

# Public Document Pack

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

Date: 11 March 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 MARCH 2019 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen  
Democratic Services Officer

## Fire Evacuation Procedures

### Council Chamber (De Montfort Suite)

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

### Abusive or aggressive behaviour

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

### Recording of meetings

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

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

## PLANNING COMMITTEE - 19 MARCH 2019

### A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 2)

To confirm the minutes of the meeting held on 19 February 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. 18/01237/FUL - OLD LEISURE CENTRE, COVENTRY ROAD, HINCKLEY (Pages 3 - 32)

Application for erection of 17 houses and 89 apartments within two apartment blocks, including the provision of access, open space and associated infrastructure.

8. 18/01266/FUL - BARRACK HOUSE, THE BARRACKS, BARWELL (Pages 33 - 52)

Application for part demolition and conversion of existing factory to 4 apartments and erection of 4 new houses and 9 new apartments.

9. 18/01278/FUL - 131 LUTTERWORTH ROAD, BURBAGE (Pages 53 - 62)

Application for erection of detached dwelling and a new vehicular access.

10. 19/00031/FUL - 146 HINCKLEY ROAD, BARWELL (Pages 63 - 72)

Application for change of use from children's day nursery to a residential care home for children with education facility.

11. 18/00118/FUL - 51 MAIN STREET, DESFORD (Pages 73 - 88)

Application for erection of 4 dwellings (Revised scheme).

12. APPEALS PROGRESS (Pages 89 - 94)

To report on progress relating to various appeals.

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

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## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### PLANNING COMMITTEE

19 FEBRUARY 2019 AT 6.30 PM

PRESENT: Mr R Ward - Chairman

Mr DC Bill MBE, Mr MB Cartwright (for Mrs L Hodgkins), Mrs MA Cook, Mr WJ Crooks, Mr MA Hall, Mr E Hollick, Mr C Ladkin, Mr KWP Lynch, Mr K Morrell (for Mr PS Bessant), Mrs J Richards, Mr RB Roberts, Mrs H Smith, Mrs MJ Surtees, Ms BM Witherford and Ms AV Wright

Also in attendance: Councillor LJP O'Shea

Officers in attendance: Jenny Brader, Helen Knott, Rebecca Owen, Michael Rice and Nicola Smith

#### 383 APOLOGIES AND SUBSTITUTIONS

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

Councillor Cartwright for Councillor Hodgkins  
Councillor Morrell for Councillor Bessant.

In the absence of the Vice-Chairman, it was agreed that Councillor Cook take the Vice-Chairman's seat for the meeting.

#### 384 MINUTES

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

RESOLVED – the minutes of the meeting held on 22 January be confirmed and signed by the chairman.

#### 385 DECLARATIONS OF INTEREST

No interests were declared at this stage.

#### 386 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that applications 18/00751/DEEM and 17/00538/FUL were subject to legal agreements and therefore the decision had not yet been issued.

Application 16/00758/FUL had been on the agenda this evening but was to be deferred pending information from the applicant.

#### 387 18/01038/REM - FORMER HIGHWAY LAND, LEICESTER ROAD, GROBY

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

It was moved by Councillor Ladkin, seconded by Councillor Morrell and

RESOLVED –

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

Councillor Hollick was absent during voting on the motion.

388 18/01104/FUL - LAND NORTH OF, WATLING STREET, NUNEATON

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

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

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

389 16/00758/FUL - 121 STATION ROAD BAGWORTH

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

It was reported that the application had been deferred as the applicant had confirmed that they wished to provide additional information as to why the scheme could not be altered as suggested by members at the meeting on 22 January.

390 PLANNING ENFORCEMENT REPORT

The committee received an update on the number of active and closed enforcement cases, current workload and the performance of the compliance, monitoring and enforcement function. Concern was expressed about the difficulties in recruiting to vacant positions and officers confirmed that there was a shortage of planners in local government nationally. Members requested that their thanks be passed to the Enforcement Team Leader who left the authority recently.

Councillor Richards wished her concern about Dalebrook Farm and the lack of action to tidy up the area following reports of dumped rubbish to be recorded and asked that the matter be resolved.

RESOLVED – the report be noted.

391 APPEALS PROGRESS

Members received an update on progress of various appeals. It was moved by Councillor Crooks, seconded by Councillor Witherford and

RESOLVED – the report be noted.

(The Meeting closed at 7.58 pm)

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CHAIRMAN

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

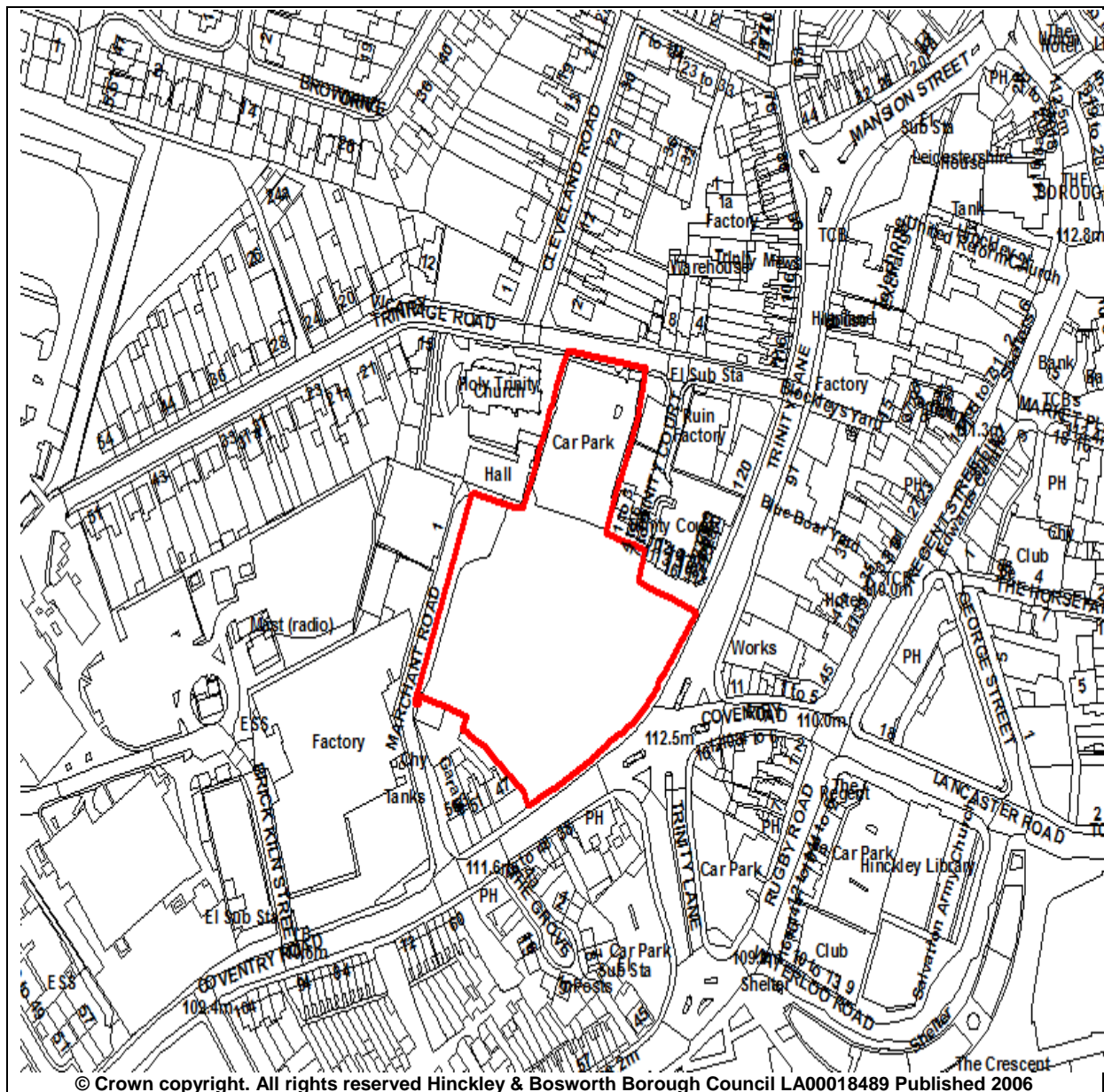
Planning Ref: 18/01237/FUL  
Applicant: Mr S Birch  
Ward: Hinckley Castle



Hinckley & Bosworth  
Borough Council

Site: Land Adjacent Hinckley Leisure Centre Coventry Road Hinckley

Proposal: Erection of 17 houses and 89 apartments within two apartment blocks, including the provision of access, open space and associated infrastructure



## 1. Recommendations

### 1.1. Grant planning permission subject to:

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

- Health - £34,464.24
  - Education - £105,208.32
  - Civic Amenity - £5,300.00
  - Libraries - £2,520.00
  - Highways – £15,000 towards two Traffic Regulation Orders, travel packs for each dwelling, two six month bus passes per dwelling, appointment of travel plan co-ordination and travel plan monitoring fee of £6,000
  - Town Centre Improvements - £170,000.00
  - Public Open Space - £222,801.32
  - 20% Affordable Housing on site with a 50:50 tenure split of affordable rent and affordable home ownership
- Planning conditions outlined at the end of this report.
- 1.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.
  - 1.3. That the Interim Head of Planning be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.
- 2. Planning Application Description**
- 2.1. This application is for the erection of 17 houses and 89 apartments, which is a total of 106 dwellings.
  - 2.2. The scheme provides the following mix of dwelling types:
    - 5 x two bedroom houses
    - 6 x three bedroom houses
    - 6 x four bedroom houses
    - 46 x one bedroom flats
    - 43 x two bedroom flats
  - 2.3. Of these 107 dwellings, 22 are affordable, which equates to 20% of the total dwellings on site and consist of:
    - 4 x two bedroom houses
    - 6 x one bedroom flats
    - 12 x two bedroom flats
  - 2.4. The dwellings proposed are situated towards the north of the site adjacent to Trinity Vicarage Road and Holy Trinity Church, a grade II listed building and run into the centre of the site.
  - 2.5. Two apartment blocks are proposed to the south of the site. One apartment block has undercroft parking with three additional storeys of residential accommodation, with a roof garden. This block would be 16.5 metres in height. The other apartment block also has undercroft parking with a mixture of seven and three storey residential accommodation above with a roof garden above lower section of the building. The eight storey element of the building would be 23 metres in height and the three storey element would be 14 metres in height.
  - 2.6. The proposal includes a total of 120 parking spaces on site. Allocated car parking for the houses are proposed at a ratio of 1 car parking space per 2 bedroom dwelling and 2 car parking spaces per 3 and 4 bedroom dwelling. There are no allocated car parking spaces for the flats, however each apartment block includes undercroft parking, 37 at the four storey apartment block and 26 at the seven storey



apartment block and a further 16 spaces adjacent to the eight storey apartment block. An additional 12 parking spaces are provided adjacent to the Church Hall accessed from Marchant Road and this parking is for the use of the Church Hall and Church only and would not be available for residents to park. The total parking spaces for the residential development is therefore 108, with 77 unallocated parking spaces to serve the apartment blocks.

2.7. The proposal includes open space and children's play facilities and additional planting and footpaths around the apartment blocks to the south of the application site.

2.8. Two access points are proposed from Marchant Road and Trinity Vicarage Road.

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

3.1. The site previously held a leisure centre within the southern area. This has since been demolished and this element of the site consists of levelled rubble and the landscaping and trees to the east along Coventry Road has been retained.

3.2. The north of the site is an existing public car park with an access from Trinity Vicarage Road. The car park has 88 standard parking bays and 4 disabled bays. The car park is bound with a hedge and tree planting along Trinity Vicarage Road and the boundary with the adjacent church. The division between the car park and the rest of the site is marked by a retaining wall, steps and a slope and tree planting.

3.3. There is an 8 metre level difference across the site, the most significant change is from north to south with the highest point being the north (car park) of the site.

3.4. The site includes a number of trees along the south eastern areas, and the northern element of the site.

3.5. The site is surrounded by a mix of uses. To the north, the car park element of the site, the adjacent land uses and buildings are to residential flats, dwellings and a grade II listed church. To the south, the part of the site which was occupied by the leisure centre, landscaped areas and servicing, there are a number of adjoining uses including residential, employment, a vacant site which has planning permission for a retail store, car wash facility, funeral directors and retail units across Coventry Road to the south east.

3.6. The site is surrounded by a mixture of three storey and two storey buildings.

3.7. The site is within the centre of Hinckley and is within 200 metres from The Crescent, a shopping area and is less than 500 metres from other shopping areas of Hinckley, such as Castle Street and the Britannia Centre.

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

15/01195/GDOD	Demolition of Hinckley leisure centre and associated car park	Prior approval was not required	06.01.2016
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### **5. Publicity**

5.1. The application has been publicised by sending out letters to local residents. Three site notices were posted within the vicinity of the site and a notice was also displayed in the local press.

5.2. 28 Letters of objection have been received from 23 separate addresses; the comments are summarised below:

1) Impact to surrounding residents;

- 2) Increase of on-street parking;
  - 3) Redevelopment of the site should be more community oriented;
  - 4) Impact upon infrastructure;
  - 5) Highways safety impact/congestion;
  - 6) Loss of public car park;
  - 7) Proposed housing density being too high;
  - 8) No consultation between planners and service providers (i.e. doctors);
  - 9) Overdevelopment of the site;
  - 10) Proposed building being characteristic within the surrounding area;
  - 11) The proposed through road being used as a 'rat run';
  - 12) Inadequate parking proposed on site;
  - 13) Overshadowing of the church;
  - 14) Affect the health and well-being of neighbouring occupiers;
  - 15) Height of the proposal;
  - 16) Increase anti-social behaviour/crime;
  - 17) Loss of light to surrounding properties;
  - 18) Flooding problems of site;
  - 19) Overlooking;
  - 20) Overdevelopment within the area due to a combination of planning applications;
  - 21) Reduction in sale price of neighbouring properties;
  - 22) Consultation and advertisement not carried out correctly;
  - 23) No highways impact assessment submitted;
  - 24) Site should be turned into a new park with a memorial or statue of Princess Diana;
- 5.3. One letter has been received from a resident which supports the redevelopment of the site and states the sooner the site is not a pile of rocks the better.
- 5.4. A petition objecting to the application has been received which included 94 signatures. This petition raises concerns with the removal of the car park, the creation of a through road from Marchant Road to Trinity Vicarage Road and the impact upon pedestrians. The petition questions if it would be better and safer with a multi-storey car park.
- 5.5. One letter of support has been received regarding the aesthetic of the site being improved.
- 6. Consultation**
- 6.1. No objections, some subject to conditions/note to applicant, have been received from:

National Grid/Cadent  
 Severn Trent Water  
 Lead Local Flood Authority  
 NHS England  
 LCC Highways  
 LCC Ecology  
 LCC Archaeology  
 LCC Developer Contributions  
 Leicestershire Police  
 HBBC Conservation Officer  
 HBBC Waste  
 HBBC Pollution

- 6.2. Environment Agency has no comments to make as there are no constraints within the site that fall within their remit.
- 6.3. HBBC Arboricultural Officer has objections to the removal of certain trees but overall no objections subject to conditions.
- 6.4. No comments have been received from:
- HBBC Drainage
  - HBBC Town Centre Management
  - Hinckley BID
  - Hinckley Area Committee
  - Leicestershire Fire and Rescue Service

## **7. Policy**

### **7.1. Core Strategy (2009)**

- Policy 1: Development in Hinckley
- Policy 5: Transport Infrastructure in the Sub-regional Centre
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 24: Sustainable Design and Technology

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### **7.3. Hinckley Town Centre Area Action Plan (2011)**

- Policy 6 – Leisure Centre
- Policy 11 – Public Realm Improvements

### **7.4. National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

### **7.5. Other relevant guidance**

- The Setting of Heritage Assets (2<sup>nd</sup> Edition) (Historic England) - December 2017
- Open Space and Recreational Facilities Study 2016
- Leicestershire Highways Design Guide

## **8. Appraisal**

### **8.1. Key Issues**

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon Historic Assets

- Impact upon existing and proposed residential amenity
- Impact upon highway safety
- Impact upon contaminated land
- Impact upon existing trees on site
- Drainage
- Ecology
- Affordable Housing
- Infrastructure Contributions
- Other Matters

#### Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 47 of the NPPF states that the development plan is the starting point for decision making.
- 8.3. The development plan in this instance consists of the Core Strategy (2009), Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and Hinckley Town Centre Area Action Plan (2011).
- 8.4. Policy DM1 of the adopted SADMP and paragraph 11 of the NPPF provide a presumption in favour of sustainable development with planning applications that accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.
- 8.5. Policy 1 of the Core Strategy identifies Hinckley as a sub-regional centre and supports residential development within the settlement boundary of Hinckley. It requires new development to respect the character and appearance of the area, enhance the poor public realm within the town centre and the type of housing provided should reflect the mix of people within the town.
- 8.6. The site is identified within the Hinckley Town Centre Area Action Plan (AAP) (2011) as a redevelopment site. Policy 6 of the AAP states that the key aspirations of the sites redevelopment are:
  - Provision of a landmark residential scheme to provide a welcoming image at this key entrance to the town centre
  - Provision of a soft landscaping scheme to the residential frontage with Coventry Road
  - Maintaining and improving pedestrian links from Trinity Vicarage Road to Trinity Lane/Coventry Road.
- 8.7. The supporting text to this policy also identifies that in order to provide the potential landmark building, a higher density scheme may be appropriate for this location. The text also acknowledges that the redevelopment would result in the loss of an existing surface car park.
- 8.8. The Site Allocations and Development Management Policies DPD (SADMP) (2016) identify the site as HIN08 and allocates the site for residential development. This allocation therefore replaces Policy 6 of the AAP, however the aspirations for the site and the supporting text still remain relevant and material considerations.
- 8.9. Objections have been received regarding the loss of the surface car park; however the principle of residential development and the loss of this car park has been established since 2011 and has been assessed through the examination of the AAP

and the SADMP. It is therefore concluded that the loss of this car park has been established and is acceptable.

- 8.10. A car parking assessment of Hinckley Town Centre was published in 2017. This study assessed all car parks within Hinckley. It was acknowledged within this study that the car park was part of a re-development site, however the document did not fully consider that the site as allocated for residential development and the car park would be lost. Notwithstanding that this document is more recent than the SADMP it carries very limited weight in the determination of this application as it failed to acknowledge the residential allocation on site which was set within the local plan.
- 8.11. Therefore the principle of residential development on this site and the loss of a surface car park has been established through the adopted local plan, initially in the AAP and then within the SADMP identified as residential allocation HIN08.

Design and impact upon the character of the area

- 8.12. Policy DM10 of the SADMP seeks to ensure that new development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.13. Paragraph 127 of the NPPF states that decisions should ensure developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.14. The proposal includes 17 houses, varying from two storeys to three storeys, which are situated within the northern part of the application site. Additionally two apartment buildings are proposed, one three storey building with an undercroft car park, making it four storeys in total and another 7 storey building also with an undercroft car park, making it 8 storeys in total.
- 8.15. Currently the majority of the site is vacant with the area to the north being currently used as a public car park. Previously the site included a Leisure Centre; this building took up a large majority of the site (excluding the car park area). The applicant has provided an overlay plan which identifies the scale of the building which was previously on site compared to the proposed. This provides a useful context to how the site fits within the street scene when the old building was there. The overlay shows that the four storey building to the west of the site is not dissimilar in height to the previous Leisure Centre; however it is positioned closer to Marchant Road. The previous Leisure Centre building was closer to Coventry Road in the southern part of the site. The proposed scheme, whilst it is taller than the previous building is set back into the site and maintains open space and landscaping to the south and maintains a set back to the east of the site. The

apartment block adjacent to Coventry Road is 7 storeys in scale with an undercroft car park, which is significantly higher than the previous building on site, however this scale is not for the entity of the building and the remainder of the building is 3 storeys with an undercroft car park.

