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Hinckley & Bosworth
Borough Council

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

Date: 25 May 2018

To: Members of the Planning Committee

Mr R Ward (Chairman)	Mr C Ladkin
Mr BE Sutton (Vice-Chairman)	Mr KWP Lynch
Mr PS Bessant	Mrs J Richards
Mr DC Bill MBE	Mr RB Roberts
Mrs MA Cook	Mrs H Smith
Mr WJ Crooks	Mrs MJ Surtees
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, 5 JUNE 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 - 5 JUNE 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 8 May 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. 17/00872/FUL - RATBY BURROUGHS, SOUTH BURROUGHS ROAD, RATBY (Pages 5 - 14)
Application for change of use for paintballing with ancillary buildings and structures (retrospective).
8. 18/00316/HOU - 10 FAIRACRE ROAD, BARWELL (Pages 15 - 22)
Application for single storey side and rear extension.
9. 18/00122/FUL - 339 RUGBY ROAD, BURBAGE (Pages 23 - 32)
Application for demolition of existing dwelling and the erection of a detached two storey dwelling and a detached double garage (re-submission).
10. 17/01330/FUL - 12 BIRCH CLOSE, EARL SHILTON (Pages 33 - 48)
Application for demolition of existing dwelling and erection of 16 dwellings with associated vehicular access, parking and landscaping.
11. 17/01297/FUL - 84 LEICESTER ROAD, HINCKLEY (Pages 49 - 64)
Application for erection of seven dwellings, garages and associated drive (resubmission of application 17/00096/FUL).
12. APPEALS PROGRESS (Pages 65 - 68)
To report on progress relating to various appeals.
13. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

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Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

8 MAY 2018 AT 6.30 PM

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

In accordance with Council Procedure Rule 11 Councillors Mr CW Boothby and Mr LJP O'Shea were also in attendance.

Officers in attendance: Rhiannon Hill, Rebecca Owen, Michael Rice and Nicola Smith

449 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Crooks, Hall and Wright, with the following substitutions authorised in accordance with council procedure rule 10:

Councillor Lynch for Councillor Crooks;
Councillor Morrell for Councillor Hall.

450 MINUTES

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

RESOLVED – the minutes of the meeting held on 10 April be confirmed and signed by the Chairman.

451 DECLARATIONS OF INTEREST

No interests were declared at this juncture.

452 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all decisions made at the previous meeting had been issued, with the exception of 17/00964/FUL, which was subject to a Section 106 agreement.

453 17/01050/OUT - HORNSEY RISE MEMORIAL HOME, BOSWORTH ROAD, WELLSBOROUGH

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

454 17/00872/FUL - RATBY BURROUGHS, SOUTH BURROUGHS ROAD, RATBY

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

It was moved by Councillor Ward and seconded by Councillor Sutton that the application be deferred for a site visit to enable members to look at the site and access. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the application be deferred for a site visit.

Councillors Boothby and O'Shea left the meeting at this juncture.

455 18/00187/HOU - 5 LANCASTER AVENUE, MARKET BOSWORTH

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

Councillor Taylor entered the meeting at 6.59pm.

Some members expressed concern about the need to retain the grass verge at the side of the property and that it be kept in good condition. It was requested that a condition be added to require the submission of a hard and soft landscaping scheme prior to completion. It was moved by Councillor Surtees, seconded by Councillor Roberts and

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

456 18/00018/REM - LAND ST MARYS COURT, BARWELL

Application for approval of reserved matters (layout, scale, appearance and landscaping) of outline planning permission 16/00966/OUT for residential development of eight dwellings.

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

RESOLVED – Reserved matters be approved subject to the conditions contained in the officers report and late items, with determination of the final detail of planning conditions delegated to the Planning Manager (Development Management).

457 17/01330/FUL - 12 BIRCH CLOSE, EARL SHILTON

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

458 18/00316/HOU - 10 FAIRACRE ROAD, BARWELL

Application for single storey side and rear extension.

Notwithstanding the officer's recommendation that permission be granted, some members felt that the proposed extension was set too far forward. It was moved by Councillor Roberts and seconded by Councillor Witherford that the application be deferred for discussions with the applicant about the siting of the extension. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the application be deferred for further discussions with the applicant.

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

The committee received a report which requested variation of a Section 106 agreement to reduce the provision of on site affordable housing to 15% from the previously agreed 40% in relation to the site at Garden Farm, Bagworth Road, Barlestone.

Whilst members were reluctant to reduce the affordable housing provision on the site, it was acknowledged that an independent viability assessment had supported the

developer's viability claim and that it would encourage the development to be built. It was also noted that an overage clause would ensure that any uplift in values would result in a commuted sum being made available for off-site affordable housing provision.

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

RESOLVED –

- (i) A deed of variation to the signed Section 106 agreement for planning application 14/00596/OUT (permitted 17/12/2015) to reduce the on site affordable dwellings to 15% of the total dwellings on site and the addition of an overage clause be approved;
- (ii) The Planning Manager (Development Management) be granted delegated powers to determine the details of the overage clause and the final wording of the deed of variation.

460 APPEALS PROGRESS

Members received an update on appeals. It was agreed that ward councillors would receive an update on the former police station site.

(The Meeting closed at 7.55 pm)

CHAIRMAN

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Planning Committee 5 June 2018
Report of the Interim Head of Planning

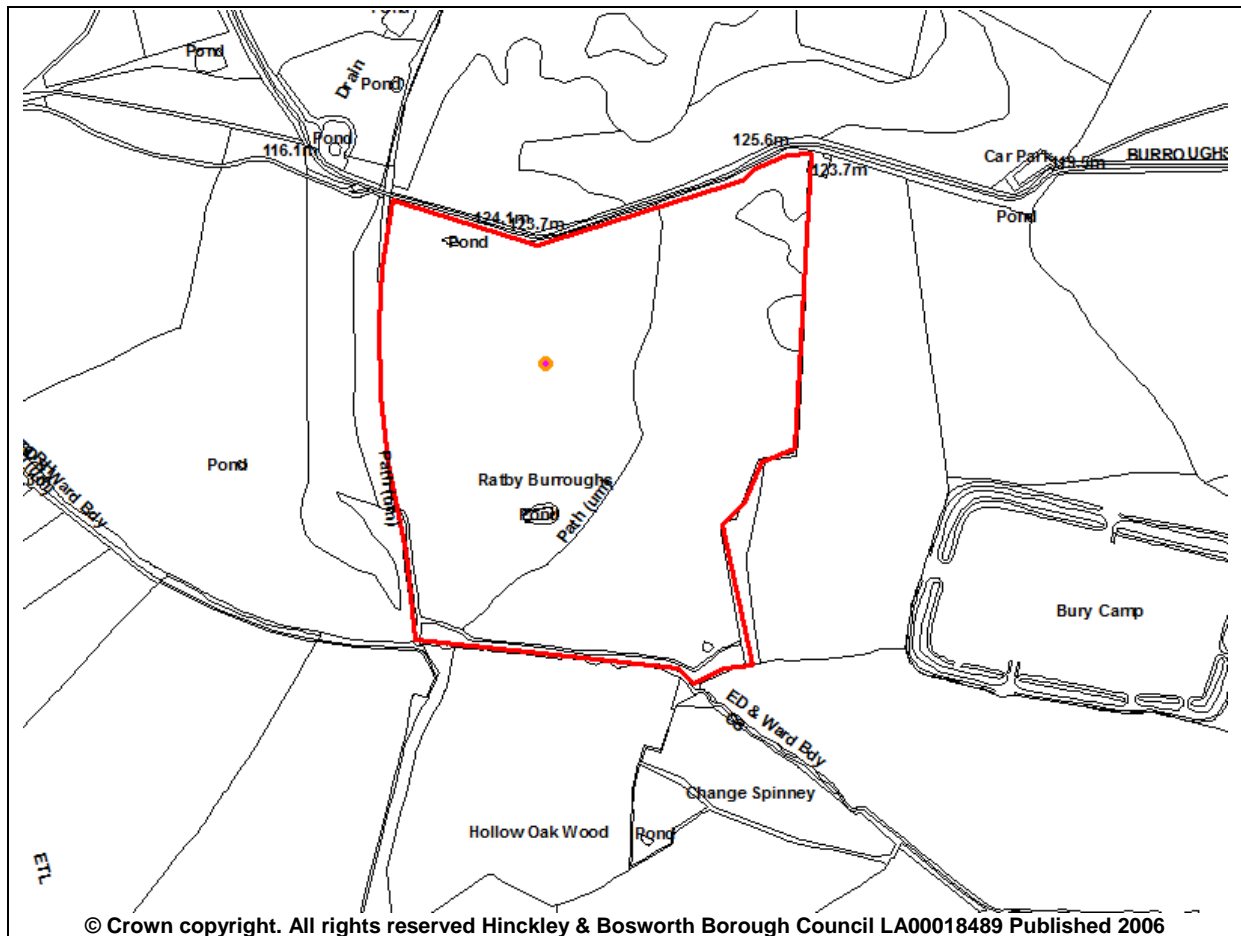
Planning Ref: 17/00872/FUL
Applicant: Mr Duncan Gass
Ward: Ratby Bagworth And Thornton



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 Interim Head of Planning be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This application was deferred from the 8 May 2018 planning committee to allow a committee site visit to be carried out. There have been no further amendments or additional information received since the 8 May 2018 committee.

