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Hinckley & Bosworth
Borough Council

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Steve Atkinson MA(Oxon) MBA FIoD FRSA
Chief Executive

Date: 26 January 2015

To: Members of the Planning Committee

| | |
|-----------------------------|------------------|
| Mr R Mayne (Chairman) | Mr KWP Lynch |
| Mr JS Moore (Vice-Chairman) | Mr K Morrell |
| Mr RG Allen | Mr LJP O'Shea |
| Mr JG Bannister | Mrs H Smith |
| Mr CW Boothby | Mr BE Sutton |
| Mr DS Cope | Miss DM Taylor |
| Mrs WA Hall | Mr R Ward |
| Mrs L Hodgkins | Ms BM Witherford |
| Mr MS Hulbert | |

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite - Hub on **TUESDAY, 3 FEBRUARY 2015 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

PLANNING COMMITTEE - 3 FEBRUARY 2015

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 7 January 2015.

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 10.

6. DECISIONS DELEGATED AT PREVIOUS MEETING

The Deputy Chief Executive (Community Direction) to report progress on any decisions delegated at the previous meeting.

7. APPLICATION 14/01150/FUL - LAND AT JOHNSONS APPARELMASTER LTD, RUGBY ROAD, BURBAGE (Pages 5 - 20)

Report and map attached.

8. APPLICATION 14/01121/FUL - 26 LUTTERWORTH ROAD, BURBAGE (Pages 21 - 32)

Report and map attached.

9. POLICIES RELATING TO APPLICATIONS ABOVE (Pages 33 - 36)

10. APPEALS LODGED AND DETERMINED (Pages 37 - 46)

Appeal decisions relating to appeal APP/K2420/A/14/2227397 – Former Manchester Hosiery Works, Queens Road, Hinckley and APP/K2420/A/14/2227464 – 15 Derby Road, Hinckley are attached.

11. APPEALS PROGRESS (Pages 47 - 50)

Report of the Deputy Chief Executive (Community Direction) attached.

12. DELEGATED DECISIONS ISSUED (Pages 51 - 70)

Report of the Deputy Chief Executive (Community Direction) attached.

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

Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

7 JANUARY 2015 AT 6.30 PM

PRESENT:

Mr JS Moore (Vice-Chair, in the Chair), Mr RG Allen, Mr CW Boothby, Mr DS Cope, Mr PAS Hall (for Mr JG Bannister), Mrs WA Hall, Mrs L Hodgkins, Mr DW Inman (for Mr R Mayne), Mr KWP Lynch, Mr K Morrell, Mr BE Sutton, Miss DM Taylor and Ms BM Witherford

In accordance with Council Procedure Rule 4.4 Councillor Mr WJ Crooks was also in attendance.

Officers in attendance: Rebecca Owen, Michael Rice, Nic Thomas and Andrew Thompson

317 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bannister, Hulbert, Mayne, O'Shea, Smith and Ward, with the following substitutions authorised in accordance with Council Procedure Rules 4.2 and 4.3:

Councillor P Hall for Councillor Bannister
Councillor Inman for Councillor Mayne.

318 APPOINTMENT OF VICE-CHAIRMAN FOR THE MEETING

In the absence of the Chairman and with the Vice-Chairman in the Chair, it was moved by Councillor Moore and seconded by Councillor Mrs Hall that Councillor Witherford take the Vice-Chairman's position for this meeting only.

RESOLVED – Councillor Witherford be appointed Vice-Chairman for this meeting only.

319 MINUTES

It was moved by Councillor Cope, seconded by Councillor Hodgkins and

RESOLVED – the minutes of the meeting held on 9 December 2014 be confirmed and signed by the Chairman.

Councillor Allen entered the meeting at 6.35pm.

320 DECLARATIONS OF INTEREST

Councillors Cope and Lynch declared disclosable, non-pecuniary interests in application 14/00963/FUL as directors of an organisation whose premises shared a boundary with the application site.

321 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all decisions delegated at the previous meeting had been issued and those subject to S106 agreements were in progress.

322 TOWN & COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED

The Chief Planning and Development Officer presented a schedule of applications along with late items.

- (a) 14/00881/REM – Reserved matters submission to outline planning permission 12/01119/OUT for the erection of 122 dwellings and associated works, Jarvis Porter, Coventry Road, Hinckley – Mr Dean Shaw

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

RESOLVED – the application be approved subject to the conditions contained in the officer's report and late items.

- (b) 14/00596/OUT – Demolition of existing farmhouse, stables and outbuildings for the erection of up to 64 dwellings (outline – access only), Garden Farm, Bagworth Road, Barlestone – Mr Keith Baxter

Notwithstanding the officer's recommendation that the application be approved, some members felt that the development would be an intrusion into the countryside and would be detrimental to highway safety. It was moved by Councillor Lynch and seconded by Councillor Hodgkins that the application be REFUSED for these reasons. Upon being put to the vote, the motion was LOST.

It was subsequently moved by Councillor Boothby, seconded by Councillor Inman and

RESOLVED – permission be granted subject to conditions and S106 obligations to provide affordable housing and public open space together with financial contributions towards highway improvements, public play and open space, education and the Police infrastructure.

- (c) 14/00963/FUL – Erection of a dwelling, 20 Springfield Road, Hinckley – Mr Ian Bullions

Whilst generally in support of the proposal, some members expressed concern regarding the proposal to erect railings along the boundary and also regarding the retention of the rare Ginkgo tree. It was requested that a condition be added to require the boundary treatment to be agreed with officers in order to ensure that the boundary was in keeping with the character of the area and that officers investigate the possibility of making a Tree Preservation Order on the Ginkgo tree.

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

RESOLVED –

- (i) the application be permitted subject to the conditions contained in the officer's report and the abovementioned additional condition regarding boundary treatment;
- (ii) the possibility of making a Tree Preservation Order explored.
- (d) 14/00712/OUT – Erection of three dwellings (outline – access, appearance, layout and scale), land to the rear of 19 Ratby Road, Groby – Mr M Stephens

It was moved by Councillor Taylor, seconded by Councillor Allen and

RESOLVED – the application be refused for the reasons contained within the officer's report.

- (e) 14/01050/FUL – Erection of a grain store, Fleece House, Cow Lane, Ratby – Mr Ivor Chambers

On the motion of Councillor Boothby, seconded by Councillor Allen, it was

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

- (f) 14/01104/FUL – Erection of agricultural building, land at Leicester Lane, Desford – Mr Adam Preston

Since the report and late items had been prepared, additional issues relating to the planning history and how the site was used had come to light. In view of this, officers were not comfortable that they were able to recommend the application for approval without further consideration of those matters. It was therefore moved by Councillor Inman, seconded by Councillor Allen and

RESOLVED – consideration of the application be deferred.

323 APPEAL DECISIONS RECEIVED

The Committee was presented with the appeal decision with regard to the Good Friday Caravan site, Bagworth Road, Bagworth. Members thanked officers for their hard work on the appeal and also expressed satisfaction that the Inspector had agreed that the authority had a five year supply of gypsy and traveller sites. It was moved by Councillor Moore, seconded by Councillor Boothby and

RESOLVED – the report be noted.

324 APPEALS PROGRESS

Members were presented with a schedule showing the progress of current appeals. It was moved by Councillor Allen, seconded by Councillor Taylor and

RESOLVED – the report be noted.

325 DELEGATED DECISIONS ISSUED

A list of delegated decisions taken since the previous meeting was presented to members. It was moved by Councillor Allen, seconded by Councillor Lynch and

RESOLVED – the report be noted.

(The Meeting closed at 7.50 pm)

CHAIRMAN

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Item: 01

Reference: 14/01150/FUL

Applicant: Greene King Developments Ltd

Location: Land At Johnsons Apparelmaster Ltd Rugby Road Burbage

Proposal: Erection of a restaurant and public house with ancillary residential accommodation and associated external play area, together with vehicular access provision, car parking, landscaping and ancillary works

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the development proposed has a floor area in excess of 500 square metres.

Application Proposal

This is a full application for the erection of part single storey/ part two storey restaurant / public house with ancillary residential accommodation at first floor and associated external play area, together with means of access, car parking, landscaping and ancillary works. The building would be located in the southeast corner of the site, at the junction of Rugby Road and an unnamed road. Car parking would be provided to the north and west of the building.

The building would have a gross floor area of 844 sq. m split over two levels. The ground floor of the building would comprise the restaurant and bar area, together with ancillary facilities. Two flats intended to be occupied by members of staff would be provided at first floor.

The two storey element would have a maximum height of 9.0 metres to the ridge and 5.3 metres to the eaves. The single storey element would have a maximum height of 6.2 metres to the ridge and 2.6 metres to the eaves. The main entrance is to be located on the front elevation of the building fronting.

The building would be constructed predominantly of brick with elements of render on the front and side elevations. Windows would be UPVC (Golden Oak) with artstone head and cill detail. A glazed feature is proposed on the front elevation, together with an entrance porch. A covered smoking shelter would be provided at the rear.

An outdoor seating area, including children's play area would be provided to the west of the building. A service yard is proposed to the rear / north of the building.

Vehicular access to the site would be via Brookfield Road. The development would be served by 82 car parking spaces, including 3 disabled spaces and cycle parking.

It is proposed to create a refuse storage area within the service yard, which would provide storage for 8 no. 1,100 litre bins and 10 no. 240 litre bins.

The Site and Surrounding Area

The application site is roughly triangular in shape and extends to an area of approximately 0.42 hectares. It is flat and is bounded by Rugby Road to the east, Brookfield Road to the northwest and an unnamed road to the south. The site previously formed part of the Johnson's factory. The buildings associated with the former factory have now been demolished and the site lies vacant.

Outline planning permission was granted in 2011 for the comprehensive redevelopment of land bounded by the Ashby Canal, the railway line and Bridge Street, including the former Johnsons factory, for a mixed use scheme comprising housing, employment and a local shopping centre. The development, known as Sketchley Brook is being delivered in a phased manner, with some phases now complete. The application site lies in the eastern section of the Sketchley Brook development, on a parcel of land identified in the outline application as a local shopping centre.

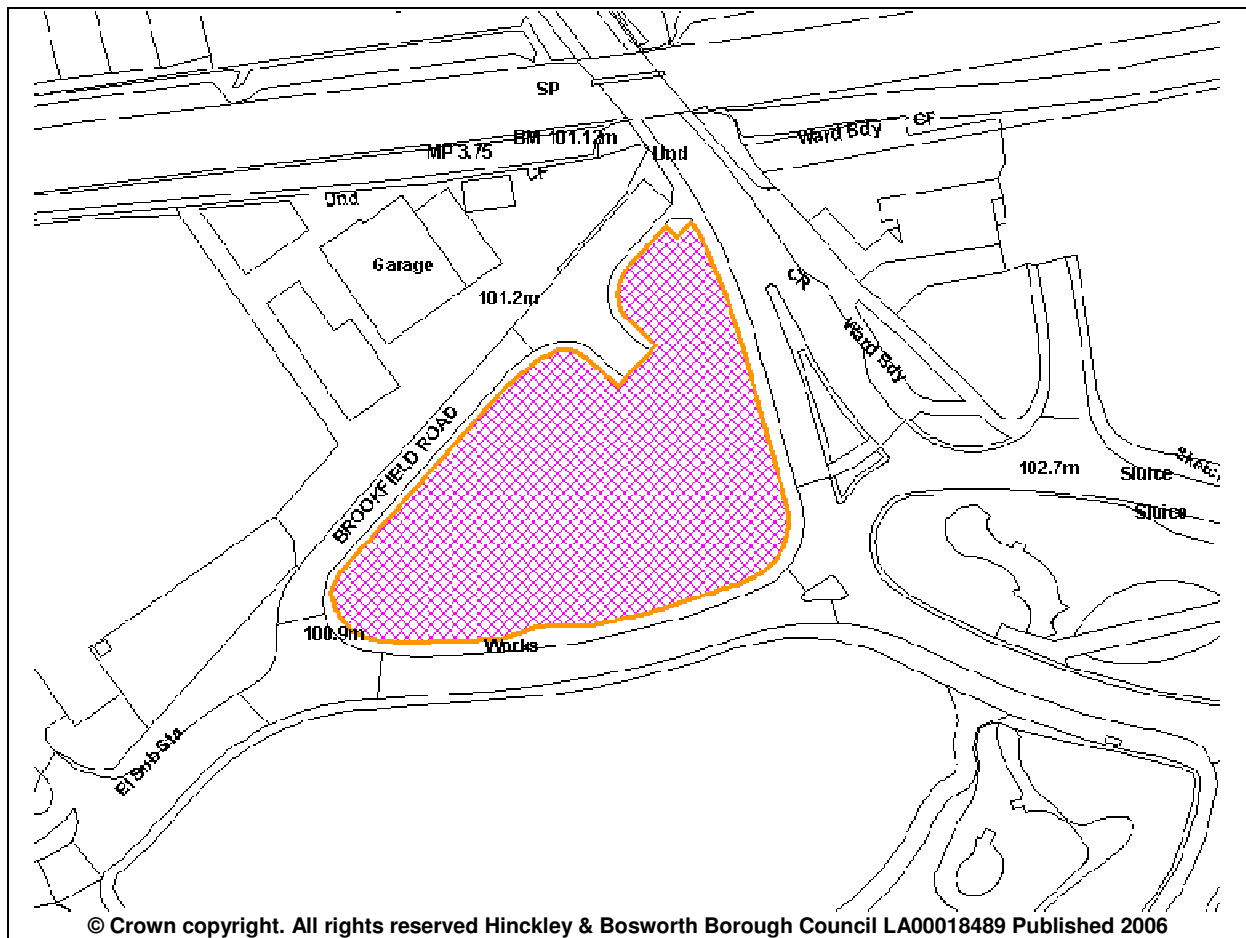
In terms of the wider area, beyond the railway to the northwest there is a residential development, whilst to the northeast there is commercial retail development including a Tesco and Lidl and various business premises. To the southeast there is further residential development and to the southeast is land being developed for a variety of uses as part of the Sketchley Brook mixed use development.

Technical Documents Submitted with the Application

Design and Access Statement
Sequential Assessment
Transport Statement
Travel Plan
Environmental Noise Impact Assessment
Phase I Ground Investigation Report
Lighting Report
Flood Risk Assessment
Ecological Walkover
Renewable Energy Planning Statement

Relevant Planning History:-

| | | | |
|--------------|---|----------|----------|
| 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) | Approved | 30.08.11 |
| 11/00856/REM | Primary physical and green infrastructure details including Sketchley Brook Corridor, access road, structural landscape, open space and remodelling of lake | Approved | 11.01.12 |



Consultations:-

No objection has been received from:-

Environment Agency
 Environmental Health (Pollution)
 Burbage Parish Council.

No objection subject to conditions has been received from:-

Severn Trent Water Limited
 Leicestershire County Council (Highways)
 Environmental Health (Drainage)
 Street Scene Services (Waste).

Two letters of neighbour representation have been submitted raising the following concerns:-

- a) neighbours have been inadequately consulted
- b) noise from customers and plant
- c) highway safety
- d) impacts of traffic obscuring views of the cycle path
- e) litter.

