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Hinckley & Bosworth
Borough Council

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

Date: 02 October 2018

To: Members of the Planning Committee

Mr R Ward (Chairman)	Mr C Ladkin
Mr BE Sutton (Vice-Chairman)	Mr KWP Lynch
Mr PS Bessant	Mrs J Richards
Mr DC Bill MBE	Mr RB Roberts
Mrs MA Cook	Mrs H Smith
Mr WJ Crooks	Mrs MJ Surtees
Mr MA Hall	Ms BM Witherford
Mrs L Hodgkins	Ms AV Wright
Mr E Hollick	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite - Hub on **WEDNESDAY, 10 OCTOBER 2018** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen
Democratic Services Officer

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 - 10 OCTOBER 2018

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS
2. MINUTES (Pages 1 - 2)
To confirm the minutes of the meeting held on 25 September 2018.
3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES
To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.
4. DECLARATIONS OF INTEREST
To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**
5. QUESTIONS
To hear any questions in accordance with Council Procedure Rule 12.
6. DECISIONS DELEGATED AT PREVIOUS MEETING
To report progress on any decisions delegated at the previous meeting.
7. 18/00302/FUL - LAND SOUTH OF AMBER WAY, BURBAGE (Pages 3 - 34)
Application for erection of 40 dwellings and associated infrastructure.
8. 18/00530/OUT - LAND WEST OF BREACH LANE, EARL SHILTON (Pages 35 - 56)
Application for erection of three dwellings (Outline - access only).
9. 18/00757/HOU - 18 CASTLEMAINE DRIVE, HINCKLEY (Pages 57 - 62)
Application for single storey rear extension.
10. 18/00680/FUL - ASHCROFT, 4 PIPE LANE, ORTON ON THE HILL (Pages 63 - 74)
Application for erection of 2 dwellings (re-submission of 18/00221/FUL).
11. NAILSTONE COLLIERY, WOOD ROAD, NAILSTONE - DEED OF VARIATION (Pages 75 - 82)
Report to outline a request that has been made to vary a signed Section 106 to planning application 06/00980/OUT, 10/00851/EXT and 14/00572/CONDIT to amend the off site highways works originally agreed.
12. APPEALS PROGRESS (Pages 83 - 88)
To report on progress relating to various appeals.
13. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

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Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

25 SEPTEMBER 2018 AT 6.30 PM

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

Officers in attendance: Julie Kenny, Helen Knott, Rebecca Owen, Rob Parkinson,
Michael Rice and Nicola Smith

186 APOLOGIES AND SUBSTITUTIONS

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

Councillor Morrell for Councillor Ladkin
Councillor Nickerson for Councillor Roberts.

187 MINUTES

On the motion of Councillor Sutton, seconded by Councillor Bill, it was

RESOLVED – the minutes of the meeting held on 28 August be confirmed and signed by the chairman.

188 DECLARATIONS OF INTEREST

Councillors Crooks, Hollick and Lynch declared a personal interest in application 18/00425/FUL as members of English Heritage.

Councillors Cook, Morrell, Sutton and Ward declared a personal interest in application 18/00425/FUL as representatives on the MIRA Community Liaison Group.

189 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that the decision relating to application 18/00353/FUL had been issued.

190 18/00425/FUL - HORIBA MIRA LTD, WATLING STREET, CALDECOTE, NUNEATON

Application for construction of a connected and autonomous vehicle (CAV) testing track, a control tower and storage building, ground works, landscaping and associated infrastructure.

It was moved by Councillor Hall and seconded by Councillor Morrell that permission be granted subject to the conditions contained in the officer's report and late items. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be granted subject to the conditions contained in the officer's report and as amended in the late items.

Councillors Bill, Crooks, Lynch, Richards and Wright wished it to be recorded that they voted against the motion.

(The Meeting closed at 7.25 pm)

CHAIRMAN

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

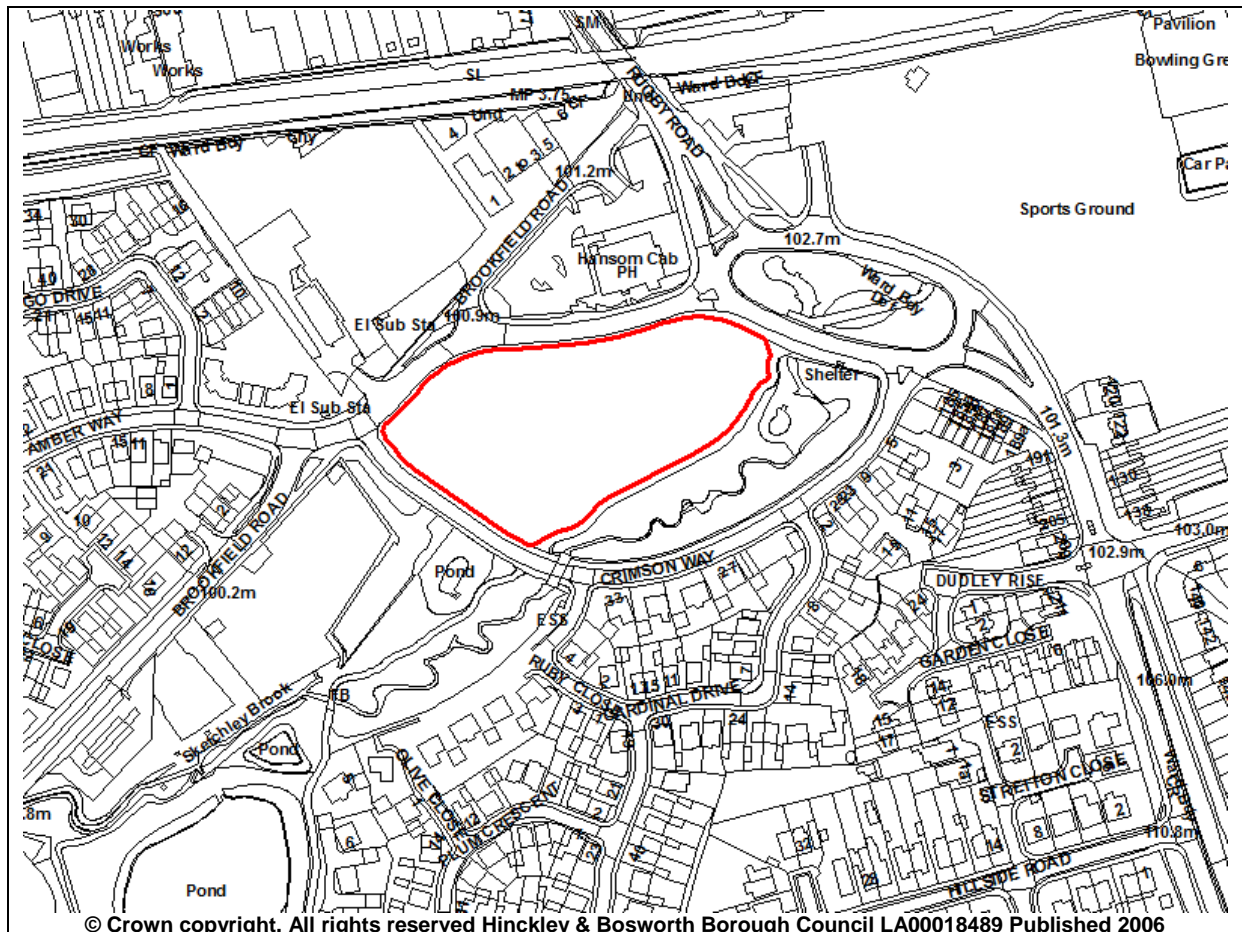
Planning Ref: 18/00302/FUL
Applicant: Persimmon Homes North Midlands
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: Land South Of Amber Way Burbage

Proposal: Erection of 40 dwellings and associated infrastructure



1. This application was taken to the previous Planning Committee on the 28 August 2018. Notwithstanding the officer's recommendation that permission be granted, members were minded to refuse the application.
2. Following feedback received from members at Planning Committee and subsequent discussions with officers, the applicant has submitted amended plans which further enhance the character of the house types and the visual appearance of the scheme along the Sketchley Brook frontage of the site through the inclusion of additional chimneys to all of the house types along this frontage and the provision of additional landscaping in the form of a continuous belt of 27 trees (17 additional) along the public footpath adjacent to the Sketchley Brook. These amended plans are acceptable and in keeping with the existing character of the area in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.
3. In addition, to the amended plans, letters have been received from both the applicant Persimmon Homes and Goodman Logistics Developments (UK) Limited

(landowners of the application site and original landowners of the wider Sketchley Brook site) in respect of concerns raised by members relating to the original masterplan for the site and mix of uses, in particular the provision of a local centre/fulcrum within the wider Sketchley Brook development.

4. The letters received from Persimmon Homes Limited and Goodman Developments outlines their position that the mix of uses currently on the wider site, and still being promoted, are broadly in accordance with the original masterplan. Goodman point out that significant employment and residential elements have already been delivered along with a restaurant/public house and significant investment into extensive green infrastructure and local centre uses and that the delivery of these key components demonstrates that the spirit of the development remains intact.
5. Both Persimmon Homes and Goodman Developments state that the delivery of 30 affordable units by Westleigh Homes on an adjacent plot within the wider site will exceed the envisaged affordable target for the wider site and the current proposal by Persimmon Homes now being considered would provide an additional 8 units of affordable housing both of which would make a significant contribution to the unmet affordable need in the Borough. They consider that given the site allocation for housing and its sustainable location within the settlement boundary and brownfield nature the proposal meets local and national planning policy requirements and should be supported.
6. Goodman suggest in their letter that the mix of uses intended on the Fulcrum did not include any community buildings. However, in addition to Class A1 (retail), Class A2 (financial and professional services) and Class A3 – A5 (eating and drinking establishments), the submitted outline application form in 2010 did include 'up-to 464 square metres of Class D1 (non-residential institutions) floor space' (which includes uses for clinic/health centre, crèche, day nursery, day centre, etc.). Notwithstanding this, current adopted Policy SA3 of the SADMP which relates directly to the remaining un developed land at the Sketchley Brook site, does not require the provision of any community uses and therefore there is no policy requirement for this to be delivered within the site.
7. In respect of local centre provision, Persimmon and Goodman refer to the recently submitted full planning application by Carbide Properties Limited (a Hinckley based developer) on land to the north east of the Persimmon site. This separate application (reference 18/00844/FUL) is currently under consideration and seeks the demolition of DM Rock and Sons Garage and Johnsons Dry Cleaners to provide a mix of Class A1 (shops), Class A3 (restaurant and cafes) and Class B8 (storage or distribution) with associated parking and substation (including temporary accommodation for the Dry Cleaners during the construction phase). Goodman have confirmed that they have secured a contractual position with Carbide Properties Limited on the development of this plot. Goodman also confirm that the proposed development is fully pre-let subject to planning permission being granted, and would provide a convenience food store, coffee and sandwich shops, Johnsons dry cleaners as well as conventional retail units for Toolstation, Topps Tiles and the Salvation Army. Persimmon and Goodman point to the submission of this scheme as being fundamental to both the overall vision for the wider site and in addressing concerns raised by members at Planning Committee regarding the mix of uses. Additionally they consider that the level of demand and interest shown in the proposed units demonstrates that the scheme, if approved, is highly likely to be delivered. The approval and delivery of this separate scheme would satisfy the requirements of Policy SA3 of the adopted SADMP and therefore the delivery of the Amber Way site for 100% housing would not harm the overall policy requirements for the site.