2.2. 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.

- 2.3. 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.
- 2.4. 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, and part of Burroughs Road forms part of a National Cycle route, Route 63, which extends south from Markfield Road. 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)
 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 has an impact the use has 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. However during the course of the application objections have been received in respect of noise and disturbance the use causes to neighbouring properties. As a consequence the applicant has agreed a condition could be imposed which restricts the use of the site for a maximum of 150 days a year, which would ensure that the site is not in continued use 7 days of the week, removing a potential source of continued noise and disturbance to these dwellings. The restriction on the number of days would also protect the wider countryside, from an intensive use within this rural location.
- 8.20. 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.
- 8.21. As a result in the proposed development is considered to accord with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.22. Policies DM17 and DM18 of the emerging SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 8.23. 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 and refer to standing advice.
- 8.24. 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

- 8.25. 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.

- 8.26. 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

- 8.27. 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 Interim Head of Planning 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. The number of days that paintballing or associated activities at the site shall not exceed 150 days in anyone calendar year.

Reason: To ensure that the use does not become a source of nuisance, to protect the amenities of the neighbouring properties and the countryside in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Documents.

4. The occupiers/operators shall maintain an up-to-date register of all activities which are carried out on the site, this shall include dates, times and numbers of participants. The register shall be made available to the Local Planning Authority within one week of a written request.

Reason: To ensure that the operators of the site can be monitored and verified, in the interests of neighbouring amenity to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Documents.

5. 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).

6. 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).

7. 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.

8. 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.

9. 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 5 June 2018
Report of the Interim Head of Planning

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. This application was taken to Planning Committee on the 8 May 2018. Notwithstanding the officer's recommendation that permission be granted, members deferred a decision to seek amendments to set the extension further back.
2. Amendments to the scheme have been considered by the applicants but the requests are not achievable as detailed below. No amendments to the scheme have therefore been submitted since the application was considered at the 8 May 2018 Planning Committee.
3. Additional justification has been provided by the applicant to emphasise some of the key points from both the previous application's Delegated Officer Report and the Planning Manager's Report to the Committee. These are:
 - a) Deeds plans have been provided that indicate that the application is wholly within the applicant's boundary. The narrative to the deed plan notes that there is a requirement for joint maintenance of the driveway. The deeds

make it clear that there are no easements giving rights over any other land including rights of light and air. It is likely that the neighbour also has the same note on their register and therefore no right of access over the applicant's half of the driveway. However, the applicant is seeking legal advice to this effect and any update will be reported to Committee as a late item.

- b) It is stated by the applicant that the neighbours garage is set forward of the garage to no. 10 by almost 2 metres. The proposal is to set the garage forward by 3 metres and therefore the same principles apply. It is also noted that the neighbours would still be able to use the remaining shared space to alight any vehicles and move forward up to the garage if needed.
 - c) A letter from the Leicestershire County Council Occupational Therapist has been received in support of the application detailing the disabilities and particular requirements that need to be considered. It states that the scheme is the only feasible option to create a suitable adaption as the ground floor adaption needs to be close to the stairs to allow night time supervision, and costs of relocation are prohibitive. A recommendation for a Disabled Facilities Grant has been made to HBBC for this adaption.
 - d) The agent advises that the final design was arrived at following lengthy meetings with client, Social Services Occupational Therapist and HBBC Grant Officer. The proposed bedroom and en suite facilities are for the use of the client's disabled daughter and are being part funded by HBBC under a disabled facilities grant with the remainder funded by the client.
4. The assessment and recommendations to planning committee for this scheme have not altered from the previous report to committee. The original report to committee attached as Appendix A.
5. Section 9 of the report refers to Equality Implications as follows:

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.

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.

The equality implications arising from this application relate to the protected characteristics of a disabled person which is addressed in the assessment of the application by reference to planning policies and national guidance.

APPENDIX A

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



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1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

- 2.1. 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**

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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Planning Committee 5 June 2018
Report of the Interim Head of Planning

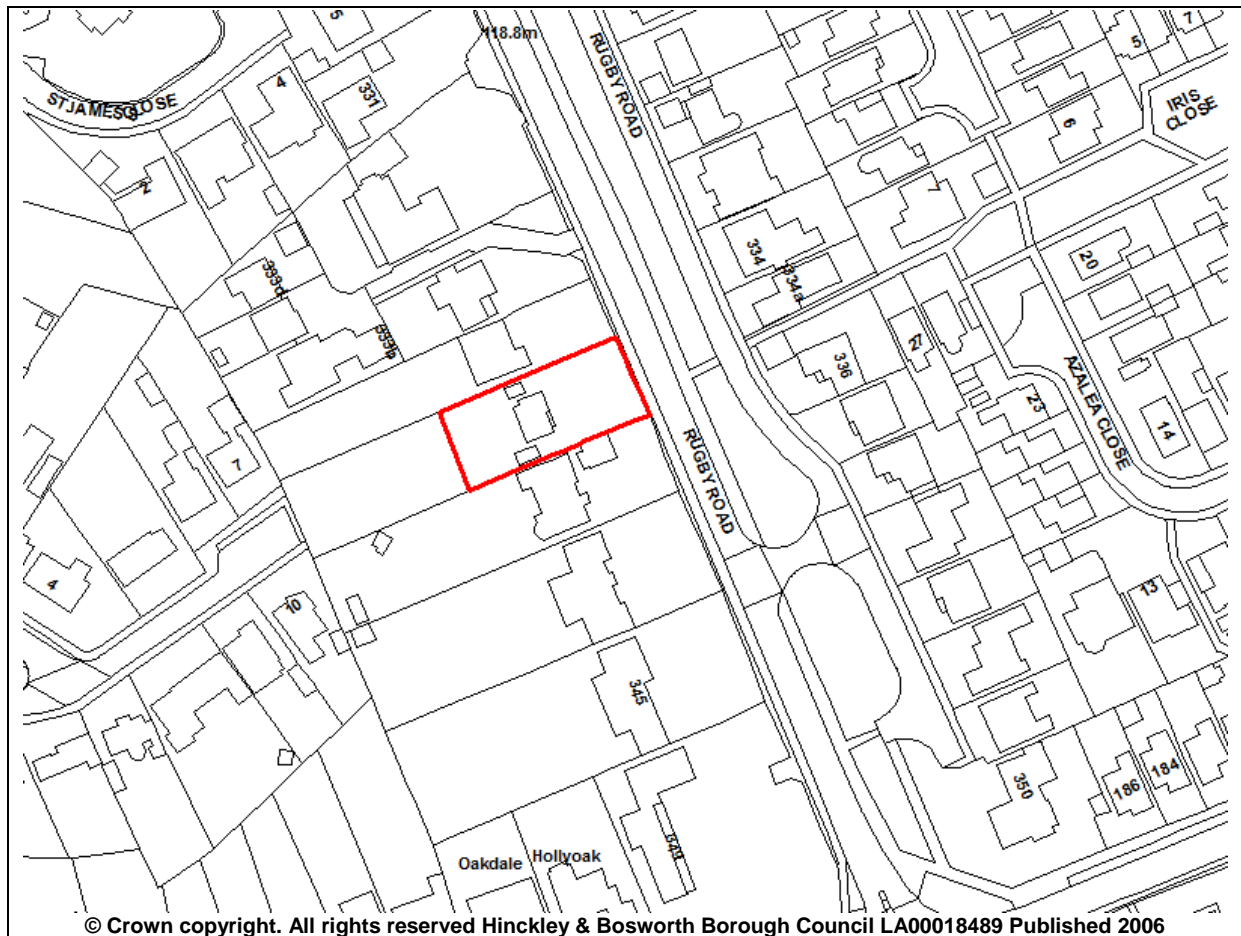


Hinckley & Bosworth
Borough Council

Planning Ref: 18/00122/FUL
Applicant: Ricky Child
Ward: Burbage Sketchley & Stretton

Site: 339 Rugby Road Burbage

Proposal: Demolition of existing dwelling and the erection of a detached two storey dwelling and a detached double garage (re-submission)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

2.1. The applicant seeks planning permission for the demolition of the existing two storey detached dwelling and its replacement with a detached two storey dwelling, and a detached double garage set forward of the proposed dwelling.

