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Chief Executive

Date: 11 February 2019



**Hinckley & Bosworth
Borough Council**

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, 19 FEBRUARY 2019 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

Rebecca Owen
Democratic Services Officer

Fire Evacuation Procedures

Council Chamber (De Montfort Suite)

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

Abusive or aggressive behaviour

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

Recording of meetings

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

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

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 22 January 2019.

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. 18/01038/REM - FORMER HIGHWAY LAND, LEICESTER ROAD, GROBY (Pages 5 - 18)

Application for approval of reserved matters (layout, scale, appearance and landscaping) of outline planning permission 15/00767/OUT for residential development of 30 dwellings.

8. 18/01104/FUL - LAND NORTH OF, WATLING STREET, NUNEATON (Pages 19 - 30)

Application for erection of dwelling, detached garage, boat house, football pitch, creation of access and associated landscaping (re-submission of 18/00207/FUL).

9. 16/00758/FUL - 121 STATION ROAD BAGWORTH (Pages 31 - 46)

Application for erection of 10 no. dwellings and 2 no. flats (100% Affordable Scheme).

10. PLANNING ENFORCEMENT REPORT (Pages 47 - 52)

To provide an update to Members on the number of active and closed enforcement cases within the borough.

11. APPEALS PROGRESS (Pages 53 - 56)

To report on progress relating to various appeals.

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

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

22 JANUARY 2019 AT 6.30 PM

PRESENT: Mr R Ward - Chairman
Mr BE Sutton – Vice-Chairman

Mr PS Bessant, Mr DC Bill MBE, Mr SL Bray (for Mr KWP Lynch), Mrs MA Cook, Mr WJ Crooks, Mr MA Hall, Mrs L Hodgkins, Mr K Morrell (for Mrs J Richards), Mr RB Roberts, Mrs H Smith, Mrs MJ Surtees and Ms BM Witherford

Also in attendance: Councillor RG Allen, Councillor CW Boothby, Councillor DS Cope and Councillor LJP O'Shea

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

349 APOLOGIES AND SUBSTITUTIONS

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

Councillor Bray for Councillor Lynch
Councillor Morrell for Councillor Richards.

350 MINUTES

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

RESOLVED – the minutes of the meeting held on 18 December 2018 be confirmed and signed by the chairman.

351 DECLARATIONS OF INTEREST

No interests were declared at this stage.

352 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all decisions had been issued with the exception of application 18/00658/HYB which was subject to a S106 agreement.

353 18/00751/DEEM - LAND EAST OF LEICESTER ROAD, HINCKLEY

Application for erection of crematorium building and formation of associated memorial gardens, roadways, car parking, footpaths and landscaping.

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

RESOLVED –

- (i) Permission be granted subject to:
 - a. prior completion of a legal agreement to secure provision of a replacement layby
 - b. the conditions contained in the officer's report and late items.
- (ii) The Interim Head of Planning be granted powers to determine the final detail of the planning conditions;
- (iii) The Interim Head of Planning be granted powers to determine the terms of the S106 agreement including any trigger points and claw back periods.

354 16/00758/FUL - 121 STATION ROAD BAGWORTH

Application for erection of ten dwellings and two flats (100% affordable scheme).

Notwithstanding the officer's recommendation that permission be granted, members felt that the proposed access should be via Maynard Close rather than using the existing access to the south of the site, the proposed number of properties was too great for this site and the layout was poor. It was moved by Councillor Hall, seconded by Councillor Bessant and

RESOLVED – members be minded to refuse permission on grounds of access, design and layout.

355 17/00538/FUL - MORRISONS, 2 CLOVERFIELD, HINCKLEY

Application for creation of a second vehicular exit onto Stoke Road.

Members expressed concern about use of the car park as a short cut during peak times and asked that a condition be added to require installation of a barrier with the intention that management could operate it as appropriate. Further concern was expressed about glare from headlights on the properties opposite and it was requested that a note to applicant be added to encourage mitigation measures to reduce glare.

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

RESOLVED –

- (i) Permission be granted subject to:
 - a. conditions contained in the officer's report
 - b. an additional condition requiring installation of a barrier
 - c. a note to applicant to encourage mitigation measures to reduce glare on the properties opposite the exit
 - d. prior completion of a S106 agreement to secure transport contributions of £7,500 for a Traffic Regulation Order.

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

356 APPEALS PROGRESS

The report was noted.

(The Meeting closed at 8.05 pm)

CHAIRMAN

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Planning Committee 19 February 2019
Report of the Interim Head of Planning

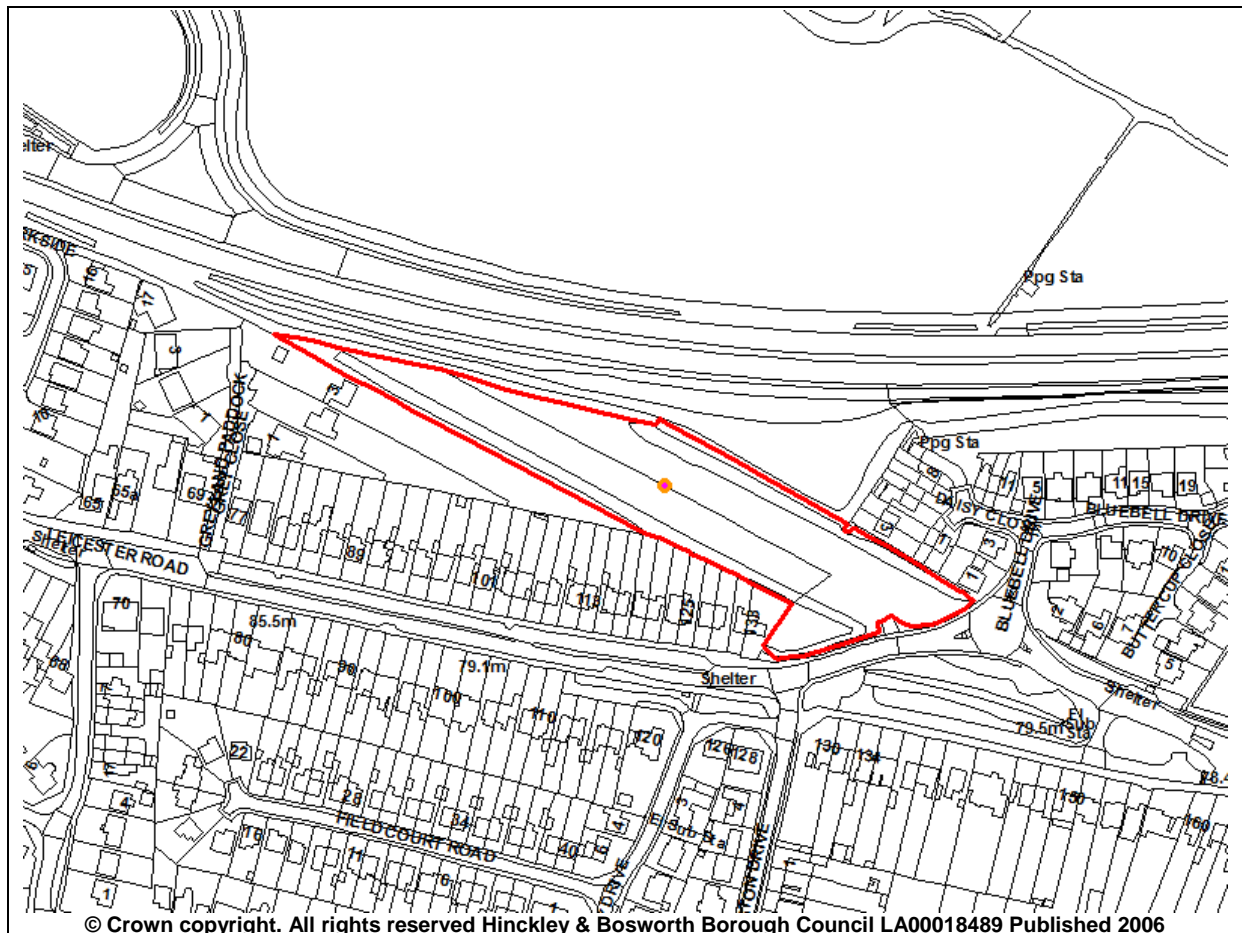
Planning Ref: 18/01038/REM
Applicant: Countryside Properties
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: Former Highway Land Leicester Road Groby

Proposal: Approval of reserved matters (layout, scale, appearance and landscaping) of outline planning permission 15/00767/OUT for residential development of 30 dwellings



1. Recommendations

1.1. Grant approval of reserved matters subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

2.1. This application seeks the approval of reserved matters (layout, scale, appearance and landscaping) following the approval of outline planning permission 15/00767/OUT for access only for a Residential development.

- 2.2. The proposed scheme seeks to provide 30 dwellings, broken down into 19 three bedroomed dwellings, 9 two bedroomed dwelling and 2 one bedroomed dwellings. The dwellings would be two storey in scale and a mix of semi detached and terraced properties. Each dwelling would be provided with two off street parking spaces.
- 2.3. During the course of the application, amended plans have been received, which seek to incorporate chimneys upon those dwellings which front onto Leicester Road, Groby and the provision of 2 visitors parking spaces to the end of the cul-de-sac. A detailed levels plan and proposed sections have also been provided as part of the application. A re-consultation has been carried out.

3. Description of the Site and Surrounding Area

- 3.1. The site is currently overgrown and formed part of the alignment of the A50, prior to its diversion. The application site is therefore previously developed land The A50 is situated to the north of the application site. To the south, the land is bordered by the rear of dwellings which front Leicester Road and Greys Close, with dwellings at Daisy Close to the east. To the north there is a belt of trees situated between the application site and the A50. Levels within the application site generally rise to the north west, with levels within the site raised in the central area. The application site is situated within the settlement boundary of Groby as defined on the proposals Map contained within the Site Allocations and Development Management Policies DPD (adopted July 2016).

4. Relevant Planning History

15/00767/OUT	Residential Development (outline - access only)	Outline permission	18.01.2018
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5. Publicity

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 10 letters from separate addresses have been received raising the following objections:-

- 1) The outlook of aged trees and fields will soon be replaced with bricks and roof tops, will the council be reducing council tax to compensate for the loss or offering cash to compensate for the value of homes
- 2) Westleigh have already cleared some of the site
- 3) Groby is constantly under threat of more and more development without being offered infrastructure, the access to this land is off a mini roundabout in a precarious position
- 4) Council is interested in securing funds from developers in deals such as this without truly considering the views or impact on quality of life for those who live in the village
- 5) Number of extra vehicles exiting onto Leicester Road, when the road is already congested in rush hour is unacceptable
- 6) Groby is a small village which is over stretched in terms of public facilities such as school and GPs
- 7) Traffic is already heavy

- 8) Local football and scouts clubs are at bursting point and therefore no such facilities for children. Adding 30 dwellings puts further pressure on these limited facilities
- 9) Clearing of vegetation has disrupted the ecosystem which has been established over many years
- 10) Dense Blackberry bush has been removed which provided a natural barrier against any person entering the rear gardens
- 11) The trees act as a natural barrier to the traffic noise from the adjacent A50
- 12) The development will devalue our property
- 13) Loss of privacy due to the lack of natural screening
- 14) Drainage issues, both surface and sewerage, additional sewerage and surface water will result in further flooding at the bottom of Leicester Road
- 15) Motorists don't observe the speed limit and drive straight over the mini roundabout and to have another road feeding off the island without due considerations of potential increase in traffic flow may have implications for the safety of the road users
- 16) There has been another flooding incident since 12 August 2016, which occurred on 19 May 2017. Local residents are taking preventative measures at their own expense to prevent contaminated flood water entering properties
- 17) Severn Trent commenced drainage investigations in 2015 which were subsequently postponed due to greater pressures from other locations, however they resumed in 2018 following the flooding incident that occurred on the 19 May 2017
- 18) No details on the proposed levels have been provided as part of the application, and concerned that the proposed development could be constructed on land considerably higher level than the surrounding properties
- 19) Concerns over the lack of maintenance of the proposed watercourse within the site boundaries proposed for drainage. The watercourse and capacity of 1050mm highway culvert under the A50 lacks maintenance. It is assumed that the Asset Protection Team at Severn Trent is unaware of the unresolved flooding events and ongoing investigations. With flooding events occurring on average every 2.5 years it seems obvious that the current surface water and foul water drainage at this location is inadequate
- 20) It is believed that the pedestrian subway under the old A50 that runs parallel and to the east of the 900mm culvert is still intact, but was filled in. This needs confirming as it is close to the area of land to be dedicated as SUDs. In 1995 the County Council offered this subway to the Borough Council as a storm overflow when it became redundant following the construction of the realigned A50
- 21) Groby seems to be having properties built in every corner without thought to wildlife and the current residents being surrounded by roads
- 22) The site as it borders Leicester Road should be double yellow lined to prevent parking on this bend and into Bluebell Drive
- 23) Wheel washing and site management should be considered

5.1. A letter has also been received with a number of questions attached which are as follows, and will be addressed within the report.

