

# Public Document Pack



Hinckley & Bosworth  
Borough Council

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

Date: 17 August 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, 28 AUGUST 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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- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
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- **Do not** use the lifts.
- **Do not** stop to collect belongings.

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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 - 28 AUGUST 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 31 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. 18/00425/FUL - HORIBA MIRA LTD, WATLING STREET, CALDECOTE, NUNEATON  
(Pages 5 - 40)  
Application for construction of a Connected and Autonomous Vehicle (CAV) testing track, a control tower and storage building, ground works, landscaping and associated infrastructure.
8. 18/00302/FUL - LAND SOUTH OF AMBER WAY, BURBAGE (Pages 41 - 62)  
Application for erection of 40 dwellings and associated infrastructure.
9. 17/01297/FUL - 84 LEICESTER ROAD, HINCKLEY (Pages 63 - 80)  
Application for erection of seven dwellings, garages and associated drive (resubmission of application 17/00096/FUL).
10. 18/00530/OUT - LAND WEST OF BREACH LANE, EARL SHILTON (Pages 81 - 96)  
Application for erection of three dwellings (outline – access only).
11. 18/00581/FUL - 98 WOLVEY ROAD, BURBAGE (Pages 97 - 104)  
Application for change of use from A1 to A3 (café) and erection of lean-to canopy (part retrospective).
12. 18/00353/FUL - COLD COMFORT FARM, ROGUES LANE, HINCKLEY (Pages 105 - 112)  
Application for change of use to a dog day care centre (retrospective).
13. APPEALS PROGRESS (Pages 113 - 116)  
To report on progress relating to various appeals.

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

# Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL  
PLANNING COMMITTEE  
31 JULY 2018 AT 6.30 PM

PRESENT: Mr R Ward - Chairman  
Mr BE Sutton – Vice-Chairman  
Mr SL Bray (for Mr DC Bill MBE), Mrs MA Cook, Mr WJ Crooks, Mr MA Hall, Mrs L Hodgkins, Mr E Hollick, Mr C Ladkin, Mr KWP Lynch, Mr K Morrell (for Mrs J Richards), Mr RB Roberts, Mrs H Smith, Mrs MJ Surtees and Ms BM Witherford

In accordance with Council Procedure Rule 11 Councillor Mr RG Allen was also in attendance.

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

127 APOLOGIES AND SUBSTITUTIONS

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

Councillor Bray for Councillor Bill;  
Councillor Morrell for Councillor Richards.

128 MINUTES

On the motion of Councillor Crooks, seconded by Councillor Roberts, it was

RESOLVED – the minutes of the meeting held on 3 July be confirmed and signed by the chairman.

129 DECLARATIONS OF INTEREST

Councillor Morrell declared a personal interest in item 7.

130 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all decisions delegated at the previous meeting had been issued with the exception of 17/01330/FUL which was subject to a S106 agreement.

131 18/00468/OUT - 33 MAIN ST, NORTON JUXTA TWYCROSS, ATHERSTONE

Erection of one dwelling (outline – access only).

Notwithstanding the officer recommendation that permission be granted, Councillor Cook proposed that permission be refused on highway safety grounds. In the absence of a seconder, the motion was not put.

Councillor Bray proposed that the decision be deferred for further enquiries with the highways authority. In the absence of a seconder, the motion was not put.

Councillor Ladkin, seconded by Councillor Roberts, proposed that permission be granted subject to the conditions contained in the officer's report.

Councillor Ward proposed an additional condition requiring a site management plan to assist in managing site traffic. The amendment was supported.

RESOLVED – Permission be granted subject to the conditions contained in the officer's report and an additional condition requiring a site management plan.

132 17/01050/OUT - HORNSEY RISE MEMORIAL HOME, BOSWORTH ROAD, WELLSBOROUGH

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).

It was moved by Councillor Bray, seconded by Councillor Lynch and unanimously

RESOLVED –

- (i) Planning permission (access only) be granted subject to:
  - a. 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)
  - b. The conditions outlined in the officer's report and late items;
- (ii) The Interim Head of Planning be granted 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 section 106 planning obligation including trigger points and claw back periods.

133 APPEALS PROGRESS

The committee received an update on progress in relation to various appeals. In response to a member's question, it was noted that a start date was awaited for the appeal for Gnarley Farm, Ashby Road, Osbaston.

In relation to the Big Pit, the inspector had requested written representations and not a public inquiry but this would not be confirmed until the case had been allocated to an inspector, which could be several months away.

A member thanks officers for their work on the appeal by Gladman Developments Limited on land east of The Common, Barwell.

RESOLVED – the report be noted.

(The Meeting closed at 7.55 pm)

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CHAIRMAN



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Planning Committee 28 August 2018  
Report of the Interim Head of Planning

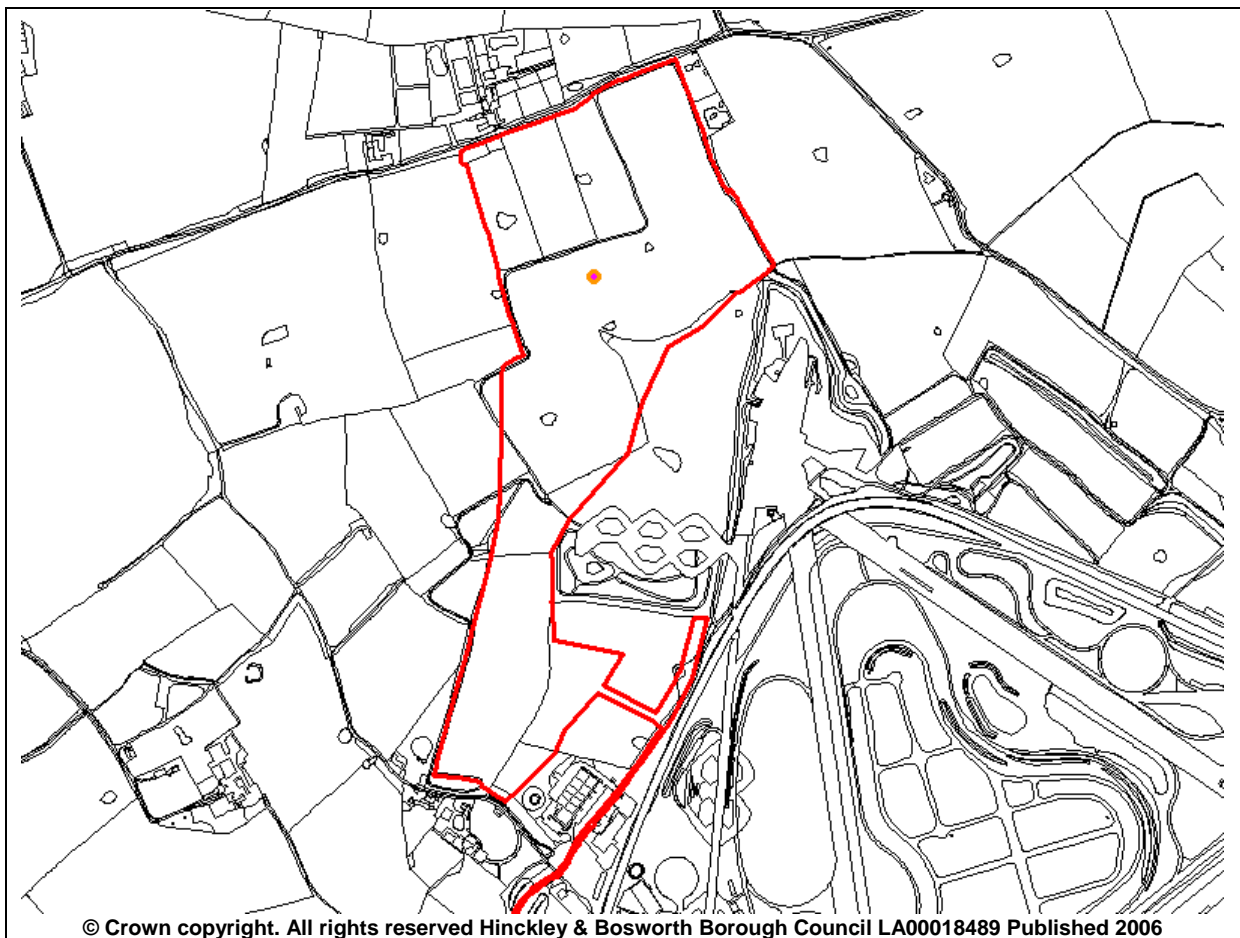
Planning Ref: 18/00425/FUL  
Applicant: HORIBA MIRA Ltd  
Ward: Ambien



Hinckley & Bosworth  
Borough Council

Site: Horiba Mira Ltd Watling Street Caldecote

Proposal: Construction of a Connected and Autonomous Vehicle (CAV) testing track, a control tower and storage building, ground works, landscaping and associated infrastructure



## 1. Recommendations

### 1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

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

## 2. Planning Application Description

### 2.1. This application seeks planning permission for the construction of a new test facility at Horiba Mira Ltd, Watling Street.

- 2.2. The proposal comprises the development of a:-
- new test track
  - control room building
  - storage building
  - access road
  - service and storage yard
  - parking
  - communications masts
  - moveable and temporary road obstacles
  - associated external works and earth bunds
- 2.3. The proposed test track would enable a variety of vehicles to be tested across a range of different test scenarios. The proposed development is known as 'TIC-IT' and would provide a purpose built, high speed connected and autonomous vehicle ('CAV') testing track.
- 2.4. The new track would consist of a large circular area, wide central approach and adjacent tangential track and turning loop. The main test area would be a 150 metre radius circle connected to a central approach road measuring 350 metres in length. The turning loop at the southern end of the site would have a radius of 55 metres.
- 2.5. Temporary line markings and portable roadside furniture, buildings and robotic pedestrians would allow the applicant to test vehicles within realistic urban and public environments, including urban and inter-urban roads, at any speeds or direction of travel. These portable buildings would consist of a mixture of facades, inflatable boxes or framed structures and would be stored in a temporary storage area/building.
- 2.6. Depending upon the test scenarios there may be up to 25 vehicles using the facility per day and the track would be used for all types of vehicles including passenger cars, buses, coaches, trucks, military vehicles and construction machinery. Depending upon the type of test and type of vehicle, test speeds would range from 5 to 250km per hour.
- 2.7. A two storey control room building is proposed to the south of the main testing area, which would house a dedicated track control operator to ensure safe and efficient operation. The storage building would be single storey in nature and consist of a portal framed storage building located within the hardstanding storage yard.
- 2.8. Perimeter fencing is proposed on the northern section of the site for security reasons and a significant earth bund is proposed adjacent to the existing mature hedgerow and trees.
- 2.9. Two fixed steel communication masts (approximately 10m in height) are proposed in order to facilitate with the associated testing facility. One mast is located to the immediate east of the storage yard and the other is located to the east of the internal access road. Two mobile telescopic steel communication masts (approximately 12m in height) are also proposed.
- 2.10. Vehicles would access the site and the associated control room and parking area via the existing internal access drive from A5. The majority of users would be from the existing occupiers of building within the wider Mira site.
- 2.11. It is proposed to provide a temporary access point from Fenn Lanes with temporary traffic lights to allow all construction traffic to enter and leave the application site.
- 2.12. The applicant has highlighted that the proposal would result in significant public benefits. The proposal has funding from central government to contribute towards central governments ambition to accelerate connected and autonomous vehicle

(CAV) technology development and be one of the world's go-to locations to develop this sector. The development of CAVs would help improve road safety, mobility, and efficiency whilst simultaneously reducing pollution, consumption and congestion. In addition to this contribution to the development of CAV's the proposal would also have the following regional economic benefits:

- Additional 250 high value direct jobs.
- Further 205 indirect jobs created at MIRA in indirect sectors.
- Estimated 100 construction jobs.
- Approximately 1,350 additional jobs created in the region.
- Safeguarding of 25 jobs.
- Two new CAV orientated companies to MIRA per year.
- Recruitment of approximately 12 CAV researchers, graduates, technicians and apprentices at MIRA.

2.13. The following documents have been submitted in support of the application:

- 1) Planning Statement;
- 2) Design & Access Statement;
- 3) Archaeological Metal Detector Surveys and Desk-Based Assessment;
- 4) Archaeological Fieldwalking and Earthwork Survey and Field Evaluation Report;
- 5) Assessment of Impacts on the Setting of Heritage Assets;
- 6) Reassessment of Bosworth Battlefield;
- 7) Air Quality Assessment;
- 8) Ground Conditions, Contamination, Flood Risk, Surface Water and Foul Drainage Report;
- 9) Framework Construction Plan;
- 10) Transport Statement;
- 11) Arboricultural Impact Assessment, Tree Retention and Removals Plan;
- 12) Noise Impact Assessment and Noise Level Survey Report;
- 13) Landscape Design & Access Statement;
- 14) Landscape Visual Impact Assessment; and
- 15) Great Crested Newt Survey, Preliminary Ground Level Bat Roost Assessment, Reptile Survey, Badger and Preliminary Ecological Appraisal

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

3.1. The existing MIRA operation currently covers approximately 334 hectares and consists of 53 miles of test track within what is known as the proving ground. The existing site has only one point of access from the A5 Watling Street. MIRA does have other accesses to the road network but these are strictly emergency access points.

3.2. The application site which forms part of this application extends to approximately 33.6 hectares of arable land and is located approximately 6 km to the north of Nuneaton. The site is located to the north western end of the wider MIRA Park, to the west of the existing MIRA testing track and associated office and research buildings and to the south of Fenn Lanes. The site falls partly within and partly outside of the wider site boundary of the extant Outline Planning Permission (planning reference 11/00360/OUT).

3.3. The proposed development is to be located on currently undeveloped greenfield land comprising predominantly grassed area and arable land. The site slopes from the south towards the north and from the west to the east.

- 3.4. An existing belt of landscaping/hedgerows bound the site on the eastern, western and northern boundary. The site currently comprises of a number of agricultural fields, trees and field boundaries.
- 3.5. The south western boundary of the application site is bounded by a laneway and agricultural land beyond. Within this rural location, a number of dwellings/farm buildings exist, including Rowden House Farm, Rowden Cottage and Rowden Gorse. These three properties are located immediately adjacent the southern 'turning loop' of the proposed track facility.
- 3.6. Residential properties on Fenn Lanes are also located in close proximity of the northern section of the track, including Wide View, White Gables Farm, Willow Farm and Meadowcroft
- 3.7. Lindley Park is located 400 metres to the north east within a woodland/rural setting. Within the Park is the Scheduled Ancient Monument of the ruins of Lindley Chapel. This wider complex consists of farm related buildings including Lindley House. The Site is also located within an archaeological context, of the nearby Watling Street (Roman Road) and the 'Battle of Bosworth'.
- 3.8. The Site is not located within a conservation area, the nearest conservation area lies 850m to the east of the site and is Higham on the Hill Conservation Area. There are no statutory or locally listed buildings within the Site. The nearest Listed Building is Hill Farmhouse, which is Grade II Listed and lies approximately 750 to the north west of the Site.

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

- 4.1. The wider MIRA site was subject to a masterplan (DATE) and has Enterprise Zone status. Several applications have been approved over the last 4 years on the wider MIRA site for additional facilities including workshops, offices and a training facility. The application site lies mainly within the Enterprise Zone. A screening opinion (reference: 18/00214/SCOPE) was submitted 20<sup>th</sup> February 2018 for this development and a decision was issued 15<sup>th</sup> March 2018 stating an Environmental Impact Assessment is not needed.

#### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. Two site notices were also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Three letters of concern/objection have been received from three separate addresses. The following issues have been raised:
  - 1) Concerns with noise levels and effect upon neighbouring properties and enjoyment of dwelling contrary to Policy DM10
  - 2) Concerns with testing of LGV and commercial vehicles on the track and the increase height of these vehicles would be visible from residential properties and additional noise associated with these larger vehicles is a concern
  - 3) Operational hours proposed are not acceptable and should be restricted to ensure reduced impact to neighbours
  - 4) Testing should not be undertaken during the hours of darkness
  - 5) Construction hours should be restricted due to concerns with impact upon residential amenity
  - 6) Concerns with traffic impact during construction on Fenn Lanes, the A5 MIRA access should be used

- 7) Horses 'hack out' on the Fenn Lanes close to the proposed construction access and a horse carriage is used and traffic lights would make this dangerous
- 8) Vibrations from the volume of traffic movements could damage neighbouring property, applicants should pay for surveys of properties before and after and pay for any damage
- 9) Noise levels to neighbouring dwellings should not exceed 3dB(a)
- 10) Proposal would impact the value and saleability of the houses nearby
- 11) Proposal would significantly alter the Battlefield and development would set a precedent for development eroding the sites integrity
- 12) Movement and redesign of facility is necessary
- 13) Current traffic levels are not the same as the proposal as this would push cars to their limits and be purposefully crashed
- 14) Proposal would irreversibly alter the character of open countryside/agricultural land detrimental to Policy DM10
- 15) Proposed moveable masts should not be positioned closer to the residential properties than the proposed position for permanent communication masts
- 16) CCTV equipment should not be capable of observing residential properties or their associated land
- 17) Applicants should fund or carry out cleaning of neighbouring residential properties at regular intervals due to the dust from construction

5.3. Witherley Parish Council raise no objection.

## **6. Consultation**

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

- Highways England
- Natural England (for protected species standing advice is referred to)
- National Grid
- Cadent
- Lead Local Flood Authority
- Nuneaton and Bedworth Borough Council
- North Warwickshire Borough Council (support was given to proposal)
- Leicestershire County Council Rights of Way
- HBBC Environmental Health (Pollution)
- HBBC Environmental Health (Drainage)
- HBBC Waste Services

6.2. No comments were provided by the Environment Agency

6.3. Historic England have identified that the proposal would have some harm to the significance of the registered battlefield. It has been highlighted that clear and convincing justification needs to be identified by the local planning authority to ensure the level of harm that would be caused is outweighed by the public benefits. Historic England recognises the substantial public benefits of the development proposal.

6.4. Leicestershire County Council Archaeology conclude that notwithstanding the likely impacts of the scheme upon the known and anticipated historic environment, a recommendation for approval of the current application is made subject to conditions to secure a suitable programme of post-determination further investigation and subsequent mitigation.

6.5. Leicestershire County Council Highways have raised an objection to the proposed temporary construction access, due to highway safety concerns. No objections

have been received to the operational access from the A5 Watling Street through the existing MIRA site.

- 6.6. LCC Ecology have no objections in principle to the application but have highlighted a number of pre-determination recommendations. These details have been submitted by the applicant and passed onto LCC Ecology and further comments are awaited. A number of conditions have been recommended including the submission of a biodiversity management plan, planting mixes to be submitted and agreed, works to be undertaken in accordance with the submitted plans and the mitigation measures, completion of bat emergence surveys within identified trees and restrictions on site clearance.

## **7. Policy**

### 7.1. Core Strategy (2009)

- None relevant

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Prevention Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Boroughs Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

### 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)

### 7.4. Other relevant guidance

- The Setting of Heritage Assets (2<sup>nd</sup> Edition) (Historic England) - December 2017
- Managing Significance in Decision Taking in the Historic Environment (Historic England) - March 2015
- Higham on the Hill Conservation Area Appraisal

## **8. Appraisal**

### 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon heritage assets
- Impact upon highway safety
- Impact upon neighbouring residential amenity
- Impact upon contaminated land
- Impact upon existing trees on site
- Impact upon flood risk and drainage
- Impact upon ecology

### Assessment against strategic planning policies

- 8.2. Paragraph 2 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 47 of the NPPF states that the development plan is the starting point for decision making.
- 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 11 of the NPPF provide a presumption in favour of sustainable development with planning applications that accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.
- 8.5. The application site falls mainly within the curtilage of the designated MIRA Enterprise Zone and predominantly within the allocated employment site (reference HIG17) as designated within the SADMP. However the site is also located partially within land designated as the countryside. The area outside of the employment site is approximately 5ha/15% of the total site area.
- 8.6. The designation of the existing site as an Enterprise Zone is to be considered as a significant material consideration in the determination of this planning application. Although the site is partially located outside of this Enterprise Zone, the weight that should be apportioned to it should be significant only in terms of establishing the principle for development. To take a differing or more restrictive approach would be in direct conflict with the Central Government commitment to the designation of the site, however it is vitally important to ensure that all other planning matters are appropriately considered and addressed within this context.
- 8.7. The latest Employment Land and Premises Review (2013) identifies MIRA as a Category A site. Policy DM19 of the adopted SADMP states that the Borough Council will seek to retain sites classified as Category “A” sites in their entirety, for B1, B2 and B8 employment uses. The development of non B class uses in Category A sites will only be allowed in exceptional circumstances. Proposals must demonstrate that they would not have a significant adverse impact upon surrounding employment uses.
- 8.8. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
  - It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
  - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
  - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
  - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
  - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.And
  - It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and

- It does not undermine the physical and perceived separation and open character between settlements; and
  - It does not create or exacerbate ribbon development;
  - If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
  - It within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.9. The NPPF is also material consideration in determining applications. As detailed above, 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. Paragraphs 8-9 confirm that the planning system should play an active role in guiding development to sustainable solutions and that pursuing sustainable development involves seeking positive improvements.
- 8.10. Paragraph 80 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 80 goes on to state that this is particularly important where Britain can be a global leader in driving innovation.
- 8.11. The proposed development is considered to contribute significantly to the economy by providing the UK's first new high speed CAV testing track to meet an identified need. The proposal would complement the facilities at the existing site, enhancing the attraction of the existing wider MIRA Site. It is considered that the proposal would create the following substantial economic benefits:
- Additional 250 high value direct jobs.
  - Further 205 indirect jobs created at MIRA in indirect sectors.
  - Estimated 100 construction jobs.
  - Approximately 1,350 additional jobs created in the region.
  - Safeguarding of 25 jobs.
  - Two new CAV orientated companies to MIRA per year.
  - Recruitment of approximately 12 CAV researchers, graduates, technicians and apprentices at MIRA.
- 8.12. In addition to the above, this proposal has funding from central government to contribute towards central governments ambition to accelerate connected and autonomous vehicle technology development and be one of the world's go-to locations to develop this sector. The development of CAVs would help improve road safety, mobility, and efficiency whilst simultaneously reducing pollution, consumption and congestion. This proposal therefore has significant economic benefits not only at a local level but at a national level. This therefore accords with criterion c) of Policy DM4.
- 8.13. The provision of additional testing track would help to continue to attract international motor companies to MIRA. The development is therefore considered to be appropriate in relation to the context of the wider objectives for the MIRA Technology Park.
- 8.14. The proposed development has also been designed to assimilate into the existing environment and provides opportunities for new habitats to enhance the Site's biodiversity and ecology value. Significant and well designed landscaping plans are also proposed to integrate the development into the countryside location.



- 8.15. The development and technological advances of use of autonomous vehicles would also have environmental impacts in the future as a result in the reduction of the use of petrol and diesel cars.
- 8.16. Separate to the significant economic and environmental benefits as detailed above, it also concluded that there are no other suitable and available locations with proving ground facilities which have the ability to expand in the way proposed at MIRA. This confirms the growth potential at MIRA and the unique and location specific nature of the proposed operations, something that is further emphasised by its designation as an Enterprise Zone.
- 8.17. The development seeks to provide a purpose-built, realistic and safe environment for testing CAVs within a controlled high-speed environment. The development is a direct response to the demand for testing CAVs at high speeds within the secured area of the MIRA Technology Park, which does not currently have the capabilities for such testing environments within the existing proving grounds.
- 8.18. The provision of an additional testing track would help cement its reputation as the preeminent motor park in Europe and help to continue to attract international motor companies to the park.
- 8.19. Notwithstanding the siting within the countryside, the majority of the site is located within land designated as an Enterprise Zone and an allocated Employment Zone as designated within the SADMP and significant economic impacts would arise from the development and the new facility would be in relation to the existing Enterprise and Employment Zone.
- 8.20. Taking into account the three dimensions of sustainable development together, it is considered that the benefits of this comprehensive development is sustainable development and the principle of a new testing track and associated infrastructure development on the site would make a significant contribution to economic growth and job creation within the Borough and the region. In addition, given the use and users of the proposed development, the proposal would be considered suitable as it would be sited immediately adjacent to the existing MIRA employment site. The proposal would therefore be in accordance with Policy DM19 of the SADMP and the overarching principles of the NPPF, specifically paragraph 80.

