

# Public Document Pack



Hinckley & Bosworth  
Borough Council

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

Date: 23 July 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, 31 JULY 2018** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen  
Democratic Services Officer

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### 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

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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 - 31 JULY 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 3 July 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. 18/00468/OUT - 33 MAIN ST, NORTON JUXTA TWYXCROSS, ATHERSTONE (Pages 5 - 14)  
Application for erection of one dwelling (outline – access only).
8. 17/01050/OUT - HORNSEY RISE MEMORIAL HOME, BOSWORTH ROAD, WELLSBOROUGH (Pages 15 - 38)  
Application for demolition of care home building and erection of up to 20 dwellings including conversion of former chapel to dwelling and associated access, drainage and landscaping works (in part).
9. APPEALS PROGRESS (Pages 39 - 44)  
To report on progress relating to various appeals.
10. 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

3 JULY 2018 AT 6.30 PM

PRESENT: Mr BE Sutton – Vice-Chair in the Chair  
Mrs MA Cook, Mr WJ Crooks, Mrs L Hodgkins, Mr E Hollick, Mr KWP Lynch,  
Mr K Nichols (for Mr DC Bill MBE), Mrs J Richards, Mr RB Roberts, Mrs MJ Surtees and  
Ms BM Witherford

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

#### 70 APPOINTMENT OF VICE-CHAIRMAN

It was moved by Councillor Surtees, seconded by Councillor Roberts and subsequently

RESOLVED – Councillor Cook be appointed to the Vice-Chairman's role  
for this meeting only.

#### 71 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bessant, Bill, Ladkin,  
Smith and Ward with the substitution of Councillor Nichols for Councillor Bill authorised  
in accordance with council procedure rule 10.

#### 72 MINUTES

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

RESOLVED – the minutes of the meeting held on 5 June 2018 be  
confirmed and signed by the Chairman.

#### 73 DECLARATIONS OF INTEREST

No interests were declared at this stage.

#### 74 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that discussions were ongoing in relation to application 17/00872/FUL. All  
other decisions had been issued where relevant.

#### 75 18/00316/HOU - 10 FAIRACRE ROAD, BARWELL

Application for a single storey side and rear extension.

It was moved by Councillor Hollick and seconded by Councillor Lynch that permission be  
granted subject to the conditions contained in the officer's report.

The Interim Head of Planning requested that voting on the motion be recorded. The vote  
was taken as follows:

Councillors Crooks, Hodgkins, Hollick, Lynch, Nichols, Surtees, Sutton and Witherford  
voted FOR the motion (8);

Councillors Cook, Richards and Roberts abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED – permission be granted subject to conditions outlined in the officer’s report, with the final detail of planning conditions delegated to the Interim Head of Planning.

76 17/01330/FUL - 12 BIRCH CLOSE, EARL SHILTON

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

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

RESOLVED –

- (i) Permission be granted subject to:
  - a. Prior completion of a S106 agreement to secure 100% affordable housing;
  - b. The conditions outlined in the officer’s report and late items.
- (ii) The interim Head of Planning be granted delegated powers to determine the final detail of planning conditions;
- (iii) The Interim Head of Planning be granted delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

77 18/00198/FUL - 46 LUTTERWORTH ROAD, BURBAGE

Application for erection of one detached dwelling and formation of associated new access.

Whilst generally in support of the application, concern was expressed about potential overlooking. It was moved by Councillor Sutton and seconded by Councillor Cook that a condition be added to require obscured glazing to the south east side elevation (facing 1 Lodge Close). Upon being put to the vote, the amendment was carried and it was subsequently

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer’s report and the abovementioned additional condition requiring obscured glazing;
- (ii) The Interim Head of Planning be granted delegated powers to determine the final detail of planning conditions.

78 18/00122/FUL - 339 RUGBY ROAD, BURBAGE

Application for demolition of existing dwelling and the erection of a detached two storey dwelling and a detached double garage (re-submission).

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

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report and late items;
- (ii) The Interim Head of Planning be granted delegated authority to determine the final detail of planning conditions.

79 18/00381/FUL - 8 TRAFFORD ROAD, HINCKLEY

Application for part change of use from residential to childminding business for up to nine children.

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

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

80 PLANNING ENFORCEMENT UPDATE

Members received an update on enforcement cases. It was

RESOLVED – the report be noted.

81 APPEALS PROGRESS

Members received an update on progress in relation to ongoing appeals. It was

RESOLVED – the report be noted.

(The Meeting closed at 8.00 pm)

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CHAIRMAN

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Planning Committee 31 July 2018  
Report of the Interim Head of Planning