- 1) When is the development of the site scheduled to commence and its completion date
- 2) During construction what will be the impact on neighbours in terms of noise
- 3) What is the likelihood of flooding, due to the removal of trees and roots during the construction. Ground disturbance from piling and diggers. After completion what flooding protection defences will be incorporated into the plans for the future
- 4) What cleaning measures will be put in place for Leicester Road surface, What cleaning measures are there for Bluebell Drive road surface, in particular those immediately off Leicester Road
- 5) What measures are in place to prevent contractors parking their plant vehicles, vans and cars on the road and pathways in Bluebell Drive and Daisy Close
- 6) Based upon the planned 30 dwellings, there will be a minimum of 30 vehicles and up to approximately 60, new owners accessing the roundabout will cause further congestion

6. Consultation

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

Environment Agency
Severn Trent Water Limited
Leicestershire County Council (Ecology)
Leicestershire County Council (Archaeology)
Leicestershire County Council (Highways)
Leicestershire County Council (Flooding) (Lead Local Flood Authority)
Leicestershire County Council (Rights of Way)
HBBC Environmental Health (Pollution)
HBBC Environmental Health (Drainage)
HBBC Waste Services

6.2. Groby Parish Council have objected on the following grounds:-

- 1) The application should be postponed until the unsolved flooding issues have been resolved by Severn Trent. This development will exacerbate this
- 2) Flooding is not only surface water, it also causes the drainage to back up and enter the 'foul' system which then overflows at manholes causing foul waste to enter gardens and the rain water ditch to the rear of Daisy Close
- 3) There is lack of topographical drawings of the site and the new houses will overlook the existing houses due to the land levels. However with no drawings it is not possible to determine this.
- 4) Parish Council have requested the following conditions are met:-
 - a) All site traffic to enter the village via an agreed route from the south of the village and not via the village centre
 - b) Due to an existing parking problem in Groby and to prevent additional road hazards on Leicester Road, all vehicles must park on site
 - c) Due to the nature of the exit/egress to the site via a mini roundabout on site wheel washing should be provided to avoid contamination

- d) Working hours should be restricted and not extend outside the hours of 0800hrs and 1700hrs and working week should not include Sundays

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- 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 SA1: Safeguarding Site Allocations
- 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)

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

Assessment against strategic planning policies

8.2. Paragraphs 11-13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications but does not change the statutory status of the Development Plan.

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

8.4. The application is situated within the settlement boundary of Groby. Core Strategy Policy 8 seeks to allocate land for the development of a minimum of 110 new homes in Groby. The site is allocated within the Site Allocations and Development Management Policies DPD (SADMP) for residential development up to 38 dwellings (allocation reference GRO03). Policy SA1 of the SADMP seeks to safeguard allocated sites for the same land uses, in this case this is safeguarding for residential use. The principle of the residential development on this site has been established through the adoption of the SADMP and through the granting of outline planning permission reference 15/00767/OUT.

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. 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 30 dwellings per hectare within key rural centres, rural villages and rural hamlets.
- 8.7. 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.
- 8.8. The proposal is for a total of 30 dwellings situated within a strip of land which has been allowed to overgrow with vegetation. The application site is 'left over' land which was used during the re-development and re-alignment of the A50. The site is bound by the A50 dual carriageway to the north of the application site, and linear residential development to the south fronting onto Leicester Road. There is also further more recent development to the north east of the application site. Levels within the site and wider area increase to the west and north towards village centre and the A50.
- 8.9. The surrounding residential properties vary in terms of their siting, scale and design, with plots along Leicester Road, to the south of the application site, and Grey Close to north west occupying modest plots.
- 8.10. The proposal seeks the erection of 30 dwellings on a 1.07 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.
- 8.11. A single point of access is proposed and was previously agreed under outline permission 15/00767/OUT from Leicester Road, Groby to serve the site. The access would extend north west, centrally through the proposed development. The proposed dwellings are orientated to provide a strong street frontage, and afford natural surveillance. The exception to this is plots 26-28 where the proposed dwelling would be positioned facing into a parking court, however plots 26 and 27 have been designed to be dual frontage, to ensure there is active frontages to the development is secured throughout, as well as providing a frontage to Leicester Road.
- 8.12. The proposal includes a mix of dwelling of two storey scale. The proposed dwellings would include some design detail within elevations to provide relief and interest within the street scene, such as brick detailing to windows and door cills and front canopies above doors. Plots 1 -3 and plots 29-30 would also feature chimneys to provide and add to the wider roofscape along Leicester Road.
- 8.13. To reduce car dominance within the proposed street scene parking would be provided to the side of dwellings, with the exception of plots 1 and 2 which front onto Leicester Road, where parking would be positioned to the rear but overlooked

by plot 3. Plots 26 – 28 would also be served by a small parking court, overlooked by the respective plots.

- 8.14. Levels within the site and the wider area vary, with land levels generally rising north and north west. Given the significant levels changes within the site the applicant is proposing to cut away 4,440m³, due to the thickness of the existing topsoil which exists on the site. This ensures that the finished floor levels of the proposed dwelling would complement and be reflective of the wider topography and natural changes of levels within the neighbouring street scene. The earthworks ensures that the proposed scale of the dwellings would complement the wider area and would not result in a prominent or dominate housing development. As part of this application the developer has provided details in respect of the proposed finished floor levels across the site, which is reflective of the wider changes in levels within Leicester Road, as the site gradually increase to the north west of the site.
- 8.15. Landscaping proposals have been provided as part of the submission, which provides soft landscaping through the development with ornamental planting to the fronts of dwellings and hedgerow enclosures to denote public and private spaces. Along the south of the application site, is an easement with the dwellings of Leicester Road backing onto it, further details have been requested in terms of the details of how this area would be secured. As well as details of any proposed boundary treatments which are proposed through the development. It is therefore necessary impose a condition for an adequate landscaping scheme to be secured prior to development.
- 8.16. 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

- 8.17. Policy 15 of the Core Strategy seeks urban areas such as Groby on sites of more than 10 dwellings to provide on site affordable housing at a site target of 40%. The affordable housing provision on site is 40%, which is set out in the Section 106 agreement for the outline application and as such would accord with Policy 15 of the Core Strategy. The affordable housing would provide dwellings from 1 bedroomed to 3 bedroomed dwellings, across the application site. The affordable housing provision and mix is acceptable and therefore in accordance with Policy 15 of the Core Strategy.

Impact upon neighbouring residential amenity

- 8.18. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.19. The nearest dwellings adjoining the site are located to the south and north east along Leicester Road, Grey Close and Daisy Close. The rear gardens of the dwellings situated along Leicester Road, Daisy Close and Greys Close are of considerable length, approximately 17metres on average, and generally back onto the application site.
- 8.20. Plots 25 – 29 are the nearest proposed dwellings to those situated along Leicester Road, specifically No. 121 to 133 Leicester Road. The distances between the rear of the dwellings on Leicester Road, Groby to the proposed side elevations of Plots 25-29 increases from approximately 17 metres to 30 metres separation distances. The application site, is situated upon a land level which is higher than those dwellings along Leicester Road, as a result the proposed development would result in earthworks to ensure the finished floor levels of the proposed development are

appropriately sited. In this regard Plots 25-29 would be situated approximately 0.9m – 1.5 metres above the finished floor levels of those dwellings along Leicester Road. However having regard to the significant separation distance and the fact that the proposed dwellings are situated to the north of the rear gardens of Leicester Road, it is not considered that the proposed dwellings would appear overbearing nor result in any loss of light. The side facing elevation of Plot 29 would not have any side facing windows directed to No.33 and therefore would not result in any overlooking to this dwelling. Plots 25 and 28 both have first floor side windows which would face towards the rear elevation of the dwellings along Leicester Road, however the windows would serve the bathrooms and as such would be obscurely glazed. However notwithstanding this, given the separation distance between the proposed dwellings and those along Leicester Road, Groby the development would not result in any significant overlooking.

- 8.21. Plots 1 and 2 would be situated to the south west of Daisy Close, which are two storey dwellings. Plots 1 and 2 are proposed to be arranged in a 'U' shaped footprint, with the side elevation of plot 1 facing towards the rear amenity space of No.1 Bluebell Drive, and the rear elevation of plot 2 facing towards the rear elevation of No.1 and 2 Daisy Close. The window to window distance between Plot 2 and to the rear of No.1 and 2 Daisy would be 23 metres. Daisy Close is situated on a lower land level than the proposed development site, and would be an approximately difference of floor levels between the proposed development and Daisy Close of approximately 1 metre. However the overall ridge height differences between the proposed dwellings of No.1 and 2 Daisy Close would be situated approximately 0.3 metres greater than the ridge line of No.1 and 2 Daisy Close. Good practice guidance such as the Urban Design Compendium identifies the distance between backs of properties as a rule of thumb should seek an approximate distance of 20 metres, therefore having regard to the differences in levels and the substantial distance proposed, the development would avoid any overlooking or overbearing impact.
- 8.22. The proposed dwellings would be served by reasonably sized gardens to provide adequate amenity space of future occupiers. The dwellings would be sufficiently separated from one another to avoid overlooking or inter visibility of windows. Where dwellings are positioned on opposite sides of the proposed road serving the development, dwellings are set back from the road and have been positioned and designed that dwellings do not directly face into similar opposing habitable rooms, further reducing overlooking across the development. Therefore the proposed layout would afford future occupiers a reasonable level of amenity.
- 8.23. Due to the positioning of the application site, and having regard to the surrounding neighbouring dwellings and the depths of the proposed plots, it is considered necessary to impose a condition to remove permitted development rights to ensure any additional alterations and extensions to dwellings are not carried out without consent, to allow full regard of neighbouring amenity.
- 8.24. The development has been designed to ensure there would be no adverse impact upon the amenity of existing and future occupiers and is therefore in accordance with Policy DM10 of the SADMP.
- Impact upon highway safety
- 8.25. 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.
- 8.26. Objections have been received in respect of the access and the number of traffic movements associated with the proposed development. The outline application (15/00767/OUT) considered access for the purposes of a residential development,

and was deemed to be suitable and therefore this is not a consideration of this application.