- 8.16. The levels of the site vary, the site is higher to the north than it is to the south and there is a difference of approximately 8 metres between the north and south of the site. The larger, higher buildings are positioned within the lower part of the site to the south and the houses upon the higher part of the site to the north.
- 8.17. The height of buildings within the local area along Trinity Vicarage Lane and Coventry Road are mainly 2-3 storeys in scale with the Cadent building, which is a commercial use, being a larger building in the area with 3 storeys and plant rooms on the roof and the Church being a larger building on a high point within the town centre. Adjacent to the west of the site is a telecommunications tower, which the highest structure in the area and can be seen from many vantage points, the height of this structure is 67.5 metres.
- 8.18. The four storey apartment block proposed to the west of the site, whilst larger in scale to the prevailing 2-3 storey buildings would assimilate well into its surroundings due to the land levels and its flat roof design.
- 8.19. The apartment block to the east of the site, includes an element of eight storeys (7 residential and a undercroft car park), closest to Coventry road and a four storey element closest to the Trinity Court where the land levels start to rise. This building would be significantly prominent in the street scene and from wider vistas. It has been designed to provide a 'focal point' within the site and also for the town centre of Hinckley on a key regeneration site. Within the Hinckley Town Centre AAP (2011) it is identified that there is an opportunity to create a landmark residential scheme. Whilst the structure would be significant in height to its surroundings within an elevated position within the town, it is only an element of the building and is located approximately 35 metres from the closest building, surrounded by landscaping which retains an openness to the site. The higher element to this building provides interest and includes a curvature to the design which gives a modern softer design to this key space within Hinckley Town Centre. Due to the use of materials, such as glazing, render and brick, this provides a high quality design which is in keeping with the materials of the area but adds a modern take on the use of these materials together. Additionally as the building steps down to the north, the higher element provides a focal point and a landmark to the site. If the design were to be altered and the height reduced this is likely to result in a large 'block' building with little interest which would dominate the frontage along Coventry Road. It could be argued that this would harm the character of the area and the townscape more as it would be a significant mass with limited elevational changes for approximately 45 metres. It is acknowledged that this building would be prominent and visual within the townscape and street scene both within the vicinity and wider across Hinckley however due to the elevated position of this site it is considered any building of size would. The design is considered to be a good modern design with a good use of materials; whilst different to the more traditional brick built buildings which surround the site it would provide a key building which would add to the character of the area.
- 8.20. The proposed dwellings to the north of the site, Plots 1-17, include a matching material pallet to the apartment buildings to ensure consistency in design throughout the development. Additionally the designs of the buildings include vertical emphasis similar to the apartment buildings. There is one set of terraced houses, six sets of semi-detached houses and two detached houses. The dwellings along the northern boundary Plots 1-5 are two storey in scale with gable features to

the front elevation. The scale of these properties are not dissimilar to the scale of the dwellings along Trinity Vicarage Road. The design is in keeping and the applicant has included detailing in the gables to reflect the curved windows to the adjacent Church. The design and materials are considered acceptable and would add to the character of the area. Plot 6 and 13 are corner plots and include design features to both elevations facing the corners which add interest and design to both street scenes. The larger three and four bedroomed properties also include gable designs to the front elevations and are three storeys in scale. Whilst these are higher in scale to the properties on Trinity Vicarage Road they are set within the site and would not be read immediately in the context of Trinity Vicarage Road but within the context of the proposed development and the new street scene this would create.

- 8.21. The scheme includes a large area of landscaping to the south adjacent to Coventry Road and around the apartment buildings, with a play area situated within the centre of the site. A large number of mature trees along the Coventry Road frontage are to be retained and additional tree planting is proposed to enhance the landscaping and planting of the site further. Indicative details have been provided with this scheme and are generally acceptable, however a detailed landscaping scheme, implementation and management plan would be required to ensure the landscaping of the development will soften the impact of the buildings on the street scene and will enhance the character of the area. These details could be secured by condition and are included within the recommended conditions at the end of this report.
- 8.22. Policy 16 of the Core Strategy requires a mix of housing in accordance with the most up to date housing market assessment study, this is the Housing and Economic Development Needs Assessment (HEDNA). The HEDNA identifies in table 55 that the mix of housing should be 0-10% for 1 bedroom properties, 35-45% for 2 bedroom properties, 45-55% for 3 bedroom properties and 5-15% for 4+ bedroom properties. The mix on site is as follows:
- 1 bedroomed properties – 43% (46)
  - 2 bedroomed properties – 45% (48)
  - 3 bedroomed properties – 6% (6)
  - 4 bedroomed properties – 6% (6)
- 8.23. This mix differs to the suggested mix within the HEDNA and includes more 1 bedroomed properties and less 3 bedroom properties. The site is however made up by a large percentage of apartments and three bedroomed apartments are often unpopular and difficult to sell/let and therefore it is justified in this instance due to its sustainable location within the centre of Hinckley and the type of development proposed that the mix is acceptable. Additionally Policy 16 requires a density of at least 40 dwellings per hectare, this proposal significantly exceeds this and stands at 96 dwellings per hectare. Due to the town centre location it is expected that dwellings would be of a smaller size to match the prevailing character of the area and therefore a higher density is expected and in accordance with paragraph 123 of the NPPF.
- 8.24. For the reasons discussed above the scheme is considered to provide a landmark residential scheme in a key regeneration site within Hinckley Town Centre. The design and use of materials are considered to provide a high quality scheme which would compliment and enhance the character of the area in accordance with Policy DM10 of the SADMP and Policy 6 of the Hinckley Town Centre AAP.

#### Impact upon Historic Assets

- 8.25. Policy DM11 states that the Council will protect, conserve and enhance the historic environment through the borough through careful management of development that might adversely impact both designated and non-designated heritage assets.
- 8.26. Policy DM12 states that all development proposals affecting heritage assets and their setting will be expected to secure their continued protection or enhancement, contribute to the distinctiveness of the areas in which they are located and contribute to the wider vibrancy of the borough. It goes on to identify that all development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification.
- 8.27. Policy DM13 states that where applicable, justified and feasible remains will be required to be preserved in situ ensuring appropriate design, layout, ground levels, foundations and site work methods to avoid any adverse impacts on the remains. Where preservation in situ is not feasible and/or justified a full archaeological investigation and recording by an approved archaeological organisation will be required before development commences.
- 8.28. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on the Council in respect of listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the Council is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which the building possesses.
- 8.29. These statutory duties need to be considered alongside the contents of the National Planning Policy Framework (NPPF) and accompanying National Planning Practice Guidance. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. The NPPF (paragraph 195) requires planning permission to be refused if there is substantial harm to or the total loss of a designated heritage asset unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or all of the criteria listed in Paragraph 195 apply. Paragraph 196 states that where a proposal will lead to less than substantial harm to the significance of the heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 8.30. A Heritage and Archaeology Report has been submitted with the application. This report makes reference to 23 heritage assets within the area, one of these being a designated heritage asset. This asset is to the north-west of the site is the Church of the Holy Trinity which is a Grade II Listed Building. The Church was designed by Alexander Ellis and built in 1909-1910 to replace the former Trinity Church. The church derives the main part of its heritage significance from the quality of the architectural work and is therefore in main the reason why it is listed.
- 8.31. Historically this part of Hinckley was a built up area and therefore the church was and could still be described as an urban church. To the north there is residential development and to the east is the town centre. In 1966 a church hall was constructed to the south of the church. This building partially screens the church from any buildings to the south/south-east. To the east of the east end of the church is a fence and a substantial hedge. This partially screens the church from the northern part of the site. The most valuable views of the church are therefore from the existing car park in the northern part of the site and Trinity Vicarage Road.



Views from the southern part of the site and the roadside of Coventry Road are of less value as the 1960/70's church hall blocks clear views.

- 8.32. The southern part of the site would site the two apartment blocks. These two buildings would be slightly visible within views of the church from Trinity Vicarage Road. The highest part of Hinckley Square Apartment block would be sited approximately 95 metres away from the church and at a level approximately 4 metres lower than the church. Due to the 4 metre levels difference between the church and the proposal and the large separation difference the proposed apartment building may be viewable when viewed in context of the church from Trinity Vicarage Road but due to the urban setting of the church it is not considered to be harmful to the setting of it. The Trinity House apartments would be viewable but would appear subservient to the church and therefore there would be no harmful impact on the heritage significance of the grade II listed building from this part of the proposal. The church has never been intended to be focal point within the landscape and therefore the proposed focal building would not detract from the significance of the church.
- 8.33. The proposed housing in the northern part of the site will impact on some of the present opportunities to see the east end of the church. However, these views are currently limited due to the mature planting separating the site from the church. The view of the eastern side of the church are significantly limited due to the existing planting along the site boundary with Trinity Vicarage Road. The car park is a private site and is not considered to be a public area and therefore the views of the church from here can be restricted significantly if the site were to be closed up. The proposal would result in a change to the area and would result in further restricted views of the eastern elevation of the Church, when compared to the openness of the car park, however, there will remain numerous opportunities to view the church both from within the new housing and through gaps between the plots and private drives. The development to the western part of the plot adjacent to the church has been limited in height and scale to avoid overshadowing of the church and the proposed housing along Trinity Vicarage Road has been set back to follow the building line of the church. None of the proposed houses would have a higher ridge height than the church and are therefore subservient in nature. As noted above, the church was built as an urban church at the time when its immediate setting included both housing and industry and therefore the proposed development would not present an alien intrusion into its setting. The proposal would therefore result in a neutral impact upon the setting of the Church. Due to this the public benefits do not need to be weighed in accordance with paragraph 196 of the NPPF, however there are a number of public benefits to the scheme which are discussed throughout this report and identified in the conclusions.
- 8.34. In the way of archaeological findings, the submitted report summarises that Archaeological remains from any period prior to the early nineteenth century are unlikely to be present. There is a low to medium likelihood of the below-ground remains of an early nineteenth century smithy and neighbouring stables (demolished in the mid-twentieth century), the mid nineteenth century Trinity Church (demolished mid-1970s) and the early twentieth century cattle market (replaced by a council depot in the mid-twentieth century). There is a moderate likelihood of the survival of below-ground traces of the vicarage below the present-day car park, with a lower likelihood of traces of the church below the former site of the leisure centre. There is a high likelihood of harmful impact if any archaeological findings are on site, but given the relatively low heritage significance of the potential archaeological features no mitigation is recommended.
- 8.35. LCC Archaeology agree that there is limited evidence to indicate pre-medieval activity in the area, however, Roman Coins were reported to have been recovered

from Walton Terrace to the south of the application site (HER re.: MLE7941). The site lies outside the projected medieval and post-medieval historic settlement core of the town. The old Trinity Vicarage was sited where the existing car park was and therefore LCC Archaeology has recommended a condition to require the applicant to undertake a two stage programme of archaeological mitigation. It is considered that this condition is reasonable and necessary due to the topographical position of the site and the recovery of Roman coins from Walton Terrace.

- 8.36. In conclusion, the setting of the church has been urban since its construction. The site makes a small contribution to the significance of the church, but this is limited to the views of the east end of the church that are presently possible from the car park area at the north end of the site. Visitors to the church will be unaffected as they will be largely screened from the development by the 1960s/70s church hall to the south of the church and the hedge and fence between the church and the car park area to the east. Part of the new housing development would be viewable but it is considered to be compatible with the urban setting of the church. Views of the church from the south of the site and Coventry Road are largely blocked by the church hall and are in any case limited to the less important, unfinished south elevation of the church (to which a south aisle was intended to be added) which has been harmed by unsympathetic brick additions. The loss of some views from the car park area will result in some change to the area surrounding the church but is not considered to harm its setting. Therefore, the harm to the overall significance of the church would be neutral.
- 8.37. It is considered that the proposed development would have a neutral impact upon the grade II listed church and any buried archaeological heritage assets subject to the recommended conditions. Therefore the proposal complies with Policies DM11, DM12 and DM13 of the SADMP, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and the overarching policies of the NPPF.

Impact upon existing and proposed residential amenity

- 8.38. Policy DM10 of the SADMP identifies that development 'would not have a significant adverse effects on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion. Additionally, Policy DM7 ensures that development does not have an adverse impact upon light, noise, or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity and air quality.
- 8.39. The nearest residential properties are situated to the north east of the site and are in a complex named Trinity Court which consists of 30 flats. Some of the flats face on to the site (the south facing apartments). In addition to Trinity Court, the side/rear (southern) boundary to 2 Cleveland Road is adjacent to the site but is separated by Trinity Vicarage Road.
- 8.40. Flats 1 to 11 are situated adjacent to the 16 proposed unallocated parking spaces and the entrance to the apartment building which is located to the south east of the site. Currently to the south of these flats is a landscaped area with a footpath leading to Coventry Road. The proposed apartment block is between 28.5 – 33 metres due to the staggered nature of the flats. This element of the apartment block, which is adjacent to the existing flats, is a four storey building (three storey residential and an undercroft car park), which would be approximately 12.2 metres in height. The flat blocks sit on a ground level approximately 2 metres higher than the floor level of the proposed apartment building. The higher element of the proposed apartment building would be 55-59 metres to the south of the existing flats at Trinity Court. Due to the distances between the existing Trinity Court and the

proposed apartment building to the south this development would not have an overbearing impact or impact upon privacy that would warrant refusal of this application.

- 8.41. Flats 1-3 Trinity Court include windows within the western elevation. The distance between these windows and the proposed residential dwellings at Plot 11 and 12 is approximately 14 meters and are separated by a verge, footpaths and a highway. This is considered a sufficient separation distance and would not harm the residential amenity of Flats 1-3 Trinity Court.
- 8.42. No. 2 Cleveland Road includes windows within its side (south) elevation, which overlook the north of the site, these appear to be secondary windows serving habitable rooms. The proposed dwellings would be located approximately 20 metres to the south of the existing dwelling on Cleveland Road, additionally the properties would be separated by garden, footpaths and highway. This separation distance is acceptable and would not cause harm to existing residential amenity.
- 8.43. The proposed dwellings identified in plots 7, 8, 9, 10, 11, 12, 16 and 17 are located adjacent to the Church Hall. Environmental Health (Pollution) have identified that the church hall would have a noise impact upon the future residential amenity of these plots, additionally the applicant has discussed this within the Design and Access Statement. The applicant identifies that appropriate site noise buffering and house construction acoustic measures and detailing would be implemented in accordance with BS8233:2014.
- 8.44. The proposed apartment building to the south west of the site is opposite a site which has recently been granted planning permission for a retail store, works have commenced on site. To the north of this is a 'meeting room' number 1 Marchant Road, however there is resolution from planning to approve a residential scheme, subject to a Section 106 which is currently being agreed. As the use is still in place the application will need to consider this and the potential future use of the site which considering the impact of noise upon, upon the apartment block and Plot 17 and 16 would need to be considered. A condition requiring the submission of a noise attenuation scheme to ensure the future occupiers of the proposed residential properties are protected from nearby noise is considered reasonable and necessary to ensure the development is acceptable.
- 8.45. Plots 1 – 17 include private rear gardens of various sizes, whilst some are significantly smaller than others, due to their sustainable location and the proposed open space on site to the south it is considered the proposed garden sizes are acceptable in this instance. However it is recommended that permitted development rights are removed for rear and side extensions to ensure the private amenity space can be retained and is not reduced further to the detriment of future residents.
- 8.46. The apartment buildings to the west of the site includes a number of balconies but not for all apartments; however a roof top garden is proposed which would be available to all properties and extends across the whole roof of the building. The apartment building to the east includes balconies for units 46 and 47 which are the apartments at the top of the highest part of the building, in addition to this a roof top garden is proposed on the 4 storey element of the building which would be available for all residents within the building. The proposal also includes a large area of open space and play equipment surrounding the apartment buildings. It is considered that sufficient amenity areas are provided on site to serve the 89 apartments.
- 8.47. The proposed development would not detrimentally impact the existing residential amenity of residents and would provide sufficient outdoor amenity space to serve the future residents of this scheme. The proposal is therefore in accordance with Policy DM10 of the SADMP.

#### Impact upon highway safety

- 8.48. Policy DM17 and DM18 of the SADMP states that proposals ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.49. Paragraph 108 of the NPPF states that development should ensure appropriate opportunities to promote sustainable transport modes can be or have been taken up; a safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways ground if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.50. A number of revisions to the site layout and transport documents supporting this application have been made following discussions with the local highway authority, the most up to date transport documents are:
- Transport Assessment (TA), Encon Associates, Revision E dated 19 February 2019;
  - Travel Plan (TP), Encon Associates, Revision A dated 28 November 2018
- 8.51. Two new or improved vehicle accesses, along with a number of driveways, are proposed to serve the proposed development, as follows:
- The existing access from Marchant Road will be permanently closed and a new vehicle access junction is proposed towards the northern end of Marchant Road;
  - An improved access will be provided from Trinity Vicarage Road. This partially overlaps the existing car park entrance and is required to be marginally shifted westward to allow a 6m kerb radii and a 2m footway on the eastern corner of the junction; and
  - Five dwellings along the northern edge of the development, fronting Trinity Vicarage Road, will have driveways directly accessed from Trinity Vicarage Road.
- 8.52. The appropriate visibility splays are provided on both access points and the Highway Authority have confirmed that they are content that both junctions will operate well within their practical capacity.
- 8.53. The proposed driveways on Trinity Vicarage Road have appropriate pedestrian visibility splays and are acceptable to the Highway Authority. Despite them being located opposite existing on-street parking on Trinity Vicarage Road, the Highway Authority considers that there is ample space for vehicles to manoeuvre to and from the driveways given the total width of carriageway plus footway available will be sufficient even when vehicles are parked on-street opposite.
- 8.54. With regards to trip generation and traffic impact the Highway Authority state: *'The LHA is content with the methodology used to predict the vehicle trip generation of the proposed development, which is set out in detail in the latest TA. The proposed development is predicted to generate some 52 and 53 two-way trips in the morning and evening peak hours respectively. These trips are likely to be split across the two site accesses and therefore gain access to the wider highway network at the existing priority junctions of B4666 Coventry Road/Marchant Road and B4667 Trinity Lane / Trinity Vicarage Road. Once the trips are split between the two accesses, the LHA considers that level of trips impacting on each at less than one vehicle every two minutes is unlikely to have material impact on junction operation*

*in this instance. The LHA is therefore content that the impact of the proposed development would not be severe in terms of traffic impact.'*

- 8.55. Given that the site access road will form a through route between Marchant Road and Trinity Vicarage Road, the Highway Authority requires it to be adopted and therefore to be designed in accordance with Leicestershire Highways Design Guide (LHDG). The proposed site layout has been subject to a number of iterations following a series of comments, the Highways Authority have confirmed that the most recent planning layout is acceptable and could be adopted subject to dealing with a Section 38 (under the Highways Act) and the detailed design and technical approval process.
- 8.56. A number of concerns have been raised through the consultation process with regards to the potential through route this proposal would provide to vehicles. The Highway Authority have commented on this and state *'As the proposed site access road will provide a through route, it creates a potential for vehicles to use it to travel between B4666 Coventry Road and B4667 Trinity Lane thereby avoiding the signal controlled junction of these roads with the B590. However, the LHA considers that the layout of the proposed site access road together with Marchant Road and Trinity Vicarage Road does not provide a particularly direct route and therefore considers it unlikely that significant numbers of vehicles would use this to avoid the traffic signals. The LHA also notes that (as set out later in these observations) the proposed parking levels are slightly lower than the LHA would prefer (although not significantly so) which could lead to occasional on-street parking on the site access road, thereby making its use as a through route less attractive.'*
- 8.57. The following development mix and corresponding parking levels are proposed:
- Houses:
- 5 two-bedroom houses at one space per dwelling (allocated) = 5 allocated spaces
  - 6 three-bedroom houses at two spaces per dwelling (allocated) = 12 allocated spaces
  - 6 four-bedroom houses at two spaces per dwelling (allocated) = 12 allocated spaces
- Apartments:
- The 89 apartments will be served by 78 unallocated spaces, equating to approximately 0.88 spaces per dwelling.
- Total residential parking: 107 spaces
- 8.58. The above is generally acceptable against the guidance in LHDG. Whilst the Highway Authority notes that it would prefer more than one space per dwelling for the two-bed dwellings, it is noted that this is a town centre location with good links to existing sustainable travel opportunities. The TA has also calculated that only 76 unallocated spaces would be required for the 89 apartments if the DCLG paper method is used (as recommended by LHDG). The proposed level of residential parking is therefore acceptable to the Highways Authority.
- 8.59. 16 parking spaces are provided to the north of the taller apartment block, adjacent to Trinity Court. Leicestershire County Council have raised concerns with the 'usability' of these spaces due to the gradient of this parking area. The applicant has amended the levels of this parking area to reduce the levels difference. Due to the levels difference on site it is difficult to create a flat parking area, however it is considered the solution put forward is acceptable and the parking spaces would be useable and shall count towards the parking provision for the site.
- 8.60. In addition to the above, the existing turning circle at the northern end of Marchant Road is proposed to be removed and a parking area for 12 vehicles is proposed.

The LHA is content that the turning circle will no longer be required on the following basis:

- The change in land uses occurring on Marchant Road means that there will be less need for vehicles to turn;
- The nature of the proposed development, which provides a route to Trinity Vicarage Road, means that Marchant Road is no longer a cul-de-sac; and
- The proposed site access junction from Marchant Road could be used as a turning facility should vehicles wish to turn around on Marchant Road.

However, the proposed parking area, which is being provided for use by Holy Trinity Church will be private. Given that the proposed parking area partially overlaps adopted highway, the redundant area of highway would need to have highway rights extinguished via S247 of the Town and Country Planning Act 1990. The LHA has no objection to this in this case, however it is for the applicant to pursue the S247 stopping up order process with the DfT's national casework team.

- 8.61. This proposal would result in the loss of a public car park, however as discussed earlier in the report this site has been allocated for residential accommodation in the SADMP (2016) and also within the Hinckley Town Centre AAP (2011), therefore the loss of this car park has been established for some time. The Highway Authority state *'The proposed development will result in the removal of this car park. However, having discussed this matter with the LPA, the LHA is content that there other car parks in Hinckley with sufficient capacity to accommodate any displaced parking from the site.'*
- 8.62. In terms of cycling provision, the Highway Authority has an aspiration to provide a 3m wide footway cycleway along the north side of Coventry Road in the future. In this respect, the Highway Authority have asked the applicant to widen the existing footway to 3m as part of the development proposals, which would require a narrow strip of land to be provided from the site. This will ultimately benefit the residents of the development as well as assisting in mitigating the transport impact of the proposals and the LHA therefore requires this to be provided in connection with the development. The applicant has agreed that they are agreeable to this.
- 8.63. The proposal is considered to provide the appropriate level of parking, appropriate access points in line with the LHDG, an adoptable highway and would not have a severe impact upon the highway network. The proposal is therefore in accordance with Policy DM17 and DM18 of the SADMP and the provisions of the Leicestershire Highways Design Guide (LHDG).