Design and impact upon the character of the area

- 8.21. The site is partially located within the countryside as defined within the adopted SADMP, and therefore Policy DM4 of the SADMP applies. Policy DM4 requires that development does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. Policy DM10 of the SADMP requires that development complement or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and incorporates landscaping to a high standard.
- 8.22. In the most recent Landscape Character Assessment (2017), the application site is designated a Character Area G – Sence Lowlands. The key characteristics of Character Area G are as follows:
- 1) Flat to gently rolling lowland vale landscape with rounded clay ridges and shallow valleys giving rise to extensive and open views.
  - 2) Presence of surface water in rivers and streams (including the River Sence) and frequent streams, field ponds and ditches as well as the visitor attractions of the Ashby Canal, Bosworth Water Park and Marina.
  - 3) Well-ordered agricultural landscape with a regular pattern of rectilinear fields of

- typical Parliamentary enclosure lined by low hedgerows with mature hedgerow trees.
- 4) A network of rural roads and lanes are lined by ditches and wide grass verges, with the main A444 running north south through the area.
  - 5) A rural and tranquil character.
  - 6) Spired and towered churches form prominent landmarks in the open landscape.
  - 7) A rural dispersed settlement pattern of linear villages, scattered farmsteads and barns.
  - 8) Small villages with strong sense of place and local vernacular of red brick.
  - 9) Bosworth Battlefield has strong heritage associations.
- 8.23. The Landscape Character Assessment goes on to state the following landscape strategies for Character Area G:
- 1) Retain hedgerows and replace hedgerow trees to ensure continuation when they reach the end of their life. Encourage the use of traditional 'Midlands-style' hedge laying.
  - 2) Conserve the open rural views including views to church spires and towers in their rural setting.
  - 3) Retain areas of tranquillity and rural character, ensuring that development in such areas respects the rural context.
  - 4) Promote recreational and cultural opportunities associated with the battlefield.
  - 5) Conserve the areas of semi natural neutral grassland and seek opportunities to extend and link this habitat. Retain the wide grass verges for biodiversity and enhance species diversity within them where possible.
  - 6) Respect and enhance the strong character of the villages, ensuring new development complements existing context with regards to scale, form, materials and boundary features.
  - 7) Maintain and enhance the recreational assets including rights of way network and canal. Maintain positive management of the Ashby Canal and seek opportunities to extend and enhance areas of wetland habitat.
- 8.24. The existing site consists of arable and poor semi-improved grassland fields. Existing woodlands are located to the south and west of the site with a number of mature native hedgerows and specimen trees and small ponds scattered throughout the site. An existing screening of hedgerow and trees bounds the northern boundary of the site with Fenn Lanes. The wider landscape is dominated by a rural setting comprising mixed use agricultural land interspersed with small pockets of woodland and occasional residential dwellings.
- 8.25. The proposed development is predominately an area of flexible pavement with a surface finish of asphalt together with a small Administration Area consisting of two small buildings and a concrete service yard. The safety run-off areas immediately adjacent to the test tracks would consist of a mixture of grass and gravel.
- 8.26. The introduction of a new built development and associated infrastructure would have the potential to alter the existing character of the area and due to the change in land levels, the proposal may be visible from further afield. Due to the size of the development, it is concluded within the submitted LVIA that there would be a change to the local landscape pattern.
- 8.27. The submitted LVIA concludes by way of saying the following:
- “Although identified as having a major/moderate adverse landscape effect on the wider Landscape Character Area, it should be noted this only forms a small part of it geographically and there is considerable influence on this LCA with the far larger existing Horiba MIRA facilities adjacent, which are of similar nature and*

*furthermore, their already anticipated/permitted expansion into much of this zone under the existing masterplan.”*

- 8.28. The proposed track would vary in elevations above and below the existing ground level by approximately + 4m and -6m. Earth bunds are proposed to be constructed around the site varying from approximately 2 metres to 6 metres in height. It is considered that this would sufficiently screen the proposed track from the immediate surrounding area, ensuring that both the track and the vehicles that use the track (including larger vehicles) are not easily visible from the adjacent area.
- 8.29. The boundaries of the site would be landscaped with the aim to integrate the proposal into the surrounding rural setting with significant visual screening to the northern boundaries. All landscape areas within the site which are in close proximity of the track are restricted to open grass to maintain safe visibility during vehicle testing.
- 8.30. The earth bunds proposed would be extensively planted on their outer slope to reinforce the buffer between the development and the land to the north of the site. Existing hedgerows are also proposed to be retained on the boundaries of the site, especially along Fenn Lanes where possible.
- 8.31. A significant and substantial landscaping scheme has been submitted with the application which proposed a large amount of additional planting across the entirety of the site.
- 8.32. The proposal includes a control building and a storage building, the design of these are simplistic in their approach with portal frame and the use of contemporary materials including metal composite cladding panels. The design of the building would be in keeping with the existing buildings located on the existing MIRA site with the chosen goose wing grey colour with anthracite grey doors and rainwater goods matching that of the recently built buildings located to the south east of the track. The area immediately to the east of the new buildings are to be planted with mixed native woodland planting ensuring views of the development are limited. In addition to this, any views from the north would see the proposed development set against the backdrop of the existing MIRA site.
- 8.33. Two fixed masts at approximately 10 metres in height and 2 mobile masts (up to approximately 12 metres in height when erected) are also proposed as part of the development. It is considered that these could be permitted development however have been included as part of the submission for clarity. Given the temporary and collapsible nature of two of the masts, and permitted development nature, it is not considered that the masts would result in a significant adverse impact upon the character of the countryside.
- 8.34. The proposal does not include the installation of any lighting.
- 8.35. The proposal would result in the loss of the existing hedgerows and trees, which is discussed in further detail in the section below, but would include the provision of a significant robust replacement planting scheme ensuring the development to an extent retains and respects the rural context. The development would retain opportunities for biodiversity and enhance species diversity within and surrounding the application site.
- 8.36. The contribution of a comprehensive and complementary landscaping scheme, consisting of earth bunds varying from 2m-6m in height, and the combination of hedgerow, shrub and grass planting would soften the development into the surrounding area with the provision of new trees in appropriate locations throughout the site also providing further landscape benefits across the site.

- 8.37. In landscape and visual terms the scheme as proposed is not considered to be unacceptable. Whilst there would be some short and long term effects on landscape character and visual amenity this is only to be expected for a development of this scale in a countryside location and this harm must be balanced against the public benefits which would be provided as part of this development. It is also important to note that whilst the proposal would impact upon the character of the countryside this would be read in context with the wider MIRA site and would not be an isolated development in the countryside.
- 8.38. Given the majority of the site is within a site that has been designated as an Enterprise Zone, significant weight needs to be attached to the significant economic benefits that come with that designation. These public benefits of the proposed development are weighed against the visual impacts of the development.
- 8.39. The proposals would deliver a number of key benefits to the local area and wider Borough as outlined earlier in the report. It is therefore considered that whilst there would be a degree of conflict with criterion i of Policy DM4 of the SADMP, other material considerations, including the economic benefits of the proposed development, the proposed landscape mitigation and the absence of harm when considered against other policies of the adopted development plan, outweigh the harm to the open countryside. The proposal would also aim to follow the landscape strategies as detailed within the latest landscape character assessment.

#### Impact upon Heritage Assets

- 8.40. The development proposal is partially located within the Battle of Bosworth registered battlefield. There are no listed buildings or structures on site, however there are several listed buildings, country parks and scheduled monuments within a radius of 5km of the site. The nearest listed building is 1km to the north-west of the site, Grade II listed farmhouse at Hill Farmhouse. There are two scheduled monuments within the vicinity of the site, Bronze Age barrow (90m to the west of the site) and the remains of the chapel at Lindley Park (700m south of the site). The nearest Conservation Area to the site is Higham-on-the-Hill Conservation Area which is approximately 850m to the east of the application site.
- 8.41. The applicant has submitted the following documents with the application:
- Archaeological Desk-Based Assessment
  - Magnetometer Survey
  - Archaeological Fieldwalking Survey
  - Archaeological Earthwork Survey
  - Metal Detector Survey
  - Archaeological Field Evaluation
  - Intensive Metal Detector Survey
  - Assessment of Battlefield Evidence
  - Assessment of Setting
- 8.42. There are therefore important heritage considerations to be addressed as part of this application. It is important that members fully understand these considerations and the statutory policy tests to be applied in determining the applications.
- 8.43. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on the Council in respect of listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which the building possesses.

- 8.44. Section 72 of the same Act requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 8.45. These statutory duties need to be considered alongside the contents of the National Planning Policy Framework (NPPF) and accompanying National Planning Practice Guidance. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designation heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. The NPPF (paragraph 195) requires planning permission to be refused if there is substantial harm to or the total loss of a designated heritage asset unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or all of the criteria listed in Paragraph 195 apply. Paragraph 196 states that where a proposal will lead to less than substantial harm to the significance of the heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 8.46. A key document in assessing the impact on historic assets is 'Historic England's The Setting of Heritage Assets' (Historic Environment Good Practice Advice in Planning Note 3: 22 December 2017). The guidance sets out 5 key steps which this document will use to inform the approach for the assessment of the proposed development. The five steps are:
- 1) Identify which heritage assets and their settings are affected;
  - 2) Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated
  - 3) Assess the effects the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it
  - 4) Explore ways to maximise enhancement and avoid or minimise harm
  - 5) Mark and document the decision and monitor outcomes
- 8.47. In relation to each of the relevant heritage assets an assessment has been undertaken of the extent of the harm which the proposal will cause to the relevant asset. In carrying out each assessment full regard has been given to the statutory duties referred to above and to relevant policy and guidance. In particular, full regard has been had to the considerable importance and weight to be given to the preservation of the relevant heritage assets. Accordingly, in line with the NPPF, the harm should then be weighed against the public benefits of the proposal.
- 8.48. In making each of these assessments consideration has been given to relevant case law, and in particular the decision in the Barnwell Manor case. In reaching their decisions on the planning application it is important that Members consider the analysis undertaken by officers in relation to these heritage considerations and that Members have full regard to the statutory duties which are placed on the Council under Sections 66 and 72 and the contents of the NPPF, as set out in the Committee Report.
- 8.49. It is also important that Members fully understand the specific terminology used in the assessment by both Council Officers and Historic England. The most critical test is whether "substantial harm" is caused by the development. Next is whether there is "some harm" caused but this is less than substantial harm and finally whether there is an impact which is not necessarily harmful.
- 8.50. Policy DM11 states that the Council will protect, conserve and enhance the historic environment through the borough through careful management of development that might adversely impact both designated and non-designated heritage assets.

8.51. Policy DM12 states that all development proposals affecting heritage assets and their setting will be expected to secure their continued protection or enhancement, contribute to the distinctiveness of the areas in which they are located and contribute to the wider vibrancy of the borough. It goes on to identify that all development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification. Further detail is outlined in regards to Listed Buildings, Conservation Areas, Historic Landscapes, Scheduled Monuments and Locally Important Heritage Assets. Specific mention is given within Policy DM12 to Bosworth Battlefield and states *'Development proposals within or adjacent to the historic landscape of Bosworth Battlefield should seek to better reveal the historic significance of the area. Proposals which adversely effect the Bosworth Battlefield or its setting should be wholly exceptional and accompanied by clear and convincing justification. Such proposals will be assessed against their public benefits. Particular regard will be had to maintaining topographical features, archaeological remains or to the potential expansion of the Battlefield.'*

8.52. Policy DM13 states that where applicable, justified and feasible remains will be required to be preserved in situ ensuring appropriate design, layout, ground levels, foundations and site work methods to avoid any adverse impacts on the remains. Where preservation in situ is not feasible and/or justified a full archaeological investigation and recording by an approved archaeological organisation will be required before development commences.

#### Higham on the Hill Conservation Area

8.53. Higham on the Hill Conservation area lies 850m to the east of the proposed site. The name Higham on the Hill is derived from High Ham', a Farm or manor above the surrounding countryside. Although not mentioned in the Dooms Day Book of 1086, it is believed that it was included in an adjacent Lordship. The origin of the ending in ham suggests it is of Anglo-Saxon origins. The village farms ensure that the prevailing image is that of an agricultural settlement.

8.54. The village's prominent ridge top location enables good views out into the countryside, especially towards Nuneaton, Atherstone, the Ashby Canal and Stoke Golding which are important to protect. Its historic core however is generally screened from the surrounding area by modern development or thick vegetation.

8.55. Between the site and the Conservation Area lies the existing MIRA proving ground, which can be visible from some vistas within the Conservation Area. The application site would lie beyond this and would be read in context with the existing MIRA site. It is therefore concluded that the proposal scheme would not harm the setting of the Conservation Area.

#### Listed Buildings

8.56. The nearest listed building is the 18th century farmhouse at Hill Farmhouse, 1km to the north-west of the site. This is a later 18 century red brick, slate roof, 3 storey dwelling.

8.57. Due to the distance of the listed building and existing areas of hedgerows and vegetation and the proposal of additional planting it is considered that the development proposal would not harm the setting of the listed building and would have a neutral impact.

8.58. There are a number of other listed buildings within a wider 5km radius of the site. Due to the distance, existing vegetation and topography it is not considered that the proposed development would be easily visible from these points and would not harm the setting of the listed buildings within the surrounding area.

#### Scheduled Monument

- 8.59. There are two scheduled monuments within the vicinity of the site, Bronze Age barrow (1010198) (900m to the west of the site) and the remains of the chapel at Lindley Park (1005075) (700m south of the site)
- 8.60. Due to the distance of both assets and the existing and proposed planting for the site it is concluded that the proposal would not harm the setting of these monuments and would have a neutral impact.

#### Battle of Bosworth Registered Battlefield

- 8.61. The site lies partially (north western corner) within the area designated as the extent of the battlefield.
- 8.62. The Battle of Bosworth took place on 21 August 1485. While it is not considered to be the final battle in the Wars of the Roses, it was the deciding battle of this protracted civil war. The Wars of the Roses are second only to the English Civil War as a period of internal turmoil in England. Richard III was the last English king to die in battle and the last of the Plantagenet dynasty. His defeat by Henry Tudor brought about a new ruling house and is often seen as a symbolic end of the Middle Ages in England. The site is designated by Historic England (under the Historic Buildings and Ancient Monuments Act 1953) on the basis of its special historic interest as a registered battlefield (List Entry Number 1000004) for the following principal reasons:
- 1) Historical importance: an iconic event in English history, the Battle of Bosworth brought the Tudor dynasty to the throne and saw the last death of an English king in battle;
  - 2) Topographic integrity: while agricultural land management has changed since the battle, the battlefield remains largely undeveloped and permits the site of encampments and the course of the battle to be appreciated;
  - 3) Archaeological Potential: recent investigation has demonstrated that the area of the battlefield retains material which can greatly add to our understanding of the battle; and,
  - 4) Technological significance: Bosworth is one of the earliest battles in England for which we have clear evidence of significant use of artillery.
- 8.63. The battlefield is the focus of long-term involvement by The Battlefields Trust, Bosworth Battlefield Trust, Leicestershire County Council and Hinckley and Bosworth Borough Council in partnership with the local residents, Heritage Lottery Fund and Historic England with positive support from MIRA and local farmers. The site has been the focus of extensive research, including the 2013 book 'Bosworth 1485: A Battlefield Rediscovered' by Glenn Foard and Anne Curry. This research has revised the understanding of the battle and provided greater clarity to the area over which it was fought, and more recently, by the discovery of Richard III's body. Bosworth may therefore be the most carefully studied battlefield in the country. The identification of the battlefield area is based on a combination of documentary analysis, historic terrain investigation, systematic metal detecting to locate battlefield artefacts precisely and an understanding of the military technology and practice of the time. As a result of this research, Historic England (then English Heritage) undertook to re-evaluate the registered area of the battlefield and the registration entry was amended in 2013 to reflect the detailed understanding of the battlefield now available.
- 8.64. The proposal would introduce a test track of 115,000 square metres, a two storey control building, a single storey storage building, servicing/storage/parking area adjacent to the buildings, antenna and landscaping.

- 8.65. The proposal would impact both the topographic integrity and archaeological potential of the battlefield (on both the registered and undesignated sections). The setting (with regard to the registered battlefield) and evidential components contribute directly to the battlefields' significance and precautions must be taken to conserve them.
- 8.66. An extensive heritage assessment has been carried out for this application. The fieldwork identified one round-shot from the southwest area of the registered battlefield that in all likelihood derived from the Battle of Bosworth itself. Several other artefacts were also recovered that may have come from the battle or a Civil War skirmish in 1644, but their provenance is less certain. The spatial distribution of these artefacts would seem to indicate that the proposal is located on the periphery of the Battle of Bosworth, and that the current extent of the registered battlefield in this area is broadly accurate. However, the removal of any objects from their primary places of deposition, and relative positions in the plough zone, would result in a loss of information potential and evidential value. This would harm the significance of the battlefield by partially removing our ability to understand the extent and ebb and flow of the battle as it progressed.
- 8.67. The heritage assessment has highlighted that the western (north to south aligned) ridge immediately west of the proposed site might have a hitherto unrecognised significance to the battle because it would have afforded strategic views across the lower-lying land to the northeast and former Roman road of Fenn Lane, which are now understood to have been the main foci of the battle. The proposal would appear in the foreground of this view. The landscape and heritage specific visual impact assessments for the scheme demonstrate that key views from the battlefield, both near and far (including from the Bosworth Battlefield Heritage Centre on Ambion Hill, the western ridge and immediately adjacent to the proposal), would be unimpeded by the introduction of the development proposal into the landscape, due to topography and vegetation (hedge rows and mature trees). The potentially significant view from the western ridge across the battlefield is also uninterrupted because the proposal would be located below the ridge-line. On the basis of the information provided, the principal views to and from the battlefield would therefore be largely unaffected by the proposal. The proposal would, however, be obvious from certain points in the landscape, although these would be glimpsed views according to the assessment undertaken. Consequently, the introduction of such a large structure into the landscape would cause some harm to the significance of the battlefield due to its visual intrusion, masking of underlying topography and therefore people's ability to appreciate the battle and its' environs, although this would not be towards the upper end of harm in terms of the National Planning Policy Framework (NPPF)
- 8.68. Historic England identified *'the development proposal is a substantial structure, and would have a direct physical impact and an indirect impact through altering the rural character of part of the battlefield. Heritage assessment has demonstrated the development proposal would cause some harm to the significance of the registered battlefield. Clear and convincing justification needs to be identified by the local planning authority to ensure the level of harm that would be caused is outweighed by the public benefits. Historic England recognises the substantial public benefits of the development proposal.'*
- 8.69. Leicestershire County Council (Archaeology) have identified that the proposal would likely have a detrimental impact upon the registered battlefield, however recommend the consideration of Historic England and the level of harm they have identified. In addition to this it is stated *'Notwithstanding the likely impacts of the scheme upon the known and anticipated historic environment (please refer to the submitted ULAS desk-based assessment for a detailed summary), we can now*



*recommend approval of the current application subject to conditions to secure a suitable programme of post-determination further investigation and subsequent mitigation.* It is also recommended that in accordance with paragraph 199 of the NPPF and Policy DM13 of the SADMP the applicants should record and advance understanding of the significance of any heritage assets through an appropriate programme of archaeological mitigation.

8.70. It is therefore necessary to include a condition requiring the submission of a written scheme of investigation (WSI) for the archaeological programme from an appropriate organisation and the completion of this scheme prior to first use of the site.

8.71. Some harm is identified as less than substantial harm and therefore it is concluded that the proposal would have less than substantial harm to the significance of the Battlefield. In accordance with the NPPF the harm should then be weighed against the public benefits of the proposal.

#### Public Benefits

8.72. This proposal has funding from central government and is part of a wider funding programme for the development of connected and autonomous vehicles (CAV) technology and research. On the announcement of these funding packages the Business and Energy Secretary, Greg Clarke, said *'Combining ambitious new technologies and innovative business models to address social and economic challenges lies at the heart of the government's modern Industrial Strategy. Accelerating connected and autonomous vehicle technology development is central to achieving this ambition and will help to ensure the UK is one of the world's go-to locations to develop this sector. These projects, backed by government, form part of a globally unique cluster running from our automotive heartlands in the West Midlands, down through our innovation centres in Oxfordshire and Milton Keynes, through to London, Europe's only megacity. To achieve this, government and industry are working together to create the world's most effective CAV testing ecosystem, integrating existing proving grounds and public road test sites across the UK's existing automotive sector, strengthening existing capabilities and creating new ones.'*

8.73. It has been identified by the applicant that *'Connected and Autonomous Vehicles (CAV) bring huge benefits to society, representing a substantial wealth creation opportunity. To turn this opportunity into reality the UK must build an eco-system to accelerate the development, deployment and commercialisation. The Trusted Intelligent CAV (TIC-IT) facility will be critical to this eco-system, providing a realistic, controlled high speed, limit-handling and fully connected environment. Allowing real world CAV driving scenarios to be created, including testing that cannot be conducted in public environments. TIC-IT will be a flexible facility allowing the maximum number of use cases and test scenarios to be performed using temporary real world features. It will accelerate development and testing to ensure CAVs are safe and secure. Developed in conjunction with Coventry University's Centre for Mobility and Transport it will bring a unique capability to the UK, increasing the level of test and engineering activities conducted allowing the consortium to build its capability in CAV and enhancing the attractiveness of the UK to inward investment.'*

8.74. The development of CAVs would help improve safety, mobility, and efficiency whilst simultaneously reducing pollution, consumption and congestion. This proposal would therefore help contribute towards achieving this aim which would have social, economic and environmental gains.

- 8.75. At a more local level the proposal would result in the following benefits:
- An additional 250 high value direct jobs would be created on MIRA Technology Park.
  - A further 205 indirect jobs created at MIRA Technology Park in indirect sectors.
  - An estimated 100 construction jobs during the construction phase of the Proposed Development.
  - Approximately 1,350 additional jobs created in the region as a result of the new facility.
  - The safeguarding of 25 jobs.
  - Two new CAV orientated companies to MIRA Technology Park per year.
  - Recruitment of approximately 12 CAV researchers, graduates, technicians and apprentices at MIRA Technology Park.
- 8.76. It is therefore evident that this proposal has considerable public benefit, not only at a local level but also nationally as the project is funded by central government to support Government's ambition to accelerating connected and autonomous vehicle technology development.
- 8.77. In weighing these benefits against the harm, full regard has been given to the statutory duties referred to above. Full regard has been given to the considerable importance and weight to be given to the preservation of the relevant heritage assets.
- 8.78. Having carried out the weighing exercise and had full regard to all of the relevant issues, it is concluded that the public benefits to be delivered by the proposal are considerable and outweigh the less than substantial harm caused by the proposed development. The development is therefore considered acceptable in accordance with paragraphs 193, 195 and 196 of the NPPF and Policies DM11, DM12 and DM13 of the SADMP.
- Impact upon highway safety
- 8.79. Policy DM17 and DM18 of the SADMP states that proposals ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.80. Paragraph 108 of the NPPF states that development should ensure appropriate opportunities to promote sustainable transport modes can be or have been taken up; a safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.81. The proposal when operational would use the existing MIRA access from the A5.
- 8.82. It is identified within the transport statement that for 7 months of the total 12 month construction programme all vehicular access to the site for both light vehicle and HGV movements would be through the MIRA internal road system to the main Gatehouse on MIRA Drive to connect with the A5 Watling Street. For a period of 5 months within the construction period, the level of construction vehicle activity and in particular HGV movements associated with the import of granular sub-base material and asphalt construction would peak at a level such that it would be necessary to provide a temporary construction access at Fenn Lanes for HGV movements to be separated from the operational MIRA site. During the 5 month period construction workforce would continue to access and egress the site via the

main Gatehouse and the A5 the temporary construction access would only be used by vehicles delivering aggregate to the site.