- 8.27. The proposal includes parking for all proposed dwellings, with two spaces per dwelling provided per plot. Within the proposed development, the scheme includes traffic calming to ensure vehicles speeds within the development are below 30mph within the development site. During the course of the application amendments have been sought to the layout to ensure the development would be built up to an adoptable standard. The scheme has been considered by Leicestershire County Council (Highways) and have no objections to the proposal subject to the imposition of conditions which seek to ensure the development is not occupied until parking and turning facilities as proposed have been completed, any dwellings served by a private drive is hard bound prior to occupation and removal of permitted development rights to ensure no barriers or gates can be erected within 5 metres of a highway boundary. These are considered reasonable and necessary to ensure vehicle and pedestrian safety and the free flow of the highway.
- 8.28. During the course of the application objections and comments have been received requesting that the site is subject to wheel cleaning and routing of traffic. Condition 4 of outline permission 15/00767/OUT seeks that the developers provide a Construction Transport Management Plan to address these matters prior to development.
- 8.29. Therefore subject to the imposition of conditions the proposed development would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Impact upon Drainage and Flood Risk

- 8.30. Policy DM7 of the SADMP requires adverse impacts from flood to be prevented and that development should not create or exacerbate flooding by being located away from area of flood risk unless adequately mitigated.
- 8.31. The outline application was supported by Flood Risk Assessment (FRA). The site is located in Flood Zone 1 (low less than 1 in 1,000 annual probability of flooding). Flood mapping indicated a medium to high risk of surface water flooding at the east of the south boundary of the site and a low risk of surface water flooding at the east boundary, on Bluebell Drive. The historic surfacing flooding is largely related to the maintenance of the highway culvert. The site itself is raised and not subject to significant surface water flooding.
- 8.32. It should be noted that during the outline application, drainage has been considered and conditions 7 and 8 requires a surface water drainage scheme to be submitted and agreed prior to development. However the applicant at the request of the Local Planning Authority has provided details as part of this application for consideration.
- 8.33. The proposed development seeks to provide on site attenuation, specifically offline detention basin which would be positioned plots 2 and 3, in accordance with the submitted Flood Risk Assessment submitted at outline stage, which would be further enhanced with introduction of a secondary form of treatment, with trapped gullies both on all highway and private drainage. The proposal seeks to provide surface water attenuation for up to and including 1 in 100 year plus climate change event (40%) and seeks to accordance with the SuDs Manual 2015. At the time of writing the report formal comments from the Lead Local Flood Authority have not been received, however the proposed drainage scheme is reserved by conditions 7 and 8 imposed on permission 15/00575/OUT and is not a matter for consideration for this application. Therefore subject to compliance with the conditions imposed on the outline planning permission the development would not exacerbate flooding in accordance with Policy DM7 of the SADMP.

Noise

- 8.34. 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 180 of the NPPF advises that planning policies and decision should ensure that new development is appropriate for its location and should aim to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.
- 8.35. The application site is situated to the south of the A50 where expected noise levels are high. Due to this close relationship to the proposed development site, mitigation would be required to achieve acceptable noise levels on site. Condition 20 of the outline permission seeks a scheme for protecting the proposed dwellings from noise to be agreed. During the course of the application the developer has submitted a noise survey and mitigation measures to be proposed on site, which includes an acoustic barrier to the northern edge of the development as it forms the boundary with the A50. The report identifies a number of further recommendations such as enhanced glazing and ventilation, construction of dwellings to be tiled with 20kg/m² plasterboard ceiling, 100mm sound absorbing layer above the ceiling or roof type equivalent performance and solid block work walls.
- 8.36. Environmental Health have commented on the proposed means of mitigation, and further information in terms of manufacturing details for the chosen methods shall be submitted for approval. However condition 20 of outline permission (15/00767/OUT) seeks to ensure a satisfactory scheme to protect the proposed dwellings is submitted and complied with, as such this information subject to the compliance of this conditions the proposed development would accord with Policy DM10 of the SADMP.

Ecology

- 8.37. 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.
- 8.38. The outline application (15/00767/OUT) was subject to an Ecology Report, which found that although the grassland and scrubland habitats have local value, the value was not significant in the context of the county and would not meet the Local Wildlife Site criteria. The site is flanked by the A50 to the north, which is a busy trunk road, and residential development to the south, and is not connected to any good wildlife sites. It was acknowledged that the development would result in the loss of trees, and therefore a loss of habitat for birds, however it is not considered that this loss would have a significant impact upon local bird populations, and there is a considerable amount of similar habitat available along the trunk road to the east and west, and to the north of the application site, on the opposite side of the A50. The permission however did condition that site clearance would be carried out outside the bird nesting season (March – July inclusive).
- 8.39. The site also provides potential habitat for badgers, and a badger survey (BWB 2018) was completed for the site recently to discharge condition 12 of permission 15/00767/OUT, and was deemed satisfactory and shall be cleared in accordance with the recommendations of this report to satisfy this condition.
- 8.40. The development provides opportunities for landscaping; however the initial landscaping scheme proposed required revising to ensure that only locally native

tree species in the area of open space are provided to replace habitats. There is also an area of retained woodland proposed to the west of the application and further information is required to seek the woodland is managed, this shall be subject to a condition, as well as the wider management of the site, to ensure that garden creep into surrounding habitats is prevented and protected.

- 8.41. Accordingly subject to conditions the proposed development would be in accordance with Policy DM6 of the adopted SADMP with regard to biodiversity and ecology issues.

Impact upon Existing Infrastructure

- 8.42. A Section 106 was signed for the outline planning application which agreed contributions towards; improvement works; health care contribution; education including primary and secondary education; and travel packs and bus passes for dwellings.

Other matters

- 8.43. A condition requesting the hours of working is controlled by way of condition as part of this development. However this was not requested by Environmental Health (Pollution) at the outline stage and was not considered necessary. It should be noted however noise nuisance is controlled by separate legislation should a statutory noise nuisance be experienced by surrounding occupants. The Local Planning Authority do not hold details of proposed commencement and completion dates as they do not form part of the consideration of the application. However in accordance with the condition of the outline consent the applicant would have 2 years from the date of approval of the last reserved matters to implement the permission.
- 8.44. Any damage to properties which are a direct result from the construction of the development would be a civil matter between interested parties.
- 8.45. Contractors parking outside the application site, would be a civil enforcement matter if those vehicles are parked illegally.
- 8.46. Objections have been received in respect of loss of views and devaluation of properties as a result of this development. The effect on local property values and loss of views are 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.

- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. Following revisions of the layout it is considered that the design, scale and layout of the development and subject to sympathetic external materials, the scheme would complement the character and appearance of the surrounding area and would not result in any significant adverse impacts on the amenity of any neighbouring properties or highway safety. Noise mitigation measures, levels, drainage and land contamination are subject to conditions on the outline planning permission, however some matters have been considered as part of this application, and demonstrate that they can be satisfactorily addressed.
- 10.2. The development would provide an appropriate mix of dwelling and the provision of 40% of dwelling would help towards the affordable housing provision for the borough. The application is therefore considered acceptable and in accordance with Policies DM1, DM4, DM6, DM7, DM10, DM11, DM12 DM17 and DM18 of the SADMP the overarching intentions of the National Planning Policy Framework.

11. Recommendation

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

- Planning conditions outlined at the end of this report.

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

11.3. Conditions and Reasons

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

Site Location Plan - Dwg No. 218041 - PL13 received 12 October 2018

Proposed Floor Plans and Elevations Plots 14--21 Drg No.218041 - PL04 Rev B

Proposed Floor Plans and Elevations Plots 11,12 &13 Drg No.218041 -PL05 Rev B

Proposed Floor Plans and Elevations Plots 22,23, & 24 Drg No.218041 - PL06 Rev A

Proposed Floor Plans and Elevations Plots 25 & 26 Drg No.218041 - PL07 Rev A

Proposed Floor Plans and Elevations Plots 27 & 28 Drg No.218041 - PL08 Rev C

received on the 19 November 2018

Proposed Floor Plans & Elevations PLOTS 01 & 02 - Drg No. 218041 - PL03- Rev B

Proposed Floor Plans & Elevations PLOTS 03 - 10 & 14 Drg No. 218041 - PL04 - Rev C

Proposed Floor Plans & Elevations Plots 29 & 30 - Drg No. 218041 - PL09 - Rev C

Proposed Site Sections - Drg No. 218041 - PL15

Detailed Landscape Proposals 1 of 2 Drg No. 18.1406.001A

Detailed Landscape Proposals 2 of 2 Drg No. 18.1406.002A

Proposed Site Layout - Drg No. 218041 - PL01 - Rev L,
received on the 22 January 2019

Proposed External Works, Dg No. 1048-117 Rev A
Proposed Site Sections, Drg No. 218041-PL15 Rev A
Earthworks Plan - Drg No. 1048 – 118,
received on the 23 January 2019

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.

2. Notwithstanding the details submitted on landscaping scheme Dwg No's:

Detailed Landscape Proposals 1 of 2 Drg No. 18.1406.001A

Detailed Landscape Proposals 2 of 2 Drg No. 18.1406.002A

No 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
- f) or other storage units, signs, lighting, etc.)
- g) Planting plans
- h) Written specifications
- i) Schedules of plans, noting species, plant sizes and proposed numbers/densities where appropriate
- j) Implementation and Management programme for the site including retained woodland

Reason: To ensure that the development has a satisfactory external appearance and enhances and conserves the biodiversity of the application site to accord with Policy DM4, DM6 and DM10 of the Site Allocations and Development Management Policies DPD.

3. Prior to occupation of the development hereby approved, areas of parking as indicated on Proposed Site Layout - Drg No. 218041 - PL01 - Rev L shall be provided, hard surfaced and marked out.

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

4. Notwithstanding the provisions of Part 2 of the 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 within 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 Policy DM17 of the adopted Hinckley and Bosworth Borough Councils adopted Site Allocations and Development Management Policies DPD.

5. 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, Part1, Classes A, B, C and D shall not be carried out without the grant of planning permission for such development by the Local Planning Authority.

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

Planning Committee 19 February 2019
Report of the Interim Head of Planning

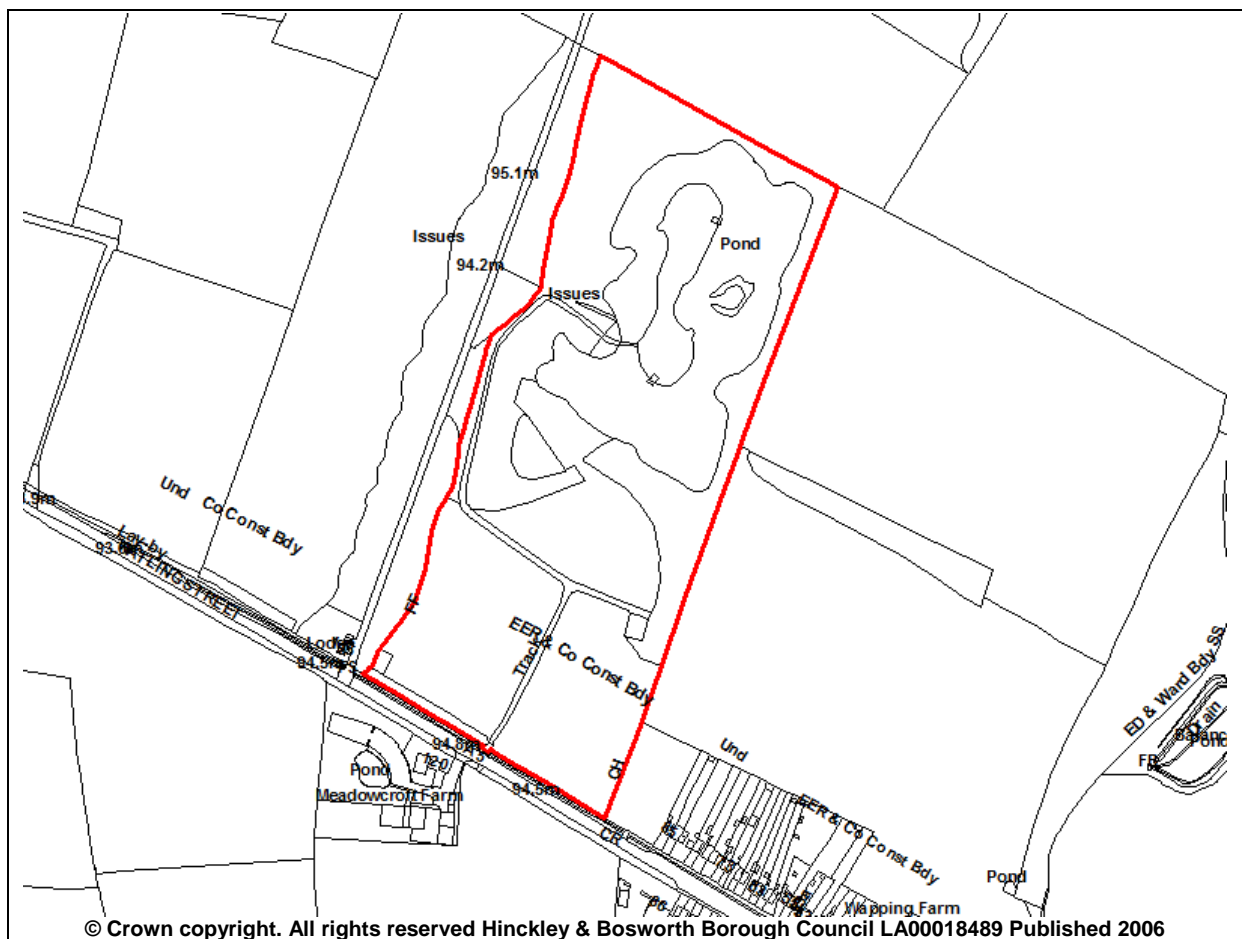
Planning Ref: 18/01104/FUL
Applicant: Mr Lee Brockhouse
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Land North Of Watling Street Nuneaton