#### Impact upon Contaminated Land

- 8.64. Policy DM7 of the adopted SADMP seeks to prevent adverse impacts from pollution by ensuring that development proposals demonstrate that appropriate ground investigation and any necessary remediation of contaminated land is undertaken.
- 8.65. A phase 1 Site Investigation report has accompanied the application which notes the previous use of the site as a leisure centre and car park but also as a council yard and warehouse in the 1960s. the report states it is possible that significant contamination is present associated with the sites mixed previous uses and recommends an intrusive ground investigation assessment be carried out followed by a Risk Estimation and to confirm on site ground conditions.
- 8.66. Environmental Health have considered the application and have raised no objection subject to the imposition of conditions relating to the submission of a scheme for the investigation of any potential land contamination on site and any required remediation works. These conditions are considered necessary and reasonable due

to the history of the site. The proposal would therefore be in accordance with Policy DM7 in terms of protection from pollution.

#### Impact upon Existing Trees on Site

- 8.67. Paragraph 175 of the NPPF identifies that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 8.68. Policy DM10 of the SADMP requires that consideration be given to the impact of the proposal on amenity and the character of the surrounding area. The works as proposed by the applicant were assessed by the HBBC Arboricultural Officer.
- 8.69. An arboricultural report has been submitted with the application. It is proposed that 18 trees and 3 groups on site would be retained and 11 trees (of which one is already dead) and 1 group would need to be removed to facilitate the scheme. None of the trees proposed to be removed would be Category A trees.
- 8.70. Recommendations have been made within the report to safeguard those trees that can be retained from any damage due to construction work including the erection of protective fencing around them to separate them from the construction activities. A Tree Protection Plan and Construction Method Statement would be required to be submitted before commencement on site via a condition.
- 8.71. In order to mitigate for the loss of some of the trees on site that are proposed to be removed to allow the development to be undertaken, several proposed new trees would be included in the new landscaping of the site. The submitted landscape plan shows a large number of new trees (approximately 80) are proposed to be planted on site and therefore the impact of the development and loss of existing trees has been adequately mitigated against.
- 8.72. The siting of Plot 1 has been moved further from T32 following comments from the HBBC Arboricultural Officer regarding the layouts compatibility with T32 and future canopy impact on the proposed dwelling and its residents.
- 8.73. The Arboricultural Officer also stated that at least T1 or T2 should be retained. Unfortunately due to the layout and the conflict between these trees and the proposed dwelling this is not possible. T32 will be retained and therefore it is considered that the removal of these trees will not severely impact the visual amenity along Trinity Vicarage Lane.
- 8.74. Due to the planting of a significant number of trees and the retention of the majority of 'important' trees on site it is considered that the proposal would not have a severe detrimental impact on the amenity of the area and therefore would comply with Policy DM10 of the SADMP and Paragraph 175 of the NPPF.

#### Drainage

- 8.75. Policy DM7 of the SADMP seeks to ensure that surface water and groundwater quality are not adversely impacted by new development and that it does not create or exacerbate flood risks.
- 8.76. A Flood Risk and Surface Water Assessment, Surface Water Flooding Report and a letter including additional details required by the Lead Local Flood Authority have been submitted with the application.
- 8.77. The site is in Flood Zone 1, a low flood risk area, considered to have an annual risk of flooding from fluvial (rivers) and tidal sources less than 0.1% on average in any given year. The risk of flooding to the developable site area from surface water/pluvial flow, groundwater and artificial waterbodies also appears to be low

with respect for site topography, published geology and flood risk outlines. Means of flood resistant design address the residual risk of localised flooding.

- 8.78. The proposals include an indicative drainage plan which illustrates an attenuation lead drainage system which throttles surface water discharged to the public sewer network using a Hydrobrake (or equivalent) flow control device. Surface water storage is shown in a single bank of geocellular crates (such as Aquacell). An open body of water is not considered acceptable in the location identified (adjacent to Coventry Road in the south of the site) and therefore the drainage system will be underground.
- 8.79. The Lead Local Flood Authority considers the proposals to be acceptable subject to two conditions to require full details of drainage and the maintenance of drainage on site. These conditions are reasonable and necessary and are recommended.
- 8.80. Subject to the suggested conditions adequate drainage would be provided for the development and is therefore in accordance with Policy DM7 of the SADMP.

#### Ecology

- 8.81. Policy DM6 of the SADMP seeks to conserve or enhance biodiversity and features of nature conservation.
- 8.82. As indicated within the submitted ecological appraisal the application site is of relatively low ecological value. The majority of the site is comprised of hardstanding with some small areas of vegetation. The site is not considered to have suitable habitats to support protected species. There is a large amount of public open space to the east and north of the site which is all proposed to be amenity grassland.
- 8.83. There are a number of swift nesting boxes proposed to be installed on the apartment buildings. These boxes would enhance the on-site biodiversity by focusing on a Local Biodiversity Action Plan species. The proposed scheme is therefore considered to comply with DM6 of the SADMP.

#### Affordable Housing

- 8.84. Policy 15 of the adopted Core Strategy seeks contributions towards affordable housing in rural areas on sites of four dwellings or more or sites of 0.13 hectares or more. Of these, 75% should be for social rent and 25% for intermediate housing. The NPPF required 10% of dwelling on site should be for affordable home ownership. Therefore the split of tenure on site should be 50% affordable home ownership and 50% affordable or social rent.
- 8.85. As of the 11 December 2018 there were 1544 households on the Council's housing register for Hinckley for the following property sizes:
- 1 bedroomed properties – 725
  - 2 bedroomed properties – 549
  - 3 bedroomed properties – 212
  - 4 or more bedroomed properties - 58
- 8.86. The greatest need for rented affordable housing in the borough is for smaller properties, including 1 bedroom flats and 2 bedroomed 4 person family houses.
- 8.87. The proposal includes six 1 bedroomed 2 person flats and five 2 bedroomed 4 person houses for social affordable rent and eleven 2 bedroomed flats for affordable home ownership. It is considered that this mix is acceptable and details should be required by the S106. The proposal is therefore in accordance with Policy 15 of the SADMP.



#### Infrastructure contributions

- 8.88. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.89. The request for any planning obligations (infrastructure contributions) must be considered against the requirements set out within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

#### Education

- 8.90. Leicestershire County Council (Education) have identified that the site falls within the catchment area of Westfield Infant School and Westfield Junior School, additionally there are an additional 6 primary schools within a 2 mile walking distance of the site. Reviewing the places available it is concluded that there is a deficit of 19 pupil places within a 2 mile walking distance and therefore a contribution towards the accommodation of capacity issues caused by the proposed development is requested. The contribution would be used to improve, remodel or enhance existing facilities at Westfield Infant and Junior School or any other school within the locality of the development. This development is identified to create a deficit of 7.21 places, this figure is multiplied by the DFE cost multiplier which results in a contribution request of £105,208.32. No contribution requests are sought for secondary education or post-16 education as it is identified there is a surplus of places for these educational facilities. Additionally, no contributions are requested to special educational needs schools as the development does not meet the criteria of 250+ dwellings. This request is considered necessary and directly related and fairly and reasonably related in scale and kind to the development proposed and therefore meets the CIL tests.

#### Libraries

- 8.91. Leicestershire County Council Library Services have requested a contribution of £2,520.00 towards the provision of additional materials for Hinckley Library. The proposed site is within 200metres of Hinckley Library, which is situated on Lancaster Road. The catchment population for Hinckley library is 44,669 and it is estimated by LCC that the proposal would add 120 additional library users which would have an impact upon the library's services and the availability of the facilities. It is identified by LCC that the Museums, Libraries and Archives Council recommends a minimum stock figure of 1,157 per 1,000 population and that to mitigate the impact of the development additional materials to meet the needs of the increased population arising from this development is necessary. LCC have identified that the contribution would be towards additional children stock provision, reconfiguration of space to account for additional usage of the venue. This request is considered necessary and directly related and fairly and reasonably related in scale and kind to the development proposed and therefore meets the CIL tests.

#### Civic Amenity

- 8.92. Leicestershire County Council have requested a contribution of £5,300.00 towards the provision to increase operational area within the Barwell Civic Amenity site. The nearest Civic Amenity site to the proposed development is located at Barwell and residents of the proposed development are likely to use this site. Barwell Civic Amenity site accepted approximately 7,874 tonnes per annum (based upon

2012/2013 figures). It is calculated by LCC that on average approximately 0.276 tonnes of municipal waste was delivered by each household in 2012/2013. It is therefore calculated by LCC that 107 dwellings would generate over 29 tonnes of additional civic amenity waste at the Barwell site. The proposed development would place additional demand on the Barwell Civic Amenity Site and the request for the Civic Amenity developer contribution would meet the demands placed on the site as a result of the proposed development. LCC have specifically identified a project which will improve the drainage at the site and will result in an increased operational area. This request is considered necessary and directly related and fairly and reasonably related in scale and kind to the development proposed and therefore meets the CIL tests.

#### Health

- 8.93. West Leicestershire CCG have requested a contribution of £34,464.24 towards projects for the four surgeries which this development would have an impact upon. The proposal is within 0.5 miles of The Maples Medical Practice, Castle Medical Practice, The Centre Surgery and Station View Surgery. All practices are reporting increased demand and capacity. It is identified by the CCG that the development would result in an additional minimum population of 151 patients, using the figure of 2.42 people per dwelling and 1.2 people per apartment. It is identified by the CCG that the standard area metres squared per person is calculated to be 0.12, using this and the cost of extending clinical space at £1,902 per metre square the total cost of providing the additional accommodation for 151 patients is £34,464.24. This request is considered necessary and directly related and fairly and reasonably related in scale and kind to the development proposed and therefore meets the CIL tests.

#### Play and Open Space

- 8.94. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In line with the up to date standards identified in the 2016 study the table below identified the requirements for open space, which is provided on site and what would be the requirements off site.

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 107 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Equipped Children's Play Space	3.6	385.2	172	213.2
Casual/Informal Play Spaces	16.8	1797.6	2995	0
Outdoor Sports Provision	38.4	4108.8	0	4108.8

Accessibility Natural Green Space	40	4280	0	4280
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Using the costings identified within the 2016 study the total contributions towards on site maintenance and off site provision and maintenance of open space is £222,801.32. The breakdown of this figure for each typology is shown in the table below:

	On site maintenance (10 years)	Off site provision	Off site maintenance (20 years)	Total
Equipped Children's Play Space	£30,203.20	£38,787.48	£18,718.96	£87,709.32
Casual/Informal Play Spaces	£32,346.00	/	/	£32,346.00
Outdoor Sports Provision	/	£37,184.64	£17,667.84	£54,852.48
Accessibility Natural Green Space	/	£17,500.20	£30,388.00	£47,893.20

8.95. The nearest off site open space is Clarendon Park (HIN10 & HIN 55) with a score of 72% for the formal play space and 76% natural open space.

8.96. To ensure this development provides sufficient open space in accordance with Policy 19 of the Core Strategy this contribution is considered necessary and directly related and fairly and reasonably related in scale and kind to the development proposed and therefore meets the CIL tests.

Town Centre contributions.

8.97. Policy 1 of the Core Strategy states 'Require new development to enhance the poor public realm within the town centre'. Additionally Policy 5 of the Core Strategy identifies that development within the Hinckley sub-regional centre should include transport interventions, including improvement of sustainable transport and supporting Hinckley Town Centre. This development would result in the loss of a public car park and additionally has the opportunity to increase the sustainable transport modes into the centre including cycle routes, of which the applicant is gifting some of the land to the Highway Authority to extend the footpath along Coventry Road to create a cycle path and footpath. Additionally pedestrian links to the town centre could be improved and enhanced by works to the public realm. Currently a public realm masterplan for the Hinckley Town Centre area is being worked upon and the contributions from this scheme could help fund some of the identified projects which would help connect the site with the wider town centre. A figure of £170,000 has been requested which is based upon costings of other schemes within the Town Centre, the applicant has agreed this figure. This contribution is considered necessary and reasonable in scale and kind to the development in accordance with the CIL regulations.

#### Other matters

8.98. An objection has been raised in regards to the reduction in the value of neighbouring properties. This is not a material planning application and therefore cannot be taken into account in the course of this application.

- 8.99. Cadent Grid/National Grid have identified operational gas apparatus within the application site boundary. Low or Medium pressure (below 2 bar) gas pipes and associated equipment and above ground gas sites and equipment has been identified. Due to this an advisory note to the applicant is provided.

## **9. Equality Implications**

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

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

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

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

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

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

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

- 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. The proposal is for residential development on an allocated site and therefore the principle of residential development is acceptable. The design of the proposal provides a landmark building in a prominent site in Hinckley town centre. The scale of the proposal is largely in keeping with the character of the area; however the large eight storey apartment building is of a significant scale higher than the surrounding buildings. Whilst the building is significant in scale the design and materials proposed are considered appropriate to provide a landmark building design in this location. The development would provide a number of benefits both environmentally by the better use and re-development of the site, socially by the provision of 107 dwellings and economically result in job creation during the construction of development. The development is therefore considered to be sustainable development in accordance with DM1 of the SADMP.
- 10.2. Subject to the recommended conditions the proposal would not have a detrimental impact upon residential amenity, impact upon the setting of listed buildings or archaeological impacts, ecology, drainage and contaminated land.
- 10.3. Subject to the recommendations outlined at the end of this report the proposal is considered acceptable and in accordance with Policies 1,5,15, 16 and 19 of the Core Strategy; Policies DM1, DM3, DM10, DM11, DM12, DM13, DM17 and DM18 of the SADMP; and Policy 6 of the Hinckley Town Centre AAP and the wider policies of the NPPF.

## 11. Recommendation

### 11.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - Health - £34,464.24
  - Education - £105,208.32
  - Civic Amenity - £5,300.00
  - Libraries - £2,520.00
  - Highways – £15,000 towards two Traffic Regulation Orders, travel packs for each dwelling, two six month bus passes per dwelling, appointment of travel plan co-ordination and travel plan monitoring fee of £6,000
  - Town Centre Improvements - £170,000.00
  - Public Open Space - £222,801.32
- Planning conditions outlined at the end of this report.

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

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

### 11.4. Conditions and Reasons

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

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

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

- Swept Path Access and Details (scale 1:250) Drg No: A3907-05E
- Tree survey Report Rev C  
received by the Local Planning Authority on 28 February 2019.
- Hinckley Square Proposed Plans, Elevations & Sections (scale 1:100) Drg No: G4D-0003-AA- 000, 001, 100 -103, 200 – 202, 300 Rev A
- Trinity Houses Proposed Plans, Elevations and Sections (scale 1:100) Drg No: G4D-0003-AB-000, 100 – 104, 200, 201, 300 Rev A
- 2 Bed Semi Proposed Plans, Elevations Plots 1, 2 (scale 1:50) Drg No: G4D-0003-AC-100,200,400,500 Rev A
- 2 Bed Terrace Proposed Plans, Elevations Plots 3, 4, 5 (scale 1:50) Drg No: G4D-0003-AD-100, 101, 102, 103 Rev A
- 3 Bed Type 1 Proposed Plans, Elevations Plots 7, 8, 14, 15 (scale 1:50) Drg No: G4D-0003-AE-100, 200, 400, 500 Rev A
- 3 Bed Semi Type 2 Plots 9, 10 (scale 1:50) Drg No: G4D-0003-AI-100, 200, 400, 500
- 4 Bed Semi Detached Plots 11, 12, 16, 17 (scale 1:50) Drg No: G4D-0003-AG-100, 200, 400, 500 Rev A
- 4 Bed L Shape Proposed Plans, Elevations (scale 1:50) Drg No: G4D-0003-AH-100, 200, 400, 500
- 4 Bed Detached Plot 13 (scale 1:50) Drg No: G4D-0003-AJ-100, 200, 400, 500
- Bins Storage Location Plan (scale 1:500) Drg No: G4D-0003- A-007 Rev: C
- Schedule of Accommodation

- Existing and Proposed Site Section (scale 1:500) Drg No: G4D-0003-A-005 Rev: C
- Landscape Master Plan (scale 1:250) Drg No: A3907-03D
- Proposed Hardstanding (scale 1:500) Drg No: G4D-0003-A-006 Rev: C
- Site Location Plan (scale 1:1250) Drg No: G4D-0003-A-001 Rev: B  
received by the Local Planning Authority on 4 March 2019.
- Proposed Site Plan (scale 1:500) Drg No: G4D-0003-A-003 Rev: C
- Proposed Site Ground Level and Parking Plan (scale 1:500) Drg No: G4D-0003-A-004 Rev: C  
received by the Local Planning Authority on 5 March 2019.
- Proposed Play Area Plan (scale 1:50) Drg No: G4D-0003-A-009 Rev: A
- Schedule of Materials Rev B
- Intelligent Glass Switchable Film Technical Guide
- Boundary Treatments Plan (scale 1:500) Drg No: G4D-0003-A-008 Rev: C  
received by the Local Planning Authority on 8 March 2019.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved Schedule of Materials received on 4 March 2019.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

4. The window(s) to eastern side elevation of plot 2 and 16, western side elevation of plot 3 and 15, and northern side elevation of plot 9 shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and top opening only. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

**Reason:** To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the Site Allocations and Development Management.

5. No development shall take place until a scheme of hard and soft landscaping works, In accordance with the general principles with the Landscape Masterplan, Drg No: A3907-03D received 4<sup>th</sup> March, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

6. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as per the approved details.

**Reason:** To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

7. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

**Reason:** To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2018).

8. No works or development shall take place within the site until a site specific no-dig construction method statement for the footpath areas has been submitted to and approved in writing by the local planning authority that demonstrates that no-dig surfacing and construction is fit for purpose. The development shall then be implemented in accordance with the approved scheme.

**Reason:** To ensure that works within a root protection area are carried out in accordance with BS5837:2010 S.7.4 to ensure the retention of trees important to the character of the area, in accordance with DM10 of the Site Allocations and Development Management Policies DPD.

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

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

10. 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 in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11. Development shall not begin until a scheme for protecting the proposed dwellings from noise from nearby commercial and industrial operations (including the Church Hall) has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

**Reason:** To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12. The swift nesting boxes identified on plans Hinckley Square Proposed Plans, Elevations & Sections (scale 1:100) Drg No: G4D-0003-AA- 000, 001, 100 - 103, 200 – 202, 300 Rev A and Trinity Houses Proposed Plans, Elevations and Sections (scale 1:100) Drg No: G4D-0003-AB-000, 100 – 104, 200, 201, 300 Rev A both received 4<sup>th</sup> March 2019 shall be in place prior to the occupation of any flat within the respective building.

**Reason:** To ensure a biodiversity enhancement for the site in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that order with or without modification) development within Schedule 2, Part 1, Classes A, B, C, D and E shall not be carried out for Plots 1 – 17 inclusive 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 Policies DM10 and DM11 of the Site Allocations and Development Management Policies DPD.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that order with or without modification) development within Schedule 2, Part 2, Classes A shall not be carried out on any part of the site outlined in red on drawing reference Site Location Plan (scale 1:1250) Drg No: G4D-0003- A-001 Rev: B, 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 Policies DM10 and DM11 of the Site Allocations and Development Management Policies DPD.



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

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in line with Policy DM7 of the Site Allocations DPD.

16. No development approved by this planning permission shall take place until such time as a surface water drainage scheme incorporating sufficient treatment train has been submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

**Reason:** To maintain or improve the existing surface water runoff quality in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

17. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in full accordance with the approved details.

**Reason:** To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

18. No part of the development hereby permitted shall be first occupied until an amended Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

**Reason:** To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2018) and Policy DM17 of the Site Allocations and Development Management Policies DPD.

19. No part of the development hereby permitted shall be occupied until such time as 2.00 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the accesses and driveways with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

**Reason:** In the interests of pedestrian safety and in accordance with the National Planning Policy Framework (2018) and Policy DM17 of the Site Allocations and Development Management Policies DPD.

20. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4m metres by 43m metres have been provided at the site access junctions with Trinity Vicarage Road and Marchant Road. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

**Reason:** To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2018) and Policy DM17 of the Site Allocations and Development Management Policies DPD.

21. The new vehicular accesses hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular accesses on Trinity Vicarage Road and Marchant Road that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2018) and Policy DM17 of the Site Allocations and Development Management Policies DPD.

22. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Encon Associates drawing A3907-05 Rev E received 28 February 2019 have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2018) and Policy DM17 of the Site Allocations and Development Management Policies DPD.

23. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Encon Associates drawing A3907-05 Rev E, received 28 February 2019. Thereafter the onsite parking provision shall be so maintained in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2018) and Policy DM18 of the Site Allocations and Development Management Policies DPD.

