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Chief Executive

Date: 17 June 2019



**Hinckley & Bosworth
Borough Council**

To: Members of the Planning Committee

Mrs MJ Crooks (Chairman)	Mr A Furlong
Mr DJ Findlay (Vice-Chairman)	Mr SM Gibbens
Mrs CM Allen	Mr E Hollick
Mr RG Allen	Mr KWP Lynch
Mr CW Boothby	Mrs LJ Mullaney
Mr MB Cartwright	Mr RB Roberts
Mr DS Cope	Mrs H Smith
Mr WJ Crooks	Mr BR Walker
Mr REH Flemming	

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, 25 JUNE 2019 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

Rebecca Owen
Democratic Services Manager

Fire Evacuation Procedures

Council Chamber (De Montfort Suite)

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

Abusive or aggressive behaviour

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

Recording of meetings

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

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

PLANNING COMMITTEE - 25 JUNE 2019

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 28 May 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. 18/01252/OUT - LAND EAST OF PECKLETON LANE, DESFORD (Pages 5 - 30)

Application for residential development of up to 80 dwellings with associated works (outline – access only).

8. 19/00149/OUT - LAND OPPOSITE BOSWORTH COLLEGE, LEICESTER LANE, DESFORD (Pages 31 - 58)

Application for residential development of up to 80 dwellings and associated works (outline – access only).

9. 19/00413/FUL - 339 RUGBY ROAD, BURBAGE (Pages 59 - 68)

Application for demolition of existing dwelling and the erection of a replacement detached dwelling and detached double garage (revised scheme).

10. PLANNING ENFORCEMENT UPDATE (Pages 69 - 76)

To provide an update to members on planning enforcement cases.

11. APPEALS PROGRESS (Pages 77 - 82)

To report on progress relating to various appeals.

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

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

28 MAY 2019 AT 6.30 PM

PRESENT: Mrs MJ Crooks - Chairman
Mr DJ Findlay – Vice-Chairman
Mrs CM Allen, Mr RG Allen, Mr CW Boothby, Mr SL Bray (for Mr REH Flemming),
Mr MB Cartwright, Mr DS Cope, Mr WJ Crooks, Mr A Furlong, Mr SM Gibbens,
Mr E Hollick, Mr KWP Lynch, Mrs LJ Mullaney, Mr RB Roberts, Mrs H Smith and
Mr BR Walker

Also in attendance: Councillor K Morrell and Councillor LJP O'Shea JP

Officers in attendance: Helen Knott, Rebecca Owen, Michael Rice and Richard Wright

15 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Flemming with the substitution of Councillor Bray authorised in accordance with council procedure rule 10.

16 MINUTES

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

RESOLVED – the minutes of the meeting held on 23 April 2019 be confirmed and signed by the chairman.

17 DECLARATIONS OF INTEREST

No interests were declared at this stage.

18 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that decisions in relation to 19/00177/HOU, 19/00013/S106, 19/00091/FUL and 19/00264/S106 had been issued. The remaining items were on the agenda for this meeting.

19 19/00176/FUL - 25 MERRYLEES INDUSTRIAL ESTATE, LEESIDE, DESFORD

Application for change of use from light industrial (B1) to a dance studio (D2).

Notwithstanding the officer's recommendation that permission be refused, members felt that the dance school was a successful and growing business that provided an important community facility and should be supported and that it provided employment. They felt the circumstances surrounding the change of use were exceptional. Members suggested, however, that if the applicant should move the business away from the premises, the use should revert back to B1.

It was moved by Councillor Cartwright and seconded by Councillor Allen that permission be granted subject to conditions, including a personal condition, the detail of which be delegated to officers. Upon being put to the vote the motion was CARRIED and it was

RESOLVED –

- (i) Permission be granted subject to conditions, including a personal condition requiring the cessation of the use when the premises ceases to be occupied by the applicant;
- (ii) Conditions be delegated to the Interim Head of Planning.

20 18/00786/FUL - LAND WEST OF MAIN STREET, MAIN STREET, NORTON JUXTA TWYXCROSS

Application for erection of eight dwellings, formation of community open space and associated landscaping and access.

Whilst in support of the recommendation, members expressed disappointment that the road may not be adopted and asked that the concern be recorded. Concern was also expressed about the loss of hedgerow and the height of plot 1. It was moved by Councillor Cartwright, seconded by Councillor Allen and

RESOLVED –

- (i) permission be granted subject to:
 - a. prior completion of a S106 to secure the following obligations:
 - a commuted sum of £367,812 for off-site affordable housing contribution;
 - play and open space contribution of £2,528.64 for off-site equipped children's play space;
 - provision and future management and maintenance of on-site public open space
 - b. conditions contained within the officer's report
 - c. additional conditions to address the concerns of members as expressed above, the formulation of which be delegated to officers
- (ii) The interim Head of Planning be granted powers to determine the final detail of planning conditions;
- (iii) The interim Head of Planning be granted delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

21 18/01278/FUL - 131 LUTTERWORTH ROAD, BURBAGE

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

Councillor Morrell left the meeting at this point.

Whilst generally in support of the officer's recommendation, members felt that the landscaped area should be extended to the length of the boundary. It was moved by Councillor WJ Crooks, seconded by Councillor Walker and

RESOLVED – permission be granted subject to the conditions in the officer's report and an additional condition in relation to the extension of the landscaped area, the wording of which be delegated to the Interim Head of Planning.

22 16/00758/FUL - 121 STATION ROAD BAGWORTH

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

Notwithstanding the officer's recommendation that permission be granted, members were not satisfied that the design, layout and access were appropriate and felt that the proposal was contrary to DM10. It was moved by Councillor Bray, seconded by Councillor WJ Crooks and

RESOLVED – permission be refused due to the proposed development being contrary to policy DM10 for reasons of design, layout and access.

Councillor O'Shea left the meeting at this point.

23 19/00031/FUL - 146 HINCKLEY ROAD, BARWELL

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

Notwithstanding the officer's recommendation that permission be granted, members felt that the change of use would have a detrimental impact on neighbours, particularly the occupiers of number 144. The committee considered the impact of the Public Sector Equality Duty under section 149 of the Equality Act 2010 and its application both to the proposed occupiers of 146 and the existing occupiers of 144 and concluded that the impact on 144 would tip that balance in favour of a refusal. It was therefore moved by Councillor Roberts and seconded by Councillor Cartwright that permission be refused. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be refused due to the likely detrimental impact on the neighbouring amenity, specifically number 144, contrary to policy DM10.

24 19/00094/OUT - LAND TO THE REAR OF 32 HEATH LANE, EARL SHILTON

Application for demolition of existing garage and the erection of one dwelling with associated parking and amenity space (outline – access and layout).

It was moved by Councillor RG Allen and seconded by Councillor CM Allen that members be minded to refuse permission due to the adverse impact on neighbours contrary to policy DM10 and being outside of the settlement boundary. Upon being put to the vote, the motion was LOST.

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

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

25 19/00049/FUL - 87 HIGH STREET, BARWELL

Application for demolition of existing buildings and erection of four dwellings (revised scheme).

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

RESOLVED – permission be granted subject to the conditions contained in the officer's report and delegation of powers to determine the final detail of planning conditions to the Interim Head of Planning.

26 19/00389/HOU - 18 CASTLEMAINE DRIVE, HINCKLEY

Application for conversion of existing garage to form habitable room and new pitched roof to front.

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

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

27 18/01266/FUL - BARRACK HOUSE, THE BARRACKS, BARWELL

Application for part demolition and conversion of existing factory to four apartments and erection of four new houses and nine new apartments.

The applicant had appealed non-determination and therefore the authority could not determine the application. Members were required to note what their decision would have been if they had powers to determine the application. This information would be passed onto the Planning Inspectorate.

Councillor Roberts, seconded by Councillor RG Allen, proposed that members be minded to refuse permission due to the access being unsuitable and the impact upon pedestrians and cyclists. Upon being put to the vote, the motion was LOST on the casting vote of the chairman.

It was subsequently moved by Councillor Bray, seconded by Councillor Hollick and upon the casting vote of the chairman

RESOLVED – the Planning Inspectorate be notified, in relation to the appeal, that if the committee had been in a position to determine the application it would have approved the application subject to the conditions contained within the officer's report.

28 APPEALS PROGRESS

Consideration was given to a report on progress in relation to various appeals. It was

RESOLVED – the report be noted.

(The Meeting closed at 8.50 pm)

CHAIRMAN

Planning Committee June 25th 2019
Report of the Interim Head of Planning

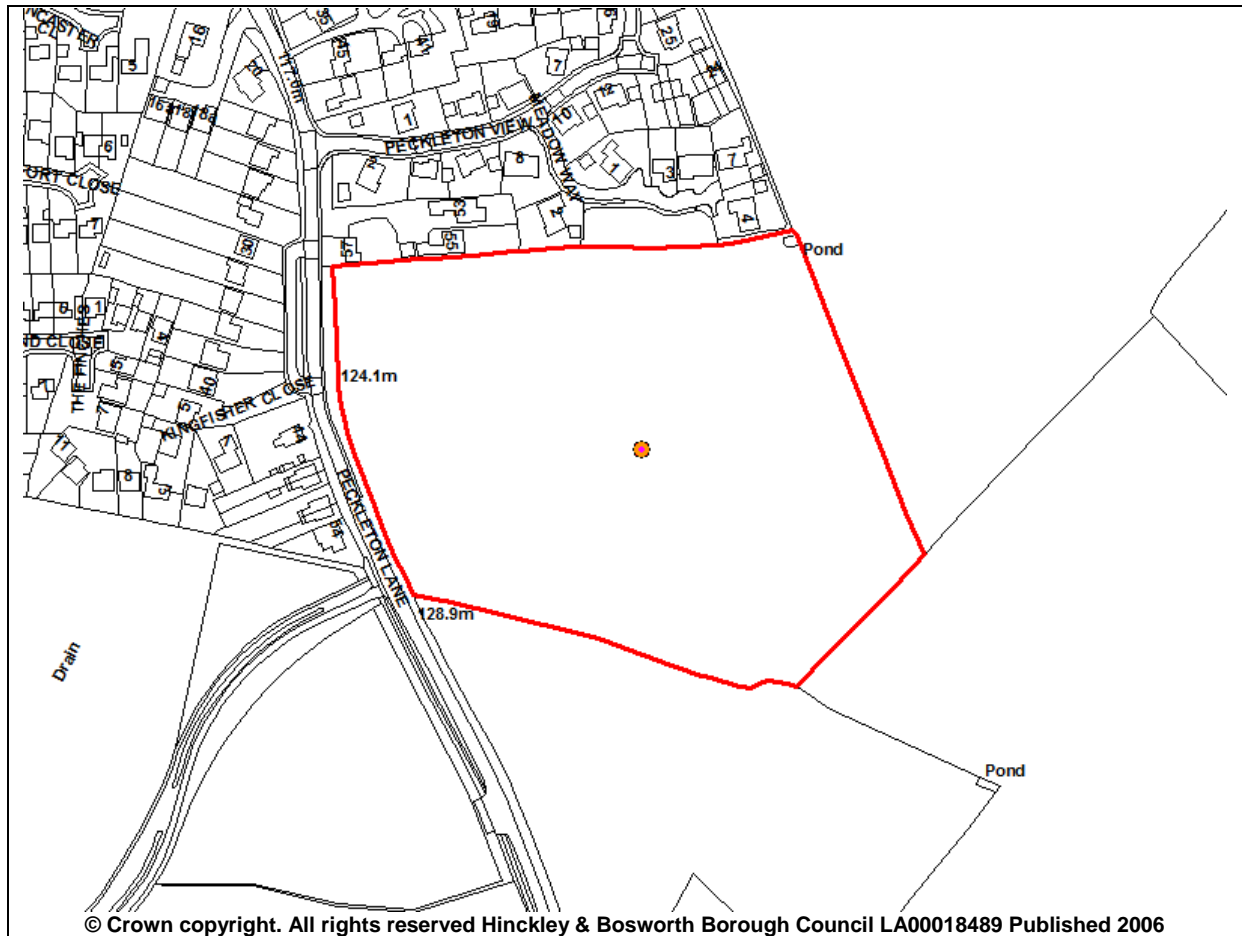
Planning Ref: 18/01252/OUT
Applicant: Richard West
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Land East Of Peckleton Lane Desford

Proposal: Residential development up to 80 dwellings with associated works
(Outline - access only)



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - 40% of the total number of dwellings shall be affordable units and shall be delivered on-site with a mix of 75% social or affordable rent and 25% intermediate tenure and a mix of:
 - 1 bed, 2 person dwellings – 25%
 - 2 bed, 4 person dwellings – 34.5%
 - 3 bed, 5 person dwellings – 34.5%
 - 4 bed, 6 person dwellings – 6%
 - On-site Play and Open Space Scheme, Provision and Maintenance.
 - Off-site Play and Open Space Provision and Maintenance.

- Education Contribution of £227,635.29 towards the improvement, remodelling or enhancement of the existing facilities at Desford Community Primary School or any other school within the educational catchment area of the development.
 - Education Contribution of £260,901.00 towards the improvement, remodelling or enhancement of the existing facilities at Bosworth Academy or any other school within the educational catchment area of the development.
 - Health Care Contribution of £52,380.00 towards additional health care services at either Ratby Surgery or Desford Surgery.
- 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 outline planning permission, with access only to be determined at this stage, for the erection of up to 80 dwellings on this site which has an area of approximately 3.76 hectares. A detailed access plan has been submitted which shows a new road off Peckleton Lane in the location of an existing field gate.
- 2.2. An indicative only masterplan layout accompanies the application and shows the layout of up to 80 dwellings. An area of open space is proposed around the perimeter of the site and along the public footpath which forms the southern boundary of the site. An attenuation pond would also be included in this open space.
- 2.3. The proposal includes the construction of a public footpath along the eastern side of Peckleton Lane linking the proposed vehicular access to the existing footpath into the centre of Desford
- 2.4. The application is supported by the following technical documents:-
- Design and Access Statement
 - Drainage Strategy
 - Arboricultural Impact Assessment
 - Topographical Survey
 - Transport Assessment
 - Travel Plan
 - Planning Statement
 - Statement of Community Involvement
 - Landscape and Visual Impact
 - Landscape Strategy
 - Heritage Desk Based Assessment
 - Geophysical Survey Report
 - Ecology Report
 - Drainage Strategy
 - Flood Risk Assessment
- 3. Description of the Site and Surrounding Area**
- 3.1. The application site is located in the countryside adjacent to, but outside of, the settlement boundary of Desford and east of Peckleton Lane. Residential

development forms its northern and western boundaries and open fields form the eastern and southern boundaries.

- 3.2. Comprising of a single pasture field, the site has well defined hedgerow boundaries which include trees. The site frontage currently comprises of a mature hedgerow providing a natural screen to the proposed site. As part of the proposed development a section of this hedgerow would have to be cleared to improve the current vehicular access into the site.
- 3.3. The site is in an agricultural use and has a varied topography with a plateau in the south west corner of the site. The defined settlement boundary of Desford forms the northern and western boundaries of the site and the application site and proposed access are located outside of the settlement boundary. Sporting facilities and employment uses lie further to the south and south west of the site. These forms of development along Peckleton Lane give the area its verdant semi-rural character.

4. Relevant Planning History

None

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Objection letters have been submitted from 97 households raising the following issues:
 - This site is located in a high trafficked area especially with the shift patterns of Caterpillar and Neovia;
 - The proposed access would be unsafe and is sited near to a bend on a hill. There have been accidents near to this access;
 - Although Peckleton Lane has a 7.5 tonne weight limit, HGVs still use it which causes congestion;
 - The junction with High Street is already congested and this would add more traffic;
 - The proposed houses are too close to Peckleton Lane and so an out of control vehicle could collide into a house;
 - There was a fatality along Peckleton Lane in 1987;
 - The houses would be on higher ground and would tower over existing properties;
 - The doctors, dentists, shops, schools, public houses and postal service are already operating above capacity and cannot cope with any additional residents;
 - The healthcare planning contribution should be directed towards improvements to Desford Medical Centre which has seen a large influx of patients wanting to register;
 - There is a nursery close by and school children walk along Peckleton Lane so development of this site would cause pedestrian safety issues from crossing over the road;

- This site is not the preferred housing site in the Desford Neighbourhood Plan and a decision should be deferred until residents have considered the Neighbourhood Plan;
- Barnes Lane is the preferred housing site and it is close to the school and residents would not need to go through High Street and the village;
- Cycling along Peckleton Lane is already unsafe;
- There will be no benefit for Desford from this additional housing which would equate to half of the houses needed for Desford;
- Development on this site would reduce the amount of green space in the area and impact on ecology. This land is Green Belt land;
- Development on this site would block any future plans for the future Desford Western bypass;
- Section 106 money should be secured for the new bypass along with at least 22 metres of access;
- There would be noise from construction traffic and loss of views from the buildings;
- There are health issues on site from dog excrement on the public footpath;
- There will be a loss of agricultural land and plants;
- The construction traffic will cause vibrations to the buildings in the Conservation Area.