Proposal: Erection of dwelling, detached garage, boat house, football pitch, creation of access and associated landscaping (re-submission of 18/00207/FUL)



1. Recommendations

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

2. Planning Application Description

- 2.1. Full planning permission is sought for the erection of a detached 6 bedroomed dwelling with associated access to land North of Watling Street, Hinckley.
- 2.2. The scheme proposes a two storey dwelling, with a detached garage. The proposed dwelling would be situated upon an existing island within the lake, which occupies the north half of the application site. A detached garage would be situated to the west of the bridge serving the island, and positioned upon the mainland.

- 2.3. In addition to the proposed dwelling and detached garage, the scheme also seeks additional landscaping and recreational facilities, these include the formation of a football pitch, the erection of a boat house and bonfire areas.
- 2.4. The application site is a cross boundary application, in that the access onto the A5 is situated within Nuneaton and Bedworth Borough Council. The access has been previously approved by Nuneaton and Bedworth Borough Council under reference number 035546 on the 16 May 2018.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located on the north side of Watling Street, situated between Hinckley and Nuneaton, with an existing direct access off the A5 via a palisade gate; palisade fencing extends and encloses the whole of the application site on all four sides. The application site forms a large plot of land which comprises an agricultural field with a man-made lake situated to the north of the site. The land and lake is currently used by the applicant for private leisure activities. To the east of the site there is a large brick storage building. The site is screened by existing mature trees and hedgerows.
- 3.2. There is a dwelling approximately 50 metres to the east of the site boundary which forms the last house in the ribbon form of development which extends towards Hinckley's urban boundary. To the south of the site is 'A5 Aquatics' and an associated dwelling.
- 3.3. The site is located outside any defined settlement boundary and therefore situated within Countryside.
- 3.4. Technical documents submitted:-
 Landscape Appraisal
 Landscape Management and Maintenance Plan
 Design and Access Statement
 Arboricultural Survey
 Planning Statement
 Sustainability and Innovation Statement
 Flood Risk Assessment
 Ecology Report

4. Relevant Planning History

11/00016/FUL	Erection of general purpose agricultural building	Approved	14.03.2011
14/00778/FUL	Erection of a dwelling and attached garage incorporating a photovoltaic roof panel array	Refused Appeal Dismissed	15.01.2015 02.09.2015
14/01025/CONDIT	Variation of condition on planning permission 11/00016/FUL	Approved	31.12.2014
18/00207/FUL	Erection of dwelling, detached garage, boat house, football pitch, creation of access and	Withdrawn	19.06.2018

associated
landscaping.

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 8 letters of support have been received raising the following points:-

- 1) The planned eco credentials look state of the art and the landscape improvement of the whole site would not look out of place or stately home
- 2) Project has to be supported
- 3) Looks fantastic and will be a benefit to the local area
- 4) An architectural masterpiece
- 5) A true one off, something to show off and be proud of
- 6) Will improve the local area
- 7) House is one of a kind that maybe could see it being used in conventional new builds in the future
- 8) This would be at home on the TV show such as Grand Designs
- 9) Nestles perfectly into the harmony of the existing landscape
- 10) The application is inventive and innovative

6. Consultation

6.1. No objections, some subject to the imposition of conditions, from:-

Highways England
Environmental Health (Drainage)
Environmental Health (Pollution)
Leicestershire County Council (Highways)
Leicestershire County Council (Ecology)
Natural England
Waste minimisation officer
Cadent
Severn Trent
Health and Safety Executive

6.2. Objections have been received from:-

Lead Local Flood Authority

6.3. Higham on the Hill Parish Council have objected on the following grounds:-

- 1) The development in open countryside could set a precedent
- 2) The planting of a conifer hedge is not appropriate
- 3) The design is out of keeping with the area

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: 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
 - Sustainable Technologies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Drainage
 - Impact upon Ecology
- Assessment against strategic planning policies
- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraphs 12 and 13 of the NPPF state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.
- 8.3. The 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 adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.5. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough Council is able to demonstrate five years of deliverable housing using the standard method. Due to the change in the housing figures required for the borough, paragraph 11 of the NPPF is triggered. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.6. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that is in accordance with the development plan. The site is located outside of any settlement boundary and is therefore in the countryside as defined in the adopted SADMP. 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 do not include new residential development unless it is for essential rural worker accommodation. The proposal for new residential development would therefore be in clear conflict with Policy DM4 of the adopted SADMP.

- 8.7. Paragraph 79 of the NPPF specifically addresses development of isolated homes in the countryside. Paragraph 79 identifies that the development that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) The development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) The development would involve the subdivision of an existing residential dwelling; or
 - e) The design is of exceptional quality, in that it:
 - Is truly outstanding or innovative, reflecting the highest standards in architecture, and would help raise standards of design more generally in rural areas; and
 - Would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 8.8. It is clear that the site is situated outside any defined settlement boundary and within the countryside. The scheme is not proposed to support the essential need of a rural worker, does not represent the optimal viable use of a heritage asset, does not propose the re-use of a redundant or disused building and would not involve the subdivision of an existing residential dwelling. The main consideration therefore in this case, is whether or not having regard to Paragraph 79, there is sufficient justification to demonstrate there are special circumstances for an isolated new dwelling in the countryside.
- 8.9. The applicant has presented a proposal for a contemporary design dwelling, with circular living arrangement and design, which would be situated to the south portion of an existing island in a curved formation, comprising 6 round pods facing south and extending round the curve with the last pod facing north east and generally following the curve of the previously engineered island. The proposed dwelling would be two storey in scale, and finished with a curved grassed roof. The outcome would be a contemporary design and proposed to be carbon neutral, and therefore low on its reliance on external means of energy provision.
- 8.10. To achieve permission for an exceptional development under paragraph 79 of the NPPF, the development should be truly outstanding or an innovative design, helping to raise standards reflecting the highest standards of architecture, significantly enhancing its immediate setting and be sensitive to the defining characteristics of the local area. It is therefore necessary to consider whether the proposal meets the special circumstances of being of exceptional quality or innovative nature of design as set out in Paragraph 79 of the NPPF.

Sustainable Technologies

- 8.11. The carbon zero dwelling proposes to employ a number of energy saving, energy generation, and energy management technologies. As part of the application the applicant has supplied an innovations and sustainability statement which covers the aspects of sustainable design and construction including energy use. The statement along with the design and access statement identifies and sets out the rationale for

construction, design, orientation of the proposal, and its aspiration to exceed current building control regulations.

8.12. In order to collect and store enough energy to sustain a house throughout the year the following technologies would be used:-

- During construction the dwelling would be designed to minimise air leakage
- Proof mounted PV and Batteries – these would be positioned on an existing brick
- agricultural building situated within the grounds of the application site, and upon
- the proposed garage pod.
- Mechanical heating and cooling – Ground based cooling and Ground based heating as well as solar cooling and solar heating.
- Trombe wall and solar slab
- Rammed earth
- Ozone pool
- Rainwater harvesting
- It is proposed that all energy required for the heating and cooling of the house and cars would be generated on site, through renewable energies.

8.13. The proposed technologies are not new technologies and are available to be employed within construction at present, to achieve a carbon zero dwelling. However the applicant has identified that these technologies used together present a deployment of Hybridised renewable technologies.

8.14. Whilst it is an aspiration that all developments seek to provide carbon neutral living, and reflective of the modern demands, it should be noted that the application site, has been previously subject to an application which proposed a dwelling on the site albeit in an alternative location within the site, which employed a number of technologies. This application was refused and subject to an appeal. The appeal was dismissed and states:-

“The house would achieve a performance 30% better than Passive haus standards. Welcome though all these energy saving methods are, I doubt that they could be really described as ‘innovative’. Such technologies are not something newly introduced or a novel practice. While they are, regrettably, not ‘standard’ on volume built housing nevertheless they are all ‘known’ technologies and nothing exceptional or out-of-the ordinary”

8.15. This application although a different proposal to that which was previously dismissed at appeal is not considered to overcome the issues which were raised at the appeal in that the proposed technologies are ‘all known technologies and nothing exceptional or out-of-the ordinary’. Whilst the approach towards utilising sustainable construction technologies is to be supported and encouraged widely, the NPPF states that the design is ‘truly outstanding or innovative’ and it is not considered that these technologies can be described as such, but rather it uses a number of existing technologies together to achieve a carbon neutral dwelling. The proposed dwelling would incorporate technology which would allow the capture and storage of solar energy, both on long and short term basis, through its incorporation of energy saving, energy generation and energy management technologies.

8.16. The orientation of the sun and maximising solar gain, has influenced the positioning of the ‘pods’ which are positioned along the east and west axis, to take advantage of the course of the sun east to west during the course of the day. A comment which was raised as part of the Design Review by ‘Opun’ which was carried out during the Pre-application stages of the proposal. However as part of the Design

review 'Opun' identified the importance of the necessity of *"demonstrating with rigour, how the environmental measures have shaped and informed the design of the building, to ensure a robust and appropriately tested solution."* As part of the application Target U Values and SAP predictions have been provided as part of the submission, however they are targets, and the failure to meet the a single aspiration of the proposal could significantly compromise this rating. It is not considered that the proposed development has provided and satisfied the Local Planning Authority with a robustly tested scheme to provide certainty of the proposal being delivered in its entirety.

- 8.17. The applicant references within the supporting information for the application that the development 'carbon zero', 'carbon neutral living' and 'low carbon', the use of these phrases raises questions if the proposal is a development which would have a carbon zero output or if it would be 'low carbon'. As discussed above it is not considered that sufficient information has been submitted to fully demonstrate the certainty of the proposal being 'carbon zero'.
- 8.18. The proposal does not propose technologies which are exceptional or out of the ordinary to result in an innovative design helping raise the standards or design in architecture generally. It cannot therefore be considered of exceptional quality in that it would be outstanding in terms of innovation, to help raise standards of design more generally in rural areas as the technologies exists to be utilised in developments.

