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

Date: 27 April 2018



**Hinckley & Bosworth
Borough Council**

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
Mrs MA Cook	Mrs H Smith
Mrs GAW Cope	Mrs MJ Surtees
Mr WJ Crooks	Miss DM Taylor
Mr MA Hall	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, 8 MAY 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

Fire Evacuation Procedures

Council Chamber (De Montfort Suite)

- On hearing the fire alarm, leave the building **at once** quickly and calmly by the nearest escape route (indicated by green signs).
- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
- Proceed to **Willowbank Road car park**, accessed from Rugby Road then Willowbank Road.
- **Do not** use the lifts.
- **Do not** stop to collect belongings.

Abusive or aggressive behaviour

We are aware that planning applications may be controversial and emotive for those affected by the decisions made by the committee. All persons present are reminded that the council will not tolerate abusive or aggressive behaviour towards staff, councillors or other visitors and anyone behaving inappropriately will be required to leave the meeting and the building.

Recording of meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, the press and public are permitted to film and report the proceedings of public meetings. If you wish to film the meeting or any part of it, please contact Democratic Services on 01455 255879 or email rebecca.owen@hinckley-bosworth.gov.uk to make arrangements so we can ensure you are seated in a suitable position.

Members of the public, members of the press and councillors are hereby informed that, in attending the meeting, you may be captured on film. If you have a particular problem with this, please contact us using the above contact details so we can discuss how we may accommodate you at the meeting.

PLANNING COMMITTEE - 8 MAY 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 10 April 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. 17/01050/OUT - HORNSEY RISE MEMORIAL HOME, BOSWORTH ROAD, WELLSBOROUGH (Pages 5 - 28)

Application for demolition of a care home building and erection of up to 20 dwellings including conversion of former chapel to dwelling and associated access, drainage and landscaping works (in part).

8. 17/00872/FUL - RATBY BURROUGHS, SOUTH BURROUGHS ROAD, RATBY (Pages 29 - 38)

Application for change of use for paintballing with ancillary buildings and structures (retrospective).

9. 18/00018/REM - LAND ST MARYS COURT, BARWELL (Pages 39 - 48)

Application for approval of reserved matters of outline planning permission 16/00966/OUT for residential development of eight dwellings.

10. 18/00187/HOU - 5 LANCASTER AVENUE, MARKET BOSWORTH (Pages 49 - 56)

Application for single storey extension to front and rear, detached garage and games room to rear.

11. 17/01330/FUL - 12 BIRCH CLOSE, EARL SHILTON (Pages 57 - 72)

Application for demolition of existing dwelling and erection of 16 dwellings with associated vehicular access, parking and landscaping.

12. 18/00316/HOU - 10 FAIRACRE ROAD, BARWELL (Pages 73 - 78)

Application for single storey side and rear extension.

13. PROPOSED VARIATION TO SECTION 106 AGREEMENT RELATING TO PLANNING APPLICATION 14/00596/OUT (Pages 79 - 82)
Report requesting a variation of a S106 agreement.
14. APPEALS PROGRESS (Pages 83 - 88)
To report on progress relating to various appeals.
15. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

10 APRIL 2018 AT 6.30 PM

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

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

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

417 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Cook, with the substitution of Councillor Morrell authorised in accordance with council procedure rule 10.

418 MINUTES

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

RESOLVED – the minutes of the meeting held on 6 March 2018 be confirmed and signed by the chairman.

419 DECLARATIONS OF INTEREST

No interests were declared at this stage.

420 DECISIONS DELEGATED AT PREVIOUS MEETING

Members were updated on matters delegated at the previous meeting.

421 17/00964/FUL - LAND SOUTH OF CRIMSON WAY, BURBAGE

Application for erection of 30 dwellings.

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

RESOLVED –

- (i) Permission be granted subject to:
 - a. The prior completion of a S106 agreement to secure the following obligations:
 - 100% affordable housing units
 - Education facilities contribution of £63,882.77
 - Health facilities contribution of £9,145.44
 - Public play and open space contribution of £46,171.44;
 - b. The conditions contained in the officer's report and late items;

- (ii) The Planning Manager (Development Management) be granted delegated powers to determine the final detail of planning conditions;
- (iii) The Planning Manager (Development Management) be granted delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

422 17/01050/OUT - HORNSEY RISE MEMORIAL HOME, BOSWORTH ROAD, WELLSBOROUGH

It was reported that this application had been withdrawn from the agenda.

423 17/01268/FUL - MEADOW BARN, SHENTON LANE, UPTON

Application for removal of two mobile homes and residential storage barn and erection of dwelling.

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

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

424 18/00018/REM - LAND ST MARYS COURT, BARWELL

It was reported that this application had been withdrawn from the agenda.

425 18/00178/CONDIT - KINGSCLIFFE, 48 BARTON ROAD, MARKET BOSWORTH

Application for variation of condition 2 of planning permission 17/00612/CONDIT for an additional attached garage to the front, re-site of the house and an amended site layout.

It was moved by Councillor Sutton, seconded by Councillor Surtees 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 the planning conditions.

Councillor Ladkin left the meeting at 7.35pm.

426 18/00038/HOU - 15 DENIS ROAD, BURBAGE

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).

Following an indication of 'minded to refuse' at the previous meeting, consideration was given to this application in accordance with paragraph 2.12 of the procedure rules.

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

RESOLVED – permission be refused due to the proposed development being out of keeping with the character of the area and contrary to DM10 of the Site Allocations Development Management Policy document 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.

427 APPEALS PROGRESS

Members were updated on progress in relation to appeals.

(The Meeting closed at 7.40 pm)

CHAIRMAN

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Planning Committee 8 May 2018
Report of the Planning Manager, Development Management

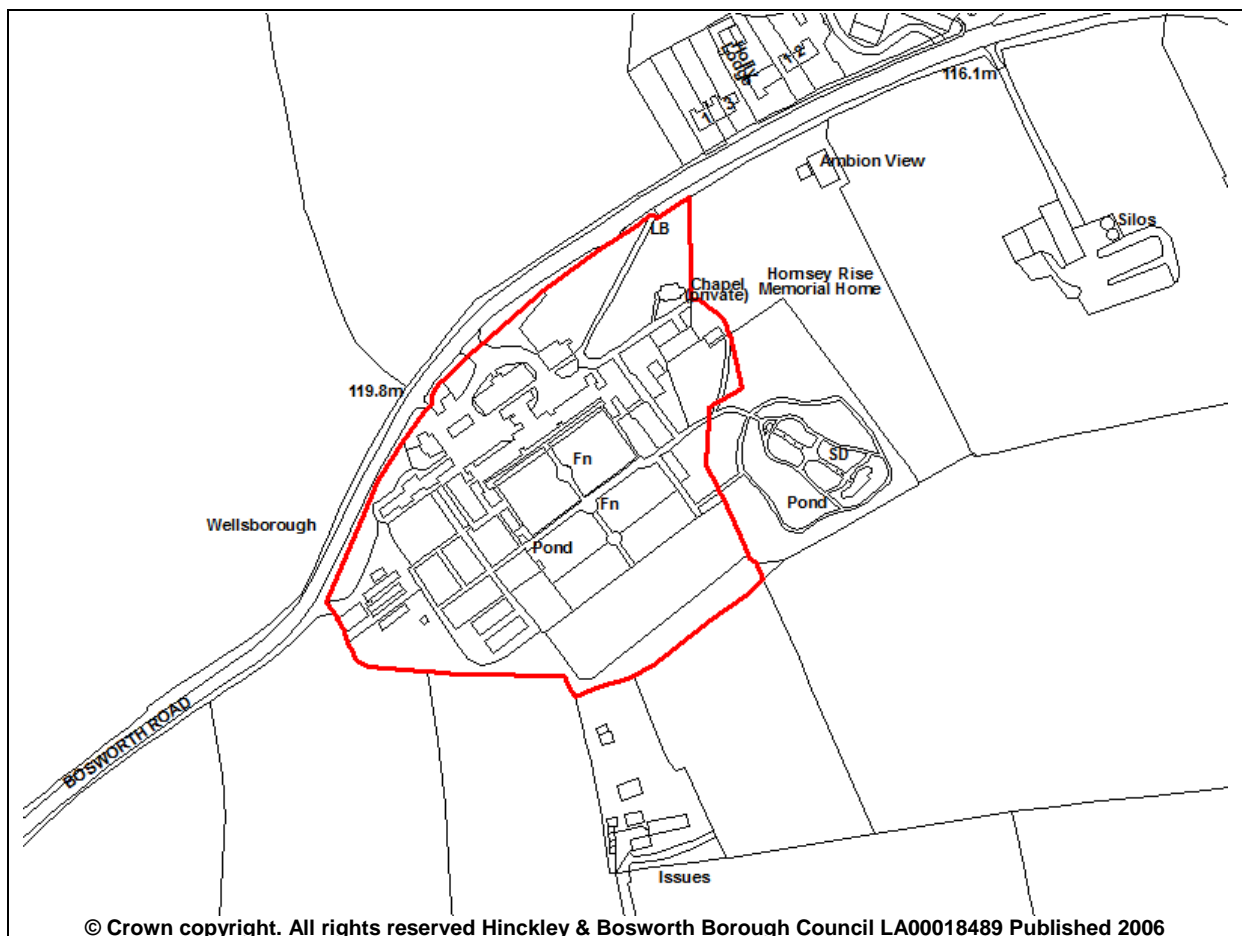
Planning Ref: 17/01050/OUT
Applicant: Mr A Burr
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Hornsey Rise Memorial Home Bosworth Road Wellsborough

Proposal: Demolition of care home building and erection of up to 20 dwellings including conversion of former chapel to dwelling and associated access, drainage and landscaping works (in part)



1. Recommendations

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

- The prior completion of a S106 agreement to secure the following obligations:
 - A commuted sum of £279,100.00 for off-site affordable housing provision in lieu of 40% on-site provision
 - Education facilities contribution of £130,538.02
 - Health facilities contribution of £5,512.32
 - Permanent future management and maintenance of the woodland and natural landscaping buffer (estimated cost £110,000.00)
- 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 application seeks outline planning permission for the demolition of a now derelict former care home and associated buildings and the redevelopment of the site for up to 20 new dwellings including the conversion of the former chapel to a dwelling. The application seeks the approval of access and landscaping (in part) at this stage with layout, scale, appearance and detailed landscaping being reserved matters for approval at a later date.
- 2.2. The amended parameter plan indicates that redevelopment would retain and maintain the existing woodland to the east/south boundary of the site, retain and maintain a natural landscaping buffer of between 25 – 38 metres around the south/west boundaries of the site and retain and reinforce the existing trees and hedgerows on the north (Bosworth Road) boundary. The area proposed for redevelopment would therefore be restricted to the central areas of the site and predominantly areas including the footprint of existing and demolished buildings, hardstanding and the formal terraced gardens associated with the care home (approximately 1.62 hectares). The amended parameter plan also provides a further restriction to any built form/hardstanding with a maximum height of buildings limited to 10 metres and a restriction for cultivated landscaping (residential curtilage).
- 2.3. The proposal includes the relocation of the vehicular access to the development approximately 15 metres to the east of the existing access and trimming of vegetation to improve visibility. The access road is also intended to be constructed to an adoptable standard to enable access for refuse and recycling vehicles etc. The proposal includes the reinstatement of an existing 2 metre wide pedestrian access from the site to Bosworth Road and access to the memorial stone which would be refurbished and relocated. The pedestrian access would link to the existing pedestrian footway within the highway on the north side of Bosworth Road which it is proposed to improve by the trimming of hedgerow and removal of detritus to provide a minimum width of 1.2 metres and the provision of dropped kerbs with tactile paving.
- 2.4. Amended plans have been submitted during the course of the application to reduce the number (from 27) and mix of dwellings proposed (removal of 3 storey apartment block). Re-consultation has been undertaken.
- 2.5. The following technical documents have been submitted to support the application:-
 - Design and Access Statement
 - Planning Statement
 - Transport Statement
 - Flood Risk Assessment
 - Sustainable Drainage Maintenance and Management Plan
 - Archaeological Desk-Based Assessment
 - Landscape and Visual Impact Assessment
 - Arboricultural Assessment/Tree Survey
 - Extended Phase I Ecological Survey
 - Internal/External Bat Survey
 - Dawn/Dusk Emergent Bat Surveys
 - Badger Survey
 - Great Crested Newt Habitat Suitability Survey

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 2.5 hectares with an additional 0.7 hectares of woodland. It is located in the countryside in an undesignated rural hamlet known as Wellsborough which comprises a small row of dwellings, a private school and other sporadic dwellings, farms and agricultural buildings. The site lies approximately 1.5 kilometres north of Sibson, 4 kilometres west of Market Bosworth and 7 kilometres north east of the market town of Atherstone.
- 3.2. The care home site comprises a derelict and partially demolished former care home and associated outbuildings (which included staff accommodation, chapel, theatre, laundry, boiler house, summer house, glasshouses etc.), the remnants of formal terraced gardens and areas of natural landscaping and woodland providing significant tree cover. The buildings and associated hardstanding are located towards the northern part of the site which is relatively flat with the formal terraced gardens and grounds falling towards the south. The main building was constructed of 2½ and 2 storey sections with outbuildings being predominantly single storey in height. A war memorial and remembrance garden is located within the woodland area. Access is directly onto Bosworth Road to the north. The current access has poor visibility in both directions.
- 3.3. The care home closed in 2012 and has remained unoccupied. As a result the site has been subject to frequent vandalism, arson and antisocial behaviour and the buildings are now predominantly derelict and the gardens in very poor condition.

4. Relevant Planning History

16/00304/SCOPE	Demolition of former care home, erection of 14 dwellings and 12 apartments and conversion of former chapel to one dwelling	Scoping Opinion Issued	19.04.2016
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5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Responses have been received from nine separate addresses raising the following objections and concerns:-
- 1) Development not sustainable, no local services or facilities
 - 2) Development of this rural site would be a blight on the landscape and visible from a distance on this hill top location
 - 3) A proportionate and sympathetic development on this rural site would be welcomed to remove antisocial behaviour, nuisance and disturbance to Wellsborough residents, however, too many dwellings are being proposed on the site given how much of it is Brownfield and none should exceed two storeys in height
 - 4) Highway safety – the access is located on a blind bend and crest of a hill, access use has been minimal for many years and was nowhere near that suggested in the submitted Transport Statement, The number of dwellings proposed would result in significantly more traffic movements to and from an access in a dangerous position on Bosworth Road that lacks adequate and safe visibility on a rural road that is subject to high speed traffic. Moving the access point would not diminish the danger and traffic calming measures should be provided

- 5) Inadequate utilities infrastructure capacity to serve additional dwellings (water supply, electricity, sewage disposal), loss of water supply and low pressure on old fragile pipes
- 6) Contamination (asbestos) needs to be professionally investigated and remediated prior to any construction
- 7) Potential flooding on Tinsel Lane and impact on existing cess pit
- 8) Construction of new dwellings could threaten the viability of a nearby composting facility and result in the loss of jobs and waste management facilities contrary to Leicestershire County Council's Minerals and Waste Local Plan (2013) (Safeguarding Waste Management Facilities)
- 9) No trees should be removed as part of the proposal and perimeter hedge and trees should be retained to protect wildlife habitat
- 10) Public access to the Memorial Gardens/Memorial Stone would be welcomed.

6. Consultation

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

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

- 6.2. Leicestershire Fire and Rescue Service refer to standing advice.

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

- 1) Director of Children and Family Services requests a total contribution of £130,538.02 towards education facilities to mitigate capacity issues resulting from the proposed development (Primary School Sector: £58,075.25; Secondary School Sector: £59,706.41; Post 16 Sector: £12,756.41).
- 2) Library Services (Locality Manager – North) requests a contribution of £600.00 towards library facilities to mitigate additional demands on local library facilities as a result of the proposed development.
- 3) Director of Environment and Transport considers that the demands of the residents of the proposed development could be met within current Barwell civic amenity site thresholds therefore no contribution is requested on this occasion.

- 6.4. NHS England requests a contribution of £5,512.32 towards the improvement of local health care facilities to mitigate additional demands on the local surgery as a result of the proposed development.

- 6.5. Sheepy Parish Council recognises that the site needs to be developed in some manner to remove the eyesore that the site has become and the antisocial behaviour that the site causes to local residents. However, any development must be sympathetic to the rural nature of the site. The policies within the Sheepy Neighbourhood Plan (Pre-submission consultation draft) should be considered for this development. On behalf of the local community/residents the Parish Council raise objections on the following grounds:-

- 1) The size and scope of development. Too many dwellings are proposed and apartments are inappropriate for this rural site where there are no local

facilities. Between 7 and 15 dwellings would be more appropriate and none over two storeys in height

- 2) Access to and from the site. The access is located on a blind bend from both directions on a fast rural road. The proposed repositioning of the access will not improve sight lines significantly and retain a dangerous exit at an increased trip rate. The submitted Transport Statement is misleading in respect that the previous use of the site resulted is nowhere near the number of notional traffic movements quoted. If the application is to be approved, the speed limit should be reduced to a maximum of 40mph and other speed reduction solutions to improve the safety of vehicles using the access should be considered
- 3) Poor state of current utilities supply and outlets, particularly water supply, foul drainage and electricity services which already suffer from failure and will be unable to cope with any increase in capacity requirement from the proposed development
- 4) The polluted site has not been cleaned up or made safe. A comprehensive asbestos survey should be undertaken by a specialist company and appropriate safe removal of such materials carried out prior to any new construction taking place
- 5) Public access should be retained to the historical war memorial located within the site.

6.6. No responses have been received at the time of writing this report from:-

Severn Trent Water Limited
Leicestershire Police
Cycling UK
Arboricultural Officer

7. Policy

7.1. Core Strategy (2009)

- 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 (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon 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 DM9: Safeguarding Natural and Semi-Natural Open Spaces
- 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 DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

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

- Community Infrastructure Levy (CIL) Regulations (2010)
- 7.4. Other relevant guidance
- Affordable Housing SPD (2008)
 - Landscape Character Assessment (2017)
 - Landscape Sensitivity Study (2017)
 - Sheepy Neighbourhood Plan (SNP) 2017 (Pre-submission consultation draft)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Previously developed land
- Impact upon the character of the site and surrounding landscape
- Sustainable design
- Impact upon highway safety
- Impact upon archaeology
- Impact upon neighbouring and future residential amenity
- Biodiversity
- Drainage
- Contamination
- Affordable housing
- Infrastructure contributions
- Other material considerations

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. 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 of the NPPF states that the NPPF is a material consideration in determining applications.
- 8.3. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009), and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP). The site also lies within the emerging Sheepy Neighbourhood Plan area. However, this 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.
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Wellsborough is not identified as a designated rural hamlet within the adopted Core Strategy or the SADMP and by virtue of its countryside location and low level of sustainability for additional development has no site allocations. The location of the site is clearly remote from any everyday services and facilities, a point raised by objectors during the consultation process.
- 8.5. The HBBC 'Briefing Note August 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.

