

# Public Document Pack



Hinckley & Bosworth  
Borough Council

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

Date: 12 November 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, 20 NOVEMBER 2018** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen  
Democratic Services Officer

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

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

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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 - 20 NOVEMBER 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 23 October 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. 18/00843/FUL - OLD WOODLANDS, DESFORD LANE, RATBY (Pages 5 - 18)

Application for change of use of woodland area to leisure/camping site including associated access tracks, car park, camping zone, wooden eco pods, amphitheatre, mounds, tunnel maze and ponds.

8. 18/00827/FUL - NEWHAVEN, 12 WYKIN ROAD, HINCKLEY (Pages 19 - 30)

Application for erection of seven dwellings with associated access (resubmission of 16/00270/FUL).

9. 18/00643/FUL - LAND REAR OF 125 - 131 LUTTERWORTH ROAD, BURBAGE (Pages 31 - 40)

Application for change of use of building to light industrial (B1c) and raising of roof and extension to existing building.

10. 17/00538/FUL - MORRISONS, 2 CLOVERFIELD, HINCKLEY (Pages 41 - 48)

Application for creation of second vehicular exit onto Stoke Road.

11. 18/00680/FUL - ASHCROFT, 4 PIPE LANE, ORTON ON THE HILL (Pages 49 - 66)

Application for erection of two dwellings (resubmission of 18/00221/FUL). Members were minded to refuse this application at a previous meeting.

12. 18/00770/OUT - THE MEETING CENTRE, 1 MARCHANT ROAD, HINCKLEY (Pages 67 - 78)

Application for demolition of existing D1 unit (1 The Meeting Centre) with proposed erection of 18 flats (outline – access, layout and scale only).

13. 18/00706/FUL - DUNLOP LIMITED, STATION ROAD, BAGWORTH (Pages 79 - 92)  
Application for erection of six dwellings with associated parking and landscaping.
14. 17/01050/OUT - HORNSEY RISE MEMORIAL HOME, BOSWORTH ROAD, WELLSBOROUGH (Pages 93 - 126)  
Application for demolition of care home building and erection of up to 20 dwellings including conversion of former chapel to dwelling and associated access, drainage and landscaping works (in part).
15. 18/00903/FUL - LAND ADJACENT 166 SAPCOTE ROAD, BURBAGE (Pages 127 - 138)  
Application for erection of a two storey four bedroom dwelling.
16. 17/01338/FUL - FORMER COUNCIL DEPOT, MIDDLEFIELD LANE, HINCKLEY (Pages 139 - 158)  
Application for residential development of 54 dwellings.
17. 18/00805/FUL - LAND NORTH OF CADEBY LANE, CADEBY (Pages 159 - 176)  
Application for development of the land for the erection of three log cabins for holiday let purposes. Members were minded to refuse this application at a previous meeting.
18. NAILSTONE COLLIERY, WOOD ROAD, NAILSTONE - DEED OF VARIATION (Pages 177 - 180)  
Following deferral at a previous meeting in order to obtain further information from the highways authority, members are recommended to approve the variation to a Section 106 agreement
19. MAJOR PROJECTS UPDATE (Pages 181 - 186)  
Report to update members on a number of major schemes in the borough currently being proposed or implemented.
20. PLANNING ENFORCEMENT UPDATE (Pages 187 - 192)  
To update members on the number of active and closed enforcement cases.
21. APPEALS PROGRESS (Pages 193 - 196)  
To report on progress relating to various appeals.
22. 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

23 OCTOBER 2018 AT 6.30 PM

PRESENT: Mr BE Sutton (Vice-chairman in the chair)

Mr DC Bill MBE, Mrs MA Cook, Mr MA Hall, Mrs L Hodgkins, Mr E Hollick, Mr KWP Lynch, Mr K Morrell (for Mr R Ward), Mr K Nichols (for Mr WJ Crooks), 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, Rob Parkinson, Michael Rice and Nicola Smith

#### 217 APPOINTMENT OF VICE-CHAIRMAN FOR THIS MEETING ONLY

In the absence of the chairman and with the vice-chairman in the chair, it was moved by Councillor Hall, seconded by Councillor Smith and

RESOLVED – Councillor Morrell act as vice-chairman for this meeting only.

#### 218 APOLOGIES AND SUBSTITUTIONS

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

Councillor Morrell for Councillor Ward  
Councillor Nichols for Councillor Crooks.

#### 219 DECLARATIONS OF INTEREST

No interests were declared at this stage.

#### 220 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that the decisions in relation to applications 18/00302/FUL and 18/00757/HOU had been issued and that a unilateral undertaking was being prepared in relation to application 18/00530/OUT.

#### 221 MINUTES

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

RESOLVED – the minutes of the meeting held on 10 October be confirmed and signed by the chairman.

222 18/00732/FUL - KYNGS GOLF AND COUNTRY CLUB, STATION ROAD, MARKET BOSWORTH

Application for erection of multi-functional recreational building, formation of new car parking areas, new access roads and the proposed erection of 15 gold holiday homes and all associated ancillary works and landscaping (resubmission).

Notwithstanding the officer's recommendation that permission be refused, it was moved by Councillor Roberts and seconded by Councillor Richards that the application be deferred to discuss whether issues could be overcome. Upon being put to the vote, the motion was LOST.

It was then moved by Councillor Cook, seconded by Councillor Bill and

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

223 18/00225/REM - WESTFIELD FARM, KEATS LANE, EARL SHILTON

Application for approval of reserved matters (appearance, landscaping, layout and scale) for residential development of 322 dwellings of outline planning permission 14/01279/OUT.

Whilst not part of the consideration of this application as access was determined at the outline application stage, Councillor Richards wished it to be recorded that she had concerns about the highways impact of this development on the nearby roads and the amount of traffic using one entrance to Heath Lane.

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

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

224 18/00805/FUL - LAND NORTH OF CADEBY LANE, CADEBY

Application for development of the land for the erection of three log cabins for holiday let purposes.

Notwithstanding the officer recommendation that permission be granted, some members felt that the development and its design was not complementary to or reflective of the neighbouring properties and would have a significant adverse effect upon the character of the countryside of the area. It was moved by Councillor Cook and seconded by Councillor Hollick that they be minded to refuse permission. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – members be minded to refuse the application and it be brought back to the next appropriate meeting.

225 18/00885/HOU - 186 ROSTON DRIVE, HINCKLEY

Application for two storey side and single storey rear extensions.

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

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

226 APPEALS PROGRESS

Members received a report which provided a progress update on appeals since the last meeting.

(The Meeting closed at 7.48 pm)

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CHAIRMAN

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Planning Committee 20 November 2018  
Report of the Interim Head of Planning

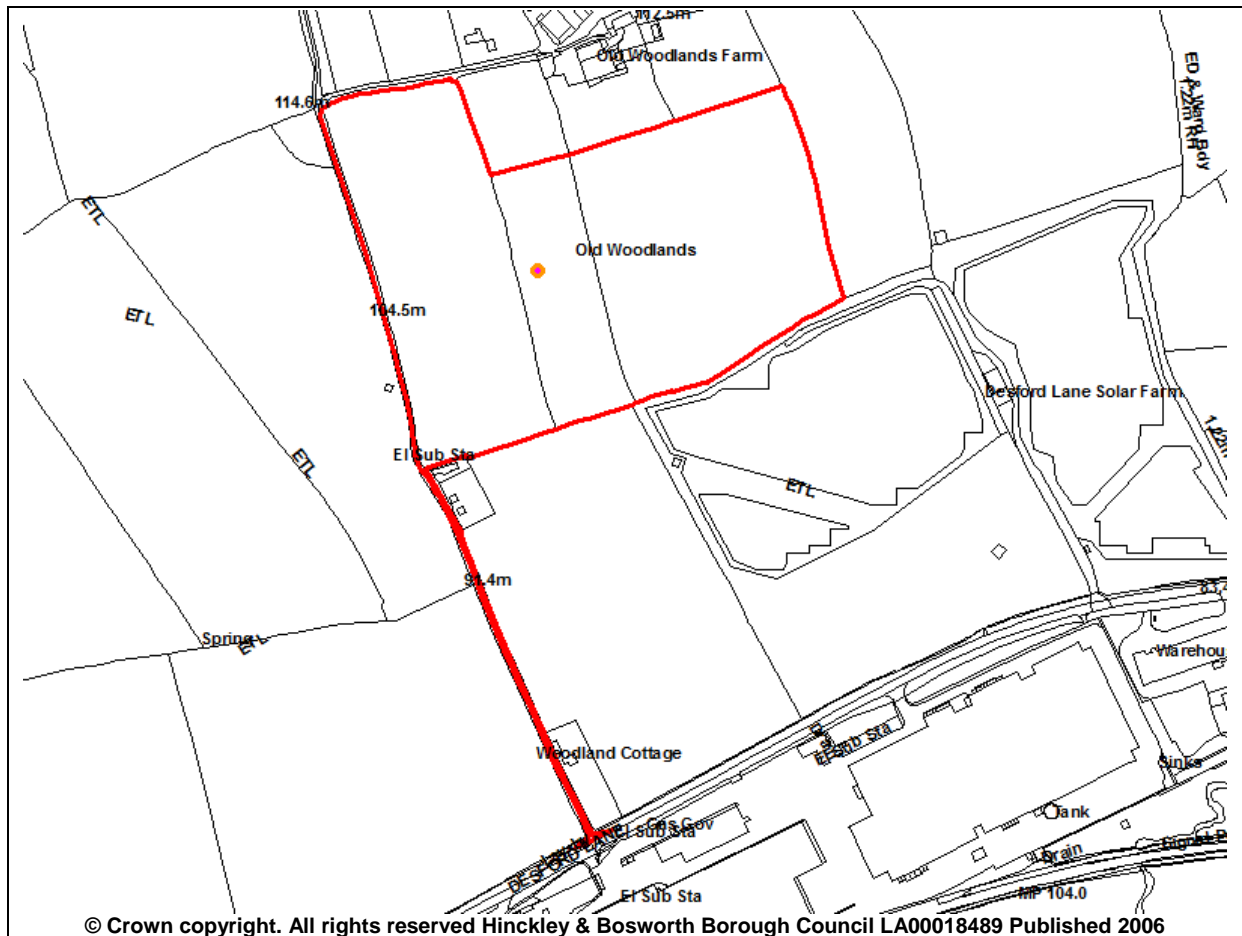


Hinckley & Bosworth  
Borough Council

Planning Ref: 18/00843/FUL  
Applicant: Woodland Trio  
Ward: Newbold Verdon With Desford & Peckleton

Site: Old Woodlands Desford Lane Ratby

Proposal: Change of use of woodland area to leisure/camping site including associated access tracks, car park, camping zone, wooden eco pods, amphitheatre, mounds, tunnel maze and ponds



## 1. Recommendations

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

## 2. Planning Application Description

2.1. The proposal relates to the change of use of the woodland to form a wilderness sanctuary for recreational and educational purposes along with camping and glamping pods. The aims of the scheme are to grow and manage the woodland and maintain and establish new woodland to create a wilderness sanctuary to act as a carbon sink, encourage bio-diversity and provide habitats. Being a mixed use scheme of recreational, educational and residential uses the proposal would be classed as a sui generis use. The proposal includes:

- Camping and Hammock Zones
  - 10 Glamping pods
  - Bush craft activity areas and picnic facilities
  - Two entrances into the site with access roads within the site
  - A 48-space car park
  - Footpaths raised by no more than 1 metre above existing ground level
  - Bridleway raised by no more than 2 metres above existing ground level
  - Hard surfacing to be used as a maintenance area
  - Excavation and raising of ground levels to form a large pond
  - A teaching amphitheatre
  - A perimeter bund constructed around the whole of the site (with gaps left for the two entrances). The width of the bund ranges from between 20 – 22 metres and has a height of up to 4 metres above existing ground level
  - A spiral mound to a height of some 11 metres above existing ground level with a diameter of some 54 metres
  - A Zig Zag Mound to a height of some 12 metres above existing ground level with a diameter of some 52 metres
  - Extraction to create a small pond
  - A Cave Mound to a height of some 12 metres above existing ground level with a diameter of some 51 metres
  - A tunnel maze to a height of some 2 metres above existing ground level with a diameter of some 22 metres
- 2.2. Two new vehicular accesses would be created into the site directly from the access drive leading onto Desford Lane.
- 2.3. The proposal would be phased with the engineering works constructed first and the full provision of the glamping pods expected to be in year 5 of the development. Approximately 100,000 tonnes of material would be required to be imported onto the site to construct the engineering features. This would involve up to 50 lorry loads of material per day over a minimum 10 month period.
- 2.4. The planning application is accompanied by the following documents:
- Woodland Management Plan
  - Flood Risk Assessment
  - Planning and Design Document
  - Transport Statement
  - Preliminary Ecological Appraisal
  - Construction Management Plan

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

- 3.1. The site known as “Old Woodlands” relates to a young broad leaf woodland plantation which was planted as part of the National Forest Company’s Tender Scheme in 1999/2000. The Tender Scheme agreement lasts 25 years and allows public access to the woodland. The site comprises of an area of approximately 10 hectares and contains more than 20,000 trees which are mainly oak and ash trees.
- 3.2. To the north of the site there are three residential properties, to the east and west of the site are agricultural fields and to the south of the site is an electricity substation, a solar farm and a residential property.
- 3.3. The site is located approximately 360 metres from Desford Lane and is accessed by a private access drive which is also a definitive public bridleway. The access drive is some 3 metres in width with hedgerows either side and currently serves four residential properties.

#### 4. Relevant Planning History

17/00987/GDO	The woodland track, turning area and wood stacking zones are required to fulfil forestry operations within the woodland	Permitted Development	25.10.2017
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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.

5.2. 51 letters of objection from local residents have been received regarding the following issues:

- 1) Loss of trees and vegetation within the National Forest
- 2) Light pollution
- 3) Noise pollution
- 4) Overlooking into neighbouring properties from the mounds proposed
- 5) Highway safety issues particularly from the amount of HGVs using this narrow access track which is also a public bridleway
- 6) Use of access onto Desford Lane would cause highway safety issues and there has been a road traffic fatality along this stretch of road
- 7) The access track is privately owned so applicants cannot create passing places or install traffic lights
- 8) The access track is already well-used as a public bridleway and vehicular access so cannot cope with additional traffic
- 9) The bus stop on Desford Lane will have to be closed during the construction activity
- 10) Large amounts of HGVs will be required to construct the bunds and mounds generating fumes and additional traffic
- 11) This is a waste operation under the disguise of an amenity activity
- 12) This proposal is contrary to the policies in the Development Plan
- 13) Pedestrian safety issues with users of the public footpaths around the site and the permitted footpaths within the site
- 14) Campers and people with shotguns already in the woods and these are leaving litter and human faeces in plastic bags and intimidating users of the permissive footpath
- 15) Permissive walkways through the Old Woodlands would be removed and these have been funded through a National Forest grant
- 16) The amount of waste proposed to be imported onto the site would harm the character of the area and the trees on the site
- 17) The importation of a large amount of material is contrary to the concept of wild camping
- 18) The importation of material could take years to be completed
- 19) Would the whole of the proposal be implemented or just the importation of material aspect?
- 20) The mounds would be visible from surrounding area as located on edge of site and are not features common to the area
- 21) The proposal would create a large holiday camp
- 22) There is no evidence provided that a camp site is viable in this location and no details of how it will be managed, the numbers of campers using the site and how long they can stay

- 23) The documentation submitted with the application refers to buildings, shops and a house being built on the site
- 24) The applicants' company has insufficient capital to carry out this proposal
- 25) The wildlife using the site will be destroyed and the Ecological Study submitted with the application is deficit in many areas.

A letter of objection has been received from David Tredinnick MP regarding impact on the amenity of the surrounding residential properties; the impact on highway safety; the potential for the proposal to destroy the ecological value of the site; and the impact on the adjoining bridleway from HGVs accessing the site.

Four letters of support have been received regarding the following issues:

- 1) The proposal would transform the area in a positive way
- 2) The proposal would draw visitors into the local area and boost local businesses.

## **6. Consultation**

### **6.1. No objections have been received from:**

Section 106 Monitoring Officer  
 Natural England – standing advice should be used  
 LCC Ecology Unit – subject to conditions  
 LCC Minerals  
 LCC Drainage – subject to conditions  
 Environmental Health (Pollution) – subject to conditions  
 Environmental Services (Drainage) – subject to condition  
 Waste Services – subject to condition  
 Planning Policy  
 Environment Agency – subject to notes on drainage  
 Severn Trent Water Ltd – subject to conditions

Objections have been received from:

- LCC Highways – the advice is that the residual cumulative impacts of the development are severe in accordance with the NPPF 2018 and so the LPA (Local Planning Authority) is advised to consider refusal on transport/highway grounds.
- Ratby Parish Council - the proposal would adversely affect R49 Bridleway and R43 Footpath particularly from the earth moving activity.
- Leicestershire Local Access Forum – conflict would be caused between walkers and users of the site in relation to the use of bridleway R49 and Footpath R43 and access into these woods should be provided in accordance with the National Forest fund granted.

Letters of concern have been received from:

- National Forest Company (NFC) – they confirm that the range of accommodation proposed would be in line with the NFC's Tourism Growth Plan. However, they are concerned about the scale of enabling works proposed which has the potential to affect public access to the woodland and use of the adjoining bridleway. The enabling works would require large amounts of the tree removal. However, the mounds would provide features within the site. A planning condition is recommended requiring an Ecological Management Plan.
- Leicestershire and Rutland Bridleways Association – have no objection to the proposal for wild camping. However, they are concerned about the location of

the mounds proposed in relation to the permissive bridletrack through the woods; the permissive bridletrack would be closed during the construction operation; there would be a large amount of HGVs using the public bridleway.

Support has been received from:

- Desford Parish Council – the proposal would provide a valuable tourist attraction and benefit local children.

## **7. Policy**

### 7.1. Core Strategy (2009)

- Policy 21: National Forest
- Policy 22: Charnwood Forest
- Policy 23: Tourism Development

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM8: Safeguarding Open Space, Sport and Recreational Facilities
- Policy DM9: Safeguarding Natural and Semi-Natural Open Spaces
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM24: Cultural and Tourism Facilities

### 7.3. 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
- Drainage
- Pollution
- Impact on 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 adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).

8.4. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the SADMP set out a presumption in favour of sustainable development, and

state that development proposals that accord with the development plan should be approved unless material considerations indicate otherwise.

- 8.5. The site is located within the countryside and so Policy DM4 in the SADMP is relevant. This policy seeks to steer development towards sustainable locations and to safeguard the countryside from unsustainable development. One of the exceptions listed in the policy considered to be sustainable development within the countryside is where development is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries.
- 8.6. Indeed, the site is part of a larger area allocated as open space under reference BOT08 within the SADMP. Identified as a Natural and Semi-Natural Open Space the site was assessed within the Open Space and Recreational Facilities Study where it was noted that the open space was difficult to access as it was located a distance from the road and car parking area and that the footpath routes were unclear with poor signage. Therefore the site achieved a quality score of 62.86% and so below the target of 80%. Policy DM8 (Safeguarding Open Space, Sport and Recreational Facilities) aims to prevent the loss of open space. A small section of the site would be lost and therefore criterion c) is applicable. The development of the tourism facility would bring forward enhancements to the open space in terms of play areas, the education/community facilities aims to safeguard natural and semi-natural open space to ensure that development retains and enhances the accessibility of the space and recreational value whilst ensuring the biodiversity and conservation value is enhanced. This proposal would see limited development within the open space and the majority of the site would be retained as open space with enhanced and more diverse facilities. As such the proposal is considered to comply with the criteria in Policy DM8 of the SADMP.
- 8.7. Policy 23 of the Core Strategy seeks to support tourism development in sustainable locations subject to meeting the criteria as set out in the policy. The proposal would provide additional outdoor recreational facilities that are linked to the woodland nature of the site as well as educational opportunities and overnight accommodation of varying levels of quality. The site is well connected to the wider outdoor area through footpaths and permissive trails. Being located within the National Forest, Policy 21 of the Core Strategy supports proposals that contribute to the delivery of the National Forest strategy through increasing woodland cover, enhancing biodiversity, outdoor recreational and sports provision and tourism development.
- 8.8. Paragraph 142 of the NPPF states that the National Forest offers valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife. Indeed, there is some support for the proposal from the National Forest Company with regards to the provision of the timber pods and wild camping proposed which would assist the National Forest in its recently published Tourism Growth Plan.
- 8.9. Further to this, the site also falls within Charnwood Forest therefore Policy 22 of the Core Strategy is also relevant. This policy seeks to support proposals within Charnwood Forest that, amongst other things, involve sustainable tourism, green tourism initiatives and new recreational facilities. Nevertheless, the proposal involves substantial enabling works. The applicant states that the justification for the substantial enabling works is to form an integral element to the ethos of creating a wild camping experience in a setting that maximises ecological potential and allows guests to immerse themselves within the physical National Forest planting. The peripheral mounds are to surround the campsite to provide an element of enclosure and safety to site users and screen the site from external impacts such as traffic,

noise and artificial light. They also state that the mounds and bunds would afford users close up views of the woodland and wildlife at tree top level. The National Forest Company raises concerns about the scale of the enabling works and the need for the extensive bunds around the site and the number of mounds within the site. They raise the question as to why hedgerows or understory planting cannot be provided to achieve the same aims of seclusion around the site. They consider that there may be merit in allowing long range views from the mounds and from providing a surfaced route throughout the site. However, the amount of engineering operations proposed would not increase woodland cover in the area as required by Policy 21 in the Core Strategy.

- 8.10. Despite a small amount of planting planned on the earth bund surrounding the site, a large amount of the trees would be felled at the site to create the mounds, bunds, car parking and raised access roads, ponds, bridleways and footpaths which take up a large proportion of the site being approximately 40% of the site area. Indeed, there is no detail as to where the material would be stockpiled whilst construction work takes place and how the existing trees would be protected during this work. The National Forest Company shares these concerns that the scale of the proposed enabling works is likely to require tree removal to a scale that has the potential to affect the integrity of the woodland. It is acknowledged that a felling licence has been granted to remove 40% of the existing trees and that trees may be replanted on the bund. However, there are no opportunities for additional tree planting within the application site. Indeed, the widths of the mounds proposed would result in any trees planted being located at a distance away from the mounds which would reduce the appreciation of the woodland and wildlife. In addition to this, the construction of the bund around the boundary of the site would create an unnatural edge to the woodland through the changes in levels. This is in conflict with the provisions of Policies 21 and 22 of the Core Strategy that requires proposals to retain local character, complement the local landscape and enhance woodland and habitat provision.
- 8.11. As such although the principle of an outdoor recreational, educational and tourist accommodation site within the National Forest would be acceptable in this location, the detailed design of the proposal would involve large amounts of woodland being removed to facilitate the significant engineering works proposed. As such the proposal would be contrary to the aims of Policies 21 and 22 of the Core Strategy and Paragraph 142 of the NPPF which seeks to increase and enhance woodland cover in the National and Charnwood Forests and retain local character.

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

- 8.12. Policy 21 of the Core Strategy states that outdoor sport and recreation provision and tourism developments would be supported in the National Forest provided the development respects the character and appearance of the wider countryside. Policy 22 also supports tourism and recreation proposals in the Charnwood Forest provided they retain local character and enhance woodland provision. This is in line with the aims of Paragraph 83 of the NPPF which states that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 8.13. The application site lies within the countryside and within the Charnwood Fringe Settled Forest Hills area as contained within the Landscape Character Assessment 2017 where the landform is gently undulating and visually open. Policy DM4 of the SADMP states that outdoor sport or recreation purposes in the countryside will be considered sustainable where the proposal does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.

- 8.14. Policy DM4 makes reference to the Natural England National Character Area Profiles as a supporting document. Indeed, the site lies within National Character Area Profile 71 which is the Leicestershire and South Derbyshire Coalfield. In this area the landform consists of a plateau with unrestricted views of shallow valleys and gentle ridges that become less pronounced in the south due to a layer of glacial till. The Area Profile for 71 further goes on to state that the area has a developing woodland character, heavily influenced by work of The National Forest. Indeed, the woodland at the application site, although a young plantation, forms an important part of the National Forest in this location. The land surrounding the application site comprises of predominantly flat open agricultural fields and so there are clear views into the site from public viewpoints to the east, south and west of the site. Although the land to the south is used as a solar farm, due to the siting and height of the solar panels the land underneath remains agricultural land and the long distance views into the application are not blocked by the presence of these low level solar panels.
- 8.15. The provision of outdoor recreational and sports and tourism development especially overnight accommodation linked to tourism in the National and Charnwood Forests is supported under Policies 21 and 22 of the Core Strategy. Indeed, the concept of wild camping which has a low impact on forest management and uses small glades throughout the woodland would be in keeping with the woodland character of the area. The large pond proposed would also be a suitable feature in this open landscape. The glamping pods have the potential to impact on the character of the woodland through the introduction of a built form of development. However, the temporary nature of these pods which are small in scale and limited in number along with being constructed from timber and set within woodland would reduce their impact on the surrounding landscape. Planning conditions could be imposed to restrict the camping, hammocks and glamping uses to certain areas and to limit the numbers of units on the site at any one time and the length of stay of each occupant.
- 8.16. However, the proposal also involves the importation of significant amounts of material to create a number of engineered features. Three large mounds would be constructed within the site. Being of heights of between 11-12 metres, these mounds would be substantially higher than the surrounding land. Indeed, although the application states that these features would be of similar heights to the trees within the woodland, these mounds are located close to the boundaries of the site and so on the periphery of the woodland. The woodland is a young plantation and so the trees have not reached maturity and so do not command heights of this scale. There would be little opportunity to plant trees of sufficient maturity to screen these mounds from long distance views of the site from the east, south and west. As such the eye would be drawn to these mounds which would appear as prominent incongruous features in the open landscape to the detriment of the character and appearance of the surrounding countryside.
- 8.17. Area Profile 71 further goes on to state that one of the environmental opportunities in the area is to manage and conserve plantation woodland particularly in The National Forest and to restore and reinstate hedgerows and hedgerow trees. The proposal to construct a perimeter bund around the whole of the site (with the exception of the two entrances) with widths ranging from approximately 20 – 22 metres and heights up to 4 metres above existing ground level would significantly alter the edge of the woodland by creating an unnatural feature. Although it is intended to plant the bund, no details have been provided as to the type of planting proposed. Indeed, any tree planting on the bunds has the potential to impact on the structural stability of these bunds. The bunds would be located alongside the public bridleway to the west of the site and the public footpath to the north of the site.



Indeed, at present there are views of the woodland from these paths through the gaps in the vegetation which create a pleasing environment for users. In contrast the construction of 4 metre high earth embankments along these paths would enclose the already narrow paths further and severely restrict views of the woodland. As such, it is considered that the creation of bunds around the site would also create an incongruous and dominant feature which is out of keeping with the landscape character of the open countryside around the site which mainly comprises of boundary hedgerows.

- 8.18. It is acknowledged that the engineered features may encourage visitors to the site as they are novel features. However, the amount of open ground would be significantly increased (presently 10% in The Woodland Management Plan) following the proposed engineering works particularly around the peripheries of the site to the detriment of the character and appearance of the area. As such the proposal would be contrary to Policies 21 and 22 of the Core Strategy and to Policy DM4 of the SADMP which seek, amongst other things, to increase woodland cover and to protect the intrinsic value, beauty, open character and landscape character of the countryside and the National and Charnwood Forests.

Impact upon neighbouring residential amenity

- 8.19. Policy DM10 of the SADMP states that proposals should not adversely affect the amenity of the occupiers of the neighbouring properties. Although the woodland has permissible access to the public, this use generates a small number of visitors who walk within the woods. In comparison, the change of use proposed has the potential to generate a high amount of visitors to the site. Indeed, the proposal includes a 48 space car park along with zones for camping and hammocks, glamping pods and high mounds to encourage people to use the site for extended periods of time. This, in turn, has the potential to cause noise and disturbance to the occupants of the neighbouring properties including late night noise from campers particularly around the camp fire areas proposed. The Environmental Health Officer has confirmed that they have no objections to the proposal. Planning conditions can be imposed to ensure that camping and hammock zones are located away from these residential properties. The number of units present at the site at any one time can also be restricted. The proposal does not include any lighting and so late night uses outside of these areas would be restricted with most users accessing the site during daylight hours.
- 8.20. The proposal does include high mounds of earth which would be accessed by members of the public. Through the use of these mounds there could be the potential for overlooking into the residential properties which lie to the north of the site. The closest mound to these properties is the Zig Zag mound which is positioned to the north east of the site. This mound would be some 12 metres above existing ground level, however, the residential properties are located on elevated land. Coupled with the intervening land and the distances involved, it is unlikely that the use of these mounds would have a detrimental impact on the adjoining residential properties by virtue of overlooking.
- 8.21. However, the proposal does include significant amounts of engineering operations over the whole of the site including the northern boundary which adjoins residential properties. Although temporary, the construction activity does have the potential to last for an extended period of time as it would be dependent on the applicant being able to source suitable material locally. The construction activity would involve up to 50 HGVs visiting the site in one day. Although the hours of working of this construction operation could be restricted along with the times of the deliveries, delivery of the material and ground work within the site would cause undue noise and disturbance to the adjoining residents in this semi-rural location when

compared with the existing environment over an extended period of time. Indeed, the LPA could not enforce the completion of this engineering work. As such the proposal would be contrary to Policy DM10 of the SADMP.

Impact upon highway safety

- 8.22. Policies DM17 supports development that would not have any significant adverse impacts on highway safety and DM18 of the SADMP state that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and that there is no impact on highway safety.
- 8.23. Paragraph 84 of the NPPF recognises that sites to meet local businesses and community needs in rural areas should ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. Paragraph 109 of the NPPF 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.
- 8.24. It is acknowledged that the site is located within walking distance of a public transport route and that the Transport Statement seeks to promote sustainable travel for the camping activity. However, on the basis of the site's extant use and the submitted Transport Statement, the proposal would lead to an intensification of traffic utilising the site access. The access does adjoin a C classified road with a 60 mph speed limit. Being located directly opposite the existing access to a B8 distribution facility this would effectively create a crossroads junction with increased conflict in turning movements. The planning application submission does not include any scale drawings of the site access. Neither is the proposal supported by a Stage 1 Road Safety Audit. Therefore, it has not been adequately demonstrated that the type of vehicles likely to visit the site can safely negotiate the site access from Desford Lane. In addition to this, limited information has been provided regarding existing baseline traffic along Desford Lane. The Highway Authority has stated that they would expect a speed survey and traffic counts to be undertaken at the site access to give a more accurate assessment of the impact of the development proposed. Indeed, having reviewed the Personal Injury Collision (PIC) data, the Highway Authority has identified two slight incidents close to the site access and so it would need to be demonstrated that the proposal would not exacerbate the current situation.
- 8.25. In addition to the above, the Transport Statement submitted acknowledges that there would be substantial enabling works to allow the development to be constructed which would involve significant numbers of daily HGV movements to and from the site. Indeed, the proposal would require some 100,000 tonnes of material to be imported onto the site. The Transport Statement states that between 30-50 HGVs would be required each day to visit the site on a 10 month period. The works are planned over a 10-12 month period. However, this time period is dependant on sourcing the required material and so could be of a longer time period. The Transport Statement includes suggested mitigation for the construction phase of the development by way of temporary traffic lights. Given that limited information has been submitted about the baseline situation it is unclear how this would work in practice with the existing traffic and the B8 distribution facility opposite. As such there is the potential for traffic to block back which would cause associated safety implications onto the adopted highway.
- 8.26. An alternative solution to providing traffic lights may be to provide passing places along the access. However, the applicant is not in the ownership of the proposed access drive which limits the exploration of other mitigating features such as passing bays along the access road.

- 8.27. A large car park has been provided within the site to address the requirements of DM18 of the SADMP. Nevertheless the access drive is also used as a public bridleway and so concerns have been raised about the conflicting uses of this track during both the construction phase of the proposal and the operational phase. In addition to this, both the proposal and its associated construction phase would involve an intensification of the existing access. Suitable mitigation measures have not been put forward which could be implemented on site. Neither has it been demonstrated that the types of vehicles likely to use the site can safely negotiate the proposed access. As such, the residual cumulative impact of the proposal on the local highway network would be severe which would be contrary to Policy DM17 of the SADMP which states that development should not have any significant adverse impacts on highway safety. The proposal would also be contrary to advice in the NPPF.

#### Drainage

- 8.28. Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding.
- 8.29. Objections have been received on the grounds that the development would result in flooding through increasing the surface water run-off from the additional hard surfacing proposed on the site and through the importation of material to elevate the land.
- 8.30. The Environment Agency's flood maps identify the site as being located within Flood Zone 1. The land is not highlighted as being within an area with any surface water flooding issues. Indeed, no evidence has been provided to demonstrate that the proposal would adversely impact on flood risk. Both the Council and the County Council's Drainage Engineers offer no objections to the proposal subject to the imposition of planning conditions. As such, it is considered reasonable to require drainage details to be provided through a condition to ensure that any surface water drainage scheme incorporates sustainable urban drainage. Therefore, the development would be in accordance with Policy DM7 of the SADMP.

#### Pollution

- 8.31. Policy DM7 of the adopted SADMP seeks to prevent adverse impacts from all forms of pollution.
- 8.32. The Environmental Health Officer (Pollution) has not objected to the proposal provided that all the material imported onto the site is clean and would not introduce contamination on to the site. They have requested a condition be included to ensure that all material is accompanied by validation documentation. This activity is likely to be monitored by the Environment Agency under the Environment Act 1995. As such it is considered that a condition would be a reasonable approach to address the importation of clean material as required by Policy DM7.

#### Impact upon Ecology

- 8.33. 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.
- 8.34. The application is accompanied by an Ecological Appraisal. This identifies the site as a recent plantation and contains evidence that there are no protected species on the site. Some of the objection letters received highlight that protected species have been sighted in the vicinity of the application site. Leicestershire County Council (Ecology) has been consulted on the application and they confirm that they have no

objections to the proposal. However, they stress that there are opportunities to increase the biodiversity value of the site. The application includes a Management Plan written by the Forestry Commission. However, this plan relates to the present woodland on the site and does not include the proposed development. As such the County Ecologist recommends that a biodiversity management plan is submitted as part of a planning condition. This should include the planting of locally native species and wildflower grassland in open spaces. This requirement is endorsed by the National Forest Company.

- 8.35. Based on the above it is considered that a condition is reasonable and necessary in accordance with Policy DM6 of the SADMP.

## **9. Equality Implications**

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

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

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

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

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

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

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

## **10. Conclusion**

- 10.1. Although the principle of tourism development is accepted and is in accordance with the National Forest's Tourism Strategy, the proposal includes a substantial amount of enabling work. The engineering features proposed would result in the partial loss of the existing woodland. In view of the land required for these features there would be little opportunity to replace these trees on site. The size and position of the mounds proposed would create features which are incongruous in this open landscape to the detriment of the character and appearance of the area. This would conflict with Policies 21 and 22 of the Core Strategy and Policy DM4 of the SADMP.

- 10.2. The proposal would lead to an intensification of traffic utilising the site access. The access does adjoin a C classified road with a 60 mph speed limit. Being located directly opposite the existing access to a B8 distribution facility this would effectively create a crossroads junction with increased conflict in turning movements. Suitable mitigation measures have not been put forward which could be implemented on site. Neither has it been demonstrated that the types of vehicles likely to use the site can safely negotiate the proposed access. As such, the residual cumulative impact of the proposal on the local highway network would be severe which would be contrary to Policy DM17 of the SADMP and to advice in the NPPF.

- 10.3. Whilst planning conditions could be imposed on any consent granted to restrict the intensity and location of the camping and glamping accommodation, the substantial enabling works have the potential to last for an extended period of time and thus cause undue noise and disturbance to the occupiers of the surrounding residential properties. As such the proposal would adversely affect the amenity of the

occupiers of the neighbouring properties and so would be contrary to Policy DM10 of the SADMP.

## **11. Recommendation**

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

### **11.2. Reasons**

1. By virtue of their proposed siting and scale, the engineered features do not appropriately relate to their setting within the National or Charnwood Forests. The mounds would appear as prominent and incongruous features in the open landscape to the detriment of the character and appearance of the National and Charnwood Forests and surrounding countryside which would be contrary to the aims of Policies 21 and 22 of the Core Strategy, Policy DM4 of the SADMP and paragraph 142 of the NPPF.
2. The proposed engineering features would result in the partial loss of woodland cover and create little opportunity for on-site replacement trees to mitigate the large amount of trees lost. Therefore, the proposal would be detrimental to the aims of the National Forest Strategy and the Charnwood Forest, contrary to Policies 21 and 22 of the Core Strategy and Paragraph 142 of the NPPF.
3. The construction activity would involve significant HGV movements each day and be a continuous activity over an uncontrolled extended period of time in a semi-rural area. Such an operation would cause significant undue noise and disturbance to the detriment of the adjoining residential amenity which would be contrary to the requirements of Policy DM10 of the SADMP.
4. The proposal would result in the intensification of traffic using the site access onto Desford Lane. However, it has not been adequately demonstrated that appropriate and safe vehicular access would be provided both for the construction phase and the operational phase of the proposal. This would result in an unacceptable form of development to the detriment of the highway safety of road users of the surrounding highway network which would be contrary to Policy DM17 of the SADMP and paragraph 109 of the NPPF.