5.3. Letters of support have been submitted from 4 households raising the following issues:

- The alternative site on Barnes Way would have more of a detrimental impact;
- This proposed site is more central and will have less impact on the environment;
- Is the Barnes Way site the preferred site as less votes would be lost as there is a higher population around the Peckleton Lane area?
- This housing is needed especially shared ownership for young locals and affordable housing;
- The local Parish Council is canvassing for people to object to this proposal.
- Young people in the village need these houses;
- The Parish Council has failed to get the Neighbourhood Plan made in time so no viable alternative sites.
- There is a need for more funding for the primary school to expand;
- There is a lot of support in Desford for the proposal.

6. Consultation

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

Severn Trent Water Ltd

HBBC Waste Services

- Leicestershire Police
- LCC Lead Flood Authority
- LCC Ecology

- LCC Public Rights of Way
- LCC Developer Contributions
- HBBC Environmental Services (Pollution)

6.2. No comments have been received from:

LCC Archaeology

Cycling UK

Ramblers Association

6.3. Desford Parish Council objects to the proposal for the following reasons:

- This proposal would increase car parking in the village centre;
- There are highway safety issues with the access located on the brow of a hill;
- The proposal would increase traffic generation outside of the primary school;
- There will be vibrations from additional traffic which will affect the buildings in the Conservation Area;
- Desford has more housing than is needed;
- This site is not in the top 3 of preferred sites in the Draft Neighbourhood Plan and this needs to be considered;
- The site lies outside of the settlement boundary.

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres relating to Leicester
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 17: Rural Needs
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. Desford Neighbourhood Development Plan Pre-submission (November 2018)

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- Landscape Character Assessment (2017)
- Landscape Sensitivity Assessment (2017)
- Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (2017)
- Affordable Housing SPD (2011)
- Open Space and Recreation Study (2016)
- Leicestershire Highways Design Guide

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the countryside and the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Flooding/Drainage
- Ecology
- Affordable Housing and Housing Mix and Density
- Infrastructure Contributions
- Other Issues

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires 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. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. 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. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Policy 8 of the Core Strategy identifies Desford as a key rural centre which supports local services. The development of a minimum of 110 homes is supported within the settlement boundary in Policy 8.

- 8.6. The housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure identified in the Governments Housing Delivery Test and the Council is unable to demonstrate a 5 year housing land supply. Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.7. The site is situated outside the defined settlement boundary of Desford which forms the northern and western boundaries of the application site. Policy DM4 of the SADMP is therefore applicable and states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:
- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development;
- 8.8. The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This issue will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.
- 8.9. Many of the objections received relate to the fact that the application site is not the preferred site for housing in the Emerging Desford Neighbourhood Plan (DNP). The Borough Council is actively promoting the preparation of Neighbourhood Development Plans and is keen to see communities strongly involved in the planning and future growth of villages. The site that the DNP at policy H2 proposes to allocate is the Barns Way site and this is the site which the Parish Council concludes is the least damaging and most sustainable from those sites included in the Site Assessment Summary for the SHLEAA relating to Desford. The application site is included in this Site Assessment Summary.
- 8.10. The DNP is not yet made and so the advice at paragraph 14 of the Framework is not applicable. However, the DNP is a material consideration in this decision making process and the weight to be given to it is set out in paragraph 48 of the Framework. Factors to be considered to the weight to be given to the DNP include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force, decision makers should respect evidence of local support prior to the referendum. The consultation

responses submitted with the draft neighbourhood plan do not indicate strong evidence of community support for the DNP allocation at Barns Way.

- 8.11. There is also a requirement for the DNP to complete a SEA to confirm the appropriateness of the amount and location of development proposed. Therefore, although the application site is not the preferred site in the DNP and despite the high number of objections received during the consultation process for this application which reiterate this fact, the weight to be given to the DNP at the present time is very limited due to the early stages of its development and the lack of evidence of community support for the preferred site.
- 8.12. This application is for the development housing outside the settlement of Desford within the countryside it is contrary to Policy 8 of the Core Strategy and Policy DM4 of the SADMP. Therefore there is a conflict with the spatial policies of the development plan. However, paragraph 11(d) of the NPPF is engaged and a 'tilted balance' assessment must be made. This must take into account all material considerations and any harm which is identified. All material considerations must be assessed to allow this balance to be made.

Design and impact upon the character of the area

- 8.13. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.14. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, any harm to the intrinsic value, beauty, open character and landscape character of the countryside would therefore be unjustified.
- 8.15. Objections to the application have been received on the grounds that the proposal would be detrimental to the character of the countryside.
- 8.16. The application site lies within the Newbold and Desford Rolling Farmland in the Hinckley and Bosworth Borough Landscape Character Assessment (2017) (LCA). This area is characterised by predominantly arable farmland with clustered areas of industry and recreational facilities near to the village fringes and clustered villages of varying sizes centred on crossroads. Large to medium sized field patterns are common in the area defined by single species hawthorn hedgerows. Although located within the countryside, to the north and west of the application site are existing residential dwellings. These residential dwellings are located within the settlement boundary for Desford. Open agricultural fields do lie to the east and south of the site. However, the mature hedgerow forms a physical barrier to the east of the site and the location of the public footpath forms a physical barrier to the south of the site.
- 8.17. The Landscape Sensitivity Assessment (2017) makes an assessment of the landscape sensitivity around Desford. The assessment area covers the area to the south, west and east of the settlement. This assessment concludes that the assessment area is considered to have an overall medium sensitivity to residential development to the rural character with limited urbanising influences so that it provides an attractive setting to the settlement of Desford. It also identifies that field patterns are generally smaller scale near to the settlement edge and the limited tree planting in adjacent back gardens result in a stronger relationship between existing

residential development and the assessment area. The key sensitivity values of the assessment area around Desford are:

- The rural and sparsely settled character of the landscape with a relative sense of tranquillity
- Long distance views from relatively elevated areas created a high scenic quality and adds to the visual amenity.
- Role of the landscape as a rural setting to Desford
- Low hedgerows and mature hedgerow trees define historic field patterns and form part of the overall ecological network.

8.18. The landscape sensitivity study gives the following guidance for new development outside the settlement boundary of Desford in the assessment area:

- Seek Opportunities to maintain the rural character of the landscape and, where possible, conserve rural views and the setting of settlement
- Plan for successful integration of potential new development in the landscape through sensitive design and siting, including use of sensitive materials and use of landscape mitigation to enhance sense of place
- Seek to retain the pattern of hedgerows and hedgerow trees and encourage the use of traditional Midlands-style hedge laying for management
- Seek to protect localised areas that retain a natural character and encourage tree planting to replace mature/veteran trees as they begin to deplete
- Aim to maintain and enhance the recreational assets including rights of way network
- Consider opportunities to create and promote an integrated green infrastructure network linking the waterways with the urban area.

8.19. The site is situated within a prominent position along Peckleton Lane and lies within an area where open countryside can be viewed from the settlement of Desford as described in the LCA. However, the existing boundary treatment which comprises of mature trees and hedgerows along the road boundary does shield views of the site from the street scene. The proposal would retain the landscaping along Peckleton Lane with the exception of the cutting back of vegetation to improve the vehicular access into the site and create a new pedestrian access further along Peckleton Lane. Whilst this site is adjacent to residential development, due to boundary planting this limits the urbanising influence of these areas. Development of this site for residential dwellings would result in moderate harm to the immediate area due to the change from countryside to urban development. . The development along Peckleton Lane to the south and south west of the site, which includes an allocated employment site and recreational facilities, affects the character of this area of the countryside, however significant screening is in place and therefore the effects of this built development is limited, as identified in the landscape sensitivity report. The development of this land would have an impact on the open character of the countryside within its localised setting, the level of this impact would be moderate in this semi-rural location.

8.20. The proposal is seeking to retain the field boundary hedgerows and trees, with the exception of areas for access in accordance with the guidance for new development in the landscape sensitivity study. Additional planting and landscape buffers are also proposed, however this would be secured at the reserved matters stage. Due

to this the harm to the wider landscape is considered to be limited and subject to the details being approved at reserved matters stage the harm would reduce to negligible/low in the medium term within the wider landscape.

- 8.21. A residential proposal would extend the existing pattern of linear development along Peckleton Lane. Policy DM4 of the SADMP seeks to resist ribbon development, however, it is not considered that the proposal would constitute ribbon development and would be more of a rounding off of the settlement boundary. As such, development of this land would not result in significant adverse harm given the surrounding built form, and its close relationship with the immediately adjoining neighbouring settlement boundary. The positioning of the built features around the boundary of the site in this instance ensures that the perceived separation between the settlement and the wider countryside is observed and maintained.
- 8.22. The existing residential dwellings along Peckleton Lane comprise of a mix of detached dwellings and semi-detached dwellings sited with limited front gardens. The proposal to retain the vegetation along the frontage of the majority of the site along Peckleton Lane would maintain the site's existing mature and open character which contributes to the semi-rural character of Peckleton Lane.
- 8.23. The application site does have a varied topography with a plateau in the south west corner of the site and higher ground levels along its north western boundary with Peckleton Lane. Indicative proposed contour plans have been submitted with the housing scheme which shows the sloping of the site from north to south to be more akin to the ground levels along Peckleton Lane and the properties to the west of the lane. This contouring would result in the new dwelling heights stepping up comparably to those on the opposite of the road in a more consistent manner. Whilst the finished floor levels of the dwellings would likely remain higher than the road, when considering the extent of the difference in the levels and the set back of the proposal behind a landscaped buffer, it is not considered that the residential scheme would dominate the adjoining residential properties. A planning condition could ensure that any reserved matters application relating to scale and layout should be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels to ensure that a satisfactory relationship is achieved between buildings in particular those along Peckleton Lane.
- 8.24. In addition to the above, a planning condition could also be imposed limiting the built development to no more than 80 dwellings and stating that there should be no development within 5 metres of any of the boundary hedgerows to ensure that this vegetation is retained between the built development and the countryside.
- 8.25. The proposal is found to have moderate harm to the character of the area within its localised and would have limited harm to the wider character area. Subject to landscaping details to be agreed at the reserved matters stage it is considered the harm to the wider area would be reduced to limited/negligible. Therefore there is conflict with Policy DM4 of the SADMP due to the harm identified to the character of the area and additionally there is some conflict with DM10 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 or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.27. As a result of public consultation, objections have been received on the grounds of loss of privacy from overlooking, loss of amenity from traffic movements and car

headlights and loss of views. Objections also refer to loss of amenity from traffic, pollution and noise during the construction period.

- 8.28. Whilst there are existing dwellings adjoining the site boundary by virtue of the size of the site and subject to satisfactory layout, scale, design and landscaping which are matters reserved for future consideration, the indicative only layout submitted demonstrates that the site could be developed for up to 80 dwellings with satisfactory separation distances, buffered landscape areas to the north and without resulting in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring properties.
- 8.29. The construction of a development would be temporary and would not result in any long terms impacts on amenity. However, by virtue of the scale of development, the proximity to existing residential properties and potential duration of the construction phase, Environmental Health (Pollution) recommend a condition to secure the submission of a Construction Environmental Management Plan for approval prior to construction by the local planning authority to protect the amenities of neighbouring properties and minimise any adverse impacts. A condition is also recommended from the Highway Authority seeking to secure a construction traffic management plan to protect the amenity of neighbouring properties.
- 8.30. The development would not give rise to any adverse impact on residential amenity and is therefore in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.31. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.32. As a result of public consultation, objections have been received on the grounds of increased traffic flow, pollution and noise particularly in the village centre.
- 8.33. A Transport Statement, a Travel Plan, a Road Safety and a Traffic Modelling Technical Note have been submitted to support the application. These conclude that the proposal would not have any significant adverse impact on the operation of the surrounding highway network and safe access would be provided to and from the site.
- 8.34. The proposal includes details of the formation of one access point into the site via a new priority junction on the east side of Peckleton Lane. The recorded 85th percentile speeds along this stretch of the road are 37.4mph northbound and 39.9mph southbound. The required visibility splays of 74 metres in either direction can be achieved at the site access junction. The existing 30mph transition area will need relocating further south on Peckleton Lane. In addition to this, a footway would be provided to tie-in with the existing footway on Peckleton Lane.
- 8.35. Leicestershire County Council (Highways) has assessed the Transport Statement and submitted details and considers that, subject to a number of highway related conditions and infrastructure contributions towards encouraging the use of sustainable transport modes and facilitating easier access, the cumulative impacts of development can be mitigated and are not considered severe in accordance with the NPPF (2018).

- 8.36. The Highway Authority would not seek to resist the proposal on grounds of highway safety. However, the additional traffic modelling at the Desford Crossroads has found that following the introduction of development traffic, the overall junction capacity would be -25%. The Highway Authority state that development traffic would exacerbate an already overloaded situation resulting in a deterioration of junction performance. A contribution towards road improvements to the Desford Crossroads is sought from the proposal. However, such a request would not be CIL compliant as the number of contributions requested for this scheme has already exceeded the threshold of 5. Therefore, the Highway Authority has confirmed that this contribution request would form part of a Section 278 agreement instead.
- 8.37. The application site lies within close proximity to the centre of Desford which is some 500 metres to the north. It is considered that the site is 'locationally' sustainable with regards to access to sustainable transport infrastructure which should encourage use of the services and establish changes in travel behaviour.
- 8.38. Subject to conditions and infrastructure contributions, the proposal would not result in any significant adverse impacts on the local highway network or highway safety and would therefore be in accordance with Policy DM17 of the adopted SADMP. Internal layout is to be considered at the reserved matters stage and by virtue of the size of the site it is unlikely that adequate off-street parking to serve the proposed development would not be able to be provided in accordance with Policy DM18 of the adopted SADMP.

Ecology

- 8.39. Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features.
- 8.40. As a result of public consultation, objections have been received on the grounds of potential loss of mature hedgerows that bound the site and that site has potential for protected habitat/species interest.
- 8.41. An Ecology Report and a Landscape Strategy Plan has been submitted to support the application.
- 8.42. Leicestershire County Council (Ecology) has assessed the submitted information and they raise no objections to the proposal. They confirm that the proposal provides opportunities for ecological enhancement and are pleased that these have been incorporated into the Landscape Strategy Plan. They recommend that all boundary planting comprises of locally native species only and the planting mixes must be approved prior to the commencement of development. Given the amount of ecological enhancement proposed they also recommend that a biodiversity management plan is produced.
- 8.43. The layout is indicative only at this stage and is to be considered as a future reserved matter, as is landscaping of the site. However, a planning condition on the outline application can ensure that both a 5 metre buffer free of development can be maintained around all of the boundary hedgerows, that a Biodiversity Management Plan is submitted and that the existing vegetation is protected. Therefore, whilst the proposal would involve built development on this arable land, the scheme would enhance the biodiversity of the site subject to details being submitted at the reserved matters stage and as part of appropriately worded conditions.
- 8.44. The development would conserve the ecology of the surrounding area and is therefore in accordance with Policy DM6 of the SADMP.

Drainage

- 8.45. Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding.
- 8.46. The Environment Agency flood maps identify the site as being located within Flood Zone 1 and do not highlight any concerns relating to surface water flooding. No evidence has been provided to demonstrate that the proposed dwellings would adversely impact on flood risk. The Local Lead Flood Authority has no objections to the proposal and confirms that the infiltration tests submitted support a non-infiltration surface water proposal. Indeed, the submitted drainage strategy consists of a 1,250 cubic metre detention basin and connection to an existing Severn Trent Water system on Peckleton View controlled to 10.7l/s – a greenfield run-off rate. It is considered reasonable to require drainage details to be provided through a condition to ensure that surface water disposal incorporates sustainable urban drainage. It is considered that the development would be in accordance with Policy DM7 of the SADMP.