- 8.6. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that is in accordance with policies in the development plan.
- 8.7. Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside subject to meeting a number of other criteria. Forms of development that the policy may consider to be sustainable in the countryside include the change of use, re-use or extension of existing buildings but do not include new residential development unless it is for essential rural worker accommodation. Therefore, other than the proposed conversion of the former chapel, which comprises only a minor part of the overall development, the proposal is in conflict with this strategic policy of the adopted development plan.
- 8.8. Policy DM15 of the adopted SADMP also provides support for the re-use and/or adaptation of rural buildings outside of settlement boundaries subject to satisfying a number of other criteria and where development would result in an enhancement of the immediate setting. However, as the majority of the development involves demolition and new build dwellings, the policy has limited relevance to the overall proposal.
- 8.9. Policy S13 of the emerging Sheepy Neighbourhood Plan (SNP) seeks to allocate approximately 0.5 hectares of the site (predominantly the brownfield area covered by existing buildings and hardstanding) for around 20 dwellings and restoration of the chapel subject to satisfying a number of other criteria. Whilst the amended scheme has been reduced to a compatible number of units and includes the conversion of the chapel, the amended parameter plan submitted still exceeds the area that the plan seeks to allocate.
- 8.10. Whilst new residential development is not a form of development in the countryside that is supported by Policy DM4 of the adopted SADMP, the NPPF requires assessment of all other material planning considerations in the determination of planning applications.

Previously developed land

- 8.11. The Planning Statement submitted to support the application identifies that the NPPF in paragraph 17 seeks to *'encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value'*. The statement also identifies that Government support for using previously developed land for homes has been emphasised in the consultation document to proposed changes to the NPPF (December 2015) where states that *'substantial weight should be given to the benefits of using brownfield land for housing'* and that *'development proposals for housing on brownfield sites should be supported, unless overriding conflicts within the Local Plan or the NPPF can be demonstrated and not mitigated'*.
- 8.12. The glossary in Annex 2 of the NPPF defines previously developed land as; *'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that all of the curtilage should be developed) and any associated fixed surface infrastructure'* but excludes *'land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time'*.

- 8.13. It is clear that not all of the application site could be defined as being occupied by permanent structures or fixed surface infrastructure. Those parts are limited predominantly towards the northern parts of the site and identified in the emerging Sheepy Neighbourhood Plan. The amended parameter plan seeks to include not only those areas but also the area occupied by the formal terraced gardens within the proposed developable area (including any residential curtilages) which included hard surfaced paths and enclosure wall. The proposed developable area does however exclude an area occupied by buildings at the western edge of the site to ensure a wider natural landscaped buffer can be provided to enhance the screening of the development from Bosworth Road.
- 8.14. Sheepy Parish Council and other public consultation responses acknowledge that some form of development of the site is necessary to address the significant antisocial behaviour and nuisance issues that the site attracts and to improve the overall appearance of the site and its immediate setting which has become an eyesore.
- 8.15. The current amended proposal would provide an opportunity to make more efficient use of this rundown site in line with government emphasis, remove the ongoing antisocial behaviour from the site and significantly enhance the visual appearance of the site and its long term management and maintenance. These planning merits provide significant weight in favour of the proposal subject to all other planning matters being satisfactorily addressed.

Impact upon the character of the site and surrounding landscape

- 8.16. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside and requires that development does not undermine the physical or perceived separation and open character between settlements or create or exacerbate ribbon development.
- 8.17. The Council's recently published Landscape Character Assessment (LCA) (2017) identifies the site as being located within character area 'G: Sence Lowlands'. This area is identified as being unique from other areas of the Borough, highlighted for its rural tranquillity and dispersed settlement pattern of small historic villages. The LCA requires new development to complement the existing context of development in relation to scale and form.
- 8.18. Objections have been received on the grounds that the scale of development proposed would not be in keeping with the rural character of the site, would be visible from distance by virtue of its hill top location and would have a detrimental impact on the landscape.
- 8.19. The site is located in a relatively isolated rural location characterised by arable open fields, clusters of woodland and sporadic farm buildings. The site itself benefits from mature woodland, trees and hedgerow surrounding the perimeter of the site which currently provide significant enclosure of the site in both landscape and visual impacts terms.
- 8.20. The application is supported by a Landscape and Visual Impact Assessment. This examines the character of the site and surrounding landscape and the scale and nature of the proposed development. The assessment concludes that by virtue of the former residential type use and large scale of the existing 2/2½ storey buildings on the site and the retention and conservation of the woodland and a natural landscaped buffer around the developable area, the proposal would not have a harmful or significant adverse effect on the landscape character of the surrounding countryside or undermine the physical or perceived separation between settlements.

- 8.21. Demolition of the existing derelict buildings, removal of demolition rubble and some form of redevelopment of the site which includes future management and maintenance of the woodland and a natural perimeter landscaping buffer would clearly enhance the current derelict character and rundown appearance of the site and address the significant antisocial behaviour issues arising from its current condition.
- 8.22. The amended parameter plan has reduced the number of units originally proposed from 27 to 20, restricts the proposed developable area of the site to the more central areas of buildings, hardstanding and formalised terraced gardens, further restricts the spatial extent of built form and hardstanding and restricts the scale of built form to a maximum height of 10 metres.
- 8.23. As a result of these proposed development parameter restrictions and retention and maintenance of the perimeter landscaping, it is considered that the amended scheme would not result in any significant adverse visual impacts on the character or appearance of the surrounding landscape, would result in the removal of derelict buildings and rubble which currently detracts from the visual amenity of the site and would significantly enhance the immediate setting of the site. The proposal would therefore have limited conflict with the additional criteria of Policy DM4 of the SADMP.

Sustainable design

- 8.24. 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. Policy 16 of the adopted Core Strategy seeks a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and at a minimum density of 30 dwellings per hectare in rural areas unless site characteristics justify a lower density. Policy DM2 of the adopted SADMP seeks to reduce environmental impact through carbon reduction measures and through appropriately designed and sited renewable energy and low carbon developments.
- 8.25. Notwithstanding the rural location of the site remote from services and facilities and that final layout, design and housing mix is to be considered at the reserved matters stage, the Planning Statement submitted to support the application states that *'in the interests of promoting and delivering the most sustainable form of development the following design/build standards and technologies are proposed:*
- *At least 50% of the dwellings proposed will achieve Lifetime Homes Standard*
 - *Have electric car charging points*
 - *Have rainwater harvesting facilities*
 - *Will feature sustainable power generation technologies wherever possible'*
- 8.26. The Planning Statement also states that to achieve these aspirations, the applicant positively promotes that each reserved matters application will be accompanied by a Sustainability and Energy Statement thus demonstrating the minimum design standard each unit can achieve in satisfying the requirements of Policy DM2 of the adopted SADMP.
- 8.27. Planning conditions can be imposed to control the future layout, housing mix, scale, design and appearance of the scheme and its sustainable design credentials in accordance with Policy 16 of the adopted Core Strategy and Policies DM10 and DM2 of the adopted SADMP.

Impact on highway safety

- 8.28. Policy DM17 of the adopted SADMP supports development that would seek to maximise the use of sustainable transport modes to access services and facilities, be located where the need to travel can be minimised and would not result in any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision.
- 8.29. Objections have been received from Sheepy Parish Council and other public consultation responses on highway safety grounds. Objectors consider that:-
- the access is located on a blind bend and crest of a hill and lacks adequate and safe visibility on a rural road that is subject to high speed traffic
 - access use has been minimal for many years and has been nowhere near that suggested in the submitted Transport Statement, the number of dwellings proposed would result in significantly more traffic movements to and from the access
 - the proposed relocation of the access would not diminish the danger and additional traffic calming measures should be provided.
- 8.30. A Transport Statement has been submitted to support the application. This suggests that: the review of personal injury collision data does not highlight any existing safety issues that would need to be mitigated; the relocation of the access to the new position proposed would enable improvements to visibility over the current situation; the review of historic/proposed site uses demonstrates that there would be no significant traffic impacts from the proposed scheme and therefore concludes that the proposed development would have no material adverse impact on the safety or operation of the highway network.
- 8.31. Leicestershire County Council (Highways) has assessed the application and supporting documents and has concluded that the traffic that is likely to be generated from the proposed scheme (for 20 dwellings) will not have any more impact on the highway network than the existing/extant use of the former care home and therefore that the residual cumulative impacts of development are not considered severe.
- 8.32. Additional plans have been submitted providing visibility, width and radii details of the proposed new/relocated access junction with Bosworth Road and large refuse vehicle tracking information.
- 8.33. The proposed new/relocated access would be 15 metres further to the east of the existing access. It would have a proposed width of 5 metres, radii of 6 metres and visibility splays of 2.4 metres x 97 metres to the south west and 2.4 metres x 140 metres to the north east (albeit with an Oak tree within the splay within the highway verge). The Highway Authority would prefer the access to be moved even further to the east to improve visibility further. However, given the existing/previous legal use of the existing site access and proposed improvement to the current situation, the Highway Authority considers that the new/relocated access is sufficient in terms of location, width, radii and visibility to serve the proposed development. Further movement of the access to the east would impact on existing boundary trees within the site.
- 8.34. In respect of the internal layout, an amended plan has been submitted that confirms the developers intention for the new/relocated access road to be built to an adoptable standard and allow large refuse vehicles to enter, park and turn within the site and this is also acceptable in terms of highway safety to the Highway Authority. Given the remote nature of the site and reliance on private car for most trips,

parking within the site will need to be in accordance with adopted highway design guidance but this is to be considered at the reserved matters/detailed layout stage.

- 8.35. An additional plan has been submitted providing details for proposed pedestrian access and improvements to an existing crossing point and the existing pedestrian footway on the north side of Bosworth Road.
- 8.36. The existing pedestrian pathway within the site would be reinstated to a width of 2 metres and would remain un-adopted. The proposed scheme includes improvements to the existing crossing point from the site and the existing pedestrian footway on the north side of Bosworth Road with dropped kerb and tactile paving and the cutting back of vegetation and clearance of detritus to provide a footway width of approximately 1.2 to 1.5 metres.
- 8.37. The Highway Authority is aware that there are constraints to the available width of the existing pedestrian footway on the north side of Bosworth Road but include a condition to require the maximum possible width to be provided to enable its use by pedestrians with pushchairs or wheelchair users. The Highway Authority also recommend conditions relating to the provision of the access arrangements as proposed prior to occupation, closure of any existing access points within a reasonable time period, control of site drainage and a construction traffic management plan. The conditions are considered to be reasonable and necessary to ensure satisfactory development of the site in terms of highway safety.
- 8.38. Notwithstanding the objections received, the proposed scheme is not considered to result in any significant adverse impacts on the highway network and would provide satisfactory access to the site. The proposed scheme is therefore acceptable and in accordance with Policy DM17 of the adopted SADMP.

Impact upon archaeology

- 8.39. Policies DM11 and DM13 of the adopted SADMP state that where a proposal has the potential to impact a site of archaeological interest, developers will be required to provide appropriate desk-based assessment and, where applicable, field evaluation detailing the significance of any affected asset. Where preservation of archaeological remains in situ is not feasible and/or justified the local planning authority will require full archaeological investigation and recording by an approved archaeological organisation before development commences.
- 8.40. Paragraph 128 of the NPPF states that where a site has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit appropriate desk-based assessment and field evaluation. Paragraph 141 of the NPPF requires developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and the impact and to make this evidence publically accessible.
- 8.41. An Archaeological Desk-Based Assessment has been submitted to support the application which concludes that the site has low archaeological potential due to the construction of the buildings, terraces and other landscaping within the site. However, Leicestershire County Council (Archaeology) considers that below-ground remains could survive within areas where less ground disturbance has taken place. The development proposals include works (e.g. foundations, services, road construction, water attenuation, landscaping) likely to impact upon archaeological remains.
- 8.42. To ensure that any archaeological remains present are dealt with appropriately the applicant should provide for an appropriate level of archaeological investigation and recording. This should consist of a programme of archaeological work to be

conducted prior to commencement of the proposed groundworks associated with the development. It should commence with an archaeological trial trench investigation of the development area; if archaeological remains are present and will be impacted by the development, a further stage of investigation will be necessary. The nature and extent of any subsequent mitigation will be informed by the results of the initial trenching. A contingency provision for recording and excavation of archaeological remains of greater extent, complexity or significance than currently envisaged should also be made.

- 8.43. It is therefore recommended that any planning permission should be subject to a number of planning conditions to safeguard any important archaeological remains potentially present in accordance with Policies DM11 and DM13 of the adopted SADMP and section 12 of the NPPF.

Impact upon neighbouring and future residential amenity

- 8.44. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the future occupiers of proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.45. There are no existing dwellings immediately adjacent to the site and by virtue of separation distances and boundary landscaping the proposed scheme would not result in any significant adverse impacts on residential amenity of any neighbouring properties.
- 8.46. An objection to the proposal has been received on the grounds that the construction and occupation of new dwellings on the site could threaten the viability of a nearby composting facility (Caton Recycling Limited) and result in the loss of jobs and waste management facilities contrary to Leicestershire County Council's Minerals and Waste Local Plan (2013) (Safeguarding Waste Management Facilities).
- 8.47. The composting site boundary is located approximately 1.2 kilometres to the south of the boundary of the application site. Leicestershire County Council (Waste) has assessed the application and advise that the Borough Council should be confident that if the composting materials at the recycling site are turned whilst the wind is blowing due north towards this proposed development that the amenity of the new occupiers would not be harmed and that the current and future operations at Glebe Farm are not prejudiced. There is not a prescribed affecting distance between a waste composting facility and residential properties.
- 8.48. Environmental Health (Pollution) has assessed the proposal and considers that by virtue of the separation distance of 1200 metres, the future occupiers of the scheme are unlikely to be adversely affected to any significant degree by the operation of the existing composting site.
- 8.49. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP in respect of residential amenity.

Biodiversity

- 8.50. Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features.
- 8.51. Objectors to the scheme have commented that no trees should be removed as part of the proposal, that perimeter hedgerow and trees should be retained to protect wildlife habitat and that future management and maintenance responsibilities for the retained woodland and natural buffers needs to be secured.

- 8.52. An Extended Phase 1 Ecological Survey, Arboricultural Assessment/Tree Survey, Bat Surveys (including Emergence Surveys), Badger Survey and Great Crested Newt Habitat Suitability Surveys have been submitted to support the application.
- 8.53. The submitted Extended Phase 1 Ecological Survey concludes that the proposed construction zones are of low to moderate ecological value but recommends further surveys and reports including a woodland management plan, tree survey and specific additional protected species surveys be undertaken in order to fully determine the presence of any protected species and development implications on those species. The report also recommends biodiversity enhancement, mitigation and protection measures that could be incorporated into the development.
- 8.54. The Arboricultural Assessment considers that it should be possible to retain a vast majority of the most important category A and B trees within the site subject to future layout considerations and satisfactory protection during any construction phase. This could be controlled by suitably worded conditions.
- 8.55. The future long term management and maintenance of the retained woodland and natural buffers can be secured through the completion of a suitable section 106 legal agreement and the submission for prior approval of a suitable landscape management plan and maintenance schedule. The submitted Viability Assessment includes a sum (estimated at £110,000.00) for these purposes.
- 8.56. Leicestershire County Council (Ecology) has assessed the ecological and protected species surveys/reports submitted and raises no objection to the scheme subject to a number of conditions to ensure the protection and enhancement of the biodiversity value of the site and to ensure that no protected species would be adversely affected by the proposed development. Such conditions are reasonable and necessary to make the proposal acceptable in planning terms and to accord with Policy DM6 of the adopted SADMP.

Drainage

- 8.57. Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding by being located away from areas of flood risk unless adequate mitigation is provided in accordance with National Policy.
- 8.58. Objections to the scheme have been received on the grounds that there is inadequate utilities infrastructure capacity, particularly water supply, foul drainage and electricity services which already suffer from failure and will be unable to cope with any increase in capacity requirement from the proposed development. Concerns have also been raised in respect of run-off from the development exacerbating flooding on Tinsel Lane and potential back-fill of an existing cess pit.
- 8.59. A Flood Risk Assessment and Sustainable Drainage Maintenance and Management Plan have been submitted to support the application. Leicestershire County Council (Drainage) and Environmental Health (Drainage) have assessed the submitted information and both consider that additional information of any proposed sustainable drainage system is required.
- 8.60. The imposition of conditions requiring the submission of additional surface water drainage details, details of the management of surface water during construction and long term maintenance of the sustainable surface water drainage system for prior approval would therefore be reasonable and necessary in this case to ensure no adverse impacts from flooding in accordance with Policy DM7 of the adopted SADMP. The satisfactory disposal of foul drainage would be subject to separate Building Regulations approval.

Contamination

- 8.61. 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.
- 8.62. Objections have been received on the grounds that the site has been polluted and has not been cleaned up or made safe. Objectors consider that a comprehensive asbestos survey should be undertaken by a specialist company and appropriate safe removal of such materials carried out prior to any new construction taking place.
- 8.63. The Environmental Health (Pollution) team has assessed the application and by virtue of the potential for past use to have resulted in land contamination, including asbestos contamination, the imposition of conditions are recommended for the prior investigation of any potential land contamination and the implementation of any necessary remediation works. Subject to such appropriate investigation and remediation the proposal would ensure safe development of the site and be in accordance with Policy DM7 of the adopted SADMP in this respect.

Affordable Housing

- 8.64. Policy 15 of the adopted Core Strategy seeks contributions towards affordable housing in rural areas on sites of four dwellings or more or sites of 0.13 hectares or more. Of these, 75% should be for social rent and 25% for intermediate housing.
- 8.65. The amended scheme for up to 20 dwellings would therefore result in a policy requirement for 8 affordable housing units on the site, 6 for social rent and 2 for intermediate housing. The Housing Strategy and Enabling Officer considers that by virtue of the isolated position of the site and lack of nearby services, facilities or public transport links, the application site would not be a favourable location for affordable housing. For this reason it is considered that, in this instance, a commuted sum should be paid by the developer towards the provision of affordable housing in a more sustainable location and in accordance with the commuted sum calculation in the adopted Affordable Housing Supplementary Planning Document.
- 8.66. The applicant has submitted an assessment of the viability of the scheme to deliver affordable housing, infrastructure contributions and long term future woodland management and maintenance. The Viability Assessment concludes that the proposed scheme could provide a commuted sum of £279,100.00 for off-site affordable housing in lieu of 40% on-site affordable housing provision.
- 8.67. The Viability Assessment has been sent to a viability consultant for independent appraisal. The outcome of the appraisal will be reported as a late item to this agenda.
- 8.68. Subject to payment of a reasonable commuted sum, which can be secured by the completion of a suitable legal agreement, the scheme would be in accordance with Policy 15 of the adopted Core Strategy.

