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Steve Atkinson MA(Oxon) MBA FIoD FRSA
Chief Executive

Date: 17 August 2015

Hinckley & Bosworth
Borough Council

A Borough to be proud of

To: **Members of the Planning Committee**

Mr R Ward (Chairman)	Mrs J Kirby
Mr LJP O'Shea (Vice-Chairman)	Mr RB Roberts
Mr RG Allen	Mr SL Rooney
Mr Bessant	Mrs H Smith
Mr DC Bill MBE	Mr BE Sutton
Mrs MA Cook	Miss DM Taylor
Mrs GAW Cope	Ms BM Witherford
Mrs L Hodgkins	Ms AV Wright
Mr E Hollick	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite - Hub on **TUESDAY, 25 AUGUST 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', on a white background.

Rebecca Owen
Democratic Services Officer

PLANNING COMMITTEE - 25 AUGUST 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 30 June 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 (to be taken at item 20).

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. 15/00529/FUL - LAND EAST OF HEATH ROAD, BAGWORTH (Pages 5 - 14)

Proposed livestock building with associated access and landscaping.

8. 15/00714/COU - 45 JACKSON ROAD, BAGWORTH (Pages 15 - 20)

Change of use of dwelling (C3) to residential institution (C2)

9. 15/00186/COU - 40D RATBY LANE, MARKFIELD (Pages 21 - 28)

Part change of use of dwelling to nursery / childcare.

10. 15/00061/OUT - 42 COVENTRY ROAD, BURBAGE (Pages 29 - 38)

Erection of dwelling following demolition of existing garage (outline – access only).

11. 15/00402/OUT - LAND TO THE REAR OF 122 MIDDLEFIELD LANE, HINCKLEY (Pages 39 - 50)

Erection of up to 9 dwellings (outline – access only).

12. 15/00736/FUL - LAND TO THE REAR OF 94 - 108 HINCKLEY ROAD, BARWELL (Pages 51 - 58)

Change of use of allotments for use by a charity to educate vulnerable adults.

13. 15/00430/FUL - GROBY EX-SERVICEMENS CLUB, 16-18 LEICESTER ROAD, GROBY (Pages 59 - 68)

Proposed first floor flat roofed extension.

14. POLICIES (Pages 69 - 76)

Policies to be read in conjunction with the above applications.

15. APPEALS PROGRESS (Pages 77 - 80)

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

16. APPEAL DECISIONS (Pages 81 - 88)

Two appeal decisions are attached:

- APP/K2420/W/15/3005171: Pear Tree House, Watling Street, Burbage
- APP/K2420/W/15/3007626: Land at Beanfield Farm, Derby Lane, Snarestone.

17. DELEGATED DECISIONS ISSUED (Pages 89 - 116)

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

18. ENFORCEMENT UPDATE (Pages 117 - 122)

Report of the Deputy Chief Executive (Community Direction).

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

As agreed under item 3.

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Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

30 JUNE 2015 AT 6.30 PM

PRESENT: Mr R Ward - Chairman
Mr LJP O'Shea – Vice-Chairman
Mr CW Boothby (for Mr Bessant), Mr MB Cartwright (for Mrs GAW Cope), Mrs MA Cook,
Mr WJ Crooks (for Mr DC Bill MBE), Mrs L Hodgkins, Mr E Hollick, Mrs J Kirby,
Mr RB Roberts, Mr SL Rooney, Mrs H Smith, Mr BE Sutton, Miss DM Taylor,
Ms BM Witherford and Ms AV Wright

In accordance with Council Procedure Rule 4.4 Councillors Mr DS Cope and Mr K Nichols were also in attendance.

Officers in attendance: Simon Atha, Rebecca Owen, Michael Rice and Nic Thomas

40 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bessant, Bill and Mr Cope, with the following substitutions authorised in accordance with council procedure rule 4:

Councillor Boothby for Councillor Bessant
Councillor Cartwright for Councillor Cope
Councillor Crooks for Councillor Bill.

41 MINUTES

Councillor Cartwright stated that he had been in attendance as ward councillor at the previous meeting but this was not reflected in the minutes. He also felt that a condition regarding slate roofing had been omitted from the minute relating to application 14/01084/FUL. In response it was reported that this condition was included in the conditions recommended in the report.

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

RESOLVED – the minutes of the meeting on 2 June 2015 be confirmed and signed by the Chairman subject to the abovementioned amendment to the attendance record.

42 DECLARATIONS OF INTEREST

Councillors Cartwright, Hollick and O'Shea stated that they had received representation regarding application 14/01247/COU but had come to the meeting with an open mind.

Councillor Kirby declared a personal interest in application 15/00394/FUL as her daughter was employed at Battling Brook Primary School on the application site.

43 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all decisions had been issued.

44 14/00426/OUT, DUNLOP LIMITED, STATION ROAD, BAGWORTH

Application for redevelopment of former factory for residential development and employment (B1 and B2) (outline – access only).

It was moved by Councillor O’Shea, seconded by Councillor Boothby and

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

45 14/01166/OUT - ASHFIELD FARM, KIRKBY ROAD, DESFORD

Residential development for up to 120 dwellings, access, open space and associated works (outline – access only).

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

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

46 15/00048/COU - FIELD NORTH WEST OF COLD COMFORT FARM, ROGUES LANE, HINCKLEY

This application had been withdrawn.

47 14/01247/COU - LAND TO THE EAST OF WALLACE DRIVE, GROBY

Change of use of land to 2 gypsy / traveller pitches, including day room and associated works.

Whilst supportive of the officer’s recommendation to refuse planning permission, some members felt that additional reasons for refusal were required. It was moved by Councillor Cartwright and seconded by Councillor O’Shea that the additional reasons for refusal of being contrary to Core Strategy policies 13, 18, 21 and 22 be included.

Following officer advice, Councillor Cartwright, seconded by Councillor O’Shea, moved an amendment that additional reasons for refusal being BE1 (impact on residential amenity) and policies 21 & 22 (assimilation into the countryside) be included. The amendment was accepted and upon being put to the vote the motion as amended was CARRIED and it was

RESOLVED – permission be refused for the reasons contained in the officer’s report and the abovementioned additional reasons. The final wording of the reasons for refusal to be delegated to the Chief Planning and Development Officer.

48 15/00402/OUT - LAND TO THE REAR OF 122 MIDDLEFIELD LANE, HINCKLEY

Erection of 9 dwellings (outline – access only).

Members expressed concern regarding the access to the site and asked about the possibility of accessing via the former depot site. Due to plans for the former depot site not yet being agreed, it was moved by Councillor Hodgkins and seconded by Councillor Kirby that a decision on the application be deferred to allow for further discussion on this matter. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the decision be deferred.

- 49 15/00343/FUL - LAND AT TOWER HAYES FARM, ELLISTOWN LANE, STANTON UNDER BARDON
- Erection of a 17.9MW solar farm with associated infrastructure.
- It was moved by Councillor Sutton, seconded by Councillor O'Shea and
- RESOLVED – permission be granted subject to the conditions contained in the officer's report.
- 50 15/00348/FUL - LAND ADJACENT TO 6 WHITEMOORS ROAD, STOKE GOLDING
- Erection of single storey dwelling with associated access and parking.
- Members expressed concern regarding the untidy state of the site and damage that had been caused to surrounding properties. It was moved by Councillor Sutton and seconded by Councillor Cartwright that a condition be added to require boundary treatment. Upon being put to the vote the motion was CARRIED and it was
- RESOLVED – permission be granted subject to the conditions contained in the officer's report and the abovementioned additional condition. The final wording of the additional condition to be delegated to the Chief Planning and Development Officer.
- 51 14/01004/FUL - 116 HIGH STREET, BARWELL
- Demolition of factory and erection of a 12 dwelling apartment block.
- It was moved by Councillor Smith, seconded by Councillor Sutton and
- RESOLVED – permission be granted subject to the conditions contained in the officer's report.
- 52 15/00394/FUL - BATTLING BROOK PRIMARY SCHOOL, FREDERICK AVENUE, HINCKLEY
- Proposed 2 single storey modular buildings consisting of 3 classrooms, toilets and store room.
- It was moved by Councillor Sutton, seconded by Councillor Hodgkins and
- RESOLVED – permission be granted subject to the conditions contained in the officer's report and late items.
- 53 APPEAL DECISION, THE POPLARS, WATLING STREET
- It was moved by Councillor Sutton, seconded by Councillor Witherford and
- RESOLVED – the report be noted.
- 54 APPEALS PROGRESS
- On the motion of Councillor Crooks, seconded by Councillor O'Shea, it was
- RESOLVED – the report be noted.
- 55 DELEGATED DECISIONS ISSUED

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

RESOLVED – the report be noted.

(The Meeting closed at 9.02 pm)

CHAIRMAN

Reference: 15/00529/FUL

Applicant: Mr Darren Price

Location: Land East Of Heath Road Bagworth

Proposal: Proposed livestock building with associated access and landscaping

RECOMMENDATION:- Grant subject to conditions

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it comprises an application that the Chief Planning & Development Officer in discussion with the Chair of the Planning Committee considers necessary to be determined by the Planning Committee.

Application Proposal

This is a revised application for the siting of a livestock building for the housing of horses at Heath Lane Bagworth. Members may recall the previous application which was refused by planning committee on the 21st April 2015. This scheme was refused on two grounds. The first related to highway safety, in that the proposed use would intensify the use of the existing access, which had insufficient visibility and the second related to the prominence of the development and the consequential adverse impacts on the character of the countryside.

The applicant has sought to address these reasons for refusal in the current submission.

This application proposes to erect a livestock building on the same footprint (15 metres in width x 10 metres in depth (150 square metres of floor space)) and of a similar design (steel portal framed infilled by concrete panels and timber boarding) to the previous scheme, but seeks a reduction in height from 5.8 metres to 5 metres.

In further detail, the building would be constructed of a steel frame with external walls of low level (1.5 metres high) concrete panels with spaced timber boarding above and green steel sheet roof panels. The building would be predominantly open to the southern elevation, with low level feed troughs spanning the width. There would be sheeted steel access gates within the western and eastern elevations.

An alternative point of access and associated track is proposed to serve the building. This would be taken from an existing agricultural access sited approximately 65 metres south of the existing access. Upgrading is proposed to this access in terms of visibility splays, surfacing and setting back of the gates. No details (in terms of surfacing) have been provided for the internal track leading to the building.

The previous scheme also sought approval from Members to authorise an enforcement notice requiring removal of all works associated with the enlargement of the primary point of access. Without planning permission, this access has been significantly widened, re-surfaced with tarmac and enclosed by double solid gates.

The current scheme proposes to close this access and reinstate the land and the boundary hedgerow to its former condition.

In addition, there is an existing lean-to type building of timber frame and profiled cladding construction situated in the north eastern corner of the site. The application proposes to paint this green with the intent of further assimilating it into the countryside setting.

Site and Surrounding Area

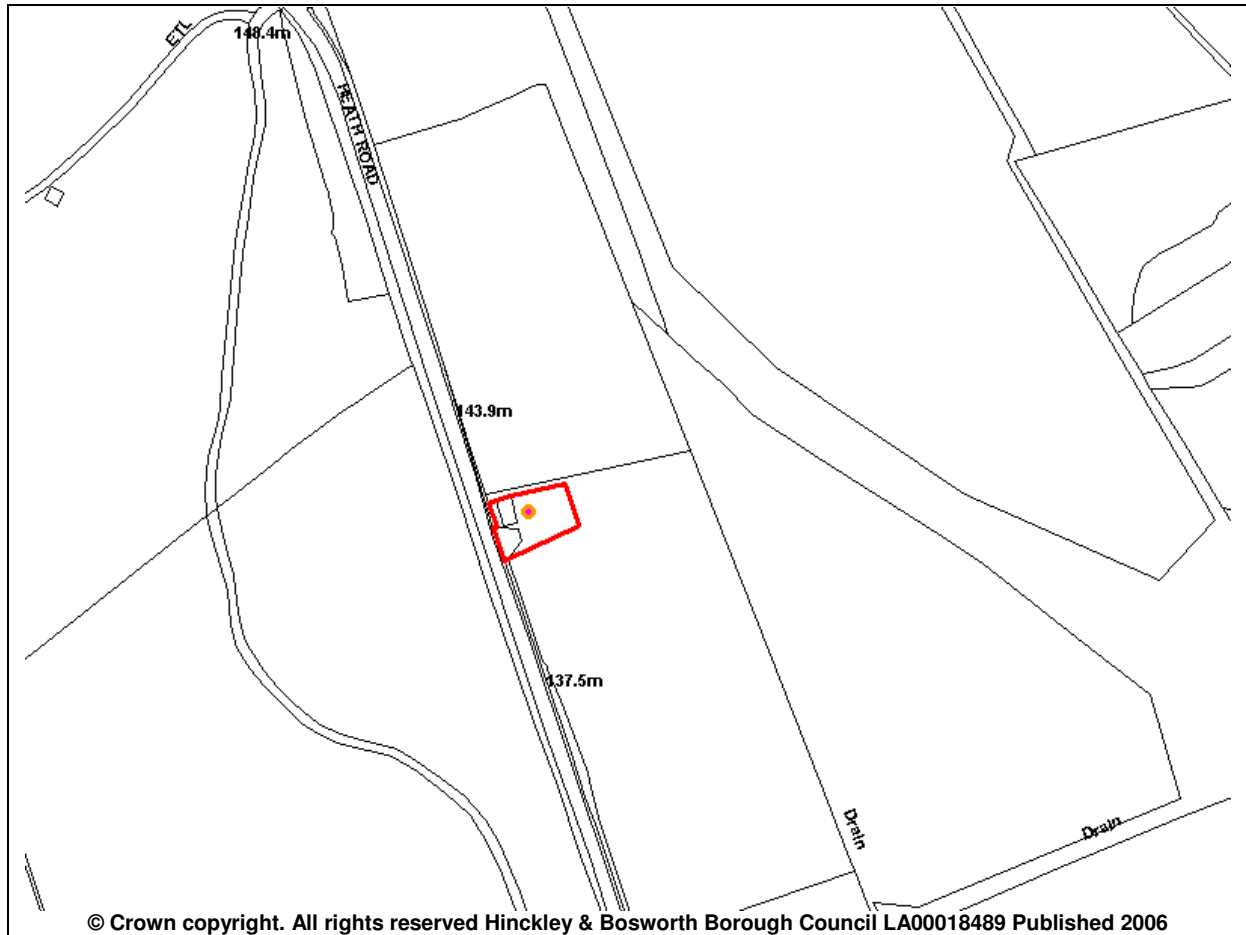
The application site is located in the countryside to the south west of Bagworth. The land holding extends to approximately 4.04 hectares and slopes from north to south. It consists of two fields divided internally by a post and wire fence. The land holding is bounded by a hedgerow of varying heights to the west fronting Heath Road and by Heath Woods to the north and east. To the south of the site lies a small lake and wetland habitat. There is a hard surfaced (loose cinders/ash) area in the north western corner of the land holding enclosed by post and rail fencing and gates.

Technical Documents submitted with application

Design and Access Statement
 Planning Statement
 Details of business turnover and workings
 Letter from agent
 Photomontage images

Relevant Planning History:-

14/00295/FUL	Proposed livestock building with associated landscaping	Refused	01.05.15
13/00827/FUL	Proposed livestock building with associated landscaping	Withdrawn	13.12.13
13/00048/FUL	Proposed Livestock Building with Associated Landscaping	Withdrawn	12.04.13
11/00635/FUL	Proposed Agricultural Building	Refused Appeal Dismissed	13.10.11 15.05.12
11/00166/FUL	Agricultural Building for Livestock and Storage of Hay	Withdrawn	19.05.11
10/00770/FUL	Erection of Agricultural Building	Refused	05.01.11
10/00650/FUL	Erection of Agricultural Building	Withdrawn	15.09.10
10/00448/GDO	Erection of Barn for the Purpose of Storing Hay	Refused	23.07.10
10/00308/GDO	Erection of an Agricultural Building	Refused	20.05.10



Consultations:-

No objection has been received from:-

Environment Agency
Environmental Health (Pollution)
Environmental Health (Land Drainage)

No objection subject to Standing Advice has been received from Leicestershire County Council (Highways).

Bagworth and Thornton Parish Council objects to the application on the following grounds:-

- a) That the proposed development would result in unjustified intrusion into the open and undeveloped countryside
- b) No consultation response has been received from the National Forest
- c) The boundary hedgerow has undergone severe damage which the works have been undertaken in a grossly untidy manner.
- d) The access has inadequate visibility and its use will intensify as a result of the proposal
- e) The applicant is known as acting on behalf of the Gypsy community.

Policy:-

National Policy Guidance

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

Hinckley & Bosworth Core Strategy 2009

Policy 21: National Forest

Hinckley & Bosworth Local Plan 2001

Policy NE5: Development in the Countryside
Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Design of Farm Buildings (SPG)

Appraisal:-

The main considerations in the determination of this application are whether the issues that resulted in the dismissal of the earlier appeal and the refusal of the previous planning application have been overcome. The issues are:-

- a) Principle of Development and need
- b) Highway Safety
- c) Impact on the Character and Appearance of the Countryside
- d) Other issues

a) Principle of Development and Need

The site is located within the countryside on the outskirts of the village of Bagworth. Policy NE5 of the Local Plan is supportive of development that is important to the local economy and cannot be provided within or adjacent to an existing settlement, or for sport or recreation purposes. The National Planning Policy Framework (NPPF) seeks to protect the countryside whilst allowing for sustainable development where appropriate. Paragraph 28 of the NPPF supports the development of agricultural business in order to promote a strong rural economy.

The relevant planning history illustrates that a number of applications by the same applicant for similar buildings have been submitted. In each case the function of the building has changed (hay storage, cattle housing and equine housing). Accordingly, 'need' for the building in terms of its association with a rural land-based enterprise or recreational activity has been questioned.

Within the supporting statement, the applicant has provided further details confirming the purpose of the building. The building is required to shelter horses belonging to the applicant and his brother that are currently grazed across the borough of Hinckley and Bosworth and districts of Blaby and North West Leicestershire. A statement summarising the associated business operations between the years of 2012 and 2014 has also been provided. This indicates the numbers of horses that are within the applicant's ownership and categorises them into brood mares, stallions, yearling colts, yearling fillies, filly foals and colt foal. The

statement provides information relating to the number of mares in foal, numbers of young-stock sold (including details of the markets used) and the stallions retained for stud.

The applicant has stated that the building would enable the horses to maintain a healthy condition throughout the winter months, would provide shade in the summer and would simplify breeding processes. The applicant has explained that he breeds and deals in horses, keeping the mares and fillies and selling off the colts/geldings. The applicant has stated that this is the only field that he owns and that much of the land he formally rented has been sold, or is in the process of being sold for large scale housing development. It has been explained that the horses would be sheltered in a similar way to how a farmer shelters cattle and that the modern agricultural buildings make cleaning, feeding and watering duties far simpler. Further, similar to cattle, it is common place for horses of this type to live in herds. Details have been provided illustrating that the applicants business is profitable.

Based on the information provided in support of the application, including that provided during the site inspection, it is considered that the applicant has adequately justified the need for a building. Therefore in accordance with Policy NE5 and the NPPF, developments such as this within the countryside that are related to a justified land based business are considered acceptable in principle.

b) Highway Safety

Policy BE1 (criterion g) seeks to ensure that there is adequate highway visibility for road users and adequate provision of parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The previous application was refused on the following grounds:-

The proposed development will intensify the use of an existing access that has insufficient visibility in order to leave the site in a safe manner. As such the proposal would result in a detrimental harm to highway safety. It is therefore considered contrary to Policies BE1, T5 and NE5 of the adopted Hinckley and Bosworth Local Plan.

To overcome the concerns raised, an alternative means of access is proposed by this scheme. There is an existing agricultural access sited part way along the western boundary of the site, this is to be improved in terms of its geometry, width and surfacing to ensure it adheres to the relevant highway standards. Leicestershire County Council (Highways) has considered the proposed access and has raised no objections, subject to the access design conforming with their Standing Advice. As it is unclear from the plans what the specific dimensions and surfacing of the access would be, it is considered necessary to impose a condition requiring full details of the access to be submitted for approval prior to commencement of the development.

Subject to the recommended condition the access proposed is considered to be acceptable in terms of highway safety and will therefore be in accordance with Policies T5, BE1(g) and NE5 (iv) of the Local Plan.

c) Impact on Character and Appearance of the Countryside

In considering the impact upon the countryside as part of the previous appeal, the Inspector found that the proposal would be harmful, contrary to Policy BE1 (criterion a) of the adopted Local Plan. The Inspector considered that the proposed building would, by reason of its siting and size, erode the openness of this part of the countryside, and so would harm the

landscape. The Inspector also considered that there was insufficient evidence submitted to provide a convincing case that the likely benefits of the proposal to the enterprise and to the rural economy would outweigh the harm to the rural landscape.

The previous refusal maintained that the building was too large and would have a detrimental impact on the open character of the landscape.

In addition to the siting of the building, the impact of the existing unauthorised access and the proposed access track on the character of the countryside must also be considered.

Policy NE5 (criteria i, ii and iii) require that development in the countryside does not have an adverse impact on the appearance or character of the landscape, is in keeping with the scale and character of existing buildings and is effectively screened by landscaping.

Since the appeal decision and the former refusal, the size and height of the proposed building has been reduced and further justification has been received (as appraised above) in relation to the intended purpose of the building. The building would now measure 15 metres in width x 10 metres in depth (150 square metres of floor space) with a ridge height of 5 metres. The building originally proposed would have measured 17.9 metres in width x 12.2 metres in depth (234 square metres of floor space) with a ridge height of 5.8 metres. The revised building has therefore been reduced in both footprint and height.

Despite reductions in the size of the building, it would continue to be a large structure of modern construction and materials and would be visible within the landscape. Notwithstanding this, the siting of the building has been carefully considered to capitalise on the existing area of hard surfacing and its proximity to the existing building, which is preferable to a more isolated position.

The applicant has stated that a planting belt could be provided within the site to mitigate against the impact of the building on the countryside when viewed from the south. No details of the type of planting to be implemented have been submitted and there is concern that this could appear as an unnatural feature within the landscape. The site is located within the National Forest where Policy 21 of the adopted Core Strategy applies. No comments have been received from The National Forest Company. However, in providing comments upon an earlier application they stated that a narrow planting belt would be unlikely to be sufficient to provide effective screening. More substantial planting is unlikely to be possible given the potential conflict with visibility along the highway boundary.

Based on the above, notwithstanding that the building has been reduced in height, it would form a prominent feature in the landscape and would be further visible during the winter months when the roadside hedge would be thinner. This said, when considering the buildings reduction in height alongside the additional justification received in respect of the 'need' of the building and the fact the previous highway safety issues have been overcome, the benefits associated with the scheme in respect of the associated rural enterprise are considered to outweigh the harm caused in respect of the character of the surrounding countryside.

The works that have taken place to alter the existing site access are substantial and were carried out to try and overcome highway safety concerns formally raised by the Council and the Planning Inspector in 2012. Before these works took place, the site's frontage had a rural feel, with a high hedge (3 metres - 6 metres high) running alongside the site's entire Heath Road frontage and a narrow entrance gate amongst the hedge, (approximately 1.2 metres high and 3 metres wide) adjacent to the road. The character and feel of the site has been fundamentally altered by these works. Whilst the pruning to the hedgerow did not require planning permission, the alterations to the access, including the new 2 metre high fencing

(vertical boarding), the surfacing of a substantial splayed entrance area with a loose material and the dropping of the kerb should not have been carried out without planning permission first being obtained.

The changes that have been made have resulted in this access having a more urban feel that would be suited to an access in a built up area, or one that serves a commercial operation. The consequence of these works is an erosion of the character of the countryside, contrary to Policies NE5 and BE1 of the Local Plan.

This application proposes to close off the existing access and reinstate it to its former condition. This is considered necessary in terms of both highway safety and impact on the character of the countryside. As such a condition will be imposed on this application which requires full details, including an implementation plan illustrating the closure of the former access and the reinstatement of the land and the boundaries to their former condition.

An access track is also illustrated on the plans, leading from the proposed new access to the buildings. This would have a length of roughly 60 metres. Given the extent of this track, dependent upon its surfacing, it could have a urbanising and so detrimental impact on the character of the countryside. As no specific details have been provided, a condition will be imposed requiring details of the surfacing and construction of this to be approved prior to commencement. For the avoidance of doubt, acceptable surfacing will need to be low impact and have the ability to assimilate within the landscape.

The proposal is therefore in accordance with Policies NE5 (criteria i, ii and iii) and BE1 (criteria a) of the Local Plan.

Other Issues

In response to the concerns raised by the Parish Council, the works undertaken to the boundary hedgerow were not subject to planning control and thus the Local Planning Authority are unable to enforce against them and the allegations made in respect of the agent cannot be taken into consideration the determination of this scheme and as such will have no bearing on the recommendation made.