Policy:-

National Policy Guidance

National Planning Practice Guidance (NPPG) 2014
National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy (2009)

Policy 4: Development in Burbage
Policy 5: Transport Infrastructure
Policy 20: Green Infrastructure

Hinckley and Bosworth Local Plan 2001

Policy EMP1: Employment Sites
Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standard
Policy T9: Facilities for Cyclists and Pedestrians
Policy NE12: Landscaping Schemes
Policy NE2: Pollution

Other Material Policy Guidance

Pre Submission Site Allocations and Development Management Policies DPD

Appraisal:-

The main considerations in determination of this application are:-

- Principle of Development and Retail Policy
- Design and Character
- Residential Amenity
- Highway Safety
- Flooding and Contamination

Principle of Development

Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the saved policies of the Local Plan (2001).

Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means:-

- Approving development proposals which accord with the development plan without delay, and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or
 - Specific policies in the NPPF indicate development should be restricted.

Core Strategy (2009)

Policy 4 of the Core Strategy applies specifically to development in Burbage, which is the area within which the application site is located. Of relevance to this proposal, the Policy seeks to ensure there is a range of employment opportunities within Burbage and within close proximity of Hinckley and requires development to be of the highest environmental standard.

Local Plan

The application site is identified in the adopted Local Plan as an existing employment site. Policy EMP1 states that the Council will actively seek to retain such sites in an employment uses. The industrial buildings that previously occupied the application site and adjoining land have now been demolished, and planning permission has been granted for its comprehensive redevelopment (10/00598/OUT). Although this application has now lapsed and is therefore no longer extant, it has established the principle of a redeveloping the site for mixed use purposes.

Pre Submission Site Allocation and Development Management Policies DPD

The emerging Site Allocations document identifies land adjacent to Rugby Road, Burbage for residential development and specifically, 110 dwellings. The application site includes part of the allocation. This document has been subject to public consultation and is within the latter stages of this; however there remains an outstanding objection and the document has not yet been examined by the Planning Inspector. Accordingly, although this document constitutes a material consideration in the determination of the application, only limited weight can be attributed at this stage.

There are no policies in either the adopted Core Strategy or Borough Local that relate specifically to the provision of food and drink uses (restaurants and public houses). Nor is any specific guidance provided in the NPPF, other than that such development would be categorised as a main town centre use and as such, should be subject to a sequential assessment in circumstances where it is not proposed on a site within a town centre or other designated centre.

The planning application is accompanied by a Sequential Assessment in accordance with paragraphs 24 of the NPPF and Policy DM21 of the emerging Site Allocations and Development Management Policies DPD.

The Sequential Assessment provides an analysis of the operational and market requirements of the end user, the catchment area assessed, and methodology adopted, and a comprehensive assessment of alternative sites.

Paragraph 24 of the NPPF states that:-

"Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge-of-centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as scale and format."

Core Strategy Spatial Objective 2, seeks to deliver the regeneration of Hinckley Town Centre and seeks to provide opportunities for retail, leisure and commercial activities, whilst supporting important local centres.

Policy DM21 of the emerging Site Allocations and Development Management Policies DPD states "that all applications for the provision of new main town centres uses will be required to adhere to the Sequential approach".

The proposed end user has various locational and operational requirements, which have been taken into consideration in the evaluation of the various sites. These are as follow:-

Locational

- A requirement for sites to be provided on a freehold basis;
- Highly visible sites adjacent to main roads and arterial routes;
- Prominent and easy access from main roads;
- A projected population within the catchment area of the development proposals (1 mile radius) in the region of 20,000 to 25,000 people; and
- Close proximity to existing residential development, employment areas, new housing developments and / or district centres to help drive trade.

Operational

- A minimum site size of approximately 0.4 ha to accommodate all elements of the development, to a maximum of 0.6 ha.
- Ability to accommodate an outdoor seating area along with children's play equipment;
- Provision of car parking (circa 80 spaces);
- Delivery and service area;
- Ability to define separate restaurant, bar and transition areas within the building;
- Ability to provide accommodation at first floor to provide employee accommodation and a staff room.

The sites assessed for the purpose of the sequential test included:-

- 10 The Borough
- Dog and Gun Manson Street
- High Cross Building, Regent Street
- The Crescent
- Bosworth House, 46 New Buildings
- Land at former Hosiery Factory, Holliers Walk
- 4 Coventry Road
- 1A and 3 Regent Street
- 13a Lower Bond Street
- 97A Castle Street
- 9A Castle Street
- 17 The Borough
- Boyslade Road/Tilton Road
- Rugby Road
- Clifton Way

The assessment states that all potential alternative sites have been considered and that based on the specific operational and locational requirements of the end user, there are no sequentially preferable sites that are suitable, viable and available to accommodate the

proposed development, either within or on the edge of the Town Centre. This includes The Crescent which was discounted because when considered against the selection criteria, the site was not considered available, suitable or viable. The impact assessment has been carefully considered and it is agreed that there are no sequentially preferable sites that would be suitable for the use.

Planning Balance

The application site is located within the built-up area of Burbage and comprises previously developed land. Although out of centre, the site is in a relatively sustainable location and is accessible by a range of non-car modes of transport. A reasonable proportion of customers would choose to travel on foot from nearby residential areas.

The site forms part of a larger allocation for residential development within the pre submission Site Allocations and Development Plan Policies DPD. Although this document has been subject to consultation and is within the latter stages of this, it has not yet been subject of examination by the Planning Inspector. Accordingly, the amount of weight this document can be attributed within the determination of this application is limited. Notwithstanding this, the application site only forms a small part of the land allocated and given its irregular shape, relatively small area and its close proximity to existing industrial premises, there would be concerns raised in relation to its redevelopment for housing.

Outline planning permission has previously been granted for the redevelopment of the application site and land to its south and east (Sketchley Brook) for a mixed use scheme incorporating residential and commercial development, along with the provision of a local centre.. This development has been delivered in phases via the submission of various reserved matters applications. The application site was identified within this scheme as providing a local centre. The principle of a development including a food/drinking establishment with retail above is therefore considered acceptable.

Summary

The proposal is located on a vacant previously developed site. It is off a main arterial route which connects the site with significant residential and employment areas. The site is in a highly accessible location which would reduce the need to travel by private car consistent with the principles of sustainable development and the objectives of the NPPF. The site would also be well served by pedestrian and cycle routes and public transport.

The site is within close proximity of retail development to the northeast and is on land that received outline planning permission to be developed for a Local Centre to serve the Sketchley Brook mixed use development. The development would further contribute to the mixed use nature of the Sketchley Brook Development.

The proposal would meet a need for new leisure facilities in the area and in particular, food and drink uses and would serve both the daytime and evening economy of the area.

Furthermore it has been demonstrated that there are no sequentially preferable sites within the Hinckley Town Centre or within an edge of centre location that would meet the needs of the operator, whilst also being available, suitable and viable.

Taking into account the information set out above, on balance, the proposal is considered to comprise of sustainable development as outlined within the NPPF and there are considered to be no material considerations which would outweigh the benefits brought about by the scheme. Therefore it is considered that the redevelopment of the application site for a family restaurant/ public house is acceptable in principle.

Design and Character

The development would occupy a prominent position on Rugby Road, at the gateway to both Hinckley and Burbage. The layout seeks to capitalise on the site's prominent position. The footprint of the building would be sited within the south eastern tip of the site, with its parking and servicing areas to the rear. All elevations of the building would be visible from surrounding public land and would provide interest to the streetscene. The elevations have staggered frontages, incorporating projecting gables and a range of architectural features. While the design is not bespoke to the site, it is considered acceptable and would enhance the overall character of the area.

The building would be constructed of Sandtoff Cassius Tuscan and Antique roof tiles and Ibstock Amelia Red Multi which would be appropriate for the design of the building.

During the course of the application a revised landscaping and boundary treatment scheme has been received. The main changes include; hedgerow to the perimeter of the site, a trellis to the smoking area and a brick wall with hedgerow to the inside to enclose the beer garden and play area. Originally, close boarded fencing was proposed to enclose the site. Due to the bland appearance of this, along with the ongoing maintenance issues, this was not considered an acceptable choice for this key site. The amended details are considered to enhance the appearance of the development, through adding texture and variation, would result in further soft landscaping which would be more in keeping with the wider 'Sketchley' development and would ensuring legibility between public and private areas and enhance security.

Residential Amenity

Policy BE1 (i) seeks to ensure that developments do not have a detrimental impact on the residential amenity of surrounding dwellings.

The closest residential dwellings to the site would be the recently approved properties to both the south and west, some under construction, some completed. Given the considerable distance of the site from these, there are not considered to be any arising adverse impacts in terms of amenity. In view of the distance of residential properties from the site, it is not considered to be reasonable or necessary to impose a condition restricting the hours of use.

Highways

The application is accompanied by a Transport Statement which seeks to demonstrate that there would be no severe impact upon highway safety caused by the proposal. Furthermore, a safe access has been illustrated by the SWEPT path analysis and there is adequate provision of parking and cycle storage provision. The site is in a sustainable location accessible by a variety of modes of transport. There are bus stops within close proximity of the site on Rugby Road and it is within walking distance of the train station local businesses and residential areas. Rugby Road directly to the east of the site also provides direct and convenient access to the A5 and junction 1 of the M69.

Leicestershire County Council (Highways) have commented on the scheme and have raised no objection subject to 5 conditions. These relate to parking provision, surfacing, drainage, cycle parking and a construction site management plan. Of these conditions, 4 would be imposed; the condition requiring the submission of a construction site management plan (CEMP) in this case is considered onerous given the scale of the development. This said, an additional condition requiring wheel wash facilities to be agreed forms part of the recommendation.

Concerns have been raised in relation to private vehicle parking along Brookfield Road. There is currently no parking restrictions on this section of the highway and there is therefore the possibility for vehicles parking on the street adjacent to the site's entrance. Leicestershire County Council has not raised any objections to the scheme and any problems relating to parked vehicles obstructing the site access would be addressed by the highway authority.

Ground Conditions

Having regard to the previous use of the site there is the potential for contamination. The application is supported by a Phase I desk based Ground Investigation Report and a Phase II Site Investigation. The reports have been considered by Environmental Health (Pollution) who have raised no objection. Based on the investigations undertaken it is not considered that the ground conditions of the site would represent an insurmountable obstacle to the development of the site for a restaurant / public house. A condition is recommended that would require further investigation to be undertaken should any contamination be found during construction.

Flood risk and Drainage

The application site lies within Flood Risk Zone 3 and is therefore considered to have a 1:100 year or greater annual probability of river flooding. The planning application is accompanied by a Flood Risk Assessment, which considers the risk of the site from river flooding as well as other sources in accordance with the NPPF.

Initially the Environment Agency raised concerns in respect of flooding from surface water and both Severn Trent Water and the Councils Drainage Officer requested the submission of surface water drainage details.

In response to these concerns, more comprehensive flood risk details and surface water drainage plans were provided by the applicant. These illustrate that the development would be connected to the existing drainage infrastructure, approved by the Environment Agency for the wider Sketchley Brook development. With regard to the drainage of foul water, it is proposed that this would drain into the existing foul sewer in Brookfield Road. To ensure the drainage details are completed as proposed, the plans containing the details will be conditioned.

Having regard to the information set out above, together with that contained in the Flood Risk Assessment, it is considered that the development would comply with relevant guidance contained in the NPPF, together with Policy NE13 of the Local Plan and is therefore acceptable from a flooding perspective.

Other Issues

Renewable Energy

The application is supported by a Renewable Energy Statement. This demonstrates that the development would deliver a minimum of 10% of its predicted energy needs from decentralised and renewable or low carbon energy. This would be achieved by the use of the Eureka heating unit which utilises waste heat from the air source heat pumps serving the beer store coolers. This would generate hot water to serve the public house. Technical calculations demonstrating this are included within the Renewable Energy Statement

Socio-economic Benefits

The provision of the family restaurant / public house on the site would result in the creation of approximately 60 new jobs: 20 full-time and 40 part-time. This excludes jobs that would be created during the construction phase.

Noise

The Noise Impact Assessment submitted with the application predicts that noise from the site will not cause concern to occupiers of nearby houses. Environmental Health (Pollution) has reviewed the information provided and has requested that further information be submitted. Accordingly, a condition has been recommended requiring that a scheme for noise from plant and equipment be submitted and approved by the Local Planning Authority. Given the distance of the site from surrounding residential properties, there are not considered to be any material impacts in relation to noise and disturbance from customers using that facility.

Street Scene Services (Waste) have recommended a condition requiring details of a waste storage and disposal scheme to be submitted. As details of waste disposal have been provided with the scheme, a condition to this effect is not considered necessary.

Issues raised within the letters of neighbour representation:-

Concern has been raised that the application has been poorly advertised and neighbours have not been adequately consulted. In response to this, neighbours adjoining the site have been directly consulted and a site notice has been displayed. Further, the application has been publicised on the 'Weekly List' of planning applications and is available to view on the Hinckley and Bosworth Borough Council website. This publicity is in accordance with both statutory requirements and the council's Statement of Community Involvement.

Residents have raised concern about potential litter could be created by the development. A waste disposal and recycling strategy has been submitted with the application, which sets out how waste would be dealt with. There is no reason to suggest that the business would generate litter to any greater extent than any other business.

Conclusion

The proposal is considered to comprise of sustainable development in accordance with local and national planning policy guidance. The proposal would bring back into viable use a parcel of brownfield land and would provide an attractive form of development on the entrance to Hinckley. The scheme is considered acceptable in terms of design, siting, and appearance, would not result in any adverse impacts in terms of residential amenity, highway safety, contamination or flood risk. The development is therefore considered acceptable subject to conditions.

RECOMMENDATION:- Grant subject to conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The proposal is considered to comprise of sustainable development in accordance with the intentions of the NPPF. The proposal would bring back into viable use a parcel of brownfield land and would provide a

landmark building on the entrance to Hinckley. The scheme is considered acceptable in terms of design, siting, and appearance, would not result in any adverse impacts in terms of residential amenity, highway safety, contamination or flood risk. The application is therefore recommended for approval subject to conditions.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, EMP1, T5, T9, NE2 and NE12.

Local Plan 2006-2026: Core Strategy (2009):- Policies 4, 5 and 20.