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Planning Committee 20 November 2018  
Report of the Interim Head of Planning

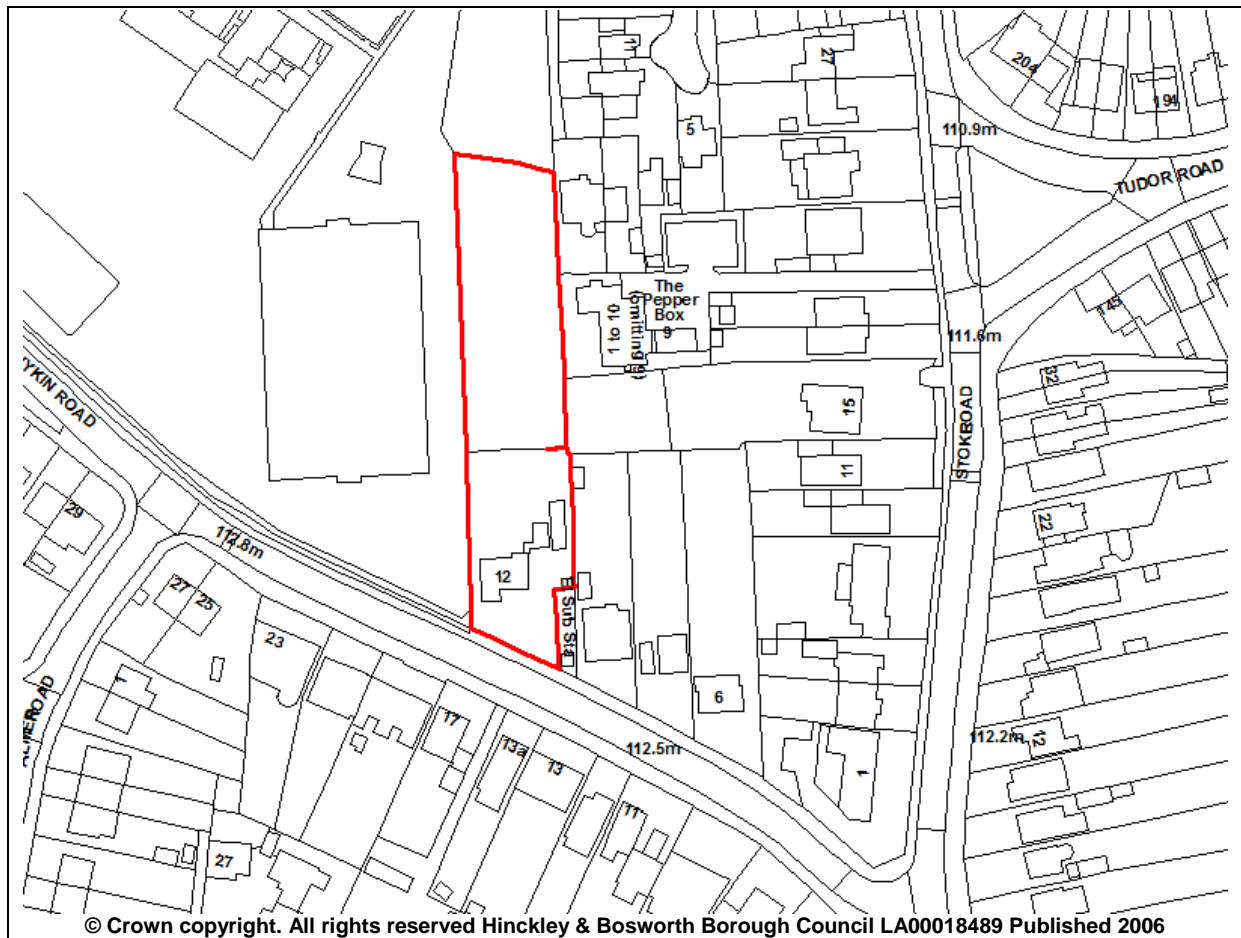
Planning Ref: 18/00827/FUL  
Applicant: Mr & Mrs P & T Grant-Reason  
Ward: Hinckley Trinity



Hinckley & Bosworth  
Borough Council

Site: Newhaven 12 Wykin Road Hinckley

Proposal: Erection of 7 dwellings with associated access (resubmission of 16/00270/FUL)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

## 2. Planning Application Description

2.1. This application seeks planning permission for the erection of 7 dwellings and a new garage to serve the existing property on land to the rear of no. 12 Wykin Road, Hinckley. Access would be constructed adjoining Wykin Road and pass the existing property to the east.

- 2.2. This application is a resubmitted scheme from a previously refused application (reference 16/00270/FUL). The previous application was dismissed at appeal on the grounds of the adverse impact upon the residential amenity of the occupiers of no. 12 in respect of noise and disturbance from vehicles.
- 2.3. This revised submission includes no. 12 within the red line application site boundary, indicates the existing windows on the side elevation of no. 12 as being blocked up and a new 1.2 metre high garden wall to the front and a new 1.8 metre high garden wall to the rear of no. 12. All other aspects are very similar to the previous scheme.

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

- 3.1. The application site is located within the settlement boundary of Hinckley. The area is characterised by primarily residential development. Wykin Road to the south of the site is bounded by residential development fronting the road comprising a mix of dwelling types and sizes. To the east of the southern end of the site is a sub-station and a parcel of undeveloped land which has become overgrown, beyond that are dwellings fronting Stoke Road. Immediately adjacent to the east of the northern end of the site are dwellings fronting onto a cul-de-sac; Cadeby Close, and a block of flats set back from the road frontage. To the north of the site is an overgrown area comprising several trees. Adjoining the west of the site is Redmoor Academy with a two storey modular classroom near to the north west corner and a multi-use games area along the majority of the boundary.
- 3.2. The application site comprises two sections; a large parcel of land to the north and a land to the side and front of no.12 Wykin Road. The parcel of land to the north is undeveloped grass land, the exact use is unknown, and a section of the rear garden of no.12 Wykin Road; although the former boundary fence separating the rear garden has been removed. The area is bounded on the northern and western sides by semi-mature and mature trees. The eastern side is bounded by primarily close boarded fencing. The area to the side and front of no.12 includes the access, garages, hard landscaping and front garden of no.12 and is bounded on the eastern side by close boarded fencing.

### 4. Relevant Planning History

16/00270/FUL	Erection of 7 dwellings with associated access	Refused – Appeal Dismissed	02.03.2017
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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.
- 5.2. Objections have been received from 16 separate addresses raising the following concerns:
- 1) Two applications and an appeal have been refused for less development
  - 2) There would be an adverse impact on the amenity of existing and future occupiers in respect of noise, disturbance and overlooking
  - 3) Multiple bins would be stored at the front of the site as the road wont be adopted
  - 4) There is no space for service and visitor parking on the site
  - 5) Additional on-street parking will cause visibility concerns
  - 6) Wykin Road is subject to high vehicle speeds
  - 7) Inaccuracies on the application form
  - 8) Insufficient parking provision
  - 9) Development is out of character and scale with the surrounding area



- 10) Application not overcome previous reasons for refusal or dismissed appeal
- 11) Inappropriate backland development
- 12) Emergency vehicles and refuse wagons would be unable to enter the site
- 13) Impact upon neighbours and highway safety during construction
- 14) Lack of high quality design and good standards
- 15) Internal access road would not be maintained
- 16) Impact upon school traffic and children
- 17) Wykin Road is of inadequate width to accommodate the development
- 18) Insecure boundary treatments with the school
- 19) There was a fire recently at the electricity sub-station
- 20) Violation of Human Rights for the existing properties on Wykin Road

## **6. Consultation**

6.1. Concerns received from Cllr Bill and Cllr D Cope regarding impact upon residential amenity, highway safety, character of the area and the provision of waste and recycling collection across the site. Concerns have also arisen regarding whether this resubmission overcomes the previously dismissed appeal.

6.2. No objection subject to conditions from:-

LCC Highways  
 HBBC Drainage  
 HBBC Waste

6.3. No objections from:-

HBBC Environmental Health  
 LCC Ecology

## **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) (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 issues

#### Assessment against strategic planning policies

- 8.2. The application site is located within the settlement boundary of Hinckley. Hinckley is designated as the sub-regional centre in the Core Strategy and has a wide range of facilities, services and access to sustainable modes of transport. Policy 1 of the Core Strategy supports new residential development within the settlement boundary.
- 8.3. This application proposes the erection of 7 no. dwellings comprising three two-bedroom dwellings and four three-bedroom dwellings. The dwellings are in reasonable proximity to several amenities.
- 8.4. Residential development within the settlement boundary of Hinckley is considered acceptable in-principle, subject to satisfying other policies within the Development Plan and all other material planning considerations.

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

- 8.5. Policy DM10 of the SADMP seeks to ensure that developments complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and incorporate a high standard of landscaping which would add to the quality of the design and siting.
- 8.6. The application proposes a very similar scheme to the previous submission, by means of seven new dwellings, two rows of three, two storey dwellings and one bungalow with an access road running along the eastern boundary of the site. Although the previous application has been refused, consideration has to be given to the recent appeal decision on the site (Appeal Reference APP/K2420/W/17/3176703).
- 8.7. The inspector stated that the “in-depth development proposed would sit alongside the existing built form on either side and would therefore not be wholly out of character with the surroundings. Furthermore, there are other examples of in-depth development in the surrounding area, including to the rear of 13a – 17 Wykin Road and the developments which back onto the site, The Pepperbox flats and Cadeby Close.”
- 8.8. The layout would see three groups of dwellings comprising three to the rear of the site, three located centrally and one to the rear of the garden of No. 12. As the development comprises the same layout as previous, consideration again is given to the previous appeal decision. The inspector states that the “surrounding area is characterised by relatively high density developments and therefore the layout of the proposed development would reflect the existing density in the area”.
- 8.9. As such, the development of this land, the layout and density of development proposed would not be considered out of character with the wider area. The scale and mass of the development is considered to be in acceptable, especially as the dwellings would not be particularly visible from public realm.
- 8.10. The surrounding area is characterised by a large variety in designs of dwelling. The proposed dwellings have been designed and characterised to complement the surrounding area, including detailed designs such as cills and curved headers. The dwellings are to be constructed of brick and tiles, with further details to be submitted via condition.
- 8.11. The level of hardstanding again would not be out of proportion with the surrounding area. There would be a mix of brick boundary walls and 1.8 metre high fences. Given the lack of full details regarding the boundary treatments to the west (the school), north and east, a condition is recommended requesting these details submitted to the Local Planning Authority.

- 8.12. Concerns have been raised regarding the provision of waste and recycling across the site and the potential for bins to be sited at the front of the site. It has been shown on the submitted plans and indicated in the supporting information that refuse vehicles would be able to enter the site, manoeuvre and leave the site in the forward gear, as such retrieving bins directly from each of the proposed dwellings. To ensure this is achieved, a condition is recommended for details of waste and recycling collection across the site to be submitted.
- 8.13. An Arboricultural Report and Tree Management Plan have been submitted with the application. The report identifies multiple Category B and C trees on and adjacent to the boundary of the site. The layout avoids incursion within the root protection areas (RPA) of the majority of trees. There would be a significant incursion within the RPA of trees 6-9 and 21 although these are Category C trees of little amenity value and harm or loss of the trees would not be detrimental to the character of the area. There would be a significant incursion from plot 4 within the RPA of two category B trees along the western boundary of the site, adjoining the school. The trees have amenity value and the impact upon them would be adverse to the character of the area. However, given the similarities of the scheme to the previous application, it should be noted that the inspector had no concerns from the development upon these trees.
- 8.14. Overall, it is considered that the submitted layout, scale and design of proposed dwellings complements the character of the surrounding area in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.15. Policy DM10 of the SADMP seeks to ensure that developments do not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of future occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.16. Although the previous application has been refused, consideration has to be given to the appeal decision on the site (Appeal Reference APP/K2420/W/17/3176703).
- 8.17. The application is adjoined by nos. 10 and 12 Wykin Road, the flats known as the Pepperbox and no. 8 Cadeby Close. The proposed access would be opposite nos. 13a and 17 Wykin Road.
- 8.18. No. 10 Wykin Road is separated from the application site by the electricity sub-station and to the rear by a close boarded fence. The additional traffic generated by the proposed development would not have an adverse impact on the amenity of the occupiers of no. 10.
- 8.19. Whilst vehicles exiting the site may cause some shining of headlights towards the properties opposite the site, it is not considered that this would have a significant adverse impact on the amenity of these occupiers.
- 8.20. The proposed development would reduce the size of the rear garden of no. 12 Wykin Road. A large patio area and rear garden would remain that are considered sufficient to serve the occupiers of no. 12 without harm to the amenity of the occupiers. The proposed bungalow on plot 7 proposes roof lights in the roof slope facing no.12. However given the siting and distance, these rooflights are not considered to have an adverse impact upon the amenity of no. 12. The proposed development is therefore not considered to have an adverse impact on the occupiers of no.12 with regards to overlooking, overbearing or overshadowing.
- 8.21. The proposed development would result in vehicular movements passing in close proximity to the lounge and kitchen window in the east elevation of no. 12. The

previous application was refused as a result of the impact upon these two windows and the amenity of no. 12 in this respect. The inspector stated that -

*“The fact that one of the windows is a secondary window to the kitchen does not mitigate against the fact that there are likely to be a number of vehicle movements very close to the habitable rooms comprising the lounge and kitchen of the existing dwelling.”*

- 8.22. This application includes the existing bungalow within the red line of the application site, and indicates that the existing side elevation windows are to be bricked up and a new 1.2 metre high brick wall to the front and a 1.8 metre high brick wall to the rear would be provided. As a result of the bricking up of the windows (which could be done under permitted development), the proposed brick walls to the front and rear and that the existing and any future occupiers of no. 12 would be aware of the situation, it is considered that the occupiers of no. 12 would not be significantly adversely affected by noise and disturbance from the vehicles accessing the rear of the site. As such, it is considered that the reason for dismissal in relation to the previous appeal decision in this respect has been overcome.
- 8.23. Plots 4 – 6 of the proposed development would have a gable end facing the flats in the west elevation of The Pepperbox. In this respect, the inspector found that, due to the separation distance, existing boundary fence and proposed fenestration there would be no harmful effects on the living conditions of adjoining and future occupiers of the flats or plots 4-6 in terms of loss of privacy or outlook.
- 8.24. No.8 Cadeby Close has been extended previously and includes a clear glazed side facing window at first floor level. However the window serves a bathroom and as it does not serve a habitable room, would unlikely result in any loss of privacy to the rear garden of Plot 3.
- 8.25. A two storey modular classroom has been sited at Redmoor Academy to the north west of the application site. Due to the location of the classrooms in relation to Plot 1, the existing trees to be retained and the use of classroom during school hours only, the classroom would be unlikely to result in any overlooking of the rear garden of Plot 1.
- 8.26. The light spill plan of the floodlights serving the multi-use games area at Redmoor Academy indicates that the luminance falls within acceptable levels and as such would unlikely to result in any harmful impacts on the living conditions of future occupiers of the development in respect of light pollution.
- 8.27. The proposed dwellings would have reasonably sized rear amenity spaces to provide the occupiers with a good level of amenity.
- 8.28. Overall, it is considered that the proposed development would not result in any significant adverse impacts upon the residential amenity of existing or future occupiers, in accordance with Policy DM10 of the SAMDP.

#### Impact upon highway safety

- 8.29. Policy DM17 of the SADMP supports development where it is demonstrated that there is not a significant adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.30. This application seeks to replace the existing access serving no.12 Wykin Road with an access adjoining Wykin Road further to the west, in a more central location.
- 8.31. The access would be relocated further to the west to allow it to adjoin the highway at a 90 degree. The access is proposed to be 4.8m wide for a minimum of the 8m measured back from the edge of the footpath. Accesses serving 6 to 25 dwellings

are required to be 4.8m and therefore the proposed access meets the criteria as set out in the Highways Design Guide.

- 8.32. The submitted plans show pedestrian visibility splays of 2m by 2m, measured from the edge of the footpath, at the access can be achieved and will be kept free of any obstruction above 0.6m from ground level. The footpath adjacent to the access is approximately 3m wide. Therefore, it is possible to achieve the required vehicular visibility splays at the access for a 30mph speed limit. Due to the width of the footpath and visibility from the access, it is not evident that level of on-street car parking would cause harm to highway safety.
- 8.33. Leicestershire County Council (Highways) has been consulted on the application and raises no objection subject to the imposition on planning conditions.
- 8.34. The layout incorporates car parking provision for the proposed dwellings and no. 12 Wykin Road which would be replaced. It is proposed to provide two car parking spaces per dwelling which is considered sufficient taking into account the location within Hinckley, the availability of public transport and the size of the dwellings.
- 8.35. Overall, the proposed access width, geometry and visibility is considered to be acceptable and the parking provision, dimensions and on-site turning would be acceptable.
- 8.36. As such, the proposed development would not result in severe highway impacts and would be in accordance with Policies DM17 and DM18 of the SADMP.

#### Other matters

- 8.37. Policy DM7 of the SADMP seeks to ensure that new development does not create or exacerbate flooding. The proposed development is located within Flood Zone 1 and is not at risk from surface water flooding. Environmental Health (Drainage) has raised no objection to the development subject to the inclusion of sustainable urban drainage which can be secured through the imposition of a planning condition. It is considered that the proposed development would not create nor exacerbate flood risk and is in accordance with Policy DM7 of the SADMP.
- 8.38. Policy DM6 of the SADMP seeks to ensure that development proposals demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management. The removal or damage of such features shall only be acceptable where it can be demonstrated that the proposal would result in no net loss of biodiversity and where the integrity of local ecological networks can be secured. Following concerns from LCC Ecology, additional information has been provided. This information indicates that there is a barrier between the existing site and the woodland to the rear and that the woodland will have a lower likelihood of supporting badgers. As such LCC Ecology withdraw their request for a survey and the application is not considered to result in any biodiversity impacts in accordance with Policy DM6 of the SADMP.
- 8.39. Concern has been raised that the proposed development violates the Human Rights of existing properties on Wykin Road. However, no specific details have been provided.

## **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 located within the settlement boundary of Hinckley where residential development is generally supported by Policy 1 of the Core Strategy, subject to satisfying other policies and material planning considerations.

10.2. The proposed access adjoining Wykin Road is designed in accordance with the standards as set out in the 6Cs Design Guidance and would not have an adverse impact on highway safety. The development could provide sustainable urban drainage and would not create or exacerbate flooding. The scheme would not result in any adverse impacts upon the character of the area and would not have a significant adverse impact upon the amenity of the existing or future occupiers.

10.3. As such, the development is considered to be in accordance with Policy 1 of the Core Strategy and Policies DM1, DM6, DM7, DM10, DM17 and DM18 of the SADMP and is recommended for approval subject to conditions.

## 11. Recommendation

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

- Planning conditions outlined at the end of this report.

11.2. That the 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 Plan drg. no. AVD-368-WRH-PL02 Rev. C  
Received by the Local Planning Authority on 4 October 2018

Site Location Plan drg. no. 2017/12-04/001A  
Plots 1 & 2 Floor Plans and Elevations drg. no. AVD-368-WRH-PL03 Rev. A  
Plot 3 Floor Plans and Elevations drg. no. AVD-368-WRH-PL04 Rev. A  
Plots 4 – 6 Floor Plans and Elevations drg. no. AVD-368-WRH-PL05 Rev. A  
Plot 7 Floor Plans and Elevations drg. no. AVD-368-WRH-PL06 Rev. A  
Existing and Proposed Ground Floor Plan of no. 12 drg. no. AVD-368-WRH-PL08  
Received by the Local Planning Authority on 24 August 2018

Detached Single Garage Floor Plan and Elevations drg. no. AVD-368-WRH-PL07

Received by the Local Planning Authority on 17 August 2018

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

3. No development above foundation level of the dwellings hereby approved shall take place until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings have been 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 external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

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

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

5. The existing vehicular access that becomes partly redundant as a result of this proposal shall be reduced in size and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA in consultation with the Highway Authority within one month of the new access being brought into use.

**Reason:** To protect footway users in the interests of pedestrian safety to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

6. Notwithstanding the submitted information, prior to the commencement of development, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. These details shall include:-

- Hard surfacing materials
- Boundary treatments
- Fencing specifications
- Planting plans
- Written specifications
- Schedule of plants, noting species, plant sizes and proposed numbers/densities
- Implementation programme

**Reason:** To enhance the appearance of the development and to protect the amenity of neighbouring properties, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

7. The hard and soft landscaping scheme shall be carried out in accordance with the details approved under condition 6. All hard landscaping, planting, seeding or turfing 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. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

**Reason:** In the interests of visual amenity, and to ensure that the work is carried out within a reasonable period and thereafter maintained, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

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

**Reason:** To ensure the existing trees to be retained are adequately protected during construction and in the interests of visual amenity of the area and biodiversity to accord with Policies DM6 and DM10 of the Site Allocations and Development Management Policies Development Policies DPD.

9. 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 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 surface water drainage in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

10. The development hereby permitted shall not commence until drainage plans for disposal of surface water and foul sewerage have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in accordance with the details before the development is first brought into use.

**Reason:** To ensure that the development is provided with satisfactory means of drainage and to minimise the risk of pollution accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

11. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site have been submitted to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The development shall thereafter be carried out in accordance with the approved details.

**Reason:** To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme, in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

12. Prior to first occupation of the dwellings hereby approved the proposed parking and turning facilities shall be constructed and completed in accordance with the approved Site Plan drg. no. AVD-368-WRH-PL02 Rev. C



received by the Local Planning Authority on 4 October 2018 and shall thereafter be permanently remain to serve the dwellings hereby approved.

**Reason:** To ensure that adequate off-street parking provision is made and to ensure vehicles are able to enter and leave the site in a forward direction to accord with Policy DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

13. 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 within a distance of 5 metres of the highway boundary.

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

14. Notwithstanding the submitted information, prior to first use of development hereby permitted, the proposed access shall have a width of a minimum of 4.8 and shall be surfaced in a hard bound material for a distance of at least 5 metres behind the highway boundary. The access once provided shall be so maintained at all times.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), in the interests of general highway safety to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

15. Prior to first use of development hereby permitted, vehicular visibility splays of 2.4 metres by 43 metres and pedestrian visibility splays of 2.0 metres by 2.0 metres shall be 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 the interests of general highway safety to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

16. Prior to first occupation of the dwellings hereby approved, as shown on approved plans, Site Plan drg. no. AVD-368-WRH-PL02 Rev. C received by the Local Planning Authority on 4 October 2018 and Existing and Proposed Ground Floor Plan of no. 12 drg. no. AVD-368-WRH-PL08 received by the Local Planning Authority on 24 August 2018 the two ground floor windows on the side elevation of no. 12 Wykin Road shall be bricked up and permanently retained in this form. The brick used shall match that of the existing dwelling.

**Reason:** To ensure the development does not have a detrimental impact upon residential amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

#### 11.4. Notes to Applicant

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

2. Planning Permission does not give you approval to work on the public highway. 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.
3. To reduce the impact of the construction works on local residents and the highway the LPA may advise the Applicant to submit a Construction Environment Management Plan. The CEMP could include details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision. The construction of the development could then be carried out in accordance with the approved details and timetable.
4. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk). Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

Planning Committee 20 November 2018  
Report of the Interim Head of Planning

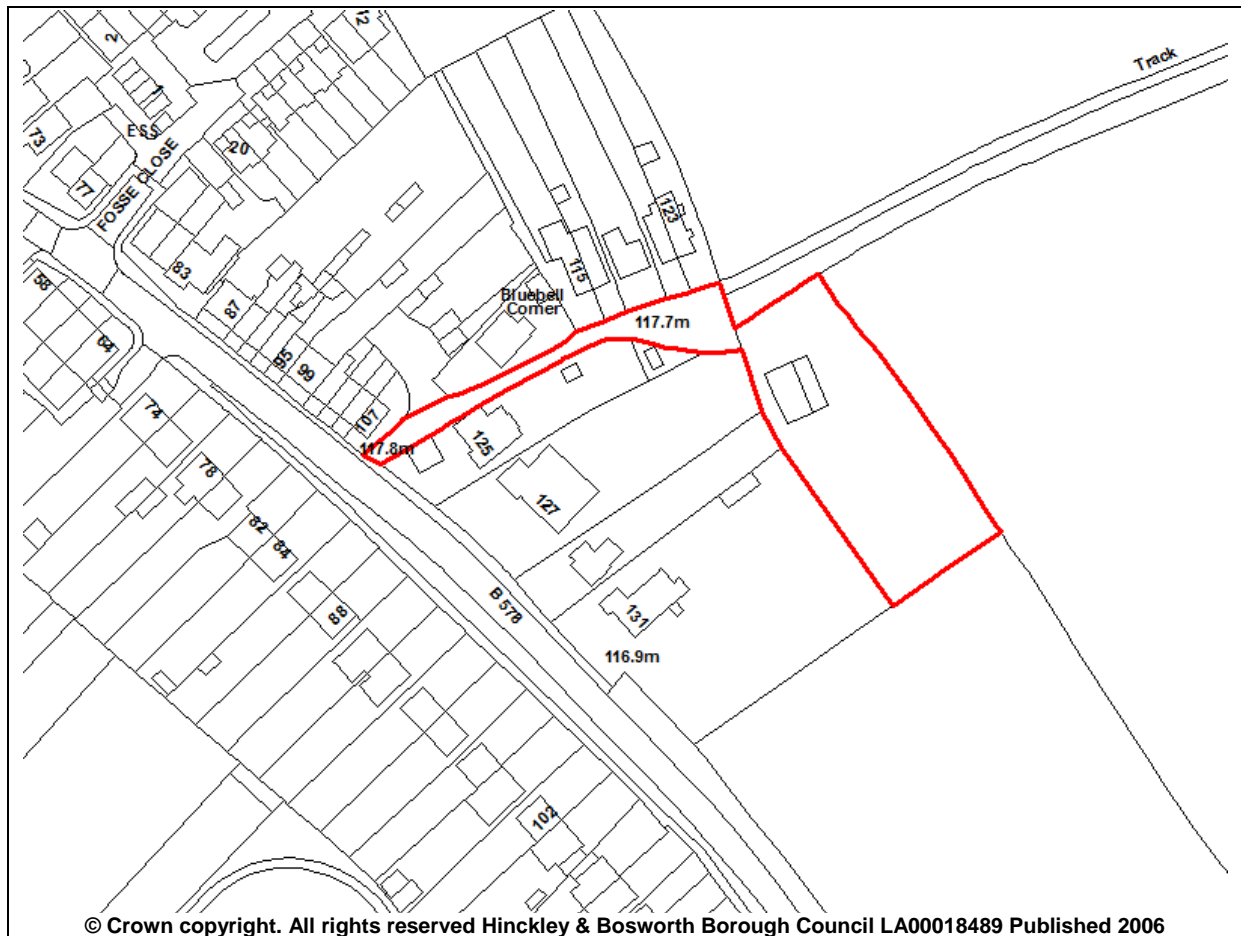
Planning Ref: 18/00643/FUL  
Applicant: JM Knapp & Sons Ltd  
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth  
Borough Council

Site: Land Rear Of 125 - 131 Lutterworth Road Burbage

Proposal: Change of use of building to light industrial (B1c) and raising of roof and extension to existing building



## 1. Recommendations

1.1. **Refuse planning permission** for the reasons set out at the end of this report.

## 2. Planning Application Description

2.1. This application seeks full planning permission for the change of use of the existing building (which has no defined use, as outlined below) to light industrial (use class B1c) and raising of the roof along with associated extensions and alterations to the existing building on land rear of 125-131 Lutterworth Road, Burbage.

2.2. The proposal involves the demolition of the existing lean to structure to the north eastern side of the building and the provision of a new external brick wall and a new roof to form a dual pitched building measuring approximately 5 metres in height to the ridge. The overall footprint of the building is not proposed to be increased.

- 2.3. Further information has been provided by the applicant regarding the previous and proposed use of the site, proposed hours of use and staff numbers. A structural report has also been submitted with the application.
- 2.4. The application description has been amended during the course of the proposal to include the change of use within the submission. The previous application (reference 15/00949/OUT) granted approval for the subdivision of the existing residential curtilage at no. 131 Lutterworth Road and the erection of one dwelling. The building which is the subject of this application was included within this previous application and therefore it is considered that the building was ancillary to the residential property.
- 2.5. Following this previous permission, the existing property (no. 131) has been demolished and the building and the land will soon be subdivided from the new dwellings facing onto Lutterworth Road. It is therefore considered that the building is no longer tied to the residential property and the land and the building has no defined use. A full reconsultation was undertaken following the change in description.

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

- 3.1. The application site consists of a parcel of land located to the rear of nos.125 to 131 Lutterworth Road. Access to the site is from an existing private access track located between nos. 107 and 125 Lutterworth Road.
- 3.2. The site is located adjacent to but outside of the settlement boundary of Burbage and as such, within land designated as the countryside
- 3.3. A gate is located at the entrance to the site with a private right of way running across the front of the site providing access to open fields to the east. The building itself currently comprises a single storey brick built building with a lean to section constructed from metal cladding and with timber doors which provides a storage area. The property has an existing asbestos roof.
- 3.4. The application building is not highly visible from the surrounding area, given the siting immediately behind a dense hedgerow which separates the application site from the rear gardens of no. 127 and 129 Lutterworth Road.
- 3.5. Three new dwellings are currently under construction on Lutterworth Road to the south west of the site.

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

18/00300/FUL	Demolition of existing workshop and erection of a new dwelling	Withdrawn	01.06.2018
15/00949/OUT	Subdivision of existing residential curtilage and erection of one dwelling (outline - all matters reserved)	Outline Planning Permission	26.10.2015
17/00631/FUL	Demolition of existing dwelling and erection of 3 new dwellings with access and parking	Withdrawn	17.08.2017

## 5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Objections have been received from five separate addresses raising the following concerns:
- 1) Building not been used previously for a considerable amount of time
  - 2) Intensification of an un-adopted road and associated highway/pedestrian safety issues
  - 3) Limited visibility onto Lutterworth Road
  - 4) Would not lead to the enhancement of the immediate setting
  - 5) Out of character with the style, design and character of the surrounding area
  - 6) Impact upon residential amenity in respect of overbearing, overlooking, noise and disturbance
  - 7) Lack of information regarding proposed use/operation
  - 8) Potential to develop the land for residential dwellings, as previously proposed
  - 9) Adversely impacting upon the character of the countryside by way of size, overbearing impact, loss of views and noise and disturbance
- 5.3. No further comments were received as a result of the change of description.

## 6. Consultation

- 6.1. Burbage Parish Council object to the proposal as it is considered to be an unsuitable location for use as a workshop, overbearing and with the potential to impact adversely on neighbouring properties in terms of noise and intensification of use of a private road with lack of parking and visibility onto Lutterworth Road.
- 6.2. Councillor Wright has concerns for the following reasons – no detail of workshop usage, insufficient access arrangements, pedestrian/highway safety with lack of visibility.
- 6.3. Councillor Lynch has concerns for the following reasons – unsuitable access and an extension outside of the settlement boundary.
- 6.4. No objections from the following:
- HBBC Waste
  - HBBC Drainage
  - HBBC Environmental Health
  - LCC Ecology
- 6.5. LCC Highways refer to standing advice.
- 6.6. Notes to applicant provided by Cadent Gas.

## 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 DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM20: Provision of Employment Sites

### 7.3. National Planning Policies and Guidance

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

### 7.4. Other relevant guidance

- Emerging Burbage Neighbourhood Plan (2018)

## 8. Appraisal

### 8.1. Key Issues

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

#### Assessment against strategic planning policies

- 8.2. 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 a planning application conflicts with an up-to-date development plan 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) 2006-2026 and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. The application site is located outside the settlement boundary of Burbage (except the access) and is on land designated as countryside within the SADMP.
- 8.5. This application seeks planning permission for the change of use of an existing building to a light industrial use (B1c). As detailed above, the existing building currently has no defined use. The proposal would involve the substantial alteration and extension of the existing building with a large proportion of the existing building unsuitable for conversion.
- 8.6. Policy DM20 of the SADMP states that new employment sites for B class uses that stand outside settlement boundaries (and on Greenfield sites), would need to demonstrate that there are no suitable alternative sites identified sequentially in the following locations:

- a) within settlement boundaries;*
- b) on previously developed land;*
- c) adjacent to existing employment areas;*

*d) adjacent to settlement boundaries.*

- 8.7. The application as submitted has not demonstrated compliance with the above sequential test and has not identified any buildings that are available within any of the sequentially identified locations within Policy DM20 of the SADMP. As such, it is considered that the proposal would be in significant conflict with this adopted strategic planning policy.
- 8.8. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development. Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside subject to meeting a number of other criteria.
- 8.9. One form of development that would be considered sustainable as per Policy DM4 is criteria b)
- b) The proposal involves the change of use, re-use or extension of existing buildings which would lead to the enhancement of the immediate setting*
- 8.10. Policy DM15 of the SADMP goes beyond Policy DM4 and provides criteria against which proposals for development outside settlement boundaries for the re-use and/or adaption of redundant or disused rural buildings should be assessed in order to be supported. Policy DM15 states that developments will be supported where:
- a) The applicant demonstrates the building is no longer viable in its current use; and*
- b) The applicant has adequately demonstrated the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration; and*
- c) Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage; and*
- d) The proposed development accords with Policy DM10: Development and Design and relevant design guidance, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.*
- 8.11. Given the proposed employment use of the development within the least sequentially preferable location with little supporting information, it is considered that the development of a B use class within the countryside would be contrary to Policy DM20 of the SADMP. Consideration regarding the potential harm to the intrinsic value and character of the countryside and rural character of the building is considered in the next section.
- 8.12. The emerging Burbage Neighbourhood Plan is still in development, not yet having been submitted to the Local Planning Authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore; only very limited weight can be afforded to this document at this time.
- Design and impact upon the character of the area
- 8.13. Policy DM4 of the adopted SADMP requires that development in the countryside does not have a significant adverse effect on the open character or appearance of the surrounding landscape and countryside.
- 8.14. 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 the

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

- 8.15. Policy DM15 of the SADMP seeks to ensure that any proposed extensions or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage and that the building leads to an enhancement of the immediate setting.
- 8.16. Although the applicant has indicated that the footprint of the building would not be increased, a considerable amount of the building is not suitable for retention with a large proportion of the building additional built form within the countryside.
- 8.17. The application site comprises a single storey detached building located to the rear of nos. 125-131 Lutterworth Road. The proposed works involve the removal of the existing asbestos roof and the demolition of the existing metal cladding, lean to side extension. A new brick built extension is then proposed to be sited in the place of the existing lean to and a new associated dual pitched roof measuring approximately 5.2 metres in height to the ridge with tiles and matching brick works.
- 8.18. The height of the building would be increased by approximately 1.7 metres and due to the large extension to the existing building would appear unduly prominent within the surrounding area. An external storage area is proposed and has been indicated on the plan to be sited immediately adjacent to the building. Although this is limited in size and could be conditioned, it is considered that the use of the open countryside for storage in conjunction with a proposed B class use would be out of character with the open and rural nature of the surrounding countryside. Overall, due to the size, height and massing of the proposed extensions and provision of external storage area, the proposed development would significantly affect the intrinsic value and open character of the countryside.
- 8.19. Currently openings are limited to the front, rear and side (west facing) elevation. The proposal would replace the existing timber openings with double glazed UPVC windows that have a large amount of glazing bars. Rooflights are also proposed on both roof slopes. The proposed openings are not reflective or relate to the existing openings of the building and result in the building appearing domestic, and would not appear as a rural building in keeping with the countryside, and as such would impact upon the character of the existing building.
- 8.20. Policy DM15 states in the supporting text that buildings in the rural area are often attractive, frequently constructed from local materials and often reflect the local vernacular. The submitted structural report identifies that the main walls of the building are in a sound condition and in a good state of repair. However the existing lean to metal sheeting side extension is not suitable for conversion and the existing roof to the main part of the building also needs to be replaced. As such, there is a very limited amount of the existing building that is to be retained and with a large increase in height and associated extensions to the existing building.
- 8.21. It should also be highlighted that it is unlikely that the building was ever intended to be a stand alone feature and was always used an ancillary building to the residential dwelling that the building related to. The applicant has submitted information that the building was used in connection with a fish tank business, however, this was the business of the occupier of the residential property, and therefore, it is deemed that this was ancillary to the property. The building is not an attractive rural building that merits retention for its external appearance. Now the building has been severed from the residential use, this should not automatically mean that the building is suitable to be used as an independent unit.
- 8.22. The building is currently being used as storage in connection with the building works that are being carried out in association with the implementation of



application 17/01124/FUL, The Council does not consider that this gives the building a B1 use as this is temporary in connection with development.

- 8.23. Criteria ii) to v) of Policy DM4 are not relevant as the proposal would not undermine the perceived separation between settlements, does not exacerbate ribbon development and is not located within a green wedge or the National Forest.
- 8.24. As such, it is considered the proposal would have a significant adverse effect on the intrinsic value, beauty and open character of the countryside and would not lead to an enhancement of the immediate setting, contrary to Policy DM4, DM10 and DM15 of the SADMP.

Impact upon neighbouring residential amenity

- 8.25. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.26. The building is currently located at the far end of the rear gardens of properties on Lutterworth Road.
- 8.27. No. 123 Lutterworth Road is located over 30 metres to the north west of the site and separated by the access track. As such, there would be no adverse impact upon the occupiers of this property by way of an overbearing nature.
- 8.28. Given the significant distance (over 40 metres) to the dwellings to the south west, the siting away from the nearest private amenity space and the extensive length of the gardens, the increase in height would not result in any adverse impacts upon the occupiers of nos. 125-131 Lutterworth Road in respect of overbearing nature or loss of privacy. In addition, a mature hedgerow separates the site from these properties.
- 8.29. The development also includes the provision of a new use, light industrial class B1c. Although uses falling within this use class are considered to be compatible with surrounding residential properties, little information has been submitted about how the proposed development would operate.
- 8.30. The development could result in vehicles accessing the site at all times of the day. The vehicles would use the existing private access drive which serves a number of dwellings.
- 8.31. The proposal would result in a number of vehicular movements passing in very close proximity to the side elevations of Bluebell Corner (111 Lutterworth Road) and 125 Lutterworth Road. Although the applicant has stated there would be minimal vehicle movements to the building, there would be no restriction over the amount of movements to the buildings. It would not be enforceable to condition the volume of vehicle comings and goings to the site and as such it has not been adequately demonstrated that the location of the access to the building and the movements associated with an employment/workshop use would not result in significant noise and disturbance impacts to the aforementioned properties.
- 8.32. As such, it is considered that the proposal could result in significant adverse impacts upon residential amenity as a result of the vehicle movements associated with the proposed use. The development would therefore be in conflict with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.33. Policies DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.