24. The development hereby permitted shall not be occupied until such time as secure cycle parking, for the apartment buildings shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

**Reason:** To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2018) and Policy DM18 of the Site Allocations and Development Management Policies DPD.

25. No part of the development hereby permitted shall be occupied until such time as a 3m wide footway along the Coventry Road and Trinity Lane site frontage is implemented in full in accordance with details to be agreed in writing with the Local Planning Authority.

**Reason:** To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2018) and Policy DM17 of the Site Allocations and Development Management Policies DPD.

26. Prior to first occupation of the apartment buildings the bin stores shall be laid out in accordance with drawing Bins Storage Location Plan (scale 1:500) Drg No: G4D-0003- A-007 Rev: C received 4<sup>th</sup> March 2019 and shall be retained as such in perpetuity.

**Reason:** In the interests of good design to ensure appropriate bin storage is provided on site in accordance with Policy Dm10 of the Site Allocations and Development Plan Policies DPD.

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

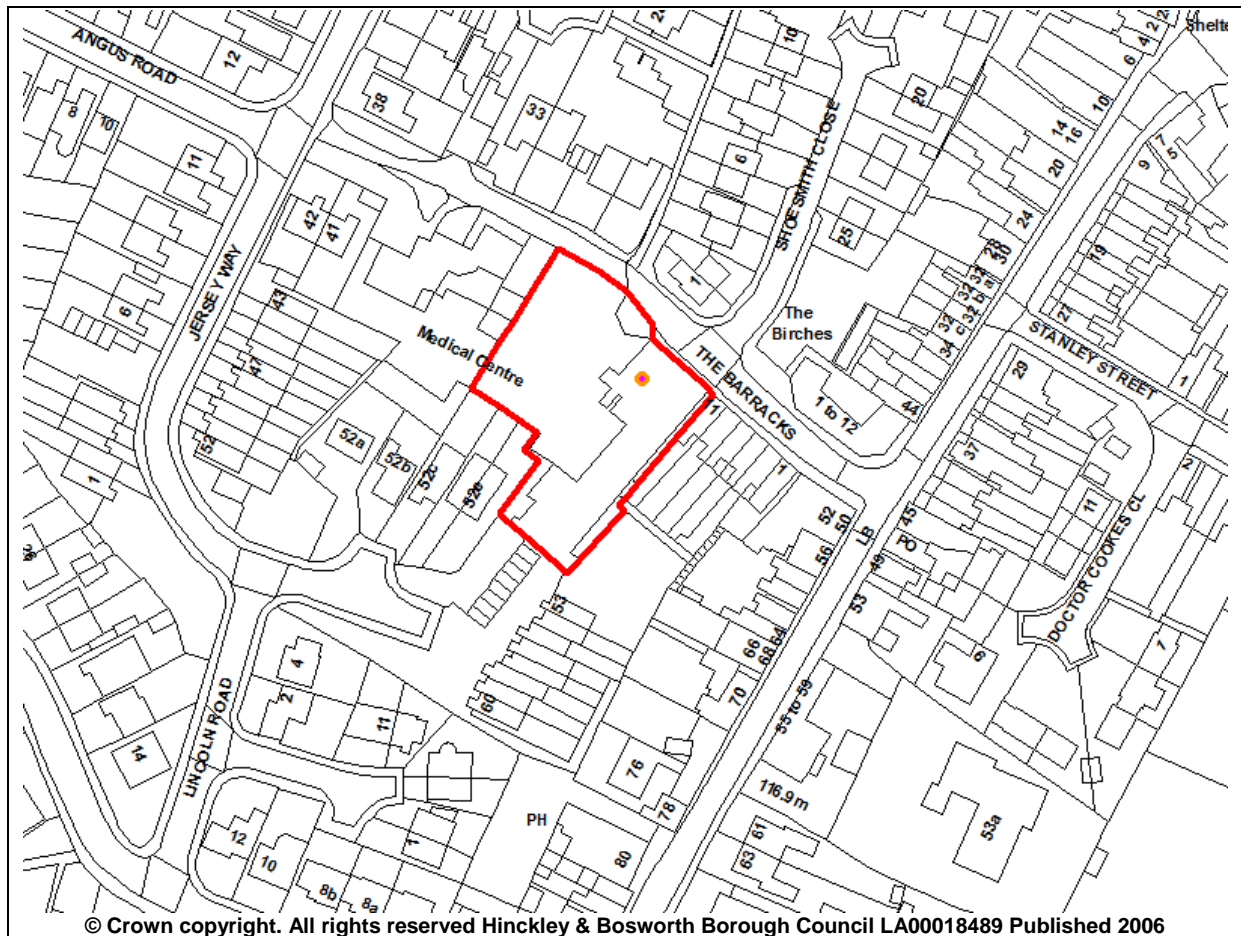
Planning Ref: 18/01266/FUL  
Applicant: Mr Nirad Solanki  
Ward: Barwell



Hinckley & Bosworth  
Borough Council

Site: Barrack House The Barracks Barwell

Proposal: Part demolition and conversion of existing factory to 4 apartments  
and erection of 4 new houses and 9 new apartments



## 1. Recommendations

1.1. **Grant planning permission** subject to there being no significant new material planning issues being raised prior to the expiry of the consultation period on 19 March 2019 and:

- The prior completion of a S106 agreement to secure the following obligations subject to development viability assessment, the outcome of which will be reported as a late item to this agenda:
  - The provision of four affordable housing units or a suitable commuted sum towards off-site affordable housing provision;
  - A contribution of £25,681.92 towards local education services and facilities (primary school sector);

- A contribution of £34,078.20 towards local public play and open space facilities;
  - Planning conditions outlined at the end of this report.
- 1.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.
  - 1.3. That the Interim Head of Planning be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

## **2. Planning Application Description**

- 2.1. This application seeks full planning permission for part demolition and conversion of a factory to 4 two bedroom apartments and the erection of 4 new two bedroom houses and 9 new two bedroom apartments.
- 2.2. The conversion scheme, four new two storey houses and four of the new apartments would form a terrace fronting onto The Barracks, a new two storey block with accommodation in the roof space would accommodate the remaining five apartments at the rear of the site. Each of the four new houses would have a private garden at the rear. The layout includes 26 vehicle parking spaces along with cycle storage areas, communal planted amenity areas and a refuse collection area. A new 6 metre wide access to the site is proposed off The Barracks.
- 2.3. A Design and Access Statement, a Historic Building Photographic Survey, Highways Assessment, Geo-Environmental Assessment/Screening Report, Asbestos Survey, Drainage Assessment, Tree Impact Assessment, Affordable Housing Viability Report and Construction Management Plan have been submitted to support the application.
- 2.4. Amended plans have been submitted to address issues raised during the course of the application in terms of window design, impact on neighbours privacy and access design raised by the Local Highway Authority.
- 2.5. There is an extant planning permission on the site (reference 15/00638/OUT) for part demolition and conversion of the factory to four apartments and the erection of 12 new houses. The outline planning permission included the approval of access, layout, scale and appearance with only landscaping being a reserved matter. The layout and position of the access is generally similar to the extant scheme.

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

- 3.1. The application site measures just under 0.2 hectares and is located off The Barracks to the west of High Street close to the centre of Barwell. It comprises a two storey former Victorian boot and shoe factory constructed of red bricks with slate roof and two concrete framed 1930's additions. It is served by an extensive block paved parking and turning area with 2.4 metre high metal palisade security fencing and double access gates to The Barracks. There are a number of trees adjacent to the rear boundary of the site which is defined by 2 metre high metal palisade fencing and 2 metre high close boarded timber panel fencing.
- 3.2. The south east half of the site, which includes the factory, is within the Barwell High Street Conservation Area and the factory is identified within the appraisal as a 'key local building'. Important trees are indicated adjacent to the rear boundary of the site.

## **4. Relevant Planning History**

92/00112/4	Extension to factory	Permitted	24.03.1992
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15/00588/COU	Change of use to doctors surgery (Class D1) and associated pharmacy	Permitted	15.01.2016
15/00638/OUT	Part demolition of existing factory and conversion to 4 x two bedroom houses and erection of 12 x two bedroom houses (outline - access, appearance, layout and scale)	Permitted	16.11.2016

## **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. No responses have been received as a result of public consultation.

## **6. Consultation**

- 6.1. No objection has been received from:-  
Leicestershire County Council (Archaeology)  
Leicestershire County Council (Ecology)  
Severn Trent Water Limited  
Environmental Health (Drainage)  
Leicestershire Police  
Tree Officer
- 6.2. No objection subject to conditions has been received from:-  
Leicestershire County Council (Highways)  
Environment Agency  
Environmental Health (Pollution)  
Street Scene Services (Waste)
- 6.3. Councillors Roberts and Williams raise objections to the application on the grounds of 1. Design and Layout and 2. Highways. They consider that the proposed design and layout of the site and position of the new access would result in serious pedestrian/cyclist safety conflict (including school children and elderly) with the vehicular use of the new access.
- 6.4. Barwell Parish Council agree in principle to the demolition and conversion of the factory but raise concerns regarding the positioning of the entrance to the site with inadequate pedestrian footpath as the road is well used by residents and school children to access the doctors surgery, the centre of the village and schools. It is also considered that the proposal would result in overdevelopment of the site with inadequate parking.
- 6.5. Leicestershire County Council (Developer Contributions) request the following infrastructure contributions:-
  - 1) Director of Children and Family Services requests a total contribution of £25,681.92 towards the provision of education facilities to mitigate capacity issues in local schools resulting from the proposed development (Primary School Sector);
  - 2) Library Services (Locality Manager) requests a contribution of £510.00 towards the provision of library facilities to mitigate additional demands on Earl Shilton Library as a result of the proposed development.
  - 3) No contributions are sought towards Civic Amenity services or facilities.

6.6. The National Health Service does not seek any contributions towards local health care facilities by virtue of the low number of dwellings proposed.

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

Leicestershire County Council (Drainage)  
Leicestershire County Council (Public Rights of Way)  
Ramblers Association  
Leicestershire Fire and Rescue Service

## **7. Policy**

7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) Development Plan Document (2014)

- Policy 23: Existing Employment Sites

7.2. Core Strategy (2009)

- Policy 3: Development in Barwell
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

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

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

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Community Infrastructure Levy (CIL) Regulations (2010)

7.5. Other relevant guidance

- Barwell High Street Conservation Area Appraisal and Map (2010)
- Employment Land and Premises Review (2013)
- Affordable Housing SPD (2008)
- Open Space and Recreation Study (2016)

## **8. Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character and appearance of the Barwell (High Street) Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Land contamination



- Affordable housing/Viability
- Infrastructure contributions
- Other issues

#### Assessment against strategic planning policies

- 8.2. The development plan in this instance consists of the adopted Core Strategy (2009), the Earl Shilton and Barwell Area Action Plan (ESBAAP) Development Plan Document (2014) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.3. Barwell forms part of the urban area of the Borough and has a full range of services and facilities. The application site lies within the settlement boundary of Barwell in close proximity to the centre of the village where there is easy access to facilities by sustainable transport means. The site is sustainable for additional housing.
- 8.4. The application site is identified in the ESBAAP as an existing employment site (reference BRW03: Factory off The Barracks). The latest Employment Land and Premises Review concludes that the site has a minor employment role and its loss would be insignificant. The review recommends that the site be classified as a category 'C' site where 100% alternative uses should be considered due to its isolated village centre location surrounded by residential areas with limited commercial demand and poor access. Policy 23 of the adopted ESBAAP and Policy DM19 of the adopted SADMP both support a more flexible approach to alternative uses of Category 'C' sites in accordance with the most up-to-date Employment Land and Premises Study and other Local Plan policies.
- 8.5. This strategic stance in support of an alternative use of the site and the principle of residential development of the site has already been established by the extant planning permission for residential development of the site for 16 dwellings (reference 15/00638/OUT). The loss of the employment site remains acceptable by virtue of the conclusions within the latest Employment Land and Premises Review and the proposal would therefore be acceptable in terms of Policy 23 of the adopted ESBAAP and Policy 19 of the adopted SADMP.

#### Design and impact upon the character and appearance of the Barwell (High Street) Conservation Area

- 8.6. The proposal affects the former Bennett & Co. boot and shoe factory on The Barracks. The original part of the factory dates from the early-20th century and is a traditional built factory building for the boot and shoe industry. It was later extended in the post-WWII period in a modernist style which creates a visually interesting building complex which illustrates the evolution of small scale regional manufacturing. The gable end of the original building faces on to The Barracks and has a dual pitched roof with a Welsh slate covering. It is constructed of a traditional red brick and despite being a functional building it retains some features of interest including decoration at the verges, a circular glazed pitching eye and regular openings for fenestration with segmental brick arches and canted blue brick sills. Some further external features of interest remain such as the first floor lifting crane situated on the right-hand side post-WWII extension. Overall the building is considered to be of historic and architectural interest and it makes a positive contribution to the character and appearance and thus significance of the Barwell (High Street) Conservation Area. The building is identified as a 'key local building' in the Barwell Conservation Area Appraisal (BCAA) (2010).
- 8.7. Immediately adjacent and to the north-west of the factory is a block paved car parking and servicing yard. The area is bound from The Barracks by 2.4 metre high metal palisade security fencing. This part of the site is not within the conservation area boundary but it is within its immediate setting. Currently this section of the site

has a poor appearance and an appropriate development within this setting would provide an opportunity to enhance the character and appearance of this part of the conservation area.

- 8.8. The current proposal seeks to part demolish and convert the existing factory to form 4 apartments and the erection of 4 new houses and 9 new apartments on the land to the side and the rear of the retained/converted part of the factory building.
- 8.9. Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 places a duty on the local planning authority in respect of conservation areas in the exercise of planning functions to require special attention to be paid to the desirability of preserving or enhancing the special character or appearance of conservation areas.
- 8.10. Section 16 of the NPPF provides national guidance on conserving and enhancing the historic environment. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.11. Policies DM11 and DM12 of the adopted SADMP seek to protect, conserve and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration of important features identified in the relevant Conservation Area Appraisal and Management Plan.
- 8.12. 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.
- 8.13. A small section of the original early-20th century building and both post-WWII extensions are proposed to be demolished. These elements of the factory building proposed for demolition are of limited significance. Although, ideally, all of the factory complex would be retained for conversion, there would be considerable practical difficulties in achieving this due the poor condition of sections of the building and its method of construction. The overall delivery of the proposal ensures that the focus can be on preserving and enhancing the most significant element of the factory, that being the gable ended section that faces on to The Barracks. A suitable Historic Building Photographic Survey has been undertaken and submitted by the applicant that provides a permanent visual record of the buildings in their current states. The survey has been deposited to the Leicestershire Historic Environment Record and is considered to provide a satisfactory level of recording that would successfully mitigate for the loss of those elements of the building with limited significance. Leicestershire County Council (Archaeology) has confirmed that the survey is satisfactory.
- 8.14. The remaining section of the original early-20th century building is to be converted to form 4 apartments. The conversion mainly comprises of internal works but is also to be facilitated by some external improvements. On the front elevation two blocked up windows to the ground floor are to be re-opened and all other existing openings are to be utilised for windows and a door. On the side elevations some existing openings are to be used alongside new openings which match the style and proportions of the existing. The newly created rear elevation seeks to closely replicate the style and form of the front elevation which regular window openings. The majority of the existing windows on the building are of a modern timber or plastic material not in an industrial style, this includes all of the openings to The Barracks. Only a few original multi-paned cast iron windows remain across the

building. Amended plans have been submitted which demonstrates that the proposal seeks to install grey aluminium windows with internal glazing bars to closely reflect an industrial style. Composite panelled black doors are also proposed. The proposed treatments for the doors and windows of the conversion element of the scheme are considered appropriate and will provide a minor enhancement to the character and appearance of the conservation area. Further works include the installation of three roof light windows to the left-hand side elevation. Due to the angle of the roof pitch and set back from the street scene visibility of the roof lights will be extremely limited and therefore they are not considered to have an adverse impact on the character and appearance of the conservation area. Where gaps need to be filled in the original structure it is proposed to re-use the facing bricks from the demolished former attached sections and this is considered to be an appropriate solution.

- 8.15. In the cleared section to the rear of the original building it is proposed to erect a 2 storey dual pitched block including accommodation in the roof space to house a total of 5 new apartments. It has a predominantly simple form and appearance with regular window openings other than a dormer window arrangement on the rear roof elevation. A simple red brick and tiled roof is to be used as materials for its construction. Although the block is within the conservation area boundary its location to the rear of the retained section of the original factory means visibility from the street scene will be extremely limited and its appropriate design ensures that it will have no adverse impact on the character and appearance of the conservation area.
- 8.16. Attached to the conversion scheme is to be an L-shaped wing comprising 4 new houses and 5 new apartments. The design of this wing seeks to reflect the traditional characteristics of a terrace of late-19th to early-20th century dwellings as found elsewhere on The Barracks and the wider conservation area. The end section of the wing has a gable end facing on to The Barrack and has a similar form and design to the gable end of the retained factory at the opposite end of the terrace. The scale of the terrace is two storeys in height which reflects that of the wider area. The ridge height of the terrace sits lower than that of the original building and terminates at the apex of the new apartments; this ensures that the terrace will remain subservient to the significant original factory building. The terrace is located at the back edge of the pavement which follows the traditional building line and layout of the area. The terrace has a predominantly domestic design which ensures that it does not detract and remains distinctive from the industrial building, whilst following the general characteristics of domestic terraces found elsewhere on The Barracks and within the conservation area. It has a simple arrangement of windows and doors, a pitched roof punctuated with occasional chimney stacks, and simple architectural detailing at eaves and verges. Simple materials have been chosen for the construction of the terrace including a modern tile that provides the roof with the appearance of a blue clay tile, red and blue engineering brick, and a cream or similar colour render which replicates the use on similar properties on The Barracks and distinguishes from the red brick of the original factory. All of these proposed construction materials are considered appropriate. A composite door and same window style as for the conversion is proposed, these styles are also considered suitable for a domestically styled terrace and will provide the elevations of the terrace with an appropriate appearance.
- 8.17. Overall it is considered that the demolition of the least significant elements of the former Bennett & Co boot and shoe factory can be satisfactorily mitigated by the completed historic building photographic recording. The most significant section of the factory is to be retained and sensitively converted into 4 apartments with enhancements to its elevations including the elevation facing on to The Barracks.

The new build block to the rear of the retained factory has an appropriate form and design. Consequently it is considered that the scheme has a neutral impact and the character and appearance and thus significance of the Barwell (High Street) Conservation would be preserved. Due to the appropriate scale, layout, design, materials and architectural features of the new terrace it is considered that this will provide an improvement to the immediate setting of the conservation area that enhances its character and appearance. For these reasons it is considered that the proposal complies with Policies DM10, DM11 and DM12 the adopted SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.18. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the future occupiers of the site would not be adversely affected by activities in the vicinity.
- 8.19. The existing two storey factory building currently extends from the highway boundary on The Barracks to almost the full depth of the site and there are numerous first floor windows that are in close proximity to, and face towards, neighbouring gardens.
- 8.20. The demolition of large parts of the factory would significantly reduce the mass of buildings along the south east boundary of the site with resulting improvements to the visual outlook of a number of neighbouring dwellings.
- 8.21. The proposed retained section of the factory would extend only approximately 6 metres beyond the rear elevation of the nearest neighbouring property (11 The Barracks), a reduction of 33 metres, and would therefore reduce impacts on the adjacent neighbouring dwelling. Only one window at first floor would be retained in the side elevation of the proposed conversion scheme facing towards the rear garden area of the adjacent neighbouring dwelling, the other would face towards a blank gable. It is intended that the retained first floor window is to be obscurely glazed and fitted with an opening restriction such that only the right hand light (viewed from outside) would be openable for fire escape purposes to comply with Building Regulations. By virtue of the existing situation with numerous factory windows at first floor facing towards the rear garden, the proposal would not result in any additional overlooking or loss of privacy to the adjacent occupiers.
- 8.22. The proposed two storey 5 unit apartment block with accommodation within the roof space located towards the rear of the site would replace part of the demolished factory but would be set in from the site boundaries. By virtue of its siting and scale, it would not result in any additional or significant overbearing or overshadowing impacts on any existing neighbouring properties on Jersey Way. No windows are proposed in either side elevation of the apartment block and the dormer windows in the rear roof slope face towards a communal garage site and open front gardens where they would not result in any significant loss of privacy to any neighbouring occupiers. First floor windows in the front elevation of the block would face into the proposed communal parking area rather than directly towards any existing private garden areas and would be at an adequate separation distance from the rear elevation windows in existing neighbouring properties and other units within the proposed scheme.
- 8.23. The proposed two storey 'L' shaped terrace of four new houses and four new apartments would provide adequate separation distances to all existing neighbouring properties on The Barracks, Shoesmith Close and Jersey Way and

would not result in any significant adverse overbearing or overshadowing impacts or loss of privacy from overlooking.