2.2. The scheme has been subject to various amendments during the course of the application and the latest proposed amendments are still out for consultation at the

time of writing. These plans show a reduction in the ridge height of the proposed dwelling of 0.2 metres and the previously integral garage section which projecting forward of the main elevation of the proposed dwelling has been removed and replaced with a detached garage forward of the principal elevation. The proposed garage is reduced in height and size from that previously proposed by 1.4 metres. The amended plans have gone out further neighbour consultation and any additional comments received will be reported as a late item.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the settlement boundary of Burbage on the western side of Rugby Road. The existing dwelling is a detached two storey property which fronts onto and is accessed from Rugby Road with substantial planting to the boundary with Rugby Road.
- 3.2. The wider area is characterised by large detached dwellings with a variety of designs to the west side of Rugby Road. A number of properties along this stretch of Rugby Road have detached garages forward of the principal elevation of the dwelling. All the dwellings along Rugby Road are set back a considerable distance from the highway; on average by around 20 metres.
- 3.3. To the east side of Rugby Road, the area is characterised by detached two storey dwellings smaller in scale to those on the opposite side of the road.

4. Relevant Planning History

14/01160/OUT	Demolition of Existing Dwelling and Erection of two new dwellings (outline - access only)	Outline Planning Permission	16.01.2015
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5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Five letters of objection from five addresses were submitted in response to the scheme as originally proposed, with the points summarised below:
 - 1) The proposed dwelling would project beyond the building line of other properties on the street which are all aligned
 - 2) The proposed front elevation would not be in keeping with other adjacent properties, in regard to the contemporary vaulted windows to the bedrooms which are disturbing to the street scene
 - 3) Concerns that a nursery will be developed as an application for this type of development was previously withdrawn from the applicant therefore should be a restriction so no commercial business operates from the site
 - 4) The erection of a double garage and parking spaces for five cars is excessive and gives the impression that the dwelling could be used for more than family living accommodation
 - 5) The proposed dwelling lacks proportionality with both the size of the site and the surroundings, is imposing and over develops and overcrowds the site
 - 6) The proposed dwelling's roof and eaves are shown as being substantially higher than any of the other adjacent properties and therefore draws a sharp focus to the discordant obtrusiveness
 - 7) The width of the site covers the whole plot which overcrowds the site and brings a terracing effect to the street scene
 - 8) The size of the southern elevation within one metre of the neighbouring boundary shades and cuts off natural daylight, to the first and ground floor

windows, but also shades daylight to the second aspect window of a living room at ground floor and a bedroom at the front of 341 Rugby Road due to the forward projection of the house

- 9) The large windows proposed on the rear elevation would increase the amount of over looking onto neighbouring residential properties
- 10) The development will have a negative and adverse visual impact on the character of the locality and the landscape of the area by being over-dominant, over bearing, out of scale and out of character in terms of appearance
- 11) The proposed garage would cause disturbance to the root protection zones of the existing vegetation, and methods should be undertaken to protect the existing trees

5.3. Following the submission of revised plans which revised the position of the proposed dwelling to follow the existing building line along Rugby Road; and involving an integral garage built forward of the principal elevation which was to be one and half storeys in height , a further re consultation was undertaken with three neighbour comments being received raising objections to the proposal, these comments are summarised below:

- 1) Floor to ceiling glazing is inappropriate leading to a lack of privacy and therefore loss of amenity to the neighbouring garden
- 2) The overpowering nature of the design is brought about by the substantial and unnecessary increase in ridge height; the increased depth of the property effectively moving the ridge closer to the rear of the plot; the two rear gable treatments emphasising and exaggerating the overall height and the increased width of the property leads to an unacceptable design
- 3) The proposed development would result in a loss of visual amenity, with the development overcrowding the site
- 4) The development is overbearing and the proposed property will be visually jarring and out of keeping with the area. The scale and form of the proposal is insensitive to the relationship with the neighbouring properties
- 5) The proposed double garage is almost as high as the existing property and projects forward of the existing building line. This elevation will be immediately adjacent to and unavoidably visible from the ground and second floor windows of 337 Rugby Road which will subsequently block direct light
- 6) The design would almost entirely eliminate production of low carbon solar energy from the southernmost roof installation of 337 Rugby Road and will increase their dependence on mains electricity

5.4. As detailed above, a further set of revisions to the proposed scheme has been received and consultation on these is currently in progress. Any comments received will be detailed as a Late Item.

6. Consultation

6.1. Burbage Parish Council has objected to the application on the grounds that the proposed scale of the development will be an overdevelopment of the site and the development will be sited too far forward of the building line. The amount of glazing, the height, mass and design of the building is out of keeping with the street scene and the established area and will create an unsatisfactory relationship with neighbouring properties. Burbage Parish Council maintained an objection to the application on receipt of the first set of revised plans. The Parish Council have yet to comment on the latest set of revisions, any comments received will be reported as a late item.

6.2. HBBC Environmental Health (Drainage) has recommended notes to applicant be added to ensure disposal of surface water to the main sewers.

7. Policy

7.1. Core Strategy (2009)

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

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

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

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Draft Burbage Neighbourhood Plan (BNP) 2015 – 2026

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

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

8.3. Policy 1 of the draft Burbage Neighbourhood Plan supports development proposals within the settlement boundary of Burbage provided it complies with other policies in the Neighbourhood Plan. The emerging Burbage Neighbourhood Plan is still in development, not yet having been submitted to the Local Planning Authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore; only very limited weight can be afforded to this document at this time.

8.4. The proposal is located within the settlement boundary of Burbage and therefore there is a presumption in favour of sustainable development. The applicant seeks planning permission for the demolition of an existing two storey dwelling and the erection of a detached two storey dwelling and a detached double garage. The proposal is considered acceptable in principle, subject to other material planning considerations.

Design and impact upon the character of the area

- 8.5. Policy DM10 of the SADMP requires developments to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.6. The proposed dwelling would be a two storey five bedroom property, with a detached double garage located forward of the principal elevation of the property. The proposed dwelling would be constructed with two glazed front gables with an eaves height of 5 metres and a ridge height of 8.4 metres. By way of comparison; measurements were taken at the two neighbouring residential properties with the ridge height at 341 Rugby Road being 6.82 metres and at 337 Rugby Road the ridge height being 7.5 metres. Whilst the directly neighbouring properties are lower in height than the proposed dwelling; there are varying ridge heights along this stretch of Rugby Road and there are other properties along this stretch of road are similar height to the proposed dwelling. The proposed double garage to the front would have an eaves height of 2.5 metres and a ridge height of 5 metres.
- 8.7. The dwelling itself would be set back from the highway by approximately 19 metres; following the existing building line with other properties along Rugby Road. The detached garage would be set back from the highway by approximately 10 metres; in line with the detached garage to the neighbouring property at 341 Rugby Road. The existing property is a three bedroom detached dwelling and is currently one of the smallest properties on the western side of Rugby Road. Rugby Road is characterised by large detached dwellings, and the proposed development would therefore be in keeping with the character of the area. The character of properties along Rugby Road is varied in terms of scale, height and design. The existing property does not positively contribute to the street scene in design terms. The proposed glazing to the front gable would add a contemporary design which is not considered to be detrimental to the character of the area and is therefore acceptable.
- 8.8. The proposed dwelling would be set in by 0.5 metre from the boundaries with both the adjoining neighbours allowing access to the rear. As noted above, a number of dwellings along Rugby Road are of similar size and bulk, therefore the proposed dwelling would not be out of keeping with the character of the area in this respect.
- 8.9. The proposed detached double garage would be constructed with a dual pitch roof with an eaves height of 2.5 metres and a ridge height of 5 metres. There are a number of dwellings which have detached garages along Rugby Road which have been constructed forward of the principal elevation of the dwelling including at the neighbouring property of 341 Rugby Road. The proposed garage would be set back from the highway by approximately 10 metres and there is extensive vegetation which provides considerable screening along Rugby Road which would screen the garage from view. Additional planting is also proposed along Rugby Road which would further screen the property and the garage.
- 8.10. The proposed detached double garage would be constructed in close proximity to 337 Rugby Road's conifer trees. The construction could affect the root protection areas of these trees and therefore a condition will be imposed requiring details of the proposed foundations to ensure that there is no adverse impact on the trees as a result of the construction of the garage.
- 8.11. By virtue of its siting, scale, design and appearance the proposal would not harm the character and appearance of the surrounding area and would therefore be in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP seeks to ensure that developments will have no significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.13. The proposed dwelling would be set off the boundary with the neighbouring property to the south; 337 Rugby Road by 0.5 of a metre. This property has one side window facing towards the proposed dwelling which serves a hallway. No windows are proposed to the northern elevation of the proposed dwelling and therefore there would be no overlooking of this neighbouring property. Therefore there would not be a significantly adverse impact on the amenity of the neighbouring property.
- 8.14. The proposed dwelling would be set off the boundary with 341 Rugby Road, to the north by 0.5 of a metre; bringing it closer to the boundary and the proposed dwelling would be higher than that which is replaces. 341 Rugby Road has three side windows at first floor level. However, these windows serve a bathroom which is obscurely glazed and two hallway windows and there would therefore be no significant impact on the amenity of this property. There are no side windows proposed to the northern side elevation of the proposed dwelling and there are no habitable room windows to this side elevation to 341 Rugby Road and therefore the proposed development would not adversely affect the amenity of 341 Rugby Road.
- 8.15. The detached garage would be constructed forward of the principal elevation of the proposed dwelling; on the boundary with 337 Rugby Road. However, given its location 2.5 metres forward of the neighbouring dwelling and given that the roof slopes away from the boundary; being 2.5 metres at the closest point to the boundary there would be no significantly adverse impact on 337 Rugby Road in terms of overshadowing or overbearing impact.
- 8.16. A bungalow is currently under construction to the rear of the site which is accessed by Johns Close. The separation distance between the proposed dwelling and the approved dwelling at Johns Close would be 29 metres from rear elevation to rear elevation. The proposed dwelling would have three windows at first floor level with majority of the ground floor being glazed. However the separation distance between the two properties is considered sufficient to ensure that there would be no adverse impact on the neighbouring amenity of the property to the rear of the site. There is also an existing 1.8 metre high close boarded fence which forms the boundary treatment between the two properties and acts as screening between the two properties.
- 8.17. The proposed property sits within an extensive plot and therefore it is considered that adequate private amenity space could be provided for the prospective occupiers of the new dwelling with 14 metres in length of garden space from the rear of the property to the rear boundary.
- 8.18. For the reasons given above, the proposed scheme would not result in any significant adverse impacts on the amenities of the occupiers of neighbouring properties and therefore the proposal is considered to comply with Policy DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon highway safety