Conclusion

The applicant has sought to demonstrate that the proposed building will be used in association with a rural enterprise and as such the principle of the development within this countryside location is considered acceptable. As a result of this demonstration of need, along with the reduced height of the building the associated impacts on the character of the countryside are not considered so detrimental as to warrant refusal of the application. In relation to highway safety, a new access has been proposed and subject to specific details being provided and accepted, there are no outstanding highway safety concerns. Furthermore, the scheme would result in additional benefits in respect of the rural character of the area through reinstating the land surrounding the original access to its former condition. The proposal is therefore considered to be in accordance with Policies NE5, BE1 and T5 of the Local Plan, Policy 21 of the Core Strategy and the overarching intentions of the NPPF.

RECOMMENDATION:- Grant subject to conditions

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 hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows: Site Location Plan Drawing Scale 1:12500, Critical Dimensions Plan Scale 1:500, 'Proposed Livestock Building' received by the Local Planning Authority on the 1 May 2015.
- 3 Prior to commencement full details of the proposed access shall be submitted to and approved in writing by the Local Planning Authority, these shall include details of the surfacing, geometry, width and any means of enclosure. The approved details shall be implemented prior to the building hereby approved being brought into use.
- 4 Prior to commencement full details of the surfacing and construction of the internal access track shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to first use of the building hereby approved.
- 5 Prior to commencement full details shall be submitted to and approved in writing by the Local Planning Authority to illustrate the means by which the original access and the surrounding land shall be reinstated to its former condition. Details shall include surfacing, landscaping, means of enclosure and an implementation plan. The access shall be reinstated to its former condition within one month of first use of the proposed new access being made available for use.

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 in the interest of proper planning.
- 3 To ensure that the site has a safe means of access in accordance with Policy T5 of the adopted Hinckley & Bosworth Local Plan 2001.
- 4 To ensure that the proposal is acceptable in terms of its impact on the character of the surrounding countryside.
- 5 In the interest of the character of the surrounding landscape and in terms of highway safety to accord with Policies T5 and NE5 of the adopted Hinckley & Bosworth Local Plan 2001.

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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Reference: 15/00714/COU
Applicant: Horizon Care & Education Group Ltd
Location: 45 Jackson Road Bagworth
Proposal: Change of use of dwelling (C3) to residential institution (C2)

RECOMMENDATION:- Grant subject to conditions

Introduction:-

This application is to be considered at Planning Committee in accordance with the Schemed of Delegation, as objections have been received from the occupiers of five or more different addresses, the views of which are contrary to the officer recommendation.

Application Proposal

This is an application for a change of use of a dwelling to a residential institution at 45 Jackson Road, Bagworth. The application seeks permission to have up to 7 people within the property at any one time.

The children's care home already has an existing lawful use which was initially granted in 2013. The existing use enables the property to have no more than 3 children and no more than 3 carers within the property at any one time. This previous application was granted under a Certificate of Proposed Lawful Use as it was deemed that the use of the property by up to 6 people was not a material change of use.

The applicant is applying for the property to be used by up to four children between the ages of 9 and 17 or four carers at any one time in the property. The home would be administered by non-resident care staff working in 48 hour shifts with up to three or four adult carers in attendance at the premises at any one time and changeovers during working hours (between 8:00am and 18:00pm).

The company Horizon Care & Education Group Limited operate the facility, with the objective of caring for young people who have been adversely affected by circumstances and are emotionally vulnerable and behaviourally challenging.

Previous Certificate of Lawful Use has been granted in 2013 and 2015 respectively, however it is considered that the additional member of staff or additional child proposed within the home constitutes a material change of use.

The application dwelling is a large, modern detached property with an open frontage to the street and a private rear garden located within a residential estate in Bagworth.

Relevant Planning History:-

15/00201/CLUP - Certificate of proposed use to change the property from a residential dwelling (Use Class C3) to a children's care home (Use Class C2) subject to:- (i) there being no more than three children in residence at any one time; (ii) the age range of the children being between the ages of 9 years and 17 years; (iii) there being no more than three adult carers in attendance at the premises at any one time; (iv) that no room is used as an office and no business meetings of any kind take place at the premises - Granted 21.04.15

13/01045/CLUP - Certificate of Proposed Use to change the property from a residential dwelling (Use Class C3) to a children's care home (Use Class C2) - Granted 12.02.13



Consultations:-

Neighbours have been consulted and 12 letters have objection have been received as summarised below:-

- a) the additional person at the property would result in an adverse effect on traffic, with a high number of vehicles being parked outside the property
- b) the company are undertaking poor parking practices by blocking footpaths
- c) the company is running regular business meetings from the property which is breaching the previous planning approval
- d) noise from the children with screaming and shouting late into the evening
- e) a number of anti-social behaviour issues are being reported
- f) the lack of consultation in regard to the previous applications.

Bagworth & Thornton Parish Council have objected to the planning application for the following reason:-

- a) the company are not adhering to their current planning restrictions
- b) there is not adequate space for additional vehicles to be parked in the area, also vehicles are parking inconsiderately
- c) a number of anti social behaviour issues have been reported to the Police.

Policy:-

National Policy Guidance

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

Hinckley & Bosworth Core Strategy 2009

Policy 10: Key Rural Centres within the National Forest
Policy 21: National Forest

Hinckley & Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy T5: Highway Design & Vehicle Parking Standards

Appraisal:-

The main considerations in respect of this application are:-

- Principle of Development
- Impact on the Character of the Area
- Impact on Neighbouring Residential Amenity
- Highway Safety
- Other Issues

Principle of Development

The application site is located within the settlement boundary of Bagworth as defined on the adopted Hinckley and Bosworth Local Plan proposals map.

Paragraph 6 of the National Planning Policy Framework (NPPF) states that the planning system should contribute to the achievement of sustainable development. There are three dimensions to sustainable development; economic, social and environmental.

The NPPF at Paragraph 14 provides a presumption in favour of sustainable development and Paragraphs 17 and 20 supports sustainable economic development to provide for the future business and community needs of an area. Paragraph 50 of the NPPF states that local planning authorities should aim to deliver a wide choice of homes to create a sustainable and mixed community. This would include providing homes for vulnerable young people and to make them feel part of the wider community.

The application proposes to expand the existing lawful use of the 6 bedroom detached property as a residential institution to allow for the possibility of 7 people residing within the property at any one time with either 4 carers and 3 children or 3 carers and 4 children. The addition of one person within the property above the existing lawful situation is not considered to result in a material conflict with national and local planning policies which encourage the facilitation of sustainable communities and sustainable development. The proposal is therefore considered to be acceptable in principle, subject to all other planning matters being satisfactorily addressed.

Impact on the Character of the Area

Policy BE1 (criteria a) of the Local Plan requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

There are no external alterations proposed to the property, however as the application seeks to allow an additional person to reside within the residential institution this constitutes a material change of use and subsequently there could be an impact on the character of the area in this respect. The proposal would use the whole of the property. To the rear of the property is a garden space which is screened by a two metre high fence which will enable the children within the property to have access to open space. On balance it is not considered that the additional person residing within the property would result in a detrimental level of harm to the overall character and appearance of the area.

As the change of use would not result in any physical alterations to the external fabric of the building, and would maintain the external appearance of the residential dwelling within this residential area it is not considered that the proposal would have an adverse impact upon the character of the area in accordance with Policy BE1 (criteria a) of the Local Plan.

Impact on Neighbouring Residential Amenity

Policy BE1 (criterion i) of the adopted Local Plan requires that development does not adversely affect the amenities of the occupiers of neighbouring properties. This is further supported by Paragraph 17 of the NPPF which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Objections have been received on grounds that the proposal would result in an adverse impact on the amenities of neighbouring properties from noise and disturbance generated from the general use of the premises, additional traffic movements and increased on-street parking.

The application site is located within a residential area and is a large 6 bedroom detached property. The number of people that would be within the property at any one time would be no more than 7 people. The application site is surrounded by other residential properties which are within close proximity to the application site.

As the number of children within the property may be no more than four (with a maximum of three carers) then the impact in regard to noise and disturbance is likely to be minimal.

In respect of noise and disturbance associated with vehicle movements, whilst there may be comings and goings to the property during the change over of staff, as the site is within a built up area and adjacent to a highway, the associated disturbance is not considered to result in a material impact over and above the existing background noise.

Accordingly based on the above the proposal is not considered to have a significant detrimental impact on the amenity of neighbouring properties and in accordance with Policy BE1 (criterion i) of the Local Plan and the overarching principles of the NPPF.

Highway Safety

Neighbour concerns have been raised that the parking provision proposed is not adequate, and that the current staff are parking inconsiderately. The application site provides off-road parking for four vehicles with the use of a garage to the rear of the property. It is not possible to restrict the amount of parking within the highway; however the increased levels of parking

are only likely to be brief during the turnover of staff and cause minimal impact to local residents. At certain periods of time there may be more cars within the vicinity where there is a change over of staff; however this will only be for very brief period of time.

Neighbours have raised concerns in regard to inconsiderate parking by the staff members. Whilst this is not this is not a material planning consideration these concerns have been carefully noted. On balance, it is considered that the proposed additional person would not result in any demonstrable or significant impacts in terms of highway safety and as such the proposal is considered to be in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Other Issues

It has been raised from neighbours that they were made unaware of this activity to be occurring following the granting of two certificates of lawful proposed use applications. The use of the dwelling for the care of six children was established to be lawful through the grant of the certificates of lawful use. Neighbours are not consulted on these applications as it is a legal determination based on fact and degree.

Other concerns have been raised with the increase in the amount of anti social behaviour and discussions have taken place with the Council's Endeavour Team to explore this issue further.

Conclusion

The application is for the change of use of the property to a residential institution which would result in the increase of one additional person within the property. The application site is situated within a sustainable location within the settlement boundary Bagworth, in a predominately residential area. By virtue of the specific nature and level of the proposal, it is not considered that the development would result in any materially adverse impacts on the residential amenity of surrounding dwellings, either by way of noise and disturbance associated with vehicle movements or the children cared for, nor would the proposal result in any sever harm in terms of highway safety. Therefore the proposal is considered acceptable in accordance with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan, Policy 8 of the Core Strategy and the overarching principles of the NPPF and therefore recommended for approval subject to conditions.

RECOMMENDATION:- Grant subject to conditions

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 hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Block Plan (Scale 1:500), Site Location Plan (Scale 1:1250), Floor Layout Plan received on the 25 June 2015 by the Local Planning Authority.

- 3 During the use of the property, the premises should have no more 7 people residing in the dwelling at any one time, and there should be no more than 4 carers within the dwelling at any one time.

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 in the interests of proper planning.
- 3 To protect the amenities of neighbouring residents and to ensure adequate off street parking is provided in accordance with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan 2001.

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:- Craig Allison Ext 5700

Reference: 15/00186/COU

Applicant: Mrs Andrea Bailey

Location: 40D Ratby Lane Markfield

Proposal: Part change of use of dwelling to nursery/childcare

RECOMMENDATION:- Grant subject to conditions

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has attracted interest from occupiers of five or more addresses the views of which are contrary to the officer recommendation.

Application Proposal

This application seeks full planning permission for the part change of use of 40D Ratby Lane Markfield to a children's nursery, for a maximum of 12 children. The proposed use would be confined to a ground floor area within the western side of the dwelling. This accommodation historically comprised of an integral garage and was granted planning permission (ref number 13/00592/HOU) for its conversion to living accommodation in 2013. This currently serves as a 'playroom' and has an area of approximately 43.5 square metres.

Access to the proposed nursery would be via the existing side door within the western elevation of the dwelling. An area of outdoor space situated between the west facing side elevation and the application sites western boundary would be sectioned off from the remaining residential garden by way of a 6 foot fence. This area would provide an outdoor recreational space for children over two years old, between the hours of 0900 and 1700.

The application proposes to provide care predominately for children between the ages of 0 and 4 years and would employ a maximum of three assistants. The number of assistants on site at any one time would be proportionate to the number of children. Seven off street parking spaces are situated to the front of the dwelling. These would serve the dwelling and the proposed use.

The Site and Surrounding Area

The application site is within the settlement boundary of Markfield and Field Head, and is situated towards eastern edge of the village. The immediate area is predominately residential in character, comprising of a modern housing development and post war detached dwellings of varying design along Ratby Lane.

The application property is a modern two storey detached dwelling, accessed via a private driveway leading from Ratby Lane and positioned in-between numbers 40 and 42 Ratby Lane. The private drive serves four detached dwellings forming a parcel of back-land development. A mature laurel hedge runs adjacent to Launde Road, along the western boundary of the parcel of development. To all remaining boundaries, the parcel of development is bound by dwellings. The application site is flat and level, however the properties positioned to the north of the site are situated in an elevated position to that of the application dwelling.

Relevant Planning History:-

04/00311/FUL	Extensions and alterations to dwelling	Granted	21.05.04
13/00592/HOU	Extensions and alterations to dwelling	Granted	13.09.13



Consultations:-

No objections have been received from:-

Environmental Health (Drainage)
Environmental Health (Pollution)

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

In response to the neighbour consultation, 12 representations have been received, nine of which raise objections to the proposal and three of which are in support.

Objections have been received on the following grounds:-

- there is already adequate childcare provision within Markfield
- potential noise pollution and disturbance to surrounding residential properties

- c) the application site is accessed via a shared drive which is narrow and lacks adequate visibility
- d) inadequate parking will be provided within the site to serve the dwellinghouse and the proposed nursery. The use will exacerbate existing on street parking problems in the area
- e) the area already suffers from excess noise from multiple dogs, and children on site will exacerbate barking to an unacceptable level
- f) the proposal would have an adverse impact upon on the amenity of the surrounding properties
- g) the proposal would result in an unacceptable loss of privacy
- h) the existing proposed rear gardens already lack depth, and a play area would be located within two metres of living areas of the adjacent dwellings
- i) children on site could be in excess of 17.

Support has been received on the following grounds:-

- a) childcare setting within a home environment, would offer a high standard of high standard of childcare and education
- b) Markfield is a growing village and good quality childcare can only benefit families and communities.

Policy:-

National Policy Guidance

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

Hinckley & Bosworth Core Strategy 2009

Policy 7: Key Rural Centres
Policy 8: Key Rural Centres Relating to Leicester
Policy 21: National Forest
Policy 22: Charnwood Forest

Hinckley & Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy T5: Highway Design & Vehicle Parking Standards

Appraisal:-

The main considerations in determination of this application are:-

- Principle of Development
- Impact on the Character of the Area
- Residential Amenity
- Highway Safety
- Other Issues

Principle of Development

Objections have been raised in respect of the site being situated in an unsuitable location and that there is a lack of commercial demand for the facility, given the existing provision of Childcare/nursery facilities within the surrounding area.

The application site is located within the settlement boundary of Markfield and Field Head as defined on the adopted Hinckley and Bosworth Local Plan proposals Map. Policies 7 and 8 of the Core Strategy are supportive of development in Markfield that provide employment opportunities, including homeworking.

The NPPF in paragraph 14 provides a presumption in favour of sustainable development and in paragraphs 17 and 20 supports sustainable economic development to provide for the future business and community needs of an area Paragraphs 21 and 70 of the NPPF encourage flexibility and the integration of residential and commercial uses within the same unit, to enhance the sustainability of communities and residential environments.

The proposal constitutes the change of use of part of the ground floor of the existing dwelling to a childcare facility for predominately pre-school children with no children over the age of 8 to be expected on site for childcare. The scheme would result in the incorporation of residential and commercial uses in a sustainable location within the settlement boundary. The proposed mixed use scheme would capitalise on the sites potential, resulting in economic, social and environmental benefits.

In respect of concerns raised over the need for the facility; commercial demand is a private matter and does not constitute a material planning consideration; however, notwithstanding this the applicant has identified a need for a dedicated facility which offers bespoke flexible home based childcare within the area. Therefore notwithstanding the objections received, which have been carefully considered, by virtue of the sustainable location of the site and the social, environmental and economic benefits, the partial change of use of the dwelling to provide a childcare facility is not considered to conflict with the adopted planning policies. It is therefore considered that the use is acceptable in principle, subject to all other planning matters being satisfactorily addressed.

Impact on the Character of the Area

Policy BE1 (criteria a) of the Local Plan requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

There are no external alterations proposed to 40D Ratby Lane, Markfield, however as the application seeks to introduce a commercial use to an area predominantly residential in character, there would be an impact in this respect. The scheme seeks to contain the proposed use within the existing ground floor space of the dwelling. Externally a section of the existing garden to the west of the dwelling is proposed to be enclosed by way of a 6 foot fence, for use in conjunction with the nursery. Despite the enclosure of this parcel of garden land, adequate amenity space would be retained for use by the dwelling and a 7.5 metre separation distance would be maintained between the rear elevation of the application property and the northern boundary of the site. Furthermore, there would be additional vehicle trips associated with the use, however these are not considered to be of a level that would materially impact upon the residential characteristics of the area.

As the change of use would not result in any physical alterations to the external fabric of the building, its residential appearance would be retained. As such it is not considered that the

proposal would have an adverse impact upon the character of the area in accordance with Policy BE1 (criteria a) of the Local Plan.

Relationship to Neighbouring Properties

Policy BE1 (criterion i) of the adopted Local Plan requires that development does not adversely affect the amenities of the occupiers of neighbouring properties, this is further supported by paragraph 17 of the NPPF which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Given the high degree of consistency between the local plan and national planning policy, Policy BE1 can be attributed full weight in the determination of this application.

Objections have been received on grounds that the proposal would result in an adverse impact on the amenities of neighbouring properties from noise and disturbance generated from the general use of the premises, additional traffic movements and increased on-street parking.

The application seeks to change the use of part of the ground floor of the existing dwelling to a childcare facility. The applicant has confirmed that the maximum number of children would be 12 that the hours of operation would be between 0700hrs and 1800hrs Monday to Friday and that a maximum of three assistants would be on site at any one time.

The application site comprises an end plot, which is bound to two sides by the highway. The closest dwellings are those situated to the north and east. To the east, 40C Ratby Lane, comprises a two storey detached dwelling situated approximately 2 metres from the east elevation of the application site. To the north of the application site is 19 Link Rise, whose rear boundary is approximately 8 metres from the rear elevation of the application dwelling. In addition, the private access drive, by which the use would be served is sited in between numbers 40 and 42 Ratby Lane and runs along the frontage of number 40a Ratby Lane.

Given the proximity of these dwellings to the site and its access, impacts in terms of noise and disturbance generated from the general use of the site and from vehicle movements must be considered.

Further information has been provided by the applicant detailing specifics in regards to the operations on site. This information has enabled further noise assessments to be undertaken and an informed conclusion to be drawn in relation to this matter. It has been stated that the outdoor area would be used by small supervised groups of children over 2 years in age between the hours of 0900 and 1700. The garden area, which would be adjacent to Launde Road, would be sectioned off from the remainder of the garden by a 6 foot high fence. This would enable the children to partake in activities including water and sand play, painting, vegetable cultivation and a mud kitchen. A member of staff would be outside with children at all times to engaging with the children, thereby reducing external noise.

As a result of the siting of the proposed external space, there would be no boundaries with adjacent residential properties and a distance of approximately 7.5 Metres would be retained between the external play space and the nearest dwelling (19 Link Rise). Furthermore as the children would be in the garden for short periods of time, within daytime working hours, and would not use 'noisy' toys, the level of noise and disturbance generated from the use of the external space would be limited and as such is not considered to result in any significant adverse impacts on the amenity of surrounding residents that would outweigh the benefits associated with the scheme.

In respect of noise and disturbance associated with vehicle movements, whilst there may be increased disturbance during 'peak' drop off and collection times, as the site is within a built

up area and adjacent to a highway, the associated disturbance is not considered to result in a material increased over and above the existing background noise, that would result in the application being unacceptable. Furthermore, given that the site is within the village the applicant will encourage staff and parents to arrive on foot and will further reduce vehicle trips by collecting the children from the local school on foot.

Given the limited number of children, it is considered unlikely that the application would give rise to such serious noise and disturbance to warrant refusal on this basis. However, it is acknowledged that there is the potential for such disturbance to occur; therefore it is considered necessary for a temporary permission for 12 months would be appropriate in order to enable a thorough assessment of the impact to be made prior a permanent permission is considered.

Based on the submitted information, Environmental Health (Pollution) raises no objection to the proposal in terms of noise and disturbance caused to surrounding residents. Accordingly, based on the above, the grant of temporary consent is considered appropriate in this instance, as such the proposal is considered acceptable and in accordance with Policy BE1 (criterion i) of the Local Plan and the overarching principles of the NPPF.

Highway Safety

Neighbour concerns have been raised that the parking provision proposed is not adequate for peak drop off and collection times, that the existing access is not sufficient to cater for the use and that the proposal would lead to additional congestion along Ratby Lane. Notwithstanding these comments Leicestershire County Council (Highways) has considered the proposal in detail and raises no objection to the scheme on highway safety grounds.

The application site provides off road parking provision for approximately seven cars. A children's nursery requires 1 parking space per member of staff. If the proposed use was at maximum capacity of 12 children being at the setting at anyone time, that would be 3 members of staff, therefore effectively reducing the number of parking spaces available to four. Due to the staggered collection and pick up times, it would be unlikely that the remaining four spaces would be utilised at the site at any one time. In addition, as mentioned above, the use of alternative means of transport to the site would be encouraged. In relation to potential delays and congestion, given that the drop of a collection of the children would be a relatively quick activity, associated impacts would not be sustained and would not justify refusal of the application. experienced would be time specific and would not lead to constant congestion or parking problems, and therefore overall the issues are finely balanced from a highway point of view and in this instance the situation is not so bad as to warrant a refusal on these grounds.

The objections and concerns of neighbouring residents in respect of parking and traffic movements have been carefully considered along with the formal comments from Leicestershire County Council (Highways). Based upon this, it is considered that the proposed use would not result in any demonstrable or significant impacts in terms of highway safety and as such the proposal is considered to be in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.

Other Issues

Objections have been received in relation applicant's dogs barking, this is not a material planning consideration and therefore will not be taken into account in the determination of this application. Noise nuisance occurring from barking dogs should be reported to the Environmental Health department as this issue can be dealt with by legislation under Noise Nuisance.

Representations have been received stating that the use of the premises have detrimentally affected privacy. As there is no additional built form that would result in additional overlooking, and as the proposed outdoor play space is located away from surrounding residential properties, there are considered to be no material impacts on the privacy of surrounding residents.

Conclusion

The application is for the part change of use of the ground floor of a residential dwelling for the purposes of a nursery. The application site is situated within a sustainable location within the settlement boundary Markfield and Field Head, in a predominately residential area. Both the Core Strategy and the NPPF seek to encourage economic development and enterprise through the use of existing premises to provide employment opportunities, including homeworking.

By virtue of the specific nature and level of the proposal, it is not considered that the development would result in any materially adverse impacts on the residential amenity of surrounding dwellings, either by way of noise and disturbance associated with vehicle movements or the children cared for, nor would the proposal result in any sever harm in terms of highway safety, however the notion of a temporary planning permission has been carefully considered and in this case is it considered that limiting this permission for a period of 1 year will allow for a fully informed opinion to be made at the end of the year to ascertain the true impact upon residential amenity. Therefore the proposal is considered acceptable in accordance with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan, Policy 8 of the Core Strategy and the overarching principles of the NPPF and therefore recommended for a grant of temporary approval subject to conditions.

RECOMMENDATION:- Grant subject to conditions

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 This permission is limited to the period expiring on 26 August 2016;. Immediately on the expiry of that period the use hereby permitted shall be discontinued, unless in the meantime a further planning permission has been granted.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site location plan (scale 1:1250) Floorplan Drawing No. M288/13/03A (scale 1:50) received on the 2 March 2015 and Garden Plan drawing received by the Local Planning Authority on 24 April 2015.
- 3 The use hereby permitted shall operate for the benefit of the occupier of 40D Ratby Lane, Markfield and shall not be ran independently.
- 4 The day nursery hereby approved shall be limited to the ground floor area as identified on submitted plan M288/13/03A on the 2 March 2015 and Garden Plan Drawing received on 24 April 2015 and not more than 12 children shall be accommodated within the site known as 40D Ratby Lane Markfield at any time.

- 5 The Nursery hereby approved shall not be in use outside the hours of 07:00am and 18:00pm Monday to Friday, and the use shall not operate at any time on Saturday or Sundays.
- 6 The rear garden area as identified in Garden Plan drawing received on the 24 April 2015 shall be used in connection with the approved nursery and shall not be in use outside the hours of 0900am and 1700pm Monday to Friday.