- 8.83. It is concluded that during the construction period the proposal would generate up to 76 daily HGV's (152 movements) in a 12 hour period, equating to circa 15 HGV movements (two-way) (two-way) in any given hourly period.
- 8.84. The following mitigation measures proposed to alleviate the impact upon Fenn Lanes are outlined in the Transport Statement:
- The construction access would be controlled by 3-way temporary traffic lights during operational hours, supported by appropriate traffic management works including advance-warning signage. Outside of operational hours Fenn Lanes would continue to operate as normal. Contractors would be required by the applicant to employ a pre-booking system with appointed times for the arrival of HGV's carrying materials to site to ensure that only one construction vehicle would turn up at any one time. The siting of this would be at least 35m back from the edge of the carriage way from Fenn Lanes to ensure there is no obstruction to the free flow of traffic on the public highway.
  - Supervisory banksmen would be on site working alongside the security staff to manage the movement of HGV's to and from the site to maintain the free flow of movement for all existing road users on Fenn Lanes, with priority given to incoming vehicles to eliminate any instance of blocking back onto the public highway.
  - Temporary signage is proposed which would not only direct contractor vehicles and suppliers but also provide appropriate advance warning to other road users on Fenn Lanes. The signage would reinforce the requirement that no works traffic shall use Fenn Lanes to the north-east of the proposed temporary construction access.
  - Once the temporary construction access is redundant the original field gate and hedgerow on the southern side of Fenn Lanes would be reinstated along with the removal of any construction-related signage and replacement of any highway signs removed as part of the works.
- 8.85. A road safety audit has been undertaken for the temporary construction access and all recommendations have been accepted by the applicant and amended plans have been submitted to address these recommendations.
- 8.86. A masterplan was previously drawn up for the site and following this an extensive package of highway improvement measures were proposed and agreed with Highways England. These works were secured via Regional Growth Funding, and the improvements were completed in spring 2015. The road works package delivered significant works including the conversion of the existing MIRA Drive access to a roundabout junction, the dualling of the A5 along the frontage of the site and a new junction to the north-west of the site, which provides a left in / left out access to the eastbound carriageway of the A5. The road works package has also delivered improvements to off -site junctions within the vicinity of the MIRA Zone. Within the site improvements to the on site road infrastructure are ongoing, however improvements to sustainable modes of transport have been implemented and bikes are available for all staff to travel around the site.
- 8.87. Highways England have raised no objections to the proposal.
- 8.88. Leicestershire County Council as the Highway Authority raise no objection to the operational access for the development. Objections have been received in regards to the temporary construction access at Fenn Lanes. The Highway Authority state:
- 'Fenn Lane is a rural, classified road with 7.5T weight restriction, subject to the national speed limit and the principle of routeing significant volumes of HGV traffic,*

*signalising Fenn Lane and bringing traffic to a stop is incongruous with the context of Fenn Lane and with specific regard to driver perception and expectation when using this route. Fenn Lane provides a mostly unhindered east-west connection between the A444 and A447 and so facilitates vehicle trips both by users travelling further afield in addition to serving access and local movements for local villages in addition to demand by pedestrians, cyclists and other vulnerable and non-motorised users. The LHA concludes that this route, and given the existence of viable alternatives, is not suitable for the proposed construction traffic use.*

*Notably, and following consideration of Personal Injury Collision (PIC) data for the relevant study area the LHA is aware of a collision history which could be exacerbated by the construction routeing proposed. Namely, two rear shunt incidents on the A444 and one of which involved a large, slow moving vehicle waiting to turn into Fenn Lane. A further incident along Fenn Lane occurred when a line of vehicles attempted to overtake a large, slow moving vehicle travelling along Fenn Lane.*

*Furthermore, the proposal would lead to a significant increase in turning movements at the junction of the A444 with Fenn Lane which is contrary to policy IN5 of the Leicestershire Highway Design Guide which seeks to resist the intensification of turning movements especially onto high speed, rural, classified A roads. Noting also the 7.5T weight restriction on Fenn Lane which currently limits use by relevant vehicles to access only.'*

- 8.89. The Highway Authority state in their objection that there is an 'existence of viable alternatives' and highlight the potential for using the existing access from the A5 Watling Street. The applicant has investigated the potential for using the existing access from the A5 for the aggregate deliveries to the site but have found this to be an unviable option for three reasons, safety, significant cost implications and delay to the delivery of the facility which must be delivered by December 2019 to meet the government obligations. Each issue is addressed below.
- 8.90. The access road into MIRA from the A5 has been recently upgraded as discussed above, however beyond the gatehouse into the site the available land is severely restricted, due to land ownership, topography and services. The internal distributor road is 5.2m wide from the security gatehouse to the proving ground bridge which is a little more than twice the width of a 2.5m HGV (without mirrors). This is suitable only for occasional passing of heavy commercial vehicles as experienced by the applicant in the existing operation of the site and the current smaller building construction projects in the North West sector. The proposal would at peak introduce 75 additional HGV movements to this substandard access road. In addition to the narrow width of the internal road, there is a traffic light junction at the bridge access to the existing track which at present causes delays within the site due to the bridge access being single lane only. The management of traffic at the bridge junction with the spine road would cause added problems in both terms of congestion but more significance the safety of other modes of transport. Due to the introduction of a Green Travel Plan, initiated through the Regional Growth Fund programme delivered in partnership with HBBC, there is a growing number of cyclists on site taking advantage the available bikes additional HGV movements within the site on narrow roads would significantly increase safety issues to not only other vehicles but also cyclists within the site.
- 8.91. The cost of remodelling the bridge access point at this time (with a new structure and digging into the banking to provide greater width) is prohibitive at this time. The issue with the existing internal distributor roads is widely understood and a programme of infrastructure work is proposed to upgrade the existing infrastructure (in collaboration with the LLEP and HBBC). This would see an extension of the new

entrance road up through the site to include a new bridge to the proving ground replacing the existing single carriageway bridge. These improvements have however been delayed and would not be available to provide additional capacity for the construction of the TIC-IT facility. It would be unreasonable to expect the applicant to delay the delivery of this scheme until the internal distributed roads are upgraded.

- 8.92. As discussed above this project has funding from central government. Government has set obligations on the applicant to deliver the development by December 2019. The construction period for the proposal is therefore significantly limited and constrained. The only way a thru site option could work for aggregate deliveries is for aggregate construction vehicles delivery times to be greatly spaced out (to avoid vehicle conflict) and this would significantly extend the development timetable and costs, further making this option unviable and undeliverable.
- 8.93. In the context of these constraints the only realistic option is to bring the aggregate construction traffic in via Fenn Lanes which is over 6m wide and allows for much safer passing distances. The access/egress point is located to the most western part of the application site where it meets Fenn Lanes and the design of the access ensures that vehicles would only be able to travel from/towards the A444 only. The applicant has highlighted that access would be continually marshalled to ensure rules are not broken.
- 8.94. Whilst it is acknowledged that the Highway Authority have raised objections to the temporary construction access due to safety concerns, the nature of the access is within its very name, temporary. The impacts to highway safety would be for a 5 month period only. The highway authority highlight that the proposed construction access would lead to a significant increase in turning movements at the junction of the A444 with Fenn Lane, contrary to policy IN5 of the Leicestershire Highway Design Guide. This significant increase would be limited to a 5 month period to facilitate the construction of development, whilst this could have some impact upon the highway network it is not considered to be severe in the context of paragraph 109 of the NPPF due to its temporary nature and the mitigation measures proposed.
- 8.95. The Highway Authority also highlight existing Personal Injury Collision data for the area and refer to two rear shunt incidents on the A444 and a further incident along Fenn Lane when a line of cars tries to overtake a slow moving lorry. Driver behaviour cannot be controlled by the applicant or the highway authority; however mitigation measures can be put in place to make drivers fully aware of any changes to the 'normal' circumstances they would expect upon this stretch of highway. The applicant has outlined a number of mitigation measures that would be in place to warn drivers of the construction traffic and access/traffic lights ahead, namely additional signage for both construction vehicles and other highway users. Banksman are proposed in addition to the traffic lights to provide further mitigation. When the temporary construction access is not in use the traffic lights would be turned off to allow free flow of the highway network again reducing the impact of the development to Fenn Lanes. It is concluded that appropriate mitigation is in place to alleviate this impact.
- 8.96. The proposal includes a suitable access for the operation of the proposal and sufficient parking is available for the users of the site. As previously mentioned the MIRA site has a Green Travel Plan and this would encompass the proposed site if approved and therefore sustainable methods of transport would be encouraged on site.
- 8.97. Notwithstanding the objection from the highway authority to the temporary construction access it is concluded due to the identified mitigation measures and

the temporary nature of 5 months it would not have a severe impact upon the road network or highway safety, for the proposes of paragraph 109 of the NPPF and Policy DM17 and DM18 of the SADMP. The proposed temporary construction access and the operational access are therefore acceptable.

Impact upon neighbouring residential amenity

- 8.98. Policy DM10 of the SADMP identifies that development 'would not have a significant adverse effects on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion. Additionally, Policy DM7 ensures that development does not have an adverse impact upon light, noise, or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity and air quality.
- 8.99. The nearest residential properties are Rowden Cottage, Rowden Gorse and Rowden House Farm to the south of the site. The residential properties nearest to the north of the site are Wide View, White Gables Farm, The Cottage, Willow Farm and Meadowcroft
- 8.100. Environmental Health (pollution) have raised no objections to the development subject to a number of conditions relating to construction and noise.
- 8.101. The proposal does not include lighting and therefore there would be no harm to residential amenity from lighting.
- 8.102. A noise level survey report and a noise impact assessment have been submitted with the application.
- 8.103. The investigation for noise has measured/calculated/modelled existing and predicted noise levels at sensitive receptors. The predicted levels are inclusive of the mitigation works proposed. The development would change the noise environment for some sensitive receptors; however, the predicted noise levels are generally comparable to those monitored as existing during the investigation. The result is that it is predicted that current noise standards would be maintained for all noise sensitive properties during the daytime except for one property which is currently exposed to noise levels greater than the current noise standards without the development; at this location, the development does not significantly increase the noise exposure to that already measured. In addition, the result is that it is predicted that current noise standards would be maintained for all noise sensitive properties during the night time except for four properties which are currently exposed to noise levels greater than the current noise standards without the development; at these locations, the development does not significantly increase the noise exposure to that already measured.
- 8.104. The assessment has used 4 worst case scenarios to predict the noise impact it is requested by Environmental Health that a condition is included to ensure only one scenario is operational at any one time to ensure the validity of the noise predictions. It is not considered that a condition of this nature would meet the 6 tests outlined in the NPPG guidance. A condition to this effect would be restrictive to the types of vehicles and scenarios that can use the track and would be difficult to enforce. If the proposed development were to result in a noise impact over and above that identified and that which is harmful to residential amenity this can be reviewed and mitigated against under separate Environmental Health legislation.
- 8.105. The bunding to the north of the site does not join due to an easement on site. To ensure that this gap does not result in noise spill a sound attenuation fence is proposed at each end of the gap. The details of this have not been provided and a

condition is necessary to ensure the specifications of the fence are appropriate and in line with the noise mitigation strategy.

8.106. The application details the following proposed hours of operation:

Monday – Friday – 24 hours

Saturday – 06:00 – 17:00

Sunday – 06:00 – 16:00

8.107. Environmental Health identify that the submitted noise assessment highlights that testing is unlikely at night time as the track is not lit, but preparation for testing is expected to take place on occasions. Environmental Health have requested amendments to the operation times to the following:

Monday - Friday – 07:00 – 23:00

Saturday - 07:00 – 17:00

Sunday - 07:00 – 16:00

8.108. The application site is adjacent to the existing MIRA site which includes a test track which is unlimited in its use. To place a condition on the hours of use of the track would be extremely difficult to enforce as it would not be clear as to which track is in use and where the noise is coming from within the wider MIRA site. The proposal is designed to ensure views of the track are removed from public view due to the bunding and proposed landscaping and therefore if complaints were received officers would not be able ascertain if the track is in use or not without going into the MIRA site which needs security access clearance. It is therefore considered that a condition restricting the hours of use would not meet the 6 tests identified within the NPPG guidance as it would be difficult to enforce.

8.109. It is acknowledged that the noise impact assessment is only a prediction of noise impact and as such cannot guarantee the level of impact during operation. It is therefore recommended that a condition is included which requires a noise monitoring scheme to be submitted three months following first use of the site. If the noise monitoring scheme identifies higher levels than that previously anticipated then further mitigation measures would need to be proposed and implemented. This condition would ensure that the noise levels generated by the proposal would not be as such that it would be harmful to residential amenity.

8.110. The applicant has requested the following construction hours:

Mon-Fri - 07:00 – 19:00

Sat - 08:00 – 14:00

Sun - None

Bank Holidays - None

8.111. Whilst these hours are not in line with the hours generally recommended by Environmental Health a reduction in construction times would extend the construction programme by approximately 20%. This would have implications upon the length of time needed for the temporary construction access on Fenn Lanes and would extend any potential disturbance to the neighbouring properties. For these reasons it is considered that the proposed construction hours are acceptable in this instance. It is acknowledged by Environmental Health that if issues arise during the construction period with noise impacts with noise levels exceeding acceptable levels then these matters can be addressed under nuisance legislation.

8.112. An initial Construction Environmental Management plan has been submitted with the application, however this would need further development as the full details of construction is known. A condition securing the submission of a construction environmental management plan is submitted to and agreed in writing prior to the commencement of development would be necessary to ensure the construction

phase of the development does not have a significant effect upon dust, odour, noise, smoke, light and land contamination.

- 8.113. Some objections received have raised concerns with the vibration impacts upon their property and the dust which would settle on nearby properties. It has been requested by these objectors that the applicant pay to carry out surveys of the property and pay any damages and clean the properties of any dust. This is not a material consideration to this application and would be a civil matter between the landowners. A contribution request towards the cost of potential damage to neighbouring properties and cleaning of neighbouring properties of dust would not meet the tests outline within the CIL regulations and would not be sought in this instance.
- 8.114. Concerns have been raised that vehicles higher than a standard car, such as a bus or HGV could be tested on the track and would be visible by the residents. There is no right to a view and the loss of views is not a material planning consideration. The applicant has included sections with the application which show a larger vehicle of approximately 3.56m in height on the proposed track. These sections are taken to the south and north of the site adjacent to residential properties and also centrally within the site. These sections show that due to the proposed bunds, existing and proposed vegetation and level changes the visibility of the track and any vehicles on it would be restricted from many public viewpoints and residential properties.
- 8.115. Subject to a number of conditions regarding construction, noise, use and operational hours of the site the proposal would not result in significant harm to residential amenity and is considered to be acceptable in accordance with Policy DM7 and DM10 of the SADMP.

#### Impact upon Contaminated Land

- 8.116. Policy DM7 of the SADMP seeks to ensure that development would not have an adverse impact from pollution, including contaminated land.
- 8.117. A contaminated land survey was undertaken for the site. This summaries that the risks of contamination are anticipated to be low, however suggests further investigation will be undertaken.
- 8.118. Environmental Health have requested that a further scheme for investigating any potential land contamination is submitted prior to the commencement of development and in addition to this a condition is included which requires an addendum including mitigation measures to be submitted if contamination is found on site which was not previously identified.
- 8.119. Subject to the inclusion of this condition the proposal would not harm contaminated land and is therefore contrary to Policy DM7 of the SADMP

#### Impact upon Existing Trees on Site

- 8.120. Paragraph 175 of the NPPF identifies that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 8.121. An arboricultural report has been submitted with the application and an additional letter to provide further information requested by the tree officer. This report concludes that 77 individual trees are listed for the site, 30 groups and 15 hedges. Whilst some trees may on paper seem to have some of the basic attributes that might indicate the onset of Veteran status the arboricultural consultant acting on behalf of the applicant has confirmed that there are no Veteran trees surveyed on the site.



- 8.122. To facilitate the development 23 individual trees, 10 groups, 9 hedges, 4 copses and 2 shelterbelts need to be removed. Of these 6 are of high importance for retention (category A) and 18 are of moderate importance (category B). Category A and B trees should be expected to be retained within the development, however due to their location and the specific needs of the design of the proposed track it is not possible to retain these trees. Whilst this is regrettable it is considered that the benefits of this proposal, outlined in the sections above outweigh the harm caused by the loss of these trees.
- 8.123. The application is supported by a high quality detailed landscaping scheme. The landscaping scheme mitigates partially or possibly fully the loss of trees on site by new planting. Both Leicestershire County Council (Ecology) and the Tree Officer recommend an amendment to the mix of planting on site and therefore a condition requiring the application to submit these details prior to the commencement of development is considered necessary.
- 8.124. It is recommended by the Tree Officer that an arboricultural site monitoring scheme is submitted prior to commencement of development to ensure the trees to remain on site are adequately protected. The applicant has submitted some details to satisfy this however further details are required and therefore the condition is considered necessary.
- 8.125. The proposal would result in the loss of some high and moderate importance trees, however due to the design of the track these losses cannot be avoided. Significant landscaping is proposed around the perimeter of the site which would mitigate the loss of these trees. Subject to appropriate conditions securing the protection of trees during construction and the implementation of the landscaping plans and a management plan the proposal is considered acceptable in regards to the impact of the trees on site.

#### Impact upon Flood Risk and Drainage

- 8.126. Policy DM7 of the SADMP seeks to ensure that surface water and groundwater quality are not adversely impacted by new development and that it does not create or exacerbate flood risks.
- 8.127. A Ground Conditions and Contamination, Flood Risk, Surface Water and Foul Drainage Report (FRA) has been carried out and submitted as part of this application. The site is located in Flood Zone 1 (low less than 1 in 1,000 annual probability of flooding). Leicestershire County Council (Drainage) and Environmental Health (Drainage) have assessed the information accompanying the application, including the further submission of an addendum to the initially submitted FRA. Leicestershire County Council (Drainage) has no objection to the scheme subject to the imposition of conditions relating to the submission of full drainage proposals.
- 8.128. The FRA identifies that there is no record of pluvial flood history in the vicinity of the proposed development and it is considered to be at low risk of flooding from any source, including tidal, fluvial, groundwater, pluvial, reservoir, canal and other artificial sources. Following any approval of planning permission, the applicant is required to apply for Land Drainage consent prior to making new connections to existing ditches.
- 8.129. The flood risk posed to the site from all sources is considered to be low, and the flood risk from the development can readily be mitigated by restricting the runoff to greenfield levels and attenuating flows on site. The use of swales, filter drains and attenuation ponds are considered appropriate for the nature and scale of the development and ensures a suitable level of treatment of surface water runoff.

8.130. Therefore it is not considered that the proposal would lead to harm to the quality of groundwater from surface or foul water, and would not cause or aggravate flooding in accordance with Policy DM7 of the SADMP, subject to the imposition of conditions.

#### Ecology

8.131. Policy DM6 of the SADMP seeks to conserve or enhance biodiversity and features of nature conservation.

8.132. An Ecological Impact Assessment was submitted as part of the original application. Following comments received from Leicestershire County Council Ecology, updated ecology surveys were submitted including a:

- 1) Great Crested Newt Survey
- 2) Preliminary Ground Level Bat Roost Assessment of Trees
- 3) Reptile Survey
- 4) Badger Survey
- 5) Updated Preliminary Ecological Appraisal

8.133. Great Crested Newts have been found in ponds throughout the application, with one large population and two small populations. The development would impact two of the three populations directly, either by the direct loss of ponds or the loss of connectivity and the third population would be impacted as it is close to the application site. The impact of the development on a large GCN population is significant and mitigation is required. The impact is considered acceptable, subject to the submitted mitigation strategy to be followed and this is to be secured by condition.

8.134. A small population of Grass Snake were recorded on site and the mitigation for this species has is to be submitted within the GCN mitigation.

8.135. Breeding Birds have been found across the site but the wider area provides suitable alternative habitats for their accommodation.

8.136. The badger survey identifies a main badger sett and four outliers within proximity of the application site. Mitigation has been provided to ensure that these badger setts are not impacted by the development and the mitigation strategy is to be followed by condition.

8.137. The proposed development would result in the loss of some connectivity of bats, but would provide habitat creation to allow bats to continue to forage on site. Further bat emergence surveys of the trees identified as having high or medium potential for roosting are to be submitted prior to commencement and this is recommended to be secured by condition.

8.138. Overall, confirmation has been provided that the development proposals within the site plan would result in a net gain in habitats. No lighting is proposed and therefore there would be no adverse impact in this regard.

8.139. Leicestershire County Council (Ecology) have been consulted on the application and raised no objection in principle subject to the submission of additional information and the imposition of planning conditions to ensure appropriate mitigation measures.

8.140. Subject the submission of the above details and the imposition of conditions, it is considered that the proposed development would not have a significant adverse impact on biodiversity or features of nature conservation in accordance with Policy DM6 of the SADMP.

## **9. Equality Implications**

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

## **10. Conclusion**

10.1. It is considered that the development would provide a number of significant public benefits both nationally and regionally, including the development of a CAV testing facility to drive research in this area which is supported by central government and the creation of over 1,000 jobs within the region. Some short term and long term effects on landscape character and visual amenity have been identified. The proposal would therefore have a degree of conflict with criterion i) of Policy DM4 of the SADMP, however the significant economic benefits of the proposed development and the proposed landscaping mitigation outweigh the conflict identified with this policy.

10.2. The proposal includes appropriate mitigation measures to ensure the development would not harm the residential amenity of nearby residential properties, subject to conditions, in accordance with Policy DM10 of the SADMP.

10.3. Notwithstanding the objection received from the highways authority in regards to the temporary construction access, it is considered that the impact would be limited to 5 months for the use of aggregate deliveries only and appropriate highway mitigation measures are proposed to minimise the risk to highway safety. The operational access for the proposal is acceptable. Therefore the proposal, subject to conditions, is in accordance with Policy DM17 of the SADMP.

10.4. Subject to conditions the proposal would not harm the ecology of the site and could provide biodiversity enhancements and would not result in drainage or flooding issues on site in accordance with Policies DM6 and DM7 of the SADMP.

10.5. The public benefits of the proposal need to be weighed against the harm identified to the registered battlefield. The Council has: 1) identified which heritage assets and their settings are affected; 2) assessed whether, how and to what degree these settings make a contribution to the significance of the heritage asset; 3) assessed the effects of the proposed development, whether beneficial or harmful, on that significance 4) explored the way to maximise enhancement and avoid or minimise harm. When considering the significance of the battlefield it is concluded that the impact would be less than substantial. In weighing the less than substantial harm against the public benefits in accordance with paragraph 196 of the NPPF, it is concluded that the benefits outweigh the harm.

10.6. The proposal is considered to be sustainable development subject to the recommended conditions and is in accordance with both the development plan and the NPPF and there are no other material considerations which indicate otherwise.

## 11. Recommendation

11.1. **Grant planning permission** subject to

- Planning conditions outlined at the end of this report.

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

11.3. **Conditions and Reasons**

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

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:-

- Proposed Plans and Elevations Drg. No. 7635 150 A (scale 1:100 and 1:50)
- received by the local planning authority on 3 May 2018,
- Site Location Plan Drg. No. 7635 100 A (scale 1:1250),
- Proposed Site Plan Drg. No. 7635 150 B (scale 1:200)
- received by the local planning authority on 29 June 2018,
- TIC-IT Administration Area – Site Plan Drg No. 4501613/SK/18 Rev B (Scale 1L250)
- Proposed Control Building and Storage Building Drg No. 4501613/SK/19 Rev A
- TIC-IT Typical Details of Comms Masts Drg No 4501613/SK/032 Rev A
- Sections – sheet 1 Drg No.1238-TP-00-00-DR-L-5001 Rev P02 (scale 1:200)
- Sections – sheet 2 Drg No. 1238-TF-00-00-DR-L-5002 Rev P02 (scale 1:200)
- Tree Retentions and Removals Plan Drg No. BH/03 Sheet 2 of 2 (scale 1:1000)
- Received by the local planning authority on 20 July 2018
- Proposed Layout Drg No. 4501613/SK22 Rev D (scale 1:2000)
- Received by the local planning authority on 24 July 2018
- Temporary Construction Access-Traffic Signal and Road Sign Arrangement Drg. No 18035/001 Rev C (Scale 1:500)
- Temporary Construction Access-Visibility Splay and Sight Stopping Distance Drg No. 18035/002 Rev A (Scale 1:500)
- Received by the local planning authority on 27 July 2018
- Proposed Palisade Fence Drg No. 4501613/SK/30 Rev B
- CCTV Location Drg No. 4501613/SK/64 (Scale 1:2000)
- Proposed Levels Drg No.4501613/SK/31 Rev D (Scale 1:2000)
- Landscape Proposals 1238-TF-00-00-DR-L-1001 Rev P03
- Landscape Proposals 1238-TF-00-00-DR-L-1002 Rev P04
- Tree Retentions and Removals Plan Drg No. BH/03 Sheet 1 of 2 Rev 01
- Received by the local planning authority on 8 August 2018

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document.

3. The materials to be used on the external elevations of the proposal shall accord with the approved Proposed Floor Plans and Elevations Drg. no. B18/05/P01 (scale 1:50), Proposed Elevations Drg. no. B18/05/P02 (scale 1:50) received by the Local Planning Authority on 15 June 2018.

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

4. The development shall be implemented in accordance with approved proposed ground levels and finished floor levels outlined in drawing 4501613/SK/31 Rev D – Proposed Levels received by the local planning authority 8 August 2018.

**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. Notwithstanding the submitted details outlined within the landscape plans, no development shall commence on site until a schedule of plants, noting species, plant sizes and proposed numbers/densities has been submitted to and received in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved document/plan.

**Reason:** To ensure appropriate conservation and enhancement of nature conservation features and protection to biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

6. A landscape and biodiversity management plan, including the construction phase, operational phase and long term objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the proposal. The landscape management plan shall be carried out as per the approved details.

**Reason:** To ensure that the work is carried out within a reasonable period and thereafter maintained and the proposal ensures appropriate conservation and enhancement of nature conservation features in accordance with Policies DM4, DM6 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

7. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping scheme shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of a similar size and species.

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

8. Before any development commences full details of the proposed sound attenuation fences to the north of the site identified on Drg no. 4501613/SK/33 Rev D Proposed Layout received by the local planning authority 24 July 2018 shall be submitted to and approved in writing. The sound attenuation fences shall be erected in accordance with the approved details prior to the first use of the proposal and shall be retained in perpetuity.

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

9. No development shall commence on site until a programme of archaeological work, comprising further post-determination trial trenching, detailed battlefield specific metal-detecting and as necessary targeted archaeological investigation. The full programme and timetable will be detailed within a Written Scheme of Investigation that shall be submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:

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

The approved development shall be constructed in accordance with the approved Written Scheme of Investigation.