- 8.19. Policy DM17 of the SADMP states that development proposals will be supported where there is no significant adverse impact upon highway safety.
- 8.20. Policy DM18 of the SADMP states that all new developments should provide an appropriate level of parking provision.

- 8.21. Leicestershire Highway Design Guidance provides that three spaces should be provided per dwelling within an urban location. The proposed dwelling is set back a considerable distance from the highway and meets the required standard set out within the 6C's. The parking layout and the turning space has not been outlined within the application, however it is considered that the site includes enough space to facilitate this, therefore it would be appropriate to have a suitably worded condition to ensure these details are submitted prior to any commencement of development. In terms of the access they are using an existing access which would not increase in use given that this application is for a replacement dwelling and it is therefore acceptable.
- 8.22. It is therefore considered that the development is in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

Infrastructure contributions

- 8.23. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements. However, the Planning Policy Guidance provides that, tariff-style planning obligations should not be sought for developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000 square metres. Therefore notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

Other Issues

- 8.24. Comments have been received stating that the dwelling is of a large nature and raising concerns that it could operate as a nursery. A planning application was submitted in 2015 by the applicant for the "Conversion and two storey extension of dwelling to a children's day nursery with residential on first floor" (Planning Reference: 15/01068/FUL). This application was withdrawn and no formal decision was made on this application. The current application is for a single dwelling and that is what must be considered. Any future application for use of the property as a day nursery would need to be assessed against the relevant planning policies.

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

11. Conclusion

- 11.1. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that accords with the policies in the Development Plan unless material considerations indicate otherwise. The site is located within a sustainable urban settlement with reasonable access to a range of services and facilities by sustainable transport modes.
- 11.2. Subject to the conditions set out below, the proposed development by virtue of the siting, layout, scale and design would respect the character of the street scene and would not adversely affect the amenities of the occupiers of neighbouring residential properties.
- 11.3. The application is considered to be in accordance with Policy 4 of the adopted Core Strategy and Policies DM1, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

12. Recommendation

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

- Planning conditions outlined at the end of this report.

- 12.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

12.3. Conditions and Reasons

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Block Plan, Garage Plan & Elevations, Proposed Floor Plans, Proposed Elevations received by the Local Planning Authority on the 18 May 2018 and, Landscaping Plans, received by the Local Planning Authority on the 13 April 2018 and Site Location Plan received by the Local Planning Authority on the 8 February 2018.

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

3. Prior to the commencement of development, representative samples of the types and colours of materials to be used on the external elevations of the dwelling hereby permitted shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved.

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

4. Prior to the commencement of development, a plan shall be submitted showing the existing and proposed ground levels of the site and finished floor levels of the dwelling hereby permitted. This shall be approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those details approved.

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

5. No development shall commence until a detailed scheme of landscaping and measures for the protection of trees on site and adjacent to the boundaries of the site to be retained during the course of development shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following items;
 - 1) A site specific tree protection plan with details of site storage areas and welfare facilities;
 - 2) A full and detailed prescription for tree surgery works;
 - 3) A method statement for site works and foundation design within the Root Protection Area on or adjacent to the site; and
 - 4) A landscape plan.

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

6. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any amendment or replacement thereof) no gates, barriers, bollards, chains, or other such obstructions shall be erected to the vehicular access within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

7. Before first occupation of the dwelling hereby permitted, the access drive and parking spaces shall be surfaced with a tarmacadam or similar hard bound material (no loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be permanently so maintained at all times thereafter.

Reason: To reduce the possibility of deleterious material (loose stones etc) being deposited in the highway in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

12.4. 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. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata; i.e soakaways, previous paving, filter drains, swales, etc and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata area insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.

3. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet
4. Rainwater from the garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge onto the surface of the application site and neighbouring properties.

Planning Committee 5 June 2018
Report of the Interim Head of Planning

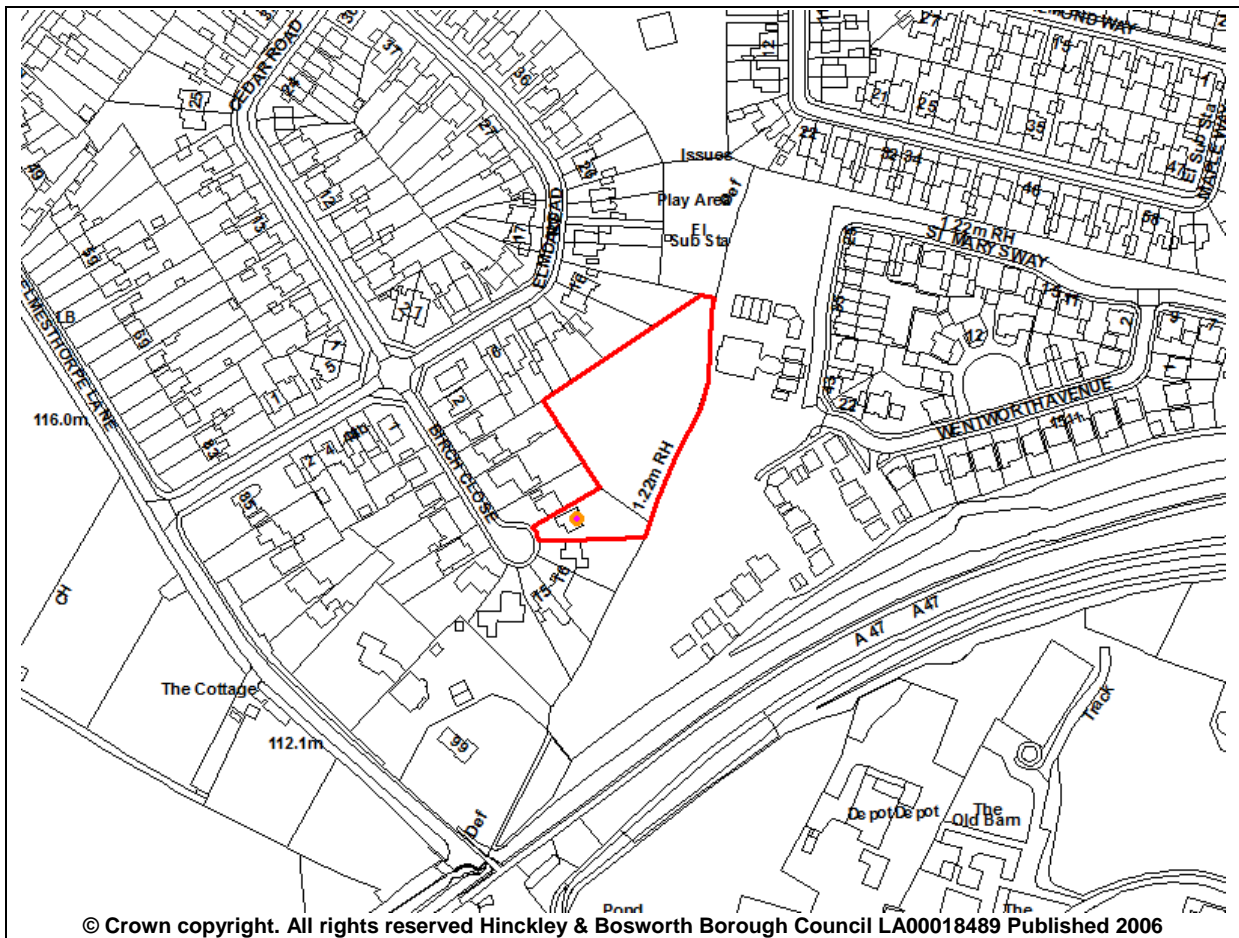
Planning Ref: 17/01330/FUL
Applicant: Kaplan Property Group
Ward: Earl Shilton