Reasons:-

- 1 In order that the effect of the development upon the amenities' enjoyed by neighbouring properties can be assessed during this period and that any further application can be decided having regard to this assessment in accordance with Policy BE1 (criterion i)
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure the use is compatible with the existing residential dwelling, to protect the amenities of the existing occupiers and the neighbouring residents, to comply Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan.
- 4 To protect the amenities of neighbouring residents and to ensure adequate off street parking is provided in accordance with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plans.
- 5&6 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with Policy BE1 (criterion i) of the adopted 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:- Jenny Brader Ext 5620

Reference: 15/00061/OUT

Applicant: Mrs Gill Moore

Location: 42 Coventry Road Burbage

Proposal: Erection of a dwelling following demolition of existing garage (outline - access only)

RECOMMENDATION:- Grant subject to conditions and S106 agreement

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has received more than four objections and the recommendation is contrary to the nature of the objections received.

Application Proposal

This is an outline application for the erection of a dwelling with approval being sought for access. All other matters are reserved.

The access to the site would be from Coventry Road, using the existing access for No.42. To provide the route to the building plot, the garage for No 42 would need to be demolished. The application would allow parking to the rear of No.42 for both the proposed dwelling and the existing dwelling.

Details of appearance, landscaping, layout and scale have not been provided at this stage and are reserved for approval at a later date.

Application Site

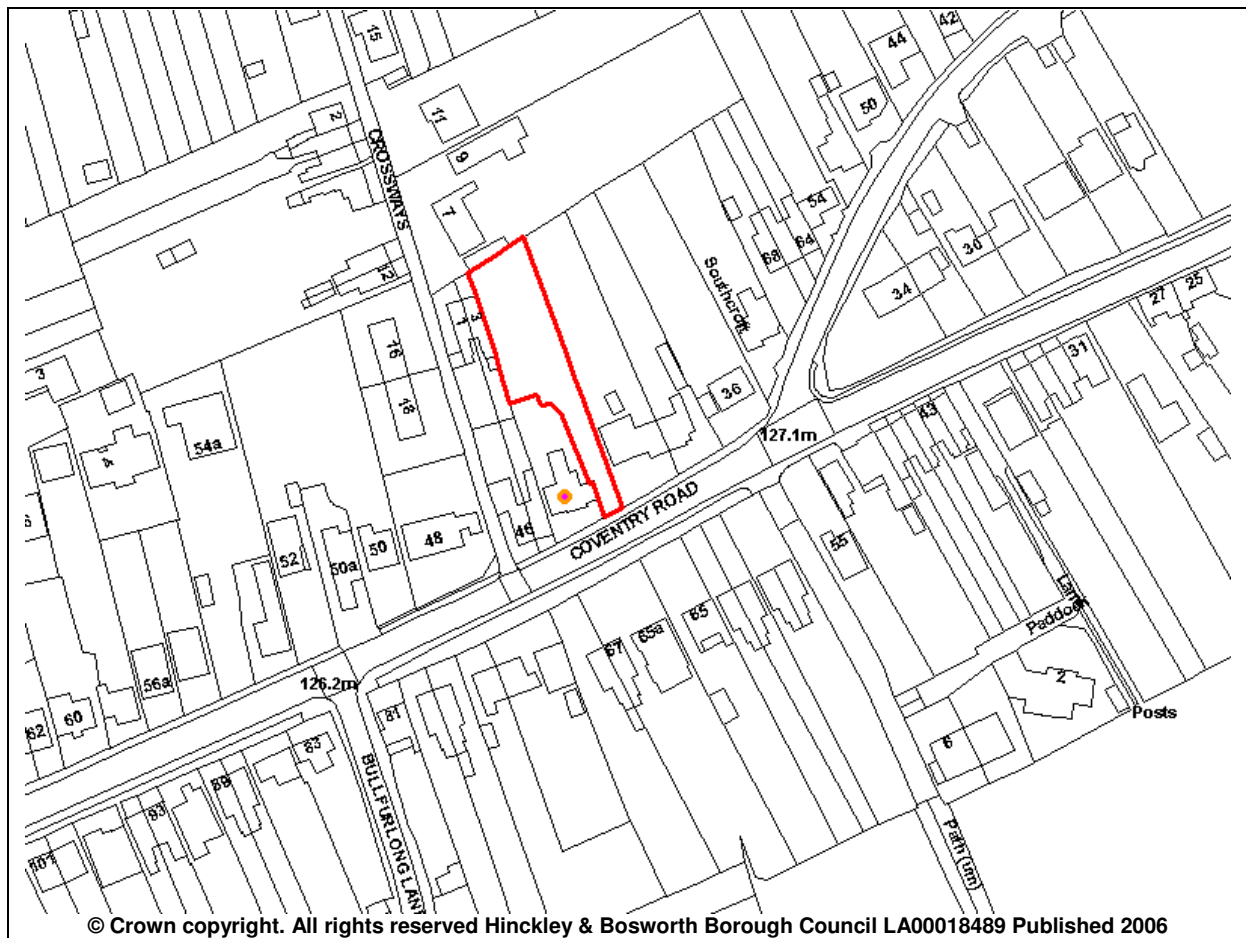
The application site forms part of the rear garden of 42 Coventry Road, Burbage. The site is bound by residential properties to all sides.

The site is grassed with several trees. A summer house exists within this site which would need to be relocated or demolished to facilitate the proposed development. The northern boundary of the site is bound by a garage and 2 metre brick wall; the western boundary is a mix of 2 metre hedge and fencing and a blank elevation of 3 Crossways. The eastern boundary (which adjoins 40 Coventry Road) is bound by hedging.

An existing access to the site is from Coventry Road and serves the existing garage and a gravelled area to the front of the property. There is a brick wall and a hedge, either side of the access, to the boundary with the highway.

Relevant Planning History:-

99/00789/FUL	Erection of detached garage front bay window and rear conservatory	Granted	06.10.99
95/00546/FUL	Extension to dwelling	Granted	21.08.95



Consultations:-

No objections have been received from:-

- Environmental Health (Pollution)
- Street Scene Services (Waste)

An objection has been received from Leicestershire County Council (Highways) which states that the residual cumulative impacts of the development would be severe as the proposal does not provide adequate visibility and the applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided to the proposed development.

Burbage Parish Council has objected to the application on the following grounds:-

- a) proposed development would have an unsatisfactory relationship with neighbouring properties
- b) loss of privacy, disturbance and overbearing impact to occupiers of neighbouring dwellings
- c) back land siting would result in an incongruous and uncomplimentary form of development
- d) too close to boundary with 7 Crossways
- e) result in increased vehicular activity resulting in noise and disturbance to the occupiers of 40 Coventry Road.

Burbage Parish Council has also requested that a site visit be undertaken by Members of Planning Committee.

A site notice has been displayed and neighbours notified. Representations have been received from occupiers of six addresses raising the following concerns:-

- a) concerns with proximity of proposal to neighbouring properties and impact upon light
- b) access will not be granted by 3 Crossways across their land
- c) fences and hedgerows should be kept and maintained
- d) concerns with construction traffic using Crossways
- e) concerns with overlooking to adjacent properties on Crossways
- f) concerns the development will not provide sufficient off street parking
- g) impact upon the character of "Old Burbage" and the green "oasis"
- h) noise of traffic and associated movements to the side of 40 Coventry would be impacted by the new development
- i) concerns with movement of bus stop
- j) most of hedge to eastern boundary is not within applicant's ownership.

Policy:-

National Policy Guidance

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

Hinckley & Bosworth Core Strategy 2009

Policy 4: Development in Burbage
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley & Bosworth Local Plan 2001

Policy RES5: Residential Proposals on Unallocated Sites
Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards
Policy IMP1: Contributions towards the Provisions of Infrastructure and Facilities

Supplementary Planning Guidance/Documents

New Residential Development (SPG) 2001

Appraisal:-

The main considerations in the determination of this application are:-

- Principle of Development
- Impact on the Character of the Area
- Relationship with Neighbouring Properties
- Impact upon Highway Safety
- Developer Contributions

Principle of Development

Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states 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 National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved.

The site is identified as being located within the settlement boundary of Burbage in the Hinckley & Bosworth Local Plan (2001). The site is not allocated for residential development and thus Policy RES5 (Residential development on unallocated sites) would apply. This seeks to direct development to the most sustainable locations.

Policy 4 of the Core Strategy (2009) identifies Burbage as a settlement which plays an important supporting role for the Hinckley sub regional centre and seeks the allocation of land for a minimum of 295 dwellings.

The site is within a sustainable location, close to community facilities and public transport options. The principle of residential development is therefore in line with Policy 4 of the Core Strategy and RES5 of the Local Plan.

Impact on the Character of the Area

Policy BE1 (criterion a) of the adopted Local Plan seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features 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 on New Residential Development aims to ensure that new development has regard to the character of the area and is well integrated into its surroundings.

This is an outline planning application with details including appearance, scale, landscaping and layout reserved. This application therefore only seeks permission for the principle of a dwelling in this location.

The proposed development would be situated within the rear garden of 42 Coventry Road. Concerns have been raised in regards to the impact upon the character of the area with the development of garden land. The immediate area includes a number of 'infill' and rear garden developments and this has altered the character of this part of Burbage. While the proposed building plot is not identical in size or shape to others in the vicinity, this is a form of development that is not uncommon in the immediate area. There are several examples of garden development within the area which include 54a Coventry Road, 16 and 18 Crossways and dwellings to the rear of 56 - 60 Coventry Road. Subject to securing an appropriate scale, design and footprint of property at reserved matters stage, the proposed development would not be out of keeping with the character of the area, in accordance with saved policy BE1 (criterion a) of the Local Plan (2001).

Relationship with Neighbouring Properties

Policy BE1 (criterion (i)) of the adopted Local Plan and SPG require that new residential development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties. The nearest neighbouring properties are 42 Coventry Road to the

south, 40 Coventry Road to the west, 7 Crossways to the north and 44 Coventry Road and 3 Crossways to the west.

Concerns have been raised by some residents and the Parish Council in regards to the impact of the proposal on nearby properties in regards to overlooking, impact upon privacy and associated noise. As this is an outline application the details of the proposed dwelling have not been submitted with this application. Only an indicative plan has been submitted, identifying a possible location for the proposed dwelling.

The dwelling is likely to be situated to the side (east) elevation of 3 Crossways which has a blank elevation to the boundary of site. It is considered that the proposal would be two storeys in height, matching that of the surrounding buildings, and would be orientated with the front elevation facing the rear of 42 Coventry Road. It is considered that due to the large blank elevation and the scale of 3 Crossways, a two storey dwelling could be accommodated on site with careful siting which would not result in overlooking or impact upon privacy and it is therefore considered that the proposal will not have a detrimental impact in regards to overlooking and privacy to the residents of 3 Crossways. Additionally with careful design and siting it is considered that the dwelling would not significantly block light to the front of the properties of 1 or 3 Crossways.

The indicative drawing indicates the proposed dwelling would be a minimum of 1 metre away from the boundary with 7 Crossways. The proposal would be separated from the main dwelling and rear garden by the existing garage to 7 Crossways. It is considered that with careful design of the proposed dwelling any potential for overlooking could be prevented. The applicant has indicated that the proposed dwelling could be stepped back at the rear to provide more distance between the proposal and 7 Crossways. Additionally the layout of the dwelling could be designed to ensure that windows which face the rear (towards 7 Crossways) are not principal rooms or are at a higher cill height to remove the impact of overlooking. It is therefore considered that with careful design and siting of the dwelling the proposed property would not harm the amenity of the residents of 7 Crossways.

If inappropriately designed, a new dwelling could result in overlooking into the rear gardens of the neighbouring properties 44 and 40 Coventry Road. The gardens of these properties are currently overlooked by 42 Coventry Road.. A two storey dwelling would not result in a significant overbearing impact or loss of light to the rear gardens of both 40 and 44 Coventry Road. The dwelling could be designed to ensure no windows are within the western elevation of the proposed dwelling to ensure no direct overlooking to the rear garden of these properties.

The proposed access to the development would be alongside the boundary with 40 Coventry Road. This will result in vehicular movements into the site which has the potential to cause additional noise to that which is experienced at present. It is considered that with appropriate boundary treatments the associated noise from people visiting and leaving the property would be contained so that this does not harm the amenity of the residents of 42 Coventry Road.

Due to the constraints of the site and the surrounding properties it is considered that permitted development rights for extensions to the dwelling including amendments to the roof should be removed to ensure the development does not result in unacceptable development which harms neighbouring amenity.

While it is accepted that adjoining residents may be affected by the proposed development, the potential harm to residents' amenity can be mitigated through appropriate design, siting, scale and boundary treatments at the reserved matters stage. On balance, the proposal is

considered acceptable and would not conflict with saved policy BE1 (criterion i) of the Local Plan (2001) or guidance contained within the Residential Development SPG.

Impact upon Highway Safety

Criterion (g) of Policy BE1 seeks to ensure that there is adequate highway visibility for road users and adequate provision of parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards. Additionally paragraph 32 of the NPPF states that safe and suitable access to the site should be achieved for all people and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Leicestershire County Council have objected to this application and state that the development would not provide adequate visibility and that an appropriate and safe vehicular access would not be provided for the proposed development, resulting in severe cumulative impact.

An existing access exists to 42 Coventry Road, which provides parking for two vehicles. As the property does not have space for vehicles to turn, this arrangement results in cars reversing out onto Coventry Road to leave the site. The development proposes that the parking for both the existing and proposed property would be situated to the rear of 42 Coventry Road to allow vehicles to enter and leave the site in a forward gear.

The visibility of the proposed access would not meet the required standards set in the 6C's Guidance, due to an existing hedge which is not within the ownership of the applicant within the required visibility splays. However the proposal includes the reduction of the hedge which is within the applicant's ownership and the lowering of the existing brick wall to 0.6 metres. These amendments would provide improved visibility to the access than that which is currently provided. Notwithstanding the comments from Leicestershire County Council (Highways) it is considered that the improved visibility as well as the proposal to allow vehicles to enter and leave the site in a forward gear, outweighs the harm that would be caused by the additional traffic using the access.

Concerns have been raised in regards to the potential for the site to be accessed from Crossways. The site would not have an access from Crossways and the applicant has confirmed that there is no intention for Crossways to be used as an access during construction.

Additionally concerns have been raised in regards to the proximity of the access to the bus stop. The bus stop is not proposed to be moved. As the site would be served off an existing access point, the proposal would not impact upon the safety of bus users.

A planning condition forms part of the recommendation which require off-street car parking to be provided for both the existing and proposed dwelling to ensure on-street parking problems are not created with this development.

For the reasons outlined above it is considered the development would not result in severe harm to highway safety and is considered in accordance with policies BE1 (criterion g) and T5 of the adopted Hinckley and Bosworth Local Plan.

Developer Contributions

Policies IMP1 and REC3 of the adopted Local Plan and the Play and Open Space SPD require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. The Play and Open Space SPD sets out

how the contribution is worked out in proportion to the size and scale of the development. The request for any developer must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Following the recent changes to the NPPG (removal of paragraphs 012 - 023) and the restriction on obtaining developer contributions on small scale sites the scheme is now subject to such considerations. The site is within 400 metres of Britannia Road Recreation Ground, Burbage which provide such facilities and therefore falls within the catchment area for developer contributions.

Within the green space strategy Burbage was found to have a deficiency of equipped play space of 1.11 hectare for its population when compared with the National Playing Fields Standard. The quality of the spaces has been considered within the Quality and Accessibility Audit of 2007 which awarded Britannia Road Recreational Ground a quality score of only 37.5%. In accordance with the Play and Open Space SPD the contribution in this case would total £1250.80 for the proposed dwelling (provision element of £817.80 and maintenance element of £433.00 per unit) and would be used to provide and maintain additional play equipment and to maintain existing equipped and informal amenity play space to mitigate the impact of the additional dwellings on such facilities.

The size of the additional units proposed would appeal to families and given the proximity of the application site to the open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring maintenance. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal in accordance with the CIL Regulations, and a contribution is justified in this instance. A section 106 agreement is currently being negotiated to secure the play and open space contribution.

RECOMMENDATION:- That subject to the completion of an acceptable s106 Planning Obligation to secure financial contributions towards public play and open space, the Chief Planning and Development Officer shall be granted delegated powers to grant outline planning permission subject to the conditions below.

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 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:-
 - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
 - b) The scale of each building proposed in relation to its surroundings.
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.

- d) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, including boundary treatments.
- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted plan; Site Location Plan (Scale 1:1250) received 26 January 2015.
 - 4 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved proposed ground levels and finished floor levels.
 - 5 Development shall not begin until details of all boundary treatments are submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
 - 6 Prior to the commencement of development, the boundary wall and hedge within the southern boundary of the site and 42 Coventry Road shall be reduced to 0.6 metres in height above ground level. The hedge shall not be allowed to grow above a height of 0.6 metres above ground level.
 - 7 During construction of the dwelling hereby permitted three off-street car parking spaces shall be available for use by 42 Coventry Road.
 - 8 Before first occupation of the dwelling hereby permitted, off-street car parking shall be provided for both 42 Coventry Road and the permitted dwelling. The car parking areas shall be hard surfaced in a porous material and made available for use to serve the dwellings.
 - 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking or re-enacting that Order with or without modification) development within Article 3, Schedule 2, Part 1 Classes A (extensions), B (addition to roof), C (alterations to roof) shall not be carried out unless planning permission for such development has first been granted by the local planning authority.

Reasons:-

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal in accordance with the requirements of Part 3 (5) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4&5 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan 2001.
- 6 To ensure visibility to the proposed access in line with policy T5 of the adopted Hinckley & Bosworth Local Plan 2001.

- 7 To ensure that adequate off-street car parking facilities are provided for 42 Coventry Road during construction to ensure the development is not detrimental to highway safety in accordance with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that adequate off-street car parking facilities are provided to serve the dwelling hereby permitted in the interests of highway safety to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 9 To ensure development is not undertaken which would be detrimental to the residential amenity of neighbouring dwellings in accordance with Policy BE1 (criterion i) of the Hinckley & Bosworth Local Plan (2001).

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).
- 5 The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

Contact Officer:- Helen Wilson Ext 5691

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Reference: 15/00402/OUT

Applicant: Mrs Sylvia Mainwaring

Location: Land To The Rear Of 122 Middlefield Lane Hinckley

Proposal: Erection of up to 9 dwellings (outline - access only)

RECOMMENDATION:- Grant subject to conditions and S106 agreement

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application has attracted interest from the occupiers of five or more addresses, the views of which are contrary to the officer's recommendation.

Members will recall that this application was deferred at the Planning Committee meeting on 30 June 2015 to enable further discussion and investigation to be undertaken between officers and the applicant's agent and the Council's Estates and Asset Management Team with a view to seeking an alternative access into the application site from Middlefield Lane through land within the ownership of the Council (former Middlefield Lane Depot site).

Since the last Planning Committee meeting, officers have undertaken discussions with the applicant's agent and the Council's Estates and Asset Management Team as requested by Members. Although the former depot site has historically been advertised for sale and expressions of interest have been received, there is currently no resolution/authority to dispose of the site and it is not currently being marketed. The provision of an access to the application site via the former depot site or its car park is not straight forward, as it is likely to affect the value of the Council's land and the sites future development potential. Future development and potential disposal of the site is a separate process that the Estates and Asset Management Team are considering.

In addition to concerns raised by the Council's Estates and Asset Management Team, the applicant has raised concerns in respect of a potential ransom to be sought in exchange for access through the former depot site or car park. This could be a substantial sum that could significantly affect the financial viability of the proposed development.

In view of their concerns regarding the uncertainty of the timescales of the future disposal or development of the depot/car park site and the potential 'ransom strip' payment situation, the applicant's agent has requested that the application be re-presented to the Planning Committee for determination on the basis of the submitted plans.

Notwithstanding the above, subject to timescales, the applicant's agent has indicated that even if outline planning permission is granted by this application, it remains his client's intention to try to seek to negotiate a mutually acceptable solution with the Council to gain access via one of the two available access points through the former depot/car park site.

The previous report to Planning Committee on 30 June 2015 has been updated to include the previous late items agenda and the Government's recent revision of the National Planning Practice Guidance (removal of paragraphs 012 - 023) in respect of section 106 obligations and developer contributions on small sites.

Application Proposal

This application seeks outline planning permission, for access only with all other matters reserved, for the erection of nine new dwellings on land to the rear of 122 and 124 Middlefield Lane, Hinckley with access from Middlefield Place. The application is supported by an indicative layout that proposes a central access road and turning head with nine dwellings arranged on either side in three pairs of semi-detached dwellings and a terrace of three dwellings. Two off-street vehicle parking spaces are indicated to serve each plot.

An amended plan has been submitted to address officer comments in relation to remote parking provision and lack of access to rear gardens. Re-consultation has been undertaken.

The Site and Surrounding Area

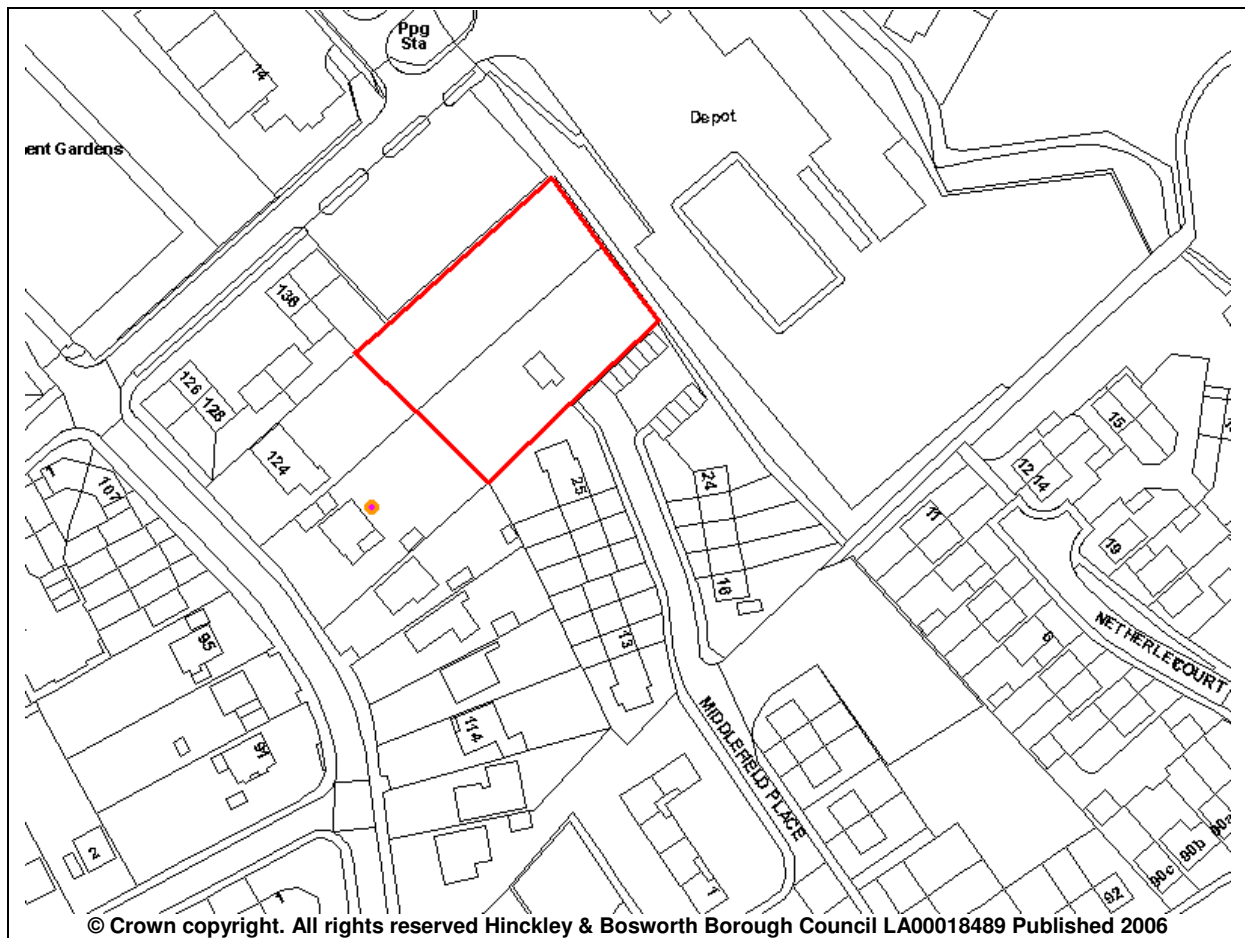
The rectangular application site measures approximately 0.22 hectares and is located within the settlement boundary of Hinckley. It currently comprises part of the rear gardens of 122 and 124 Middlefield Lane, two detached dwellings set within extensive plots. The site is predominantly laid to grass and each contains an outbuilding that would be demolished. The site is enclosed by a mix of hedgerows and a variety of fencing. To the west, south west and south east of the site there are dwellings with a mix of sizes, types, scale and styles. To the north and east lies a former Council highway maintenance depot (currently vacant) and associated vehicle parking and grounds.

Technical Documents submitted with Application

Preliminary Ecological Appraisal

Relevant Planning History:-

97/00555/OUT	Erection of Four Dwellings	Refused	23.07.97
		Appeal Dismissed	23.04.98



Consultations:-

No objections have been received from Environmental Services (Pollution).

