. A Design, Access & Planning Statement has been submitted to support the application.
- 2.5. Amended plans have been submitted to address internal floor plan layout issues raised by Sport England. Re-consultation has been undertaken.

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

- 3.1. The application site is located to the west of Britannia Road. It comprises Burbage Millennium Hall which provides a community facility and offices for the Parish Council and also changing facilities for the outdoor sports pitches on the Britannia Road Recreation Ground which make up the majority of the site. There is a car parking area to the rear (west) of the Millennium Hall with a scout hut beyond adjacent to the northern boundary of the site. Ground levels fall towards the south.
- 3.2. The existing access to the site off Britannia Road is to the north of the Millennium Hall. The access runs along the northern boundary of the site, past the car parking area, to give access to the scout hut. It then extends to the south of the site to provide access to the sports pitches.
- 3.3. Britannia Road is predominantly residential with commercial properties clustered around the junction with Windsor Street. There are rear gardens to residential properties and commercial properties fronting Coventry Road to the north of the site, residential properties to the east and open countryside to the south and west of the site.

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

12/00512/FUL	Extensions and alterations to Millennium Hall including the erection of a new pavilion	Permitted	26.09.2012
16/00681/FUL	Alterations and extensions to existing Parish Hall and erection of a new Pavilion	Permitted	09.11.2016

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. No responses have been received as a result of public consultation.

### **6. Consultation**

- 6.1. No objection has been received from:-  
 Environmental Health (Pollution)  
 Environmental Health (Drainage)  
 Street Scene Services (Waste)
- 6.2. No objection subject to conditions has been received from Leicestershire County Council (Archaeology).

- 6.3. Sport England raises no objection to the application but only subject to the imposition of a planning condition to require the proposed new changing room etc. facilities to be constructed in accordance with the submitted amended plans and being available for use prior to the existing changing facilities in the Millennium Hall being lost. If the condition is not imposed then Sport England would raise an objection to the application and in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit.
- 6.4. At the time of writing this report no response has been received from Leicestershire & Rutland Playing Fields Association.

## **7. Policy**

### 7.1. Core Strategy (2009)

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

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM8: Safeguarding Open Space, Sport and Recreational Facilities
- 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)

### 7.4. Other relevant guidance

- Burbage Neighbourhood Plan (BNP) 2015-2026 (Pre-Submission Draft)
- Burbage Village Design Statement (BVDS)
- Open Space and Recreation Study (2016)

## **8. Appraisal**

### 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact on archaeology

#### 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 development plan in this instance consists of the adopted Core Strategy (2009), the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and the emerging Burbage Neighbourhood Plan 2015 – 2026 (Pre-submission Draft).
- 8.4. Policies 4 and 19 of the adopted Core Strategy seek to address deficiencies in the quality, quantity and accessibility of green space and play provision for Burbage. The Open Space and Recreation Study (2016) awards Britannia Road Recreation Ground a quality score of 74%.
- 8.5. Policy DM25 of the adopted SADMP seeks to support the formation of new community facilities across the Borough, particularly where they are accessible by sustainable transport modes, and to resist the loss of existing facilities.
- 8.6. The application site is located outside the settlement boundary of Burbage where countryside Policy DM4 of the adopted SADMP applies. The site is also designated as an Open Space (ref. BUR45) within the adopted SADMP where Policy DM8 of the adopted SADMP applies.
- 8.7. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. However, the policy also considers that development in the countryside where it is for outdoor sport or recreation purposes (including ancillary buildings) can be sustainable subject to there being no significant adverse effect on the open character of the countryside and not undermining the physical and perceived separation and open character between settlements.
- 8.8. Policy DM8 of the adopted SADMP seeks to resist the loss of land or buildings in recreational or sporting use and areas of open space and encourages the enhancement of recreational sites.
- 8.9. The emerging Burbage Neighbourhood Plan (BNP) is still in development, not yet having been submitted to the local planning authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore, only very limited weight can be afforded to this document at this time. Policies 1 and 12 of the BNP seek to protect the open countryside but allow development for sport or recreation outside the settlement boundary. Policy 16 of the BNP seeks to protect existing formal parks, including the application site and supports enhancement of recreational facilities therein. Policy 20 of the BNP seeks to retain existing community facilities and supports the provision of new facilities to meet the needs of the community.
- 8.10. The application site lies outside the settlement boundary of Burbage but within a well established and designated open space/formal park that provides outdoor sports pitches and children's play areas as well as informal recreation. The associated Millennium Hall provides a wider range of community facilities including changing rooms for the outdoor sports pitches.
- 8.11. There is an extant planning permission for the provision of a new pavilion with only two changing rooms to replace existing facilities to be lost as a result of the intended and approved extensions and alterations to the Millennium Hall to enhance community facilities. The current proposal would provide a larger sports pavilion with four changing rooms and improved internal layout (to Sport England design specification approval) that would serve both the football and rugby teams that currently use the site. The new facilities provided by the proposed pavilion would greatly enhance the sport and recreational facilities available within the site as well as enabling improvements to the hall to enhance community facilities for wider public benefits.

- 8.12. On receipt of the amended plans, Sport England has confirmed that their original concerns have been addressed and that the proposed development can meet their Policy Exception E2. This requires that the proposed development is ancillary to the principal use of the site as playing fields and does not affect the quantity or quality of pitches or adversely affect their use. The removal of Sport England's holding objection is subject to the imposition of a condition to require the pavilion to be constructed in accordance with the approved plans and being available for use prior to the existing changing facilities in the Millennium Hall being lost. If the condition is not to be imposed then Sport England would raise an objection to the application and in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit. The agent has confirmed that there is no objection to the imposition of the condition as this would be compatible with the intended overall development programme for the site.
- 8.13. Notwithstanding the location of the sports pavilion outside the settlement boundary, it would be located within a designated open space for sport and recreation and would significantly enhance the existing facilities within the site as well as enabling wider community benefits to be provided within the Millennium Hall.
- 8.14. The proposal would therefore be in accordance with strategic Policies 4 and 19 of the adopted Core Strategy, Policies DM4, DM8, DM25 of the adopted SADMP and Policies 1, 12, 16 and 20 of the emerging Burbage Neighbourhood Plan.

Design and impact upon the character of the area

- 8.15. Policy DM4 of the adopted SADMP seeks to ensure that development would not result in any significant adverse effect on the open character of the countryside. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.16. The pavilion would be visible from the open countryside to the south. However, it would be sited well within the boundaries of the recreation ground on a narrow terrace between two sports pitches and immediately to the south of an existing established hedgerow that runs east to west through the site. From the countryside the proposal would be viewed against a backdrop of built form to the north and east of the site. By virtue of the siting and the single storey low pitch roof design, the proposal would not appear isolated or be overly prominent within the surrounding countryside and the provision of a pavilion would complement the recreational character of the site. The proposed external materials are to match those used in the construction of the Millennium Hall to ensure a satisfactory and uniform appearance. A landscaping scheme is also proposed to supplement existing planting and soften the appearance of the development.
- 8.17. By virtue of the proposed siting, scale, design and appearance the proposal would not result in any significant adverse impacts on the character or appearance of the surrounding countryside and would complement the recreational character of the application site. The proposal would therefore be in accordance with Policies DM4 and DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.18. Policy DM10 of the adopted SADMP and Policy 2 of the emerging BNP require that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings.

- 8.19. There are residential properties bordering the north and east boundaries of the recreation ground. However, by virtue of the separation distance of approximately 27 metres to the nearest properties located to the east on Jubilee Way and the existing recreational public use of the site, it is considered that the use of the proposed pavilion would not result in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring residential properties. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP in this respect.

Impact upon highway safety

- 8.20. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed.
- 8.21. The proposed pavilion would replace existing changing facilities within the hall and therefore would be unlikely to result in any significant increase in traffic movements to and from the site that would result in any adverse impacts on highway safety. The Millennium Hall parking area provides 48 parking spaces (including 4 disabled spaces and 2 motor cycle spaces) along with cycle parking and is considered satisfactory to serve hall and proposed pavilion. The proposal would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Impact on archaeology

- 8.22. Policies DM11 and DM13 of the adopted SADMP and Section 12 of the NPPF seek to protect and enhance the historic environment, including archaeology. Where proposals have the potential to impact a site of archaeological interest, an appropriate desk-based assessment and, where applicable, the results of a field evaluation and recording by an approved archaeological organisation will be required before development commences.
- 8.23. The proposed site for the new pavilion building is located within a larger area that has previously been subject to survey work which recorded a number of Roman coins, brooches and pottery finds, some of which are of particular significance. Previous archaeological investigations to the east of the site have revealed a network of enclosures and field ditches dating to the Roman period, and finds and features dating to prehistoric period have been recorded to the south. Therefore there is a likelihood that any below ground archaeological remains are likely to be relatively well preserved and close to the ground surface. Works associated with the new building including foundations, services and landscaping are likely to impact upon those remains.
- 8.24. To ensure that any archaeological remains present are dealt with appropriately, Leicestershire County Council (Archaeology) recommends the imposition of conditions to ensure that the applicant provides for an appropriate programme of archaeological works of investigation and recording to safeguard any potentially important archaeological remains present.
- 8.25. This should consist of a programme of archaeological work, to be conducted as an initial stage of the proposed development. It should include an archaeological soil strip of the development area; any exposed archaeological remains should then be planned and appropriately investigated and recorded. In addition, all services and other ground works likely to impact upon archaeological remains should be appropriately investigated and recorded. Provision must be made within the development timetable for archaeologists to be present during these works, to enable the required level of archaeological supervision.



- 8.26. The conditions are reasonable and necessary in this case to safeguard potentially important archaeological remains in accordance with Policies DM11 and DM13 of the adopted SADMP and Section 12 of the NPPF with particular reference to paragraph 141.

## **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. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that accords with the policies in the Local Plan and where relevant in neighbourhood plans unless material considerations indicate otherwise.

- 10.2. Notwithstanding the location of the proposed pavilion outside the settlement boundary of Burbage, it would be located within, and significantly enhance, the facilities of a designated open space for sport and recreation as well as enabling wider community benefits to be provided within the Millennium Hall.

- 10.3. By virtue of the proposed siting, scale, design and appearance the proposal would not result in any significant adverse impacts on the character or appearance of the surrounding countryside and would complement the recreational character of the application site. By virtue of the proposed use, siting and separation distances the proposal would not result in any significant adverse impacts on the residential amenity of any neighbouring occupiers and the site provides adequate access and parking provision such that there would be no significant adverse impacts on highway safety. Planning conditions can be imposed to safeguard any potentially important archaeological remains.

- 10.4. The proposal would provide significant public benefits and be in accordance with Policies 4 and 19 of the adopted Core Strategy, Policies DM4, DM8, DM10, DM11, DM13, DM17, DM18 and DM25 of the adopted SADMP. The proposal would therefore be a sustainable development in accordance with Policy DM1 of the adopted SADMP. The proposal would also be in accordance with Policies 1, 12, 16 and 20 of the emerging Burbage Neighbourhood Plan and the overarching principles of the NPPF. The proposal is therefore recommended for approval subject to conditions.

## **11. Recommendation**

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

- Planning conditions outlined at the end of this report.

11.2. That the Planning Manager, Development Management 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:- Planning application form and Site Location Plan Drawing reference KP/BPC/6C received by the local planning authority on 15 February 2018; Site Plan Drawing reference KP/BPC/5C received by the local planning authority on 20 December 2017 and Proposed Site Plan, Site Section, Floor Plan and Elevations Drawing reference KP/BPC/9A received by the local planning authority on 25 January 2018.

**Reason:** To ensure a satisfactory appearance and impact of the development to accord with Policies DM1, DM4, DM8 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No development shall take place/commence until a programme of archaeological work (Strip, Plan and Record excavation) including a Written Scheme of Investigation has been 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
- 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

No development shall take place other than in accordance with the approved 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) and Section 12 of the National Planning Policy Framework (2012).

4. 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 3 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) and Section 12 of the National Planning Policy Framework (2012).

5. The pavilion hereby permitted shall be constructed in accordance with the approved Proposed Floor Plans and Elevations Drawing Ref. KP/BPC/9A received by the local planning authority on 25 January 2018 and the changing rooms and facilities therein shall be completed and available for use prior to any works taking place which would result in the loss of the existing changing room facilities in the Millennium Hall.

**Reason:** In order to maintain the continuity and availability of changing provision at the site to accord with Policies 4 and 19 of the adopted Core Strategy and Policies DM8 and DM25 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The materials to be used on the external elevations of the pavilion hereby permitted shall match the corresponding materials of the existing Millennium Hall.

**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).

7. The development hereby permitted shall be constructed in accordance with the proposed ground and finished floor levels detailed on the approved Proposed Site Plan and Site Section Drawing reference KP/BPC/09A received by the local planning authority on 25 January 2018.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details submitted on Proposed Site Plan Drawing reference KP/BPC/09A received by the local planning authority on 25 January 2018 and the approved Schedule of Landscaping document reference KP/BPC/L1. The soft landscaping scheme shall be implemented during the first appropriate planting season following completion of the pavilion and thereafter maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

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

#### 11.4. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website [www.planningportal.gov.uk](http://www.planningportal.gov.uk)
3. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is

commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor. If soakaway drainage proves impractical, alternative options such as discharge to ditches should be considered.

4. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability. On low-permeability sites, water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet. (See Environment Agency guidance on the permeable surfacing of front gardens).