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 Interim Head of Planning be given powers to determine the final detail of planning conditions.
- 1.3. That the Interim Head of Planning 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

- None Relevant

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 the 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 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 terraced 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 nature of the surrounding property types 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 and 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 are currently 996 applicants on the register for affordable dwellings for Earl Shilton. The Residential Land Availability Monitoring Statement for 1 April 2017 – 31 March 2018 identifies that since the start of the plan period to 31st March 2018, 1056 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 properties, 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 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. 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 development's 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 schools 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 for 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 experienced 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+ bed roomed 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 findings 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 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 Interim Head of Planning be given powers to determine the final detail of planning conditions.

11.3. That the Interim Head of Planning 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 5 June 2018
Report of the Interim Head of Planning

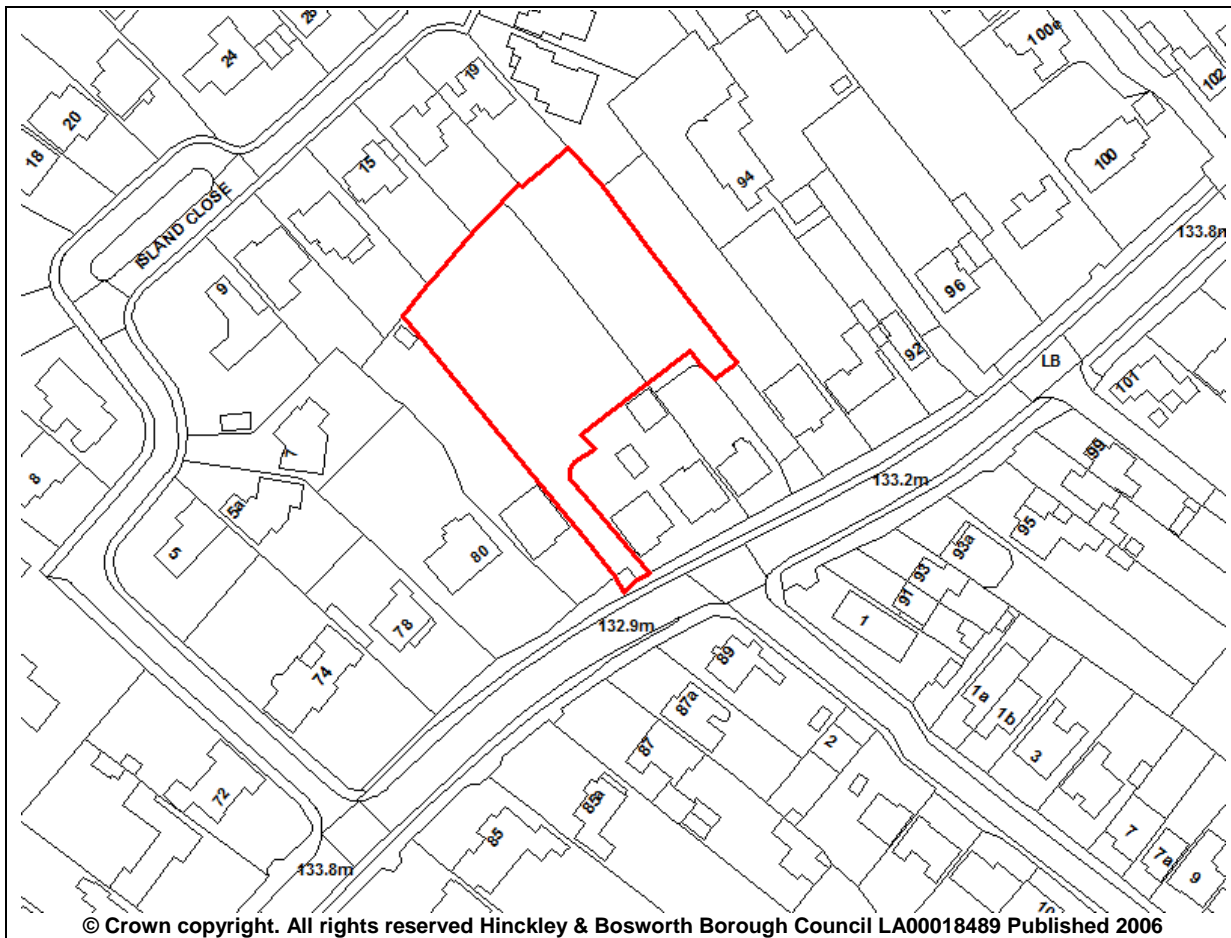


Hinckley & Bosworth
Borough Council

Planning Ref: 17/01297/FUL
Applicant: Mr Paul Morris
Ward: Hinckley DeMontfort

Site: 84 Leicester Road Hinckley

Proposal: Erection of seven dwellings, garages and associated drive
(resubmission of application 17/00096/FUL)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

2.1. This application seeks full planning permission for the erection of seven detached dwellings to the rear of 84 Leicester Road, Hinckley. The proposed dwellings would comprise of 7 detached, 4 bed roomed dwellings, of individual design. The internal road within the site is proposed to be accessed via Leicester Road, and situated between No82 and No84 Leicester Road, Hinckley.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 0.3 hectares and is situated within an established residential area of Hinckley, on the northwest side of Leicester Road. To the south east, adjacent to Leicester Road are two detached dwellings which have recently been constructed. To the north east of the application are single storey dwellings situated at depth from Leicester Road. To the north west, the application site backs onto Island Close. Ground levels generally fall from Leicester Road towards Island Close to the northwest. There are a number of trees along this northwest boundary which are protected by a Tree Preservation Order.

4. Relevant Planning History

07/01486/FUL	Demolition of two dwellings (No.84 and No.86Leicester Road) and erection of ten dwellings and associated garages and access	Refused	12.03.08
08/00780/FUL	Demolition of two dwellings (No.84 and No.86Leicester Road) and erection of ten dwellings and associated garages and access	Refused	12.03.08
14/00908/FUL	Demolition of a dwelling and erection of 2 dwellings with garages	Approved	19.01.2015

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and nine letters from separate addresses have responded raising the following objections:-

- 1) Previous development to the rear of Leicester Road, has been restricted to bungalows and roof pitches not exceeding 25 degrees
- 2) Not clear of conclusive provision for dealing with surface water run off, proposal could lead to flooding around Island close
- 3) Plots 5,6,7 and 8 are situated to close to the boundary of those dwellings along Island Close
- 4) Land levels would result in dwellings being 1 metre higher at ground floor to those dwelling in Island Close. Upper floor windows will overlook these houses
- 5) No benefit of this development to the wider community
- 6) Increase traffic and congestion
- 7) Development is contrary to DM10, adverse effect upon privacy, overlooking, amenity, light, noise and visual intrusion
- 8) Maximum roof pitches in the immediate area have been restricted to 22.5 degrees. Previous applications for back land development has restricted this (reference 13/00424/FUL)
- 9) Size of the site is only suitable for a maximum of 3 single storey dwellings, with hipped roofs