8. Finally, Persimmon and Goodman point out that the time limit condition restricting the preparation of reserved matters for the outline planning permission has now taken effect and therefore there is now no way to either require the local centre or enforce its delivery. However, notwithstanding this, Goodman remain committed to the overall vision and overarching principles of the original masterplan.
9. Following the submission of amended plans to address issues identified at the previous Planning Committee meeting together with additional clarification and information submitted by the landowner and developer in respect of the mix of uses on the wider site etc., the recommendations to Planning Committee do not alter from those identified in the previous report to committee and the proposal is considered acceptable in planning terms and recommended for approval subject to conditions, amended from the previous report to refer to the amended plans submitted.
 - 9.1. **Grant planning permission** subject to:
 - The prior completion of a S106 agreement to secure the following obligations:
 - 20% affordable housing units (8 dwellings)
 - Education facilities contribution of £104,535.45
 - Health care facilities contribution of £20,085.12
 - Public play and open space contribution of £64,310.22
 - Proportionate off-site highway mitigation works contribution of £80,000
 - Transport contribution to secure amendments to the Traffic Regulation Order of £7,500
 - Travel Packs for the future occupiers (£52.85 per pack)
 - Six month bus passes (two per dwelling) at approximately £360 per pass
 - Planning conditions outlined at the end of this report.
 - 9.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.
 - 9.3. 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.
 - 9.4 **Conditions and Reasons**
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:2500 scale received by the local planning authority on 10 April 2018; Site Layout Drawing Ref. MJ/COMP-01 Revision U and House Types Pack Revision J (Plots 1 - 40 inclusive) Floor Plans and Elevations Drawings received by the local planning authority on 14 September 2018; Soft Landscaping Zone Proposals Drawing Refs. P17-1256_01F and P17-1256_02F received by the local planning authority on 13 September 2018; Planning Engineering Layout/Levels Drawing Ref. FW1329 120A received by the local planning authority on 21 August 2018; Materials Plan Drawing Ref. PS/BC/ML Rev C received by the local planning authority on 29 June 2018 and Hard Landscaping Zone Proposals Drawing Ref. P17-1256_03E received by the local planning authority on 22 June 2018.

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

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

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

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

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

5. No development shall commence until a scheme to provide a sustainable surface water drainage system in accordance with the submitted Drainage Strategy (Ref: FW1329/DS/001-v2) dated May 2018 has been submitted to and approved in writing by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details and completed before the development is first brought into use.

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

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

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

7. No development shall commence until such time as full details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the local

planning authority, and the scheme shall subsequently be implemented in accordance with the approved details for the duration of the construction period.

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

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

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

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

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

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

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

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

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

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

12. No part of the development hereby permitted shall be occupied until such time as the accesses, off-street parking and turning arrangements and visibility splays have been implemented in accordance with the details submitted on approved Site Layout Drawing Ref. MJ/COMP-01 Revision U received by the local planning authority on 14 September 2018. Once provided the accesses, off-street parking and turning facilities and visibility splays shall be permanently retained as such at all times thereafter.

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

13. The development hereby permitted shall not be occupied until such time as the accesses, parking and turning spaces have been surfaced with tarmacadam or other hard bound materials in accordance with the details on the approved Hard Landscape Zone Proposals Drawing Ref. P17-1256_03E received by the local planning authority on 22 June 2018, and once provided, shall be permanently so maintained at all times thereafter.

Reason: To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety and in the interests of visual amenity in accordance with Policies DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

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

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

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

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

17. The development hereby permitted shall be implemented in accordance with the ground and finished floor levels submitted on Planning Engineering Layout Drawing Ref. FW1329 120A received by the local planning authority on 21 August 2018.

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

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

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

19. The development shall be carried out in accordance with the details submitted on approved Soft Landscaping Proposals Drawing Refs. P17-1256_01F and P17-1256_02F received by the local planning authority on 13 September 2018 and Hard Landscaping Proposals Drawing Ref. P17-1256_03E received by the local planning authority on 22 June 2018. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

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

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

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

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

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

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

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

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

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

9.5. 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. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
3. In relation to conditions 3 and 4 advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
4. In relation to condition 5, the scheme shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.
5. In relation to condition 6, the suitability of the ground strata for soakaway drainage should be ascertained by means of the infiltration test described in BRE Digest 365 Soakaway Design.
6. In relation to condition 7, details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to

completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

7. In relation to condition 8, details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.
8. Planning Permission does not give you approval to work on the public highway. The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring. All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Local Highway Authority.
9. The applicant/developers attention is drawn to the consultation response from Cadent Gas: due to the presence of Cadent and/or National Grid apparatus in proximity to the application site, the contractor should contact Plant Protection team before any works are carried out to ensure the apparatus is not affected by any of the proposed works. E-mail: plantprotection@cadentgas.com Telephone: (0)800 688588.
10. Land Drainage Consent - If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following: <http://www.leicestershire.gov.uk/Flood-risk-management>.
11. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>.

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

12. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>.
13. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Local Highway Authority.
14. A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.

APPENDIX A

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

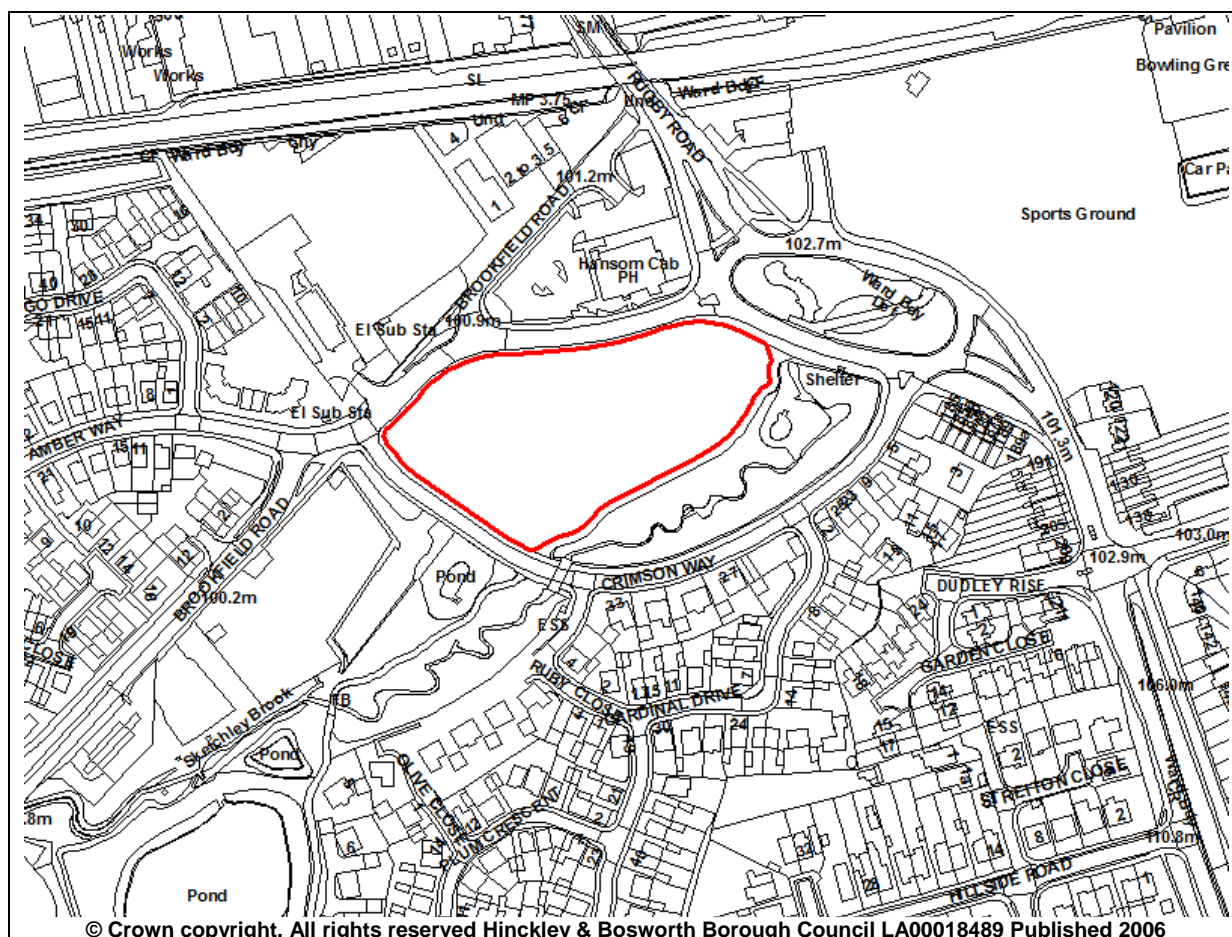


Hinckley & Bosworth
Borough Council

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

Site: Land South Of Amber Way Burbage

Proposal: Erection of 40 dwellings and associated infrastructure.