**Reason:** To ensure appropriate satisfactory archaeological investigation and recording is undertaken in accordance with Policy DM13 of the Site Allocations and Development Management Policies DPD (2016) and paragraph 199 of the NPPF.

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

**Reason:** To ensure appropriate satisfactory archaeological investigation and recording is undertaken in accordance with Policy DM13 of the Site Allocations and Development Management Policies DPD (2016) and paragraph 199 of the NPPF.

11. No development approved by this planning permission shall take place until details of infiltration testing carried out on site and the suitability of the site for the use of infiltration as a drainage element and the update to the flood risk

assessment (FRA) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

**Reason:** To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

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

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

13. No development approved by this planning permission, shall take place until such time as 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 development shall be carried out in full accordance with the approved details.

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

14. Notwithstanding the submitted details in the Noise Impact Assessment dated 6<sup>th</sup> April 2016 and additional details submitted by e-mail 9 August 2018, a post development noise monitoring scheme shall be submitted in writing to the local planning authority three months following first use of the site. Any necessary mitigation measures identified as required within the scheme shall be completed within 2 months of the date of approval by the local planning authority of the mitigation measures and shall be retained while the use is in operation.

**Reason:** To ensuring the ongoing protection of residential amenity, with regard to noise, of the adjacent properties in accordance with Policy DM7 and DM10 of the Site Allocation and Development Management Policies DPD.

15. No development shall commence on site 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 approved details and any remediation works so approved shall be carried out prior to the first use of the site.

**Reason:** To ensure that any contamination is dealt with appropriately to mitigate any risks to water quality in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. 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 first use of the site.

**Reason:** To ensure that any contamination is dealt with appropriately to mitigate any risks to water quality in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. Site preparation and construction shall not be undertaken outside of the following hours:

Mon-Fri - 07:00 – 19:00

Sat - 08:00 – 14:00

Sun - None

Bank Holidays - None

**Reason:** In the interests of neighbouring residential amenity in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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

**Reason:** To ensure the construction period of the development does not have a detrimental impact upon existing residential amenity and highway safety in accordance with Policy DM7, DM10 and DM17 of the Site Allocations and Development Management Policies DPD (2016).

19. Prior to the first use of the proposal the temporary construction shall be closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway and pedestrian safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

20. No development shall commence until a bat emergence survey of trees identified as having high or medium potential for roosting has been undertaken, submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the mitigation measures contained within the approved document.



**Reason:** To ensure appropriate conservation and enhancement of nature conservation features and protection to biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

21. Site clearance works shall be completed outside of the bird-breeding season (March to August inclusive) unless otherwise agreed in writing.

**Reason:** To ensure appropriate conservation and enhancement of nature conservation features and protection to biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

22. The development shall be carried out in complete accordance with the enhancements contained within the submitted Ecological Impact Assessment dated April 2018 received by the Local Planning Authority on 3 May 2018

**Reason:** To ensure appropriate conservation and enhancement of nature conservation features and protection to biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

23. No works or development shall commence until a scheme of arboricultural site monitoring by the appointed project arboriculturist has been submitted to and approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a) Induction and personnel awareness of arboricultural matters
- b) Identification of individual responsibilities and key personnel
- c) Timing and methods of site visiting and record keeping, including updates
- d) Procedures for dealing with variations and incidents.
- e) The scheme of supervision shall be carried out as agreed.
- f) The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

**Reason:** To ensure that the tree protection plan is adequately implemented in the interests of the visual amenities of the area in accordance with DM10 of the Site Allocations and Development Plan Policies DPD (2016).

24. No external lighting shall be installed on site, unless agreed in writing by the Local Planning Authority.

**Reason:** To ensure the development does not harm the character of the countryside, neighboring amenity and protected species in accordance with Policy DM4, DM6 and DM10 of the Site Allocations and Development Plan Policies DPD (2016).

25. The temporary construction access identified on drawing No 18035/001 Rev C and 18035/002 Rev A received 27 July 2018 shall only be used by HGV vehicles importing granular sub-base material and asphalt as outlined in the Transport Assessment dated March 2018.

**Reason:** In the interests of highway safety in accordance with DM17 of the Site Allocations and Development Plan Policies DPD (2016) and paragraph 108 and 1019 of the National Planning Policy Framework (2018).

#### 11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. 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.
2. 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.
3. 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.
4. 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.
5. The results should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.
6. If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following: <http://www.leicestershire.gov.uk/Flood-risk-management>
7. The Monitoring Scheme required by Condition 14 above shall include periodic review of vehicular use of the track, hours of use of the track, resultant noise levels at noise sensitive receptors (to be agreed) and how these levels compare to current domestic noise standards. The scheme shall include what additional mitigation will be considered if domestic noise standards are not being met owing to use of the track. The scheme shall include how the developer will respond to any reasonable request of the local planning authority to review noise levels associated with the use of the track at any time e.g. following complaint.
8. In relation to condition 15 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.

9. The Written Scheme of Investigation (WSI) required by condition 9 must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
10. The details submitted in accordance with condition 18 shall outline vehicles which will be permitted to use the temporary construction access, in accordance with the Transport Assessment dated March 2018 and include details on how this will be monitored.

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Planning Committee 28 August 2018  
Report of the Interim Head of Planning

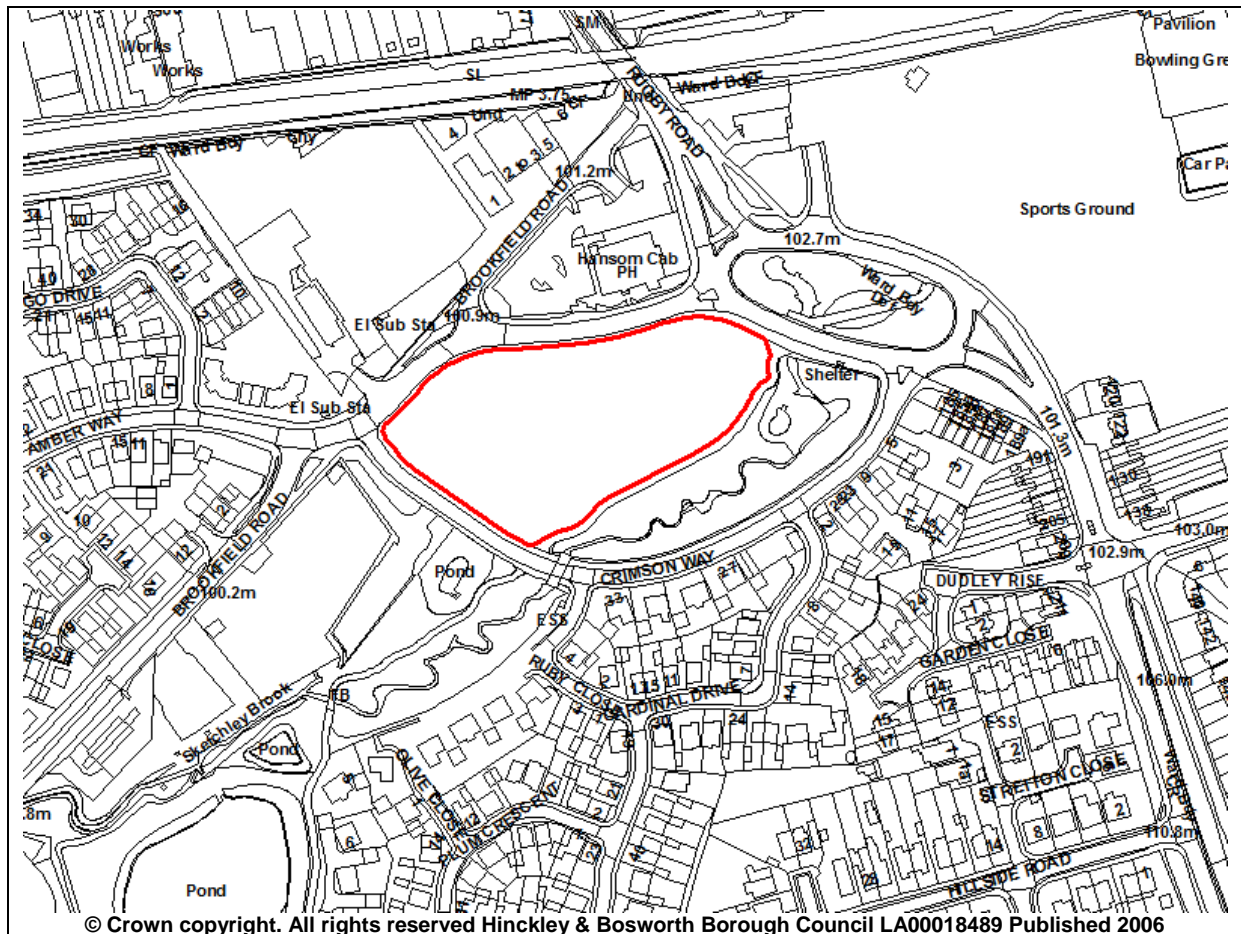


Hinckley & Bosworth  
Borough Council

Planning Ref: 18/00302/FUL  
Applicant: Persimmon Homes North Midlands  
Ward: Burbage Sketchley & Stretton

Site: Land South Of Amber Way Burbage

Proposal: Erection of 40 dwellings and associated infrastructure.



## 1. Recommendations

### 1.1. Grant planning permission subject to:

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

- 20% affordable housing units (8 dwellings)
- Education facilities contribution of £104,535.45
- Health care facilities contribution of £20,085.12
- Public play and open space contribution of £64,310.22
- Proportionate off-site highway mitigation works contribution of £80,000
- Transport contribution to secure amendments to the Traffic Regulation Order of £7,500
- Travel Packs for the future occupiers (£52.85 per pack)
- Six month bus passes (two per dwelling) at approximately £360 per pass

- Planning conditions outlined at the end of this report.

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

1.3. That the Interim Head of Planning be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

## **2. Planning Application Description**

2.1. This application seeks full planning permission for the erection of 40 new dwellings. The scheme comprises 4 x 1 bed flats, 4 x 2 bed dwellings, 27 x 3 bed dwellings and 5 x 4 bed dwellings. The layout proposes a block of four 1 bed flats and 2, 3 and 4 bed semi-detached and detached dwellings facing Rugby Road, Amber Way, the open space between the site and Crimson Way and either side of a new centrally positioned cul de sac off Amber Way. Parking spaces are provided either to the side or front of each dwelling and in a small parking court serving the dwellings fronting Rugby Road accessed from Amber Way. External construction materials and hard and soft landscaping details have also been submitted.

2.2. A Design and Access Statement, Planning Statement, Transport Statement, Flood Risk Assessment/Drainage Strategy, Geotechnical Assessment Report, Phase II Site Appraisal Report and Noise Assessment have been submitted to support the application.

2.3. Amended plans have been submitted during the course of the application to address issues raised in respect of the layout, house designs and highway safety issues. Re-consultation has been undertaken.

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

3.1. The application site measures approximately 1 hectare and is currently a vacant parcel of scrub land located within the settlement boundary of Burbage to the south of Amber Way and east of Rugby Road. It forms part of the wider mixed use Sketchley Brook development. The site is enclosed by 2 metre high metal Heras security fencing.

3.2. To the north of the site there is a public house/restaurant and industrial premises on Brookfield Road. To the west there is a vacant site with planning permission for 30 new dwellings. Rugby Road lies to the east with a remaining parcel of land and open space beyond. To the immediate south there is a public footpath and green corridor of open space incorporating the Sketchley Brook with residential properties beyond.

## **4. Relevant Planning History**

17/00397/FUL	Erection of 49 dwellings and associated infrastructure	Refused	18.09.2017
10/00518/OUT	Mixed use development comprising up to 375 dwellings, employment (Use Classes B1a, B1c, B2 and B8), local centre (Use Classes A1-A5 and D1), live-work units, works to Sketchley Brook corridor, remodelling of lake and associated open space, parking and accesses (outline – access only)	Permitted	30.08.2011

## **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 30 separate addresses as a result of public consultation, 29 raising the following objections and concerns:-
- 1) Site was for local community and retail services and facilities in the masterplan
  - 2) Number of houses on the Sketchley Brook site exceeds the masterplan figure
  - 3) Additional traffic congestion on Rugby Road
  - 4) Additional parking congestion, parking restrictions are required on adjacent roads (Brookfield Road/Amber Way) to allow free flow of traffic
  - 5) Unsafe junction close to Rugby Road
  - 6) Lack of local infrastructure – schools, doctors etc.
  - 7) Will worsen already poor broadband/internet services
- 5.3. One response has been received supporting the application on the following grounds:-
- 1) The land is currently an eyesore attracting rubbish and rodents
  - 2) There is no right to a view
  - 3) Housing is a better option than offices
  - 4) Whilst there is traffic congestion on Rugby Road, it is not take too long to join the traffic flow
  - 5) The developer will have to pay a contribution towards local infrastructure services and facilities.

## **6. Consultation**

- 6.1. No objection, some subject to conditions, has been received from:-
- Environment Agency  
Severn Trent Water Limited  
Cadent Gas  
Leicestershire County Council (Drainage)  
Environmental Health (Drainage)  
Environmental Health (Pollution)  
Street Scene Services (Waste)
- 6.2. Leicestershire County Council (Developer Contributions) request the following infrastructure contributions:-
- 1) Director of Children and Family Services requests a total contribution of £104,535.45 towards education facilities to mitigate capacity issues resulting from the proposed development (Primary School Sector);
  - 2) Director of Environment and Transport requests a contribution of £1,981 towards civic amenity facilities to mitigate additional demands on Barwell Civic Amenity site as a result of the proposed development;
  - 3) Library Services (Locality Manager – North) requests a contribution of £1,150 towards library facilities to mitigate additional demands on Hinckley Library as a result of the proposed development.
- 6.3. Leicestershire County Council (Highways) raise no objections subject to conditions and financial contributions to secure off-site highway mitigation works, amendments to the Traffic Regulation Order on roads around the site, travel packs and bus passes for future residents.

6.4. NHS England requests a contribution of £20,085.12 towards the improvement of Burbage Surgery health care facilities to mitigate additional demands on the local surgery as a result of the proposed development.

6.5. Burbage Parish Council objects to the scheme on the following grounds:-

- 1) The overall scheme for 375 dwellings for the Sketchley Brook site has been met and additional housing on the site is neither wanted or justified
- 2) No-parking restrictions should apply to Brookfield Road to ensure on-street parking does not cause access problems and to enhance the visual gateway to the town
- 3) If permitted, additional landscaping should be provided adjacent to the Sketchley Brook corridor along with amenity parking.

6.6. No response has been received from:-

Cycling UK  
Leicestershire Police.

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage
- 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 SA3: Land at Brookfield Road and Sketchley Brook, Burbage
- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- 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) (2018)
- Planning Practice Guidance (PPG)
- Community Infrastructure Levy (CIL) Regulations (2010)

7.4. Other relevant guidance

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

## **8. Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Land contamination
- Affordable housing
- Infrastructure contributions



- Other issues

#### Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) 2018 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 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 emerging Burbage Neighbourhood Plan (BNP) is still in development, not yet having been submitted to the local planning authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore, only very limited weight can be afforded to this document at this time.
- 8.4. Policy DM1 of the SADMP and paragraph 11 of the NPPF set out a presumption in favour of sustainable development and state that development proposals that accord with an up-to-date development plan should be approved without delay unless material considerations indicate otherwise.
- 8.5. The site is located within the settlement boundary of Burbage where Policy 4 of the adopted Core Strategy seeks to support Hinckley's role as a sub-regional centre through the allocation of land for residential, employment and retail land uses. Policy SA3 of the adopted SADMP seeks to ensure a mixed use development on the Sketchley Brook site which retains existing employment uses on site; delivers a neighbourhood centre comprising retail units (A1-A5); delivers a minimum of 46 dwellings with a housing density, mix and design in line with Policy 16 of the adopted Core Strategy and also ensures that the amenity of future occupiers of both residential and employment units would not be adversely affected in line with Policy DM10 of the adopted SADMP.
- 8.6. The application site falls within the wider redevelopment site, referred to in this report as 'Sketchley Brook site', which was approved in August 2011 (planning reference 10/00518/OUT). This outline application was for 'mixed use development comprising up to 375 dwellings, employment (use classes b1a, b1c, b2 and b8), local centre (use classes a1-a5 and d1), live-work units, works to Sketchley Brook corridor, remodelling of lake and associated open space, parking and accesses.
- 8.7. The application site was included within the outline application referred to above and was identified on the masterplan for the wider site as a focal point area which would contain a local service centre, open space and limited residential development.
- 8.8. Objections to the current application, including from Burbage Parish Council, have been received on the grounds that the application site was allocated in the outline planning permission masterplan for retail/commercial outlets and open space, that the 375 dwellings originally proposed for the site have already been approved elsewhere in the site and that therefore additional housing is not needed or justified. The response supporting the scheme suggests that the site is currently an eyesore attracting rubbish and rodents.
- 8.9. The application site is currently vacant scrub land. The current proposal does not include any retail or community services or facilities and is for residential development only. Whilst this is not in accordance with the original submitted

masterplan for the wider Sketchley Brook site, the allocation for a retail centre and existing employment covers a wider area than the application site. There is another parcel of land within the overall Sketchley Brook site to the east of Rugby Road which could potentially deliver retail units in line with Policy SA3 of the SADMP. Therefore the approval of this proposal would not prejudice the policy requirement for the wider site.

- 8.10. It is therefore considered that residential development on the application site would be acceptable in respect of the strategic planning policies of the development plan subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.11. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.12. Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 40 dwellings per hectare within Burbage.
- 8.13. Paragraphs 124 and 127 of the NPPF (2018) state that good design is a key aspect of sustainable development and planning decisions should ensure that developments: will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character; optimise the potential of the site to accommodate an appropriate amount and mix of development and support local facilities and transport networks; create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.
- 8.14. Paragraph 130 of the NPPF (2018) states that permission should be refused for development of poor design that fails to improve the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision maker as a valid reason to object to development.
- 8.15. Policies 2 and 4 of the emerging BNP support residential proposals that do not cause adverse impacts on the character of the area, are within the continuity of existing frontage buildings, are comparable in layout, size, scale and design to neighbouring properties and retain important natural boundaries. Policy 3 of the emerging BNP seeks to restrict the size of new dwellings to the housing needs within the Parish.
- 8.16. The scheme would provide 40 dwellings on this 1 hectare site and a mix of 1, 2, 3 and 4 bedroom dwellings through the site in accordance with Policy 16 of the adopted Core Strategy. Amended plans have been submitted during the course of the application to address issues with the layout and house type designs originally submitted.
- 8.17. The site was identified in the initial masterplan for the 'Sketchley Brook site' as a key focal point. This site is highly visible in a prominent location upon the Hinckley/Burbage boundary adjacent to a large roundabout. It is therefore important that this proposal is of high quality and inclusive design and compliments or enhances the character of the surrounding area in accordance with paragraphs 124 and 127 of the NPPF (2018) and Policy DM10 of the adopted SADMP.
- 8.18. The scheme comprises 4 x 1 bed flats, 4 x 2 bed dwellings, 27 x 3 bed dwellings and 5 x 4 bed dwellings. The amended plans propose a block of four 1 bed flats and

2, 3 and 4 bed semi-detached and detached dwellings with strong frontage to, but set back from, Rugby Road, Amber Way, the open space between the site and Crimson Way and both sides of a new centrally positioned cul de sac off Amber Way. Plots in critical prominent locations are provided with dual frontages to enhance the appearance of the street scene.

- 8.19. To reduce car dominance within street scenes, parking spaces are provided either to the side or front of each dwelling and in a small parking court serving the dwellings fronting Rugby Road accessed from Amber Way. Generous private gardens are provided for each of the larger houses and smaller but satisfactory private amenity spaces provided for the smaller affordable units. The proposed parking court is provided with natural surveillance from Plots 23 and 32.
- 8.20. Details of external construction materials comprising four red brick varieties and four roof tile varieties have been submitted and are acceptable. 1.8 metre high brick walls in critical locations provide continuity within the street scenes. Details of both hard and soft landscaping proposals have been submitted. The hard surfacing includes both tarmac and block paving. The soft landscaping proposals include numerous additional trees, box hedgerows and areas of shrub planting to the perimeter and within the site.
- 8.21. The proposed soft landscaping along the southern boundary of the site along the public footpath adjacent to the Sketchley Brook corridor, as sought by Burbage Parish Council, is particularly important to provide satisfactory screening to the communal parking court, service roads and other hardstanding adjacent to the south boundary of the site and to enhance this gateway into the town. 1.2 metre high black bow top railings are also proposed to this boundary to define the boundary and protect the integrity of the hedgerow.
- 8.22. The density, layout and two storey scale and design of the dwellings along with the use of complementary external materials of red brick and brown and grey roof tiles and proposed landscaping would complement and enhance the character and appearance of the site and neighbouring development within the Sketchley Brook development. The amended scheme would therefore overcome the character/layout/design reasons for refusal of the previous application (reference 17/00397/FUL) and would be acceptable in respect of Policy DM10 of the adopted SADMP, the overarching design principles of the NPPF (2018) and Policies 2 and 4 of the emerging BNP.

#### Impact upon neighbouring residential amenity

- 8.23. Policies SA3 and DM10 of the adopted SADMP and Policy 2 of the emerging BNP require that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.24. By virtue of separation distances and relative positions to any neighbouring existing properties the proposal would not result in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring properties. The layout would provide satisfactory back to back separation distances of 20 metres between the proposed dwellings within the site to avoid unacceptable loss of privacy from overlooking.
- 8.25. Environmental Health (Pollution) team have assessed the application and recommend that a Construction Environmental Management Plan for the site be secured by a planning condition to control the working practices and hours of construction of the site to protect the amenity of the occupiers of nearby properties during the construction phase.

- 8.26. The submitted Noise Assessment indicates that internal noise criteria would not be met with windows partially open due to the effects of traffic noise on Rugby Road. A condition is therefore considered necessary to require the submission of a scheme for protecting the proposed dwellings and future occupiers of the site from road noise for prior approval.
- 8.27. Subject to the submission of satisfactory details to discharge the conditions, the amended scheme would be acceptable in terms of the residential amenities of existing and future occupiers of the site and in accordance with Policy DM10 of the adopted SADMP and Policy 2 of the emerging BNP in this respect.

Impact upon highway safety

- 8.28. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the NPPF (2018) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe. Policy 5 of the emerging BNP requires two off-street parking spaces to be provided for each new dwelling, unless it is unachievable.
- 8.29. Objections to the scheme have been received on the grounds that the proposal would result in additional traffic congestion on Rugby Road, additional parking congestion with parking restrictions being required on adjacent roads (Brookfield Road/Amber Way) and that the proposed access to the parking court close to the Rugby Road junction would be unsafe. The response in support of the scheme suggests that whilst there is traffic congestion on Rugby Road it does not take too long to join the traffic flow.
- 8.30. A Transport Statement has been submitted to support the application. This concludes that the site is within reasonable walking distance of local amenities, services, public transport and employment opportunities, is accessible by non-car travel modes and that the proposed development of the site for 40 dwellings would not generate a significant number of vehicle trips during the peak hour periods and as such would be unlikely to cause any significant impact on the highway network.
- 8.31. Amended plans have been submitted to seek to address highway design issues and the requirements for amendments to the Traffic Regulation Order on adjacent roads identified in the initial consultation response from Leicestershire County Council (Highways). The Highway Authority seek the extension of traffic waiting restrictions on Rugby Road and Amber Way fronting the site and additional double yellow lines to ensure satisfactory forward visibility and traffic flow. Re-consultation on the amended plans has been undertaken.
- 8.32. Leicestershire County Council (Highways) has assessed the amended scheme and supporting information submitted. The original outline planning permission for the wider Sketchley Brook site was for up to 375 new dwellings for which planning permissions have already been approved and for which highway improvements and mitigation works were identified and secured at that time.
- 8.33. The Local Highway Authority recognise that there is a degree of established traffic congestion on this part of the highway network adjacent to the application site and therefore consider that it is essential that any subsequent development approvals, such as the current scheme for 40 additional dwellings, adequately mitigate their own impact and slow the otherwise unavoidable deterioration to the operation of the local highway network.