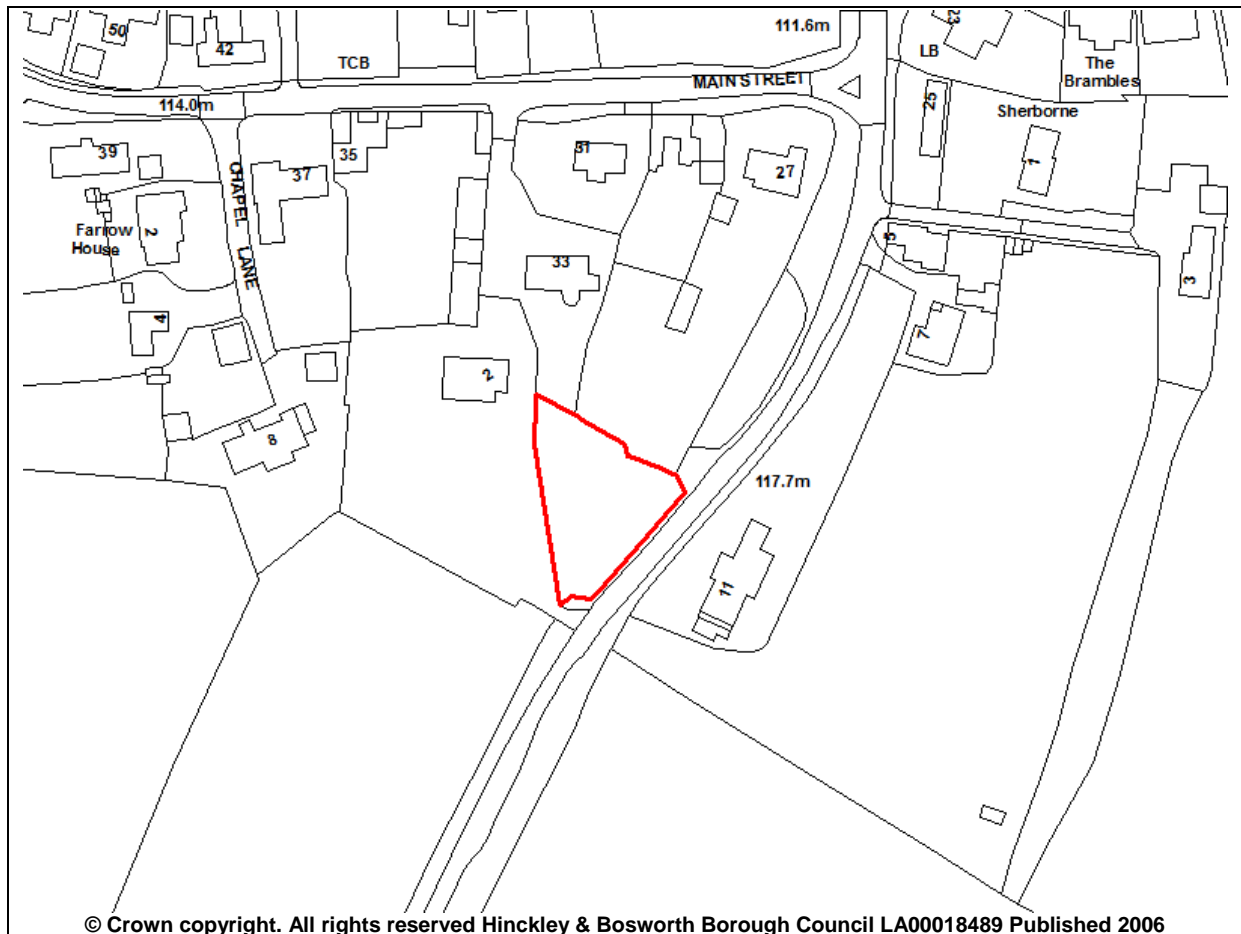


Hinckley & Bosworth  
Borough Council

Planning Ref: 18/00468/OUT  
Applicant: The Malcolm Pickering Will Trust  
Ward: Twycross Sheepy & Witherley

Site: 33 Main Street Norton Juxta Twycross

Proposal: Erection of one dwelling (Outline - access only)



## 1. Recommendations

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

- Planning conditions outlined at the end of this report.

## 2. Planning Application Description

- 2.1. This application seeks outline planning permission with all matters reserved except for access for the erection of one new dwelling. The proposal seeks the subdivision of the existing rear garden serving no. 33 Main Street, Norton Juxta Twycross with the creation of an access to serve the new dwelling proposed to the south east of the site off Nob Hill.
- 2.2. An indicative layout plan has been provided along with the application to demonstrate how a dwelling could be provided within the site whilst also ensuring the retention and protection of the important trees across the site.

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

- 3.1. The application site currently comprises the far end of the rear garden serving no. 33 Main Street, Norton Juxta Twycross. The existing property is a one and half storey property that benefits from a long garden which is narrow at first and then projects significantly out in width.
- 3.2. The site is bounded by a number of small, ornamental fruit trees on the south west and north east boundaries. An existing gate provides access to the rear of the site from Nob Hill, however this access is relatively overgrown and appears unused. A large number of trees and hedgerows bound the south east of the site on this boundary with Nob Hill.
- 3.3. The site is located within the settlement boundary of Norton Juxta Twycross and surrounded by a mix of built development, comprising of two storey and single storey properties.

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

None

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. 16 letters of objections were received from 14 separate addresses raising the following concerns:-
  - 1) Impact upon highway safety and lack of off street parking
  - 2) Access to be proposed at a narrow width of Nob Hill
  - 3) Nob Hill used by all vehicles, including HGVs
  - 4) Poor visibility from the proposed access point with no street lighting
  - 5) Scale of dwelling higher than that of surrounding properties
  - 6) Existing access point onto Nob Hill never been used
  - 7) 30mph speed limit on Nob Hill constantly exceeded
  - 8) Disruption and impact during construction

