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Steve Atkinson MA(Oxon) MBA FIoD FRSA
Chief Executive

Date: 12 October 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, 20 OCTOBER 2015 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen
Democratic Services Officer

PLANNING COMMITTEE - 20 OCTOBER 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 22 September 2015.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 10.

6. DECISIONS DELEGATED AT PREVIOUS MEETING

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

7. 15/00186/COU - 40D RATBY LANE, MARKFIELD (Pages 5 - 14)

Part change of use of dwelling to nursery / childcare.

8. 15/00416/FUL - THE OLD HOUSE FARM, SUTTON LANE, CADEBY (Pages 15 - 26)

Cessation of the architectural salvage and reclamation yard and removal of the existing poultry buildings for the erection of 8 dwellings and associated works.

9. 15/00633/FUL - LAND AT REAR OF 4 PIPE LANE, ORTON ON THE HILL, ATHERSTONE (Pages 27 - 38)

Erection of two dwellings and garages.

10. 15/00570/FUL - STRETTON HOUSE, WATLING STREET, BURBAGE (Pages 39 - 54)

Change of use of residential to mixed use of premises to provide accommodation and teaching facilities, extensions and alterations, alterations to access and provision of associated car parking (resubmitted).

11. 15/00694/FUL - ASDA, BARWELL LANE, HINCKLEY (Pages 55 - 64)

Demolition numbers 26 & 28 Barwell Lane and the erection of an automated petrol filling station.

12. 15/00624/CONDIT - 1 BURTON ROAD, TWYXCROSS, ATHERSTONE (Pages 65 - 70)

Variation of condition 2 of planning permission 10/00133/FUL to allow for the removal of two car parking spaces.

13. PLANNING POLICES (Pages 71 - 104)

To be read in conjunction with the above applications.

14. APPEAL DECISIONS (Pages 105 - 126)

Decisions relating to the following appeals are attached:

- (a) APP/K2420/W/15/3049417 – 48 Barton Road, Market Bosworth
- (b) APP/K2420/W/15/3025088 – Land south of Bonita, Bullfurlong Lane, Burbage
- (c) APP/K2420/W/15/3063791 – The Pantry, 102 Rugby Road, Hinckley
- (d) APP/K2420/C/15/3005893 – land adjacent to the west of E Taylor Skip Hire & Recycling Limited, Leicester Road, Hinckley

15. APPEALS PROGRESS (Pages 127 - 130)

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

16. DELEGATED DECISIONS ISSUED (Pages 131 - 144)

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

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

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Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

22 SEPTEMBER 2015 AT 6.30 PM

PRESENT: Mr R Ward - Chairman
Mr LJP O'Shea – Vice-Chairman
Mr RG Allen, Mr DC Bill MBE, Mrs MA Cook, Mrs GAW Cope, 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 WJ Crooks and Mr K Morrell were also in attendance.

Officers in attendance: Simon Atha, Julie Kenny, Joseph Matharu, Michael Rice and Nic Thomas

172 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Bessant.

173 MINUTES

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

RESOLVED – the minutes of the meeting held on 25 August 2015 be confirmed and signed by the Chairman

174 DECLARATIONS OF INTEREST

No interests were declared at this juncture.

175 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that applications 15/00714/COU and 15/00186/COU would be brought back to the October Committee.

176 14/00136/FUL - LAND ADJACENT TO TROUT PONDS FARM, TWY CROSS ROAD, SHEEPY MAGNA

Application for the erection of 24 new dwellings.

It was moved by Councillor Allen, seconded by Councillor O'Shea and

RESOLVED – the application be approved subject to s106 to secure affordable housing.

Councillor Taylor arrived at the meeting 18:40pm.

177 15/00630/FUL - 10 THE BOROUGH, HINCKLEY

Application for change of use of ground floor of building from betting shop to drinking establishment with 3 studio apartments on first floor.

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

RESOLVED – the application be approved.

178 15/00603/COU - BARLESTONE METHODIST CHURCH, 16 NEWBOLD ROAD, BARLESTONE

Application for change of use of church to gymnasium.