Affordable Housing, Housing Mix and Density

- 8.47. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. Policy 15 seeks the provision of 40% affordable housing on all sites in rural areas with a tenure split of 75% for social rent and 25% for intermediate tenure.
- 8.48. Using data from The Housing Register (at December 2018) of the applicants on the housing register (as at February 2019) 60 have a local connection to Desford for the following property sizes:
- 1 bedroom properties- 24 applicants
 - 2 bedroom properties- 22 applicants
 - 3 bedroom properties- 13 applicants
 - 4 bedroom or more- 1 applicant
- 8.49. The greatest need for rented housing in Desford is 2 bedroom 4 person houses and 1 bedroom 2 person homes and 1 bedroom bungalows. The submitted Heads of Terms document includes the provision of 40% affordable housing units (32 units) in accordance with the requirements of Policy 15 of the adopted Core Strategy. The preferred mix as agreed with HBBC Affordable Housing would be
- 1 bed, 2 person dwellings – 25%;
 - 2 bed, 4 person dwellings – 34.5%;
 - 3 bed, 5 person dwellings – 34.5%; and
 - 4 bed, 6 person dwellings – 6%.
- 8.50. Since Desford is in a rural area the s106 agreement should include a cascade that the affordable housing for rent is offered firstly to people with a connection to the parish, and secondly to people with a connection to the Borough.
- 8.51. Policy 16 of the Core Strategy states that proposals for new residential development will be required to meet a minimum net density of a least 30 dwellings per hectare within key rural centres such as Desford. The density of the proposed site is 21.7, which is lower than the prescribed policy position. However, this policy also sets out where individual site characteristic dictate and are justified, a lower density may be acceptable. In this instance a lower density is considered to be acceptable due to the site being bound on all sides by hedgerows and trees which are considered to be important to mitigating the impact of the development on the

character of the area (as discussed), LCC (Ecology) seek a 5m buffer to this planting which again reduces the available developable area of the development, in addition to this the drainage attenuation necessary would also need further open space to be provided on site which reduces the housing density which can be delivered.

- 8.52. Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.

Infrastructure Contributions

- 8.53. 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.
- 8.54. 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.

Public Play and Open Space

- 8.55. 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 Hinckley. The Open Space and Recreation Study (2016) provides further advice on the quality of facilities at each designated public open space.
- 8.56. The indicative only layout suggests the provision of public open space around the site to include play equipment. For 80 dwellings there would be a requirement for 288sq m of equipped children's play space and 133 sq m of casual/informal play spaces along with the provision of play equipment and the maintenance of these areas for a 20 year period. There would also be a requirement for off-site play and open space provision of 3072 sq m and 3200 sq m of accessible natural green space and their maintenance. The contributions required based upon 80 dwellings and the equipped children's play space will be provided on site are:

	On site maintenance (20 years)	Off site provision	Off site maintenance (10 years)	Total
Equipped Children's Play Space	£50,572.80	/	/	£50,572.80
Casual/Informal Play Spaces	N/A	£5,967.36	£7,257.60	£13,224.96
Outdoor Sports Provision	N/A	£27,801.60	£13,209.60	£41,011.20
Accessibility Natural Green Space	N/A	£13,088.00	£22,720.00	£35,808.00
			Overall Total	£140,616.96

8.57. As this is an outline application contributions would be required based on the amount of housing provided. As the application is submitted in outline format the formula in The Open Space and Recreation Study (2016) can be used to calculate the contribution required as a percentage for each unit provided. This request is considered to be CIL compliant and is necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

8.58. As a result of consultations Leicestershire County Council (Developer Contributions) have identified the following infrastructure contributions to mitigate the impacts of the proposed development:

LCC Developer Contributions

8.59. Two contributions are requested towards Civic Amenity (£3,962.00) and Library Services (£2,290) at Desford Library. In this instance it is considered that these requests are CIL compliant, the library is within Desford in close proximity to the site and it is reasonable to expect additional demand on its services, moreover, the contribution towards Barwell tip are considered to reasonably relate in scale and kind to the proposed development.

Education

8.60. The Director of Children and Family Services requests a contribution of £227,635.29 towards education facilities in Desford to mitigate the impact of additional users from the development at Desford Community Primary School or any other primary school in the catchment area of the development where deficits have been identified and additional facilities are required to meet increased demand from the development. A contribution has also been requested for the Secondary School Sector of £260,901.00 to mitigate the impact of additional users from the development at Bosworth Academy or any other school within the educational catchment area of the development.

Transport Sustainability

8.61. The Director of Environment and Transport requests a contribution towards improvements to the A47/Desford Road signalised crossroads of £145,250. The contribution is required and is reasonably related to the development as the additional traffic modelling at the Desford Crossroads has found that following the introduction of development traffic from the proposal, the overall junction capacity would be -25%. However, as stated above, this request would not be CIL compliant and so the Highway Authority has confirmed that this contribution would be provided as part of a Section 278 agreement instead.

8.62. The requests from LCC are all considered to be CIL compliant and is necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

West Leicestershire CCG

8.63. NHS West Leicestershire requests a contribution of £52,380.00 towards additional health care at either Ratby Surgery or Desford Surgery as a result of additional patients generated by the proposed housing scheme.

8.64. This request is considered to be CIL compliant and is necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

University Hospitals Leicester NHS Trust

8.65. A contribution of £40,235.00 is requested towards the gap in the funding created by each potential patient from this development in respect of A & E and planned care.

- 8.66. The applicant's agent has confirmed that the contributions are generally acceptable subject to final details being agreed should the application be recommended for approval and that the agent has also confirmed that the development can viably support these contributions along with the provision of 40% affordable housing on site.
- 8.67. The contributions could be secured through the completion of a suitable section 106 planning obligation should the application be recommended for approval in accordance with Policies DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy.

Other Issues

- 8.68. As a result of public consultation, objections have been received on the grounds of loss of property value; however, this is not a material planning consideration.

9. Planning Balance

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 9.3. The proposal would be in conflict with Policy DM4 of the SADMP. This policy is in accordance with the Framework and has significant weight. The proposal, whilst involving development on open land, has been found to have a moderate impact on the character of the area and so there is some conflict with Policy DM10 of the SADMP.
- 9.4. The emerging DNP does not form part of the adopted Development Plan as it has yet to be made. Nevertheless, it is accepted that the bringing forward of development that is not plan-led is harmful in the sense that it removes from the local community the ability to shape its surroundings and environment. The application site is not the preferred housing site in the emerging DNP. Nevertheless, it does attract a positive score in the DNP and is included in their assessment of possible future housing sites. In addition to this, the consultation responses received to the DNP do not appear to demonstrate a preferred site for housing from the Desford community.
- 9.5. Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 80 houses (including up to 32 affordable homes). These additional houses and affordable housing have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area. The applicant has stated that they wish to commence development within three years of any approval and so have agreed to a time condition which would achieve this early commencement of development.
- 9.6. Paragraph 11 of the NPPF states that the harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to

identify the benefits of the scheme. Following the three strands of sustainability the benefits are broken down into economic, social and environmental:

- 9.7. The proposal would result in economic benefits through the construction of the scheme through creation of jobs and construction spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 9.8. As discussed the proposal would deliver 80 dwellings, of which 40% would be affordable. This would result in a significant social benefit to the area and also to the borough. The proposal would also involve the provision of an area of public open space and play which would be available to other nearby residents of Desford.
- 9.9. Some environmental benefits would be provided such as additional planting through landscaping in the provision of open space and the installation of a footpath along Peckleton Lane. Additionally there would be some benefit for biodiversity associated with the reinforcement and new planting of hedgerow and trees around the site.
- 9.10. The site is currently an open field within the countryside and the proposal would result in the urbanisation of this semi-rural area. This would therefore cause harm and would result in a change in the character of the immediate area, contrary to Policy DM4 and DM10 of the SADMP. Whilst this harm is regrettable it is considered to have moderate harm within the immediate area, however from wider views the impact to the character of the area would be limited. Subject to the reserved matters details it is considered that an appropriate scheme could be delivered with additional planting and the provision of open space which would reduce the harm within the medium term to limited within the wider setting.
- 9.11. On balance it is considered that the harm identified to the character and appearance of the countryside from new residential development would not significantly and demonstrably outweigh the identified benefits of the scheme. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan. The application is therefore recommended for approval subject to the conditions and planning obligations listed above.

10. Equality Implications

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

- 10.4. 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).

11. Conclusion

- 11.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The proposal, subject to conditions, is in accordance with Core Strategy Policies 15, 16 and 19 and Policies DM3, DM6, DM7, DM17 and DM18 of the SADMP.
- 11.3. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date and the Council cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.4. The proposal would be in conflict with Policy DM4 of the SADMP. This policy is in accordance with the Framework and has significant weight. The proposal, whilst involving development on open land, has been found to have a moderate impact on the character of the area and so there is some conflict with Policy DM10 of the SADMP.
- 11.5. Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 80 houses (including up to 32 affordable homes). These additional houses and affordable housing have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area.
- 11.6. As such, although there is conflict with strategic Policy DM4 of the adopted SADMP, there has only been moderate conflict found with strategic Policy DM10 of the SADMP.
- 11.7. On balance it is considered that the harm identified to the character and appearance of the countryside from new residential development would not significantly and demonstrably outweigh the identified benefits of the scheme. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan. The application is therefore recommended for approval subject to the conditions and planning obligations listed above.

12. Recommendation

12.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - 40% of the total number of dwellings shall be affordable units and shall be delivered on-site with a mix of 75% social or affordable rent and 25% intermediate tenure and a mix of:
 - 1 bed, 2 person dwellings – 25%
 - 2 bed, 4 person dwellings – 34.5%

3 bed, 5 person dwellings – 34.5%
4 bed, 6 person dwellings – 6%

- On-site Play and Open Space Scheme, Provision and Maintenance.
 - Off-site Play and Open Space Provision and Maintenance.
 - Education Contribution of £227,635.29 towards the improvement, remodelling or enhancement of the existing facilities at Desford Community Primary School or any other school within the educational catchment area of the development.
 - Education Contribution of £260,901.00 towards the improvement, remodelling or enhancement of the existing facilities at Bosworth Academy or any other school within the educational catchment area of the development.
 - Health Care Contribution of £52,380.00 towards additional health care services at either Ratby Surgery or Desford Surgery.
- Planning conditions outlined at the end of this report.
- 12.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.
- 12.3. 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.
- 12.4. **Conditions and Reasons**
1. Approval of the following details (hereinafter called “reserved matters” shall be obtained from the local planning authority in writing before any development is commenced:
 - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development;
 - b) The scale of each building proposed in relation to its surroundings;
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes;
 - d) The landscaping of the site including treatment of private and public space to enhance or protect the site’s amenity through hard and soft measures.The development shall be implemented in accordance with the approved details.

Reason: This planning permission is submitted in outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.
 2. Application for the approval of reserved matters shall be made within 18 months from the date of this permission and the development shall be begun not later than one year from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure that the development is delivered in a timely manner in accordance with Paragraph 76 of the National Planning Policy Framework 2019.
 3. The development hereby permitted shall be carried out in accordance with the approved Location Plan – PL001; Landscape Strategy Plan - 6651/LSP/ASP3; and, Access Plan – T18555/002/Rev A received by the local planning authority

on 11 December 2018 and the Revised Ecology Report received 12th February 2019.

Reason: Identification of the approved plans is necessary to confirm the extent of the development and the location and form of the approved access.

4. No more than 80 dwellings shall be constructed on the site including no development within 5 metres of any of the boundary hedgerows.

Reason: To ensure a satisfactory impact of the development and to enhance the ecological value of the proposed development.

5. Any reserved matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

Reason: To ensure that a satisfactory relationship is achieved between buildings in particular those along Peckleton Lane in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

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

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

7. 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 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 future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the SADMP 2016.

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

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the SADMP 2016.

9. Development shall not commence until details of all trees, shrubs and hedges to be retained, including any trees located outside but adjacent to the site boundary, together with the means of protecting them from damage during the carrying out of the development have been submitted to and approved in writing by the local planning authority. The approved means of protection shall be installed prior to the commencement of development and shall remain in place until after the completion of the development.

Reason: Whilst landscaping is a reserved matter, a condition is necessary at this stage to ensure that the existing landscaping on the site is protected in accordance with DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

10. No development shall commence on site until a Biodiversity Management Plan for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed, has been submitted to the local planning authority for their approval in writing. The submitted plan shall include all retained and created habitats including SUDs. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

11. No vegetation shall be removed on site during the bird nesting season (1st March - 31st July inclusive).

Reason: To ensure the development does not have a detrimental impact upon nesting birds in accordance with DM6 of the Site Allocations and Development Management Policies.

12. No development shall commence on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority and the approved details shall then remain in force throughout the construction period. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored and a procedure for the investigation of complaints. Site preparation and construction hours shall be limited to between 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. There shall be no working on Sundays and Bank Holidays.

Reason: To ensure the protection of neighbouring residential amenity during construction to accord with Policies DM7 and DM17 of the SADMP.

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

Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to

on-street parking problems in the area in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

14. No development shall commence on site until a Footpath Management Plan has been submitted to and approved in writing by the local planning authority. Such a plan shall include details of temporary diversion, fencing, surfacing, signing and a time table for provision. The approved details shall then be implemented in full on site prior to the occupation of the first dwellinghouse.

Reason: To ensure the Public Right of Way is safe and available during the period of construction in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

15. No development shall commence on site until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The submitted scheme should include infiltration testing to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element and should ensure that surface water does not drain into the Public Highway. Development shall be carried out in accordance with the approved details.

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

16. No development shall commence on site until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

17. No development shall commence on site until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

18. In the event that development is not commenced by June 2020, no development shall take place until details of further surveys to establish the presence of badgers which could be affected by the proposed development, and a mitigation/compensation scheme if required, have been submitted to and approved in writing by the local planning authority. Mitigation/compensation works shall be carried out in accordance with the approved scheme.

Reason: To ensure that any delays in construction is preceded by more up-to-date survey work to protect any badgers that could be affected by the proposal,

in accordance with Policy DM6 the Site Allocations and Development Management Policies DPD..

19. No part of the development hereby permitted shall be occupied until such time as the access arrangements and gateway treatment shown on approved Drw No: T18555/002/REV have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Framework DPD and in accordance with the National Planning Policy Framework (2019)

20. No part of the development hereby permitted shall be used until such time as the offsite works which includes the extension of the public footpath along Peckleton Lane and the crossovers as shown on approved Drw No: T18555/002/REV have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Framework DPD.

21. A signing and waymarking scheme in respect of the Public Right of Way R99 shall be submitted to the local planning authority for approval in writing. The approved scheme shall then be implemented prior to the occupation of the first dwellinghouse hereby approved

Reason: To ensure the footpath is easy to navigate through the development and in the interests of amenity, safety and security of users of the Public Right of Way in accordance with Policy DM17 of the Site Allocations and Development Management Framework DPD.

22. Prior to the occupation of any of the dwellinghouses hereby approved, a scheme which makes adequate provision for waste and recycling storage of containers and collection across the site has been submitted to and approved in writing by the local planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers. The scheme shall then be implemented in accordance with the approved details.

Reason: To ensure that collection points for domestic recycling, garden waste and refuse is made from the adopted highway boundary in accordance with Policy DM10 of the Site Allocations and Development Plan Policies DPD.

12.5. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where

the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.

3. A tarmac link would be desirable, linking Footpath R99 to Peckleton Lane. This will be useful for residents in houses living in close proximity to Footpath R99 as this will provide a direct walking route towards Peckleton Lane.
4. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
5. If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the local planning authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
6. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the County Council's Safe and Sustainable Travel Team (0116) 305 0001.
7. If the developer requires a Right of Way to be temporarily diverted or closed, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 8 weeks before the temporary diversion/closure is required.
8. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
9. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
10. No trees and shrubs shall be planted within 1 metre of the edge of the Public Right of Way. Any trees or shrubs planted alongside the public right of way should be non-invasive species.
11. Leicestershire Police advises that lighting throughout the site is recommended to be to BS5489 with special attention to the vehicle entry point. This would support the use of CCTV to view and record images of number plates deterring unauthorised access and providing Police with a direct line of enquiry in the event of crime. Appropriate Data Protection Act signage should be in place in the event of CCTV use. The use of a symbolic entry with signage and change of road surface and colour would also deter potential offenders. Leicestershire Police also provide a list of general recommendations which should inform any reserved matters schemes submitted as part of this proposal.
12. Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area, 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.