### **6. Consultation**

- 6.1. Twycross Parish Council object to the application on highway impact grounds, stating that the road is not sufficiently wide enough for two vehicles to pass and appropriate visibility splays from the proposed access cannot be achieved.
- 6.2. Objections received from Councillor Ould, County Councillor for the Market Bosworth Division who raises the following concerns:-
  - 1) Impact upon highway safety
  - 2) Similar application in Twycross Parish has been withdrawn
  - 3) Inadequate width of the highway with no footpath
  - 4) The road is used by farm traffic and HGVs with no room to pass
  - 5) Inadequate visibility splays from the proposed access point
  - 6) Further objections received raising the accuracy of the LCC Highways Consultation Response and the lack of a site visit
- 6.3. No objections subject to conditions received from the following:-
  - HBBC Arboricultural Officer
  - HBBC Waste
  - HBBC Environmental Health
  - LCC Highways

6.4. No objections received from the following:-

HBBC Drainage  
LCC Ecology

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

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
- Infrastructure contributions
- Other issues

### Assessment against strategic planning policies

8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraphs 12 and 13 of the NPPF state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.

8.3. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

8.4. Policy DM1 of the adopted SADMP and paragraph 14 of the NPPF provide a presumption in favour of sustainable development and confirm that planning applications that accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.

8.5. The proposal is located within the settlement boundary of Norton Juxta Twycross, which is identified as a Rural Hamlet. Policy 13 of the Core Strategy states that in rural hamlets, the council will support housing development within the settlement boundaries. The proposal would therefore be acceptable in terms of general

strategic planning principles subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.6. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.7. This is an outline planning application seeking the approval of access only at this stage. Matters of layout, scale, design, appearance and landscaping are reserved for subsequent separate approval. Notwithstanding the above, an indicative layout plan including parking and indicative floor plans and elevations have been submitted with the application.
- 8.8. The application site currently comprises the rear garden serving no. 33 Main Street, a one and a half storey property. There is a mix of built form in the surrounding area with a two storey property located to the west and a single storey property located opposite the proposed access point on Nob Hill.
- 8.9. The proposed subdivision would provide satisfactory space for a new dwelling of appropriate size to complement neighbouring properties. The indicative layout plans shows that a new dwelling would ensure that adequate amenity areas for both the existing and proposed dwelling could be achieved and the size of the site would be considered suitable to respect the existing pattern of development in the surrounding area.
- 8.10. The site is relatively flat but sits higher than Nob Hill located to the south east. The proposal would involve the loss of a number of trees within the site, however these trees are small, ornamental/fruit trees and as such are considered acceptable to be removed. The proposed access point and associated visibility splays would result in the loss of the existing hedgerow garden boundary with Nob Hill. The loss of the hedgerow is not considered to have a significant impact on the rural character of the area and replacement planting would be provided to the front of the site and the existing and important trees on this boundary with Nob Hill are to be retained.
- 8.11. As such, it is considered that the development of a new dwelling would not significantly alter the existing character of the site. An illustrative tree protection plan has been submitted with the application, however as the layout is a matter reserved for separate approval, a subsequent tree protection plan should be submitted along with any reserved matters application.
- 8.12. Subject to satisfactory layout, scale, design and appearance which would be assessed at the reserved matters stage, the development of the site for one new dwelling would complement the character of the surrounding area and the proposal would therefore be in accordance with Policy DM10 of the SADMP

Impact upon neighbouring residential amenity

- 8.13. Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.14. The proposed subdivision of the existing garden would retain adequate private amenity space to serve the occupiers of the existing dwelling and the future occupiers of proposed dwelling.

- 8.15. By virtue of the size of the plot and its relationship to neighbouring dwellings, subject to the consideration of additional details at the reserved matters stage (including the scale and layout of the dwelling and the position of any windows), the erection of one new dwelling would be able to achieve satisfactory separation distances to neighbouring properties to avoid any significant adverse overbearing impacts and together with satisfactory boundary treatments would be able to protect the privacy and amenity of neighbouring properties and future occupiers of the site from any significant loss of privacy from overlooking. The proposal would therefore be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.16. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision. Paragraph 32 of the NPPF states that a safe and suitable access to sites should be achieved and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.17. A Planning Statement and Highways Report have been submitted to support the application. These suggest that the proposed new access would have adequate width and visibility at its junction with Nob Hill to serve the proposed development for one new dwelling, along with adequate off street parking and turning area.
- 8.18. Nob Hill is an unclassified road subject to a 30 mph speed limit. The proposed access point would have a width of approximately 3.2 metres and the removal of the existing hedgerow would facilitate the provision of a visibility splay of approximately 52 metres to the north east and approximately 120 metres to the south west. There are no pedestrian footways on the north west side of Nob Hill in the vicinity of the site, or on the east side opposite the proposed access. The existing gate access is to be permanently blocked up.
- 8.19. The submitted details indicate that the access point and associated visibility splays would be in accordance with the Leicestershire Highways Design Guidance.
- 8.20. The Highway Authority, after reviewing the submitted information, considers that the proposed new access is sufficient to serve the development. The residual cumulative impacts of development can therefore be mitigated and are not 'severe' in accordance with paragraph 32 of the NPPF (2012), subject to the imposition of conditions to secure the implementation of the new access as submitted and that any access gates would be set back a minimum of 5 metres behind the highway boundary.
- 8.21. Although layout is a matter reserved for separate approval, it is indicated that appropriate off-street parking spaces and turning areas could be provided within the site to serve the dwelling and also to allow vehicles to manoeuvre and leave the site in a forward gear.
- 8.22. Subject to the imposition of conditions, which would be reasonable and necessary to ensure safe access, the proposed scheme would not result in any significant adverse impacts on highway or pedestrian safety and would therefore be in accordance with Policies DM17 and DM18 of the SADMP.