Planning Committee: 6 March 2018  
Report of the Planning Manager, Development Management

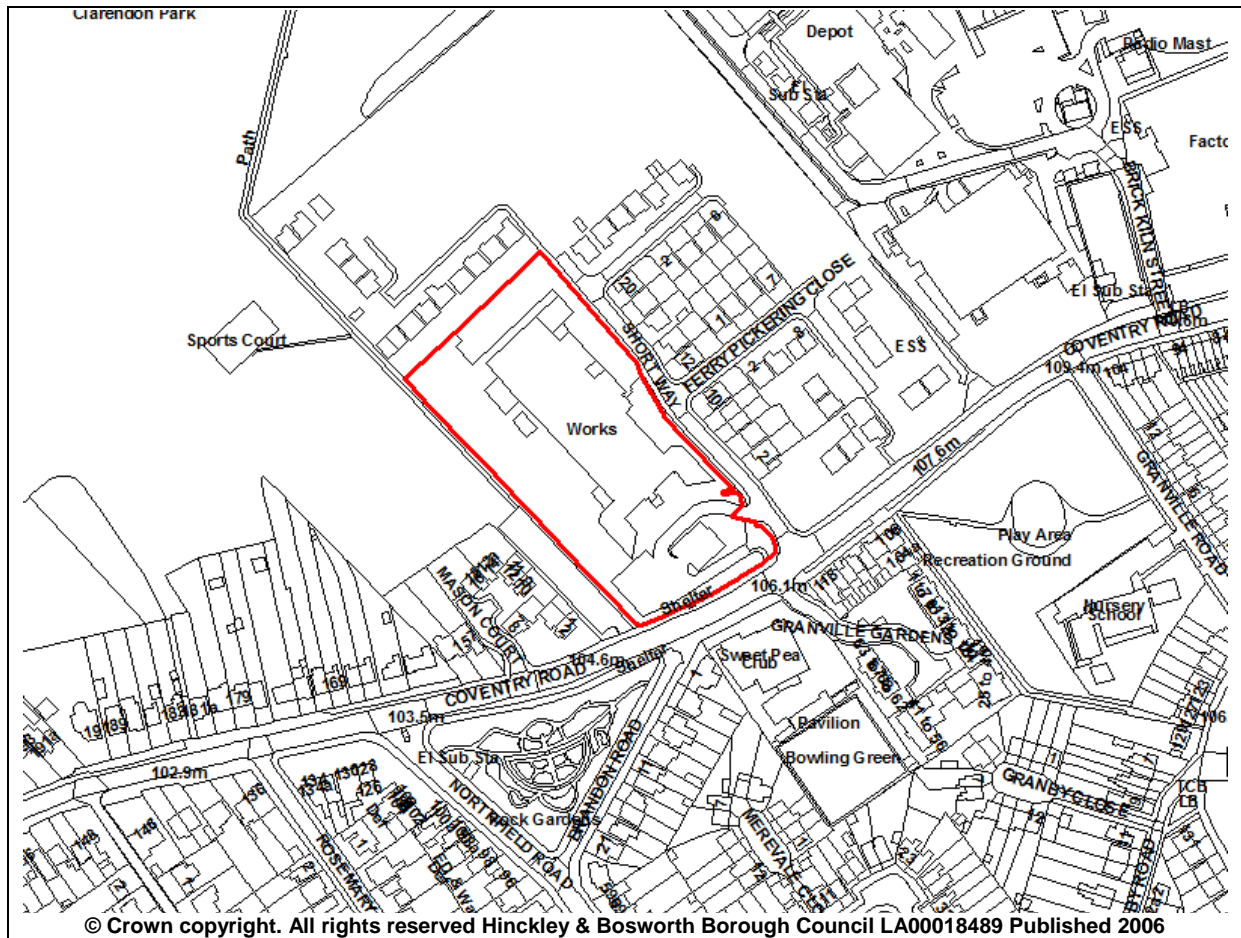
Planning Ref: 17/01240/OUT  
Applicant: SREIT Property Ltd  
Ward: Hinckley Castle



Hinckley & Bosworth  
Borough Council

Site: Transco Nts Coventry Road Hinckley

Proposal: Outline application for residential development for up to 42 dwellings (Access only) and demolition of the existing building



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - Highways – to be agreed
  - 20% affordable housing units subject to a reduction for vacant building credit
  - Education Based on the DFE cost multiplier as follows:-
    - Primary School £12,099.01 per pupil at a pupil ration of 0.24 per dwelling
  - Health - £23,280.48
  - Public Open space –
    - Equipped Children's Play Space 3.6m<sup>2</sup> per dwelling, Off site provision per square metre £181.93 and Maintenance £87.80

- Casual/informal Play spaces 16.8m<sup>2</sup> per dwelling, Off site provision per square metre £4.44 and £5.40
  - Outdoor sports provision 38.4m<sup>2</sup> per dwelling, Off site provision per square metre £9.05 and maintenance £4.30
  - Accessibility and natural green space 40m<sup>2</sup> per dwelling, off site provision per square metre £4.09 and maintenance £7.10
- Planning conditions outlined at the end of this report.
- 1.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.
- 1.3. That the Planning Manager, Development Management be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods based on the contributions agreed by the committee.

## **2. Planning Application Description**

- 2.1. This is an outline application for residential development on former Transco Site, Coventry Road, Hinckley. All matters are reserved with the exception of access which is for consideration.
- 2.2. Access to the site is to be taken from Short Lane, which leads to the north west of Coventry Road, Hinckley. An indicative plan has been provided which illustrates a residential development of 42 dwellings, with a mix of types and sizes of residential units. The indicative layout seeks to demonstrate how a development of up to 42 dwellings could be arranged within the application site together with access, parking, amenity and landscaping requirements.
- 2.3. A Design and Access Statement, Market Report, Transport Statement, Ground Investigation Report, Preliminary Surface Water Drainage Strategy an Ecology Survey and Tree Survey have been submitted to support the application.

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

- 3.1. The application site extends to approximately 1.2 hectares on Coventry Road, Hinckley. The application site comprises of a large former call centre building, with two large car parks and associated soft landscaping to the perimeters. The application site is relatively flat, and is positioned lower than Coventry Road. It is located close to the town centre to the west, and is accessed via Short Way, in close proximity to the junction with Coventry Road. The site is currently designated as forming part of an 'Employment Site' (reference HIN123) in the Site Allocations and Development Management Policies DPD.
- 3.2. The surrounding residential area includes a mix of types, designs and styles. To the east and north of the site there are modern dwellings which are currently under construction and close to completion, which comprises of 2 storey semi detached and detached dwellings. To the south west part of the site is a carpark serving Clarendon Park which extends to the north west of the application. Within the wider area are post war 2 storey, hipped roof dwellings and two storey terraced dwellings also in the vicinity.

#### 4. Relevant Planning History

96/00609/FUL	Erection of 2 storey office, external alterations to existing office factory building, extension and alteration to car park	Approved	18.09.1996
06/00850/OUT	Mixed use development comprising warehouse/ storage units (use class b8), retail warehousing (use class a1) and drive-thru restaurant (use class a3/a5) with associated parking and access	Refused	11.01.2007

#### 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. A total of 21 letters of objection have been received from neighbouring properties raising the following issues:-

- 1) Short Way struggles to give access to the existing residents due to the weight of construction traffic; this will have a knock on effect as there is only one access. Access should therefore be sought from Coventry Road
- 2) With the proposed Lidl site this will increase traffic along Coventry Road further, and making existing the estate harder, causing bottle necks down to Rieth Close and beyond
- 3) The proposed housing suggests 2-3 bedroom houses which is not in keeping with the Redrow houses, which are at least 3-4 bedroom, and this will impact on the value of the current Redrow development
- 4) Social housing will devalue the current Redrow development
- 5) This development will add further disruption and noise disruption due to construction
- 6) The proposal is overdevelopment
- 7) Short Way is not wide enough to cater for additional traffic
- 8) Lack of consultation
- 9) The application site should have an alternative access off Coventry Road
- 10) Redrow the developer contributed a significant sum of money to the local school for the local children occupying the site to take advantage of
- 11) The proposed development is likely to result in damage to neighbouring fences as gardens are not orientated back to back
- 12) Locations of proposed bin storage are of concern, as they are situated to the rear of properties, and could result in excessive odour
- 13) Development would lead to flood risk
- 14) Development of the site could lead to contamination risks
- 15) The proposed development would not be in keeping with the surrounding houses
- 16) Development by a different developer could ruin the existing character of the Redrow estate

- 17) This development would add pressure on the Local Primary School
  - 18) The site attracts anti-social behaviour and the current owners have not kept the site secure
  - 19) Traffic survey is out dated, due to more recent developments taking place
  - 20) An independent bat survey needs to be carried out, as bats are seen in the vicinity
- 5.2. One letter has been received neither objecting to or supporting the planning application making the following comments:-
- 1) No objection to the proposed development as long as the work vehicles and lorries do not park along Short Way whilst work is being carried out.

## **6. Consultation**

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

Leicestershire County Council (Highways)  
 Leicestershire County Council (Ecology)  
 Lead Local Flood Authority  
 Environmental Health (Drainage)  
 Environmental Health (Pollution)  
 Street Scene Services (Waste)

- 6.2. No comments have been received from:-

Severn Trent Water Limited  
 Cadent

## **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)

- 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 DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

- 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

- Employment land and premises review (2013)
- Hinckley Town Centre Area Action Plan (2011)
- Open Space and Recreation Study (2016)



## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Redevelopment of an Existing Employment Site
- Impact upon Highway safety
- Design and impact upon the character of the area
- Housing Mix
- Affordable housing
- Impact upon neighbouring residential amenity
- Drainage
- Ground Investigation
- Impact upon Ecology
- Infrastructure contributions
- Other Matters

#### Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraphs 12 and 13 of the NPPF state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.
- 8.3. The development plan in this instance consists of the adopted Core Strategy (2009), the Hinckley Town Centre Area Action Plan (2011) 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 2017 - Five Year Housing Land Supply Position at 1 April 2017' confirms that the Council is able to demonstrate a five year housing land supply of 5.74 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 2017 the allocation of 1120 dwellings for Hinckley had already been exceeded. 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 'Employment Site' (reference HIN123) within SADMP.

#### Redevelopment of an Existing Employment Site

- 8.8. The application site measures approximately 1.2 hectares and forms part of a much larger designated employment site, identified in the latest Employment Land and Premises Review (2013), comprising of 12.1 hectares, formerly known as Transco HQ/Jarvis Porter, Coventry Road, Hinckley. Planning permission was granted for residential development as part of the wider employment site and therefore this has resulted in the application site being divided from the remaining employment site by residential development. The wider employment site is now fragmented into three allocations in the adopted Site Allocations and Development Management Policies DPD (SADMP) HIN123 (1.2 hectares) and HIN124 (7.1 hectares), both Employment HIN22PP (3.8 hectares), a residential allocation with planning permission. The application site is identified as HIN123 within the SADMP.
- 8.9. Policy DM19 of the adopted SADMP relates to 'Existing Employment Sites' and is therefore relevant to this application which relates specifically to HIN123. All designated employment sites within the borough have been prioritised into categories of importance in order to safeguard the most appropriate sites for continued economic activity as per the findings of the latest Employment Land and Premises Review (2013).
- 8.10. The wider employment site was identified as a Category B site within the latest Employment Land and Premises Review (2013). It is therefore deemed to be fit for purpose and redevelopment for non-B class uses should be resisted, if possible, unless a regeneration policy indicates alternative development is more appropriate. The latest Employment Land and Premises Review recommends that 69% of the whole site should be retained for employment use with 31% non-employment uses allowed. This recommendation was to reflect a previously approved planning permission for a mixed use development on the site immediately adjacent to the north west and north east boundaries of HIN123 (the application site). Subsequently the adjacent site HIN22PP has been subject to a further planning permission for residential redevelopment of approximately 122 dwellings and the development is nearing completion.
- 8.11. Policy DM19 of the adopted SADMP states that the Borough Council will give positive consideration to proposals for partial or total loss of Category B sites for uses other than B1, B2 and B8 use classes where:
- a) The proposed proportion of uses falling outside B1, B2 and B8 use classes stands in line with the recommendations in the most up to date Employment Land and Premises Review; or
  - b) Where the development diverges from these recommendations, the applicant must demonstrate that:
    - i. The site/premise is no longer suitable or reasonably capable of being redeveloped for employment purposes; and
    - ii. The site/premise has been proactively marketed for employment purposes for a reasonable period of time at a reasonable market rate as supported and demonstrated through a documented formal marketing strategy and campaign, in line with the most up to date Employment Land and Premises Review; or
    - iii. There will be a significant community benefit which outweighs the impact of losing the employment site/premises.