Infrastructure contributions

- 8.69. 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.
- 8.70. The request for any planning obligations (infrastructure contributions) must be considered against the requirements set out within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require 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.

- 8.71. As a result of public consultation the following infrastructure contributions have been identified:

1) Education

- 8.72. The Director of Children and Family Services requests a total contribution of £130,538.02 towards education facilities in Market Bosworth (Primary School Sector: £58,075.25 and Secondary School Sector: £59,706.41) and Earl Shilton (Post – 16 School Sector: £12,756.41) to mitigate the impact of additional users from the development on the capacity of these facilities where deficits have been identified. No contributions are requested for the Special Schools Sector.

2) Health care facilities

- 8.73. NHS England requests a contribution of £5,512.32 towards the improvement of local health care facilities to mitigate additional demands on the local surgery in Market Bosworth as a result of the proposed development. The contribution has been identified for improvements to the Dispensary at the surgery.

3) Civic Amenity facilities

- 8.74. The Director of Environment and Transport considers that the civic amenity site at Barwell will be able to meet the additional demands of the proposed development and therefore no contribution is required on this occasion.

4) Library facilities

- 8.75. The Library Services – Locality Manager North requests a contribution of £600 towards library stock and materials to mitigate the impacts of the proposed development on the local library service in Market Bosworth.

- 8.76. There are no public play and open space facilities in the vicinity of the site that would be impacted on by the development therefore no such contributions are requested for compliance with Policy 19 of the adopted Core Strategy.

- 8.77. The infrastructure contributions identified above, with the exception of library facilities contributions, are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and therefore CIL compliant and can be secured through the completion of a suitable section 106 legal agreement which is currently under negotiation.

Other material considerations

- 8.78. Paragraph 7 of the NPPF identifies that there are three dimensions to sustainable development: the economic, social and environmental roles and that they are mutually dependent.

- 8.79. The Planning Statement submitted to support the application suggests that the proposals will deliver significant economic benefits through the provision of an estimated 54 direct full-time equivalent construction roles and indirect full-time equivalent jobs during the build phase. It also suggests that the scheme could generate £2.8 million of gross value added during the construction period and generate New Homes Bonus payments. The scheme is also envisaged to result in around 30 economically active employed residents with new households generating an estimated £0.64 million per annum and approximately £40,000 per annum in Council Tax revenue.

- 8.80. In respect of the social role, the proposals would provide significant social benefits in the form of additional well designed market housing units and equivalent 40%

affordable housing off-site, the removal of serious and recurring anti-social behaviour from the site that has had significant adverse social impacts on nearby residents and emergency services. The scheme includes the provision of financial contributions towards education and health facilities to support local social infrastructure. The scheme also proposes a safer vehicular access to the site with improved visibility and public access to the memorial stone erected within the site.

- 8.81. In respect of the environmental role, the proposals would result in the more effective use of this part previously developed site, the removal of unsightly derelict, vandalised and part demolished buildings, appropriate remediation of any contamination and significant enhancement to the visual amenities and appearance of the site. In addition, the proposals seek to secure the long term future management and maintenance of the retained woodland and natural buffers to promote, protect and benefit biodiversity within the site. Sustainable design and build measures are also proposed to be incorporated into the development including sustainable drainage measures providing environmental benefits.

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. By virtue of its isolated countryside location remote from everyday services and facilities, Wellsborough has a low level of sustainability for additional residential development. In addition, the Council is able to demonstrate a five year housing land supply of 5.74 years and therefore residential development in the countryside is not currently required to boost the housing supply in the Borough.

- 10.2. The proposal is therefore in conflict with the overarching spatial vision for the Borough within the adopted Core Strategy and Policy DM4 of the adopted SADMP which does not support new residential development in the countryside.

- 10.3. Paragraph 17 of the NPPF seeks to 'encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value'. Sheepy Parish Council and other public consultation responses acknowledge that some form of development of the site is necessary to address the significant antisocial behaviour and nuisance issues that the site attracts and to improve the overall appearance of the site and its immediate setting which has become an eyesore.

- 10.4. Notwithstanding the clear conflict with the adopted development plan, in this case, it is considered that there are significant public economic, social and environmental

benefits identified within the scheme that weigh in favour of the proposal. The scheme is in outline only at this stage and planning conditions can be imposed to control the future layout parameters, housing mix, scale, design and appearance of the scheme and its sustainable design credentials.

- 10.5. Subject to satisfactory details being submitted, it is considered that the residential redevelopment of the site as within the submitted development parameters proposed would not result in any significant adverse impacts on the surrounding landscape, highway safety, archaeology, residential amenity, biodiversity, flooding or pollution and would provide contributions towards affordable housing, education facilities, health facilities and the future long term management and maintenance of the existing woodland and natural boundary buffers within the site. The proposal is therefore recommended for the approval of outline planning permission subject to conditions and the completion of a satisfactory section 106 planning obligation.

11. Recommendation

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

- The prior completion of a S106 agreement to secure the following obligations:
 - A commuted sum of £279,100.00 for off-site affordable housing provision in lieu of 40% on-site provision
 - Education facilities contribution of £130,538.02
 - Health facilities contribution of £5,512.32
 - Permanent future management and maintenance of the woodland and natural landscaping buffer (estimated at £110,000.00)
- 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

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. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site Location Plan Drawing No. 04A received by the local planning authority on 12 October 2017; Proposed New Access Drawing No. 17398-05 received by the local planning authority on 30 January 2018 and Development Parameters Plan Drawing No. 05H received by the local planning authority on 16 March 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).

3. 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, which shall not exceed 10 metres in height, in relation to its surroundings
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
 - d) The access arrangements within the site for vehicles, cycles and pedestrians
 - e) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details.

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

4. 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. Any reserved matters application shall be accompanied by a Sustainability and Energy Statement that demonstrates the sustainable design standard that each dwelling can achieve for the prior written approval of the local planning authority. The development shall then be completed in accordance with the approved details.

Reason: To reduce the environmental impact of the development in accordance with Policy DM2 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and any outbuildings 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).

7. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The

approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

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

8. No development shall commence on site until a programme of archaeological work (commencing with initial trial trench investigation and including any appropriate subsequent mitigation) has been detailed within a Written Scheme(s) of Investigation (WSI), submitted to and approved in writing by the local planning authority. The WSI(s) shall include a statement of significance and research objectives, and:
- The programme and methodology of site investigation and recording, with consideration of appropriate analytical methods to be utilised;
 - A detailed environmental sampling strategy, linked to the site research objectives and where appropriate informed by previous work (i.e. any previous archaeological evaluation or investigation of this site or in the vicinity);
 - The programme for public outreach and dissemination;
 - The programme for post-investigation assessment and subsequent analysis;
 - Provision for publication, dissemination and deposition of resulting material in an appropriate archive repository; and
 - Nomination of competent person(s) or organisation(s) to undertake the agreed work.

For land and/or structures included within the WSI, no demolition, development or related ground disturbance shall take place other than in accordance with the agreed WSI.

Reason: To ensure satisfactory and proportionate archaeological investigation and recording of the significance of any heritage assets impacted upon by the development proposal prior to its loss, in accordance with Policies DM11 and DM13 of the adopted SADMP and section 12 of the National Planning Policy Framework (2012).

9. The programme of archaeological site investigation, subsequent analysis, publication, dissemination and deposition of resulting material in an appropriate archive repository shall be completed within 12 months of the start of development works, or in full accordance with the methodology and timetable detailed within the approved WSI.

Reason: To make the archaeological evidence and any archive generated publically accessible in accordance with Policies DM11 and DM13 of the adopted SADMP and section 12 of the National Planning Policy Framework (2012).

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

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

11. 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 being first occupied.

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

12. No development shall commence until a scheme to provide a surface water drainage system in accordance with the submitted Flood Risk Assessment dated January 2017 (Revision P2) has been submitted to and approved in writing by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

13. No development shall commence until such time as full 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, and the scheme shall subsequently be implemented in accordance with the approved details for the duration of the construction period.

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 though the entire development construction phase to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. No development shall commence until such time as full details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the local planning authority. The system shall subsequently be maintained in accordance with the approved details at all times thereafter.

Reason: To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood 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).

15. The development shall be implemented in accordance with the recommendations contained within the submitted Extended Phase I Ecological Survey (updated November 2017), Internal/External Bat Survey

(updated October 2017), Dawn/Dusk Emergent Bat Surveys (updated October 2017), Badger Survey (February 2017) and Great Crested Newt Habitat Suitability Survey (updated November 2017) by Dr S. Bodnar.

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

16. Before any development commences on site, a biodiversity management plan shall be submitted to and approved in writing by the local planning authority and the development shall then be implemented and thereafter maintained in accordance with the approved details.

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

17. No part of the development hereby permitted shall be occupied until such time as the Proposed New Access arrangements shown on David Tucker Associates Drawing No. 17398-05 have been implemented in full.

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 general highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 32 of the National Planning Policy Framework (2012).

18. Notwithstanding the submitted Proposed Pedestrian Improvements David Tucker Associates Drawing No. 17398-04 Rev A, the proposed footpath widening shall be as wide as possible, given constraints of vegetation and to the satisfaction of the local planning authority and no part of the development shall be occupied until such time as these offsite works have been implemented in full.

Reason: To mitigate the impact of the development in the general interests of pedestrian and highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 32 of the National Planning Policy Framework (2012).

19. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access(es) on Bosworth Road that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the local planning authority.

Reason: In the general interests of pedestrian and highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 32 of the National Planning Policy Framework (2012).

20. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by

the local planning authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 32 of the National Planning Policy Framework (2012).

21. Notwithstanding the submitted details, before any development is commenced on site, including site works of any description, an Arboricultural Method Statement and Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that existing trees and hedgerows on the site that are to be retained are adequately protected during construction in the interests of visual amenity and biodiversity in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall thereafter be carried out in accordance with the approved details.

Reason: To conserve and enhance features of nature conservation within the site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

23. All built form shall be contained within the developable area identified by the land within the orange dashed line on the approved Development Parameter Plan Drawing No. 05H received by the local planning authority on 16 March 2018.

Reason: To protect the rural character and appearance of the site and surrounding landscape in accordance with Policy DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

24. All residential curtilage shall be contained within the cultivated landscape area identified by the land within the green dashed line on the approved Development Parameter Plan Drawing No. 05H received by the local planning authority on 16 March 2018 and shall be permanently maintained as such at all times.

Reason: To protect the rural character and appearance of the site and surrounding landscape and to protect the natural buffer around the site in the interests of conserving the biodiversity value of the site in accordance with Policies DM4 and DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Class E shall not be carried out unless planning permission for such development has first been granted by the local planning authority.

Reason: To protect the rural character and appearance of the site and surrounding landscape in accordance with Policy DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.5. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. In relation to conditions 8 and 9, the applicant must obtain a suitable Written Scheme(s) of Investigation (WSI) for all phases of archaeological investigation from suitably qualified archaeological person(s) and/or organisation(s) acceptable to the local planning authority. A WSI for the exploratory trial trenching should be submitted for approval but will not be sufficient for the discharge of the relevant Condition(s).

The WSI(s) shall comply with relevant Chartered Institute for Archaeologists "Standards" and "Code of Practice", and Historic England's "Management of Research Projects in the Historic Environment" (MoRPHE). The WSI(s) shall include a suitable indication of arrangements for the implementation of the archaeological work and the proposed timetable for the development.

The applicant should commission the trial trench investigation at an early stage to enable the costs and timescales of any further mitigation work to be ascertained and fully integrated into the development programme.

The LCC Historic and Natural Environment Team (HNET), as advisors to the Local Planning Authority, will monitor the archaeological work to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the local planning authority.

3. In relation to conditions 10 and 11 advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
4. In relation to condition 12, the scheme shall include the utilisation of holding sustainable drainage (SuDS) 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 return period event plus an appropriate allowance for climate change, based upon the submission of drainage 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, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.
5. In relation to condition 13, the 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.

6. In relation to condition 14, details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.
7. 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>
8. In relation to condition 15, badger mitigation should be based on the recommendations in the Badger Survey (Dr S. Bodnar, 2017), with a minimum of a 30 metre buffer surrounding the badger sett. Should the reserved matters application not be submitted before August 2018 it is recommended that an updated badger survey is completed to ensure that that mitigation strategy is still appropriate.

Updated bat surveys may be required in advance of the reserved matters application/prior to commencement after May 2018 (two years since the date of the previous survey). The buildings were assessed as having bat roost potential.

Planning Committee 8 May 2018
Report of the Planning Manager, Development Management

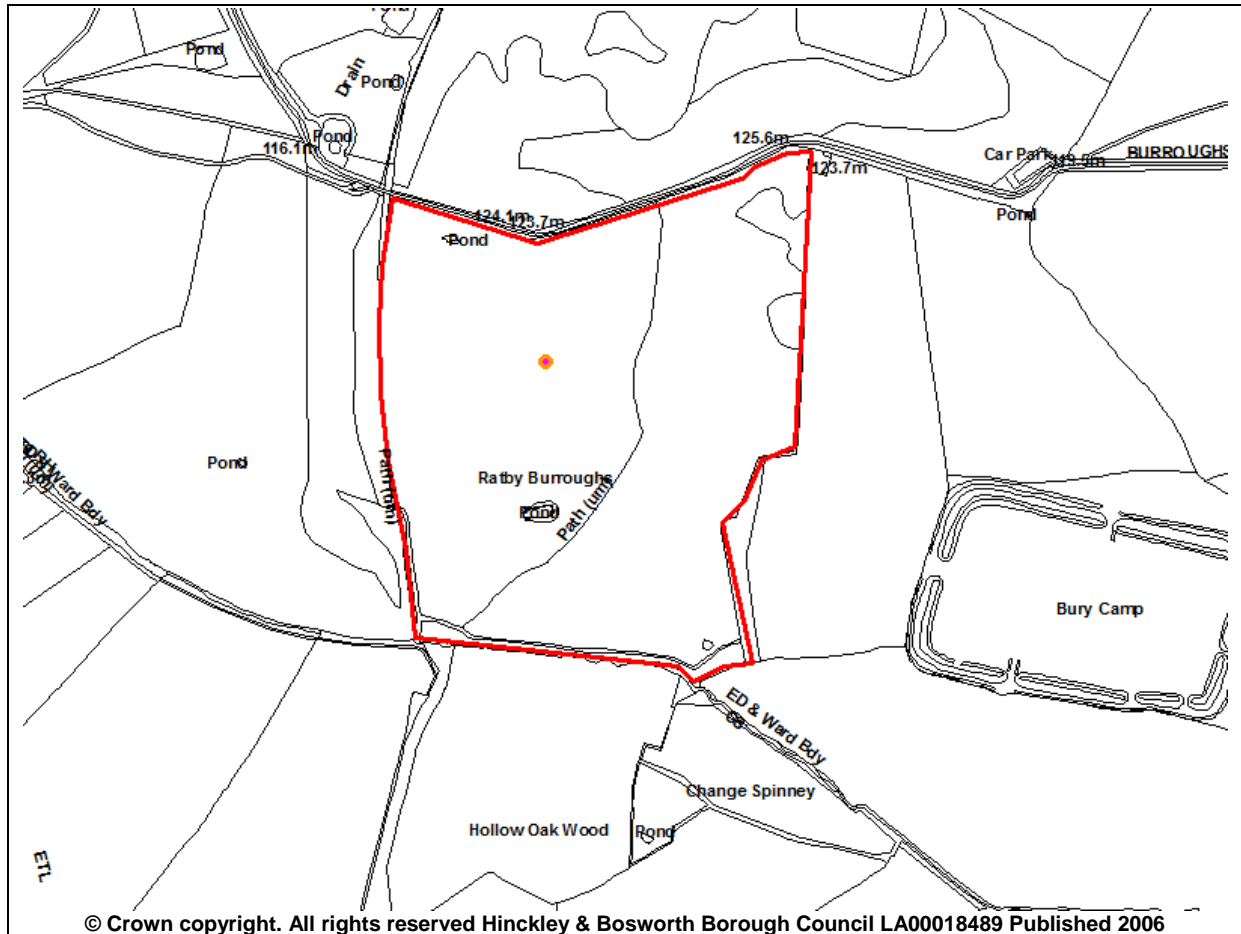
Planning Ref: 17/00872/FUL
Applicant: Mr Duncan Gass
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Ratby Burroughs South Burroughs Road Ratby

Proposal: Change of use for Paintballing with ancillary buildings and structures
(Retrospective)



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 change of use of an area of woodland for paintballing activities and includes the construction of a number of structures within the site. The site is divided into seven different areas, including the entrance/base camp.

- 2.2. The development would utilise the existing access along Burroughs Road Ratby, which borders the site to the north, with a parking area provided within the site amongst the trees, in close proximity to 'base camp' which provides the entrance into the game, as well as toilet and refreshment facilities.
- 2.3. The application is retrospective; permission for the use as a paintballing site was granted temporary permission in 2000, for 42 days a year. The permission expired in 2003, and no further applications were submitted. All structures that form part of this application are present on site, and the applicant has stated that the area is used for paintballing most weekends.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located to the west of Ratby in the countryside, approximately 1.1 miles to the east of Ratby, and comprises an area of unmanaged woodland measuring approximately 12 hectares. The site is situated within the National Forest. The north the site is bounded by an existing road, which serves the site, to the east, south and west and to the north, the site is bounded by woodland and agricultural fields. Public right of ways and Bridal paths are situated along the western and southern boundaries of the site. The application site, generally falls to the south, the topography of the wider area is varied in terms of levels.
- 3.2. The nearest residential dwellings, are located approximately 300 metres to the north west of the application site, and comprises a former farm complex (Old Hayes Farm), which is a 17th Century farmstead and Grade II Listed Building. Within the ground of the former farmstead there is also Scheduled Ancient Monument (old Hayes Moated Site and Associated Memorial Earthworks) that lies to the north west of this farm complex.