### Infrastructure contributions

- 8.23. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.24. However, following amendments to national planning guidance, 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

- 8.25. Due to the proximity of the site to a former landfill site, HBBC Environmental Health (Pollution) have recommended conditions for a scheme of investigation to be carried out on site prior to the commencement of development, in accordance with Policy DM7 of the SADMP.
- 8.26. HBBC Street Scene Services (Waste) has recommended a condition for the provision of a scheme for waste and recycling. This condition is not considered necessary, as bins could be provided at the adopted highway with Nob Hill.
- 8.27. LCC (Ecology) has no objection to the proposal and as such the proposal would comply with Policy DM6 of the SADMP.
- 8.28. Concerns have been raised regarding impact during construction; however any impacts would be limited and short term in nature only.

## **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 within the settlement boundary of Norton Juxta Twycross where residential development is generally acceptable in principle. By virtue of the size of the plot, its relationship to neighbouring properties and subject to satisfactory layout, scale, appearance and landscaping (which would be assessed at the reserved matters stage), the erection of one new dwelling would complement the pattern, character and appearance of the surrounding area and would not give rise to any significant adverse impacts on the privacy or amenities of the occupiers of any neighbouring properties or any significant adverse impacts on highway safety.

10.2. The proposed scheme would be in accordance with Policy 13 of the adopted Core Strategy and Policies DM1, DM6, DM7, DM10, DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF (2012) and is therefore recommended for outline approval for access only, subject to conditions.

## 11. Recommendation

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

- Planning conditions outlined at the end of this report.

## 11.2. Conditions and Reasons

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

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

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

- a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development;
- b) The scale of each building proposed in relation to its surroundings.
- c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
- d) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures. This shall include a full tree protection plan, an arboricultural report and survey which includes a programme of works and details the type and location of protection fencing.

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

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

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted access details, as follows:- Site Location Plan Drawing No. AT/PE655.8 Sheet 1 of 1 (scale 1:1250) and Proposed Access Layout Drawing No. AT/PE655.5 (scale 1:200) received by the Local Planning Authority on 14 May 2018.

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

4. No development shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling shall be deposited with and approved in writing by the Local

Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

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

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

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

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

**Reason:** In accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

7. Before first occupation of the development hereby permitted, the access drive and parking spaces shall be surfaced with a tarmacadam or similar hard bound material (not 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 Site Allocations and Development Management Policies Development Plan Document.

8. No part of the development hereby permitted shall be occupied until such time as the access arrangements and visibility splays shown on the approved Proposed Access Layout Drawing No. AT/PE655.5 (scale 1:200) received by the Local Planning Authority on 14 May 2018 have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may stand clear of the highway and appropriate visibility splays can be achieved, in the interests of general highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document and paragraph 32 of the National Planning Policy Framework (2012).

9. 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 vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a



distance of 10 metres of the highway boundary, nor shall any be erected within a distance of 10 metres of the highway boundary unless hung to open away from the highway.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic in the public highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document and paragraph 32 of the National Planning Policy Framework (2012).

### 11.3. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
3. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).
4. Planning permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Design Guide.

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Planning Committee 31 July 2018  
Report of the Interim Head of Planning