- 8.12. By virtue of the residential development on the adjacent site, the redevelopment of the application site for additional non-employment use would exceed the 31% limit identified in the latest Employment Land and Premises Review (2013) and therefore be contrary to criterion (a) of Policy DM19 of the adopted SADMP. In addition, Policy 12b of the adopted Town Centre Area Action Plan states that the Borough Council will actively seek to retain 9.2 hectares of employment uses on the wider employment site.
- 8.13. However notwithstanding this Policy DM19 provides for the consideration of applications for the redevelopment of existing employment sites for uses other than class B uses. Appendix 7 of the Employment Land and Premise Study (2013) identifies the application site, as forming part of a larger employment site with the whole site being classified as a Category B site. However since the Employment Land and Premise Study (2013) a larger part of the site to the north east and north west has been developed for residential, which has isolated the application site from the wider larger employment site to the north.
- 8.14. The submitted Market Report and Design and Access Statement advise that the application has been vacant since 2014 following the relocation of National Grid, and the site has been marketed since June 2014. The submitted Marketing Report notes that the condition of the building has declined due to the passage of time the site has been vacant, and subject to vandalism. Marketing of the site has been on going since June 2014, where it has been demonstrated that it was proactively marketed locally and regionally in line with Appendix 10 of the Employment Land and Premises Review (2013). Following the marketing exercise, three expressions of interest have been received since marketing began but no formal offers followed due to the condition of the building, cost of refurbishment for a short term requirement, or more favourable premises or alternative premises were chosen. The report also identifies that within the last 8 months four initial enquiries were received however the enquiries were solely for marketing information and nothing substantial came forward.
- 8.15. The unit comprises a two storey office with a low bay industrial unit facility to the rear, which was extensively fitted out by the previous tenant, and was used as an office/call centre by National Grid. National Grid converted the existing industrial area into an open plan, call centre to fulfil their expansion needs at the time. The associated warehouse is of a steel framed construction with an eaves height of 4 metres, with two loading doors which opens out onto a concrete loading area. Through the marketing review, it is identified through comparison of other available sites in the surrounding area, that there is more convenient industrial space to suite the demand and current market. These are generally located within industrial areas, where warehousing heights are greater and therefore more functional, with occupiers seeking modern units with eaves heights of 8-10 metres.
- 8.16. The building has been marketed as flexible office and warehouse accommodation; however, it has been identified through the Marketing Report that Hinckley has limited demand for offices of this scale. It is identified that the building would lend itself to subletting however this would require extensive works and would be uneconomical.
- 8.17. It is considered that the applicant can demonstrate that the site is no longer suitable, nor reasonably capable of being redeveloped for employment purposes, and the site has been proactively marketed for employment purposes for a reasonable period of time as supported and demonstrated through a documented formal marketing strategy in line with Appendix 7 of the Employment Land and Premise Review (2013). The proposed development is therefore considered to be in

accordance with Policy DM19 category B sites criteria (b) (i) and (ii) and is therefore acceptable.

- 8.18. Therefore, notwithstanding the fact that the minimum allocation for Hinckley in the Core Strategy has already been exceeded, given the settlements 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.
- 8.19. The applicant has demonstrated in accordance with Appendix 10 of the Employment Land and Premise Review (2013) and criterion b) i) and ii) of Policy DM19 of the SADMP that, the loss of an existing category B employment site in this instance is considered to be acceptable.

Impact upon highway safety

- 8.20. Policies DM17 and DM18 of the emerging SADMP requires adequate access and off-street vehicle parking facilities to be provided to serve the development.
- 8.21. A Transport Statement has been submitted to support the application along with details of proposed access to serve the proposed development.
- 8.22. The proposed development would be accessed off Short Way, which is a new road constructed to serve the adjacent residential development of 122 dwellings (Planning reference 12/01119/OUT), the access junction of Short Way and Coventry Road has therefore already been established and agreed. The proposed access from Short Way into the proposed development would be set back from Coventry Road by approximately 75 metres and situated between two roadways which serves the 122 dwellings to the north east. 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.
- 8.23. Leicestershire County Council (Highways) has assessed the scheme and considers that the proposal would generate less traffic than the existing/extant B1 office use. The B1 use is analysed to generate a maximum 70 arrivals in the AM peak hour, the 42 dwellings as proposed by the indicative layout would generate a maximum of 19 departures. The maximum overall movements for B1 use would be 77 (2 way) in the AM peak hour compared to 27 (2 way) in the AM peak hour from the proposed development. Therefore the proposed development would result in less traffic than the permitted use of the site, and the highways authority raises no objections to the scheme.
- 8.24. A number of highway related conditions are recommended to ensure safe and satisfactory development. A condition has been requested which relates closing and reinstatement of the existing access; however the works requested falls outside the red line of the application site, and forms part of the neighbouring Redrow Development. Therefore the use of a condition to close and reinstate the redundant access would go beyond the scope of a condition and would need to be subject to a legal agreement.
- 8.25. 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.

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

- 8.26. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the area generally.
- 8.27. The application site located to the north side of Coventry Road, Hinckley and seeks to redevelop a vacant employment site. A single building occupies most of the site, a line of trees and wire mesh fencing forms the western boundary with Clarendon park and the site is open to the Coventry Road frontage, with some low level landscaping. As previously stated the site formed part of a larger employment site known as 'Jarvis Porter', and the site which immediately adjoins the site to the east and north is currently being redeveloped for housing (planning permission reference 12/01119/OUT and 14/00881/REM). The site is therefore situated within a predominately residential area which is generally characterised by two storey dwellings, both detached and semi detached and set back from the highway, however in the wider area, size and designs of dwellings are varied.
- 8.28. This is an outline application which seeks approval of access only at this stage. The detailed design, siting, appearance and layout of the scheme are reserved matters however from the indicative layout a development which can achieve active frontages arranged to minimise impact on the character of the surrounding area and existing pattern of residential development to the north east could be achieved. Landscaping would be carefully considered as part of any reserved matters submission to ensure that the development would achieve a high quality finish.
- 8.29. Therefore subject to the detailed layout proposed at reserved matters stage, it is considered that layout could be achieved that would result in a high quality form of development that would accord with Policy DM10 of the SADMP and the NPPF.

### Housing Mix

- 8.30. Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings. In addition this policy requires at least 40 dwellings to the hectare to be achieved within urban areas unless individual site characteristics indicate otherwise.
- 8.31. The density of dwellings proposed on the indicative scheme would be 35 dwelling per hectare based on the total site area with the size of the units to meet the market demand, and would be reflective of the wider residential character.
- 8.32. The proposed mix is proposed to include 2 and 3 bedroomed dwellings as indicated in the Design and Access Statement, including both private market and affordable units. The Housing mix that could be provided on the site complies with the requirements of Policy 16 of the Core Strategy.

### Affordable Housing

- 8.33. As the scheme is within an urban area, Policy 15 of the adopted Core Strategy indicates that 20% of the dwellings should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. For this site based on 42 dwellings, the provision would be for 9 affordable units; 7 units for social rent and 2 for intermediate tenure.
- 8.34. There is a demand in Hinckley for affordable properties, with the number of applicants for 2 bedroomed properties being much greater than for 3 bedroomed dwellings. A scheme should seek to offer social or affordable rented dwellings which concentrate on providing 2 bedroomed 4 persons dwellings, the

intermediated tenure could be 2 or 3 bedroomed dwellings, to meet the requirements of the housing register.

- 8.35. The site would also qualify for Vacant Building Credit as detailed in the Planning Practice Guidance. 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).
- 8.36. As the application seeks the approval of outline planning permission for access only, the proposed floor space 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. The appropriate wording of a legal agreement will be necessary to secure affordable housing provision on site but also to allow the vacant building credit to be taken into account.

#### Impact upon Residential Amenity

- 8.37. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties. The NPPF in paragraph 17 seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.38. The main residential properties which could be impacted by the proposed development with regards to overlooking, privacy and overbearing impact are those properties situated to the north and east of the site, which are nearing completion following the redevelopment of the site approved by planning permission 12/01119/OUT.
- 8.39. This is an outline application with all matters reserved with the exception of access. Therefore the full details with regards to scale, layout, appearance and landscaping are not available. However, an indicative layout and scale parameters have been provided. The Design and Access statement identifies that heights of proposed dwellings would be a mix between two and two and half storeys in height, with taller properties denoting key axes.
- 8.40. The nearest residential dwellings are situated to the north and east of the application site. To the east dwellings are separated by Short Way, and to the north the rear gardens of dwellings back onto the application site. The indicative layout identifies that dwellings proposed along Short Way could be set back from the highway to provide sufficient distance between the proposed and existing properties to reduce any overbearing impact or over looking. To the north west the indicative layout identifies dwellings could be situated with the side facing gables set in from the north east boundary, avoiding any direct overlooking to the rear of dwellings along this north west boundary. It is considered that a scheme could be achieved on site which would provide acceptable separation distances and if carefully designed would not result in any significant adverse impacts upon residential amenity that would warrant refusal.
- 8.41. Through the consultation process concerns were raised regarding a loss of value of properties. These issues are not material planning considerations and cannot be taken into account in the assessment of this application.

#### Drainage

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

- 8.43. 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.
- 8.44. The response from Leicestershire County Council (Drainage) initially advised that the details provided were insufficient to enable them to provide a detailed response. However have suggested conditions which relate to the submission of an appropriate drainage scheme to be submitted and agreed prior to any development, which would be reasonable and necessary in this case.
- 8.45. Environmental Health (Drainage) has also assessed the submitted strategy and considers that the Flood Risk Assessment is satisfactory in terms of flood risk, however the strategy does not make it clear from the conceptual surface water drainage layout whether the proposal incorporate sufficient measures to address issues of water quality in accordance with the current Sustainable Urban Drainage guidance. For a development of this scale and nature, a tanked permeable paving system to be incorporated into private driveways and parking areas would be expected. A planning condition is therefore recommended to require 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

- 8.46. 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.
- 8.47. A phase 1 report has accompanied the application, and recommends that a targeted ground investigation is carried out to confirm on site ground conditions, given the historic use B class use of the use. Environmental Health have considered the application and have raised no objection subject to the imposition of conditions relating to the submission of a scheme for the investigation of any potential land contamination on site and any required remediation works. The proposal would therefore be in accordance with Policy DM7 in terms of protection from pollution.

#### Impact upon Ecology

- 8.48. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.49. The application has been accompanied by an Ecology Report. The content of this has been considered by Leicestershire County Council (Ecology). Leicestershire County Council (Ecology) has raised no objections to the proposed subject to conditions. The buildings on site are considered to have negligible bat roost potential and there was no evidence of bats or other protected species recorded, and as such no further surveys are recommended at this stage. The western hedgerow which provides the boundary to the site, is however likely to provide a green corridor in the area, especially as it is directly linked to the open space to the north. The current indicative scheme retains this hedgerow and buffers it from the development. This is a design feature which should be retained and strengthened

when layout is considered. Accordingly, subject to conditions the development would be in accordance with Policy DM6 of the adopted SADMP by securing biodiversity enhancements.

Infrastructure contributions

- 8.50. 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.
- 8.51. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement 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.

Public play and open space

- 8.52. Core Strategy Policy 1 states that new development should address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Hinckley. New green space should meet the standards in Policy 19 of the Core Strategy. Policy 19 sets out standards to be used to determine what improvements are required to existing facilities, and what new provision is required for new development.
- 8.53. The proposal will need to provide green space and play provision using the quantity standards outlined in Core Strategy 19. The overall provision is dependant upon the number of dwellings to be provided on site. As this application does not definitively specify the number of dwellings the exact provision of green space and play provision necessary for this development cannot be given at this stage.
- 8.54. In the first instance, the green space and play provision should be provided on site. However this is not always practical due to other factors, such as minimum sizes of types of green space/play provision, levels issues, awkward site shapes. To ensure that the development is in accordance with Policy 19 of the Core Strategy if the full on-site green space and play provision is not provided contributions towards the off-site provision and maintenance of open space will be requested through a Section 106 legal agreement. For clarity, the quantity required is broken down per dwelling and the provision and maintenance figures per square metre. The contributions sought will therefore be based upon the table below:

	Provision per dwelling (Based upon 2.4 people per dwelling taken from the Census)	Off site provision per square metre	Maintenance contribution per square metre (10 Year Maintenance)
Equipped Children Play Space	3.6sqm	£181.93	£87.80
Casual/Informal Play Spaces	16.8sqm	£4.44	£5.40
Outdoor Sports Provision	38.4sqm	£9.05	£4.30



Accessibility Natural Green Space	40spm	£4.09	£7.10
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8.55. The application site is located adjacent to Clarendon Park, which is situated to the west of the site. Clarendon Park provides Equipped Children's Play Space, Casual play space, sports provision and natural green space. The quality score for Clarendon Park has a quality score of 76% within the Open Space and Recreation Study 2016, which is below the 80% quality target score. Given the size of the units proposed it is considered that these would appeal to families and given the proximity of the application site to Clarendon Park, it is considered that the future occupiers would use the facilities on this site.

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

Education

8.57. An assessment of the developments impact upon the local education provisions have been provided by Leicestershire County Council. These have been broken down into Primary, Secondary and Special School Requirements.

8.58. With regards to Primary School requirements the site falls within the catchment area of Hinckley Westfield Infant School and Hinckley Westfield Junior School and is within a two mile walking distance of 5 other primary schools. The overall deficit for these schools is 139. It is anticipated that this development would create a deficit of 11 pupil places in the primary sector. A total of £121,958.02 is requested and has been calculated using the deficit multiplied by the DFE cost multiplier. No contributions are requested for the Secondary School Sector or Special Schools Sector.

Civic amenity

8.59. The Director of Environment and Transport requests a contribution of £2,080 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 civic amenity facility (an additional 11 tonnes to the latest estimated figure of 7,874 tonnes per annum for the year 2012/2013). 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.

Libraries

8.60. The impact of the development upon libraries has been assessed by Leicestershire County Council. A contribution request has been made from Leicestershire County Council Library Services for £1,270 for use of provision and enhancement of library facilities at Hinckley Library on Lancaster Road, and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the library on the local library service arising from the development. The formula is based on £15.09 per 1 bed property, £30.18 per 2+ bedroomed properties. It is considered that the library request has not

demonstrated whether the contribution is necessary and how increasing lending stock would mitigate the impact of the development on the library facility.