No objections subject to conditions have been received from:-

- Leicestershire County Council (Highways)
- Environmental Services (Land Drainage)
- Street Scene Services (Waste)

Leicestershire County Council (Ecology) do not object but recommended that the hedgerows to the north west and north east boundaries are retained to provide locally important wildlife corridors.

Site notice displayed and neighbours notified, objections have been received from 11 separate addresses and in a petition containing 57 signatures from 33 separate addresses raising the following issues and concerns:-

- a) highway safety - inadequate access through a cramped, narrow cul-de-sac road with constant on-street parking and congestion
- b) highway safety - increase in traffic to and from the development and on-street parking
- c) highway safety - lorries, refuse wagons and emergency vehicles have trouble with access
- d) access should be via Middlefield Lane and the access to the old Council yard
- e) garden grabbing - high density overdevelopment of the site that would be out of keeping with surrounding dwellings and would adversely affect the character of the surrounding area

- f) loss of mature trees
- g) contrary to Human Rights Act in respect of detrimental impacts on residential amenity including loss of privacy, loss of light, loss of open aspect and noise nuisance
- h) impact on sewage facilities
- i) adverse impact on existing residents from noise and disturbance during construction phase
- j) adverse impact on highway and pedestrian safety during construction phase
- k) loss of existing parking places and turning area at the point of the proposed access
- l) impact on bat colony
- m) de-valuation of existing dwellings

One letter of support received from the owner of part of the site on the grounds that the road is capable of supporting the additional dwellings, would not result in additional vehicles being parked in the road and that the proposal would not result in loss of value to neighbouring properties.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) 2012
 National Planning Practice Guidance (NPPG) 2014
 Community Infrastructure Levy (CIL) Regulations 2010

Hinckley & Bosworth Core Strategy 2009

Policy 1: Development in Hinckley
 Policy 16: Housing Density, Mix and Design
 Policy 24: Sustainable Design and Technology

Hinckley & Bosworth Local Plan 2001

The site is within the settlement boundary of Hinckley as defined on the adopted Hinckley and Bosworth Local Plan Proposals Map.

Policy BE1: Design and Siting of Development
 Policy RES5: Residential Proposals on Unallocated Sites
 Policy NE12: Landscaping Schemes
 Policy NE14: Protection of Surface Waters and Groundwater Quality
 Policy T5: Highway Design and 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/Documents

New Residential Development (SPG)
 Play and Open Space (SPD)
 Sustainable Design (SPD)

Appraisal:-

This is an outline application for the erection of nine dwellings with access being the only matter for consideration at this stage and all other matters reserved. The main issues for consideration in the determination of this application are:-

- principle of development
- impacts on the character of the area
- impacts on neighbouring properties
- impact on highway safety
- other issues

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).

The application site is located within the settlement boundary of Hinckley as defined in the adopted Local Plan where there is a presumption in favour of residential development provided by Saved Policy RES5 of the adopted Local Plan, although this restrictive policy can now be given only very limited weight following the publication of the NPPF. In addition, Policy 1 of the adopted Core Strategy supports development in Hinckley to deliver a minimum of 1120 new homes. The minimum number of dwellings supported by Policy 1 has not yet been achieved (as at 1 October 2014) and notwithstanding that a number of alternative sites have been identified to address the shortfall in the emerging Site Allocations and Development Management Policies DPD (submission draft), this document has not yet been adopted and these sites have not yet come forward.

The National Planning Policy Framework (NPPF) in paragraph 14 provides a presumption in favour of sustainable development. Paragraph 7 of the NPPF states that sustainable development has three interacting dimensions:- the social, economic and environmental roles. The site is located within a sustainable location adjacent to existing residential development and within a reasonable distance of services and facilities. The proposal would contribute to the social role of sustainable development by providing additional housing towards meeting the current shortfall in housing land supply for Hinckley. The construction and sale of the development would contribute to the local economy. The site is a garden of predominantly regularly mown grass and outbuildings, one derelict therefore development of the site would not have any adverse impact on the environment.

Notwithstanding that the proposal may be considered to be a sustainable development and therefore acceptable in principle subject to all other planning matters being appropriately addressed, the NPPF in 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 these residential gardens should be considered against adopted Local Plan policies to determine if it would harm the character of the local area.

Layout and Impact on the Character of the Area

In conformity with the NPPF, Policy BE1 (criterion a) of the adopted Local Plan seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the character of the surrounding area. Policy 16 of the adopted Core Strategy requires new residential development to meet a minimum net density of 40 dwellings per hectare in Hinckley, although in exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable. The Council's adopted Supplementary Planning

Guidance 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.

The NPPF in paragraph 56 states that good design is a key aspect of sustainable design. Paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings. Paragraph 60 states that planning decisions should not impose architectural styles or unsubstantiated requirements to conform to certain development forms or styles but that it is proper to seek to promote or reinforce local distinctiveness. Paragraph 64 states that permission should be refused for development of poor design that fails to improve the character of the area and the way it functions.

Objections have been received that the proposal is an example of 'garden grabbing' and would result in a high density, overdevelopment of the site that would be out of keeping with surrounding dwellings and would adversely affect the character of the surrounding area.

Notwithstanding the objections received, the development of the site for nine dwellings would provide a density of 41 dwellings per hectare in accordance with the minimum density of 40 dwellings per hectare required by Policy 16 of the adopted Core Strategy. The amended indicative layout demonstrates that the site is capable of accommodating nine new dwellings with a pattern of development and plot size that would complement the character of Middlefield Place from where access to the site is proposed. Middlefield Place comprises predominantly smaller terraced dwellings and the layout of the development would provide continuity of the street scene and relate to these dwellings rather than the larger detached dwellings/plots on Middlefield Lane to the south west. This was also the view of the Planning Inspector in a previous appeal relating to part of the site (reference T/APP/K2420/A/97/289216/P5) who stated in his decision that 'because the proposed access would be from Middlefield Place, I consider that the development would be seen in the context of this existing high density, terraced housing on this road.' There are no significant constraints or exceptional circumstances relating to the site to suggest that a lower density would be more appropriate in this case. The indicative garden sizes are generally in accordance with SPG standard or not significantly below SPG standard. Therefore the scheme would not adversely affect the character of the surrounding area and would be in accordance with saved Policy BE1 (criterion a) of the adopted Local Plan, the Council's adopted SPG on New Residential Development and the overarching design principles within paragraphs 56 and 58 of the NPPF.

Impact on Neighbours Amenities

Policy BE1 (criterion (i) of the adopted Local Plan and SPG require that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties.

Objections have been received that the proposal is contrary to the Human Rights Act in respect of detrimental impacts on residential amenity including loss of privacy, loss of light, loss of open aspect and would result in adverse impacts on existing residents from noise and disturbance during the construction phase.

By virtue of the indicative separation distances between the proposed dwellings and all neighbouring dwellings, the amended indicative layout would not result in any adverse overbearing or overshadowing impacts on any neighbouring properties. The smallest separation distance to an existing dwelling being approximately 6 metres to a north west facing side gable. Subject to the approval of final layout, detailed design and position of windows which would be considered at the reserved matters stage and controlled by a suitably worded planning condition, a scheme for nine dwellings would be capable of providing main and habitable room windows in elevations of each plot that would not result in

any significant adverse impacts from loss of privacy from overlooking to any neighbouring occupiers.

Noise and disturbance during the construction phase would be temporary in nature and therefore would not have any long term impacts on the amenities of the occupiers of any neighbouring residential properties.

Notwithstanding the objections received, by virtue of the indicative separation distances and relationship of the development to neighbouring properties, subject to the consideration of additional details at the reserved matters stage (including final layout, scale, design and landscaping) the scheme for nine new dwellings would be able to avoid any adverse overbearing/overshadowing impacts and together with satisfactory positioning of windows and boundary treatments would be able to protect the privacy and amenity of all neighbouring properties from any significant adverse impact from loss of privacy from overlooking. The proposed outline scheme is therefore considered to be in accordance with Policy BE1 (criterion i) of the adopted Local Plan and the Council's Supplementary Planning Guidance on New Residential Development in this respect.

Highway Safety

Policy BE1 (criterion g) seeks to ensure that there is adequate highway visibility for road users and adequate provision of parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Objections to the scheme have been received on the grounds of highway and pedestrian safety, including children and elderly persons. Objectors raise concerns that the development would have inadequate access through a cramped, narrow cul-de-sac road with constant on-street parking and congestion, would result in an increase in traffic to and from the development and additional on-street parking on a road where lorries, refuse wagons and emergency vehicles already have trouble passing. Objectors also point out that existing parking spaces and turning space would be lost for existing residents at the point where the proposed access is to be formed.

The amended indicative layout suggests a continuation of Middlefield Place, an existing cul-de-sac road and the formation of a new turning head within the proposed development which would benefit both existing and proposed occupiers. The amended indicative layout demonstrates that adequate off-street vehicle parking of two spaces for each plot could be provided in accordance with highway authority parking provision standards therefore it cannot be demonstrated that the proposal would result in any additional on-street car parking within Middlefield Place. The scheme has been considered by Leicestershire County Council (Highways) who consider that the residual cumulative impacts of the development on the highway network can be mitigated and are not considered severe in accordance with paragraph 32 of the NPPF. They therefore raise no objection to the scheme subject to the imposition of a number of standard highway related conditions to ensure satisfactory access width, visibility, gradient, surfacing, drainage, parking and turning provision and in view of the nature of the access road a construction traffic management plan. The conditions are considered to be reasonable and necessary to ensure a satisfactory development and limit any adverse impacts on the highway during the construction phase.

Notwithstanding the objection received, subject to the imposition of standard highway related conditions, the amended scheme would not result in any adverse impacts on highway or pedestrian safety and is therefore considered to be in accordance with Policies BE1 (criterion g) and T5 of the adopted Hinckley and Bosworth Local Plan.

Developer Contributions

Policies IMP1 and REC3 of the adopted Local Plan and the Play and Open Space SPD require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. The request for any developer must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Following the recent changes to the NPPG (removal of paragraphs 012 - 023) and the restriction on obtaining developer contributions on small scale sites the scheme is now subject to such considerations. The site is within 400 metres of Richmond Park (neighbourhood equipped area of play) and Jellicoe Way (informal open space) which provide such facilities and therefore falls within the catchment area for developer contributions.

Within the green space audit of 2014 Hinckley was found to have a deficiency of equipped play space of 1 hectare for its population when compared with the National Playing Fields Standard. The quality of the spaces has been considered within the Quality and Accessibility Audit of 2007 which awarded Richmond Park a quality score of only 41.2% and Jellicoe way a quality score of only 44%. In accordance with the Play and Open Space SPD the contribution in this case would total £1250.80 for each new residential unit (provision element of £817.80 and maintenance element of £433.00 per unit) and would be used to provide and maintain additional play equipment and to maintain existing equipped and informal amenity play space to mitigate the impact of the additional dwellings on such facilities.

The size of the additional units proposed would appeal to families and given the proximity of the application site to the open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring maintenance. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal in accordance with the CIL Regulations, and a contribution is justified in this instance. A section 106 agreement is currently being negotiated to secure the play and open space contribution.

Other Issues

An objection has been received in respect of potential impact on a bat colony close to the boundary of the site. The Preliminary Ecological Appraisal submitted to support the application is silent on this matter. Leicestershire County Council (Ecology) raises no objections to the application as there are no habitats of note within the site. They consider that if the site is being used for foraging bats this would be along the hedges, particularly to the north west and north east boundaries and it is therefore recommended that these should be retained to provide an important wildlife corridor. This could be secured by a planning condition.

Street Scene Services (Waste) recommend a condition to secure a scheme for the provision for waste and recycling storage at the highway boundary however, the indicative layout demonstrates that adequate highway frontage and storage space for each plot could be provided within the development therefore a condition is not considered to be reasonable or necessary in this case.

Objections have been received that the scheme would result in the loss of mature trees. There are mature trees located along the northern edges of the application site, however, the

indicative layout demonstrates that adequate separation from the trees in respect of built form could be achieved. In addition, the Preliminary Ecological Appraisal submitted to support the scheme recommends that the mature trees around the site boundaries should be retained where possible to support ecology within the area.

The adjacent commercial site is currently vacant and it cannot be demonstrated that the future occupiers of the site would suffer harm to amenity through noise or disturbance from the site in the future. Environmental Health (Pollution) raises no objections to the scheme.

The applicant has no control over the land through which objectors suggest would provide an alternative access.

An objection to the scheme has been received relating to the capacity of the foul sewer system. There is no evidence to suggest that adequate foul drainage from the site could not be achieved and the development would be subject to separate future Building Regulations approval in this respect.

Impact on property values is not a material planning consideration.

Conclusion

The application site is in a sustainable urban location within the settlement boundary of Hinckley where residential development is generally acceptable in principle and where additional housing is required to meet the minimum requirement for Hinckley identified within Policy 1 of the adopted Core Strategy. The site has adequate access to the adopted highway network and subject to satisfactory final layout, scale, design, appearance and landscaping (which can be controlled by planning conditions), the scheme would provide an appropriate density, would complement the character and appearance of the surrounding area and would not give rise to any adverse impacts on the amenities of the occupiers of any neighbouring properties, highway safety or ecology. The scheme is therefore considered to be in accordance with Policies 1 and 16 of the adopted Core Strategy, Policies BE1 (criteria a, g and i), RES5, IMP1, REC3 and T5 of the adopted Local Plan, the adopted SPG on New Residential Development together with the overarching principles of the NPPF and is therefore recommended for outline approval for access only subject to conditions and the completion of a legal agreement to secure financial contributions towards public play and open space facilities.

RECOMMENDATION:- That subject to the completion of an acceptable s106 Planning Obligation to secure financial contributions towards public play and open space, the Chief Planning and Development Officer shall be granted delegated powers to grant outline planning permission subject to the conditions below.

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 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:-

- a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
- b) The scale of each building proposed in relation to its surroundings.
- c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
- d) The access arrangements within the site for vehicles, cycles and pedestrians.
- e) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

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

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site Location Plan at 1:1250 scale Drawing No. 101 received by the local planning authority on 2 April 2015.
- 4 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with approved proposed ground levels and finished floor levels.
- 5 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.
- 6 No development shall commence until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the local planning authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 7 All details of the proposed development shall comply with the highway design standards of the Leicestershire County Council as contained in its current design standards document the '6Cs Design Guide'. Such details must include parking and turning facilities, access widths, gradients, surfacing and visibility splays and be submitted for approval by the local planning authority before development commences.
- 8 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
- 9 The existing trees and hedgerows located along the north west and north east boundaries of the site shall be retained and prior to any development commencing, including site works of any kind, a scheme for their protection and future management shall be submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the approved scheme.

Reasons:-

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the development is provided with satisfactory surface water drainage in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure a satisfactory form of development and in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area in the interest of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 9 In the interests of visual amenity and biodiversity to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan and paragraph 109 of the National Planning Policy Framework (2012)

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).

- 5 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website as follows: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.
- 6 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.
- 7 Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for surface water management. A proposal to make the LLFA a statutory consultee is currently out to consultation. Please note that from 6 April 2015 the responsibility for approval of sustainable drainage systems will rest with Local Planning Authorities. More information, including options for future maintenance, can be found at: <https://www.gov.uk/government/consultations/sustainable-drainage-systems-changes-to-the-planning-system>.
- 8 This permission is subject to a legal agreement to provide financial contributions of £1250.80 per residential unit towards the provision and maintenance of public play and open space facilities within the vicinity of the site.

Contact Officer:- Richard Wright Ext 5894

Reference: 15/00736/FUL

Applicant: ACCEPT

Location: Land To The Rear Of 94 - 108 Hinckley Road Barwell

Proposal: Change of Use of allotments for use by a charity to educate vulnerable adults together with replacement wooden shed, new storage shed and Portaloo

RECOMMENDATION:- Grant subject to conditions

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has attracted interest from the occupiers of more than five addresses, the views of which are contrary to the officer recommendation.

Application Proposal

Planning permission is sought for the change of use of a disused parcel of land to the rear of Hinckley Road Barwell from former allotments to use by a charity for education purposes. In addition to the change of use, three buildings are also proposed on site. These comprise of a Metal storage shed measuring 6m by 2.4m by 2.4m high for outdoor tools and equipment, a replacement wooden shed measuring 7.3m by 3.9m by 2.8m high to provide a meeting and storage facility for group members and a portable toilet.

ACCEPT is a small registered mental health charity based in Hinckley with 2 part-time staff. The charity is proposing to use the allotment within usual business hours (9am - 5pm) to enable small groups of vulnerable adults (5 - 8 people) with mental health issues to have opportunity to be involved in a variety of outdoor activities including:-

- Growing fruit and vegetables
- Developing cooking skills of Bushcraft/ use of natural resources
- gardening / outdoor development / maintenance skills
- arts and crafts

It has been stated that, the allotment will evolve naturally, over time and through the involvement and participation of vulnerable adults. It is envisaged that only up to 8 group members will be on the site at any time, under supervision of experienced staff.

The allotment is currently access via an informal track leading from Hinckley Road. The application proposes that individuals will make their way to the allotments by foot or, cycle or will be dropped off by others, or small groups will be collected by car at a convenient meeting point and taken to the allotments.

Vehicles accessing the site will be between 1 and 2 at any one time. Car parking for two cars would be located at the site entrance.

Site and Surrounding Area

The application site comprises a rectangular parcel of land having an area of 1.09 hectares. It is generally flat and is enclosed by overgrown hedging and wooden fencing. The site is

currently unmaintained and overgrown. The site contains 4 dilapidated sheds all proposed for removal. These were last used in 1986 for commercial purposes.

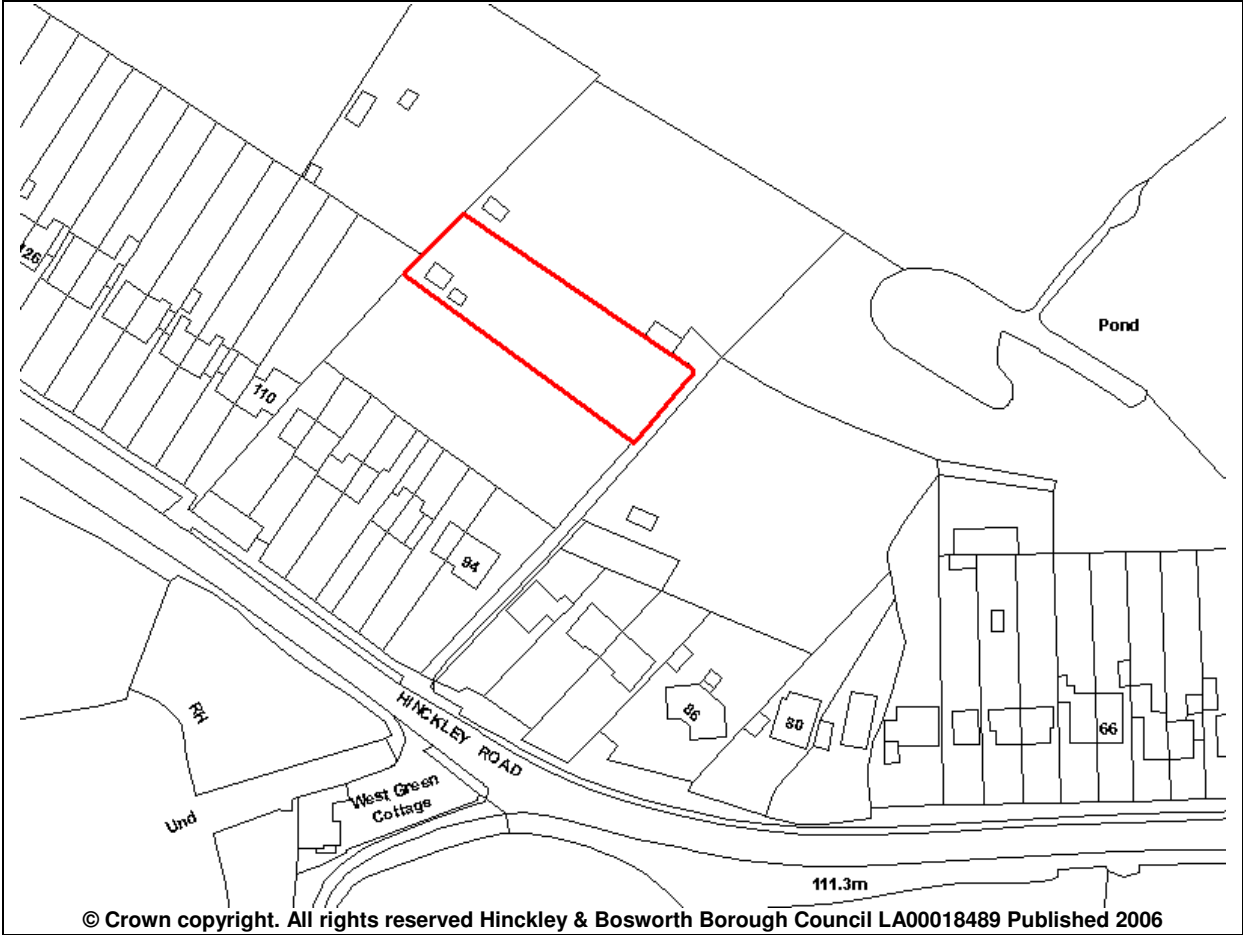
The site is situated to the rear of residential properties fronting Hinckley road, Barwell, beyond an unused plot of rough and uneven grass land. Further north the land is used for horses and some allotments.

Access is via a narrow gated track capable of accommodating a vehicle with a turning area close to the site.

The site itself is located within the countryside at the edge of the settlement of Barwell, but its access is situated within the settlement boundary.

Relevant Planning History:-

None relevant.



Consultations:-

No objections have been received from:-

- Head of Environmental Services (Pollution)
- Head of Environmental Services (Land Drainage)
- Leicestershire County Council (Highways)

In response to the consultation 10 letters of neighbour representation have been received. These raise the following concerns:-

- a) highway issues and insufficient parking
- b) no provision for emergency vehicles
- c) queries raised overprovision of water, sewage and power
- d) subsidence to no.92 and 94 Hinckley Road if soil is removed
- e) use of open fires would be a danger and unacceptable
- f) wells on site could be danger to users
- g) sink holes on site covered up by grass
- h) queries raised in relation to expansion Impacts on wildlife on site
- i) potential injury from motorbikes and other sports using adjacent site Land liable to flooding and clearing it would make flood situation worse
- j) clearance of land would open the sites potential for other uses. Precedent for further buildings
- k) increased noise and pollution
- l) security of nearby properties

Two letters in support of the proposal have been received from Councillor White and Health England (NHS) trust.

Policy:-

National Policy Guidance

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

Hinckley & Bosworth Core Strategy 2009

Policy 3: Development in Barwell

Hinckley & Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy NE5: Development within the Countryside
Policy T5: Highway Design and vehicle Parking Standards

Appraisal:-

The main issues for consideration with regards to this application are:-

- Principle of development
- Design and Impacts on the Countryside
- Impact on Highway Safety
- Impact on Residential Amenity
- Other material considerations

As the site is within an area defined as countryside, Policy NE5 of the Local Plan applies. Whilst this policy is not strictly in accordance with the NPPF and its presumption in favour of sustainable development, due to the prescriptive nature of criterion a - c and its intent to protect the countryside for its own sake, it is supportive of certain types of development and as such some weight can be attributed to it in the determination of this application. These include development that would be important to the local economy, development for the

change of use, reuse or extension of existing buildings or development for sport or recreation purposes.

Paragraph 17 of the NPPF, which outlines the Core planning principles states planning should encourage the development of previously developed land and should support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. Paragraph 69 of the NPPF seeks to promote healthy communities through facilitating social interaction and creating healthy, inclusive communities. Furthermore, in rural areas paragraph 28 of the NPPF seeks to promote a strong rural economy through:- supporting sustainable leisure developments that benefit business in rural areas, communities and visitors and promote the development of local services and community facilities.

In this case the land in question is considered to comprise previously developed land, due to its historic use as allotments and for commercial purposes. Recently, the site has not been used and has become overgrown. The proposed use would bring back into viable use this parcel of previously developed land, as supported by the NPPF. In addition the use of the site for charitable purposes for the teaching of bush craft and associated skills would constitute a recreational use as defined within Policy NE5 and paragraph 28 of the NPPF. Furthermore, as the use seeks to educate groups of local vulnerable adults, it would improve health, social and cultural wellbeing and would deliver community facilities to meet a local need. This would be in accordance with paragraph 69 of the NPPF and the core planning principles outlined within the NPPF.

As such the use of the site for charitable educational purposes is considered acceptable in principle.

In conjunction with the use, as mentioned, three buildings have been proposed. Whilst the provision of new buildings within the countryside is strictly controlled, as justification has been provided to illustrate that they would be used in connection with and would be necessary to facilitate the use applied for, in principle, subject to their specific design and siting, they are considered acceptable.