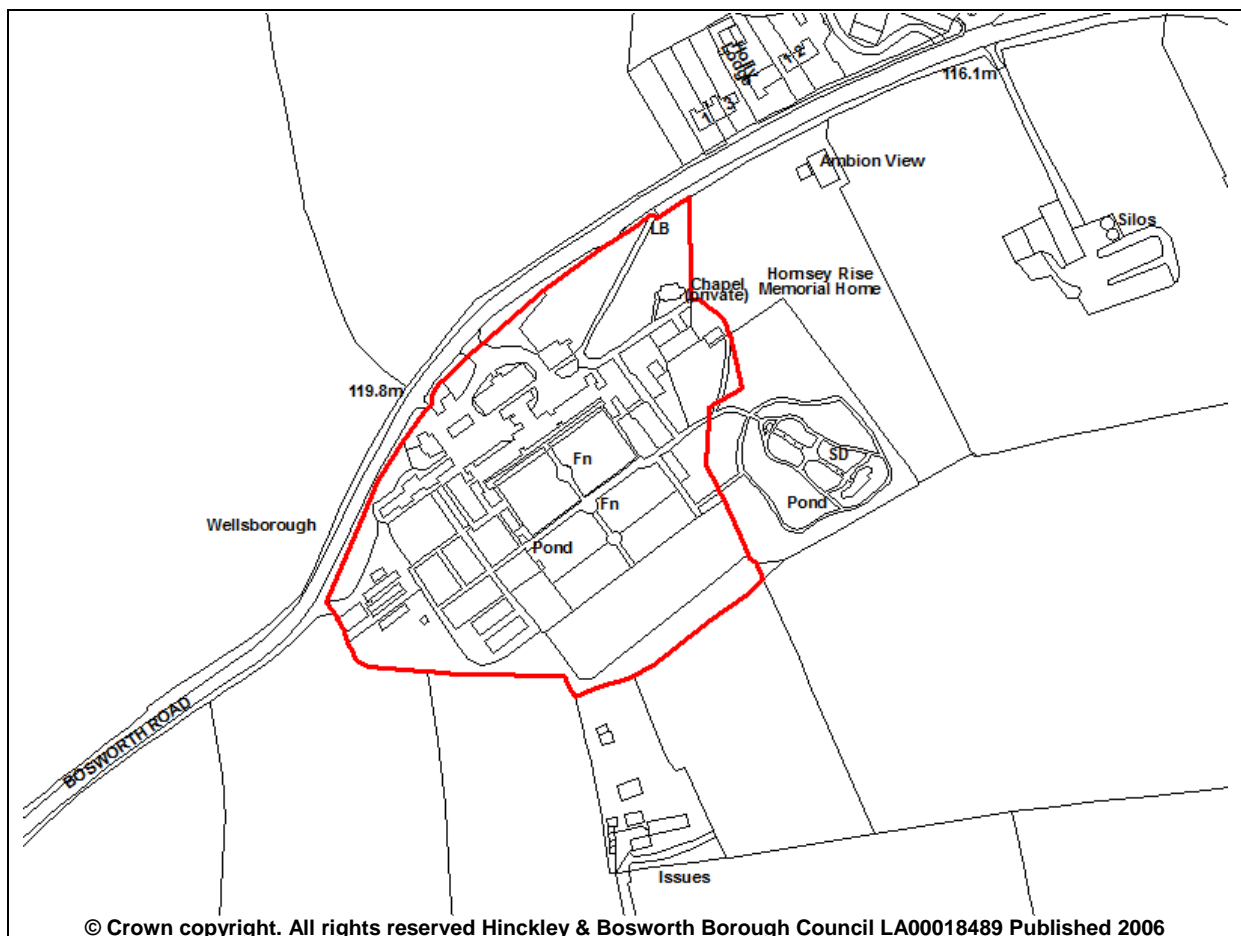


Hinckley & Bosworth  
Borough Council

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

Site: Hornsey Rise Memorial Home Bosworth Road Wellsborough

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



## 1. Recommendations

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

- The prior completion of a S106 agreement to secure the following obligations:
  - A commuted sum of £354,000 for off-site affordable housing provision in lieu of 40% on-site provision
  - Education facilities contribution of £130,538.02
  - Health facilities contribution of £5,512.32
  - Permanent future management and maintenance of the woodland and natural landscaping buffer (estimated cost £110,000)
- 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 section 106 planning obligation including trigger points and claw back periods.

## **2. Planning Application Description**

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

## Great Crested Newt Habitat Suitability Survey

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

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

### 4. Relevant Planning History

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

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

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

## **6. Consultation**

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

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

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

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

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

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

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

- 1) The size and scope of development. Too many dwellings are proposed and apartments are inappropriate for this rural site where there are no local facilities. Between 7 and 15 dwellings would be more appropriate and none over two storeys in height;
- 2) Access to and from the site. The access is located on a blind bend from both directions on a fast rural road. The proposed repositioning of the access will not improve sight lines significantly and retain a dangerous exit at an increased trip rate. The submitted Transport Statement is misleading in respect that the previous use of the site resulted is nowhere near the number of notional traffic movements quoted. If the application is to be approved, the speed limit should be reduced to a maximum of 40mph and other speed reduction solutions to improve the safety of vehicles using the access should be considered.
- 3) Poor state of current utilities supply and outlets, particularly water supply, foul drainage and electricity services which already suffer from failure and will be unable to cope with any increase in capacity requirement from the proposed development;
- 4) The polluted site has not been cleaned up or made safe. A comprehensive asbestos survey should be undertaken by a specialist company and appropriate safe removal of such materials carried out prior to any new construction taking place.
- 5) Public access should be retained to the historical war memorial located within the site.

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

Severn Trent Water Limited  
 Leicestershire Police  
 Cycling UK  
 Arboricultural Officer

## **7. Policy**

### 7.1. Core Strategy (2009)

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

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM9: Safeguarding Natural and Semi-Natural Open Spaces
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### 7.3. National Planning Policies and Guidance

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

### 7.4. Other relevant guidance

- Affordable Housing SPD (2008)
- Landscape Character Assessment (2017)
- Landscape Sensitivity Study (2017)
- Sheepy Neighbourhood Plan (SNP) 2017 (Pre-submission consultation draft)

## 8. Appraisal

### 8.1. Key Issues

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

#### Assessment against strategic planning policies

8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the development plan is the starting point for decision making and that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 13 of the NPPF states that the NPPF is a material consideration in determining applications.

8.3. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009), and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP). The site also lies within the emerging Sheepy Neighbourhood Plan area. However, this is still in development, not yet having been submitted to the local planning authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore, only very limited weight can be afforded to this document at this time.

8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Wellsborough is not identified as a designated rural hamlet within the adopted Core Strategy or the SADMP and by virtue of its countryside location and low level of sustainability for additional development has no site allocations. The location of the site is clearly remote from any everyday services and facilities, a point raised by objectors during the consultation process.



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

#### Previously developed land

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

*that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time'.*

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

Impact upon the character of the site and surrounding landscape

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

harmful or significant adverse effect on the landscape character of the surrounding countryside or undermine the physical or perceived separation between settlements.

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

#### Sustainable design

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

accordance with Policy 16 of the adopted Core Strategy and Policies DM10 and DM2 of the adopted SADMP.

Impact on highway safety

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

site and this is also acceptable in terms of highway safety to the Highway Authority. Given the remote nature of the site and reliance on private car for most trips, parking within the site will need to be in accordance with adopted highway design guidance but this is to be considered at the reserved matters/detailed layout stage.