4. Relevant Planning History

95/00622/COU	Use of woodland for paintball action games	Refused	15.11.1995
99/00964/COU	Use of woodland for up to 42 days in any one calendar year for paintball games leisure activity	Approved	21.06.2000

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 13 letters has been received raising the following objections:-
- 1) The site is in an area renowned as a peaceful setting for its wildlife
 - 2) The site and its buildings dominate an area along Burroughs Road, which is a quiet no through road, only giving access to a small group of dwellings and public car park for Burroughs Wood
 - 3) The application site along with Pear Tree Wood and Martin Shaw Wood, form the largest continuous woodland areas within the National Forest and is a valuable part of local Heritage
 - 4) The increase in paintballing activities at weekends, has resulted in more traffic along Burroughs Road, causing a danger for walkers
 - 5) Noise and coloured smoke can be heard and seen drifting across the land and choking unsuspecting walkers
 - 6) The use plays loud music which can be heard from the far side of the woodland

- 7) There are warning signs stating "Shooting in Progress", a sign which should be unnecessary if they are taking place within the boundary. Guns should not be allowed close to public
- 8) The construction on site, has had an adverse impact upon the flora and fauna
- 9) The woodland is splattered with paint; this could cause potential harm to wildlife
- 10) Cars leaving the site, often drive at dangerous speeds
- 11) Improved signs when entering and leaving the site is necessary
- 12) The use, results in a lot of rubbish being discarded
- 13) Regularly over 40 vehicles parked up to use the site
- 14) There is a constant stream of loud bangs heard from neighbouring amenity spaces all day when on site. Music is played as early as 0745 on a Sunday
- 15) The woodland is an ancient English Bluebell wood which has been destroyed by vehicles
- 16) The wood has an active badger set, in addition to newts and bird species present on site, which are being adversely affected
- 17) The road has been blocked up the past due to lorries and coaches trying to access the site
- 18) The original permission for use of the site for 42 days per year has been flaunted
- 19) There is an alternative paintball site, which afford easier access
- 20) The paintballing site should not be allowed to operate for more than the previously approved 42 days per year
- 21) Delta force should pay a reasonable contribution towards the upkeep of the private element of Burroughs Road

5.2 One letter has been received which neither objects to or supports the planning application and raises the following points:-

- 1) The level of traffic prior to and at the end of the activity is relatively high for Burroughs Road which is a single track road.
- 2) Driver using the road, are not aware that the road is used by many walkers, and drive at levels which are too fast. Consideration should be had for additional signage.
- 3) Entrance to the facility is not obvious, which causes people reversing up Burroughs Road, Improved signage for the entrance should be considered.
- 4) Signs should be erected upon leaving the site warning driver to restrict speed and be aware of other users.
- 5) General noise levels at weekends have increase. A condition seeking to reduce/cease the playing loud music

6. Consultation

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

Environmental Health (Pollution)
 Environmental Health (Drainage)
 Leicestershire County Council (Ecology)
 National Forest
 Leicestershire County Council (Highways)
 No comments have been received from:-
 Leicestershire County Council (Archaeology)

- 6.2. Ratby Parish Council have objected on the following grounds:-
- 1) Complaints have been received in respect of extremely loud music being played which disturbs wildlife in the area
 - 2) The amount of traffic visiting the site travels too fast on what is virtually a bridal path
 - 3) Concerned that unauthorised development has occurred in the open countryside. Erection of structure without prior consent
 - 4) Overuse of the current site against 26 days previously allowed
 - 5) Regular school trips attend the facility
 - 6) Unlawful shooting of bird and other wildlife
 - 7) Parish Council are concerned that Enforcement officers have failed to note that the original approval for this paintballing site expired in 2002
- 6.3. Councillor O'Shea, has requested that the application is called before committee for consideration, on the grounds that the use has an impact upon the woodland and highway

7. Policy

- 7.1. Core Strategy (2009)
- Policy 21: National Forest
- 7.2. 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 DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies
 - Impact upon heritage assets
 - Layout, Design, Impact upon the Character and Appearance of the Landscape and the National Forest
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Ecology
 - Other Matters.

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) requires 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 adopted Core Strategy (2009), and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.4. The application site is located within the countryside and within the area of the National Forest. Policy DM4 of the SADMP seeks to safeguard the countryside from unsustainable development. Policy DM4 identifies several criteria outlining where development in the countryside will be considered sustainable. Criterion A, of Policy DM4 of the SADMP identifies that development in the countryside will be considered sustainable where proposed development is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; subject to meeting further detailed criteria. The use of an area for paintballing requires a site of substantial size and of natural interest to create game scenarios.
- 8.5. Policy 21 of the Core Strategy supports proposals which contribute to the delivery of the National Forest Strategy, and supports outdoor recreational and sports provision within the Forest, subject to the development respecting its setting within the Forest, there being no adverse impact on the character or appearance of the landscape.
- 8.6. The application site is located within the countryside where development for outdoor sport or recreation purposes is considered an acceptable use and would accord with Policies DM1 and DM4 of the SADMP and Policy 21 of the Core Strategy. Therefore the principle of a Paintballing site is considered acceptable subject to all other planning matters being appropriately addressed.

Impact upon heritage assets

- 8.7. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses. The local planning authority has complied with this statutory duty and had such special regard in reaching the decision on this re-determined application.
- 8.8. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Policies DM10, DM11, DM12 and DM13 of the SADMP seek to protect and enhance the historic environment, heritage assets and the Borough's archaeology.
- 8.9. Given the location of the proposed development, and its relationship to the Listed building and Ancient Schedules Monument, and the fact the proposed development would maintain the current woodland coverage, there would be no impact upon the setting of the Listed Building or Ancient Scheduled? Monument and would preserve the setting. Therefore the proposal complies with Policies DM11 and DM12 of the SADMP, section 12 of the NPPF and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Layout, Design, Impact upon the Character and Appearance of the Landscape and the National Forest

- 8.10. The site lies outside of any defined settlement boundaries and therefore within an area designated as countryside. Paragraph 17 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 109 states that the planning system should protect and enhance valued landscapes.
- 8.11. Policy DM4 of the SADMP seeks to resist unsustainable development within countryside locations and seeks to ensure proposals reflect the surrounding character of the countryside, and protect its intrinsic value, beauty and open character.
- 8.12. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.13. Policy 21 of the adopted Core Strategy requires that the siting and scale of development within the National Forest is appropriately related to its setting and respects the character and appearance of the wider countryside.
- 8.14. The car parking and reception area 'Base Camp' is situated to the south of Burroughs Road, and the site is separated from the road by post and rail fencing, allowing views into the site and 'Base Camp', with parking provided within the trees of the site. 'Base Camp' comprises a number of wooden structures and adapted shipping containers, to provide toilet, store and shop function. Beyond 'Base Camp' the woodland is divided up into 6 areas of games zones. Each game zone seeks to provide a variety of environments and context for play. The games zones, comprise a mix of timber structures, small huts, vehicles and features, such as placement of rockets and disused oil drums along with areas of wooden walls. All features within the woodland, are finished in green paint, wood or camouflage in colour, and positioned amongst the canopy of the woodland.
- 8.15. The proposed ancillary structures which provide base camp and game play, are of a scale and design and built from materials that would be considered to respect the rural setting of the site within National Forest. Whilst it is accepted that steel portacabins, oil drums and vehicles, are not characteristic in appearance, they are required to form part of context of each area of game play, and for storage purposes. The use of green paint and the dull camouflage colours in line with the military theme of the activity provide mitigation measures to help assimilate them into the woodland setting and help minimise any impact upon the landscape. The proposed structures, are varied in terms of their heights, however the water tower is the tallest of the structures with an overall height of approximately 6 metres, and is located to the south of 'Base Camp'. The proposed structure although tall in scale is positioned well below the tree canopy, and is constructed of compatible timber materials and as a result will not be prominent. Views into the site are currently available from public areas and the segregation fencing can be seen. However, this is in part due to the time of year and with additional infill landscaping in the form of boundary hedgerows, the structures will be screened more effectively.
- 8.16. Overall, the layout of the proposed development and the design of the proposed structures is considered to be acceptable and as a result of the proposed materials and mitigation measures and subject to additional landscaping (which can be controlled by condition) the development will not have an adverse impact on the character or appearance of the landscape. The proposals are therefore considered to accord with Policy 21 of the Core Strategy, and Policies DM4 and DM10 of the SADMP.

Noise and Impact upon Residential Amenity

- 8.17. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties and that the amenity of occupiers of the proposed development would not be adversely affected by the activities in the vicinity of the site.
- 8.18. The nearest residential dwellings are situated approximately 300 metres to the north west of the application site, and comprise of Old Hayes Farmstead, which has been subsequently converted into individual residential dwellings. The use of the site, has the potential to impact upon residential amenity as a result of sudden impulse noise from the paintballing guns, participants shouting and general comings and goings to the site. Environmental Health have been consulted during the course of the application and provide no objection to the proposed use, given the distance of the use to the nearest residential dwellings.
- 8.19. It should also be noted, that the use has been present on site and in operation for a period of time, Since 1998 Environmental Health have received 3 complaints relating to noise from the proposed use. One in 1998 and two received in 2017, however no further action was required or taken by Environmental Health
- 8.20. As a result in the proposed development is considered to accord with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.21. Policies DM17 and DM18 of the emerging SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 8.22. The application site is accessed via Burroughs Road, which is a single track road, which extends west from the village centre of Ratby. The application site is situated approximately a mile west of Ratby village centre. No formally marked out parking spaces are provided within the site, however an area large enough to accommodate 40 cars is provided adjacent to 'Base Camp', an element of car sharing is also assumed with the use. Given the width of the carriage way, car speeds along this road are generally slow and controlled. Leicestershire County Council (Highways) has been consulted and raised no objections to the proposed use.
- 8.23. 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.

Ecology

- 8.24. 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.
- 8.25. The application has been accompanied by an Ecology Report. The paintballing activities are confined to the game zones, to contain the active playing area, which ensures the majority of the 12 hectare woodland is not impacted by the use of the paintballing activity. Leicestershire County Council (Ecology) has raised no objection to the proposed use, subject to conditions. The site provides for areas of foraging for local wildlife, and as such a condition is necessary to ensure that the use is only present during daylight hours. As the application site proposes no external lighting, games are generally limited to daylight hours, however a condition will be imposed to ensure during summer months the use is restricted to allow

evening foraging. Due to the activity being confined to specific areas, there is an opportunity for the remaining woodland to be actively managed, which would enhance the on site habitats and seek to ensure the proposed development is carried out in accordance with the recommendations contained within the submitted Ecology report. Accordingly, subject to conditions the development would be in accordance with Policy DM6 of the adopted SADMP by securing biodiversity enhancements.

Other matters

- 8.26. Objections which have been raised on the grounds that the application is retrospective, does not prejudice the consideration 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 use of the site for a recreational uses, such as Paintballing, in the countryside and within the National Forest, is considered acceptable subject to all other planning matters being addressed. As a result of the nature of the development, the layout, design, material and mitigation measures proposed, including a woodland management plan, the proposed development would not have any significant adverse impact on the character or appearance of the National Forest, the surrounding landscape, residential amenity, highway safety or biodiversity. Given the use and the distance from any Listed Building or Scheduled Ancient Monument the proposed development would have no impact upon their setting. The proposal is therefore considered to be in accordance with Policy 21 of the adopted Core Strategy, Policies, DM1, DM4, DM6, DM10, DM11, DM12, DM13, DM17 and DM18 of the adopted SADMP and is therefore recommended for approval subject to conditions.

11. Recommendation

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

- Planning conditions outlined at the end of this report.

- 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Dwg No. C387-1, Site Plan C387-2, floorplan and elevation base camp Dwg No. C387-BC/A, Convoy floor plan and elevations Dwg No.C387-9, Floorplan and elevations speedball zone Dwg C387-10, Wall Zone Plan Dwg No.C387-11, Viet Cong Zone Plan Dwg No.C387-12, Rocket Zone Plan Dwg nO.C387-13, Base Camp Plan Dwg C387-3, Base Camp Dwg No.C387-B3, Base Camp Buildings Plan Dwg NoC387-C3, Base Camp Buildings Dwg No.C387-D6, Base Camp buildings Dwg No.C387-E7, Dawn of Dead Dwg No C387-8 received by the Local Planning Authority on the 29 August 2017.

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

2. The application site shall not be used for paintballing activities outside of the hours of 08:30 to 17.00pm Mondays to Fridays or outside the hours of 08.30am to 16:00pm on Saturdays and Sundays.

Reason: To ensure that the use is restricted to daylight hours, to safeguard valuable habitats and night time foraging in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document.

3. Notwithstanding the submitted details, within 2 months of the date of this permission, full details of a soft landscaping scheme shall be submitted to and approved in writing by the local planning authority and the development shall be implemented in accordance with the approved details. These details shall include:

- i) planting plans
- ii) schedules of plants, noting species, plant sizes and proposed numbers where appropriate
- iii) an implementation programme.

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

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

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

5. The development shall be carried out in accordance with the recommendations found within Ecological Assessment December 2017 received by the Local Planning Authority 29 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.

6. Within 3 months of the date of this permission, a management strategy which seeks to maintain and improve the existing biodiversity within the application site and its implementation, shall be submitted to and agreed in writing. The proposed strategy shall be carried out in accordance with the details submitted and agreed thereafter.

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

7. All paintballing games shall be confined to the Game Zones areas identified within Site Plan Dwg No.C387-2 received on the 29 August 2017, and shall be clearly marked out and maintained by high visibility rope at all times. No paintballing games shall be carried out outside the denoted areas at any time.

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

11.4. Notes to Applicant

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

Planning Committee 8 May 2018
Report of the Planning Manager, Development Management

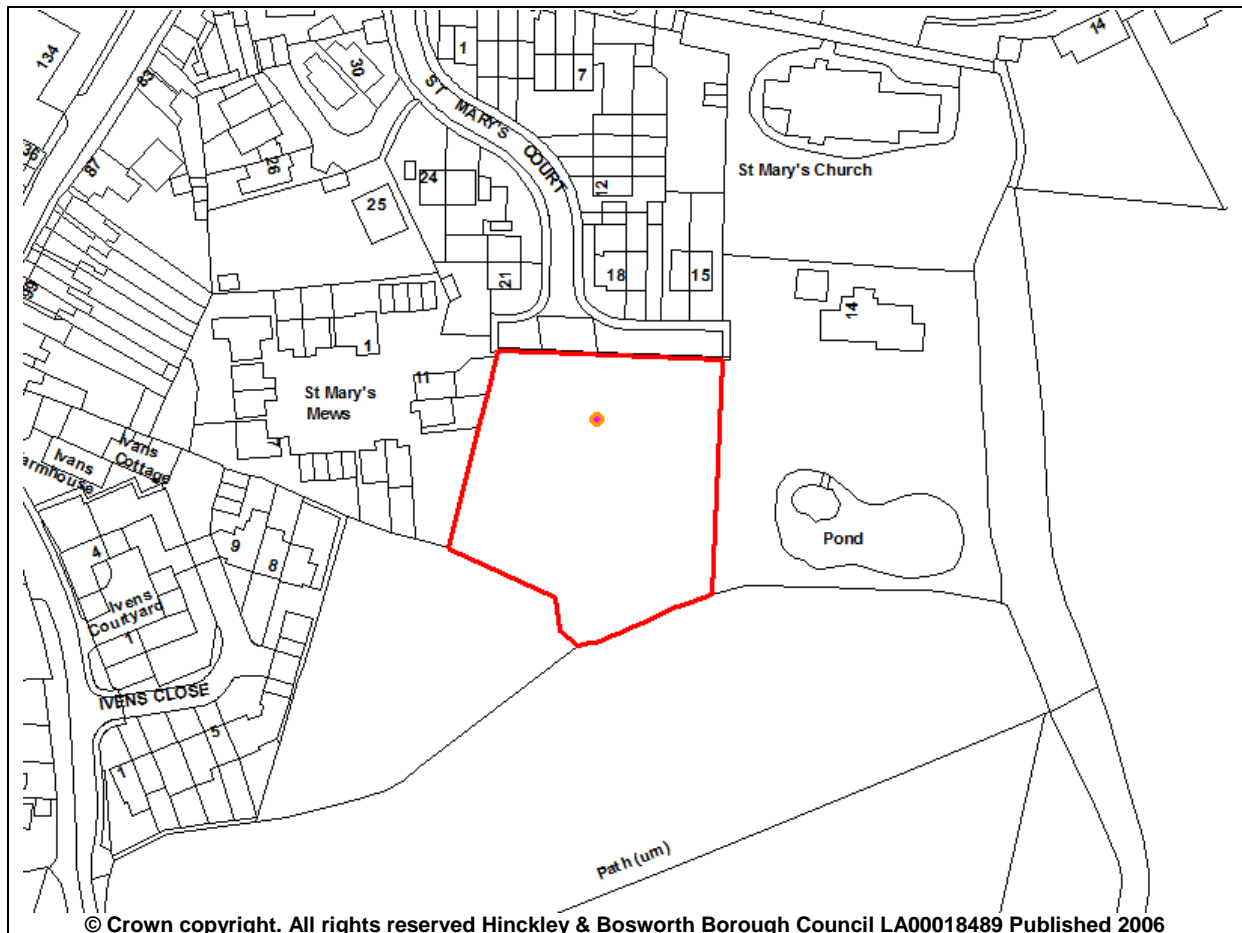
Planning Ref: 18/00018/REM
Applicant: Mr R Mahal
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: Land off St Marys Court Barwell

Proposal: Approval of reserved matters (layout, scale, appearance and landscaping) of outline planning permission 16/00966/OUT for residential development of 8 dwellings



1. Recommendations

1.1. Grant approval of reserved matters 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 the approval of reserved matters (layout, scale, appearance and landscaping) following the approval of outline planning permission 16/00966/OUT for access only for the erection of up to nine dwellings on land off St Mary's Court, Barwell. The amended scheme now proposes 8 new dwellings (2 x

2/3 bedroom detached bungalows and 6 x 3 bedroom two storey detached houses). The layout includes two off-street parking spaces for each dwelling and a shared surface access road which is intended to be constructed to adoptable standards. Amended plans have been received to address access, layout and design issues identified. The number of units proposed has been reduced from 9 to 8 in order to seek to achieve an access road to adoptable standards. Re-consultation has been undertaken.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 0.3 hectares and is roughly square in shape. It is located outside of, but adjacent to, the settlement boundary of Barwell and within the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge. It comprises a paddock of land that has recently been cleared of heavily overgrown scrub and vegetation. The site is enclosed to the south and east by mature hedgerows and trees, to the west by a mix of hedgerow and fencing and is open to the north boundary with St Mary's Court. Ground levels fall from north to south.
- 3.2. There are residential properties to the north and west, to the east is a detached dwelling within a large garden plot and to the south there is agricultural land.