Design and Impact on the Countryside

Criteria I - iii of Policy NE5 seeks to ensure that developments within the countryside do not have an adverse impact on the appearance or character of the landscape, are in keeping with the scale and character of existing buildings and the general surrounds and that where necessary the development is screened by landscaping. Policy BE1 requires a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Paragraph 56 of the NPPF identifies good design as a key aspect of sustainable development, stating that it should contribute positively to making places better for people.

The overall appearance of the site would be improved through its redevelopment. The site would be cleared and the existing dilapidated structures would be removed. The proposed shed would be sited in the western corner of the site on the footprint of one of the existing sheds and the portable toilet would be sited adjacent to this. By virtue of the design, siting and scale of these structures they would not appear prominent within the landscape and thus would not have a detrimental impact upon its character. The secure metal storage shed would be sited within the north eastern corner of the site, adjacent to the site entrance and proposed parking spaces. Although this will be more prominent when entering the site, again, by virtue of its scale and design, it is not considered to result in any harmful impact on the character of the area. Such structures are common place on allotments and thus, would not appear as incongruous features within the landscape.

In terms of design and impact on the character of the countryside, the structures would be in accordance with Policy BE1 (criterion a) and policy NE5.

Impact on Residential Amenity

Policy BE1 (criterion i) requires that development does not adversely affect the amenities of neighbouring properties.

Concerns have been raised by nearby residents in relation to noise and disturbance and security issues as a result of the proposed use. The closest dwellings to the site are those situated on Hinckley Road (numbers 94 - 108). The application site is separated from the rear gardens of these dwellings by a parcel of paddock land. As such the separation distance between the site and the boundaries of these dwellings would be roughly 40 metres. In addition a small section of the boundary of number 110 Hinckley Road would bound the site; but the property would be in excess of 50 metres from the boundary.

The site could lawfully be used as allotments and potentially for commercial activities, which would both result in an element of noise and disturbance. The use of the site as proposed is not considered to result in any material increase in noise and disturbance and the activities proposed could be undertaken on the land without the requirement for planning permission. The site is secured by a fence and the personal management of the activities and persons on site is considered a private matter for the company/charity concerned.

By virtue of the separation distance between the site and surrounding dwellings and the type and level of activities proposed to be undertaken on site there are considered to be no arising harmful impacts on the residential amenity of nearby dwellings. The development would therefore be in accordance with Policy BE1 (criterion i).

Highway Safety

Policy BE1 (criterion g) seeks to ensure that there is adequate highway visibility for road users and adequate provision of parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Objections to the scheme have been received on the grounds of inadequate parking provision, inadequate provision for emergency vehicles and highway safety.

The site would be accessed via the existing track leading from Hinckley Road which serves the allotments. Upon entrance to the site two parking spaces are proposed. These spaces would provide provision for staff parking. The applicant has provided evidence stating that service users would be brought to the site in groups or would walk/cycle. As such no further parking provision is considered necessary and vehicle trips to and from the site would be similar to those associated with the sites historic use. Based upon this no objection has been received from Leicestershire County Council (Highways). Furthermore, there is no formal requirement in this case to provide provision for emergency vehicles to enter the site.

Therefore the proposal is considered to comply with policy BE1 criterion g and Policy T5 of the Local Plan.

Other Matters

Concerns have been raised by surrounding residents in respect of drainage and flood risk. There are no activities proposed that would further impede drainage of the site or would

increase flood risk and no objections have been received from Environmental Health (Drainage).

Queries have also been raised by residents in respect of the provision of water, sewage and power. These issues are private issues for the applicant and would not influence the determination of this application.

Neighbours have also raised concern that the use of the site may cause subsidence to nearby dwellings. In respect the activities proposed on site are no different to that that could be undertaken under its current use as allotments. As such this proposal will not result in any further impacts over and above those that could already occur. Furthermore there is no large scale earth movement proposed by this scheme that could result in subsidence.

Safety concerns have been raised in respect of the end users of the site. The safety of the users of the site is the responsibility of the company/charity to whom they are responsible. This is a private matter and do not constitute a material planning consideration.

There are no plans to expand the site at this stage and the development will not set a precedent for further similar developments. Each individual planning application is determined upon its individual merits.

Concern has been raised that the use would be harmful to local wildlife. As the site will be cultivated as an allotment, there would be no adverse impacts caused in this respect.

Conclusion

The use of the site for charitable educational purposes is considered acceptable in principle. The development would bring back into viable use a parcel of brownfield land and would provide a recreational activity that would be beneficial to the local community. The structures proposed are of an acceptable scale and design and would not have any adverse impacts on the character of the surrounding countryside and the use would not result in any materially harmful impacts in terms of residential amenity or highway safety. The proposal would therefore be compliant with Local Plan Policies NE5, BE1 and T5 and paragraphs 17, 28 and 69 of the NPPF.

Accordingly the application is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION:- Grant subject to conditions

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 hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Location Plan @ 1:1250 scale; Block Plan @ 1:500 scale; Existing Site Plan @ 1:200 scale; Proposed Site Plan @ 1:200 scale; proposed elevations; Proposed General Arrangement received by the Local Planning Authority on 6 July 2015.

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 in the interests of proper planning.

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:- Sally Price Ext 5716

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Reference: 15/00430/FUL

Applicant: Groby Ex-Servicemens Club

Location: 16 - 18 Leicester Road Groby

Proposal: Demolition of existing building at first floor and first floor flat roof extension

RECOMMENDATION:- Grant subject to conditions

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has attracted interest from the occupiers of five or more addresses (including the Parish Council), the views of which are contrary to the officer recommendation.

Application Proposal

This application seeks full planning permission for extensions and alterations to Groby Ex-Servicemen's Club. The scheme includes the demolition of the first floor brick and tile structure with a pitched roof that forms the central element of the club and the construction of a first floor flat roofed extension to provide a function room with bar and toilet facilities, a snooker room and the formation of a disabled lift.

The proposed extension would result in remodelling of the club, being constructed from materials to complement the front façade including the use of Marley Eternit Cedral cladding (grey) and render, grey aluminium windows to match the existing ground floor windows and a sedum roof.

Amended plans have been submitted to address officer concerns in relation to the extent, height and design of the first floor extension and its potential impact on the setting of the adjacent listed building and the amenities of neighbouring properties and the potential for noise and disturbance from the proposed function room. Re-consultation has been undertaken.

The Site and Surrounding Area

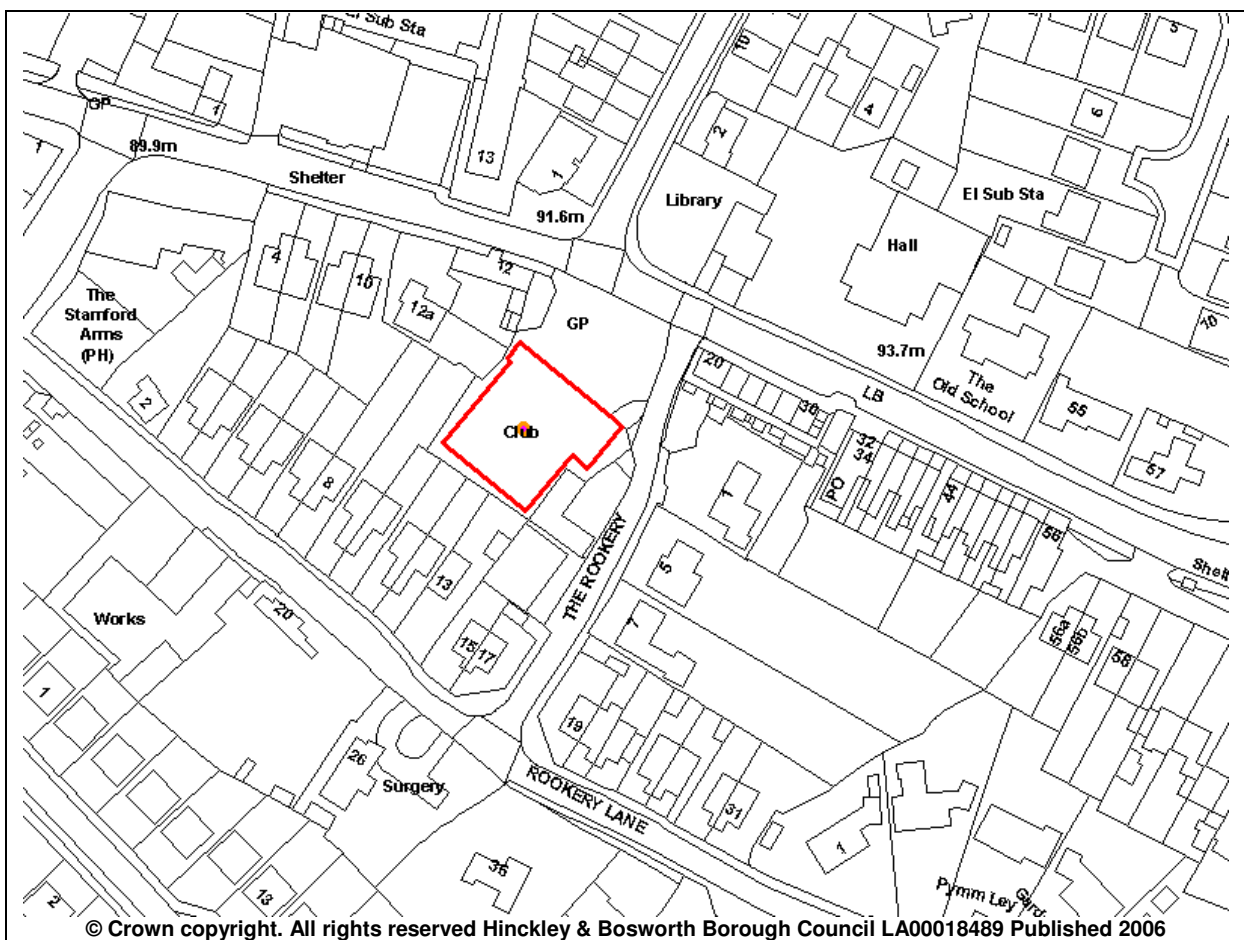
The site is located close to the centre of Groby on the corner of Leicester Road and The Rookery and within the Groby Conservation Area. The site slopes up from Leicester Road such that the club is elevated in relation to the highway. The club building comprises of a two storey pitched slate roof element and more modern flat roof elements of two storey and single storey design. The building and associated flat are constructed from a mix of local stone, red brick, brown brick and white uPVC panelled walls with both grey aluminium and white uPVC framed windows. The site is bounded by walls constructed of local stone of between approximately 1 metre and 2 metres in height. There is a car park to the frontage of the club with separate in and out accesses to Leicester Road. The locality consists of a mix of residential, commercial and community uses. The adjacent stone cottage to the north of the club, 12 Leicester Road, is a Grade II Listed Building.

Technical Documents submitted with Application

A Design and Access Statement, additional supporting information in respect of the historical context of the club and setting of the adjacent listed building and a Biodiversity Statement have been submitted to support the application.

Relevant Planning History:-

15/00436/FUL	Formation of access ramp	Granted	13.07.15
12/00438/FUL	Alterations to Premises	Granted	07.08.12
12/00040/FUL	Extensions and Alterations to Club	Granted	09.05.12
11/00473/FUL	Extensions and Alterations to Club	Withdrawn	03.08.11
10/00961/FUL	Erection of War Memorial	Granted	03.02.11
06/00947/FUL	New Disabled Access	Granted	05.10.06
03/01322/FUL	Alterations to Front Elevation	Granted	19.12.03



Consultations:-

No objection has been received from Environmental Health (Pollution) following the submission of amended plans to remove the proposed balcony and bi-fold/opening doors to the front elevation.

Groby Parish Council objects on the grounds that the proposal would not be in keeping with the village street scene. Neighbours should be informed.

No objection has been received from Groby Village Society.

Site notice and press notice displayed and neighbours notified. Responses received from three different addresses raising the following objections and concerns:-

- a) potential noise and disturbance from the use of the function room on the first floor at the front of the building
- b) loss of privacy from overlooking from the proposed balcony
- c) loss of light to garden
- d) impact on conservation area and listed building
- e) inadequate parking provision to serve new function room
- f) loss of property value.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) 2012
National Planning Practice Guidance (NPPG) 2014
Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990

Hinckley & Bosworth Core Strategy 2009

Policy 8: Key Rural Centres relating to Leicester
Policy 24: Sustainable Design and Technology

Hinckley & Bosworth Local Plan 2001

The site is located within the settlement boundary of Groby and within the Groby Conservation Area as defined in the adopted Hinckley & Bosworth Local Plan.

Policy BE1: Design and Siting of Development
Policy BE5: The Setting of a Listed Building
Policy BE7: Development in Conservation Areas
Policy BE8: Demolition in Conservation Areas
Policy T5: Highway Design and Vehicle Parking Standards

Other Material Policy Guidance

Groby Conservation Area Appraisal and Map

Appraisal:-

The main considerations with regards to this application are:-

- principle of development
- loss of historic fabric
- design and appearance
- impact on the character and appearance of the Groby Conservation Area
- impact on the setting of the adjacent listed building
- impact on the amenities of neighbouring properties
- impact on highway safety
- other material considerations

Principle of Development

The NPPF provides a presumption in favour of sustainable development. Paragraph 28 seeks to promote the retention and development of local services and community facilities in villages including meeting places, cultural buildings and public houses. Paragraph 17 supports the provision of sufficient community facilities and services to meet local needs. Paragraph 70 seeks to ensure that established facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.

The site is an established facility used by the community for social events in a sustainable location close to other services and facilities in the centre of Groby. The proposal would contribute to the social role of sustainable development through the provision of enhanced facilities at the club for use by the community, to the economic role of sustainable development by enhancing the future viability of the club and subject to considerations of design and appearance and potential noise pollution would not have any adverse impacts on the environment. The proposal to extend this existing facility is a sustainable development and therefore acceptable in principle subject to all other planning matters being satisfactorily addressed.

Design and Appearance and Impact on the Character and Appearance of the Groby Conservation Area and the Setting of the Listed Building

Groby Parish Council objects to the scheme on the grounds that the proposal would not be in keeping with the village street scene. A separate objection has also been received on the grounds that the scheme would have an adverse impact on the conservation area and listed building.

Policy 8: Key Rural Centres relating to Leicester requires new development to respect the character and appearance of the Groby Conservation Area by incorporating locally distinctive features.

Policies BE5 and BE7 require the setting of listed buildings and the special character and appearance of conservation areas to be preserved or enhanced by the control of the design of new development, including alterations and extensions, building materials, finishes and techniques. Policy BE8 requires that demolition of buildings in conservation areas is not detrimental to the character or appearance of the area and that, where demolition is considered to be acceptable, there are proposals for replacement that would preserve or enhance the character or appearance of the area. Policy BE1 (criterion a) requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features.

The proposal is located within the Groby Conservation Area where Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires that special attention is given to the desirability of preserving or enhancing the character or appearance of that area. The NPPF in paragraphs 9 seeks positive improvements in the quality of the built and historic environment including replacing poor design with better design and improving conditions in which people take leisure. Paragraph 17 seeks to conserve heritage assets in a manner appropriate to their significance.

The scheme proposes the demolition of the first floor/roof of the two storey brick and tile core section of the building. The building is identified in the Groby Conservation Area Appraisal as an unlisted building of local historic or architectural importance, however the appraisal offers no justification as to why it is so identified. In addition, from the site visit it can be seen that roof thrust has pushed the front elevation wall out of verticality and the supporting documentation raises questions as to the integrity of the structure with approximately 80

percent of the ground floor of the building having been removed during previous alterations. The dual pitched slate roof is the most significant part of the building being constructed of traditional materials but its loss (being a building of low historic or architectural significance) would not have a significant detrimental impact on the character of the Groby Conservation Area. It is also acknowledged that the concerns raised regarding the structural integrity of the building could provide justification for its removal. Therefore the scheme is considered to be in accordance with Policy BE8 of the adopted Local Plan and no objection to the loss of the structure is raised.

The club currently comprises a two storey brick and tile core with surrounding single storey flat roof extensions and a flat roof first floor apartment. As a result it has a composite, un-unified appearance that is in contrast to the traditional buildings that make up the historic core of Groby and a majority of the Groby Conservation Area.

The demolition of the existing brick and tile pitched roof core and its replacement with a much larger, though lower in overall height, first floor extension with a flat roof would alter the overall character and appearance of the building. However, the amended scheme by virtue of its design and appearance would reflect the more contemporary character of the single storey flat roof section of the building and whilst not strictly in accordance with Policy BE7 (criterion d) of the adopted Local Plan, the use of sympathetic, though non-traditional, materials would result in a comprehensive re-modelling of the building and a coherent and unified appearance that the site currently lacks. Notwithstanding the objections received, by virtue of the scale and design and subject to the control of external materials to ensure a satisfactory appearance, the amended scheme would not result in any significant harm to the character or appearance of the site or street scene and would preserve the character and appearance of the Groby Conservation Area in accordance with Policies BE7 (criteria a and b) and BE1 (criterion a) of the adopted Local Plan.

The adjacent Grade II listed building, 12 Leicester Road, is a 1½ storey cottage constructed of local stone and slate roof located to the north of the club and fronting onto Leicester Road. It has a single storey range of outbuildings constructed in matching materials that extends further towards the club and forms the east boundary of its curtilage. The first floor section of the club is currently set back from the main rear elevation of No. 12 by approximately 18.5 metres and notwithstanding that the proposed scheme would extend the first floor of the club towards the listed building by 7.5 metres, by virtue of the scale and design of the amended scheme the proposal would retain an acceptable separation distance of 11 metres to the main rear elevation of the listed building. By virtue of the separation distance and the set back of the club from the listed building and the Leicester Road frontage, it is considered that the proposal would not be over dominant or overbearing on the listed building and would therefore preserve its setting in accordance with Policy BE5 of the adopted Local Plan.

Amenity of Neighbouring Properties

Policy BE1 (criterion i) requires that development does not adversely affect the amenities of neighbouring properties.

Objections have been received as a result of the consultation process that the scheme would have an adverse impact on residential amenity as a result of potential noise and disturbance from the use of the function room and balcony on the first floor at the front of the building, loss of privacy from overlooking from the proposed balcony and loss of light to gardens.

Environmental Health (Pollution) initially raised concerns in respect of the proposed balcony and opening bi-fold doors on the front elevation of the scheme at first floor. However, following the receipt of amended plans that have removed these proposals from the scheme and replaced them with fully enclosed fixed windows, Environmental Health (Pollution) have

removed their objection. A condition is recommended to control the glazing specification of the fixed windows to limit noise escape from the function room and afford adequate protection to residential amenity. It is also suggested that a noise limiting device could be installed to provide an additional safeguard, however, this would not be essential to make the development acceptable in planning terms and the club already undertake their own noise monitoring with a manual decibel meter. Subject to the scheme being constructed in accordance with a satisfactory window and glazing specification, the proposal is unlikely to result in any adverse impacts on residential amenity from undue noise or disturbance to surrounding properties.

12 Leicester Road is a detached 1½ storey cottage located approximately 11 metres to the north of the proposed first floor extension with a private rear garden extending to within 1 metre of the club. The amended scheme has relocated the proposed first floor extension 3 metres further from the boundary with No. 12 and removed the proposed balcony and opening bi-fold doors from the front elevation of the scheme. The amended scheme now proposes fixed windows that would be offset from the rear garden of No. 12 and face towards the car park of the club so that there would be no adverse overbearing or overshadowing impacts or loss of privacy from direct overlooking to the rear of No. 12.

12a Leicester Road is a detached, split level two storey and single storey house located to the north west of the club. A conservatory faces the north west side elevation of the club at a separation distance of approximately 16 metres. The amended scheme has relocated the first floor extension 3 metres further from the boundary with No. 12a and reduced its overall height. Notwithstanding that the extension would project 7.5 metres further forward of the existing two storey element of the club, by virtue of the separation distance of approximately 18 metres, the proposal would not result in any adverse overbearing or overshadowing impacts on the rear of No. 12a and there are no windows proposed in the side elevation that would result in loss of privacy from overlooking.

The proposed porthole windows in the rear (south) elevation are to be obscurely glazed and non-opening therefore the scheme would not result in any adverse impacts on the amenities of the occupiers of Rookery Lane from loss of privacy from overlooking. There are no windows in the east side elevation that would result in a loss of privacy from overlooking to the occupiers of 1 The Rookery. By virtue of separation distances, the proposal would not result in any adverse impacts on the amenities of any other neighbouring properties.

The scheme is therefore considered to be in accordance with Policy BE1 (criterion i) of the adopted Local Plan.

Highway Safety

Policy BE1 (criterion g) seeks to ensure that there is adequate highway visibility for road users and adequate provision of parking and manoeuvring facilities. Policy T5 applies highway design and vehicle parking standards. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Objections to the scheme have been received on the grounds of inadequate parking provision to serve the new function room leading to additional on-street car parking around the site.

There is an existing in only/out only access/egress arrangement to the car park of the club which is to be retained. The proposed parking plan submitted would provide a total of 18 parking spaces including one disabled space and would be achieved through the removal of a decking area currently constructed over two existing parking spaces. Given the constrained

nature of the site, there would be no potential to further increase parking provision on site, however, notwithstanding this, as the site is located in the centre of Groby access via alternative means of transport would be available. Therefore it is considered that the cumulative impacts of the development are unlikely to be severe to the extent that the application should be refused on highway safety grounds. There are parking restrictions in streets adjacent to the site. The provision of an enhanced facility for use by the community is considered to outweigh any negative impacts from potential on-street car parking.

Other Matters

The scheme includes the provision of a sedum roof covering that would contribute to the sustainability credentials of the building.

Property values are not a material planning consideration.

Conclusion

The site is located in a sustainable location close to other services and facilities in the centre of Groby. The proposal would enhance the future viability of this long standing club through the provision of improved facilities for use by members of the club and the wider community and extensions and alterations to existing buildings are generally acceptable in principle. The demolition of the brick and tile core of the building is also considered to be acceptable in principle as it would not result in the loss of a structure of any identified significance. By virtue of the design and scale and subject to the use of satisfactory and sympathetic external materials, the proposed amended scheme would result in a re-modelling of the building and a unified appearance that the site currently lacks. The proposal would not therefore result in any significant harm to the character or appearance of the site or street scene and would preserve the character and appearance of the Groby Conservation Area. By virtue of separation distances the amended proposal would preserve the setting of the adjacent Grade II listed building. Subject to the control of glazing specification, by virtue of the design, scale and separation distances the proposal would not result in any adverse impacts on the amenities of any neighbouring properties from noise or disturbance from the use of the development or from overbearing/overshadowing impacts or loss of privacy from overlooking. The amended scheme is considered to be in accordance with Policies BE1 (criteria a, g and i), BE5, BE7 (criteria a, b, c and d), BE8 and T5 of the adopted Local Plan, Policy 8 of the adopted Core Strategy and the overarching principles of the NPPF and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Grant subject to conditions

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 hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows: Site Location Plan Drawing No. A3/05/rev, Existing Ground Floor Plan Drawing No. A2/06/rev, Existing Elevations Drawing No. A2/07/rev and Proposed Ground Floor Plan Drawing No. A2/04/rev received by the local planning authority on 29 April 2015; First Floor Block Plan as Existing Drawing No. A3/08/rev received by the local planning authority

on 12 May 2015; First Floor Block Plan as Proposed Drawing No. A3/09/rev A, Proposed Front and Rear Elevations Drawing No. A2/02/rev A and Proposed Side Elevations Drawing No. A2/01/rev A received by the local planning authority on 1 June 2015; Proposed Parking Plan Drawing No. P1/01/rev received by the local planning authority on 6 July 2015 and Existing and Proposed First Floor Plan Drawing No. A2/03/rev A received by the local planning authority on 8 July 2015.

- 3 Notwithstanding the submitted details, prior to the commencement of development, representative samples of the types and colours of materials to be used on the external elevations of the proposed extensions and alterations shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved materials.
- 4 Before any development commences full details of all new windows style and glazing type and specification shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be implemented in accordance with the approved details and permanently so maintained at all times thereafter.
- 5 Before first use of the permitted first floor extension hereby permitted the porthole windows to be inserted in the rear elevation of the building at first floor shall be non-opening type and fitted with obscure glazing and once so provided shall be maintained as such at all times thereafter.
- 6 Before the first use of the extension hereby permitted, the vehicle parking spaces shall be provided and marked out in accordance with the details on approved Proposed Parking Plan Drawing No. P1/01/rev received by the local planning authority on 6 July 2015. Once provided the vehicle parking spaces shall not be obstructed and shall be so maintained for parking at all times thereafter.

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 in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance and to protect the character and appearance of the Groby Conservation Area to accord with Policies BE1 (criterion a) and BE7 (criterion d) of the adopted Hinckley and Bosworth Local Plan.
- 4&5 To protect the privacy and amenity of neighbouring properties in accordance with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that satisfactory off-street parking facilities are available to serve the development in the interests of highway safety to accord with Policies BE1 (criterion g) and T5 of the adopted 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).
- 5 In relation to Condition 4 the windows shall be non-opening type and be fitted with a high specification glazing that will limit noise escape from the building. Please contact the Environmental Health (Pollution) team to obtain further advice on (01455) 255769.