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

#### Impact upon archaeology

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

- 8.42. To ensure that any archaeological remains present are dealt with appropriately the applicant should provide for an appropriate level of archaeological investigation and recording. This should consist of a programme of archaeological work to be conducted prior to commencement of the proposed groundworks associated with the development. It should commence with an archaeological trial trench investigation of the development area; if archaeological remains are present and will be impacted by the development, a further stage of investigation will be necessary. The nature and extent of any subsequent mitigation will be informed by the results of the initial trenching. A contingency provision for recording and excavation of archaeological remains of greater extent, complexity or significance than currently envisaged should also be made.
- 8.43. It is therefore recommended that any planning permission should be subject to a number of planning conditions to safeguard any important archaeological remains potentially present in accordance with Policies DM11 and DM13 of the adopted SADMP and section 12 of the NPPF.

#### Impact upon neighbouring and future residential amenity

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

#### Biodiversity

- 8.50. Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features.
- 8.51. Objectors to the scheme have commented that no trees should be removed as part of the proposal, that perimeter hedgerow and trees should be retained to protect

wildlife habitat and that future management and maintenance responsibilities for the retained woodland and natural buffers needs to be secured.

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

#### Drainage

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

SADMP. The satisfactory disposal of foul drainage would be subject to separate Building Regulations approval.

#### Contamination

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

#### Affordable Housing

- 8.64. Policy 15 of the adopted Core Strategy seeks contributions towards affordable housing in rural areas on sites of four dwellings or more or sites of 0.13 hectares or more. Of these, 75% should be for social rent and 25% for intermediate housing.
- 8.65. The amended scheme for up to 20 dwellings would therefore result in a policy requirement for 8 affordable housing units on the site, 6 for social rent and 2 for intermediate housing. The Housing Strategy and Enabling Officer considers that by virtue of the isolated position of the site and lack of nearby services, facilities or public transport links, the application site would not be a favourable location for affordable housing. For this reason it is considered that, in this instance, a commuted sum should be paid by the developer towards the provision of affordable housing in a more sustainable location as set out in Policy AH7 of the adopted Affordable Housing Supplementary Planning Document. and in accordance with the commuted sum calculation.
- 8.66. The applicant has submitted a development Viability Appraisal of the scheme to deliver affordable housing, infrastructure contributions and long term future woodland management and maintenance.
- 8.67. The Viability Appraisal and further information submitted by the applicant in respect of additional abnormal development costs in respect of the site have been assessed by an external viability consultant and following negotiations it has been concluded that the proposed scheme could provide a commuted sum of £354,000 for off-site affordable housing in lieu of 40% on-site affordable housing provision in addition to the other contributions. This can be secured by the completion of a suitable section 106 planning obligation to accord with Policy 15 of the adopted Core Strategy.

#### Infrastructure contributions

- 8.68. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.



- 8.69. The request for any planning obligations (infrastructure contributions) must be considered against the requirements set out within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.70. As a result of public consultation the following infrastructure contributions have been identified:
- 1) Education
- 8.71. The Director of Children and Family Services requests a total contribution of £130,538.02 towards education facilities in Market Bosworth (Primary School Sector: £58,075.25 and Secondary School Sector: £59,706.41) and Earl Shilton (Post – 16 School Sector: £12,756.41) to mitigate the impact of additional users from the development on the capacity of these facilities where deficits have been identified. No contributions are requested for the Special Schools Sector.
- 2) Health care facilities
- 8.72. NHS England requests a contribution of £5,512.32 towards the improvement of local health care facilities to mitigate additional demands on the local surgery in Market Bosworth as a result of the proposed development. The contribution has been identified for improvements to the Dispensary at the surgery.
- 3) Civic Amenity facilities
- 8.73. The Director of Environment and Transport considers that the civic amenity site at Barwell will be able to meet the additional demands of the proposed development and therefore no contribution is required on this occasion.
- 4) Library facilities
- 8.74. The Library Services – Locality Manager North requests a contribution of £600 towards library stock and materials to mitigate the impacts of the proposed development on the local library service in Market Bosworth.
- 8.75. There are no public play and open space facilities in the vicinity of the site that would be impacted on by the development therefore no such contributions are requested for compliance with Policy 19 of the adopted Core Strategy.
- 8.76. The infrastructure contributions identified above, with the exception of library facilities contributions, are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and therefore CIL compliant and can be secured through the completion of a suitable section 106 planning obligation which is currently under negotiation.
- Other material considerations
- 8.77. Paragraph 7 of the NPPF identifies that there are three dimensions to sustainable development: the economic, social and environmental roles and that they are mutually dependent.
- 8.78. The Planning Statement submitted to support the application suggests that the proposals will deliver significant economic benefits through the provision of an estimated 54 direct full-time equivalent construction roles and indirect full-time equivalent jobs during the build phase. It also suggests that the scheme could generate £2.8 million of gross value added during the construction period and generate New Homes Bonus payments. The scheme is also envisaged to result in around 30 economically active employed residents with new households generating

an estimated £0.64 million per annum and approximately £40,000 per annum in Council Tax revenue.