#### Health

- 8.61. Assessment of the impact of the development upon the health service in the area has been assessed by the NHS. It is identified that the development could have an estimated population of 102 residents (using the Census average household size of 2.4 people per dwelling). This would result in the need 2.68 additional patient appointment hours per week for a consulting room and 0.72 hours additional patient appointment hours per week for a treatment room. The closest GP Practice is located at Hollycroft Medical Centre. This centre has experience continual growth of patient numbers which is currently impacting upon the capacity within the existing premises. To provide a comprehensive medical service to the proposed residents of this scheme an extension to Hollycroft Medical Centre would be needed to provide a larger waiting room, more clinical space, a larger reception, administration and record storage space and more car parking. An assessment of the building has been undertaken and plans have been drawn up which shows that the building can be extended by approximately 352 square metres. The cost for providing this has been calculated on a per square metre basis by quantity surveyors which are experienced in health care projects. The additional floorspace required is calculated to be 247 square metres. The cost of the extension would be £1,902 per square metre and therefore the requested contribution is £23,280.48.
- 8.62. The contributions are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and should be secured by a Section 106 agreement.

#### Highways

- 8.63. A number of highway obligations have been requested, however these are subject to further consideration and agreement, and therefore will be reported at committee by way of late items.

#### Other Matters

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

### **9. Equality Implications**

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

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

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

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

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

## **10. Conclusion**

10.1. The application site forms part of a designated 'Existing Employment Sites' within the adopted SADMP and identified within the Employment Land and Premises Study (2013). However it has been demonstrated that it is no longer suitable or reasonably capable of being re-developed for employment uses, and the site has been proactively marketed since 2014 and does not have any future employment use and is no longer reasonable or capable for long term employment use.

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 of the site for a residential development would not give rise to any significant adverse impacts on highway safety compared to the existing use of the employment site.

10.4. The illustrative masterplan demonstrates that the redevelopment of the site for up to 42 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. 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, DM17, DM18 and DM19 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 planning permission** subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - Highways – to be agreed
  - 20% affordable housing units subject to a reduction for vacant building credit
  - Education Based on the DFE cost multiplier as follows:-

- Primary School £12,099.01 per pupil at a pupil ration of 0.24 per dwelling
  - Health - £23,280.48
  - Public Open space –
    - Equipped Children’s Play Space 3.6m2 per dwelling, Off site provision per square metre £181.93 and Maintenance £87.80
    - Casual/informal Play spaces 16.8m2 per dwelling, Off site provision per square metre £4.44 and £5.40
    - Outdoor sports provision 38.4m2 per dwelling, Off site provision per square metre £9.05 and maintenance £4.30
    - Accessibility and natural green space 40m2 per dwelling, off site provision per square metre £4.09 and maintenance £7.10
  - Planning conditions outlined at the end of this report.
- 11.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.
- 11.3. That the Planning Manager, Development Management be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods based on the developer contributions agreed by committee pursuant of the report.
- 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 including boundary treatments.

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: Location plan Dwg No.2903-152 Rev B, Tree Removal and Protection Plan Dwg No.DLA1813.L.03, Highway Access plan Dwg No.REDW-3055-104 and Highway Layout Dwg No. REDW-3254-401 received by the Local Planning Authority on the 4 December 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. Any reserved matters application shall be accompanied by a scheme which details the proposed housing mix for the development which should be in accordance with the Council's adopted Development Plan and the housing needs of the area. The development shall then be completed in accordance with the approved details.

**Reason:** To ensure an appropriate housing mix to meet the housing needs of the locality is provided in accordance with Policy 16 of the Core Strategy 2009.

5. 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).

6. Existing and proposed ground levels of the site, and proposed finished floor levels shall be submitted to and approved by the Local Planning Authority as part of any reserved matters application pursuant to this outline planning permission. The scheme shall be implemented in complete accordance with the approved details.

**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).

7. Development shall not begin until a scheme to provide a surface water drainage system in accordance with the submitted Flood Risk Assessment dated October 2017 has been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** To ensure that the development is provided with satisfactory means 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).

8. No Development shall take place until such a time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development has been submitted to and application in writing by the Local Planning Authority, and shall be carried out and maintained in accordance with the agreed details.

**Reason:** To ensure the long term performance and maintenance, both in terms of floor risk and water quality of the sustainable drainage system within the proposed development to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Notwithstanding the submitted plans shown on Redwood Partnership drawing numbered REDW-3254-401 a radii of 6 metres shall be provided at the proposed access with Short Way, prior to first occupation of the development hereby approved.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of highway safety to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 32 of the National Planning Policy Framework 2012.

11. A scheme for a proposed pedestrian link between the application site and Clarendon Park along the western edge of the site shall be submitted and approved by the Local Planning Authority as part of any reserved matters application pursuant of this outline planning permission. The scheme shall be fully implemented prior to the first occupation of the site.

**Reason:** To mitigate the impact of the development and providing and promoting sustainable form of development to accord with DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 32 of the National Planning Policy Framework 2012.

12. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleaning facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the local planning authority. The development shall therefore be carried out in accordance with the approved details and timetables.

**Reason:** In the interests of highway safety in accordance with Policies DM17 of the Site Allocations and Development Management Policies Development Plan Document.

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

**Reason:** To ensure appropriate remediation of contaminated land in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

14. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is

submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

**Reason:** To ensure appropriate remediation of contaminated land in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

15. The development shall be carried out in accordance with the recommendations found within the David Landscape Architects, Ecology Appraisal July 2017 received by the Local Planning Authority on the 4 December 2017.

Reason: To ensure that satisfactory measures are in place to safeguard protected species in accordance with Policy DM6 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies DPD.

#### 11.5. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. 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. The drainage scheme should be designed in accordance with the CIRIA SuDS Manual (C753), incorporating the appropriate level of treatment trains to improve water quality before discharging into the downstream system. For a development of this nature where infiltration is not feasible, the drainage scheme would typically include a tanked permeable paving system in private driveway and parking areas.
4. The scheme shall include; the utilisation of sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change (based on current guidance), based upon the submission of hydraulic calculations; and the responsibility for the future maintenance of drainage features. Full details for the drainage proposal should be supplied including, but not limited to; construction details, pipe protection details (e.g. trash screens), long sections, cross sections, exceedance routing plans and full hydraulic model scenario's for the 1 in 1, 1 in 30, 1 in 100 and 1 in 100 year + climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design

standards of the public sewers. Finished floor levels shall be set no less than 300mm above the adjacent external ground levels.

5. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.



Planning Committee 6 March 2018  
Report of the Planning Manager, Development Management

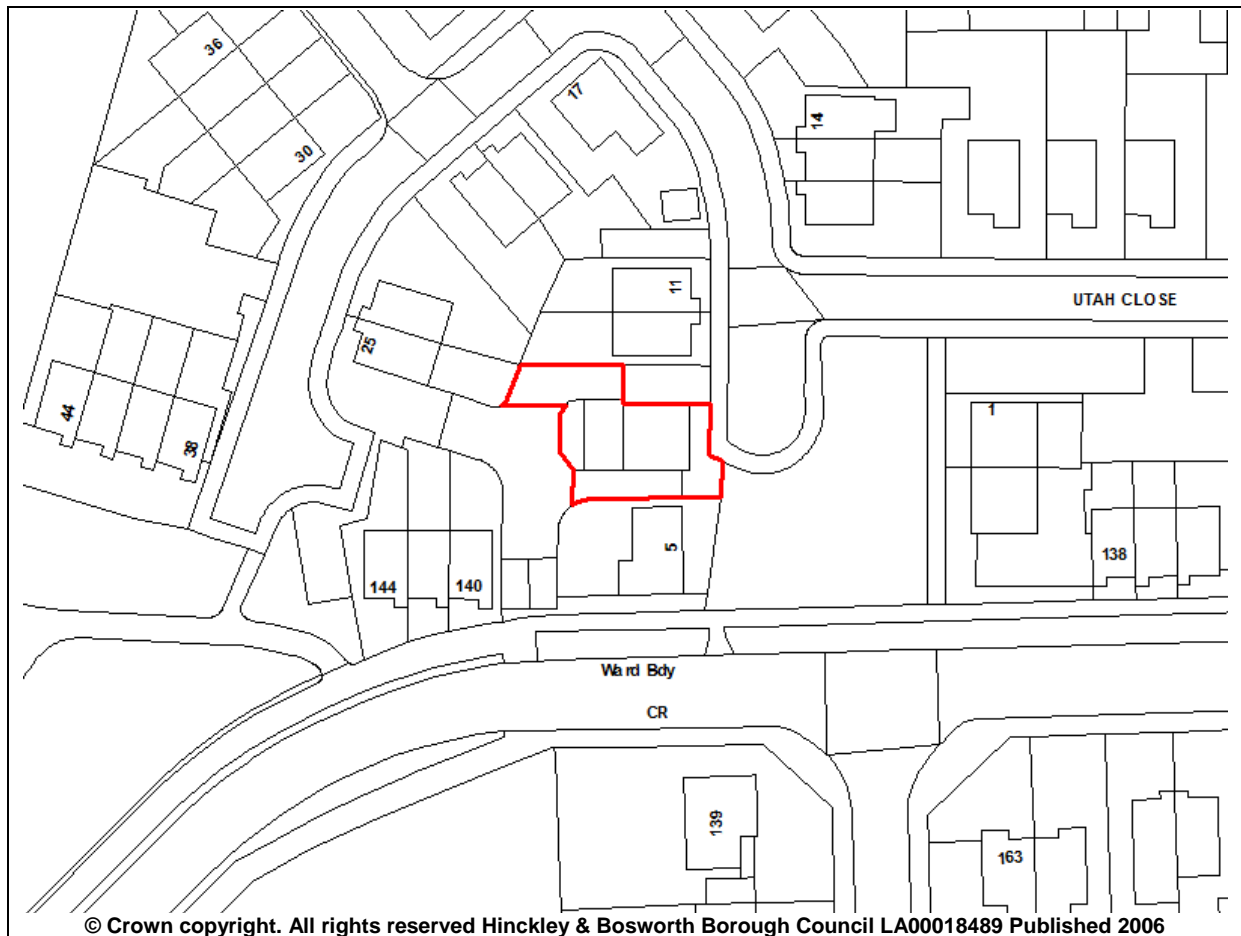


Hinckley & Bosworth  
Borough Council

Planning Ref: 18/00024/FUL  
Applicant: Mr Steven Pitt  
Ward: Hinckley Trinity

Site: 7 Utah Close Hinckley

Proposal: Erection of a detached log cabin for a footcare and beauty salon  
business (retrospective) (resubmission of 17/01004/FUL)



## 1. Recommendations

1.1. **Refuse planning permission** subject to the reasons at the end of this report.

## 2. Planning Application Description

- 2.1. This application seeks retrospective planning permission for the erection of a detached log cabin for use as a salon by a beauty therapist and foot health practitioner to the side of the residential property at 7 Utah Close, Hinckley.
- 2.2. The proposed cabin would measure approximately 6 metres by 2.78 metres with a height of approximately 2.6 metres. The cabin is already in place at the application site and is painted blue.
- 2.3. An application for certificate of lawful use (reference 17/00308/CLUP) was withdrawn following officer concerns surrounding the height and use of

development not being in accordance with the requirements of permitted development.

2.4. An application for full planning permission (reference 17/01004/FUL) was subsequently submitted and refused for the following reasons:

1. *By virtue of the proposed siting, style, choice of materials and colour, the proposed log cabin would result in an uncharacteristic and incongruous form of development that would neither complement nor enhance the character of the surrounding area. The scheme is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.*
2. *By virtue of the proposed siting and use of development, the proposed log cabin would result in an adverse impact upon highway safety due to the loss of one off-street parking space associated to the existing dwelling, additional vehicular movements associated with the proposed business with a lack of off street parking provision which is considered to result in a significant amount of on street parking. The proposal is therefore contrary to Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.*

2.5. This revised application proposes additional landscaping with a proposed 1.8 metre high trellis fence panel and additional planting located to the front of the cabin.

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

- 3.1. The application property is a two storey detached property located within the settlement boundary of Hinckley. The property has residential curtilage located to the front and rear of the site with an existing outbuilding located in the rear garden.
- 3.2. The existing property forms part of a new residential estate, with the dwelling sited in front of an existing open space resulting in the property and the cabin being highly visible from Outlands Drive. The existing property is rendered white and there is a mix of white render and brick built properties in the surrounding area.
- 3.3. Two off street parking spaces are allocated for the application property to the side of the property. One parking space would be lost by the siting of the cabin. An area of on street parking is available to the front of the site.

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

17/00308/CLUP	Erection of a log cabin for use as a salon by a beauty therapist and foot health practitioner	Withdrawn	01.08.2017
17/01004/FUL	Erection of a detached log cabin for a footcare and beauty salon business (retrospective)	Refused	22.11.2017

### **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. No comments received.

## **6. Consultation**

6.1. No objections from:

HBBC Drainage  
HBBC Environmental Health

6.2. No objection subject to condition from HBBC Waste.

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

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

## **8. Appraisal**

8.1. Key Issues

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

### Assessment against strategic planning policies

8.2. The development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).

8.3. Hinckley is identified as a sub-regional centre in Policy 1 of the Core Strategy and is therefore a sustainable location for development. Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved. The proposal is therefore considered to be in accordance with adopted strategic planning policies, subject to all other planning matters being satisfactorily addressed.

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

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

8.5. The application proposes to place a detached log cabin to the side of the property for a business use. The log cabin is constructed of timber cladding and is painted blue. The existing dwelling is a two storey rendered property and the cabin is sited between the application dwelling and the adjacent two storey property.