Contact Officer:- Richard Wright Ext 5894

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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).

	<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>
The Community Infrastructure Levy (CIL) Regulations 2010	Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. The Regulation does not replace Circular 05/2005 but gives it a statutory foothold in planning legislation.

Hinckley and Bosworth Core Strategy 2009	
Policy 1	Development in Hinckley: supports Hinckley's role as a sub-regional centre and sets out the criteria to achieve this. It makes provision for a minimum of 1120 new residential dwellings, seeks to diversify the existing housing stock in the town centre to cater for a range of house types and sizes, seeks to ensure there is a range of employment opportunities within Hinckley and to allocate land for new office development within or adjoining the Hinckley Town Centre Area Action Plan boundary. It supports the expansion of the creative industries job market, the provision of new retail space, the redevelopment of the railway station to deliver a transport interchange, the provision of a new bus station, transport improvements, tourism development and the development of new leisure facilities.
Policy 3	Development in Barwell: supports the regeneration of Barwell. It makes provision for a minimum of 45 new residential dwellings, seeks to diversify the existing housing stock to cater for a range of house types and sizes, allocates land for the development of a mixed use sustainable urban extension to the west of Barwell, seeks to ensure there is a range of employment opportunities within Barwell, supports the regeneration of Barwell local centre including public realm improvements, traffic calming measures and provision of additional retail floorspace. It supports the development of new leisure facilities and sporting hub on land off the A47 in the vicinity of the Hinckley United Football Stadium. It requires transport improvements and supports the development of the tourism industry.
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 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 7	Key Rural Centres: supports key rural centres to ensure they can provide key services to their rural hinterland. It supports housing development in settlement boundaries that provide a mix of housing types and tenures and meets local need; seeks to ensure there is a range of employment opportunities within Key Rural Centres; supports new retail development to meet local need within defined local centre boundaries; resists the loss of local shops and facilities in Key Rural Centres unless it is demonstrated that the business or facilities can no longer operate in a viable manner; requires transport improvements; supports development of the tourism industry and requires development to be of the highest environmental standards.
Policy 8	Key Rural Centres Relating to Leicester: supports local services and seeks to ensure people have access to a range of housing. Desford – allocates land for a minimum of 110 new homes; supports additional employment provision to meet local needs; address existing deficiencies in green space and play provision;

	<p>deliver improvements in the quality of Sport in Desford; deliver safe cycle routes; implement strategic green infrastructure; support traffic management measures and additional car parking; safeguard land for the development of a new passenger railway station and associated car parking on the site of the former station yard; and require development to respect the character and appearance of Desford Conservation Area.</p> <p>Groby - allocates land for a minimum of 110 new homes; supports additional employment provision to meet local needs; support the improvement of the GP facilities in Groby; address existing deficiencies in green space and play provision; deliver improvements to Groby Village Hall, Groby Community College, Groby County Council all weather pitches and Marine Drive; deliver safe cycle routes; implement strategic green infrastructure; support proposals that contribute to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park; support measures to reduce the noise and air pollution; work with existing businesses to seek a reduction in on-street employee parking; and require development to respect the character and appearance of Groby Conservation Area.</p> <p>Ratby - allocates land for a minimum of 75 new homes; supports additional employment provision to meet local needs; support the improvement of the GP facilities in Ratby; address existing deficiencies in green space and play provision; deliver improvements to quality of Ferndale Park Outdoor Facilities; deliver safe cycle routes; implement strategic green infrastructure; support proposals that contribute to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park; support improvements to the existing community centres (Ratby Village Hall, Ratby Parish Church and Ratby Methodist Church) or development of a new designated community centre; support measures to reduce the noise and air pollution; support measures to direct through traffic away from Ratby Village; and require development to respect the character and appearance of Ratby Conservation Area.</p> <p>Markfield - allocates land for a minimum of 80 new homes; supports additional employment provision to meet local needs; address existing deficiencies in green space and play provision; implement strategic green infrastructure; support proposals that contribute to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park; deliver safe cycle routes; protect open space linkages to the west; support the expansion of the local supermarket; support the attraction of knowledge based services to support the Markfield Institute of Higher Education; support improvement in the quality of Markfield Community and Sports Centre and Mayflower Close and Alter Stones outdoor facilities; support measures to reduce the noise and air pollution; and require development to respect the character and appearance of Markfield Conservation Area.</p>
Policy 10	Key Rural Centres within the National Forest: relates to Bagworth and Thornton. It seeks provision of local services in Bagworth

	including a local shop and possibly a post office and primary car provision; allocates land for a minimum of 60 new homes in Bagworth; support additional employment provision to meet local needs; support proposals that contribute to the delivery of the National Forest Strategy; support the development of an improved community centre for Bagworth; address existing deficiencies in green space and play provision; support improvement in the quality of Bagworth Village hall, Sports pavilion and Sports Ground and Thornton Community Centre; implement strategic green infrastructure; support proposals that contribute to the delivery of the Charnwood Forest Regional Park; deliver safe cycle routes; safeguard land at Bagworth for the development of a new passenger railway station and associated car parking; and seek improvements in car parking provision at Thornton Reservoir.
Policy 16	Housing Density, Mix and Design: seeks to ensure that all new residential developments provide a mix of types and tenures appropriate to the applicable household type projections.
Policy 19	Green Space and Play Provision: seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.
Policy 21	National Forest: supports: the implementation of the National Forest to the north east of the borough; enhancing biodiversity; developing a new woodland economy for timber products and wood fuel energy; outdoor recreational and sports provision; and tourism developments subject to the siting and scale of the development being related to its setting within the Forest; reflecting the character and appearance of the wider countryside and not adversely affecting the existing facilities and working landscape of either the Forest or the wider countryside.
Policy 22	Charnwood Forest: supports proposals that maintain the traditional landscaped of the forest; provide new recreation facilities; provide access to and from the rural areas into and within the regional park by non vehicular means; retain local character and complement the local landscape; enhance open spaces; enhance woodland and habitat provision and connectivity; manage and enhance the cultural heritage of the area.
Policy 24	Sustainable Design and Technology: seeks to ensure all new development meets specified sustainable design and technology standards.

Hinckley and Bosworth Local Plan 2001

INFRASTRUCTURE

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

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
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	<p>and layout of the proposal does not conflict with the relevant plan policies.</p> <p><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></p>
CONSERVATION AND BUILT ENVIRONMENT	
Policy BE1	<p>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 design standards, ensure adequate degree of amenity and privacy and provide sufficient amenity space.</p> <p><i>Criteria a - i of this policy are consistent with the NPPF and as such the policy should be given weight.</i></p>
Policy BE5	<p>The Setting of a Listed Building: seeks to preserve and enhance the setting of listed buildings by appropriate control through the design of new development in the vicinity.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy BE7	<p>Development in Conservation Areas: states that primary planning policy will be the preservation or enhancement of their special character. Planning permission for proposals which would harm their special character or appearance will not be granted.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy BE8	<p>Demolition in Conservation Areas: supports demolition only where the loss of the building will not be detrimental to the character and appearance of the conservation area; and that proposals for its replacement would preserve or enhance the character or appearance of the conservation area.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
THE NATURAL ENVIRONMENT	
Policy NE5	<p>Development in the Countryside: states that the countryside will be protected for its own sake and that planning permission will be granted for built and other forms of development in the countryside provided that the development is either:-</p> <ol style="list-style-type: none"> a) Important to the local economy and cannot be provided within or adjacent to an existing settlement; or b) For the change of use, reuse or extension of existing buildings, particularly those of historic value; or c) For sport or recreation purposes. <p>And only where the following criteria are met:-</p> <ol style="list-style-type: none"> i) It does not have an adverse effect on the appearance or

	<p>character of the landscape.</p> <p>ii) It is in keeping with the scale and character of existing buildings and the general surroundings.</p> <p>iii) Where necessary it is effectively screened by landscaping or other methods.</p> <p>iv) The proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.</p> <p><i>This policy is consistent with the intentions of the NPPF for rural enterprise proposals but has limited consistency in all other respects</i></p>
Policy NE12	<p>Landscaping Schemes: requires proposals for development to make provision for further landscaping where appropriate.</p> <p><i>This policy is partially consistent with the intentions of the NPPF.</i></p>
Policy NE14	<p>Protection of Surface Waters and Groundwater Quality: seeks to ensure that developments do not compromise the quality of the water environment.</p> <p><i>This policy has limited consistency with the intentions of the NPPF as it is too specific</i></p>
TRANSPORTATION	
Policy T5	<p>Highway Design and Vehicle Parking Standards: refers to the application of appropriate standards for highway design and parking provision for new development</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
RECREATION AND TOURISM	
Policy REC3	<p>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.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>

Supplementary Planning Guidance / Documents	
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.
Design of Farm Buildings SPG	Sets out guidance on user requirements, siting, design and landscaping in order to achieve a building that meets the practical needs it is being put up for whilst ensuring it is also sympathetically designed with respect to its surroundings. The guidance covers the development of farm buildings for agricultural purposes only.

Other Material Policy Guidance	
Groby Conservation	The conservation area in Groby was declared in 1976. The

Area Appraisal	appraisal subdivides the areas according to different character. Each area is analysed in terms of its buildings of townscape merit, distinctive details, features of interest, green spaces and vegetation.
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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 07.08.15

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
		15/00145/UNSEH	WR	Michael Cash	Land North West Of Cold Comfort Farm Rogues Lane Hinckley (Unauthorised Traveller Encampment)	Awaiting Start Date	
	CA	14/00175/UNBLDS	WR	Mr Thel Miah	23 Station Road Ratby (Without planning permission the change of use from the use within Class A3 of the Use Classes Order 1987 (as amended) (the Order) for the sale of food or drink for the consumption on the premises to a mixed use for the sale of food and drink for consumption on the premises and for the sale of food and drink for consumption off the premises Class A5 of the Use Classes Order 1987 (as amended) (the Order))	Awaiting Start Date	
	JB	14/01121/FUL (PINS 3103270)	WR	Mrs Rebecca Dawe	28 Lutterworth Road Burbage (Erection of a dwelling)	Awaiting Start Date	
15/00013/PP	EO	14/01274/OUT (PINS Ref 3081119)	WR	JH Hallam & Son Ltd	Land Beech Drive Thornton (Residential development of up to 49 dwellings (Outline - access))	Start Date Letter Statement of Case Final Comments	09.07.15 13.08.15 27.08.15
15/00015/PP	RW	15/00074/COU (PINS Ref 3063791)	WR	Mr Kamal Ullah	The Pantry 102 Rugby Road Hinckley (Change of use from ground floor hot food takeaway (Use Clas A5) to Bangladeshi meeting centre (Use Class D1) and alterations to front elevation (revised proposal))	Start Date Letter Final Comments	06.07.15 24.08.15
15/00012/PP	HW	14/00966/FUL (PINS REF 3049417)	WR	Mr Steve Wong	Kingscliffe, 48 Barton Road Market Bosworth (Erection of a dwelling with associated parking)	Start Date Letter Final Comments	30.06.15 18.08.15

15/00018/PP	RWE	14/01258/FUL (PINS Ref: 3129673)	WR	Temporis Wind Limited	Land at Little Markfield Farm, Forest Road, Markfield (Erection of 1 Wind Turbine)	Start Date Letter Statement of Case Final Comments	29.07.15 02.09.15 16.09.15
	HW	15/00385/FUL (PINS Ref: 3129823)	WR	Ms Zena King	95 Main Street, Markfield (Proposed new self contained flat)	Awaiting Start Date	
	RW	14/00944/FUL (PINS REF 3049337)	IH	Mr Stephen Goodman	Craigmore Farm Merrylees Road Newbold Verdon (Erection of one new dwelling and detached garage with associated access)	Awaiting Start Date	
	SA	14/01205/OUT (PINS REF 3033714)	IH	Davidsons Homes	Land To The South West Of Lutterworth Road Burbage (Residential development for up to 80 dwellings, open space and associated works (outline - access only))	Awaiting Start Date	
15/00014/PP	EO	14/00435/OUT (PINS REF 3031324)	PI	Jupiter Strategic Land Ltd	Land At Cunners Close West Of Bosworth Road East Of A447 Ashby Road Osbaston (Erection of up to 450 dwellings, 900m2 of B1 uses, 400m2 of A1 to A4 uses 1300m2 of D1 uses (Outline - Access Only))	Start Date Statement of Case Proof of Evidence Public Inquiry Date	15.07.15 26.08.15 TBA TBC
15/00010/HEDGE	JB	14/00065/UNUSES	WR	Michael John Birchall	34 Peckleton Lane Desford (High hedge)	Start Date Awaiting Decision	22.05.15
15/00017/PP	SA	14/00729/FUL (PINS REF 3031279)	WR	AGR Renewables Ltd	Land North West Of Barlestone Road Bagworth (Installation of 1 No. wind turbine (up to 94 metres in tip height) and associated infrastructure)	Statement of Case Final Comments	29.07.15 02.09.15 16.09.15
15/00011/PP	JB	14/00778/FUL (PINS REF 3030390)	WR	Mr P Brockhouse	Land North Of Watling Street Nuneaton (Erection of a dwelling and attached garage incorporating a photovoltaic roof panel array)	Start Date Site Visit Awaiting Decision	15.06.15 17.08.15

15/00016/NONDET	SA	14/00715/OUT (PINS REF 3025088)	WR	Mr Andrew Milne	Land South Of Bonita Bullfurlong Lane Burbage (Erection of 14 dwellings with vehicular access (outline - access, layout and scale))	Start Date Statement of Case Final Comments	07.07.15 11.08.15 25.08.15
15/00009/PP	RW	14/01074/FUL (PINS REF 3013851)	WR	Mr Nick Jollands	148 Kirkby Road Barwell (Erection of a dwelling (resubmitted scheme))	Start Date Awaiting Decision	12.05.15
15/00008/ENF	CA	12/00121/S (PINS Ref 3005897)	IH	E Taylor Skip Hire & Recycling Ltd	Land adjacent to the west of E Taylor Skip Hire & Recycling Ltd Leicester Road, Hinckley (Without planning permission the creation of hard standing and the use of the same for the unauthorised parking of non-agricultural vehicles)	Start Date Informal Hearing Date	17.04.15 29.09.15
15/00007/ENF	CA	12/00121/S (PINS Ref 3005893)	IH	E Taylor Skip Hire & Recycling Ltd	Land adjacent to the west of E Taylor Skip Hire & Recycling Ltd (Without planning permission the change of use of land from agricultural use to the storage of non-agricultural waste and equipment)	Start Date Informal Hearing Date	17.04.15 29.09.15
15/00005/PP	SA	14/00475/OUT (PINS 3004910)	PI	Mr Terry McGreal	Land Off Dorchester Road, Sherborne Road And Illminster Close Burbage (Residential development (outline - access only))	Start Date Proof of Evidence Public Inquiry (4 days)	19.03.15 03.11.15 1-4.12.15
15/00002/PP	SA	14/00108/OUT (PINS Ref 3003301)	PI	Cawrey Limited	Land South Of Markfield Road Ratby (Residential development (outline - access only))	Start Date Statement Common Ground Proof of Evidence Public Inquiry (4 days)	23.02.15 TBC 25.08.15 22-25.09.15
14/00018/HEDGE	JB	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 Site Visit Awaiting Decision	19.12.14 17.08.15

Decisions Received

15/00001/PP	EO	14/00349/OUT (PINS Ref 3002014)	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))	DISMISSED	18.06.15
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15/00003/PP	CA	14/00771/FUL (PINS Ref 3005171)	WR	Mr Richard Coley	Pear Tree Farm Watling Street Burbage (Extensions and alterations (outline - access only))	DISMISSED	24.06.15
15/00006/PP	RW	14/00706/FUL (PINS Ref 3007626)	WR	The Crown Estate	Beanfields Farm Derby Lane Shackerstone (Relocation of existing field entrance and formation of an agricultural access track)	ALLOWED	17.07.15

Rolling 1 April - 7 August 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	
5	1	3	0	1	1	0	3	0	0	0	0	0	0	0

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn

Appeal Decision

Site visit made on 8 June 2015

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 24 June 2015

Appeal Ref: APP/K2420/W/15/3005171
Pear Tree House, Watling Street, Burbage

- 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 Richard Coley against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 14/00771/FUL, dated 1 October 2014, was refused by notice dated 1 December 2014.
 - The development proposed is erection of replacement Pear Tree House.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The Council has served a notice under Section 330 of the Town and Country Planning Act 1990 in relation to the existing property. However, this is a separate matter that does not form part of the appeal and I therefore only consider the planning merits of the case.

Main Issues

3. The main issues raised by the proposal are:
 - Whether the development would be a replacement dwelling in the countryside;
 - The effect on the character and appearance of the surrounding area; and
 - The effect on highway safety.

Reasons

Replacement dwelling in the countryside

4. The development proposed is for a replacement dwelling in the countryside. Policy RES10 of the Hinckley & Bosworth Local Plan 2001 (LP) requires special justification for the replacement of an existing dwelling within the countryside, to ensure that more substantial properties are not erected and that rural and visual amenity is protected. Although the LP does not define what is meant by an existing 'dwelling', it is necessary for me to consider whether the structure that exists on the site can reasonably be regarded as one.

5. It is undisputed that the building used to be a residential property. However the building has also not been used for around 40 years and I saw at my site visit that it is in a derelict state with no roof or windows and the walls are being held upright by substantial shoring and building ties. The appellant's building survey report (July 2014) concludes that the building is now only a shell, is in a very poor state of repair and is not recoverable as a dwelling house and thus should be demolished and reconstructed. In addition the site is extensively overgrown such that during my site visit it was mainly inaccessible, though the front elevation is clearly visible from the main road.
6. I note that the appellant considers that the structure is still recognisable as a house, that they have always intended to re-use the building as a dwelling and that the building has not been used for any other purpose. However, taking all the above into account, particularly the extensive period of time that the building has been unused and its current derelict state, I am not persuaded on the basis of the evidence before me that in terms of LP Policy RES10, the existing structure is a dwelling and thus can be replaced under the terms of the policy. As the building is not within an urban or rural settlement boundary, I therefore find that the development would constitute a new dwelling in the open countryside. However my conclusion on this matter does not preclude the appellant from applying for a lawful development certificate.
7. The Framework advises in paragraph 55 that new isolated homes within the countryside should be avoided unless there are special circumstances. I have no evidence before me that any of the special circumstances listed in paragraph 55 are relevant to this development. I note that the appellant refers to limiting use of the development to agricultural occupancy, but during the application process it was agreed that the description would be changed to avoid the need for an agricultural appraisal and justification. Without this I cannot determine whether such a proposal would comply with policy and that a condition to that effect would be appropriate.
8. Therefore taking the above into account I conclude that the proposal would be a new isolated dwelling in the countryside contrary to the Framework. As such it would also conflict with LP Policy NE5 which seeks to protect the countryside from development in order to safeguard its appearance, amenity and the contribution it makes to nature conservation; and LP Policy RES5 which seeks only to allow residential development on unallocated sites if it is within an urban or rural settlement boundary and accords with other relevant LP policies including design.
9. The appellant has drawn attention to other developments within the Borough, to support their assertion that the Council has been inconsistent in applying their LP policies in the countryside. I do not have full details of these developments and do not know the circumstances that applied at the time of their consideration by the Council. In addition both developments appear to be different to the appeal before me, as they relate to a renovated former farmhouse and the conversion of a barn to a single dwelling. I have determined this appeal on its own individual merits.

Character and appearance

10. The appeal site is partly screened to the sides and rear by hedgerows, trees and overgrown vegetation and contains the former dwelling and derelict outbuildings to the side and rear. It forms part of an agricultural holding in the

countryside and is surrounded by open fields. Although small amounts of development are scattered along Watling Street, including a couple of residential properties and a recycling centre located further along the main road from the appeal site, the predominant character of the area is rural open countryside.

11. The National Planning Policy Framework (the Framework) places great importance on development being of good design and responding to local character to ensure the integration of new development into the existing environment. I appreciate that the appellant proposes to erect a house to the same design as the former dwelling and that it would be located further back from the main road. However, based on the evidence before me and from what I saw during my visit, I have already concluded that the site now forms part of the open rural countryside. Therefore the introduction of a new residential structure and the use this implies would have an unacceptably harmful effect on the character and appearance of the area.
12. Consequently, taking the above into account, I conclude that the development would not accord with the Framework, as it would result in material harm to the character and appearance of the surrounding area. It would conflict with LP Policy BE1 and the New Residential Development Supplementary Guidance 2000, both of which, amongst other things, seek development of good design that safeguards and enhances the existing environment.

Highway safety

13. Access to the development is proposed to be directly off Watling Street which forms part of the busy A5 trunk road which has a 60 mph speed limit. I note that a plan showing proposed highway improvements has been submitted by the appellant and that they are willing to enter into a Section 278 Agreement. The Highway Agency states that the information provided is insufficient for them to determine whether adequate access, drainage and boundary treatments could be provided without impacting on highway safety. I note that the appellant states that they could use the existing access which directly abuts the highway, without carrying out any highway improvements.
14. Whilst I note the highway concerns, at my site visit I saw that there is the potential for good visibility in either direction and I do not consider the principle of an access here would compromise highway safety, subject to the details of an access being submitted for approval through an appropriate condition. The development would also be beneficial by providing an upgraded access to and from the site. Consequently I conclude that the development would not adversely affect highway safety. However although I find a lack of harm on this issue, it is not sufficient to outweigh the considerations that led to my conclusions on the other main issues.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Y Wright

INSPECTOR

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Appeal Decision

Site visit made on 29 June 2015

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 17 July 2015

Appeal Ref: APP/K2420/W/15/3007626

Land at Beanfield Farm, Derby Lane, Snarestone, Swadlincote DE12 7DE

- 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 The Crown Estate against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 14/00706/FUL, dated 16 July 2014, was refused by notice dated 8 December 2014.
 - The development proposed is the relocation of an existing field entrance and the creation of an agricultural access track.
-

Decision

1. The appeal is allowed and planning permission is granted for the relocation of an existing field entrance and the creation of an agricultural access track at Land at Beanfield Farm, Derby Lane, Snarestone, Swadlincote DE12 7DE in accordance with the terms of the application, Ref 14/00706/FUL, dated 16 July 2014, subject to the conditions set out at the end of my decision.

Main Issue

2. The main issue in this case is whether the proposed development would be consistent with the principles of sustainable development, having regard to the character and appearance of the surrounding rural area.

Reasons

3. Derby Lane is a narrow road connecting the villages of Shackerstone and Snarestone. The road accesses a few houses and farms, is single track for the majority of its length and is set in a landscape of arable fields, bounded mostly by mature hedges. The proposal seeks to construct a new farm access to the lane. Following on from the field entrance a track some 510m long and 3.5m wide, according to the Council's figures, would be constructed. The track would be built with compacted or crushed dark stone. As part of the proposal an existing field access would be removed from the hedgerow to the south of the new proposal.
4. Policy NE5 of the Hinckley & Bosworth Local Plan, February 2001 (the Local Plan), states that planning permission will be granted for development in the countryside provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement, and only where it does not have an adverse effect on the appearance or character of the landscape.

The National Planning Policy Framework (the Framework) states, in paragraphs 28 and 17 respectively, that plans should promote the development of agricultural business and should recognise the intrinsic character and beauty of the countryside, and support thriving rural communities within it.

5. The access would be set to the south of an existing concreted access to Beanfield Farm, and is stated to be necessary as the Farm has been sold off separately to some of the surrounding land. The Council are of the view that a field access would be satisfactory for the level of access that is required and note that farm vehicles are capable of driving on multiple terrains. However, I note the types of vehicle and machinery which are required to use the access, including combine harvesters and other heavy machinery, and that access to the land is required all year round. Whilst the access in the winter months appears to be needed less, reasonably intensive use in September and October is shown to be required for muck carting, harvesting and wheat drilling. In my judgement therefore the need for a hard surfaced track to the fields has been justified and shown to be required for the continued use and development of the agricultural business and the economic benefit this would provide.
6. On my site visit I noted the mature hedgerows set along Derby Lane such that the site for the majority of the proposed access track would be well hidden from views from this carriageway. My visit took place at a time of the year where growth in the hedgerow and of crops was at a high level and I note that during the winter months views of the proposed access track may be more noticeable. However, views from the south of the track would be viewed against the backdrop of trees and buildings at Beanfield Farm. Furthermore, the proposed materials for the track would help the access assimilate into the landscape and be far less noticeable than a more traditional concrete access would be. I do not consider therefore that the track would be prominent, incongruous or urbanising in the rural landscape; where views are possible of the access it would be regarded as a low key, functional part of a normal working agricultural business. Any environmental effect of the track would therefore be minimal.
7. The Council also raise concerns that the proposal would result in the permanent loss of farmland. Whilst I note that the area for the track would be 'lost' for arable use, the use of the land would still be agricultural. Furthermore I note in this respect that the continued and reasonably intensive use of a grass track by heavy machinery would also result in the loss of that land for crop growing, and could result in damage to the soil structure through compaction and rutting. Concern is also raised that if similar applications were approved on all farmland that this could result in a significant urbanising impact. However, each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

Conditions and Conclusion

8. I have imposed the standard conditions relating to implementation and compliance with plans, in the interests of the proper planning of the area and for the avoidance of doubt. I have also imposed a condition requiring samples of the proposed surfacing material to be agreed by the Council prior to development commencing. This is necessary in order to ensure that the access track assimilates into the landscape and has no adverse effect on the character

and appearance of the area. Finally, I agree with the Council's suggested condition regarding the removal of the existing vehicular field access, and have thus imposed this. This is necessary in the interests of the character and appearance of the area and to avoid the proliferation of accesses.