- 10) Properties on Island Close are built with their living accommodation to the rear, this development would result in overlooking
- 11) The land levels would result in the roofline having a terracing effect, oppressive and totally out of character
- 12) The contractor already has excess material on site. All spoil must be removed from site, and not spread any excess material over the site to increase the height
- 13) Loss of passive heating
- 14) Infill bungalow within the area have needed their own individual pumping stations to deal with sewerage. This development only proposes one, which could result in consequences for all residents
- 15) A proposed pumping station could also result in noise and vibration from a large pump
- 16) The proposed development proposes a single point soakaway. A single point borehole test was carried out in Feb 2016 and recommended further tests to be carried out, which has not been carried out
- 17) Already existing surface water issues in the area
- 18) How will bins be accommodated within the site
- 19) Previous house to the rear of the dwelling was limited by the Planning Inspectorate to a low pitch roof to prevent upward extension
- 20) The development would not complement or enhance the character of the surrounding area in regard to scale or layout, and bear no relation to the surrounding residential garden development or to the properties on Island Close to the rear
- 21) The proposed development would have small gardens which is contrary to the surrounding area
- 22) Previous planning application (07/1486/FUL) was refused by planning committee due to overbearing effect on properties to Island Close. This was also confirmed for the decision on a further application (08/00780/FUL), which was also refused on not being able to sufficiently demonstrate adequate foul and surface water drainage system
- 23) Planning inspectorate 1998 decision restricted one new dwelling within Island Close to single storey
- 24) The site originally comprised of a single dwelling, including this application and application 17/01294/FUL a total of 11 dwellings are proposed, when 10 dwellings have been previously refused
- 25) Site owner need to ensure that redundant wells and boreholes are made safe and structurally stable, and backfilled or sealed to prevent groundwater pollution and flow of water between different aquifer units
- 26) No proposal to deal with the potential polluted run-off from the roadway serving the proposed dwellings
- 27) Removal of trees on site has exacerbated run off of surface water into Island Close
- 28) Plot 3 and 4 will be in almost complete shade due to the location and orientation of the existing and proposed buildings, combined with the existing water logged nature of the site, will result in no amenity for these 5 bed houses
- 29) The silence of neighbouring dwellings on this proposal does not mean there is no objection, and may be subject to a covenant which precludes them from exercising their right to object
- 30) The proposal would be in contravention of the Councils de-facto policy in respect of paragraph 53 of the NPPF
- 31) Granting permission would have the consequence of a Judicial Review
- 32) The drainage strategy is to support an outline application not a full application

- 33) Granting this permission will result in application 14/00908/FUL not being able to fully implement the conditions relating to the access and arboreal barrier to protect No.82
- 34) The applicant does not intend to meet the conditions imposed on permission 14/00908/FUL and this permission would overturn the conditions imposed upon them
- 35) Bin storage is inadequate and would impede access
- 36) Unless road is adopted waste collection is not adjacent to the highway. If adopted would result in noise and disturbance to No.82 and No.84 by refuse vehicles reversing
- 37) Council has already met and exceeded the requirement for Residential Site Allocations without this site
- 38) Applicant has a history of breaching planning conditions
- 39) The first floors of Plots 5,6,7 and 8 will be up to two metres higher than the floor levels of Island Close
- 40) There is a 15metre Silver Birch Tree situated in close proximity to Plot 8. The footings of Plot 8 would impact the roots of this tree
- 41) There is an oak tree in close proximity to plot 8 the roots of which may be impacted by the proposed garage

5.2. One letter has been received stating they support the application.

6. Consultation

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

Environment Agency
 Severn Trent
 Lead Local Flood Authority
 Hinckley and Bosworth Borough Council (waste)
 Environmental Health (Drainage)
 Environment Health (Pollution)
 Leicestershire County Council (Highways)
 Leicestershire County Council (Ecology)
 Arboricultural Officer

6.2. Councillor Nichols has objected to the proposal on the following grounds:-

- 1) Development is inappropriate and would cause harm to the local area, a more appropriate scheme would be bungalows with roof pitches of 22.5 degrees
- 2) NPPF states that Local Authorities should have policies to resist inappropriate development in residential gardens. This council has no such policies and then 'ipso facto' from what has been allowed by the Planning Department in the past on rear gardens off Leicester Road, which are single storey properties
- 3) Inappropriate development which spoils the character of the local area should be taken into account as per the NPPF requirement
- 4) Development would be contrary to Policy DM10 criteria a and b, in that the development would have significant adverse impact upon privacy and amenity of residents and would not complement or enhance the character of the surrounding area
- 5) Mr Clark in response to the NPPF, scrapped minimum density targets so town halls can work with the local community to decide what new homes are best for their area. The proposed number on the site is too many and the design of the new home is not what is required
- 6) New development should take into account existing features of the site and location. Where development has already taken place these have been

limited to bungalow with roof pitches of 22.5 degrees roof pitches. The proposed buildings do not meet in any way their interrelationship with existing development and surrounding landscape

- 7) It does not incorporate high standard of landscaping
- 8) An appropriate Sustainable Drainage Scheme must be submitted and approved before the application approved
- 9) Adverse impacts from pollution and flooding. The area is prone to flooding and whilst STWA have carried out alterations to their systems to prevent any future problems this proposed development does nothing to ease the concerns of the neighbours
- 10) Several wells on site, one of which has been used for rainwater runoff from the new buildings. An appropriate drainage scheme has not been submitted and approved by the relevant authority. The proposed road does not show any drainage points. Who will be responsible for the upkeep of boreholes and catchment tank. Further information is needed
- 11) The plans show the sewerage will flow to a tank and then be pumped out to the existing drainage in Leicester Road. Has anyone shown that this will work and who will be responsible for its up keep
- 12) What happens if flooding of gardens takes place after these buildings are built

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy 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)

8. Appraisal

8.1. Key Issues

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

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 state 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 Plan Document (2016).
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. The Core Strategy states that the focus of most new development will be in and around the Hinckley sub regional centre as this is where there is a concentration of services, where accessibility can be maximised and modal choice made available.
- 8.5. To support Hinckley's role as a sub-regional centre, Policy 1 of the adopted Core Strategy seeks to allocate land for the development of 1120 new residential dwellings for Hinckley with a range of house types, sizes and tenures as supported by Policies 15 and 16 of the adopted Core Strategy. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development.
- 8.6. The HBBC 'Briefing Note 2017 - Five Year Housing Land Supply Position at 1 April 2018' confirms that the Council is able to demonstrate a five year housing land supply of 6.06 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.
- 8.7. The application site is located in a sustainable urban location within the settlement boundary of Hinckley as defined in the adopted SADMP and with reasonable access to a full range of services and facilities. Residential redevelopment of the site would therefore be generally in accordance with the adopted strategic planning policies of the development plan.

Design and impact upon the character of the area

- 8.8. Policy DM10 of the SADMP seeks 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.
- 8.9. Leicester Road is characterised by a mix of individually designed dwellings, which are predominately two storeys in scale, however there are a number of dormer bungalows within the street scene. To the north east of the site, there are two existing single storey dwellings positioned at depth, as back land development along Leicester Road. The dwellings to the north west situated within Island Close, are on a lower land level due to the levels dropping away to the north. Plot sizes within the Leicester Road and the immediate area, are varied, with some dwellings having larger than average plot sizes and rear gardens, some of which have been developed on over the years.
- 8.10. The application site is located to the north side of Leicester Road, and would be served by a single point of access situated between the north east of No.82 and to the south west of No.84, and would extend to the properties to the rear of 84-86 Leicester Road, which are two storey detached dwellings.. The development comprises a cul-de-sac which would create its own unique character, separate to that of the surrounding properties.
- 8.11. The access would extend north west and curve round to the east to create one single road to serve the development. The proposed dwellings have been orientated to provide a strong street frontage, and would afford natural surveillance within the proposed street scene and access. The proposed development would also provide high quality landscaping scheme, with a mix of hard surfacing's to denote the public and private areas.