4. Relevant Planning History

14/00124/OUT	Residential development of 9 dwellings (outline - access only)	Permitted	07.04.2014
16/00966/OUT	Residential development of up to 9 dwellings (outline - access only) (renewal of 14/00124/OUT).	Permitted	19.12.2016
17/00896/FUL	Erection of 14 dwellings	Refused	14.12.2017

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 and a notice was displayed in the local press.
- 5.2. Responses have been received from 9 separate addresses objecting to the application on the following grounds:-
- 1) Outside development boundary in the Green Wedge
 - 2) 5 year housing land supply therefore no additional dwellings are required
 - 3) Highway safety – additional strain on street parking, access and egress within the close
 - 4) Lack of sustainability (location and design) of the development
 - 5) Contamination of the site by Japanese Knotweed and landfill/methane gas
 - 6) Poor design architecturally and land faces directly to the countryside and should be taken advantage of
 - 7) Levels not available
 - 8) Do the house types meet the needs of the village
 - 9) Noise and disruption to residents during construction
 - 10) Loss of wildlife habitat
 - 11) Depreciation of surrounding properties.

6. Consultation

- 6.1. No objections, some subject to conditions, has been received from:-
 Leicestershire County Council (Ecology)
 Environmental Health (Pollution)
 Environmental Health (Drainage)

- 6.2. Leicestershire County Council (Highways) raises no objection in principle but advised that the originally proposed road layout did not conform to an adoptable standard. Further comments are awaited on an amended site layout plan and refuse vehicle tracking plan submitted to seek to address the issues raised.
- 6.3. Leicestershire County Council (Drainage) refers to standing advice.
- 6.4. Barwell Parish Council raises no objections subject to the whole area of land being cleared of Japanese Knotweed by a licensed disposal company and a guarantee issued.

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) Development Plan Document (2014)
 - No relevant policies
- 7.2. Core Strategy (2009)
 - Policy 3: Development in Barwell
 - Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- 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 DM7: Preventing Pollution and Flooding
 - 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)
- 7.5. Other relevant guidance
 - Green Wedge Review (2011)

8. Appraisal

- 8.1. Key Issues
 - Assessment against strategic planning policies
 - Design, layout and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Contamination
 - Other issues

Assessment against strategic planning policies

- 8.2. The development plan in this instance consists of the adopted Core Strategy (2009), the Earl Shilton and Barwell Area Action Plan Development Plan Document (2014) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.3. Objections have been received on the grounds that the application site lies outside the development boundary in the Green Wedge and that the Council has a 5 year housing land supply.

- 8.4. The application site does lie outside the settlement boundary of Barwell and within the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge where acceptable land uses do not include new residential development. Therefore, residential development would be in conflict with both Policy 6 of the adopted Core Strategy and Policy DM4 of the adopted SADMP.
- 8.5. However, this application seeks the approval of reserved matters to an extant outline planning permission for the erection of up to nine dwellings that was originally granted at a time when a 5 year housing land supply could not be demonstrated and the outline permission was subsequently renewed in 2014. Notwithstanding the location of the site, the extant outline planning permission must be afforded significant weight in favour of the proposal, along with the allowed appeal decision (reference APP/K2420/A/11/2167650) relating to the erection of new dwellings on land immediately to the west of the site on St Mary's Mews.
- 8.6. Accordingly, whilst the proposed scheme would be in conflict with adopted strategic development plan policies, it is considered that the acceptability of residential development of the site for nine dwellings has been established through the extant outline planning permission.

Design, layout and impact upon the character of the area

- 8.7. 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.
- 8.8. Objections have been received on the grounds of poor architectural design, a layout which does not take advantage of the countryside, housing mix, levels and sustainable location/design.
- 8.9. The immediate area within St Mary's Court is characterised predominantly by two storey semi-detached dwellings, which occupy linear front and rear building lines with plots of a similar size and similar footprints. Properties in the adjacent St Mary's Mews development are more modern and set out in a courtyard layout with projecting gables and detailing.
- 8.10. The proposed scheme includes three frontage properties to St Mary's Court and a small cul-de-sac serving five further dwellings arranged around and facing onto the shared surface access road. The layout, position and scale of the dwellings therefore respect the pattern of development on St Mary's Court and the adjacent St Mary's Mews. The set back of the properties from the southern boundary and the provision of rear gardens to the south of the dwellings adjacent to the open countryside provides a soft edge to the development where it meets the countryside and would therefore reduce any impact of built form on the Green Wedge. The inclusion of two bungalows adds to the housing mix within the village.
- 8.11. The proposed dwellings benefit from a number of architectural features that add interest to the design of the scheme including subordinate gables, brick plinths, canopy porches, brick eaves detailing and headers and sills to windows. Notwithstanding the objection received, it is considered that the designs would enhance the character of the area and are therefore acceptable.
- 8.12. A landscaping scheme has been submitted that includes the use of permeable block paving for the shared surface access road and parking areas and the planting of new hedgerow and trees to enhance the appearance of the development along with a low level wall and new 1.8 metre high close boarded fencing to define plot boundaries.

- 8.13. Ground levels within the site fall to the south and therefore the proposed ground and finished floor levels of the development are subject to a condition requiring their submission for prior approval on the outline planning permission.
- 8.14. Barwell forms part of the urban area of the Borough and has a range of services and facilities. The site is within easy access of those facilities by sustainable transport means and therefore the location of the site is sustainable for additional housing. The dwellings would have to meet current Building Regulations standards in respect of their construction and design.
- 8.15. By virtue of the layout, scale, design, landscaping and subject to the use of sympathetic external materials which are controlled by condition on the outline planning permission, the proposed scheme would complement the character and appearance of the surrounding area in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.16. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the future occupiers of the site would not be adversely affected by activities in the vicinity.
- 8.17. The proposed scheme would have adequate separation distances of a minimum of 21 metres between habitable room windows across from existing dwellings on St Mary's Court. There would be a separation distance of at least 12 metres from the rear elevations of 11 and 10 St Mary's Mews to the proposed bungalow on Plot 8. The front elevation windows of the two storey house on Plot 7 would be offset from the rear garden of 10 St Mary's Mews.
- 8.18. By virtue of the proposed layout, scale and design the scheme would not result in any significant adverse overbearing/overshadowing impacts or result in any significant loss of privacy from overlooking to the occupiers of any neighbouring properties. The boundaries of the site and individual plots will be enclosed either by existing hedgerows or new 1.8 metre close boarded timber fencing to protect the privacy and amenity of neighbouring occupiers and future occupiers of the site. The scheme would therefore be in accordance with Policy DM10 of the adopted SADMP in this respect.
- 8.19. Objections have been received that the scheme would result in noise and disturbance to neighbouring residents during the construction phase of the development.
- 8.20. Noise and disturbance during the construction phase would be for a temporary period only and would not result in any long term adverse impacts on residential amenity of the occupiers of neighbouring properties. Conditions to control the construction phase were not recommended at the outline stage or included as conditions and cannot be included within a reserved matters application. The Environmental Health (Pollution) team have powers to address noise and air quality issues under separate legislation if these do arise.

Impact upon highway safety

- 8.21. 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.
- 8.22. Objections have been received on the grounds that there is an existing traffic congestion problem in St Mary's Court due to the nature of the road and on-street

parking in the vicinity of the site. Objectors therefore consider that the scheme would exacerbate these issues, particularly during the construction phase of any development and that this would result in highway safety issues.

- 8.23. St Mary's Court is an adopted public highway that provides adequate and safe access to the application site. The proposal includes the formation of a new shared surface access road to serve plots 4 – 8 inclusive and this is intended to be constructed to an adoptable standard. The proposed scheme would also provide two-off street parking spaces to serve each of the three bedroom units in line with adopted highway design guidance.
- 8.24. Leicestershire County Council (Highways) has assessed the application and raises no objections in principle to the development as it could not be considered to result in severe adverse impacts on highway safety. An amended site access layout plan and refuse vehicle tracking has been submitted to seek to address issues raised by the Highway Authority in respect of the adoptability of the new shared surface access road. The re-consultation response from the Highway Authority on the acceptability of the amended access road layout has not been received at the time of writing this report and will be reported as a late item to this agenda. In the meantime standard highway conditions have been included in the recommendation.
- 8.25. By virtue of the constrained nature of St Mary's Court, a condition for the submission of a construction traffic/site traffic management plan for prior approval was imposed on the outline planning permission to control this aspect of the development.
- 8.26. By virtue of the small scale of development the proposal would not result in any significant adverse impacts on highway safety and, subject to there being no significant issues raised by the Highway Authority in respect of the layout of the new shared surface access road, the amended proposal is likely to be acceptable in respect of the requirements of Policies DM17 and DM18 of the adopted SADMP.

Contamination

- 8.27. Policy DM7 of the adopted SADMP seeks to prevent any adverse impacts from pollution by ensuring that development proposals demonstrate that appropriate remediation of contaminated land in line with minimum national standards will be undertaken.
- 8.28. Objections have been received that the site is contaminated by Japanese Knotweed and landfill.
- 8.29. In respect of potential contamination from landfill, conditions have been imposed on the outline planning permission to require a scheme for the investigation of any potential land contamination and necessary remediation works to be submitted for prior approval and also for the monitoring of landfill gas.
- 8.30. The applicant has submitted information in respect of the intended treatment of the Japanese Knotweed on the site by a specialist company including warranties, guarantees, and insurances etc. The depositing, treatment or disposal of waste is controlled under the Environmental Protection Act.
- 8.31. Subject to satisfactory investigation and necessary remediation of the site, the proposal would be in accordance with Policy DM7 of the adopted SADMP.

Other issues

- 8.32. Objections have been received that the proposal would result in the loss of wildlife on the site and was cleared without an ecologist being present. The site has recently been cleared of vegetation and a suitably qualified ecologist has confirmed that he was present on site to inspect each section prior to clearance being

undertaken in accordance with condition 10 of the outline planning permission (reference 16/00966/OUT). There has been no loss of significant wildlife habitat from the site.

- 8.33. Depreciation of property values is not a material planning consideration.

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. Notwithstanding that the site lies outside the settlement boundary of Barwell and in the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge, there is an extant planning permission for development of the site for up to nine dwellings. The site is in a sustainable location to support additional residential development adjacent to the settlement boundary of Barwell which benefits from a range of services and facilities accessible by sustainable transport means.

- 10.2. By virtue of the proposed layout, scale, design, landscaping and subject to the use of sympathetic external materials and confirmation of levels details, the scheme would complement the character and appearance of the surrounding area and would not result in any significant adverse impacts on the amenity of any neighbouring properties or highway safety. Contamination issues are controlled by conditions on the outline planning permission and other legislation.

- 10.3. The scheme would be in accordance with Policy 3 of the adopted Core Strategy, Policies DM1, DM7, DM10, DM17 and DM18 of the adopted SADMP and is therefore recommended for approval subject to conditions.

11. Recommendation

- 11.1. **Grant approval of reserved matters** 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:
Existing and Proposed Site Layout Plan Drawing No. 2890-08 Rev I; Plots 1, 5, 6 and 7 - House Type Floor Plans and Elevations Drawing No. 2890-16; Plots 2 and 4 – House Type Floor Plans and Elevations Drawing No. 2890-

17; Plots 3 and 8 – Bungalow Type Floor Plans and Elevations Drawing No. 2890-18 and Landscaping Plan Drawing No. 2890-13 Rev F received by the local planning authority on 13 April 2018 and Refuse Lorry Tracking Plan Drawing No. 2890-19 received by the local planning authority on 16 April 2018.

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).

2. Prior to the first occupation of any of the dwellings hereby permitted, the access road and turning areas shall be provided and surfaced in hard bound permeable materials in accordance with the approved Site Layout Plan Drawing No. 2890-08 Rev I and Landscaping Plan Drawing No. 2890-13 Rev F received by the local planning authority on 13 April 2018.

Reason: To ensure that adequate access, turning and off-street parking provision is made in the interests of highway safety to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The soft landscaping scheme shall be implemented in accordance with the approved details submitted on Landscaping Plan Drawing No. 2890-13 Rev F received by the local planning authority on 13 April 2018 during the first planting season following the date when the dwellings hereby permitted are first ready for occupation. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: In the interests of visual amenity and to enhance the appearance of the development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to the first occupation of each dwelling hereby permitted, boundary fencing shall be erected around each plot in accordance with the details submitted on the approved Landscaping Plan Drawing No. 2890-13 Rev F received by the local planning authority on 13 April 2018.

Reason: To protect the privacy and amenity of neighbouring dwellings and future occupiers of the development from potential overlooking in accordance 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 or call 01455 238141.
2. This planning permission must be read in conjunction with outline planning permission reference 16/00966/OUT and implemented in accordance with the specific details approved under the discharge of conditions imposed therein.
3. The applicant's attention is drawn to the standing advice provided by Leicestershire County Council (Lead Local Flood Authority) in their

consultation response provided on 23 January 2018 and condition 6 of the outline planning permission 16/00966/OUT.

4. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website as follows: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.
5. If the road within the proposed development is to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
6. The recycling and waste collection service operates from the boundary with the public highway. If the proposed access road is to be adopted, the developer's attention is drawn to the need for the design and construction of the access road to be suitable for passage and turning of HGV waste and recycling collection vehicles. Waste and recycling bins are no longer provided free of charge and the developer, incoming residents or managing agents will need to place an order with the waste services department for their supply.

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Planning Committee 8 May 2018
Report of the Planning Manager, Development Management

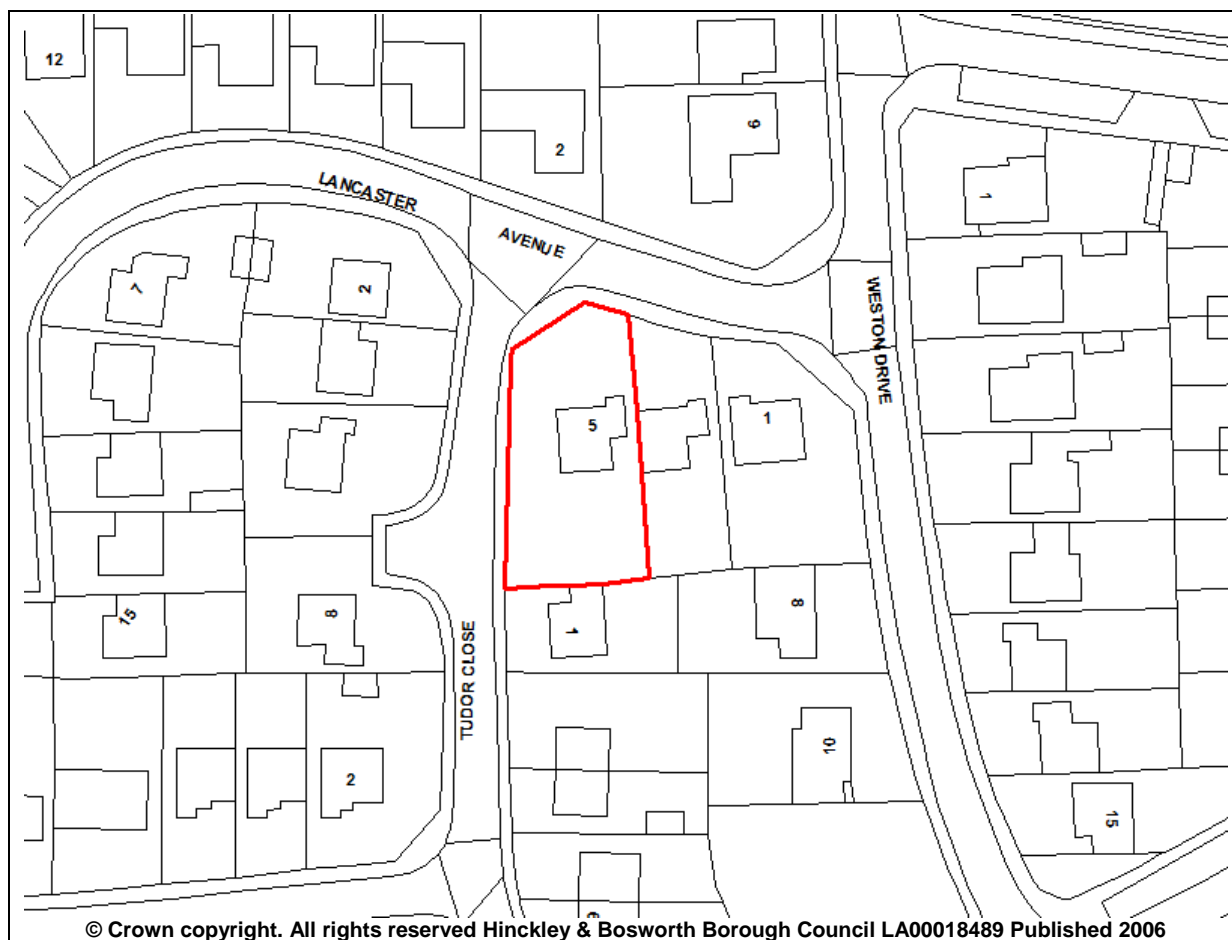
Planning Ref: 18/00187/HOU
Applicant: Mr & Mrs P Witham
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: 5 Lancaster Avenue Market Bosworth

Proposal: Single storey extension to front and rear, detached garage and games room to rear



1. Recommendations

1.1. Grant planning permission subject to :

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application is for planning permission to erect a single storey extension to the front of the property, a single storey extension to the rear of the property and a detached garage to the rear.
- 2.2. The front extension would project 1 metre from a section of the front elevation and bring this section of the dwelling in line with the remainder of the front elevation, squaring off the front of the property. The rear extension would project a maximum

of 2.925m from the rear elevation. It would be set approximately 1 metre off the common boundary with 3 Lancaster Avenue.

- 2.3. The detached outbuilding would have a maximum height of 3.485m. It would run along the southern boundary of the site. It would have a footprint of 12.6m x 4.6m. It would be used as a garage and a games room.
- 2.4. All elements of the proposal would be finished in materials that match the host dwelling.

3. Description of the Site and Surrounding Area

- 3.1. The subject property is a two storey detached dwelling that occupies a corner plot in a residential area of Market Bosworth. It is constructed of red brick and tile and the windows and doors are white uPVC. The surrounding properties on the south side of Lancaster Avenue and along Tudor Close are also two storey detached dwellings and they are constructed of similar materials to the subject property, with the exception of no. 3 Lancaster Avenue being part rendered. The properties on the north side of Lancaster Avenue are detached bungalows constructed of red brick.
- 3.2. The subject property is set back within its plot with an open strip of grass along the western side, which gives an open character and appearance to the application site. There is also a strong open character and appearance to the surrounding area as the other properties are set back within their plots and the application property makes a particular contribution as it is a corner plot.