- 8.34. Leicestershire County Council has proactively engaged in designing preferred scheme options for key junctions in the locality which enables developers to mitigate their own impact through the payment of off-site highway contributions in lieu of providing their own individual schemes. This approach enables wider more holistic transport mitigations to be implemented whilst still enabling developers to fairly mitigate only their own impact. This approach also means that the full burden of scheme implementation, consultation processes, traffic management etc. are taken on by the highway authority rather than developers. The Local Highway Authority have identified specific schemes for both the Rugby Road/Hawley Road signal junction and Rugby Road/Brookside road junctions which the proposed development would impact directly given its location between them. A proportionate financial contribution fairly related to the scale of the development proposed is therefore sought by the Local Highway Authority to mitigate the otherwise severe impact on the local highway network as a result of the proposed development for an additional 40 new dwellings on the site. Further details of the off-site highway mitigation contribution are provided in the 'Infrastructure Contributions' section of this report below.
- 8.35. In order to address on-street parking issues in the vicinity of the site in the interests of highway safety and as a result of the proposed development, a financial contribution towards extension of/amendments to existing Traffic Regulation Orders on adjacent roads is sought by the Local Highway Authority.
- 8.36. In order to inform future residents of, and encourage the use of, sustainable travel choices the Local Highway Authority also seek the provision of travel packs and six month bus passes (two per dwelling) from the developer to mitigate the impact of additional dwellings on the local highway network.
- 8.37. The Local Highway Authority raise no objections to the amended site layout/access and parking arrangements which are considered to provide safe and suitable access to the site and adequate parking provision to serve the proposed dwellings.
- 8.38. The view of the Local Highway Authority is that the residual cumulative impacts of the proposed development could be mitigated and that subject to the imposition of a number of highway related conditions and financial contributions from the developer towards off-site highway infrastructure works at the traffic junctions either side of the site, amendments to the Traffic Regulation Order on roads around the site and the provision of Travel Packs and six month bus passes for the future occupiers of each dwelling proposed, the development would not be considered severe in accordance with Paragraph 109 of the NPPF (2018).
- 8.39. Subject to such conditions and contributions, the proposal would not result in any significant adverse impacts on the local highway network or highway safety and adequate parking provision would be provided within the site to serve the proposed dwellings in accordance with Policies DM17 and DM18 of the adopted SADMP.

#### Drainage

- 8.40. 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.
- 8.41. A Flood Risk Assessment (FRA) and Drainage Strategy have been submitted to support the application proposing the use of sustainable drainage measures.
- 8.42. Leicestershire County Council (Drainage), Severn Trent Water Limited and Environmental Health (Drainage) have assessed the information submitted and raise no objections to the scheme subject to conditions to require the submission of further surface water drainage scheme details in accordance with the submitted

Drainage Strategy for prior approval, infiltration testing, management of surface water during construction of the development and a long term maintenance plan for the sustainable surface water drainage system for prior approval. The conditions would be reasonable and necessary to prevent flooding and maintain water quality by ensuring the satisfactory storage and disposal of surface water from the site and a suitable maintenance regime for its long term performance.

- 8.43. Subject to the satisfactory discharge of such conditions, the proposal would be in accordance with Policy DM7 of the adopted SADMP in respect of surface water drainage and water quality.

#### Land contamination

- 8.44. Policy DM7 of the adopted SADMP seeks to prevent adverse impacts from pollution by ensuring that development proposals demonstrate that appropriate remediation of contaminated land is undertaken in line with minimum national standards.
- 8.45. By virtue of the former uses of the application site a Geotechnical Assessment Report and Phase II Site Appraisal Report have been submitted to support the application.
- 8.46. Environmental Health (Pollution) team has assessed the submitted information. The Phase II Site Appraisal dated November 2016 states that an addendum will be provided to update on the gas regime at the site and this has not been provided. Therefore, a gas protection measures design and verification plan would need to be produced for the site to protect the future occupiers. The other recommended remediation measures within the report in respect of land contamination should be carried out and a validation document should be submitted to the local planning authority to confirm that the works have been completed. The Environmental Health (Pollution) team therefore recommend conditions to require the submission of a scheme for the necessary remediation and verification works for prior approval in order to protect the amenity of the future occupiers of the site. A separate condition in respect of any further contamination discovered during the construction phase and necessary remediation is also required.
- 8.47. Subject to satisfactory remediation being undertaken and validation being submitted in line with the approved schemes, the proposal would be in accordance with Policy DM7 of the adopted SADMP.

#### Affordable Housing

- 8.48. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. Policy 15 seeks the provision of 20% affordable housing on all sites in urban areas of 15 dwellings or more or 0.5 hectares or more with a tenure split of 75% for social rent and 25% for intermediate tenure.
- 8.49. The proposed scheme includes the provision of 20% affordable housing units (8 dwellings) with a tenure split of 75% social rented (6 units) and 25% intermediate housing (2 units) in accordance with the requirements of Policy 15 of the adopted Core Strategy. This would be secured by the completion of a section 106 agreement.

#### Infrastructure contributions

- 8.50. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. 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.

- 8.51. The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained 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.
- 1) Public play and open space
- 8.52. Policies 1 and 19 of the adopted Core Strategy seek to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within Hinckley. The Open Space, Sports and Recreational Facilities (PPG17) Study provides further advice on the quality of facilities at each designated public open space.
- 8.53. In this case, the site is located within 300 metres of Rugby Road Recreation Area (reference BUR09 in the SADMP) which provides formal park facilities with equipped and casual/informal children and young peoples play areas and outdoor sports facilities with a quality score of just 60%. It is also with 300 metres of the newly formed Indigo Drive amenity area (reference BURNEW3).
- 8.54. In order to mitigate the impact of additional users of these facilities as a result of the proposed development, a contribution of £64,310.22 has been calculated using the figures provided in the Open Space and Recreation Study. This equates to £1,648.98 per unit with a 25% reduction for each one bedroom unit and would be used towards schemes aimed at improving the range of public open space and children's play facilities within the vicinity of the site. A children's skate park has previously been identified by Burbage Parish Council as a potential future addition to the range of facilities provided within the site.
- 8.55. As a result of consultation the following infrastructure contributions have been identified to mitigate the impacts of the proposed development:
- 2) Education Facilities
- 8.56. The Director of Children and Family Services requests a contribution of £104,535.45 towards education facilities in Burbage/Hinckley to mitigate the impact of additional users from the development on the Primary School Sector where deficits have been identified and additional facilities are required to meet increased demand from the development. No contributions are requested for the Secondary School Sector, Post 16 Sector or Special Schools Sector.
- 3) Civic Amenity Facilities
- 8.57. The Director of Environment and Transport requests a contribution of £1,981 towards the delivery of civic amenity services and facilities at the nearest site in Barwell to mitigate the impact of additional users from the development on the facility. Due to the small scale of the estimated impact from the development on the civic amenity facility, it is considered that the impact would not be so significant to justify mitigation by way of a financial contribution from the development. In this instance the contribution is not considered to be CIL compliant and therefore is not requested from the developer.
- 4) Library Facilities
- 8.58. The Library Services – Locality Manager North requests a contribution of £1,150 towards the delivery of library services and facilities at Hinckley Library to mitigate the impact of additional users from the development on the facility. Due to the small scale of the estimated impact from the development on the library, it is considered that the impact would not be so significant to justify mitigation by way of a financial

contribution from the development. In this instance the contribution is not considered to be CIL compliant and therefore is not requested from the developer.

5) Healthcare Facilities

- 8.59. NHS England requests a contribution of £20,085.12 towards the improvement of local health care facilities to mitigate additional demands on the local Burbage surgery as a result of the proposed development. As the facility is currently at capacity, the contribution has been identified for the provision of additional clinical capacity/rooms to meet the increase in demand from the development.

6) Highway/Transport

- 8.60. Leicestershire County Council (Highways) requests a number of contributions to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel.
- a) A proportionate contribution of £80,000 towards improvements to the local highway network to mitigate the impacts of the development following the identification of specific schemes for both the Rugby Road/Hawley Road signal junction and Rugby Road/Brookside road junctions which would be directly impacted by the proposed development.
  - b) A contribution of £7,500 for the legal processes associated with amending the Traffic Regulation Order associated with the proposed parking restrictions around the development and to secure its implementation prior to first occupation of the proposed development.
  - c) The provision of Travel Packs for each dwelling (£52.85 per pack) to promote and encourage sustainable travel by the future occupiers of the site.
  - d) The provision of six month bus passes (two per dwelling) at approximately £360 per pass to establish and promote changes to travel behaviour and encourage future occupiers of the site to use sustainable travel modes.

- 8.61. The infrastructure contributions identified above, with the exception of civic amenity and library facilities, are considered 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 and therefore CIL compliant. The contributions could be secured through the completion of a suitable section 106 planning obligation which is currently under negotiation.

- 8.62. Whilst objections have been received on the grounds of lack of infrastructure facilities (schools, health care facilities etc.) the proposed scheme would provide CIL compliant infrastructure contributions towards the provision and maintenance of such facilities to mitigate the impacts of the development through the completion of a suitable planning obligation and would therefore be in accordance with Policies DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy.

Other issues

- 8.63. Objections have been received from existing residents on the grounds that the broadband speeds on the existing estate are slow and additional connections will slow it further, the service should be upgraded to a provide fibre broadband service to the estate.
- 8.64. Paragraph 112 of the recently published NPPF (2018) states that advanced high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of the electronics communications networks including next generation mobile technology and full fibre broadband connections. Whilst it is considered that it would be unreasonable to require the applicant for the current scheme to fund the upgrading



of the broadband connection to the existing dwellings on the wider estate through this application, the provision of high quality and reliable communications to the proposed dwellings would be reasonable to accord with paragraph 112. A condition to require details and implementation of such provision prior to occupation would therefore be reasonable in this case.

## **9. Equality Implications**

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

## **10. Conclusion**

- 10.1. Policy DM1 of the SADMP states that development proposals that accord with the policies in the development plan will be approved without delay unless material considerations indicate otherwise.
- 10.2. The application site forms part of a mixed use development site allocation (reference BUR02) with outline planning permission including 375 new dwellings. Notwithstanding that the proposal would exceed the number of dwellings intended for the wider Sketchley Brook site, this is a full application for residential development on an allocated site in a sustainable location within the settlement boundary of Burbage. Other land is still available within the wider site to provide retail/commercial facilities identified in the masterplan for the Sketchley Brook site.
- 10.3. The proposed development would complement the scale, design and appearance of neighbouring development and enhance the appearance of this vacant site. The development would not have any significant adverse impact on the amenity of surrounding residential properties and would provide a good standard of amenity for future occupiers in accordance with Policies SA3 and DM10 of the adopted SADMP. The development would provide 20% affordable housing with a mix of tenures and would provide a mix of housing types. The development would be in accordance with Policy SA3 of the SADMP and Policies 4, 15 and 16 of the adopted Core Strategy.
- 10.4. The scheme would provide contributions towards mitigating the impact of the development on the local highway network and towards promoting sustainable travel and therefore would not have any significant adverse impact on highway safety or the local road network. Given the sustainable urban location of the site with access by sustainable transport modes to a range of services and facilities the proposed scheme would provide sufficient off-street car parking provision to serve the future occupiers in accordance with Policies DM17 and DM18 of the adopted SADMP.

- 10.5. Conditions can be imposed to ensure that the proposal would not result in any flooding, noise or pollution impacts. In addition to the affordable housing provision, a range of infrastructure contributions have been identified to mitigate impacts from the development on local services and can be secured through the completion of a suitable section 106 planning obligation.. The development would be in accordance with Policies 19 of the adopted Core Strategy, Policies DM3 and DM7 of the adopted SADMP.
- 10.6. The scheme would result in a sustainable development in accordance with Policy DM1 of the adopted SADMP and is therefore recommended for approval subject to conditions and completion of a suitable section 106 planning obligation to secure affordable housing and CIL compliant infrastructure contributions.

## 11. Recommendation

### 11.1. Grant planning permission subject to:

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

- 20% affordable housing units (8 dwellings)
- Education facilities contribution of £104,535.45
- Heath care facilities contribution of £20,085.12
- Public play and open space facilities contribution of £64,310.22
- Proportionate off-site highway mitigation works contribution of £80,000
- Transport contribution to secure amendments to the Traffic Regulation Order of £7,500
- Travel Packs for the future occupiers (£52.85 per pack)
- Six month bus passes (two per dwelling) at approximately £360 per pass
- Planning conditions outlined at the end of this report

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

11.3. That the Interim Head of Planning be given delegated powers to determine the terms of the s106 agreement including trigger points and claw back periods.

### 11.4. Conditions and Reasons

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:2500 scale received by the local planning authority on 10 April 2018; Site Layout Drawing Ref. MJ/COMP-01 Revision S received by the local planning authority on 6 August 2018; Planning Engineering Layout/Levels Drawing Ref. FW1329 120 received by the local planning authority on 26 April 2018; Soft and Hard Landscaping Zone Proposals Drawing Refs. P17-1256\_01E, P17-1256\_02E and P17-1256\_03E received by the local planning authority on 22 June 2018; Materials Plan Drawing Ref. PS/BC/ML Rev C received by the local planning authority on 29 June 2018 and House Types Pack (Plots 1 - 40 inclusive) Floor Plans and Elevations Drawings received by the local planning authority on 16 May 2018.

**Reason:** To define the permission and ensure satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site

Allocations and Development Management Policies Development Plan Document (2016).

3. Notwithstanding the recommendations within the submitted Phase II Site Appraisal Report by GRM (reference P7645) dated November 2016, no development approved by this permission shall be commenced until a scheme for the remediation/mitigation and validation of the identified land contamination on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how the contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation/mitigation 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).

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

**Reason:** To ensure 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).

5. No development shall commence until a scheme to provide a sustainable surface water drainage system in accordance with the submitted Drainage Strategy (Ref: FW1329/DS/001-v2) dated May 2018 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 and completed before the development is first brought into use.

**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).

6. No development shall commence until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment has been updated accordingly to reflect this in the drainage strategy.

**Reason:** To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

8. 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).

9. No development shall commence until a scheme for protecting the dwellings hereby permitted from noise from Rugby Road has been submitted to and agreed in writing by the local planning authority. All works which form part of the approved scheme shall be completed before any of the dwellings hereby permitted are first occupied.

**Reason:** To protect the amenity of the future occupiers of the site from noise from Rugby Road in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the local planning authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, vibration, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

**Reason:** To protect the residential amenity of existing and future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

**Reason:** To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policy DM17 of the

adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. No part of the development hereby permitted shall be occupied until such time as the accesses, off-street parking and turning arrangements and visibility splays have been implemented in accordance with the details submitted on approved Site Layout Drawing Ref. MJ/COMP-01 Revision S received by the local planning authority on 6 August 2018. Once provided the accesses, off-street parking and turning facilities and visibility splays shall be permanently retained as such at all times thereafter.

**Reason:** To ensure adequate access, visibility, off-street parking and turning is available to serve the development in the interests of highway and pedestrian safety in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. The development hereby permitted shall not be occupied until such time as the accesses, parking and turning spaces have been surfaced with tarmacadam or other hard bound materials in accordance with the details on the approved Hard Landscape Zone Proposals Drawing Ref. P17-1256\_03E received by the local planning authority on 22 June 2018, 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 the interests of visual amenity in accordance with Policies DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. Prior to the first occupation of each of the dwellings hereby permitted, 1.0 metre by 1.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of its access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, in accordance with the current highway design standards and once so provided shall be permanently so maintained at all times thereafter.

**Reason:** In the interests of pedestrian safety to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway including private access drives, and once so provided shall be permanently so maintained at all times thereafter.

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. Prior to the first occupation of each of the dwellings hereby permitted, the boundaries to the rear garden of each plot shall be enclosed by 1.8 metre high solid close boarded timber fencing or brick walls as indicated on the approved Materials Plan Drawing Ref. PS/BC/ML Rev C received by the local planning authority on 29 June 2018 and Hard Landscaping Zone Proposals Drawing Ref. P17-1256\_03E received by the local planning authority on 22 June 2018.

**Reason:** To protect the privacy and amenity of the future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. The development hereby permitted shall be implemented in accordance with the ground and finished floor levels submitted on Planning Engineering Layout Drawing Ref. FW1329 120 received by the local planning authority on 26 April 2018.

**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).

18. The materials to be used on the external elevations of the dwellings, garages and boundary walls hereby permitted shall be in accordance with the details submitted on the approved Materials Plan Drawing No. PS/BC/ML Revision C received by the local planning authority on 29 June 2018.

**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).

19. The development shall be carried out in accordance with the details submitted on approved Hard and Soft Landscaping Proposals Drawing Refs. P17-1256\_01E, P17-1256\_02E and P17-1256\_03E received by the local planning authority on 22 June 2018. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

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

20. Site preparation and construction works shall be limited to the following hours: Mondays to Fridays 07:30 - 18:00; Saturdays 08:00 - 13:00 and no working on Sundays or Bank Holidays.

**Reason:** To protect the residential amenity of existing neighbouring properties and future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

21. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as not to open outwards.

**Reason:** To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway in the interests of highway and pedestrian safety to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. Notwithstanding the provisions of Parts 1 and 2 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that order with or without modification) the dwellings hereby approved on Plots 33 - 40 inclusive, shall not be extended or altered without the grant of planning permission for such extensions or alterations by the local planning authority.

**Reason:** In the interests of visual and residential amenity and to protect the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

23. Prior to the first occupation of any of the dwellings hereby permitted, full details of the provision of electronic communications networking to serve the development, including full fibre broadband connections shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and fully operational prior to the occupation of the last dwelling on the site.

**Reason:** To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the national Planning Policy Framework (2018).

#### 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. Application forms to discharge conditions and further information can be found on the planning portal website [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
3. In relation to conditions 3 and 4 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 5, 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 6, the suitability of the ground strata for soakaway drainage should be ascertained by means of the infiltration test described in BRE Digest 365 Soakaway Design.
6. In relation to condition 7, 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.

7. In relation to condition 8, 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.
8. Planning Permission does not give you approval to work on the public highway. The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring. All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Local Highway Authority.
9. The applicant/developers attention is drawn to the consultation response from Cadent Gas: due to the presence of Cadent and/or National Grid apparatus in proximity to the application site, the contractor should contact Plant Protection team before any works are carried out to ensure the apparatus is not affected by any of the proposed works. E-mail: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Telephone: (0)800 688588.
10. Land Drainage Consent - 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>.
11. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. 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 Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>.

If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) in the first instance.



12. 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 Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>.
13. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Local Highway Authority.
14. A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) to progress an application.

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Planning Committee 28 August 2018  
Report of the Interim Head of Planning

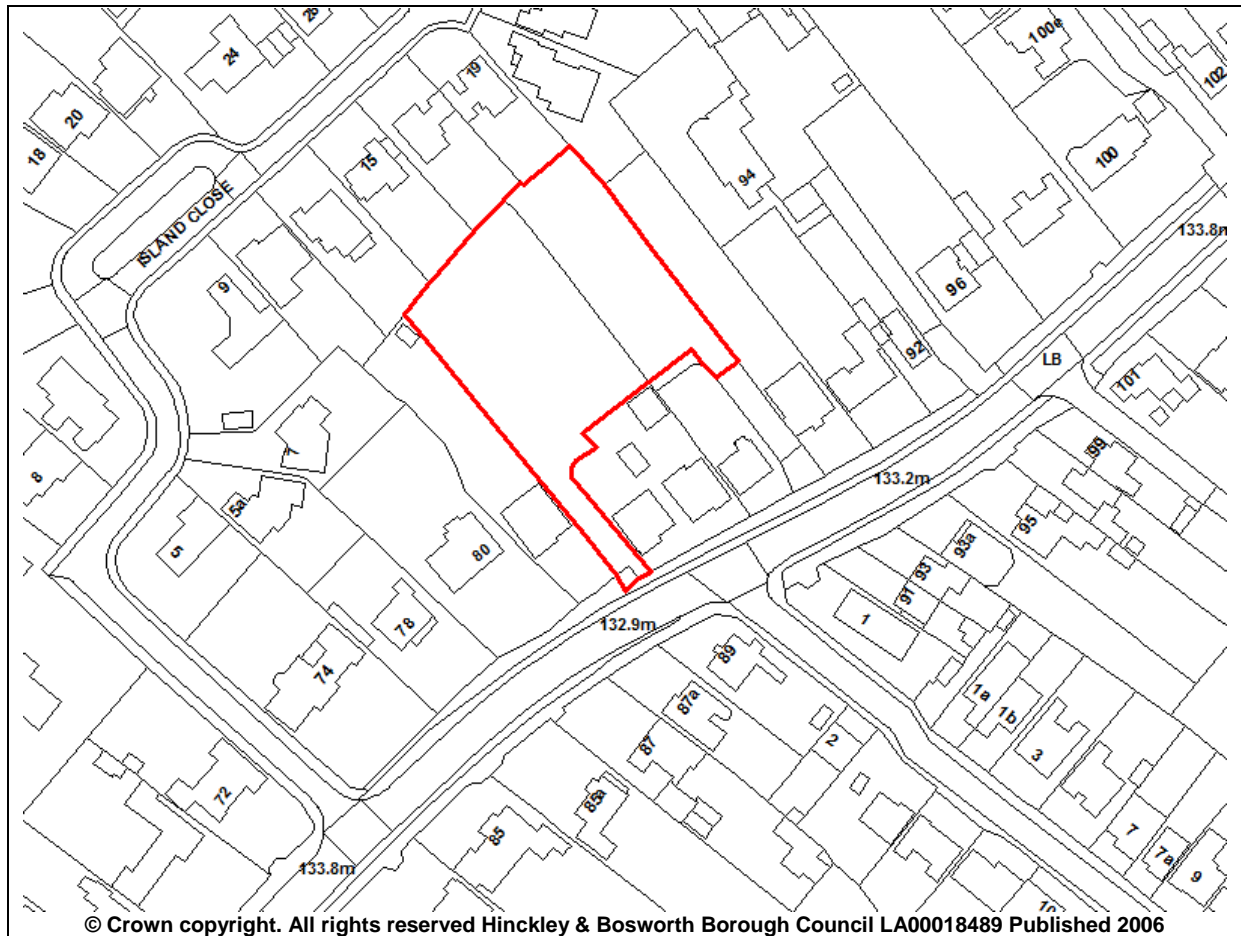


Hinckley & Bosworth  
Borough Council

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

Site: 84 Leicester Road Hinckley

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



1. This application was taken to Planning Committee on the 5 June 2018. Notwithstanding the officer's recommendation that permission be granted, members deferred a decision to Planning Committee and were minded to refuse the application. The applicant does not propose to revise the scheme following the last committee, and therefore no amendments or revisions to the application have been submitted for consideration. However since June committee a new National Planning Policy Framework (2018) has been published, and therefore regard must be had to new NPPF. The Local Planning Authority also consider that the proposed development would be subject to Section 106 contributions toward Play and Open Space, each of which will be assessed below.

### Assessment

2. Paragraph 8.2 of the original report - substitute reference to paragraphs 11 and 13 of the NPPF (2012) with reference to paragraph 2 of the NPPF (2018).
3. Paragraph 8.6 of the original report – substitute with, Following publication of the Inspectors appeal decision on 'Land east of The Common, Barwell' (reference APP/K2420/W/17/3188948) on 23 July 2018, the Council is currently able to demonstrate a 5.5 years housing land supply. However, the development plan policies relating to the supply of housing are now considered to be out-of-date and therefore the presumption in favour of sustainable development within paragraph 11 of the NPPF (2018) is triggered.
4. Additional paragraph:

The proposal has been considered and re-assessed against the overarching principles contained within the new National Planning Policy Framework (2018) and it is considered that the relevant paragraphs are not significantly different to the relevant sections of the 2012 Framework and therefore does not alter the original assessment conclusions. The application is situated within the settlement boundary of Hinckley, and therefore residential development would be in accordance with the adopted strategic policies of the development plan.