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1. Recommendations

1.1. Grant planning permission subject to:

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

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

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- Planning conditions outlined at the end of this report.

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

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

2. Planning Application Description

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

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

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

3. Description of the Site and Surrounding Area

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

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

4. Relevant Planning History

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

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5. Publicity

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

6. Consultation

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

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

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

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

6.6. No response has been received from:-

Cycling UK
Leicestershire Police.

7. Policy

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

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

- Policy SA3: Land at Brookfield Road and Sketchley Brook, Burbage
- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

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

8. Appraisal

8.1. Key Issues

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

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- Other issues

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) 2018 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP). The emerging Burbage Neighbourhood Plan (BNP) is still in development, not yet having been submitted to the local planning authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore, only very limited weight can be afforded to this document at this time.
- 8.4. Policy DM1 of the SADMP and paragraph 11 of the NPPF set out a presumption in favour of sustainable development and state that development proposals that accord with an up-to-date development plan should be approved without delay unless material considerations indicate otherwise.
- 8.5. The site is located within the settlement boundary of Burbage where Policy 4 of the adopted Core Strategy seeks to support Hinckley's role as a sub-regional centre through the allocation of land for residential, employment and retail land uses. Policy SA3 of the adopted SADMP seeks to ensure a mixed use development on the Sketchley Brook site which retains existing employment uses on site; delivers a neighbourhood centre comprising retail units (A1-A5); delivers a minimum of 46 dwellings with a housing density, mix and design in line with Policy 16 of the adopted Core Strategy and also ensures that the amenity of future occupiers of both residential and employment units would not be adversely affected in line with Policy DM10 of the adopted SADMP.
- 8.6. The application site falls within the wider redevelopment site, referred to in this report as 'Sketchley Brook site', which was approved in August 2011 (planning reference 10/00518/OUT). This outline application was for 'mixed use development comprising up to 375 dwellings, employment (use classes b1a, b1c, b2 and b8), local centre (use classes a1-a5 and d1), live-work units, works to Sketchley Brook corridor, remodelling of lake and associated open space, parking and accesses.
- 8.7. The application site was included within the outline application referred to above and was identified on the masterplan for the wider site as a focal point area which would contain a local service centre, open space and limited residential development.
- 8.8. Objections to the current application, including from Burbage Parish Council, have been received on the grounds that the application site was allocated in the outline planning permission masterplan for retail/commercial outlets and open space, that the 375 dwellings originally proposed for the site have already been approved elsewhere in the site and that therefore additional housing is not needed or justified. The response supporting the scheme suggests that the site is currently an eyesore attracting rubbish and rodents.
- 8.9. The application site is currently vacant scrub land. The current proposal does not include any retail or community services or facilities and is for residential development only. Whilst this is not in accordance with the original submitted

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

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

Design and impact upon the character of the area

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

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

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

Impact upon neighbouring residential amenity

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

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

Impact upon highway safety

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

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

Drainage

- 8.40. Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.41. A Flood Risk Assessment (FRA) and Drainage Strategy have been submitted to support the application proposing the use of sustainable drainage measures.
- 8.42. Leicestershire County Council (Drainage), Severn Trent Water Limited and Environmental Health (Drainage) have assessed the information submitted and raise no objections to the scheme subject to conditions to require the submission of further surface water drainage scheme details in accordance with the submitted

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

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

Land contamination

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

Affordable Housing

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

Infrastructure contributions

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

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- 8.51. The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 1) Public play and open space
- 8.52. Policies 1 and 19 of the adopted Core Strategy seek to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within Hinckley. The Open Space, Sports and Recreational Facilities (PPG17) Study provides further advice on the quality of facilities at each designated public open space.
- 8.53. In this case, the site is located within 300 metres of Rugby Road Recreation Area (reference BUR09 in the SADMP) which provides formal park facilities with equipped and casual/informal children and young peoples play areas and outdoor sports facilities with a quality score of just 60%. It is also with 300 metres of the newly formed Indigo Drive amenity area (reference BURNEW3).
- 8.54. In order to mitigate the impact of additional users of these facilities as a result of the proposed development, a contribution of £64,310.22 has been calculated using the figures provided in the Open Space and Recreation Study. This equates to £1,648.98 per unit with a 25% reduction for each one bedroom unit and would be used towards schemes aimed at improving the range of public open space and children's play facilities within the vicinity of the site. A children's skate park has previously been identified by Burbage Parish Council as a potential future addition to the range of facilities provided within the site.
- 8.55. As a result of consultation the following infrastructure contributions have been identified to mitigate the impacts of the proposed development:
- 2) Education Facilities
- 8.56. The Director of Children and Family Services requests a contribution of £104,535.45 towards education facilities in Burbage/Hinckley to mitigate the impact of additional users from the development on the Primary School Sector where deficits have been identified and additional facilities are required to meet increased demand from the development. No contributions are requested for the Secondary School Sector, Post 16 Sector or Special Schools Sector.
- 3) Civic Amenity Facilities
- 8.57. The Director of Environment and Transport requests a contribution of £1,981 towards the delivery of civic amenity services and facilities at the nearest site in Barwell to mitigate the impact of additional users from the development on the facility. Due to the small scale of the estimated impact from the development on the civic amenity facility, it is considered that the impact would not be so significant to justify mitigation by way of a financial contribution from the development. In this instance the contribution is not considered to be CIL compliant and therefore is not requested from the developer.
- 4) Library Facilities
- 8.58. The Library Services – Locality Manager North requests a contribution of £1,150 towards the delivery of library services and facilities at Hinckley Library to mitigate the impact of additional users from the development on the facility. Due to the small scale of the estimated impact from the development on the library, it is considered that the impact would not be so significant to justify mitigation by way of a financial

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

5) Healthcare Facilities

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

6) Highway/Transport

8.60. Leicestershire County Council (Highways) requests a number of contributions to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel.

a) A proportionate contribution of £80,000 towards improvements to the local highway network to mitigate the impacts of the development following the identification of specific schemes for both the Rugby Road/Hawley Road signal junction and Rugby Road/Brookside road junctions which would be directly impacted by the proposed development.

b) A contribution of £7,500 for the legal processes associated with amending the Traffic Regulation Order associated with the proposed parking restrictions around the development and to secure its implementation prior to first occupation of the proposed development.

c) The provision of Travel Packs for each dwelling (£52.85 per pack) to promote and encourage sustainable travel by the future occupiers of the site.

d) The provision of six month bus passes (two per dwelling) at approximately £360 per pass to establish and promote changes to travel behaviour and encourage future occupiers of the site to use sustainable travel modes.

8.61. The infrastructure contributions identified above, with the exception of civic amenity and library facilities, are considered to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed and therefore CIL compliant. The contributions could be secured through the completion of a suitable section 106 planning obligation which is currently under negotiation.

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

Other issues

8.63. Objections have been received from existing residents on the grounds that the broadband speeds on the existing estate are slow and additional connections will slow it further, the service should be upgraded to a provide fibre broadband service to the estate.

8.64. Paragraph 112 of the recently published NPPF (2018) states that advanced high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of the electronics communications networks including next generation mobile technology and full fibre broadband connections. Whilst it is considered that it would be unreasonable to require the applicant for the current scheme to fund the upgrading

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

9. Equality Implications

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

10. Conclusion

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

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

11. Recommendation

11.1. Grant planning permission subject to:

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

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

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

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

11.4. Conditions and Reasons

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

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

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

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

APPENDIX A

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

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

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

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

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

5. No development shall commence until a scheme to provide a sustainable surface water drainage system in accordance with the submitted Drainage Strategy (Ref: FW1329/DS/001-v2) dated May 2018 has been submitted to and approved in writing by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details and completed before the development is first brought into use.

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

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

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

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

APPENDIX A

accordance with the approved details for the duration of the construction period.

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

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

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

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

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

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

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

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

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

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

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

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

13. The development hereby permitted shall not be occupied until such time as the accesses, parking and turning spaces have been surfaced with tarmacadam or other hard bound materials in accordance with the details on the approved Hard Landscape Zone Proposals Drawing Ref. P17-1256_03E received by the local planning authority on 22 June 2018, and once provided, shall be permanently so maintained at all times thereafter.

Reason: To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety and in the interests of visual amenity in accordance with Policies DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

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

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

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

APPENDIX A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11.5. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
3. In relation to conditions 3 and 4 advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
4. In relation to condition 5, the scheme shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods
5. In relation to condition 6, the suitability of the ground strata for soakaway drainage should be ascertained by means of the infiltration test described in BRE Digest 365 Soakaway Design.
6. In relation to condition 7, details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment,

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controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

7. In relation to condition 8, details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.
8. Planning Permission does not give you approval to work on the public highway. The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring. All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Local Highway Authority.
9. The applicant/developers attention is drawn to the consultation response from Cadent Gas: due to the presence of Cadent and/or National Grid apparatus in proximity to the application site, the contractor should contact Plant Protection team before any works are carried out to ensure the apparatus is not affected by any of the proposed works. E-mail: plantprotection@cadentgas.com Telephone: (0)800 688588.
10. Land Drainage Consent - If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following:
<http://www.leicestershire.gov.uk/Flood-risk-management>.
11. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>.

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

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12. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>.
13. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Local Highway Authority.
14. A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.