4. Relevant Planning History

92/00945/4	Extension to dwelling and boundary wall	Permitted	26.11.1992
99/00112/FUL	Extension to dwelling	Permitted	09.04.1999
17/00561/HOU	Single storey side, rear and front extensions, detached single garage and replacement boundary wall	Refused	16.10.2017
		Dismissed at appeal	24.01.2018

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Responses have been received from four addresses raising the following concerns:-
 - 1) Change in ground levels so would have significant impact on rear elevation
 - 2) Loss of light
 - 3) Overbearing impact
 - 4) Concerns over noise from games room
 - 5) Concerns over structural damage to existing structures
 - 6) Existing vegetation would need to be cut back
 - 7) Overdevelopment of the plot
 - 8) Dropped kerb will result in loss of car parking on the street
 - 9) Difficulty in selling property if this is built
 - 10) Patio doors will result in privacy loss

6. Consultation

6.1. Market Bosworth Parish Council object to the application and raise the following concerns:–

- 1) Impact upon the character of the area
- 2) Concedes that the rear extension would not impact on visual character of the area
- 3) The size of the outbuilding and impact on character of the area
- 4) The proposal erodes the open plan gardens of the area
- 5) Impact on visibility at the junction of Tudor Close and Lancaster Avenue.
- 6) Impacts on neighbours

7. Policy

7.1. Core Strategy

- No relevant policies

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)

7.4. Market Bosworth Neighbourhood Plan (MBNP) 2014 – 2026

- Policy CE1: Character and Environment

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 on Highway Safety

Assessment against strategic planning policies

8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) requires 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 adopted Core Strategy (2009), and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

- 8.4. The site lies within the built up area boundary of Market Bosworth so the principle of development in this sustainable location is acceptable. The impact on privacy, amenity, character of the area and highway safety is assessed below

Design and impact upon the character of the area

- 8.5. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. In addition to this, Policy CE1 of the MBNP requires new development within Market Bosworth to be in keeping with its Character Area with regards to scale, layout and materials, with Policy CE1b stating that development within Character Area D should pay particular regard to existing rooflines.
- 8.6. The proposed front and rear extension would be finished in the same materials as are currently in use on the existing dwelling. Both extensions would appear subservient to the host dwelling as they are single storey and both have a lean to design. In this instance, due to the proposed siting, design and materials, the small extensions to the front and rear are considered to assimilate well with the host dwelling. It is therefore considered that these extensions would be in keeping with the character and appearance of the existing dwelling. The proposed new roof sections would not exceed the height of the existing roof and so would be in accordance with Policy CE1b of the MBNP.
- 8.7. With regards to the garage, objections were raised by the Council to its design and impact on the character of the area. However at appeal (ref. no. APP/K2420/D/17/3188266) the Inspector stated the following -
- 8.8. *"In addition, the Council raises no objection to the design of the proposed garage, but does object to its siting. I do not share this concern. The garage would sit at the bottom of the garden of the host dwelling, only a short distance from its rear elevation. It would also sit adjacent to the garage of No. 1 Tudor Close, neatly in line with the front elevation of this dwelling. My lack of concern in this respect is reinforced by the similar examples I saw within the local area, which sat comfortably within the street scene."*
- 8.9. The Inspector's main concern with regards to the impact on the character of the area was the side extension and the moving of the boundary wall towards the highway. These elements have both been removed from this revised scheme.
- 8.10. Concerns were raised by neighbours that the garage would be prominent when viewed from the west. Due to its single storey design and the fact that it would not breach the building line of the existing wall, it is considered that the proposed development would assimilate well with the host dwelling and the surrounding area. The scheme would not create an incongruous feature in the street scene.
- 8.11. Due to the comments made by the Planning Inspector and in light of the amendments made, the proposal is considered to be in accordance with Policy DM10 of the SADMP and Policy CE1 of the MBNP with regard to impact on the character of the area.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP also states that proposals should not adversely affect the occupants of neighbouring properties. As stated above, the front extension would square off the front of the dwelling. The rear extension would have a projection of 2.925m and would be set off the side boundary by approximately 1 metre.

- 8.13. Concerns have been raised from the adjoining neighbour relating to loss of light and overbearing impact due to the size of the rear extension and the change in ground levels. Given the minor nature of the rear extension, with the projection being less than 3 metres, it is considered that the development would not have a significant adverse impact on the amenity of the adjacent neighbouring property.
- 8.14. The proposed detached garage would be immediately adjacent to no. 1 Tudor Close, which is a two storey detached dwelling with an attached single garage on the north (side) elevation. The proposed garage has been amended since the original approval to extend it further into the garden. Given the limited height of the garage and the fact it would be adjacent to another garage it is considered that it would not have a significant overbearing impact on the property to the south. It would be located to the north of the adjoining garden so would not lead to any direct overshadowing or direct loss of light. The agent has made the Council aware that a 2.5m high flat roof garage would be built under permitted development rights in the same location. This is the fall back position that the Council has to take into consideration when determining the application.
- 8.15. Concerns have also been raised over the increase in noise from a games room. This use is considered ancillary and incidental to the use of the host dwelling. A games room could be brought into use in an existing dwelling without planning permission. Therefore it is considered the actual use of the outbuilding as a games room is acceptable.
- 8.16. Concerns were raised through the letters of objection about the impact of the construction works on neighbouring properties, the impact upon the property value of neighbouring properties and the impact upon the view from the windows of neighbouring properties. These matters are not planning considerations when considering the impact upon the amenity of the occupiers of neighbouring properties.
- 8.17. Overall, on balance it is considered that the proposal would not have an adverse effect on the amenity of the occupants of neighbouring properties and it would therefore be in accordance with this aspect of Policy DM10 of the SADMP.

Impact upon Highway Safety

- 8.18. Policy DM17 of the SADMP states that proposals should not have a significant adverse impact upon highway safety and Policy DM18 of the SADMP requires an appropriate level of parking provision.
- 8.19. It is considered that the proposed front extension would leave adequate space on the driveway to accommodate three vehicles. Furthermore, the dimensions of the proposed single garage exceed the minimum required dimensions to contribute to the parking provision at the property. Tudor Road is not a classified road so permission is not required from HBBC to create a new vehicle access onto it.
- 8.20. Concerns have been raised from neighbouring residents that as the proposed detached garage would be accessed from Tudor Close there would be an unacceptable increase in vehicle movements on Tudor Close. The application property currently only has a driveway with access to Lancaster Avenue but if the proposed new garage is permitted then the occupiers would use Tudor Close to access it. However, there would still be parking available on the driveway to the front of the application property and it is considered that the additional vehicle movements associated with accessing the proposed single garage from Tudor Close would not be significant. There are approximately 9 other dwellings on Tudor Close and it carries vehicular traffic from other streets, such as York Close, which

has in excess of 40 dwellings on it. As stated above, Tudor Close is not a classified road so permission is not required from HBBC to create a new access on to it.

- 8.21. The proposal is considered to be in accordance with Policies 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 proposed extensions and outbuilding would be for a property that is within the settlement boundary of Market Bosworth and so there is a presumption in favour of sustainable development under Policy DM1 of the SADMP as long as the proposal is in accordance with the relevant policies of the SADMP.

- 10.2. The proposal would be in keeping with the character and appearance of the existing dwelling and it would not be overly dominant in the street scene. It also would not have a significant adverse impact upon the occupiers of neighbouring properties. The proposal is considered to be in accordance with Policy DM10, DM17 and DM18 of the SADMP and it is recommended for approval subject to conditions.

11. Recommendation

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

- Planning conditions outlined at the end of this report.

- 11.2. **Conditions and Reasons / Reasons**

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan (scale 1:1250) dwg. Block Plan, Planning 01, Planning 02; received by the Local Planning Authority on 19th February 2018.

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

3. The materials to be used on the external elevations of the proposed extension and outbuilding shall match the corresponding materials of the existing dwelling.

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

4. Prior to the commencement of the development hereby permitted, details of the finished floor levels of the garage shall be submitted to, and approved in writing by, the local planning authority. The development shall only be undertaken in accordance the approved finished floor levels.

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

5. The detached garage and games room shall not be occupied at any time other than for purposes incidental to the enjoyment of 5 Lancaster Avenue, Market Bosworth and shall not be used for any commercial purpose or as primary living accommodation. The building shall not be occupied or let independently.

Reason: To protect the character of the surrounding area and the residential amenity of potential future occupiers, to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

11.3. **Notes to Applicant**

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

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Planning Committee 8 May 2018
Report of the Planning Manager, Development Management

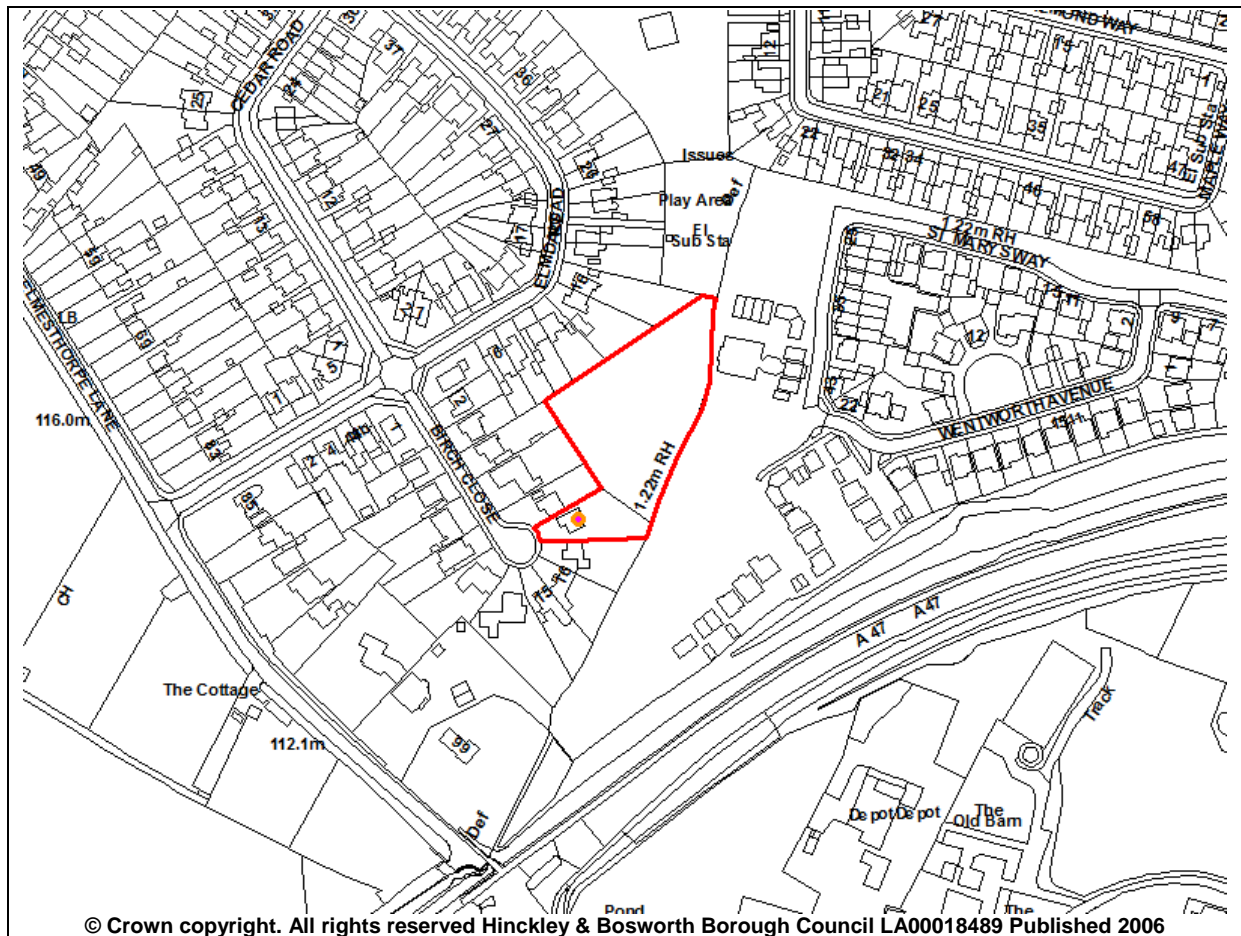
Planning Ref: 17/01330/FUL
Applicant: Mr Michael Gisborne
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 12 Birch Close Earl Shilton

Proposal: Demolition of existing dwelling and erection of 16 dwellings with associated vehicular access, parking and landscaping



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - 100% affordable housing provision
 - Play and open space contributions:
 - Provision £19,850.56
 - Maintenance £13,694.72
 - Education based on the DFE cost multiplier as follows:-
 - Secondary £54,354.38
 - Health contribution £6,490.58
- 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. The application seeks full planning permission for the demolition of an existing dwelling and the erection of 16 dwellings with access proposed from Birch Close. The internal road for the site is proposed to be accessed via Birch Close and would be facilitated by the demolition of No.12 Birch Close, which is an existing detached bungalow. The proposed dwellings are to provide affordable housing, and include no market dwellings.

2.2. The layout of the proposed development has been amended during the course of the application, to provide improved relationships within the site to create more activate frontage within the proposed street scene, as well as amenity spaces and parking layout. A full 10 day re-consultation has taken place.

3. Description of the Site and Surrounding Area

3.1. The site is approximately 0.46 hectares in size, has a triangular shape and is located on land to the rear of Birch Close and Elmdale Road. The site is within the settlement boundary as defined by the Site Allocations and Development Management Policies DPD and reiterated in the Earl Shilton and Barwell Area Action Plan.

3.2. The majority of the site comprises overgrown grassland. The southern section of the site comprises No.12 Birch Close, a detached bungalow, and its residential curtilage. The topography of the site slopes from the south west down to the north east. There are established shrubs, hedgerows and trees along the south western, north western and eastern boundaries in addition to several mature trees adjacent to the site.

3.3. The application site is located within a residential area. To the west of the application site are dwellings fronting onto Elmdale Road and Birch Close. Maple Park recreation ground is located adjacent to the north of the site. The land to the east of the application site is currently undergoing construction works for a housing development that is located within the district of Blaby.

4. Relevant Planning History

15/00650/OUT	Demolition of dwelling and erection of 14 dwellings (outline - access and layout)	Outline permission	10.05.2016
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5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press and five letters of objection have been received; the comments are summarised below:-

- 1) The road is not suitable for additional traffic
- 2) The turning circle would be lost
- 3) The access would be extremely tight making it difficult for refuse lorries to access

- 4) Where the bins would be stored for collection is a concern
 - 5) Parking provision is already an issue on Birch Close and surrounding roads
 - 6) There is no need for the properties due to the adjacent Morris Homes development
 - 7) Loss of character to a quiet cul-de-sac
 - 8) Loss of privacy to neighbouring properties
 - 9) Construction will cause noise and disturbance
 - 10) Access to the site would be better through the adjacent site currently under construction
 - 11) The proposed footpath from the park is a security concern
 - 12) The proposed properties would be higher than surrounding neighbouring dwellings, which will cause privacy issues
 - 13) The layout of the proposed development is contrived and cramped and is overdeveloped
- 5.2. One letter has been received which states, they have no objection to the proposed development, however are concerned over the proposed the footpath link into the park, due to the poor drainage which exists in that area.

6. Consultation

- 6.1. No objections, some subject to conditions, have been received from:-
 Environmental Health (Pollution)
 Leicestershire County Council (Ecology)
 Leicestershire County Council (Archaeology)
 Environmental Health (Drainage)
 Severn Trent
 Waste Services
- 6.2. Initial comments have been received from Leicestershire County Council (Highways) but currently awaiting final comments from re-consultation.
- 6.3. Comments have been received from the Lead Local Flood Authority, who has requested further information. The applicant has provided further information and their comments are awaited
- 6.4. No comments have been received from:-
 Western Power Distribution
 Blaby District Council
- 6.5. Earl Shilton Town Council supports the development of the site for dwellings, as it would provide a benefit to water drainage. The site would also provide a footpath link.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 2: Development in Earl Shilton
 - Policy 15: Affordable Housing
 - Policy 16: Housing Density, Mix and Design
- 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
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)
- 7.4. Barwell and Earl Shilton Area Action Plan
- Policy 22: Development and Design
- 8. Appraisal**
- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Affordable Housing
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Drainage
 - Impact upon Ecology
 - Infrastructure Contributions
- 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. 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 of the NPPF states that the NPPF is a material consideration in determining applications.
- 8.3. The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and the Barwell and Earl Shilton Area Action Plan.
- 8.4. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that is in accordance with the adopted development plan. Policy 2 of the adopted Core Strategy supports residential development within the settlement boundary of Earl Shilton, in a sustainable urban location. The application site also benefits from an extant outline planning permission for the erection of 14 dwellings (reference number 15/00650/OUT) which must be afforded significant weight in favour of the proposal.
- 8.5. Therefore, residential development would be acceptable in terms of strategic planning principles and Policy 2 of adopted Core Strategy, subject to satisfying all other relevant policies and material planning consideration.
- Design and impact upon the character of the area
- 8.6. Policy DM10 of the SADMP and Policy 22 of the ESBAAP seek to ensure that new development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

- 8.7. Birch Close is characterised by primarily detached bungalows although there are two houses to the northern end of the close. The dwellings are set back from the front boundary within wide and deep plots providing ample rear gardens. At the southern end of Birch Close where the dwellings front onto on the turning circle, the plot frontages are narrower and the dwellings set further back in the plots. Elmdale Road is characterised by a mix of detached and semi-detached bungalows on narrower plots than Birch Close. Due to the topography of the area, the dwellings along the northern side of the road are situated on higher ground than those to the south. Additionally, there are some one and half storey dwellings on lower ground to the south of Elmdale Road. To the east of the application site, a residential development is under construction comprising detached houses on relatively narrow and shallow plots.
- 8.8. The proposed development comprises a mix of detached, semi-detached and terraces houses and bungalows which is consistent with Policy 16 of the Core Strategy that requires a mix of housing types. The dwellings would be set on narrower and shallower plots than the development fronting Birch Close and Elmdale Road and would be closer related to the dwelling-to-plot size proportions of the residential development to the east of the application site. The development comprises a cul-de-sac which would create its own unique character, separate to that of the surrounding properties.
- 8.9. To the south of the site where the proposed access adjoins Birch Close the proposal seeks to erect 2 detached bungalows which would be set back from Birch Close and would allow the existing character of Birch Close to be retained, and reflect the character of the Cul-de-sac, beyond this the dwellings would be two storey in scale. Given the scale of the proposed dwellings which would reside within the application site, glimpses of the development would be partially visible from Elmdale Road. However given the varied character of the area this would have a limited impact upon the character of the area.
- 8.10. The proposal includes a mixture of dwellings, offering single and two storey dwellings, and would provide detached and semi detached properties. The proposed dwellings have been orientated to provide a strong street frontage and afford natural surveillance within the proposed street scene and access. The proposed development would also provide a high quality landscaping scheme, with a mix of hard surfacing to denote the public and private areas. To the rear of plot 13 and 14 is a mature sycamore tree on the adjacent land. The Sycamore tree is one of a number of trees identified within the arboriculture assessment, surrounding the site which provide a valuable contribution to the character of the area. The proposed dwellings have been positioned with sufficient separation distances to ensure the proposed development would not have an adverse impact on the longevity of important trees on the adjacent site to the north.
- 8.11. It is therefore considered that the proposed residential development would be in keeping with the character of the surrounding area would therefore be in accordance with Policy DM10 of the SADMP and Policy 16 of the adopted Core Strategy.