- 8.34. The application site is accessed by way of a private un-adopted road which is not publicly maintained. It is considered that approximately 10 residential properties use this private track, as well as the agricultural users of the fields to the east. The site is served by this road until it meets Lutterworth Road via an existing access.
- 8.35. Parking would be provided to the front of the building with associated turning space allowing vehicles to leave the site in a forward gear.
- 8.36. It is not considered that the development would result in use of the access to the detriment of highway safety.
- 8.37. Concerns have arisen regarding inadequate visibility onto Lutterworth Road. Although the site access falls short of current highway standards, the proposed development would not alter the existing access arrangements.
- 8.38. All disputes in respect of rights of access along this road are civil matters between the applicant and the owners of the road.
- 8.39. The development is therefore in accordance with Policies DM17 and DM18 of the SADMP.

#### Other issues

- 8.40. Loss of view from neighbouring properties is not a material planning consideration.

### **9. Equality Implications**

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

### **10. Conclusion**

- 10.1. It has not been demonstrated in relation to the proposed introduction of a workshop use within a countryside location and outside the settlement boundary that there are no suitable alternative sites identified sequentially in accordance with DM20 and the proposal is therefore in conflict with Policy DM20 of the SADMP.
- 10.2. In addition, the proposed development would result in the provision of a large extension to the existing building and a significant increase in roof height and associated bulk and mass of development. The openings proposed are unreflective of and do not relate to the existing character of the building. It is considered that the proposed use and alterations would not be proportionate to the size, footprint and scale of the existing building and would have a significant adverse effect on the character of the area.
- 10.3. By virtue of the use proposed, it is considered that the proposed development could result in noise and disturbance impacts from vehicles upon the occupiers of the

adjacent dwellings. It would not be enforceable to place a condition on the scheme which limits the quantity of vehicles using the access track.

- 10.4. The proposal is therefore in conflict with Policies DM1, DM4, DM10, DM15 and DM20 of the adopted SADMP.

**11. Recommendation**

- 11.1. **Refuse planning permission** for the reasons set out at the end of this report.

**11.2. Reasons**

1. The proposed development would result in the provision of an employment site outside of the settlement boundary of Burbage. The applicant has failed to identify and discount any suitable buildings within the settlement boundary, on previously developed land or adjacent to an existing employment area and as such the application site is considered the least sequentially preferable. As such, the use of the building as a workshop would be considered unsuitable and therefore unsustainable for new employment provision and would be contrary to Policy DM20 of the Site Allocations and Development Management Policies Development Plan Document (2016).
2. By virtue of the size, scale and mass of the proposed extensions and alterations and due to the domestic appearance of the building, the proposal would be detrimental to the rural and countryside setting and would fail to complement the character and appearance of the application site and surrounding landscape. The proposed scheme would therefore be in conflict with Policies DM1, DM4, DM10 and DM15 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2018).
3. It has not been demonstrated that due to the proposed use of the building and associated vehicle movements along the access track, the development would not have a significant adverse impact upon the amenity of existing residents at Nos. 111 and 125 Lutterworth Road, Burbage. The development would therefore be contrary to Policies DM1 and DM10 of the Council's Adopted Site Allocations and Development Management Policies Development Plan Document (2016).

**11.3. Notes to Applicant**

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

Additional Information received on 24 July 2018 and 6 August 2018

Structural Survey received 3 September 2018

Amended Application Form received 12 October 2018

Proposed Floor Plans and Elevations Drg. No. AVD-331-LURB-PL02 Rev. A

Existing Floor Plans and Elevations Drg. No. AVD-331-LURB-PL01 Rev. B

Received 12 October 2018

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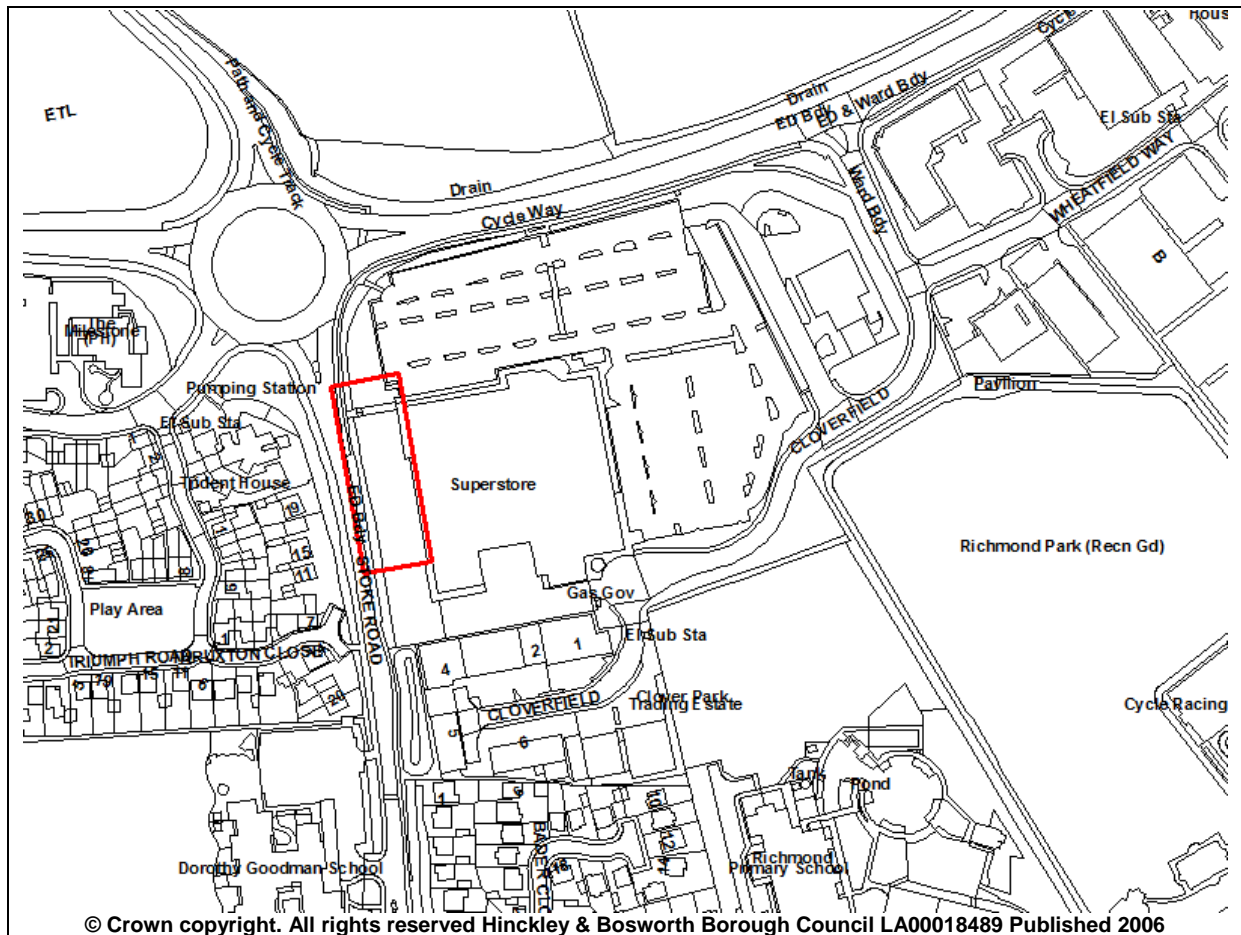
Planning Committee 20 November 2018  
Report of the Interim Head of Planning



Hinckley & Bosworth  
Borough Council

Planning Ref: 17/00538/FUL  
Applicant: Mr Oliver Rebeiro  
Ward: Hinckley Trinity

Site: Morrisons 2 Cloverfield Hinckley  
Proposal: Creation of second vehicular exit onto Stoke Road



## 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 creation of a second vehicular exit onto Stoke Road, Hinckley to serve the existing Morrisons Superstore.

2.2. Currently all vehicles exit the superstore via the existing Cloverfield/Normandy Way junction which is a left turn only. The proposed alterations sought by this permission would provide a two lane vehicle exit onto Stoke Road, allowing vehicles to turn

both left and right. Three car parking spaces are to be lost by the proposed development.

- 2.3. Amended plans, arboricultural surveys, additional transport assessments, road safety audits and traffic modelling data have been submitted during the course of the application.

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

- 3.1. The existing site comprises of Morrisons supermarket including a garden centre and petrol station, and the associated car park serving the premises. The premises is located on the corner of Stoke Road and Normandy Way (A47), and the corner of Cloverfield and Normandy Way (A47). The proposed access would be located on Stoke Road at a point where it is a 40 mph speed limit.
- 3.2. The location of the proposed access is currently covered by dense hedgerow and shrubbery. The store is located significantly higher than Stoke Road with land levels dropping to the west.
- 3.3. To the west of the site opposite the proposed access are the residential dwellings of Thruxton Close. To the north of the site, over Normandy Way (A47) are open fields.

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

91/00447/4	Erection of retail food store petrol filling station and associated works	Permission	25.06.1991
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### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Objections received from six separate addresses raising the following concerns:-
- 1) Impact upon highway and pedestrian safety
  - 2) Speed of traffic greater than the submitted survey
  - 3) A large number of existing exits onto Stoke Road already, thus potential to cause a cumulative impact
  - 4) Existing access on Cloverfield should be upgraded instead
  - 5) Time limit in the car park should be introduced to deter additional parking from adjacent businesses
  - 6) Increase in noise and pollution from additional vehicle movements
  - 7) Existing anti-social behaviour within the car parking could be increased by a through route
  - 8) Devaluation of adjacent properties
  - 9) Lack of public consultation
- 5.3. In addition to the above, a petition has been received with 47 signatures regarding concerns surrounding impact upon highway and pedestrian safety.

### **6. Consultation**

- 6.1. Leicestershire County Council Highways department have no objections subject to conditions.
- 6.2. HBBC Arboricultural Officer has no objections.
- 6.3. Concerns raised by Councillor D Bill and Councillor D Cope in respect of upgrading the existing access instead and the potential impact upon highway and pedestrian safety from the proposed exit.

## **7. Policy**

### 7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM22: Vitalising District, Local and Neighbourhood Centres

### 7.3. 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 issues

#### Assessment against strategic planning policies

- 8.2. The proposed exit is to serve the existing retail food store, within the settlement boundary of Hinckley. Hinckley is identified as a sub-regional centre in Policy 1 of the Core Strategy and is therefore a sustainable location for development. The application site is an allocated local centre within the Site Allocations and Development Management Policies DPD (SADMP) (HIN190L). Given it is to be used in conjunction with the existing retail store, the provision of a new vehicular exit would support the existing Local Centre. As such, the proposed development is considered acceptable in principle subject to all other material planning considerations being addressed.

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

- 8.3. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.4. This application seeks full planning permission for the creation of a second vehicular exit to serve the existing Morrisons superstore. Existing low level shrubbery and trees are currently located to the side of the existing building, separating the site from Stoke Road. A large ash tree (T1) is located immediately adjacent Stoke Road and a number of other ash trees are located next to the existing car park serving the store (T2-T5).
- 8.5. The development would result in the loss of part of the existing group and also the ash tree (T1) located on the highway boundary. It should be noted that both the group (G1) and T1 have been identified as category B, with the ash tree (T1) below the expected vitality of this species.

- 8.6. Although the loss of part of the shrubbery would open up the visual appearance of the building, the development would not result in any significant built form, with only the provision of an access road and a 1.5 metre high boundary wall. A mix of shrub and tree planting is proposed between the exit road and Stoke Road, ensuring that the green nature of the existing site is retained as much as possible. In addition, the trees adjacent to the existing car park are to be retained, ensuring the limited views of the superstore from the A47 roundabout is continued.
- 8.7. A lime tree is proposed to the south of the exit, replacing the existing ash tree (T1). Overall, it is not considered that the loss of the small part of the existing shrubbery as well as the significant landscaping proposed would adversely alter the character of the surrounding area.
- 8.8. The levels of the exit drive would gradually fall from north to south, reflecting that of the existing drop in levels. Details regarding the materials of the boundary wall are to be submitted prior to commencement of works to ensure the wall is not out of character with the surrounding area.
- 8.9. Overall, given the built up nature of the surrounding area, the loss of only a small section of category B shrubbery and the substantial replacement planting would ensure the development would not adversely impact upon the character of the area, in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.10. Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.11. The proposed development would result in additional vehicles movements accessing Stoke Road from the proposed development. The nearest residential properties are located opposite the application site on Thruxton Close. These properties are approximately 15 metres away from the exit, separated by the existing Stoke Road and a mature line of trees. These properties also have their rear gardens on the west side of their house, thus further away from the superstore.
- 8.12. Given the separation distances, existing tree line and the existing vehicle movements from Stoke Road and Normandy Way, it is not considered that there would be a significant intensification of noise from the vehicles using the proposed exit.
- 8.13. As such, the proposed development would not result in any adverse impacts upon residential amenity from the development and would be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.14. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision. Paragraph 109 of the NPPF states that a safe and suitable access to sites should be achieved and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.15. A Transport Assessment was originally submitted with the application. Following a number of consultations with LCC Highways, traffic modelling information, an independent Road Safety Audit (RSA), revised access drawing and an updated Transport Assessment have been submitted in support of the application.



- 8.16. These documents indicate that the proposed vehicular exit would have adequate width and visibility at its junction with Stoke Road and would not result in severe cumulative impacts upon the highway network.
- 8.17. Stoke Road is a classified road subject to a 40 mph speed limit. The proposed exit would be located approximately 60 metres from the A47 roundabout. The exit road would have two lanes, one for vehicles turning left towards Hinckley and one for vehicles turning right towards the roundabout. Visibility splays have been shown of 120 metres to the south and 100 metres to the north. The development would result in the loss of three car parking spaces serving the existing store.
- 8.18. This application has been submitted in order to try and address an existing problem that the store currently has, in respect of a large volume of vehicles leaving the existing store at peak PM times and the associated disruption this causes.
- 8.19. The submitted access plan is considered acceptable in terms of geometry and visibility, in relation to the site and the existing Stoke Road.
- 8.20. The independent RSA submitted not only assessed vehicles but included the safety of pedestrians and school children, especially given the proximity to a number of schools. The independent RSA concluded that the proposed scheme would not have any negative impact upon the safety of local school children and as such LCC Highways does not consider that a reason for objection could be sustained on safety grounds.
- 8.21. Concerns have also arisen with regards to the impact of the egress traffic on the local highway network, including the adjacent Normandy Way roundabout. Detailed local traffic modelling has been submitted with the application which shows some impact at this roundabout and on the rest of the network, however it does not show a severe impact.
- 8.22. It should also be highlighted that there would be a reduction of approximately 157 vehicles using the roundabout in Friday PM peak as a result of vehicles turning left, southwards along Stoke Road. As such, the proposed development would also help the free-flow of traffic on the main through route of Normandy Way.
- 8.23. The only changes to the car park area are the removal of 3 parking bays. It is considered that the remaining car park is of a significant size to adequately serve the store and the loss of these three spaces would not have a detriment to highway safety.
- 8.24. The additional details submitted have satisfied the previous outstanding concerns of LCC Highways with regards to the geometry of the access, its safety, and the impact on the surrounding highway network.
- 8.25. As the submitted details are now in accordance with design standards, LCC Highways do not seek to resist the application.
- 8.26. Overall it is considered that the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with paragraph 109 of the NPPF and would be in accordance with Policies DM17 and DM18 of the SADMP.

#### Other issues

- 8.27. Concerns have arisen regarding existing anti-social behaviour within the car park and the surrounding area and the devaluation of adjacent residential properties. However there are no known issues of anti social behaviour in the area and the decrease in neighbouring properties value is not a material planning consideration in the determination of this application
- 8.28. Comments have been received by the lack of public consultation during the course of the application. A site notice was placed in the vicinity of the site and all adjoining

neighbouring properties were consulted, as per the regulations of the Procedure Order.

## **9. Equality Implications**

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

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

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

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

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

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

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

## **10. Conclusion**

10.1. The proposed development would be in conjunction with the existing superstore which is part of an allocated Local Centre. As such, and as a result of the location within the settlement boundary of Hinckley, the proposed development is considered acceptable in principle.

10.2. The proposed development is not considered to result in any adverse impacts upon the character of the area or residential amenity nor a severe impact upon highway or pedestrian safety.

10.3. The application is therefore considered to be in accordance with Policy 1 of the Core Strategy and Policies DM1, DM10, DM17, DM18 and DM22 of the SADMP and is recommended for approval subject to conditions.

## **11. Recommendation**

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

- Planning conditions outlined at the end of this report.

11.2. That the 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:

Location of Proposed Egress drg. no. LOC/006  
received by the Local Planning Authority on 31 May 2017

Proposed Access Arrangement & Long Section drg. no. DE/100/001 Rev. B  
received by the Local Planning Authority on 18 October 2018

Visibility Splay Plan drg. no. SKH/001 Rev. A  
received by the Local Planning Authority on 19 October 2018

Tree Protection Plan drg. no. TPP01 Rev. A  
Landscape Proposals drg. no. LL01 Rev. B  
received by the Local Planning Authority on 22 October 2018.

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

3. No development shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the boundary wall hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

4. The hard and soft landscaping scheme shall be carried out in accordance with the approved Landscape Proposals drg. no. LL01 Rev. B received by the Local Planning Authority on 22 October 2018. All hard landscaping, planting, seeding or turfing 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. 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.

5. No demolition/development shall take place/commence until trees T2, T3, T4, T5 and Tree Group G1, identified on the submitted Tree Protection Plan drg. no. TPP01 Rev. A received by the Local Planning Authority on 22 October 2018, have been protected by the erection of temporary protective fences in accordance with the details included within the submitted Tree Protection Plan drg. no. TPP01 Rev. A received by the Local Planning Authority on 22 October 2018 and as shown on the approved submitted Tree Protection Plan drg. no. TPP01 Rev. A received by the Local Planning Authority on 22 October 2018. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5 cm or more shall be left unsevered.

**Reason:** The trees are important features in the area and to ensure that the development has a satisfactory appearance in the interests of visual amenity

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

6. Notwithstanding the submitted details, prior to commencement of development, full details of a scheme for the disposal of surface water, shall be submitted to and approved in writing by the Local Planning Authority. 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 surface water being deposited in the highway network in the interests of highway safety in accordance with Policies DM7 and DM17 of the Site Allocations and Development Management Policies Development Plan Document.

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

**Reason:** To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document.

#### 11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.

Planning Committee 20 November 2018  
Report of the Interim Head of Planning

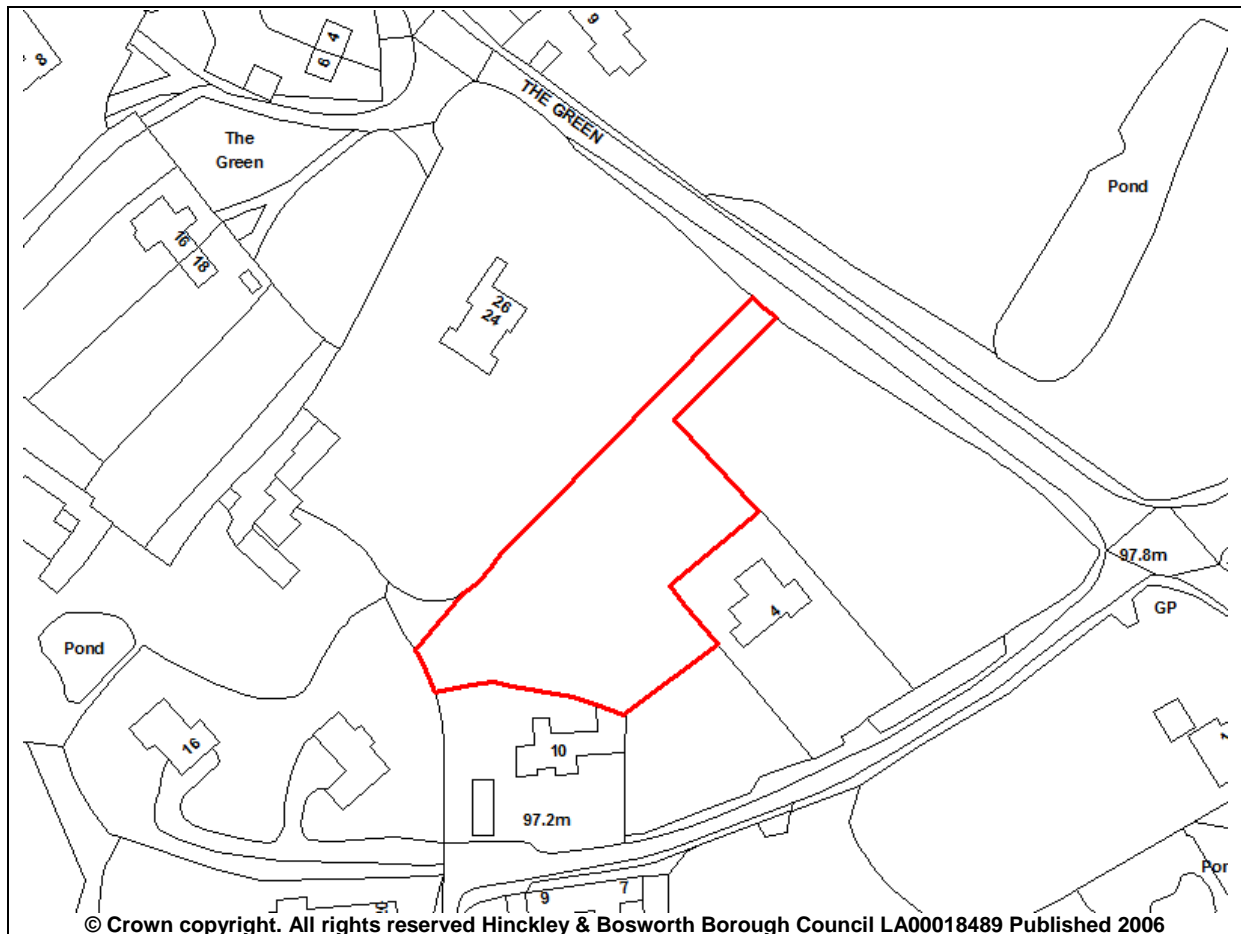
Planning Ref: 18/00680/FUL  
Applicant: Mr A McCleish  
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth  
Borough Council

Site: Ashcroft 4 Pipe Lane Orton On The Hill

Proposal: Erection of 2 dwellings (re-submission of 18/00221/FUL)



1. This application was taken to the previous Planning Committee on the 10 October 2018. Notwithstanding the officer's recommendation that permission be granted, members were minded to refuse the application.
2. Concerns were raised regarding the impact the additional parcel of land (not included within the previous scheme) would have upon the character of the conservation area, the lack of comments from the conservation officer and the final ridge heights of the dwellings in relation to no. 4 Pipe Lane.
3. It is indicated on the plans that the ridge heights of the dwellings are as follows, Plot 1 – 107.25, Plot 2 – 107.4. The ridge height of no. 4 Pipe Lane is 106.97. As such, in the context of the existing dwellings and the setting of the dwellings further to the west than no. 4, the difference in ridge heights is very minor and would be negligible in the context of the surrounding area. It should also be noted that the dwellings are to be dug down by approximately 0.8 metres.

4. Following feedback received from members at Planning Committee and subsequent discussion with officers, the applicant has submitted amended plans which alter the access provisions serving the two dwellings, reducing the level of hardstanding within the concerned area and partly proposing to use a grasscrete style reinforcement system. No other plans or alterations were submitted and a re-consultation was subsequently carried out.
5. The HBBC Conservation Officer has also provided comments on the scheme which was originally reported to the Planning Committee on 10 October. The comments submitted are supportive of the scheme and state that 'the proposal would preserve the significance of the conservation area'. Following the submission of the aforementioned plan, HBBC Conservation Officer has stated that the further reduction of hardstanding within this area, use of grasscrete and additional landscaping is welcomed, further preserving the character of the conservation area.
6. The development is very similar to the previously approved scheme, with the inclusion of the additional parcel of land immediately behind no. 4 and the alternative design detailing and siting of the dwellings. It is therefore considered that the alteration between the schemes is very minor and following the submission of an amended plan reduces the level of hardstanding and built form even further. Due to the land levels, this area of additional driveway to the front of plot 1 would not be visible from The Green, especially with the level of screening and planting proposed.
7. Overall it is considered that the revised scheme would further preserve the character of the conservation area in accordance with Policies DM10, DM11 and DM12 of the SADMP.
8. Following the submission of amended plans to address issues identified at the previous Planning Committee meeting, the recommendations to Planning Committee do not alter from those identified in the previous report to committee and the proposal is considered acceptable in planning terms and recommended for approval subject to conditions, amended from the previous report to refer to the amended plans submitted.
9. **Grant planning permission** subject to:
  - Planning conditions outlined at the end of this report.
- 9.1. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.
- 9.2. **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 drg. no. 17 75 06  
received by the Local Planning Authority on 9 July 2018

Site Elevations drg. no. 17 75 05C  
Plot 1 Elevations and Floor Plans drg. no. 17 75 02J  
Plot 2 Elevations and Floor Plans drg. no. 17 75 03J  
Proposed Landscaping drg. no. KL 382 001  
received by the Local Planning Authority on 3 August 2018

Site Plan drg. no. 17 75 01L

received by the Local Planning Authority on 1 November 2018

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

3. The materials to be used on the external elevations of the dwellings hereby permitted shall be carried out in complete accordance with the submitted application details, as follows:

Proposed Cedar Timber Cladding Sample

Proposed K-Rend Smooth White Render Sample

Proposed Weinerberger Terca Pendleton Antique Facing Brick Sample

Proposed Window and Door Warmcore Aluminium Sample

received by the Local Planning Authority on 6 July 2018

Proposed Solar Panels GSE In-Roof Inset System Brochure

Proposed Solar Panels LG Cello Design Brochure

received by the Local Planning Authority on 27 July 2018

Proposed Hawkins Staffordshire Blue Clay Roof Tile Sample

received by the Local Planning Authority on 3 August 2018

**Reason:** To ensure the materials of the proposal are appropriate to its location and it does not detract from visual amenity of the area in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan.

4. The hard and soft landscaping scheme shall be carried out in accordance with the approved Proposed Landscaping drg. no. KL 382 001 received by the Local Planning Authority on 3 August 2018. All hard landscaping, planting, seeding or turfing 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. 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 Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document.

5. The development shall be carried out in accordance with the recommendations (section 5) contained within the submitted Protected Species Assessment dated January 2018 received by the Local Planning Authority on 9 July 2018.

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

6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the approved Site Plan drg. no. 17 75 01L received by the Local Planning

Authority on 1 November 2018. Thereafter the onsite parking provision shall be so maintained in perpetuity.

**Reason:** To enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document.

7. 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.

8. Notwithstanding the submitted details, prior to commencement of development, full details of a scheme for the disposal of surface water and foul water on-site to serve the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. 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 Site Allocations and Development Management Policies Development Plan Document.

9. No demolition/development shall take place/commence until trees T1 (horse chestnut) and T9 (lime), identified on the submitted Tree Location Plan drg. no. 5273 FE TL 02 received by the Local Planning Authority on 9 July 2018, have been protected by the erection of temporary protective fences in accordance with the details included within the Tree Protection Method Statement received by the Local Planning Authority on 27 July 2018 and as shown on the approved Site Plan drg. no. 17 75 01L received by the Local Planning Authority on 1 November 2018. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5 cm or more shall be left unsevered.

**Reason:** The trees are important features in the area and to ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

10. The construction of the access drive where it crosses the root protection area to the north/west of T9 Lime tree shall be carried out in accordance with the submitted Construction of Access Drive Statement received by the Local Planning Authority on 27 July 2018 and as shown on the approved Site Plan



drg. no. 17 75 01L received by the Local Planning Authority on 1 November 2018.

**Reason:** The tree is an important feature in the area and to ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

11. As shown on approved plan, Plot 1 Elevations and Floor Plans drg. no. 17 75 02J received by the Local Planning Authority on 3 August 2018, the two first floor velux roof lights within the proposed north east facing entrance elevation on Plot 1 (serving the master bedroom) shall be constructed a minimum of 1.7 metres above the floor of the room which the window is installed and shall thereafter be permanently retained in this approved form.

**Reason:** To ensure the development does not have a detrimental impact upon neighbouring residential amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

### 9.3. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Prior to commencement of development contact should be made with Cadent to discuss the proposals.

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## APPENDIX A

Planning Committee 10 October 2018  
Report of the Interim Head of Planning

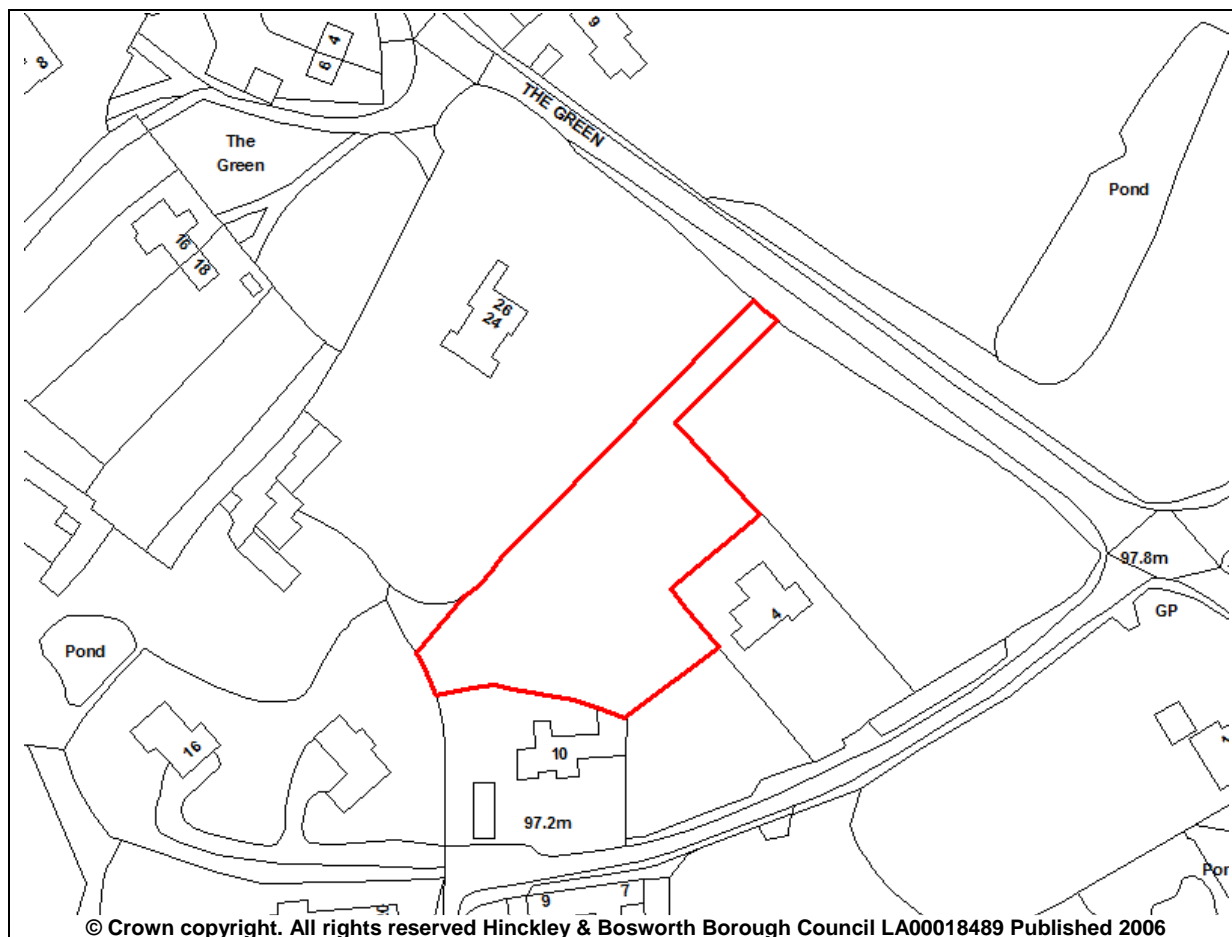
Planning Ref: 18/00680/FUL  
Applicant: Mr A McCleish  
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth  
Borough Council

Site: Ashcroft 4 Pipe Lane Orton On The Hill

Proposal: **Erection of 2 dwellings (re-submission of 18/00221/FUL)**



### 1. Recommendations

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

- Planning conditions outlined at the end of this report.

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

### 2. Planning Application Description

#### 2.1. This application seeks planning permission for the erection of two dwellings on land to the rear of no. 4 and 10 Pipe Lane, Orton on the Hill.

#### 2.2. This is a re-submitted scheme following a previously withdrawn application (reference 18/00221/FUL).

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

- 3.1. The application site is located within the settlement boundary and conservation area of Orton on the Hill. Development in the area comprises primarily residential development of varying styles and design with no uniform pattern of development.
- 3.2. The application site comprises an area of open space/paddock land to the rear of Pipe Lane and has an irregular shape due to the curtilage of neighbouring properties. Site levels slope gently from the north west down to the south east on the site and then steeper down to Pipe Lane.
- 3.3. Adjacent to the southern boundary of the site is a significant Horse Chestnut tree which is subject to a Tree Preservation Order. The east boundary of the site is open, adjoining more paddock land with a mature hedgerow adjoining The Green. The north west boundary comprises a mature hedgerow with several mature trees set behind the hedgerow.

### 4. Relevant Planning History

11/00602/FUL	Demolition of existing dwelling and the erection of 6 dwellings with associated access	Refused – Appeal Dismissed	23.11.2011
11/00603/CON	Demolition of existing dwelling and the erection of 6 dwellings with associated access	Refuse Conservation Area Consent – Appeal Dismissed	23.11.2011
14/00515/OUT	Erection of two dwellings (outline) access only	Permission	16.10.2014
15/00191/NOMAT	Non-material amendment to planning permission 14/00515/OUT to amend the proposed sewage and drainage methods of the development to a package treatment plant and sustainable drainage system respectively	Permit Non-Material Amendment	07.08.2015
15/00633/FUL	Erection of 2 dwellings and garages	Permission	23.12.2015
16/00160/FUL	Erection of one dwelling	Withdrawn	15.04.2016
18/00221/FUL	Erection of 2 dwellings and garage	Withdrawn	30.04.2018

### 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.

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5.2. Objections received from four separate addresses:-

- 1) Increased area of paddock land within the application
- 2) Extensive amount of hardstanding area which is inappropriate for the area
- 3) Excessive height and mass of development out of character with the area
- 4) Proposed design and materials not in keeping with the conservation area
- 5) Drainage concerns, implications and associated sewerage
- 6) Overbearing, overlooking and loss of light impacts to residential properties
- 7) Loss of views
- 8) No requirement for houses

### 6. Consultation

6.1. Twycross Parish Council object to the application on the following grounds:-

- 1) Fails to address the issues raised within the withdrawn application
- 2) Design of the properties not in keeping with the surrounding area
- 3) The development would have an adverse environmental and visual amenities impact upon the conservation area
- 4) Concerns regarding drainage from the development

6.2. No objection subject to condition from:-

LCC Ecology  
LCC Highways

6.3. No objection from:-

HBBC Environmental Health  
HBBC Drainage  
Lead Local Flood Authority  
Cadent

### 7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Orton on the Hill Conservation Area Appraisal

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### 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
- Ecology

#### Assessment against strategic planning policies

8.2. The application site is located within the settlement boundary of Orton on the Hill. The principle of development for the erection of two dwellings on the majority of the site has been established through the previously approved planning application ref. 15/00633/FUL.

8.3. The overall application site has been extended slightly further north east, including land immediately behind no. 4 Pipe Lane. However this land is still within the settlement boundary of Orton on the Hill.

8.4. As such, the principle of providing two dwellings on the site is acceptable in-principle in accordance with Policy DM1 of the SADMP, subject to satisfying all other relevant policies and material planning considerations.

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

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

8.6. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets and development proposals should ensure the significance of a conservation area is preserved and enhanced.

8.7. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when considering whether to grant listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses.

8.8. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

8.9. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses.

8.10. Orton on the Hill has a distinctive rural character with small fields and continuous hedgerows are features that extend into the village. The older part of the village around The Green and Pipe Lane, including the application site, is characterised by a relatively unplanned organic pattern of buildings which are separated from each other by distance, green spaces and continuous hedges. These large green spaces

## APPENDIX A

between buildings are a fundamental component of the character of the village. They contribute positively to the character and appearance, and significance of the conservation area, and have therefore been identified as key spaces within the Orton on the Hill Conservation Area Appraisal. The hedgerow that bounds the application site from Pipe Lane and The Green has been identified as an important hedgerow within the Conservation Area Appraisal. An important view looking along The Green towards the parish church also emphasises the village's rural character.

- 8.11. The application site is an area of grassland/paddock lying within the centre of the historic core of the village. Any level of development on the site, and particularly two new dwellings with access drive as proposed in this case, would fundamentally alter the undeveloped, open, green and rural character of this significant key space. Given the positive contribution the space makes to the significance of the conservation area, the impact of the proposal would cause harm to the heritage asset.
- 8.12. However, due to the siting of the two dwellings at the south western end of the site, adjacent to the existing properties (no.4 and no.10) the development would be read against the existing built form of the surrounding area. No form of built development would project into the paddock land to the east, only the access drive and associated turning areas. As such, the area would retain the open paddock aspect on the Junction of The Green and Pipe Land and as such the harm caused by the development would be considered "less than substantial" in terms of paragraph 193 of the NPPF.
- 8.13. Given that planning permission has already been granted for two dwellings, assessment is given only to the alterations from the previously approved scheme.
- 8.14. In accordance with Policy DM11 of the SADMP and paragraph 193 of the NPPF any harm caused by a proposed development should be weighed against the public benefits. Public benefits could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits may include heritage benefits as specified in the Planning Practice Guidance, such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
  - Reducing or removing risks to a heritage asset
  - Securing the optimum viable use of a heritage asset in support of its long term conservation
- 8.15. Of particular relevance in this application is a determination of whether the proposal can sustain or enhance the significance of the conservation area, thus demonstrating a heritage benefit.
- 8.16. Non-heritage public benefits balance is likely to include:
- Limited economic benefits during construction and towards the preservation of the facilities in the settlement and surrounding settlements.
  - Limited social benefits in a very minor boost in housing land supply. However, the settlement is not identified/allocated as a location for new residential development and therefore this is not considered to be a benefit, especially as the Council can demonstrate a 5 year housing land supply.
  - Adverse environmental impact
- 8.17. The proposed dwellings would be located on the north west and south east sides of the site with access from The Green and a separate area of hardstanding and driveway serving each of the plots. The dwellings would be inward facing east / south easterly facing with the side elevation of plot 2 and the front elevation of plot 1

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visible from The Green. The layout of the dwellings would be reflective of the previously approved scheme, keeping the area immediately behind no. 4 Pipe Lane open. This ensures the paddock aspect of this parcel of land is retained. The proposed layout is not considered to be inconsistent with the character of the area.