Design and impact upon the character of the area

- 8.19. Policy DM4 of the SADMP seeks to ensure development does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside. 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. Paragraph 79 of the NPPF identifies that the design of exceptional quality in that:-
- Is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 8.20. A previous scheme for the site has previously been dismissed on appeal (Reference APP:K2420/W/15/3030390) as the inspector found that *"that notwithstanding the unusual and unique design of the proposed house and its energy efficient features it would be located outside any settlement area in open countryside where planning permission is not usually granted for new development. This would be an unsustainable form of development for this reason and since it would fail to meet the rigorous tests required of a dwelling to be of exceptional quality or innovate design quality."*
- 8.21. The application site is situated to the north of Watling Street (A5), with a ribbon of development situated to the south east of the application site, which are of interwar housing, which front onto Watling Street. To the north west of the application site, is an Islamic College, with agricultural fields beyond.
- 8.22. The proposed dwelling would be situated approximately 365 metres north of the highway, and 100 metres away from the nearest boundary. The proposed dwelling would be situated within an enclosed 45 Hectares and would be situated upon an existing island within the lake, positioned within the southern part of the mound. To

the north a boat house is proposed, the dwelling would be accessed via a bridge, with a detached garage situated adjacent to this bridge, to serve as an arrival area prior arriving at the dwelling. The proposed dwelling would be largely screened from views from the streetscene due to the boundary treatment, which is mature. The application is typical of any urban or rural sites, and lacks any grandeur or exceptional quality, as found within appeal ref: APP/K2420/W/15/3030390.

- 8.23. The proposed dwelling and wider site would be accessed via a straight drive north away from the Watling street into the centre of the site, before diverting west to the garage/arrival area, introducing and formalising and extending an unpleasant straight drive from the highway . The proposed dwelling would be two storeys, and would comprise 6 roughly oval in shape pods interlinked, facing south and delineating the southern edge of the island. The elevations would comprise at lower level timber panelling and timber rainscreen/battens to the upper level, providing a vertical emphasis to the proposed dwelling, of which would be interspersed with glazing. The cantilevered roof would feature a sedum roof.
- 8.24. The proposed boat house would be of single storey and situated to the north of the island, and would be single storey in nature, with a pod like design reflective of the proposed dwelling. The proposed boat house, would be positioned upon stilts and extend into the existing water body. The elevations would be finished in blackened timber cladding with a curved grassed roof. Given its siting and single storey nature and proposed materials together with its relationship with the existing fishing lake, it is not considered that this building would result in an adverse impact upon the character of the area.
- 8.25. The application has been accompanied by a landscaping scheme for the side, which provides additional planting and management of the land as a whole. The proposal also identifies an area of the land to the south of the proposed dwelling to provide a sports pitch upon the main land, as well as a boat house to the north of the island. The proposed sports pitch although within the red outline of the application would be somewhat divorced and unrelated to the proposed dwelling, as well as areas proposed for bonfires, which would introduce an incongruous feature within the existing grass landscaped, regardless of the proposed planting which would enclose the proposed on site facilities. It would also suggest that the proposal seeks to encompass the wider site to form part of the residential curtilage of the dwelling proposed within this application, and would result in domestication of the site which is otherwise a rural setting. Paragraph 79 of the NPPF requires designs to 'significantly' enhance their immediate setting, which has a rural feel, of a field with a large lake. The proposed additional planting, landscaping and management the planting of native trees and landscaping proposals, would not be sufficient to 'significantly' improve the immediate setting. This is particularly the case when the proposal seeks to incorporate and domesticate the wider otherwise rural field.
- 8.26. Prior to the submission of the application, the applicant did enter into pre-application discussions with the Local Planning Authority where the proposal was subject to independent review by design panel, Opun. The concept of the development as a whole has been influenced by the existing water body and the fishing village/lodge concept, which are characterised by buildings of simple form and design. However the simplicity of the idea combined with a number of elements such as the two storey scale of the proposal, the compatibility of the use with the presence of cars on the island are not wholly in keeping with the concept, and consideration of a integrated design response.
- 8.27. The panel during the pre-app appreciated the aspirations for sustainable, energy efficient building, with the cellular concept which would allow parts of the building to be controlled separately. The proposal includes green roofs which were encouraged

as part of the discussions with Opun has an improvement in increasing and strengthening the bio-diversity and habitat mix for the site. However it was noted by 'Opun' that there is a need and emphasis for the energy strategy and environmental measures to be tested as this is the key driver of the proposal, to ensure its delivery.

- 8.28. Due to the central location of the dwelling, situated upon the island, the dwelling is designed specifically for the environment it is situated which is unlike any other application sites within the rural area, and therefore it is not demonstrated how this would raise the general standards of design within the area.
- 8.29. Having regard to the previous appeal (reference APP:/K2420/W/15/3030390), the comments received from Opun and the proposed development although unique in design and layout, the proposed dwelling would not raise the standard of design more generally in rural areas, and would not significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. The proposed dwelling would result in an incongruous feature within the countryside, and would not be considered truly outstanding in regards to the requirement of Paragraph 79. The proposal is therefore considered to be in conflict with Policy DM4 of the SADMP and the overarching aims and objections of the NPPF.

Impact upon neighbouring residential amenity

- 8.30. Policy DM10 (criterion a) of the SADMP requires that development does not adversely affect the privacy and amenity of nearby residents and occupiers of adjacent buildings. Due to the distance of the proposed dwelling from the neighbouring property No. 85 Watling Street it is not considered that the siting of the proposed dwelling would impact upon the amenity of this property through overlooking or overshadowing. The proposal is therefore considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.31. 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. Leicestershire County Council (Highways) and the Highway Agency have not objected to the proposed dwelling. It is not considered that the development would not have a material impact on traffic and would provide sufficient off street parking. Furthermore the consideration of the access is not for approval as part of this application, due to being positioned outside Hinckley and Bosworth Borough Councils jurisdiction and previously approved by Nuneaton and Bedworth Borough Council under reference 035546.
- 8.32. It is therefore considered that the proposal would comply with Policies DM17 and DM18 of the SADMP.

Drainage

- 8.33. Policy DM7 of the adopted SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.34. The application site is situated within Flood Zone 1, and has been accompanied with a Flood Risk Assessment and a sustainable drainage statement to support the application site. The Lead Local Flood Authority and Environmental Health (Drainage) have been consulted during the course of the application having regard to the submitted details.
- 8.35. It is proposed that surface water from the site outfalls into the existing lake attenuated. However all proposed development would increase the impermeable

area, including access road, and should be drained to the equivalent greenfield rates and supported by hydraulic calculations where necessary.

- 8.36. The Flood Risk Assessment also identifies that should the volume of the water body within the site be exceeded, it would overtop on the northern bank away from the proposed development. However, an assessment of the risk overtopping towards the adjacent Hijaz Manor and industrial estate to the south east should be included as part of the application. An assessment of whether the water body has capacity to receive the surface water runoff from the proposed development therefore should also be provided.
- 8.37. The Flood Risk Assessment states that a number of sustainable drainage systems (SuDs) features would be incorporated into the design of the proposed development which are intended to mitigate the risk of surface flooding to the wider area. However, a drainage strategy and details of the proposed SuDs have not been provided for review, ensuring that management of residual flood risk is not increased for the lifetime of the development. The Lead Local Flood Authority in light of the above, have advised that the proposed drainage strategy is insufficient, and requires further information. The applicant during the course of the application has submitted further information for consideration, the LLFA have been re-consulted on these details and have not yet been received. The LLFA comments on the additional information will be reported as a late items.

Impact upon Ecology

- 8.38. 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.
- 8.39. The application has been supported with the submission of an Ecology Survey, the contents of which has been considered by Leicestershire County Council (Ecology).
- 8.40. The proposed development is situated on the banks of a large lake, with some works to the bank/lake proposed. The survey recorded no evidence of protected species on site, although the site could support them, and therefore the recommendations contained within the Ecology Survey are necessary to be conditioned, should permission be granted. The application provides an opportunity to enhance the biodiversity on site, and the introduction of meadow grassland within the landscaping proposal is welcome, in addition to increasing the size of the reed beds within the lake, with tree planting comprises native species. The proposed dwelling seeks to provide 'green roofs' however in order for these to be of greatest value to biodiversity it is recommended that the roofs of the pods comprise a 'biodiverse green roof' rather than a sedum mat, which would afford significantly more opportunities for pollinating species. The proposed would therefore comply with Policy DM6 subject to the imposition of conditions ensuring that the development adherers to the recommendations contained within the Ecology report and landscaping scheme is submitted prior to development for agreement.

Planning Balance

- 8.41. 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. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. However, local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

- 8.42. In this case, conflict has been identified with Policy DM4 of the adopted SADMP as the site and proposed dwelling is situated outside the settlement boundary and within the countryside where new residential development is not supported by these strategic planning policies.
- 8.43. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years of deliverable housing using the standard method. However, owing to the change in the housing figures required for the borough paragraph 11 of the NPPF is triggered.
- 8.44. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.45. 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:
- 8.46. Economic – The proposed development would provide a very limited short term benefit to the local economy through the creation of jobs and demand for local services during the construction period. Any support for local services would be limited by the scale of development (one dwelling) and the lack of such services in this isolated position outside any defined settlement boundary, and the need to access services in other larger settlements by the use of the private car.
- 8.47. Social - The occupation of the proposed dwelling would provide a private benefit to the applicant, however, in terms of other social benefits, the proposal would make a minimal contribution to the housing supply and the weight attached to this is further limited by the fact that the Council has identified sufficient land to meet local housing requirements for at least the next 5 years and in locations that have better access to services and facilities.
- 8.48. Environmental – The application site comprises a large parcel of land, which benefits from a large lake, which although man made, due to the passage of time the surrounding vegetation has matured along the banks and upon the island, creating a soft and natural environment. The proposed development seeks to provide a dwelling, which is proposed to be a carbon zero development, and would use a range of development and building methods to achieve this, in which the applicant has presented to be an innovative type of development and therefore should be considered in light of its special circumstances in which it seeks to improve building methods on wider scale.

However the proposed residential development would introduce alien features within the site, such as football pitches, and engineered access road which would dissect through the application site, as well as the erection of the proposed substantially sized dwelling with detached garaging and boat house. Although views of the site are contained, they would appear incongruous in the context of the site and would not significantly enhance the immediate setting. Given the constrained views the design and construction techniques employed with the course of the development would not be readily accessible and would therefore have limited impact in terms of influence upon wider built developments in the future.

- 8.49. Therefore having considered the special circumstance of the application, and having regard to the fact that the Borough Council do not agree that the proposed dwelling would be considered of a design deemed exceptional quality under Paragraph 79 of the NPPF, it is not considered that there are any significant

benefits identified which would outweigh the harm of this single dwelling in the countryside.

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.

9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1. In conclusion, the proposed dwelling would incorporate advanced technology to reduce the carbon footprint of the development, which would employ the use of sustainable construction techniques. However it is not considered that the dwelling would be of an exceptional or innovative design to justify a new dwelling in an unsustainable location in the open countryside, removed from services and facilities. Nor would the proposal result in the significant enhancement to its immediate setting. The proposal would also result in the over domestication of an otherwise rural setting with the introduction of formal pitches and built form which would appear out of character within this outside of settlement location.

10.2. The proposal is therefore considered to be contrary to Policies DM1, DM4 and DM10 of SADMP and Paragraph 79 of the National Planning Policy Framework.

11. Recommendation

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

11.2. Reason

1. The proposed dwelling fails to be of an exceptional quality to satisfy the requirements of Paragraph 79 of the National Planning Policy Framework and would therefore constitute an unsustainable form of development without justification in the countryside. Accordingly the proposal is contrary Policies DM1, DM4 and DM10 of the adopted Hinckley and Bosworth Borough Council Site Allocations and Development Management Policies DPD (2016), Policy 12 of the Core Strategy and Paragraph 79 of the National Planning Policy Framework (2018).