Affordable Housing

- 8.12. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. At least 480 dwellings will contribute to this target in rural areas. Policy 15 requires that for all sites, the tenure split will be 75% social rented and 25% intermediate housing. These figures may be negotiated on a site by site basis.

- 8.13. It has been identified that there is currently 996 applicants on the register for affordable dwellings for Earl Shilton. The Residential Land Availability Monitoring Statement for 1 April 2016 – 31 March 2017 identifies that since the start of the plan period to 31st March 2017, 947 affordable dwellings have been provided. The requirement therefore to provide 2090 affordable dwellings by 2026 is not on track to being met and the proposed development of 16 dwellings with no market dwelling provision should be given significant weight, as it would make a contribution towards meeting this identified need.
- 8.14. The application offers a mix of 10, 2 bedroomed 4 persons properties, including 2 bungalows and 6, 3 bedroomed 5 persons dwellings. The proposed scheme seeks to provide 8 dwellings for affordable rent and 8 dwellings of shared ownership,
- 8.15. Policy 15 of the Core Strategy seeks that the tenure split on site is 75% social rented and 25% intermediate housing. The application proposes to provide a 50% split on site. Whilst this is not the split as required by Policy 15, the proposed development would provide 100% affordable housing scheme, which is over and above the 20% affordable housing target on a development. The proposed development is therefore considered to be in accordance with Core Strategy Policy 15.

Impact upon neighbouring residential amenity

- 8.16. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.17. The proposed development is bound by residential dwellings, and is positioned to the east of Birch Close, to the south of Elmdale Road, and to the north of St Marys Way, Earl Shilton.
- 8.18. The proposed development would result in the demolition of an existing dwelling No.12 Birch Close, and the creation of a vehicular access to serve the development of 16 proposed dwellings. The proposed access would be situated at the end of the existing cul-de-sac, and the proposed vehicular access would extend along the rear garden of No.10 Birch Close, Earl Shilton. The proposed development would lead to an increase level of vehicular movements, creating additional noise and disturbance however this is not considered to be at a level which would have an adverse affect on residential amenity. The outline permission (reference 15/00650/OUT) granted permission for the development of 14 dwellings also did not consider the noise and disturbance to be adverse. This proposal seeks an increase the number of dwellings from 14 to 16, the increase of 2 dwellings as proposed by this scheme, would not result in any material harm in terms of additional noise and disturbance to this dwelling, over and above that which has already been approved. A condition however is necessary to ensure appropriate boundary treatment along the boundary is secured to ensure adequate private amenity space to the rear of this dwelling.
- 8.19. On the entrance into the site, the nearest residential dwelling, would be plots 1 and 2 situated to the south of the proposed access into the site. Plots 1 and 2 are single storey bungalows, the rear elevations would face towards the rear amenity space serving No.14 Birch Close, and proposed side elevation would be situated approximately 7.5 metres beyond the rear wall of No.14. Given the distance of the proposed dwellings from No.14 and the single storey nature of the proposed dwellings, there would be no impact upon this property in terms of overbearing impact or overshadowing to this proposal.

- 8.20. The side elevation of Plot 4, would face towards the rear garden of No.10 Birch Close, set away from the rear boundary by approximately 6 metres. Plot 4 would have a first floor window within the west facing side elevation which would face towards No.10, however this would serve a bathroom, and would therefore be obscured, and would not result in any overlooking. The rear garden to No.10 is in excess of 18 metres, and therefore given the proposed dwelling would be set away from the rear boundary, and the rear garden is of considerable length, there would be no impact in terms of overbearing development or overlooking from Plot 4 to No.10 Birch Close.
- 8.21. Plots 5 – 8 would have the rear facing elevations facing the rear elevations of No.6 and No.8 Birch Close. The rear gardens of these properties along Birch Close, are in excess of 20 metres, and would have a window to window distance of approximately 30 metres, which is in excess of the separation distances identified within the Good practice guidance, such as the Urban Design Compendium, and would therefore avoid any overlooking or overbearing impact. The side elevation of Plot 8, would face towards the rear elevations of No.10 and No.12 Elmdale Road, there would be a first floor window serving the bathroom, which would face towards the dwellings on Elmdale Road, which would be obscured and therefore avoid any direct overlooking. The garden length is in excess of 20 metres and therefore would not have adverse impact in terms of overbearing impact to these dwellings.
- 8.22. Plots 9 – 14 would have rear elevations facing neighbouring rear gardens of No.14 and No.16 Elmdale Road. The rear gardens are in excess of 20 metres in length, and the rear gardens serving Plots 9-14 would be at least 10 metres in length. Given the significant distance of it is not considered that this development would result in any overbearing impact or result in any overlooking.
- 8.23. Plot 16 is situated to the west of a newly constructed development, St Marys Way, a development comprising of 2 storey dwellings. Plot 16 is set approximately 2 metres away from the boundary and its side elevation would face the rear gardens and elevations of the dwellings along St Marys Way. A first floor window is proposed within the east facing side elevation which would face towards these dwellings, however it would serve a bathroom, and would therefore not result in any overlooking. The dwelling would be situated approximately 13 metres from the nearest dwelling on St Marys Way and therefore given the distance would not result in any overbearing impact or loss of light.
- 8.24. The proposed dwellings would be served by reasonable sized gardens to provide adequate amenity space of future occupiers. The dwellings would be sufficiently separated from one another to avoid overlooking or indivisibility of windows. Where dwellings are positioned on opposite sides of the proposed road serving the development, dwellings are set back from the road and have been positioned and designed that dwellings do not directly face into similar opposing habitable rooms, further reducing overlooking across the development. Therefore the proposed layout would afford future occupiers a reasonable level of amenity.
- 8.25. To ensure there is no detrimental impact upon neighbouring amenity during construction, Environmental Health (Pollution) have recommended a condition is attached to any planning permission to restrict the hours of construction operation.
- 8.26. The development has been designed to ensure there would be no adverse impact upon the amenity of existing and future occupiers and is therefore in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.27. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.28. The proposed development would incorporate the demolition of No.12 Birch Close to facilitate an access onto Birch Close. No.12 is located with access onto an existing turning circle at the end of the cul-de-sac. The proposed access would be built to a width of 4.8 metres with a 2 metre wide footpath adjoining one side of the road and a 0.5 metre service strip to the other. The Leicestershire County Council Highways Design Guide requires accesses serving between 5 and 25 dwellings to be a minimum of 4.8 metres wide, plus 0.5 metres if bounded by a wall, fence or other structure.
- 8.29. The submitted layout plan has provision for a minimum of two spaces per dwelling which is considered the minimum provision that would be acceptable for dwellings of the proposed sizes in this location. A condition has been imposed to ensure the provision of car parking is delivered.
- 8.30. A footpath is proposed to create a pedestrian access from the site to adjoin the recreation ground to the north of the site. The proposed footpath would help to create a strong link between the proposed buildings and the existing facilities in the area.
- 8.31. Formal comments from Leicestershire County Council (Highways) in respect of the proposed development will be reported by way of a late item, following their receipt.

Drainage

- 8.32. Policy DM7 of the SADMP requires adverse impacts from flooding to be prevented and that development should not create or exacerbate flooding by being located away from area of flood risk unless adequately mitigated.
- 8.33. The application site is located within Flood Zone 1 as defined on the Environment Agency flood map and therefore is at a low risk of flooding. As the existing site is greenfield land, the development is likely to lead to increased levels of surface water runoff. The application has been accompanied by a drainage strategy report and proposed mitigation measures. The Lead Local Flood Authority have advised that the documents which were initially submitted with the application were insufficient to allow a detail response. Further information has been submitted by the applicant and a further consultation has been carried out, and will be reported to committee as a late item.
- 8.34. Environmental Health (Drainage) has also assessed the submitted strategy and has no objections to the proposed scheme subject to the imposition of condition that the proposed surface water drainage scheme which accords with the submitted strategy is submitted to and agreed prior to commencement.
- 8.35. Severn Trent has no objection to the proposed development, and has provided 2 informatives to be included for the applicants information.

Impact upon Ecology

- 8.36. 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.

- 8.37. The application has been accompanied by an Ecology Report. The content of this has been considered by Leicestershire County Council (Ecology) who raise no objection to the proposed development subject to conditions. The survey identifies that the majority of the site was recently colonised scrub, with some areas of species poor grassland and tall ruderal vegetation. The proposed development would not result in any loss of habitat that would meet the Local Wildlife Site Criteria. No evidence of protected species was recorded on site, however the report does acknowledge that the site did have potential to support reptiles and badgers and therefore the recommendations as set out in the submitted report should be conditioned.
- 8.38. Accordingly, subject to conditions the development would be in accordance with Policy DM6 of the adopted SADMP by securing biodiversity enhancements.

Infrastructure contributions

- 8.39. 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.
- 8.40. 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.
- 1) Public play and open space
- 8.41. Core Strategy Policy 2 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.
- 8.42. 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. 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 (2.4 people per dwelling)	Number of dwellings	Sqm to be provided	Off site provision per square metre	provision contribution	Maintenance contribution per square metre	Maintenance contribution
Equipped Children's Play Space	3.6	16	57.6	£181.93	£10,479.17	£87.80	£5,057.28
Casual/Informal Play Spaces	16.8	16	268.8	£4.44	£1,193.47	£5.40	£1,451.52
Outdoor Sports Provision	38.4	16	614.4	£9.05	£5,560.32	£4.30	£2,641.92
Accessibility Natural Green Space	40	16	640	£4.09	£2,617.60	£7.10	£4,544.00
				Provision total	£19,850.56	Maintenance total	£13,694.72

8.43. The application site is located adjacent to Maple Park, which is situated to the north of the site. Maple Park provides Equipped Children's Play Space, Casual play space, sports provision and natural green space. The quality score for Maple Park has a quality score of 74% 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 Maple Park, it is considered that the future occupiers would use the facilities on this site.

8.44. 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

8.45. 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.

Primary

8.46. With regards to Primary School requirements the site falls within the catchment area of Townlands C of E Primary School and there are 2 other primary schools within a two mile walking distance of the development. Overall there is a surplus in this sector after taking into consideration all primary schools within the two mile walking distance of the development of 22 pupil spaces. A contribution towards primary school is therefore not requested.

Secondary

- 8.47. The site falls within the catchment area of Heath Lane Academy, a secondary school (11-18). The school has a net capacity of 784 and 1316 pupils are projected on roll should this development is granted; a deficit of 532 pupil places after taking into account the 3 pupil places this development would generate. A total of 455 pupil places are being funded at this college from S106 agreements for other developments in this area which have to be deducted. This reduces the total deficit for this college to 77 (of which 74 are existing and 3 are created by this development). There are no other upper schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore justified.
- 8.48. In order to provide the additional 11-18 school places anticipated by the proposed development, Leicestershire County Council requests a contribution for the 11-18 school sector of £54,354.38. This has been calculated using the deficit multiplied by the DFE cost multiplier. No contributions are requested for Special Schools Sector.

Health

- 8.49. 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 39 residents (using the Census average household size of 2.4 people per dwelling). This would result in the need 1 hour additional patient appointment per week for a consulting room and 0.30 hours additional patient appointment hours per week for a treatment room. The closest GP Practice is located at Heath Lane Surgery.
- 8.50. 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 Heath Lane Medical Centre would be needed to provide increased clinical space and access at the surgery. The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices. The cost per sqm has been identified by a quantity surveyor experienced in health care projects. The cost of providing additional accommodation for 39 patients and requested contribution is £6,490.58

Libraries

- 8.51. 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 £450 for use of provision and enhancement of library facilities at Earl Shilton Library on Wood Street, 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.

Viability

- 8.52. Policy DM3 of the SADMP states that where, because of the physical circumstances of the site and/or prevailing and anticipated market conditions, a developer can demonstrate that the viability of a development proposal affects the provision of affordable housing and/or infrastructure provision, the Borough Council

will balance the adverse impact of permitting the scheme on the delivery of such provision, with any appropriate evidence to support this justification.

- 8.53. The applicant has submitted a viability statement to the Local Planning Authority to demonstrate that the proposed scheme is unable to provide the contributions detailed above. The development is for 100% affordable housing which is funded through Grants. The viability statement is being independently assessed by a third party instructed by the Local Planning Authority and its finding will be reported as a late item.

9. Equality Implications

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

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

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

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

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

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

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

10. Conclusion

- 10.1. The application site is in a sustainable location within the settlement boundary of Earl Shilton where residential development is generally acceptable in principle in accordance with national and local policy. By virtue of the proposed layout the scheme would complement the character and appearance of the surrounding area and would not give rise to any material adverse impacts on the amenities of the occupiers of 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. The proposed scheme is considered to be in accordance with Policy 2 and 16 of the adopted Core Strategy and Policies DM1, DM6, DM7, DM10 DM18 and DM17 of the Site Allocations and Development Management Policies DPD together with the overarching principles of the NPPF.

11. Recommendation

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

- The prior completion of a S106 agreement to secure the following obligations:
 - 100% affordable housing provision
 - Play and open space contributions:
 - Provision £19,850.56
 - Maintenance £13,694.72
 - Education based on the DFE cost multiplier as follows:-
 - Secondary £54,354.38
 - Health contribution £6,490.58
- 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**

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

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

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

Site Location Plan Dwg No. 4391/KP/17/001, Proposed elevations and floor plans, 2 Bed 4 Persons House Dwg No.4391/KP/17/010, proposed elevations and floor plans 3 Bed 5 Persons house Dwg No.4391/KP/17/011 received 22 December 2017, Proposed site plan Dwg No. 4391/KP/17/003 Rev J, Proposed floorplan and elevations 2 bed, 4 persons bungalow Dwg No.4391/KP/17/012 Rev A, received by the Local Planning Authority on the 13 April 2018.

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

3. Before any development commences above damp course level, 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. The development shall be implemented in accordance with those approved materials.

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

4. No development, excluding demolition, shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- i. Means of enclosure
- ii. Car parking layouts
- iii. Other vehicle and pedestrian access and circulation areas
- iv. Hard surfacing materials
- v. Minor artefacts and structures (e.g. furniture, play equipment, refuse
- vi. or other storage units, signs, lighting, etc.)
- vii. Planting plans
- viii. Written specifications
- ix. Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- x. Implementation programme

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

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

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

6. Development shall not begin until surface water drainage details and calculations, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the full details prior to the completion of development.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

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

Reason: To ensure no harm to occupiers of nearby dwellings or the environment surrounding the application site to accord with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD.

8. Development shall not begin until a full Tree Survey to BS5837:2012 has been submitted to and approved in writing by the local planning authority. This report shall include details upon the retention and removal of trees and mitigation measures to protect retained trees during construction, including those outside the application site but adjoining the access. The development shall be implemented in accordance with the full details of the approved survey.

Reason: To ensure that trees are not damaged during construction and that soil bulk density will not be increased and be detrimental to long-term health of the tree. In accordance with Policies DM10 and DM6 of the adopted Site Allocations and Development Management Policies Plan.

9. Prior to first occupation of any dwelling hereby permitted, a footpath shall be provided from the site to the adjacent recreation ground to the north, as shown on drawing no.4391/KP/17/003 Rev J. Details of the footpath including surface material and boundary treatment shall be submitted to and approved by the local planning authority. The footpath shall be constructed and maintained in accordance with the submitted details.

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.

10. The development shall be carried out in accordance with the recommendations found within Preliminary Ecological Appraisal December 2017 received by the Local Planning Authority 9 January 2018.

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. The access drive shall be a minimum of 4.8 metres wide for at least 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

12. Prior to occupation of the development hereby approved, areas of parking as indicated on dwg no. 4391/KP/17/003 Rev J shall be provided, hard surfaced and marked out. The parking areas shall be retained and maintained thereafter.

Reason: To ensure that there is adequate parking provision to serve the development, and avoid on street parking to accord with Policies DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

13. Before first occupation of the dwellings hereby approved, the first floor windows positioned within the side elevations, which serve proposed bathrooms of plots, 4 8 and 16 as identified within layout plan dwg no. 4391/KP/17/003 Rev J shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.