- 8.6. The log cabin sits immediately adjacent the existing dwelling and would be sited on the existing car parking space available to the application dwelling. The cabin would be sited in a highly prominent position, adjacent to an open area to the front of the property and would be visible from Outlands Drive. There are a mix of rendered and brick built properties with a defined character that is normally attributed to new housing development. As a result of the siting, the proposed cabin would be prominent within the streetscene and subsequently impact upon the existing defined character of the surrounding area. In addition to this, the site is highly elevated in relation to the adjacent property and Outlands Drive to the south which sit lower.
- 8.7. The proposed fence to be sited in front of the cabin would appear intrusive and dominant within the street scene and would not remain subservient to the principal elevation of the application property. The fence would protrude out and be highly visible from the open space located to the front of the site.
- 8.8. The log cabin is constructed of blue painted timber which would result in an incongruous form of development that would fail to complement or enhance the design characteristic of the surrounding area and wider street scene thus significantly altering the existing character of the area.
- 8.9. The proposed business would attract additional visitors to the property. However given the appointment based system, minimal times and days of use, it is not considered the additional comings and going and additional vehicle activity would alter the existing character of the residential street.
- 8.10. By virtue of its siting and choice of materials, the proposed log cabin would result in an unacceptable form of development that would detract from the character of the application site, the area and streetscene, contrary to Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.11. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.12. Information provided by the applicant suggests that the proposed use would be available Tuesday, Thursday, Friday and occasionally Saturday mornings and would be by appointment basis only. Given the minor number of comings and goings, it is considered that the additional vehicular movements would not result in any adverse impact on the amenity of nearby residents in terms of noise and disturbance from vehicles or car doors.
- 8.13. The proposed use would be of a minor nature, with no extensive equipment or noise emitting machines and it is therefore considered the proposed use and cabin siting would not result in any adverse impact upon the amenity of neighbouring properties in respect of noise, overlooking or overbearing.
- 8.14. It is considered that due to the siting and scale of development and proposed use, the proposal would not result in any adverse impact upon neighbouring properties and therefore is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.15. Policy DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.16. The log cabin sits immediately adjacent the existing dwelling and would be sited on one of the existing car parking spaces available to the application dwelling. The existing dwelling is a three bedroomed property and has two allocated spaces, which is inline with provision for a three bedroomed property. The siting of the cabin

on an existing space would result in an under provision of vehicles for a three bedroomed property resulting in further on street parking.

- 8.17. Further authorised parking is indicated to the rear of the site, however it appears that these two spaces are allocated to the adjacent property. It is also noted that public parking is available to the front of the property for approximately 4 – 6 vehicles, however the proposed development should accommodate the expected vehicle movements and parking provision within the site.
- 8.18. It is considered that the loss of a parking space to the existing dwelling, the additional vehicular movement associated with the businesses and the lack of off associated street parking is considered to result in a significant amount of on street parking which would have an adverse impact upon highway safety, contrary to Policy DM17 and DM18 of the SADMP.

## **9. Equality Implications**

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

## **10. Conclusion**

- 10.1. The proposal is located within the settlement boundary for Hinckley and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 of the SADMP, Policy 1 of the Core Strategy and the wider policies of the NPPF, subject to all other planning matters being satisfactorily addressed.
- 10.2. The proposal would result in an uncharacteristic and incongruous form of development that would not be well integrated and would neither complement nor enhance the character of the surrounding area contrary to Policy DM10 of the SADMP.
- 10.3. The scheme would result in an adverse impact upon highway safety due to the lack of provision of off-street parking and addition of on-street parking contrary to Policies DM17 and DM18 of the SADMP.

## **11. Recommendation**

- 11.1. **Refuse planning permission** subject to the reasons at the end of this report.
- 11.2. **Reasons**
1. By virtue of the proposed siting, style, choice of materials and colour, the proposed log cabin would result in an uncharacteristic and incongruous form of development that would neither complement nor enhance the character of the application dwelling or the surrounding area. The scheme is therefore

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

2. By virtue of the proposed siting and use of development, the proposed log cabin would result in an adverse impact upon highway safety due to the loss of one off-street parking space associated to the existing dwelling and additional vehicular movements associated with the proposed business with a lack of off street parking provision which could lead to a significant amount of on street parking which would have an adverse impact upon highway safety. The proposal is therefore contrary to Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

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

1. List of plans used in the determination of this application:-
  - Application Form
  - Site Location (scale 1:1250)
  - Block Plan (scale 1:500)
  - Parking Plan (scale 1:500)
  - Cabin Specifications
  - Planning Statement
  - Landscape Access Proposed (Picture)
  - Landscape Details
  - Outside Proposed Parking 1 (Picture)
  - Outside Proposed Parking 2 (Picture)
  - Outside Proposed Parking 3 (Picture)
  - Outside Proposed Parking 4 (Picture)all received by the local planning authority on 10 January 2018.

Planning Committee 6 March 2018  
Report of the Planning Manager, Development Management

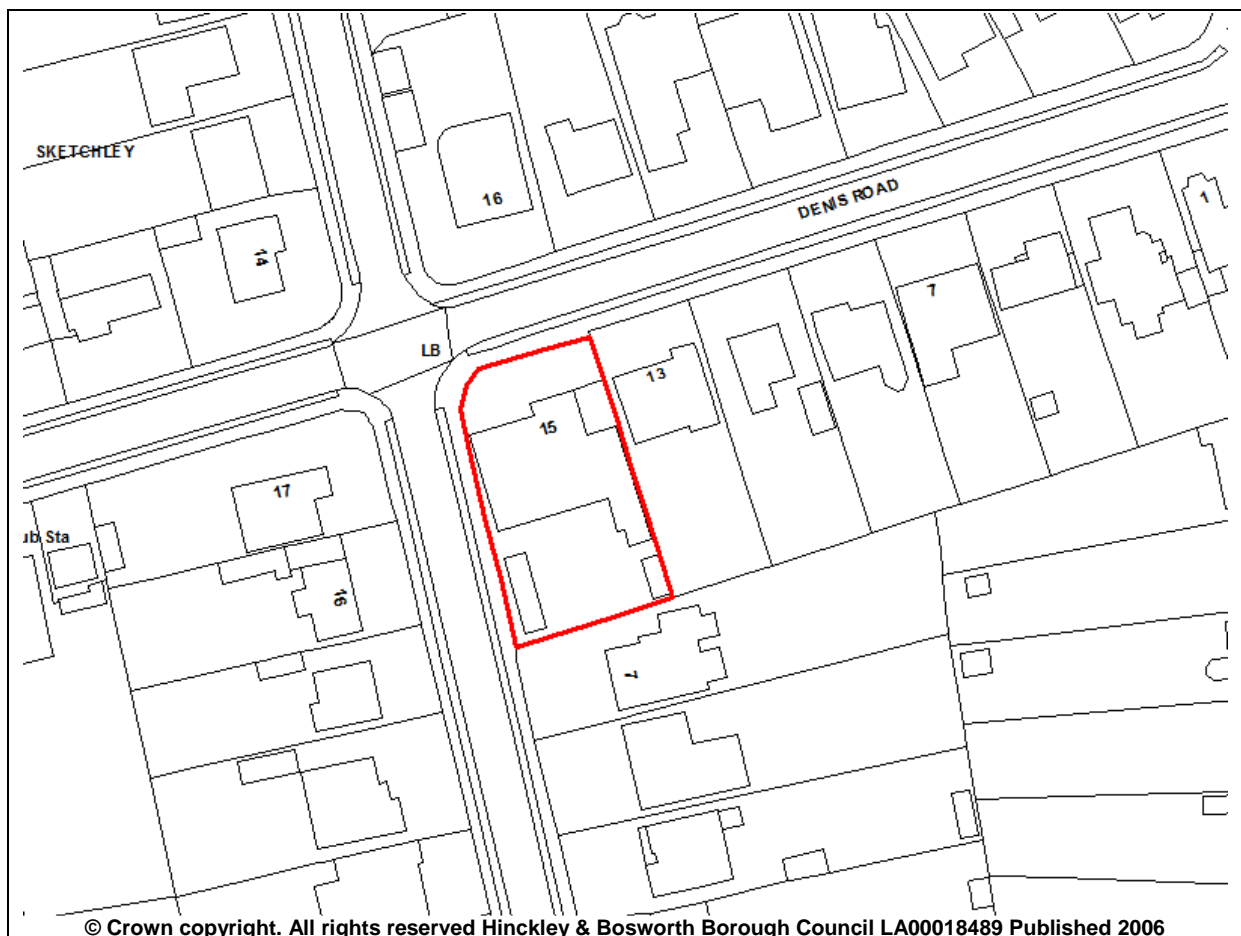


Hinckley & Bosworth  
Borough Council

Planning Ref: 18/00038/HOU  
Applicant: Mr & Mrs Smith  
Ward: Burbage Sketchley & Stretton

Site: 15 Denis Road Burbage

Proposal: First floor extension to bungalow to form two and a half storey dwelling with alterations to all elevations (resubmission of 17/00546/HOU)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.

## 2. Planning Application Description

2.1. This application seeks planning permission for a first floor extension to bungalow to form two and a half storey dwelling with alterations to all elevation at 15 Denis Road, Burbage.

- 2.2. This proposal is a resubmission of a previously refused application (reference 17/00546/HOU). This application is significantly different to the previously refused application with a substantial reduction in mass, scale and size of the two storey element. The two storey part of the proposal is now only located within the centre of the plot, away from the boundaries of the site and the junction of Hall Road and Denis Road.
- 2.3. The application would see the ridge height of the dwelling increase to approximately 9 metres for the two storey element and a new pitched roof to the single storey elements to both sides of the property. It is proposed to carry this pitched roof round the front of the property. The design would see the introduction of one gable to the front elevation constructed of grey cladding and two dormers serving the loft space to the rear elevation.

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

- 3.1. The application site is a detached dormer bungalow located to the southern side of Denis Road within the settlement boundary of Burbage.
- 3.2. Directly to the rear of the application dwelling are bungalow properties. The dwellings, which include the application property, that sit at the crossroads of Denis Road and Hall Road are all bungalows that are similar in form though do display subtle variations in regards to character. To the east of the application dwelling, along Denis Road, the area is characterised by dwellings which vary considerably in terms of character, design, scale and styles.

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

17/00546/HOU	First floor extension to bungalow to form two storey dwelling with alterations to all elevations	Refused	28.07.2017
85/00476/4	Replacement of existing fence by boundary wall	Permission	20.06.1985
84/00577/4	Garage and lounge extensions to dwelling	Permission	15.08.1984
81/00340/4	Extensions to bungalow	Permission	29.04.1981

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Eleven letters of objections from eleven separate addresses have been received raising the following concerns:
- 1) Impact upon the character of the area
  - 2) Overbearing on both the area and the adjacent properties in respect of mass and scale
  - 3) Loss of light and privacy on adjacent properties
  - 4) Lack of off street parking
  - 5) Poor design
  - 6) No access to rear garden
  - 7) Previously refused scheme on the site
  - 8) Inaccuracy of the description



- 9) Impact during construction

## **6. Consultation**

- 6.1. Burbage Parish Council object for the following reason:

- 1) Detrimental to the character of the wider area due to its design, scale and mass

## **7. Policy**

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 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
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other issues

### Assessment against strategic planning policies

- 8.2. Paragraphs 11-13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications. The development plan in this instance consists of the Site Allocations and Development Management Policies DPD 2016 (SADMP) and the Core Strategy (2009).

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

- 8.4. The proposal is located within the settlement boundary for Burbage, which is identified as a key rural centre where the principle of a householder extension is considered acceptable, subject to all other material planning considerations being acceptable.

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

- 8.5. 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. This is supported by paragraph 17 of the NPPF which seeks to ensure a high quality of design. Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings.

- 8.6. No. 15 Denis Road occupies a corner plot where Denis Road and Hall Road intersect. The application dwelling and the neighbouring properties which form the other corner plots and border the crossroads are detached bungalows with hipped

roofs. The scale and style of these properties do display a degree of variation, however, their single storey character ensures no undue level of prominence within the streetscene of any individual property, a feature which is reinforced by the setback nature of the dwellings which helps retain the openness that is characteristic of the intersection of Denis Road and Hall Road.

- 8.7. The previous application (ref. 17/00546/HOU) was refused for the following reason:
- “The erection of a first floor extension at 15 Denis Road would be contrary to Policies DM1 and DM10 of the Site Allocations Development Management Policy document (SADMP) and the National Planning Policy Framework (NPPF) in that the extension by virtue of its size, massing and design would appear as an incongruous and visually over dominant feature in relation to the streetscene, resulting in significant harm to the visual amenities of the locality and would therefore constitute poor design that fails to take the opportunities available for improving the character and quality of the area.”*
- 8.8. This application has been significantly altered and reduced in size, scale and mass from the previously refused application. The previous application had a two storey element that extended nearly the entire footprint of the property with four large gables to the frontage that fundamentally altered the character of the property in terms of scale, mass and design. In addition the proposed first floor element would’ve been built up to within 0.9 metres of the boundary to Hall Road.
- 8.9. It is clear from the officer’s report of the previous application that there is an opportunity available to improve the character and quality of the area with an extension that has the potential to improve the visual attractiveness of the application property.
- 8.10. This application seeks to contain the two storey element entirely within the centre of the plot, which would be very modest in width and size which would also replicate the size and scale of the adjacent two storey properties along Denis Road. The proposed two storey element would be set away from the boundary of the site by approximately 4.5 metres to the east and approximately 6.5 metres to the boundary with Hall Road. Therefore the reduced two storey element would respect and complement the character of the surrounding area. The separation distances to the boundary of the site would help retain the openness that is characteristic of the intersection of Denis Road and Hall Road.
- 8.11. Although additional space has been created within the roof space of the proposal, the proposed ridge height would only be approximately 0.6 metres higher than the ridge height of the adjacent property to the east, no. 13. Therefore it is considered that the proposed amended and reduced scale and massing of the proposal, compared to the previously refused scheme, would not disrupt the balanced character of the area or result in an over prominence within the streetscene.
- 8.12. The proposed single storey additions and pitched roof, due to the minor nature and single storey height would improve the visual amenity of the host dwelling.
- 8.13. The proposed materials are to be constructed of render finish and grey cladding to provide a unique and modern design. However as a result of the varying materials within the surrounding area, the proposed materials would not significantly impact upon the character of the area.
- 8.14. Overall the narrowing of the first floor extension, from the previously refused scheme, would ensure the side elevation of the first floor extension would be significantly setback from the corner of Hall Road and Denis Road thus reducing any potential overbearing impact within the street scene. The conversion of the existing garage and retention of its single storey nature and single storey wrap

around design would reduce the massing of the proposal, compared to the previously refused scheme, resulting in a development more in keeping with the character of the area.