13. All landscape planting in the informal/natural open space and adjacent to the site boundaries shall be locally native species only.
14. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to: construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

15. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided. The 1 in 3 basin side slopes should be supported in line with current best practice and 1 in 4 gradients used where appropriate.
18. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.

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Planning Committee 25th June 2019
Report of the Interim Head of Planning

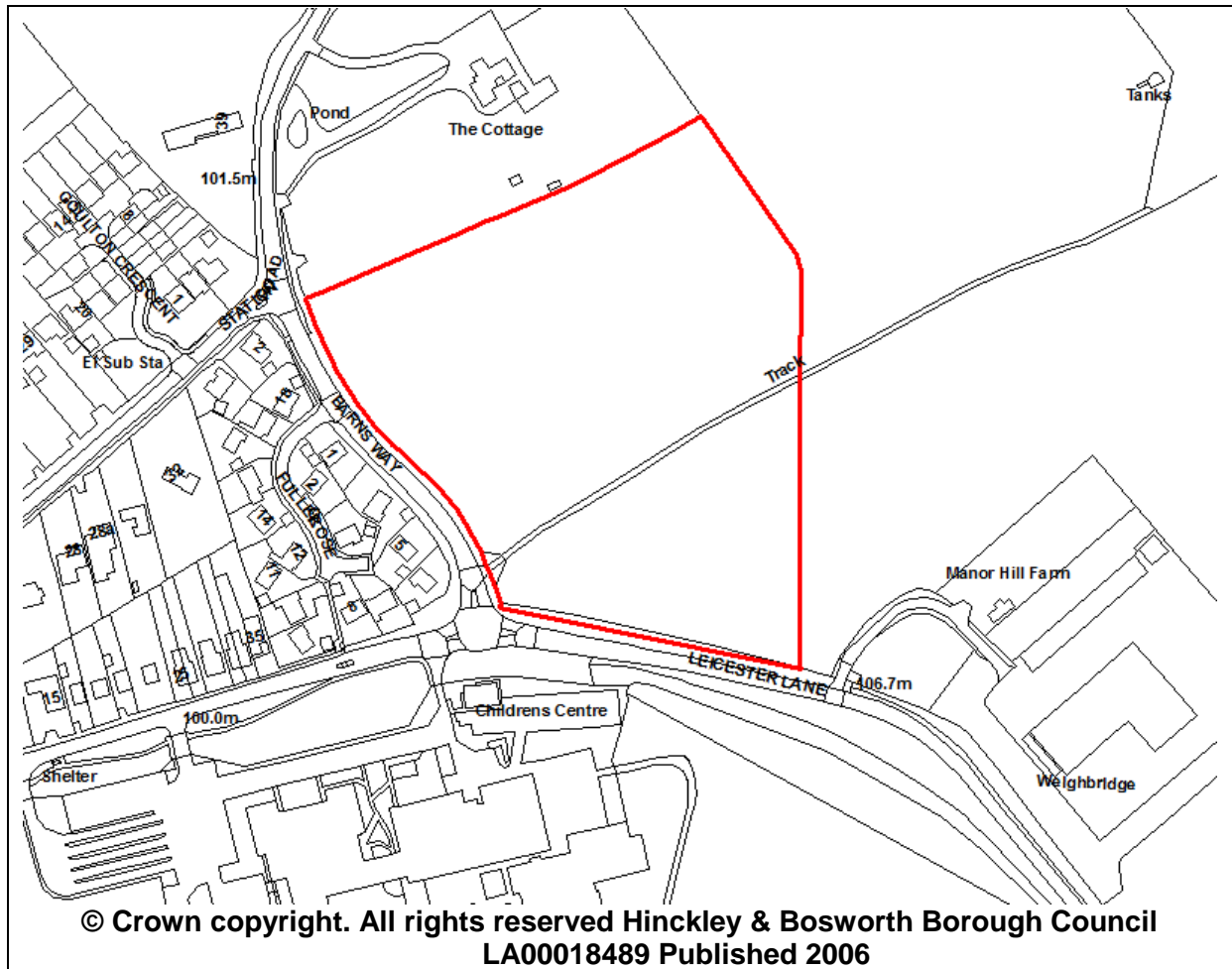
Planning Ref: 19/00149/OUT
Applicant: Rosconn Strategic Land
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Land Opposite Bosworth College Leicester Lane Desford

Proposal: Residential development of up to 80 dwellings and associated works
(Outline- access only)



1. Recommendations

1.1. Grant planning permission subject to

- The prior completion of a S106 agreement to secure the following obligations:
 - £640,098.00 towards Education
 - £184,785.00 towards provision and maintenance of Play and Open Space
 - 40% Affordable Housing provision on-site with a mix of 75% social or affordable rent and 25% intermediate tenure and a mix of 66% of the rented accommodation to be 2 bedroom houses and a remainder as a mix of 1 bedroom accommodation. The intermediate tenure should be a mix of 2 and 3 bedroom houses.

- £51,840.00 Health Care Provision at Desford and Ratby surgeries.
- Suitable Highways Mitigation including
 - Travel Packs; at a cost of £52.85 per pack
 - Six month bus passes, two per dwelling £360.00 per pass
 - Residential Travel Plan monitoring fee of £6,000
 - Travel Plan Co-ordinator
- £3962.00 towards Civic Amenity at Barwell
- £2,410 for Library Services at Desford Library.
- Provision of footpath links across Barns Way
- 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, trigger points and claw back periods.

2. Planning Application Description

2.1. This application seeks outline planning permission for up to 80 dwellings with associated public open space, landscaping and infrastructure. All detailed matters are reserved for later determination, except access.

2.2. As the application is outline the proposed housing mix is unknown. However, the applicant has identified that 40% of the housing to be provided would be affordable housing, if 80 dwellings were to be provided this would result in 48 market dwellings of which 32 dwellings would be affordable with a mix of 24 dwellings for social rent and 8 intermediate dwellings for shared ownership.

2.3. An indicative masterplan has been provided showing how the site could accommodate a development of up to 80 dwellings and shows a variation of house types.

2.4. The proposed access would be via a new junction off Barns Way, and would incorporate vehicular, cycle and pedestrian access.

2.5. The proposal includes open space and children's play facilities (LEAP) including planting, pedestrian/cycle links around the edge of the site connecting in to existing footpaths. The proposed LEAP is shown on the masterplan to the north eastern part of the site, with the public open space following the eastern edge of the site adjacent to the open countryside.

2.6. The following documents have been submitted in support of the application; Planning Statement, Design and Access Statement, Landscape and Visual Impact Appraisal, Transport Assessment and Travel Plan, Flood Risk Assessment and Drainage Strategy, Geotechnical Desk Study and Geophysical Survey, Preliminary Ecological Appraisal, Tree Constraints Impact Assessment and a Archaeological Desk Based Assessment.

3. Description of the Site and Surrounding Area

3.1. The application site comprises 3.46ha of grassland located on the eastern edge of Desford. The site is considered to be Countryside as defined by the Site Allocations and Development Management Policies DPD (2016).

3.2. The site comprises a single field split by an existing farm track, recently sown as grassland, which is broadly defined by Barns Way to the west and the rear private garden of a large residential dwelling known as 'The Cottage' to the north. To the east lies open farmland, which is comprised of irregular shaped fields defined by

hedgerows and trees. An isolated residential property, Manor Hill Farm and a series of associated modern agricultural barns are located immediately to the south west of the site with farmland beyond. The educational complex of Bosworth Academy is located immediately to the south of the site beyond the B582 Leicester Lane.

- 3.3. Mature trees situated within the private garden of the adjacent property to the north and a hedgerow defines the northern site boundary. To the east and south the site is more exposed, with juvenile hedgerow planting defining its eastern boundary. To the south, a grass highway verge and some vegetation lines the boundary. Vegetation along the western boundary is more established, yet fragmented. The site is highly visible from Barns Way and Leicester Lane.
- 3.4. The nearest listed building is located 150m to the southeast of the Site, as a grade II listed sculpture within Bosworth Academy.
- 3.5. Barns Charity Fields local wildlife Site is located 150m to the north east of the Site, the fields are used for light pasture and contain ridge and furrow.
- 3.6. Botcheston Bog SSSI is located 800m to the north of the Site, and is recognised for its importance as one of the best remaining areas of marshy grassland in Leicestershire.

4. Relevant Planning History

None

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 7 Letters of objection have been received from 6 separate addresses; the comments are summarised below:
 - Station Road, Barns Way and Leicester Lane are already over congested
 - Road system through the village is unable to cope with amount of traffic and existing issues with HGVs using Station Road. There are already too many minor accidents already
 - There is a major school opposite the site is an accident waiting to happen.
 - Proposal doesn't include community facilities leading to environmental issues as people have to travel to shops, social amenities, school, work and medical facilities.
 - Increase in speed using Station Road, Barns Way and Leicester Lane increasing pollution and safety concerns.
 - The community facilities cannot support a large urban community and there is no dedicated parking to support events.
 - Desford has already met its housing requirement using green field sites
 - This speculative development includes a large proportion of social housing- what are the financial plans of HBBC to support this community. HBBC 6th worse debt in country relating to social housing
 - Eco provision for ground/air source heating, insulation, difficult with expense to HBBC.

- William Barns provided this land for the betterment of the society; we question whether this development will address this.
- Once the principle is established of development on this agricultural land, the result will be a normal speculative development with little concession to our neighbourhood, creating an isolated community.
- Trees to side of property are in our ownership and provide shielding from traffic noise. If these are removed, additional planting should be provided.
- Existing agricultural track proposed to be replaced, but would not be wide enough.
- Where will the overflow from the drainage pond go, there are no surrounding ditches, what impact would the increase in water have on the nearest brook.
- There should be more trees along the boundary
- Concern that farming activity on adjacent land will be noisy and would not want complaints from new residents, already receive complaints.
- Development is outside the development area, which is there to stop over development and protect wildlife.
- It will obliterate the far reaching view
- Will destroy the rural village feel that gives Desford its character.
- Development will add to traffic going towards Desford crossroads
- This site is a long way from facilities in the village meaning residents would use vehicles through the village for every day journeys.
- Development of the farm buildings has already spoilt the view, this will make it worse.
- Barns Way was supposed to be the edge of the village
- Manor Hill Farm already spoils view
- Additional access complicates road junction

5.3. There has been 2 letters of support from 2 separate addresses; the comments are summarised below:

- This is the preferred site for development in our village and I support the Neighbourhood Plan. The site is in easy reach of the village centre and hopefully an additional traffic from the development will not be too intensive on the already very busy roads.
- 27 year old living at home with parents in Desford and would like the opportunity to buy an affordable housing as a first time buyer in Desford.

6. Consultation

6.1. No objection, some subject to conditions and/or obligations have been received from;

- HBBC Street Scene Service- Waste
- NHS West Leicestershire
- HBBC Pollution
- HBBC Affordable Housing

- LCC Developer Contributions- Education, Civic Amenity and Libraries
 - LCC Ecology
 - HBBC Policy
 - Severn Trent Water
 - HBBC Drainage
 - Natural England
 - LCC Drainage
 - LCC Archeaology
 - LCC Highways
 - HBBC Conservation
- 6.2. No comments have been received from;
- Leicestershire Police
 - HBBC Arboricultural Officer
- 6.3. Desford Parish Council raise no objections but have made the following comments to make;
- The right of way to Barns Charity Fields should be maintained and be a sufficient width to enable access for farm vehicles
 - There should be a locked gate at each end of the access to prevent residents parking.
 - It should be made clear that the track beyond the development is not a public right of way.
- 7. Policy**
- 7.1. Core Strategy (2009)
- Policy 7: Key Rural Centres
 - Policy 8: Key Rural Centres relating to Leicester
 - Policy 15: Affordable Housing
 - Policy 16: Housing Density, Mix and Design
 - Policy 19: Green Space and Play Provision
 - Policy 20: Green Infrastructure
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy 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. Desford Neighbourhood Development Plan Pre-submission (November 2018)
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
 - Community Infrastructure Levy (CIL) Regulations (2010)
- 7.5. Other relevant guidance
 - Landscape Character Assessment (2017)
 - Landscape Sensitivity Assessment (2017)
 - Open Space and Recreation Study (2016)
 - Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA)
 - Affordable Housing SPD (2011)
 - Leicestershire Highways Design Guide

8. Appraisal

- 8.1. Key Issues
 - Assessment against strategic planning policies
 - Design and impact upon the character of the countryside and character of the areas
 - Affordable Housing and Housing Mix and Density
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Flooding and Drainage
 - Ecology
 - Pollution
 - Archaeology
 - Infrastructure Contributions
 - Other Issues

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2018) states that planning law requires 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. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Desford is identified as a key Rural Centre within Policy 8 of the Core

Strategy. To support its role as a Key Rural Centre focus is given to limited development in these areas that provides housing development within settlement boundaries that delivers a mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17.

- 8.5. Policy 8 provides the policy framework for each Key Rural Centre relating to Leicester. The first criterion for Desford seeks the provision of a minimum of 110 new homes.
- 8.6. However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure and the Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by Ministry Housing Communities and Local Government (MHCLG). Therefore, the application should be determined in accordance with Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.7. The consideration under Paragraph 11 (d) is weighed in the balance of the merits of any application and considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework.
- 8.8. This site lies outside of the settlement boundary of Desford (DES01) and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.
- 8.9. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
 - It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.and:
 - It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development;
- 8.10. The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.

- 8.11. The planning application site aligns with the residential allocation (for around 70 dwellings) within the emerging Desford Neighbourhood Development Plan (DNP). However, as this plan has not yet been submitted for Examination the document is afforded limited weight in determining this application.
- 8.12. The Borough Council is actively promoting the preparation of Neighbourhood Development Plans and is keen to see communities strongly involved in the planning and future growth of villages. The site that the DNP at policy H2 proposes to allocate is the application site and this is the site which the Parish Council concludes is the least damaging and most sustainable from those sites included in the Site Assessment Summary for the SHLEAA relating to Desford.
- 8.13. The DNP has not been “made” and so the advice at paragraph 14 of the Framework is not applicable. However, the DNP is a material consideration in this decision making process and the weight to be given to it is set out in paragraph 48 of the Framework. Factors to be considered to the weight to be given to the DNP include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force, decision makers should respect evidence of local support prior to the referendum. The consultation responses submitted with the draft neighbourhood plan do not indicate strong evidence of community support for the DNP allocation. Instead, the responses received indicate community objections to any further development in Desford. Therefore, at present, it is uncertain how the community of Desford wishes to shape its local environment as laid out in paragraph 29 of the Framework. .
- 8.14. Whilst the application site is the preferred site in the DNP and despite the limited objections received during the consultation process for this application, the weight to be given to the DNP at the present time is limited due to the early stages of its development and the lack of evidence of community support for the preferred site.
- 8.15. The site is grade 3 agricultural land the loss of this should be weighed in the balance of the merits of the scheme.
- 8.16. This application is for the development of housing outside the settlement of Desford within the countryside it is contrary to Policy 8 of the Core Strategy and Policy DM4 of the SADMP. Therefore there is a conflict with the spatial policies of the development plan. However, paragraph 11(d) of the NPPF is engaged and therefore a ‘tilted balance’ assessment must be made. This must take into account all material considerations and any harm which is identified. All material considerations must be assessed to allow this balance to be made.

Design and impact upon the character of the countryside

- 8.17. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.18. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, any harm to the intrinsic value, beauty, open character and landscape character of the countryside would therefore be unjustified.