Planning Committee 19 February 2019
Report of the Interim Head of Planning

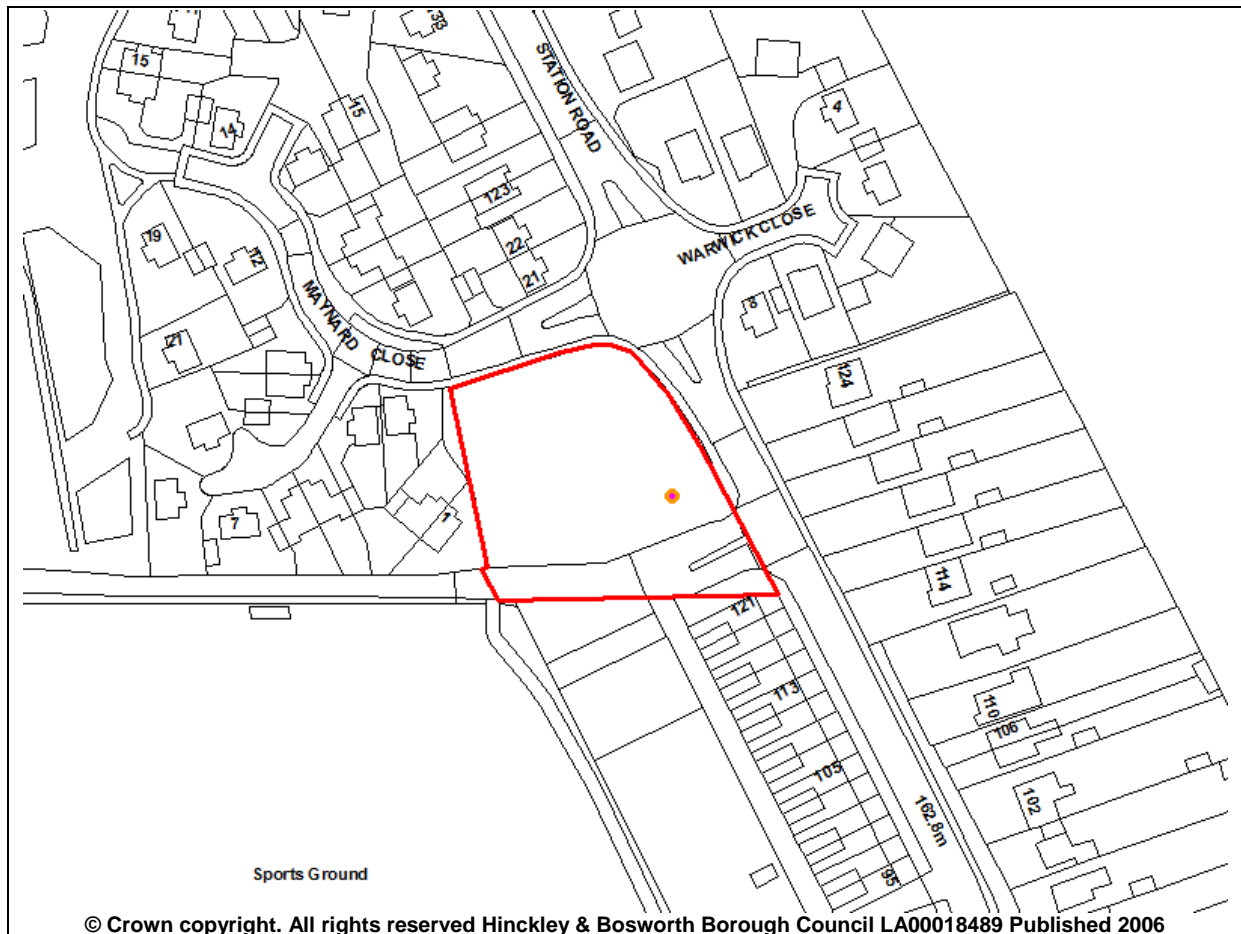
Planning Ref: 16/00758/FUL
Applicant: Mr Atul Lakhani
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Land Adjacent 121 Station Road Bagworth

Proposal: Erection of 10 no. dwellings and 2 no. flats (100% Affordable Scheme)



1. This application was taken to the previous Planning Committee on 22 January. The previous report and accompanying late items are attached to this report as Appendix A and B.
2. The application seeks full planning permission for a 100% affordable housing scheme comprising 10 x 2 bedroom dwellings and 2 x 1 bedroom flats with associated vehicular parking including 2 visitor parking spaces. The tenure of the dwellings comprises 10 x 2 bedroom dwellings for shared Ownership and 2 x 1 bedroom flats for 100% affordable rent.
3. The minutes of the planning committee state for this application:
'Notwithstanding the officer's recommendation that permission be granted, members felt that the proposed access should be via Maynard Close rather than using the existing access to the south of the site, the proposed number of properties was too

great for this site and the layout was poor.' The application was minded to refuse on grounds of access, design and layout.

3. Despite feedback received from members at Planning Committee and subsequent advice from officers, the applicant has not responded with any amendments or revisions to the scheme.
4. The officer's recommendation to approve the application remains as outlined in Appendix A to this report.

APPENDIX A

Planning Committee 22 January 2019
Report of the Interim Head of Planning

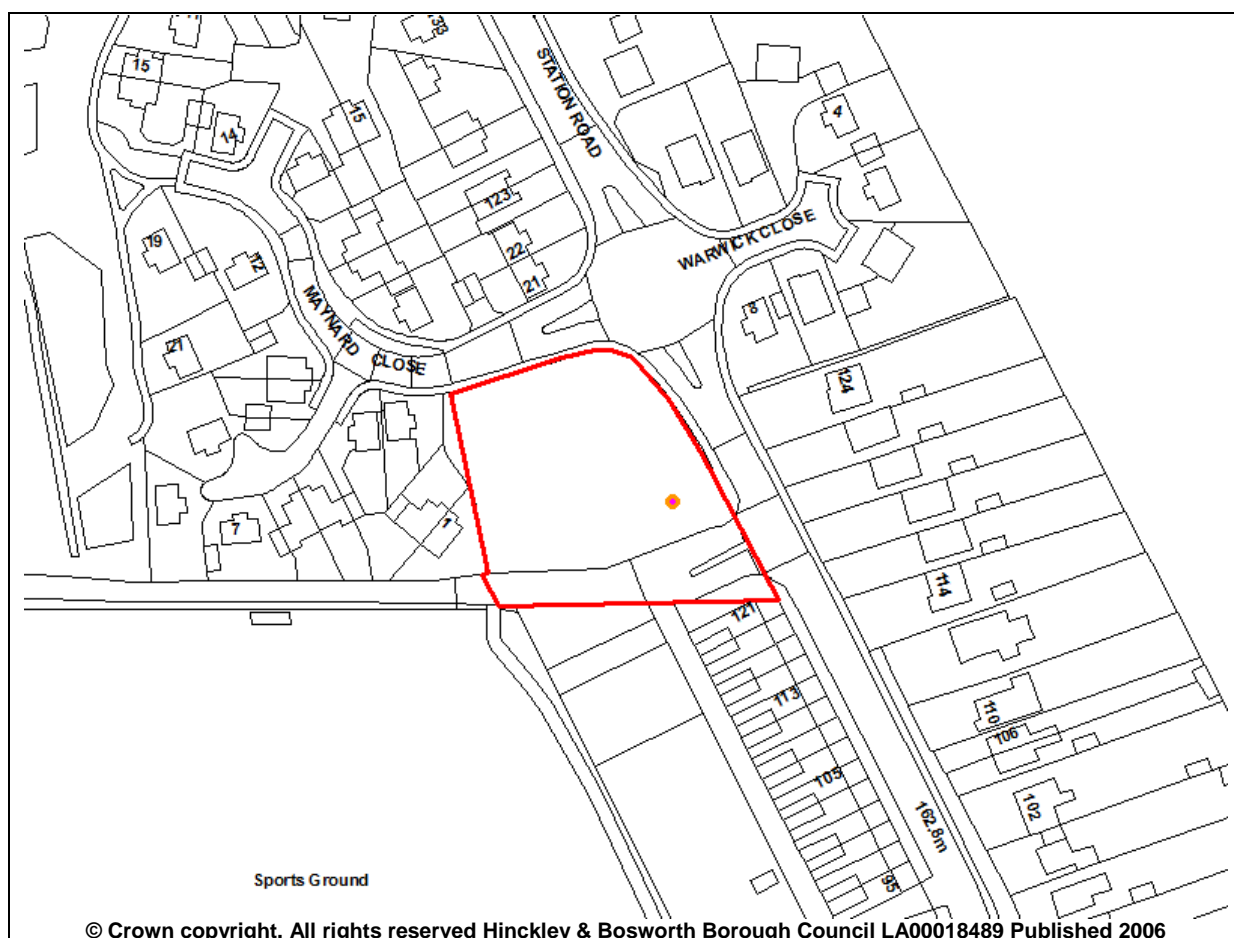
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1. Recommendations

1.1 Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
- Affordable housing – Twelve (12) units (10 x 2 bedroom dwellings of shared ownership tenure and 2 x 1 bedroom flats of 100% social rent tenure)
- 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 The application seeks full planning permission for a 100% affordable housing scheme comprising 10 x 2 bedroom dwellings and 2 x 1 bedroom flats with associated vehicular parking including 2 visitor parking spaces. The tenure of the dwellings comprises 10 x 2 bedroom dwellings for shared Ownership and 2 x 1 bedroom flats for 100% social rent.
- 2.2 The original proposal was for a slightly larger scheme of 14 dwellings with a layout which was considered to be unacceptable by officers. There have been substantial delays to the application due to changes to the layout, issues in relation to road adoption, drainage and financial viability in regard to developer contributions. All outstanding issues have been resolved and are discussed within the main body of the report.

3. Description of the Site and Surrounding Area

- 3.1 The application relates to a site with an area of 0.25 ha to the west of Station Road, and South of Maynard Close which is allocated for housing in the Site Allocations and Development Management Policies DPD, (ref BAG02PP). The majority of the site is currently waste ground with the southern part of the site comprising the access road to the sports ground. This also allows access to the rears of the dwellings to the south fronting Station Road. Residential properties surround the site to the north, east and south east with the sports ground to the south west. The north eastern corner of the site is adjacent to a roundabout marking the junction between Station Road, Maynard Close and Warwick Close. The site has previously been granted planning permission as part of a larger development (02/00374/REM) and as a separate parcel of land with permission for 9 apartments and an A1 shop. Since this permission was granted, a shop has been built further to the north on Station Road.

4. Relevant Planning History

07/00013/PP	Mixed use development comprising three retail units (use class a1, a3 and d1) and nine apartments with associated parking and access	Permission	09.08.2007
01/01041/REM	External building materials and landscaping	Permission	07.12.2001
02/00120/REM	Residential development and associated works for 10 dwellings (amended layout) following the granting of outline planning permission 99/00820/out	Permission	17.04.2002
02/00236/REM	Residential development and associated works for 50 dwellings	Refused	09.10.2002
02/00374/REM	Erection of 55 dwellings and associated works	Permission	10.10.2002
99/00820/OUT	Residential development and associated open space	Outline	01.05.2001

	including village green and play areas and provision of a local retail facility	permission	
06/01114/FUL	Mixed use development comprising three retail units (use class a1, a3 and d1) and nine apartments with associated parking and access	Refused	15.01.2007
10/00557/FUL	Mixed use development comprising of a retail unit (use class a1) and eight dwellings with associated parking and access	Permission	01.09.2010
10/00561/EXT	Extension of time for extant planning permission 06/01114/FUL for mixed use development comprising three retail units (use class a1, a3 and d1) and nine apartments with associated parking and access	Permission	15.09.2010
13/00478/EXT	Extension of time for extant planning permission 10/00561/EXT for mixed use development comprising three retail units (Use Class A1, A3 and D1) and nine apartments with associated parking and access	Refused	17.10.2013
13/00510/EXT	Extension of time application for planning permission 10/00557/FUL for mixed use development comprising of a retail unit (use class A1) and eight dwelling with associated parking and access	Permission	04.02.2014

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site. and a notice was displayed in the local press.
- 5.2. There have been 27 objections from third parties with the following issues raised:
 - 1) Too many affordable housing schemes in the village
 - 2) No amenities in village (doctors, dentists, schools)
 - 3) Problems with access to sports ground to rear
 - 4) Loss of 'historic' access road layout
 - 5) No S106 monies to benefit village
 - 6) Too many cars/insufficient parking spaces on site/increase in vehicles on the main road
 - 7) Visual impact
 - 8) Effect on character of the neighbourhood/village

- 9) Over-development of the site

6. Consultation

- 6.1. The following consultation responses have been received, no objections subject to conditions:

Severn Trent Water
HBBC (Affordable Housing)
HBBC (Drainage)
HBBC (Waste Services)
LCC (Highways)
LCC (Rights of Way)

- 6.2. Bagworth and Thornton Parish Council object to the scheme on the following grounds:

- 1) Thornton Primary School is already over-subscribed, Mercenfield Primary and South Charnwood Primary schools are also over subscribed with no room for on-site expansion.
- 2) The nearest GP surgery at Markfield is also operating at capacity.
- 3) There are no local services within Bagworth and the development would increase the need for car borne journeys and any new development within Bagworth should give serious attention to the provision of school places, health care and the economic stability of the village.
- 4) There does not appear to be sufficient parking on site and the right of way and current access for the Recreation Ground Bagworth New Wood and Bagworth Clay Pigeon needs to be accessible at all times.
- 5) The current layout of the access road is due to it being the in/out access to the former colliery and should, perhaps, be preserved as a memorial recognising the villages history and heritage.