- 8.79. In respect of the social role, the proposals would provide significant social benefits in the form of additional well designed market housing units and equivalent 40% affordable housing off-site, the removal of serious and recurring anti-social behaviour from the site that has had significant adverse social impacts on nearby residents and emergency services. The scheme includes the provision of financial contributions towards education and health facilities to support local social infrastructure. The scheme also proposes a safer vehicular access to the site with improved visibility and public access to the memorial stone erected within the site.
- 8.80. In respect of the environmental role, the proposals would result in the more effective use of this part previously developed site, the removal of unsightly derelict, vandalised and part demolished buildings, appropriate remediation of any contamination and significant enhancement to the visual amenities and appearance of the site. In addition, the proposals seek to secure the long term future management and maintenance of the retained woodland and natural buffers to promote, protect and benefit biodiversity within the site. Sustainable design and build measures are also proposed to be incorporated into the development including sustainable drainage measures providing environmental benefits.

## **9. Equality Implications**

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

## **10. Conclusion**

- 10.1. By virtue of its isolated countryside location remote from everyday services and facilities, Wellsborough has a low level of sustainability for additional residential development. In addition, at 1 April 2018 the Council is able to demonstrate a five year housing land supply of 6.06 years and therefore residential development in the countryside is not currently required to boost the housing supply in the Borough.
- 10.2. The proposal is therefore in conflict with the overarching spatial vision for the Borough within the adopted Core Strategy and Policy DM4 of the adopted SADMP which does not support new residential development in the countryside.
- 10.3. Paragraph 17 of the NPPF seeks to 'encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value'. Sheepy Parish Council and other public consultation responses acknowledge that some form of development of the site is necessary to address the significant antisocial behaviour and nuisance issues that the site

attracts and to improve the overall appearance of the site and its immediate setting which has become an eyesore.

- 10.4. Notwithstanding the clear conflict with policy DM4 of the adopted development plan, in this case, it is considered that there are significant public economic, social and environmental benefits identified within the scheme that weigh in favour of the proposal. The scheme is in outline only at this stage and planning conditions can be imposed to control the future layout parameters, housing mix, scale, design and appearance of the scheme and its sustainable design credentials.
- 10.5. Subject to satisfactory details being submitted, it is considered that the residential redevelopment of the site as within the submitted development parameters proposed would not result in any significant adverse impacts on the surrounding landscape, highway safety, archaeology, residential amenity, biodiversity, flooding or pollution and would provide contributions towards affordable housing, education facilities, health facilities and the future long term management and maintenance of the existing woodland and natural boundary buffers within the site. The proposal is therefore recommended for the approval of outline planning permission subject to conditions and the completion of a satisfactory section 106 planning obligation.

## 11. Recommendation

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

- The prior completion of a S106 agreement to secure the following obligations:
  - A commuted sum of £354,000 for off-site affordable housing provision in lieu of 40% on-site provision
  - Education facilities contribution of £130,538.02
  - Health facilities contribution of £5,512.32
  - Permanent future management and maintenance of the woodland and natural landscaping buffer (estimated at £110,000)
- 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 section 106 planning obligation including trigger points and claw back periods.

### 11.4. Conditions and Reasons

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

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

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

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

3. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
  - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development
  - b) The scale of each building proposed, which shall not exceed 10 metres in height, in relation to its surroundings
  - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
  - d) The access arrangements within the site for vehicles, cycles and pedestrians
  - e) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

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

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

4. Any reserved matters application shall be accompanied by a scheme which details the proposed housing mix for the development which should be in accordance with the Council's adopted Development Plan and the housing needs of the area. The development shall then be completed in accordance with the approved details.

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

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

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

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

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

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

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

8. No development shall commence on site until a programme of archaeological work (commencing with initial trial trench investigation and including any appropriate subsequent mitigation) has been detailed within a Written Scheme(s) of Investigation (WSI), submitted to and approved in writing by the local planning authority. The WSI(s) shall include a statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording, with consideration of appropriate analytical methods to be utilised;
- A detailed environmental sampling strategy, linked to the site research objectives and where appropriate informed by previous work (i.e. any previous archaeological evaluation or investigation of this site or in the vicinity);
- The programme for public outreach and dissemination;
- The programme for post-investigation assessment and subsequent analysis;
- Provision for publication, dissemination and deposition of resulting material in an appropriate archive repository; and
- Nomination of competent person(s) or organisation(s) to undertake the agreed work.

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

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

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

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

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

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

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

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

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

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

13. No development shall commence until such time as full details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details for the duration of the construction period.

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

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

**Reason:** To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. The development shall be implemented in accordance with the recommendations contained within the submitted Extended Phase I Ecological Survey (updated November 2017), Internal/External Bat Survey (updated October 2017), Dawn/Dusk Emergent Bat Surveys (updated October 2017), Badger Survey (February 2017) and Great Crested Newt Habitat Suitability Survey (updated November 2017) by Dr S. Bodnar.

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

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

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

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

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

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

**Reason:** To mitigate the impact of the development in the general interests of pedestrian and highway safety in accordance with Policy DM17 of the

adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 32 of the National Planning Policy Framework (2012).

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

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

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

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

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

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

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

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



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

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

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

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

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

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

#### 11.5. Notes to Applicant

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

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

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

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

3. In relation to conditions 10 and 11 advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
4. In relation to condition 12, the scheme shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.
5. In relation to condition 13, the details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
6. In relation to condition 14, details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.
7. If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following: <http://www.leicestershire.gov.uk/Flood-risk-management>
8. In relation to condition 15, badger mitigation should be based on the recommendations in the Badger Survey (Dr S. Bodnar, 2017), with a minimum of a 30 metre buffer surrounding the badger sett. Should the reserved matters application not be submitted before August 2018 it is recommended that an updated badger survey is completed to ensure that that mitigation strategy is still appropriate.