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development (and materials) hereby permitted shall not be carried out otherwise than in complete accordance with submitted application details, as follows:- Drg Nos. 1582 01B, 1582 05C, 1582 06A, 1582 06A, 1582 07, 1582 08, 1582 08, 1582 09, 1582 10, 1582 11, 1582 13, received by the Local Planning Authority on 18 November 2014 and Drg No 1582 03E received by the Local Planning Authority on 23 December 2014.
- 3 The drainage details shall be implemented in accordance with details on plan Ref: BGK67 - 10 P4. The approved details shall be maintained as approved at all times thereafter.
- 4 The landscaping scheme as shown on Drawing No. 1582 04D Proposed Site Plan shall be carried out within the first planting season following the first use of the building hereby approved. The 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.
- 5 Prior to the first use of the building hereby approved, the boundary treatment shall be completed in accordance with the details on Drawing No. 1582 03E and be maintained as approved at all times thereafter.
- 6 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.
- 7 Development shall not begin until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before the permitted development first comes into use.
- 8 Prior to construction of the floor slab, details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of

equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

- 9 Prior to construction of the floor slab, a scheme for ventilation of the premises, which shall include installation method, maintenance and management has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use for the development hereby approved and maintained in use thereafter.
- 10 Off-street car parking and turning facilities shall be provided within the application site in accordance with the details shown on the submitted plan. The parking and turning areas shall be surfaced and marked out prior to the development being brought into use , and shall thereafter be so maintained.
- 11 Before first occupation of the development, the access drive and any turning space shall be surfaced with porous hard bound material (not loose aggregate) and shall so be maintained at all times.
- 12 Before the development hereby permitted is first used, secure, lit and sheltered cycle parking shall be provided, the details of which shall first be submitted to, and approved in writing by the Local Planning Authority.
- 13 No development shall take place until details of measures to be taken to prevent the deposit of materials, i.e. mud from vehicles leaving the site during construction works being deposited on the public highway, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained and fully implemented for the duration of the construction period.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and to ensure that the development has a satisfactory external appearance to accord with criteria a Policy BE1(a) of the adopted Hinckley and Bosworth Local Plan.
- 3 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 and to minimise risk of pollution to accord with Policies NE2 (criterion a) and NE14 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the landscaping scheme is carried out within a reasonable period and thereafter maintained to accord with Policy BE1 criteria e of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the development has a satisfactory external appearance to accord with criteria a Policy BE1 (a) of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that there is no future risk of land contamination in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.

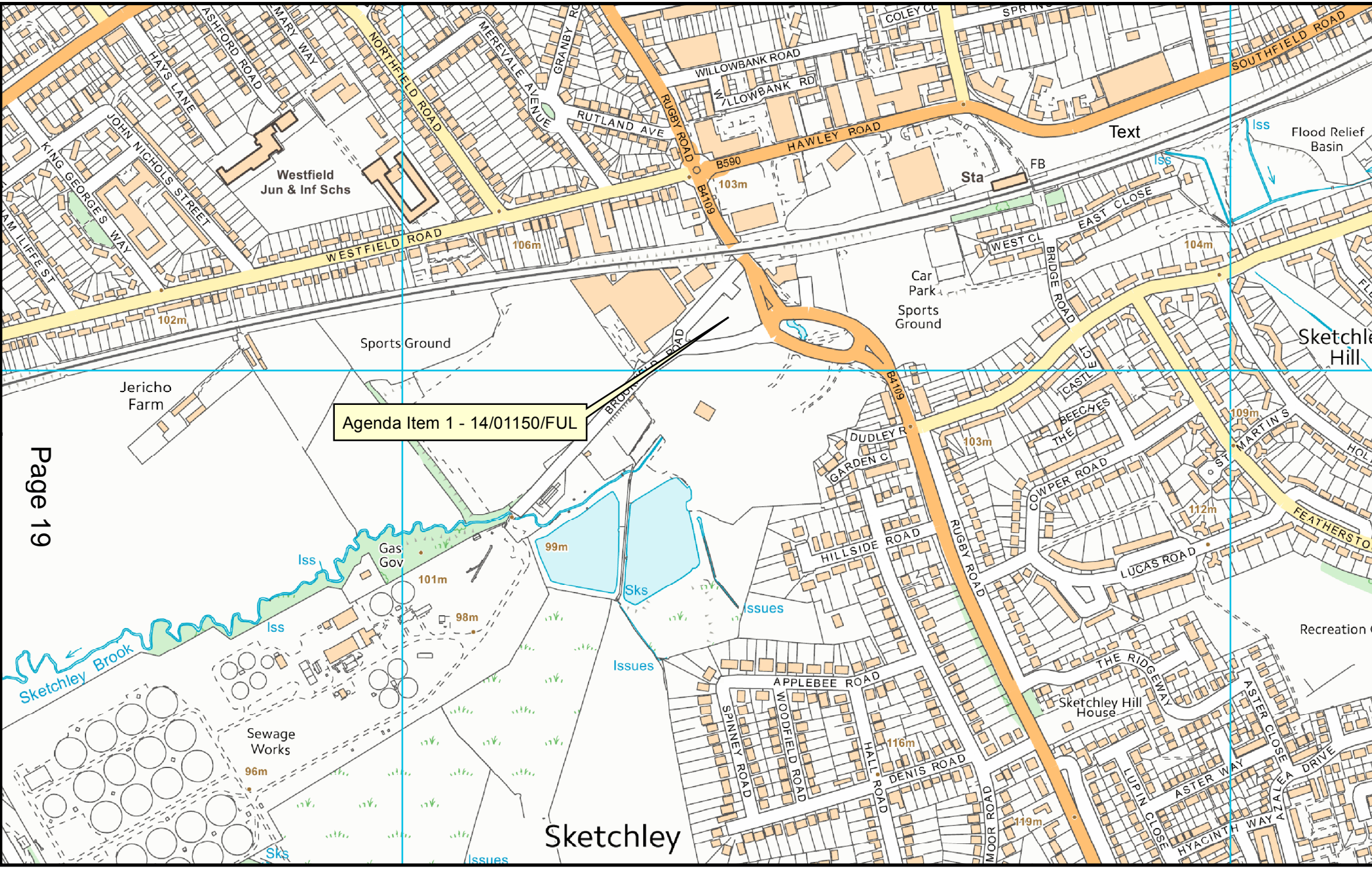
- 7 To ensure that the premises does not become a source of noise and disturbance in accordance with Policy BE1 (l) of the adopted Hinckley and Bosworth Local Plan.
- 8 To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policy BE1 (a and i)
- 9 To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of odour and noise to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan
- 10 To ensure that adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking problems in the area and to enable vehicles to enter and leave the suite in a forward direction in the interests of highway safety in accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 11 To reduce the possibility of deleterious material being deposited in the highway in accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 12 In the interests of promoting more sustainable modes of transport in accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 13 To reduce the possibility of deleterious material being deposited in the highway in accordance with Policy T5 of the Hinckley and Bosworth Local Plan.

Notes to Applicant:-

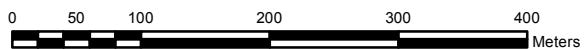
- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Eleanor Overton Ext 5680

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Agenda Item 1 - 14/01150/FUL



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Item: 02
Reference: 14/01121/FUL
Applicant: Mrs Rebecca Dawe
Location: 28 Lutterworth Road Burbage
Proposal: Erection of a dwelling

RECOMMENDATION:- Refuse planning permission.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as objections have been received from more than five addresses.

Application Proposal

This application seeks full planning permission for the erection of a detached, two storey, three bedroom dwelling, detached double car barn and the subdivision of the garden of No. 28 Lutterworth Road, Burbage. The proposed dwelling would be located to the rear of No. 28 and the existing vehicular access to serve both the existing and proposed dwelling would be retained.

The proposed dwelling would be of contemporary design and is to be constructed of modern materials including cedar timber cladding and white rendered walls, metal grey zinc standing seam roof sheets and grey aluminium cladding, windows and doors. The footprint of the proposed dwelling, measures 11.5 metres in depth and 11.7 metres in width with a maximum roof height of 7.2 metres. The front elevation is to be set into the existing ground level by approximately 0.5 metres. The proposed scheme includes the use of a PV solar system, air source heat pump and rainwater harvesting.

The proposed car barn to serve the proposed and existing dwelling is to be constructed of red facing brick and tiled roof and would have a footprint measuring 5 metres by 5 metres and with a ridge height of 4 metres. The proposed car barn would replace the existing garage and would be positioned to the north east of No.28 Lutterworth Road. The application proposes two spaces per dwelling.

A number of trees are to be removed to facilitate the development with the majority of the existing boundary hedgerows to be retained.

During the course of the application amended plans were received, which reduced the number of proposed bedrooms to be provided from four to three. The amendments also sought to remove the ground floor windows and door from the ground floor of the existing dwelling and to re-site the door within the front elevation to face directly onto Lutterworth Road.

The Site and Surrounding Area

The site area of the existing dwelling measures approximately 0.11 hectares. The existing property is a detached two storey dwelling fronting directly onto Lutterworth Road. There is currently a detached store to the side (which is to be demolished), set back 9 metres from

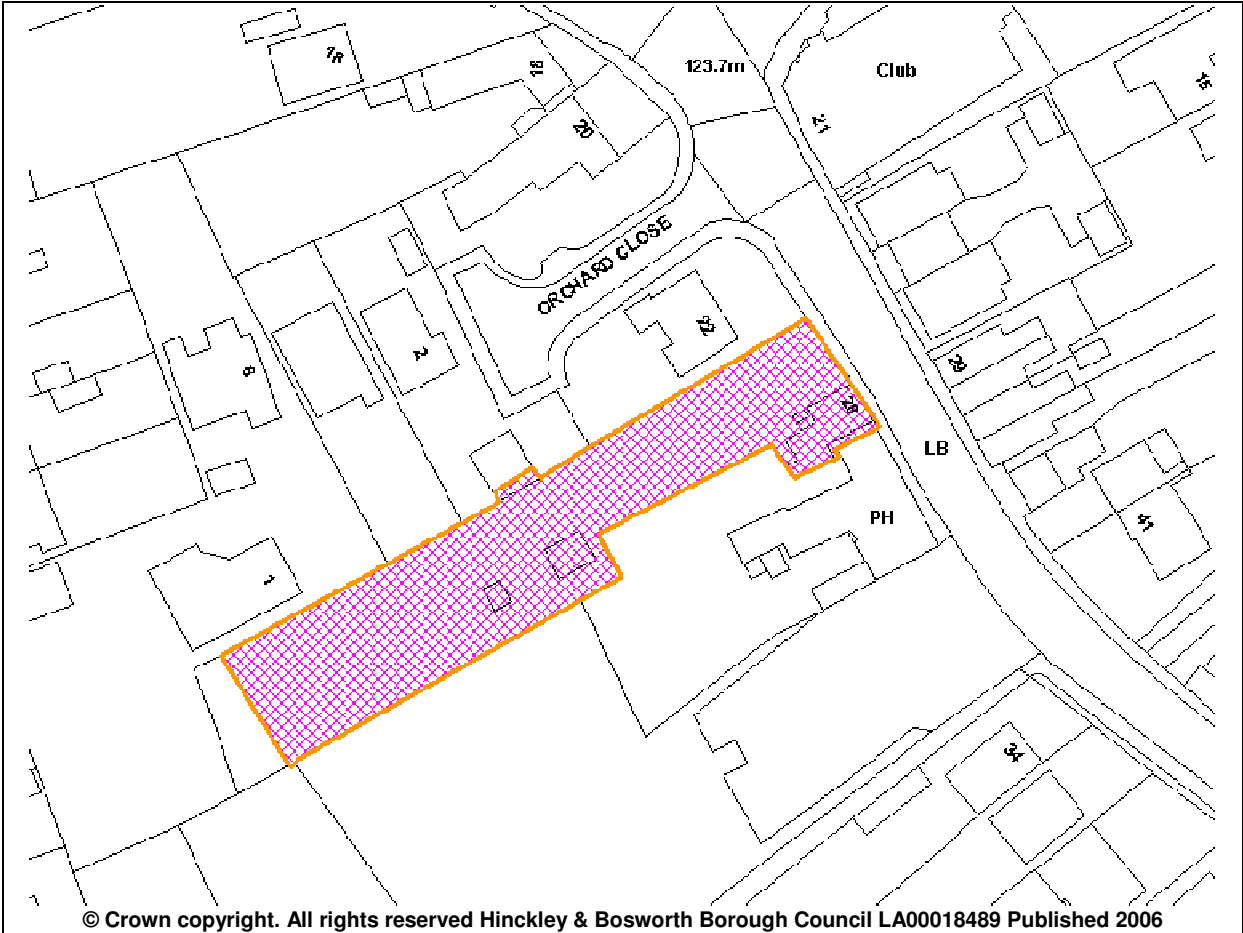
the highway boundary. There is hardstanding for two vehicles in front of the store accessed by a 2.5 metres wide driveway immediately adjacent to the existing dwelling. The remainder of the front boundary is defined by a brick wall approximately 1.2 metres in height. The long rear garden is enclosed by a mix of walls, fences and mature hedgerows. There are a number of semi-mature trees within the rear garden, some of which are to be removed to enable the development. An Oak tree that is protected by a Tree Preservation Order is to be retained. To the south of the site lies a public house and associated land, there are residential properties surrounding the remainder of the site.

Technical Documents submitted with the application

Design and Access Statement

Relevant Planning History:-

| | | | |
|--------------|--|-----------------------------|----------|
| 14/00758/FUL | Erection of a dwelling | Withdrawn | 29.09.14 |
| 02/01296/FUL | Erection of two storey residential annexe to dwelling | Withdrawn | 19.12.02 |
| 99/00357/OUT | Erection of detached dwelling and garage and alterations alterations to access | Refused Appeal Dismissed | 15.09.99 |



Consultations:-

No objection has been received from:-

Environmental Health (Land Drainage)
Environmental Health (Pollution).

No objection subject to conditions have been received from Leicestershire County Council (Highways).

Burbage Parish Council object on the following grounds:-

- a) the proposal would be contrary to Policies BE1 (a) of the Local Plan, paragraphs 53 and 64 of the NPPF and Burbage Village Design Statement Guidance Notes GN1 and GN2 2.6
- b) the proposed new dwelling would result in highway safety issues - inadequate access onto Lutterworth Road with poor visibility close to a bad bend on a busy road where speeding and on-street parking is a problem
- c) the application proposes inadequate turning within site
- d) there would be considerable adverse impact on occupiers of 22 Lutterworth Road from traffic noise and disturbance being surrounded by access roads
- e) the proposed dwelling would be an incongruous and uncomplimentary built form
- f) the proposed development does not complement or enhance the character of the surrounding built form.