7. Policy

- 7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 10: Key Rural Centres within the National Forest
- Policy 15: Affordable Housing
- 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 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
- Flood Risk and Drainage
- Affordable Housing
- Viability and Developer Contributions

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, 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).
- 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 Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years of deliverable housing. Due to the change in the housing figures required for the borough paragraph 11 of the NPPF is triggered. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.6 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. Policy 10 of the Core Strategy relates to key rural centres within the National Forest of which Bagworth forms one of these key settlements. Housing within the settlement boundary is acceptable with developers required to demonstrate that the number, type and mix of housing proposed meet the needs of the settlement. The site is an allocated housing site and the proposed development comprises a mix of 2 and 1 bedroom dwellings. The two bedroom houses are proposed as shared-ownership whereas the one bedroom flats are for social rent offering a mix of dwelling types to provide variation and meet the identified housing requirements and the local area generally. The Housing Strategy and Enabling Officer has confirmed that the proposed housing type and tenures are considered to help meet the needs of the local population and therefore satisfy the requirements of Policy 10 and 16. The application site is therefore considered sustainable and acceptable in principle.

Design and impact upon the character of the area

- 8.7 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
- 8.8 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 National Forest Authority have confirmed that the site is below their threshold where appropriate landscaping or contributions would be required.

- 8.9 The development comprises a layout of 2 storey buildings which would front onto Maynard Close and Station Road with car parking and vehicular access to the rear accessed via the existing service road to the sports ground. Rear parking areas are considered to be acceptable in this scheme as front parking areas with cars having to reverse onto Station Road adjacent to the existing roundabout would likely cause highway hazard to other road users including pedestrians. In terms of outside amenity space, the rear gardens are sufficient for the purposes of providing adequate outside amenity space for future occupiers. However, the gardens would be severely compromised should, at a later date, extensions and/or conservatories were to be built and in this regard it is considered appropriate to remove Permitted Development Rights for extensions/conservatories. In regard to additional accommodation within the roof spaces, the design of the dwellings with first floor windows breaking through the eaves, additional dormer windows would not be an acceptable design feature. Therefore it is also considered appropriate to remove Permitted Development Rights for roof alterations. Proposed materials are similar to those on surrounding development. The layout, scale, character and appearance of the development is in-keeping with the adjacent development which it would be read against.
- 8.10 The site is within the settlement boundary where residential development is appropriate and the proposed development would both complement and enhance the character of the area and respect the character and appearance of the village setting within the National Forest. There is some feature soft landscaping proposed within the site which softens the hard landscaping areas and is considered adequate for the size of the site.
- 8.11 Overall, and taking all of the above into consideration, the proposal is considered to be in accordance with Policy DM10 of the SADMP and Policies 16 and 21 of the Core Strategy.

Impact upon neighbouring residential amenity

- 8.12 Policy DM10 of the adopted SADMP states that development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.13 The closest existing dwellings to the development are no's 1 and 3 Maynard Close. This pair of semi-detached dwellings sits at an oblique angle with the west boundary of the site which is proposed to be bounded with a 1.8m high close boarded fence along the length of the rear garden of the closest dwelling (annotated as Plot 1 on the proposed site plan) has a first floor rear bedroom window which would have an oblique view towards the front bedroom windows of no 1 Maynard Close. However there is a distance of approximately 19 metres between the two windows which is considered acceptable. The side flank wall of Plot 1 is approximately 20 metres to the north-east of the front elevation of no 3 Maynard Close. It is not considered that the development would reduce the light levels to this property due to the orientation of the two existing dwellings and the proposed dwellings along the northern boundary. As the majority of the new dwellings would be built around the north and east edge of the site with the rear windows of the dwellings on the eastern boundary of the site some 50 metres away from the dwellings in Maynards Close, it is considered that there would be no undue impact on existing dwellings including those fronting Station Road and the proposal is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.14 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.
- 8.15 This application proposes to upgrade and use the existing access from Station Road which although in the applicant's ownership, does have easement rights for the benefit of the Parish Council and users of the recreation ground to the rear. None of the roads into the development are to be adopted by the County Council. A Public footpath (Q85) also runs through the site and this is to be retained and upgraded. The carriageway itself would be 5.5 metres wide with appropriate visibility splays. A raised block paved area on the southern side of the road has been designed to prevent parking along the access road without compromising existing vehicular access to the garages at the rear of the terrace of properties along Station Road and to the QEII park and sports ground to the rear. At the entrance to the Sports ground the block paved area is flush with the road surface thus retaining the usable road width at 5.5 metres. The RoW is unrestricted on the northern side of the access road as previously suggested by LCC RoW officers.
- 8.16 The proposed development provides one parking space per dwelling and 2 visitor spaces within the confines of the site and provides sufficient parking facilities to serve the occupiers. The internal road is to remain under private ownership and would not be adopted by the County Council. Although there have been concerns raised by local residents as to the impact the development may have on the existing road network, given the modest scale of the development and parking provision proposed it is not considered that it would give rise to adverse impacts on highway safety and overall is in accordance with Policies DM17 and DM18 of the SADMP.

Flood Risk and Drainage

- 8.17 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.
- 8.18 A Flood Risk Assessment and Drainage Strategy has been submitted with the application which demonstrates that all surface water drainage could be adequately discharged. 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 planning conditions.
- 8.19 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 therefore in accordance with Policy DM7 of the SADMP.

Affordable Housing

- 8.20 Policy 15 of the adopted Core Strategy requires the provision of 40% affordable housing on sites of over 4 dwellings or on sites measuring 0.13 hectares or more in rural areas. 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. The proposal is for 100% affordable dwellings and therefore Policy 15 is satisfied.
- 8.21 It has been identified that there are currently 972 applicants on the register for affordable dwellings, 12 of which have a connection to Bagworth.

- 8.22 Although concern has been raised by some local residents in regard to the amount of 100% affordable housing development that has been approved within Bagworth recently, as set out above, Policy 15 requires 40% of affordable units on sites of over 4 dwellings in all rural areas, in this regard, any land brought forward for housing development above these thresholds will be required to supply affordable units. In this case, the provision of a total of 12 affordable units, with a mix of one and two bedroom dwellings of mixed tenure of shared ownership and social rent is appropriate and provides housing opportunities for local people to get on the housing ladder.
- 8.23 Since the site is in a rural area of the Borough, a cascade mechanism would 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. 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.

Viability and Developer Contributions

- 8.24 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.
- 8.25 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.
- 8.26 The total requirement for contributions for Education has been assessed as £52,132.06. The applicant submitted a Financial Viability Assessment (FVA) stating that the scheme would be rendered non-viable if these contributions were to be made. The FVA has been independently assessed by a third party instructed by the Local Planning Authority. The LPA have been advised by the independent assessors that the proposed scheme would not support any additional S106 contributions over and above gaining 100% on-site affordable housing and it is considered any additional planning obligations would prejudice the deliverability of the proposed scheme.
- 8.27 Although it is regrettable that the Financial Viability Assessment has concluded that there are no funds available for contributions towards education or community facilities, it is considered that on balance that the opportunity to provide much needed affordable housing in a tenure other than 100% social rental would provide an opportunity for local residents to engage with the housing market and allow them to get a foot on the housing ladder. The provision of affordable housing should be given significant weight due to the existing provision during the development plan period and the identified requirement for affordable housing across the Borough. In this instance it is considered that the provision of affordable housing outweighs the non-

provision of the requested contributions. The proposed development would therefore be in accordance with Policy DM3 of the SADMP.

- 8.28 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. It has already been agreed that there is no monies available for developer contributions and in this regard there has been no additional request for contributions towards green space or play provision within the local area.
- 8.29 Notwithstanding the above, there are existing green and play spaces adjacent to the site within the QEII park and the children play space at Maynards Walk. Whilst these are identified as requiring enhancement, lack of additional provision would not deprive the occupiers of the development access to these facilities. In this regard, no financial contributions are required as part of the S106 Agreement.
- 8.30 A Section 106 has been drafted to secure the scheme for 100% Affordable tenure. The S106 Agreement is to ensure the development is 100% affordable housing is 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 CIL regulations compliant.

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.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 Policy DM1 of the SADMP states that development proposals that accord with the policies in the development plan will be approved without delay unless material considerations indicate otherwise.
- 10.2 The proposed development is an allocated housing site. The development would be 100% affordable housing and would provide a mix of housing types and tenures in

accordance with Policy 16 of the Core Strategy. The development would not have an adverse impact on the amenity of surrounding residential occupiers and would provide a good standard of amenity for future occupiers. The proposal would not have an adverse impact on highway safety and would provide sufficient car parking provision to serve the occupiers in accordance with Policies DM7, DM10, DM17 and DM18 of the SADMP.

- 10.3 The Financial Viability Assessment has concluded that there are no funds available for contributions towards education or community facilities. Although regrettable, on balance the provision of 12 affordable dwellings of mixed tenure is considered a sustainable development in accordance with Policy DM1 of the SADMP.

11. Recommendation

11.1. Grant planning permission subject to

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

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

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.

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 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:

Existing site levels P010 Received 17/08/16
 Proposed Site Plan P001 Rev O Received 14/01/19
 Proposed plans & elevations, Plots 1,2,8,9 P003 Rev C, Received 3/11/17
 Proposed plans & elevations, Plots 3-5. 10-12 P004 Rev B, Received 03/11/17
 Proposed plans & elevations, Plots 6 & 7 P005 Rev B, Received 3/11/17
 Existing and Proposed Site Section A-A P006, Rev C, Received 11/12/18
 Existing and Proposed Site Section B-B P007 Rev A, Received 19/10/17
 Existing and Proposed Site Section C-C P008 Rev A, Received 19/10/17
 Proposed Site Elevations A + B P009 Rev A, Received 19/10/17
 Proposed Boundary Treatments P012 Rev G Received 14/01/19
 Foul and Surface Water Drainage Layout Dwg no 101 Rev P6, Received 11/12/18
 Foul and Surface Water Drainage Schedules Dwg no 103 Rev P3, Received 11/12/18
 Drainage Details: Layout Dwg no 102 Rev P4, Received 11/12/18
 Entrance to site layout Dwg no 111 Rev P11, Received 14/01/19
 Visibility Splays Dwg no 112 Rev P11, Received 14/09/19
 Swept Path Analysis- Access, Dwg no 113 Rev P11, Received 14/01/19
 Swept Path Analysis – Egress, Dwg no 114, Rev P11, Received 14/01/19

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 shown on drawings:

Proposed Site Plan P001 Rev O Received 14/01/19

Proposed plans & elevations, Plots 1,2,8,9 P003 Rev C, Received 03/11/17

Proposed plans & elevations, Plots 3-5. 10-12 P004 Rev B, Received 3/11/17

Proposed plans & elevations, Plots 6 & 7 P005 Rev B, Received 3/11/17

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. Site preparation and 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. Notwithstanding submitted details, no development approved by this planning permission shall take place, until such time as a surface water drainage scheme has been submitted to, and approved in writing by the local planning authority. This must include written confirmation from Severn Trent Water that a surface water connection to their public system has been approved, including the point of connection location and confirmed maximum discharge rate.