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

## PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 20.07.18

**WR - WRITTEN REPRESENTATIONS**

**IH - INFORMAL HEARING**

**PI - PUBLIC INQUIRY**

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
	AC	18/00321/FUL (PINS Ref 3207339)	WR	Saga Construction Ltd Lime Tree Barns Desford Road Kirkby Muxloe	45 - 47 Ashby Road Markfield (Demolition of all buildings and residential development of 8 dwellings)	Awaiting Start Date	
	AC	18/00377/HOU (PINS Ref 3207112)	WR	Mr & Mrs D Sullivan Hracourt Mill Barton Road Carlton	Harcourt Mill Barton Road Carlton	Appeal Valid Awaiting Start Date	16.07.18
		17/00988/FUL (PINS Ref 3206304)	WR	Mr Gavin Ingham Gnarley Farm Osbaston Hollow Osbaston	Gnarley Farm Ashby Road Osbaston	Appeal Valid Awaiting Start Date	09.07.18
	LL	16/00277/UNUSES (PINS Ref 3206296)	WR	Mr F Tailor Oldlands Fenns Lane Dadlington	Oldlands Fenn Lanes Dadlington	Awaiting Start Date	
	TW	18/00333/HOU (PINS Ref 326141)	WR	Mr Dyer 4 Hall Lane Obstone	4 Hall Lane Odstone (Two storey side and single storey front & rear extensions)	Appeal Valid Awaiting Start Date	10.07.18
18/00024/FTPP	RH	18/00098/HOU (PINS Ref 3204820)	WR	Mr D Power 37 Wykin Lane Stoke Golding	37 Wykin Lane Stoke Golding (Proposed Studio and Playroom above approved garages)	Start Date Awaiting Decision	03.07.18
18/00023/FTPP	EC	18/00412/HOU (PINS Ref 3204710)	WR	Mrs Samantha Mather 64 Manor Road Desford	64 Manor Road Desford (Detached garage to front elevation and roof lantern to existing summer house in rear garden)	Start Date Awaiting Decision	03.07.18
	AC	17/00776/FUL (PINS Ref 3204517)	WR	Dr David Hickie 7 Hunters Walk Witherley Atherstone	7 Hunters Walk Witherley Atherstone Erection of timber post and wire fence adjacent to Kennel Lane (resubmission of 17/00310/FUL)	Appeal Valid Awaiting Start Date	20.06.18

18/00011/FTPP	AC	18/00038/HOU (PINS Ref 3204410)	WR	Mr & Mrs Smith 15 Denis Road Burbage	15 Denis Road Burbage (First floor extension to bungalow to form two and a half storey dwelling with alterations to all elevations (resubmission of 17/00546/HOU))	Start Date Awaiting Decision	02.07.18
	RW	17/01341/FUL (PINS Ref 3204303)	WR	Mr Leighton Parsons Oakdene Leicester Lane Desford	Oakdene Leicester Lane Desford (Erection of one dwelling and associated detached triple garage)	Appeal Valid Awaiting Start Date	08.06.18
	HK	17/00765/FUL (PINS Ref 3203971)	PI	Orbit Group Ltd	The Big Pit Land to the rear of 44 - 78 Ashby Road Hinckley (Erection of 60 dwellings including	Awaiting Start Date	
18/00019/FTTREE	CJ	18/00234/TPO (PINS Ref 6812)	WR	William Burke 1 Goulton Crescent Desford	1 Goulton Crescent Desford (1x Scots pine, reduce overall height by 20 feet)	Start Date Awaiting Decision	30.05.18
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 Final Comments	16.05.18
	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
18/00021/FTPP	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))	Start Date Awaiting Decision	21.06.18
18/00030/PP	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))	Start Date Statement of Case Final Comments	13.07.18 17.08.18 31.08.18
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

18/00026/PP	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)	Start Date Statement of Case Final Comments	12.07.18 16.08.18 30.08.18
18/00025/PP	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))	Start Date Statement of Case Final Comments	12.07.18 16.08.18 30.08.18
	HW	15/00441/FUL (PINS Ref 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 Awaiting Decision	17.05.18
18/00020/PP	AC	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
	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
18/00027/ENF	CA	10/00221/UNAUTH (PINS Ref 3192396)	PI	Mr F Hopkins The Bungalow Coalville DE12 7DQ	Land at Allotment Gardens Newtown Linford Lane Groby (Alterations to access)	Start Date Statement of Case Final Comments Proof of Evidence Public Inquiry Date (TBC)	04.07.18 15.08.18 05.09.18 30.10.18 27.11.18
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 Awaiting Decision	20.03.18

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 Decision due on or before	11.12.17 23.08.18
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

#### Decisions Received

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))	<b>DISMISSED</b>	<b>29.06.18</b>
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)	<b>DISMISSED</b>	<b>29.06.18</b>
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)	<b>DISMISSED</b>	<b>29.06.18</b>
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)	<b>DISMISSED</b>	<b>29.06.18</b>
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))	<b>DISMISSED</b>	<b>11.07.18</b>

#### Appeal Decisions - 1 April - 20 July 2018

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
16	3	13	0		3	0	13	0	0	0	0	0	0

#### Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
1	0	0	0	1

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