- 8.24. No objections have been received from any neighbouring residential properties.
- 8.25. Communal amenity areas of approximately 140 square metres are proposed around the rear apartment block. The proposed four new terraced houses would each be provided with approximately 28 square metres of garden space which is less than former adopted standards for a two bedroom dwelling. However, the extant approved scheme was also deficient in amenity space and consideration was given to the proximity of the site to the centre of Barwell and the proximity of nearby public play and open space and equipped children's play areas within walking distance of the site. The deficiency in amenity space needs to be balanced against the positive aspects of the scheme in terms of preservation and enhancement of the Barwell (High Street) Conservation Area and the effective re-use of a brown-field site.
- 8.26. By virtue of the siting, layout, scale and design of the scheme, the proposal would not result in any significant adverse impacts on the residential amenity or privacy of any neighbouring properties and would provide satisfactory amenity facilities for future occupiers. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.27. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed.
- 8.28. A Highways Assessment and amended detailed access design plans have been received to support the proposal.
- 8.29. The scheme includes the proposed relocation of the site access closer to the north west boundary of the site in a similar position to the approved extant scheme. The proposed access would have a width of 6 metres, be designed such that no vehicle could turn left towards the public right of way to/from Jersey Way at the end of The Barracks and be provided with a speed table immediately within the site to slow vehicles at the access junction. A new pedestrian footway and crossing point would be provided across the site frontage. The amended plans indicate the provision of forward visibility splays of 2.4 metres x 80 metres in an south easterly direction towards High Street and 2.4 x 11 metres in a north westerly direction towards the public right of way.
- 8.30. Two local members raise objections on highway and pedestrian safety grounds. They consider that the proposed design and layout of the site and position of the new access would result in serious pedestrian/cyclist safety conflict (including school children and elderly) with the vehicular use of the new access in close proximity to the public right of way to and from Jersey Way. Barwell Parish Council raises similar concerns in respect of the position of the proposed new access and consider that that there would be an inadequate pedestrian footway and inadequate off-street parking to serve the development.
- 8.31. The Highways Assessment and amended site layout and access plans have been assessed by Leicestershire County Council (Highways). The Local Highway Authority raise no objections to the position of the proposed new access or site layout and would not seek to resist the application on highway safety grounds or, when comparing the proposals to the existing permitted factory use, in terms of impacts on the local highway network. The amended plans address the detailed

design/adoption issues raised by the Local Highway Authority in their initial consultation response and the access is now considered to be acceptable. No response has been received from Leicestershire County Council (Public Rights of Way). Any response received will be reported as a late item.

- 8.32. The proposed new access is located in a similar position and is not materially different to that already approved under the previously approved and extant scheme. By virtue of the comments contained within the consultation response from the Local Highway Authority, it is considered that the site layout and proposed new access position would provide safe and satisfactory access to the site to serve the quantum of development proposed and the scheme would not warrant refusal on highway or pedestrian safety grounds. By virtue of the location of the site in close proximity to the centre of Barwell and the services and facilities therein, the small shortfall in off-site parking spaces is also considered to be acceptable in this case. A Construction Management Plan has been submitted to support the application and is acceptable. Therefore, notwithstanding the objections received, the proposal is not considered to result in any significant adverse impacts on highway safety or on-street parking and would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

#### Drainage

- 8.33. Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding by being located away from areas of flood risk unless adequate mitigation is provided in accordance with National Policy.
- 8.34. A Drainage Assessment including micro-drainage calculations have been submitted to support the application. This includes the proposed the use of soakaways and permeable paving to mitigate surface water drainage from the site.
- 8.35. Severn Trent Water Limited and Environmental Health (Drainage) have assessed the scheme and raise no objections to the submitted drainage proposals. No response has been received at the time of writing this report from Leicestershire County Council (Drainage) and any response will be reported as a late item to this agenda.
- 8.36. Subject to the scheme being implemented in accordance with the approved drainage details, the proposal would not result in the creation or exacerbation of flooding and would therefore be in accordance with Policy DM7 of the adopted SADMP.

#### Land contamination

- 8.37. Policy DM7 of the adopted SADMP seeks to prevent any adverse impacts from pollution by ensuring that development proposals demonstrate that appropriate remediation of contaminated land in line with minimum national standards will be undertaken.
- 8.38. A Geo-Environmental Assessment, Screening Report and Asbestos Survey have been submitted to support the application together with a Construction Management Plan and additional clarification and details in a separate letter from the agent.
- 8.39. The submitted documents have been assessed by the Environment Agency and the Council's Environmental Health (Pollution) team. Subject to the development being carried out in accordance with the submitted details and in accordance with separate national legislation, it is considered that the development scheme would not result in any significant adverse impacts on the environment or future occupiers from pollution. However, conditions are recommended to ensure satisfactory investigation and remediation of any contamination found during the construction

phase that has not been previously identified and for verification of imported soils to garden areas to protect controlled ground water receptors and the amenity of future occupiers of the site.

- 8.40. Subject to the scheme being implemented in accordance with the submitted details, the proposal would not give rise to any adverse impacts on the environment or amenities of the future occupiers of the site from pollution and the proposal would therefore be in accordance with Policy DM7 of the adopted SADMP.

#### Affordable housing

- 8.41. Policy 15 of the adopted Core Strategy seeks the provision of 20% affordable housing on all sites in urban areas of 15 dwellings or more or 0.5 hectares or more with a tenure split of 75% for social rent and 25% for intermediate tenure.
- 8.42. The policy requirement for the proposed scheme would therefore be for 4 units of affordable housing to be provided in this case. However, the application is supported by an Affordable Housing Viability Report. This suggests that it is unlikely that a Registered Provider would be interested in taking such a low number of units on the site and therefore that any such obligation would need to be delivered as a commuted sum payment towards offsite affordable housing in this case. The report concludes that, even without any affordable housing (or any other infrastructure) contributions, the development shows a viability deficit and for the site to come forward the developer will need to take a view to accept a lower than normal profit level in developing the site in the manner proposed.
- 8.43. The scheme and the Affordable Housing Viability Report is currently being assessed by an independent viability consultant and the outcome of the assessment and the ability of the scheme to provide any affordable housing and other infrastructure contributions will be reported as a late item to the agenda.

#### Infrastructure contributions

- 8.44. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.45. The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 1) Public play and open space
- 8.46. Policies 3 and 19 of the adopted Core Strategy seek to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within Barwell. The Open Space and Recreation Study (2016) provides further advice on the quality of facilities at each designated public open space.
- 8.47. In this case, the site is located within the 300 metres catchment area of Boston Way Recreation Ground (reference BRW28) which provides amenity green space and equipped and casual/informal children's play space with a quality score of just 72%. The site is also within the 600 metre catchment area of Dovecote Way Sports Park (reference BRW34) which provides formal outdoor sports facilities and has a quality score of just 78%.

- 8.48. In order to mitigate the impact of additional users of the play and open space and recreation facilities as a result of the proposed development, a contribution of £34,078.20 has been identified using the figures provided in the Open Space and Recreation Study. This equates to £2004.60 per dwelling and could be used towards schemes aimed at improving the range of public open space, recreation and children's play facilities within the vicinity of the site.
- 8.49. As a result of consultation the following infrastructure contributions have been identified to mitigate the impacts of the proposed development:
- 2) Education facilities
- 8.50. The Director of Children and Family Services requests a contribution of £25,681.92 towards education facilities in Barwell to mitigate the impact of additional users from the development on the Primary School Sector where deficits have been identified and additional facilities are required to meet increased demand from the development. No contributions are requested for the Secondary School Sector, Post 16 Sector or Special Schools Sector.
- 3) Library facilities
- 8.51. The Library Services Locality Manager requests a contribution of £510.00 towards the delivery of library services and facilities at Earl Shilton Library to mitigate the impact of additional users from the development on the facility. Notwithstanding the details submitted by the Library Services Locality Manager, due to the small scale of the estimated impact from the development on the library, it is considered that the impact would not be so significant to justify mitigation by way of a financial contribution from the development. In this instance the contribution is not considered to be CIL compliant and therefore is not requested from the developer.
- 4) Civic amenity facilities
- 8.52. The Director of Environment and Transport considers that the Civic Amenity Site at Barwell will be able to meet the demands of the proposed development within the current site thresholds without the need for further development and therefore no contribution is required on this occasion.
- 5) Healthcare facilities
- 8.53. NHS England considers that due to the low number of new dwellings proposed by the development, no contribution will be necessary in this case to mitigate any impacts from additional demand on local healthcare facilities.
- 8.54. The infrastructure contributions identified above, with the exception of library facilities, are considered to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed and therefore CIL compliant. The contributions could be secured through the completion of a suitable section 106 planning obligation if supported by the ongoing viability assessment, the outcome which will be reported as a late item to this agenda.

#### Other issues

- 8.55. There are a number of trees located adjacent to the rear boundaries of the site that are covered by a Tree Preservation Order (reference 87/00010/TPORD). A Tree Impact Assessment including an Arboricultural Method Statement has been submitted to support the application. A number of the Poplar trees included in Group G1 of the order and individual tree T8 (Horse Chestnut) are located outside the site boundary and are proposed to be retained. Five of the Group G1 trees located within the site have been assessed as either dead or in poor health and are therefore proposed to be removed and replaced with more suitable species. The



Council's Tree Officer has assessed the trees and considers that the assessment is valid, that the replacement tree species are acceptable and that the more important trees that are being retained would have suitable protection.

- 8.56. Street Scene Services (Waste) recommend the imposition of a condition to require the submission of a scheme for refuse and recycling collection and storage across the site. The submitted plans indicate the provision of suitable communal facilities inside the site close to the highway boundary. A condition is therefore unnecessary in this case.

## **9. Equality Implications**

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

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

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

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

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

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

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

- 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. The principle of the redevelopment of this brownfield category C employment site for residential development has been established through the previous extant planning permission. The scheme retains and reuses the most significant part of the existing factory building, would result in enhancements to its appearance and would secure its viable future use. Satisfactory historic building recording has been undertaken. By virtue of the layout, scale, design and appearance the scheme would preserve the character and appearance of the Barwell (High Street) Conservation Area and would not result in any significant adverse impacts on the privacy or amenities of any neighbouring properties. The proposal would provide safe and satisfactory access to the site and off-street parking to serve the development given its location close to the centre of Barwell and services and facilities. Satisfactory details have been submitted to address issues relating to land contamination, drainage, construction management and tree protection.
- 10.2. The scheme attracts a requirement for contributions towards the provision of affordable housing and infrastructure contributions towards education facilities and public play and open space facilities. However, the application is supported by an Affordable Housing Viability Report that suggests that the scheme would be

unviable if any scheme contributions were included. The Viability Report is currently being assessed and the outcome will be reported as a late item to this agenda.

- 10.3. Subject to the satisfactory resolution of the outstanding matters highlighted in this report, the outcome of which will be provided as a late item to this agenda, the proposed scheme would be in accordance with Policy 23 of the Earl Shilton and Barwell AAP, Policies 3, 15, 16 and 19 of the adopted Core Strategy, Policies DM1, DM3, DM7, DM10, DM11, DM12, DM17, DM18 and DM19 of the adopted Site Allocations and Development Management Policies DPD, the overarching principles of the National Planning Policy Framework (2019) and the statutory requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **11. Recommendation**

- 11.1. **Grant planning permission** subject to there being no significant new material planning issues being raised prior to the expiry of the consultation period on 19 March 2019 and:

- The prior completion of a S106 agreement to secure the following obligations subject to development viability assessment, the outcome of which will be reported as a late item to this agenda:
  - The provision of four affordable housing units or a suitable commuted sum towards off-site affordable housing provision;
  - A contribution of £25,681.92 towards local education services and facilities (primary school sector);
  - A contribution of £34,078.20 towards local public play and open space facilities;
- Planning conditions outlined at the end of this report.

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

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

## **11.4. Conditions and Reasons**

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

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

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

- Site Location Plan Drawing No. VD/NS/001/FP/019
- Demolition Plan Drawing No. VD/NS/001/FP/022
- CMP Phase 1 Demolition Plan Drawing No. VD/NS/001/FP/013
- CMP Phase 2 Construction Plan Drawing No. VD/NS/100/FP/014
- Units 13 - 17 Floor Plans Drawing No. VD/NS/100/FP/003 Rev A
- Root Protection Areas Drawing No. VD/NS/100/FP/012
- Cycle Storage Details Drawing No. VD/NS/100/FP/018
- Drainage Assessment
- Geo-Environmental Assessment by Ecologia (Ref: 18.062.1) dated 18 April 2018
- Construction Management Plan dated December 2018

- Tree Impact Assessment & Arboricultural Method Statement by RJ Tree Services Limited (Ref: TheBarracks\_Barwell/01) dated October 2018
- External Construction Materials details dated December 2018

all received by the local planning authority on 4 January 2019;

- Ecologia Screening Criteria
- Asbestos Survey by Clearview Environmental Limited (Ref: J015578 issue 1) dated 9 August 2016
- Letter from Vickers Developments Limited dated 29.01.2019 regarding Bin Storage, Construction, Asbestos and Land Contamination

all received by the local planning authority on 29 January 2019;

- Units 1 -12 Elevations Drawing No. VD/NS/100/FP/004 Rev B
- Units 13 - 17 Elevations Drawing No. VD/NS/100/FP/005 Rev A
- Landscaping Plan Drawing No. VD/NS/100/FP/008 Rev A

all received by the local planning authority on 20 February 2019;

- Units 1 - 12 Ground Floor Plan Drawing No. VD/NS/100/FP/001 Rev B
- Units 1 - 12 First Floor Plan Drawing No. VD/NS/100/FP/002 Rev B

both received by the local planning authority on 21 February 2019;

- Proposed Site Plan Drawing No. VD/NS/100/FP/009 Rev B
- Proposed Highway Design Drawing No. VD/NS/100/FP/011 Rev B
- Revised Site Access Drawing No. VD/NS/001/FP/023 Rev C
- Drainage Layout Drawing No. VD/NS/100/FP/010 Rev A
- Paving Overlay Drawing No. VD/NS/001/FP/020 Rev A
- Paving Plan Drawing No. VD/NS/001/FP/015 Rev B

all received by the local planning authority on 28 February 2019.

**Reason:** To define the permission and ensure satisfactory impact of the development to accord with Policies DM1, DM7, DM10, DM11, DM12, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. If, for any reason, the approved redevelopment of the site does not commence within 6 months of the commencement of any demolition works, a scheme for the remediation of the retained building and site to enhance their visual appearance and an implementation timetable shall be submitted to and approved in writing by the local planning authority. The scheme shall then be implemented in accordance with the approved details and timetable and thereafter maintained until redevelopment takes place.

**Reason:** To preserve the character and appearance of the Barwell High Street Conservation Area in the interests of visual amenity to accord with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The demolition works and residential redevelopment works hereby permitted shall be implemented in full accordance with the details submitted within the Construction Management Plan (dated December 2018), Demolition Plan Drawing No. VD/NS/001/FP/022, CMP Phase 1 Demolition Plan Drawing No. VD/NS/001/FP/013, CMP Phase 2 Construction Plan Drawing No. VD/NS/100/FP/014 and details within the letter from Vickers Developments

Limited dated 29.01.2019 regarding amended Saturdays construction hours for the full duration of the proposed demolition and construction works.

**Reason:** To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area and to protect the residential amenity of neighbouring occupiers in accordance with Policies DM17 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2019).

5. No part of the development hereby permitted shall be occupied until such time as the access, parking, turning and layout arrangements shown on Revised Site Access drawing VD/NS/001/FP/023 Rev C received by the local planning authority on 28 February 2019 have been implemented in full. Thereafter the onsite parking provision shall be permanently so maintained at all times thereafter.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner; that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally; to enable vehicles to enter and leave the site in a forward direction in the interests of general highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2019).

6. No part of the development shall be occupied until such time as the offsite highway works shown on Revised Site Access drawing VD/NS/001/FP/023 Rev C received by the local planning authority on 28 February 2019 have been implemented in full.

**Reason:** To mitigate the impact of the development in the general interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2019).

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

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2019).

8. The development hereby permitted shall be implemented in accordance with the submitted Geo-Environmental Assessment by Ecologia (Ref: 18.062.1) dated 18 April 2018, Ecologia Screening Criteria, Asbestos Survey by Clearview Environmental Limited (Ref: J015578 issue 1 dated 9 August 2016 and additional information within the letter from Vickers Developments Limited regarding Construction, Asbestos and Land Contamination dated 29.01.2019.

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

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

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

10. All garden areas shall be filled with imported soil to a depth of 600 millimetres. Prior to the soil being imported onto site, a report validating and detailing the source of all imported soil shall be submitted to and approved in writing by the local planning authority and a subsequent further report shall be submitted to the local planning authority validating the imported soil depth in each garden.

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

11. The development hereby permitted shall be implemented in accordance with the submitted Drainage Assessment Rev A, Micro-drainage calculations, Drainage Layout Drawing No. VD/NS/100/FP/010 Rev A, Paving Overlay Drawing No. VD/NS/001/FP/020 Rev A and Paving Plan Drawing No. VD/NS/001/FP/015 Rev B received by the local planning authority on 28 February 2019 and the approved drainage system shall be completed and fully operational prior to first occupation of any of the dwellings hereby permitted and permanently so maintained at all times thereafter.

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

12. The development hereby permitted shall be implemented at all times in complete accordance with the tree works, tree protection measures and tree mitigation and management measures detailed within the submitted Tree Impact Assessment, Arboricultural Method Statement and Tree Protection Plan by RJ Tree Services Limited (Ref: TheBarracks\_Barwell/01) dated October 2018 received by the local planning authority on 4 January 2019.

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

13. The development hereby permitted shall be implemented in accordance with the ground and finished floor levels submitted on Drainage Layout Drawing

No. VD/NS/100/FP/010 Rev A received by the local planning authority on 28 February 2019.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. The materials to be used on the external elevations of the dwellings and boundary walls hereby permitted shall be in accordance with the details submitted within the approved External Construction Materials letter dated December 2018 received by the local planning authority on 4 January 2019 and Units 1 -12 Elevations Drawing No. VD/NS/100/FP/004 Rev B and Units 13 - 17 Elevations Drawing No. VD/NS/100/FP/005 Rev A received by the local planning authority on 20 February 2019.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

#### 11.5. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website [www.planningportal.gov.uk](http://www.planningportal.gov.uk)
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
4. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk). Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
5. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

6. The applicant/developers attention is drawn to the advice provided by the Environment Agency in respect of land contamination, groundwater protection and waste in their consultation response letter dated 16 January 2019.
7. In relation to condition 9, advice from Environmental Health should be sought via [esadmin@hinckley-bosworth.gov.uk](mailto:esadmin@hinckley-bosworth.gov.uk) to ensure that any investigation of land contamination is in accordance with their policy.

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

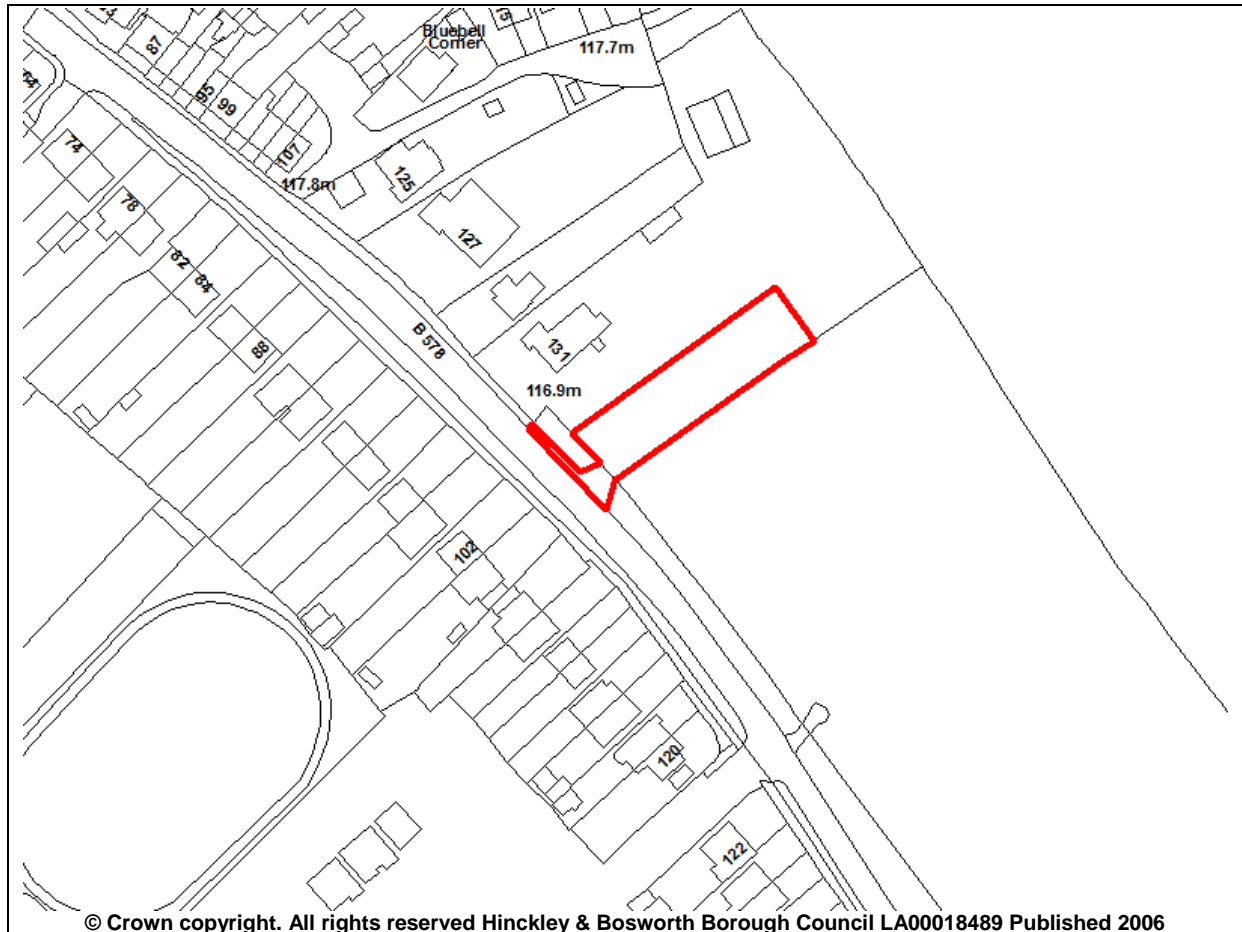
Planning Ref: 18/01278/FUL  
Applicant: Mr Thomas Knapp  
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth  
Borough Council

Site: 131 Lutterworth Road Burbage

Proposal: Erection of detached dwelling and a new vehicular access



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

## 2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of a five bedroom detached dwelling with integral garage and the formation of a new associated private vehicular access. The proposal seeks to substitute an approved dwelling (Plot 3 of extant planning permission 17/01124/FUL) and provide a new private vehicular access to this plot rather than the use of the previously approved shared access for all three dwelling plots.
- 2.2. The proposed dwelling would be approximately 9.3 metres in width, 17.6 metres in overall depth and two storeys in height (9.2 metre high ridge) with additional

accommodation within the roof space. The proposed front elevation design includes traditional features to reflect the traditional designs of detached dwellings to the north west of the site and the other two approved and constructed plots. A 4 metre wide landscaping buffer is to be retained to the south east boundary of the site.