- 8.18. Due to the varying topography of the site, the dwellings would be sunk into the ground slightly which again, is consistent with the previously approved application. Viewed from The Green the ground levels rise in front of the proposed dwellings which would reduce the dwellings' visibility as illustrated by the street scene elevations provided. The height of the dwellings would be similar to the height of the adjacent dwelling at no. 4 Pipe Lane. It is considered that the bulk and mass of the proposed dwellings would complement the surrounding built form.
- 8.19. The conservation area appraisal illustrates a protected view across the application site from Pipe Lane towards the Grade I listed St Edith's Church. The proposed dwellings would not obscure views of the spire of the church. Protecting views of the spire would retain the link between the historical centre and the old farmstead on Pipe Lane and therefore the historic interest of the conservation area.
- 8.20. The access to the proposed dwellings would be from the existing field access along the north west boundary. This is the same as previously approved and is to be constructed using Marshalls Permeable block paving in Charcoal Grey with a central grass strip. Again, this is acceptable for the conservation area, ensuring the level of hardstanding along the driveway is reduced as much as possible, retaining the paddock aspect of the application site.
- 8.21. This proposal also involves the subdivision of the proposed plot with a separate driveway serving each of the dwellings. Although this would introduce a level of additional hardstanding within the site, this would also allow the opportunity to provide additional landscaping and to provide turning space for emergency vehicles within the site. The area of green space and planting is to be increased as much as possible and the area of hardstanding has been kept to a minimum whilst allow vehicles to manoeuvre. It is also considered that separate driveways provide an opportunity to re-site plot 1 so its relation to plot 2 and no.4 Pipe Lane is enhanced.
- 8.22. The internal boundary treatments to the front of the dwellings are to be constructed by means of a 1 metre high post and rail fence. The height and style of fencing proposed would ensure that the front of the site, which would be visible from The Green, would retain adequate openness across the front of the site.
- 8.23. There are two significant trees adjacent to the application site; a horse chestnut to the south and common lime to the north east. The proposed access track would encroach within the root protection area of the common lime. A construction management plan has been submitted which ensures there would be no adverse detrimental impacts on either tree during construction. There are several trees adjacent to the north west boundary, outside the application site. The proposed dwellings and associated works would not impact upon these.
- 8.24. The design of the dwellings themselves comprises simplistic gabled designs which follow the general characteristics and proportions of the buildings within the conservation area. The proposed gable pitch would be similar to that of dwellings within the surrounding area and would complement the existing and consistent rural design of the area.
- 8.25. It is proposed to construct the dwellings using a mix of facing brick, smooth white render and cedar timber cladding with a clay roof tile. Windows and doors are to be constructed using warmcore aluminium. The proposed choice of materials would



## APPENDIX A

again be consistent with that of the surrounding area, ensuring that the special character of the conservation area would be preserved.

- 8.26. Solar panels are also proposed across the two dwellings. However the solar panels are to be sited on the elevations facing away from The Green to ensure there would be no visibility from the north east. In addition, the proposed panels would form part of the roof, as such not protruding above the existing roof slope. Roof lights are proposed but these are to be specific conservation style roof lights.
- 8.27. A full hard and soft landscaping scheme has been submitted with the application to ensure adequate screening and associated planting mixes across the site that would be in keeping with the character of the conservation area.
- 8.28. In light of the above, it is considered that the proposal would preserve the character of the conservation area. The proposal is therefore in accordance with Policies DM10, DM11 and DM12 of the SADMP.

### Impact upon neighbouring residential amenity

- 8.29. Policy DM10 of the adopted SADMP requires that the amenities of the occupiers of proposed developments would not be adversely affected by activities within the vicinity of the site.
- 8.30. Plot 1 would be located in close proximity to the boundary adjoining no.4 Pipe Lane. The rear garden of no.4 currently enjoys an aspect to the rear. The proposed dwelling would create a gable near to the north west corner of the garden with projections to the north and south with roofs sloped away from no.4. The proposed dwellings would impact on the current open aspect from the garden with the introduction of the development. However due to its location primarily along the side boundary and not immediately to the rear, it is not considered there would be a significant overbearing impact.
- 8.31. A first floor glazed element faces north east (towards The Green). This glazed element serves an open void above the ground floor, and due to the orientation, would not result in any overlooking impacts upon no. 4.
- 8.32. Rooflights proposed on the entrance elevation facing towards no. 4 are to be conditioned to be a minimum of 1.7 metres above the floor of the room to which they serve.
- 8.33. Concerns have been raised regarding the use of the land immediately behind no. 4 Pipe Lane. This area of land is to serve the access and turning area for plot one along with a front landscaped area. This area of land would not be used as private amenity space and as such would not result in any adverse overlooking impacts.
- 8.34. Plot 2 would be located parallel to an area of garden land of 24 The Green. The boundary between the proposed dwelling and the garden of 24 The Green comprises several mature trees which would mitigate any overlooking of the neighbouring rear garden. It is not considered that the proposed dwelling would have an overbearing or overshadowing impact on occupiers of 24 The Green.
- 8.35. Due to the distance from habitable windows and the dwelling itself, Plot 2 would not result in any severe overlooking or overbearing impacts upon the residential properties to the south.
- 8.36. Concern has been raised over noise and disturbance caused by cars accessing the proposed dwellings especially at night. The location of the access has been previously approved through the previous application where it was considered that given the relatively minor scale of development proposed, the resultant level of disturbance from the use of the access is not considered to result in a material level of harm to the existing or future occupants.

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- 8.37. Sufficient private amenity space is available to the future occupiers of both Plot 1 and Plot 2.
- 8.38. Loss of view from neighbouring properties is not a material planning consideration.
- 8.39. As such the proposal would not result in any adverse residential amenity impacts, in accordance with Policy DM10 of the SADMP.

### Impact upon highway safety

- 8.40. 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/justified level of parking provision.
- 8.41. It is proposed to use the existing field access adjoining The Green to gain access to the proposed dwellings. This is consistent with the access that was proposed as part of planning application ref: 15/00633/FUL, which was approved subject to conditions.
- 8.42. Details submitted show that the proposed access would be widened to 5 metres at the edge of the highway boundary. Visibility splays could also be achieved on the access onto The Green. Given the previous permission and proposed driveway and access details, it is considered that the development would not result in any adverse highway safety impacts.
- 8.43. Each of the proposed dwellings would have five bedrooms and therefore there is a requirement for three car parking spaces to be provided per dwelling. There would be sufficient space to the front of each plot for at least three vehicles to park and manoeuvre so that future occupiers can egress the site in a forward gear.
- 8.44. The proposal provides a suitable level of car parking provision and would not be detrimental to highway safety in accordance with Policies DM17 and DM18 of the SADMP.

### Drainage

- 8.45. 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 exacerbate flood risks.
- 8.46. There is no mains drainage serving the site so the foul drainage would need to be connected to a bio-disc treatment plant to discharge the soakaway with storm water discharged to rainwater harvesting tanks. In line with the existing nature of the site and the proposed alternative drainage treatment, it is recommended that full details of the foul drainage system would need to be submitted prior to commencement of development.
- 8.47. Subject to provision of a suitable drainage system, it is considered that the proposed development would not create or exacerbate flood risk and is in accordance with Policy DM7 of the SADMP.

### Ecology

- 8.48. Policy DM6 of the SADMP seeks to ensure that development proposals demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management. The removal or damage of such features shall only be acceptable where it can be demonstrated that the proposal would result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 8.49. An ecological survey was submitted in support of the application which identified that no evidence of protected species was recorded on the site. However, given that evidence of foraging badgers was recorded on site in the previous survey (2014) it

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is considered necessary to condition that the recommendations of the report are followed.

- 8.50. As such, the proposal would be considered to be in accordance with Policy DM6 of the SADMP.

### Other issues

- 8.51. Concerns regarding the drainage suitability of the development would be covered by condition and at the building control stage.

## 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 in a sustainable location within the settlement boundary of Orton on the Hill where residential development is acceptable in principle.

- 10.2. By virtue of the proposed layout, scale, design and appearance, the scheme would preserve and enhance the character and appearance of the conservation area and would not give rise to any material adverse impacts on the amenities of the occupiers of any neighbouring properties. The proposed layout also allows adequate access and off-street vehicle parking and turning to be provided within the site to ensure that it would not result in any adverse impact on highway safety.

- 10.3. The proposed scheme is considered to be in accordance with Policy 13 of the Core Strategy and policies DM1, DM6, DM7, DM10, DM11, DM12, DM13, DM17 and DM18 of the SADMP.

## 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.

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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 drg. no. 17 75 06  
received by the Local Planning Authority on 9 July 2018

Site Plan drg. no. 17 75 01K  
Site Elevations drg. no. 17 75 05C  
Plot 1 Elevations and Floor Plans drg. no. 17 75 02J  
Plot 2 Elevations and Floor Plans drg. no. 17 75 03J  
Proposed Landscaping drg. no. KL 382 001  
received by the Local Planning Authority on 3 August 2018

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

3. The materials to be used on the external elevations of the dwellings hereby permitted shall be carried out in in complete accordance with the submitted application details, as follows:

Proposed Cedar Timber Cladding Sample  
Proposed K-Rend Smooth White Render Sample  
Proposed Weinerberger Terca Pendleton Antique Facing Brick Sample  
Proposed Window and Door Warmcore Aluminium Sample  
received by the Local Planning Authority on 6 July 2018

Proposed Solar Panels GSE In-Roof Inset System Brochure  
Proposed Solar Panels LG Cello Design Brochure  
received by the Local Planning Authority on 27 July 2018

Proposed Hawkins Staffordshire Blue Clay Roof Tile Sample  
received by the Local Planning Authority on 3 August 2018

**Reason:** To ensure the materials of the proposal are appropriate to its location and it does not detract from visual amenity of the area in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan.

4. The hard and soft landscaping scheme shall be carried out in accordance with the approved Proposed Landscaping drg. no. KL 382 001 received by the Local Planning Authority on 3 August 2018. All hard landscaping, planting, seeding or turfing 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. 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 Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document.

5. The development shall be carried out in accordance with the recommendations (section 5) contained within the submitted Protected

## APPENDIX A

Species Assessment dated January 2018 received by the Local Planning Authority on 9 July 2018.

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

6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the approved Site Plan drg. no. 17 75 01K received by the Local Planning Authority on 3 August 2018. Thereafter the onsite parking provision shall be so maintained in perpetuity.

**Reason:** To enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document.

7. 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.

8. Notwithstanding the submitted details, prior to commencement of development, full details of a scheme for the disposal of surface water and foul water on-site to serve the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. 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 Site Allocations and Development Management Policies Development Plan Document.

9. No demolition/development shall take place/commence until trees T1 (horse chestnut) and T9 (lime), identified on the submitted Tree Location Plan drg. no. 5273 FE TL 02 received by the Local Planning Authority on 9 July 2018, have been protected by the erection of temporary protective fences in accordance with the details included within the Tree Protection Method Statement received by the Local Planning Authority on 27 July 2018 and as shown on the approved Site Plan drg. no. 17 75 01K received by the Local Planning Authority on 3 August 2018. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5 cm or more shall be left unsevered.

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**Reason:** The trees are important features in the area and to ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

10. The construction of the access drive where it crosses the root protection area to the north/west of T9 Lime tree shall be carried out in accordance with the submitted Construction of Access Drive Statement received by the Local Planning Authority on 27 July 2018 and as shown on the approved Site Plan drg. no. 17 75 01K received by the Local Planning Authority on 3 August 2018

**Reason:** The tree is an important feature in the area and to ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

11. As shown on approved plan, Plot 1 Elevations and Floor Plans drg. no. 17 75 02J received by the Local Planning Authority on 3 August 2018, the two first floor velux roof lights within the proposed north east facing entrance elevation on Plot 1 (serving the master bedroom) shall be constructed a minimum of 1.7 metres above the floor of the room which the window is installed and shall thereafter be permanently retained in this approved form.

**Reason:** To ensure the development does not have a detrimental impact upon neighbouring residential amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

### 11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Prior to commencement of development contact should be made with Cadent to discuss the proposals.

Planning Committee 20 November 2018  
Report of the Interim Head of Planning

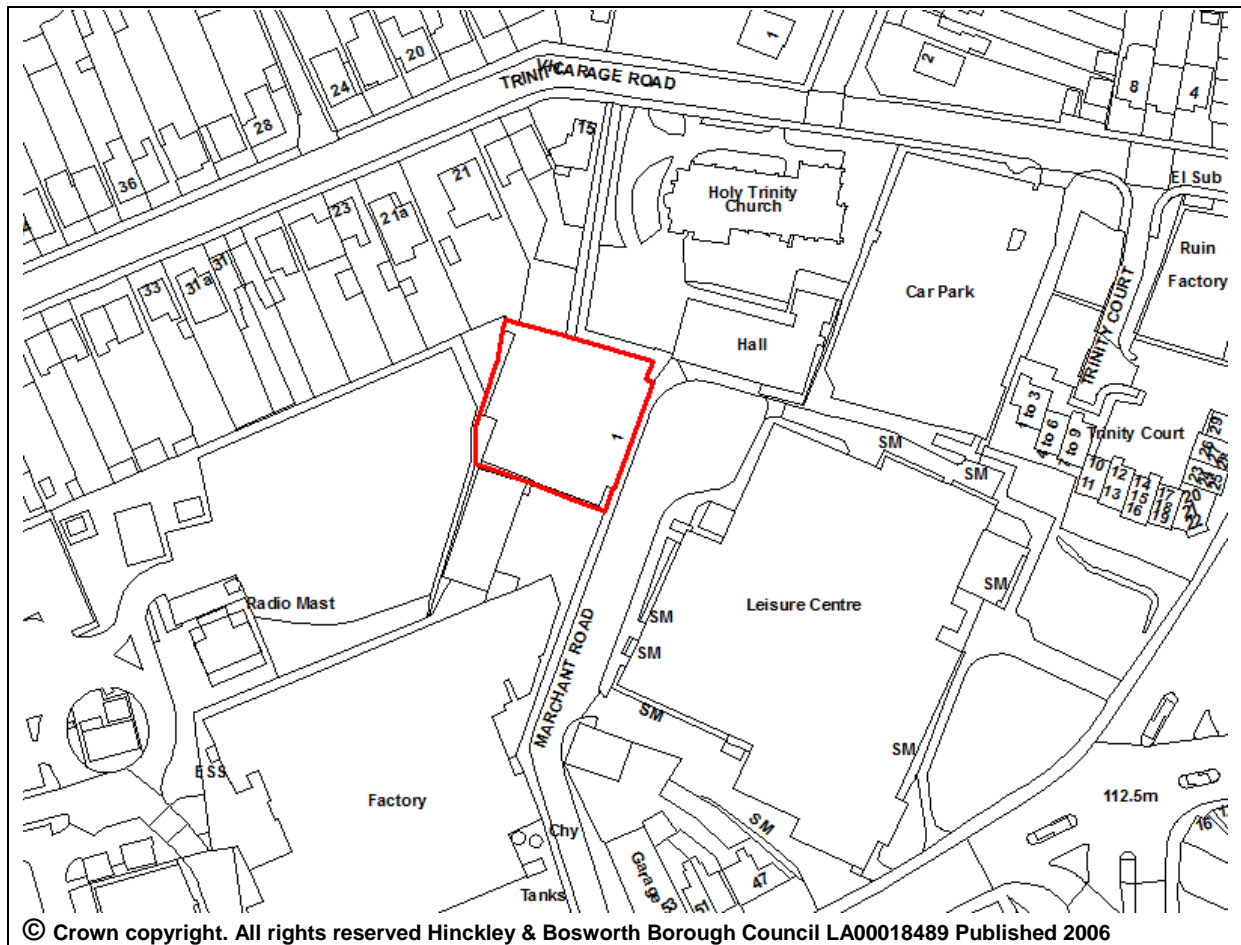


Hinckley & Bosworth  
Borough Council

Planning Ref: 18/00770/OUT  
Applicant: C/O Agent  
Ward: Hinckley Castle

Site: The Meeting Centre 1 Marchant Road Hinckley

Proposal: Demolition of existing D1 unit (1 The Meeting Centre) with proposed erection of 18 flats (Outline – Access, Layout and Scale only)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - Affordable housing - Four (4) units (tenure or unit size not specified)
  - Public open space facilities/public realm improvements - £20,259.94
- Planning conditions outlined at the end of this report.

1.2. 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.

1.3. 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 demolition of the existing building and the erection of 18 apartments with 6 three storey blocks with 12 allocated parking spaces. Access, layout and scale are matters for consideration. Appearance and landscaping are reserved matters.
- 2.2. A Design and Access Statement including computer generated images and Heads of Terms information sheet have been submitted to support the application.
- 2.3. Amendments have been sought and received after objections from nearby residents which have resulted in the relocation of block 4 from the northwest corner of the site to its current position adjacent to block 5 on the north-east corner of the site. Further information in regard to boundary treatments has also been received.

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

- 3.1. The site comprises a former factory building which is currently used as a conference centre/venue (D1 use).
- 3.2. The site lies to the south of Trinity Vicarage Road and the Holy Trinity church with residential properties to the north east of the site. To the south west is a vacant plot formerly a factory (H.J Hall & sons) which is the subject of planning application 17/01073/FUL for its re-development to a Lidl supermarket and to the south east is the former Leisure Centre site. Further to the east is the car park associated with Cadent.

## **4. Relevant Planning History**

01/00350/COU	Part Change of use from manufacturing to offices Use	Approved	19.07.2001
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## **5. Publicity**

- 5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2 Seven letters of objection have been received. The main objections are précised below:
  - 1) Invasion of privacy
  - 2) Overwhelming impact of 3 storey buildings adjacent to the rear boundaries of residential properties
  - 3) Lack of on-site parking spaces
  - 4) Over-development
  - 5) Detrimental impact on property values
  - 6) Potential noise issues from occupiers of flats
  - 7) Proposed 2m high fence is inadequate

## **6. Consultation**

- 6.1 No objections, some subject to conditions, have been received from:-
  - Leicestershire County Council (Highways)
  - Leicestershire County Council (Ecology)
  - Leicestershire County Council (RoW)
  - Severn Trent Water Limited
  - HBBC Conservation
  - HBBC Environmental Health (Drainage)
  - HBBC Environmental Health (Pollution)



HBBC Street Scene Services (Waste)  
HBBC Affordable Housing  
NHS (West Leicestershire CCG)

## **7 Policy**

### 7.1 Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

### 7.3 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 heritage assets and the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Infrastructure contributions
- Other issues

#### Assessment against strategic planning policies

8.2 Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) and the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved.

8.3 Hinckley is a sub-regional centre and identified as a sustainable location for new residential development in Policy 1 of the SADMP. Policy 1 supports new residential development provided that it is within the boundaries of a settlement and that the siting, design and layout do not conflict with relevant plan policies.

8.4 The site is located within the settlement boundary of Hinckley and in a highly sustainable location in the town centre close to a full range of services and facilities where residential development is generally acceptable in principle subject to all other planning matters being satisfactorily addressed. The site falls under a formal employment use designation within the adopted SADMP and policy DM19 applies.

- 8.5 Policy DM19 relates to existing employment sites. The site falls within a larger designated employment site with the majority of the site comprising Cadent Gas and associated parking. The eastern third of the site, originally John Hughes, has been demolished and a planning application for a retail food store (17/01073/FUL) is on-going. This eastern part of the site is described within the Employment Land and Premises Study (2013) as being in poor condition with sensitive adjoining uses including the Holy Trinity Church and residential properties (to the north/east) A partial change of use for 75% of the ground floor from manufacturing to offices was approved in 2001. The application building is currently in use as function rooms (D1 use). Where proposals result in partial or total loss of Class B use, the applicant must demonstrate that (i) the site is no longer suitable or reasonably capable of being redeveloped for employment purposes and; (ii) the site has been proactively marketed (for a reasonable period of time) at a reasonable market rate as supported and demonstrated through a documented formal marketing strategy and campaign – in line with the most up to date Employment Land and Premises Review (iii); or there will be a significant community benefit which outweighs the impact of losing the employment site.
- 8.6 The applicant has submitted a sworn statement and photographic evidence in the form of some invoices and photographs of various events that have taken place within the building since 2001. This information is incomplete and insufficient to demonstrate a lawful use has been established.
- 8.7 Additionally, some marketing information has been provided by the applicant, however not to the detail identified within Appendix 10 of the Employment Land and Premises Study (2013). This states that the building has been for sale since January 2018. The property was originally for sale by auction with a guide price of £650,000. This was later reduced to £500,000 with little interest for the D1 use. Two offers have been received for the site with interest only for a change of use for residential purposes. However, this is not considered sufficient in detail to meet criterion ii) of Policy DM19.
- 8.8 The applicant has failed to satisfy criteria b) of Policy DM19 of the SADMP, which allows for the loss of a Class B employment site to another use, and therefore the redevelopment of the site for residential development is contrary to Policy DM19 of the SADMP which seeks to retain the site for business uses.

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

- 8.9 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. Policies DM11 and DM12 seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.11 The proposal is located adjacent to and within the wider setting of the grade II listed Church of the Holy Trinity. The church was constructed in 1909-10 by Alexander Ellis of Birmingham in a Gothic style. It is constructed of random rubble with ashlar dressings and has a plain tile roof. The building has a reasonable mass being set

within 7 bays, and the height of the walls and occupation of high ground means it does stand out within the wider area, but not to its original intended extent as a planned north aisle and tower was never completed.

- 8.12 The meeting centre is a relatively modern building of no particular architectural merit. There is a visual relationship between the centre and the church but the appearance of the centre means the contribution it makes to the significance of the church is neutral. There are no historical or other relevant relationships between the two buildings.
- 8.13 As the detailed design has yet to be submitted (through a future Reserved Matters application), it is only the scale, layout and access to/of the scheme that is under consideration. The proposed scale and layout of the scheme comprises 6 blocks of three storeys with flat roofs with a central parking area/courtyard and a single point of access from Marchant Road. Due to the topography of the surrounding land, the buildings would be visible from fairly far reaching views particularly as the land to the south of the site is currently vacant. An application for a retail supermarket (17/1073/FUL) is currently under consideration on land immediately to the south/south-east. The proposed scheme would be complementary when viewed together. From other views along Coventry Road and the town centre, the proposal at three storeys would not overwhelm or form an alien feature on the skyline. Whilst the appearance details are not included within this submission, it is considered that the scheme could deliver development which is complimentary to its surroundings but of a design which would improve the character of the area and contribute towards the regeneration of the wider area, which includes the old leisure centre site (to the east) and the HJ Hall & Sons site (to the south).
- 8.14 The scale and layout of the proposed units reflect the varied characteristics of development in the surrounding area and the wider setting of the grade II listed church. A contemporary design approach, as proposed, is not considered to compromise the special historic and architectural interest of the church and will sit comfortably within its surrounding context. For these reasons the proposal is considered to have no adverse impact on the setting of the grade II listed church and consequently the proposal is compatible with its significance. Therefore the proposal complies with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

#### Impact upon neighbouring residential amenity

- 8.15 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.16 The proposed development would result in a significant increase in the built form of development resulting in six three storey buildings.
- 8.17 The northern elevation of the existing building forms the boundary with the residential property no 19 and part of the rear boundary with no 21 Trinity Vicarage Road.
- 8.18 Although landscaping is not a matter for consideration within this application, the applicant has stated on the proposed layout plan that that a 2m high fence will be erected on this boundary in order to safeguard the privacy and security of the occupiers. Some indicative soft landscaping is also shown to create a softer edge to the site in this corner with some hedging adjacent to the right of way between the site and the church in the north-west corner of the site. Boundary treatments on the

western and southern boundaries are proposed also as a 1.2m high wall with 600mm metal railings which will provide an open aspect into the site. Although there remain objections from affected residential neighbours in regard to the proposed fence, these can be resolved at Reserved Matters stage in terms of height, design and materials. A Condition is to be imposed upon this permission in regard to the boundary treatments to ensure that the security of the adjoining residents is not compromised.

- 8.19 'Block 4' was originally to be located in the north-west corner of the site immediately adjacent to the rear boundaries of no's 19 and 21 Trinity Vicarage Road. After discussion with the applicant, block 4 has now been relocated adjacent to block 5 in the north-east corner of the site away from away from any residential properties. The existing building forms the rear boundary with the entire southern boundary of the garden of no 19 and apart of the rear boundary of no 21 Trinity Vicarage Road. The proposal provides for the erection of a 2m high fence to these residential gardens for continued privacy and security.
- 8.20 Although the external design of the proposed residential units is not a consideration here, internal layouts have been provided. Window positions on the north and west elevations of blocks 3 and 4 would afford oblique views towards the residential properties on the south side of Trinity Vicarage Road. However, these units are between 40-45m from the rear elevations of the affected properties and a line of mature trees form the western boundary of the existing Right of Way which runs between Trinity Vicarage Road and Marchant Road which provide additional screening. Appropriate separation distances and conditions could be imposed, subject to a final design and internal layout, to ensure that the proposal would not result in any severe overlooking impacts to warrant refusal.
- 8.21 In terms of potential loss of light or an overbearing impact, the scale of the development comprises 6 blocks each with 3 storeys. Indicative drawings show the built form with flat roofs which would result in each individual block of a height of approximately 9m in height. Although the site is to the south of the adjacent properties, there is sufficient space between the proposed built form and the existing dwellings to not cause significant issues in relation to loss of light or to have an overbearing impact on these dwellings.
- 8.22 In this regard, it is considered that the proposal in its current form would not cause significant harm to existing residential amenities through overlooking or loss of privacy, loss of light or have an overbearing impact for the occupiers of the dwellings on Trinity Vicarage Road, in accordance with Policy DM10 of the SADMP.

#### Impact upon highway safety

- 8.23 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. The applicant has proposed 12 car parking spaces for the 18 dwellings proposed.
- 8.24 The Local Highways Authority has no objections to the reduced parking layout despite there being a shortfall of 6 spaces (there are 12 spaces for 18 units). They advise that the spaces would be allocated to specific units within the development which would ensure that any potential purchaser would be fully aware of the provisions for parking on the site with regard to their property and prevent spaces used on a first come, first served basis with the consequential greater potential for

overspill parking within the public highway or on private land in the vicinity of the development. The updated plan reflects this advice.

8.25 The turning and manoeuvring space available within the parking area is adequate. The development also makes provision for bicycle storage which is anticipated to aid with the sustainable transport options to the site and which is expected to be utilised given the town centre location.

8.26 In regard to the level of vehicular parking provided, the scheme is acceptable and complies with Policy DM17.

#### Drainage

8.27 Policy DM7 of the adopted SADMP requires that development proposals demonstrate that they would not create or exacerbate flooding.

8.28 The requirements for a Flood Risk Assessment for planning applications is as follows (extract from EA website):

#### *When you need an assessment*

*You need to do a flood risk assessment for most developments within one of the flood zones. This includes developments:*

- *in flood zone 2 or 3 including minor development and change of use*
- *more than 1 hectare (ha) in flood zone 1*
- *less than 1 ha in flood zone 1, including a change of use in development type to a more vulnerable class (for example from commercial to residential), where they could be affected by sources of flooding other than rivers and the sea (for example surface water drains, reservoirs)*
- *in an area within flood zone 1 which has critical drainage problems as notified by the Environment Agency*

8.29 The development site is in Flood Zone 1 and less than 1 Hectare – it does involve a change of use to a more vulnerable class. The site is not affected by other sources of flooding (surface water drains, reservoirs). Therefore in these circumstances an FRA would not be required, and a suitable SuDS scheme can be secured by condition.

#### Affordable housing

8.30 Policy 15 of the adopted Core Strategy requires the provision of 20% affordable housing on sites of over 15 dwellings or more or on sites measuring 0.5 hectares or more in Hinckley. For all sites a tenure split of 75% social rented and 25% intermediate housing is required to support mixed sustainable communities. These figures may be negotiated on a site by site basis.

8.31 The Housing Strategy and Enabling Officer has confirmed that as of 10<sup>th</sup> August 2018, there were 1520 households on the Council's housing register for Hinckley, including 709 households for 1 bedroom accommodation and 545 households for two bedroom accommodation. In this case, the provision of a total of 4 affordable units, with a mix of one and two bedroom dwellings of any tenure within the scheme and therefore would be in accordance with Policy 15 of the Core Strategy.

#### Infrastructure contributions

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

8.33 The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations

confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

*Public open space/public realm*

- 8.34 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. Policy 1 of the adopted Core Strategy and Policy 11 of the adopted Hinckley Town Centre AAP seek new development to enhance the public realm within Hinckley town centre. The Open Space, Sports and Recreational Facilities (PPG17) Study provides further advice on the quality of facilities at each designated public open space.
- 8.35 In this case, the site is located within the Hinckley town centre and within 400 metres of Clarendon Park open space facilities which include a children's play area and outdoor sports facilities. Clarendon Park has a quality percentage of 72% and the contribution of £20,259.94 has been identified towards improving this public open space facility contributing towards a proposed running track. The request for these monies is necessary, directly and fairly related in scale to the development and is therefore in accordance with the CIL regulations.

**9 Planning Balance**

- 9.1 The proposal would result in the delivery of 18 dwellings, of which 4 would be affordable, within a highly sustainable location. The additional dwellings would provide a benefit in social terms to the provision of housing and affordable housing within the borough.
- 9.2 The development would add some economic benefits, not only temporary, associated with the construction of the development, but also in the long-term with residents spend contributing to the economy within Hinckley Town centre.
- 9.3 There is no harm identified to the character and appearance of the wider area or to the adjacent Heritage Asset. The re-development of the site would marry well with the long term aspirations for the regeneration of the wider area including the HJ Hall and Son factory site to the south (which is currently subject to an application for a Lidl retail store) and the old Leisure Centre to the east (which is an allocation for residential use). The proposal would therefore provide environmental benefits through the re-development of the site creating an improvement to the character of the area which would link into the wider redevelopment of the surrounding area.
- 9.4 Whilst the proposal is contrary to Policy DM19 due to the loss of an identified employment site, it is considered that the benefits identified are significant and would outweigh the loss of this employment use. The proposal is therefore considered sustainable development and is acceptable.

**10 Equality Implications**

- 10.1 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.

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

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

## 11 Conclusion

11.1 The proposal is contrary to Policy DM19 due to the loss of an allocated employment site. However, it is identified that the proposal would bring a number of benefits both economically, socially and environmentally which would result in a sustainable form of development. The identified benefits are considered to outweigh the loss of this employment site and is therefore considered to be acceptable.

11.2 The proposal would be in accordance with Policies 1, 15 and 19 of the adopted Core Strategy and Policies DM1, DM3, DM7, DM10, DM11, DM12, DM17 and DM18 of the adopted SADMP and is therefore recommended for approval subject to conditions.

## 12 Recommendation

12.1 **Grant planning permission** subject to:

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

- A contribution of £20,259.94 has been identified towards improving the Clarendon Park public open space facility
- The provision of a total of 4 affordable units, with a mix of one and two bedroom dwellings of any tenure within the scheme
- Planning conditions outlined at the end of this report

12.2 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.

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

### 12.4 Conditions and Reasons / 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 appearance of the development including the aspects of a building or place that determine the visual impression it makes.
- b) 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.

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

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Existing Site Location Plan, Dwg no 018-056-OP\_EX\_000, Scale 1:1250 @ A3; Existing Block Plan, Dwg no 018-056-OP\_EX\_001, Scale 1:1250 @ A3; Proposed Site Block Plan, Proposed Layout Plan, Dwg no 018-056-OP\_PR\_003\_Rev B, Scale 1:200 @ A3; Proposed Layout Plan Boundary Treatment, Dwg no 018-056-OP\_PR\_004\_Rev B Scale 1:200 @ A3.

**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).

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

5. No development shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings have been submitted to and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

6. No development shall commence on site until surface water drainage details, incorporating sustainable drainage principles (SuDS) and foul sewerage disposal details have been submitted to and approved in writing by the local planning authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

7. 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 agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

**Reason:** To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with



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

8. 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).

9. No development shall commence on site until a Construction Environmental Management Plan which includes a construction traffic/site traffic management plan, have been submitted to and agreed in writing by the local planning authority. The plans shall include hours of operation and detail how, during demolition, site preparation and construction phase of the development, the potential impact on residential amenities and the environment from dust, odour, noise, smoke, light and land contamination shall be prevented or mitigated, wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision. The plans shall detail how such controls will be monitored and provide a procedure for the investigation of complaints. The approved details shall be implemented throughout the course of the development.

**Reason:** To protect the amenity of neighbouring occupiers and the environment during the site preparation and construction phase to accord with Policies DM7, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. No part of the development hereby permitted shall be occupied until such time as the access, parking, turning and layout arrangements including secure bicycle storage as shown on the Proposed Layout Plan Dwg no 018-056-OP-PR-003 Rev B have been implemented in full. Thereafter the onsite parking provision shall be so 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; that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally; to enable vehicles to enter and leave the site in a forward direction; in the interests of general highway safety and in accordance with the National Planning Policy Framework (2018).

11. 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.

**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 the National Planning Policy Framework (2018).

12. Prior to the first occupation of any of the apartments hereby permitted, the refuse waste and recycling storage areas shall be provided in accordance with the details submitted on Proposed Layout Plan, Dwg no 018-056-OP\_PR\_003\_Rev B and once so provided shall be permanently retained for such use at all times thereafter.

**Reason:** To ensure that the future occupiers of the development are provided with satisfactory waste and recycling storage facilities in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. No development shall commence on the site until full details of the boundary treatments have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

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

#### **12.5 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 6 and 7, 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. This planning permission does NOT allow you to carry out access alterations in the highway or to erect any signage in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at [www.leics.gov.uk/6csdq](http://www.leics.gov.uk/6csdq).
5. 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 Highway Authority.

Planning Committee 20 November 2018  
Report of the Interim Head of Planning

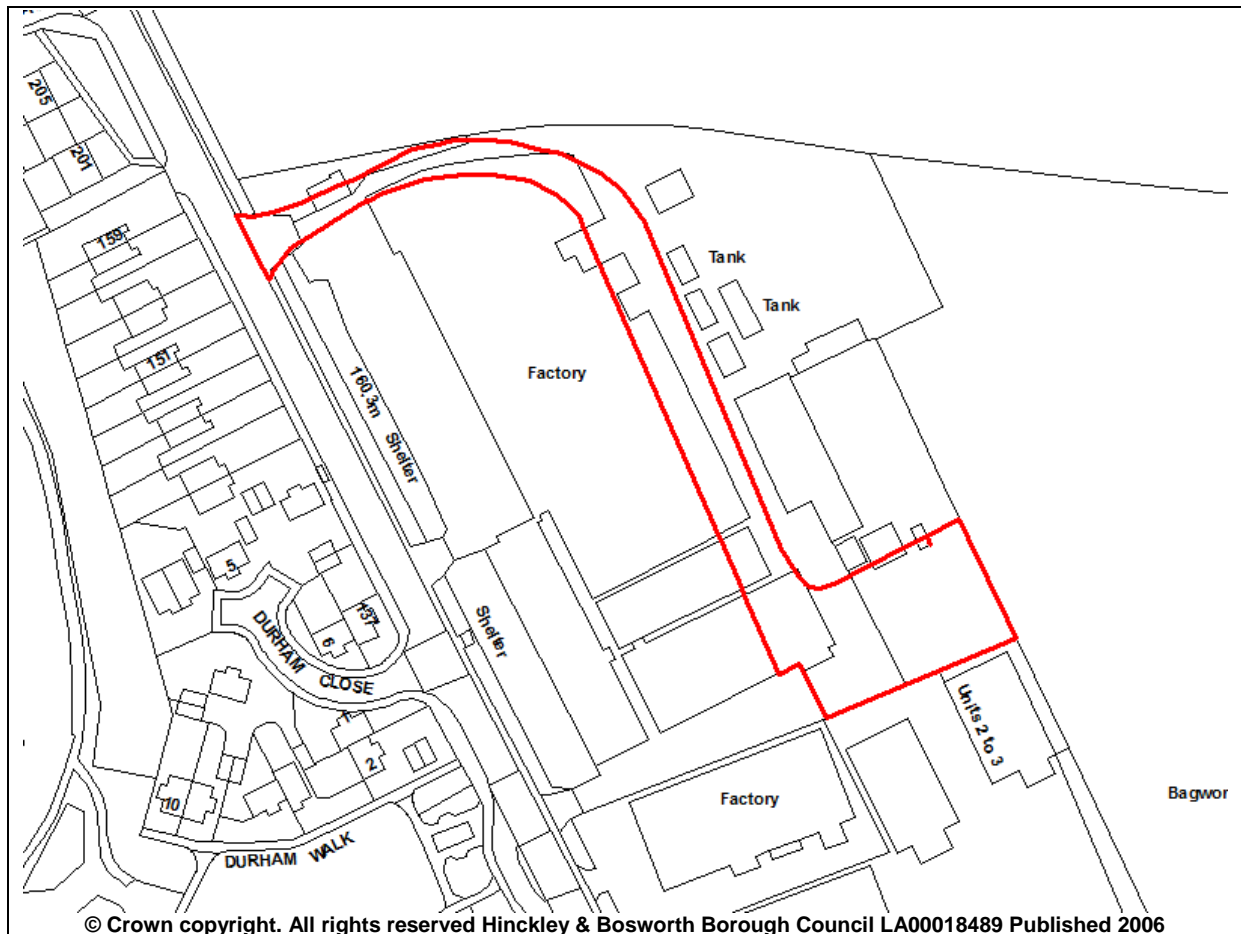


Hinckley & Bosworth  
Borough Council

Planning Ref: 18/00706/FUL  
Applicant: Mr Chris Loizou  
Ward: Ratby Bagworth And Thornton

Site: Dunlop Limited Station Road Bagworth

Proposal: **Erection of 6 dwellings with associated parking and landscaping**



## 1. Recommendations

### 1.1. Grant planning permission subject to

- The prior completion of a S106 agreement to secure the following obligations:
  - 100% affordable housing provision;
  - Primary education - £8, 301.06;
- Planning conditions outlined at the end of this report.