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

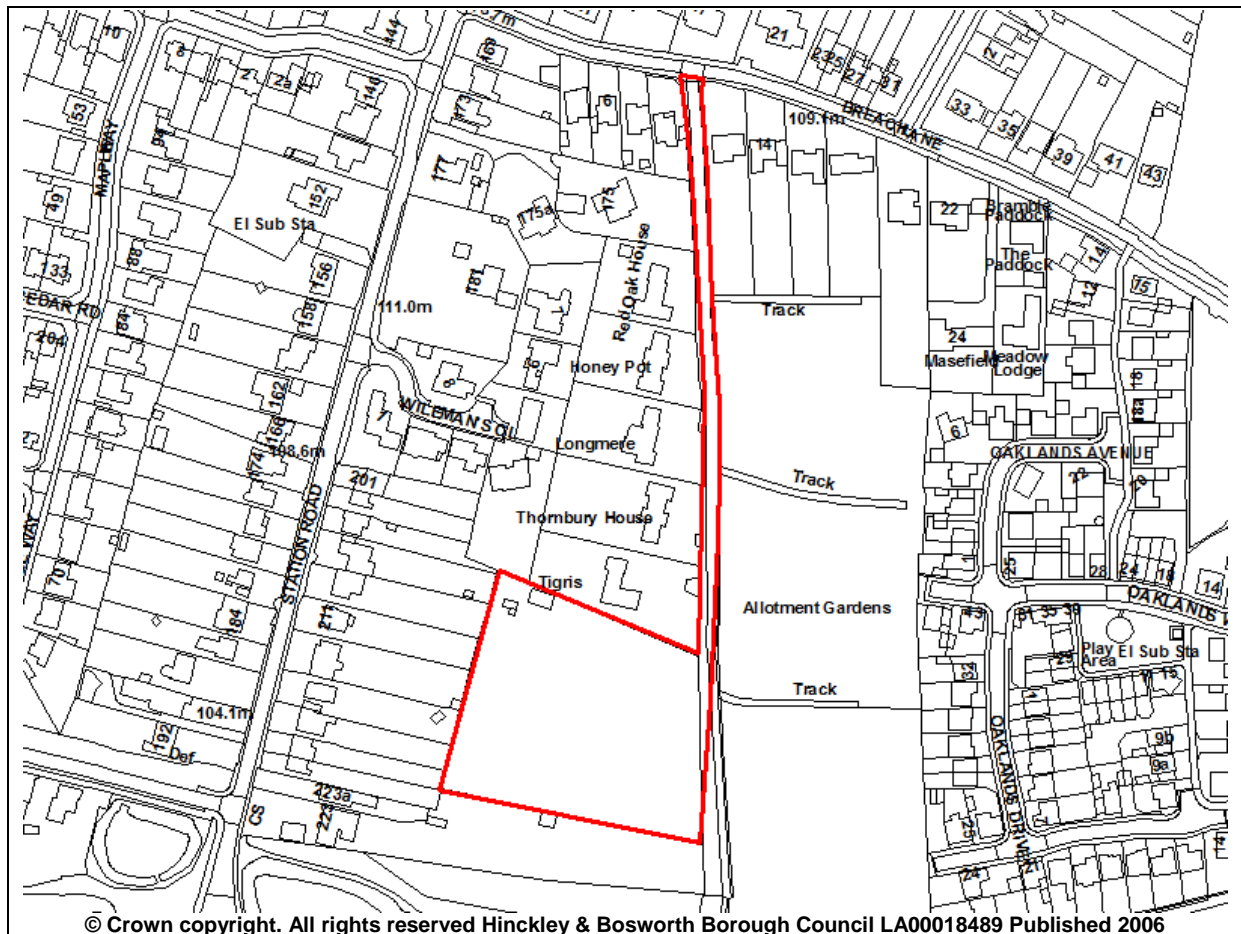


Hinckley & Bosworth
Borough Council

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

Site: Land West Of Breach Lane Earl Shilton

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



1. This application was taken to planning committee on the 28 August 2018. Notwithstanding the officer's recommendation that permission be granted, members were minded to refuse the application. The applicant does not propose to revise the scheme following the last committee, as the application is outline only with all matters reserved except for access, and therefore no amendments or revisions to the application have been submitted for consideration.
2. The assessment and recommendations to planning committee for this scheme have not altered from the previous report to committee. The original report to committee is attached as Appendix A.
3. The recommendation is to **Grant planning permission** subject to:
 - Planning conditions outlined at the end of this report.
 - The completion of a Unilateral Undertaking to secure play and open space contributions and any other CIL compliant obligations if the gross floor space of the resulting dwellings exceed 1000m²

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

4. **Conditions and Reasons**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. No development shall commence until a Construction Transport Management Plan (TMP) is submitted to and approved in writing by the local planning authority. The plan shall set out details and schedule of works and measures to secure:-
 - a) cleaning of site entrance, facilities for wheel washing, vehicle parking and turning facilities;
 - b) On site construction traffic parking
 - c) Details of the how the site will be accessed and measures to ensure the existing public and private highway condition is maintained and any required repair works upon completion of construction.
 - d) details of the routes to be used to access the site, including measures to ensure the existing highway condition is maintained and any required repair works upon completion of construction.

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

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

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

4.4. 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. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. If the ground strata proves unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.
3. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. You will be required to enter into a suitable legal agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The agreement must be signed and all fees paid and surety set in place before the highway works are commenced. Any street

furniture, street lights or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant/developer, who shall first obtain the separate consent of the Highway Authority. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide'.

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

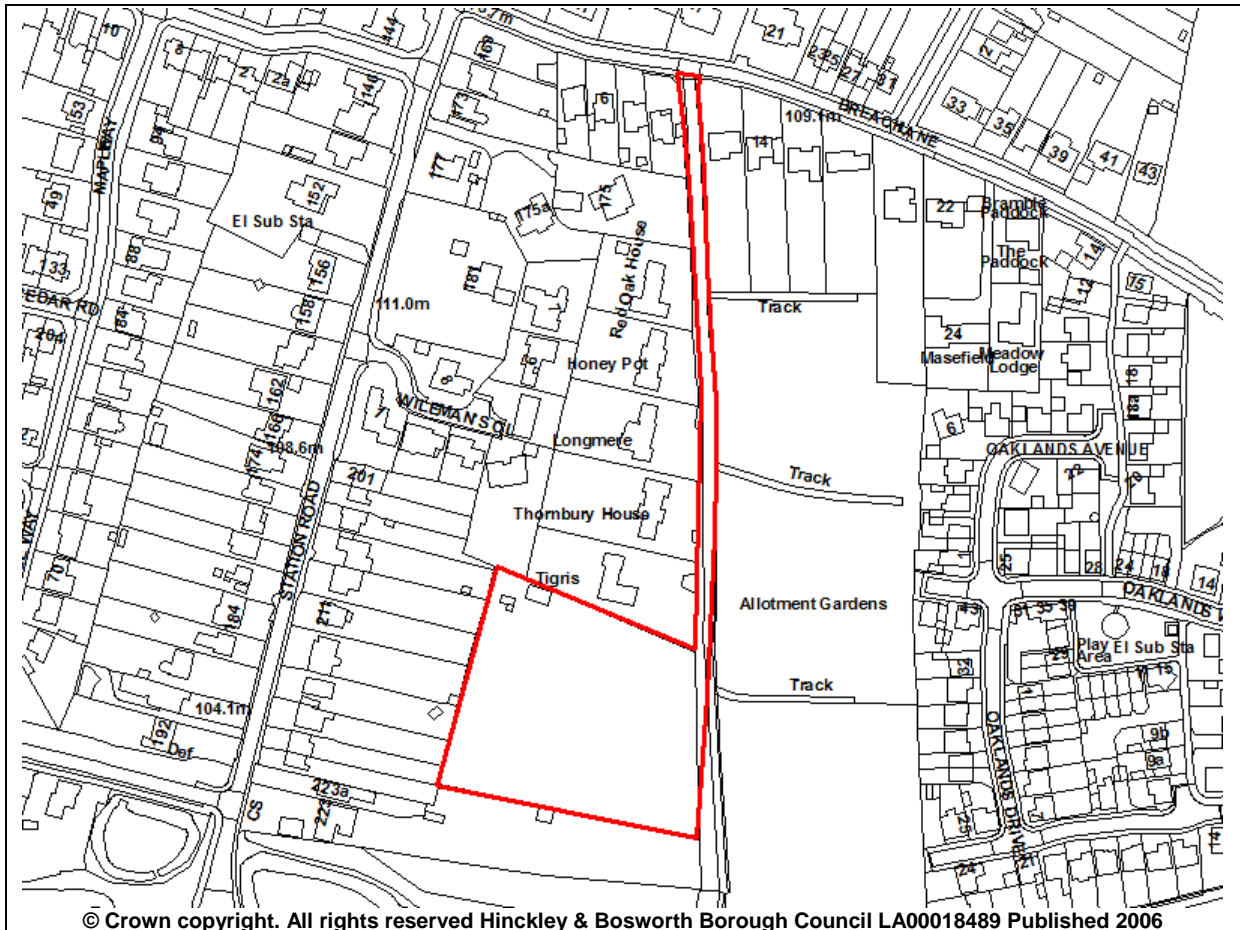


Hinckley & Bosworth
Borough Council

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

Site: Land West Of Breach Lane Earl Shilton

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



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.
- The completion of a Unilateral Undertaking to secure play and open space contributions and any other CIL compliant obligations if the gross floor space of the resulting dwellings exceed 1000m²

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

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2. Planning Application Description

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

3. Description of the Site and Surrounding Area

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

4. Relevant Planning History

17/00532/OUT	Erection of five dwellings (Outline - access only)	Withdrawn	10.08.2017
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5. Publicity

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

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

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5.3. Two letters have been received making the following representations:-

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

6. Consultation

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

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

6.2. No response has been received from:-

Severn Trent Water
Earl Shilton Town Council

7. Policy

7.1. Core Strategy (2009)

- Policy 2: Development in Earl Shilton
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

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

8. Appraisal

8.1. Key Issues

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

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Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009), Earl Shilton and Barwell Area Action Plan (2014) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.5. As of the 20 July 2018, following the publication of the Inspector's appeal decision on 'Land east of The Common, Barwell' (Appeal reference APP/K2420/W/17/3188948) the Council is currently able to demonstrate a 5.5 years housing land supply (reduced from 5.74 years). However, the development plan policies relating to the supply of housing are now considered to be out-of-date and therefore the presumption in favour of sustainable development within paragraph 11 of the NPPF (2018) is triggered.
- 8.6. As the site is situated outside the defined settlement boundary of Earl Shilton which is situated along the north boundary of the application site and travels south along its west facing boundary. Policy DM4 of the SADMP is therefore applicable and states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:
- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development;
- 8.7. The site does not fall under any of the categories identified in DM4 as sustainable development and there is a clear conflict therefore between the proposed development and the policy. This issue will need to be carefully weighed in the

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

Design and impact upon the character of the area

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

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

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

Impact upon neighbouring residential amenity

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

Impact upon highway safety

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

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

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

Drainage

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

Pollution

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

Impact upon Ecology

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

Other matters

- 8.34. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of

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additional development on community services and facilities. To support the provision of mixed, sustainable communities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.