There was a consensus amongst members that tighter restrictions on hours of opening should be proposed. Concern was also expressed about parking at the site and indicated that a gymnasium car park would be used more intensively than a church. Distinction was made between songs heard from a church and amplified music from a gymnasium. Councillor O'Shea proposed to move the application subject to a condition imposing a tighter hours restriction, however this motion fell due to the absence of a seconder.

Notwithstanding the officer's recommendation that the application be approved, Councillor Hollick proposed refusal on the grounds of proximity and adverse effect to neighbours through noise disturbance. Councillor Bill seconded Councillor Hollick's proposal and as this was the first valid motion it was put to the vote, declared CARRIED and it was therefore

RESOLVED – the application be refused due to the adverse effect of the proposal upon residential amenity through noise and disturbance contrary to Policy BE1 (criterion i) of the Local Plan 2001.

Councillor Rooney left the meeting at 19:16pm.

179 15/00730/FUL - LAND ADJACENT TO 5 KINGFISHER WAY, SHEEPY PARVA, ATHERSTONE

Retrospective application for proposed changing rooms and summer house to serve the approved dwelling and associated tennis court.

It was moved by Councillor Allen that the officer's recommendation to refuse the application be supported. Councillor Taylor seconded this motion and upon being put to the vote the motion was declared CARRIED and therefore

RESOLVED –

- (i) the application be refused;
- (ii) enforcement action to remove the foundations be taken.

180 MAJOR PROJECTS

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

RESOLVED – the report be noted.

181 NAILSTONE CONSERVATION AREA

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

RESOLVED –

- (i) The designation of the area outlined as a conservation area be authorised;

- (ii) The Conservation Area Appraisal and Management Plan be adopted as an evidence base document to support the Local Plan (2006 – 2026).

182 APP/HGW/14/384 - BROCKEY FARM, KIRKBY ROAD, BARWELL, LE9 8FT

It was moved by Councillor O'Shea, seconded by Councillor Allen, and

RESOLVED – the report be noted.

183 APP/K2420/W/15/3030390 - LAND NORTH OF WATLING STREET, NUNEATON, CV11 6BG

It was moved by Councillor O'Shea, seconded by Councillor Allen, and

RESOLVED – the report be noted.

184 APPEALS PROGRESS

It was moved by Councillor O'Shea, seconded by Councillor Allen, and

RESOLVED – the report be noted.

185 DELEGATED DECISIONS ISSUED

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

RESOLVED – the report be noted.

(The Meeting closed at 8.00 pm)

CHAIRMAN

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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 the application has attracted interests 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 25 August 2015 to enable further information and discussion to be undertaken between the applicant and officers with a view of submitting a traffic forecasting of the use of part of the dwelling for a childcare/nursery facility, outlining the vehicular movements associated with the proposed use.

The additional submitted information identifies that children would be dropped off at 10 -15 minute intervals to stagger arrivals and departures. The information also highlights when occupants of the dwelling leave for work in the morning and arrive back home in the evening. Staff employed with the use would also be encouraged to arrive on foot or bicycle, with an emphasis on employed staff members being local people.

In addition to concerns raised by Members over the proposed number of children to be cared for on site at any one time, the applicant has amended the proposal to apply to care for a maximum of 9 children at the property which has been reduced from the 12 children previously proposed. The applicant has stated that less than 9 children would result in the proposal being financially unviable.

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 9 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.