- 8.12. The proposed development would provide a mix of house types, with plots 3, 4 and 9 being 2.5 storeys in scale, which would be positioned to the south east side of the application site, with Plots 5-8 having an overall scale of 1.5 storeys, reflective of the change in land level which drop towards the north west. Plots 5-8 would back onto the dwellings along Island Close, which although differ in character are generally dormer bungalows. Plots 5 – 8 are reflective in this character, with the eaves positioned below the first floor, with the roof space being utilised for bedrooms.
- 8.13. The proposed dwellings are of individual design and layout, which results in a varied character across the application site, and would ensure there is interest within the street scene. The design of the properties, include key features such as chimneys, projecting gables, eaves details and door and window head cill detailing, resulting in a high quality design of dwellings.
- 8.14. A number of objections have been received which content that the proposed dwellings should incorporate 22.5 degree roof pitches the result of which would be that the proposed dwellings would have roof heights reduced, similar to previous back land developments within the surrounding area. For the avoidance of doubt previous approved schemes such as the dwellings to the rear of 86 Leicester Road, Hinckley under permission, ref: 11/00178/FUL, agreed to reduce the roof pitch to appease neighbour concerns, but this was not a planning related requirement. A further application on the same site, was submitted under application, ref: 13/00424/FUL, which was in excess of 22 degrees, however when taking into consideration the prevailing character was deemed to reflect the surrounding area.
- 8.15. Objections have also been received which refer to an inspectors decision (Appeal reference APP/K2420/A/98/298012/P7) which approved the erection of a single storey dwelling to the rear of 80 Leicester Road, the principal elevation of which is served from Island Close, considering that given this appeal decision the proposed development should be restricted to single storey dwellings only. T dwelling which formed the subject of this appeal decision is however situated within in area and context where the character is predominately single storey. This is in contrast to the present application which is served from Leicester Road, where the character is varied, and would be viewed in this context. The proposal also seeks the erection of 7 dwellings; this development would create its own character and cul de sac frontage within the development site, unlike the development of a single dwelling.
- 8.16. As such given the surrounding character, where there is development at depth, and dwellings are of a varied character and size, the proposed development would complement the character of the surrounding area. The proposed development of the site would therefore be in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.17. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.18. The proposed development is bound by residential dwellings, and is positioned to the north west of Leicester Road and to the south east of Island Close, Hinckley. The proposed development would result in the creation of an access to serve 7 dwellings, and would extend along the side and rear boundaries of No.82 Leicester Road and No.84 Leicester Road, Hinckley. The proposed development would result in a level of vehicle movements, creating additional noise, however given the limited number of proposed dwellings it is not considered to be at a level which would have an adverse affect upon residential amenity. The proposed scheme also seeks to position a waste collection point along the side boundary of No.82, which would be

utilised once a week for collection. Given the location of the access and proposed positioning of the bin collection point, it is necessary to impose a condition to ensure appropriate boundary treatment along this boundaries is secured to ensure adequate private amenity space to the rear of this dwelling, as well as an appropriate means of enclosure for any permitted bin collection point.

- 8.19. On the entrance into the application site, the nearest residential dwellings to those dwellings along Leicester Road, would be plots 3 and 9. The proposed south east facing side elevation of Plot 3 would face the rear elevation of No. 84 Leicester Road, Hinckley. A distance of approximately 17 metres between the proposed side elevation of Plot 3 and the rear facing elevation of No.84 would be achieved, given this proposed separation distance and the fact there are no side facing windows proposed within this side facing elevation, it is considered that there would be sufficient distance between the dwellings to ensure there would be no overshadowing or overbearing impact to this dwelling as a result of this proposed scheme.
- 8.20. Plot 9 would have the rear facing elevation facing the rear elevation of No.86 Leicester Road. The rear garden of No.86 is approximately 20 metres, and would have a window to window distance of approximately 27 metres. Good practice guidance such as the Urban Design Compendium identifies the distance between backs of properties as a rule of thumb should seek an approximate distance of 20 metres. The window to window distance between Plot 9 and No.86 Leicester Road would therefore be in excess of separation distances, and would therefore avoid any overlooking or overbearing impact. The north east facing side elevation would face towards the residential garden serving No.88 Leicester Road, Hinckley. There are two first floor windows proposed within this elevation which would face north east, however they are proposed to serve an en-suite and a bathroom and would therefore be finished in obscured glazing, and avoid any direct over looking.
- 8.21. Plots 5-8 would have the rear facing elevations facing the rear elevations of No.13 to No.19 Island Close. The levels across the site fall towards Island Close, and this is reflective of the scale and design of Plots 5-8, which have an overall height of approximately 7.5 metres to the ridge. The separation distance between plots 5-8 and those dwellings along Island Close, would be in excess of 27 metres. This is in excess of the aforementioned good practice guidance, and is considered to ensure that notwithstanding the gradual fall in land levels, given the overall scale of the proposed dwellings in addition to the proposed separation distance, the neighbouring dwellings along Island Close would maintain a reasonable standard of amenity, and the proposed development would not have a significant impact on privacy or overbearing impact.
- 8.22. The proposed dwellings would be served by reasonably sized gardens to provide adequate amenity space of future occupiers. The dwellings would be sufficiently separated from one another to avoid overlooking or inter visibility 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.
- 8.23. Due to the positioning of the application site, and having regard to the surrounding neighbouring dwellings and the depths of the proposed plots, it is considered necessary to impose a condition to remove permitted development rights to ensure any additional alterations and extensions to dwellings are not carried out without consent, to allow full regard of neighbouring amenity.

- 8.24. 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 Trees

- 8.25. The application has been accompanied by an Arboricultural Report which considers the impact that the development proposal may have upon the three protected trees situated along the north west boundary of the site, which forms the rear boundary of the site. The protected trees are to be retained and are included within the rear gardens of plots 5, 6 and 7. A root protection area has been submitted which has been informed by the Arboricultural Report, to ensure that the proposed development would not have an adverse impact upon these protected trees.
- 8.26. Neighbouring the application site, along the north east boundary, is a large Silver Birch and objections have been received in respect of the impact this development may have upon the health of the tree. The tree is of moderate value and in fair condition and as such merits retention, however given its secluded location, it is only visible to the public through the gaps between No.82-84 and 86-88 Leicester Road, with partial distant views from Island Close and Bedale Avenue, the tree would not merit protection by TPO. It is also has no importance for screening to the proposed development.
- 8.27. Having consideration of the submitted tree report and having regard to the neighbouring tree, the Tree Officer has advised that the submitted Tree Protection Plan is not to scale and trees are not accurately plotted, however the construction exclusion zones proposed do appear to be accurate in regards to those trees which are protected. Given the inaccuracies contained within the submitted report and the requirements of the neighbouring Silver Birch situated within the rear garden of No.88, it is necessary that a condition is imposed to ensure a revised tree protection plan is submitted for all affected trees, along with a proposed method of appropriate foundation design, ground/root protection and tree surgery for the neighbouring trees which would be in close proximity to Plot 8.

Impact upon highway safety

- 8.28. 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.
- 8.29. The application site would be accessed off Leicester Road. Hinckley, which is a B class Road and subject to a speed limit of 30mph. The proposed access serving the site would be built with a width of 4.8 metres with a 2.4 x 60 metre visibility splay. 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.
- 8.30. The application seeks to provide part of the proposed access for adoption. Leicestershire County Council (Highways) have advised that in its present form further works and information would be required when technical approval for the access works is applied for, and therefore recommended conditions relating to the width, gradient and material of the proposed access which are reflective of the technical details required for adoption.
- 8.31. The submitted layout plan has a provision for a minimum of 3 spaces per dwelling which is considered the minimum provision that would be acceptable for dwellings of the proposed sizes in this location. A condition would be necessary to impose to ensure the provision of car parking is delivered.

- 8.32. Leicestershire County Council (Highways) has considered the application and has no objections subject to the imposition of conditions which relate to visibility, parking and accessibility of the application site. The proposed is therefore in accordance with Policy DM17 and DM18 of the SADMP.

Drainage

- 8.33. 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.
- 8.34. The application site is located within Flood Zone 1 as defined on the Environment Agency flood map and therefore is at low risk of flooding. The application has been accompanied by a proposed drainage strategy, which identifies that gravity connection to either the private foul drainage network within the site or public combined sewer in Leicester Road would not be possible to the levels and site topography, and it is therefore proposed that a pumping station be provided to lift foul up to the existing private drainage network within the site. The hierarchy for surface water drainage identifies that priority should be given to infiltration systems, secondly to a water course and thirdly to a public sewer. The drainage strategy identifies that the use of soakaways for the disposal of surface water may not be viable, however this would be subject to further investigation in accordance with Part H of Building Regulations. It is therefore identified that the management of surface water would be to collect runoff and attenuate this within oversized pipework with discharge to the existing surface water sewer. This would require a requisition of a new connection to an existing Severn Trent sewer.
- 8.35. Severn Trent have been consulted on the application and raise no objection to the application, subject to the imposition of a condition relating to the submission of drainage plans for the disposal of surface water and foul sewerage. Environmental Health (Drainage) have also advised that there are no objections to the proposed development subject to the submission of a surface water drainage scheme which accords with the outline submitted drainage strategy. During the course of the application the Lead Local Flood Authority were also consulted and advised that the proposed development, does not have any impact on surface water drainage and would therefore not be providing advice on this occasion.
- 8.36. The Environment Agency has commented on the application and has advised that they have no objections to the proposed development. The application site is located on solid rock strata that is designated as a secondary B Aquifer, on top of these rocks Drift sediments are expected to be present that are designated as either secondary A or Secondary undifferentiated Aquifers by the Environment Agency. Based on the information shallow groundwater is likely to be present within the overlying secondary drift aquifers at the site. Considering the former uses and environmental setting the risk to groundwater quality beneath in aquifers beneath the site is very low.
- 8.37. A planning condition is therefore recommended to require the submission of surface water drainage details, incorporating sustainable drainage principles, and the submission of foul sewerage details, prior to any development commencing and the completion of the approved scheme prior to completion of the development to ensure compliance with Policy DM7 of the adopted SADMP.