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

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

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

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

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

- 8.40. The contribution of £4,946.94 is considered reasonable in mitigating the impact of the proposed development upon the existing facilities and/or maintaining the green space and play provision provided on site. Therefore should an application which proposes dwellings which would result in a gross floorspace of 1000m² the above contributions would be deemed necessary and reasonable, in addition to and any other CIL compliant obligations which are considered as necessary.

Whether on balance the development would be sustainable

- 8.41. The NPPF is a material consideration in determining applications. Paragraph 11 of the NPPF (2018) identifies that plans and decisions should apply a presumption in favour of sustainable development, and for decision taking this means approving development proposals that accord with an up to date development plan. As previously identified following the publication of the Inspector's Report on 'Land East of the The Common Barwell' (Ref: APP/K2420/W/17/3188948) on the 20 July 2018, whilst the Council is able to demonstrate a housing land supply of 5.5 years housing land supply, it was found that the policies relating to the supply of housing are now considered out of date and therefore the presumption in favour of sustainable development within paragraph 11 of the NPPF (2018) is triggered.
- 8.42. Paragraph 8 of the NPPF states that sustainable development has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The assessment of the three dimensions relative to this proposal are as follows:
- 8.43. Economic – The scheme would provide limited benefits to the local economy through the creation of jobs and demand for services and materials for the construction of the development itself and from the future occupation of the development supporting businesses in the wider rural area.
- 8.44. Social – The scheme would provide a small contribution to the overall housing supply within the Borough through the provision of three new dwellings. The

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

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

Other matters

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

9. Equality Implications

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

10. Conclusion

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

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

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

11. Recommendation

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.
- The completion of a Unilateral Undertaking to secure play and open space contributions and any other CIL compliant obligations if the gross floor space of the resulting dwellings exceed 1000m²

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

11.3. Conditions and Reasons

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX A

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

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

11.4. Notes to Applicant

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

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Planning Committee 10 October 2018

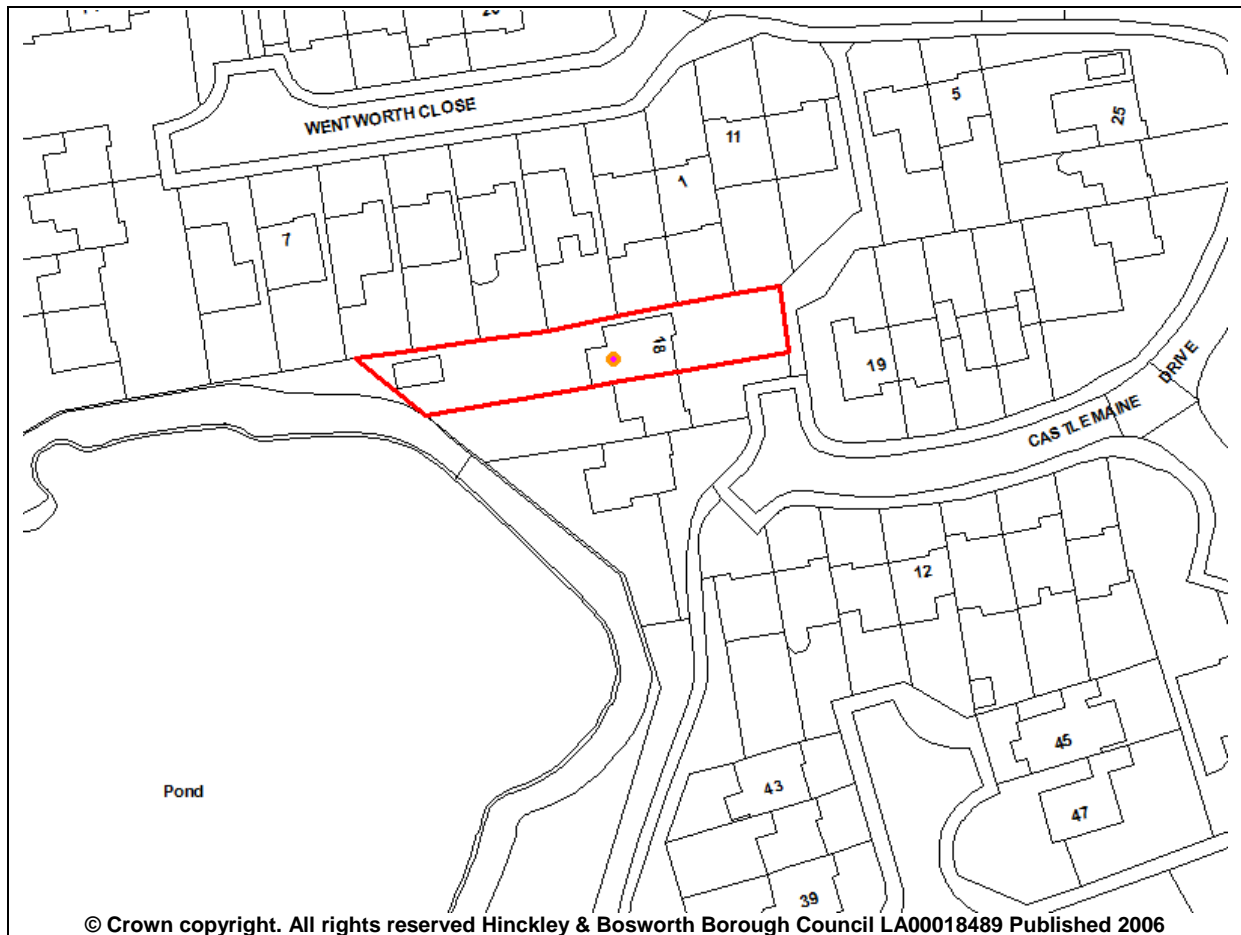
Planning Ref: 18/00757/HOU
Applicant: Mr Keith Weiland
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: 18 Castlemaine Drive Hinckley

Proposal: Single storey rear extension



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application seeks planning permission for a single storey rear extension at 18 Castlemaine Drive, Hinckley. The width of the proposed extension would be approximately 4.8 metres and the depth approximately 5.5 metres. The roof proposed is pitched, with a west facing gable end. The height of the proposed extension would measure approximately 2.6 metres to the eaves, and approximately 3.6 metres to the ridge.
- 2.2. The materials to be used on the proposed extension would match those on the existing dwelling.

3. Description of the Site and Surrounding Area

- 3.1. The application site comprises of a two storey semi-detached dwelling in the settlement boundary of Hinckley. The property includes a single storey side projection to the north, and an existing single storey conservatory to the rear, which would be replaced by the proposed extension if this application is approved. The property is finished with red brick, a grey tiled roof, white UPVC (windows, doors and guttering) and brown hanging tiles to the front elevation. The property features a pitched gable roof to its two storey section. The single storey side projection features a flat roof over the garage to the front, and a pitched gable end over the kitchen to the rear. Castlemaine Drive is characterised by semi-detached two storey dwellings, uniform in design.

4. Relevant Planning History

None relevant.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. No comments have been received.

6. Consultation

- 6.1. None relevant.

7. Policy

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

- 7.2. National Planning Policies and Guidance

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

8. Appraisal

- 8.1. Key Issues

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

Assessment against strategic planning policies

- 8.2. Policy DM1 of the SADMP provides a presumption in favour of sustainable development. The policy sets out that those development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise.

- 8.3. The proposed single storey rear extension is for a property located within the settlement boundary of Hinckley. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP. Hinckley is an identified urban area whereby the principle of a householder extension is considered acceptable, subject to all other material planning considerations being acceptable.

Design and impact upon the character of the area

- 8.4. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass,

design, materials and architectural features. The proposal is felt to comply with these requirements, according to the justification given below.

- 8.5. The proposed single storey extension would be to the rear of 18 Castlemaine Drive, and therefore would not be visible from the street scene. The materials would match those on the existing host dwelling and surrounding properties. The gable roof would correspond with the roof design featured on the host dwelling and surrounding properties.
- 8.6. The width of the proposed rear extension would be approximately 0.5 metres wider than the existing conservatory. The proposed rear extension would project approximately 2.8 metres further out than the existing conservatory. The eaves height of the proposed rear extension would be approximately 0.3 metres higher than the eaves of the existing conservatory. The ridge height of the proposed extension would be approximately 0.6 metres higher than the right height of the existing conservatory.
- 8.7. According to these changes, and the single storey nature of the proposed extension, the proposal is considered to remain subordinate to the host dwelling, just as the existing conservatory does. The scale of the proposed development would therefore respect the character of the host dwelling.
- 8.8. Overall it is considered that the proposed rear extension would complement and respect the existing design, scale and materials of the host dwelling and surrounding properties. Consequently, the proposal would not result in any unfavourable or detrimental impacts upon the character of the host dwelling or street scene, in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.9. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties. The proposed rear extension is felt to fulfil this aspect of Policy DM10, deduced from the justification given below.
- 8.10. Windows are only proposed on the west facing elevation of the proposed rear extension. The north facing elevation of the proposed rear extension would be approximately 11 metres away from the closest rear elevation at no. 3 Wentworth Close. The west facing elevation of the proposed rear extension would be approximately 15.5 metres away from the closest rear elevation at no. 4 Wentworth Close. The separation distances increase beyond this for all other properties abutting the northern boundary of the application site. An existing boundary treatment (approx. 2 metres high), which comprises of a timber fence, is sited along the length of the application site's northern boundary.
- 8.11. On the basis of the above, the proposal would not cause any adverse overlooking, overshadowing or overbearing impacts upon neighbouring properties to the north.
- 8.12. To the rear of the property is a large pond, and as such, there is no residential amenity to the west of the site to be considered.
- 8.13. According to the siting of the proposal, properties to the east of the application site would be unaffected by the proposal.
- 8.14. The full depth of the proposed rear extension would project beyond the rear elevation of no.17 Castlemaine Drive; the adjoining neighbouring property to the south. The proposal would virtually abut the southern boundary of the application site. Despite this, according to the proposal's single storey nature, height, pitched roof design, and an existing 1.5 metre (approx.) southern boundary treatment (timber fencing), it is felt that the proximity of the proposal to no. 17 would not cause

any adverse overbearing or overshadowing impacts upon the residential amenity of this neighbouring property.