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

### 1.3. That the Interim Head of Planning and Development 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 planning permission for the erection of 6 dwellings and associated infrastructure. The development proposes 100% affordable housing of a social rented tenure and comprises the following mix of dwellings
- 4 x 2 bedroom houses; and
  - 2 x 3 bedroom houses.
- 2.2. The layout of the scheme has been amended during the assessment of the application with the relocation of parking spaces (at the request of LCC Highways).
- 2.3. The scheme forms part of a larger (implemented) scheme for 61 dwellings approved under 17/00634/FUL.

## 3. Description of the Site and Surrounding Area

- 3.1. The application site is bounded by residential properties to the west facing Station Road and to the north and east are fields. Adjoining the southern end of the application site is an employment/industrial site.
- 3.2. The application site was previously used by Dunlop and land to the east comprising some woodland planting. The former Dunlop site was granted planning permission for 61 dwellings (100% Social Rented Tenure) under 17/00834/FUL and this scheme is currently under construction.

## 4. Relevant Planning History

10/00640/OUT	Mixed use development comprising up to 68 dwellings and employment (Use Classes B1c and B2) (Outline - access only).	Refused	02.12.2010
11/00063/OUT	Erection of up to 61 dwellings and 2800 square metres of employment floorspace (class b1) (outline - access and layout only)	Outline	28.04.2011
14/00426/OUT	Redevelopment of former factory for residential development and employment (B1 and B2) (outline - access only)	Permission	19.01.2016
17/00634/FUL	Demolition of existing industrial unit and erection of 61 dwellings	Permission	30.10.2017
86/00418/4	Retention of wooden storage building	Permission	03.06.1986

82/00964/4	Erection of single and two storey extension to factory building	Permission	25.01.1983
81/00692/4	Retention of wooden storage building	Permission	21.07.1981
74/00761/4	Retention of extensions to offices and mill room	Permission	29.10.1974

## 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. Seven letters objecting to the application have been received; the comments are summarised as follows:
- 1) Loss of original commitment to provide employment opportunities
  - 2) The development will create a greater need for facilities including schools, doctor's surgeries, community facilities and parks
  - 3) Poor transport links
  - 4) Domination of affordable/social housing in the village
  - 5) Existing issues with cars speeding along Station Road
  - 6) No S106 Contributions were provided previously and unlikely to be any this time round

## 6. Consultation

- 6.1. No objection, some subject to conditions, has been received from the following:
- Leicestershire County Council (Highways)  
Leicestershire County Council (Ecology)  
Leicestershire County Council (Drainage)  
Leicestershire County Council (Education) request the £8,301.06 obligation for primary education  
Environmental Health  
Affordable Housing Officer  
Waste Services
- 6.2. Bagworth and Thornton Parish Council – object to the application because the development is not sustainable development for the following reasons:
- 1) There is an acute problem of educational provision for primary and secondary school places in the surrounding schools
  - 2) Due to the change to the previous application which resulted in the non contribution of S106 monies, which was estimated to be approximately £35,792, this further development would increase the strain on an already facilities lacking village
  - 3) With the addition of 61 dwellings already currently being built, Bagworth now has a total of approximately 690 dwellings. The settlement has no GP practice, supermarket, pharmacy, post office, library or dentist and has no significant employers. The development would therefore increase the existing pressure for car borne journeys to be made to access basic facilities and for work

## **Policy**

### 6.3. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 10: Key Rural Centres within the National Forest
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 21: National Forest

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

- Policy SA4: Former Dunlop Factory, Station Road, Bagworth
- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### 6.5. National Planning Policies and Guidance

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

## **7. Appraisal**

### 7.1. Key Issues

- Assessment against strategic planning policies
- Affordable housing
- Design and impact upon the character of the area
- Impact upon amenity
- Impact upon highway safety
- Flood risk and drainage
- Ecology
- Contamination
- Play and open space
- Planning obligations
- Viability
- Demolition and construction

#### Assessment against strategic planning policies

7.2. The application site is located within the settlement boundary of Bagworth and forms part of a designated mixed-use allocation.

7.3. Policy 7 of the Core Strategy identifies that to support the Key Rural Centres and ensure they can provide key services to their rural hinterland, the Council will support housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Policy 15 and Policy 16.

7.4. Policy 10 of the Core Strategy identifies that to create a new sense of place and improve the provision of local services the Council will allocate land for the development of a minimum of 60 new homes at Bagworth.

7.5. Policy SA4 of the SADMP states that development proposals for the site at the Former Dunlop Factory should ensure a mixed-use development which:

- Retains a minimum of 2,800sqm of B1/B2 employment floor space on site;
  - Provides B1/B2 starter units of between 150-300sqm on site;
  - Delivers a minimum of 61 dwellings with a housing density, mix and design in line with Core Strategy Policy 16; and
  - Ensures the amenity of future occupiers of both residential and employment units would not be adversely affected in line with Policy DM10.
- 7.6. This application seeks planning permission for the erection of 6 additional dwellings taking the total number of dwellings on the site from 61 to 67. The number of dwellings would be in accordance with Policies 7 and 10 of the Core Strategy and Policy SA4 of the SADMP. Although this part of the site was excluded from the red lined site area within the 2017 application, it is currently used as the site offices/canteen facilities. The land does not form part of the allocated employment land.
- 7.7. The proposed development forms part of the allocation SA4 which seeks provision for B1 and B2 uses. The application site only forms part of the mixed-use allocation and retains sufficient land to the south which would be able to meet the employment needs as identified in Policy SA4.
- 7.8. The application is considered to be acceptable in-principle in accordance with Policies 7 and 10 of the Core Strategy and Policy SA4 of the SADMP, subject to an assessment of the impact of future occupiers made below, and satisfying all other relevant policies and material planning considerations.

#### Affordable Housing

- 7.9. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. At least 480 dwellings will contribute to this target in rural areas. Policy 15 requires that for all sites, the tenure split will be 75% social rented and 25% intermediate housing. These figures may be negotiated on a site by site basis.
- 7.10. It has been identified that there are currently 939 applicants on the register for affordable dwellings, 14 of which have a connection to Bagworth. The Residential Land Availability Monitoring Statement for 1 April 2017 – 31 March 2018 identifies that since the start of the plan period to 31<sup>st</sup> March 2018, 1056 affordable dwellings have been provided. Therefore, the requirement to provide 2090 dwellings by 2026 is not on track to being met.
- 7.11. This development proposes an additional 6 dwellings on the site making a total of 67, all of which would be of a social rented tenure. Bagworth is a settlement which falls within the Protected Rural Areas in national guidance. This restricts the sale of shared ownership homes to 80% of the full market value, or obliges the Registered Provider to purchase the dwelling from the owner should they wish to sell the property. Such restriction makes it more difficult to obtain mortgages for the properties.
- 7.12. Whilst the tenure is not consistent with the 75% social rented and 25% intermediate housing split as set out in Policy 15, the Policy also states that figures can be negotiated on a site by site basis. In this case, the preferred option by the existing Registered Social Provider for this specific site is for 100% Social Rental and therefore is in accordance with Policy 15.
- 7.13. Since the site is in a rural area of the Borough, a cascade mechanism should be included within any Section 106 agreement to give preference in the first instance to applicants with a connection to the Parish of Bagworth and Thornton. If there are

surplus applicants from the parish the properties can be offered to people with a connection to the Borough of Hinckley and Bosworth.

- 7.14. The proposed development would make a further contribution towards meeting the identified affordable housing needs of the Borough over the plan period in accordance with Policy 15 of the Core Strategy.

Design and impact upon the character of the area

- 7.15. 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.
- 7.16. Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided taking into account the type of provision that is likely to be required.
- 7.17. Policy 21 of the Core Strategy seeks to support proposals that contribute to the delivery of the National Forest Strategy where the siting and scale of the proposed development is appropriately related to its setting within the Forest, the development respects the character and appearance of the wider countryside and the development does not adversely affect the existing facilities and working landscape of either the Forest or the wider countryside.
- 7.18. The proposed development comprises a mix of 2 and 3 bedroom houses which provides a mix of dwelling types to provide variation and meet the identified housing requirements.
- 7.19. The scheme follows through the original scheme with house types and materials to match those already approved. Car parking for each dwelling is also consistent with that already approved. The dwellings proposed are of a similar density and having regard to this, it is considered reasonable to remove permitted development rights for extensions, alterations to the roof and boundary treatments as per the previously approved scheme.
- 7.20. The proposed development would be in accordance with Policy DM10 of the SADMP and Policies 16 and 21 of the Core Strategy.

Impact upon amenity

- 7.21. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties. Policy SA4 of the SADMP seeks to ensure the amenity of future occupiers of both residential and employment units would not be adversely affected in line with Policy DM10. Paragraph 182 of the NPPF seeks to ensure that where the operation of an existing business could have a significant adverse effect on new development in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed.
- 7.22. The proposed dwellings would form a coherent extension to the previously approved scheme. New dwellings are currently in construction to the north and to the west. There is sufficient space separation between the proposed dwellings with gardens of an appropriate length and those under construction and in this regard there will be no undue impact from overlooking or overshadowing.
- 7.23. Adjoining the southern side of the application site is a commercial site with two adjoining businesses; Pic-a-Chic and Presscut Components. The land immediately adjacent to the development (comprising Pic-a-Chic) forms part of the mixed use allocation and the employment uses are protected. Presscut Components which also abuts the site does not form part of the mixed use site. Operations and hours of operation are unrestricted.



- 7.24. Extensive discussions have been carried out in regard to potential impact to future occupiers of the proposed dwellings and the existing use of the commercial unit currently occupied by Pic-A-Chic. Mitigation measures have been put in place in regard to identified issues relating to noise and odour with the Councils Environmental Health Officers taking a pro-active role in the discussions and negotiations. The submitted Noise Impact Assessment has modelled the noise associated with commercial operations adjacent to the site, the findings of which state that all of the properties proposed will be exposed to noise levels above recommended internal noise levels. To militate against this, it is proposed to install double glazing and acoustic trickle ventilation in all plots to ensure that recommended noise levels are met. However, if a window is opened, the internal noise levels would not be met. To mitigate this, it is proposed to install mechanical ventilation. This would give the occupier the choice to either open the window and be exposed to noise or close the window and still be provided with ventilation. A condition is to be imposed in this regard.
- 7.25. An acoustic fence between 2 metres and 3.5 metres along the site boundary is also proposed and would be a continuation of the acoustic fencing approved under the previous application. The Environmental Health officer comments that *'it is predicted that with such a fence the external amenity space will not be exposed to significant noise levels. However, a small area adjacent to the side of plot 1 will be exposed to noise levels that are higher but should not cause significant impact'*.
- 7.26. Although recommended internal noise levels are not met, sufficient mitigation is recommended within the noise impact assessment to allow future occupiers to not be affected by a significant level of noise; and therefore there is no objection based on noise impact. Conditions requiring window and trickle ventilation specifications as detailed in the Noise impact Assessment along with the fence location, height and design to be submitted for further consideration are to be imposed. In addition, a fence maintenance plan was agreed on phase 1 of the development; and this is to also be applied to this development.
- 7.27. In regard to potential Odour issues emanating from Pic-A-chic, the odour assessment and modelling identifies that at times odour may be detected on the site but not at a level that would lead to significant impact. It is therefore for this reason that there are no objections to the application on odour impact grounds.
- 7.28. However, it is necessary to state that the odour assessment and modelling is only a prediction and as with all models there is uncertainty. Pic a Chic is a potentially odorous process; however they have undertaken significant mitigation works to reduce the odour emitted. If odour complaints are received then Environmental Health will be in a position where they would investigate and take appropriate enforcement action against Pic a Chic if a nuisance is determined. However, it must be noted that the new houses, will be situated in a mixed commercial/residential area and as such occupiers should not expect the same environment as those who live in a solely residential area. Given the above assessment, it is considered that the proposed development would provide an acceptable standard of amenity for the future occupiers and due to the proposed mitigation the proximity of residential dwellings to the commercial premises would not inhibit their operations. The proposed development is in accordance with Policies SA4 and DM10 of the SADMP and paragraph 182 of the NPPF.

#### Impact upon highway safety

- 7.29. 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.

- 7.30. This application does not propose any additional access onto Station Road and would be accessed via the previously approved internal road within the site which is to be adopted. The access is in the same position as the previously approved application.
- 7.31. Although some concern has been raised over speeding vehicles and illegal vehicles travelling along Station Road, illegal vehicles along Station Road are an existing issue and are not directly related to the proposed development.
- 7.32. The proposed development would not have an adverse impact on highway safety and would provide sufficient car parking to serve the occupiers. The proposed development is in accordance with Policies DM17 and DM18 of the SADMP.

#### Flood risk and drainage

- 7.33. 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 exacerbate flood risks.
- 7.34. A flood risk assessment and drainage strategy has been submitted with the application which demonstrates that all surface water drainage could be adequately discharged with the use of an attenuation pond to be located to the east of the application site. HBBC Environmental Health (Drainage) and Leicestershire County Council (as Local Lead Flood Authority) have raised no objection to the development subject to the submission of a detailed drainage scheme to be secured through the imposition of a planning condition.
- 7.35. It is considered that the proposed development would not adversely impact on water quality and would not create or exacerbate flood risk. The proposed development is in accordance with Policy DM7 of the SADMP.

#### Ecology

- 7.36. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation.
- 7.37. An ecological Appraisal and subsequent Bat Emergence Survey have been submitted. The site is infrequently used by bats for foraging but there are no roosts on site. Additionally, no other protected species have been found to be present on the site. The hedgerow on the northern boundary of the site has ecological potential and should be retained and enhanced although it is identified as presently being species-poor. Leicestershire County Council (Ecology) has raised no objection to the application subject to the recommendations of the reports for ecological enhancements to be secured through a planning condition.
- 7.38. The proposed development would not result in the loss of features of biodiversity value. The proposed development is considered to be in accordance with Policy DM6 of the SADMP.

#### Contamination

- 7.39. Policy DM7 of the SADMP seeks to ensure appropriate remediation of contaminated land in line with minimum standards.
- 7.40. A Ground Condition Desk Top Survey and Pre-Demolition Phase II Ground Investigation have been undertaken and submitted. The report makes numerous recommendations for further investigation of differing substances and at differing stages. Environmental Health (Pollution) has commented that the additional information could be secured through planning conditions.
- 7.41. Subject to the imposition of planning conditions, appropriate remediation of contaminated land could be secured in accordance with Policy DM7 of the SADMP.

### Play and open space

- 7.42. Policy 19 of the Core Strategy and Policy DM3 of the SADMP requires new residential development over 10 dwellings to contribute towards the provision and maintenance of green space and play provision.
- 7.43. Although the scheme is for 6 dwellings, it is being assessed as part of the overall larger scheme and in this regard, contributions would be required. These are discussed below.
- 7.44. Whilst the development proposes no green space or play provision there are existing green and play spaces in close proximity to the application site. Whilst these are identified as requiring enhancement, lack of additional provision would not deprive the occupiers of the development access to these facilities.

### Viability

- 7.45. Policy DM3 of the SADMP states that where, because of the physical circumstances of the site and/or prevailing and anticipated market conditions, a developer can demonstrate that the viability of a development proposal affects the provision of affordable housing and/or infrastructure provision, the Borough Council will balance the adverse impact of permitting the scheme on the delivery of such provision, with any appropriate evidence to support this justification. The policy also goes on to state that where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly. Although the site is for 6 dwellings, a Viability Assessment combining this with the larger (previously approved) scheme has been submitted and assessed.
- 7.46. The Viability Statement has been independently assessed by a third party instructed by the Local Planning Authority and it has been agreed, based on similar calculations used within the previous FVA, a sum of £8,301.03 (equating to approximately £1,300 per dwelling) can be provided.

### Planning obligations

- 7.47. At the time of the previous application, a similar exercise was undertaken. Despite the requirement for contributions totalling £326,097.92, a FVA was undertaken and it was finally agreed that a 'good will' sum of £82,831 could be accepted. This has been paid in full. Following similar calculations, an additional sum of £8,301.06 has been agreed and this money has been requested by both LCC (as Local Education Authority) for Primary Education purposes and by Thornton and Bagworth Parish Council for recreational equipment. Both requests have been considered.
- 7.48. The Local Education Authority has a statutory duty to provide school places for children and although occupants may have to travel, they should not be deprived school places.
- 7.49. There are existing green and play spaces in close proximity to the application site. Whilst these are identified as requiring enhancement, lack of additional provision would not deprive the occupiers of the development access to these facilities.
- 7.50. On balance, the need for educational facilities outweighs the need for additional provision of recreational equipment and it is therefore recommended by officers that the sum of £8,301.06 would be more beneficial in providing a partial contribution towards primary education facilities.
- 7.51. A S106 Agreement has been drafted to reflect this Contribution whilst securing the scheme for 100% Social Rented Tenure.

7.52. The above contributions are considered to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably relate in scale and kind to the development proposed and therefore Community Infrastructure Levy regulations compliant.

## **8. Equality Implications**

8.1. 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.

8.2. 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.

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

## **9. Conclusion**

9.1. The proposed development forms part of the allocation SA4 within the SADMP. The development would be 100% affordable housing of a social rented tenure and would provide a mix of housing types. The requisite employment land would be retained. The development would be in accordance with Policy SA4 of the SADMP and Policies 7, 10, 15 and 16 of the Core Strategy.

9.2. The development would not have an adverse impact on the amenity of surrounding residential and commercial premises and would provide a good standard of amenity for future occupiers. Mitigation measures are to be put into place to guard against harm from the existing commercial premises in terms of noise and odour nuisance. The proposal would not have an adverse impact on highway safety and would provide sufficient car parking provision to serve the occupiers. The proposed development is considered to be in accordance with Policies DM6, DM7, DM10, DM17 and DM18 of the SADMP.

9.3. The Financial Viability Assessment has concluded that there are some funds available for contributions towards education or community facilities to the total of £8,301.06. A 'balancing exercise' concluded that the monies should go towards a contribution to primary education.

9.4. In conclusion, the scheme is considered to accord with Policies 7, 10, 15 and 16 of the Core Strategy and Policies SA4, DM1, DM3, DM6, DM7, DM10, DM17 and DM18 of the SADMP.

## **10. Recommendation**

10.1. **Grant planning permission** subject to:

- The prior completion of a S106 agreement to secure the following obligations;
  - 100% affordable housing provision;
  - Primary education - £8, 301.06;
- Planning conditions outlined at the end of this report.

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

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

10.4. **Conditions and Reasons**

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

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

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

70170 D00 – Site Location Plan (received on 23 June 2017)  
70170 DO5 rev F – Site Layout (received on 3 September 2018)  
70170 D08 rev B –location plan (received on 5 November /2018)  
70170 D09 Rev B – site plan (received on 5 November 2018)  
70170 D12 rev A – House Type F131 (received on 17 July 2018)  
70170 D13 rev A – House Type F133 (received on 17 July 2018)  
70170 D15 rev B - Phase i & ii site layout combined (received 5 November 2018)  
70170 D901 rev B – landscape plan (received 5 November 2018)  
70170 D23A – Street elevations (received 5 November 2018)

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

3. The external materials to be used in the development hereby permitted shall be in strict accordance with those as set out within section 7 of the application form and as shown on drawings 70170 D12 Rev A and 70170 D13 Rev A (received on 17<sup>th</sup> July 2018) unless alternative materials are first agreed in writing with the Local Planning Authority.

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

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 appropriate remediation of contaminated land to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

5. All construction works shall be limited to the following hours:

Monday – Friday 07:30 – 18:00

Saturday – 08:00 – 13:00

No work shall be undertaken on Sundays and Bank Holidays

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

6. No above ground development shall commence, until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage scheme shall be implemented in accordance with the approved details prior to first occupation of any dwelling hereby permitted.

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

7. No above ground development shall commence, 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.

**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 Site Allocations and Development Management Policies DPD.

8. No above ground 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 (FRA) 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 Site Allocations and Development Management Policies DPD.

9. No above ground 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.

10. Notwithstanding the details shown on the submitted Landscape Plan, drawing no. 70170 D901, rev B, no above ground development, 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:

- a) Means of enclosure
- b) Car parking layouts
- c) Other vehicle and pedestrian access and circulation areas
- d) Hard surfacing materials
- e) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
- f) Planting plans

- g) Written specifications
- h) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- i) 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.

11. Prior to occupation of any dwelling hereby permitted, an acoustic fencing scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the detailed design of the fencing and a program for its maintenance. The agreed scheme shall be implemented prior to occupation of any dwelling hereby permitted.

**Reason:** To ensure a good standard of amenity for future occupiers of the proposed dwellings and to ensure the dwellings do not restrict operations of the adjacent commercial uses to accord with Policies SA4 and DM10 of the Site Allocations and Development Management Policies DPD.

12. Prior to occupation of any dwelling hereby permitted, a scheme for the installation of mechanical ventilation to all plots shall be submitted to and agreed in writing by the Local Planning Authority. The mechanical ventilation shall be installed on the applicable plots in accordance with the approved details prior to first occupation of the dwellings.

**Reason:** To ensure a good standard of amenity for future occupiers of the proposed dwellings and to ensure the dwellings do not restrict operations of the adjacent commercial uses to accord with Policies SA4 and DM10 of the Site Allocations and Development Management Policies DPD.

13. No dwelling hereby permitted shall be occupied until such time as the accesses, parking, and turning arrangements shown on drawing number D05 Rev F have been implemented in full and these shall be retained 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 general highway safety and 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, in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

14. Notwithstanding the provisions of Classes A, B, C and E of Part 1 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 buildings hereby approved shall not be extended or altered or buildings incidental to the enjoyment of the dwellinghouse erected without the grant of planning permission for such development by the Local Planning Authority.

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

15. Notwithstanding the provisions of Class A of Part 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) no gate, wall, fence or other means of enclosure shall be

erected or constructed without the grant of planning permission for such development by the Local Planning Authority.

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

10.5. **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.



Planning Committee 20 November 2018  
Report of the Interim Head of Planning

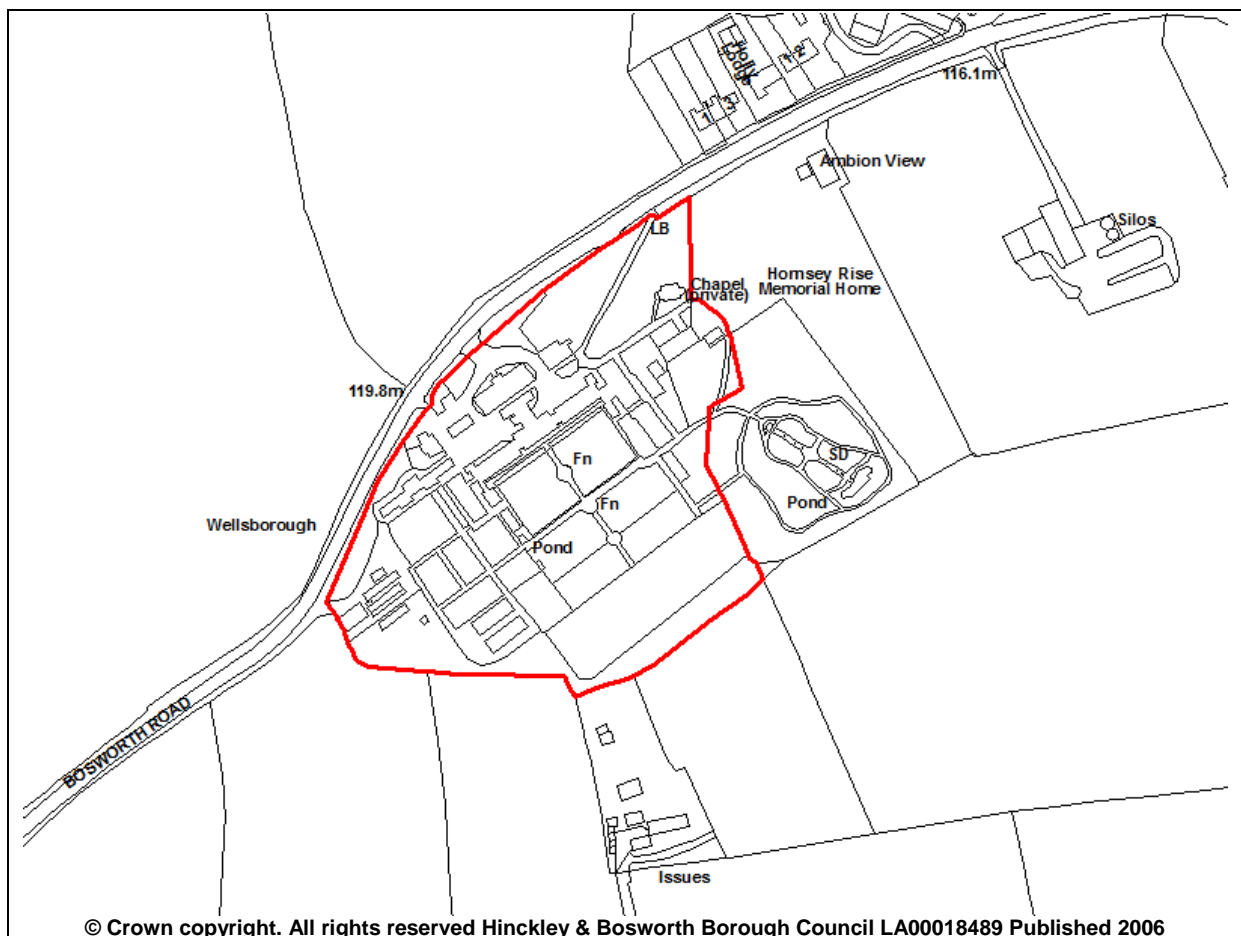


Hinckley & Bosworth  
Borough Council

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

Site: Hornsey Rise Memorial Home Bosworth Road Wellsborough

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



1. This application was previously considered by Planning Committee on 31 July 2018 and members resolved to approve outline planning permission (access only) subject to the prior completion of a suitable section 106 agreement to secure a number of appropriate planning obligations from the development and subject to a number of planning conditions. A copy of the previous committee report is attached as Appendix A.
2. The outline planning permission has not yet been issued as the final detail of the draft section 106 agreement is still being circulated.
3. Recommended planning condition 4 currently requires that:  
*'Any reserved matters application shall be accompanied by a scheme which details the proposed housing mix for the development which should be in accordance with*

*the Council's adopted Development Plan and the housing needs of the area. The development shall then be completed in accordance with the approved details.'*

This condition was recommended to ensure an appropriate housing mix is provided to meet the housing needs of the locality in accordance with Policy 16 of the Core Strategy (2009).

4. Before the outline planning permission is issued, the applicant seeks to secure the prior approval of the proposed housing mix at this outline stage to ensure that there is certainty for all parties on what will be delivered on the site and that development of the site will be able to provide the recommended and agreed level of planning obligations.
5. Accordingly, the planning agent has submitted additional information in respect of the proposed housing mix for the site with the intention of amending the wording of condition 4.
6. In support of the proposed housing mix the planning agent states that:

'My client has always promoted the delivery of larger homes on the site, to both meet the expectation of the housing market in such a locality, to most appropriately reflect the character and landscape density of the site, but also to ensure that a family focused community is created here. The already agreed developable area was, and remains based on an indicative layout of larger homes, those of 3, 4 and 5 bed configuration. When Planning Committee first considered the application back in July ..... I addressed the committee on the basis that the submitted and agreed Viability Appraisal was predicated on the provision of larger homes. As such we continue to promote the following mix:

- 2 x 3 bed homes (1no. to be formed by the conversion of the Chapel)
- 9 x 4 bed homes
- 9 x 5 bed homes

The delivery of larger homes on this site will better reflect the existing low density of the site and character of the village, allowing for landscape led, low density development to be delivered. The delivery of larger homes will provide for proportionate and larger gardens, which in turn will deliver the landscape character as set out in the Landscape Visual Impact Assessment and as defined by the Parameters Plan. The Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA), paragraph 8.36 recognises that matters of setting and character should be considered:

*"The conclusions on the mix of market housing needed are strategic conclusions which could be used for monitoring purposes. Care should be taken in applying these prescriptively to individual development sites, where consideration should be given to the mix of housing locally, the setting of the site and character of the area, and local demand evidence. This recognises that logically there will be sites more suitable for development of different densities".'*

7. 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 at least 30 dwellings per hectare in rural areas. In exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable. Paragraph 122 of the NPPF (2018) states that planning policies and decisions should support development that makes efficient use of land taking into account, amongst other matters, the desirability of maintaining an area's prevailing character and setting.

8. The housing mix as set out in the adopted Core Strategy is now out of date and therefore the findings of the most up to date HEDNA should be taken into consideration when assessing housing mix. However, as the HEDNA (and Policy 16) suggest, consideration should also be given to the desirability of maintaining an area's prevailing character and setting and individual site characteristics, to ensure appropriate density of development on a site by site basis.
9. This site forms part of the rural hamlet of Wellsborough which is characterised by sporadic low density development, principally located along Bosworth Road. The submitted Parameters Plan constricts development within the site towards the more central previously developed areas to ensure that a significant landscaped buffer remains to limit any visual impacts on the surrounding landscape.
10. By virtue of the rural location of the site and the low density character of Wellsborough, higher density development of smaller homes would be out of character with the surrounding area. The proposed mix of larger homes would not be strictly in accordance with the findings of the HEDNA, however, the development would contribute to the provision of smaller homes through the agreed off-site affordable housing contribution that has been negotiated following a Viability Appraisal based on the provision of larger homes on the site.
11. It is considered that in this specific case, taking into account the prevailing character of the surrounding area and the rural setting of the site, the proposed mix of larger homes, with proportionately large gardens, would deliver an appropriate housing mix for this exceptional rural site.
12. It is therefore recommended that condition 4 be amended to secure the appropriate proposed housing mix and enable the development of the site and housing delivery to come forward.
13. **Recommendation**
- 13.1 **Grant outline planning permission (access only) subject to:**
  - The prior completion of a S106 agreement to secure the following obligations:
    - A commuted sum of £354,000 for off-site affordable housing provision in lieu of 40% on-site provision
    - Education facilities contribution of £130,538.02
    - Health facilities contribution of £5,512.32
    - Permanent future management and maintenance of the woodland and natural landscaping buffer (estimated cost £110,000)
  - Planning conditions outlined at the end of this report.
- 13.2 That the Interim Head of Planning be given powers to determine the final detail of planning conditions.
- 13.3 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.
- 13.4 **Conditions and Reasons**
  1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

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

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

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

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

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

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

4. The development shall deliver the following mix of housing:
  - 2 x 3 bed homes (one of which is to be the conversion of the former chapel)
  - 9 x 4 bed homes
  - 9 x 5 bed homes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Reason:** To protect the rural character and appearance of the site and surrounding landscape in accordance with Policy DM4 of the adopted Site



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

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

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

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

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

## 5.2. Notes to Applicant

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

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

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

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

3. In relation to conditions 10 and 11 advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

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

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

# APPENDIX A

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

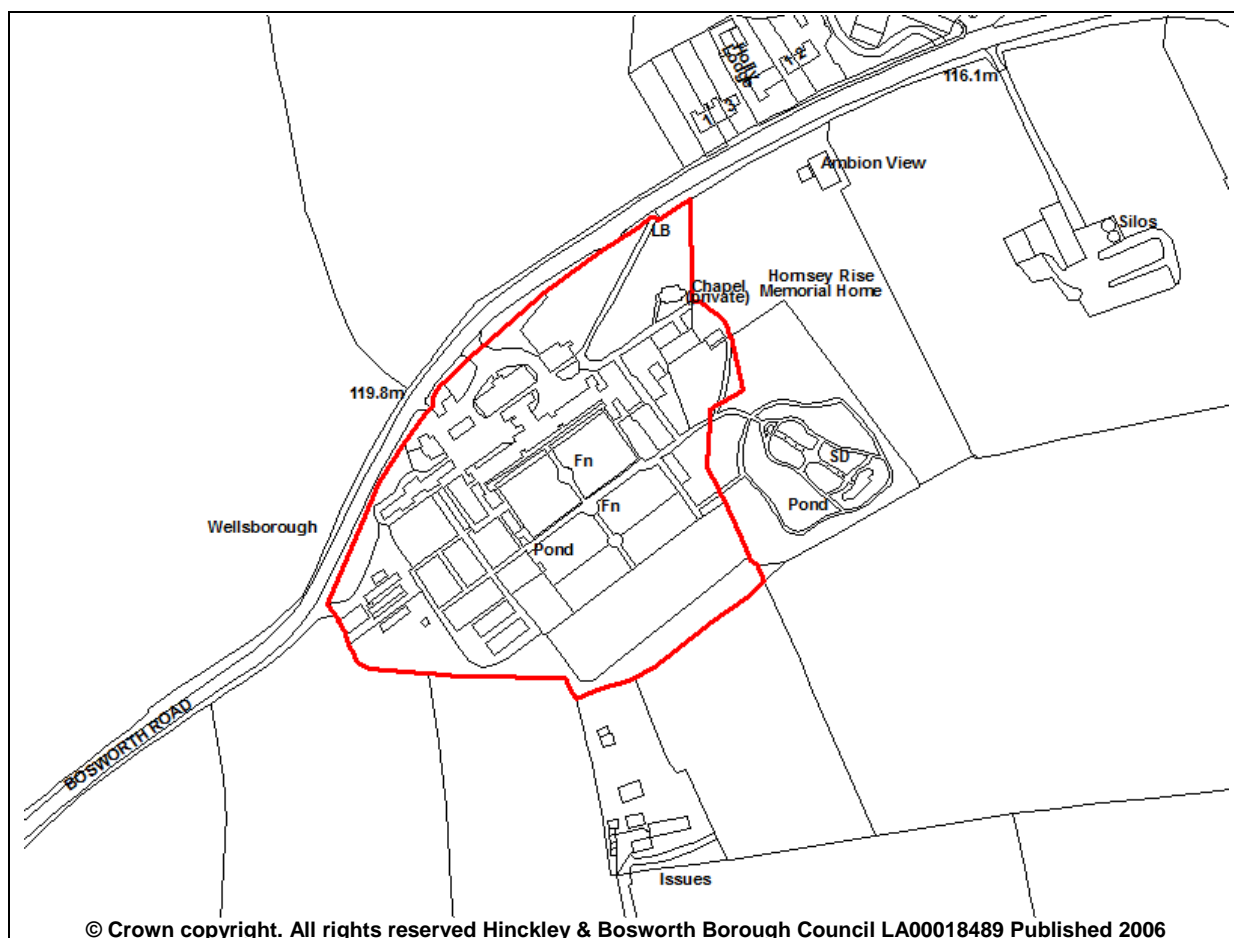


Hinckley & Bosworth  
Borough Council

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

Site: Hornsey Rise Memorial Home Bosworth Road Wellsborough

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



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## 1. Recommendations

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

- The prior completion of a S106 agreement to secure the following obligations:
  - A commuted sum of £354,000 for off-site affordable housing provision in lieu of 40% on-site provision
  - Education facilities contribution of £130,538.02
  - Health facilities contribution of £5,512.32
  - Permanent future management and maintenance of the woodland and natural landscaping buffer (estimated cost £110,000)
- Planning conditions outlined at the end of this report.

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- 1.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.
- 1.3. That the Interim Head of Planning be given delegated powers to determine the terms of the section 106 planning obligation including trigger points and claw back periods.

### **2. Planning Application Description**

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

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### Great Crested Newt Habitat Suitability Survey

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

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

#### 4. Relevant Planning History

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

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

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

### 6. Consultation

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

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

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

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

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

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

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

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

### 7. Policy

- 7.1. Core Strategy (2009)
- Policy 15: Affordable Housing
  - Policy 16: Housing Density, Mix and Design
  - Policy 19: Green Space and Play Provision
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM2: Delivering Renewable Energy and Low Carbon Development
  - Policy DM3: Infrastructure and Delivery
  - Policy DM4: Safeguarding the Countryside and Settlement Separation
  - Policy DM6: Enhancement of Biodiversity and Geological Interest
  - Policy DM7: Preventing Pollution and Flooding
  - Policy DM9: Safeguarding Natural and Semi-Natural Open Spaces
  - Policy DM10: Development and Design
  - Policy DM11: Protecting and Enhancing the Historic Environment
  - Policy DM12: Heritage Assets
  - Policy DM13: Preserving the Borough's Archaeology
  - Policy DM15: Redundant Rural Buildings
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards

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### 7.3. National Planning Policies and Guidance

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

### 7.4. Other relevant guidance

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

## 8. Appraisal

### 8.1. Key Issues

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

#### Assessment against strategic planning policies

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

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

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



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- 8.5. The Five Year Housing Land Supply Position at 1 April 2018 confirms that the Council is able to demonstrate a five year housing land supply of 6.06 years. Therefore the relevant development plan policies relating to the supply of housing are neither absent nor silent and are considered up to date and in accordance with paragraphs 47 and 49 of the NPPF.
- 8.6. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that is in accordance with policies in the development plan.
- 8.7. Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside subject to meeting a number of other criteria. Forms of development that the policy may consider to be sustainable in the countryside include the change of use, re-use or extension of existing buildings but do not include new residential development unless it is for essential rural worker accommodation. Therefore, other than the proposed conversion of the former chapel, which comprises only a minor part of the overall development, the proposal is in conflict with this strategic policy of the adopted development plan.
- 8.8. Policy DM15 of the adopted SADMP also provides support for the re-use and/or adaptation of rural buildings outside of settlement boundaries subject to satisfying a number of other criteria and where development would result in an enhancement of the immediate setting. However, as the majority of the development involves demolition and new build dwellings, the policy has limited relevance to the overall proposal.
- 8.9. Policy S13 of the emerging Sheepy Neighbourhood Plan (SNP) seeks to allocate approximately 0.5 hectares of the site (predominantly the brownfield area covered by existing buildings and hardstanding) for around 20 dwellings and restoration of the chapel subject to satisfying a number of other criteria. Whilst the amended scheme has been reduced to a compatible number of units and includes the conversion of the chapel, the amended parameter plan submitted still exceeds the area that the plan seeks to allocate.
- 8.10. Whilst new residential development is not a form of development in the countryside that is supported by Policy DM4 of the adopted SADMP, the NPPF requires assessment of all other material planning considerations in the determination of planning applications.