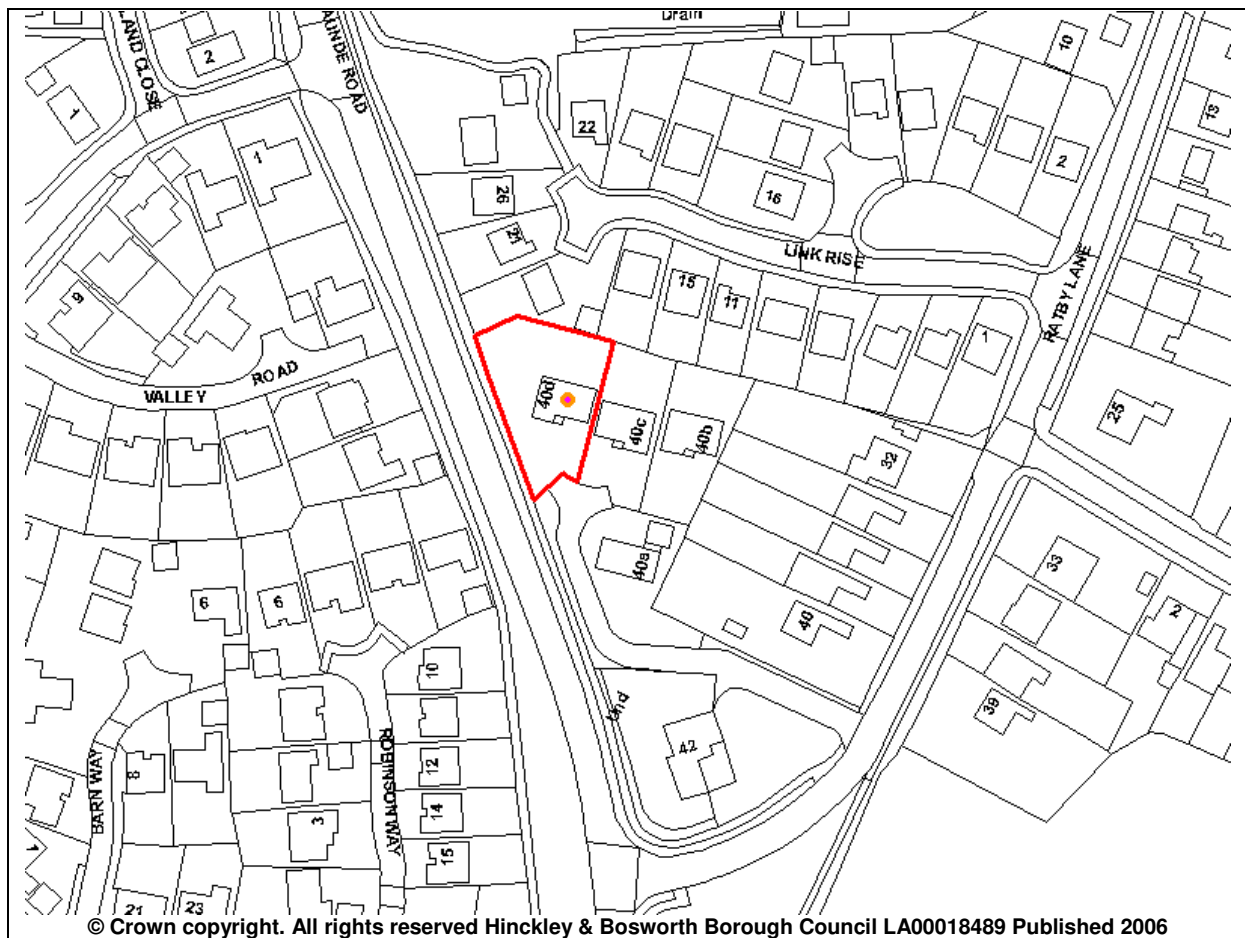
The Site and Surrounding Area

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 of neighbour consultation, 18 representations have been received, fourteen which raise objections to the proposal and 3 which are in support.

Objections have been received on the following ground:-

- a) there is already adequate childcare provision within Markfield
- b) 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.

Following additional consultation on the submitted information the following objections and comments have been received:-

- a) the information submitted suggests that no more than 6 children would be at the premises at anyone time, and therefore would not require planning permission
- b) the forecast traffic movements are based on the present use, when the business is in its early stages and would not have no meaning for an established business
- c) the application has an emphasis on part time care and therefore the traffic movements would be likely to be increase
- d) what adverse weather conditions prevent walking to school to drop children off
- e) the private driveway is unlit and dangerous for pedestrians
- f) how would the site be monitored for a year.