Site notice posted and neighbours notified, objections have been received from six different addresses. The objections received are summarised as follows:-

- a) the development would result in undesirable backland development without proper road frontage contrary to Policy BE1(a)
- b) the proposal would result in an adverse impact on character of the area
- c) the proposed access would be a detrimental form of development and result in the adjacent dwelling being surrounded by access roads
- d) the proposed two storey height is not in keeping with bungalows/dormer bungalows in Orchard Close
- e) the design and appearance of dwelling is out of keeping with local properties and incongruous with the surrounding area contrary to paragraphs 53 and 64 of the NPPF
- f) there would be adverse impact on neighbours amenity from increased vehicle activity, noise, disturbance and pollution as a result of the position and proximity of the proposed access to windows and garden and loss of privacy and security contrary to Policy BE1 (i) of the Local Plan
- g) the proposed dwelling would result in a loss of privacy from overlooking
- h) the development would have an overbearing impact and would result in an loss of light
- i) the proposal would result in loss of mature trees that provide significant amenity
- j) there would be an adverse impact on the environment, loss of wildlife/habitat as a result of the application
- k) the development would result in an increase in noise and environmental pollution from additional traffic and occupation of new dwelling
- l) the circumstances have not changed since the previous application and appeal that was refused and upheld
- m) the proposed development would give rise to highway safety concerns from the position of the access with inadequate visibility and additional traffic onto Lutterworth Road, close to a sharp bend, bus stops and existing driveway opposite and where there are on street parking problems, speeding traffic and relocation of road warning signs would be required
- n) the scheme proposes inadequate parking within site

- o) the development would increase traffic congestion on Lutterworth Road
- p) the proposal would result in an inadequate access for emergency vehicles.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012
National Planning Practice Guidance (2014)

Hinckley and Bosworth Core Strategy 2009

Policy 4: Development in Burbage

Hinckley and Bosworth Local Plan (2001)

Policy BE1: Design and Siting of Development
Policy RES5: Residential Proposals on Unallocated Sites
Policy T5: Highway Design & Vehicle Parking Standards
Policy IMP1: Contributions Towards the Provision of Infrastructure & Facilities
Policy REC3: New Residential Development - Outdoor Play Space for Children

Supplementary Planning Guidance/Supplementary Planning Documents

Burbage Village Design Statement (BVDS)
Play and Open Space (SPD)
Sustainable Design (SPD)
New Residential Development (SPG)

Appraisal:-

The main considerations with regards to this application are:-

- the principle of development
- the layout and design of the proposed development and its relationship to the character and appearance of the surrounding area
- the amenities of neighbouring properties
- highway safety
- loss of existing trees
- other considerations

Principle of Development

The NPPF in Paragraph 14 provides a presumption in favour of sustainable development. Paragraph 49 states that housing applications should be considered in this context and that policies relating to the supply of housing should not be considered up to date if the local authority cannot demonstrate a five year supply of deliverable sites. As of 1 October 2014, the council has a five year supply of deliverable housing sites.

Policy RES5 of the adopted Local Plan states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies. The site is located within the settlement boundary of Burbage and therefore there is a presumption in favour of sustainable development. Policy

4 of the Core Strategy also supports the delivery of housing within existing settlement boundaries of Burbage which forms part of the Hinckley sub-regional centre.

Notwithstanding that the site may be considered to be in a sustainable urban location, the NPPF at Paragraph 53 suggests that local authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. As such the proposed development of this residential garden should be considered against local policies to determine if it would harm the local area.

Siting, Layout, Design and Relationship on the Character and Appearance of the Area

Paragraph 56 of the NPPF identifies design as a key aspect of sustainable development. Paragraph 64 states that permission should be refused for development of poor design that fails to improve the character of the area, however, Paragraph 60 states that decisions should not attempt to impose architectural styles and should not stifle innovation, originality or initiative though unsubstantiated requirements to conform to certain development forms or styles, although it is proper to seek to promote local distinctiveness.

Policy BE1 (criterion a) of the adopted Local Plan seeks to ensure that the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, design, materials and architectural features' with the intention of preventing development that is out of keeping with the character of the surrounding area. The council's adopted Supplementary Planning Guidance (SPG) on New Residential Development aims to ensure that new development has regard to the character of the surrounding area and is well integrated into its surroundings. Additional design guidance is included within the Burbage Village Design Statement (BVDS) which in (GN)1 states that proposals are not required to copy or pastiche existing design styles in an area and that innovative and contemporary designs that respect their context are encouraged.

Objections to the application have been received from neighbours stating that the proposed scheme is undesirable 'backland' development without proper road frontage in an incongruous and uncomplimentary form contrary to the established linear character of the area; the design and the two storey scale and appearance of the dwelling is out of keeping with the bungalows/dormer bungalows in Orchard Close and other local properties.

In a previous appeal decision in 1999 which relates to the site (appeal reference number APP/K2420/A/99/1035262/P8) for a similar scheme, the Inspector noted that 'there is a wide mix of house types in the vicinity of the site' and this is enforced by the description of the area in the Burbage Village Design Statement which notes that 'there is a wide variety of properties in age, style and construction'. Accordingly it is considered that there are no distinct design characteristics in the vicinity.

The gable front and steep pitched roof design of the adjacent dormer bungalow contrasts with the single storey scale and design of the other dwellings in Orchard Close. The submitted plans demonstrate that the two storey scale of the proposed dwelling is not out of keeping in terms of its overall height with the adjacent dormer bungalow. Notwithstanding that the modern design and appearance would contrast with the traditional brick and tile materials of the adjacent dwellings, as previously stated, the proposed dwelling would not be viewed as part of the Orchard Close development and therefore it is considered that the proposed modern design and appearance would contrast with, but not result in any harm to, the character or appearance of the area.

The siting and layout of the proposal would result in 'backland' development in relation to the existing dwelling and the previous application, 99/00357/OUT, was refused, in part, on that

basis. However, in the subsequent appeal decision, the Inspector noted that there is existing built development at depth off Lutterworth Road (comprising detached dwellings within similar sized plots on Orchard Close immediately to the north west of the site) and that by virtue of this and the considerable separation distance from Lutterworth Road, the form of the proposed development would not be out of keeping with, or detract from the appearance of Lutterworth Road. The Inspector concluded that notwithstanding that the proposal would be visible from Orchard Close, it would not be prominent within or viewed as part of this street scene given its position behind the strong boundary hedgerow. This proposal is not significantly different from the appeal in respect of the siting and plot size of the proposed dwelling; however the application differs in respect of the parking and access arrangements which are being proposed.

The parking and vehicular access serving the proposed dwelling would be contained approximately 40 metres to the east of the application, and would result in a footpath to the proposed new dwelling cutting through the middle of the proposed private amenity space for No. 28. The proposed layout is considered to be of poor design and results in a convoluted access being proposed, owing to the fact the proposed dwelling is situated a significant distance from the vehicular parking. Furthermore, the proposal, if approved, would result in the loss of the only private amenity area for No. 28 Lutterworth Road, as the proposed pedestrian access would pass through the rear amenity space identified for the existing dwelling, No. 28. It is considered that this would result in development that would be of an uncharacteristic layout for the area, and over development of the space available to the side of No. 28.

The proposal is therefore considered to conflict with Policy BE1 (criterion a) due to the poor and un-functional relationship between the proposed dwelling and the proposed vehicular access. It is also contrary to the council's SPG on New Residential Development which require development to complement the character of the surrounding area together with the overarching principles of the NPPF, with particular reference to Paragraph 53, which seeks to prevent the inappropriate development of gardens and harm to the local area.

Relationship to Neighbouring Properties

Criterion (i) of Policy BE1 of the adopted Local Plan requires that development does not adversely affect the occupiers of neighbouring properties. The Council's Supplementary Planning Guidance (SPG) on New Residential Development states that proposals should not have a detrimental impact on the amenities and privacy enjoyed by the occupiers of adjoining property.

Objections to the proposal have been received on the grounds that the scheme will result in a loss of light from an overbearing/overshadowing impact, a loss of privacy as a result of overlooking and an adverse impact on neighbour's amenity from increased vehicle activity, noise, disturbance and pollution and a loss of privacy.

No. 1 Orchard Close is a dormer bungalow located approximately 3.5 metres to the north west of the proposed dwelling. There are two ground floor windows and a first floor window in the front gable elevation. The front garden is hard landscaped with ornamental planting and is open to Orchard Close. There is a two metre high hedgerow forming the boundary with the application site. The proposed dwelling is two storeys in height. The proposed two storey element projects 7 metres forward of the front elevation of No. 1 but by virtue of the separation distance of 3.5 metres the proposal is not considered to result in any overbearing or overshadowing impact or loss of light to the windows or garden area. There are no windows proposed in the side elevation facing No. 1 that would result in any overlooking. However, there are first floor windows in the proposed rear elevation that would look towards the private rear garden of No. 1. By virtue of the 12 metres separation distance to the

boundary, which is less than the 12.5 metres garden depth guidance in the council's adopted SPG, it is considered that these windows would not have an adverse impact on amenity as a result of a loss of privacy from overlooking.

Nos. 2, 4 and 6 Orchard Close are detached bungalows located to the north west of the application site. The front elevations of the dwellings face the application site, however, by virtue of the separation distance of approximately 20 metres from the proposed dwelling, it is considered that the scheme will not have any adverse overbearing/overshadowing impact or result in any loss of privacy from overlooking in respect of these properties.

No. 25 and 27 Lutterworth Road are link detached, two storey dwellings located opposite the proposed access. They are set back approximately 1 metre from the highway behind a 0.5 metre high boundary wall and have main windows facing the highway. Notwithstanding that these dwellings (particularly No. 27) are opposite the access and are likely to be affected by headlight glare from vehicles using the access, in this case, the affected windows already face the existing access and front onto Lutterworth Road and passing traffic. Therefore the potential impact on the amenities of these dwellings as a result of increased width and use of the access is not considered to be so significant as to have a material adverse impact on their amenity.

No. 22 Lutterworth Road is a two storey detached house located to the north west of the application dwelling. In the previous appeal decision (reference number APP/K2420/A/99/1035262/P8) the Inspector raised concerns in respect of the adverse impact that the use of the proposed access would have on the future amenities of both No. 28 and, in particular No. 22 Lutterworth Road, which is bound by vehicular accesses on three boundaries of the dwellings curtilage. The Inspector was particularly concerned that the development would result in an increase of noise, disturbance and headlight glare from passing traffic to windows and private garden areas, resultant to the scheme proposing the car barn serving the proposed dwelling being located to the rear of the existing dwelling with the existing vehicular access being relocated and extended along the north west boundary. This proposal in contrast seeks to retain the existing area of parking to serve both the proposed and existing dwelling, therefore removing the headlight glare from passing traffic into No.22.

The proposed dwelling is located approximately 43 metres to the south west and will therefore have no direct adverse impact on No. 22. The proposed car barn serving the proposed and existing dwelling would replace an existing garage which currently resides on the application site. The proposed car barn would be positioned close to the boundary between No. 28 and No.22, with a separation distance of approximately 2 metres from the side elevation of No.22. There are two ground floor windows positioned within the side elevation of the No. 22 however due to the position of the proposed car barn being set back away from the those windows and the existence of boundary treatment which is in excess of 2 metres, it is not considered that the car barn would have a significant impact upon No.22, in terms of overshadowing.

The existing dwelling No. 28 Lutterworth Road, is a two storey detached dwelling, with the principal elevation serving the dwelling positioned on the side elevation facing the parking area associated with the dwelling. This elevation has a central porch and two windows within the ground floor. Following concerns raised by the officer in terms of potential impact upon this property from noise, disturbance and headlight glare into the property, amended plans were submitted. The amendments proposed are to remove the porch and create an entrance into the dwelling within the front elevation, and block up the two windows at ground floor. The access at its widest would afford for approximately 8 metres.

Notwithstanding the submitted amendments and the proposed scheme for vehicular parking for the proposed dwelling to be sited to the east of the application site, it is considered that although the impact from the glare of headlights would be reduced, the turning and parking area proposed would still be within 4 metres of the side elevation of No.22, which contains two ground floor windows and a first floor window. Furthermore the proposed parking and turning area would be immediately adjacent to the gable wall of No. 28 with any current and future occupants having cars manoeuvring in a confined area. Accordingly after careful consideration of all the objections received from the Burbage Parish Council and neighbours and the previous appeal decision, it is considered that the previous grounds for refusal are still relevant and reasonable in this case and that the scheme is therefore contrary to Policy BE1 (criterion i) of the adopted Local Plan and the council's Supplementary Planning Guidance on New Residential Development.

Highways Safety

Policies BE1 (criterion g) and T5 require that development will not generate traffic likely to exceed the capacity of the highway network or impact upon highway safety and that adequate access, parking and manoeuvring facilities are provided within the site.

The amended plans improve visibility to the south of the access and provide sufficient off road parking and turning space for both dwellings which is an improvement on the current sub standard access. Although Leicestershire County Council (Highways) would seek to resist a proposal that could lead to an increase in use of substandard access, the application proposes improvement to the current vehicular and pedestrian visibility, which result in a highway gain, therefore a refusal on highway safety grounds cannot be substantiated in this instance. Therefore Leicestershire County Council (Highways) has suggested a number of conditions, should planning permission be granted. The scheme is therefore in accordance with Policy BE1 (criterion g) and T5 of the adopted Local Plan.

Loss of existing trees

Concerns have been received in respect of loss the proposal resulting in a loss of trees, particularly in reference to the Silver Birch positioned to the front of the site which is approximately 13 metres in height. Consultation with the Tree Officer has been carried out in regard to whether the tree would be worthy of a Tree Preservation Order. Following consultation it is evident that the tree had been previously topped to 6 metres where a decay cavity is present. Subsequent to this topping the crown has regenerated and the cavity area supports a significant weight of new branches. However the cavity limits the safe useful life expectancy of the Silver Birch and therefore Silver Birch would not merit protection in the form of a Tree Preservation Order. If planning permission was granted the planting of a replacement tree would be recommended to mitigate the loss of the Silver Birch.

The protected Oak tree, which is positioned centrally within the application site, is identified to be retained, and it would be deemed necessary to seek conditions on protection measures to be implemented during the course construction to ensure the health of this Oak tree.

Other considerations

On 28 November 2014 the Secretary of State announced revisions to CIL and S106 contributions and the NPPG. Following the announcement of the Secretary of State, the Council's ability to request S106 contributions on smaller sites has been removed. Contributions can not now be sought on developments less than 10 dwellings. This proposal seeks the erection of one new dwelling and therefore contributions cannot be required towards Play and Open Space in this instance.

Conclusion

The NPPF sets out a presumption in favour of sustainable development and residential development proposals should be considered in this context. The application site is in a sustainable location within the settlement boundary of Burbage. However, as a result of the proposed layout and its close proximity of the proposed vehicular access and parking the proposal would result in an unacceptable adverse impact upon the amenities of neighbouring properties, in terms of noise and disturbance generated from an increase in vehicular movements. In addition due to the long and convoluted and uncharacteristic pedestrian access to the proposed dwelling being in excess of 40 metres from the proposed parking provision, the scheme results in a poor layout, this would result in a loss of private amenity space. The proposal would therefore constitute overdevelopment of the plot and an inappropriate form of garden development, failing to respect the character of the surrounding area. As a result the proposals are considered to be contrary to Policy BE1 (criteria a, and i) and RES5, the council's adopted Supplementary Planning Guidance on New Residential Development and the overarching principles of the NPPF.