### Previously developed land

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

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

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

### Impact upon the character of the site and surrounding landscape

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

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

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

### Sustainable design

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

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

### Impact on highway safety

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

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

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

### Impact upon archaeology

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

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

### Impact upon neighbouring and future residential amenity

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

### Biodiversity

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

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

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

### Drainage

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

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

### Contamination

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

### Affordable Housing

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

### Infrastructure contributions

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



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

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

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

### 9. Equality Implications

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

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

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

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

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

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

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

### 10. Conclusion

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

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

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

### 11. Recommendation

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

- The prior completion of a S106 agreement to secure the following obligations:
  - A commuted sum of £354,000 for off-site affordable housing provision in lieu of 40% on-site provision
  - Education facilities contribution of £130,538.02
  - Health facilities contribution of £5,512.32
  - Permanent future management and maintenance of the woodland and natural landscaping buffer (estimated at £110,000)
- Planning conditions outlined at the end of this report.

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

11.3. That the Interim Head of Planning be given delegated powers to determine the terms of the section 106 planning obligation including trigger points and claw back periods.

#### 11.4. Conditions and Reasons

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

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

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

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

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

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

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

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

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

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

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

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

## APPENDIX A

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

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

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

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

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

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

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

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

## APPENDIX A

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

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

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

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

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

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

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

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

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

## APPENDIX A

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

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

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

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

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

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

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

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

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

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

## APPENDIX A

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

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

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

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

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

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

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

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

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



## APPENDIX A

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

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

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

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

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

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

### 11.5. Notes to Applicant

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

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

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

## APPENDIX A

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

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

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

Planning Committee 20 November 2018  
Report of the Interim Head of Planning

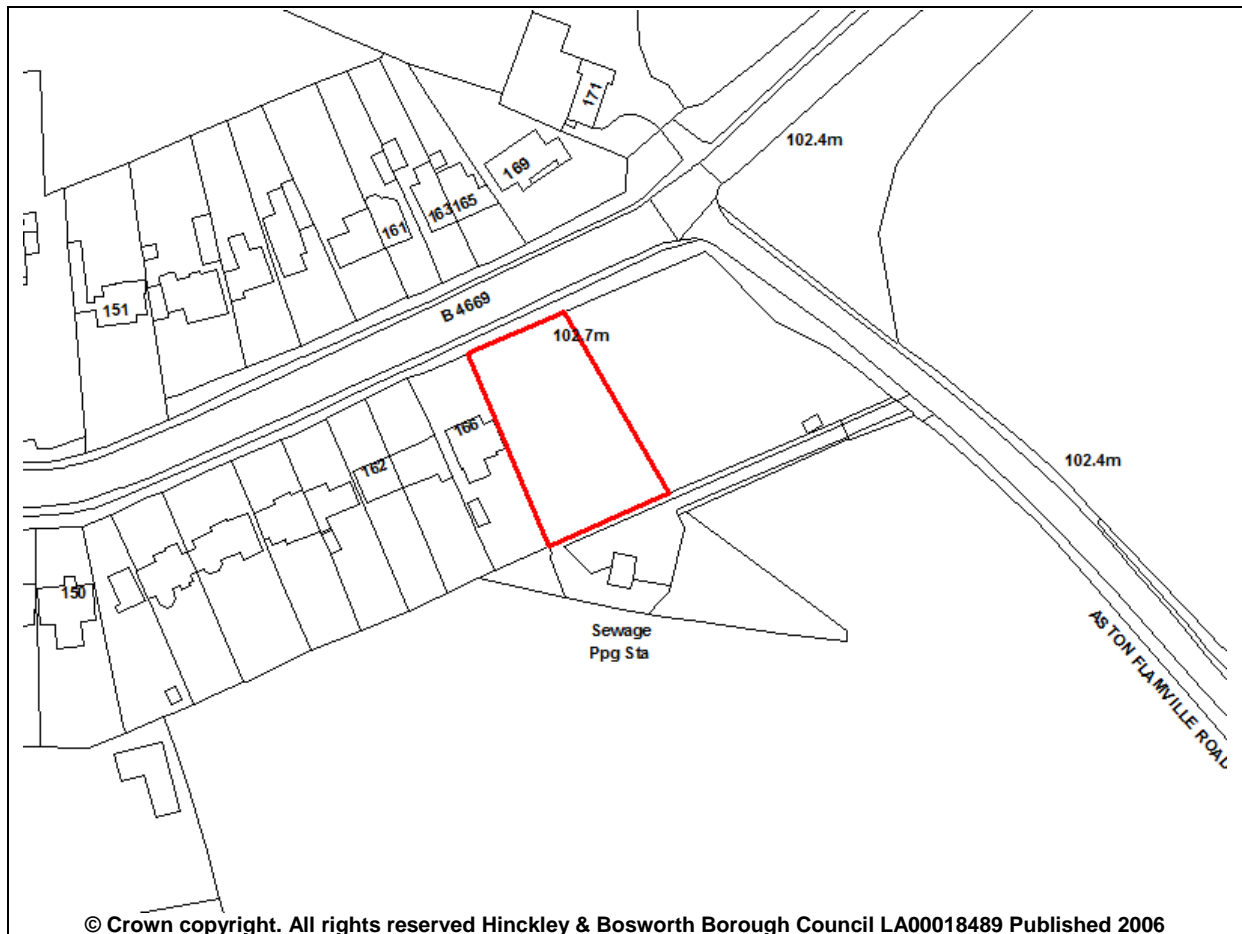
Planning Ref: 18/00903/FUL  
Applicant: Mr & Mrs Mottram  
Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth  
Borough Council

Site: Land Adjacent 166 Sapcote Road Burbage

Proposal: Erection of a two storey 4 bedroom dwelling



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

## 2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of a two storey detached dwelling with single storey double garage attached. The dwelling would be sited in line with the existing properties along Sapcote Road. Amended plans have been submitted showing a reduction in the application site area to land immediately alongside no. 166 Sapcote Road and the re-siting of the dwelling within this area.

2.2. The site would be accessed via a driveway from Sapcote Road. An ash tree would need to be removed alongside the road to facilitate the construction of this access along with the cutting back of foliage.

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

3.1. The application site lies to the east of a line of residential properties along Sapcote Road. On the opposite side of the carriageway and to the north of the site are residential properties. The applicant owns the site to the east which is shown to be planted as a landscape buffer. To the rear of the site lies a sewage pumping station which is bound by a high palisade fence.

3.2. The site fronts onto Sapcote Road. The area within which the application site is situated is characterised by ribbon development with frontages of housing facing towards Sapcote Road. There are a mix of dwelling types in the area which occupy large plots set back from the road.

3.3. The defined settlement boundary of Burbage forms the western boundary of the site and the application site and proposed access are located outside of the settlement boundary.

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

18/00281/FUL	Erection of detached dwelling with attached double garage	Withdrawn	21.05.2018
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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. During the consultation process 13 letters from separate addresses were received in support. Following the receipt of amended plans 6 additional letters from separate addresses were received in support and 11 letters from separate addresses were received objecting to the proposal.

5.2. The letters of support relate to:

- 1) Self-build projects should be supported
- 2) The proposal would not cause any harm to the countryside
- 3) This land is wasteland and the proposal would improve its appearance
- 4) This is a nice looking house and will complement the street scene
- 5) The design and scale of the property would be in keeping with the character and appearance of the area
- 6) This land should have been included in the settlement boundary as its part of the village
- 7) The property would not cause any overshadowing, overlooking or loss of amenity

5.3. The letters of objection relate to:

- 1) The site lies outside the settlement boundary
- 2) Brownfield sites should be developed first and the countryside should be preserved
- 3) Building on this site could lead to the loss of more countryside to the south of the site
- 4) The wildlife using the site should be conserved
- 5) The small one bedroomed single storey bungalow to the west of the proposal would be completely swamped between two large buildings

- 6) No other bungalows along Sapcote Road are completely dominated by buildings either side in this way
- 7) The proposed property would block out natural light to the neighbouring bungalow's kitchen/diner and views from side windows
- 8) All windows and doors facing the adjoining bungalow and rear garden should be obscurely glazed
- 9) This site is close to the freight/rail depot which will have an impact on traffic generation
- 10) This site prevents Burbage joining with Aston Flamville
- 11) A residential scheme was refused at Sherbourne Road in 2016/17 as it was outside the settlement boundary
- 12) Building on land within the countryside would set a precedent for similar residential proposals

## **6. Consultation**

6.1. A letter of objection has been received from Burbage Parish Council relating to the following issues:

- 1) The site lies outside of the parish settlement boundary
- 2) If the site had been located within the settlement boundary then the Parish Council would have raised no objections

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

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

6.3. No response has been received from:

Severn Trent Water  
 Arboricultural Officer

## **7. Policy**

7.1. Core Strategy (2009)

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

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

- 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

7.3. Emerging Burbage Neighbourhood Plan (BNP)

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- Housing and Economic Development Needs Assessment (2017)
- Landscape Character Assessment (2017)

## 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
- Impact on Ecology

#### 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) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The emerging Burbage Neighbourhood Plan (BNP) is still in development. The BNP has yet to be submitted to the LPA for comment prior to Examination by an Inspector and subsequent referendum. Therefore, very limited weight can be afforded to it at this time.
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 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 able to demonstrate a 5 year 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.
- 8.6. The site is situated outside the defined settlement boundary of Burbage which forms the western boundary of the application site and includes the land opposite the site to the north. 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 4 (Development in Burbage) in the Core Strategy states that to ensure development contributes to Burbage's character and sense of place the Council will protect and preserve the open landscape to the east which provides an important setting for the village and seek to enhance the landscape structure which separates the village from the M69 corridor as supported by the Hinckley & Bosworth Landscape Character Assessment.
- 8.9. 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.
- 8.10. 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.
- 8.11. Objections to the application have been received on the grounds that the proposal would be detrimental to the character of the countryside.
- 8.12. The application site lies within the Burbage Common Rolling Farmland in the Hinckley and Bosworth Borough Landscape Character Assessment (2017) (LCA) where smaller scale pasture fields are common around the settlement edges. Land uses are characterised as being very mixed with uses often related to the adjacent urban areas. Part of the application site comprises of an undeveloped paddock which is in an untidy state. Although located within the countryside, to the east and south of the application site are existing residential dwellings. These residential dwellings are located within the settlement boundary for Burbage. Open agricultural fields do lie to the east and south of the site. However, Aston Flamville Road forms a physical barrier to the east of the site along with the location of the sewage treatment plant and its vehicular access which forms a physical barrier to the south of the site.
- 8.13. The site is situated within a prominent position along Sapcote Road and lies within the area to the east of Burbage which is characterised in the LCA as providing a rural setting to this historic settlement. The existing boundary treatment which

comprises of mature trees and hedgerows along the two road boundaries do shield views of the site from the street scene. The proposal would retain the landscaping along Sapcote Road and Aston Flamville Road with the exception of the removal of an ash tree and the cutting back of vegetation to form the vehicular access into the site. The presence of the sewage treatment plant and its boundary treatment shield views of the site from the countryside to the south of the site. Although located outside the application site, a landscaped buffer is shown on land within the ownership of the applicant. A planning condition could be imposed to ensure that additional planting is undertaken in this area in accordance with the requirements of Policy 4 in the Core Strategy which seeks to enhance the landscape structure which separates the village from the M69 corridor. As such, the development of this plot of land would have limited impact on the open character of the countryside in this location.

- 8.14. The siting of the property would extend the existing pattern of linear development along Sapcote Road. 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. Although the development would exacerbate ribbon development along Sapcote Road and is situated outside the settlement boundary and so within 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 the built features around the boundary of the site in this instance ensures that the perceived separation between the settlement and the wider countryside is observed and maintained.
- 8.15. The existing residential dwellings along Sapcote Road comprise of a mix of large detached dwellings and semi-detached dwellings sited in generous plots with mature front and rear gardens. Vegetation forms the frontage of the majority of the plots along Sapcote Road which gives the area its mature and open character. The neighbouring property is a small bungalow. Although the proposal relates to the construction of a large detached property, there are properties of a similar scale to the proposal along this road. The single storey garage has been located near to the boundary with the adjoining bungalow to allow the graduation of heights as the garage has a lower ridgeline height compared with the bungalow. The distance between the two storey element of the proposed property and the boundary with the bungalow is some 8.8 metres. In addition to this distance, the height of the proposed dwelling would be lower than the properties at nos. 162 and 164. As such, it is considered that the separation distances and heights proposed would not dominate the adjoining residential property.
- 8.16. The design of the proposal being constructed from brick and tiles would be in keeping with the character and appearance of the adjoining properties. Therefore, the proposal would not have a significant adverse impact on the character and landscape character of this area of countryside, having regard to the wider pattern of development. As such although the proposal would exacerbate ribbon development, it is not considered to be harmful in this instance for the reasons set out above and therefore the proposal is in accordance with Policy 4 of the Core Strategy and Policy DM4 of the SADMP. The design and scale of the property proposed, whilst being higher than the adjoining bungalow, would be sited away from the boundary with an intervening single storey garage of a lower height. As such it is considered that the proposal would not unacceptably harm the character or appearance of the area and would accord 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 nearest neighbouring property is no. 166 Sapcote Road which is situated to the west of the application site. No. 166 is a single storey detached dwelling which faces towards Sapcote Road behind a front garden. An existing post and rail fence forms the boundary with the application site. There are no windows proposed on the side elevation facing no. 166. The closest window on the first floor rear elevation of the proposed property is a bedroom window and this window is located some 10 metres from the boundary with no. 166. As such, in view of the distances involved and the position of this window it is considered that the proposal would not result in any significant loss of privacy to this neighbour.
- 8.19. The principal windows of no. 166 are located to the front and rear of the property. The side elevation does face onto open land. As such the proposal has the potential to cause overbearing impacts and overshadowing to this adjoining property. However, the property has been sited so that the single storey element of the building is located near to this bungalow. The property is in line with no. 166. Therefore, given the distances involved and the reduction in height near to no. 166 it is considered that this proposal would not have a significant overbearing or overshadowing impact on the adjoining residents.
- 8.20. Therefore, the proposal would 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 be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.22. A new vehicular access would be constructed onto Sapcote Road near to the existing vehicular access into no. 166. There is a public footpath along the frontage of the site which links the site to the settlement of Burbage and the public transport links. Leicestershire County Council (Highways) has confirmed that they have no objections to the proposal and that visibility splays of 65 metres are achievable at the access. They confirm that the site contains sufficient turning and parking to serve the development proposed. As such they recommend that planning conditions are imposed on any consent granted relating to the implementation of the proposed access in full, the provision of visibility splays, hard surfacing and site drainage and the removal of permitted development rights to construct any gates or barriers within 5 metres of the highway boundary.
- 8.23. 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

- 8.24. Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding.
- 8.25. 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.

#### Impact upon Ecology

- 8.26. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation. The application site comprises of grassland and scrub land which has been overgrazed. As such it is unlikely to provide a rich habitat for species. The proposal includes the retention of the trees and hedgerow around the site along with additional planting in a landscaped buffer. Accordingly the proposed development would comply with Policy DM6 of the SADMP.

#### Other matters

- 8.27. 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.
- 8.28. 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. As the proposal comprises of a single dwelling with a gross floor space of less than 1000 square metres then a contribution is not required.

#### Whether on balance the development would be sustainable

- 8.29. 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 more than 5 years, 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.
- 8.30. 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:
- 8.31. 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.
- 8.32. Social – The scheme would provide a small contribution to the overall housing supply within the Borough through the provision of a new dwelling. The proposal would however provide a dwelling in an area where there is no additional housing allocation outside the defined settlement boundary of Burbage.
- 8.33. 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 north and west of the site. The development would be within a

safe walking distance of the local services of Burbage and its public transport links. 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.

- 8.34. Therefore, it is concluded that the proposed development would not result in any adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the NPPF.

## **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. The proposal seeks development of the existing land for the erection of a detached dwelling. The site is currently a grassed paddock area, and situated outside but immediately adjacent to the defined settlement boundary of Burbage.

- 10.2. However, although the application site is located outside of the settlement boundary, given the surrounding development and the character of the area, the land is not interpreted as countryside, nor is it 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, paragraph 11 of the NPPF and the presumption in favour of sustainable development is triggered. In this instance the provision of a house on this site would not have a significant and demonstrable adverse impact 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 on drainage. It is considered that the proposed development would be in accordance with Policies DM7, DM10, DM17 and DM18 of the SADMP and paragraph 11 of the NPPF.

- 10.4. Having regard to Policy DM1 of the SADMP and the presumption in favour of sustainable development along with taking into account the relevant Development Plan policies and material planning considerations, it is considered, on balance, that the proposed development constitutes sustainable development. Therefore, the proposal is recommended for approval subject to conditions.

## **11. Recommendation**

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

- Planning conditions outlined at the end of this report.

## 11.2. Conditions and Reasons

1. The development hereby permitted shall begin not later than three years from the date of this decision.

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

2. The development hereby permitted shall be carried out in accordance with the submitted details: 101 01A, 02A, 03A, 04A and the Site Location Plan received by the local planning authority on 30 October 2018.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. No development above foundation level of the dwelling hereby approved shall take place until samples of the materials to be used in the construction of the external facing materials have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved sample details.

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

4. No part of the development hereby approved shall be occupied until the access, parking, turning area and layout arrangements as shown on approved drawing no: 101 01 A shall be implemented in full. Thereafter, the onsite parking provision shall be maintained for such use at all times.

**Reason:** In the interests of highway safety to accord with Policy DM17 in the SADMP.

5. No part of the development hereby approved shall be occupied until such time as vehicular visibility splays of 2.4 metres by 65 metres have been provided at the site access. These shall thereafter be permanently maintained and no structures, shrubs, trees or other vegetation within those shall be higher than 0.6 metres above the level of the adjacent highway.

**Reason:** In the interests of highway safety to accord with Policy DM17 in the SADMP.

6. No part of the development hereby approved shall be occupied until such time as the access drive and turning space has been surfaced with tarmacadam or similar hard bound material (not loose aggregate) for a distance of at least five metres behind the highway boundary and, once provided, shall be maintained as such in perpetuity.

**Reason:** To reduce the possibility of deleterious material being deposited in the highway and in the interests of highway safety to accord with Policy DM17 in SADMP.

7. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of five metres of the highway boundary, nor shall any be erected within a distance of five metres of the highway boundary.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway.

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.

9. No site clearance, preparatory work or construction of the foundations of the dwellinghouse hereby approved shall take place until a scheme for the protection of the retained trees and hedgerows has been submitted and approved in writing by the local planning authority. The approved scheme shall be carried out as approved.

**Reason:** In the interests of preserving the character and appearance of the area.

10. Prior to the construction above foundation level of the dwelling house hereby approved, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the protection of the existing trees and hedgerows, planting plans for the landscaped buffer shown on Drawing No: 101 01A, hard surfacing materials, boundary treatments, fencing specifications, planting plans noting species, plant sizes and proposed numbers and densities.

**Reason:** In the interests of preserving the character and appearance of the area.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling house and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** In the interests of preserving the character and appearance of the area.

### 11.3. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. The site drainage scheme shall be constructed so that no surface water drains onto the public highway. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability.
3. Planning permission does not give approval to work on the public highway. Therefore, prior to carrying out 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.

4. 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 prove unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.
5. The collection point for domestic recycling, garden waste and refuse will be from the adopted highway boundary and so provision needs to be made on site for the storage of containers.

Planning Committee 20 November 2018  
Report of the Interim Head of Planning

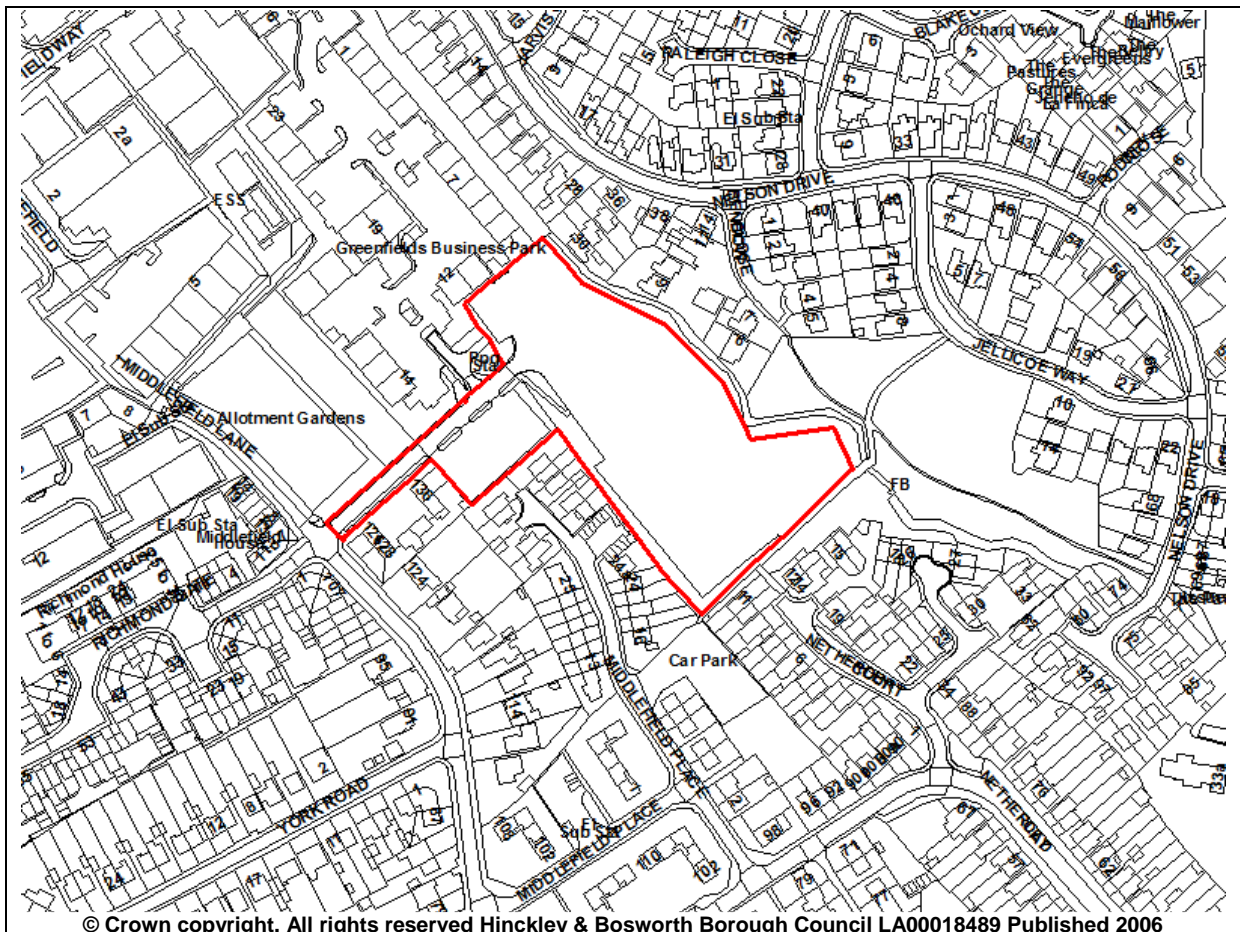
Planning Ref: 17/01338/FUL  
Applicant: Mr Moore  
Ward: Hinckley DeMontfort



Hinckley & Bosworth  
Borough Council

Site: Former Council Depot Middlefield Lane Hinckley

Proposal: Residential development of 54 dwellings



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - 100% affordable housing provision
  - Play and open space contributions:
    - Provision £66,995.65
    - Maintenance £46,219.68
  - Health contribution of £27,198.60
  - 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 54 new dwellings. The scheme comprises of 10x 1 bedroomed apartments, 30 x 2 bedroomed dwellings and 14 x 3 bedroomed dwellings. The layout proposes a single point of access into the application site from Middlefield Lane, which is the existing depot access. To the northern section of the application site a block of ten 1 bedroomed flats are proposed, with parking to the rear, and an open space to the south. Dwellings within the site would comprise of two storey properties with a mix of semi detached and terraced dwellings. Parking spaces are provided either to the side or front of each dwelling.
- 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 by the Officer 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 1.3 hectares and is currently a vacant parcel of scrub land following the demolition of the former council depot building. The application site is located within the settlement boundary of Hinckley and to the south east of an existing industrial estate. The site is currently designated as a residential allocation for 53 dwellings (reference HIN11) in the Site Allocations and Development Management Policies DPD.
- 3.2. The application site is located within an area which is predominately residential being bound on three sides by residential properties, which vary in character and style. The site is enclosed by a 2 metre fence to the south, and bound by an existing brook to the north east facing boundary, with rear gardens backing onto the site along the south west facing side of the application site. To the west of the application site and positioned to the north west side of the access to the former depot site are allotment gardens. The topography of the site although generally flat does slope towards the south.

## **4. Relevant Planning History**

13/00093/GDOD	Demolition of the Council Depot	Prior notification granted	07.03.2013
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## **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press and two representations have been received which neither support nor object to the application making the following comments:-



- 1) Will there be a provision for the crossroads on Middlefield Lane, Tudor Road, Netherley Road, as there have been several serious accidents here, and this would have an impact.
- 2) There are several trees along the brook, will these be removed?

## **6. Consultation**

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

Leicestershire County Council (Highways)  
 Leicestershire County Council (Ecology)  
 Lead Local Flood Authority  
 Environmental Health (Drainage)  
 Environmental Health (Pollution)  
 Street Scene Services (Waste)  
 Natural England  
 Severn Trent Water Limited

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

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

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

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)
- Community Infrastructure Levy (CIL) Regulations (2010)

## **8. Appraisal**

8.1. Key Issues

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

### 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).
- 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.
- 8.6. 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.
- 8.7. 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.
- 8.8. The application site measures approximately 1.37 hectares and was previously identified within the Employment Land and Premises Review (2013) as forming part of a larger 12.03 hectare site known as Hinckley Fields Industrial Estate. The Employment Land and Premises Review identifies that the former Council Depot site is to be lost to housing. The site is identified as HIN11 within the Site Allocations and Development Management Policies DPD, and is allocated for residential development to meet minimum residual housing requirements for Hinckley. The site is allocated for 53 dwellings, this proposal seeks a residential development for 54 dwellings, which is in accordance with the Development Plan policies.
- 8.9. 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

- 8.10. 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.

- 8.11. 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 Hinckley.
- 8.12. 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.
- 8.13. 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.
- 8.14. The site is situated to the north east of Middlefield Lane, Hinckley and extends along the rear of existing dwellings which front onto Middlefield Lane, and Middlefield Place, and north facing side elevations of Netherley Court. To the north east the site is enclosed by the existing Jellicoe Way Play and open space and the south southern facing side elevations of Nelson Drive. Although appearance of dwellings within the immediate area is varied, they are predominately two storey dwellings, with a number of single storey detached dwellings present along Middlefield Lane. Given the former allocation of the site as Employment land, the Greenfields Business Park is situated to the north.
- 8.15. The proposal seeks the erection of 54 dwellings on a 1.37 hectare site and a mix of 1 to 3 bedroomed dwellings across the application site, all of two storey scale, which is consistent with Policy 16 of the Core Strategy that requires a mix of housing types.
- 8.16. A single point of access is proposed from Middlefield Lane, which is also the existing access serving the former depot site. The access would extend centrally into the south of the site, with the proposed dwellings orientated to provide a strong street frontage, and afford natural surveillance within the proposed street scene and access. The exception to this is plots 11 – 21 where the proposed dwellings would be positioned facing into a parking court, however plots 11 and 21 have been design to be dual frontage, to ensure there is active frontages to the development. The orientation of these plots ensures the development provides a frontage to the existing public right of way which bounds the application site to the south east, and provides a pedestrian link from Middlefield place to the open space along Jellicoe Way, which is currently enclosed with little natural surveillance.
- 8.17. The proposal includes a mix of house types of two storey scale, and the proposed dwellings would include some design detail within elevations to provide relief and interest within the street scene, such as brick detailing to window and door cills and front canopies above doors. A condition is necessary to ensure appropriate materials are employed within the development to ensure a cohesive and complementary development, in addition to a high quality landscaping scheme to enhance and soften the built form.

- 8.18. To reduce car dominance within the proposed street scene with the exception of plots 11-21 where parking would be provided in the formation of a car court, denoted by a change in material, parking spaces are provided either to the side or front of properties. The proposed flats, plots 45-54 which occupy the northern corner of the site, would have parking situated to the rear, within a parking court. Although this parking court is situated to the rear of the development, there are patio doors proposed to open out to the rear amenity space and habitable windows serving the living rooms of the proposed flats, which would ensure the rear parking area is sufficiently overlooked.
- 8.19. Although the proposed development has been designed as a cul-de-sac, pedestrian access through the site into the wider area to the south east would be possible as the application site would link in with the wider footpath network along the south of the application site. The proposed development would be reflective of the wider area, and would enhance the existing site allowing pedestrian permeability.
- 8.20. The density, layout and the two storey nature and design of the dwellings would complement and enhance the character and appearance of the site, and wider area. The scheme would therefore be in accordance with Policy DM10 of the adopted SADMP and the overarching design principles of the NPPF (2018).

#### Affordable Housing

- 8.21. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. At least 480 dwellings will contribute to this target in rural areas. Policy 15 requires that for all sites, the tenure split will be 75% social rented and 25% intermediate housing. These figures may be negotiated on a site by site basis.
- 8.22. It has been identified that there are currently 1402 applicants on the register for affordable dwellings for Hinckley. The Residential Land Availability Monitoring Statement for 1 April 2017 – 31 March 2018 identifies that since the start of the plan period to 31st March 2018, 1056 affordable dwellings have been provided. The requirement therefore to provide 2090 affordable dwellings by 2026 is not on track to being met and the proposed development of 54 dwellings with no market dwelling provision should be given significant weight, as it would make a contribution towards meeting this identified need.
- 8.23. The application offers a mix of 10 x 1 bedroomed properties, 30 x 2 bedroomed properties and 14 x 3 bedroomed properties. The tenure split is 50% affordable rented housing with the remaining tenure being 38% shared ownership and 12% rent to buy.
- 8.24. Policy 15 of the Core Strategy seeks that the tenure split on site is 75% social rented and 25% intermediate housing. The application proposes to provide a 50% split on site. Whilst this is not the split as required by Policy 15, the proposed development would provide a 100% affordable housing scheme, which is over and above the 20% affordable housing target on a development. The proposed development is therefore considered to be in accordance with Core Strategy Policy 15.

#### Impact upon neighbouring residential amenity

- 8.25. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.

- 8.26. The application site, is located within an area which is primarily surrounded by residential development, with the exception along the northern boundary which is an existing industrial estate.
- 8.27. Plots 1 to 7, would be situated to the south east side of the existing access into the site, and situated to the north east of No.134 and No.136 Middlefield Lane, the rear elevations and amenity space of which would face onto the side elevation of Plot 1 of the proposed development. The rear elevation of No's 134 and 136 Middlefield Lane would have a separation distance of approximately 16.5 metres to the side elevation of Plot 1. There is one window proposed within the first floor of Plot 1 side elevation, which would serve a bathroom window and would therefore be obscurely glazed, reducing any potential for overlooking. Given the separation distance between the existing dwellings on Middlefield Lane, and plot 1 it would not result in any overbearing impact or loss of light to these dwellings.
- 8.28. The rear of plots 1 – 7 would face towards a new development situated upon Middlefield Place to the south east. The rear elevation of the proposed dwellings would face the side elevation and associated rear amenity space of No.33 and No.34 Middlefield Place, which are two and half storey dwellings. There are existing side elevation windows at first floor which serve the landing of each of the existing dwellings. There would be a separation distance of approximately 17 metres from the proposed and existing dwellings, and therefore given this distance there would be no impact in terms overbearing impact or loss of privacy between the existing and proposed dwellings. In addition the rear elevations of plots 9 and 10 would face the rear elevations of No. 30 – 34 of Middlefield Place, however the separation distance would be in excess of 20 metres and therefore would not result in any direct overlooking.
- 8.29. The side elevation of plots 16 and 27 would face towards the rear gardens of 24 and 24a Middlefield Place, and would be set away approximately 5 metres from the boundary, and would have an overall distance of approximately 15 metres separation distance from the rear elevations. There would be side facing windows serving a proposed bathroom which would be obscurely glazed, and would not result in any overlooking. Taking into consideration the separation distances there would be no impact upon these properties in terms of overbearing impact or overshadowing from this proposal.
- 8.30. At the southern end of the site, the proposed dwellings would be orientated to face south east to provide an active street edge to an existing right of way which follows the site boundary. There are existing dwellings along this footpath which serve Netherly Court. No.11 and 12 Netherley Court are three storey properties with north west facing side elevations facing onto the footpath. No 15 and 16 Netherley have front elevations which face north west onto the footpath, however these are screened by existing vegetation. Plots 22 to 30 would face towards the footpath and Netherly Court. A shared drive and parking would be positioned between the front elevations of the proposed development and the public footpath, ensuring that a distance of at least 20 metres is achieved between the proposed and existing dwellings within Netherly Court, to ensure that there is no direct overlooking or impact from this development.
- 8.31. To the north east side of the site, the proposed development would back onto existing dwellings along Benbow Close and Nelson Drive, which are two storey detached dwellings. The rear elevation and amenity space serving plots 37 and 38 would back onto the side elevation of No.6 Benbow Close and would have a separation distance of approximately 21 metres, and therefore given this separation distance the proposed development would not result in any significant impact upon amenity, and would not result in any overbearing impact to this property. The rear

elevation of 8 Benbow Close would back onto to the application site, and the rear of plots 40 and 41 would face towards this dwelling. There would be a window to window separation distance of approximately 30 metres, ensuring that there would be no loss of privacy or overlooking between these properties, and secure adequate private amenity for both occupiers.

- 8.32. The south west side elevation on No.9 Benbow Close faces towards the application site and the rear elevation of proposed plots 43 and 44 would face towards this dwelling. The proposed separation distance from the rear elevation to the side elevation of No.9 would be approximately 22 metres and given there are no significant habitable windows within this side facing elevation, there would be no impact in terms of overlooking, and the separation distance ensures that there would be no overbearing impact from the proposed development to the existing dwelling.
- 8.33. The proposed flats, plots 45 to 54, which are situated to the north west portion of the site, would be positioned adjacent to the side boundary of No.30 Nelson Drive. They would have a separation distance of approximately 10 metres from the side elevation of plots 45-54 to the side elevation of no. 30, and there are no proposed windows within the side elevation of the proposed apartment block. Given the proposed distance there would be no overshadowing or overbearing impact to this property. Furthermore given that there are no windows proposed within the side facing elevation of the flats there would be no overlooking.
- 8.34. The proposed dwellings would be served by reasonable sized gardens to provide adequate amenity space for future occupiers. The dwellings would be sufficiently separated from one another to avoid overlooking or indivisibility of windows. Where dwellings are positioned on opposite sides of the proposed road serving the development, dwellings are set back from the road and have been positioned and designed that dwellings do not directly face into similar opposing habitable rooms, further reducing overlooking across the development. Therefore the proposed layout would afford future occupiers a reasonable level of amenity.
- 8.35. The development has been designed to ensure there would be no adverse impact upon the amenity of existing and future occupiers and is therefore in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.36. 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.
- 8.37. A Transport Statement has been submitted in support of the application. This concludes that the site is within reasonable walking distance of local amenities, services, public transport and employment opportunities, the site is also identified as being accessible by non-car travel modes. The proposed development would have a single point of access from Middlefield Lane, and would use the existing access serving the site, which is un-adopted. The proposed access into the site would dissect through the central portion of the site into a proposed cul-de sac. The access to the site is situated upon an existing junction with Middlefield Lane and Richmond which currently is not formalised in terms of vehicle priority. The proposed development would lead to a material increase in vehicles using this access, and as such the proposal seeks to provide a give way lining and signage to ensure clear priorities at this junction.
- 8.38. Within the proposed development, the scheme includes traffic calming to ensure vehicle speeds within the development are below 30mph. The proposal includes parking for all proposed dwellings, for one bedroomed dwellings one parking space

is provided per plot and for two and three bedroom dwellings two parking spaces or more are provided per plot.

- 8.39. Leicestershire County Council (Highways) has assessed the scheme and has no objection to the proposed development, subject to the imposition of conditions. The conditions seek to ensure that prior to occupation the off site highway works, drainage, access parking and turning provision proposed is completed. A further condition is also requested in relation to submission of a construction management statement, given the residential character within the area, to ensure lorries are routed accordingly, operating hour and deliveries are actively managed on site and wheel washing facilities are provided. The conditions are considered necessary and reasonable to ensure the impact of the development is appropriately mitigated, and would not result in any highway safety issues. The proposed development is therefore in accordance with Policies DM17 and DM18 of the 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.