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. Notwithstanding the submitted details, no development approved by this planning permission shall take place, until such time as details in relation to both the management of surface water on the site during the construction period and 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 prevent an increase in flood risk and / or damage to the final surface water management systems during the construction period and 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 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. Prior to first occupation of any dwelling, both hard and soft landscaping including the refuse collection point as shown on the submitted Plans, shall be carried out as per the details on drawing no's:

Proposed Site Plan P001 Rev O Received 14/01/19

Proposed Boundary Treatments, PO12 Rev G, Received 14/01/19

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 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. No dwelling hereby permitted shall be occupied until such time as the Access, Visibility Splay and Parking Arrangements as shown on drawing no's:

Entrance to site layout Dwg no 111 Rev P11, Received 14/01/19

Visibility Splays Dwg no 112 Rev P11, Received 14/01/19

have been implemented in full. These shall be retained in perpetuity.

Reason: 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 and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

11. 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 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.

11.3. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Where a surface water connection is proposed to a public sewer, a copy of the approval notice of the sewerage undertaker (Severn Trent Water) should be submitted to the LPA as part of the Discharge of Conditions application.³ If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-andplanning/planning/leicestershire-highway-design-guide>.
3. If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
4. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-andplanning/>.

APPENDIX B

ITEM 08

16/00758/FUL

Mr Atul Lakhani

Site:- Land Adjacent 121, Station Road, Bagworth

Proposal:- Erection of 10 no. dwellings and 2 no. flats (100% Affordable Scheme)

Introduction:-

The agent has confirmed that the two flats reported as 'social rent tenure' is incorrect and the tenure is 'affordable rent'.

Consultations:-

A late objection has been received by a neighbour concerned with the lack of parking;

Appraisal:-

The objections regarding parking have been assessed in the Report, there is nothing new on the neighbours objection that has not already been considered.

The nuances in the explanation of the tenure of the dwellings does not alter the types of accommodation proposed.

Recommendation:-

The late items are brought to the Committee for information only and require no changes to the scheme as proposed or the officers recommendation.



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

PLANNING COMMITTEE 19 February 2019

WARDS AFFECTED: All Wards

Planning Enforcement Update

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 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 was subsequently withdrawn and the owner of the site committed to complying with the requirements of the Notice. A site visit was carried out in November to check on progress. At the time of the visit it was noted that very little progress had been made.

Since the previous report; there have been several instances of tipping on a separate section of the site. The Environment Agency is taking the lead on this and has issued the owner of the land with a warning. The Enforcement team will continue to work

with the EA on this issue and have offered to supply historic information in relation to this section of the site and previous tipping should this be of assistance to the EA.

Responses were received to the Section 330 Notices served on unregistered sections of the site confirming ownership of these sections.

Given that this site is an extremely complex and time consuming issue for the Enforcement team, the decision has been taken to approach an independent Enforcement firm who have been asked to produce a report on the site with a view to taking over all enforcement action on the Klondyke. An update on this will be provided in the next report to Committee.

3.2 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 the Notice was the 8th December 2018. A site visit was undertaken after this date and it was noted that compliance had not been achieved. An appeal against the refusal of planning permission has now been received. Action will therefore be held in abeyance pending determination of this appeal.

3.3 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 10th June 2018. A planning application was then submitted for the erection of three dwellings on this piece of land. This was subsequently refused on 14th November 2018. The applicant has until May to appeal the refusal. Action will be held in abeyance until this time.

3.4 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 the notice was three months; a site visit was undertaken on 1st Feb and the garage is in the process of being demolished. A further visit will be undertaken to ensure compliance with the notice is complete within the next couple of weeks.

3.5 138 High Street, Earl Shilton

Planning permission was granted for a 1.8 metre high fence; the fence was then constructed at a height of 2.4 metres. Officers have requested that this situation be remedied; however these requests have been ignored, a Breach of Condition Notice has therefore been served. The owner has 30 days to comply with the Notice, there is no right to appeal a Breach of Condition notice, therefore a site visit will be undertaken to check compliance and if not, the case will be passed to the legal department.

3.6 25 Warwick Gardens, Hinckley

A 2 metre high fence was erected without planning permission; to the side boundary of the above property which fronts onto the highway due to its corner plot location. An application was then submitted for the retention of the fence which was subsequently refused. An Enforcement Notice was served on 24th January 2019 alongside the refusal of planning permission. The applicant has appealed both the Enforcement Notice and Planning refusal. A start date has not as yet been received from the Planning Inspectorate.

3.7 Manor Farm, Main Street, Thornton

An Enforcement Notice was served on the 25th January 2019 in relation to the siting of three storage containers on land at Manor Farm. The notice requires that the containers are removed within 30 days after the notice takes effect. The site will therefore be revisited at the end of March to check compliance.

Enterprise Centre, Dawsons Lane, Barwell

On the 25th January, an Enforcement Notice was served in relation to the siting of two shipping containers at this location. The notice takes effect on 25 February unless an appeal is submitted within this time. The notice requires the removal of the containers from the land by the 25th March 2019. A further site visit will be undertaken to check compliance with the notice at the end of March.

3.8 S215/CPW/CPNs

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.

Rather than using powers afforded under Section 215 of the Town & Country Planning Act 1990 which provides local planning authorities, in certain circumstances, to address sites whose condition adversely affects the amenity of an area, the planning enforcement section is now utilising the powers as set out in the Anti-Social Behaviour Crime and Policing Act 2014. This legislation gives Council's the authority to issue Community Protection Notices (CPNs), which are preceded by a Community Protection Warning (CPW), where behaviour of individuals or businesses is having a detrimental effect on the quality of life of those in the locality, is persistent or continuing in nature and is unreasonable. The legislation allows authorised officers to issue preventative notices for statutory and non-statutory issues and compel an individual or company to make good their actions or lack of actions or face a fixed penalty fine or court proceedings. Utilising these powers will assist the Council and its wider partners in tackling issues of anti-social behaviour, environmental crime and help to improve the quality of our street scene and open spaces.'

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 expediently 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

Period of time	Number of cases opened	Number of cases closed
20 June 2018 – 6 November 2018	170	169

Table 2: How the enforcement cases were closed

Period of time	Total Cases closed	Case closed by resolution of breach	Case closed due to there being no breach	Case closed as not expedient to take action
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 Gemma Dennis leaves the authority on 15th February, interviews for this post will take place on 14th February. In the interim, Sally Hames will step up to cover the Team Leader position. 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 which has a new email address:
planningenforcement@hinckley-bosworth.gov.uk

5. FINANCIAL IMPLICATIONS

5.1 None

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

Contact Officer: Gemma Dennis, Team Leader (Development Management) ext. 5792

Executive Member: Cllr Richard Allen

PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 08.02.19

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	Appeal Valid	DATES
	CJ	18/01151/HOU (PINS Ref 3221766)	WR	Mr Richard Seabrook 25 Warwick Gardens Hinckley	25 Warwick Gardens Hinckley (Erection of fence adjacent to highway above 1 metre)	Appeal Valid Awaiting Start Date	07.02.19
	CJ	18/00344/UNHOUS (PINS Ref 3221767)	WR	Mr Richard Seabrook 25 Warwick Gardens Hinckley	25 Warwick Gardens Hinckley (Erection of fence adjacent to highway above 1 metre)	Awaiting Start Date	
	JB	17/01297/FUL (PINS Ref 3221783)	WR	Mr Paul Morris Merrywell Properties Ltd c/o Agent	84 Leicester Road Hinckley (Erection of seven dwellings, garages and associated drive (resubmission of application 17/00096/FUL))	Appeal Valid Awaiting Start Date	07.02.19
	TW	18/00883/HOU	WR	Steven Guy 1 Sandy Crescent Hinckley	1 Sandy Crescent Hinckley (Erection of a 1.8 metre fence (retrospective))	Appeal Valid Awaiting Start Date	01.02.19
	CG	18/00898/HOU (PINS Ref 3221376)	WR	Mr Kane O'Donnell 130 Markfield Road Ratby Leicester LE6 0LQ	130 Markfield Road Ratby Leicester (Detached garage to serve new dwelling)	Awaiting Start Date	
19/00005/PP	CG	18/00805/FUL (PINS Ref 3220628)	WR	Ms Pauline Martina Smullen 16 Bradgate Gardens Hinckley	Land North Of Cadeby Lane Cadeby (Development of the land for the erection of three log cabins for holiday let purposes)	Start Date Questionnaire 3rd Party Notification Statement of Case Final Comments	07.02.19 14.02.19 14.02.19 14.03.19 28.03.19

19/00004/PP	SW	18/00894/FUL (PINS Ref 3220684)	WR	Mr & Mrs Overton Coley Cottage Coley Lane Thornton Leics LE9 9FT	Coley Cottage Coley Lane Thornton (Demolition of existing barn and erection of new building for business use)	Start Date Questionnaire 3rd Party Notification Statement of Case Final Comments	07.02.19 14.02.19 14.02.19 14.03.19 28.03.19
19/00001/FTPP	AC	18/00783/HOU (PINS Ref 3219265)	WR	Mr Andrew McGarrick 22 Beechwood Avenue Burbage	Welbeck 22 Beechwood Avenue Burbage (Raising of roof and two storey front extension to form two storey dwelling and single storey side extension (re- submission of 18/00206/HOU))	Start Date Awaiting Decision	
	RW	18/00378/FUL (PINS Ref 3218996)	IH	Mr John Hitchcock 2 Rectory Lane Market Bosworth	Land Between 3-15 Shenton Lane Market Bosworth (Erection of one dwelling and associated access (Re-submitted scheme))	Appeal Valid Awaiting Start Date	31.12.18
	JB	18/00732/FUL (PINS ref 3218401)	IH	Statue Homes Limited The Old House Farm Sutton Lane Cadeby Nuneaton	Kyngs Golf And Country Club Station Road Market Bosworth (Erection of multi-functional recreational building formation of a new car parking areas, new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping (Resubmission))	Appeal Valid Awaiting Start Date	02.01.19
18/00051/PP	AC	18/00915/FUL (PINS Ref 3216750)	WR	c/o Agent 15 Ratby Road Groby	15 Ratby Road Groby (Change of use from retail shop (A1) to referral veterinary clinic (D1))	Start Date Awaiting Decision	05.12.18
18/00053/PP	RW	18/00642/FUL (PINS Ref 3209195)	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))	Start Date Awaiting Decision	11.12.18

18/00052/PP	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))	Start Date Awaiting Decision	11.12.18
18/00047/PP	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))	Start Date Awaiting Decision	09.11.18
18/00050/PP	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)	Start Date Awaiting Decision	03.12.18
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
19/00002/ENF	RH	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)	Start Date Statement of Case Proof of Evidence Inquiry Date (2 days)	21.01.19 04.03.19 01.05.19 29-30.05.19
		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
18/00019/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 Site Visit Awaiting Decision	30.05.18 11.03.19
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 Site Visit - accompanied Awaiting Decision	16.05.18 11.03.19

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
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Decisions Received

18/00048/FTTP	SP	18/00717/HOU (PINS Ref 3213956)	WR	Miss Rebekah Goldson 21 Brookside Barlestone	21 Brookside Barlestone (Two storey side extension)	DISMISSED	14.01.19
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Appeal Decisions - 1 April - 8 February 2019

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
42	12	29	1	0	10	1	28	1	0	2	0	0	0

Enforcement Appeal Decisions

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