- 2.3. A Design and Access Statement has been submitted to support the scheme
- 2.4. An amended plan has been submitted to seek to address issues raised by the Local Highway Authority in respect of the proposed access and to clarify the layout of the site in respect of hard and soft landscaped areas, including retention of a 4 metre wide landscaped buffer. Re-consultation has been undertaken.

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

- 3.1. The application site measures approximately 815 square metres and is located at the end of a ribbon development of dwellings fronting onto the north east side of Lutterworth Road. A number of native species trees have recently been planted along the south east boundary of the site to replace some overgrown conifers previously removed. The rear boundary of the application site is currently open to a grassed paddock area to the north east of the site. Open countryside lies to the south east. There are two storey dwellings to the north west which have a variety of scale, design and traditional style and dwellings to the south west which are more uniform, traditional, hipped roof semi-detached two storey houses. A grassed verge currently lies between the application site and the public highway.

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

15/00949/OUT	Subdivision of existing residential curtilage and erection of one dwelling (outline - all matters reserved)	Permitted	26.10.2015
17/00631/FUL	Demolition of existing dwelling and erection of 3 new dwellings with access and parking	Withdrawn	17.08.2017
17/01124/FUL	Demolition of existing dwelling and erection of 3 new dwellings and associated access	Permitted	21.12.2017
18/00953/FUL	Erection of detached dwelling and new vehicular access	Withdrawn	21.11.2018

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. As a result of public consultation, in addition to Burbage Parish Council, responses from four separate addresses have been received objecting to the application on the following grounds:-
  - 1) The proposal would result in a reduction of the previously approved green buffer which would be detrimental in both visual and environmental terms as it would insufficiently screen three substantial dwellings on the entrance to the village and would represent a further loss of planting on an already denuded site;
  - 2) The new access is unnecessary and would provide another junction on an already very busy main Lutterworth Road;
  - 3) The proposal if approved would provide potential future access to land at the rear and future potential development and expansion into the countryside close to a local Site of Special Scientific Interest.

## **6. Consultation**

6.1. No objection has been received from:-

Environmental Health (Drainage)  
Environmental Health (Pollution)

6.2. No objection subject to conditions has been received from:-

Leicestershire County Council (Highways)  
Street Scene Services (Waste)

6.3. Burbage Parish Council object to the application on the following grounds:-

- 1) It seeks to introduce a second vehicular access contrary to previously approved arrangements;
- 2) It would result in a reduction of the previously approved green buffer which would be detrimental in both visual and environmental terms as it would not be sufficient to screen three substantial dwellings and would represent a further loss of planting on an already denuded site.

## **7. Policy**

7.1. Core Strategy (2009)

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

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Burbage Neighbourhood Plan (BNP) 2015 - 2026 (Pre-Submission Draft)
- Burbage Village Design Statement (BVDS)

## **8. Appraisal**

8.1. The application site is part of a larger site that benefits from an extant planning permission (17/01124/FUL) for the erection of three dwellings, two of which have already been constructed. This application seeks to substitute the approved dwelling on plot 3 and provide it with its own private vehicular access. The principle of residential development of this sustainable site has already been established. Therefore, the key issues in respect of this application are:

- Design and impact upon the character of the surrounding area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Infrastructure contributions
- Other issues

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

- 8.2. 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.
- 8.3. Whilst currently afforded only very limited weight given its pre-submission draft status, Policies 2 and 4 of the emerging BNP support residential proposals that do not cause adverse impacts on the character of the area, are within the continuity of existing frontage buildings, are comparable in layout, size, scale and design to neighbouring properties and retain important natural boundaries. Policy 3 of the emerging BNP seeks to restrict the size of new dwellings to the housing needs within the Parish.
- 8.4. Objections have been received on the grounds that the proposal would result in a reduction of the previously approved green buffer which would be detrimental in both visual and environmental terms as it would not be sufficient to screen site and would represent a further loss of planting on an already denuded site.
- 8.5. The application plot size is similar to those of the existing dwellings to the north west and remains as previously approved in terms of its width and depth other than the inclusion of a new access to Lutterworth Road. The proposed dwelling would be repositioned approximately 0.8 metres closer to plot 2 but retain an acceptable gap of 1.2 metres between side elevations and therefore would not adversely affect the detached character of dwellings on this side of Lutterworth Road or the street scene. The dwelling would have a similar building line (both front and rear) to the adjacent dwelling (Plot 2) and its footprint would respect the size of the plot. The proposed dwelling would be two storeys in height with discreet accommodation within the roof space, comparable to the neighbouring dwellings.
- 8.6. Other than being slightly narrower in width (by approximately 1 metre), the design of the front elevation is the same as that previously approved and includes traditional architectural features that would provide visual interest in the street scene and complement the design style of the two already constructed new dwellings and established detached dwellings further to the north west of the site. The external materials proposed are the same as previously approved, being Weinburger Kenilworth Antique facing bricks (and sill and header soldier courses) and Marley Duo concrete interlocking roof tiles (in grey) and would ensure a satisfactory visual appearance.
- 8.7. Contrary to objections received, the amended plan submitted confirms and makes clearer that the current proposal would retain a 4 metre wide planted landscaping buffer to the south east boundary of the site which would be satisfactory in terms of mitigating the visual impact of the scheme on the adjacent open countryside.
- 8.8. The proposed new vehicular access to provide a dedicated private drive to the proposed dwelling would be characteristic of the access arrangements to existing established dwellings to the north west and would not have any significant adverse impacts on the street scene. Whilst planting has been/would have to be removed to enable the formation of the new access and provide visibility splays, a condition to secure replacement/compensatory planting could be imposed to soften and enhance the appearance of the development if approved. Some replacement planting has already been carried out on the site.
- 8.9. By virtue of the layout, scale, design and landscaping proposed and the use of the approved external materials, to ensure a high quality development, the proposed scheme would complement the character of the surrounding area and would have

only limited impact on the adjacent open countryside. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.10. Policy DM10 of the adopted SADMP and Policy 2 of the emerging BNP require that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings or the future occupiers of the site.
- 8.11. By virtue of its position to the side elevation of the adjacent dwelling on Plot 2, the proposal would not result in any significant adverse overbearing impacts or loss of privacy to the future occupiers. The proposed scheme would not result in any significant adverse impacts on the privacy or amenity of any other neighbouring properties by virtue of separation distances. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.12. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 5 of the emerging BNP requires two off-street parking spaces to be provided for each new dwelling, unless it is unachievable.
- 8.13. Objections have been received on the grounds that the new access is unnecessary and would provide another junction on an already very busy main Lutterworth Road.
- 8.14. The amended plan proposes a 4.8 metre wide vehicular access with dropped kerb vehicular cross over to Lutterworth Road and visibility splays of 2.4 metres x 43 metres visibility splays in accordance with adopted highway design guidance standards to serve a single dwelling for a road with 30 mph speed restrictions. The amended plan also indicates the provision of an extension to the existing pedestrian highway footway on the north east side of Lutterworth Road to link and serve the site as sought by the Highway Authority (subject to separate Highway Authority approval). A 2 metre x 2 metre pedestrian visibility splay would be provided to the north west side of the access connecting to the pedestrian footway. No pedestrian splay is necessary on the other side of the access as there is no footway, only a grass verge. The proposed layout includes a minimum of three off-street vehicle garage/parking spaces of appropriate dimensions to serve the 5 bedroom dwelling which would be in accordance with highway design guidance standards. Turning space is also provided within the layout on hardstanding to enable vehicles to enter and leave the site in a forward direction in the interest of highway safety.
- 8.15. Notwithstanding the objections received, Leicestershire County Council (Highways) has assessed the amended plan and is satisfied that safe and satisfactory access would be provided to the site and would meet highway design standards, that satisfactory off-street parking and turning would be available to serve the dwelling and therefore that the proposal would not result in any significant adverse impacts on highway safety. A number of standard conditions relating to access width, surfacing visibility splays, parking and turning and the implementation of an extended pedestrian footway are recommended. The conditions are considered to be reasonable and necessary in the interests of highway and pedestrian safety.
- 8.16. The proposal would provide adequate access and off-street parking and turning for the scale of development proposed and would not result in any significant adverse impacts on highway safety. The proposal would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

#### Infrastructure contributions

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

#### Other issues

- 8.18. The site has satisfactory highway frontage to enable the presentation of refuse and recycling bins for collection therefore a condition to require the submission of details suggested by Street Scene Services (Waste) would not be necessary in this case.
- 8.19. Objections have been received on the grounds that there may be potential for use of the access to the land to the rear. However, this does not form part of the proposal and therefore is not material to the determination of this application.
- 8.20. Contrary to objections received, there is no Site of Special Scientific Interest close to the site and no 'Green Belt' in the Borough.

### **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 adopted SADMP provides a presumption in favour of sustainable development that accords with the policies in the Local Plan and where relevant in neighbourhood plans unless material considerations indicate otherwise. There is an extant planning permission for residential development of the site and it is located

on the edge of a sustainable urban settlement with reasonable access to a range of services and facilities by sustainable transport modes.

10.2. By virtue of the proposed layout, scale, design and subject to the use of the approved external materials to ensure a satisfactory appearance, the scheme would complement the character and appearance of the surrounding area and would not result in any significant adverse impacts on the amenities of the occupiers of neighbouring properties or highway safety. Subject to the provision and subsequent retention of the 4 metre wide landscaped buffer to the south east boundary, the proposal would not result in any significant adverse impacts on the visual amenity of the adjacent countryside.

10.3. Notwithstanding the objections received, the proposal would be in accordance with Policy 4 of the adopted Core Strategy and Policies DM1, DM10, DM17 and DM18 of the adopted SADMP and is therefore recommended for approval subject to conditions.

## **11. Recommendation**

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

- Planning conditions outlined at the end of this report.

11.2. **Conditions and Reasons**

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site Location Plan, Site Layout & Landscaping Plan and Street Scene Drawing No. 4461/3/02 rev J received by the local planning authority on 25 February 2019 and Revised Plot 3 Floor Plans and Elevations Drawing No. 4461/3/03 rev E received by the local planning authority on 18 December 2018.

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

3. The ground levels of the site and finished floor levels of the dwelling hereby permitted shall be in accordance with the levels submitted on the Street Scene Drawing No. 4461/3/02 rev J received by the local planning authority on 25 February 2019.

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

4. The materials to be used on the external elevations of the dwelling hereby permitted shall be in accordance with the following details:
  - Weinburger Kenilworth Antique facing bricks (including sill and header soldier courses)
  - Marley Duo concrete interlocking roof tiles (Grey)
  - UpVC (Golden Oak) windows and doors

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

5. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 2.75 metres, a gradient of no more than 1:12 for a distance of at least 5 metres behind the highway boundary, shall be surfaced in a hard bound material and shall be delivered in a dropped kerb vehicular crossover arrangement with suitable drainage. The access once provided shall be so maintained at all times.

**Reason:** To ensure adequate access is available to serve the development in the interests of highway and pedestrian safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The development hereby permitted shall not be occupied until such time as a 2 metre wide hard surfaced pedestrian footway of approximately 15 metres in length, as indicated on Site Layout & Landscaping Plan and Street Scene Drawing No. 4461/3/02 rev J received by the local planning authority on 25 February 2019, has been constructed from the proposed access to link with the existing footway which currently terminates after 131 Lutterworth Road Burbage on the development side of Lutterworth Road.

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

7. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access as indicated on Site Layout & Landscaping Plan and Street Scene Drawing No. 4461/3/02 rev J received by the local planning authority on 25 February 2019. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

**Reason:** To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the details submitted on Site Layout & Landscaping Plan and Street Scene Drawing No. 4461/3/02 rev J received by the local planning authority on 25 February 2019. Thereafter the onsite parking provision shall be permanently so maintained at all times thereafter.

**Reason:** To ensure that adequate off-street parking and turning provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).



9. Prior to the first occupation of any of the dwellings hereby permitted the boundary fencing shown on Site Layout & Landscaping Plan and Street Scene Drawing No. 4461/3/02 Rev J received by the local planning authority on 25 February 2019 shall be implemented in full and the boundaries permanently so maintained at all times thereafter.

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

10. The approved hard and soft landscaping scheme as shown on Site Layout & Landscaping Plan and Street Scene Drawing No. 4461/3/02 rev J received by the local planning authority on 25 February 2019 shall be carried out in accordance with the approved details. The soft landscaping scheme shall be implemented in full during the first appropriate planting season following the date when the dwelling hereby permitted is first ready for occupation. The soft landscaping scheme shall thereafter 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 enhance the appearance of the development and ensure that the works are carried out within a reasonable time period and thereafter satisfactorily maintained in accordance with Policy DM4 and Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

#### 11.3. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website [www.planningportal.gov.uk](http://www.planningportal.gov.uk)
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability. On low-permeability sites, water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet. (See Environment Agency guidance on the permeable surfacing of front gardens).
5. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively assembled from modular surface water storage/soakaway cell

systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

6. A scheme involving the delivery of a new crossing point and footway on Lutterworth Road, associated with planning application 15/01292/OUT, is currently going through the s278 technical process. This may have implications on the delivery of this development proposal. The Local Highway Authority would encourage the applicant to engage with Redrow Homes to ensure that sufficient safeguards are in place to avoid any abortive works by the parties involved.

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

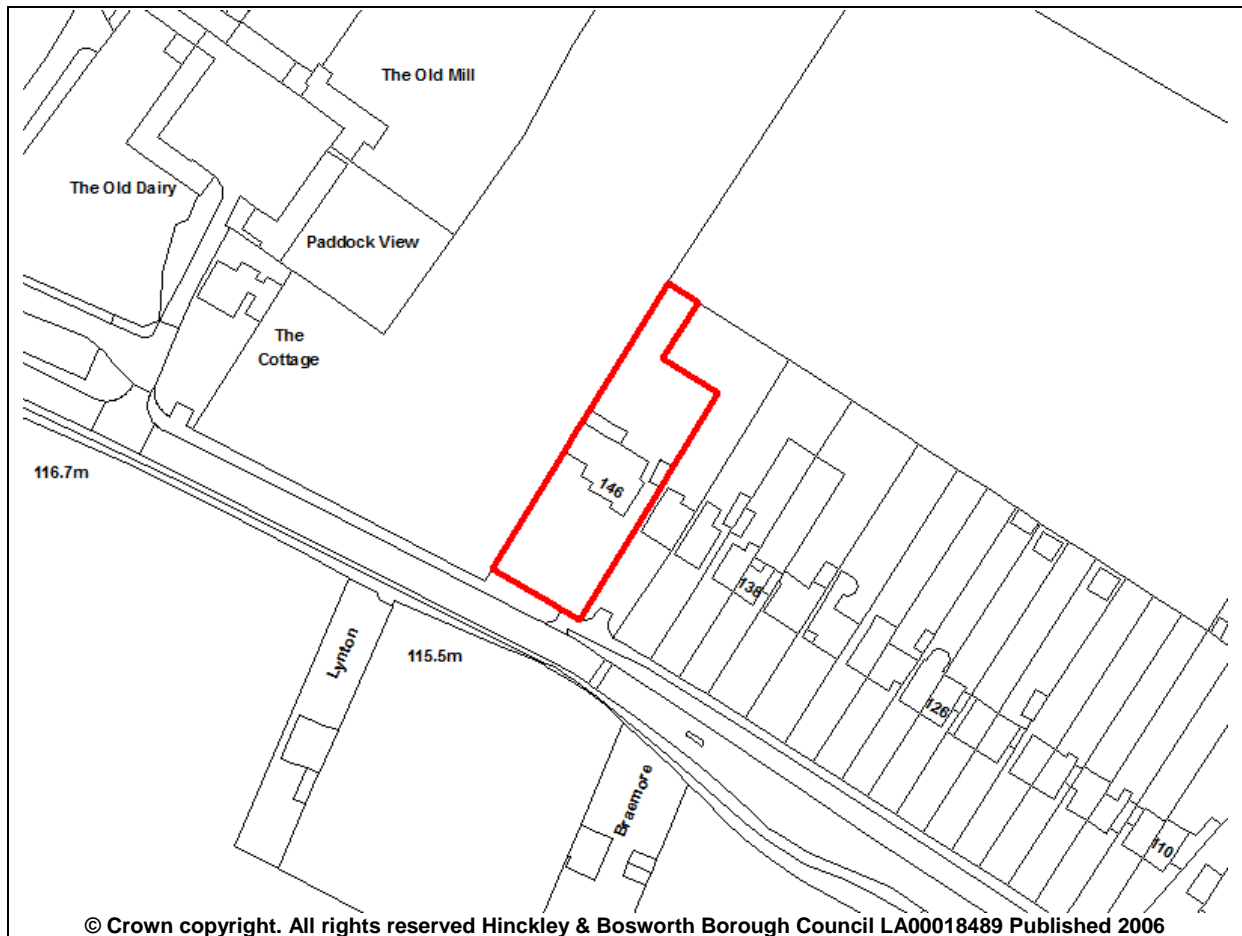
Planning Ref: 19/00031/FUL  
Applicant: Mr Alec Ryan  
Ward: Barwell



Hinckley & Bosworth  
Borough Council

Site: 146 Hinckley Road Barwell

Proposal: Change of use from children's day nursery to a residential care home for children with education facility



## 1. Recommendations

### 1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

## 2. Planning Application Description

- 2.1. The application seeks planning permission for a change of use from dwelling/children's day nursery to residential care home for up to 6 children from the ages of 6 – 18 years with an education facility to allow the children to be home schooled.
- 2.2. Although the service provider is not relevant in that the planning permission will run with the land and not the end user, in this case, the following information has been

submitted to enable Members a deeper understanding of the type of care that is to be provided.

- 2.3. The applicants are a national childcare and fostering company who currently have 16 operational homes. They care for young people who have a wide range of emotional, social and behavioural needs. The Homes are regulated and registered with OFSTED and there have been three OFSTED reports submitted with the application that although referring to other homes run by the company show that overall the homes are run as 'Outstanding'. The Home will have an OFSTED registered manager and a team to help run the home. One to one support and therapy is provided by the home to facilitate the transition of residing at the home and then moving onto foster care or independent/supported living. It is not known exactly which children would be placed in the Home until it opens as this is dictated by the County Council and the applicant's national plan at the time. However, children are placed depending on their individual needs and the ability of each location to accommodate those needs. The applicant has confirmed that the children come from a variety of backgrounds with different needs, the children to be placed at the home is dependent on their individual circumstances.
- 2.4. During the day, the children are to be educated within the building in an area separated from the residential part of the Home thus providing two separate areas for school and for home life. The Home will provide a safe environment as close to a family home as possible. The staff on shift cook, clean and provide all aspects of daily care as they would as parents in a family environment.
- 2.5. During the day there will be three care staff one Manager, a Deputy, a therapist and three Education staff. At night there are two staff members as a minimum.
- 2.6. A rolling rota which ensures that the children are cared for by the same people over the course of the week, staff are at the home for a reasonable period to ensure consistency and this reduces the need for lots of unnecessary transitions.
- 2.7. There is likely to be approximately 15 employment roles created, some of which may be filled by local people.

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

- 3.1. The application property comprises a sizeable six bedroom detached dwelling house on the north side of Hinckley Road at the very edge of the settlement boundary. To the north, south and west are mostly fields. To the east are similar size residential dwellings which lead into the village centre.
- 3.2. The existing property is currently divided into a residential dwelling and a children's nursery. The nursery was granted planning permission in 2008 and closed in August 2018. The planning permission allowed for up to 20 children to attend the nursery.