- 8.19. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should also ensure the significance of a conservation area is preserved and enhanced.
- 8.20. The Borough's Landscape Character Assessment (2017) identifies the site within the Newbold and Desford Rolling Character Farmland. This area is characterised by predominantly arable farmland with clustered areas of industry and recreational facilities near to the village fringes and clustered villages of varying sizes centred on crossroads. Large to medium sized field patterns are common in the area defined by single species hawthorn hedgerows. The application site is characterised by arable farm land following an existing field pattern and open views on the village edge, it is considered to demonstrate many of the characteristics prevalent in this landscape character area. There is a tree lined boundary to the north of the site, which separates the site from a large residential curtilage. Juvenile planting divides the site from the farm land beyond the site to the east, this is not a strong boundary. The south and western boundaries are formed by Barns Way and Leicester Lane, creating a physical boundary to these edges.
- 8.21. The site is situated within a prominent position along the Barns Way, Leicester Lane junction and lies within an area where open countryside can be viewed from the settlement of Desford as described in the LCA. The proposal retains the existing landscaping to the north, south and west boundaries and introduces a stronger landscape boundary to the east. Whilst the development of this land would have an impact on the open character of the countryside in this location, the level of this adverse impact would be moderate in this edge of village location the reasons for this are set out below.
- 8.22. The submitted Landscape and Visual Impact Appraisal sets out the landscape qualities of the site, this includes the trees and hedges to the margins which are described as unmanaged but in reasonable condition, the site offers expansive views over open countryside contributing to the rural character of the village. However, the appraisal sets out how this view is interrupted by urban features in the distance and being further diminished by the sites proximity to the built up area of Desford. The LCA recognises that the site is representative of the landscape character area but has little conservation or recreational value. The appraisal attributes no/negligible effect on the landscape character based on the site only being experienced from a localised area rather than the character area as a whole and the proposed landscaping to the east creating a new wooded edge to Desford. The site has no landscape designations within it.
- 8.23. The visual impacts of the proposal are restricted to those immediately alongside the site and those to the east where the open landscape provides clear views towards the site. The visual impact is described as being moderate adverse from the most localised views by closing off the available view. Views from the east are described as having a slight beneficial impact as once the landscaping is matured the views here will become verdant. The mitigation put forward by the appraisal is maintaining the undeveloped eastern edge of the proposal and maintaining a view corridor though the site looking east from Desford, which is currently shown on the Development Framework Plan, this would provide views through the development over the rural landscape which is an important characteristic helping define the character of the village.
- 8.24. Whilst it is agreed the impact to landscape is limited, despite the mitigation put forward the impact to localised views from Desford is of moderate adverse harm.

The LVIA acknowledges the view available here is important to defining the character of Desford and it is not felt that the 'view corridor' would allow for the same open view that is currently experienced at the edge of the village. The 'view corridor' proposed takes the opportunity to use the existing farm track, however, this is offset to one side and would not allow immediate views looking east from Leicester Lane that are currently available and which currently define the rural edge of the village. Therefore there would be moderate harm to the character of the area caused by the visual impact of built development in this location would have on the open character of the countryside that in this location which provides a rural setting to Desford

- 8.25. The proposal would extend development beyond the settlement boundary of Desford and it is considered that the proposal would result in harm to the character and appearance of the area and would therefore conflict with Policy DM4 and DM10 of the SADMP DPD.

Historic Environment

- 8.26. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.27. Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. 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 (paragraph 193).
- 8.28. Paragraph 189 of the National Planning Policy Framework (NPPF) requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The desk-based assessment and landscape and visual impact appraisal includes a limited assessment on the direct physical and visual impact on heritage assets and their settings however the Conservation officer is satisfied the level of detail submitted as part of this application is proportionate and meets the requirements of paragraph 189.
- 8.29. Paragraph 190 of the NPPF also requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). The application site is located approximately 600m west of the historic core of Desford and is likely to have remained in agricultural use (it is identified as enclosed agricultural fields on the 1760 enclosure and 1845 tithe maps) away from the settlement in a wholly rural location until the surrounding area to the north, west and south were developed from the 20th century onwards. There are no statutory designated heritage assets within or in close proximity to the site. The closest listed building is 150m away; this being a grade II listed sculpture within the grounds of Bosworth Academy. There are a number of listed buildings located further to the west within the Desford Conservation Area which covers the historic core of the village. The most visually prominent building within the conservation area is the grade II* listed Church of St. Martin. There are also a small number of scheduled monuments and listed buildings located within a wider search area from the site. There are no statutory landscape designations within or in close proximity to the site.

- 8.30. Based on the indicative drawings and information within the Design & Access Statement it is considered that the development of 80 dwellings on this site would maintain the very minor positive contribution that the application site makes to the significance of the grade II* listed Church of St. Martin and therefore the impact of the development on the significance of the church is considered to be neutral.
- 8.31. The proposal would therefore have a neutral impact upon the historic environment of Desford and therefore accords with DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and paragraphs 189 and 190 of the NPPF.

Affordable Housing, Housing Mix and Density

- 8.32. Policy 15 of the Core Strategy requires residential development in rural areas to provide 40% Affordable Housing with a tenure split of 75% social rented and 25% intermediate housing. The details submitted with this application would suggest that based upon the delivery of 80 dwellings on site this proposal would provide 32 dwellings for affordable housing 24 for rent and 8 for intermediate tenure, in accordance with policy.
- 8.33. Using data from The Housing Register (at December 2018) of the applicants on the housing register (as at February 2019) 60 have a local connection to Desford for the following property sizes:
- 1 bedroom properties- 24 applicants
 - 2 bedroom properties- 22 applicants
 - 3 bedroom properties- 13 applicants
 - 4 bedroom or more- 1 applicant
- 8.34. The greatest need for rented housing in Desford is 2 bedroom 4 person houses and 1 bedroom 2 person homes and 1 bedroom bungalows. The preferred mix would be 66% of the rented accommodation to be 2 bedroom houses and a remainder as a mix of 1 bedroom accommodation. The intermediate tenure should be a mix of 2 and 3 bedroom houses. However, this is an outline scheme and the layout is not being considered at this time, the number and mix of housing could be agreed by a legal obligation. HBBC (Affordable Housing) is in support of this mix.
- 8.35. Since Desford is in a rural area the s106 agreement should include a cascade that the affordable housing for rent is offered firstly to people with a connection to the parish, and secondly to people with a connection to the Borough.
- 8.36. Policy 16 of the Core Strategy states that proposals for new residential development will be required to meet a minimum net density of a least 30 dwellings per hectare within key rural centres such as Desford. The density of the proposed site is 23.5, which is lower than the prescribed policy position. However, this policy also sets out where individual site characteristic dictate and are justified, a lower density may be acceptable. In this instance a lower density is considered to be acceptable due to the equipped play space that is being provided, this is above the policy requirement for open space and meets a need identified for Desford. The closest public open spaces to the site do not have equipped play, therefore this provision is a priority. Further to this, the site is bound on two sides by hedgerows and trees which are considered to be important to mitigating the impact of the development on the character of the area (as discussed), LCC (Ecology) seek a 5m buffer to this planting which again reduces the available developable area of the development.

- 8.37. Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.

Impact upon neighbouring residential amenity

- 8.38. 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 the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.39. Objections have been received from local residents with regard to residential amenity by way of additional noise and traffic as well as loss of view. However, the loss of view is not a material planning consideration.
- 8.40. By virtue of the size of the site and subject to satisfactory layout, scale, design and landscaping which are matters reserved for future consideration, the indicative layout submitted demonstrates that the site could be developed for up to 80 dwellings with satisfactory separation distances and without resulting in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring properties.
- 8.41. 'The Cottage' borders the site to the north, however this residential property is surrounded by a large amenity space and a mature verdant boundary and is buffered from the proposed dwellings by accessible green space. Manor Hill Farm is to the south east of the site, but is not immediately adjacent to the site and is surrounded by agricultural land. There are residential properties to the west of the site, however these are separated from the site by Barns Way accessible green space, therefore sufficient separation distance is maintained.
- 8.42. It is not considered that additional traffic using the highway network would be so adverse to the residential amenity of surrounding dwellings that it would warrant the refusal of the application, no objection has been raised by HBBC Environmental Health with this regard.
- 8.43. Concern has been raised for adverse impacts of farming on the residential amenity of future occupiers. However, it is considered that there would not be sufficient adverse impacts to warrant refusal on this basis.
- 8.44. The proposal is therefore considered to be in accordance with Policy DM10 as the amenity of neighbouring occupiers of the proposed development would not be adversely affected to warrant refusal of the application.

Impact upon highway safety

- 8.45. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.46. Access is a matter for determination by this application and a detailed access plan has been provided. In addition to this, the proposal has been supported by the submission of a Transport Assessment and Travel Plan that conclude the proposal would not have adverse impact upon the safe operation of the local highway network.

- 8.47. The highway authority have requested additional modelling to be undertaken, taking in to account any adverse impact upon Desford Crossroads, this was provided by the applicant. The analysis demonstrates that, following the introduction of development traffic, the junction's overall practical reserve capacity will be -43.1%. Development traffic will exacerbate an already overloaded situation resulting in a deterioration of junction performance. Therefore, subject to adequate mitigation in the form of financial contributions to the upgrade of this junction the highway authority does not object to the proposal.
- 8.48. The mitigation contribution is sought from the Highway Authority towards road improvements to the Desford Crossroads is sought from the proposal. However, such a request would not be CIL compliant as the number of contributions requested for this scheme has already exceeded the threshold of 5. Therefore, the Highway Authority has confirmed that this contribution request would form part of a Section 278 agreement instead.
- 8.49. The highway authority has also confirmed that the geometry and visibility splays shown on the plan serving the proposed primary site access (drawing no. ADC1902-DR-001 Rev. P7) are Leicestershire Highway Design Guide (LHDG) compliant.
- 8.50. The Barns Charity Trust commented on the application with regard to a right of way that exists across the application site. This relates to an existing farm access that gives right of way to charity owned meadow beyond the application site. The trust requested that the access be maintained and is available for their use to maintain the land in their interest. The amended Development Framework Plan provided with the application demonstrates that this will be maintained through the site. The highway authority states that this access will not be intensified as a result of this development proposal, and subject to necessary access improvements and appropriate gate set-back distance in line with LHDG the highway authority does not object to its retention.
- 8.51. This development proposal includes the provision of pedestrian links to the north and south of the site access which tie in with the existing provision along Barns Way and the B582, and the use of an existing refuge island to provide an uncontrolled crossing north of the existing roundabout. This provision as detailed in the revised plan is generally acceptable and can be secured through a legal agreement.

Travel Plan

- 8.52. The submitted Travel Plan identifies that the scheme is in a location accessible by all modes of transport and it is therefore in a good location for residential development. The proposed development is well connected in to the existing vehicular and pedestrian networks and there are good opportunities for public transport. The Travel Plan sets out two targets 1; to make all residents aware of the Travel Plan and 2; promote sustainable modes of travel to achieve a 10% reduction in single occupancy of the car. A Travel Plan co-ordinator will be appointed who will monitor the Travel Plan process. It is considered reasonable to condition this and include the contributions towards the monitoring of this within the s.106, as per LCC (Highways) comments on this application.
- 8.53. Overall, the proposal does not have a significant adverse impact upon highway safety with adequate mitigation, the submitted Travel Plan satisfies the need to encourage sustainable transport and there is no concern that parking can not be provided in accordance with guidance, therefore the proposal is in accordance with the requirements of Policy DM17 and DM18 of the SADMP.

Flooding and Drainage

- 8.54. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.55. A Flood Risk Assessment has been submitted with the application in accordance with paragraph 163 of the NPPF.
- 8.56. Severn Trent Water commented on the proposal with regards to the proposed strategy for dealing with foul water. The proposal is a pumped solution which STW suggested would need a modelling assessment to determine the impact of flows from the site on the network. The developer completed a developer enquiry with STW that confirmed that a minimum pump rate of 3.8l/s would be acceptable to the identified man hole 4504. It also confirms that a gravity sewer connection is not possible due to site level issues meaning this is not achievable (the man hole is to the west of the site, the land level falls to the east).
- 8.57. With regard to Surface Water Drainage the site is located within Flood Zone 1 being at low risk of fluvial flooding. There are areas of low surface water flood risk as indicated in Figure 3 of the submitted Flood Risk Assessment. Run-off rates are proposed to be limited to the Greenfield QBar run off rate.
- 8.58. The surface water strategy proposed is to direct run off to an on-site attenuation feature to the east (low lying area of site), the attenuation basin does also include a permanent pond feature (welcomed by LCC Ecology). The attenuation feature is connected to a control chamber that limits run off to a greenfield rate, run off is discharged from here to the existing ditch course leading to Rotherly Brook. The Lead Local Flood Authority (LLFA) initially requested further information regarding the surface water drainage strategy, surrounding field ditches were surveyed following these comments and the outfall from these confirmed and the strategy updated. Following the submission of this additional information the LLFA responded with no objection subject to conditions. The proposed conditions are considered to be necessary and reasonable.
- 8.59. HBBC (Drainage) also commented on the application and have no objection subject to conditions in accordance with LCC (Drainage) response.
- 8.60. The proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk.

Ecology

- 8.61. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.62. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.63. The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 8.64. An Ecology Appraisal was submitted in support of the application and was found to be satisfactory by LCC (Ecology). No evidence of protected species was noted on

site and the site was generally considered to have a low potential to support protected species.

- 8.65. The proposed development provides opportunities for ecological enhancement. The existing boundary hedgerows are being retained and buffered by landscaping, shown on the Development Framework Plans, LCC (Ecology) recommend that the final layout submitted as Reserved Matters, follows this principle. In addition to this, LCC (Ecology) welcome the public open space to the east, containing SUDS which they recommend is designed to contain some water all through the year, the planting shown in this area should be comprised of native species and there is opportunity for grassland and wildflower planting. It is considered reasonable to require these details as part of the landscaping Reserved Matters.
- 8.66. The tree survey and retention plan provided with the application show that the existing hedgerows and trees are to be retained. Only three trees are proposed to be removed to accommodate the access to the site. This plan also shows how the proposed footpath that circles the site falls outside of the root protection zone of the trees other than in two identified areas, the plans state this will be a 'minimal dig area' however, the details of this and the tree protection method are set out in the submitted tree survey, it is reasonable to condition that the development is carried out in accordance with these recommendations. This is especially pertinent as some trees to the north of the site that align the boundary are contained within TPO reference 9300002/TPORD.
- 8.67. LCC (Ecology) recommend that to ensure that no protected species have moved on to the site, that if works have not commenced before January 2021 that further surveys will be required. This is considered reasonable and therefore should form a condition of the application.
- 8.68. Overall, the impact of the proposed development on protected species is in accordance with Policy DM6 of the SADMP DPD and the general principles of the NPPF.

Pollution

- 8.69. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.70. HBBC Environmental Health has identified that there is some historic use as landfill and therefore appropriate investigation is required. A desk based assessment was submitted with the application which recommends an intrusive investigation in to land contamination. Further to this, HBBC (Pollution) stated that potential for contamination from chemicals associated with farming were not identified by the desk based study and so further assessment of this is required. An amended survey was submitted, however, HBBC (Pollution) state that the requested conditions are still necessary to ensure the safe development of the site.
- 8.71. HBBC (Pollution) recommend conditions requiring the details of a written scheme of investigation to deal with land contamination, it is considered that these conditions are reasonable.
- 8.72. The development is therefore in accordance with Policy DM7 of the SADMP.

Archaeology

- 8.73. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.

8.74. An archaeological desk-based assessment was submitted with the application and the initial response from LCC was that the site had potential to include heritage assets and therefore be of archaeological interest. Therefore the application was required to complete a geophysical survey of the site. This was completed and the archaeology survey updated, LCC (Archaeology) responded recommending that should the current application be approved, this should be subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording. This is in the context of the completed geophysical survey indicating limited evidence of archaeologically significant anomalies, additionally the absence of former ridge and furrow cultivation, suggests the site has been detrimentally affected by modern agriculture. It is therefore likely that surviving archaeological deposits, including feature typically not detected by geophysical survey, whilst still potentially present, are unlikely to be of such quality or significance to represent an obstacle to the proposals. The suggested conditions are therefore considered to be reasonable and necessary.

8.75. Infrastructure Contributions

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

8.77. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Play and Open Space

8.78. 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 80 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Equipped Children's Play Space	3.6	288	407	0
Casual/Informal Play Spaces	16.8	1344	1408	0
Outdoor Sports Provision	38.4	3072	0	3072

Accessibility Natural Green Space	40	3200	4021	0
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- 8.79. The nearest off site public open space is DESNEW1 is casual informal play space and incidental amenity green space, with a score of 72% however is greater than 300m from the application site. There is no open space containing equipped play within 400m of the application site.
- 8.80. It is evident that the proposed scheme is providing policy compliant on site POS for all elements other than for outdoor sport provision, where an off site contribution would be necessary, this is acceptable for a site of this size. Sport in Desford were contacted and confirmed that there is still a need within Desford for contributions towards outdoor sport and were able to identify projects that required funding, these specifically related to the existing tennis courts. Therefore, this off site request is justified.
- 8.81. 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. The monetary contributions are set out below.