- 8.15. By virtue of its scale, design and appearance of the proposal, it is considered that the revised scheme would complement the scale, character and appearance of the wider area and be in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.16. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of neighbouring properties.
- 8.17. The proposed two storey element would not project past the front elevation of no. 13 Denis Road to the east. Although the two storey element would project past the rear elevation of no. 13, due to the separation distance of approximately 5 metres between the proposed first floor side elevations of the application property and no. 13, it is considered there would be no adverse impact on the amenity of no. 13 in terms of loss of light or overbearing.
- 8.18. There would also be no adverse overlooking impact upon the occupiers of no. 13 as the side elevation of the proposal would have four high level rooflights and one high level window facing the blank elevation of no. 13. The proposed first floor windows to the rear would only provide an oblique viewing angle to the rear of the neighbouring property similar to what already exists from the current rear dormer windows.
- 8.19. There would be no adverse impact in terms of residential amenity upon no. 7 Hall Road to the south as the separation distance between the two properties would remain the same, moreover, any potential overlooking would be mitigated by the screening provided by high level hedgerow that is set along the common boundary.
- 8.20. There would be no adverse impact in terms of residential amenity upon no. 16 Denis Road to the north due to the separation distance of approximately 25 metres. This distance will remain significant due to the presence of the highway which intersects the two properties.
- 8.21. Two windows are proposed to the side elevation of the property facing towards no. 16 Hall Road and no. 17 Denis Road to the west. Given the large separation distance and the separation of the properties by Denis Road, it is not considered that these windows would result in any adverse overlooking impacts upon the properties to the west.
- 8.22. All other aspects of the proposal are single storey in nature, located on the existing footprint and result in roofs pitching away from the boundary of the site. As such, the proposed alterations at ground floor level are considered acceptable so as not to result in any adverse impacts upon residential amenity.
- 8.23. It is considered that no properties would be adversely impacted upon from the proposed alterations and extensions and therefore the proposal is considered to comply with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.24. Policy DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.25. The proposal will see the creation of an additional one bedroom, resulting in a four bedroomed property. Given the extensive provision of off-street parking to the front of the site and the retention of the existing garage space to the east of the site,

parking provision would be sufficient in line with LCC Highways 6C's guidance at three spaces for four bedrooms.

- 8.26. The proposals would not have an adverse impact upon highway safety and would therefore be in accordance with Policy DM17 and DM18 of the SADMP.

#### Other issues

- 8.27. Concerns have arisen regarding the lack of access to the rear of the garden. This is not a planning matter that would alter the determination of the application. Nevertheless this is an existing issue as no access is currently available to the rear of the site.
- 8.28. Concerns have arisen regarding the accuracy of the description of works proposed. Given the nature of the second floor being located within the roof space and the provision of dormers to accommodate the habitable space, it is considered that the proposal would result in a two and a half storey property.
- 8.29. Concerns have arisen regarding potential impact during construction. As the proposal is for an extension to a house and there is room within the site to accommodate vehicles, it is not considered that the proposal would result in significant impacts upon adjoining properties during construction.

### **9. Equality Implications**

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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

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

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

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

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

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

### **10. Conclusion**

- 10.1. The proposal is located within the settlement boundary for Burbage and there is a presumption in favour of sustainable development as set out in Policy DM1 of the SADMP and the wider policies of the NPPF.

- 10.2. The proposal, due to its design, scale, massing and siting would not have a detrimental impact upon the character of the existing dwelling, area and street scene; neighbouring amenity or highway safety. Therefore the proposed development is considered to be in accordance with Policies DM1, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document and the aims of the National Planning Policy Framework and is recommended for approval subject to conditions.

### **11. Recommendation**

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

- Planning conditions outlined at the end of this report.

11.2. That the Planning Manager, Development Management 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: Revised Scheme 1 drg. no. 16/109 10D (scale 1:1250, 1:500 and 1:100) received by the Local Planning Authority on 8 February 2018.

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

3. The materials to be used on the external elevations of the proposal shall accord with the approved Revised Scheme 1 drg. no. 16/109 10D (scale 1:1250, 1:500 and 1:100) received by the Local Planning Authority on 8 February 2018 and materials as detailed within the submitted Application Form received by the Local Planning Authority on 15 January 2018.

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

11.4. **Notes to Applicant**

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

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Planning Committee 6 March 2018  
Report of the Planning Manager, Development Management

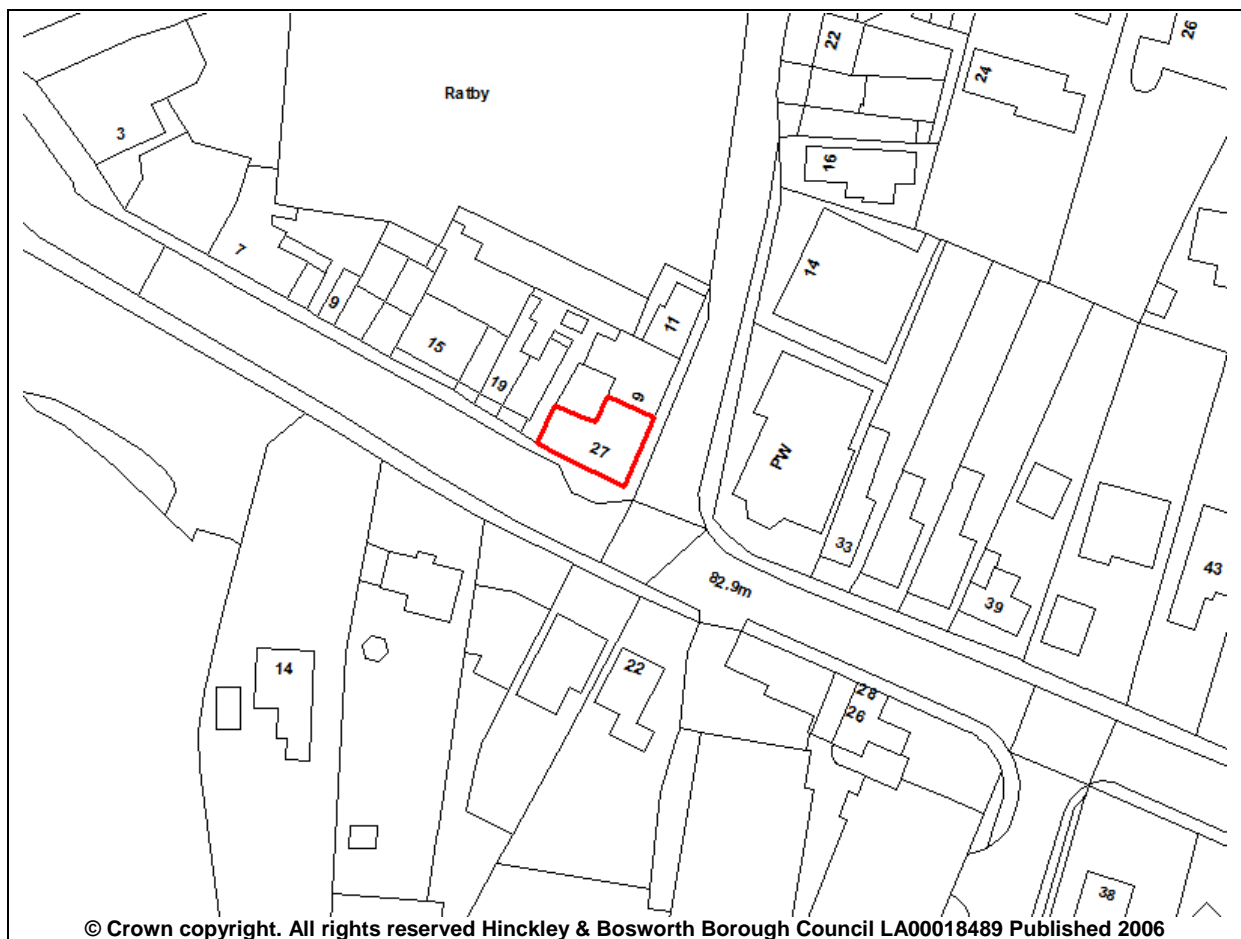


Hinckley & Bosworth  
Borough Council

Planning Ref: 17/00862/CONDIT  
Applicant: Mr Tuhel Miah  
Ward: Ratby Bagworth And Thornton

Site: 23 Station Road Ratby

Proposal: Variation of condition 2 of planning permission 15/01090/FUL to extend the flue by 1 metre and to reflect the correct position of the flue



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## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.

## 2. Planning Application Description

2.1. The applicant seeks planning permission for the variation of condition 2 of planning permission 15/01090/FUL.

2.2. The original planning permission was for the erection of a new ventilation system to reduce odours emitted. Condition 2 of planning permission 15/01090/FUL required

the development to be built in accordance with the approved plans. The applicant is proposing to increase the height of the already erected flue by one metre above the ridge of the restaurant and retain the current position of the flue on the rear elevation.

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

- 3.1. The property sits on the corner of Station Road and Chapel Lane with the majority of the premises fronting onto Station Road. The site is located within Ratby Conservation Area, which is within the settlement boundary.
- 3.2. The property has large windows along the Station Road elevation forming a traditional shop front with the door to the premises located on the corner of Station Road and Chapel Lane. To the rear of the premises is a yard accessed via a passageway between No. 21 and the building, used for the storage of waste bins.
- 3.3. Adjacent to the premises is a row of traditional terraced residential properties No. 15 to No. 21. To the other side of Chapel Lane is Ratby Methodist Church. Directly opposite the site are a number of detached residential properties Nos. 16, 18 and 20 which are set back from the highway behind front gardens/driveways.
- 3.4. There is no off-street parking within the site. Parking is available on street to the front of the property. Adjacent to the premises is a row of terraced houses which have no street parking available, on the opposite side of the road there are no restrictions in terms of parking and wait times.

### 4. Relevant Planning History

13/00350/COU	Change of use from A1 (Shop) to A3 (Cafe) (Retrospective)	Permitted	30.07.2013
14/00277/CONDIT	Variation of condition 2 of planning permission 13/00350/COU to change opening hours to 17:00 - 22:30 Monday to Thursday 17:00 - 23:00 Friday to Saturday and 17:00 - 21:30 Sunday	Permitted	28.05.2014
14/01283/COU	Change use from restaurant to a mixed use restaurant and hot food takeaway (retrospective)	Refused	03.06.2015
15/00020/ENF	Without planning permission the change of use from the use within Class A3 of the Use Classes Order 1987 (as amended) (the Order) for the sale of food or drink for the	Appeal Allowed	09.03.2016



consumption on the premises to a mixed use for the sale of food and drink for consumption on the premises and for the sale of food and drink for consumption off the premises Class A5 of the Use Classes Order 1987 (as amended) (the Order)

15/01090/FUL	Erection of new ventilation system to reduce odours emitted	Permitted	24.02.2016
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## 5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Eight letters of objection have been submitted from eight separate addresses in relation to this application, with the comments summarised below:
- 1) The raising of a flue by one metre will have an affect on the conservation area and would be out of keeping with the surrounding area
  - 2) Within the plans there is room for a odour neutraliser to be fitted, which this should be now fitted to reduce all the odour

## 6. Consultation

- 6.1. No comments were received from Ratby Parish Council.
- 6.2. HBBC Environmental Health (Pollution) has no objection.

## 7. Policy

- 7.1. Core Strategy (2009)
- Policy 8: Key Rural Centres Relating to Leicester
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM10: Development and Design
  - Policy DM11: Protecting and Enhancing the Historic Environment
  - Policy DM12: Heritage Assets
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
  - Planning Practice Guidance (PPG)
  - Planning (Listed Buildings and Conservation Areas) Act 1990
- 7.4. Other relevant guidance and legislation
- Ratby Conservation Area Appraisal (2014)
  -

## **8. Appraisal**

### 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the conservation 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 other material planning considerations indicate otherwise.

8.3. The site is located within the settlement boundary of Ratby which is considered to be a sustainable location and therefore the proposed variation of condition to raise the height of the flue by one metre and for the relocation of the flue is considered acceptable in principle subject to other material planning considerations.

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

8.4. The existing restaurant and takeaway is located in the Ratby Conservation Area and consideration needs to be given to the development and its impact upon the Conservation Area.

8.5. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1900 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.6. Section 12 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given the asset's conservation.