#### Noise

- 8.44. Policy DM10 of the SADMP seeks to ensure that the amenity of the occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site. Paragraph 170 of the NPPF advises that planning policies and decisions should prevent new and existing development from contributing to, being put at an unacceptable risk from, or being affected by unacceptable levels of noise pollution.
- 8.45. The application has been supported by a noise assessment, owing to the existing industrial use neighbouring the site. The application site is in close proximity of a neighbouring industrial estate, known as Greenfields Business Park, to the north west of the application site. The nearest residential dwellings proposed would be plots 45-54 and would be approximately 20 metres from the nearest industrial unit. The proposal seeks to erect a 3 metre high close boarded timber fence to be erected along the north west boundary which neighbours the industrial premises, to offer acoustic protection. Environmental Health (Pollution) have considered the application, and have no objections to the proposed development subject to the specification of the proposed close boarded fencing is agreed prior to its erection, to ensure adequate protection is secured. Therefore subject to the imposition of

conditions the proposed development would be in accordance with Policy DM10 of the SADMP and the overarching principles of the NPPF.

#### Land Contamination

- 8.46. 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.
- 8.47. During the course of the application a Phase II Site Appraisal Report has been received and is subject to consultation with Environmental Health (Pollution). As comments have not been received in respect of this document this matter will be updated by way of late item.

#### Ecology

- 8.48. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.49. The application has been accompanied with an up to date Ecology report. The content of this has been considered by Leicestershire County Council (Ecology). The application site is primarily made up of large areas of hardstanding, with some ruderal vegetation. There is however an existing brook which travels along the north east side of the application site, and would be the only likely area of interest in terms of ecology, although limited. The proposed layout seeks to provide a 5 metre brook maintenance brook along this north east edge which would be outside any proposed plot boundaries to ensure it would be maintained in a semi natural state. A condition within the landscaping scheme should seek to ensure that any planting along this edge comprises of locally native species only. Accordingly, subject to conditions the development would be in accordance with Policy DM6 of the adopted SADMP by securing biodiversity enhancements.

#### Infrastructure contributions

- 8.50. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.51. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

#### Public play and open space

- 8.52. Core Strategy Policy 1 states that new development should address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Hinckley. New green space should meet the standards in Policy 19 of the Core Strategy. Policy 19 sets out standards to be used to determine what improvements are required to existing facilities, and what new provision is required for new development.
- 8.53. The proposal will need to provide green space and play provision using the quantity standards outlined in Core Strategy 19. The overall provision is dependant upon the number of dwellings to be provided on site. This application is for 54 dwellings.



- 8.54. In the first instance, the green space and play provision should be provided on site. However this is not always practical due to other factors, such as minimum sizes of types of green space/play provision, levels issues, awkward site shapes. To ensure that the development is in accordance with Policy 19 of the Core Strategy if the full on-site green space and play provision is not provided contributions towards the off-site provision and maintenance of open space will be requested through a Section 106 legal agreement. For clarity, the quantity required is broken down per dwelling and the provision and maintenance figures per square metre. The contributions sought will therefore be based upon the table below:

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

- 8.55. The application site is located adjacent to Jellicoe Way, which is situated to the south east of the application site. Jellicoe Way provides Amenity Green Space. The quality score for Jellicoe Way is 71% within the Open Space and Recreation Study 2016, which is below the 80% quality target score. Given the size of the units proposed it is considered that these would appeal to families and given the proximity of the application site to Jellicoe Way, it is considered that the future occupiers would use the facilities on this site as an accessible natural amenity green space. Within 600 metres of the application site is Richmond Park, which is a formal play space which provides equipped childrens play space, outdoor sports facilities and facilities for young people and has a quality score of 72% within the Open Space and Recreation Study 2016, which is below the 80% quality target quality score. Given the close proximity of the application site to this recreational facility, and taking into consideration the size of the proposed dwellings which would appeal to families it is considered that future occupiers would use this facility for Equipped and casual play space in addition to the outdoor sports provision that is on offer at Richmond Park. 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	54	194.4	£181.93	£35,367.19	£87.80	£17,068.32
Casual/Informal Play Spaces	16.8	54	907.2	£4.44	£4,027.97	£5.40	£4,898.88
Outdoor Sports Provision	38.4	54	2073.6	£9.05	£18,766.08	£4.30	£8,916.48
Accessibility Natural Green Space	40	54	2160	£4.09	£8,834.40	£7.10	£15,336.00
				Provision total	£66,995.64	Maintenance total	£46,219.68

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

#### Education

- 8.57. An assessment of the development's impact upon the local education provisions has been provided by Leicestershire County Council. These have been broken down into Primary, Secondary and Special School Requirements.
- 8.58. With regards to Primary School requirements the site falls within the catchment area of Richmond Primary School. There are 5 other primary schools within a two mile walking distance of the application site. There is an overall surplus in this sector after including all the primary schools within a two mile walking distance of the development of 125 pupil places and therefore a primary school education contribution is therefore not reasonable nor necessary.
- 8.59. In terms of Secondary School, the application site is situated within the catchment area of Redmoor High School Academy Trust, which has a net capacity of 925 and 1046 pupil projected including this development, this results in a deficit of 121 pupil places. A total of 149 pupil places are included in the forecast for this school being funded from Section 106 agreements for other development in this area and therefore have to be deducted. This reduced the total deficit for this school and creates a surplus of 28 pupil places. Overall there is a surplus in this sector after including 2 further schools within a three mile waling distance from the development of 55 pupil places, and therefore a request for a secondary contribution is not reasonable or necessary.
- 8.60. There are two post sixteen schools near to the application site, Hinckley Academy and John Cleveland College. The College has a net capacity of 600 and 657 pupils are projected on roll should this development proceed, this results in a deficit of 57 pupil places after taking into account the 2 pupil generated by this development. A total of 79 pupil places are also being funded at these schools from S106 agreements for other development in this area and have to be deducted. This results in a surplus of 22 pupil places, and therefore a contribution for this sector is not reasonable or necessary.

- 8.61. As the development is for less than 250 houses with two or more bedrooms a claim for a special school contribution has not been made.

#### Health

- 8.62. Assessment of the impact of the development upon the health service in the area has been assessed by the NHS. It is identified that the development could have an estimated population of 130 residents (using the Census average household size of 2.4 people per dwelling). This would result in the need 3.42 additional patient appointment hours per week for a consulting room and 0.91 hours additional patient appointment hours per week for a treatment room. The closest GP Practice is located at Hollycroft Medical Centre. This centre has experienced continual growth of patient numbers which is currently impacting upon the capacity within the existing premises. To accommodate any further additional patients they would need to consider extending the current clinical space to maintain services. The indicative size of the premises requirements has been calculated based on current typical sizes of new/refurbished surgery projects factoring in a range of list sizes recognising economies of scale in larger practices. The cost per square metre has been calculated by a quantity surveyor experienced in health care projects. The additional floor space required is calculated to be 0.11 square metres per person. The cost of additional accommodation per patient equates to £1902 per square metre. The cost of providing additional accommodation would be £27,198.60
- 8.63. The contributions are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and should be secured by a Section 106 agreement.

#### Civic Amenity

- 8.64. The Director of Environment and Transport requests a contribution of £2675 towards the delivery of civic amenity services and facilities at the nearest site in Barwell to mitigate the impact of additional users from the development on the facility. Due to the small scale of the estimated impact from the development on civic amenity facility (an additional 14.9 tonnes to the latest estimated figure of 7,874 tonnes per annum for the year 2012/2013). It is considered that the impact would not be so significant to justify mitigation by way of a financial contribution from the development. In this instance the contribution is not considered CIL compliant and therefore is not supported.

#### Libraries

- 8.65. The impact of the development upon libraries has been assessed by Leicestershire County Council. A contribution request has been made from Leicestershire County Council Library Services for £1,480 for use of provision and enhancement of library facilities at Hinckley Library on Lancaster Road, and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the library on the local library service arising from the development. The formula is based on £15.09 per 1 bed property, £30.18 per 2+ bed roomed properties. It is considered that the library request has not demonstrated whether the contribution is necessary and how increasing lending stock would mitigate the impact of the development on the library facility.

#### Highways

- 8.66. In order to encourage sustainable travel to and from the site, achieve modal shift targets and reduce car use, Leicestershire County Council (Highways) have requested:

Welcome packs to be provided to inform new residents from first occupation what sustainable travel choices are in the surrounding area. To either be prepared by the developer as part of the home briefing packs or supplied by Leicestershire County Council at £52.85 per pack. Delivery to be secured through Section 106.

Six month bus passes to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. Two bus passes should be provided per dwelling at £360 per pass.

#### CIL compliance

- 8.67. The request to pay the contributions must be considered in accordance with the statutory requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations state that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. This assessment has been undertaken and it is considered that all of the contributions requested save for libraries and civic amenity as set above, meet the tests and therefore are considered to be CIL compliant.

#### Other Matters

- 8.68. Street Scene Services (Waste) has raised no objections to the application, subject to a requested condition to secure the provision of waste recycling, storage and collection for the scheme. This will form part of the details required within the landscaping scheme to ensure adequate provision is provided within the site, in appropriate locations.

### **9. Equality Implications**

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

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

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

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

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

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

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

### **10. Conclusion**

- 10.1. The application site forms part of a designated 'Existing Employment Site' within the Employment Land and Premises Review (2013) but is identified to be lost for housing. The SADMP (2016) allocates the site (HIN11) for residential development.

- 10.2. The application site lies within the settlement boundary of Hinckley in a sustainable urban location for residential development with reasonable access to a full range of services and facilities from sustainable transport modes. The approval of a sympathetic residential scheme on this sustainable brownfield site would contribute

to boosting the supply of housing and reduce pressure to release less sustainable greenfield sites.

- 10.3. By virtue of the proposed layout the scheme would complement the character and appearance of the surrounding area and would not give rise to any material adverse impacts on the amenities of the occupiers of any neighbouring properties. Technical reports have been submitted to demonstrate that the proposal would not result in any significant environmental impacts on biodiversity, flooding or pollution. The scheme would contribute towards affordable housing. The proposed scheme is considered to be in accordance with Policy 1 and 16 of the adopted Core Strategy and Policies DM1, DM6, DM7, DM10 DM18 and DM17 of the Site Allocations and Development Management Policies DPD together with the overarching principles of the NPPF.

## 11. Recommendation

### 11.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - 100% affordable housing provision
  - Play and open space contributions:
  - Provision £66,995.65
  - Maintenance £46,219.68
  - Health contribution of £27,198.60
  - 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 except in complete accordance with the details shown on the submitted plans:

Site Location Plan Dwg No.40356011  
Proposed front and rear elevation Dwg No.40356 010A  
Proposed side elevations Dwg No.40356009A  
Proposed floor plan and elevations Dwg No.40356008A  
Proposed floor plans and elevations Dwg No.40356007A  
Proposed floor plans and elevations Dwg No.40356006A  
Proposed floor plans and elevations Dwg No.40356005A  
Proposed floor plans and elevations Dwg No.40356004A  
Received on the 22 December 2017  
Site layout plan Dwg No.40356002 Y  
Technical Layout Plan Dwg No. 40356014Q  
Received by the Local Planning Authority on the 2 October 2018.

**Reason:** To ensure a satisfactory impact of the development to accord with

Policy DM1 of the adopted Site Allocations and Development Management Policies DPD.

3. Before any development commences above damp course level, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those approved materials.

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

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

- 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 or other storage units, signs, lighting, etc.)
- 7) Planting plans
- 8) Waste recycling collection and storage points
- 9) Written specifications
- 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. The access and off site highway works into the development hereby approved, shall be carried out in accordance with the Technical Site Layout Dwg No.40356 014Q received on the 2 October 2018 shall be implemented and completed before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

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

7. The development hereby permitted shall not be occupied until the access, parking, turning and layout arrangements as shown on Technical Site Layout

Dwg No.40356 014Q received on the 2 October 2018 has been completed and shall thereafter be permanently so maintained.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway in a slow and controlled manner and reduce the possibility of the proposed development leading to on street parking problem, in the interests of highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

8. Any dwellings which are served by private access drives (and any turning space) shall not be occupied until such a time as the private access drive that serves those dwelling has been designed in accordance with figure DG20 of the Leicestershire Highways Design Guide, and submitted to the Local Planning Authority to be approved in writing. The agreed private access drives shall be completed prior to occupation of the development and thereafter maintained in perpetuity.

**Reason:** To ensure and reduce the risk of possible deleterious material being deposited in the highway, in the interests of highways to safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

9. Notwithstanding the provisions of Part 2, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within 5 metres of any highway boundary.

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

10. No part of the development hereby approved shall be occupied until such a time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the all private accesses with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintain in perpetuity.

**Reason:** In the interests of pedestrian safety to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD.

11. Development shall not begin until a scheme to provide a surface water drainage scheme has been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** To ensure that the development is provided with satisfactory means of surface water and foul water drainage to prevent flooding and minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and to ensure that surface water from the site does not drained into the highway and cause a highway safety issue to accord with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to first occupation of the site details in relation to the long term maintenance of the sustainable surface water drainage system within the

development has been submitted to and application in writing by the Local Planning Authority, and shall be carried out and maintained in accordance with the agreed details.

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

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

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

14. Prior to commencement, infiltration testing shall be carried out to demonstrate the suitability of the site for the use of infiltration as a drainage element, the flood risk assessment (FRA) shall be updated accordingly to reflect the drainage strategy. The updated FRA and drainage strategy shall be submitted to and agreed by the Local Planning Authority. The approved details shall be implemented and completed prior to first occupation of the development.

**Reason:** To demonstrate that the site is suitable for the use of infiltration techniques as part of the drainage strategy to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

15. 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, working hours, 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 Policies DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

16. 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).



17. 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).

18. Prior to first occupation of the development hereby approved the mitigation measures shall be completed in accordance with the recommendations set out within the submitted Noise Impact Assessment by P M Dyson of Acute Acoustics Ltd received on the 22 December 2017.

**Reason:** To ensure the future occupants of the development does not have an adverse impact in terms of noise from the neighbouring industrial use to accord with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

19. Prior to occupation of the development hereby approved specifications of the proposed acoustic fence to be erected along the northern boundary of the application site, shall be submitted to and agreed in writing. The agreed acoustic fencing shall be erected and completed prior to first occupation of the development and retained in perpetuity.

**Reason:** In the interests of protecting residential amenity in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD.

#### 11.5. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. 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>.
3. Maintenance, Please note, it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.
4. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year 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.

5. 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.
6. 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. 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. 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.

Planning Committee 20 November 2018  
Report of the Interim Head of Planning

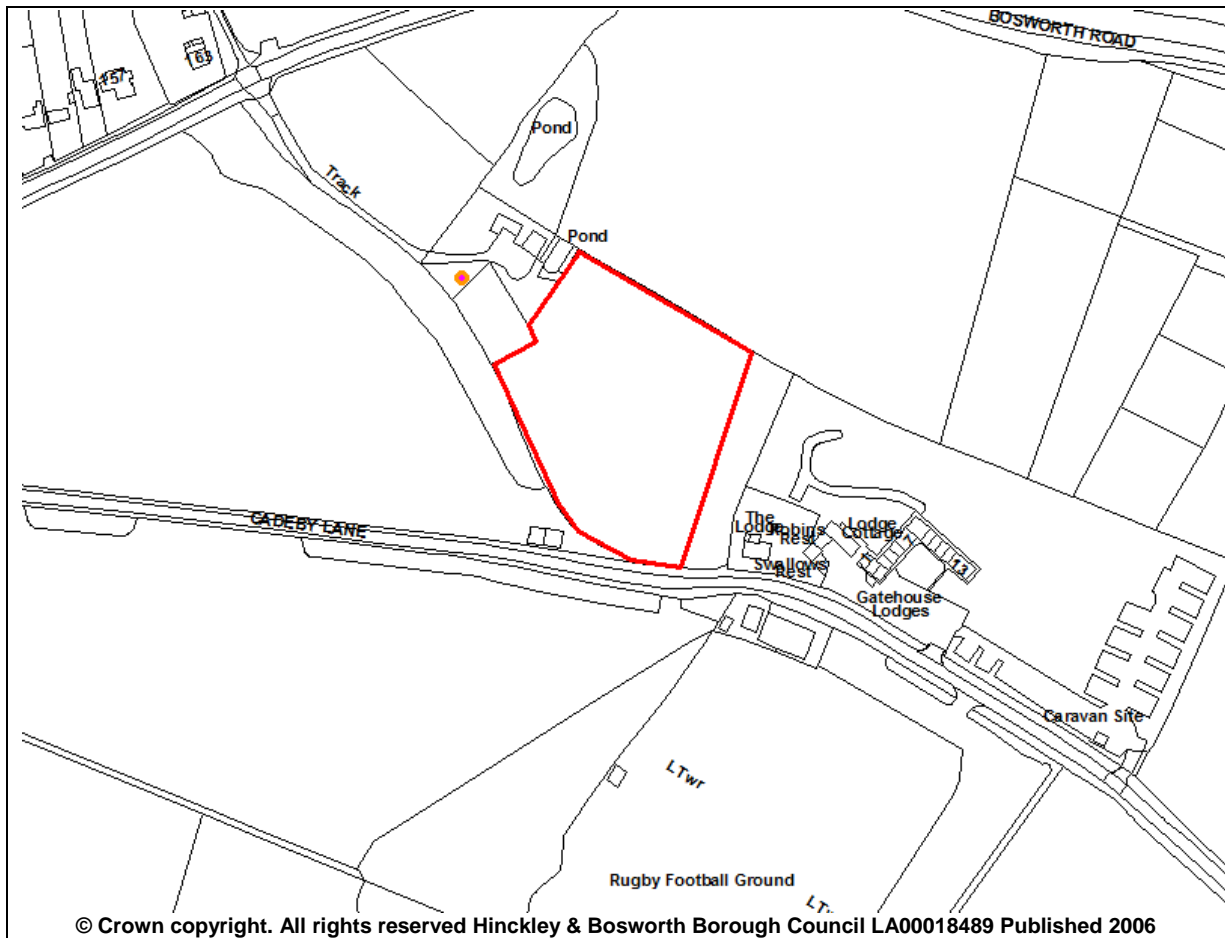
Planning Ref: 18/00805/FUL  
Applicant: Ms Pauline Martina Smullen  
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth  
Borough Council

Site: Land North Of Cadeby Lane Cadeby

Proposal: Development of the land for the erection of three log cabins for holiday let purposes



1. The application seeks full planning permission for the erection of three (3) timber cabins for holiday letting purposes with associated crushed stone access driveway from the existing field access, bin store and additional landscaping. This application was taken to the previous Planning Committee on 23rd October. Notwithstanding the officer recommendation that permission be granted, some members felt that the development and its design was not complementary to or reflective of the neighbouring properties and would have a significant adverse effect upon the character of the countryside of the area.
2. Following feedback received from members at Planning Committee and subsequent discussions with officers, the applicant has submitted amended plans as well as offering the following information:

3. The applicant has explored whether the access road could be relocated along the western part of the site away from the eastern shared boundary. The intention is to locate parking areas behind the log cabins so that parked vehicles are not visible from Cadeby Lane. To retain this arrangement the log cabins would have to move to the east to provide space for the access road to the left of them. This would break up the 'clustered' effect that the applicant was trying to achieve; the cabins would appear more separated from the existing stables and barn; moving them further to the east would also make them a more prominent feature and more visible from Cadeby Lane.
4. Furthermore, the intention was to avoid development in close proximity to the existing mature trees bordering the site. This would not only safeguard tree root protection zones but also allow the maximisation of the wildflower meadow and edge habitat which not only provide value for wildlife but assist to buffer views into the site and create an attractive outlook for visitors using the cabins.
5. The cabins would be located within a field which has a stable yard and associated buildings to the west and a long established holiday complex comprising lodges, a tea room and a caravan park to the east. Further to the south-east is the Rugby Club who also has a site which is used for camping on occasion. The area is already a hub for tourist accommodation and the proposed modest addition to these exiting uses would not cause any further significant harm to the countryside location and would complement the existing tourist accommodation.
6. In regard to potential noise and disturbance to the immediate neighbour to the east in regard to the proximity of the access road and the finish of the surface, the finishes for the service track have been clarified and a revised site layout plan provided. The finish will be a crushed and graded limestone aggregate which is commonly used within the field of agriculture. This 'beds' down to a smooth surface eliminating any potential 'crunching'. A native hedge is proposed along the site's eastern boundary, which once established will completely conceal the access road, and there is no proposal to light the access road. It is considered that these measures will mitigate sufficiently against any disturbance to the adjacent neighbour.
7. Further images of the timber cabins are provided. The cabins are shown with both a dark grey finish or a green finish which is shown on the computer generated images. The cabins are to be constructed with both a double wall construction externally (fully insulated) and the addition of a double wall internally for sound proofing between rooms and along with the additional landscaping will provide much needed high quality tourist accommodation. An Artist's impression and a street scene drawing is awaited to show the extent of the visual impact from Cadeby Lane and will be available at the Meeting. As the Cabins are of a bespoke design there are no examples of others similar in the area but it is considered that the additional drawings and artist impressions will allow Members clarity.
8. The recommendation to Approve remains.
9. **Recommendation**
  - 9.1. **Grant planning permission** subject to Conditions below
  - 9.2. **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 19 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 except in complete accordance with the details shown on the submitted plans:

Dwg No KL-386-002 – Location Plan received 13 August 2018

Dwg No KL-386-001 - Proposed Site Plan received 6 November 2018

Un-numbered - Proposed Sections, Floor plans, 3D Views and Elevations (pages 1-5, scale 1:100) dated 2 November 2018, received 6 November 2018.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. No development above slab level shall take place until samples of the materials and colours to be used in the construction of the timber cabins have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved sample details.

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

4. The timber cabins, hereby approved, shall be for holiday purposes only and shall not be used as the sole or main residence of the occupiers. No person shall occupy any cabin for a period exceeding four weeks within a 12 month period. Furthermore, no person shall occupy any cabin within a period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names and main home addresses of all the individual occupiers and shall make this information available for inspection at all reasonable times to the Local Planning Authority following prior written notification.

**Reason:** Having regard to Policy DM4 of the Site Allocations and Development Management Policies Development Plan Document permanent residential units would not be acceptable in this rural location.

5. No development above slab level shall commence until a scheme to dispose of surface water drainage has been submitted to, and approved in writing by, the local planning authority.

**Reason:** To ensure the development does not adversely impact the water environment in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

6. Notwithstanding the submitted plans no development shall commence above slab level until comprehensive details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. These details shall include:-

- a) Planting plans
- b) Written specifications
- c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- d) Details of any fencing to be erected
- e) Maintenance schedule
- f) Implementation programme
- g) Treatment of hard surfaced areas (including the footway access and road layouts and hardstanding for each pitch)

**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.

7. The approved soft and hard landscaping scheme shall be carried out in accordance with the submitted and approved implementation schedule within the approved landscaping scheme, required by condition 5 of this permission. 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 at which time shall be specified in writing by the Local Planning Authority.

**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. The vehicular access to the site shall be widened to a minimum width of 6 metres to a distance of 10 metres to the back edge of the highway. Before first use of the development hereby permitted, the access drive shall be provided and shall thereafter be permanently so maintained.

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

9. Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre radii on both sides of the access.

**Reason:** To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway, in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

10. Any gates, barriers, bollards, chains or other such obstructions shall be inward opening only and shall be set back a minimum of 10 metres from the back edge of the highway.

**Reason:** To enable a vehicle to stand clear of the highway whilst the gates are opened/closed in the interest of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

11. Before first use of the development hereby permitted the access drive shall be surfaced in a hard bound porous material for a minimum distance of 10 metres from the back edge of the highway and shall be so maintained at all times.

**Reason:** To reduce the possibility of deleterious material behind deposited in the highway (loose stones, etc) in the interests of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

12. Before first occupation of the development hereby permitted, visibility splays of not less than 2.4 metres by 120 metres to the east (right) and by 215 metres to the west (left) shall be provided out of the access at its junction with Cadeby Lane. These shall be in accordance with the standards contained in the current County Council design guide and shall be so

maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

**Reason:** To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety. If during development, any items of archaeological interest are found to be present at the site, no further development shall take place until a Written Scheme of Investigation is submitted to and approved in writing by the Local Planning Authority. No further works shall take place other than in accordance with the approved Written Scheme of Investigation.

**Reason:** To ensure that no development shall take place which may adversely affect any items of archaeological interest in situ without adequate prior investigation in accordance with Policy 13 of the Site Allocations and Development Management Policies Development Plan Document.

#### **Notes to Applicant**

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

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# APPENDIX A

Planning Committee 23 October 2018  
Report of the Interim Head of Planning

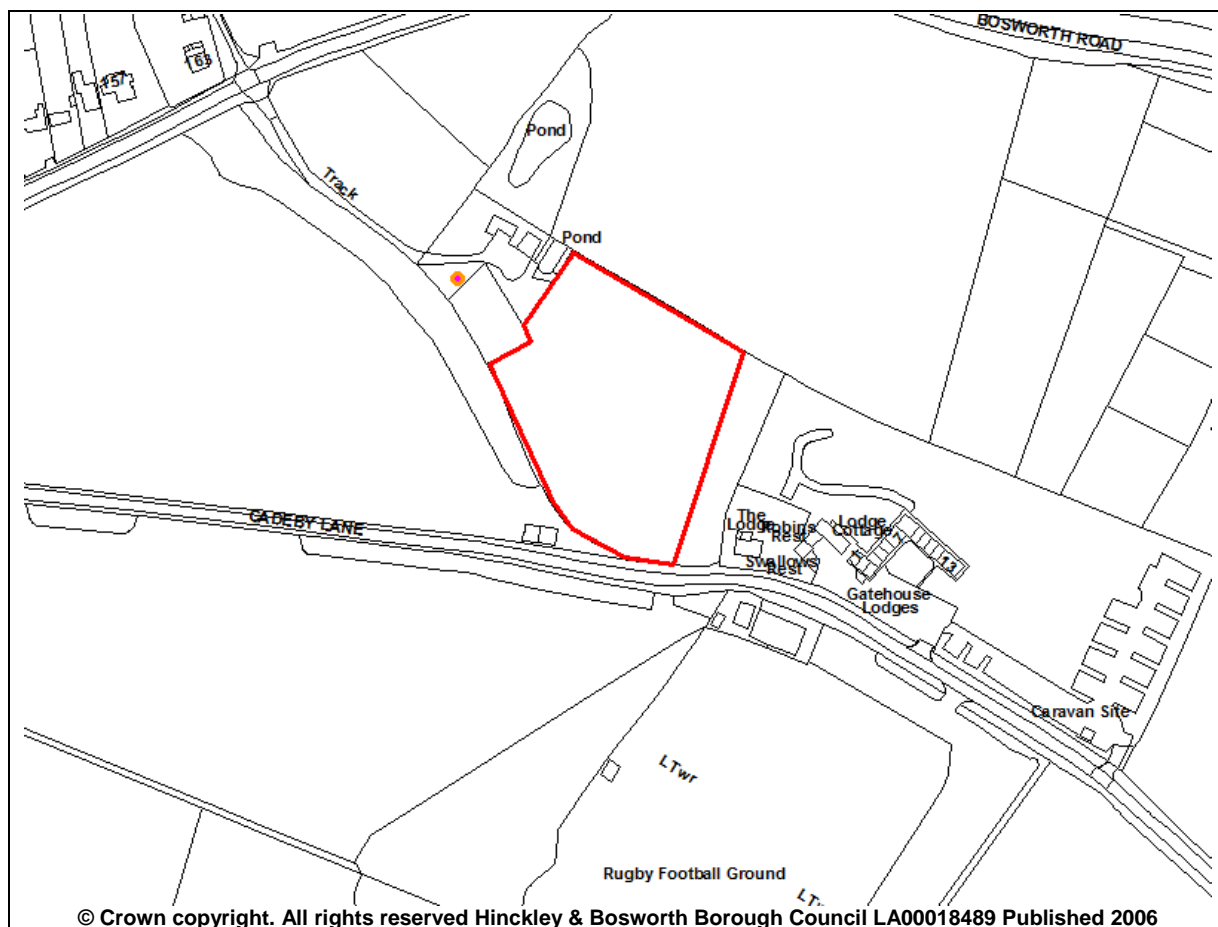
Planning Ref: 18/00805/FUL  
Applicant: Ms Pauline Martina Smullen  
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth  
Borough Council

Site: Land North Of Cadeby Lane Cadeby

Proposal: Development of the land for the erection of three log cabins for holiday let purposes



## 1. Recommendations

### 1.1. Grant planning permission

- Planning conditions outlined at the end of this report.

## 2. Planning Application Description

- 2.1. The application seeks full planning permission for the erection of three (3) timber cabins for holiday letting purposes with associated hard core access driveway from the existing field access, bin store and additional landscaping.

## 3. Description of the Site and Surrounding Area

- 3.1. The site relates to a field on the north side of Cadeby Lane. The field is currently used for grazing of horses in conjunction with the applicant's stables and yard adjacent to the west (coloured blue on the accompanying Plans).

## APPENDIX A

3.2. The site is within a Countryside location close to the Conservation area of Market Bosworth. It is located opposite the Market Bosworth Country Park.

3.3. To the east is Gatehouse lodges and Market Bosworth Caravan Park both existing tourism facilities.

### 4. Relevant Planning History

00/00196/COU	Construction of manege	Permission	28.04.2000
95/00873/FUL	Erection of stable and tack room	Permission	04.01.1996
93/00018/4	Erection of an agricultural building	Permission	24.03.1993
92/00139/4	Agricultural vehicular access	Permission	24.03.1992

### 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. There have been four letters of objection received from third parties with the following concerns raised:

- 1) Outside settlement boundary
- 2) Erosion of Green wedge
- 3) Narrow access road - used by walkers, horse riders and cyclists
- 4) Lane recognised as a Public Walk within the Market Bosworth Neighbourhood Plan joining up the Country Park and Market Bosworth
- 5) Emerging ribbon development of holiday lets
- 6) Existing tourist accommodation would lose its identity
- 7) Significant historic finds within the adjacent site
- 8) Unsustainable development
- 9) Heritage Assets need protection
- 10) Lack of screening between the site and adjacent property
- 11) Log cabins do not promote local distinctiveness
- 12) Out of keeping with local vernacular
- 13) The log cabins will compromise the open character of the area
- 14) If approved, will set a precedent
- 15) Fails to provide safe vehicle access
- 16) It will domesticate the site which is currently undeveloped

### 6. Consultation

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

- Environmental Health (Drainage)
- Environmental Health (Pollution)
- Hinckley and Bosworth Borough Council Waste
- LCC Highways Authority
- LCC Ecology
- LCC Archaeology
- LLFA

## APPENDIX A

6.2 No comments received from:-

- Leicestershire County Council (Archaeology)
- Western Power
- Market Bosworth Neighbourhood Forum
- Severn Trent Water

6.3 LLFA originally requested a Flood Risk assessment as the site is larger than 1ha. However a mistake was made by the applicant on the application form which stated that the site was 2.15ha. The red lined site area is less than 1ha and therefore a FRA is not required. A response confirming that a FRA is not required has been received from the LLFA.

6.4 LCC Archaeology make the following comments: *Having reviewed the above application against the Leicestershire and Rutland Historic Environment Record (HER), we do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. We would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 189-190).*

6.5 Market Bosworth Parish Council object on the following grounds:

- 1) It would impact significantly on the character and environment of the area and views into the conservation area
- 2) The site is opposite the Country Park and would set a significant precedent for development on the entire site
- 3) This part of Cadeby Lane is recognised by regular local users as a 'danger spot' for vehicles
- 4) Outside of Settlement boundary and although it is situated alongside an established 'visitor site' the existing site is well screened from the road and does not impact on views.
- 5) Design does not fit in with others in the vicinity
- 6) Significant historical finds have apparently been found on adjacent site

6.6 Cadeby Parish Council object on the following grounds:

- 1) Site location plan implies that vehicle access will involve works on land outside of the application site
- 2) Proposed development does not accord with Core Strategy Policy 23 as unlikely to contribute to the economic well being of the area
- 3) Unclear how design of cabins would complement the tourist themes of the borough
- 4) Site is in a prominent location on a main vehicle route which is characterised by listed buildings and open countryside. The development of three log cabins and associated access will compromise this character
- 5) The design of the cabins are distinctive but will not enhance the character or distinctiveness of Market Bosworth

## 7. Policy

7.1. Market Bosworth Neighbourhood Plan 2014-2026

- The site falls outside of the Neighbourhood Plan Area but is adjacent to Area G (Country Park). The policies of the MBNP are therefore not applicable.

7.2. Core Strategy (2009)

- Policy 7:Key Rural Centres Stand Alone
- Policy 23: Tourism Development

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM8: Safeguarding Open Space, Sport and Recreational Facilities
- Policy DM9: Safeguarding Natural and Semi-Natural Open Spaces
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM18: Vehicle Parking Standards
- Policy DM24: Cultural and Tourism Facilities

### 7.4. 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
- Drainage
- Impact upon Archaeological Heritage Assets
- Impact upon Heritage Assets

#### Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that the NPPF is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies Development Plan Document DPD 2016 (SADMP).

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

8.4. Policy DM4 of the SADMP seeks to safeguard the countryside from unsustainable development and identifies that development in the countryside will be considered sustainable where proposed development is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; subject to it meeting further detailed criteria.

8.5. Policy 11 of the Core Strategy seeks to support the development of the tourism industry within Key Rural Centres Stand Alone, for which Market Bosworth (the nearest settlement) is considered to be.

8.6. Policy 23 of the Core Strategy encourages tourism development, including accommodation where it meets the following criteria:

## APPENDIX A

- The development can help to support existing local community services and facilities;
  - Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping; and
  - The development adds to Hinckley & Bosworth's local distinctiveness;
  - Complements the tourism themes of the borough; and
  - The development adds to the economic wellbeing of the area.
- 8.7 The NPPF at Section 6 supports economic growth. At paragraph 83 (c), it states that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside. At paragraph 84, it states that planning policies and decisions should recognise that such sites may be found adjacent to or beyond existing settlements and in locations which may not be well served by public transport. In such circumstances, it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example improving the scope for access on foot, by cycling or by public transport. The application site is situated outside any defined settlement boundaries, and is therefore situated within the countryside.
- 8.8 The site is located within an established tourism area within walking distance from Market Bosworth and the Country Park. Bosworth Battlefield and Twycross Zoo are a short driving distance away. The applicant has submitted a Business Plan with information as to the marketing of the cabins with rental rates and the reasons why she has chosen this particular location for her proposals due to its benefits to Market Bosworth through creating local employment, enhanced spending in local shops and restaurants as well as local visitor attractions. The site is well connected to Market Bosworth and within a range of existing tourist accommodation and accords with Core Strategy Policy 23 in this regard.
- 8.9 Although the site is not well served by public transport, in accordance with paragraphs 83 (c) and 84 of the NPPF, there are opportunities for cycling within the area and due to the short distance of tourist features it is considered reasonable to assume that cycling maybe used as a form of transport to these locations. Although it is accepted that users of the proposal would likely use their vehicles at some point when investigating the area, due to the positioning of the site within the borough close to key tourism facilities it is considered that the site is located within a suitable location to support the tourist facilities within the borough. Therefore the provision of accommodation is supported in principle.

### Design and impact upon Heritage Assets

- 8.10 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 8.11 The site lies outside of any defined settlement boundaries and therefore within an area designated as countryside. It is not within a designated Green Wedge or an Area of Outstanding Natural Beauty (AONB). It is not within a designated Conservation Area, however it is close to the northern boundary of the Market Bosworth Country Park (which lies to the south of the site separated by Cadeby lane) which has historical significance. It is the impact the proposal may have on the country Park (as Historical Asset) that is considered here.

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- 8.12 Paragraph 170 of the NPPF states that the planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. Policy DM4 of the SADMP seeks to resist unsustainable development within countryside locations and seeks to ensure proposals reflect the surrounding character of the countryside, and protect its intrinsic value, beauty and open character. 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. Policies DM11 and DM12 seek to protect and enhance the historic environment and heritage assets. If the impact of any proposal causes harm to a heritage asset it must be weighed against the public benefits of the proposal.
- 8.13 The 3 timber cabins would be situated close to the northern boundary of the site. The site is screened by a belt of mature woodland along the western boundary and a mature hedgerow on both northern and southern boundaries. The eastern boundary between the site and the adjacent residential property is currently defined by a post and rail fence although a native hedgerow is proposed on the landscape plan to add additional screening along this internal boundary.
- 8.14 Although the site is not within a conservation area it is adjacent to the Market Bosworth Country Park which forms part of the Market Bosworth Conservation Area, and therefore consideration must be given to the impact the proposal may have on the historic setting of this heritage asset.
- 8.15 As identified in the Market Bosworth Conservation Area Appraisal (2014) (MBCAA) the development of Market Bosworth has been influenced by its location as a ridge top settlement, its agricultural economy and the strong manorial tradition based on Bosworth Hall within its parkland setting. In 1885 the ownership of the hall passed from the Dixie family to Charles Tollemarche Scott who improved the estate, replanting woodland and rebuilding lodges and farms.
- The historical relationships between the village of Market Bosworth, the hall and the park and the agricultural landscape are clearly apparent and define the setting of the conservation area and hugely contribute to its unique sense of place. The countryside around the settlement and its relationship to the entrance roads is a major factor in the appreciation of the character of the village and its conservation area.
- 8.16 When approaching the conservation area along Cadeby Lane from Cadeby the road is flanked by open pasture and managed parkland. As confirmed by historical mapping, the conservation area boundary which runs along the western boundary of the site marks the extent of the managed parkland associated with the hall, despite the Gate House Cottage which was erected during the late 19<sup>th</sup> century being located slightly further east and adjacent to the site. The character of the site reflects its past use as pasture and current use for grazing rather than having a parkland character, however, the current character of the site is typical of the varied agricultural landscape that borders the hall parkland so the site sits comfortably within the parkland setting. Subsequently the site is considered make a neutral contribution to the significance of the Market Bosworth Conservation Area.8.17.
- 8.17 The timber cabins would be served by a single access from the existing field gate access from Cadeby lane. Each would have 2 parking spaces and a small private amenity area denoted by hedgerows which would aid screening from the road. A

## APPENDIX A

mature band of trees along the western edge of the site further adds screening from views. The location of the cabins incorporating the proposed landscaping and additional screening would not be readily visible from Cadeby Lane or from wider views within the Country Park. The cabins are of modest proportions, single storey in height and due to their scale and finishes are considered to have an acceptable appearance within this location. The overall floor area of each cabin would be approximately 84.5 sqm with a maximum ridge height of 3.94 m, eaves height of 2.56m, 8.42m in width and 10.93m in length. The cabins would be situated width ways towards the front of the site with native hedging along the southern edge of the plots to add additional screening. The applicant has verbally agreed to stain the timbers green which would blend in harmoniously within their rural setting. The log cabins themselves would cause no further harm than those existing tourist accommodations adjacent and would reflect the predominantly rural nature of the site and its setting. In this regard it is considered that the proposal would have a neutral impact on the setting of the Market Bosworth Conservation Area and consequently cause no harm to its significance.