RECOMMENDATION:- Refuse planning permission.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

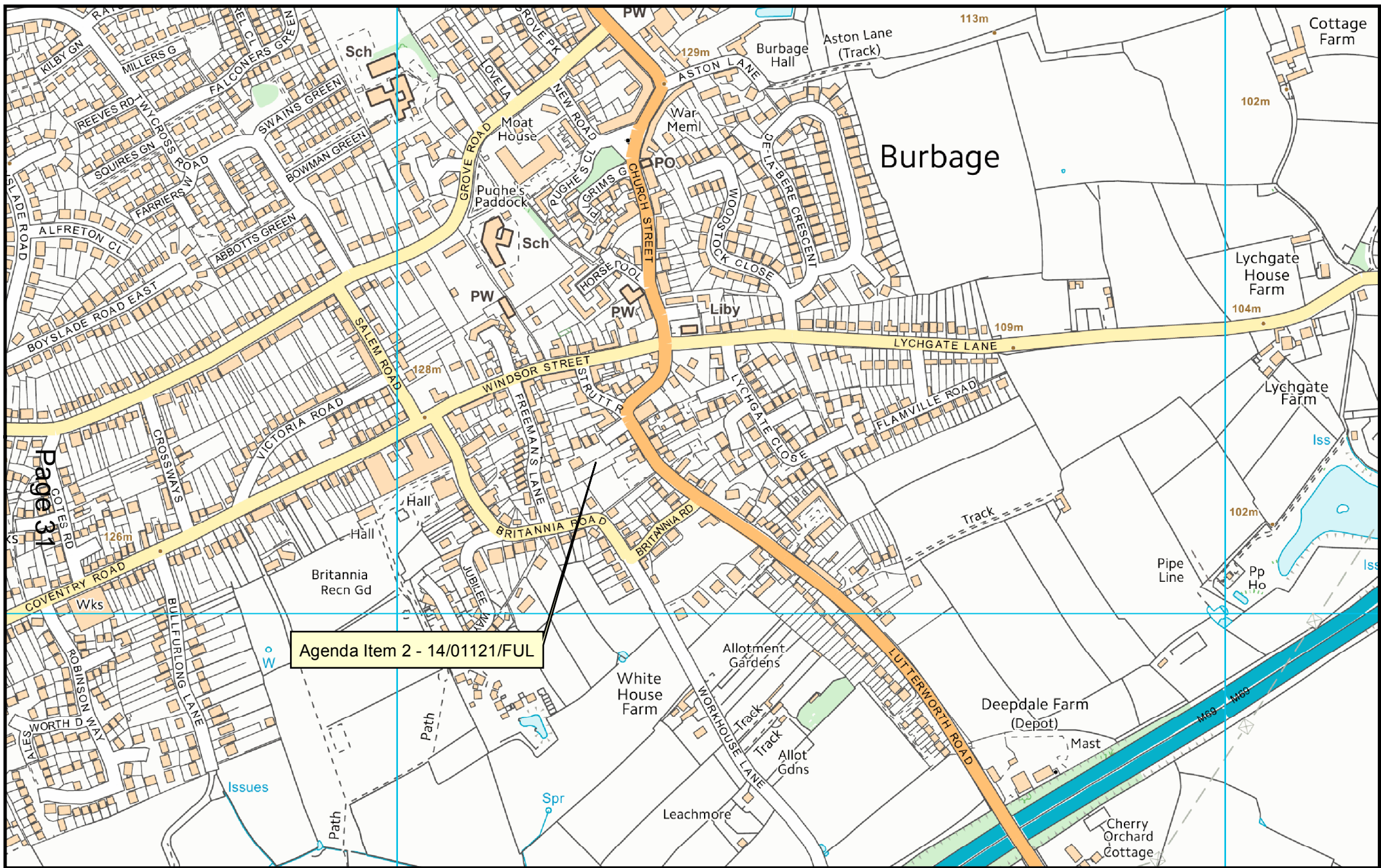
In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, however in this instance the matters of adverse impact on the character of the area and the amenities of the existing and neighbouring properties remain in conflict with the development plan and the application has been refused.

Reasons:-

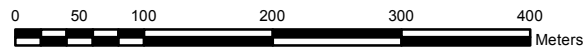
- 1 In the opinion of the local planning authority by virtue of the constrained parking and turning facilities and the uncharacteristic layout of the scheme, the proposal constitutes an inappropriate form of development that is not well integrated to, and fails to complement or enhance, the character of the surrounding area. As a result the proposal is contrary to Saved Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001, the council's adopted Supplementary Planning Guidance on New Residential Development and the overarching principles and intentions of Paragraph 53 and 64 National Planning Policy Framework 2012.
- 2 In the opinion of the Local Planning Authority the proposal will be likely to result in increased activity, particularly vehicular movements, associated with the occupation of an additional dwelling which are likely to give rise to an increase in levels of noise and disturbance to the occupiers of the adjacent and existing property No. 22 Lutterworth Road, to the detriment of the amenities they currently enjoy, contrary to Policy BE1 (criteria a and i) of the adopted Hinckley & Bosworth Local Plan 2001 and the overarching principles and intentions of Paragraph 53 of the National Planning Policy Framework 2012.

Contact Officer:- Jenny Brader Ext 5620

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Agenda Item 2 - 14/01121/FUL



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| National Policy Guidance | |
|--|--|
| National Planning Practice Guidance 2014 | <p>The National Planning Practice Guidance (NPPG) was published on 6 March 2014 as a web-based resource. The NPPG has cancelled a number of previous planning guidance documents including the majority of previous Circulars and Letters to Chief Planning Officers. The NPPG was introduced following the Review of Government Planning Practice Guidance carried out by Lord Taylor with the aim of making the planning system simpler, clearer and easier for people to use. The guidance contains 41 categories from ‘Advertisements’ to ‘Water Supply’.</p> <p>The NPPG is guidance designed to supplement to the National Planning Policy Framework (NPPF). It is therefore a material consideration in planning decisions.</p> |
| National Planning Policy Framework 2012 | <p>The NPPF reiterates the statutory requirement that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.</p> <p>It also states that the document should be read in conjunction with the newly released policy statement on Gypsies and Travellers.</p> <p>The purpose of the planning system is to contribute to the achievement of sustainable development. There are 3 dimensions to sustainable development:</p> <ul style="list-style-type: none"> • An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation • A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services; • An environmental role – contributing to protecting and enhancing our natural, built and historic environment. <p>At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision making. For decision making this means:</p> <ul style="list-style-type: none"> • Approving development proposals that accord with the development plan without delay; and • Where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. (Para 14). |

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| | <p>Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision making and plan-making should be seamless, translating plans into high quality development on the ground. (Para 186). They should seek for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.</p> <p>Early engagement in pre-application discussions is encouraged where it is offered. Developers should be encouraged to engage with the community.</p> <p>The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions. (Para 196)</p> <p>In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development (Para 197).</p> <p><u>Implementation</u></p> <p>The policies in the NPPF apply from the day of publication (27th March 2012).</p> <p>For 12 months from the day of publication, decision makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.</p> <p>The Hinckley and Bosworth Local Plan was adopted in February 2001, as such it is necessary to review all saved local plan policies according to their consistency with the framework. Due weight must then be given according to their consistency with the NPPF. These are appraised within each application late item.</p> <p>For clarity it should be noted that the following national policy guidance documents referred to in the main agenda are superseded by the NPPF:</p> <p>Circular 05/05 Circular 01/06 NPPF (Draft) All Planning Policy Guidance and Statements</p> |
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| Hinckley and Bosworth Core Strategy 2009 | |
| Policy 4 | Development in Burbage: makes provision for the allocation of land for a minimum of 295 new residential dwellings focused primarily to the north of Burbage, 10ha of B8 employment land and 4ha of B2 employment land adjacent to the railway line as an |

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| | extension to Logix Park. It supports the provision of additional retail floorspace within the defined Burbage local centre, transport improvements, tourism development and infrastructure to support the new development including an extension to the GP surgery, play and open space, and cycling routes. |
| Policy 5 | Transport Infrastructure in the Sub-regional Centre: sets out transport interventions which are proposed to support additional development in and around Hinckley. This includes improvements to the provision and management of car parking and public transport to increase the increased use of Hinckley town centre. |
| Policy 20 | Green Infrastructure: is a key priority of the Council and seeks to mitigate against the urban 'heat island' effect by increasing the number of street trees to provide shade, cooling and air quality improvements. |

Hinckley and Bosworth Local Plan 2001

INFRASTRUCTURE

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| Policy IMP1 | Contributions towards the provision of infrastructure and facilities: requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed. <i>This policy is consistent with the intentions of the NPPF.</i> |
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HOUSING

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| Policy RES5 | Residential Proposals on Unallocated Sites: states that on sites that are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal does not conflict with the relevant plan policies. <i>This policy is consistent with the intentions of the NPPF if the development is within the settlement boundary but has limited consistency in all other locations.</i> |
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EMPLOYMENT

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| Policy EMP1 | Existing Employment Sites: seeks to actively retain existing identified employment sites for employment purposes. <i>This policy is consistent with the intentions of the NPPF but should be read in conjunction with the Employment Land and Premises Study.</i> |
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CONSERVATION AND BUILT ENVIRONMENT

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| Policy BE1 | Design and Siting of Development: requires that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area with regards to scale, layout, density, materials and architectural features; avoid loss of open spaces; has regard to safety; incorporates design features which reduce energy consumption, encourages recycling and minimises impact on local environment; incorporates a high standard of landscaping; meets DDA requirements where necessary; ensure adequate highway visibility and parking standards and manoeuvring facilities; do not adversely affect the amenities of neighbouring properties; and would not be prejudicial to the comprehensive development of a larger area of land of which the development forms part. For residential proposes development should incorporate urban |
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| | design standards, ensure adequate degree of amenity and privacy and provide sufficient amenity space. <i>Criteria a - i of this policy are consistent with the NPPF and as such the policy should be given weight.</i> |
| THE NATURAL ENVIRONMENT | |
| Policy NE2 | Pollution: states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution. <i>This policy is consistent with the intentions of the NPPF.</i> |
| Policy NE12 | Landscaping Schemes: requires proposals for development to make provision for further landscaping where appropriate. <i>This policy is partially consistent with the intentions of the NPPF.</i> |
| TRANSPORTATION | |
| Policy T5 | Highway Design and Vehicle Parking Standards: refers to the application of appropriate standards for highway design and parking provision for new development <i>This policy is consistent with the intentions of the NPPF.</i> |
| Policy T9 | Facilities for Cyclists and Pedestrians: encourages walking and cycling including facilities for cycle parking. <i>This policy is consistent with the intentions of the NPPF.</i> |
| RECREATION AND TOURISM | |
| Policy REC3 | New Residential Development – Outdoor Play Space for Children: requires the appropriate level of open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area. <i>This policy is consistent with the intentions of the NPPF.</i> |

| Supplementary Planning Guidance / Documents | |
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| New Residential Development SPG | Provides guidance on design issues to ensure new developments are well integrated into their surroundings, offer a good standard of security and amenity to future residents, protect amenity of existing occupiers and are locally distinctive in their appearance. |
| Play and Open Space Guide 2008 SPD | Sets out the Boroughs approach when considering applications for development likely to generate a demand for open space and play facilities. |
| Sustainable Design 2008 SPD | Promotes sustainable development to contribute towards a greener future. It offers best practice guidance to developers in the design process, and requires an effective contribution of sustainable energy on each new building across the Borough. |
| Burbage Village Design Statement | Sets out the principles, design features and quality standards that should be adopted by those wishing to building, modify or extend buildings in the settlement. |

Appeal Decision

Site visit made on 15 December 2014

by G D Jones BSc(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 December 2014

Appeal Ref: APP/K2420/A/14/2227397

Former Manchester Hosiery Works, Queens Road, Hinckley, Leicestershire LE10 1EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Evans Bros Ltd against Hinckley & Bosworth Borough Council.
 - The application Ref 14/00281/FUL, is dated 21 March 2014.
 - The development proposed is to erect 14No. two bedroom houses with associated car parking.
-

Decision

1. The appeal is allowed and planning permission is granted to erect 14No. two bedroom houses with associated car parking at Former Manchester Hosiery Works, Queens Road, Hinckley, Leicestershire LE10 1EE in accordance with the terms of the application, Ref 14/00281/FUL, dated 21 March 2014, subject to the conditions set out in the Appendix.

Main Issues

2. The main issues are whether the development can be regarded as sustainable and whether any potential adverse effects of the appeal proposals, including on the character and appearance of the area, on safety and security and on highway safety, would significantly and demonstrably outweigh the benefits.

Reasons

3. Following the submission of the appeal the Council resolved that, had the appeal not been made, it would have granted planning permission subject to a number of conditions. Five of the conditions, Nos 12 to 16, are in essence intended to address aspects of the appeal proposals that the Council considers require revision/enhancement. In summary the suggested conditions concern the following matters:
 - 12 and 13 - the appearance of the gables of the proposed rows of houses and of the boundary treatment, respectively;
 - 14 - the security of the proposed parking area;
 - 15 - car parking; and
 - 16 - bin storage.
4. These suggested conditions raise issues regarding the effect of the proposed development on the character and appearance of the area, on safety and security and on highway safety.

5. The evidence indicates that a five-year supply of deliverable housing land cannot be identified in the area. In these circumstances the National Planning Policy Framework (the Framework) states that local policies on housing supply should be considered to be out of date. Although it is for only 14 dwellings, the proposed development would make a valuable contribution to identified housing need. Paragraph 14 of the Framework establishes a presumption in favour of sustainable development. For decision-taking, when relevant policies are out of date, this means applying the test of whether any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
6. When I visited the area I observed a number of the gables to the ends of terraced rows of houses that are visible from the public realm. Although some have windows and architectural detailing, many do not. Consequently, I find the simple design of the proposed gables to be in keeping with the surrounding area. I also observed a mix of boundary treatment in the area, including close boarded fencing to the back of the pavement. While it may be thought to be preferable to have a brick wall to the Queens Road frontage, the proposed timber fence would not be out of keeping with the area. The proposed car parking courtyard would be reasonably narrow and is proposed to be broken-up through the use of the boundary treatment and planting such that it would not have a significant influence on the existing street scene. Bin storage arrangements could be controlled via a suitably worded planning condition.
7. For the foregoing reasons and subject to appropriate conditions, the proposed development would not, therefore, have a harmful effect on the character and appearance of the area. Consequently, in this regard it would accord with the relevant provisions of Policy BE1 (Design and Sitting of Development) of the Hinckley and Bosworth Local Plan 2001 (the Local Plan).
8. Although the proposed parking area would have no significant influence on the character and appearance of the area, it would be overlooked by the rear facing first floor bedrooms of the proposed development as well as by the houses that face the proposed site access on Queens Road. Consequently, it would benefit from reasonable levels of natural surveillance. I also note that it is proposed to provide lighting in this area. Therefore, as proposed, the development would provide an appropriate level of safety and security in accordance with the relevant requirements of Policy BE1 of the Local Plan.
9. The Highway Authority has raised no objection to the proposed development including in respect to the proposed parking provisions. Although when I visited the area I noted that many of the houses in the surrounding streets do not have off-street parking spaces, there appeared to be some remaining on-street parking capacity. The Council has not submitted any substantive evidence to indicate why the proposed parking arrangements are unacceptable or how they should be amended, for instance the number of additional car parking spaces that might be required. For these reasons and in the absence of any clear evidence to the contrary, I conclude that the proposed development would provide adequate off-street parking and would not have a harmful effect on highway safety. Consequently, in this regard it would accord with the relevant provisions of Policy T5 (Highway Design and Vehicle Parking Standards) of the Local Plan.
10. Overall, therefore, I have not found that the proposed development would have any adverse effects that would significantly and demonstrably outweigh the benefits, including the supply of additional housing, when assessed against the policies in the Framework when taken as a whole. In these circumstances, planning permission should be granted.