9. The proposed track coincides with a public footpath for a part of its route. The County Council Access Officer has recommended a condition requiring surfacing details. However, the proposed track construction as shown on the submitted plans would remain suitable for use as a public footpath for the distance that the two uses coincide and I do not consider that a further condition is necessary.
10. The proposal would enable proper access to promote the development of agricultural business and support the rural community, whilst protecting the intrinsic character and beauty of the countryside. I therefore conclude that the proposed development would be consistent with the principles of sustainable development, having regard to the character and appearance of the surrounding rural area. The proposal would comply with Policy NE5 of the Local Plan, and with the Framework, as well as with Policy BE1(a) of the Local Plan, which states that development should complement the character of the surrounding area with regards to scale, layout and materials.
11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jon Hockley

INSPECTOR

SCHEDULE OF 4 CONDITIONS

- 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: Site Location Plan dated 03/02/14; Plan of Proposed Track (Area of Development) dated 04/08/14; Proposed Access Plan dated 12/08/14; Creation of New Agricultural Access at Beanfield Farm Drawing No JN1639-NWK-001 Rev C; Cross Section Through Proposed Farm Access Track No BEANFIELD PL-01.
- 3) No development shall take place until samples of the materials to be used in the construction of the access track 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) Within one month of the new access hereby permitted being brought into use, the existing vehicular access shall be permanently closed and the redundant vehicular crossing reinstated to highway verge.

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Delegated Applications determined between 15/06/2015 and 07/08/2015

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Ambien					
	14/01264/COU	PLANNING PERMISSION	14/07/2015	Mr R Jones	Lindley Lodge Farm Nuneaton Lane Higham On The Hill Nuneaton Leicestershire CV13 6AB
				Part change of use of agricultural building to A1	
	15/00333/FUL	PLANNING PERMISSION	21/07/2015	Mr Malcolm Watson	Land Rear Of Little Meadow Farm Basin Bridge Lane Higham On The Hill Leicestershire
				Erection of a timber stable block	
	15/00475/HOU	PLANNING PERMISSION	19/06/2015	Mr N Weston	Sibson Manor Sheepy Road Sibson Nuneaton Leicestershire CV13 6LE
				Erection of an orangery and lean to infill extension	
	15/00480/FUL	PLANNING PERMISSION	23/06/2015	Mr Paul Brown	The Fox Inn 81 Main Street Higham On The Hill Nuneaton Leicestershire CV13 6AH
				Erection of a dwelling (revised scheme)	
	15/00511/TPO	PERMIT TREE PRESERVATION ORDER WORKS	17/06/2015	Mr Tracey Davenport	1 Church Close Stoke Golding Nuneaton Leicestershire CV13 6HA
				Works to trees	
	15/00531/HOU	PLANNING PERMISSION	03/08/2015	Mr Mark Bentley	15 High Street Stoke Golding Nuneaton Leicestershire CV13 6HE
				Two storey rear extension	
	15/00541/CRGDO	PRIOR APPROVAL REFUSED	15/07/2015	Mr And Mrs Clarke	Sparkenhoe Farm Main Road Upton Nuneaton Leicestershire CV13 6JX
				Notification of proposed barn conversion to form cheese shop and office at ground floor	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
	15/00547/LBC	LISTED BUILDING CONSENT	10/07/2015	Sutton Cheney Farms Partnership	The Hall Main Street Sutton Cheney Nuneaton Leicestershire CV13 0AG
				Replacement of 5 windows on east and south ground floor elevations and east and north first floor elevations	
	15/00548/GDO	GENERAL DEVELOPMENT ORDER	24/06/2015	Mr C Wykes	Ivy House Farm Tinsel Lane Wellsborough Nuneaton Leicestershire CV13 6LL
				Extension of an agricultural storage building	
	15/00555/CLUE	CERTIFICATE OF LAWFUL EXISTING USE	30/07/2015	Ms Salena Worrall	Elm Barn Stoke Lane Higham On The Hill Nuneaton Leicestershire CV13 6ES
				Certificate of lawful use for the existing use of the barn as a dwelling	
	15/00576/CQGDO	PRIOR APPROVAL REFUSED	15/07/2015	Mr And Mrs Clarke	Sparkenhoe Farm Main Road Upton Nuneaton Leicestershire CV13 6JX
				Notification of proposed barn conversion to living accomadation at first floor	
	15/00579/OUT	REFUSAL OF PLANNING PERMISSION	16/07/2015	Mr T Barton	Northwood Farm Stud Wood Lane Higham On The Hill Nuneaton Leicestershire CV13 6AA
				Erection of a dwelling (outline - access only) (resubmitted scheme)	
	15/00591/HOU	PLANNING PERMISSION	23/07/2015	Mr Tony Hayward	Convent Lodge Convent Drive Stoke Golding Nuneaton Leicestershire CV13 6JF
				Erection of a boundary wall and garage	
	15/00593/FUL	PLANNING PERMISSION	21/07/2015	Mr & Mrs D Clarke	Sparkenhoe Farm Main Road Upton Nuneaton Leicestershire CV13 6JX
				Extension to existing cheese making facility	
	15/00595/HOU	PLANNING PERMISSION	06/08/2015	Mr John Faulks	4 Main Street Dadlington Nuneaton Leicestershire CV13 6HX
				Extension of existing vehicle access and parking area to front of property	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
15/00612/FUL	PLANNING PERMISSION	28/07/2015	Mercer Building Solutions	The White House Bosworth Road Wellsborough Nuneaton Leicestershire CV13 6PB	Two storey extensions and alterations to the existing property including the creation of an ancillary building to create a swimming pool
15/00655/CONDIT	PLANNING PERMISSION	23/07/2015	Mr Manjit Sohanpal	75 Hinckley Road Stoke Golding Nuneaton Leicestershire CV13 6DZ	Removal of condition 3 (matching materials) of planning permission 14/01001/HOU

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Barlestone Nailstone And Osbasto					
15/00049/FUL	PLANNING PERMISSION	25/06/2015	Cadeby Homes Limited	Land North Of Bagworth Road Nailstone Leicestershire	Erection of 7 dwellings with associated access and parking
15/00123/FUL	REFUSAL OF PLANNING PERMISSION	22/07/2015	Mr Alec Statham	Garland Stud Bagworth Road Barlestone Nuneaton Leicestershire CV13 0JA	Conversion of a stable block to a dwelling
15/00196/OUT	PLANNING PERMISSION	24/06/2015	Mr & Mrs Collyer	81 Bagworth Road Nailstone Nuneaton Leicestershire CV13 0QJ	Erection of 8 dwellings and retention of existing dwelling (outline - all matters reserved)
15/00403/HOU	PLANNING PERMISSION	01/07/2015	Mr Mark Pritchard	Paddock Barn Heath Farm Newbold Road Osbaston Nuneaton Leicestershire CV13 0DS	Erection of gates and boundary wall
15/00517/CTPO	RECOMMENDATION ONLY	17/06/2015	Leicestershire County Council	Land South Of Footpath S54 Osbaston Leicestershire	Works to trees
15/00590/CONDIT	PLANNING PERMISSION	22/07/2015	Swainpark Properties	21 Newbold Road Barlestone Nuneaton Leicestershire CV13 0DZ	Variation of condition 9 of planning permission 10/00496/FUL to allow for sealed obscure glazed fenestration rather than brick (retrospective)
15/00635/COU	PLANNING PERMISSION	22/07/2015	Mrs Maya Hiranihorsley	The Nut And Squirrel 32 Main Street Nailstone Nuneaton Leicestershire CV13 0QE	Conversion of building from offices (B1) with residential accommodation to a single dwelling

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Barwell					
	15/00090/FUL	PLANNING PERMISSION	01/07/2015	Mr Steve Samrai	6 - 12 High Street Barwell Leicester Leicestershire LE9 8DQ
				Partial conversion of existing ground and first floor offices to create 4 residential apartments	
	15/00477/HOU	PLANNING PERMISSION	25/06/2015	Mr Carl Morris	51 Bardon Road Barwell Leicester Leicestershire LE9 8FG
				Erection of replacement garage (retrospective)	
	15/00567/FUL	PLANNING PERMISSION	14/07/2015		Land Rear Of 32 And 34 Kingsfield Road Barwell Leicester Leicestershire LE9 8GR
				Erection of two bungalows with associated access and garages	
	15/00614/ADV	ADVERTISEMENT CONSENT	29/07/2015	Bestway Group	50 - 54 High Street Barwell Leicester Leicestershire LE9 8DR
				Erection of 3 internally illuminated fascia signs, 1 non illuminated fascia sign and 1 window vinyl graphic sign	
	15/00617/HOU	PLANNING PERMISSION	16/07/2015	Mr J Bennett	82 The Common Barwell Leicester Leicestershire LE9 8BR
				First floor side extension above existing garage	
	15/00632/HOU	PLANNING PERMISSION	27/07/2015	Mr & Mrs C Purves	1 Holly Lane Barwell Leicester Leicestershire LE9 8BT
				Two storey side extension	
	15/00672/CTPO	RECOMMENDATION ONLY	24/07/2015	Leicestershire County Council	2 Holly Lane Barwell Leicester Leicestershire LE9 8BT
				Works to Trees	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Burbage Sketchley & Stretton					
15/00420/FUL	PLANNING PERMISSION	16/06/2015	Mitchells & Butlers PLC	Harvester Restaurant Watling Street Burbage Hinckley Leicestershire LE10 2JQ	Erection of pergola to form outside dining area, including hardstanding and lighting
15/00429/ADV	ADVERTISEMENT CONSENT	23/06/2015	The Hotel Collection	Hinckley Island Hotel Watling Street Burbage Hinckley Leicestershire LE10 3JA	Replacement of 7 No. internally illuminated fascia signs, 2 No. internally illuminated roadside totems and 2 No. flags on existing flag poles.
15/00454/HOU	PLANNING PERMISSION	22/06/2015	Mr & Mrs D Greenwood	207 Sketchley Road Burbage Hinckley Leicestershire LE10 2DY	Construction of timber cabin to form playroom/garden room
15/00486/HOU	PLANNING PERMISSION	22/06/2015	Mr & Mrs Marriott	17 Sketchley Road Burbage Hinckley Leicestershire LE10 2DU	Single storey rear extension
15/00499/HOU	PLANNING PERMISSION	26/06/2015	Mr Adrian Eil	41 Newstead Avenue Burbage Hinckley Leicestershire LE10 2JA	Two storey and single storey extension to rear and insertion of two first floor windows to side
15/00503/HOU	PLANNING PERMISSION	24/06/2015	Mrs Jennifer Reid	41 Hawthorn Crescent Burbage Hinckley Leicestershire LE10 2JP	Single storey rear and first floor front extension
15/00534/HOU	PLANNING PERMISSION	07/07/2015	Mr Clive Hill	6 Azalea Close Burbage Hinckley Leicestershire LE10 2SQ	Front and side extension
15/00539/CLUP	CERTIFICATE OF LAWFUL PROPOSED USE	06/07/2015	Mrs Alison Southall	15 Spinney Road Burbage Hinckley Leicestershire LE10 2NH	Certificate of lawful proposed development for single storey rear extension to dwelling and first floor dormer

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
	15/00556/HOU	PLANNING PERMISSION	09/07/2015	Mrs R Scholey-Jones	34 Bullfurlong Lane Burbage Hinckley Leicestershire LE10 2HQ
				Erection of two storey extensions to both side elevations and a single storey extension to the rear (revised scheme)	
	15/00580/CONDIT	PLANNING PERMISSION	15/07/2015	Mr Tom Knapp	Ordoona Bullfurlong Lane Burbage Hinckley Leicestershire LE10 2HQ
				Variation of condition 2 of planning permission 14/00332/FUL to accomodate external fenestration alterations	
	15/00600/FUL	PLANNING PERMISSION	16/07/2015	Mr David Sear-Mayes	Land Adjacent Coach House Cottage 1 Workhouse Lane Burbage Hinckley Leicestershire LE10 3AS
				Erection of 2 detached dwellings (revised proposal)	
	15/00625/HOU	PLANNING PERMISSION	10/07/2015	Mr Phil Rymel	140 Sketchley Road Burbage Hinckley Leicestershire LE10 2EA
				Single storey extension to rear of dwelling	
	15/00626/HOU	PLANNING PERMISSION	21/07/2015	Mr S Mc Reynolds	Watling Street Farm House Watling Street Burbage Hinckley Leicestershire LE10 3AR
				Demolition of porch and erection of two storey front extension	
	15/00640/HOU	PLANNING PERMISSION	29/07/2015	Black Cat Developments	30 Britannia Road Burbage Hinckley Leicestershire LE10 2HF
				Erection of first floor extension over garage, creation of garden terrace and external alterations	
	15/00646/GDOD	PRIOR APPROVAL NOT REQUIRED	31/07/2015	Ica Architects	Hinckley Island Hotel Watling Street Burbage Hinckley Leicestershire LE10 3JA
				Proposed demolition of existing out buildings to facilitate landscaped area	
	15/00668/HOU	PLANNING PERMISSION	06/08/2015	Mr S Mc Reynolds	Watling Street Farm House Watling Street Burbage Hinckley Leicestershire LE10 3AR
				Proposed detached garden room to rear	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
15/00699/HHGDO	PRIOR APPROVAL NOT REQUIRED	24/07/2015	Mr & Mrs D Williams	18 Freemans Lane Burbage Hinckley Leicestershire LE10 2HZ	Rear extension measuring 7.87 metres in depth; 3.3 metres in height to the ridge; and 2.5 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>
Burbage St Catherines & Lash Hill					
15/00329/FUL	PLANNING PERMISSION	22/06/2015	Hastings High School	Hastings High School St Catherines Close Burbage Hinckley Leicestershire LE10 2QD	Erection of two single storey teaching blocks with an extension to existing car park and associated landscaping
15/00451/HOU	PLANNING PERMISSION	24/06/2015	Mr Graham Longdon	14 Hillrise Burbage Hinckley Leicestershire LE10 2UA	Rear extension, loft conversion including dormer window to front and formation of new access.
15/00456/REM	PLANNING PERMISSION	17/06/2015	Mrs Katherine Aucott	9 Hillrise Burbage Hinckley Leicestershire LE10 2UA	Approval of reserved matters (appearance and landscaping) of outline planning permission APP/K2420/A/14/2220379 for the erection of a detached dwelling
15/00482/HOU	PLANNING PERMISSION	22/06/2015	Mr P Lawley	3 Elm Tree Drive Burbage Leicestershire LE10 2TX	Erection of garage and conservatory extension
15/00505/HOU	PLANNING PERMISSION	26/06/2015	Miss E Buchanon	7 Forresters Road Burbage Hinckley Leicestershire LE10 2RU	Single storey rear extension
15/00535/HOU	PLANNING PERMISSION	03/07/2015	Mr & Mrs Ashworth	7 Woodgate Road Burbage Hinckley Leicestershire LE10 2UF	Two/single storey front and first floor rear extensions
15/00552/FUL	PLANNING PERMISSION	27/07/2015	Mr S Bennett	Manor House Church Street Burbage Hinckley Leicestershire LE10 2DB	Alteration to existing boundary wall to form new vehicular access
15/00553/LBC	LISTED BUILDING CONSENT	27/07/2015	Mr S Bennett	The Manor House Church Street Burbage Hinckley Leicestershire LE10 2DB	Alteration to existing boundary wall to form a new vehicular access

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
	15/00572/FUL	PLANNING PERMISSION	28/07/2015	Mr Kevin Thorp	149 Church Street Burbage Hinckley Leicestershire LE10 2DB
				`Loft conversion with single storey rear extension and replacement of existing flat roof to single storey outbuilding	
	15/00654/HOU	PLANNING PERMISSION	27/07/2015	Mr A Lewis	Ledburn House Hinckley Road Burbage Hinckley Leicestershire LE10 2AG
				Erection of single garage (retrospective)	
	15/00659/HOU	PLANNING PERMISSION	06/08/2015	Miss Victoria Baxter	17 Cowper Road Burbage Hinckley Leicestershire LE10 2LW
				Single storey extension to rear	

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Cadeby Carlton M Bosworth & Sha					
	15/00207/FUL	REFUSAL OF PLANNING PERMISSION	03/07/2015	Company 500	Land South Of Poplar Terrace Congerstone Leicestershire
				Erection of 10 dwellings with public open space provision, landscaping and associated infrastructure	
	15/00532/FUL	PLANNING PERMISSION	03/07/2015	Mr John Bayley	Castle Farm Gopsall Road Bilstone Nuneaton Leicestershire CV13 6NQ
				Agricultural livestock building	
	15/00543/COU	PLANNING PERMISSION	17/07/2015	Mr M Puttman	3 Main Street Market Bosworth Nuneaton Leicestershire CV13 0JN
				Partial Change of use of Grade II listed house and detached garage from residential (Use Class C3) to retail (Use Class A1) and financial/professional services (Use Class A2) (revised scheme 11/00734/FUL)	
	15/00544/LBC	LISTED BUILDING CONSENT	17/07/2015	Mr M Puttman	3 Main Street Market Bosworth Nuneaton Leicestershire CV13 0JN
				Internal & External Alterations to Listed Building and part change of use from residential (Use Class C3) to retail (Use Class A1 and financial and professional services (Use Class A2)	
	15/00550/FUL	PLANNING PERMISSION	07/07/2015	Miss L Waldron	Barton Hill Fields Farm Main Street Barton In The Beans Nuneaton Leicestershire CV13 0DJ
				Erection of six stables and tack room	
	15/00568/GDO	GENERAL DEVELOPMENT ORDER	25/06/2015	Mr P Sheppard	Orchard Farm Hinckley Road Cadeby Nuneaton Leicestershire CV13 0BD
				Erection of an agricultural building	
	15/00583/HOU	PLANNING PERMISSION	24/07/2015	Mr Richard Lawrence	Four Winds Coton Bridge Lane Far Coton Market Bosworth Nuneaton Leicestershire CV13 0PJ
				Raising of the ridge height of the existing bungalow to incorporate a loft conversion and erection of a side extension. Erection of raised attic roof and garage extension to dwelling	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
15/00664/GDOD	GENERAL DEVELOPMENT ORDER	14/07/2015	The Crown Estate	Bilstone Hill Farm Twycross Road Bilstone Nuneaton Leicestershire CV13 6ND	Prior notification of demolition of timber framed barn with corrugated tin roof
15/00681/TPOCA	PERMIT CONSERVATION AREA TPO WORKS	24/07/2015	Mr Clewlon	5 Home Farm Mews Barton Road Market Bosworth Nuneaton Leicestershire CV13 0LQ	Fell 1 x Lawson Cypress tree

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Earl Shilton					
	15/00159/HOU	PLANNING PERMISSION	30/06/2015	Mrs Susan Knights	27 James Street Earl Shilton Leicester Leicestershire LE9 7FJ
				Replacement of existing driveway with non-porous material.	
	15/00474/FUL	PLANNING PERMISSION	16/07/2015	Mr David Hames	142 High Street Earl Shilton Leicester Leicestershire LE9 7LQ
				Erection of a garage	
	15/00493/GDO	PRIOR APPROVAL REQUIRED	22/06/2015	Mr Phil Garner	Dagleys Farm Potters Marston Lane Earl Shilton Leicestershire LE9 7TR
				Relocation of existing steel frame barn	
	15/00518/HOU	PLANNING PERMISSION	03/07/2015	Mrs Jacqueline Buckle	Westward Ho Keats Lane Earl Shilton Leicester Leicestershire LE9 7DQ
				Two storey side extension	
	15/00537/HOU	PLANNING PERMISSION	23/07/2015	Miss Zoe Langton	22 Sandringham Avenue Earl Shilton Leicester Leicestershire LE9 7HY
				Two storey side extension, single storey rear extension and erection of a front porch	
	15/00545/HOU	PLANNING PERMISSION	25/06/2015	Mr & Mrs S York	29 Breach Lane Earl Shilton Leicester Leicestershire LE9 7FB
				Single storey rear extension	
	15/00587/HOU	PLANNING PERMISSION	15/07/2015	Mr Stephen Heppingstall	24 Almond Way Earl Shilton Leicester Leicestershire LE9 7HZ
				Installation of steplift, ramp and access works	
	15/00599/HOU	PLANNING PERMISSION	15/07/2015	Mr & Mrs Barnes	9 Birch Close Earl Shilton Leicester Leicestershire LE9 7HD
				Single storey rear extension	
	15/00608/FUL	PLANNING PERMISSION	31/07/2015	Mr Lee Smith	Kirkby Vale 2 Nock Verges Earl Shilton Leicester Leicestershire LE9 7DY
				Erection of stable block	

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15/00636/FUL	PLANNING PERMISSION	21/07/2015	The Royal Bank Of Scotland	Natwest The Hollow Earl Shilton Leicester Leicestershire LE9 7NT	Relocation of ATM, installation of steel security door and external alterations
15/00637/ADV	ADVERTISEMENT CONSENT	21/07/2015	The Royal Bank Of Scotland	Natwest The Hollow Earl Shilton Leicester Leicestershire LE9 7NT	Illuminated ATM surround
15/00642/TPOCA	PERMIT CONSERVATION AREA TPO WORKS	04/08/2015		8 The Grange Earl Shilton Leicester Leicestershire LE9 7GT	Works to trees

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Groby					
	15/00436/FUL	PLANNING PERMISSION	13/07/2015	Mr Edward Pagett	Groby Ex-Servicemens Club 16 - 18 Leicester Road Groby Leicester Leicestershire LE6 0DJ
				Formation of access ramp	
	15/00452/HOU	PLANNING PERMISSION	15/07/2015	Mr Tom Sharp	21 Timberwood Drive Groby Leicester Leicestershire LE6 0YU
				Single storey extension to side and front	
	15/00462/HOU	PLANNING PERMISSION	16/06/2015	Mr Jamie West	37 Stamford Drive Groby Leicester Leicestershire LE6 0YD
				Single storey rear extension and first floor side/front extension above existing garage	
	15/00490/HOU	PLANNING PERMISSION	03/07/2015	Mr And Mrs Ashby	18 Pymm Ley Lane Groby Leicester Leicestershire LE6 0GZ
				First floor extension to front	
	15/00494/HOU	PLANNING PERMISSION	22/06/2015	Mr & Mrs D Daley	1 Carmen Grove Groby Leicester Leicestershire LE6 0BA
				Single storey rear extension including pitched roof over existing garage	
	15/00527/HOU	PLANNING PERMISSION	03/07/2015	Mr M Potter	22 Ash Court Groby Leicester Leicestershire LE6 0EH
				Two storey rear extension	
	15/00589/HOU	PLANNING PERMISSION	15/07/2015	Mr & Mrs C Pantling	7 Castell Drive Groby Leicester Leicestershire LE6 0DE
				First floor side extension to dwelling	
	15/00592/HOU	PLANNING PERMISSION	07/07/2015	Mr Chris Marsden	211 Markfield Road Groby Leicester Leicestershire LE6 0FT
				Single storey rear extension to dwelling	
	15/00602/HOU	PLANNING PERMISSION	07/07/2015	Tina Bell	79 Leicester Road Groby Leicester Leicestershire LE6 0DQ
				Dropped kerb	

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15/00620/HOU	PLANNING PERMISSION	21/07/2015	Mr William Coupland	60 Leicester Road Groby Leicester Leicestershire LE6 0DJ	Single storey extension to side and rear of dwelling