### Impact upon neighbouring residential amenity

- 8.18 Policy DM10 criterion (a) of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.19 The nearest residential dwelling The Lodge, is situated to the east of the application site. Although The Lodge itself is a residential dwelling, it forms part of The Gatehouse Lodges and Bosworth Caravan Park, a tourist accommodation complex comprising self catering holiday accommodations and serviced caravan/motorhome pitches.
- 8.20 The Lodge has windows facing west at both ground floor level and from dormer windows. The dwelling is over 30 metres away from the shared side boundary and approximately 36 metres from the proposed access road. The cabins themselves are in excess of 100m to the north-west. It is not considered that the proposed development would result in any adverse impacts of neighbouring residential amenity in regard to excessive noise, overlooking or loss of privacy and would therefore comply with Policy DM10 (a) of the SADMP.

### Impact upon highway safety

- 8.21 Policies DM17 and DM18 of the SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 8.22 Although it has been submitted by third parties that Cadeby Lane is a narrow bendy lane used by walkers, horse riders and cyclists and is recognised as a public walk joining up the Country Park with Market Bosworth it is also a classified 'C' road with a speed limit of 60mph and a weight restriction of 7.5 tons and is used by vehicular traffic. Accompanying the application is a Road Safety Audit (RSA) which identified no road safety issues.
- 8.23 Additional plans have been received showing a 120m visibility splay to the east and 215m to the west. LCC Highways have verbally agreed that these distances are acceptable as despite the road having a 60mph speed limit, it is unlikely that when travelling westwards from Cadeby, maximum speeds would be achieved due to the bend in the road close to the entrance with the adjacent caravan park. A 120 metre visibility is acceptable travelling at 40 miles per hour.
- 8.24 The cabins provide 2 parking spaces per unit. As each unit has 2 bedrooms it is considered that the parking proposed is ample. An area for cycle storage is also shown on the plan which could be utilised by each individual cabin if required.

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- 8.25 The access is shown on the landscaping plan to be hardbound with black tarmacadam up to 10 m back from the highway. Inside the field the track will be laid as compacted hardcore similar to typical internal tracks within agricultural fields. Part of the road access lies outside of the red line on Highways land, Permission for this would be required from Leicestershire County Council and an informative on the planning permission is added. Given that the RSA concludes that there are no road safety issues that need to be further addressed and appropriate visibility splays can be achieved, it is considered that the proposal meets the requirements of Policies DM17 and DM18.

### Drainage

- 8.26 Policy DM7 of the SADMP requires adverse impacts from flooding to be prevented and that development should not create or exacerbate flooding and be located away from area of flood risk unless adequately mitigated. The applicant has indicated that foul and surface water will be directed to the private mains sewer which runs from Bosworth Road along the northern boundary of the site in to Gatehouse Lodges.
- 8.27 The site is located within Flood Zone 1 with a low risk of fluvial flooding and generally at low risk of surface water flooding. The response from Leicestershire County Council (Drainage) advises that as the site is over 1ha a site specific Flood Risk Assessment (FRA) is required. However, the applicant has since advised that the site calculation on the accompanying forms was incorrect and as the site is less than 1ha a FRA is not required. A further response from the LLFA is still awaited confirming their position. However despite this, a planning condition requiring the submission of surface water drainage details, incorporating sustainable drainage principles can be imposed upon the decision to ensure compliance with Policy DM7 of the adopted SADMP.

### Impact upon Ecology

- 8.28 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.
- 8.29 Although the application is not for a major development, it has been accompanied by an Ecology Report. This states that currently the site supports no habitats or vegetation of significant biodiversity interest with the species-poor semi-improved grassland supporting only common and widespread species. It is intended that most of the existing hedgerows and trees would be retained and added to with indigenous or berry bearing trees and shrub species which have a far higher value for local wildlife and would enhance and improve habitats by enhancing the biodiversity of the site. The County Ecologist welcomes any opportunities to enhance the site with the proposals indicated on both the landscaping plan and within the accompanying Ecology Report, including the addition of Species Rich meadow grass and wildflower meadow areas within the central (undeveloped) areas of the site. The proposal would not have an adverse impact on the existing biodiversity and improved landscaping would be beneficial to both the immediate site and local wildlife in general thus in accordance with Policy DM6

### Impact on archaeology

- 8.30 Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers will be required to provide appropriate desk-based assessment and, where applicable, field evaluation detailing the



## APPENDIX A

significance of any affected asset. Where preservation of archaeological remains in situ is not feasible and /or justified the local planning authority will require full archaeological investigation and recording by an approved archaeological organisation before development commences.

- 8.31 Anecdotal information from third parties has been received which states that historical artefacts have been discovered close by. However, Leicestershire County Council (Archaeology) do not believe that the proposal would result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets and advise that the application warrants no further archaeological action in accordance with Section 16 of the NPPF. However, in regard to the Historical interest within the area, it is considered prudent to attach a Condition requiring further investigation should any artefacts be discovered once work commences to ensure compliance with Policy DM13.

### 9 Equality Implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

### 10 Conclusion

- 10.1 The NPPF and Core Strategy support the development of tourist accommodation proposals in rural areas. As a result of the siting, scale, existing hedge planting and topography it is considered that the proposal would not have any adverse impact on the character or visual amenity of the site or the surrounding countryside. The proposal is found to have a neutral impact on the setting of the Country Park. The proposal would be sufficient distance from the nearest neighbouring property to not have a detrimental impact upon residential amenity. The proposals are therefore in accordance with Policy 23 of the Core Strategy and Policies DM4, DM6, DM7, DM10, DM11, DM12, DM17 and DM18 of the SADMP together with the overarching principles of the NPPF.

### 11 Recommendation

- 11.1 **Grant planning permission** subject to Conditions below

11.2 **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 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

Dwg No KL-386-002 – Location Plan received 13 August 2018

Dwg No KL-386-001 - Proposed Site Plan received 4 October 2018

**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. No development above slab level shall take place until samples of the materials and colours to be used in the construction of the timber cabins have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved sample details.

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

4. The timber cabins, hereby approved, shall be for holiday purposes only and shall not be used as the sole or main residence of the occupiers. No person shall occupy any cabin for a period exceeding four weeks within a 12 month period. Furthermore, no person shall occupy any cabin within a period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names and main home addresses of all the individual occupiers and shall make this information available for inspection at all reasonable times to the Local Planning Authority following prior written notification.

**Reason:** Having regard to Policy DM4 of the Site Allocations and Development Management Policies Development Plan Document permanent residential units would not be acceptable in this rural location.

5. No development above slab level shall commence until a scheme to dispose of surface water drainage has been submitted to, and approved in writing by, the local planning authority.

**Reason:** To ensure the development does not adversely impact the water environment in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document

6. Notwithstanding the submitted plans no development shall commence above slab level until comprehensive details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. These details shall include:-

- a) Planting plans
- b) Written specifications
- c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- d) Details of any fencing to be erected
- e) Maintenance schedule
- f) Implementation programme
- g) Treatment of hard surfaced areas (including the footway access and road layouts and hardstanding for each pitch)

**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.

## APPENDIX A

7. The approved soft and hard landscaping scheme shall be carried out in accordance with the submitted and approved implementation schedule within the approved landscaping scheme, required by condition 5 of this permission. 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 at which time shall be specified in writing by the Local Planning Authority.  
**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. The vehicular access to the site shall be widened to a minimum width of 6 metres to a distance of 10 metres to the back edge of the highway. Before first use of the development hereby permitted, the access drive shall be provided and shall thereafter be permanently so maintained.  
**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems of dangers within the highway, in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.
9. Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre radii on both sides of the access.  
**Reason:** To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway, in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.
10. Any gates, barriers, bollards, chains or other such obstructions shall be inward opening only and shall be set back a minimum of 10 metres from the back edge of the highway.  
**Reason:** To enable a vehicle to stand clear of the highway whilst the gates are opened/closed in the interest of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.
11. Before first use of the development hereby permitted the access drive shall be surfaced in a hard bound porous material for a minimum distance of 10 metres from the back edge of the highway and shall be so maintained at all times.  
**Reason:** To reduce the possibility of deleterious material behind deposited in the highway (loose stones, etc) in the interests of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.
12. Before first occupation of the development hereby permitted, visibility splays of not less than 2.4 metres by 120 metres to the east (right) and by 215 metres to the west (left) shall be provided out of the access at its junction with Cadeby Lane. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

## APPENDIX A

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

13. If during development, any items of archaeological interest are found to be present at the site, no further development shall take place until a Written Scheme of Investigation is submitted to and approved in writing by the Local Planning Authority. No further works shall take place other than in accordance with the approved Written Scheme of Investigation.

**Reason:** To ensure that no development shall take place which may adversely affect any items of archaeological interest in situ without adequate prior investigation in accordance with Policy 13 of the Site Allocations and Development Management Policies Development Plan Document.

### 11.3 Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. 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.



Hinckley & Bosworth  
Borough Council

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PLANNING COMMITTEE 20 November 2018

WARDS AFFECTED: Barlestone, Nailstone and Osbaston  
Markfield, Stanton and Fieldhead

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## **PROPOSED VARIATION TO SECTION 106 RELATING TO PLANNING APPLICATIONS 06/00980/OUT, 10/00851/EXT and 14/00572/CONDIT**

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### **Report of Interim Head of Planning**

#### **1. PURPOSE OF REPORT**

- 1.1 A report was taken to 10<sup>th</sup> October 2018 planning committee regarding the proposed variation to Section 106 relating to planning applications 06/00980/OUT, 10/00851/EXT and 14/00572/CONDIT to amend the off site highways works originally agreed.
- 1.2 The original report (see appendix A) was discussed at this meeting and questions were raised from members with regards to highways works Leicestershire County Council Highways have identified on a plan and if this would be part of works necessary for this development. Additional questions were raised with regards to the proposed variations. The item was deferred to obtain further information from the highways authority.
- 1.3 A meeting was held between Leicestershire County Council (Highways), the chair and vice chair of Planning Committee and Councillor Crooks as a ward member and a Senior Planning Officer on the 19<sup>th</sup> October 2018.
- 1.4 This report provides an update to this matter and a revised recommendation to Planning Committee.

#### **2. RECOMMENDATION**

- 2.1 That a deed of variation to the signed Section 106 for planning application reference 06/00980/OUT, 10/00851/EXT and 14/00572/CONDIT be agreed to amend the off site highways works to those outlined in the following plans:
  - 018750 CA-0-G00-DR-SE-1000-P09
  - 4752.000H1/1/001
  - 4752.000H1/1/002
  - 4752.000/H1/1/003
  - Provision of footpaths from Nailstone to the application site

- Provision of bus stops within the site and on Bagworth Road and Grange Road
- 2.2 That the Interim Head of Planning be given delegated powers to determine the final wording of the S106.

**3.0 Further information and amended request to vary the Section 106**

- 3.1 The additional highways works identified at the 10 October planning committee raised by Councillor Crooks were a gateway feature to Bagworth Road to the west of Nailstone and a priority working feature.
- 3.2 The gateway feature along Bagworth Road to the west of Nailstone is secured by Condition 22 of application 10/00851/EXT. This detail has been submitted to the council and the condition has been discharged however the final positioning is to be agreed with LCC Highways as part of the Section 278 works agreement.
- 3.3 The application 10/00851/EXT has been implemented and this has been confirmed in writing by the local planning authority on the 10<sup>th</sup> April 2017. The applicant has however confirmed that the country park is not completed and works to construct the employment units have not begun.
- 3.4 Leicestershire County Council (Highways) have identified that the gateway feature and the priority working feature which have been presented to Councillor Crooks are a commitment from LCC Highways and a letter of comfort would be provided by the Director. This letter has not yet been received.
- 3.5 Following the meeting with members and LCC Highways and subsequent further discussions between the applicant and officers the following additions have been included to the request to vary the S106 by the applicants:
- 1m footpath to Nailstone village (as per approved S106 but further details will be provided);
  - Northbound bus stop on Bagworth Road adjacent to the junction with Grange Road (as per approved S106 but further details will be provided);
  - Southbound bus stop on Grange Road just before the junction with Bagworth Road (as per the approved S106);
  - 1m footpaths connecting to these bus stops (as per approved S106 but further details will be provided);
  - 1m footpaths connecting to the footpath entrance to the country park on Wood Road (as shown on the approved plan used to discharge condition 13);
  - Relocation of bus stops approved in the s106 as being outside site vehicle entrance to put them within the site boundary
- 3.6 The plans to include these changes have not yet been submitted, however the applicant has confirmed that these will be submitted and available prior to the committee date.
- 3.7 The full amendments to the Section 106 are outlined in the table 1 below for clarity:

**Table 1.**

<b>Location</b>	<b>Original obligation off site highway works</b>	<b>Proposed amendments to off site highway works</b>
Main Site Access off site works	This includes the appropriate visibility splays for the	The drawing provided is significantly more detailed,

	access to the site and a ghost turning island.  drawing number 15209/003/002 Rev D	identifying the ghost turning island, all required visibility splays and alterations necessary to achieve a suitable access to the development.  Drawing number 018750 CA-0-G00-DR-SE-1000-P09
Wood Road B585/Grange Lane B582/Bagworth Road Junction	New roundabout  Drawing number 15209/003/001	The roundabout has been removed.  The applicants have identified that the footpaths shown on the original drawing to connect Nailstone to the application site will be retained and drawings will be submitted to secure these works and written into the Section 106.
Junction of Victoria Road/Ellistown Terrace Road/Station Road Junction	Junction improvements including traffic signals  Drawing number 152009/003/004	The carriageway is proposed to be widened with two lanes, one right turn only and a second left turn only. The traffic signals are still proposed.  Drawing number 4752.000H1/1/001
Station Road/ Wood Road Junction	Junction Improvements including traffic signals  Drawing number 152009/003/005	This junction is proposed to be a compact roundabout the traffic signals have been removed.  Drawing Number 4752.000H1/1/002

- 3.8 The previous report in paragraph 4.4 identified that two bus stops at Bagworth Road and Grange Road would be removed, however this is no longer the case and the applicant is committed to providing these and will be submitting a plan to show their location and footpaths connecting them. Additionally the bus stop serving the site is identified within the Section 106 as a bus stop at the main entrance to the application site (northbound and southbound). The applicant has indicated that the bus stops will now be situated within the site on the access road, rather than on the highway outside the site, which the applicant has highlighted would be better for traffic management. A plan to indicate this will also be submitted prior to the committee determining this matter.
- 3.9 Leicestershire County Council (Highways) have no further comments from those previously identified in the original report to planning committee (see appendix a).

3.10 It is considered that the amendments proposed and outlined in this report are acceptable and would mitigate the impacts of the development. The obligations are still considered to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development and meet the Community Infrastructure Levy (CIL) Regulations 2010 (as amended).

#### **4.0 Recommendation**

4.1 That a deed of variation to the signed Section 106 for planning application reference 06/00980/OUT, 10/00851/EXT and 14/00572/CONDIT be agreed to amend the off site highways works to those outlined in the following plans:

- 018750 CA-0-G00-DR-SE-1000-P09
- 4752.000H1/1/001
- 4752.000H1/1/002
- 4752.000/H1/1/003
- Provision of footpaths from Nailstone to the application site
- Provision of bus stops within the site and on Bagworth Road and Grange Road

4.2 That the Interim Head of Planning be given delegated powers to determine the final wording of the S106.

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Contact Officer: Helen Knott, Team Leader (Development Management) ext. 5691  
Executive Member: Cllr Richard Allen





## Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

PLANNING COMMITTEE

20 November 2018

WARDS AFFECTED: All Wards

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### Major Projects Update

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#### Report of the Interim Head of Planning and Development

1. PURPOSE OF REPORT

- 1.1 To provide an update to Planning Committee on a number of major schemes in the Borough that are currently being proposed or implemented.

2. RECOMMENDATION

- 2.1 That Planning Committee notes the content of this report.

3. BACKGROUND TO THE REPORT

- 3.1 This report provides an update of progress with regard to the delivery of major development projects. The following sections provide the latest update:

**Strategic Planned Housing Sites**

Barwell Sustainable Urban Extension (SUE)

- 3.2 The Barwell SUE is allocated in the adopted Earl Shilton and Barwell Area Action Plan (AAP) for the development of 2,500 new homes and a minimum of 6.2ha of employment land plus open space, a new primary school, shops and leisure facilities. A resolution to grant permission was made in 2013. The Section 106 to accompany the permission has been agreed and is being circulated around the parties for signature after which planning permission will be issued by the Council.

Earl Shilton Sustainable Urban Extension (SUE)

- 3.3 The Earl Shilton SUE is allocated in the adopted Earl Shilton and Barwell Area Action Plan (AAP) for the development of 1,600 new homes and a minimum of 4.5ha of employment land.

- 3.4 The developer has, for some considerable time, advised the Council that they have prepared all necessary documents to allow a planning application to be submitted. They have advised that the application will not be submitted until they have agreed the S106 package, because they claim there are concerns about viability.
- 3.5 In order to seek to demonstrate to the Council that the SUE can not afford to deliver policy compliant affordable housing on the site, the developer submitted a viability appraisal. The Consortium and HBBC are working with viability consultants to re-test the site's viability with the full infrastructure package proposed. The developer has been requested to demonstrate their commitment to the project by submitting their planning application at the earliest opportunity. They have been advised that the continued delays with progressing the scheme is not acceptable to the Council and that all options for delivering the Council's housing needs will be considered as part of the Local Plan review.

#### Land West of Hinckley

- 3.6 The development site covers an area of 44.04 hectares. The site is allocated in the Site Allocations and Development Management Policies DPD for 850 dwellings, including 20% affordable housing, a local shop, a primary school, pedestrian access links across Normandy Way and appropriate provision of play and open space.
- 3.7 The site has outline planning permission and the S106 agreement has been signed. The first phase, Reserved Matters application for 260 dwellings is currently being considered by the Council and a decision is expected to be made by December this year. The site is being delivered by Bloor Homes.

#### Other sites

- 3.8 The following residential sites are being developed.

Site	Units	Status
Westfield Farm, Earl Shilton Avant Homes	328	Reserved matters approved
Land at Station Road Bagworth (Dunlop Ltd)	61	Under Construction
Land surrounding Sketchley House, Watling Street Burbage David Wilson Homes	123	Under Construction
Former police station, Upper Bond Street, Hinckley	30	Completed
Land off Hinckley Road Stoke Golding Morris Homes	83	Under Construction
Lutterworth Road Burbage Redrow Homes	72	Under Construction

## **Other Strategic Planning and Economic Development Sites**

### Major industrial sites

#### 3.9 Land East of Hinckley Island Hotel, Watling Street, Burbage, LE10 3JA

Hinckley Park, located adjacent to Junction 1 of the M69 in Hinckley, is a new strategically located business park being delivered by IM Properties Plc. Unit 1 comprises a 29,563 sqm building to be occupied by DPD. When opened in 2020 it will be the largest automated parcel depot in Europe. The site will also be home to Hinckley '532', a 49,470 sqm speculatively built industrial/logistics facility. Planning permission was granted in June 2018 and development has started on site having discharged all pre commencement conditions.

- 3.10 The above application also granted outline consent for up to 42,000 sq m of Use Class B1c, B2 and B8 floorspace, This will be provided across a range of buildings and will be subject to subsequent Reserved Matters application.

### Horiba MIRA

- 3.11 MIRA provides vehicle manufacturers and major supply chain companies the opportunity for automotive research and development. The Technology Park houses an automotive technology cluster with over 35 major companies on site. There are research and development facilities including three new buildings with an automotive proving ground and 38 major testing laboratories.

- 3.12 Completed in 2018 the MIRA Technology Institute (MTI) is a 2,276 sq m centre for specialist skills and qualifications in the automotive sector. It is a partnership led by North Warwickshire and South Leicestershire College, Coventry University, Loughborough University and the University of Leicester.

- 3.13 More recently an application for the construction of an autonomous vehicle (CAV) was granted planning permission in September 2018.

### MIDAS 22, Nailstone Colliery

- 3.14 Redevelopment of the former colliery site to include storage and distribution uses (Class B8), small business units (Class B1 (C), B2 and B8), a country park, landscaping open space and the formation of a new access to create 93,109 sq m of B8 and 929 sq m of SME accommodation. Outline planning permission was granted in 2006 with the approval of Reserved Matters in 2015. Work has now commenced on site.

### Neovia Logistics Services, Peckleton Lane, Desford

- 3.15 Storage and distribution warehouse building, unloading/loading bays, office unit, car parking, circulation, revised access, associated hard standing areas, landscaping, diversion of bridleway R119 and ancillary works to create 111,495 sq m in total with Phase 1a of 62,350 sq m of B8 space. Phase 1b of 810 sq m ancillary office space and Phase 2 of 49,145sqm of B8 space. The application has a resolution to grant planning permission however the S106 agreement remains unsigned.

## Town Centre Regeneration

- 3.16 The Council set out its high level ambition for the town centres in the Town Centre Vision document in October 2015. Work continues on bringing forward sites through discussions and meetings with various interested parties. An updated Investor Prospectus has also been prepared this autumn to further promote the opportunities in the Borough.
- 3.17 At Stockwell Head, the retailer Aldi has a resolution to approve a new foodstore subject to the signing of the Section 106 agreement.
- 3.18 Lidl have acquired the former HJ Hall factory site at Coventry Road for construction of a foodstore and the existing building has been demolished. There is similarly a resolution to approve subject to the signing of the Section 106 agreement.
- 3.19 A pre application has been submitted for redevelopment of the Council's site at the former Leisure centre site at Trinity Lane Hinckley. The application proposes a residential development of 107 units. An application is likely to be received by the end of the year

## LEADER

- 3.20 The England's Rural Heart LEADER Programme 2015-2019 (European Union initiative for rural development) covers rural areas within the boroughs of North Warwickshire and Hinckley & Bosworth. Grants are available for small and medium sized enterprises, farming, forestry, tourism, culture and heritage and community initiatives. Its overall purpose is to benefit rural businesses and communities by stimulating economic growth, developing those businesses and creating new jobs in rural areas.
- 3.21 The LEADER programme has commissioned £737,224 worth of projects of which £414,863.59 are for HBBC. A further £528,960 worth of projects are in the pipeline of which £202,556 are for HBBC. Through the LEADER programme in partnership with North Warwickshire HBBC has also secured a further £34,200 in grant for a consultancy post to fund the 'Delivering the Destination Heritage Project'.

## 4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 This report will be taken in open session.

## 5. FINANCIAL IMPLICATIONS (IB)

### Strategic Planned Housing Sites

- 5.1 Barwell SUE – On agreement of planning permission, there will be a final instalment for the planning fees in relation to the reserved matters which will be determined upon the completion of Agreements
- 5.2 Earl Shilton – this development is still being negotiated and therefore planning fees and S106 contributions have not yet been ascertained
- 5.3 Negotiations are taking place in relation to S106 contributions for the Land West of Hinckley (Paragraph 3.7).

## Other

- 5.4 Staff time on Planning and Regeneration updates are met from existing budgets.
- 5.5 LEADER project funding is applied for directly by enterprises concerned, so does not go through the Council financial procedures. However, HBBC has secured £34,200 in grant funding for a consultancy post for the Delivering the Destination Heritage Project.
- 5.6 Planning income for the following sites (paragraph 3.9) has already been received in previous financial years:

Land East of Hinckley Island Hotel £162,816  
Horiba MIRA £2,028  
MIDA 22 Nailstone Colliery £236,264  
Neovia Logistics Services, Desford. £190,514

## 6. LEGAL IMPLICATIONS (MR)

- 6.1 None

## 7. CORPORATE PLAN IMPLICATIONS

- 7.1 This Report provides an update on projects that will contribute to the following strategic aims of the Council:
- Creating clean attractive places to live and work
  - Encouraging growth, attracting business, improving skills and supporting regeneration

## 8. CONSULTATION

- 8.1 None directly required in relation to this update. Statutory consultation processes on schemes form part of the development management and local plan making processes.

## 9. RISK IMPLICATIONS

- 9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.
- 9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to provide a five year land supply. This leads to speculative unplanned housing developments plus	Proactive work to bring forward site allocations and maintain five year land	KR

additional costs incurred due to planning appeal process.	supply	
Non delivery of Sustainable Urban Extensions	Close working with developers and regular progress reviews.	NS

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 This Report provides an update on a number of schemes, several of which are the subject of separate reporting mechanisms within which equality and rural implications are considered.

11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: None

Contact Officer: Stephen Meynell 01455 255775  
 Executive Member: Councillor M Surtees



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## FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

PLANNING COMMITTEE

20 November 2018

WARDS AFFECTED: All Wards

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### Planning Enforcement Update

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Report of Interim Head of Planning and Development

1. PURPOSE OF REPORT

- 1.1 To provide an update to Members on the number of active and closed enforcement cases within the borough.
- 1.2 To provide an update on the current workload being handled by the team.
- 1.3 To provide an overview of the performance of the compliance, monitoring and enforcement function within the planning and development service.

2. RECOMMENDATION

- 2.1 That the report be noted.

3. PLANNING ENFORCEMENT CASE UPDATE

3.1 Good Friday Caravan Site

I can now advise the works at Good Friday have been completed and all invoices received and paid. Japanese Knotweed treatment was required and this has also now been carried out.

The breakdown was:

Court Costs awarded	£3,598.00
Initial removal and site clearance	£5,773.38
Restoration costs	£32,473.64

Legal Services are seeking recovery of this money from the registered owner of the site.

3.2 Newton Linford Lane, Groby (Known as Klondyke)

As previously reported, an appeal was lodged in response to the service of an enforcement notice on the bottom section of the site relating to the unauthorised use

of the land for the storage and repair of motor vehicles; this appeal would have been heard by way of Public Inquiry. However, it has now been withdrawn and the owner of the site has committed to complying with the requirements of the Notice. A site visit is arranged for mid November to check on progress.

Since the previous report; there have been several instances of tipping on a section of the site. The Environment Agency is taking the lead on this and we are working with the EA and the County Council to ascertain what action is necessary.

Various other pieces of work are also being actioned on the site; including service of Section 330 Notices; requiring information to be provided in relation to the ownership and use of certain sections of the site which are unregistered to ascertain whether there are further planning breaches which need to be addressed.

### 3.3 Land at the rear of 84 Leicester Road, Hinckley

Following refusal of the planning application on the site for 7 dwellings; an enforcement notice was served to require the removal of building materials being stored on the site. The date for compliance with this Notice is 8<sup>th</sup> December 2018. A site visit will be undertaken to check compliance following this date. No appeal has been received as yet either in relation to the enforcement notice or the planning refusal.

### 3.16 Veros Lane

An enforcement notice was served in relation to the creation of an area of hardstanding which has been laid without the benefit of planning permission. The enforcement notice was not appealed and the hardstanding should therefore have been removed by 10<sup>th</sup> June 2018. In the meantime however, a planning application has been submitted for the erection of three dwellings on this piece of land. As a result, further action on this case will await the determination of the planning application.

### 74 Alexander Avenue, Earl Shilton

Planning permission for the retention of a garage was refused and subsequently upheld on appeal on the basis that the garage has a detrimental impact on the character and appearance of the surrounding area. An enforcement notice has therefore been served requiring the garage and all associated materials be removed from the land. The time for compliance with this notice was three months; which gives the owners of the property until the 7 January to carry out the required works at which point a site visit will be carried out.

### 5 Church Walks

A retrospective planning application was received for the use of an area of land adjacent to 5 Church Walks, Stoke Golding for the storage of building materials which was subsequently refused due to the impact on the Conservation Area and adjacent Grade I Listed building. An Enforcement Notice was then served in relation to the unauthorised use of land; the notice was complied with and the site has now been cleared of building materials.



### 3.16 S215 – Untidy Land Notices

From 1st July 2018 to 31st October 2018; the council received 14 complaints in respect of the appearance of properties around the Borough. In one of these cases; a S330 Notice has been served which is the step prior to formal S215 action; should the owner fail to tidy the site within the required timescales we will proceed to serve a S215 Notice. One report of untidy sites related to construction sites and six other cases were not considered notice worthy at this time. In these instances; we ask the complainant to continue to monitor the site in question and get back in touch e.g. if the state of the land deteriorates further or if the site is not left tidy following completion of construction work. Two sites were tidied up following initial contact from an Officer with no requirement to take formal action. Four properties are still under investigation.

### 4.0 WORKLOAD, STAFFING UPDATE & PERFORMANCE

4.1 The following tables detail the current workload that the team is managing in respect of current enforcement investigations. Table 1 demonstrates the number of cases that have been opened within a specific period and how many cases have been closed within the same period. The team ensures that enforcement cases are resolved as expeditiously as possible. Table 2 sets out in more detail how the cases were closed. As of the 8 November 2018 there are 147 enforcement cases pending consideration.

*Table 1: Number of Enforcement cases opened and closed*

<b>Period of time</b>	<b>Number of cases opened</b>	<b>Number of cases closed</b>
20 June 2018 – 6 November 2018	170	169

*Table 2: How the enforcement cases were closed*

<b>Period of time</b>	<b>Total Cases closed</b>	<b>Case closed by resolution of breach</b>	<b>Case closed due to there being no breach</b>	<b>Case closed as not expedient to take action</b>
20 June 2018 – 6 November 2018	169	43	102	24

4.3 The approach to tackling enforcement cases continues to be a collaborative one; involving joined up working with other service areas within the council. A series of briefing notes are in production which will outline the role of each department on common areas of complaint and seek to better inform staff, members and members of the public of the powers available to the Local Authority and therefore who it is best to direct an enforcement enquiry to. We also continue to attend the Endeavour meetings to discuss matters of Community Safety with other colleagues and the Enforcement Officers Group for Leicestershire Local Authorities as a forum to share experiences and best practice. In addition, officers involved in Enforcement across the Local Authority meet regularly to discuss cases and ensure that all relevant areas are taking the required action.

4.4 We have recently recruited Sally Hames to the vacant Senior Enforcement Officer role on a long fixed term consultancy basis. Sally has worked for Blaby and North West Leicestershire previously and has a wealth of experience working in Planning Enforcement so should be a real asset to the team. As always, should members have a Planning enforcement issue raised with them by a member of the public please report this via the enforcement inbox [enforcement@hinckley-bosworth.gov.uk](mailto:enforcement@hinckley-bosworth.gov.uk).

5. FINANCIAL IMPLICATIONS [CS]

5.1 Any costs recovered relating to the Good Friday Caravan Site will be credited to the general fund.

6. LEGAL IMPLICATIONS

6.1 None

7. CORPORATE PLAN IMPLICATIONS

The 2017-2021 Corporate Plan sets out ambitions for improving neighbourhoods, parks and open spaces, improving the quality of homes and creating attractive places to live (Places theme). It also promotes regeneration, seeks to support rural communities and aims to raise aspirations for residents (Prosperity theme). This report explains how planning enforcement powers are being used to deliver these aims.

8. CONSULTATION

None

9. RISK IMPLICATIONS

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Dealing with numerous Public Enquiries	Monthly monitoring of implications on revenue budget by Head of Service and Service Manager. Review and forecast overspend and review supplementary estimate/virement as part of budget review. Constant review of budget for public enquires for duration of the masterplan. Monitoring of budget in relation to appeal costs. Monitoring of planning decisions	Rob Parkinson

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

This report is for information purposes to update Members on the progress of recent enforcement cases. As this report is not seeking a decision it is envisaged that there are no equality or rural implications arising as a direct result of this report.

11. CORPORATE IMPLICATIONS

By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Voluntary Sector

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Contact Officer: Gemma Dennis, Team Leader (Development Management) ext. 5792

Executive Member: Cllr Richard Allen

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## PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 09.11.18

**WR - WRITTEN REPRESENTATIONS**

**IH - INFORMAL HEARING**

**PI - PUBLIC INQUIRY**

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	Appeal Valid	DATES
	RW	18/00642/FUL	WR	Mr Graham Penney The Oaks Lodges Stapleton Lane Kirkby Mallory	The Oaks Lodges Stapleton Lane Kirkby Mallory (Change of use of bed and breakfast accommodation (Use Class C1) with extensions and alterations to form a residential dwelling (Use Class C3))	Appeal Valid Awaiting Start Date	31.10.18
	SP	18/00717/HOU (PINS Ref 3213956)	WR	Miss Rebekah Goldson 21 Brookside Barlestone	21 Brookside Barlestone (Two storey side extension)	Appeal Valid Awaiting Start Date	19.10.18
	AC	18/00624/OUT (PINS Ref 3213307)	WR	Mr W Richardson 295 Main Street Barlestone	295 Main Street Stanton Under Bardon Coalville (Erection of one dwelling (outline - access only))	Appeal Valid Awaiting Start Date	08.10.18
	AC	18/00156/FUL (PINS REF 3213146)	WR	Mr Peter Hunt Apex Homes 16A Cadle Close Stoney Stanton	Land To The Rear Of 19 De La Bere Crescent Burbage Hinckley (Erection of new dwelling (resubmission of 17/01138/FUL))	Appeal Valid Awaiting Start Date	11.10.18
	RW	17/01268/FUL (PINS Ref 3210717)	WR	Miss Anna Vaughan Mobile Home Meadow Barn Shenton Lane Upton	Meadow Barn Shenton Lane Upton (Removal of two mobile homes and residential storage barn and erection of dwelling)	Appeal Valid Awaiting Start Date	12.09.18
18/00045/RPAGDO	EC	18/00343/CQGDO (PINS Ref 3210268)	WR	Mr Martyn Taylor 55 Foxs Covert Fenny Drayton	Cotton View Bosworth Road Wellsborough (Prior Approval for change of use of an existing agricultural building to a dwelling (C3) and associated building operations)	Start Date <b>Final Comments</b>	24.09.18 <b>12.11.18</b>

18/00043/PP	AC	18/00160/OUT (PINS Ref 3208803)	WR	Mr Jon Wetton 154 Wolvey Road Burbage	154 Wolvey Road Burbage (Erection of a dwelling and creation of an access to serve No. 154 (outline - all matters reserved) (resubmission of 17/01135/OUT))	Start Date Awaiting Decision	17.09.18
		18/00165/UNBLDS (PINS Ref 3209195)	PI	Mr Nigel Salt Salt Construction Limited 304 Leicester Road Wigston	Land South Cadeby Hall Main Street Cadeby (Unauthorised erection of a dwelling)	Appeal Valid Awaiting Start Date	13.09.18
18/00046/FTPP	AC	18/00377/HOU (PINS Ref 3207112)	WR	Mr & Mrs D Sullivan Harcourt Mill Barton Road Carlton	Harcourt Mill Barton Road Carlton (Two storey side extension and construction of a swimming pool and associated landscaping)	Start Date Awaiting Decision	16.10.18
	LL	16/00277/UNUSES (PINS Ref 3206296)	WR	Mr F Tailor Oldlands Fenns Lane Dadlington	Oldlands Fenn Lanes Dadlington	Appeal Valid Awaiting Start Date	09.08.18
18/00033/FTPP	TW	18/00333/HOU (PINS Ref 3206141)	WR	Mr Dyer 4 Hall Lane Obstone	4 Hall Lane Obstone (Two storey side and single storey front & rear extensions)	Start Date Awaiting Decision	07.08.18
18/00036/PP	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))	Start Date Awaiting Decision	13.08.18
18/00044/PP	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	Start Date Awaiting Decision	18.09.18
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 Awaiting Decision	16.05.18

18/00039/PP	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)	Start Date Awaiting Decision	13.08.18
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 Awaiting Decision	13.07.18
18/00016/FTTREE	CJ	18/00211/TPO (PINS Ref 6767)	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 Awaiting Decision	12.07.18
18/00034/PP	RH	15/00441/FUL (PINS Ref 3197865)	WR	Cartwright Homes Ltd Vicarage Street Nuneaton	Land South Of Chapel Fields Livery Stables Chapel Lane Witherley (Erection of 10 dwellings and associated access)	Start Date Awaiting Decision	13.08.18
18/00020/PP	AC	17/00695/FUL (PINS Ref 3196957)	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 Awaiting Decision	25.07.18

**Decisions Received**

18/00037/PP	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)	<b>DISMISSED</b>	<b>08.11.18</b>
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18/00042/PP	RH	18/00186/FUL (PINS Ref 3209111)	WR	GPH Hinckley Road Development LTD	65 Hinckley Road Burbage (Proposed residential development of 7 dwellings)	<b>ALLOWED</b>	<b>06.11.18</b>
18/00031/PP	JB	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.)	<b>DISMISSED</b>	<b>05.11.18</b>
18/00035/PP	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)	<b>DISMISSED</b>	<b>02.11.18</b>
18/00038/PP	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)	<b>DISMISSED</b>	<b>02.11.18</b>
18/00041/PP	AC	17/01292/FUL (PINS Ref 3210610)	WR	Mr Daniel Kitching 29 Brook Street Whetstone Leics	38 Almeys Lane Earl Shilton (Erection of one detached bungalow (resubmission of 17/00636/FUL))	<b>DISMISSED</b>	<b>30.10.18</b>
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))	<b>ALLOWED</b>	<b>17.10.18</b>
18/00040/FTPP	TW	18/00459/HOU (PINS Ref 3208837)	WR	Mrs Terri Greenwood	207 Sketchley Road Burbage (Erection of a boundary wall to front of property (retrospective))	<b>DISMISSED</b>	<b>15.10.18</b>

#### Appeal Decisions - 1 April - 9 November 2018

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
31	7	23	1	0	7	1	22	0	0	1	0	0	0

#### Enforcement Appeal Decisions

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