8.7. Policy DM11 and DM12 of the SADMP seek to protect and enhance the historic environment. Development proposals which affect the setting of a listed building will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should ensure that the impact of a development proposal on the setting of a conservation area preserves and enhances its significance.

8.8. 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.

8.9. At the junction of Chapel Lane and Station Road is the visually distinctive Methodist Church and former Sunday School rooms. Opposite are the former premises of a 19<sup>th</sup> Century hosier which are now used as a restaurant with flats above. These elevations, a mixture of brick and stone, highlight the changes made to the buildings since their construction and are an important historical record in the street. Adjacent is a group of granite and brick cottages built around 1850. These buildings are identified as important local building in the Ratby Conservation Area Appraisal (2014).

8.10. The proposed flue would be constructed one metre above the ridge line of the existing restaurant. Therefore the flue would be visible from the street scene and would have an impact on the Conservation Area. To mitigate this the proposed flue will be clad in brick so that it would have the appearance of a chimney. There are other similar brick chimneys on neighbouring properties. It is therefore considered that it would not adversely affect the character of the conservation area with the

addition of brick cladding on the flue. It is therefore considered that the proposed flue would be in accordance with Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD.

- 8.11. In terms of the re location of the flue, this is in the yard to the rear of the restaurant. There are restricted views of the flue from the Conservation Area and would therefore have limited impact on the character of the surrounding area.
- 8.12. The proposal is therefore considered to have a positive impact on the Ratby Conservation Area and preserves its significance in accordance with the principles of the Ratby Conservation Area Appraisal. Therefore it complies with Policies DM1, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Section 12 of the NPPF and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Impact upon neighbouring residential amenity

- 8.13. Policy DM10 of the SADMP states that developments will be permitted providing that the development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings including matters of air quality (including odour) and noise.
- 8.14. When the application was approved in 2015 for the flue it was designed with several features to reduce odour and noise generated. The flue was installed with silencers to reduce the noise generated by the turbo fans installed; further to this, vibration pads were also introduced to further reduce the noise.
- 8.15. Since the installation of the flue, complaints from local residents about the flue causing unacceptable odour and noise have reduced significantly. Some complaints are still being received from affected properties adjacent to the premises and properties on the other side of Station Road. By raising the height of the flue the odour from the restaurant will be dispersed further into the atmosphere and therefore provide an improvement over the current situation. Environmental Health (Pollution) have agreed that the raising of the height of the flue is likely to reduce further complaints being made to the Council in terms of odour and noise.
- 8.16. Comments have been received stating that an odour neutraliser should be fitted into the flue. It is envisaged that by raising the height of the flue the impact of noise and odour on the neighbouring properties will be reduced. However, if this is still unsuccessful there is capacity within the flue to install an odour neutraliser which HBBC Environmental Health (Pollution) would have the jurisdiction to ensure this is implemented if the issue persists.
- 8.17. It is therefore considered that the proposed raising of the flue by one metre above the ridge line would reduce the odour from the flue and therefore would be an improvement on the amenity of surrounding residents and is considered to be in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

#### Other matters

- 8.18. The six conditions imposed on the original application 15/01090/FUL needs to be reconsidered as part of this application.
- 8.19. Condition 1 related to the commencement of development. As only some of the works have occurred in regard to this application, this condition will be re imposed.
- 8.20. Condition 2 stipulated that development is to be carried out in complete accordance with the submitted application details in respect of application reference 15/01090/FUL. As the application changes the approved plans then this condition will be amended to reflect the approved plans.

- 8.21. Condition 3 was for a maintenance schedule to be submitted and approved in writing prior to the commencement of development. This was submitted and agreed however the condition should be re worded to include the details submitted under reference 15/01090/FUL.
- 8.22. Condition 4 related to the log approved under condition 3 should be retained on site. This condition shall be re imposed to ensure that the approved log is available on site for inspection.
- 8.23. Condition 5 related to the fan on Chapel Lane should be used for air intake only. This condition will be re imposed to ensure that this does not become a source of annoyance to neighbouring residential properties.
- 8.24. Condition 6 related to samples of the external finish of the flue. As this is to be changed with brick slips to match the existing then this condition is no longer applicable and will not be imposed.

## **9. Equality Implications**

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

## **10. Conclusion**

- 10.1. The proposal will not harm the special character, and thus significance of the Conservation Area as the proposed flue would have the appearance of a chimney which is a traditional feature of the locality. The raising of the flue would reduce the impact in terms of odour and noise on neighbouring properties and is therefore considered that the development is in accordance with Policy DM1, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Section 12 of the NPPF and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, and is therefore considered to be acceptable.

## **11. Recommendation**

- 11.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.
- 11.2. That the Planning Manager, Development Management 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: Existing and Proposed rear elevations – Extraction Ducting detail (Drawing Number: Rev: B) received by the Local Planning Authority on the 5 February 2018.

**Reason:** To ensure a satisfactory appearance and impact of the development to accord with Policies DM1, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD.

3. The maintenance schedule submitted on the 18 May 2016 under planning reference 15/01090/FUL shall be undertaken in accordance with these details. Maintenance shall be undertaken in line with the approved maintenance schedule unless an amendment has been agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the file is maintained so it does not become a source of annoyance for neighbours in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

4. A log of all maintenance undertaken in line with the manufacturer`s schedule referred to in Condition 3 of planning reference 15/01090/FUL shall be kept on site for inspection by the Local Planning Authority as required.

**Reason:** To ensure that the flue is maintained so it does not become a source of annoyance for neighbours in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

5. The fan on the external wall facing Chapel Lane, in the kitchen, shall not vent air to the outside and shall be used for air intake only.

**Reason:** To ensure that the extractor fan does not become a source of annoyance for neighbours in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

### 11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Education of all staff on how to use the full ventilation system is paramount in ensuring its success. All possible controls should be installed to limit operator error that may reduce efficiency of the system.

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Planning Committee 6 March 2018  
Report of the Planning Manager, Development Management

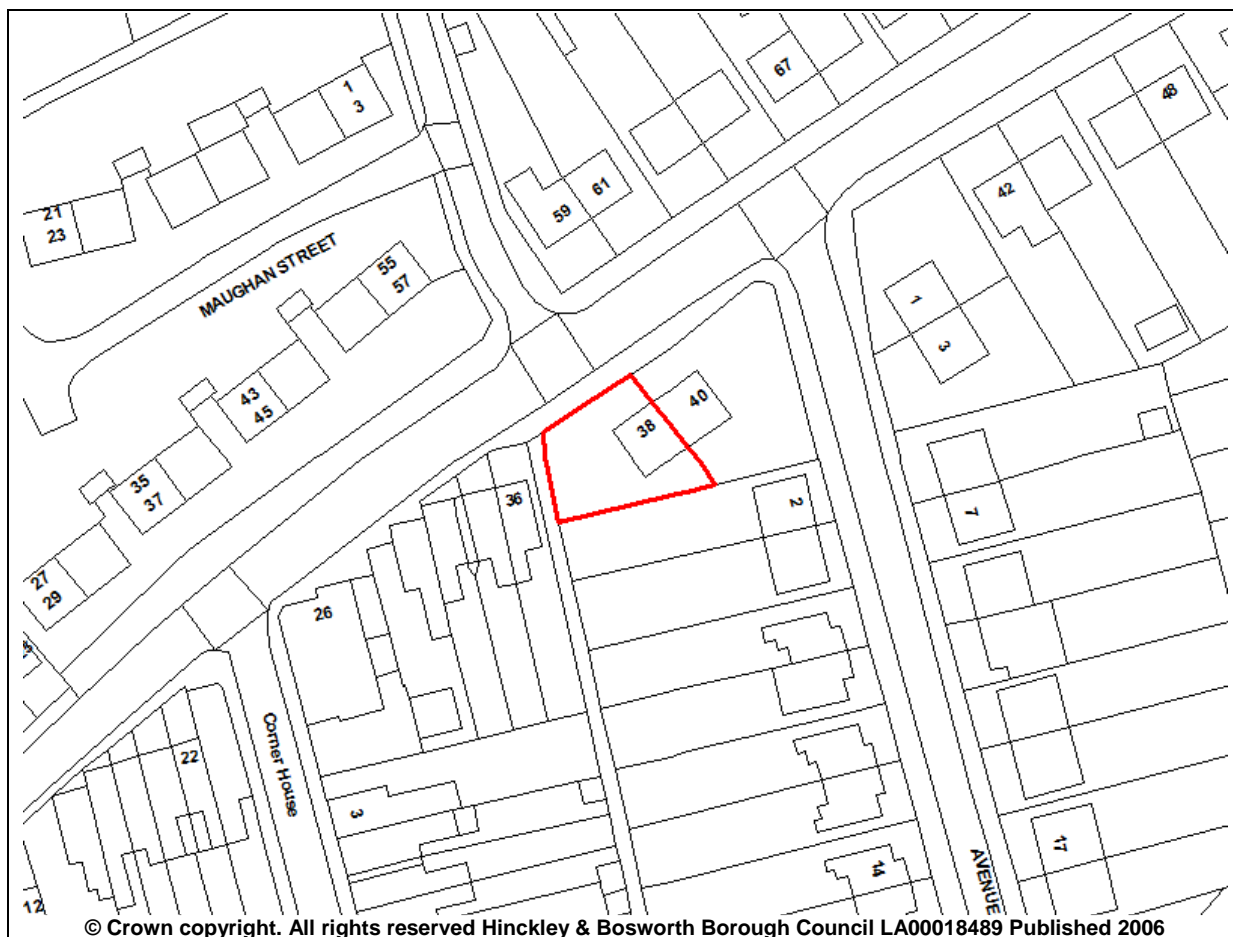
Planning Ref: 17/01292/FUL  
Applicant: Daniel Kitching  
Ward: Earl Shilton



Hinckley & Bosworth  
Borough Council

Site: 38 Almeys Lane Earl Shilton

Proposal: **Erection of one detached bungalow (resubmission of 17/00636/FUL)**



## 1. Recommendations

1.1. **Refuse planning permission** subject to the reasons at the end of this report.

## 2. Planning Application Description

2.1. This application seeks full planning permission for the erection of one detached bungalow on the land to the side of 38 Almeys Lane, Earl Shilton.

2.2. The proposed dwelling would measure approximately 7.02 metres by 5.77 metres and would comprise of a one bedroom detached property. Parking is proposed to the front of the new dwelling with a new vehicle access and associated parking space provided to the existing dwelling.

2.3. This application is a resubmission of a previously withdrawn application for a two storey building comprising two flats. The application was withdrawn following officer

concerns surrounding the impact the proposed development would have on the character of the area and the impact upon residential amenity.

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

- 3.1. The site comprises the existing side garden of no. 38 Almeys Lane, Earl Shilton which is currently fenced off from the road to the front with a 1.8 metre high fence. To the side of the site is a footpath.
- 3.2. No. 38 is an existing two storey semi-detached property with a large side garden located to the south west. The attached property to the north east, no. 40 also benefits from a large side garden which abuts the junction of Almeys Lane and Avenue South. Parking is currently available off street to the front of the site.

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

13/00389/OUT	Erection of two apartments (Outline - access only)	Permission	11.09.2013
17/00636/FUL	Two residential apartments	Withdrawn	13.12.2017

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Eight letters of support have been received from seven separate addresses raising the following points:
  - 1) Inline with the existing building line
  - 2) Design in keeping with the surrounding area
  - 3) Adequate parking provision
  - 4) Improved scale and size of development from previously withdrawn application
  - 5) A number of existing bungalows along Almeys Lane
  - 6) Improved visual appearance of the area
  - 7) Improved usage of the adjacent footpath
  - 8) Suitable access to local services
  - 9) Previously given outline planning application

### **6. Consultation**

- 6.1. No objection subject to conditions from LCC Public Rights of Way.
- 6.2. No objection subject to conditions from HBBC Waste.
- 6.3. No objection from HBBC Environmental Health.
- 6.4. Notes to applicant provided from HBBC Drainage.
- 6.5. Standing advice provided from LCC Highways.

### **7. Policy**

- 7.1. Earl Shilton and Barwell Area Action Plan (ES&BAAP) DPD (2014)
  - No relevant policies.
- 7.2. Core Strategy (2009)
  - Policy 2: Development in Earl Shilton
  - Policy 19: Green Space and Play Provision
- 7.3. Site Allocations and Development Management Policies DPD (2016)



- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

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

**8. Appraisal**

8.1. Key Issues

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

Assessment against strategic planning policies

8.2. The development plan consists of the adopted Core Strategy (2009), the adopted Earl Shilton and Barwell Area Action Plan DPD (2014) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).

8.3. Policy 2 of the adopted Core Strategy seeks to support development of a minimum of 10 new residential dwellings within the settlement boundary in addition to a sustainable urban extension (SUE) to provide 2,000 new homes. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development.

8.4. Notwithstanding that the minimum housing allocation for Earl Shilton within Policy 2 of the adopted Core Strategy has been exceeded, the application site is located within a sustainable urban location within the settlement boundary of Earl Shilton. The site has reasonable access to services and facilities in the town centre and is located where there is a general presumption in favour of residential development subject to all other matters being satisfactorily addressed. The proposal is therefore considered to be in accordance with adopted strategic planning policies.

Design and impact upon the character of the area

8.5. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.

8.6. The proposed dwelling would be sited to the side of the existing building between no. 36 and no. 38 Almey's Lane on the existing side garden associated with no. 38. The existing site is currently bordered off by an existing 1.8 metre high fence to the front of the site.