Other Matters

11. An undertaking made pursuant to Section 106 of the Town and Country Planning Act 1990 (the Unilateral Undertaking), dated 10 October 2014, has been submitted by the appellant. In the event that planning permission is granted and implemented the Unilateral Undertaking would secure the payment of contributions towards the provision/improvement of play and open space and education services and facilities. I have considered these in light of Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010 (the CIL Regulations) and government policy and guidance on the use of planning obligations.
12. The Council's Planning Committee Report considers the requests for contributions for education, libraries and civic amenities facilities from the County Council, as well as the requested play and open space contribution. It does so with reference to the CIL Regulations, relevant planning policy and guidance, and the evidence submitted by the appellant regarding the viability of the proposed development. It concludes that only the play and open space and education contributions would comply with the CIL Regulations and that only reduced contributions of £6,041.38 and £13,958.62 respectively would be viable. I have found no good reasons to disagree and find that both contributions would be directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms.
13. I note that the Unilateral Undertaking would secure slightly less than the contributions sought by the Council. However, given its very limited scale, I have given this shortfall very little weight.
14. In addition to the foregoing matters, concern has been expressed locally including in respect to wider highway safety issues, noise and privacy. These matters are identified and considered in the Council's Committee Report and it has concluded that they would not amount to reasons to justify withholding planning permission. Subject to the imposition of planning conditions, I see no compelling reasons to disagree.

Conditions and Conclusion

15. In addition to the standard time limit condition the Council has requested a number of conditions which I have considered in the light of government guidance on the use of conditions in planning permissions and made adjustments accordingly.
16. For the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would be necessary. Conditions to control the details of the facing materials of the buildings and the provision of waste / recycling bin storage would also be necessary to protect the character and appearance of the area. For that reason and also to reasonably protect trees and the living conditions of neighbouring occupiers and in the interests of highway safety, conditions to control hard and soft landscaping, including levels, means of enclosure, hard surfacing materials and planting, would be necessary.
17. In the interests of pollution prevention, a condition to investigate and, where necessary, mitigate contamination would be necessary, although I would favour a single, shorter version to those suggested. To ensure that the site is adequately drained and to mitigate flooding, conditions to secure the implementation of surface and foul water drainage would be necessary.
18. For the reasons outlined in paragraphs 6 to 9, the suggested conditions 12 to 15 would be unnecessary. The objectives of suggested conditions 6 and 16 could be

achieved via the suggested landscaping condition and would, therefore, represent unnecessary duplication. Suggested condition 7 would remove certain permitted development rights. Government guidance on the use of planning conditions states that such conditions should only be imposed exceptionally and if imposed should only control what is absolutely necessary. I have found no exceptional circumstances within the evidence to justify the withdrawal of any of the permitted development rights cited and, consequently, such a condition would not be reasonable or necessary.

19. For all of the reasons given above, I conclude the appeal should, subject to the identified conditions, be allowed.

G D Jones

INSPECTOR

Appendix – Conditions

Conditions imposed in respect of Appeal Ref APP/K2420/A/14/2227397:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 14/13 01; Drawing No 14/13 03A; Drawing No 14/13 04B; Drawing No 14/13 05A; Drawing No 14/13 06; and Drawing No 14/13 07.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
 - a) Proposed levels / contours;
 - b) Means of enclosure;
 - c) Hard surfacing materials;
 - d) Existing trees and hedgerows to be retained, together with measures for their protection in the course of development;
 - e) Planting plans;
 - f) Schedules of plants, noting species, plant sizes and proposed numbers/densities; and
 - g) Implementation programme.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

- 6) No development shall take place until full details of waste and recycling storage for the development have been submitted to and approved in writing by the local planning authority. The approved details shall be fully completed prior to the first occupation of the dwellings to which they serve.
- 7) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority (LPA). The results of the site investigation shall be made available to the LPA before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the LPA. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the LPA. The remediation of the site shall incorporate the approved additional measures.
- 8) The development hereby permitted shall not commence until surface and foul water drainage details, incorporating sustainable drainage principles, including a timetable for their implementation, have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented in accordance with the approved timetable.

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Appeal Decision

Site visit made on 9 January 2015

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 January 2015

Appeal Ref: APP/K2420/A/14/2227464

15 Derby Road, Hinckley, Leicestershire LE10 1QD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gurmail Singh against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 14/00237/FUL, dated 10 March 2014, was refused by notice dated 6 May 2014.
 - The development proposed is a security shutter to the front of existing shop.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

3. The proposal is to install a new external roller shutter with a shutter box above, both of which would be finished in metal. The shutter would span the majority of the ground floor frontage of 15 Derby Road, which is a largely flat fronted mid-terrace property within a short retail and commercial parade. The appeal unit is in use as a hot food takeaway.
 4. When closed, the proposed shutter would conceal most of the shop front including the main window and entrance. Even though the fascia above the shop window would remain visible, the shutter, when closed, would be an obtrusive feature that would detract the appearance of the existing building. This effect would be particularly evident if the shutter remains closed, thereby presenting a 'dead frontage', and other nearby commercial units or shops are open and trading. When the shutter is open, the protruding shutter box placed below the fascia would be a bulky and incongruous feature within the main façade even taking into account the outward projection of this existing sign.
 5. In my experience, perforated and open-lattice shutters can provide a view into the shop and allow some light to be cast onto the street to deter potential thieves. In doing so, these types of shutters can be less oppressive than their more solid counterparts and the appellant has put forward alternative options in this regard. However, as neither of the attached units within the same
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- parade as No 15 includes security features of this type, even a shutter that is perforated would still be conspicuous in the terrace and the local street scene. Altering the colour of the new shutter and its housing to match other parts of the host building would not successfully mitigate its harmful visual impact.
6. The local area to which No 15 belongs is varied in character and I saw that some nearby properties have external security features such as shutters and shutter boxes, including the nearby post office. In my opinion, this example, and others, also detract from the character and appearance of local street scene to which they belong. Therefore, these cases do not necessarily set a desirable precedent to follow.
 7. That security is an important issue is in little doubt and I note the instance of damage to the shop front and windows at night in 2012 and more recently to the neighbouring property, to which the appellant has referred. The security features installed on other buildings in the vicinity of the site also provide evidence of occupiers and owners taking responsibility to deter acts of vandalism and theft in particular. Whilst similar security features may exist on properties nearby, I do not have the full background details to these cases to assess their relevance to this appeal. In any event, each development must be determined on its own merits, as I have done in this instance.
 8. Equally, I have taken into account the implications for business viability of dealing with the threat of crime, not least in terms of the costs of installing and maintaining security measures, replacing damaged windows and putting in place appropriate property insurance. However, there are other ways of protecting ground floor frontages from vandalism and theft that are in my opinion less obtrusive in terms of visual impact on the property and the local street scene. The Council's Supplementary Planning Document: *Shopping and Shop Fronts* (SPD) provides some advice in this regard, to which the appellant has referred. In particular, the SPD states that solid shutters or those with micro perforations will not normally be allowed unless security poses a special problem and all measures advised by the Police have been taken or if the shop has an open frontage and no alternative would be possible. From the available evidence, I am not persuaded that either of these particular circumstances exists in this case.
 9. The National Planning Policy Framework notes that planning decisions should aim to achieve places that promote safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. It also states that planning should aim to secure a high quality design and that development should add to the qualities of an area. As the proposal would fail to do so, it is my judgement that the balance of national guidance does not weigh in support of the appellant's case.
 10. Against that background, I conclude that the proposed development would significantly harm the character and appearance of the local area. Therefore, it is contrary to Policy BE1 and Policy Retail 6 of the Hinckley and Bosworth Local Plan. These policies aim to ensure that development complements or enhances the character of the area and that shop fronts should respect the local style and materials of the building and its neighbours with security features integrated into the design.

11. I have had regard to all other matters raised, including the lack of any objections from others and note that the shutter would only be deployed when the business was closed. Nevertheless, for the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR

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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 23.01.15

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

| FILE REF | CASE OFFICER | APPLICATION NO | TYPE | APPELLANT | DEVELOPMENT | SITUATION | DATES |
|-----------------|--------------|--|------|--|--|--|-------------------------------------|
| | SA | 14/00108/OUT (PINS Ref 3003301) | PI | Cawrey Limited | Land South Of Markfield Road Ratby | Awaiting Start Date | |
| | SH | 14/00802/HOU | WR | Mr T Glover 41 Station Road Ratby LE6 0JQ | 41 Station Road Ratby LE6 0JQ (Extensions and alterations to dwelling) | Awaiting Start Date | |
| | EO | 14/00349/OUT (PINS Ref 3002036) | IH | Mr Jim Smith Watling Street Hinckley | The Poplars Watling Street Hinckley (Erection of one dwelling and four mobile homes (outline - access and layout only)) | Awaiting Start Date | |
| 14/00018/HEDGE | PP | 14/00989/HEDGE (PINS Ref APP/HGW/14/384) | WR | Messrs Jack & David Woodward | The Brockey Farm Kirkby Road Barwell (Removal of hedgerow) | Start Date Statement of Case | 19.12.14 30.01.15 |
| 14/00017/PP | BK | 14/00697/FUL (PINS Ref 2229190) | WR | Mr And Mrs Finney | Land Bagworth Road Newbold Heath Newbold Verdon (Erection of one new dwelling) | Start Date Awaiting Decision | 25.11.14 |
| 14/00015/COND | EO | 14/00251/REM (PINS Ref 2227949) | WR | Mr C Bruce | The Wyches Barr Lane Higham On The Hill | Start Date Awaiting Decision | 29.10.14 |
| 14/00016/NONDET | AT | 14/00480/FUL (PINS Ref 2227799) | PI | Westmoreland Developments Ltd | 3 - 5 Hawley Road Hinckley (Erection of class A1 retail development with associated access, servicing, car parking and landscaping) | Start Date Proof of Evidence Public Inquiry (3 days) | 07.11.14 09.06.15 07-09.07.15 |

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|---------------------------------|----|---|----|----------------------------------|--|--|-----------------------------|
| 14/00010/ENF | CA | 13/00013/HEDGEH (PINS Ref APP/HGW/14/382) | WR | David Garland & Vicki England | Wrask Farm Desford Road Newbold Verdon (Unauthorised Hedge Removal) | Start Date Site Visit Awaiting Decision | 20.08.14 29.01.15 |
| 12/00018/PP (To be re-heard) | AT | 12/00250/FUL (PINS Ref 2181080) | PI | Bloor Homes | Land East Of Groby Village Cemetery Groby Road Ratby (ERECTION OF 91 DWELLINGS WITH GARAGES, PARKING SPACES, OPEN SPACE, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE) | Start Date Awaiting Decision | 08.07.14 |
| 14/00008/PP | SA | 14/00236/OUT (PINS Ref 2220379) | WR | Mrs K Aucott | 9 Hillrise Burbage (Erection of detached dwelling - outline - access, layout and scale) | Start Date Site Visit Awaiting Decision | 12.06.14 03.02.15 |

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Decisions Received

| | | | | | | | |
|-----------------|----|------------------------------------|----|------------------|--|------------------|-----------------|
| 14/00013/NONDET | EO | 14/00281/FUL (PINS Ref 2227397) | WR | Evans Bros Ltd | Manchester Hosiery Manufacturing Co Ltd Queens Road Hinckley (Erection of 14 dwellings with associated car parking) | ALLOWED | 31.12.14 |
| 14/00014/FTCO | JO | 14/00237/FUL (PINS Ref 2227464) | WR | Mr Gurmail Singh | 4 Ways Fish And Chips 15 Derby Road Hinckley (Installation of security shutter) | DISMISSED | 14.01.15 |

Rolling 1 April - 23 January 2015

Planning Appeal Decisions

| No of Appeal Decisions | Allowed | Dismissed | Split | Withdrawn | Officer Decision | | | Councillor Decision | | | Non Determination | | |
|---------------------------|---------|-----------|-------|-----------|------------------|-----|-----|---------------------|-----|-----|-------------------|-----|-----|
| | | | | | Allow | Spt | Dis | Allow | Spt | Dis | Allow | Spt | Dis |
| 17 | 6 | 10 | 0 | 1 | 0 | 0 | 6 | 5 | 0 | 4 | 1 | 0 | 0 |

Enforcement Appeal Decisions

| No of Appeal Decisions | Allowed | Dismissed | Split | Withdrawn |
|-------------------------------|----------------|------------------|--------------|------------------|
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Delegated Applications determined between 15/12/2014 and 23/01/2015