### Developer contributions

5. Paragraph: 031 Reference ID: 23b-031-20160519 of the Planning Practice Guidance, which is a material consideration, notes that tariff style planning obligations cannot be sought for developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1000sqm. Whilst the development does not exceed the number of 10 dwellings the total gross floorspace of the development would measure approximately 1167.04 square metres and therefore would be subject to Section 106 obligations.
6. Core Strategy Policy 1 states that new development should address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Hinckley. New green space should meet the standards in Policy 19 of the Core Strategy. Policy 19 sets out standards to be used to determine what improvements are required to existing facilities, and what new provision is required for new development. Policy DM3 of the SADMP expects developers to make provision, directly or indirectly, where development creates a need for additional or improved infrastructure, amenities or facilities.
7. The proposal will need to provide green space and play provision using the quantity standards outlined in Core Strategy 19. The overall provision is dependant upon the number of dwellings to be provided on site. To ensure that the development is in accordance with Policy 19 of the Core Strategy if the full on-site green space and play provision is not provided contributions towards the off-site provision and maintenance of open space will be requested through a Section 106 legal agreement. For clarity, the quantity required is broken down per dwelling and the provision and maintenance figures per square metre. The contributions sought will therefore be based upon the table below:

	Provision per dwelling (Based upon 2.4 people per dwelling taken from the Census)	Off site provision per square metre	Maintenance contribution per square metre (10 Year Maintenance)
Equipped Children Play Space	3.6sqm	£181.93	£87.80
Casual/Informal Play Spaces	16.8sqm	£4.44	£5.40
Outdoor Sports Provision	38.4sqm	£9.05	£4.30
Accessibility Natural Green Space	40spm	£4.09	£7.10

8. The application site is located within 300 metres of Ribblesdale Avenue, Amenity space which is an Amenity Green Space. The quality score for Ribblesdale Avenue is 65% within the Open Space and Recreation Study 2016, which is below the 80% quality target score. It is considered that the future occupiers would use the facilities of this site. Core Strategy 19 and the open space recreation study seeks that provision for children should be within a catchment area of 400 metres and Provision for young people within a catchment of 500 metres from the application site. However all equipped children's play spaces and formal outdoor sports provision within the vicinity of the application site are in excess of 700 metres and therefore it can not be reasonably assumed this development would have a direct impact on a specific play and open space provision. Therefore it would not be reasonable to request contributions towards equipped casual and formal play provision, however it would be reasonable that future occupiers of the proposed development would access the local amenity space at Ribblesdale, and as such the contributions can only be requested towards this space. The requested contribution towards local amenity space is £3,133.20, broken down into £1,145.20 for provision and £1988.00 towards the maintenance. It is considered reasonable in mitigating the impact of the proposed development upon the existing facilities and/or maintaining the green space and play provision provided at Ribblesdale Avenue amenity space. Subject to the signing of a Section 106 legal agreement which includes the prevailing contributions, as currently indicated above, the application is considered in accordance with Policy 19 of the Core Strategy.
9. Leicestershire County Council have not requested any developer contributions from the development.
10. The recommendations to planning committee is therefore updated to the following:-
- 10.1. **Grant planning permission** subject to:
- The prior completion of a S106 agreement to secure the following obligations:
  - Play and open space contributions
    - Provision £1,145.20
    - Maintenance £1988.00
  - Planning conditions outlined in section 11.3 of the original committee report attached as Appendix A to this report.
- 10.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.
- 10.3. That the Interim Head of Planning be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

## APPENDIX A

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

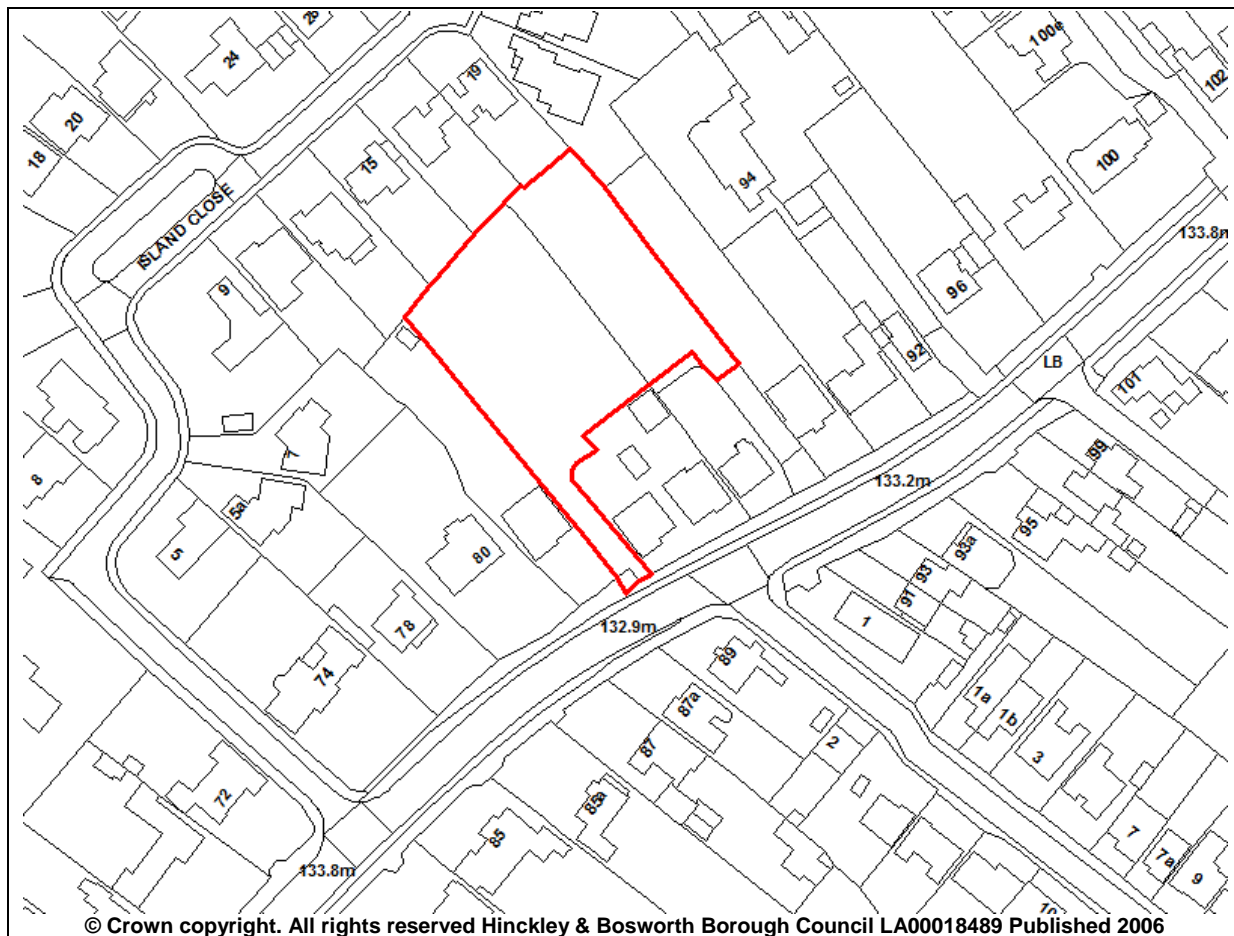
Planning Ref: 17/01297/FUL  
Applicant: Mr Paul Morris  
Ward: Hinckley DeMontfort



Hinckley & Bosworth  
Borough Council

Site: 84 Leicester Road Hinckley

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



### 11. Recommendations

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

- Planning conditions outlined at the end of this report.

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

### 12. Planning Application Description

12.1. This application seeks full planning permission for the erection of seven detached dwellings to the rear of 84 Leicester Road, Hinckley. The proposed dwellings would comprise of 7 detached, 4 bedroomed dwellings, of individual design. The internal

road within the site is proposed to be accessed via Leicester Road, and situated between No82 and No84 Leicester Road, Hinckley.

**13. Description of the Site and Surrounding Area**

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

**14. Relevant Planning History**

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

**5. Publicity**

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

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

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



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

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

## **6. Consultation**

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

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

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

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

- 6) New development should take into account existing features of the site and location. Where development has already taken place these have been limited to bungalow with roof pitches of 22.5 degrees roof pitches. The proposed buildings do not meet in any way their interrelationship with existing development and surrounding landscape
- 7) It does not incorporate high standard of landscaping
- 8) An appropriate Sustainable Drainage Scheme must be submitted and approved before the application approved
- 9) Adverse impacts from pollution and flooding. The area is prone to flooding and whilst STWA have carried out alterations to their systems to prevent any future problems this proposed development does nothing to ease the concerns of the neighbours
- 10) Several wells on site, one of which has been used for rainwater runoff from the new buildings. An appropriate drainage scheme has not been submitted and approved by the relevant authority. The proposed road does not show any drainage points. Who will be responsible for the upkeep of boreholes and catchment tank. Further information is needed
- 11) The plans show the sewerage will flow to a tank and then be pumped out to the existing drainage in Leicester Road. Has anyone shown that this will work and who will be responsible for its up keep
- 12) What happens if flooding of gardens takes place after these buildings are built

## **7. Policy**

### 7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

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

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

### 7.3. National Planning Policies and Guidance

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

## **8. Appraisal**

### 8.1. Key Issues

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

#### Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12

of the NPPF state that the development plan is the starting point for decision making and that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 13 of the NPPD states that the NPPF is a material consideration in determining applications.

- 8.3. The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Plan Document (2016).
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. The Core Strategy states that the focus of most new development will be in and around the Hinckley sub regional centre as this is where there is a concentration of services, where accessibility can be maximised and modal choice made available.
- 8.5. To support Hinckley's role as a sub-regional centre, Policy 1 of the adopted Core Strategy seeks to allocate land for the development of 1120 new residential dwellings for Hinckley with a range of house types, sizes and tenures as supported by Policies 15 and 16 of the adopted Core Strategy. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development.
- 8.6. The HBBC 'Briefing Note 2017 - Five Year Housing Land Supply Position at 1 April 2018' confirms that the Council is able to demonstrate a five year housing land supply of 6.06 years. Therefore the relevant development plan policies relating to the supply of housing are neither absent nor silent and are considered up to date and in accordance with paragraphs 47 and 49 of the NPPF.
- 8.7. The application site is located in a sustainable urban location within the settlement boundary of Hinckley as defined in the adopted SADMP and with reasonable access to a full range of services and facilities. Residential redevelopment of the site would therefore be generally in accordance with the adopted strategic planning policies of the development plan.

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

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

also provide high quality landscaping scheme, with a mix of hard surfacing's to denote the public and private areas.

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

#### Impact upon neighbouring residential amenity

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

position a waste collection point along the side boundary of No.82, which would be utilised once a week for collection. Given the location of the access and proposed positioning of the bin collection point, it is necessary to impose a condition to ensure appropriate boundary treatment along this boundaries is secured to ensure adequate private amenity space to the rear of this dwelling, as well as an appropriate means of enclosure for any permitted bin collection point.

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

- 8.24. The development has been designed to ensure there would be no adverse impact upon the amenity of existing and future occupiers and is therefore in accordance with Policy DM10 of the SADMP.

#### Impact upon Trees

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

#### Impact upon highway safety

- 8.28. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.29. The application site would be accessed off Leicester Road. Hinckley, which is a B class Road and subject to a speed limit of 30mph. The proposed access serving the site would be built with a width of 4.8 metres with a 2.4 x 60 metre visibility splay. The Leicestershire County Council Highways Design Guide requires accesses serving between 5 and 25 dwellings to be a minimum of 4.8 metres wide, plus 0.5 metres if bounded by a wall, fence or other structure.
- 8.30. The application seeks to provide part of the proposed access for adoption. Leicestershire County Council (Highways) have advised that in its present form further works and information would be required when technical approval for the access works is applied for, and therefore recommended conditions relating to the width, gradient and material of the proposed access which are reflective of the technical details required for adoption.
- 8.31. The submitted layout plan has a provision for a minimum of 3 spaces per dwelling which is considered the minimum provision that would be acceptable for dwellings of the proposed sizes in this location. A condition would be necessary to impose to ensure the provision of car parking is delivered.

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

#### Drainage

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

#### Waste

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

### Other matters

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

## **9. Equality Implications**

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

## **10. Conclusion**

- 10.1. The application site is situated in a sustainable location within the settlement boundary of Hinckley, where residential development is generally acceptable in principle in accordance with national and local policy. By virtue of the proposed layout the scheme would complement the character and appearance of the surrounding area and would not give rise to any material adverse impacts on the amenities of the occupiers of any neighbouring properties or highways. Supporting information has been provided to demonstrate that adequate drainage and foul sewerage schemes can be provided which would not result in any significant environmental impacts in terms of flooding and pollution. The submitted arboricultural report also identifies that the proposed development can be carried out without detriment to the protected trees within the boundary of the application site. The proposed development is therefore considered to be in accordance with Policy 1 of the Core Strategy, and Policies DM1, DM10, DM7, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies DPD together with the overarching principles of the NPPF.

## **11. Recommendation**

- 11.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.
- 11.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.



### 11.3. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**Reason:** To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:  
Site Location Plan, Site Plan and internal street scenes plan Dwg No.692.MP.09F received on the 9 May 2018, Plot 3 and 4 Dwg No.692.MP04 Rev A, Plot 5 Dwg No.692.MP.05, Plot 6 Dwg No.692.MP.06, Plot 7 and 8 Dwg No.692.MP.07 Rev A, Plot 9 692.MP.08 received by the Local Planning Authority on the 14 December 2017.  
**Reason:** To ensure a satisfactory impact of the development to accord with Policy DM1 of the adopted Site Allocations and Development Management Policies DPD.
3. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those approved materials.  
**Reason:** To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.
4. No development, excluding demolition, shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - 1) Means of enclosure
  - 2) Car parking layouts
  - 3) Other vehicle and pedestrian access and circulation areas
  - 4) Hard surfacing materials
  - 5) Minor artefacts and structures (e.g. furniture, play equipment, refuse
  - 6) or other storage units, signs, lighting, etc.)
  - 7) Planting plans
  - 8) Written specifications
  - 9) waste collection provision and points
  - 10) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - 11) Implementation programme**Reason:** To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.
5. No development shall commence, until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

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

6. Prior to development, a Tree Protection Plan shall be submitted, which includes appropriate foundation design, ground and root protection shall be submitted to and agreed in writing by the Local Planning Authority. The agreed Tree Protection Plan shall be implemented and carried out in complete accordance with the agreed details.

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

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

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

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

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

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

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

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

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

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

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

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

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that order with or without modification) development within Schedule 2, Part 1, Classes A, B, C and D shall not be carried out without the grant of planning permission for such development by the Local Planning Authority.

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

14. Before first occupation of the dwellings hereby approved, the first floor windows positioned within the east facing side elevation, which serve proposed bathrooms of plot 9, as identified within layout plan dwg no. 692.MP.09F shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.

**Reason:** To protect the privacy and amenities of occupiers of neighbouring properties with Policy DM10 of the Site Allocations and Development Management Policies DPD.

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

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

#### 11.4. Notes to Applicant

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

2. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without the consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seeks to assist you obtaining a solution which protects both the public sewer and the building.
3. The suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. A minimum of 3 test locations will be required in order to obtain representative results for the development site.

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

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

Planning Committee 28 August 2018  
Report of the Interim Head of Planning

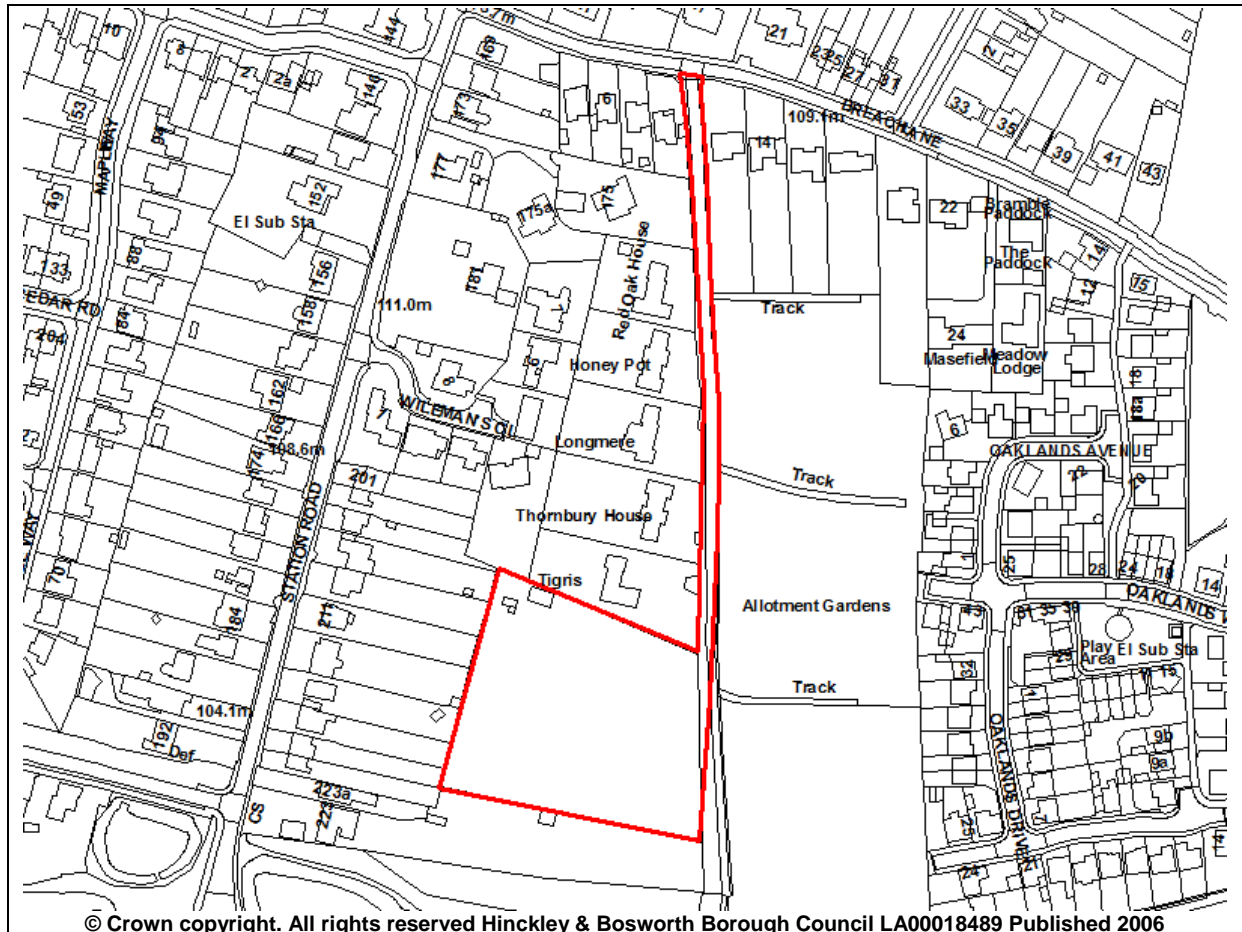


Hinckley & Bosworth  
Borough Council

Planning Ref: 18/00530/OUT  
Applicant: Mr James Hudson  
Ward: Earl Shilton

Site: Land West Of Breach Lane Earl Shilton

Proposal: Erection of three dwellings (Outline - access only)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.
- The completion of a Unilateral Undertaking to secure play and open space contributions and any other CIL compliant obligations if the gross floor space of the resulting dwellings exceed 1000m<sup>2</sup>

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

## **2. Planning Application Description**

- 2.1. This application seeks outline planning permission for the erection of three dwellings with all matters reserved, except for access. A plan has been submitted as part of this application to indicatively illustrate that the site could accommodate three dwellings.
- 2.2. The site would be accessed via a private road from Breach Lane, Earl Shilton, which is a single width track.

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

- 3.1. The application site is situated outside the settlement boundary of Earl Shilton, to the south of existing dwellings along Breach Lane and to the rear of dwellings situated along Station Road, Earl Shilton.
- 3.2. The site is accessed via an un-adopted carriageway off the public highway of Breach Lane to the north. The area within which the application site is situated is characterised by ribbon development with frontages of housing facing east towards the access and the allotments situated on the opposite side of access road. The dwellings occupy large plots set back from the access and comprise of detached dwellings with a range of designs and finishes.
- 3.3. The site is accessible from an un-adopted access, off Breach Lane. Part of the access located to the north towards Breach Lane would be located within the settlement boundary, however the application site and access into the site is located outside the defined settlement boundary.

## **4. Relevant Planning History**

17/00532/OUT	Erection of five dwellings (Outline - access only)	Withdrawn	10.08.2017
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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. During the course of the application 6 objections from separate addresses have been received, 2 letters were received in support.
- 5.2. The objections raise the following issues:-
  - 1) The existing access is a narrow single track lane, and already over loaded by cars serving the allotments and existing residents
  - 2) The lane is heavily used by dog and leisure walkers throughout the year, and there is no footpath to allow safe passage.
  - 3) Building dwellings with parking for up to 18 cars, doubtful the proposal is therefore for 3 houses. Also represents a considerable amount of additional vehicles.
  - 4) Given the narrow single track nature of the existing lane car users use private driveways as passing places.
  - 5) During the summer months the access becomes busy due to the allotments being worked.
  - 6) Lorries for the proposed development may struggle to access the site when cars are parked.
  - 7) There is an existing management fund to maintain the road which was set up 15 years ago, to keep the tarmac and pipes maintained.
  - 8) There are potential sewerage problems as the existing properties can not be directly connected to main drainage and have to be pumped up the road by their own pumping station.

- 9) The proposed area is designated countryside and the Borough has a 5 year supply of housing, there is clearly no need for additional housing, especially which isn't building land.
- 10) Drainage around Station Road and Breach Lane is a problem which surface water and additional building could affect.
- 11) The development would increase the amount of traffic travelling adjacent to existing housings and fence lines.
- 12) The current width of the access was originally constructed to support five dwellings.
- 13) Condition should be sought for damages to adjoining neighbours during construction phases to restore any damages like for like or better replacements. Developers should be held accountable.
- 14) There would be unsociable delivery hours and noise of vehicles reversing due to the unavailability of turning space at the bottom of the access.
- 15) Previous development attracted undesirable elements during darkness, and required 24 hour CCTV.
- 16) Earl Shilton is in short supply of green space and to use this pocket of lane would be a short-sighted decision.
- 17) The footpath, wildlife and trees will be overridden by development of housing.
- 18) The site is said to be in a 'dip' and therefore visually less intrusive, however the dwellings along Station Road rise up from the site and therefore the visual impact of the proposed development would be very intrusive.
- 19) The owner has cut back hedgerows and a tree on site.
- 20) There is a soakaway which runs from the properties at Station Road into the paddock and an existing stream is present along the rear of the properties.
- 21) Station Road is already used as a rat run, and this would exacerbate this.
- 22) The site was identified within the SHLAA as being development in 2014, but the site falls outside of the deemed settlement boundary of the SADMP.
- 23) The application states that precedents have been set locally for granting of planning permission on open countryside, however continuing to replicate this exceptional permission to build on land set as open countryside would make a mockery of the councils work setting out the plans for the next 10years.
- 24) The proposed development would be contrary to the 6Cs design guide.
- 25) The proposal does not fall within one of the acceptable development categories identified in Policy DM4.
- 26) The traffic survey is not representative of the situation at peak times.
- 27) Entrance has limited visibility in both directions. The position of the telegraph pole obstructs view.
- 28) The owner would have to approach residents of Breach Lane to secure the purchase of land to enable them to put the required road in and any upgrades.
- 29) Impact upon Ecology
- 30) The proposed development would devalue property.
- 31) Robust landscaping scheme should be required should permission be granted.
- 32) The applicant claims the site can not be used by horses, however up until recently (4 years) the site has been used as a paddock. No reason for not being used as paddock.
- 33) This section of Breach Lane is regularly used by horses to access lengthy bridle paths.
- 34) Approving this development would set a precedent
- 35) The addition of three dwellings would increase the traffic and cause an unsafe environment for all users of the lane, increasing the use of the land by at least 10 additional cars.

- 5.3. Two letters have been received making the following representations:-
- 1) Would develop the lane onto the bypass and supplement the housing on Masefield Drive estate at the rear of the allotments. The lane has already been used for access to the building yard at the bottom of the land and previously provided access to the bungalow which is not cut off by the bypass.

## **6. Consultation**

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

HBBC Waste Services  
HBBC Environmental Health (Drainage)  
HBBC Environmental Health (Pollution)  
Leicestershire County Council (Highways)  
Leicestershire County Council (Ecology)

- 6.2. No response has been received from:-

Severn Trent Water  
Earl Shilton Town Council

## **7. Policy**

- 7.1. Core Strategy (2009)

- Policy 2: Development in Earl Shilton
- 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 DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

- 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)

- 7.4. Other relevant guidance

- Housing and Economic Development Needs Assessment
- Earl Shilton and Barwell Area Action Plan (AAP)
- Open Space and Recreation Study (2016)

## **8. Appraisal**

- 8.1. Key Issues

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



### Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009), Earl Shilton and Barwell Area Action Plan (2014) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 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.
- 8.5. As of the 20 July 2018, following the publication of the Inspector's appeal decision on 'Land east of The Common, Barwell' (Appeal reference APP/K2420/W/17/3188948) the Council is currently able to demonstrate a 5.5 years housing land supply (reduced from 5.74 years). However, the development plan policies relating to the supply of housing are now considered to be out-of-date and therefore the presumption in favour of sustainable development within paragraph 11 of the NPPF (2018) is triggered.
- 8.6. As the site is situated outside the defined settlement boundary of Earl Shilton which is situated along the north boundary of the application site and travels south along its west facing boundary. Policy DM4 of the SADMP is therefore applicable and states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
  - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
  - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
  - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
  - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:
- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
  - It does not undermine the physical and perceived separation and open character between settlements; and
  - It does not create or exacerbate ribbon development;
- 8.7. The site does not fall under any of the categories identified in DM4 as sustainable development and there is a clear conflict therefore between the proposed development and the policy. This issue will need to be carefully weighed in the

planning balance along with the detailed assessment of the other relevant planning considerations in this case.