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

08/00184/COU	Extension and alterations to dwelling to form a children's nursery	PER	16.04.2008
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### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

- 5.2 There have been seven objections to the proposal. The objections are as follows:
- 1) Not the right location for this commercial use;
  - 2) Concerns re: anti-social behaviour and intimidation;
  - 3) Insufficient information as to the Service Provider;
  - 4) Noise and disturbance
  - 5) Impact on neighbouring families
  - 6) Concerns as to how the Home would be run
  - 7) Concerns regarding the children who would be placed at the Home;
  - 8) Already two similar homes in Barwell - is there a local need for more in this area?
  - 9) Privacy issues.

## **6. Consultation**

- 6.1. The following consultees have made comments:

Barwell Parish Council: object on the following grounds:

- 1) More details required – ages, physical and emotional circumstances of children to be placed at the care home;
- 2) Barwell already has an anti-social behaviour problem, members concerned that this will increase;
- 3) House in a residential area and therefore not a suitable location for this use;
- 4) Concerns regarding the number of night staff
- 5) There are two care facilities in Barwell, is there a need for more?

LCC Highways – refer to Standing Advice

LCC Children's Services – no comments received

## **7. Policy**

- 7.1. Core Strategy (2009)

- Policy 3: Development in Barwell

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

- 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

- 7.4 Other legislation

- The Equalities Act (2010) Section 149 created the public sector equality duty which requires public authorities to have due regard where there are equality implications arising from a proposal in the determination of the application.

## **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

#### Assessment against strategic planning policies

- 8.2. The development plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document.
- 8.3. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development. Policy 3 of the Core Strategy relates to development in Barwell. One of the aims of this Policy is to diversify the existing housing stock to cater for a range of house types and sizes.
- 8.4. Policy DM25 relates to community facilities and seeks to support the formation of such where it can be demonstrated that they are accessible to the community they intend to serve by a range of sustainable transport nodes. Education facilities are listed as a community facility.
- 8.5. Paragraph 94 of the NPPF advises that the Government attaches great importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities. Local Planning Authorities are advised to take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Local Planning Authorities are required to give great weight to the need to create, expand or alter schools, and work with school promoters to identify and resolve key planning issues before applications are submitted.
- 8.6. The Town & Country Planning (Use Classes) (amendment) (England) Order 2017 defines Class C3 dwelling houses as:
  - a) by a single person or by people living together as a family; or*
  - b) by not more than 6 residents living together as a single household (including a household where care is provided by residents).*
- 8.7. Children's homes run by workers on a shift pattern do not fall into either class a or b and therefore the dwelling house is not considered to be a C3 dwellinghouse.
- 8.8. Class C2 defines Residential institutions as:
 

*the provision of residential accommodation and care to people in need of care, use as a hospital or nursing home, residential school, college or training centre.*
- 8.9. In this instance, the proposal falls under Class C2 as its use as both a residential care home and as a residential school.
- 8.10. The provision of residential care homes are by their very nature a residential use which, in this residential area within the settlement boundary, is an appropriate and acceptable use of this dwelling. Schools and other education establishments (i.e. nurseries, private schools, free schools) are a common feature within residential areas and accordingly, the part use of the building as an education establishment is considered to be an acceptable use within a residential area.
- 8.11. In this case, the change of use from dwelling house/children's nursery to a residential care home and education facility complies with Policy 3 of the Core Strategy and Policies DM1 and DM25 of the SADMP.

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

- 8.12. Policy DM10 (c) requires that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

- 8.13. The change of use of the building from a single dwelling house to a care home for up to 6 children including an education facility will have no material impact on the surrounding area by way of its external appearance. There are no external alterations to the dwelling house and for all intents and purposes will remain with an outward appearance similar to that existing.
- 8.14. In this instance the proposal complies with Policy DM10 (c) and is acceptable.
- Impact upon neighbouring residential amenity
- 8.15. Policy DM10 (a) requires that new development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings including matters of lighting, air quality ( including odour), noise, vibration and visual intrusion.
- 8.16. There is one immediate neighbouring property and an assessment of the proposed use on the impact of their residential amenity has to be made. This neighbour has supplied confidential material to the Local Planning Authority in regard to their personal family circumstances which is assessed under Section 9 of this Report.
- 8.17. The property is a sizeable detached family dwelling with a large garden. It shares only its eastern boundary and part of its northern boundary with only one dwelling (no 144) which is bounded by trellis fencing and hedging. There are agricultural fields to the west and north. The rear garden is currently divided internally to allow a private garden for the residential use and a play area for the nursery use. At the very rear on the north-west side of the garden is an allotment area currently used for growing vegetables and keeping chickens. It is not known whether the applicant will reinstate the garden to one area or keep the dividing fence.
- 8.18. The premises would be occupied in its existing form with no extensions proposed. The classrooms/office and therapy room would be provided in the nursery area with the residential areas remaining in the same location as currently used. The sleeping accommodation will be divided from 6 bedrooms to 8 bedrooms which allows 2 bedrooms for staff.
- 8.19. The proposed use would not give rise to any additional loss of privacy or overlooking to the neighbouring property than which already exists. No material harm would be caused as a result of overlooking to the residential amenity of the adjacent neighbouring property at no 144 Hinckley Road as no new windows are proposed. Potential noise from the use of the garden would be similar to that of a large family and potentially less noisy than from the previous nursery use.
- 8.20. In regard to concerns from other residents regarding anti-social behaviour within the village including the sitting on garden walls, this is purely speculative with no evidence that the proposal would lead to such behaviour. Anti-social activity off the premises, as in all cases, is a police matter and is not a material planning consideration of this application. With regard to anti-social behaviour within the premises and/or garden, young people who would reside at the home would be expected to conform to a stipulated routine and house regulations in regard to their behaviour both on and off the premises and with the appropriate management, the proposed use would not reduce the residential amenity of existing local residents either on or off the site.
- Impact upon highway safety
- 8.21. Policy DM18 requires all new development to provide an appropriate level of parking provision.

- 8.22. The property benefits from a large hard standing area at the front of the dwelling providing sufficient parking for the proposed use.
- 8.23. The access would be unchanged from the existing access arrangement.
- 8.24. Therefore the proposed development would be in accordance with Policy DM18 of the SADMP.

Other matters

- 8.25. There have been various concerns brought to the attention of officers in regard to lack of information regarding the service provider, the children who are to be placed at the home and potential anti-social behaviour from residents of the home appear to be foremost in the minds of those objecting to the proposal.
- 8.26. Planning applications cannot be judged based on the individuals that may occupy the premises. If, as recommended, permission is granted, any planning conditions must be reasonable, enforceable and precise. Planning conditions can only be related to planning matters and should not duplicate responsibilities/control available through other legislation/controls. Examples of conditions that could be imposed include restricting the number of children residing at the property at any one time and/or restrictions upon age range (where this is considered reasonable), but the actual occupants, type of occupants, shift patterns of staff and /or management obligations cannot be covered via a condition. For instance, OFSTED would play a lead role in assisting with on-site management responsibilities whereas anti-social activity off-site would be a police matter.
- 8.27. As already discussed, the service provider is not relevant in the decision making process and is not a material planning consideration as the grant of permission lies with the land and not the end user.
- 8.28. Members have requested further information in regards to the service provider of the proposed scheme, notwithstanding the fact that this is not a material consideration of the application, and, for clarity, the agent (on behalf of the applicant) has provide the following information;
  - *We do not carry information on the children to be placed in the home, they would come from referrals from the county council.*
  - *Whilst we understand the request for the clients details we can not release that information into a public forum.*
- 8.29. In regard to comments that the County Council are not looking for new care homes, the following information has been provided:

*Leicestershire Sufficiency Strategy 2018-21*

*The Strategy acknowledges the need to co-invest, co-produce and co-deliver services with Partner organisations to optimise outcomes for young people and ensure where possible efficiencies in costs are achieved.*

- *Leicestershire's LAC(Looked After Children) population has increased significantly (by 48%) from 355 LAC on 31st March 2010 to 553 on 31st March 2018.*
- *CFS estimates that Leicestershire's LAC population will increase by a further 18% by 2021, bringing the total number of Children and Young People (C&YP) in its care to approximately 769 by the end of March 2021. The corresponding increase in placement spend has been estimated at £12million by 2021/22.*
- *Over the past two years there has been a particularly noticeable trend of older young people coming into care who often have existing behavioural, educational and health needs.*



- 8.30. The following Table provides information as to the amount of placements made by each individual Local Authority during the past year only.

LA	Referrals LTM(Long Term Mean) (Jan 18 to Jan 19)
Birmingham	160
Coventry	47
Derbyshire	68
Leicestershire CC	23
Leicester City	25
Northamptonshire	98
Nottinghamshire	95
Solihull	26
Staffordshire	94
Warwickshire	48
<b>TOTAL</b>	<b>654</b>

- 8.31. It therefore appears that there is on-going demand for residential care facilities such as the proposed within the Borough, Leicestershire and the East and West Midlands as a whole.

## **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. The equality implications arising from this application relate to the protected characteristics of vulnerable children and their on-going educational needs that need to be appropriately accommodated.

- 9.4. The adjacent neighbour has also submitted information as to the protected characteristics of family members, the details of which are held confidentially by the Council as the Local Planning Authority (LPA). Having assessed those personal circumstances, the LPA believes that they constitute a material consideration to which significant weight can be properly given in the consideration of this application.

- 9.5. Assessment requires a careful balancing of the amenity expectations of the family next door against the need for vulnerable children and their special education needs are also appropriately accommodated.
- 9.6. Given the information from the applicant as to the disabilities of the children they are seeking to accommodate and the information received from the adjacent neighbour, the two parties are likely to share or have similar characteristics in that the health and well-being of the children in their individual care are paramount.
- 9.7. In this regard, equal weight has been given to both sides and the recommendation to approve has been addressed in the assessment of the application in regard to, and in line with Policy 3 of the Core Strategy and Policies SM1, DM10, DM18 and DM23 of the SADMP.
- 9.8. 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. The application property is a substantial property in a residential location which is a suitably large, detached property for the use proposed. The issues raised by those objecting to the application have been carefully considered, but it is concluded that there are no sound planning reasons to refuse permission on. It is therefore recommended that the application be approved. The proposal complies with Policy 3 of the Core Strategy and Policies DM1, DM10, DM18 and DM23 of the adopted Site Allocations and Development Management Policies DPD.

## **11. Recommendation**

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

- Planning conditions outlined at the end of this report.

- 11.2. **Conditions and Reasons**

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

**Reason:** To comply with the requirements of Section 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted unnumbered plans: site Plan , Block Plan (un-numbered but both received by the local Planning Authority on 9<sup>th</sup> January 2019, Proposed floorplans of dwelling ground and first floor (un-numbered but received by the Local Planning Authority on 16<sup>th</sup> 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.

3. No more than six children and two carers shall live at the property at any one time.

**Reason:** To protect the amenities of neighbouring residential properties in accordance with DM10 of the SADMP.

4. The on site educational facilities shall only be used by the residents of 146 Hinckley Road, Barwell.

**Reason:** To protect the amenities of neighbouring residential properties and to ensure that adequate off-street parking and turning facilities are available in accord with Policy DM10 and DM18 of the Site Allocations Development Management Plan (2016).

5. The parking spaces and turning spaces so provided within the front garden area of the property shall not be obstructed and shall thereafter permanently remain available for car parking and turning.

**Reason:** To ensure that adequate off-street parking and turning facilities are available to accord with Policy DM18 of the Site Allocations Development Management Plan (2016).

#### **Notes to Applicant**

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

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

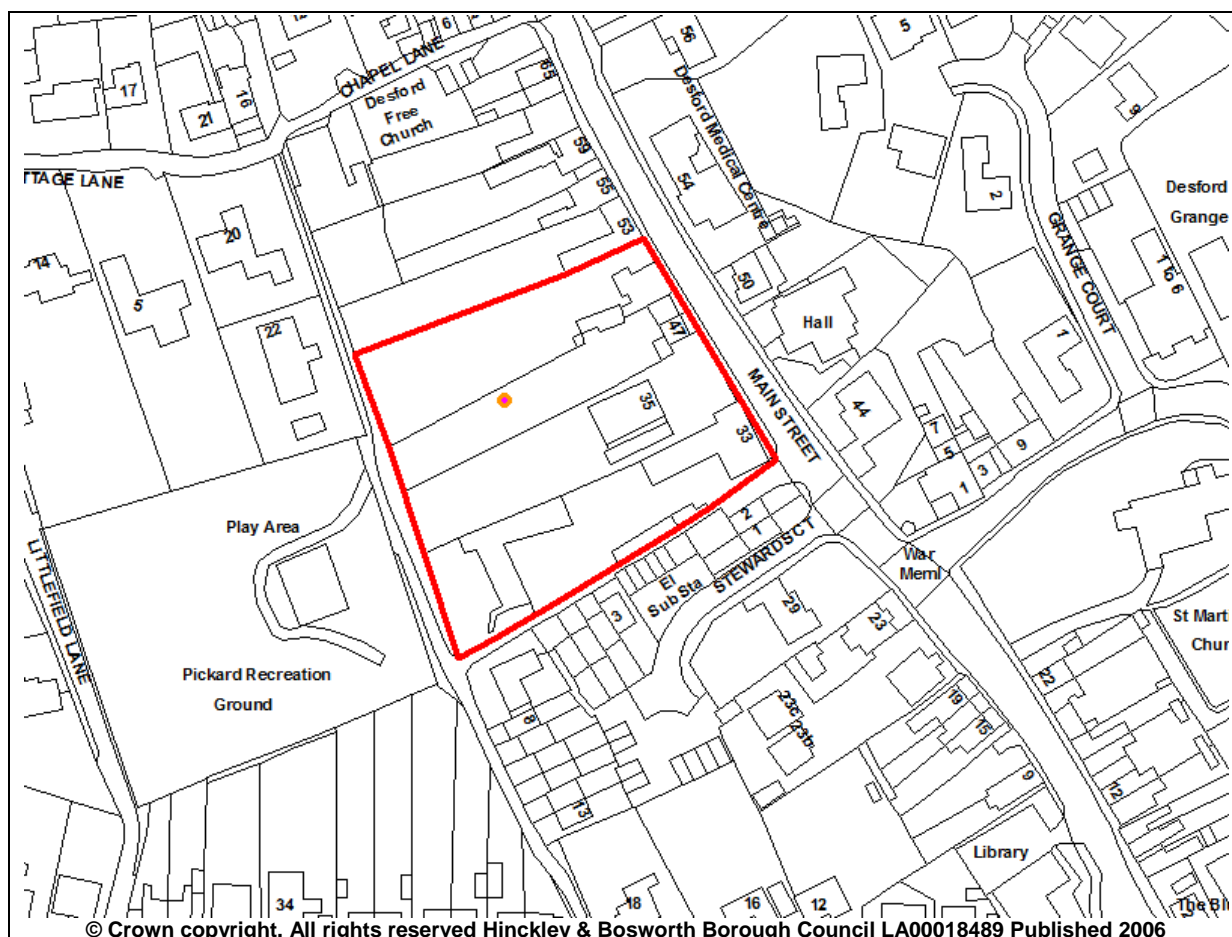
Planning Ref: 18/00118/FUL  
Applicant: Mr Graham Alborn  
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth  
Borough Council

Site: 51 Main Street Desford

Proposal: Erection of 4 dwellings (Revised scheme)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

## 2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of 4 detached dwellings. Plot 1 would be a single storey detached dwelling providing 3 bedrooms and would be positioned within the south corner of the application site. To the north is plot 2 which is a 4 bedroomed two storey detached dwelling with detached garage to the rear, plots 3 and plots 4 would be positioned at right angles to plot 2 facing south, and would also be two storey dwellings with integral garages providing

4 and 6 bedroomed detached dwellings. Enclosed rear gardens are provided for all dwellings.

- 2.2. The proposed access would extend west from Main Street from an existing access serving No. 35, and would extend along the side to access the rear of the site.
- 2.3. During the course of the application, amendments have been received following officer comments and recommendations, and the scheme has been reduced from 6 dwellings to 4 dwellings. A full re-consultation was carried out during the course of the application.
- 2.4. The following documents have been submitted to support the application:-  
Design and access statement  
Arboricultural Survey  
Tree Survey

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

- 3.1. The site measures approximately 4826 square metres and is located to the west of Main Street Desford, close the centre of Desford and situated within the Desford Conservation Area. There are residential properties to the south, north and east, of various scales and architectural design and merit. To the west of the application site, is Pickard Recreation Ground which the proposed development would back onto. Along the south facing boundary is a narrow public footpath which links Main Street through to the recreational ground. Two storey dwellings situated within Stewards court face onto this footpath.
- 3.2. The site comprises of two adjacent plots to the rear of Main Street Desford, with one plot forming the curtilage of No.33, the south portion of the site. Which partly lawned, with vegetable garden and green house as well as an area of hardstanding. The north half of the application site, is situated to the rear of No.51 Main Street and is mown lawn with more of a domestic appearance. There are a number of trees within the application site, which have grown over time. Levels fall from west to east towards Main Street, Desford.

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

04/00675/TPOCA	Works to trees	Permitted	08.07.2004
14/00005/TPOCA	Works to Cedar tree	Permitted	10.02.2014
17/00817/FUL	Erection of 6 dwellings	Withdrawn	01.11.2017

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and 11 separate addresses have written in response to the application, raising the following objections:-
- 1) Main Street Desford is a busy road, due to the volume of traffic caused by existing facilities along the road, which include Medical Centre, St Martins Church, The Chapel and have deliveries to and from the Co-op;
  - 2) Scheme should be reduced in size;
  - 3) A lot of on street parking;
  - 4) The proposed scheme would add 20 vehicles using the road and therefore needs to be refused or reduced;

- 5) The proposed development is not required to meet the housing need, when there are development in the village that exceed the allocation;
- 6) It does not contribute to play provision, despite providing 30 bedrooms to accommodate families;
- 7) The removal of trees is contrary to the strategic implementation of green infrastructure;
- 8) Development could leave some residents with no where to park on the street;
- 9) The development is not respectful of the Conservation Area;
- 10) Six houses within a conservation area would put a strain on local parking. The proposed parking provision is positioned in such a way that cars appear 'stacked';
- 11) Even where off road parking is available residents of Main Street park within the street, as they are entitled to do;
- 12) Traffic is not always moderate, school and work start and finish times, supermarket deliveries, clinics, church events, meeting and social events, prevent two cars passing each other and can take up to 10 minutes to pull away from the kerb;
- 13) As pressure rises within the road, leads to it being blocked, so vans/lorries wait horn blaring to get through;
- 14) Cars have been seriously damaged due to congestion, double parking and impatience;
- 15) Building work would have a big impact upon the road;
- 16) Policy REC3 requires the appropriate level of open space to be provided within developments, or alternatively a financial contribution to new recreational facilities;
- 17) New Residential Development SPG The jitties "provides guidance on design issues to ensure new developments are well integrated into their surroundings and offer a good standard of security and amenity to future residents, protect amenity of existing occupiers and are locally distinctive in their appearance.";
- 18) The proposed development impacts on the security of surrounding properties, which is provided by a Holly Hedge. The development also backs onto the jitties which would inevitably have an impact;
- 19) Modern style development will exacerbate this compromised situation detracting further from the distinctive character of this notable part of the Conservation Area;
- 20) The dismissal of so many trees is contrary to the principle of maintaining the environment and visual amenities of the Conservation Area;
- 21) Impact upon quality of life, with noise and dust pollution;
- 22) Land levels would result in the properties appearing dominant;
- 23) Access is opposite a busy doctors and a church centre which all attract cars and people;
- 24) Desford lacks infrastructure to support the new development;
- 25) Development would result in a sense of enclosure to neighbouring gardens;
- 26) Vast amount of blank elevations proposed;
- 27) The site notice was not adequately displayed;
- 28) Desford needs starter homes;
- 29) Concerns over party wall notice with development being close neighbouring boundaries;
- 30) The proposed development would set a precedent;
- 31) The area is known for the trees and wildlife;
- 32) Lounge of the bungalow would face towards the upper floor of Stewards Court, so the proposed occupants would be overlooked;
- 33) Future planting along the boundary of the jitty would make kitchens darker along Stewards Court;

5.2. One letter identified they had no objections to the proposed development.

## **6. Consultation**

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

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

6.2. Desford Parish Council have objected to the application on the following grounds (these comments were based upon the original submission of 6 dwellings, no further comments were received regarding the revised scheme of 4 dwellings):

- 1) Comments are not changed to previous scheme;
- 2) Impact upon the tree on site;
- 3) Replanting is not a long term solution due to the tight space on site and future residents may remove them;
- 4) Density on site is too high and would result in on street parking, of which there is a issue with at present;
- 5) Main Street suffers from congestion;
- 6) Where will the bins be collected on bin day;
- 7) Concerns about the detrimental impact of the proposed dwellings on the skyline. Size and scale of development unacceptable;
- 8) Landscape along jitties will be altered in the Conservation Area;
- 9) Condition should be in place that occupiers cannot replace fences with;

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres relating to Leicester

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Desford Conservation Area Appraisal and Map



## **8. Appraisal**

### **8.1. Key Issues**

- a) Assessment against strategic planning policies
- b) Design and impact upon the character and appearance of the Desford Conservation area
- c) Impact upon neighbouring residential amenity
- d) Impact upon highway safety
- e) Drainage
- f) Ecology
- g) Other matters

#### Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) 2019 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3. Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development should be approved without delay subject to other material planning considerations.
- 8.4. 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).
- 8.5. Policy 7 of the Core Strategy seeks to support housing development within settlement boundaries of Key Rural Centres, such as Desford. Policy 8 of the Core Strategy supports development within Desford to deliver a minimum of 110 new residential dwellings. Whilst this minimum requirement has been met by existing planning permissions the proposal is situated within the settlement boundary and 4 dwellings would not have any significant impact on the spatial distribution of growth for Desford or the Borough.
- 8.6. The application site is located in a sustainable location within walking distance of services and facilities within the village and public transport. The proposals would contribute to the social role of sustainable development by providing additional housing in Desford, to the local economy through the construction of the development and future occupation and to the environmental role by the sympathetic redevelopment of a site that currently detracts from the visual amenity of the Desford Conservation Area, which is discussed further in the section below. The scheme would result in a sustainable development and is therefore acceptable in principle subject to all other planning matters being appropriately addressed.