- 8.15. According to the orientation of the host dwelling, the direction of sunlight and the orientation of no.18, no overshadowing impact will be caused upon no.17 as a result of the proposal.
- 8.16. In summary, the proposed rear extension would not result in any adverse overbearing or overlooking impacts upon neighbouring properties within the vicinity of the site. As such, the proposal is felt to be in compliance with Policy DM10 of the SADMP.

9. Equality Implications

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

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

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

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

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

- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The proposed single storey rear extension is for a property located within the settlement boundary of Hinckley. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP, as long as the proposal is in accordance with the relevant policies of the SADMP.
- 10.2. The proposed development would respect the character and appearance of the host dwelling and surrounding area, and would not cause any adverse impacts on the neighbouring amenity of occupants to the north, south or east of the application site. On this basis, the proposal is therefore considered to be in accordance with Policy DM1 and DM10 of the SADMP, and is recommended for approval subject to conditions.

11. Recommendation

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

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

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

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

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

Existing & Proposed Ground Floor Plans and Elevations Drg No: 4504 Rev: - (scale 1:50/1:100) received by the Local Planning Authority (LPA) on 09 August 2018

Existing North Elevation Drg No: 4504 Rev: - (scale 1:100) received by the LPA on 29 August 2018

Site Location Plan Drg No: - Rev: - (scale 1:1250) received by the LPA on 31 July 2018

Block Plan Drg No: - Rev: - (scale 1:500) received by the LPA on 31 July 2018

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

3. The materials to be used on the external elevations of the proposed extension shall match those on the existing dwelling.

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

11.3. Notes to Applicant

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

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

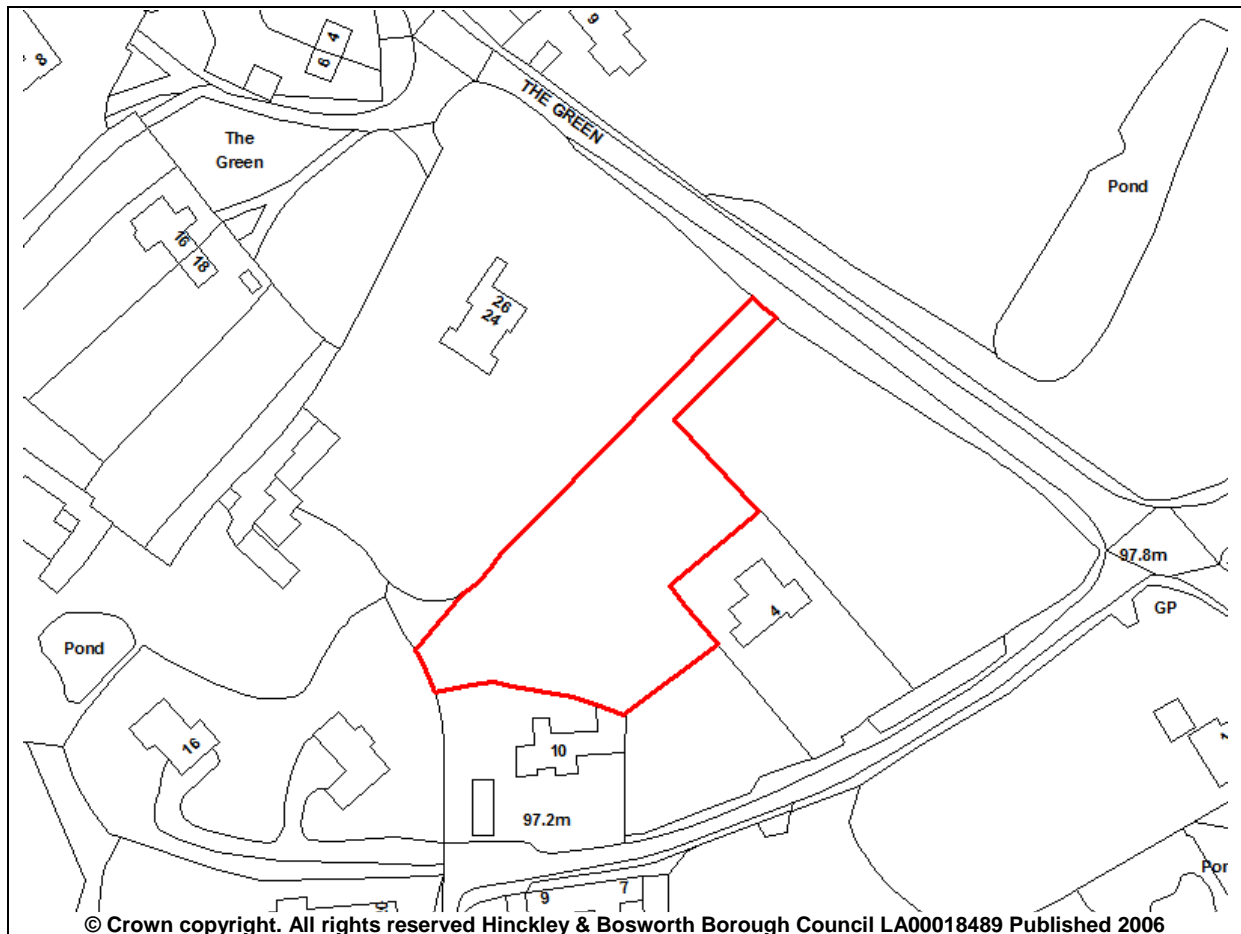
Planning Ref: 18/00680/FUL
Applicant: Mr A McCleish
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Ashcroft 4 Pipe Lane Orton On The Hill

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



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

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

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

3. Description of the Site and Surrounding Area

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

4. Relevant Planning History

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

5. Publicity

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

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

6. Consultation

- 6.1. Twycross Parish Council object to the application on the following grounds:-
- 1) Fails to address the issues raised within the withdrawn application
 - 2) Design of the properties not in keeping with the surrounding area
 - 3) The development would have an adverse environmental and visual amenities impact upon the conservation area
 - 4) Concerns regarding drainage from the development
- 6.2. No objection subject to condition from:-
- LCC Ecology
LCC Highways
- 6.3. No objection from:-
- HBBC Environmental Health
HBBC Drainage
Lead Local Flood Authority
Cadent

7. Policy

- 7.1. Core Strategy (2009)
- Policy 13: Rural Hamlets
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2018)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Orton on the Hill Conservation Area Appraisal

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

- 8.2. The application site is located within the settlement boundary of Orton on the Hill. The principle of development for the erection of two dwellings on the majority of the site has been established through the previously approved planning application ref. 15/00633/FUL.
- 8.3. The overall application site has been extended slightly further north east, including land immediately behind no. 4 Pipe Lane. However this land is still within the settlement boundary of Orton on the Hill.
- 8.4. As such, the principle of providing two dwellings on the site is acceptable in-principle in accordance with Policy DM1 of the SADMP, subject to satisfying all other relevant policies and material planning considerations.

Design and impact upon the character of the area

- 8.5. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.6. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets and development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.7. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when considering whether to grant listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses.
- 8.8. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.9. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses.
- 8.10. Orton on the Hill has a distinctive rural character with small fields and continuous hedgerows are features that extend into the village. The older part of the village around The Green and Pipe Lane, including the application site, is characterised by a relatively unplanned organic pattern of buildings which are separated from each other by distance, green spaces and continuous hedges. These large green spaces

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

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

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

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

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

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

Impact upon neighbouring residential amenity

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

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

Impact upon highway safety

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

Drainage

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

Ecology

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

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

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

Other issues

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

9. Equality Implications

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

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

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

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

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

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

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

10. Conclusion

- 10.1. The site is in a sustainable location within the settlement boundary of Orton on the Hill where residential development is acceptable in principle.

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

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

11. Recommendation

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

- Planning conditions outlined at the end of this report.

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

11.3. Conditions and Reasons

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

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

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

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

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

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

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

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

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

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

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

4. The hard and soft landscaping scheme shall be carried out in accordance with the approved Proposed Landscaping drg. no. KL 382 001 received by the Local Planning Authority on 3 August 2018. All hard landscaping, planting, seeding or turfing shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: To ensure that the works are carried out within a reasonable time period and thereafter maintained to accord with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document.

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

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

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

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

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

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

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

8. Notwithstanding the submitted details, prior to commencement of development, full details of a scheme for the disposal of surface water and foul water on-site to serve the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and completed before the development is first brought into use.

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

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

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

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

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

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

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

11.4. Notes to Applicant

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



Hinckley & Bosworth
Borough Council

A Borough to be proud of

PLANNING COMMITTEE 10 October 2018

WARDS AFFECTED: Barlestone, Nailstone and Osbaston
Markfield, Stanton and Fieldhead

PROPOSED VARIATION TO SECTION 106 RELATING TO PLANNING APPLICATIONS 06/00980/OUT, 10/00851/EXT and 14/00572/CONDIT

Report of Interim Head of Planning

1. PURPOSE OF REPORT

- 1.1 A request has been made to vary a signed Section 106 to planning application 06/00980/OUT, 10/00851/EXT and 14/00572/CONDIT to amend the off site highways works originally agreed.
- 1.2 This report will provide the context of the request and the supporting evidence which has been submitted alongside the request.
- 1.3 Recommendations to planning committee are also made within this report.

2. RECOMMENDATION

- 2.1 That a deed of variation to the signed Section 106 for planning application reference 06/00980/OUT, 10/00851/EXT and 14/00572/CONDIT be agreed to amend the off site highways works to those outlined in the following plans:
 - 018750 CA-0-G00-DR-SE-1000-P09
 - 4752.000H1/1/001
 - 4752.000H1/1/002
 - 4752.000/H1/1/003
- 2.2 That the Interim Head of Planning be given delegated powers to determine the final wording of the S106.