	On site maintenance (20 years)	Off site provision	Off site maintenance (10 years)	Total
Equipped Children's Play Space	£71,469.20	/	/	£71,469.20
Casual/Informal Play Spaces	£15,206.40	/	/	£15,206.40
Outdoor Sports Provision	/	£27,801.60	£13,209.60	£41,011.20
Accessibility Natural Green Space	£57,098.20	/		£57,098.20
			Overall Total	£184,785.0

- 8.82. As this is an outline application contributions would be required based on the amount of housing provided. As the application is submitted in outline format the formula in The Open Space and Recreation Study (2016) can be used to calculate the contribution required as a percentage for each unit provided.

Highways

- 8.83. LCC (Highways) have requested a number of contributions to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel these include; Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. These can be provided through Leicestershire County Council at a cost of £52.85 per pack. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass. It is very unlikely that

a development will get 100% take-up of passes, 25% is considered to be a high take-up rate). A Residential Travel Plan monitoring fee of £6,000 for Leicestershire County Council's Travel Plan Monitoring System. These contributions are considered to be CIL compliant.

- 8.84. A contribution of £138,097 has also been sought towards improvements to the A47 / B582 Desford Road junction which was demonstrated to be operating above capacity already being exacerbated by the proposal. However, LCC Highways have confirmed that there is a pooling issue. The s.106 regulations only allow contributions towards a single project to be made 5 times, contributions towards this junction have been made towards this junction in excess of this. The Highways authority has confirmed that they will seek these improvements through s.278 of the Highways Act to mitigate the impact of this development.
- 8.85. The highways section of a legal agreement should also include the provision of pedestrian links from the site across Barns Way to connect in to the existing footpath network.

West Leicestershire CCG

- 8.86. West Leicestershire CCG state that the development is likely to generate an increase in population of 192 patients and have calculated the additional demands this is likely to place on local GP practices, the identified practices are Desford Surgery and Ratby Surgery. Desford is recognised as having limited capacity to expand its services and for this reason it is felt that it is appropriate to therefore support Ratby Surgery as well. S.106 contributions are sought for internal upgrades to Desford Surgery to create multi functional consulting rooms to improve efficiency and patient flow allowing for a greater range of services available. The contribution sought towards Ratby is for a new building, the practice has already purchased land and this would help towards the capital fund of new premises to serve the local area. The request totals £51,840.00.
- 8.87. This request is considered to be CIL compliant and is necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.88. University Hospitals of Leicester NHS Trust
- 8.89. A contribution of £40,235.00 is sought towards to gap in funding created by each potential patient from this development in respect of A&E and planned care.
- 8.90. LCC Developer Contributions
- 8.91. Two contributions are requested towards Civic Amenity (£3,962.00) and Library Services (£2,410) at Desford Library. In this instance it is considered that these requests are CIL compliant, the library is within Desford in close proximity to the site and it is reasonable to expect additional demand on its services, moreover, the contribution towards Barwell tip are considered to reasonably relate in scale and kind to the proposed development.
- 8.92. The Applicant has confirmed that the development can viably support the above listed S106 contributions along with the provision of 40% affordable housing on site.

Other issues

- 8.93. There are no Public Rights of Way affected by the proposal
- 8.94. The site is not within an area recorded to require a Coal Authority mining report, therefore, the risk from coal mining is considered to be negligible.

- 8.95. HBBC (Waste) has recommended a condition requiring adequate provision for waste and recycling storage and collection.

9. Planning Balance

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 9.3. The proposal would be in conflict with Policy DM4 of the SADMP. This policy is in accordance with the Framework and has significant weight. The proposal, whilst involving development on open land, has been found to have a moderate impact on the character of the area and so there is some conflict with Policy DM10 of the SADMP.
- 9.4. The emerging DNP does not form part of the adopted Development Plan as it has yet to be made. Nevertheless, it is accepted that the bringing forward of development that is not plan-led is harmful in the sense that it removes from the local community the ability to shape its surroundings and environment. The application site is the preferred housing site in the emerging DNP. However, the consultation responses received to the DNP do not appear to demonstrate a preferred site for housing from the Desford community.
- 9.5. Weighed against the conflict with the Development Plan it is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 80 houses (including up to 32 affordable homes). These additional houses and affordable housing have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area.
- 9.6. Paragraph 11 of the NPPF states that the harm identified should be significant and demonstrably out weigh the benefits of the scheme. It is therefore important to identify the benefits of the scheme. Following the three strands of sustainability the benefits are broken down into economic, social and environmental:
- 9.7. The proposal would result in economic benefits through the construction of the scheme through creation of jobs and construction spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 9.8. As discussed the proposal would deliver 80 dwellings, of which 40% would be affordable. This would result in a significant social benefit to the area and also to the borough. The proposal would also involve the provision of an area of public open space and an equipped play area which there is a demonstrated need in Desford. The equipped play area is larger than that required by Policy 19 of the Core Strategy and will be available to the residents of Desford, this would therefore provide a benefit to the wider area.
- 9.9. Some environmental benefits would be provided such as additional planting through landscaping in the provision of open space. Additionally there would be some benefit for biodiversity associated with the reinforcement and new planting of

hedgerow and trees around the site and the provision of a permanent pond feature contained within the SUDS.

- 9.10. It has been concluded that there would be moderate harm to the character of the area caused by the visual impact of built development in this location would have on the open character of the countryside that in this location which provides a rural setting to Desford. The proposal would extend development beyond the settlement boundary of Desford and it is considered that the proposal would result in harm to the character and appearance of the area and would therefore conflict with Policy DM4 and DM10 of the SADMP DPD.
- 9.11. Whilst there has been harm identified to the character and the appearance of the countryside it is considered on balance that the harm does not significantly and demonstrably outweigh the identified benefits of the scheme. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan.

10. Equality Implications

- 10.1. Where No Known Implications Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 10.3. There are no known equality implications arising directly from this development.
- 10.4. 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).

11. Conclusion

- 11.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The proposal, subject to conditions, is in accordance with Core Strategy Policies 15, 16 and 19 and Policies DM3, DM6, DM7, DM17 and DM18 of the SADMP.
- 11.3. An assessment against the historic assets within the vicinity finds that the proposal would have a neutral impact upon the historic environment of Desford and therefore accords with DM11 and DM12 of the SADMP, section 16 of the NPPF and the

statutory duties of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and paragraphs 189 and 190 of the NPPF.

- 11.4. The housing policies in the adopted Core Strategy and the adopted SADMP are be out of date and the Council cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.5. The proposal would be in conflict with Policy DM4 of the SADMP. This policy is in accordance with the Framework and has significant weight. The proposal, whilst involving development on open land, has been found to have a moderate impact on the character of the area and so there is some conflict with Policy DM10 of the SADMP.
- 11.6. Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 80 houses (including up to 32 affordable homes). These additional houses and affordable housing have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area.
- 11.7. As such, although there is clear conflict with strategic Policy DM4 of the adopted SADMP, there has only been moderate conflict found with strategic Policy DM10 of the SADMP.
- 11.8. On balance it is considered that the harm identified to the character and appearance of the countryside from new residential development would not significantly and demonstrably outweigh the identified benefits of the scheme. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan. The application is therefore recommended for approval subject to the conditions and planning obligations listed above.

12. Recommendation

12.1. Grant planning permission subject to

- The prior completion of a S106 agreement to secure the following obligations:
 - £640,098.00 towards Education
 - £184,785.00 towards to provision and maintenance of Play and Open Space
 - 40% Affordable Housing provision on-site with a mix of 75% social or affordable rent and 25% intermediate tenure and a mix of 66% of the rented accommodation to be 2 bedroom houses and a remainder as a mix of 1 bedroom accommodation. The intermediate tenure should be a mix of 2 and 3 bedroom houses.
 - £51,840.00 Health Care Provision at Desford and Ratby surgeries.
 - Suitable Highways Mitigation including
 - Travel Packs; at a cost of £52.85 per pack
 - Six month bus passes, two per dwelling £360.00 per pass
 - Residential Travel Plan monitoring fee of £6,000
 - Travel Plan Co-ordinator
 - £3962.00 towards Civic Amenity at Barwell
 - £2,410 for Library Services at Desford Library.
 - Provision of footpath links across Barns Way

- Planning conditions outlined at the end of this report.
- 12.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.
- 12.3. 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.
- 12.4. **Conditions and Reasons**
1. Approval of the following details (hereinafter called “reserved matters” shall be obtained from the local planning authority in writing before any development is commenced:
 - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development;
 - b) The scale of each building proposed in relation to its surroundings;
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes;
 - d) The landscaping of the site including treatment of private and public space to enhance or protect the site’s amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details.

Reason: This planning permission is submitted in outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.
 2. Application for the approval of reserved matters shall be made within 18 months from the date of this permission and the development shall be begun not later than one year from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure that the development is delivered in a timely manner.
 3. The development hereby permitted shall be carried out in accordance with the approved Location Plan –DE315_004 Rev A; received by the local planning authority on 6 February 2019; Proposed Access junction layout and offsite facilities – ADC1902-DR-001 P7 received by the Local Planning Authority on 28 March 2019.

Reason: Identification of the approved plans is necessary to confirm the extent of the development and the location and form of the approved access.
 4. No more than 80 dwellings shall be constructed on the site including no residential curtilage within 5 metres of any of the boundary hedgerows.

Reason: To ensure a satisfactory impact of the development and to enhance the ecological value of the proposed development in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.
 5. Any reserved matters application shall be accompanied by a scheme which details the proposed housing mix for the development which should be in accordance with the Council’s adopted Development Plan and the housing needs of the area. The development shall then be completed in accordance with the approved details.

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

6. 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 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 future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the SADMP 2016.

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

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the SADMP 2016.

8. No development shall commence on site until a Biodiversity Management Plan for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed, has been submitted to the local planning authority for their approval in writing. The submitted plan shall include all retained and created habitats including SUDs and all landscaping to informal play space and natural open space should be comprised of native species wildflower grassland. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the SADMP.

9. No development shall commence on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority and the approved details shall then remain in force throughout the construction period. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored and a procedure for the investigation of complaints. Site preparation and construction hours shall be limited to between 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. There shall be no working on Sundays and Bank Holidays.

Reason: To ensure the protection of neighbouring residential amenity during construction to accord with Policies DM7 and DM17 of the SADMP.

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

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

11. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.

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

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

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

13. 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.

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 system (including sustainable drainage systems) within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

14. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with

Policy DM7 of the Site Allocations and Development Management Policies DPD.

15. In the event that development is not commenced by January 2021, no development shall take place until details of further surveys to establish the presence of protected species which could be affected by the proposed development, and a mitigation/compensation scheme if required, have been submitted to and approved in writing by the local planning authority. Mitigation/compensation works shall be carried out in accordance with the approved scheme.

Reason: To ensure that any delays in construction is preceded by more up-to-date survey work to protect any protected species that could be affected by the proposal in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

16. No part of the development hereby permitted shall be occupied until such time as the primary site access arrangements and offsite highway works generally shown on ADC drawing number ADC1902-DR-001 Rev. P7 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, to mitigate the impact of the development, in the interests of general highway safety and in accordance with in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.the National Planning Policy Framework (2019).

17. Notwithstanding the submitted plans, the gated farm access shown on ADC drawing number ADC1902-DR-001 Rev. P7 shall have a width of a minimum of six metres for a distance of at least ten metres behind the highway boundary and shall be surfaced in a bound material. No access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of ten metres of the highway boundary, nor shall any be erected within a distance of ten metres of the highway boundary unless hung to open away from the highway. The access once provided shall be so maintained at all times.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), 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 the interests of general highway safety and in accordance with in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

18. No part of the development hereby permitted shall be occupied until such time as vehicular and pedestrian visibility splays shown on ADC drawing number ADC1902-DR-001 Rev. P7 have been provided at the site accesses. 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 pedestrian safety, in the interests of general highway safety, and in accordance with in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

19. Prior to the occupation of any of the dwellinghouses hereby approved, a scheme which makes adequate provision for waste and recycling storage of containers and collection across the site has been submitted to and approved in writing by the local planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers. The scheme shall then be implemented in accordance with the approved details.

Reason: To ensure that collection points for domestic recycling, garden waste and refuse is made from the adopted highway boundary in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

20. Prior to the submission of any reserved matters application, an archaeological mitigation programme detailed within a Written Scheme of Investigation and informed by an initial stage of exploratory trial trenching, shall be prepared by the applicant and submitted to, and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: In the interest of recording the archaeological value of the site in accordance with policy DM13 of the SADMP DPD (2016).

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

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the SADMP DPD (2016).

22. No development shall take place on site other than in accordance with the specifications and recommendations set out in the Tree Constraints, Impact Assessment and Tree Protection Method Statement- B. J. Unwin Forestry Consultancy received by the Local Planning Authority on 06th February 2019.

Reason: To ensure the trees on site are to be retained and adequately protected during and after construction in the interest of the visual amenity of the area and biodiversity in accordance with Policies DM6 of the SADMP DPD (2016).

23. 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 the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interest of visual amenity in accordance with Policy DM10 of the SADMP DPD (2016).

12.5. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Removal of any vegetation can only take place outside of the bird nesting season
3. 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 protect both the public sewer and the building. Should you require any further information please contact Severn Trent on Planning.APEast@severntrent.co.uk
4. The surface water drainage scheme required by condition 10 shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events. Evidence should be provided demonstrating that the outfall ditch (including the 150mm culvert) are operational and sufficient to receive existing flows and the surface water from the proposed development.
5. Details within the maintenance scheme of the drainage strategy should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
6. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
7. The results of infiltration testing required by condition 13 should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.
8. The Written Scheme of Investigation required by condition 20 must be prepared by an archaeological contractor acceptable to the Planning

Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

9. The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.
10. Noting that internal layout is not a matter to be considered at this outline stage, the applicant is strongly encouraged by the Local Highways Authority to submit a plan at the reserved matters stage which demonstrates that the continued use of this farm access will not result in conflicts with residential traffic using the internal road network.
11. 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>
12. Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.

Planning Committee 25 June 2019
Report of the Interim Head of Planning

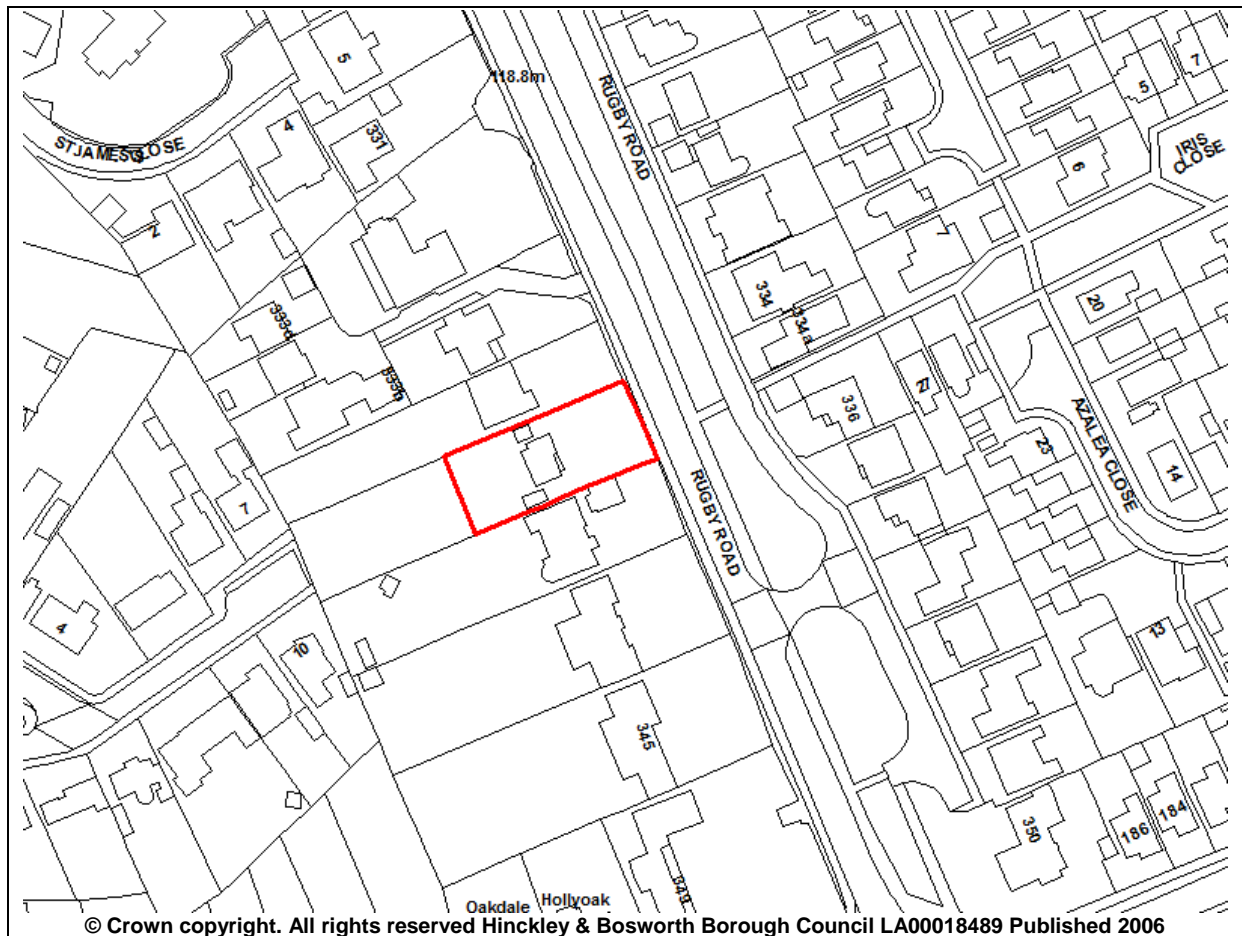
Planning Ref: 19/00413/FUL
Applicant: Ricky Child
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 339 Rugby Road Burbage

Proposal: Demolition of existing dwelling and the erection of a replacement detached dwelling and detached double garage (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 demolition of an existing detached dwelling and its replacement with a larger detached dwelling and a detached double garage set forward of the front elevation. The scheme is a revision to a previous and extant scheme for a similar development (reference

18/00122/FUL) that was approved subject to conditions by Planning Committee in July 2018.