8.7. The existing property and the adjoining semi-detached property are identifiable in their style, scale and siting, with properties benefiting from a large side garden. No. 40, the adjoining semi-detached property is located on the junction of Avenue South and Almeys Lane. Located to the south west of the site are two storey terraced properties. The application site therefore provides the link between the open, two

storey semi-detached properties located to the north east and the narrow two storey terraced properties located to the south west. The removal of this open area would result in an incongruous and cramped development that would not be well integrated within the existing built form of the surrounding area.

- 8.8. There currently are no existing bungalows within the vicinity of the immediate area with the nearest bungalow at no. 52 Almeys Lane. The existing symmetry, layout and appearance between no. 38 and no. 40 would be interrupted by the proposed development. The development, by virtue of the size of the site, poor design and type of development would appear prominent within the street and would result in an overdevelopment of the plot.
- 8.9. The proposal also includes the subdivision of the rear garden of no. 38. It is considered that the amenity space provided to the existing dwelling and the new dwelling would be at odds with the pattern and grain of development in the vicinity of the area.
- 8.10. Comments have been raised regarding the previously granted outline planning permission for two residential apartments (ref. 13/00389/OUT). However this application was for outline – access only and as such, details of scale, appearance, landscaping and layout were not submitted for consideration. Given these details can be considered as part of this current application, it is considered that the site is of inadequate size to accommodate one new dwelling. Furthermore, the previous outline application has now lapsed and the SADMP has been adopted since the granting of the previous outline permission which is a material planning consideration in the determination of this application.
- 8.11. By virtue of the proposed layout, scale and design, the scheme would result in an uncharacteristic, incongruous and cramped development that would not be well integrated, would neither complement nor enhance the character of the surrounding area and would result in a loss of openness to the immediate setting and wider street scene. The proposal would therefore be contrary to Policy DM10 of the SADMP.

#### Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.13. Due to the single storey nature of the property, it is not considered that there would be any adverse overbearing impacts, loss of light or loss of privacy impacts upon the residential properties located either side of the new dwelling. No habitable windows are located on the side elevation of no. 38 that are to be impeded by the proposal or the boundary fencing.
- 8.14. Due to the orientation and siting of no. 38, it is not considered that there would be any adverse impacts upon the residential amenity of the occupiers of the proposed dwelling.
- 8.15. The proposal also includes the subdivision of the rear garden of no. 38. As a result, the proposal would provide approximately 50 square metres for the proposed dwelling and approximately 60 square metres for the existing dwelling. However, the 60 square metres includes land to the front of the site. As such, by virtue of the size of the plot it is considered that the resulting amenity area would be inadequate to serve the occupiers of the existing dwelling and the future occupiers of the proposed dwelling.

- 8.16. The development would therefore fail to provide sufficient private amenity space for existing and future occupiers which would be detrimental to their residential amenity and contrary to Policy DM10 of the SADMP.

Impact upon highway safety

- 8.17. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision.
- 8.18. The existing dwelling has provision for two off street parking spaces. New vehicular access is proposed to the front of no. 38 to allow parking for two spaces for the existing dwelling. No. 38 is a three bed property and therefore it is considered that two spaces is acceptable in accordance with Leicestershire County Council's 6c's guidance.
- 8.19. One suitably sized off street parking space is provided to the front of the new dwelling. Given that the proposal would provide a one bedroomed property and that it is located within an area close to services and public transport links, one parking space is considered acceptable in accordance with Leicestershire County Council's 6c's guidance.
- 8.20. Comments raised by LCC Public Rights of Way Officer state that appropriate mitigation should be made during construction to ensure safe usage of the footpath and should the application be recommended for approval then appropriate mitigation could be achieved by condition.
- 8.21. Standing advice only comments have been received from Leicestershire County Council Highways Department.
- 8.22. The proposed scheme would not result in any significant adverse impacts on highway safety and would therefore be acceptable in accordance with Policies DM17 and DM18 of the SADMP.

Infrastructure contributions

- 8.23. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.24. However, there are specific circumstances where contributions for tariff-style contributions (eg green space and children's play provision) should not be sought from small scale and self build development. This follows the order of the Court of Appeal dated 13<sup>th</sup> May 2016 which gave legal effect to the policy set out within the Written Ministerial Statement of 28<sup>th</sup> November 2014 and should be taken into account.
- 8.25. Those circumstances include developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area).
- 8.26. A contribution is not therefore sought in respect of this application towards green space and children's play provision.

Other Issues

- 8.27. Street Scene Services (Waste) do not object but recommend a condition to require the submission of waste and recycling storage facility details for approval together with an adequate collection point adjacent to the highway boundary. The proposed site layout indicates a bin storage area to the rear of the building and in terms of

collection from the highway, there is adequate highway frontage to the development to enable bins to be presented on collection days similar to neighbouring residential properties. Therefore a condition is not considered to be either reasonable or necessary in this case, if the application were to be recommended for approval.

## **9. Equality Implications**

9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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

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

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

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

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

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

## **10. Conclusion**

10.1. The proposed development would not result in any adverse impacts upon highway safety. However, by virtue of the small plot size, proposed layout, scale and design, the scheme would result in an uncharacteristic, incongruous and cramped development that would not be well integrated, would neither complement nor enhance the character of the surrounding area and would result in a loss of openness to the immediate setting and wider street scene. Furthermore the development would fail to provide adequate private amenity space which would be detrimental to the amenities of existing and future occupiers. The proposal is therefore contrary to Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document.

## **11. Recommendation**

11.1. **Refuse planning permission** subject to the reasons at the end of this report.

### **11.2. Reasons**

1. By virtue of the plot size, layout, scale and design, the scheme would result in an uncharacteristic, incongruous and cramped form of development that would not be well integrated within the existing street scene, would neither complement nor enhance the character of the surrounding area and would result in a loss of openness to the immediate setting and wider street scene of the surrounding area. The proposal is therefore contrary to Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document.

2. By virtue of the plot size, the scheme would result in the subdivision of the plot that would result in inadequate private amenity space to serve the occupiers of no. 38 Almeys Lane and the future occupiers of the proposed dwelling which would be detrimental to their residential amenity. The proposal is therefore contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

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

1. This application has been determined in accordance with the following submitted details:- Planning Application Form, Planning Statement, Parking Provision Statement, Design and Access Statement, Amendments Statement, Indication of Current Fence, Proposed Side Elevation, Proposed Rear Elevation, Proposed Landscaping – Front Elevation, Proposed Front Elevation, Proposed Floor Plan, Existing Side Elevation, Existing Rear Elevation, Existing Front Elevation, Existing Block Plan, Proposed Drainage Layout received by the Local Planning Authority on 13 December 2017; Certificates, Proposed Block Plan and Site Location Plan received by the Local Planning Authority on 18 December 2017.

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## PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 23.02.18

**WR - WRITTEN REPRESENTATIONS**

**IH - INFORMAL HEARING**

**PI - PUBLIC INQUIRY**

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
	CA	17/01213/HOU (PINS Ref 3196037)	WR	Mr B Sahota Surbrea Bradgate Hill Groby LE6 0FA	Surbrae Bradgate Hill Groby (Two storey side and rear extension ,single storey rear extension, erection of a porch and pitched roof over existing garage (re submission))	Appeal Valid Awaiting Start Date	19.02.18
	JB	17/00982/FUL	WR	Mr R Harrison R&W Harrison Builders Ltd 40 Farrier Lane Leicester	Holly Cottage 20 Rookery Lane Groby (Erection of one dwelling)	Awaiting Start Date	
18/00003/PP	RH	17/01025/FUL (PINS Ref 3194449)	WR	GPH Hinckley Road Development Ltd	Hinckley Sheds 65 Hinckley Road Burbage (Proposed residential development of 8 dwellings)	Start Date Statement of Case Final Comments	08.02.18 15.03.18 29.03.18
	AC	17/01204/HOU (PINS Ref 3194210)	WR	Mr and Mrs Pither Evergreen 101 Stapleton Lane Barwell LE9 8HE	Evergreen 101 Stapleton Lane Barwell (Raising of roof, loft conversion, rear extension and new porch (resubmission of 17/00605/HOU))	Appeal Valid Awaiting Start Date	23.01.18
	CB	17/00890/HOU (PINS Ref 3192937)	WR	Mr Richard Seabrook 25 Warwick Gardens Hinckley	25 Warwick Gardens Hinckley (Single storey side extension)	Appeal Valid Awaiting Start Date	08.01.18
	CA	10/00221/UNAUTH (PINS Ref 3192396)	IH	Mr F Hopkins The Bungalow Coalville DE12 7DQ	Land at Allotment Gardens Newtown Linford Lane Groby (Alterations to access)	Awaiting Start Date	
18/00002/PP	AC	17/01005/FUL (PINS Ref 3192408)	WR	Mr and Mrs Patel 2A Queen Street Barwell LE9 8EA	2A Queen Street Barwell (Rendering to all external elevations, alterations to openings and new rooflights to front and rear (retrospective))	Start Date <b>Statement of Case</b> Final Comments	22.01.18 26.02.18 12.03.18

	RWR	17/00115/FUL (PINS Ref 3189810)	IH	Mr K Saigal Centre Estates 99 Hinckley Road Leicester	Land Off Paddock Way Hinckley (Residential development of 55 dwellings, creation of a new access and associated works to include 72 on-site parking spaces)	Appeal Valid Awaiting Start Date	04.12.17
18/00004/FTPP	AC	17/00852/HOU (PINS Ref 3189344)	WR	Mr & Mrs C Elleman 20 Turner Drive Hinckley	20 Turner Drive Hinckley (Loft conversion with proposed rear dormer)	Start Date Awaiting Decision	19.02.18
17/00030/PP	HK	17/00531/OUT (PINS Ref 3188948)	PI	Gladman Developments Ltd Gladman House Alexandria Way Congleton Cheshire CW12 1LB	Land East Of The Common Barwell (Residential development of up to 185 dwellings (outline - access only))	Start Date Proof of Evidence Inquiry Date (8 days)	11.12.17 15.05.18 12.06.18
18/00001/FTTREE	CB	17/00930/TPO (PINS Ref 3187799)	WR	Mr Andrew Baxter 4 Market Mews Market Bosworth	4 Market Mews Market Bosworth (Removal of overhanging branches on western side of tree overhanging the garden of 4 Market Mews. This is further works to the permission granted and executed during winter 2016/17)	Start Date Awaiting Decision	04.01.18
17/00028/PP	RWR	17/00167/FUL (PINS Ref 3187222)	WR	Mr Jerzy Prusinski 5 Meadow Lane Stanton under Bardon	Land Meadow Lane Stanton Under Bardon Coalville (Erection of detached house and	Start Date Awaiting Decision	04.12.17
17/00027/PP	RWR	17/00169/FUL (PINS Ref 3186840)	WR	Mr Jerzy Prusinski 5 Meadow Lane Stanton under Bardon	Land Meadow Lane Stanton Under Bardon Coalville (Erection of detached house and detached double garage (Plot 3))	Start Date Awaiting Decision	04.12.17
17/00026/PP	RWR	17/00168/FUL (PINS Ref 3186837)	WR	Mr Jerzy Prusinski 5 Meadow Lane Stanton under Bardon	Land Meadow Lane Stanton Under Bardon Coalville (Erection of detached house and detached double garage (Plot 2))	Start Date Awaiting Decision	04.12.17
	CA	17/00048/S215S (PINS Ref 3185061)	WR	Mr Balbir Singh	Former Police Station Upper Bond Street Hinckley	Awaiting Start Date	



17/00018/TREE	JS	17/00259/TPO (PINS Ref 6192)	WR	Richard Jones Ground Floor Unit3 Millers Yard Roman Way Market Harborough LE16 7PW	Land Adjacent 2 Hangmans Lane Hinckley (Removal of group of crack willow trees)	Start Date Awaiting Decision	22.09.17
	TW	17/00607/FUL (PINS Ref 3184092)	WR	Mr Paul Flemans Nuneaton Car Sales 70 Hinckley Road Nuneaton CV11 6LS	Unit 18 Hinckley Business Park Brindley Road Hinckley (Change of use from storage and distribution (B8) to motor vehicles storage, restoration and sales (sui- generis) (Retrospective) (Resubmission of application 16/00765/COU))	Awaiting Start Date	
17/00029/PP	CA	17/00055/FUL (PINS Ref 3179549)	WR	Mr Daniel Cliff 223 Markfield Road Groby	223 Markfield Road Groby (Siting of a storage container)	Start Date Awaiting Decision	04.12.17

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**Decisions Received**

**Rolling 1 April 2017 - 23 February 2018**

17/00031/FTPP	CB	17/00870/HOU (PINS Ref 3188941)	WR	Mrs Lorna Beasley 32 Barton Road Barlestone	32 Barton Road Barlestone (Two storey rear extension and first floor front extension)	<b>ALLOWED</b>	<b>29.01.18</b>
17/00023/PP	RWR	17/00123/OUT (PINS Ref 3184407)	WR	Mr Phil Walker Groby Road Ratby LE6 0LJ	Land Rear Of 4 - 28 Markfield Road Ratby (Erection of four dwellings (Outline - access, layout and scale))	<b>DISMISSED</b>	<b>09.02.18</b>

**Planning Appeal Decisions**

No of Appeal Decisions	Officer Decision			Councillor Decision			Non Determination			
	Allowed	Dismissed	Split	Withdrawn	Allow	Spt	Dis	Allow	Spt	Dis
25	6	18	0	1	6	0	18	0	0	0

**Enforcement Appeal Decisions**

<b>No of Appeal Decisions</b>	<b>Allowed</b>	<b>Dismissed</b>	<b>Split</b>	<b>Withdrawn</b>
0	0	0	0	0