#### Design and impact upon the character and appearance of the Desford Conservation area

- 8.7. 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.

- 8.8. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets and development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.9. Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 places a duty on the local planning authority in respect of conservation areas in the exercise of planning functions to require special attention to be paid to the desirability of preserving or enhancing the special character or appearance of conservation areas.
- 8.10. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.11. Paragraphs 124 and 127 of the NPPF (2019) 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.
- 8.12. Desford was an agricultural community until the Industrial Revolution where employment opportunities began to diversify. The village has been subject to substantial change and it is now considered a commuter village. Until the 20<sup>th</sup> Century the village was contained in short lengths of ribbon development along Newbold Road, Main Street, High Street and Church Lane. Recent development has steadily infilled the land constructed along ancient footpaths and roads. One of the key factors that provides the conservation area with its significance is the preponderance of woodland trees within and adjacent to the settlement which assist in identifying its agricultural origins.
- 8.13. The application site is situated within the Desford Conservation Area, and situated to the rear of No.33-No.47 Main Street Desford, and is an area of both overgrown grassed land and lawned garden, enclosed by hedgerow and close boarded fencing, limiting any public wider views of the site. The dwellings which are positioned adjoining the application site to the east offer a mix of pleasant Victorian dwellings, and a former public house situated close to the back of the footpath with a detached single storey post war bungalow set back within the plot, No.35. Part of the application site, is identified within the Desford Conservation Area Appraisal as a weak area. No.35 Main Street, Desford is a modern bungalow which is not reflective of the traditional character of the village by way of design, materials of style, the proposed development would be sited to the rear of this dwelling utilising the existing access from Main Street.
- 8.14. The application site is not all actively managed with areas of overgrown vegetation and is currently used to store a number of items such as cars and building equipment, there are a number of trees which reside within the application site. The Tree officer has visited the site and assessed the arboricultural survey submitted in support of the application. The submitted survey identifies 13 trees on site, with 11 of those situated to the rear of the former Public house (No.33). The trees on site are visible from public vantage points, given the relationship of the site to the recreation ground to the west, the public footpath which runs along the southern boundary, in addition to longer distance glimpses possible from Main Street,

Desford due to the change in levels. The trees on site therefore providing an active and broad leaf backdrop. The proposed development has been developed and designed around 4 key trees, which have been deemed as worthy for retention and protection. Trees T3, T5 and T6 would be situated to the north of Plot 1 and to the south of plot 2, and are an Oak, Maple and Beech, and would relate well with the transition between the development and the neighbouring recreational area to the west. T12, a cedar, would be situated within the rear amenity space serving plot 4 and provides attractive glimpses into the site from Main Street. The removal of the remaining trees would allow the retained trees to fulfil their potential and allow active management of the health of these trees, and maintain the broad leaf backdrop to Main Street, Desford. To ensure the retention and health of the retained trees during construction a condition is necessary to ensure the appropriate methods as detailed and provided by the applicant are followed. The 9 trees proposed to be removed vary in category from U (should be removed) to B1, the tree report sets out how the trees have limited positive contribution to the value to the conservation area. However, none of the trees are particularly noteworthy and adverse impact of their loss would be limited. The tree report recommends new tree planting, two new trees are shown on the proposed layout plan.

- 8.15. The proposed development would provide four dwellings at depth, and would be considered backland development with no frontage onto Main Street. Along Main Street and the surrounding area there are examples of backland development. Immediately to the south of the application site is Stewards Court which is a modern development of terraces properties which front on footpath S6a, which bounds the south edge of the application site, and parking and garage courts serving these dwellings to the rear within Stewards Court. Stewards Court is accessed via Main Street. To the west of the application site there is development in depth along Littlefield Lane, which would be viewable in context with the application site from the public open space that bounds the western boundary of the site.
- 8.16. The existing footpath, S6a, is overlooked by the properties of Stewards Court, to the south and a hedgerow of the application site to the north, there is also an existing line of linear outbuildings associated with No.33 which abut the footpath. Plot 1 would be set away from the boundary and would be single storey in scale, given the scale of the proposed dwelling glimpses of the roof slope would be possible, and the two storey dwellings beyond. However given the existence of built form on either side of this footpath the proposed development would not significantly alter the character of this part of the footpath.
- 8.17. As such a backland development in this location would not be contrary to the character of the area. The layout provides four detached dwellings, including one bungalow and three two storey dwellings, accessed from Main Street with their own private driveways at the head of the access.
- 8.18. The proposed dwellings have been individually designed and comprise of gable designs with architectural detailing and features proposed within the elevations, such as string detailing, projecting gables, chimneys, door and cill details and dual aspect dwellings. The design of the proposed dwellings would complement the existing dwellings in terms of the architectural features and style, providing a high quality finish to the proposed dwellings. A condition shall be imposed to ensure high quality materials, which are reflective of the area, are used, in addition to fenestration details of windows and doors to ensure they would complement the features within the Desford Conservation Area.
- 8.19. A condition for the removal of permitted development rights for extensions and alterations would be reasonable and necessary in this case to ensure that the development within the conservation area of Desford maintains and respects the

appearance of the wider area in future. Further to this the site is visible from the adjacent recreation ground and so extensions could be visible from this public area, moreover, the amenity space of these proposed properties, although sufficient, is small and therefore additional extensions could have an adverse impact upon the residential amenity of future occupiers.

- 8.20. The density of development is considered acceptable in the context of the surrounding area and the size of the dwellings is not excessive in the context of the site and the existing property. The levels of the site gradually fall from west to the east and the proposed finished levels and finished floor levels would ensure that the height of the proposed dwellings respect the change in levels and would not appear overly prominent. A plan has been provided by the agent showing that due to the land level changes from Main Street across the development site (of approximately 3.7m at the greatest) and the intervening properties, only very limited views of the dwellings would be visible through the gaps in the properties along Main Street.
- 8.21. In accordance with Policy DM11 of the SADMP and paragraph 193 of the NPPF any harm caused by a proposed development should be weighed against the public benefits. Public benefits could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits may include heritage benefits as specified in the Planning Practice Guidance, such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
  - Reducing or removing risks to a heritage asset
  - Securing the optimum viable use of a heritage asset in support of its long term conservation
- 8.22. Of particular relevance in this application is a determination of whether the proposal can sustain or enhance the significance of the conservation area, thus demonstrating a heritage benefit in accordance with the provisions of s.72 of the Planning (Listed Buildings and Conservation Area) Act 1990.
- 8.23. Non-heritage public benefits balance is likely to include:
- Limited economic benefits during construction and towards the preservation of the facilities in the settlement and surrounding settlements.
  - Limited social benefits in a very minor boost in housing land supply. However, the settlement is not identified/allocated as a location for new residential development and therefore this is not considered to be a benefit, especially as the Council can demonstrate a 5 year housing land supply.
  - No adverse environmental impact
- 8.24. The proposed development would be located to the west of Main Street, the conservation area appraisal identifies that a substantial part of the application site is located within and adjacent to an area identified as a weak area within the Conservation Area. This proposal would provide a high quality development of 4 dwellings which reflect and respect the wider conservation area, through the incorporation of architectural detailing and layout reflective of the wider area. Due to the proposed layout and density the scheme would maintain the broad leaf relationship which is present between the site and the neighbouring recreation ground and is an identified characteristic of the Conservation Area, as the trees within the recreation ground are not compromised by the proposal and some of the most notable trees are retained on site. There is no harm identified to the Conservation Area, the proposed development would therefore have a neutral impact on this the weak area of the Conservation Area although it would enhance the immediate site which is currently used for storage and is overgrown in parts.

- 8.25. In light of the above, it is considered that the proposal would preserve and enhance the character of the conservation area. The proposal is therefore in accordance with Policies DM10, DM11 and DM12 of the SADMP.

Impact upon neighbouring residential amenity

- 8.26. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.27. Objections to the scheme have been received on the grounds that the proposal would have an adverse impact on residential amenity from loss of privacy from overlooking and loss of views.
- 8.28. The proposed dwellings would be situated to the rear of 33 – 51 Main Street, Desford. Plot 4 of the proposed development would be situated 12 metres from the gable wall of No.51 which extends significantly from the dwelling into the rear of the plot facing towards the application site. The side elevation of Plot 4 would face towards this existing side gable of No.51 with a distance of 12 metres between the proposed facing side elevations. There would be a single first floor window proposed in Plot 4s east facing elevation which would serve an en-suite. Plot 4 would be two storey in scale, with an integrated garage existing east with rooms above. This results in the nearest portion of Plot 4, reducing to a scale of one and half storeys with a ridge height of approximately 6 metres. Plot 4 would be situated to the west of this dwelling, therefore any overshadowing to the rear amenity space of No.51 would be contained to be latter part of the day. Therefore having regard to the separation distance, the orientation of the development to No.51 and the proposed height of Plot 4, the proposed development would not result in any significant adverse impacts in terms of overshadowing, overlooking or overbearing nature to this dwelling.
- 8.29. The rear elevations of Plots 3 and 4 of the proposed development, would face north, the rear amenity space serving No. 53 which extends west along the west facing boundary of the application site abuts the side elevation of plot 4. The proposed rear garden depths of Plots 3 and 4 would extend approximately 8 – 10 metres up to the rear garden of No.53. The first floor rear windows would face towards No.53, and would be limited to the second half of overall rear amenity space serving No.53. Having regard to the distance the dwellings would be set away from the boundary, and modest rear garden serving No.53 Main street, the proposed development would not result in a significant loss of privacy to this rear amenity space to warrant a refusal in this instance.
- 8.30. Plot 2, would be situated to the west and to the rear of No.35, which is a large detached bungalow set back from Main Street. Plot 2 would face towards the rear of this dwelling, however with a separation distance of approximately 22 metres, Plot 2 is sufficiently sited to ensure there is no overlooking between properties. The siting also ensures that the existing bungalow maintains an adequate sized rear amenity space to serve this dwelling.
- 8.31. Plot 1 is situated within the south west corner of the application site, and is of single storey scale, and would be set away from the boundary with S6a at the nearest point by 2 metres, increasing to 8 metres. Given the proposed distance from the boundary to this dwelling, and the single storey scale of the proposed dwelling, it is not considered that Plot 1 would result in any overshadowing, overlooking or overbearing impact to properties No.3 – 7 Stewards Court which are situated to the south of the application site, and are orientated north towards the application site.

- 8.32. The proposed dwellings would be served by reasonable sized gardens to provide adequate amenity space of future occupiers. The dwellings would be sufficiently separated from one another to avoid overlooking or indivisibility of windows. Where dwellings are positioned on opposite sides of the proposed road serving the development, dwellings are set back from the road and have been positioned and designed that dwellings do not directly face into similar opposing habitable rooms, further reducing overlooking across the development. Therefore the proposed layout would afford future occupiers a reasonable level of amenity.
- 8.33. As such the proposal would not result in any adverse residential amenity impacts, in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.34. 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.
- 8.35. Objections have been received on the grounds Main Street does not have adequate capacity to cater for additional development, and would result in additional on street parking within Main Street which is already congested, resulting in a narrow width road, and would therefore result in adverse impacts on highway and pedestrian safety.
- 8.36. Leicestershire County Council (Highway) has assessed the application and advises that having reviewed the most recent 5 year Personal Injury Collision (PIC) data available, there were no recorded PICs during this period in the vicinity of the site, and therefore would not seek to resist the application on highway grounds. It is considered that the residual cumulative impact of the development can be mitigated through the imposition of conditions. The proposed dwellings would be provided with sufficient in curtilage parking spaces to serve each dwelling, to accord with the 6C's Design Guide, and the internal layout of the application would allow for vehicles to enter and leave the development within a forward gear. Therefore Leicestershire County Council (Highways) have no objections subject to conditions relating the satisfactory provision and surfacing of parking, turning and access to the site.
- 8.37. There is no evidence to demonstrate that the proposal would result in any significant adverse impacts on highway or pedestrian safety and therefore the proposal would not be in conflict with Policies DM17 or DM18 of the adopted SADMP.

Drainage

- 8.38. 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.
- 8.39. The proposed development proposes to dispose of foul drainage by means of main sewer situated within the Main Street, Desford, however details of surface water management and have not been provided. Severn Trent and Environmental Health (Drainage) have commented on the application and have recommended that full details of surface water drainage details, incorporating sustainable drainage principles (SuDs) are submitted for approval prior to development, therefore a condition has been attached requiring these details.

- 8.40. Subject to provision of a suitable drainage system, it is considered that the proposed development would not create or exacerbate flood risk and is in accordance with Policy DM7 of the SADMP.

#### Ecology

- 8.41. Policy DM6 of the SADMP seeks to ensure that development proposals demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management. The removal or damage of such features shall only be acceptable where it can be demonstrated that the proposal would result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 8.42. The proposed development seeks to develop rear gardens of dwellings along Main Street, Desford, within an existing built up area. Leicestershire County Council (Ecology) have been consulted during the course of the application, and have no comments or objections to the proposed development given the location and existing use of the application site. Therefore the proposed development would accord with Policy DM6 of the SADMP.

#### Infrastructure Contributions

- 8.43. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.44. However, there are specific circumstances where contributions for tariff-style contributions (eg green space and children's play provision) should not be sought from small scale and self build development. This follows the order of the Court of Appeal dated 13th May 2016 which gave legal effect to the policy set out within the Written Ministerial Statement of 28th November 2014 and should be taken into account.
- 8.45. Those circumstances include developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)
- 8.46. This development does not consist of more than 10 units nor does it have a combined floor space of more than 1,000 square meters and therefore a contribution is not sought in respect of this application towards green space and children's play provision.

#### Other matters

- 8.47. Objections have been received in respect of the party wall act in relation to the proposed distance the development would be to neighbouring dwellings. Rights and damage over third party land is not a material planning consideration, and would not be capable of consideration in this instance.

### **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. The site is in a sustainable location within the settlement boundary of Desford where residential development is acceptable in principle.

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

10.3. The proposed scheme is considered to be in accordance with Policies 7 and 8 of the Core Strategy and policies DM1, DM6, DM7, DM10, DM11, DM12, DM13, DM17 and DM18 of the SADMP.

## **11. Recommendation**

11.1. Grant planning permission subject to:

a) Planning conditions outlined at the end of this report.

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

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

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Dwg No. 4416/SL-B received 2 February 2018, Plot 1 floorplan and elevations Dwg No.4416/B6(1), Plot 2 floorplan and elevations Dwg No.4416/C7(1), Plot 3 floorplan and elevations Dwg No.4416/D6, Plot 4 floorplan and elevations Dwg No.4416/E6 received on the 29 October 2018 and Site plan Dwg No.4416/A15 received 17 December 2018

**Reason:** To ensure a satisfactory appearance and impact of the development to accord with Policies DM1, DM4, DM10, DM17 and DM18 of the Site



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

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

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

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

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

- a) Means of enclosure
- b) Car parking layouts
- c) Other vehicle and pedestrian access and circulation areas
- d) Hard surfacing materials
- e) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
- f) Planting plans
- g) Tree planting plans
- h) Written specifications
- i) Schedules of plants (including trees), noting species, plant sizes and proposed numbers/densities where appropriate
- j) Implementation programme

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

6. The approved Landscape scheme, required by condition 5, shall be carried out in accordance with the approved details, in the next available planting period following the completion of the development hereby approved. The soft landscaping shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

**Reason:** To ensure that the works are carried out within a reasonable time period and thereafter maintained to accord with Policy DM10 of the adopted

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

7. No part of the development hereby permitted shall be occupied until such a time as the access arrangements shown on Dwg No.4416/A15 received on the 17 December 2018, have been completed.

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

8. The development hereby permitted shall not be occupied until such a time as the parking and turning facilities have been completed in accordance with the details contained within Dwg No 4416/A15 received on the 17 December 2018.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on street parking problems locally in the interests of highway safety and to accord with Policy DM18 of the Site Allocations and Development Management Policies DPD.

9. Notwithstanding the provisions of Part 2 Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any other revoking and re-enacting that order) no vehicular access gates, barriers, bollards, chains or other such obstruction shall be erected within a distance of 5 metres of the highway boundary.

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

10. Development shall not commence until surface water drainage details, incorporating sustainable drainage principles (SuDs) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to first occupation of the development.

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

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

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

12. 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, D, E and G shall not be carried out 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 Policies DM10 and DM11 of the Site Allocations and Development Management Policies DPD.

13. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

**Reason:** To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

#### 11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. The drainage details submitted under condition 10 shall include details of how surface water will not drain into the Public Highway.
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public Sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. STW can be contacted [Planning.APEast@severntrent.co.uk](mailto:Planning.APEast@severntrent.co.uk)

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## PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 08.03.19

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	Appeal Valid	DATES
19/00006/PP	SW	18/00279/OUT (PINS Ref 3222850)	PI	Heart of England Co-Operative Society Whittle House Foleshill Enterprise Park Courtaulds Way Coventry	Land At Crabtree Farm Hinckley Road Barwell (Erection of up to 25 dwellings, provision of open space and change of use of land for new cemetery and associated shelter (Outline - access only))	Start Date Statement of Case Proof of Evidence Inquiry Date (3 days) Decision Expected	21.02.19 28.03.19 14.05.19 11.06.19 02.08.19
	TW	18/00268/UNUSES (PINS Ref 3222721)	WR	Mr Andrew Charles Swanbourne Dawsons Lane Barwell	Land East Of The Enterprise Centre Dawsons Lane Barwell (Siting of 2 storage containers ancillary to the existing equestrian use)	Awaiting Start Date	
	AC	18/01051/FUL (PINS Ref 3222720)	WR	Mr Andrew Charles Swanbourne Dawsons Lane Barwell	Land East Of The Enterprise Centre Dawsons Lane Barwell (Siting of 2 storage containers ancillary to the existing equestrian use)	Awaiting Start Date	
	RW	18/00302/FUL (PINS Ref 3222266)	IH	Persimmon Homes North Midlands Ltd, Davidson House Unit 17c Meridian East, Meridian Business Park Leicester	Land South Of Amber Way Burbage (Erection of 40 dwellings and associated infrastructure)	Appeal Valid Awaiting Start Date	13.02.19
	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	
19/00009/PP	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))	Start Date Statement of Case Final Comments	27.02.19 03.04.19 17.03.19
19/00008/FTPP	TW	18/00883/HOU	WR	Steven Guy 1 Sandy Crescent Hinckley	1 Sandy Crescent Hinckley (Erection of a 1.8 metre fence (retrospective))	Start Date Awaiting Decision	27.02.19
	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 <b>Statement of Case</b> Final Comments	07.02.19 <b>14.03.19</b> 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 Final Comments	07.02.19 28.03.19
	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
18/00052/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
18/00050/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
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 Proof of Evidence Inquiry Date (2 days)	21.01.19 01.05.19 29-30.05.19
19/00007/ENF	TW	16/00277/UNUSES (PINS Ref 3206296)	WR	Mr F Tailor Oldlands Fenns Lane Dadlington	Oldlands Fenn Lanes Dadlington	Start Date Statement of Case Final Comments Site Visit - accompanied	22.02.19 05.04.19 26.04.19 21.05.19
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 Swepstone Fields Farm Snarestone Road Newton Burgoland	Odstone Hill Farm Newton Lane Odstone	Start Date <b>Site Visit - accompanied</b> Awaiting Decision	16.05.18 <b>11.03.19</b>
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

**Decisions Received**

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))	<b>DISMISSED</b>	<b>06.03.19</b>
19/00001/FTTP	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))	<b>ALLOWED</b>	<b>27.02.19</b>
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))	<b>DISMISSED</b>	<b>26.02.19</b>
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))	<b>DISMISSED</b>	<b>07.02.19</b>

**Appeal Decisions - 1 April - 8 March 2019**

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



46	13	32	1	0	11	1	31	1	0	2	0	0	0
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**Enforcement Appeal Decisions**

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

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