Reason: To protect the privacy and amenities of occupiers of neighbouring properties with Policy DM10 of the 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 or call 01455 238141.
2. Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our New Connections Team (Tel: 0800 707 6600).
3. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

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Planning Committee 8 May 2018
Report of the Planning Manager, Development Management

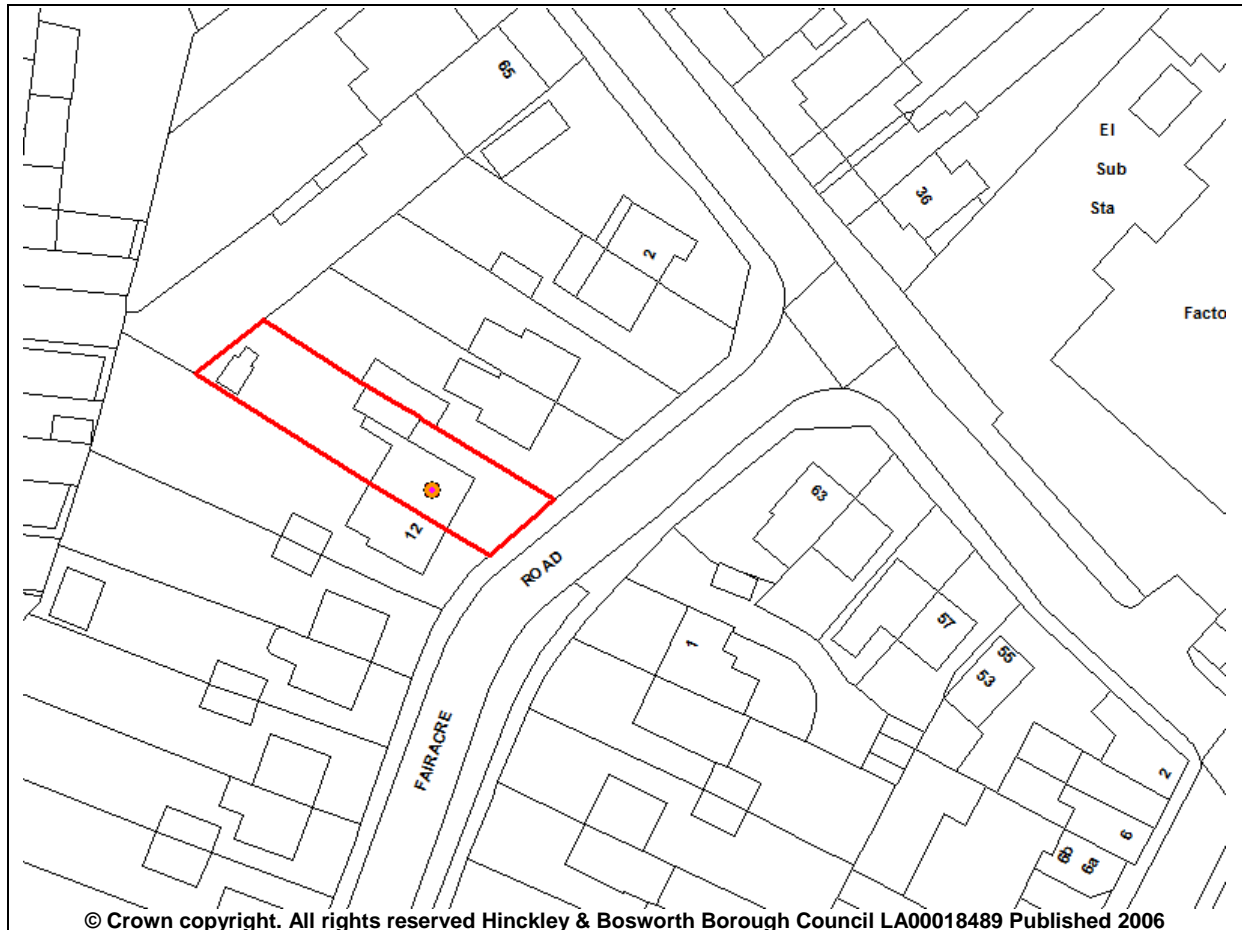
Planning Ref: 18/00316/HOU
Applicant: Miss Helena Jaron
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 10 Fairacre Road Barwell

Proposal: Single storey side and rear extension



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 removal of a conservatory and flat roofed garage and proposes a ground floor extension to add a bedroom and bathroom for disabled use, and to extend the kitchen and dining room to the rear.
- 2.2. At the side the bedroom would extend further forward than the existing but remain set back from the front of the dwelling by 4 metres. This in turn would project 3.6 metres in front of the neighbours' garage.

- 2.3. The design has a low pitched roof, 2.3 metres to eaves and 3.4 metres to the ridge in matching facing bricks and concrete tiles and UPVC doors and windows.

3. Description of the Site and Surrounding Area

- 3.1. The site is located in a residential area within Barwell. The houses in Fairacre Road are semi detached in a uniform layout with a driveway between and generally with garages set back and open lawned frontages. Few have paved frontages although no 8 and 6 are both fully paved over. The application property has a garage set back by 8.5 metres and shares a drive with no 8 which has a garage set back by 7 metres from the front of the houses. The garage to the application property has in part been converted to a shower room and utility with a store to the rear, with a link to the conservatory.

4. Relevant Planning History

81/00694/4	Retention of shed	Permitted	21.07.1981
80/00572/4M	Erection of a garage	Permitted	04.07.1980

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Two letters of objection have been received raising the following concerns:-
- 1) Loss of parking
 - 2) Restricted access to garage and drive
 - 3) Loss of access to rear garden
 - 4) Damage to driveway

6. Consultation

- 6.1. Barwell Parish Council object for the following reason:-
- 1) Object under Policy DM10 – design needs to be more in keeping with the street. Encroachment onto shared driveway for bin storage and emergency access for both properties.
- 6.2. Councillor Roberts has requested that the application is called before committee for consideration and raises the following concerns:-
- 1) Loss of parking
 - 2) Impact on neighbour`s access to garage
 - 3) No access to rear garden

7. Policy

- 7.1. Core Strategy (2009)
- 7.2. Earl Shilton and Barwell Area Action Plan
- 7.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- 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 Barwell, 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. The proposed single storey additions and pitched roof, due to the minor nature and single storey height would complement the character of the host dwelling, and with ramped access at the front and rear would enable access for a disabled user.
- 8.7. The proposed extension would be constructed of matching brick and tiles that would not significantly impact upon the character of the area being set back from the frontage. Although the extension is forward of the existing garage, there are other instances in the street where garages are in line with the front of the dwellings. This would remain set back and therefore would not significantly alter the character of the street scene.
- 8.8. By virtue of its scale, design and appearance of the proposal, it is considered that the 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

- 8.9. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of neighbouring properties.
- 8.10. The proposed single storey element would not project past the front elevation of no. 10 Fairacre Road to the north east, or beyond its garage to the rear.

- 8.11. Although the driveway is effectively shared with no demarcation of the boundary line, the proposed extension would not project over the existing ownership boundary between the properties and still allow access to the neighbours' garage.
- 8.12. At the rear there would be a projection of 0.93 metres beyond the existing conservatory and neighbour's extension at no.12 and as such, at single storey the impact would be only marginally greater than existing, with no windows overlooking. Therefore it is not considered that this would harm neighbouring amenity and be in accordance with policy DM10.
- 8.13.

Impact upon highway safety

- 8.14. 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.
- 8.15. The proposal adds an additional one bedroom, resulting in a four bedroomed property. Given the provision of off-street parking to the front of the site and the retention of the existing drive space, parking provision would be sufficient in line with LCC Highways guidance at three spaces for four bedrooms.
- 8.16. It is noted that no. 8 has a paved frontage for caravan parking as well as the side driveway and garage.
- 8.17. 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.

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 Barwell 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 / 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: Dwg. 17/HJ/2a Existing ground floor @ scale 1:50; 17/HJ/3 Existing elevations @ scale 1:50; 17/HJ/4b Proposed Plan @ scale 1:50; 17/HJ/5a Proposed Elevations @ scale 1:50; 17/HJ/7 Block Plan @ scale 1:500 and Location Plan @ scale 1:1250 received by the Local Planning Authority on 27 March 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 external materials to be used in the development hereby permitted shall be in strict accordance with those specified within the application form unless alternative materials are first agreed in writing with the Local Planning Authority.

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 or call 01455 238141.

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Hinckley & Bosworth
Borough Council

A Borough to be proud of

PLANNING COMMITTEE 8 MAY 2018

WARDS AFFECTED: Barlestone, Nailstone & Osbaston

PROPOSED VARIATION TO SECTION 106 RELATING TO PLANNING APPLICATION 14/00596/OUT

Report of the Director (Environment & Planning)

1. PURPOSE OF REPORT

- 1.1 A request has been made to vary a signed Section 106 to planning application 14/00596/OUT to reduce the provision of on site affordable housing to 15% from the previously agreed 40%.
- 1.2 This report will provide the context of the request and the findings of an independent viability assessment.
- 1.3 Recommendations to planning committee are also made within this report.

2. RECOMMENDATION

- 2.1 That a deed of variation to the signed Section 106 for planning application reference 14/00596/OUT (permitted 17/12/2015) is agreed to reduce the on site affordable dwellings to 15% of the total dwellings on site and the addition of an overage clause.
- 2.2 That the Planning Manager, Development Management be given delegated powers to determine the details of the overage clause and the final wording of the deed of variation.

3. PLANNING HISTORY

- 3.1 An outline planning application with the description of 'Demolition of existing farmhouse, stables and outbuildings for the erection of up to 64 dwellings (outline - access only)' was submitted for the site at Garden Farm, Bagworth Road, Barlestone, Leicestershire, CV13 0EG.
- 3.2 This application was considered by Planning Committee 7th January 2015. Planning Committee resolved to approve the application subject to conditions and the signing of a Section 106 for obligations to provide affordable housing on site, public open space, highways improvements, education and police infrastructure.
- 3.3 A Section 106 was signed 9th December 2015. A summary of the obligations within the Section 106 are shown in the table below:

Contribution	Figure	Detail
On site affordable dwellings	40% of the total number of dwellings	75% to be Social Rented/Affordable Rented 25% are Intermediate Affordable Dwellings
Off-Site Open Space Contribution	£36,968.40	towards the provision and maintenance of play and open space facilities at Bosworth Road open Space
Additional Off site public open space	£106,076.00	towards the provision and maintenance of equipped and informal play and open space facilities at May Meadow Barlestone
On Site Public Open Space Maintenance Contribution	£866.00 per dwelling	Towards the maintenance of the on site open space provided within the development
Education	£188,057.31	towards Market Bosworth School and Bosworth Academy
Highway	£15,000.00	towards the costs of implementing traffic regulation measures in the central area of Barlestone
Real Time information	£11,680.00	Towards the costs of providing two real time information displays at the nearest two bus stops to the development
Travel Pack	£52.85 per dwelling	Packs containing details of local walking and cycling routes, and local bus and rail services stops and timetables, bus pass application forms, shops and other local amenities, and details of any community transport car sharing or car club schemes operating in the vicinity of the land
Bus Pass	£700 per dwelling	An adult buss pass entitling the holder of each bus pass to travel free on local bus services for a 6 month period
Bus Shelter	£4,908.00	
Police Contribution	£22,446.00	Towards the additional costs of policing arising from the development
Monitoring Fee (HBBC)	£250.00 or 2% of the value of the contributions due	

	under the agreement to the borough council	
Monitoring Fee (LCC)	£300.00 or 2% of the value of the contributions due under the agreement to the borough council	

4.0 Request to vary the Section 106

- 4.1 Section 106 agreements can be renegotiated at any point, where the Local Planning Authority and developer/applicant wish to do so. Variations to Section 106 can be sought under Section 106A of The Town and Country Planning Act 1990. As this request to vary the Section 106 is made within 5 years of the date of the original permission it is by agreement only and there is no right of appeal.
- 4.2 A requested was submitted by the landowner to vary the Section 106 due to viability issues with the scheme. It has been outlined by the landowner that a viability appraisal was not undertaken during the application process and the viability issues have only come to light when trying to sell the land to prospective developers. This request was supported by a full viability assessment of the outline scheme, undertaken by heb surveyors. This assessment submitted on behalf of the landowner identified that *'the allowance of the full Section 106 agreement and provision of affordable housing based upon 40% of the total number of dwellings shows the scheme has(sic) cannot be developed as it will make a loss.'* The viability report outlines the profit with all contributions and 0% affordable housing will provide a profit of £13.65%, below the usual level of 20%.
- 4.3 An independent assessment of the landowners viability assessment has been undertaken by Lambert Smith Hampton (LSH) for Hinckley and Bosworth Borough Council. LSH have concluded that with the provision of all monitory Section 106 contributions and 15% on site affordable dwellings the development would provide a developers profit on gross development value of 19.36% which is considered an acceptable profit level without prejudicing the viability and deliverability of the proposed scheme. Heb surveyors have stated that whilst they do not agree with all of the inputs from LSH on balance the overall planning obligations identified are considered to be fair and reasonable.
- 4.4 The LSH assessment has identified that if the tenure split for the affordable housing was provided as a 50/50 split (rather than the policy requirement of 75% social/affordable rent and 25% intermediate housing) this would not result in an additional affordable units, however it would provide a difference in monetary terms of £40,000 which could be provided as a commuted sum. Through discussions with the Housing Strategy and Enabling Officer it is considered that a policy compliant split would be the more preferable option to the 50:50 tenure split and a commuted sum as it would provide the type of affordable housing needed for the area.
- 4.5 Following the assessment above, it is recommended to Planning Committee that the variation to the Section 106 to reduce the on site affordable housing to 15% with a tenure split of 75% social/affordable rent and 25% intermediate housing is agreed. In addition to this it is recommended that an overage clause is included within the variation to the Section 106.
- 4.6 The viability assessment has been carried out on the basis of an outline scheme where layout has not been approved. Furthermore it is clear that the landowner intends to sell the site and any new owner would need to submit a reserved matters application

and may wish to develop the site with a different mix of house types and sizes. The time lag from gaining permission and the site being developed may therefore take a number of years. For these reasons it is considered necessary to require an overage clause within the S106 to require the viability to be re-visited post development to identify if any overage payments are required.

Conclusion

- 5.1 The applicant has submitted a request to vary the S106 agreement to reduce the amount of affordable housing from 40% on site to 15%. The request has been accompanied by a viability assessment which the Council has had independently assessed. The Council's appointed assessors have stated that 15% on site is a viable proposition which would still allow the site to come forward for housing. As 15% is less than the policy compliant position of 40% an overage clause is also considered necessary to ensure that any uplift in values can be secured by the Council, for further affordable housing, to ensure that the Council continues to secure the maximum amount of affordable housing that a site can viably support.
-

Contact Officer: Helen Knott, Team Leader (Development Management) ext. 5691

Executive Member: Cllr Richard Allen

PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 27.04.18

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
	CJ	18/00211/TPO	WR	Brian Higginson Village House Coventry Road Marton	32 Northumberland Avenue Market Bosworth Nuneaton (T1 Oak - Fell and replace; T2 Beech - Remove 2 damaged lower limbs)	Awaiting Start Date	
		17/00877/OUT (PINS Ref 3200713)	WR	Mr M Hurst C/O Andrew Granger & Co. Phoenix House, 52 High Street Market Harborough	Land rear of 43 Park Road, Ratby (Outline planning application for development of 5no. dwellings and associated vehicular access) (Re-submission of 16/00999/OUT)	Appeal Valid Awaiting Start Date	19.04.18
		18/00076/HOU (PINS Ref 3200397)	WR	Mrs Rebecca Stilgoe 74 Alexander Avenue Earl Shilton	74 Alexander Avenue Earl Shilton (Single storey detached garage (retrospective))	Appeal Valid Awaiting Start Date	17.04.18
		18/00075/HOU (PINS Ref 3200590)	WR	Mr R Brown 61 Sycamore Drive Groby	61 Sycamore Drive Groby (1.8 metre high and 1 metre high timber fence to side boundary (part retrospective))	Apeal Valid Awaiting Start Date	18.04.18
	RWR	17/00747/OUT (PINS Ref 3199326)	WR	Mr K Petcher 128 Preston Drive Newbold Verdon	Land Rear Of 143 Dragon Lane Newbold Verdon (Erection of single storey bungalow (outline - access only))	Awaiting Start Date	
		17/01190/HOU (PINS Ref 3199017)	WR	Mrs Natasha Godrich 12 Wellington Close Burbage	12 Wellington Close Burbage (Single storey side extension)	Appeal Valid Awaiting Start Date	28.03.18
	SF	17/01167/HOU (PINS Ref 3199006)	WR	Mr N Salt c/o Agent	Oak Tree House Ashby Road Cadeby (2.8m high entrance gate and 1.9m to 2.4m high fence (Retrospective))	Appeal Valid Awaiting Start Date	03.04.18

	TW	18/00006/HOU (PINS Ref 3199483)	WR	Mr Allan Clarke 47 Princess Road Hinckley	47 Princess Road Hinckley (Erection of a 1.8 metre high boundary wall)	Appeal Valid Awaiting Start Date	04.04.18
	TW	17/01092/HOU (PINS Ref 3198395)	WR	Mr Andrew Fenwick Noctule House Pipistrelle Drive Market Bosworth	Noctule House Pipistrelle Drive Market Bosworth (Erection of two storey side and single storey rear extension)	Appeal Valid Awaiting Start Date	23.03.18
	AC	18/00054/HOU (PINS Ref 3198253)	WR	Mr Neale 6 Leysmill Close Hinckley	6 Leysmill Close Hinckley (Two storey side and rear extension and single storey front extension)	Appeal Valid Awaiting Start Date	22.03.18
	HW	15/00441/FUL (PINS 3197865)	IH	Cartwright Homes Ltd Vicarage Street Nuneaton	Land South Of Chapel Fields Livery Stables Chapel Lane Witherley (Erection of 10 dwellings and associated access)	Appeal Valid Awaiting Start Date	16.04.18
		17/01119/FUL (PINS Ref 3197114)	WR	Mr Andrew Ward Ben Venuto Thornton Lane Markfield	Ben Venuto Thornton Lane Markfield (Erection of detached dwelling)	Appeal Valid Awaiting Start Date	16.04.18
		17/00695/FUL (PINS Ref 319657)	WR	Mr D Tallis Basin Bridge Bungalow Hinckley Lane Higham on the Hill Nuneaton	Basin Bridge Bungalow Hinckley Lane Higham On The Hill Nuneaton (Demolition of existing dwelling and erection of replacement two-storey, two-bedroom dwelling)	Appeal Valid Awaiting Start Date	06.03.18
18/00008/FTPP	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))	Start Date Questionnaire	23.04.18 30.04.18
	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	

	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	
18/00007/PP	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)	Start Date Statement of Case Hearing Date	20.03.18 08.05.18 10.07.18
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

	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	
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Decisions Received

Rolling 1 April 2018 - 27 April 2018

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)	DISMISSED	29.03.18
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))	ALLOWED	29.03.18
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)	DISMISSED	03.04.18
18/00006/FTPP	CB	17/00890/HOU (PINS Ref 3192937)	WR	Mr Richard Seabrook 25 Warwick Gardens Hinckley	25 Warwick Gardens Hinckley (Single storey side extension)	ALLOWED	16.04.18
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)	DISMISSED	17.04.18
	CA	17/00048/S215S (PINS Ref 3186004)	WR	Mr Balbir Singh	Former Police Station Upper Bond Street Hinckley	WITHDRAWN	18.04.18

18/00005/FTPP	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))	DISMISSED	25.04.18
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Planning Appeal Decisions - 1 April 2017 - 31 March 2018

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
27	7	19	0	1	7	0	19	0	0	0	0	0	0

Planning Appeal Decisions - 1 April 2018 - 27 April 2018

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