Design and impact upon the character of the area

- 8.8. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.9. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, any harm to the intrinsic value, beauty, open character and landscape character of the countryside would therefore be unjustified.
- 8.10. Objections to the application have been received on the grounds that the proposal would be detrimental to the character of the area.
- 8.11. The application site is located to the south of existing residential dwellings, along an access off Breach Lane Earl Shilton. The land immediately surrounding the application site comprises of a mix of large detached dwellings along the west side of the Breach Lane access, the rear gardens of the dwellings to the west of application site along Station Road, and allotment land to the east. The application site comprises of an undeveloped paddock with the exception of a small stable block building. The existing boundary treatment comprises of mature trees and hedgerow which shields it from view within the street scene. The track serving the land and existing properties narrows as it extends towards the application site entrance.
- 8.12. The indicative layout, demonstrates that three dwellings could be situated in a linear formation with a staggered building line. The indicative layout proposes 3 dwellings which have a similar footprint to those dwellings situated to the north of the application site, with rear gardens extending west to meet the rear gardens of those along Station Road. A single point of access to the three dwellings is proposed, the existing access would be replaced with native hedge species and the new access located north of the existing.
- 8.13. The proposed development based on the indicative layout seeks to extend the existing pattern of linear development along Breach Lane. The building of dwellings, along a road, especially which leads out of a town or village, is deemed as ribbon development, and Policy DM4 of the SADMP seeks to resist such development. Breach Lane, is not a main road, nor vehicle thoroughfare out of the town, however it does provide pedestrian access south to Clickers Way by pass and the countryside beyond. To the south of Breach Lane, the Clickers Way bypass runs east to west and encloses the south of Earl Shilton, and severs the application site from the wider countryside. To the west of the application site, dwellings along Station Road extend up to the boundary of Clickers Way and beyond the allotments to the east; the Masefield Drive development. Although the development would exacerbate ribbon development along Breach Lane and is situated outside the settlement and therefore within the countryside, the development of this land would not result in significant adverse harm given the surrounding built form, and its close relationship with the immediately adjoining neighbouring settlement boundary. The positioning of Clickers Way by pass in this instance having regard to the

surrounding built form, ensures that the perceived separation between the settlement and the wider countryside is observed and maintained.

- 8.14. Should this application be approved, any reserved matters application, should seek to ensure that any hard surfacing is limited to what is necessary, in addition it should incorporate a landscaping scheme which strengthens the existing hedgerow to the east. Any dwellings should also be limited to two storeys in height to reflect the wider character of the area.
- 8.15. In summary. the proposed development of 3 dwellings would not result in a significant adverse impact upon the character and landscape character of this area of countryside, having regard to the wider pattern of development, although the proposal would exacerbate ribbon development, it is not considered to be harmful in this instance for the reasons set out above, the proposal is therefore in accordance with Policy DM4 and DM10 of the SADMP.

#### Impact upon neighbouring residential amenity

- 8.16. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.17. As this application is outline with the only matter for consideration at this time being access, details such as scale, layout, appearance and landscaping would be considered at a later date and any reserved matters application would be required to demonstrate that the impact of the proposal would not be adverse in terms of impact on existing and proposed residential amenity.
- 8.18. The nearest neighbouring dwelling is Tigris, Breach Lane, which is situated to the north of the application site. Tigris is a two storey detached dwelling with a south facing side gable looking towards the application site. The indicative layout plan demonstrates that, subject to design and appropriate positioning of windows, the proposed siting of three dwellings would not result in any significant overbearing impacts, overshadowing or loss of privacy to this neighbour.
- 8.19. To the west of the application site the rear gardens of dwellings No.207 to 219 Station Road, Earl Shilton, back onto the application site. The rear garden depths of these properties are in excess of 40 metres and therefore given this significant distance this proposal would not result in any loss of amenity to these properties.
- 8.20. Therefore subject to siting, design and landscaping being considered with any subsequent reserved matter application, the proposal would be considered to be in accordance with Policy DM10 of the SADMP in terms of residential amenity.

#### Impact upon highway safety

- 8.21. Policy DM17 of the SADMP states that all new development should in be accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.22. Objections have been received on the grounds of adverse impacts on highway and pedestrian safety as a result of the constrained nature of the un-adopted highway and the increased traffic movements along this stretch of Breach Lane.
- 8.23. This section of Breach Lane, Earl Shilton is an un-adopted single width carriage way, and the proposed development site would be situated approximately 200 metres to the south of the publically maintained highway.
- 8.24. Leicestershire County Council (Highways) advises that their concerns with the development relate to how the development may interrelate to traffic on the adopted highway. Having considered the application improvements to the junction of the private part of Breach Lane with the publicly maintainable part is required to be

upgraded, to allow passing, however due to the limited number of dwellings proposed, Highway Authority do not deem it necessary that passing places is required along the private road.

- 8.25. It is considered that the residual cumulative impacts of development can be mitigated and would not be considered severe in accordance with Paragraph 32 of the NPPF and the proposal is in accordance with Policies DM17 and DM18 of the SADMP.

#### Drainage

- 8.26. Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding.
- 8.27. Objections have been received on the grounds that the development would result in flooding from an increase in surface water run-off (from additional hard surfacing and natural springs) on this elevated land.
- 8.28. The Environment Agency flood maps identify the site as being located within flood zone 1 and do not highlight any concerns relating to surface water flooding. No evidence has been provided to demonstrate that the proposed dwellings would adversely impact on flood risk. However, it is considered reasonable to require drainage details to be provided through a condition to ensure surface water is being discharged incorporating sustainable urban drainage. It is considered that the development would be in accordance with Policy DM7 of the SADMP.

#### Pollution

- 8.29. Policy DM7 of the adopted SADMP seeks to prevent adverse impacts from all forms of pollution.
- 8.30. HBBC Environmental Health (Pollution) have not objected to the proposal subject to a scheme of investigation being carried out on site to determine any land contamination issues, and if contamination is found, the carrying out of remediation works as required.
- 8.31. It has been requested by Environmental Health (Pollution) that a condition be included requesting provision of a land contamination report. Due to the past agricultural activities that have taken place within the site and the potential risk of contamination it is considered that this condition is reasonable and necessary to the development of the land to residential.

#### Impact upon Ecology

- 8.32. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.33. Leicestershire County Council (Ecology) have been consulted on the application, and considers that due to the grassland having been overgrazed it is therefore unlikely to be species rich. The existing stable building on site, has an open roof space and constructed in the 90s and therefore fall outside the scope of requiring a bat survey. Therefore Leicestershire County Council (Ecology) has no objection to the proposed development. Accordingly the proposed development would comply with Policy DM6 of the SADMP.

#### Other matters

- 8.34. 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. To support the provision of mixed, sustainable communities. 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.

- 8.35. However, Paragraph: 031 Reference ID: 23b-031-20160519 of the Planning Practice Guidance, which is a material consideration, notes that tariff style planning obligations should not be sought for developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000 square metres.
- 8.36. The submitted indicative floor plan, identifies that the proposed dwellings would have a combined gross floor space in excess of 1000 square metres, and therefore the following contribution from the development would be sought.
- 8.37. The proposed development seeks to erect three large dwelling, with all matters reserved except for access, and therefore the resultant gross floor space of the dwellings proposed can not be calculated. Therefore in this instance it is necessary to secure a Unilateral Undertaking to ensure that should the proposed dwellings result in gross floor space in excess of 1000m2 the Local Planning Authority are able to secure contributions towards play and open space, in accordance with Policy 2 and 19 of the Core Strategy and Policy DM3 of the SADMP.
- 8.38. A proposal which would result in the gross floor space of 1000m2 would need to provide green space and play provision using the quantity standards outlined in Core Strategy 19. The overall provision is dependant upon the number of dwellings to be provided on site. To ensure that the development is in accordance with Policy 19 of the Core Strategy if the full on-site green space and play provision is not provided contributions towards the off-site provision and maintenance of open space will be requested through a Section 106 legal agreement. For clarity, the quantity required is broken down per dwelling and the provision and maintenance figures per square metre. The contributions sought will therefore be based upon the table below:

	Provision per dwelling (Based upon 2.4 people per dwelling taken from the Census)	Off site provision per square metre	Maintenance contribution per square metre (10 Year Maintenance)
Equipped Children Play Space	3.6sqm	£181.93	£87.80
Casual/Informal Play Spaces	16.8sqm	£4.44	£5.40
Outdoor Sports Provision	38.4sqm	£9.05	£4.30
Accessibility Natural Green Space	40spm	£4.09	£7.10

- 8.39. The application site is located within 400 metres of Jubilee Drive, which provides amenity space and children play space. The quality score Jubilee Drive is 68% within the Open Space and Recreation Study 2016, which is below the 80% quality target score. It is considered that the future occupiers would use the facilities of this site. Core Strategy 19 and the open space recreation study seeks that provision for

children should be within a catchment area of 400 metres and Provision for young people within a catchment of 500 metres from the application site. Within 500 metres of the application site, is Maple Way, which provides space for young people, which has a quality score of 74%, which is below target score of 80%. As such the proposed development would attract the following contributions:-

	Provision per dwelling (2.4 people per dwelling)	Number of dwellings	Sqm to be provided	Off site provision per square metre	Provision Contribution	Maintenance contribution per square metre	Maintenance contribution
Equipped Children's Play Space	3.6	3	10.8	£181.93	£1,964.84	£87.80	£948.24
Casual/ Informal Play Spaces	16.8	3	50.4	£4.44	£223.78	£5.40	£272.16
Outdoor Sports Provision	38.4	3	115.2	£9.05	£1,042.56	£4.30	£495.36
Accessibility Natural Green	40		0	£4.09	£0.00	£7.10	£0.00
			Provision total		£3,231.18	Maintenance total	£1,715.76

8.40. The contribution of £4,946.94 is considered reasonable in mitigating the impact of the proposed development upon the existing facilities and/or maintaining the green space and play provision provided on site. Therefore should an application which proposes dwellings which would result in a gross floorspace of 1000m<sup>2</sup> the above contributions would be deemed necessary and reasonable, in addition to and any other CIL compliant obligations which are considered as necessary.

Whether on balance the development would be sustainable

8.41. The NPPF is a material consideration in determining applications. Paragraph 11 of the NPPF (2018) identifies that plans and decisions should apply a presumption in favour of sustainable development, and for decision taking this means approving development proposals that accord with an up to date development plan. As previously identified following the publication of the Inspector's Report on 'Land East of the The Common Barwell' (Ref: APP/K2420/W/17/3188948) on the 20 July 2018, whilst the Council is able to demonstrate a housing land supply of 5.5 years housing land supply, it was found that the policies relating to the supply of housing are now considered out of date and therefore the presumption in favour of sustainable development within paragraph 11 of the NPPF (2018) is triggered.

8.42. Paragraph 8 of the NPPF states that sustainable development has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The assessment of the three dimensions relative to this proposal are as follows:

8.43. Economic – The scheme would provide limited benefits to the local economy through the creation of jobs and demand for services and materials for the construction of the development itself and from the future occupation of the development supporting businesses in the wider rural area.

8.44. Social – The scheme would provide a small contribution to the overall housing supply within the Borough through the provision of three new dwellings. The

proposal would however provide dwellings in an area where there is no additional housing allocation outside the defined settlement boundary of Earl Shilton other than the proposed Sustainable Urban Extension to the south of the settlement boundary.

- 8.45. Environmental - Although the proposal is situated outside the settlement boundary, it is immediately adjacent to it, and not in an isolated position, with development positioned to the east and west of the site. The development would be in close proximity to the local services of Earl Shilton, given the positioning of the site in relation to the wider area the proposal would not result in a significant adverse impact upon the countryside.
- 8.46. The proposed development would not result in any adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the NPPF.

#### Other matters

- 8.47. Objections have been received in respect of precedent setting; all applications are considered on their individual merits, and therefore this application would not set a precedent for development in the wider Borough.
- 8.48. Comments have been received in respect of the ownership of the private drive and its funding. Land ownership is a civil matter, however as part of this application, the owner has provided the land registry details as there is no titled owner of the road and therefore served notice within the local paper to ensure all interested parties are notified of the proposal. However should permission be granted it would be a civil matter to ascertain ownership to implement any permission.

### **9. Equality Implications**

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

### **10. Conclusion**

- 10.1. The proposal seeks development of the existing land for the erection of three dwellings. The site is currently a grassed paddock area, and situated outside but immediately adjacent to the defined settlement boundary of Earl Shilton, and therefore would not accord with Policy DM4 of the SADMP.
- 10.2. However although the application site is considered to be countryside, given the surrounding development and the character of the area, the land is not interpreted as countryside, nor an area of physical and perceived separation. Therefore having regard to the NPPF and the fact that policies relating to the supply of housing are

now out of date, following the publication of the Inspector's Report on Land East of The Common Barwell (Ref: APP/K2420/W/17/3188948) on the 20 July 2018, paragraph 11 of the NPPF is triggered, and therefore the presumption in favour of sustainable development is triggered, and in this instance the provision of three houses on this site would not result in a significantly and demonstrably adverse impact which would outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 10.3. In addition, the proposal would not have any significant adverse impacts upon residential amenity, or on vehicular or pedestrian safety and Ecology, and subject to conditions would not result in any adverse impact upon drainage and Pollution. It is considered that the proposed development is in accordance with Policies DM1, DM4, DM7, DM10, DM17 and DM18 of the SADMP and paragraph 11 of the NPPF.
- 10.4. Having regard to Policy DM1 of the SADMP, presumption in favour of sustainable development, and taking into account the relevant Development Plan policies and material planning considerations, it is considered, on balance, that the proposed development constitutes sustainable development. This outline application is therefore recommended for approval subject to conditions.

## **11. Recommendation**

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

- Planning conditions outlined at the end of this report.
- The completion of a Unilateral Undertaking to secure play and open space contributions and any other CIL compliant obligations if the gross floor space of the resulting dwellings exceed 1000m<sup>2</sup>

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

### **11.3. Conditions and Reasons**

1. 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 51 of the Planning and Compulsory Purchase Act 2004.

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

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.



**Reason:** This planning permission is submitted in outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

- 3 The development hereby permitted shall not be carried out other than in complete accordance with site location plan Dwg No. 3239 Rev B and Block Plan Dwg No.3239 Rev A received on the 29 May 2018.

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

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

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

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

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

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

**Reason:** To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. 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 and implementation 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 in accordance with the agreed implementation period.

**Reason:** To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord

with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development shall commence until surface water drainage details, incorporating sustainable drainage principles (SuDs) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

9. Prior to occupation of any dwelling hereby approved, the proposed access off Breach Lane into the application site shall be completed in accordance with the details contained within the submitted Allan Joyce Architects Proposed layout drawing 05 Rev G, and thereafter maintained in perpetuity.

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

10. Prior to development a scheme shall be submitted to the Local Planning Authority, detailing the design of the proposed off site highway works, which include the widening of the junction of the private drive with Breach Lane to create a carriageway width of 4.8 metres for a distance of 12 metres back from the carriageway of the publicly maintained/adopted section of Breach Lane. The proposed scheme shall be approved in writing by the Local Planning Authority and completed in accordance with the agreed details prior to first occupation of any dwelling hereby approved.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway to accord with Policy DM17 of the Site Allocations and Development Plan Document (2016).

11. No development shall commence until a Construction Transport Management Plan (TMP) is submitted to and approved in writing by the local planning authority. The plan shall set out details and schedule of works and measures to secure:-

- a) cleaning of site entrance, facilities for wheel washing, vehicle parking and turning facilities;
- b) On site construction traffic parking
- c) Details of the how the site will be accessed and measures to ensure the existing public and private highway condition is maintained and any required repair works upon completion of construction.
- c) details of the routes to be used to access the site, including measures to ensure the existing highway condition is maintained and any required repair works upon completion of construction.

**Reason:** To ensure the protection of neighbouring residential amenity during Construction and to ensure construction traffic does not cause a highway danger, to accord with Policies DM7 and DM17 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2014 .

12. No development shall take place until a scheme which makes adequate provision for waste and recycling storage of containers and collection across the site has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

**Reason:** In the interests of the amenity of future occupiers of the proposed development, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

#### 11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. If the ground strata proves unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.
3. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. You will be required to enter into a suitable legal agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The agreement must be signed and all fees paid and surety set in place before the highway works are commenced. Any street furniture, street lights or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant/developer, who shall first obtain the separate consent of the Highway Authority. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide'.

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Planning Committee 28 August 2018  
Report of the Interim Head of Planning

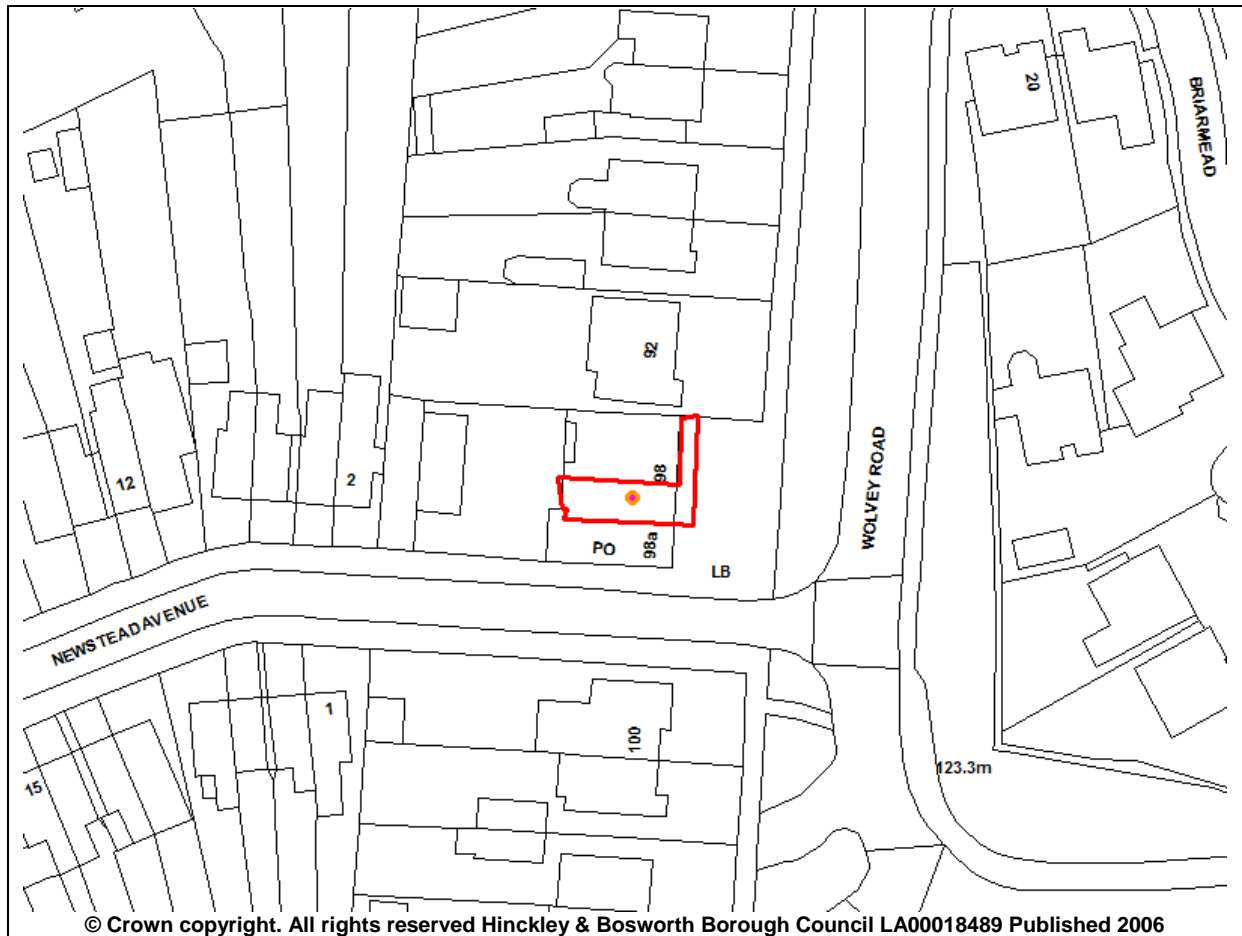
Planning Ref: 18/00581/FUL  
Applicant: Mr A Bignell  
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth  
Borough Council

Site: 98 Wolvey Road Burbage

Proposal: Change of use from A1 to A3 (Cafe) & Erection of Lean to Canopy  
(Part Retrospective)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

## 2. Planning Application Description

- 2.1. This application seeks full planning permission for the retention of the existing A3 café, and for the erection of a canopy to the front elevation, which would span across the width of the existing café and associated pantry, which is the adjoining unit. The application site comprises of a site area of approximately 93.5 square metres.

2.2. It is proposed that the café would operate Monday to Friday 0600 to 1800, Saturday 0600 to 1530 and Sunday and Bank Holidays 0730 to 1300.

2.3. During the course of the application, a site plan was submitted of the forecourt area serving the existing café and pantry demonstrating that provision of 4 off street parking spaces is achievable. A 10 day re-consultation was carried out following submission of this plan.

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

3.1. The application site is situated within the settlement boundary of Burbage, and comprises of a two storey building, of individual design. The application site is positioned centrally on the ground floor between two A1 uses, to the south is a post office and the north, a sandwich shop which is a predominately cold take away use. The first floor, above the units, is in residential use.

3.2. The wider area comprises of predominately residential use, characterised by a range of detached and semi detached two storey dwellings.

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

13/10119/TCOUD      Changed to Class A3    Notification  
                                 Restaurant and Cafe  
                                 from Class A1 Shop  
                                 (Hairdressing)  
  
                                 To take affect from 6  
                                 January 2014

### **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; 17 letters from separate addresses raising the following objections have been received:-

- 1) Increased traffic
- 2) Increased parking issues
- 3) Increase in noise levels
- 4) Existing on street parking used as an unofficial park and ride for passengers taking the bus, resulting in cars being parked for hours in the street, this use will exacerbate this.
- 5) Impact upon pedestrian safety
- 6) Premises is located next to a post office which is used by elderly and infirm, the vehicles and canopy would result in accessing the post office more difficult for these users.
- 7) Concern that opening hours would be extended for summer months.
- 8) Further on street parking restrictions should be applied
- 9) Use more suited to a high street.
- 10) Cars already park on double yellow lines along Newstead Avenue.
- 11) Workers visit the pantry and eat their food in the vans and cars
- 12) Emergency services will be restricted trying to access the site.
- 13) Build up of fat from the Pantry has caused drainage issues in the past.
- 14) People eating food off the premises leave their litter
- 15) The canopy would further limit parking.
- 16) Cars are parked for longer due to the café.
- 17) Breach of planning is being ignored

- 18) Approving this application could lead to a premise license and increased opening hours
- 19) Staff and deliveries accessing the rear of the properties are unable to see pedestrians due to on street parking.
- 20) Canopy would be used as a smoking shelter.
- 21) Canopy is out of keeping with the street scene.
- 22) Smells from cooking fat
- 23) Patrons block neighbouring driveways, and they should be separated by bollards and signs erected
- 24) Customers of the café are not local
- 25) Accident waiting to happen between pedestrians and cars
- 26) Café has reached capacity, no need for additional seating outside
- 27) Extended hours will result in more cars
- 28) Lack of hygiene and collection of rubbish to the rear of the properties.

One letter has been received neither objecting nor supporting the application raising the following points:-

- 1) Supportive of the local business and the amenity it provides to the local neighbourhood, however assessment of traffic should be regarded. If there is no significant change or reduction it is therefore encouraged that the application is approved.
- 2) Herald Way is considerable for a residential housing site and it is not appropriate to encourage further traffic.

## **6. Consultation**

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

HBBC Environmental Health (Pollution)  
 HBBC Environmental Health (Drainage)  
 Leicestershire County Council (Highways) refer to standing advice

6.2. Burbage Parish Council have no objections to the proposal subject to appropriate consideration from LCC (Highways)

6.3. Councillor Wright has objected on the following grounds:-

- 1) Development would be out of keeping with the area
- 2) Would be overbearing
- 3) Create nuisance
- 4) Concerns over traffic

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM23: High Quality Shop Fronts and Advertisements

- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2018)
  - Planning Practice Guidance (PPG)

- 7.4. Other relevant guidance
- Burbage Neighbourhood Plan (Emerging)

## **8. Appraisal**

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

### Assessment against strategic planning policies

- 8.2. Policy DM1 of the adopted Site Allocations and Development Management Policies DPD (SADMP) and paragraph 12 of the National Planning Policy Framework (NPPF) provide a presumption in favour of sustainable development and states that planning applications that accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.
- 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 emerging Burbage Neighbourhood Plan (BNP) is still in development, not yet having been submitted to the local planning authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore, only very limited weight can be afforded to this document at this time.
- 8.4. The application site is situated within the defined settlement boundary of Burbage. Policy 4 of the Core Strategy, which identifies that Burbage an important support role for Hinckley, and seeks to ensure there is a range of employment opportunities provided within Burbage and in close proximity to Hinckley.
- 8.5. Policy 1 of the draft Burbage Neighbourhood Plan supports development proposals within the settlement boundary of Burbage provided the proposal complies with other policies in the Neighbourhood Plan. Policy 21 seeks to protect existing A1 shop units from change of use for another purpose unless it can be demonstrated that it is no longer required or viable. As set out above, the emerging Burbage Neighbourhood Plan is still in development; not yet having been submitted to the Local Planning Authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore only limited weight can be afforded to this document at this time.
- 8.6. Section 8 of the NPPF seeks to promote healthy and safe communities, paragraph 91 of the NPPF, seeks to promote social interaction and opportunities for meetings between people who might not otherwise come into contact, through mixed use developments. Paragraph 92 of the NPPF seeks to ensure and guard against the unnecessary loss of valued facilities and services, and ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community, and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 8.7. The application site, forms one of three units situated in an area which is predominately a residential area, situated a considerable distance from any District, Local and Neighbourhood Centres. The use has previously benefited from prior



approval for the change the use from A1 to A3 under Class D of the Town and Country Planning (General Permitted Development) Order 2015, for a two year period, this prior approval has subsequently expired, and this proposal seeks to resurrect and retain the use permanently. The proposed use provides a place of employment, and is an established facility of this type, within the area, which is removed from other local amenities. It is therefore considered that the provision of an A3, café is acceptable in principle in accordance with Policy DM1 of the SADMP, Policy 4 of the Core Strategy and the overarching principles in the NPPF.