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
|---------------|------------------|--------------------------------|-------------------------|---|--|
| Ambion | | | | | |
| | 14/00916/FUL | PLANNING PERMISSION | 12/01/2015 | Mr Stephen Hadley | Stoke Lodge Hinckley Road Stoke Golding Nuneaton Leicestershire CV13 6HT |
| | | | | Erection of 3 dwellings and associated access | |
| | 14/00979/CONDIT | PLANNING PERMISSION | 07/01/2015 | | Mira Ltd Watling Street Caldecote Nuneaton Warwickshire CV10 0TT |
| | | | | Variation of condition 2 and removal of condition 4 of planning permission 13/01050/FUL to allow for the permanent retention of the development. | |
| | 14/01001/HOU | PLANNING PERMISSION | 18/12/2014 | Mr M Sohanpal | 75 Hinckley Road Stoke Golding Nuneaton Leicestershire CV13 6DZ |
| | | | | Extensions and alterations to dwelling | |
| | 14/01025/CONDIT | PLANNING PERMISSION | 31/12/2014 | Mr Peter Brockhouse | Land North Of Watling Street Nuneaton Warwickshire |
| | | | | Variation of condition on planning permission 11/00016/FUL | |
| | 14/01064/LBC | LISTED BUILDING CONSENT | 23/12/2014 | Sutton Cheney Farms Partnership | Mount Pleasant Main Street Sutton Cheney Nuneaton Leicestershire CV13 0AG |
| | | | | Extensions and alterations to dwelling. | |
| | 14/01065/HOU | PLANNING PERMISSION | 23/12/2014 | Sutton Cheney Farms Partnership | Mount Pleasant Main Street Sutton Cheney Nuneaton Leicestershire CV13 0AG |
| | | | | Extensions and alterations to dwelling. | |
| | 14/01168/NOMAT | PERMIT NON MATERIAL AMENDMENTS | 16/12/2014 | Miss Sarah Hitchcox | The Stables Pine Close Stoke Golding Nuneaton Leicestershire CV13 6EB |
| | | | | Non-material amendment to retain the hardstanding surface to permission 12/00873/FUL (Appeal Reference: APP/K2420/A/13/2198127) for a solar farm and associated infrastructure. | |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
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| | 14/01209/TPOCA | PERMIT CONSERVATION AREA TPO WORKS | 14/01/2015 | Mrs Ann Jenkins | St Peters C Of E Parish Church Main Street Higham On The Hill Nuneaton Leicestershire CV13 6AJ |
| | | | | Removal and works to trees. | |
| | 14/01216/TPOCA | APPLICATION WITHDRAWN | 14/01/2015 | Mar City Homes | Lodge Farm Hinckley Road Stoke Golding Nuneaton Leicestershire CV13 6HT |
| | | | | Removal of Oak tree. | |
| <hr/> | | | | | |
| Barlestone Nailstone And Osbasto | | | | | |
| | 14/01083/HOU | PLANNING PERMISSION | 23/12/2014 | Mr Hugh Allan | 80 Newbold Road Barlestone Nuneaton Leicestershire CV13 0DY |
| | | | | Extensions and alterations to dwelling | |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
|----------------|------------------|---|-------------------------|---|--|
| Barwell | | | | | |
| | 14/01067/COU | PLANNING PERMISSION | 19/12/2014 | Mr G Tandy | The Pingle Ashby Road Barwell Leicester Leicestershire LE9 8HW |
| | | | | Change of use of land from agriculture to provide for vehicle parking | |
| | 14/01070/TPO | PERMIT TREE PRESERVATION ORDER WORKS | 19/12/2014 | Ms J Cox | 52E Jersey Way Barwell Leicester Leicestershire LE9 8HR |
| | | | | Works to trees | |
| | 14/01074/FUL | REFUSAL OF PLANNING PERMISSION | 18/12/2014 | Mr Jollands | 148 Kirkby Road Barwell Leicester Leicestershire LE9 8FS |
| | | | | Erection of a dwelling (resubmitted scheme) | |
| | 14/01093/HOU | PLANNING PERMISSION | 18/12/2014 | Mr Courtney Bunyan | 15 Red Hall Drive Barwell Leicester Leicestershire LE9 8BX |
| | | | | Erection of fence to replace existing (retrospective) | |
| | 14/01127/FUL | PLANNING PERMISSION | 06/01/2015 | The Governors of Barwell Junior School | Barwell C Of E Academy High Street Barwell Leicester Leicestershire LE9 8DS |
| | | | | Erection of fencing, gates and bollards with associated works | |
| | 14/01148/FUL | PLANNING PERMISSION | 14/01/2015 | The Governors of Barwell C of E Junior Scho | Barwell C Of E Academy High Street Barwell Leicester Leicestershire LE9 8DS |
| | | | | Erection of a detached building. | |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
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| Burbage Sketchley & Stretton | | | | | |
| 14/01040/HOU | PLANNING PERMISSION | 19/12/2014 | Mr M Bale | Two Hoots Barn Watling Street Farm Smockington Lane Wolvey Burbage Leicestershire LE10 3AY | Single storey extension to create an indoor swimming pool |
| 14/01107/HOU | PLANNING PERMISSION | 22/12/2014 | Mr Wayne Cheater | 1 Indigo Drive Burbage Leicestershire LE10 2QJ | Erection of detached garage. |
| 14/01160/OUT | OUTLINE PLANNING PERMISSION | 16/01/2015 | Mr Alan McDowell | 339 Rugby Road Burbage Leicestershire LE10 2NB | Demolition of Existing Dwelling and Erection of two new dwellings (outline - access only) |
| 14/01190/TPO | APPLICATION WITHDRAWN | 19/01/2015 | SMW Consultancy | Sketchely Horizon School Sketchley Manor Hall Manor Way Burbage Hinckley Leicestershire LE10 2NN | Works to trees |
| 14/01200/HHGDO | GDO PRIOR APPROVAL REFUSED | 08/01/2015 | Mr Jordan | The Briary Bullfurlong Lane Burbage Hinckley Leicestershire LE10 2HQ | Rear extension measuring 5.900 metres in depth; 4.000 metres in height to the ridge; and 2.650 metres to the eaves |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
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| Burbage St Catherines & Lash Hill | | | | | |
| 14/00757/COU | PLANNING PERMISSION | 23/01/2015 | Mr Graham Nethercot | 1A Strutt Road Burbage Hinckley Leicestershire LE10 2EB | Change of use of first floor (B1) office to (C3a) one bedroom flat (retrospective) |
| 14/00996/TPO | PERMIT TREE PRESERVATION ORDER WORKS | 19/01/2015 | Mr Paul Smith | Orchard House 4 Sunnyhill Gardens Burbage Burbage Leicestershire LE10 2SB | Horse Chestnut tree to be cut back to applicant boundary and 25% crown reduction on owners side |
| 14/01063/HOU | PLANNING PERMISSION | 18/12/2014 | Mr G Mayne | 68 Forresters Road Burbage Hinckley Leicestershire LE10 2RX | Extensions and alterations to dwelling |
| 14/01122/HOU | PLANNING PERMISSION | 31/12/2014 | Mrs Stacey Weeks | 16 St Catherines Close Burbage Hinckley Leicestershire LE10 2QD | Extensions and alterations to dwelling |
| 14/01159/FUL | PLANNING PERMISSION | 14/01/2015 | Zyox Limited | Land Adjacent To 34 Forresters Road Burbage Leicestershire | Erection of one new dwelling (resubmission of planning permission 08/00337/FUL) |
| 14/01207/CONDIT | PLANNING PERMISSION | 19/01/2015 | Hastings High School | Hastings High School St Catherines Close Burbage Hinckley Leicestershire LE10 2QD | Variation of condition 4 of planning permission 14/00610/FUL to extend time period for removal of mobile classroom to August 2017 |
| 14/01215/TPOCA | TPO SPLIT DECISION PERMIT/REF | 15/01/2015 | | The Rectory New Road Burbage Hinckley Leicestershire LE10 2AW | Works to Norway Spruce (T1, T7), Prunus (T3), Ash (T5), Yew (T4, T6) and Willow (T8) along with the removal of Lawson Cypress (T2), Elm (T9) and Cherry (T10) |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
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| Cadeby CarltonM Bosworth & Sha | | | | | |
| | 14/00286/FUL | PLANNING PERMISSION | 12/01/2015 | Mr George Denny | The Old House Farm Sutton Lane Cadeby Nuneaton Leicestershire CV13 0AR |
| | | | | Conversion of existing buildings to form 5 residential dwellings with associated works. | |
| | 14/00517/FUL | PLANNING PERMISSION | 22/01/2015 | Mr John Knott | The Gatehouse Cadeby Lane Cadeby Nuneaton Leicestershire CV13 0BA |
| | | | | Creation of hardstanding for the purpose of tourism use (caravans and motor homes) (retrospective) | |
| | 14/00781/GDO | GENERAL DEVELOPMENT ORDER | 17/12/2014 | B And C Lampard Partnership | Tiveys Farm Heather Road Shackerstone Nuneaton Leicestershire CV13 0BS |
| | | | | Excavation of slurry lagoons | |
| | 14/00793/HOU | PLANNING PERMISSION | 05/01/2015 | Mr Barry Hayles | Shackerstone Fields House Derby Lane Shackerstone Swadlincote Leicestershire DE12 7DE |
| | | | | Extension of existing garage | |
| | 14/00938/HOU | REFUSAL OF PLANNING PERMISSION | 05/01/2015 | Mr N Oxby | 149 The Park Market Bosworth Nuneaton Leicestershire CV13 0LP |
| | | | | Extensions and alterations to dwelling | |
| | 14/01028/TPO | PERMIT TREE PRESERVATION ORDER WORKS | 22/12/2014 | Mr Nick Sherwin | Swan House The Park Market Bosworth Nuneaton Leicestershire CV13 0LJ |
| | | | | Works on trees | |
| | 14/01088/HOU | PLANNING PERMISSION | 19/12/2014 | Mr & Mrs T. Dwyer | Keepers Cottage Heather Road Shackerstone Nuneaton Leicestershire CV13 0BT |
| | | | | Extensions and alterations to dwelling. | |
| | 14/01113/HOU | PLANNING PERMISSION | 23/12/2014 | Mr B Mclellan | 86 Main Street Carlton Nuneaton Leicestershire CV13 0EZ |
| | | | | Additional storey to bungalow | |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
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| 14/01197/TPOCA | PERMIT CONSERVATION AREA TPO WORKS | 12/01/2015 | The Dixie Grammar School | Dixie Grammar School Market Place Market Bosworth Nuneaton Leicestershire CV13 0LE | Removal of Goat Willow and Scotch Pine along with works to Leylandii, Sycamore, Cherry and Pine trees |
| 14/01211/HEDGE | NOT IMPORTANT HEDGEROW REMOVAL | 14/01/2015 | Mrs Doris Zuger | Land Adjacent To Bufton Lodge Barton Road Carlton Nuneaton Leicestershire CV13 0DD | Removal of hedgerow |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
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| Earl Shilton | | | | | |
| | 14/00702/OUT | OUTLINE PLANNING PERMISSION | 16/12/2014 | Mrs L Brewin | Land Adjacent To Bardon View High Tor East Earl Shilton Leicester Leicestershire LE9 7DL |
| | | | | Erection of a dwelling (outline - access only) | |
| | 14/00807/HOU | PLANNING PERMISSION | 17/12/2014 | Mr Sanjay Patel | 132 Station Road Earl Shilton Leicester Leicestershire LE9 7GB |
| | | | | Extension and alterations to dwelling | |
| | 14/00918/FUL | PLANNING PERMISSION | 12/01/2015 | Mr Robert Price | 36 Melton Street Earl Shilton Leicester Leicestershire LE9 7FP |
| | | | | Removal of existing buildings and erection of three dwellings | |
| | 14/01038/HOU | PLANNING PERMISSION | 23/12/2014 | Ms Joanna Squires | Brookside Fields Leicester Road Earl Shilton Leicester Leicestershire LE9 7TJ |
| | | | | Extensions and alterations to dwelling | |
| | 14/01052/COU | PLANNING PERMISSION | 23/12/2014 | Mr Ranjit Labon | 2 Heath Lane Earl Shilton Leicester Leicestershire LE9 7PB |
| | | | | Change of use from (A1) shop to 2 No. (C3a) residential units | |
| | 14/01185/OUT | OUTLINE PLANNING PERMISSION | 23/01/2015 | Mr C Neale | 42 Station Road Earl Shilton Leicester Leicestershire LE9 7GA |
| | | | | Erection of two new dwellings (outline - access only) | |
| | 14/01213/FUL | PLANNING PERMISSION | 19/01/2015 | Nationwide Building Society | 24 The Hollow Earl Shilton Leicester Leicestershire LE9 7NA |
| | | | | Replacement of existing ATM and alterations to shopfront | |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
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| Groby | | | | | |
| | 14/00200/FUL | PLANNING PERMISSION | 22/12/2014 | Mr K Burrows | 53 Markfield Road Groby Leicester Leicestershire LE6 0FL |
| | | | | Demolition of former commercial garage and erection of 4 flats with access and parking | |
| | 14/00590/HOU | PLANNING PERMISSION | 16/12/2014 | Mr & Mrs James Nyamunda | 4 Branting Hill Groby Leicester Leicestershire LE6 0DB |
| | | | | Extensions and alterations to dwelling house | |
| | 14/01054/FUL | PLANNING PERMISSION | 17/12/2014 | Mr Stuart Kershaw | G. E. Sensing Fir Tree Lane Groby Leicester Leicestershire LE6 0FH |
| | | | | Extension of existing car park to provide an additional 16 parking spaces | |
| | 14/01077/HOU | PLANNING PERMISSION | 18/12/2014 | Mr N Studd | 2 Quorndon Rise Groby Leicester Leicestershire LE6 0YY |
| | | | | Extensions and alterations to a dwelling and formation of a dropped kerb. | |
| | 14/01080/CLUP | CERTIFICATE OF LAWFUL PROPOSED USE | 22/12/2014 | Mrs Jane Cole | 129 Leicester Road Groby Leicester Leicestershire LE6 0DQ |
| | | | | Remove old render, apply insulation and re-render | |
| | 14/01157/TPOCA | PERMIT CONSERVATION AREA TPO WORKS | 22/12/2014 | Mr Peter Smitherman | St Philip And St James C Of E Parish Church Markfield Road Groby Leicester Leicestershire LE6 0FL |
| | | | | Removal of cherry tree | |
| | 14/01161/HOU | PLANNING PERMISSION | 19/12/2014 | Mr & Mrs Alves | 33 Beaumont Green Groby Leicester Leicestershire LE6 0EP |
| | | | | Extensions and alterations to dwelling. | |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
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| Hinckley Castle | | | | | |
| | 14/00742/FUL | PLANNING PERMISSION | 08/01/2015 | Mr Andrew Tyler | 8A Rugby Road Hinckley Leicestershire LE10 0QD |
| | | | | Change of use from offices to three flats | |
| | 14/00810/FUL | PLANNING PERMISSION | 16/12/2014 | Mr Tom Knapp | Rear Of 20 Trinity Vicarage Road Hinckley Leicestershire LE10 0BX |
| | | | | Erection of 2 bedroom bungalow (revised scheme) | |
| | 14/01013/COU | PLANNING PERMISSION | 19/12/2014 | Mr Michael Harding | 15 New Buildings Hinckley Leicestershire LE10 1HN |
| | | | | Change of use from Class A2 to Class B1 | |
| | 14/01061/COU | PLANNING PERMISSION | 16/01/2015 | Mr Michael Edwards | 7 The Horsefair Hinckley Leicestershire LE10 0AN |
| | | | | Change of use from A5 to mixed use A5 and C3(c) (retrospective) | |
| | 14/01112/FUL | PLANNING PERMISSION | 18/12/2014 | Mr Jaggi Rehill | Former 99 Castle Street Hinckley Leicestershire LE10 1DA |
| | | | | Insertion of 11 rooflights (retrospective) | |
| | 14/01118/FUL | PLANNING PERMISSION | 31/12/2014 | | 3 - 5 Hawley Road Hinckley Leicestershire LE10 0PR |
| | | | | Demolition and rebuilding of retaining wall | |
| | 14/01131/FUL | PLANNING PERMISSION | 21/01/2015 | Darkwood Properties Limited | 1A The Borough Hinckley Leicestershire LE10 1NL |
| | | | | Change of Use of First Floor from Class A1 (Retail) to form three dwellings. | |
| | 14/01182/ADV | CONSENT TO DISPLAY AN ADVERTISEMENT | 21/01/2015 | Martin & Co (Hinckley) | Kenneys Bar 99 - 109 Castle Street Hinckley Leicestershire LE10 1DA |
| | | | | Display of five non-illuminated fascias signs and one non-illuminated projecting sign. | |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
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| 14/01194/NOMAT | PERMIT NON MATERIAL AMENDMENTS | 17/12/2014 | Places For People Leisure Management | Land At Argents Mead Hinckley Leicestershire | Non material amendement of planning permission 14/00342/FUL to revise the tree removal plan and remove T16. |
| 14/01196/TPOCA | PERMIT CONSERVATION AREA TPO WORKS | 09/01/2015 | Mr Hudson | 21 St Georges Avenue Hinckley Leicestershire LE10 0TE | Removal of T1 Austrian Pine |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
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| Hinckley Clarendon | | | | | |
| | 14/01049/FUL | PLANNING PERMISSION | 24/12/2014 | Paragon Leisure Refurbs Ltd | Wharf Inn Coventry Road Hinckley Leicestershire LE10 0NQ |
| | | | | Erection of a 1.2 metre high picket fence (retrospective) | |
| | 14/01138/COU | PLANNING PERMISSION | 21/01/2015 | Paynes Garages Ltd | Paynes Garages Ltd Watling Street Hinckley Leicestershire LE10 3ED |
| | | | | Part change of use from vehicle repair workshop (Use Class B2) to vehicle showroom (Sui Generis) including alterations and the demolition of an existing lean to extension. | |
| | 14/01146/FUL | PLANNING PERMISSION | 12/01/2015 | The Co-operative Group | 47 - 49 Trent Road Hinckley Leicestershire LE10 0YA |
| | | | | Erection of mechanical plant and alterations to shop front. | |
| | 14/01153/NOMAT | PERMIT NON MATERIAL AMENDMENTS | 18/12/2014 | Mr Andrew Wiledore | 8 Nuffield Road Hinckley Leicestershire LE10 3DG |
| | | | | Non-material amendment to planning permission 14/00315/FUL to have an extension to commercial premises | |
| | 14/01155/TPO | PERMIT TREE PRESERVATION ORDER WORKS | 22/12/2014 | Mrs Eileen Mathie | 15 Brascote Road Hinckley Leicestershire LE10 0YE |
| | | | | Raise Ash tree crown over the garage and drive to 6 metres above ground level | |
| | 14/01184/FUL | PLANNING PERMISSION | 22/01/2015 | Tungsten Properties Ltd | Unit 2 Marina Court Maple Drive Hinckley Leicestershire LE10 3BF |
| | | | | Erection of one office building (use class B1a). | |
| | 14/01192/HOU | PLANNING PERMISSION | 16/01/2015 | Mr Gregory Steele | 25 Barlestone Drive Hinckley Leicestershire LE10 0XZ |
| | | | | Extensions and alterations to dwelling to form annexe | |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
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| Hinckley DeMontfort | | | | | |
| | 14/00283/OUT | OUTLINE PLANNING PERMISSION | 18/12/2014 | Brenmar Ltd | Land Adjacent To 129 Leicester Road Hinckley Leicestershire LE10 1LR |
| | | | | Erection of two dwellings (Outline - access and layout) | |
| | 14/00908/FUL | PLANNING PERMISSION | 19/01/2015 | Mr P Morris | 84 Leicester Road Hinckley Leicestershire LE10 1LT |
| | | | | Demolition of a dwelling and erection of 2 dwellings with garages | |
| | 14/01044/FUL | PLANNING PERMISSION | 06/01/2015 | Severn Trent Water Limited | Hinckley Cemetery Ashby Road Hinckley Leicestershire |
| | | | | Erection of gabion wall and two outfalls. | |
| | 14/01090/HOU | PLANNING PERMISSION | 24/12/2014 | Mr & Mrs M Anthony | 111 Leicester Road Hinckley Leicestershire LE10 1LR |
| | | | | Extensions and alterations to dwelling including erection of a detached garage | |
| | 14/01106/HOU | PLANNING PERMISSION | 24/12/2014 | Mr & Mrs S McGrady | 5 De Montfort Road Hinckley Leicestershire LE10 1LQ |
| | | | | Extensions and alterations to dwelling | |
| | 14/01130/HOU | PLANNING PERMISSION | 09/01/2015 | Mr & Mrs Pullen | 12 Island Close Hinckley Leicestershire LE10 1LN |
| | | | | Extensions and alterations to dwelling. | |
| | 14/01149/HOU | PLANNING PERMISSION | 09/01/2015 | Mr Steve Bourne | 44 Butt Lane Hinckley Leicestershire LE10 1LD |
| | | | | Extensions and alterations to dwelling | |
| | 14/01162/HOU | PLANNING PERMISSION | 16/01/2015 | Mr And Mrs Crawley | 6 Kirfield Drive Hinckley Leicestershire LE10 1SX |
| | | | | Extensions and alterations to dwelling | |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
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| | 14/01175/FUL | PLANNING PERMISSION | 08/01/2015 | David Wilson Homes East Midlands | Land Adjacent Hinckley Golf Club Leicester Road Hinckley Leicestershire |
| | | | | Retention of fence around gas governor (retrospective). | |
| | 14/01179/HOU | PLANNING PERMISSION | 19/01/2015 | Mr John Shaw | 95 Middlefield Lane Hinckley Leicestershire LE10 0RA |
| | | | | Extensions and alterations to dwelling and erection of detached garage | |
| | 14/01203/HOU | PLANNING PERMISSION | 12/01/2015 | Mr Clifford | 26 Middlefield Close Hinckley Leicestershire LE10 0RJ |
| | | | | Single storey porch extension following demolition of existing porch. | |