- 2.2. The proposed replacement dwelling would be sited on a similar building line to the existing properties either side and beyond. The dwelling would have a footprint width of 16.5 metres, an overall depth of up to 13 metres, a ridge height of 8.4 metres and varying eaves heights. Windows are to the front and rear elevations only.
- 2.3. The main revisions to the current scheme from the approved extant scheme include:
- Amendments to the design and appearance of the front elevation to include projecting bay windows and porch with up to 1.5 metre depths, an increase in the eaves height by 0.5 of a metre from 4.5 metres to a height of 5 metres and incorporating stonework within the external materials;
 - Amendments to the design and appearance of the rear elevation to include a 5.3 metre wide single storey flat roof extension with a depth of 1.7 metres, an increase in the eaves height by 0.5 of a metre from 4.5 metres to a height of 5 metres and associated increase in first floor window heights and incorporating stonework within the external materials;
 - A reduction in the eaves height of the side elevations and front and rear gables by 0.5 of a metre from 5 metres down to 4.5 metres.

The overall height of the dwelling remains at 8.4 metres as previously approved.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located in a residential area within the settlement boundary of Burbage on the western side of Rugby Road. The existing dwelling is a detached two storey property which faces onto and is accessed from Rugby Road.
- 3.2. The application site lies within a row of individually designed dwellings of varying but predominantly two storey scale set within large plots, a number of which have detached garaging forward of the front elevation. All of the dwellings along the west side of Rugby Road in the vicinity are set back a considerable distance from the highway, on average by around 20 metres, many with substantial landscaping to the front boundary. The east side of Rugby Road is characterised principally by detached two storey dwellings but smaller in scale to those on the west side of Rugby Road and set behind an open landscaped public amenity space.

4. Relevant Planning History

14/01160/OUT	Demolition of Existing Dwelling and Erection of two new dwellings (outline - access only)	Outline Planning Permission	16.01.2015
18/00122/FUL	Demolition of existing dwelling and the erection of a detached two storey dwelling and a detached double garage (re-submission).	Permitted	04.07.2018

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. As a result of public consultation, responses from 4 separate addresses have been received objecting to the proposal on the following grounds:-

- 1) Overbearing and adverse impact on neighbouring properties due to mass, scale, design, appearance and separation
- 2) Loss of light to neighbouring properties
- 3) Increase in mass from previously approved scheme through front and rear extensions and excessive height
- 4) Overdevelopment of the site and out of keeping with street scene due to height, mass and scale of proposal in proportion to the plot size
- 5) Design contrary to vernacular style and mass of buildings in the surrounding area
- 6) Proposed elevation drawing refers to a 'second floor' so will be a three storey property
- 7) Concerns of future change of use to a day nursery facility, other commercial use or house in multiple occupation
- 8) Static caravan installed on site is an eyesore and adversely affects the privacy of neighbouring properties
- 9) If approved, a condition for replacement boundary walls, fencing and hedgerow should be included to replace those already removed by the applicant

6. Consultation

- 6.1. No objection, some with notes to applicant, has been received from:-
Environmental Health (Pollution)
Environmental Health (Drainage)
Street Scene Services (Waste)
- 6.2. Burbage Parish Council objects to the proposal due to the height and mass of the dwelling.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 4: Development in Burbage
- 7.2. Site Allocations and Development Management Policies (SADMP) 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
- 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)

8. Appraisal

- 8.1. The application site lies within the settlement boundary of Burbage where residential development is generally acceptable in principle and supported by Policy 4 of the adopted Core Strategy and Policy 1 of the emerging Burbage Neighbourhood Plan (BNP). In addition, the principle of development for a replacement dwelling and detached garaging on the site of a similar mass and scale has already been established through the previously approved and extant planning permission (18/00122/FUL).

8.2. Therefore the key issues in respect of this application are:

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

Design and impact upon the character of the area

- 8.3. 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.
- 8.4. 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 and are comparable in layout, size, scale and design to neighbouring properties.
- 8.5. The proposed dwelling would be a two storey five bedroom property, with a detached double garage located forward of the principal elevation of the property. The revised design retains a ridge height of 8.4 metres as with the previously approved and extant scheme. It also retains two projecting gables but having a lower eaves height of 4.5 metres to the front elevation, one with full height glazing providing a contemporary appearance and the other with a two storey flat roof feature window projection with cast stone coping. Two single storey projections to the other gable and entrance porch, also with cast stone copings, are included within the design.
- 8.6. The revised scheme includes amendments to the design and appearance of the rear elevation to include a 5.3 metre wide single storey flat roof extension with a depth of 1.7 metres, an increase in the main eaves height by 0.5 of a metre from 4.5 metres to a height of 5 metres and associated increase in first floor window heights and incorporating stonework within the external materials. The proposed amendments are consistent with the amendments to the front elevation and are acceptable in terms of design and appearance.
- 8.7. Whilst the adjacent neighbouring properties either side are lower in terms of ridge height than the proposed dwelling; there are varying ridge heights along this stretch of Rugby Road and there are other properties within the wider street scene that are similar in height to the that now proposed and previously approved. The proposed double garage to the front would have an eaves height of 2.5 metres and a ridge height of just below 5 metres, again as previously approved.
- 8.8. The dwelling itself would be set back from the highway by approximately 19.5 metres and notwithstanding the revised design with front window and porch projections, these are only of narrow depth (up to 1.5 metres) and therefore the dwelling would not break the building line along the west side of Rugby Road to any significant degree and would be consistent with the siting of the previously approved and extant scheme. The proposed detached garage would be set back from the highway by approximately 11.5 metres in a similar position to the detached garage to the neighbouring property at 341 Rugby Road.
- 8.9. The existing property is a three bedroom detached dwelling and is currently one of the smallest properties on the western side of Rugby Road. The existing property does not contribute positively to the street scene in design terms and its demolition and replacement with a better design as proposed would be acceptable. Rugby

Road is characterised by large detached dwellings which extend almost to the sides of each plot. The proposed dwelling would be set in by 0.9 metre from the side boundaries with both the adjoining neighbours allowing access to the rear garden. The character of properties along Rugby Road is varied in terms of scale, height, design and appearance. The revised scheme would continue to complement the varied character of the area. The use of cast stone window surrounds has been approved for a replacement dwelling at 333 Rugby Road which is currently under construction and therefore would not be uncharacteristic of the area.

- 8.10. The proposed detached double garage would be constructed with a dual pitch roof with an eaves height of 2.5 metres and a ridge height of just below 5 metres. There are a number of dwellings which have detached garages along Rugby Road which have been constructed forward of the principal elevation of the dwelling including at the neighbouring property of 341 Rugby Road. The proposed garage would be set back from the highway by approximately 11.5 metres. There is existing front boundary vegetation that provides screening of the site and additional tree planting is proposed within the application to provide further screening of the site from Rugby Road.
- 8.11. By virtue of its siting, scale, design and appearance the proposal would complement the varied character and appearance of the surrounding area and would therefore be in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.12. 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.
- 8.13. The proposed dwelling would be set off the boundary with the neighbouring property to the north (337 Rugby Road) by 0.9 of a metre. Whilst the revised design includes an overhanging eaves detail along the side elevation that would reduce this distance, the adjacent property is also set off the side boundary and therefore adequate separation is maintained between them. This adjacent dwelling has one side window facing towards the proposed dwelling which serves a hallway. The revised scheme includes a lower side elevation eaves height than the previously approved and extant scheme therefore there would be no greater adverse impact over the approved and extant scheme. No windows are proposed to the northern elevation of the proposed dwelling and therefore there would be no overlooking of this neighbouring property or loss of privacy. The replacement dwelling has a greater depth than the existing dwelling to be demolished but, even with the addition of a single storey extension to the rear elevation in this revised scheme, the proposal would not project further to the rear than the adjacent dwelling. By virtue of the siting, design and separation distances, the revised proposal would not result in any significant adverse overbearing impacts or loss of privacy to the amenity of the occupiers of 337 Rugby Road. The double garage would be located forward of 337 Rugby Road and close to the site boundary. However, given its location 2.5 metres forward of the neighbouring dwelling and given that the roof slopes away from the boundary, being 2.5 metres at the closest point to the boundary, there would be no significant adverse impact on 337 Rugby Road in terms of overshadowing or overbearing impacts. In addition, there is a line of conifer trees within the neighbouring garden that provide significant screening.
- 8.14. The proposed dwelling would be set off the boundary with the neighbouring property to the south (341 Rugby Road) by 0.9 of a metre. Whilst the proposed design includes an overhanging eaves detail along the side elevation that would reduce this distance, the adjacent property is also set off the side boundary and

therefore adequate separation is maintained between them. This adjacent dwelling has three side windows at first floor level (serving a bathroom which is obscurely glazed and two hallway windows) and there are three small windows and a door at ground floor level, none of which are principle windows to habitable rooms and therefore there would be no significant impact on the amenity of this property. The revised scheme includes a lower side elevation eaves height than the previously approved and extant scheme therefore there would be no greater adverse impact over the approved and extant scheme. No windows are proposed to the northern elevation of the proposed dwelling and therefore there would be no overlooking of this neighbouring property or loss of privacy. The replacement dwelling has a greater depth than the existing dwelling to be demolished but the proposal would not project further to the rear than the adjacent dwelling. By virtue of the siting, design and separation distances, the revised proposal would not result in any significant adverse overbearing impacts or loss of privacy to the amenity of the occupiers of 341 Rugby Road. At the time of the site visit there appeared to be satisfactory boundary treatments to the rear gardens (as indicated on the submitted 'Landscaping' drawing) to protect the residential amenity of neighbouring properties.

- 8.15. To the west of the application plot there is a detached bungalow constructed on former garden land to the host dwelling and accessed off John's Close. The revised scheme retains a separation distance from the proposed main rear elevation of the replacement dwelling to the rear boundary with 8 John's Close of 14 metres and approximately 29 metres between opposing rear elevations, consistent with the previously approved and extant scheme. This revised scheme includes a single storey flat roof extension to the rear elevation which reduces the separation distance by 1.7 metres, however by virtue of its single storey scale this would not result in any adverse impacts on the privacy or amenity of the occupiers of the neighbouring bungalow.
- 8.16. Notwithstanding the marginal (0.5 of a metre) increase in the eaves height of the rear elevation and the first floor windows together with the introduction of a flat roof extension to the rear elevation, by virtue of the satisfactory separation distance between the two properties, the revised scheme would not result in any significant adverse overbearing impacts or loss of privacy from unacceptable overlooking to the occupiers of the bungalow at 8 John's Close. There is also an existing 1.8 metre high close boarded fence which forms the boundary treatment between the two properties and acts as screening between the two properties.

Impact upon highway safety

- 8.17. Policy DM17 of the SADMP states that development proposals will be supported where there is no significant adverse impact upon highway safety. Policy DM18 of the SADMP states that all new developments should provide an appropriate level of parking provision.
- 8.18. The replacement dwelling would be served by the existing domestic access from Rugby Road and given that the proposal is for a replacement single dwelling the access is considered to be acceptable. By virtue of the large plot and considerable set back of the dwelling from the highway boundary there is considered to be more that satisfactory space within the site to provide adequate parking (minimum three spaces) and turning facilities to serve the proposed five bedroom dwelling and enable vehicles to enter and leave the site in a forward gear. The provision and future retention of satisfactory off-street parking and turning facilities to serve the dwelling could be secured through the imposition of a condition to accord with current highway design standards.
- 8.19. The site layout of the revised proposal is consistent with the previously approved and extant scheme, would not result in any significant adverse impacts on highway

safety and would provide satisfactory off-street parking and turning facilities within the site to serve the size of dwelling proposed. The revised scheme would therefore remain in accordance with Policies DM17 and DM18 of the adopted SADMP.

Other issues

- 8.20. The proposed detached double garage would be constructed within the root protection area of the conifer trees within the front garden of 337 Rugby Road. As a result, a combined Arboricultural Survey, Method Statement and Tree Planting Proposal has been submitted to support this revised application. This proposes that as the garage would be a timber frame structure it would not require traditional foundations and instead proposes the use of concrete pads to support it and a permeable internal floor. However, the submitted plans indicate a brick and tile construction and this intention has been confirmed by the applicant. Therefore, notwithstanding the submitted report, the construction of the garage could have a significant adverse impact on the neighbouring trees unless adequate mitigation is undertaken. Therefore a condition requiring full details of tree protection measures and a revised arboricultural method statement with foundation design details for prior approval will still be required to ensure that there is no adverse impact on the trees as a result of the construction of the garage.
- 8.21. The site has satisfactory highway frontage to enable the presentation of refuse and recycling bins for collection.
- 8.22. Objections have been received on the grounds that the proposed dwelling is large enough to potentially operate for uses other than as a single private dwelling (including for commercial purposes). A planning application was submitted in 2015 by the applicant for the "Conversion and two storey extension of dwelling to a children's day nursery with residential on first floor" (Planning Reference: 15/01068/FUL). This application was withdrawn and no formal decision was made on this application. However, this does not form part of the proposal and therefore is not material to the determination of this application.
- 8.23. Comments have been received regarding a static caravan that has been sited within the rear garden of the site. This does not form part of the application. Under certain circumstances it is possible to site such structures within development sites without the need for planning permission if it is to be occupied by the applicant(s) and they are carrying out and undertaking a substantial amount of the construction works of the development themselves.

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 Development Plan unless material considerations indicate otherwise. The site is located within a sustainable urban settlement with reasonable access to a full range of services and facilities by sustainable transport modes.
- 10.2. The principle of development for a replacement dwelling and detached garaging on the site of a similar mass and scale has already been established through the previously approved and extant planning permission (18/00122/FUL). This revised scheme retains the overall mass and scale of the dwelling but includes amendments to the design and appearance of the dwelling and very modest front and rear projections.
- 10.3. Notwithstanding the objections received, by virtue of the siting, layout, scale, design and appearance the revised proposal would continue to complement the varied character and appearance of the surrounding area, would not result in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring properties or highway safety and would provide adequate parking and turning facilities within the site. The revised scheme would remain in accordance with Policy 4 of the adopted Core Strategy, Policies DM1, DM10, DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF (2019) and is therefore recommended for approval subject to similar conditions to the previously approved and extant scheme.

11. Recommendation

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

- Planning conditions outlined at the end of this report.