3. PLANNING HISTORY

- 3.1 An outline planning application (reference 06/00980/OUT) with the description of 'Redevelopment of former colliery site to include storage and distribution uses (class B8), small business units (classes B1(c), B2 and B8), a country park, landscaping open space and the formation of a new access' was submitted for the site at Nailstone Colliery, Wood Road, Nailstone, Leicestershire, CV13 1GE.

3.2 This application was allowed at appeal, determined 6th March 2008. A unilateral planning obligation under S106 of the Town and County Planning Act (1990) was signed to support the application. This legal agreement secured contributions towards:

- Country Park management plans and financial contribution
- Provision of new Bus Service
- Off site highway improvement works
- HGV Directional Signage

3.3 The legal agreement supporting the application 06/00980/OUT was dated 7th December 2007. A summary of the obligations within the Section 106 are shown in the table 1 below:

Table 1.

Contribution	Figure	Detail
County Park Financial Contribution	£980,000	To pay for the maintenance of the Country Park for a minimum period of 10 years from its completion
Country Park Management Plan		The proposal for the creation maintenance and management of the Country Park
Country Park Management Company		A company set up for the express purpose of managing and maintaining the Country Park or the Borough Council or District Council or an existing company which the Borough Council or District Council accept is capable of maintaining and managing the Country Park
Bus Service		The operation of a new bus service to commence service either before or immediately from first occupation of the development
Bus Service Contribution	£140,000	To satisfy tender and up front set up and mobilisation costs
Bus Service Payment	£1,400,000	In the event that a bus operator has not entered into a contract as envisaged this obligation will be paid to the County Council prior to occupation of the development.

Provision of new bus stop infrastructure		Provision of bus stops at : <ul style="list-style-type: none"> - the main entrance to the application site - Bagworth Road - Grange Road - Wood Road near Battram Road (southbound) - Bardon Industrial Estate
Bus Travel Passes		Operators of any business employing people on the application site shall for a period of 5 years from the date of first employing a person and offer a free travel pass for a period of 6 months
Infrastructure Works (Off site highway works)		Main site access Junction at Wood Road New Roundabout Junction Improvements including Traffic Signals at Junction of Victoria Road with Ellistown Terrace Road and Station Road Junction Improvements including Traffic Signals at Junction of Station Road with Wood Road HGV Directional Signage

3.4 A second application was submitted to extend the time for the original application (reference number 10/00851/EXT). On the 15th February 2011 this application was approved. This application was supported by a legal agreement dated 14th February 2011, referred to in this report as the second legal agreement. This legal agreement made no changes to the agreed obligations as outlined in the table above, this legal agreement ensured that the original agreed obligations required by the first permission are also required by the second permission 10/00851/EXT.

3.5 A third application was submitted with a description of 'Variation of condition numbers: 2, 3, 4, 5, 7, 8, 9, 11, 12, 13, 16, 17, 21 and 24 of 10/00851/EXT to allow phasing of the development' (reference number 14/00572/CONDIT). This application was supported by a legal agreement dated 31st December 2014, referred to in this report as the third legal agreement. This legal agreement made no changes to the agreed obligations of the original application as outlined in the table above, this legal agreement ensured that the original agreed obligations required by the first and second permission are also required by the third permission 14/00572/CONDIT.

4.0 **Request to vary the Section 106**

4.1 Section 106 agreements can be renegotiated at any point, where the Local Planning Authority and developer/applicant wish to do so. Variations to Section 106 can be sought under Section 106A of The Town and Country Planning Act 1990.

Requested amendments

4.2 The table 2 below identifies the original highways mitigation measures and the mitigation measures which are proposed through this amendment:

Table 2.

Location	Original obligation off site highway works	Proposed amendments to off site highway works
Main Site Access off site works	This includes the appropriate visibility splays for the access to the site and a ghost turning island. drawing number 15209/003/002 Rev D	The drawing provided is significantly more detailed, identifying the ghost turning island, all required visibility splays and alterations necessary to achieve a suitable access to the development. Drawing number 018750 CA-0-G00-DR-SE-1000-P09
Wood Road B585/Grange Lane B582/Bagworth Road Junction	New roundabout Drawing number 15209/003/001	This element has been removed from the proposal.
Junction of Victoria Road/Ellistown Terrace Road/Station Road Junction	Junction improvements including traffic signals Drawing number 152009/003/004	The carriageway is proposed to be widened with two lanes, one right turn only and a second left turn only. The traffic signals are still proposed. Drawing number 4752.000H1/1/001
Station Road/ Wood Road Junction	Junction Improvements including traffic signals Drawing number 152009/003/005	This junction is proposed to be a compact roundabout the traffic signals have been removed. Drawing Number 4752.000H1/1/002

4.3 An additional clause is proposed to the legal agreement which reads ‘the Development shall not be Occupied until road maintenance works are inspected and certified in writing to be substantially constructed by the County Council generally in accordance with Drawing Number 4752.000/H1/1/003.’ This drawing identifies the two junction improvements and also two maintenance schemes along the B585.

4.4 Due to the removal of the roundabout at the Wood Road B585/Grange Lane B582/Bagworth Road Junction an amendment to the location of bus stops is

necessary as the previously required bus stops on Grange Road and Bagworth Road are no longer needed. The two bus stops proposed at Bagworth Road and Grange Road would be located in inaccessible areas with no footpaths serving them and no dwellings adjacent to them. Leicestershire County Council Highways have no objections to the removal of these bus stops. Therefore the removal of these bus stops is considered to be acceptable.

Justification for changes

- 4.4 Prior to this request to amend the off site highway mitigation measures a request was to LCC Highways Department for Section 278 works as per the mitigations works outlined in the agreed legal agreement. Following a review of the plans LCC Highways Department found the works to be undeliverable within the land either in the applicants or the highways control. Discussions were then held to develop mitigation works to the highway which were deliverable. LCC Highways department have designed the amended off site highway works which are being proposed.
- 4.5 LCC Highways have confirmed that the two junctions designed at Wood Road and Victoria Road junctions have been configured to maximise the capacity and efficiency of traffic flow at both junctions. They also highlight that previous design iterations of these junctions showed insufficient capacities in future modelling scenarios of the junctions. LCC Highways confirm that the proposed off site mitigation works provide good future capacity and are deliverable all within highway boundary so as to avoid the complications arising in obtaining 3rd party land.
- 4.6 The previously proposed roundabout at the Wood Road B585/Grange Lane B582/Bagworth Road Junction has been removed from the proposals as outlined in table 2. Further justification has been provided for the removal of this proposed roundabout by LCC Highways who identify that the original application was drafted approximately a decade ago and it is likely that the highway scenario now differs significantly with 2007. The delivery of a roundabout, as secured by the original legal agreement, was considered by LCC Highways and it was determined that it was not possible to achieve the required forward visibility on one of the approaches to the roundabout with a roundabout designed within the constraints of highway land. As a result of these land constraints, alternative options were looked into.
- 4.7 Upon analysing the scenario of the proposed application LCC Highways modelled the junction in LLITM 2026 involving a “worst case scenario” of flows from the future development from the site and including the current traffic count information that they had. The modelling indicated that the existing junction would have capacity to deal with the additional traffic anticipated from the development. For this reason LCC Highways consider the roundabout to be unnecessary. Furthermore LCC Highways reviewed the safety record of the junction and conducted camera surveys to determine whether any improvements could be made to improve the safety of the junction. It was found that between 1995-2006 there were 14 accidents at the junction (all slight) and the majority of these were in wet/damp/icy conditions. At the time of last checking there had on been one slight accident at the junction since 2008. LCC Highways believe that maintenance work carried out to this junction in the past (surface dressing) and the associated skid resistance led to the drop in accident rate. Due to these findings LCC Highways do not consider the junction to have any safety concerns.
- 4.8 As part of the mitigation proposal for the development LCC Highways intend to perform a signage review of all roads in and around the development to see if any improvements can be made. LCC Highways have also stated that the majority of

increased traffic flows from the development are anticipated to head towards the M1 and A511 in the opposite direction to the junction in question. The junctions in this direction will need to be improved as part of the mitigation works. LCC acting as highway authority believe that the negotiated maintenance works that would be included as part of the revised mitigation package, would actually provide much greater benefit to the local road users and more efficient mitigation than the original roundabout proposal would have.

4.9 Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

4.10 The original off site highway works outlined in table 2 were considered to be necessary to make the development acceptable in planning terms as they would have mitigated the impact of the development upon the highway network. The amended off site highway works therefore need to ensure that they will adequately mitigate the impact of the development upon the highway network to make the development acceptable in planning terms. As the local highway authority (LCC Highways) undertaken a review of the impact of the development and designed the off site mitigation measures they have no objection to the proposed amendments.

4.11 The two bus stops proposed at Bagworth Road and Grange Road to be removed would be located in inaccessible areas with no footpaths serving them and no dwellings adjacent to them. Leicestershire County Council Highways have no objections to the removal of these bus stops. Therefore the removal of these bus stops is considered to be acceptable.

4.12 Reviewing the information submitted by LCC Highways it has been demonstrated that full review and understanding of the impacts of the development upon the highway network has been undertaken and the proposed amendments to the off site highway work are considered acceptable and would mitigate the impacts of the development upon the highway network to make the development acceptable in planning terms..

5.0 Conclusion

5.1 The original off site highways works agreed in the original legal agreement are determined by the local highway authority to be undeliverable. The proposed amendments to the off site highways works have been designed by LCC Highways following a full review of the impacts of the development upon the highway network. It is considered that the amendments would mitigation the impacts of the development upon the highway network to make the development acceptable in planning terms.