Hinckley Trinity

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| | 14/01048/HOU | PLANNING PERMISSION | 18/12/2014 | Mr & Mrs Peter Hall | 30 Torridon Way Hinckley Leicestershire LE10 0UH |
| | | | | Extensions and alterations to dwelling | |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
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| Markfield Stanton & Fieldhead | | | | | |
| 14/01012/HOU | PLANNING PERMISSION | 05/01/2015 | Mrs Helen Smith | 20 Preston Close Stanton Under Bardon Markfield Leicestershire LE67 9TX | Extensions and alterations to dwelling |
| 14/01091/HOU | PLANNING PERMISSION | 22/12/2014 | Mr & Mrs P Bond | 42 Leicester Road Markfield Leicestershire LE67 9RE | Extensions and alterations to dwelling |
| 14/01136/HOU | PLANNING PERMISSION | 05/01/2015 | Mr & Mrs T Johnson | The Ashes Broad Lane Stanton Under Bardon Markfield Leicestershire LE67 9TB | Extensions and alterations to dwelling. |
| 14/01141/HOU | PLANNING PERMISSION | 05/01/2015 | Mr Peter Massey | 111 Main Street Stanton Under Bardon Markfield Leicestershire LE67 9TQ | Erection of detached garage |
| 14/01178/HOU | PLANNING PERMISSION | 05/01/2015 | Mr R C Munson | 42 Ratby Lane Markfield Leicestershire LE67 9RJ | Extensions and alterations to dwelling |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
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| Newbold Verdon With Desford & P | | | | | |
| | 14/00936/FUL | PLANNING PERMISSION | 17/12/2014 | Mr A Partridge | 83 Manor Road Desford Leicester Leicestershire LE9 9JQ |
| | | | | Erection of one new dwelling | |
| | 14/01026/HOU | PLANNING PERMISSION | 15/12/2014 | Mr Richard Minkley | The Stables 47 Church Road Kirkby Mallory Leicester Leicestershire LE9 7QE |
| | | | | Extensions and alterations to detached garage | |
| | 14/01062/CONDIT | PLANNING PERMISSION | 14/01/2015 | Mr Brooker | The Red Lion 1 Lindridge Lane Desford Leicester Leicestershire LE9 9GN |
| | | | | Variation of condition 2 of 11/00027/FUL to vary the approved plans | |
| | 14/01076/HOU | PLANNING PERMISSION | 19/12/2014 | Mr Andrew Dale | Charnwood Main Street Botcheston Leicester Leicestershire LE9 9FF |
| | | | | Extensions and alterations to dwelling. | |
| | 14/01081/HOU | PLANNING PERMISSION | 23/12/2014 | Mr David Warren | The Lind 96 Newbold Road Desford Leicester Leicestershire LE9 9GS |
| | | | | Extensions and alterations to dwelling | |
| | 14/01097/HOU | PLANNING PERMISSION | 19/12/2014 | Mr & Mrs J Russ | 8 Brascote Lane Newbold Verdon Leicester Leicestershire LE9 9LF |
| | | | | Extensions and alterations to dwelling | |
| | 14/01100/TPO | PERMIT TREE PRESERVATION ORDER WORKS | 22/12/2014 | Mrs Dawn Maconey | Stapleton Village Hall School Lane Stapleton Leicester Leicestershire LE9 8JR |
| | | | | Works to Yew tree | |
| | 14/01101/TPO | PERMIT TREE PRESERVATION ORDER WORKS | 22/12/2014 | Ms Leetham | 2 Goulton Crescent Desford Leicester Leicestershire LE9 9DR |
| | | | | Works to Cedar tree and Birch tree | |

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| | 14/01126/FUL | PLANNING PERMISSION | 07/01/2015 | Mr James Whitby | Bungalow Farm Ashby Road Stapleton Leicester Leicestershire LE9 8JE |
| | | | | | Demolition of existing buildings on site and erection of a dwelling |
| | 14/01128/HOU | PLANNING PERMISSION | 22/12/2014 | Mrs Alexandra Oram | 6 Warwick Close Desford Leicester Leicestershire LE9 9JY |
| | | | | | Extensions and alterations to dwelling |
| | 14/01134/FUL | PLANNING PERMISSION | 07/01/2015 | Mrs Sue Carter | 16 Main Street Stapleton Leicester Leicestershire LE9 8JN |
| | | | | | Conversion of detached garage and car port |
| | 14/01135/HOU | PLANNING PERMISSION | 16/12/2014 | Mr G Leivers | 9 Parkstone Road Desford Leicester Leicestershire LE9 9HY |
| | | | | | Extensions and alterations to dwelling |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
|------------------------------------|------------------|---------------------------------------|-------------------------|---|--|
| Ratby Bagworth And Thornton | | | | | |
| | 14/01032/HOU | PLANNING PERMISSION | 18/12/2014 | Mr & Mrs P Cockerill | 7 Fielding Lane Ratby Leicester Leicestershire LE6 0AS |
| | | | | Extensions and alterations to dwelling | |
| | 14/01047/HOU | PLANNING PERMISSION | 22/12/2014 | Mr M Woodward | 194 Markfield Road Ratby Leicester Leicestershire LE6 0LS |
| | | | | Extensions and alterations to dwelling | |
| | 14/01123/TPOCA | PERMIT CONSERVATION AREA TPO WORKS | 22/12/2014 | Mr Phillip Coates | 68 & 70 Church Lane Ratby Leicester Leicestershire LE6 0JE |
| | | | | Works to trees | |
| | 14/01133/CLUP | CERTIFICATE OF LAWFUL PROPOSED USE | 08/01/2015 | Mr M Scott | 5 Main Street Ratby Leicester Leicestershire LE6 0JG |
| | | | | Certificate of Lawful Proposed Use for dwelling (Use Class C3). | |
| | 14/01158/HOU | PLANNING PERMISSION | 19/12/2014 | Mr & Mrs G McDermott | 53 Hawthorne Drive Thornton Coalville Leicestershire LE67 1AW |
| | | | | First Floor extension over existing garage and walkway. | |
| | 14/01167/HOU | PLANNING PERMISSION | 07/01/2015 | Mrs Vikki Storer | 16 Station Road Bagworth Coalville Leicestershire LE67 1BH |
| | | | | Alterations to existing dwelling | |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
|--|---|-----------------|-------------------------|--|--|
| Twycross Sheepy & Witherley | | | | | |
| 13/01095/FUL | PLANNING PERMISSION | 23/01/2015 | Mr T M Fallows | 8 Wood Lane Norton Juxta Twycross Atherstone Leicestershire CV9 3QB | Conversion of agricultural buildings into 4 residential dwellings, refurbishment of farm house and erection of 1 new dwelling with associated access drive and parking |
| 14/00856/HOU | PLANNING PERMISSION | 09/01/2015 | Mr Tom Woodward | 3 Park View Sheepy Magna Atherstone Leicestershire CV9 3QT | Extensions and alterations to dwelling |
| 14/00894/CONDIT | PLANNING PERMISSION | 19/12/2014 | Mr David Newman | Church Farm 8 The Green Orton On The Hill Atherstone Leicestershire CV9 3NG | Variation of condition 3 of planning permission 14/00071/HOU for extensions and alterations to dwelling. |
| 14/00898/CONDIT | PLANNING PERMISSION | 19/12/2014 | Mr David Newman | Church Farm 8 The Green Orton On The Hill Atherstone Leicestershire CV9 3NG | Variation of condition 4 of listed building consent 14/00078/LBC for erection of a rear extension,cellar, snooker room and basement |
| 14/01011/HOU | PLANNING PERMISSION | 17/12/2014 | Mr Mark Latisevs | Hunters Barn Orton Lane Sheepy Magna Atherstone Leicestershire CV9 3NJ | Erection of detached outbuilding. |
| 14/01014/TPO | PERMIT TREE PRESERVATION ORDER WORKS | 22/12/2014 | Ms Rachel Bunney | Athol House 108 Main Road Sheepy Magna Atherstone Leicestershire CV9 3QU | Crown lift of Holm Oak tree to provide 3 metre clearance |
| 14/01057/CONDIT | PLANNING PERMISSION | 17/12/2014 | Ms Helen Dodd | 20 Church Lane Fenny Drayton Nuneaton Leicestershire CV13 6BA | Variation of condition 3 of 14/00582/HOU to alter the garage roof design to match the existing bungalow |
| 14/01079/HOU | PLANNING PERMISSION | 23/12/2014 | Mr Robert Morris | 63 Foxs Covert Fenny Drayton Nuneaton Leicestershire CV13 6BQ | Extensions and alterations to dwelling |

| <i>Ward</i> | <i>Reference</i> | <i>Decision</i> | <i>Date of Decision</i> | <i>Applicants Name</i> | <i>Address</i> |
|-------------|------------------|---|-------------------------|---|---|
| | 14/01086/TPOCA | PERMIT CONSERVATION AREA TPO WORKS | 22/12/2014 | Mr Stephen Beard | 14 Pipe Lane Orton On The Hill Atherstone Leicestershire CV9 3NF |
| | | | | Works to Walnut tree | |
| | 14/01087/FUL | PLANNING PERMISSION | 23/12/2014 | Mr Peter Simpson | Drayton Grange Farm Drayton Lane Fenny Drayton Nuneaton Leicestershire CV13 6AY |
| | | | | Link extension to storage unit | |
| | 14/01095/TPO | PERMIT TREE PRESERVATION ORDER WORKS | 22/12/2014 | Mr Colin Smith | 4 Oakfield Way Sheepy Magna Atherstone Leicestershire CV9 3RZ |
| | | | | Works to Oak tree. | |
| | 14/01145/FUL | PLANNING PERMISSION | 15/01/2015 | Springbourne Homes Ltd | Land North Of Holly Tree Cottage Twycross Road Sheepy Magna Atherstone Leicestershire CV9 3RT |
| | | | | Substitution of house type approved by planning permission 14/00292/FUL to allow for the inclusion of an annexe and a change in window and door configuration. | |
| | 14/01212/TPOCA | PERMIT CONSERVATION AREA TPO WORKS | 14/01/2015 | Mr Darren Pinfold | Honeysuckle House 11 Pipe Lane Orton On The Hill Atherstone Leicestershire CV9 3NF |
| | | | | Works to Ash tree | |
| | 14/01262/GDO | GENERAL DEVELOPMENT ORDER | 16/01/2015 | Mr Mark Ketcher | White Gate Farm Mythe Lane Witherley Atherstone Leicestershire CV9 3NU |
| | | | | Erection of agricultural building | |