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

11.3. Conditions and Reasons

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:1250 scale; Block Plan at 1:500 scale; Proposed Site/Landscaping Plan Drawing No. 13/01/19 Rev A at 1:100 scale; Proposed Dwelling Elevations Drawing No. 13/01/19 Rev A at 1:50 scale; Proposed Dwelling Floor Plans Drawing No. 13/01/19 Rev A at 1:50 scale and Proposed Double Garage Floor Plan and Elevations Drawing No. 15/08/18 Rev A at 1:50 scale received by the local planning authority on 30 April 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. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwelling and garage hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

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

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

5. No development shall commence on site until a detailed scheme of measures for the protection of trees on site and adjacent to the boundaries of the site to be retained during the course of development shall be submitted to and approved in writing by the local planning authority. This shall include the following items;
 - 1) A site specific tree protection plan with details of site storage areas and welfare facilities;
 - 2) A full and detailed prescription for tree surgery works;
 - 3) A method statement for site works and foundation design within the Root Protection Area on or adjacent to the site.

Reason: To ensure that the development has a satisfactory external appearance and protects existing trees to be retained on site in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD (2016).

6. Notwithstanding the provisions of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access within a distance of 5 metres of the highway boundary and any gates or barriers shall be hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with

tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be permanently so maintained at all times thereafter.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

8. The approved hard and soft landscaping scheme shall be carried out in accordance with the details submitted on Landscaping Plan Drawing No. 13/01/19 Rev A received by the local planning authority on 30 April 2019 in the first planting season following the first occupation of the dwelling hereby permitted. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: To ensure that the 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).

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 or call 01455 238141.
2. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata; i.e soakaways, previous paving, filter drains, swales, etc and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata area insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
3. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.
4. Rainwater from the garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge onto the surface of the application site and neighbouring properties.



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

PLANNING COMMITTEE

25 June 2019

WARDS AFFECTED:

All Wards

Planning Enforcement Update

Report of Interim Head of Planning and Development

1. PURPOSE OF REPORT

- 1.1 To provide an update to Members on the number of active and closed enforcement cases within the borough.
- 1.2 To provide an update on the current workload being handled by the team.
- 1.3 To provide an overview of the performance of the compliance, monitoring and enforcement function within the planning and development service.

2. RECOMMENDATION

- 2.1 That the report be noted.

3. PLANNING ENFORCEMENT CASE UPDATE

Newton Linford Lane, Groby (Known as Klondyke)

Since the previous report an external specialist company has been contracted to provide support in relation to this ongoing case. The piece of work will be to review the current uses of the site from the Councils records and observations, to identify those elements where enforcement action can be taken, together with the production of suitable legal notices as required. This work is currently underway and once finalised the company will identify the options available to the council. Once received the Council will determine which element it wishes to see action taken over, including but not limited to the removal of unauthorised development and costs to take such action and provide any necessary ongoing instructions.

Land at the rear of 84 Leicester Road, Hinckley

Following refusal of the planning application on the site for 7 dwellings; an enforcement notice was served to require the removal of building materials being stored on the site. The date for compliance with this Notice is 8th December 2018. A site visit has been undertaken which has confirmed that the notice has not been complied with, however the applicant has appealed the refusal and all action has been held in abeyance pending its determination. An appeal decision has been received, the inspector dismissed the appeal on the 8th June. A month has been given (until 8th July), from the appeal decision date, to the land owner to comply with the enforcement notice.

Veros Lane

An enforcement notice was served in relation to the creation of an area of hardstanding which has been laid without the benefit of planning permission. The enforcement notice was not appealed and the hardstanding should therefore have been removed by 10th June 2018. Planning application 18/00942/OUT for the erection of three dwellings on this piece of land was refused and no appeal submitted. As a result the planning enforcement team will be undertaking a site visit following which they will be seeking a legal on any possible further enforcement action.

74 Alexander Avenue, Earl Shilton

Following a letter to the owner the garage has been removed however the blue bricks are still in situ and therefore the owner has been given a deadline for these to be removed to comply fully with the requirements of the enforcement notice

Kirby Vale, Nock Verges

This case is subject to a mutli agency investigation into various issues on the site the details of which cannot be shared at this time.

Land North of Leicester Road, Groby.

Work has commenced in regards to this residential development and will form part of an open investigation to address any reported alleged breaches of planning control

Old Woodlands Farm, Ratby

Following refusal of 18/00843/FUL for the change of use of the woodland to leisure/camping site including access tracks, car park, camping zone, wooden eco pods, amphitheatre, mounds, tunnel maze and ponds, the applicants have confirmed they will be submitting a revised scheme. However the case still forms part of an ongoing investigation into the use of the woodlands by 'Go Wild Camping' which includes people erecting tents overnight and the siting of a large storage container for forestry equipment

32 Main Street, Thornton

A prosecution file has been compiled for non compliance with an Enforcement Notice served seeking removal of 3 shipping containers. This file is currently with the Councils legal team.

Crown Crest, Desford

Following reports of breaches to approved delivery times the site was monitored over several weekends and a site examination of the operators CCTV footage undertaken. This showed only a handful of breaches over a 3 month period of approximately 5 minutes in each case. However the owners have confirmed that a new new CCTV camera and point to point beam is to be fitted at the entrance barrier. The site is also subject to a pending planning application to extend the permitted days and hours for deliveries.

Manor Hill Farm

The site has been subject to weekly monitoring over a 2 month period which forms part of an ongoing investigation into alleged breaches of planning control. A meeting with the site owner has resulted in the agreed submission of planning applications by the owner in an attempt to address those breaches

Untidy Sites

From 1st November 2018 to 30 April 2019; the council received 21 complaints in respect to untidy land within the Borough. The planning enforcement team have successfully introduced the use of Community Protection Notices under Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014² came into effect in England and Wales on 20 October 2014, to resolve matters relating to untidy site. Community Protection Notices are intended to stop a natural person or a body (eg a legal person such as a business) continuing with conduct which unacceptably affects victims and the community. They can be used in circumstances where there are reasonable grounds to believe the subject's conduct:-

- is having a detrimental effect on the quality of life of those in the locality, and
- is unreasonable, and
- the behaviour is of a persistent or continuing nature.

Before a Community Protection Notice can be issued, the subject must be given a written warning stating that a Community Protection Notice will be issued unless their conduct ceases to have the detrimental effect

4.0 RECENT SUCCESS STORIES

59 Northfield Road, Hinckley

This is a historic untidy land case, where the owners had permission for a two storey extension that remained uncompleted with rusting scaffolding to the front and side. The recent service of a Community Protection Warning letter has resulted in the front scaffolding being removed and the extension near completion following which the side scaffolding will also be removed.

10 Gowrie Close, Hinckley

Following reports that this residential property was being used as offices an officer undertook a site inspection which confirmed the property was being used solely as offices with several employees. Following this visit a letter was sent to both the owner of the property and the company using it, requesting they cease the use within a required timeframe. Officers revisited the property to establish if the use had ceased but were refused entry. Following this a Section 196A Right of Entry letter was had delivered to the property informing the occupiers that officers would be visiting the site at a predetermined date and time. The occupiers then instructed their legal advisors to contact the Council, following which a further visit confirmed that the unauthorised use had ceased and the office equipment removed.

187 Markfield Road, Groby

This case related to a row of conifers to the rear of the site causing light problems to the neighbouring property. A High Hedges Remedial Notice was served on the owners requesting that the conifers were reduced in height, however the owner only complied with part of this legal Notice. After several assurances that the work would be undertaken, a letter was sent to the owner giving a final deadline to fully comply and advising that failure to do so would result in prosecution proceedings. Following this final letter the owner undertook the further works and has now fully complied with the Notice.

223 Markfield Road, Groby

This is another longstanding case in regard to the siting of a storage container on the land and the erection of a large outbuilding. The owner subsequently submitted a planning application to retain the outbuilding which was approved and following requests to remove the container a recent site visit has confirmed that it is no longer in situ.

98 Wood Street, Earl Shilton

This is a recent case involving a property in a prominent location in Earl Shilton, which has been changed to a tattoo parlour. The front façade was painted purple with artist impressions of tattoos forming a large advertisement within it. It was also noted that additional unauthorised adverts were being displayed. The owners were notified that the front of the property was unacceptable, following which the façade has changed colour from purple to black and certain aspects of the artist impression painted over to ensure compliance with the 2017 Advertisement Regulations. Several additional unauthorised advertisements have also been removed and a planning application submitted to retain the use of the property as a tattoo parlour

5.0 WORKLOAD, STAFFING UPDATE & PERFORMANCE

- 5.1 The following tables detail the current workload that the team is managing in respect of current enforcement investigations. Table 1 demonstrates the number of cases that have been opened within a specific period and how many cases have been closed within the same period. The team ensures that enforcement cases are resolved as expediently as possible. Table 2 sets out in more detail how the cases were closed. As of the 30 April 2019 there are 139 enforcement cases pending consideration.

Table 1: Number of Enforcement cases opened and closed

Period of time	Number of cases opened	Number of cases closed
1 February 2019 – 30 April 2019	111	105

Table 2: How the enforcement cases were closed

Period of time	Total Cases closed	Case closed by resolution of breach	Case closed due to there being no breach	Case closed as not expedient to take action
1 February 2019– 30 April 2019	105	37	51	17

- 4.3 The approach to tackling enforcement cases continues to be a collaborative one; involving joined up working with other service areas within the council. We also continue to attend the quarterly Planning Enforcement Forum Group for Leicestershire Local Authorities to share experiences and best practice.
- 4.4 Sally Hames has taken on the role of Planning Enforcement Team Leader until 31 January 2020, however the role of Senior Planning Enforcement Officer still remains vacant. Sally has a wealth of planning enforcement experience and has worked for several local authorities in Leicestershire, Northamptonshire and Nottinghamshire. As well as dealing with some of the more complex cases she has been tasked to train and mentor the enforcement officers within the team, produce a Local Enforcement Plan and improve customer information on the Councils website. As always, should members have a Planning enforcement issue raised with them by a member of the public please ensure this is not reported directly to officers of the team but via the enforcement inbox which has a new email address: planningenforcement@hinckley-bosworth.gov.uk

5. FINANCIAL IMPLICATIONS [TF]

- 5.1 None

6. LEGAL IMPLICATIONS

- 6.1 None

7. CORPORATE PLAN IMPLICATIONS

The 2017-2021 Corporate Plan sets out ambitions for improving neighbourhoods, parks and open spaces, improving the quality of homes and creating attractive places to live (Places theme). It also promotes regeneration, seeks to support rural

communities and aims to raise aspirations for residents (Prosperity theme). This report explains how planning enforcement powers are being used to deliver these aims.

8. CONSULTATION

None

9. RISK IMPLICATIONS

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Dealing with numerous Public Enquiries	Monthly monitoring of implications on revenue budget by Head of Service and Service Manager. Review and forecast overspend and review supplementary estimate/virement as part of budget review. Constant review of budget for public enquires for duration of the masterplan. Monitoring of budget in relation to appeal costs. Monitoring of planning decisions	N. Smith

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

This report is for information purposes to update Members on the progress of recent enforcement cases. As this report is not seeking a decision it is envisaged that there are no equality or rural implications arising as a direct result of this report.

11. CORPORATE IMPLICATIONS

By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications

- Voluntary Sector
-

Contact Officer: Sally Hames Planning Enforcement Team Leader ext. 5919

Executive Member: Cllr Bill

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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 14.06.19

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	Appeal Valid	DATES
19/00018/FTPP	GS	19/00057/HOU (PINS Ref 3229835)	WR	Mr E Sutton 21 Peters Avenue Newbold Verdon	Kindle House 21 Peters Avenue Newbold Verdon (Single storey side extension, new pitched roof over existing porch and canopy along front elevation)	Start Date Awaiting Decision	05.06.19
19/00016/PP	AC	19/00303/FUL (PINS REF 3229645)	WR	Ms Lisette Sampey 17 Main Street Higham on the Hill	17 Main Street Higham On The Hill Nuneaton (Demolition of existing workshop, garage and wall, subdivision of plot and erection of one detached dwelling, single storey front extension to existing dwelling and new access to serve existing dwelling)	Start Date Statement of Case Final Comments	31.05.19 05.07.19 19.07.19
	JB	19/00230/FUL (PINS 3229633)	IH	Statue Homes Limited The Old House Farm Sutton Lane Cadeby Nuneaton	Kyngs Golf And Country Club Station Road Market Bosworth (Change of use of vacant outbuilding to No. 1 holiday lodge and alterations to existing vehicular access onto Station Road to include the extension of the access drive)	Start Date Questionnaire 3rd Party Notification Statement of Case	13.06.19 20.06.19 20.06.19 18.07.19
	RW	19/00213/CONDIT (PINS REF 3229530)	WR	Centre Estates Limited 99 Hinckley Road Leicester	Land Off Paddock Way Hinckley (Application Reference Number: 17/00115/FUL (Appeal Reference: APP/K2420/W/17/3189810) Date of Decision: 13/09/2018 Condition Number(s): 2)	Appeal Valid Awaiting Start Date	31.05.19

	TW	19/00174/HOU (PINS Ref 3229307)	WR	Mr & Mrs Marcus & Gill O'Sullivan 122 Ashby Road Hinckley	122 Ashby Road Hinckley (Erection of a Car Port to front of property (Retrospective))	Appeal Valid Awaiting Start Date	22.05.19
	JB	18/01104/FUL (PINS Ref 3228815)	WR	Mr Lee Brockhouse A5 Aquatics Meadowcroft Farm Watling Street Nuneaton	Land North Of Watling Street Nuneaton (Erection of dwelling, detached garage, boat house, football pitch, creation of access and associated landscaping (re- submission of 18/00207/FUL))	Start Date Questionnaire 3rd Party Notification Statement of Case Final Comments	13.06.19 20.06.19 20.06.19 18.07.19 01.08.19
19/00019/FTPP	RW	18/01259/HOU (PINS Ref 3228184)	WR	Mr & Mrs KB Jones 7 Cadeby Court Sutton Lane Cadeby	7 Cadeby Court Sutton Lane Cadeby (Single storey rear extension and timber framed open porch to front elevation of dwelling (re-submitted scheme))	Start Date	12.06.19
19/00014/NONDET	RW	18/01266/FUL (PINS Ref 3226202)	WR	NS & PS Developments Ltd c/o E-Countant The Fort Offices Artillery Business Park Oswestry	Barrack House The Barracks Barwell (Part demolition and conversion of existing factory to 4 apartments and erection of 4 new houses and 9 new apartments)	Start Date Final Comments	07.05.19 25.06.19
19/00023/COND	CG	19/00078/CONDIT (PINS Ref 3226116)	WR	SPS Groundworks Ltd 7 Cooper Lane Ratby	9 Ratby Lane Markfield (Variation of Conditions 2 and 3 of planning permission 18/01043/FUL for external alterations including changes to roof form, fenestration and materials)	Start Date Awaiting Decision	10.04.19
	TW	18/00247/UNHOUS (PINS Ref 3225956)	WR	Miss Helen Crouch 49 Main Street, Bagworth	49 Main Street Bagworth (Creation of a balcony)	Awaiting Start Date	
19/00012/FTPP	TW	18/01098/HOU (PINS Ref 3224500)	WR	Mr Steve Benson c/o Agent David Ives 160 Birstall Road Birstall Leicester LE4 4DF	40 Highfields Thornton Coalville Leicestershire LE67 1AE	Start Date Awaiting Decision	02.04.19

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 Decision Expected	21.02.19 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)	Appeal Valid Awaiting Start Date	29.03.19
	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)	Appeal Valid Awaiting Start Date	29.03.19
19/00017/PP	CG	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)	Start Date Statement of Case Hearing Date - 2 days (TBC)	31.05.19 05.07.19 20-21.08.19
	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)	Appeal Valid Awaiting Start Date	09.04.19
19/00011/FTPP	GS	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)	Start Date Awaiting Decision	02.04.19

19/00019/PP	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))	Start Date Statement of Case Hearing Date (TBC)	28.05.19 02.07.19 13.08.19
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 Awaiting Decision	21.01.19

Decisions Received

19/00007/ENF	TW	16/00277/UNUSES (PINS Ref 3206296)	WR	Mr F Tailor Oldlands Fenns Lane Dadlington	Oldlands Fenn Lanes Dadlington	DISMISSED	10.06.19
19/00010/PP	RW	18/00378/FUL (PINS Ref 3218996)	WR	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))	ALLOWED	05.06.19
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))	DISMISSED	05.06.19
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)	DISMISSED	30.05.19

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)	DISMISSED	29.05.19
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)	DISMISSED	16.05.19

Appeal Decisions - 1 April - 14 June 2019

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
9	1	8	0	0	1	0	6	0	0	2	0	0	0

Enforcement Appeal Decisions

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

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