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

- 8.8. Policy DM10 of the adopted SADMP requires development to complement or enhance the character of the surrounding area. Policy DM23 ensure that new and refurbished shop fronts would maintain high levels of design.
- 8.9. The application site, forms a unit situated within a wider building, and centrally located between, a post office adjoining the application site to the south, and a pantry/sandwich shop to the north, associated with the application site. The application building, stands in a prominent position situated on the corner of Wolvey Road and Newstead Avenue. Within the street scene, character varies; however surroundings buildings are all two storey in scale, with a variety of hipped roof and pitched roof finishes. The application building, is of individual design and unreflective of any other building within the area, with its parapet roof design.
- 8.10. The proposal seeks to erect an oak framed canopy, to the front of the proposed café, and the adjoining pantry shop, with a mono-pitched tiled roof. This would provide a cover over an area of outdoor seating space, and provide shading to the front of the café. The proposed canopy would project from the front elevation by approximately 2.7 metres, which would be reflective of the projection of the neighbouring handrails serving the Post Office to the south of the application site. The canopy would span approximately 10.2 metres of the 11.7 metre width of the application building and the pantry to the north, to allow for the parking of bicycles outside of the canopy. The proposed canopy would have an overall height of approximately 3.5 metres, below the existing floor windows, reducing to approximately 2.7 metres, due to its mono-pitched design. Ground floor projections within the street scene can be observed along Wolvey Road, and therefore the proposed development of an oak framed canopy would not result in an adverse impact upon the character and appearance of the area. However the proposed canopy is to be finished with a slate effect which would be unreflective of the existing building, which is finished in a red tile. Therefore it is necessary to impose a condition relating to the submission of materials to ensure the development complements the existing building.
- 8.11. It is therefore considered that subject to condition, the proposal would be in accordance with Policies DM10 and DM23 of the SADMP.

#### Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP requires that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties.
- 8.13. Prior to the change of use of the property to an A3 use, the previous use was A1, hairdressers. There is a residential flat at first floor above the application site.
- 8.14. The proposed opening hours would be limited to Monday to Friday 0600 to 1800, Saturdays 0600 to 1530 and on Sundays and Bank Holidays 0730 to 1300. The use would bring with it associated vehicle movements, and comings and goings to the café. However the previous permitted use of the unit as A1, which would also have had an associated number of coming and goings not dissimilar to those envisaged

or the proposed use., In addition given the existing two A1 uses already present within this building, it is unlikely that this use would result in a material impact which would affect residential amenity over and above the previous, existing and permitted uses. It should also be noted that the previous A1 retail use was unrestricted in terms of opening hours, and therefore this application provides an opportunity to control hours of operation.

- 8.15. The café has been operating since 2014 with similar hours. Environmental Health (Pollution) has considered the application, and have raised no objection to the proposal. It should be noted that since the use has been present, Environmental Health have received no complaints relating to noise or disturbance. It is however considered reasonable to restrict the hours to ensure that the opening hours do not extend beyond that which has been applied for given the residential nature of the wider area.
- 8.16. The proposed canopy would extend up to the north boundary which is shared with No.92 Wolvey Road and screened by a hedge. No.92 is set away from No.98 Wolvey Road, by approximately 1 metre. The proposed canopy would project beyond the front elevation of this dwelling by 2 metres, however given the single storey height of the proposed canopy, the limited projection, and due to the presence of the existing mature hedgerow which is situated between the properties, the proposed development would not result in a detrimental loss of light, nor result in an overbearing impact to this dwelling.
- 8.17. It is considered that the proposal would therefore be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.18. Policy DM17 and DM18 relate to highway safety and vehicular parking standards. Policy DM17 states, that development proposals will be supported where there is no significant adverse impact upon highway safety. Development will also be supported if the location is in a sustainable location and other transport methods can be utilised.
- 8.19. Objections have been received during the course of the application relating to the proposed use on highways.
- 8.20. The application site was granted prior approval for the change of use from A1 to A3 under Part 4, Class D of the Town and Country Planning (General Permitted Development) Order 2015, for a period of 2 years, which expired in January 2016, however the use never reverted back to A1, and the applicant now seeks to permanently change the use of the site to A3. The proposal demonstrates that off street parking spaces for 4 vehicles can be provided to the front of the application site, and the adjoining pantry which is associated with the application site. It should also be noted that there is existing on street parking, opposite the application site, with facilities for bicycle parking also catered for adjacent to the existing on street parking along Wolvey Road, and a bus stop beyond, and therefore the application site is readily accessible by a range of sustainable transport choices.
- 8.21. Leicestershire County Council (Highways) have been consulted on the application, and have referred to their standing advice. According to Leicestershire County Council standing advice the proposal would not provide sufficient parking, however the application would be required to be deemed to cause severe harm in order to warrant a refusal on highway grounds, taking into consideration the sustainable travel options available. As such given the objections received and taking into consideration standing advice, formal observations have been requested and will be reported by way of late item.

### Other matters

- 8.22. Objections have been raised in respect of littering, however this is not a planning issue and would be controlled by waste services, however have no comments nor objections to the proposal. Littering offences should be reported to waste services so the appropriate course of action can be carried out if necessary. .
- 8.23. Parking enforcement and policing of parking related offences, is not a matter which planning can control, and these complaints should be made to the local police.
- 8.24. Objections have been received in respect of an anticipated future application for a premises license and later opening hours. Should the current application be approved, it would be subject to a condition restricting opening hours as detailed earlier in the report. Any extension to these opening hours would therefore require submission of an application to vary the condition and this would be considered afresh.

## **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 site is located within the settlement boundary of Burbage, and therefore there is a presumption in favour of sustainable development in accordance with Policy DM1 of the SADMP.
- 10.2. The proposed development by virtue of its scale, and proposed finish would complement the existing building and wider street scene, and would not result in any overbearing impact to any neighbouring properties. By virtue of the proposed operating hours the proposed use would not have a detrimental impact to surrounding residential dwellings.
- 10.3. It is therefore considered subject to appropriate conditions, that the development is in accordance with Policy DM1, DM10, DM17, DM18 and DM23 of the Site Allocations and Development Management Policies DPD and Policy 4 of the Core Strategy.

## **11. Recommendation**

- 11.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.

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

11.3. **Conditions and Reasons**

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows: Site Location Plan, Proposed floorplans and elevations received by the Local Planning Authority on the 12 June 2018 and parking layout plan received by the Local Planning Authority on the 3 August 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 DPD.

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

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

4. The café hereby approved shall not be open to the public other than between the hours of 0600 to 1800 Monday to Friday, 0600 to 1530 Saturdays and 0730 to 1300 Sundays and Bank Holidays.

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

11.4. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. This planning consent is for the change of use to a café. The display of Advertisements may require a separate consent.

Planning Committee 28 August 2018  
Report of the Interim Head of Planning

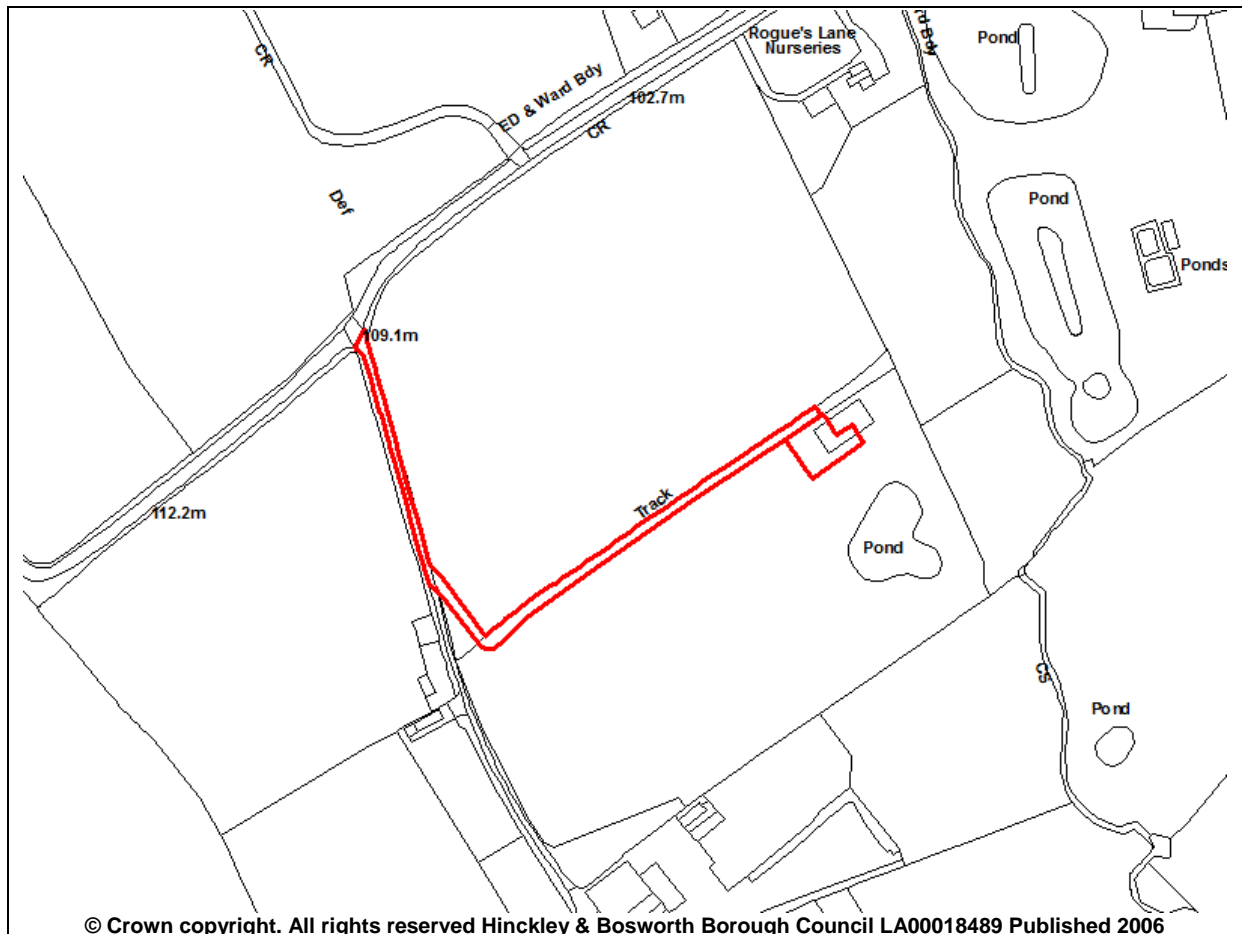
Planning Ref: 18/00353/FUL  
Applicant: Mr Daemon Johnson  
Ward: Hinckley Trinity



Hinckley & Bosworth  
Borough Council

Site: Cold Comfort Farm Rogues Lane Hinckley

Proposal: Change of use to a dog day care centre (retrospective)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

## 2. Planning Application Description

- 2.1. This application seeks retrospective full planning permission for the change of use of part of an existing agricultural building, on land to the north of Cold Comfort Farm, Rogues Lane, Hinckley, which is an agricultural holding. The proposal includes the internal partition of the building and external fenced exercise area enclosing the south west of the existing agricultural building.

2.2. The existing business is licensed to look after 30 dogs and provides a pick up and drop off service for the day care of dogs daily, which equates to around 6 vehicle trips per day. The business operates Monday to Fridays between the hours of 10:00 to 16:00 and at no time over the weekend. There is also no overnight accommodation of dogs on site.

2.3. The remainder of the building, is retained for the storage of agricultural equipment, associated with Cold Comfort Farm.

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

3.1. The barn is situated to the north of the Cold Comfort Farm complex, and upon a separate parcel of land. The site is within the countryside, and open fields surround the building to the north and south, however the application site, comprises of an area of approximately 372.50 square metres. The site slopes from south to north and from west to east, and field boundaries are denoted by mature hedges. To the north is a further field with Rogues Lane beyond. Access is taken from the existing lane off Rogues Lane, which also serves the wider area, and would utilise the existing agricultural access.

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

10/00318/GDO	Erection of Agricultural building	Prior notification approved	25.05.2010
10/00055/GDO	Erection of Agricultural building	Prior notification approved	23.02.2010

### **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. 21 letters in support have been received making the following representations:-

- 1) The service allows people to have dogs and work full time.
- 2) Supports a local business.
- 3) Crucial to the well being of pets.
- 4) Important to the local community.
- 5) As dogs are picked up and dropped off it does not restrict working hours.
- 6) Dogs are well looked after and happy.
- 7) Great for socialising dogs and exercising.
- 8) Service is flexible.
- 9) Dog no longer displays separation anxiety.
- 10) A relationship of trust has been built up and it would be difficult to use a different provider.
- 11) Dogs behaviour is due to the regular contact he has with other dogs and stimulating environment.
- 12) Dog is always eager to be picked up, and due to her being a rescue dog she would be unable to be cared for in a kennel.

5.3. Letters from three separate addresses have been received, raising objections on the following grounds

- 1) Noise experienced on a daily basis.
- 2) Upsets surrounding farm dogs who start replying to the dogs in care.
- 3) Shouting is heard on a regular basis at the dogs.
- 4) Would be more appropriately situated within an industrial type premises.
- 5) If a farm dwelling is what is required it should stand alone not near homes.
- 6) Already adequate dog services in the area, which are probably not on such a large scale so could give dogs more attention.

- 7) The proposed use has an effect on health due to the stress.
- 8) Unable to open windows.
- 9) The building is unsuitable for the proposed use.
- 10) Premium prices have been paid to live in the quiet countryside.
- 11) What about the smell of urine and dog faeces, the livestock surrounding the area, and if a dog escapes.

## **6. Consultation**

- 6.1. No objections, some subject to conditions from:-  
HBBC Environmental Health (Pollution)
- 6.2. Formal response to follow from Leicestershire County Council (Highways)
- 6.3. Councillor Cope has provided comments on the application, and considers it is as important to assess the appropriateness of the use in proximity to neighbouring dwellings.

## **7. Policy**

- 7.1. Site Allocations and Development Management Policies DPD (2016)
  - Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM4: Safeguarding the Countryside and Settlement Separation
  - Policy DM10: Development and Design
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
- 7.2. National Planning Policies and Guidance
  - National Planning Policy Framework (NPPF) (2018)
  - Planning Practice Guidance (PPG)

## **8. Appraisal**

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

### Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date development plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009) and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development. As the site is outside any defined settlement boundary Policy DM4 of the SADMP is applicable and states that the countryside will first and foremost be

safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:

- It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
  - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
  - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
  - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
  - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:
- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
  - It does not undermine the physical and perceived separation and open character between settlements; and
  - It does not create or exacerbate ribbon development;

8.5. Section 6 of the NPPF seeks to build a strong, competitive economy. Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.6. Paragraph 83 of the NPPF seeks that policies and decisions enable, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings; the development of diversification of agricultural and other land-based rural businesses, sustainable rural tourism and leisure development which respect the character of the countryside; and the retention and development of accessible local services and community facilities, such as shops, meeting places, sport venues, open space, cultural buildings, public houses and places of worship.

8.7. The development proposes the part re-use of an existing building in the countryside, with some of the building retained for agricultural purposes. The proposal would result in an economic development of non agricultural activities, which constitutes rural diversification, providing the owner of the building a non agricultural income from the letting out of part the building.

8.8. The proposal would not result in any external alterations to the existing building, however it does propose to enclose an area of land surrounding the barn to allow for outdoor yet undercover exercise for the dogs, the impact of this will be assessed later on within the report. The proposed development is therefore considered to be in accordance with Policy DM4 of the SADMP, subject to the assessment of other material considerations.

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

8.9. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policy DM4 of the SADMP seeks to ensure development does not have a significant adverse impact on the intrinsic value, beauty, open character and landscape of the



countryside, in this instance, that the proposal enhances the immediate setting of the building.

- 8.10. Rogues Lane has a predominantly undeveloped rural character, with field boundaries denoted by mature native hedgerows. Rogues Lane is an unlit road and narrow in width due to the rural nature of the surrounding area. The application site, is largely concealed from wider views, due to the location of the building, which is positioned to the south of the Rogues Lane, and in excess of 160 metres from the access serving the proposed to the west, and occupies a slightly lower position.
- 8.11. The applicant has previously occupied buildings within the settlement boundary of Earl Shilton and Hinckley. More recently the business occupied an Employment site within the settlement boundary of Hinckley, which was refused and upheld on appeal. Due to the specific nature of the use, which is a Sui Generis use any building in which the use occupies, would require consent.
- 8.12. The proposal would seek no alterations to the existing agricultural building, and as such would preserve the appearance of this building, with alterations limited to the internal partitioning of the building. The proposal however seeks to enclose an area immediately adjacent to the building, in a roughly 'L' shaped area wrapping around the south east and south west elevations of the building. At present the area is enclosed by herras fencing with bamboo screening, however the applicant would seek a more permanent solution in the form of the erection of a close boarded fence, which would provide security, remove the likelihood of dogs being able to see external stimuli in the surrounding countryside and provide noise mitigation. It is likely the proposed acoustic fence would be two metres in height, and constructed in wood. Although the introduction of a close boarded fence in this location would not be a welcomed feature within this countryside location, given the fence would be set below the height of the existing building, constructed of compatible timber materials the fencing would not be prominent, and additional landscaping could be provided to further mitigate any impact.
- 8.13. Overall the layout of the proposed development and the design of the proposed enclosure is considered to be acceptable in this case, and as a result of the proposed materials and mitigation measures the development would not have an adverse impact upon the character or appearance of the landscape. The proposals are therefore considered to accord with Policies DM4 and DM10 of the SADMP.

#### Impact upon neighbouring residential amenity

- 8.14. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties and that the amenity of occupiers of the proposed development would not be adversely affected by the activities in the vicinity of the site.
- 8.15. The nearest residential dwelling is Rogues Lane Nurseries, which is situated approximately 133 metres to the north of the application site. The use of the site has the potential to impact upon residential amenity as a result of dogs barking. HBBC Environmental Health has been consulted during the course of the application and have visited the site. During the period in which the dog care business has been in operation, noise complaints have been received and are being investigated; at the time of writing no formal action had been taken. The hours of use proposed are 1000 to 1600 Monday to Friday and at no time over the weekend.
- 8.16. As detailed above the proposed development would seek to provide acoustic fencing to the perimeter of the external exercise area, and the applicant has also confirmed they would be prepared to reduce the internal ceiling height, to reduce internal echoing and provide acoustic mass to the internal fabric of the existing

building to reduce noise escaping. Dogs generally bark due to external and internal triggers, and therefore reducing external and internal triggers through the provision of erecting close boarded fencing to stop dogs viewing the wider field to the south and west, and also ensuring that any noisy dogs are removed and managed appropriately. The dogs are picked up and delivered to the site at specific times and therefore no members of the public visit the site which also reduces further external triggers.

- 8.17. HBBC Environmental Health (Pollution) raise no objections to the scheme subject to a number of planning conditions, to protect the residential amenity of any neighbouring properties. The proposed conditions would seek to ensure the erection of an appropriate acoustic fence, restrict the maximum number of dogs being kept on the site at any one time to 30 and require the submission of a scheme to protect nearby dwellings from noise.
- 8.18. The applicant proposes to dispose of animal waste through the employment of a private 'offensive waste' disposal company and the operation of a regular collection process and double bagging of waste for disposal in accordance with the contractors procedures. Urine and residual mess will be mopped up with anti-bacterial products to avoid any accumulation of waste and potential odour issues arising that would have the potential to adversely affect the amenity of neighbouring properties.
- 8.19. Notwithstanding the objections received, it is considered that subject to the imposition of these conditions and the submission of a satisfactory noise protection measures scheme, the proposal would not result in any significant adverse impacts on the amenities of any neighbouring properties and would therefore be acceptable in this respect to accord with Policy DM10 of the adopted SADMP.

#### Impact upon highway safety

- 8.20. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.21. The applicant operates a 'pick up and drop off' service for the dog day care business which reduces the number of vehicles going to and from the site, and results in 6-8 vehicle trips a day. The proposed development operates from an existing agricultural building, which would therefore have an associated level of vehicle activity, and the assessment would be in this case whether this use would have a material increase or a material change in the character of the traffic in the vicinity of the site, which would result in a severe or significantly adverse effect upon highway safety on either Rogues Lane or the track serving the site. Regard must be had in this assessment of an Inspector's report (APP/K2420/C/3132569) which is a site accessed from the track from Rogues Lane for a residential gypsy and traveller site. The inspector found that the track was not heavily trafficked and wide enough for cars pass pedestrians at ease. In regards to the junction of the track serving the surrounding uses, from Rogues Lane, it was demonstrated that the 85<sup>th</sup> percentile speed for traffic passing this was 36mph (east) and 34 mph (west) with visibility to the east of up to 45 metres being achieved.
- 8.22. As such formal comments have been requested from Leicestershire County Council (Highways) for an assessment and will be reported as a late item.

#### Other matters

- 8.23. The depreciation of property prices is not a material planning consideration, therefore cannot be taken into account.

## 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 development proposes the re-use of part of an existing agricultural building in the countryside as a dog day care facility, which is diversification of an existing rural enterprise, and would be acceptable in principle. As a result of the nature of the development, the layout, design, material and mitigation measures proposed, the proposed development would not have any significant adverse impact on the character or appearance nor residential amenity, subject to the imposition of conditions. Subject to formal comments from Leicestershire County Council (Highways) the proposed development would be in accordance with Policies DM1, DM4, DM10, DM17 and DM18 of the SADMP and the overarching principles of the NPPF.

## 11. Recommendation

- 11.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.
- 11.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.
- 11.3. **Conditions and Reasons**
1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows: Site Location Plan (1:2500), parking plan (1:1250) received on the 6.04.2018 and proposed floor plan received by the Local Planning Authority on the 18 June 2018.  
  
**Reason:** To ensure a satisfactory appearance and impact of the development to accord with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.
  2. Within one month of this permission, specifications of the proposed acoustic fencing to the external parameters of the exercise area shall be submitted to and agreed in writing by the Local Planning Authority. The agreed acoustic fencing shall be erected within one month following the agreement from the Local Planning Authority.
  3. There shall be no more than 30 dogs on site at any one time.

**Reason:** In the interests of protecting residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

4. There shall be no dogs on site in connection with the business hereby approved except between the hours of 1000 to 1600 from Mondays to Fridays and at no times at weekends or Bank Holidays.

**Reason:** To ensure that the use is compatible with the surrounding countryside and to protect the amenities of neighbouring residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

5. Dogs associated with the day care, shall be brought to the site by employees only and not by visiting members of the public.

**Reason:** To protect the amenities of neighbouring residents, and to reduce vehicular movements to accord with Policies DM10 and DM17 of the Site Allocations and Development Management Policies DPD.

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

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail or call 01455 238141.

## PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 10.08.18

**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)	Appeal Valid Awaiting Start Date	25.07.18
	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
18/00031/PP		17/00988/FUL (PINS Ref 3206304)	IH	Mr Gavin Ingham Gnarley Farm Osbaston Hollow Osbaston	Gnarley Farm Ashby Road Osbaston (Erection of log cabin for an agricultural worker.)	Start Date Questionnaire Statement of Case Hearing Date (TBC)	03.08.18 10.08.18 07.09.18 24.10.18
	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 Obstone (Two storey side and single storey front & rear extensions)	Questionnaire	13.08.2018
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)	WR	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 Due w/c	10.05.18 13.08.18
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 24.08.18 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)	Start Date Statement of Case Final Comments	25.07.18 29.08.18 12.09.18
	JB	17/00982/FUL (PINS Ref 3194858)	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	06.03.18
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

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
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#### Decisions Received

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))	<b>DISMISSED</b>	<b>20.07.18</b>
18/00029/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)	Withdrawn	09.08.2018

#### Appeal Decisions - 1 April - 10 August 2018

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination			
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis	
17	3	14	0	1	3	0	14	0	0	0	0	0	0	0

#### Enforcement Appeal Decisions

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