Waste

- 8.38. The proposed bin storage area for the purpose of waste collection has been positioned at the end of a proposed adoptable driveway. The driveway has been designed to an adoptable standard and would be considered for adoption subject to the necessary technical approval at the separate section 38 application stage.

Other matters

- 8.39. Objections raised in respect of the applicant not complying with conditions is not a matter which can be considered as part of this application but would be subject to ongoing monitoring during the implementation of the permission?
- 8.40. Objections have been raised in relation to the enforceability of the approved access and landscaping scheme approved under application 14/00908/FUL. This application would have an impact in so far as the access and the agreed landscaping scheme. However this application would result in the creation of a wider access and a condition would be imposed to ensure that a suitable and adequate landscaping scheme would be provided in its replacement.

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 situated in a sustainable location within the settlement boundary of Hinckley, 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 or highways. Supporting information has been provided to demonstrate that adequate drainage and foul sewerage schemes can be provided which would not result in any significant environmental impacts in terms of flooding and pollution. The submitted arboricultural report also identifies that the proposed development can be carried out without detriment to the protected trees within the boundary of the application site. The proposed development is therefore considered to be in accordance with Policy 1 of the Core Strategy, and Policies DM1, DM10, DM7, DM10, DM17 and DM18 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:
- Planning conditions outlined at the end of this report.
- 11.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

11.3. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
Site Location Plan, Site Plan and internal street scenes plan Dwg No.692.MP.09F received on the 9 May 2018, Plot 3 and 4 Dwg No.692.MP04 Rev A, Plot 5 Dwg No.692.MP.05, Plot 6 Dwg No.692.MP.06, Plot 7 and 8 Dwg No.692.MP.07 Rev A, Plot 9 692.MP.08 received by the Local Planning Authority on the 14 December 2017.
Reason: To ensure a satisfactory impact of the development to accord with Policy DM1 of the adopted Site Allocations and Development Management Policies DPD.
3. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority. 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:
 - 1) Means of enclosure
 - 2) Car parking layouts
 - 3) Other vehicle and pedestrian access and circulation areas
 - 4) Hard surfacing materials
 - 5) Minor artefacts and structures (e.g. furniture, play equipment, refuse
 - 6) or other storage units, signs, lighting, etc.)
 - 7) Planting plans
 - 8) Written specifications
 - 9) waste collection provision and points
 - 10) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - 11) 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, 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. Prior to development, a Tree Protection Plan shall be submitted, which includes appropriate foundation design, ground and root protection shall be submitted to and agreed in writing by the Local Planning Authority. The agreed Tree Protection Plan shall be implemented and carried out in complete accordance with the agreed details.

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, to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Plan.

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

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

8. The development hereby approved shall not commence until drainage plans for the disposal of surface water and foul sewerage, including its maintenance, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and completed in accordance with the approved details prior to any occupation of dwellings hereby approved.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating flooding and minimise the risk of pollution to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Plan.

9. Notwithstanding the submitted plans, details of the proposed access serving the development, including width, gradient, and surfacing, serving the shall be submitted and agreed in writing. The agreed scheme shall be completed prior to first occupation of the development hereby permitted, and shall be maintained at all times thereafter.

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 and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Plan.

10. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays as shown on drawing no. 692.MP.09F have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Plan.

11. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented and hardsurfaced in accordance with drawing no. 692.MP.09F. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Plan.

12. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access at Leicester Road, Hinckley.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM18 of the Site Allocations and Development Management Plan Policies.

13. 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, Classes A, B, C and D shall not be carried out without the grant of planning permission for such development by the Local Planning Authority.

Reason: To safeguard the residential amenity of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

14. Before first occupation of the dwellings hereby approved, the first floor windows positioned within the east facing side elevation, which serve proposed bathrooms of plot 9, as identified within layout plan dwg no. 692.MP.09F 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.

15. No development shall take place until a scheme which provides adequate provision for waste and recycling storage and collection across the site has been submitted to and approved in writing by the Local Planning Authority. The details should address the accessibility to storage facilities and adequate collections point space at the adopted highway boundary.

Reason: To ensure that the development is served with a satisfactory waste collection scheme across the site to serve the amenity of the future occupants to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

11.4. Notes to Applicant

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

2. 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 the consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seeks to assist you obtaining a solution which protects both the public sewer and the building.
3. The suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. A minimum of 3 test locations will be required in order to obtain representative results for the development site.

The drainage scheme should be designed in accordance with the CIRIA SuDS Manual (C697), incorporating sustainable drainage principles and the appropriate level of treatment trains to improve water quality before discharging into the downstream system.

Drainage details shall include hydraulic calculations to demonstrate that the proposed drainage system for the development will operate satisfactorily and not result in any flooding off-site in the 1 in 100 year rainfall event, plus an appropriate allowance for climate change.

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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 25.05.18

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
18/00018/HEDGE	TW	18/00040/HEDGE (PINS REF 512)	WR	AH Oliver & Son Sweepstone Fields Farm Snarestone Road Newton Burgoland	Odstone Hill Farm Newton Lane Odstone	Start Date Submission of Documents Statement of Case Final Comments	17.05.18 01.06.18 29.06.18
	JB	18/00249/OUT (PINS REF 3202284)	WR	Mr Jeffrey Allen Medworth Desford Road Desford	Land Adjacent Medworth Desford Lane Ratby (Erection of a single Dwelling after demolition of existing redundant outbuildings)	Appeal Valid Awaiting Start Date	10.05.18
	AC	18/00193/HOU (PINS REF 3202279)	WR	Mr T Knapp 18 Strutt Road Burbage	18 Strutt Road Burbage (Single storey attached garage to front of property (resubmission of 17/00777/HOU))	Appeal Valid Awaiting Start Date	11.05.18
	JB	17/00552/OUT (PINS Ref 3201693)	WR	Mr & Mrs T & G Moore 42 Coventry Road Burbage	42 Coventry Road Burbage (Demolition of garage and erection of one new dwelling to rear of existing property (Outline - access, layout and scale only))	Appeal Valid Awaiting Start Date	03.05.18
18/00016/FTTREE	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)	Start Date Awaiting Decision	16.05.18
	RW	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
18/00015/FTPP	EC	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))	Start Date Awaiting Decision	14.05.18

18/00014/FTPP	TW	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))	Start Date Awaiting Decision	14.05.18
	RW	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	
18/00012/FTPP	AC	17/01190/HOU (PINS Ref 3199017)	WR	Mrs Natasha Godrich 12 Wellington Close Burbage	12 Wellington Close Burbage (Single storey side extension)	Start Date Awaiting Decision	14.05.18
18/00009/FTPP	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))	Start Date Awaiting Decision	09.05.18
18/00013/FTPP	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)	Start Date Awaiting Decision	14.05.18
18/00010/FTPP	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)	Start Date Awaiting Decision	08.05.18
18/00011/FTPP	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)	Start Date Awaiting Decision	14.05.18
	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
18/00017/PP		17/01119/FUL (PINS Ref 3197114)	WR	Mr Andrew Ward Ben Venuto Thornton Lane Markfield	Ben Venuto Thornton Lane Markfield (Erection of detached dwelling)	Start Date Statement of Case Final Comments	17.05.18 21.06.18 05.07.18

		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 Awaiting Decision	23.04.18
	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)	Appeal Valid Awaiting Start Date	22.05.18
	CA	10/00221/UNAUTH (PINS Ref 3192396)	IH	Mr F Hopkins The Bungalow Coalville DE12 7DQ	Land at Allotment Gardens Newtown Linford Lane Groby (Alterations to access)	Awaiting Start Date	
18/00007/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 Hearing Date	20.03.18 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 Inquiry Date (8 days)	11.12.17 12.06.18
18/00001/FTTREE	CB	17/00930/TPO (PINS Ref 6502)	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

	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

17/00028/PP	RW	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 detached double garage (Plot 1))	DISMISSED	17.05.18
17/00027/PP	RW	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))	DISMISSED	17.05.18
17/00026/PP	RW	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))	DISMISSED	17.05.18