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Hinckley Castle					
	15/00418/COU	PLANNING PERMISSION	25/06/2015	Mr Darren Masters	18A The Borough Hinckley Leicestershire LE10 1NL
				Change of use from drinking establishment (A4) to 2 No. flats (C3)	
	15/00481/COU	PLANNING PERMISSION	22/06/2015	Voyage Care	29 Station Road Hinckley Leicestershire LE10 1AP
				Change of use from offices Use Class B1(a) to day centre Use Class D1	
	15/00491/CONDIT	PLANNING PERMISSION	06/08/2015	Mrs Sally Grewcock	12 Thornfield Way Hinckley Leicestershire LE10 1BE
				Variation of condition 2 of planning permission 14/00607/HOU to remove obscure glazing to western elevation.	
	15/00512/HOU	PLANNING PERMISSION	24/06/2015	Mr D Cotterell	33 Linden Road Hinckley Leicestershire LE10 0AR
				Extensions and alterations to dwelling	
	15/00561/HOU	PLANNING PERMISSION	14/07/2015	Mr Paul Vernon	24 Outlands Drive Hinckley Leicestershire LE10 0TW
				Single storey side and rear extension to dwelling	
	15/00644/ADV	PLANNING PERMISSION	22/07/2015	CRUK	11 Castle Street Hinckley Leicestershire LE10 1DA
				Display of 1 internally illuminated fascia sign and 1 non-illuminated projecting sign	
	15/00669/HOU	PLANNING PERMISSION	23/07/2015	Mr & Mrs R Bainbridge	9 Linden Road Hinckley Leicestershire LE10 0AR
				Proposed two storey side and single storey rear extension	
	15/00674/FUL	APPLICATION RETURNED	05/08/2015	Westmoreland Investments Ltd	3 - 5 Hawley Road Hinckley Leicestershire LE10 0PR
				Proposed increase of internal mezzanine (A1 retail) from 232.3 square metres to 281.2 square metres following grant of planning permission for the erection of class A1 retail development with associated access, servicing, car parking and landscaping (ref: 14/01066/FUL)	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
	15/00712/NOMAT	PERMIT NON MATERIAL AMENDMENTS	06/08/2015	Sainsburys Supermarket	Bus Station Lancaster Road Hinckley Leicestershire
				Non Material Amendment to planning permission 13/00883/REM for revisions to the fenestration detail including the provision of a canopy above the ATM	
	15/00713/NOMAT	PERMIT NON MATERIAL AMENDMENTS	06/08/2015	Sainsburys Supermarket Ltd	Bus Station Lancaster Road Hinckley Leicestershire
				Non Material Amendment to planning permission 10/00743/OUT for the installation of a combined heat and power system	

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Hinckley Clarendon					
	15/00404/HOU	REFUSAL OF PLANNING PERMISSION	10/07/2015	Mr Gareth Oliver	407 Coventry Road Hinckley Leicestershire LE10 0NF
				Erection of two storey side extension to dwelling	
	15/00426/CLUP	CERTIFICATE OF LAWFUL PROPOSED USE	19/06/2015	Mr & Mrs Opie	27 Cromarty Drive Hinckley Leicestershire LE10 0RX
				Certificate of proposed development for a single storey rear extension	
	15/00478/FUL	PLANNING PERMISSION	17/07/2015	Premier Inn Hotels Ltd	Premier Travel Inn Trinity Marina Coventry Road Hinckley Leicester Leicestershire LE10 0NB
				Two storey hotel extension	
	15/00479/COU	PLANNING PERMISSION	03/07/2015	TKT Cheerleading	Unit 8 Teal Business Centre Dodwells Road Hinckley Leicestershire LE10 3BZ
				Change of use from industrial unit to cheerleading studio (Use Class D2)	
	15/00484/FUL	PLANNING PERMISSION	22/06/2015	Triumph Motorcycles Limited	32 Stephenson Road Hinckley Leicestershire LE10 3DJ
				Alterations to provide additional office space with associated external works	
	15/00485/ADV	ADVERTISEMENT CONSENT	22/06/2015	Triumph Motorcycles Limited	32 Stephenson Road Hinckley Leicestershire LE10 3DJ
				Erection of 1No. illuminated and 1No. non-illuminated advertisements	
	15/00524/HHGDO	GDO PRIOR APPROVAL NOT REQUIRED	17/06/2015	Mr Daryl Long	441 Coventry Road Hinckley Leicestershire LE10 0NF
				Rear extension measuring 4 metres in depth; 3 metres in height to the ridge; and 3 metres to the eaves	
	15/00557/ADV	ADVERTISEMENT CONSENT	03/07/2015	Mr Derek Harris	29 Faraday Road Hinckley Leicestershire LE10 3DE
				Display of 3 fascia signs and 1 hoarding sign	

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	15/00558/HOU	PLANNING PERMISSION	07/07/2015	Mr Claire Armson	5 Merry Hurst Place Hinckley Leicestershire LE10 0FG
				Single storey rear extension to dwelling	
	15/00559/FUL	PLANNING PERMISSION	13/07/2015	Mr Jeffrey Penman	Unit D1 And Unit D2 Apex Court Maple Drive Hinckley Leicestershire LE10 3BE
				Erection of 4 car park floodlights (retrospective)	
	15/00578/FUL	PLANNING PERMISSION	16/07/2015	Mr Jeffrey Penman	Car Park Unit D1 And D2 Apex Court Maple Drive Hinckley Leicestershire LE10 3BE
				Erection of brick wall for estate signage	
	15/00629/HOU	PLANNING PERMISSION	21/07/2015	Mr Craig Lakin	10 Brodick Close Hinckley Leicestershire LE10 0TU
				Demolition of existing garage and erection of a two storey side extension	
	15/00631/HOU	PLANNING PERMISSION	21/07/2015	Mr Stewart Roberts	72 Florian Way Hinckley Leicestershire LE10 0WG
				Single storey extension to front of dwelling and extension to garden wall	
	15/00652/TPO	TREE PRESERVATION ORDER	03/08/2015	Mr Lavender	116 Roston Drive Hinckley Leicestershire LE10 0XP
				Remove Ash tree to front	

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Hinckley DeMontfort					
	14/01221/COU	PLANNING PERMISSION	16/06/2015	Mr Miah	The Barley Sheaf 13A Lower Bond Street Hinckley Leicestershire LE10 1QU
				Change of use of (A4) public house to (A3) restaurant with extensions, alterations and installation of a flue (retrospective)	
	15/00395/HOU	PLANNING PERMISSION	19/06/2015	Mr Paul Buckler	10 Glebe Road Hinckley Leicestershire LE10 1HG
				Two storey side extension (revised proposal)	
	15/00419/FUL	PLANNING PERMISSION	18/06/2015	Character Developments	Bosworth House 46 New Buildings Hinckley Leicestershire LE10 1HW
				Alterations to external cladding and window fenestration	
	15/00431/FUL	PLANNING PERMISSION	25/06/2015	ASDA Stores Ltd	Bp Service Station Upper Bond Street Hinckley Leicestershire
				Installation of click and collect lockers	
	15/00432/ADV	ADVERTISEMENT CONSENT	25/06/2015	ASDA Stores Ltd	Bp Service Station Upper Bond Street Hinckley Leicestershire
				Application of non- illuminated vinyl graphics to click and collect locker elevations	
	15/00460/FUL	PLANNING PERMISSION	09/07/2015	ASDA Stores Ltd	Asda Barwell Lane Hinckley Leicestershire LE10 1SS
				Erection of a click and collect canopy within the existing customer car park	
	15/00461/ADV	PLANNING PERMISSION	09/07/2015	ASDA Stores Ltd	Asda Barwell Lane Hinckley Leicestershire LE10 1SS
				Erection of 4 illuminated and 6 non-illuminated advertisements for click and collect facility	
	15/00469/HOU	PLANNING PERMISSION	19/06/2015	Mr M Illiffe	7 Spa Lane Hinckley Leicestershire LE10 1JA
				Erection of a two storey side and single storey rear extension	

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	15/00509/FUL	PLANNING PERMISSION	03/07/2015	Fairfield Veterinary Group	Fairfield Veterinary Group 51 Leicester Road Hinckley Leicestershire LE10 1LW
				Single storey extension to rear	
	15/00564/HOU	PLANNING PERMISSION	14/07/2015	Mr A Lewis	31 Sunnyside Hinckley Leicestershire LE10 1TE
				Single storey front and two storey side and rear extension to dwelling	
	15/00584/HHGDO	GDO PRIOR APPROVAL NOT REQUIRED	01/07/2015	Miss Sarah Thomas	52 Forest Road Hinckley Leicestershire LE10 1HB
				Rear extension measuring 4 metres in depth; 3.5 metres in height to the ridge; and 2.2 metres to the eaves	
	15/00660/HOU	PLANNING PERMISSION	03/08/2015	Mr S Mitchell	1 Sunnyside Hinckley Leicestershire LE10 1TE
				Single storey extension to front	

Hinckley Trinity

	15/00100/HOU	PLANNING PERMISSION	19/06/2015	Mr J.A. And Mrs S. Kembery	Holme Stead House 1 Wykin Fields Cottages Stoke Lane Wykin Hinckley Leicestershire LE10 3EB
				Proposed two storey side and single storey rear extension	
	15/00465/HOU	PLANNING PERMISSION	18/06/2015	Mr & Mrs Richard Sheppard	Home Farm Cottage Wykin Road Wykin Hinckley Leicestershire LE10 3EF
				First floor extension above kitchen and garage and conversion of garage to a habitable room.	
	15/00510/HOU	PLANNING PERMISSION	07/07/2015	Mr James Norris	26 Burleigh Road Hinckley Leicestershire LE10 0DQ
				Dropped kerb	
	15/00733/FUL	PLANNING PERMISSION	06/08/2015	Mr James Baker	91 Tudor Road Hinckley Leicestershire LE10 0EG
				Installation of external wall insulation to external elevations of the dwelling.	

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Markfield Stanton & Fieldhead					
15/00019/FUL	PLANNING PERMISSION	20/07/2015	Mr Patrick Goddgen	Upper Grange Farm 1A Ratby Lane Markfield Leicestershire LE67 9RJ	Erection of two dwellings to replace existing stables (revised scheme)
15/00425/COU	PLANNING PERMISSION	28/07/2015	Mr Alexander Stevenson - Kaatsch	89 Main Street Markfield Leicestershire LE67 9UT	Change of use from office to dwelling (retrospective)
15/00455/FUL	PLANNING PERMISSION	07/08/2015	Mr & Mrs Carl Law	Oak Farm Ratby Lane Markfield Leicestershire LE67 9RJ	Conversion of stable block to dwelling
15/00606/TPO	PERMIT TREE PRESERVATION ORDER WORKS	23/07/2015	Mr Simon Hardy	188 Main Street Markfield Leicestershire LE67 9UX	Works to trees
15/00649/FUL	PLANNING PERMISSION	22/07/2015	Tyre Fix Ltd	33 Hill Lane Close Markfield Leicestershire LE67 9PY	Erection of 2 metre high security fence and gates
15/00665/HOU	PLANNING PERMISSION	06/08/2015	Mrs Nikki Arkley	33 Ratby Lane Markfield Leicestershire LE67 9RJ	First floor side extension

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Newbold Verdon With Desford & P					
	15/00089/FUL	PLANNING PERMISSION	13/07/2015	Mrs J Chesterton	Sunnyside Markfield Lane Botcheston Leicester Leicestershire LE9 9FH
				Creation of a new access to field	
	15/00171/OUT	PLANNING PERMISSION	25/06/2015	Mr Gordan Deacon	Land North Of 20 Peters Avenue Newbold Verdon Leicester Leicestershire LE9 9PQ
				Erection of two dwellings (outline - all matters reserved)	
	15/00397/GDO	GENERAL DEVELOPMENT ORDER	17/07/2015	Mr Peter Guilianotti	The Bungalow Bosworth Road Kirkby Mallory Leicester Leicestershire LE9 7QN
				Proposed lagoon	
	15/00428/HOU	PLANNING PERMISSION	16/06/2015	Mr C Smart	Lindridge Wood Lindridge Lane Desford Leicester Leicestershire LE9 9GN
				Single and two storey extensions to house	
	15/00444/FUL	PLANNING PERMISSION	22/06/2015	Pesto Restaurants Ltd	The White Horse Leicester Lane Desford Leicester Leicestershire LE9 9JJ
				External alterations to public house with erection of entrance porches and external seating provision	
	15/00500/HOU	PLANNING PERMISSION	23/06/2015	Mrs C Wrightam	19 Grace Road Desford Leicester Leicestershire LE9 9FZ
				Two storey front extension and garage conversion	
	15/00502/HOU	PLANNING PERMISSION	23/06/2015	Mr Steve Wilson	Mill Holme Desford Road Newtown Unthank Desford Leicester Leicestershire LE9 9FL
				Two storey and single storey extensions, including roof and internal alterations	
	15/00506/HOU	PLANNING PERMISSION	01/07/2015	Mr & Mrs Barney	5 Grange Close Newbold Verdon Leicester Leicestershire LE9 9NU
				Two storey side and single storey rear extension	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
	15/00519/FUL	PLANNING PERMISSION	20/07/2015	W J T Curtis And Sons (Grange Farm Sportin	Clay Pigeon Shooting Club Desford Road Newtown Unthank Desford Leicester Leicestershire LE9 9FL
				Construction of earth banks and associated landscaping	
	15/00554/FUL	PLANNING PERMISSION	05/08/2015	Caterpillar UK Ltd	Caterpillar UK Ltd Peckleton Lane Desford Leicester Leicestershire LE9 9JT
				Alterations and extension of an existing car park to provide an additional 276 car parking spaces	
	15/00619/HOU	PLANNING PERMISSION	24/07/2015	Mr Jason Newbury	Chestnuts Desford Lane Kirkby Mallory Leicester Leicestershire LE9 7QF
				Remodelling of the existing dwelling including extensions and raising of the ridge height.	
	15/00623/FUL	PLANNING PERMISSION	28/07/2015	Everards Brewery Ltd.	The Blue Bell Inn 39 High Street Desford Leicester Leicestershire LE9 9JF
				Proposed canopy porch to western side entrance	
	15/00670/HOU	PLANNING PERMISSION	06/08/2015	Mr Ashok Vig	Welton Lodge Hunts Lane Desford Leicester Leicestershire LE9 9LJ
				Proposed conservatory	
	15/00680/TPO	TREE PRESERVATION ORDER	04/08/2015	Mrs Massey	14 Rectory Gardens Newbold Verdon Leicester Leicestershire LE9 9AJ
				Works to trees	
	15/00747/NOMAT	PERMIT NON MATERIAL AMENDMENTS	31/07/2015	Wentworth And Harper	Halifax Farm Merrylees Road Newbold Heath Newbold Verdon Leicester Leicestershire LE9 9NR
				Non Material Amendment to Planning Permission 14/00532/FUL to subdivide the approved substation into three separate enclosures	

<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					
	15/00374/FUL	APPLICATION RETURNED	30/07/2015	Mrs Melanie Brewster	Land North East Of Reservoir Road Thornton Leicestershire
				Creation of an equestrian menage.	
	15/00497/HOU	PLANNING PERMISSION	09/07/2015	Ms Nicola Wardle	17 Church Ponds Close Ratby Leicester Leicestershire LE6 0QS
				Two storey side extension to bring garage forward and form utility to rear	
	15/00533/HOU	PLANNING PERMISSION	16/07/2015	Mr Steven Sibley	1 Lee Rise Ratby Leicester Leicestershire LE6 0NX
				Single storey side extension	
	15/00538/HOU	PLANNING PERMISSION	23/07/2015	Mr & Mrs Trevor and Laura Price	33 Groby Road Service Road Ratby Leicester Leicestershire LE6 0LJ
				Two storey side extension and alterations	
	15/00542/HOU	PLANNING PERMISSION	16/07/2015	Mr & Mrs T Shipman	25A Church Lane Ratby Leicester Leicestershire LE6 0JF
				First floor extension over existing garage	
	15/00615/CTPO	RECOMMENDATION ONLY	25/06/2015	Leicesershire County Council	11 Groby Road Service Road Ratby Leicester Leicestershire LE6 0LJ
				Works to trees	
	15/00648/HOU	PLANNING PERMISSION	22/07/2015	Mr Lee Statham	171 Main Street Thornton Coalville Leicestershire LE67 1AH
				Single storey rear extension to form garden room	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Twycross Sheepy & Witherley					
	15/00191/NOMAT	PERMIT NON MATERIAL AMENDMENTS	06/08/2015	Mrs Paulina Rosa Taylor	Land Rear Of 4 Pipe Lane Orton On The Hill Atherstone Leicestershire CV9 3NF
				Non-material amendment to planning permission 14/00515/OUT to amend the proposed sewage and drainage methods of the development to a package treatment plant and sustainable drainage system respectively	
	15/00434/FUL	PLANNING PERMISSION	22/07/2015	Twycross Zoo	Twycross Zoological Park Burton Road Norton Juxta Twycross Atherstone Leicestershire CV9 3PX
				Erection of a chimpanzee house and landscaped enclosures	
	15/00489/HOU	PLANNING PERMISSION	24/06/2015	Mrs Sarah Sammon	4 Wood Lane Norton Juxta Twycross Atherstone Leicestershire CV9 3QB
				Two storey side extension	
	15/00528/HOU	PLANNING PERMISSION	23/07/2015	Mr Andrew Barden	1 Mill Cottages Mill Lane Sheepy Parva Atherstone Leicestershire CV9 3RL
				Alterations to dwelling and erection of garage and store (revised scheme)	
	15/00581/FUL	PLANNING PERMISSION	27/07/2015	KC & DA Hughes	Clares Barn Farm 26 Sheepy Road Twycross Atherstone Leicestershire CV9 3PG
				Demolition of agricultural building and erection of a replacement agricultural building	
	15/00628/HOU	PLANNING PERMISSION	17/07/2015	Mr James Sweet	19 Orchard Close Witherley Atherstone Leicestershire CV9 3LX
				Erection of part two/part single storey lounge/bedroom extension to rear of dwelling	
	15/00671/CTPO	RECOMMENDATION ONLY	25/06/2015	Leicestershire County Council	Sheepy Lodge Twycross Road Sheepy Magna Atherstone Leicestershire CV9 3RT
				Works to Trees	

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PLANNING COMMITTEE – 25 AUGUST 2015

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION) PLANNING ENFORCEMENT UPDATE



Hinckley & Bosworth
Borough Council

A Borough to be proud of

WARDS AFFECTED: ALL WARDS

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

- 2.1 That the contents of the report be noted.

3. PLANNING ENFORCEMENT CASE UPDATE

Good Friday Caravan Site

- 3.1 Following the appeal of the enforcement notice to cease the use of the land for the purpose of a caravan site the owners of the site appealed against the Secretary of State's decision to dismiss the appeal in regard to the enforcement notice. Following an appeal to the High Court, the judge determined on the 15 July 2015 that the enforcement notice stands. Therefore, the occupiers of the Good Friday site have to vacate the site by 15 January 2017 and reinstate the land by 15 April 2017. If this is not adhered to the Council has the option to prosecute for failing to comply with an Enforcement Notice or to take direct action.

6 Station Road, Hinckley

- 3.2 A number of complaints have been received at 6 Station Road, Hinckley where an unauthorised change of use has occurred from a clothes shop to a café. After working with a number of departments within the Council the planning department are currently awaiting a planning application to be submitted in an attempt to regularise the matter.

Mallory Park Racing Circuit, Kirkby Mallory

- 3.3 Following the approval at the circuit to install earth bunds and acoustic fencing, there is still an outstanding issue in regard to the landscaping not being completed around the site. The owners of Mallory Park have been notified of the landscaping condition not being adhered to, and are therefore preparing the appropriate information to be submitted to the Council to comply with the conditions. It anticipated that landscaping works will start by the end of December 2015. If this has not been adhered then the Council will consider taking further action to resolve the matter.

Land North West of Cold Comfort Farm, Rogues Lane, Hinckley

- 3.4 At the beginning of July 2015 it was reported to the Council that an unauthorised gypsy and traveller incursion had taken place on the land. A Temporary Stop Notice was served requiring occupation of the site to be ceased within 28 days. Additionally to this, a formal injunction was also sought and granted from the County Court to prevent any further incursion onto the rest of the land. Following on from this the Council has now served a full Stop Notice and an Enforcement Notice to remove the caravans from the site. The Council is returning to court to seek a further injunction to remediate the breach of planning control and a further update will be provided in due course.

2 Northfield Road, Bagworth

- 3.5 Between the months of the 1 April and the 30 June 2015 two enforcement notices were served. One was served at 2 Northfield Road, Bagworth in regard to the erection of a car port, gate and pillars forward of the principal elevation of the property without planning permission. No appeal has been received therefore the car port, gates and pillars have to be removed by the 26 October 2015.

23 Station Road, Ratby

- 3.6 The second enforcement notice was at 23 Station Road, Ratby in regard to the unauthorised change of use from a restaurant to a hot food take away. Following the service of this notice the owners have appealed the Enforcement Notice and the local planning authority are currently awaiting details of the appeal from the Secretary of State.

Ellis Taylor, Leicester Road, Hinckley

- 3.9 Two Enforcement Notices were served, one in regard to the creation of hard standing for the parking of non agricultural vehicles. The second Enforcement Notice served on the site was in regard to the change of use of land from agricultural use to the storage of non-agricultural waste and equipment.

An appeal was made and this is scheduled for an informal hearing. All final comments have been submitted to the Planning Inspectorate and a hearing date is currently awaited.

1 Temple Hall Farm Cottages, Wellsborough

- 3.10 On the 17 September 2015 the Council will be attending Leicester Magistrates Court for a first hearing in regard to a prosecution for failing to comply with an Enforcement Notice. The breach of planning control was in regard to the construction of a two storey rear extension without planning permission following authorisation from Planning Committee to take enforcement action to remediate the breach

- 3.11 Persimmon Homes, Bagworth – Play Open Space

On the entrance to the play open space, the original plans within the planning approval stated that access should be made at all times for maintenance. However, a gate has been constructed blocking access to the open space. Following on going discussions with Persimmon Homes a meeting has been arranged to discuss a way forward in regard to this matter. A further update will be provided in due course.

S215 – Untidy Land Notices

- 3.12 Within the period of the 1 April 2015 to the 30 June 2015 the Local Planning Authority were made aware of a number of untidy properties. A property at 106 Teign Bank Road, Hinckley had a very untidy garden to the front of the property that was causing harm to the visual amenity of the area. Following discussions and co-operation from the owner the property was tidied to an acceptable standard.

At 37 Bagworth Road, Barlestone, there was a front and side garden which was in an untidy state that was affecting the amenity of the area. After discussions with the Council the fencing to the side was replaced and the side of the property was tidied to a more acceptable standard.

The team are still working on a number of other untidy properties within the borough and hope to provide more updates in the future where successful action has been taken to restore land to an acceptable visual standard in the future.

4.0 WORKLOAD & PERFORMANCE

- 4.1 The following tables below show the current work load the team is managing in respect of current enforcement investigations. Table 1 demonstrates the number of cases that have been opened within that period and how many cases have been closed. This tables demonstrates the number of cases that the team is managing. The team ensures that enforcement cases are closed off as expediently as possible. The table as listed as Table 2 shows in more detail how the cases were closed. This table demonstrates that the majority of cases that the team are closed are either through negotiation, or by retrospective planning applications being received. As of the 31 July 2015 there are 187 enforcement cases; however a number of these are currently dormant i.e. awaiting further information or subject to ongoing monitoring to collate evidence. The team is taking a proactive approach to ensuring cases are resolved and closed as promptly as possible.

Table 1: Number of Enforcement cases opened and closed

Period of time	Number of cases open	Number of cases closed
1 April 2015 to 30 June 2015	61	41
1 January 2015 to 31 March 2015	82	61
1 October 2014 to 31 December 2014	70	71

Table 2: How the enforcement cases were closed

Period of time	Total Cases closed	Case closed by resolving breach	Case closed by not being a breach	Cases closed by being Permitted Development
1 April 2015 to	41	18	17	6

30 June 2015				
1 January 2015 to 31 March 2015	61	32	25	3
1 October 2014 to 31 December 2014	71	31	30	10

- 4.2 As outlined within the enforcement protocol there are two measures to determine the level of enforcement and compliance performance. One is to ensure that all site visits are undertaken within 15 working days. Currently the enforcement team are hitting this target at 100%. The second performance indicator is in regard to acknowledging complainants within 3 working days and this target is being met at 100%. The enforcement protocol is currently being reviewed to improve the speed at which site visits are carried out to alleged breaches to ensure evidence can be gathered and action taken as swiftly as possible.

5. **FINANCIAL IMPLICATIONS [MA]**

- 5.1 The 2015/16 legal cost budget for Planning Enforcement is £8,857. It is anticipated any legal costs arising from enforcement activities will be met within the existing budget amount.

6. **LEGAL IMPLICATIONS [MR]**

- 6.1 The Borough Council as Local Planning Authority has powers under the Town and Country Planning Act 1990 to take action to enforce against breaches of planning control.
- 6.2 The powers relating to the service of S215 Notices and to enter into agreements under S106 are set out in the report.

7. **CORPORATE PLAN IMPLICATIONS**

This document contributes to Strategic Aim 1 of the Corporate Plan

- Creating a vibrant place to work and live.

8. **CONSULTATION**

None

9. **RISK IMPLICATIONS**

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

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the

information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

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

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
None	None	

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

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

11. CORPORATE IMPLICATIONS

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

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

Contact Officer: Craig Allison, Planning Enforcement Officer ext. 5700

Executive Member: Cllr Mike Hall

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