6.0 Recommendation

6.1 That a deed of variation to the signed Section 106 for planning application reference 06/00980/OUT, 10/00851/EXT and 14/00572/CONDIT be agreed to amend the off site highways works to those outlined in the following plans:

- 018750 CA-0-G00-DR-SE-1000-P09
- 4752.000H1/1/001

- 4752.000H1/1/002
- 4752.000/H1/1/003

6.2 That the Interim Head of Planning be given delegated powers to determine the final wording of the S106.

Contact Officer: Helen Knott, Team Leader (Development Management) ext. 5691
Executive Member: Cllr Richard Allen

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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 28.09.18

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	Appeal Valid	DATES
	RW	17/01268/FUL (PINS Ref 3210717)	WR	Miss Anna Vaughan Mobile Home Meadow Barn Shenton Lane Upton	Meadow Barn Shenton Lane Upton (Removal of two mobile homes and residential storage barn and erection of dwelling)	Appeal Valid Awaiting Start Date	12.09.18
18/00041/PP	AC	17/01292/FUL (PINS Ref 3210610)	WR	Mr Daniel Kitching 29 Brook Street Whetstone Leics	38 Almeys Lane Earl Shilton (Erection of one detached bungalow (resubmission of 17/00636/FUL))	Start Date Statement of Case Final Comments	10.09.18 15.10.18 29.10.18
18/00045/RPAGDO	EC	18/00343/CQGDO (PINS Ref 3210268)	WR	Mr Martyn Taylor 55 Foxs Covert Fenny Drayton	Cotton View Bosworth Road Wellsborough (Prior Approval for change of use of an existing agricultural building to a dwelling (C3) and associated building operations)	Start Date Questionnaire Statement of Case Final Comments	24.09.18 01.10.18 29.10.18 12.11.18
18/00043/PP	AC	18/00160/OUT (PINS Ref 3208803)	WR	Mr Jon Wetton 154 Wolvey Road Burbage	154 Wolvey Road Burbage (Erection of a dwelling and creation of an access to serve No. 154 (outline - all matters reserved) (resubmission of 17/01135/OUT))	Start Date Statement of Case Final Comments	17.09.18 22.10.18 05.11.18
		18/00165/UNBLDS (PINS Ref 3209195)	PI	Mr Nigel Salt Salt Construction Limited 304 Leicester Road Wigston	Land South Cadeby Hall Main Street Cadeby (Unauthorised erection of a dwelling)	Appeal Valid Awaiting Start Date	13.09.18
18/00042/PP	RH	18/00186/FUL (PINS Ref 3209111)	WR	GPH Hinckley Road Development LTD	65 Hinckley Road Burbage (Proposed residential development of 7 dwellings)	Start Date Statement of Case Final Comments	10.09.18 15.10.18 29.10.18
18/00040/FTPP	TW	18/00459/HOU (PINS Ref 3208837)	WR	Mrs Terri Greenwood	207 Sketchley Road Burbage (Erection of a boundary wall to front of property (retrospective))	Start Date Awaiting Decision	04.09.18

18/00035/PP	AC	18/00321/FUL (PINS Ref 3207339)	WR	Saga Construction Ltd Lime Tree Barns Desford Road Kirkby Muxloe	45 - 47 Ashby Road Markfield (Demolition of all buildings and residential development of 8 dwellings)	Start Date Final Comments	13.08.18 01.10.18
	AC	18/00377/HOU (PINS Ref 3207112)	WR	Mr & Mrs D Sullivan Harcourt Mill Barton Road Carlton	Harcourt Mill Barton Road Carlton (Two storey side extension and construction of a swimming pool and associated landscaping)	Appeal Valid Awaiting Start Date	16.07.18
18/00031/PP	JB	17/00988/FUL (PINS Ref 3206304)	IH	Mr Gavin Ingham Gnarley Farm Osbaston Hollow Osbaston	Gnarley Farm Ashby Road Osbaston (Erection of log cabin for an agricultural worker.)	Start Date Hearing Date	03.08.18 24.10.18
	LL	16/00277/UNUSES (PINS Ref 3206296)	WR	Mr F Tailor Oldlands Fenns Lane Dadlington	Oldlands Fenn Lanes Dadlington	Appeal Valid Awaiting Start Date	09.08.18
18/00033/FTPP	TW	18/00333/HOU (PINS Ref 3206141)	WR	Mr Dyer 4 Hall Lane Obstone	4 Hall Lane Odstone (Two storey side and single storey front & rear extensions)	Start Date Awaiting Decision	07.08.18
18/00036/PP	AC	17/00776/FUL (PINS Ref 3204517)	WR	Dr David Hickie 7 Hunters Walk Witherley Atherstone	7 Hunters Walk Witherley Atherstone Erection of timber post and wire fence adjacent to Kennel Lane (resubmission of 17/00310/FUL)	Start Date Final Comments	13.08.18 01.10.18
18/00037/PP	RW	17/01341/FUL (PINS Ref 3204303)	WR	Mr Leighton Parsons Oakdene Leicester Lane Desford	Oakdene Leicester Lane Desford (Erection of one dwelling and associated detached triple garage)	Start Date Final Comments	13.08.18 01.10.18
17/00765/FUL	HK	17/00765/FUL (PINS Ref 3203971)	WR	Orbit Group Ltd	The Big Pit Land to the rear of 44 - 78 Ashby Road Hinckley (Erection of 60 dwellings including	Start Date Statement of Case Final Comments	18.09.18 23.10.18 06.11.18
18/00019/FTTREE	CJ	18/00234/TPO (PINS Ref 6812)	WR	William Burke 1 Goulton Crescent Desford	1 Goulton Crescent Desford (1x Scots pine, reduce overall height by 20 feet)	Start Date Awaiting Decision	30.05.18

18/00018/HEDGE	TW	18/00040/HEDGE (PINS Ref 512)	WR	AH Oliver & Son Sweepstone Fields Farm Snarestone Road Newton Burgoland	Odstone Hill Farm Newton Lane Odstone	Start Date Awaiting Decision	16.05.18
18/00039/PP	JB	18/00249/OUT (PINS Ref 3202284)	WR	Mr Jeffrey Allen Medworth Desford Road Desford	Land Adjacent Medworth Desford Lane Ratby (Erection of a single Dwelling after demolition of existing redundant outbuildings)	Start Date Final Comments	13.08.18 01.10.18
18/00030/PP	JB	17/00552/OUT (PINS Ref 3201693)	WR	Mr & Mrs T & G Moore 42 Coventry Road Burbage	42 Coventry Road Burbage (Demolition of garage and erection of one new dwelling to rear of existing property (Outline - access, layout and scale only))	Start Date Awaiting Decision	13.07.18
18/00016/FTTREE	CJ	18/00211/TPO	WR	Brian Higginson Village House Coventry Road Marton	32 Northumberland Avenue Market Bosworth Nuneaton (T1 Oak - Fell and replace; T2 Beech - Remove 2 damaged lower limbs)	Start Date Awaiting Decision	16.05.18
18/00026/PP	RW	17/00877/OUT (PINS Ref 3200713)	WR	Mr M Hurst C/O Andrew Granger & Co. Phoenix House, 52 High Street Market Harborough	Land rear of 43 Park Road, Ratby (Outline planning application for development of 5no. dwellings and associated vehicular access) (Re-submission of 16/00999/OUT)	Start Date Awaiting Decision	12.07.18
18/00025/PP	RW	17/00747/OUT (PINS Ref 3199326)	WR	Mr K Petcher 128 Preston Drive Newbold Verdon	Land Rear Of 143 Dragon Lane Newbold Verdon (Erection of single storey bungalow (outline - access only))	Start Date Awaiting Decision	12.07.18
18/00034/PP	RH	15/00441/FUL (PINS Ref 3197865)	WR	Cartwright Homes Ltd Vicarage Street Nuneaton	Land South Of Chapel Fields Livery Stables Chapel Lane Witherley (Erection of 10 dwellings and associated access)	Start Date Final Comments	13.08.18 01.10.18
18/00020/PP	AC	17/00695/FUL (PINS Ref 319657)	WR	Mr D Tallis Basin Bridge Bungalow Hinckley Lane Higham on The Hill Nuneaton	Basin Bridge Bungalow Hinckley Lane Higham On The Hill Nuneaton (Demolition of existing dwelling and erection of replacement two-storey, two- bedroom dwelling)	Start Date Awaiting Decision	25.07.18

18/00038/PP	JB	17/00982/FUL (PINS Ref 3194858)	WR	Mr R Harrison R&W Harrison Builders Ltd 40 Farrier Lane Leicester	Holly Cottage 20 Rookery Lane Groby (Erection of one dwelling)	Start Date Letter Final Comments	13.08.18 01.10.18
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Decisions Received

18/00021/FTPP	AC	18/00193/HOU (PINS Ref 3202279)	WR	Mr T Knapp 18 Strutt Road Burbage	18 Strutt Road Burbage (Single storey attached garage to front of property (resubmission of 17/00777/HOU))	ALLOWED	17.09.18
18/00007/PP	RWR	17/00115/FUL (PINS Ref 3189810)	IH	Mr K Saigal Centre Estates 99 Hinckley Road Leicester	Land Off Paddock Way Hinckley (Residential development of 55 dwellings, creation of a new access and associated works to include 72 on-site parking spaces)	ALLOWED	13.09.18
18/00011/FTPP	AC	18/00038/HOU (PINS Ref 3204410)	WR	Mr & Mrs Smith 15 Denis Road Burbage	15 Denis Road Burbage (First floor extension to bungalow to form two and a half storey dwelling with alterations to all elevations (resubmission of 17/00546/HOU))	DISMISSED	20.08.18
18/00024/FTPP	RH	18/00098/HOU (PINS Ref 3204820)	WR	Mr D Power 37 Wykin Lane Stoke Golding	37 Wykin Lane Stoke Golding (Proposed Studio and Playroom above approved garages)	DISMISSED	20.08.18
18/00023/FTPP	EC	18/00412/HOU (PINS Ref 3204710)	WR	Mrs Samantha Mather 64 Manor Road Desford	64 Manor Road Desford (Detached garage to front elevation and roof lantern to existing summer house in	SPLIT	20.08.18
18/00017/PP		17/01119/FUL (PINS Ref 3197114)	WR	Mr Andrew Ward Ben Venuto Thornton Lane Markfield	Ben Venuto Thornton Lane Markfield (Erection of detached dwelling)	DISMISSED	14.08.18

Appeal Decisions - 1 April - 28 September 2018

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
23	5	17	1	0	5	1	15	0	0	1	0	0	0

Enforcement Appeal Decisions

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

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