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. Following the deferral of the application at 28 August 2015 planning committee, the applicant has confirmed that they would be willing to propose the maximum number of the children would be 9, which is a reduction of 3 children from that previously proposed. The operating hours would be between 0700hrs and 1800hrs Monday to Friday and two full time members of staff 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 consideration in regards to the likely impact of noise 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 would encourage staff and parents to arrive on foot and will further reduce vehicle trips by collecting the children from the local school on foot. The applicant has also further reduced the proposed number children to 9, which would further reduce any associated drop off and pick up movements compared to the previously proposed number of 12 children.

Objections have been received in relation to whether a noise impact assessment has been received. A noise impact assessment is not a validation requirement for this application. The application has been subject to consultation with Environmental Health who has raised no objection to the proposal. Therefore 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.

Following the deferral of the application from planning committee on the 28 August 2015 the applicant has provided a traffic forecast of the use. The forecast identifies that drop off times are managed in such a way that they are staggered between 10 to 15 minute intervals. Furthermore given ongoing negotiations between Borough Council and the applicant, the proposed number of children has been reduced from 12 to 9, thereby further reducing any pick up and drop off movements further.

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 9 children being at the setting at anyone time, that would be 2 full time members of staff, therefore effectively reducing the number of parking spaces available to 5. Due to the staggered collection and pick up times, it would be unlikely that the remaining 5 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. Impact 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 perspective and as such are not considered to be significantly harmful in highway safety terms to lead to a detrimental impact upon highway safety.

Concerns have been raised in respect of pedestrian safety of those walking up the driveway which serves the dwelling, however given the single track nature and the limited distance a vehicle travels along this stretch where vehicle speeds are generally low it is not considered that sufficient conflict would occur to lead to the proposal being unacceptable.

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 cannot be taken into account in the determination of this application.

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.

Concerns have been raised in how the use would be monitored over the period of the year. The applicant colour codes each child so their attendance can be monitored through the year. In addition to this the applicant would be required to carry out record keeping for the purposes of Ofsted.

Representations have been made in respect that the application should be withdrawn as the operation identified within the traffic forecasting is for no more than 6 children being cared for, and therefore this level of use could be considered as a permitted level of use, which would not necessarily require planning consent. Whilst it is acknowledged that a level of use would be permitted from the dwelling without requiring planning permission, the applicant seeks to have the option of allowing more than 6 children at the dwelling at any one time and therefore the application is to be considered for up to 9 children, which is 3 above the acknowledged permitted level of children to be cared for on site without planning permission.

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 severe harm in terms of highway safety, however the notion of a temporary planning permission has been carefully considered and in this case it is 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 The use hereby permitted shall be discontinued on or before 21 October 2016. Immediately on the expiry of that period the use hereby permitted shall be ceased.
- 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 the use shall not be run independently from the dwelling.

- 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 9 children shall be cared for within the site known as 40D Ratby Lane Markfield at any time.
- 5 The use hereby approved shall not be in operation 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 09:00am and 17:00pm 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) of the Hinckley & Bosworth Local Plan 2001.
- 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 & Bosworth Local Plan 2001.
- 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 & Bosworth Local Plans.
- 5&6 To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy BE1 (criterion i) 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:- Jenny Brader Ext 5620

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Reference: 15/00416/FUL

Applicant: Mr & Mrs G Denny

Location: The Old House Farm Sutton Lane Cadeby

Proposal: Cessation of the architectural salvage and reclamation yard and removal of the existing poultry buildings for the erection of 8 dwellings and associated works

RECOMMENDATION:- Refuse planning permission.

Introduction:-

This application is to be considered at Planning Committee at the request of the Chief Planning and Development Officer.

Application Proposal

The application proposes the demolition of the existing poultry units on the front portion of the site, and the erection of eight dwellings on both this front portion and land to the rear which is currently used as a salvage and reclamation yard. Planning permission has previously been granted for the conversion of the existing single storey poultry buildings on the front portion of the site into five dwellings.

The new dwellings would be positioned around an open courtyard that would contain a feature landscaped area in its centre. The buildings would range between single to two and a half storeys in height, with associated single storey garages and landscaping. The car parking would be provided within the courtyard to the front of each unit. The existing access to the site from Sutton Lane would be retained. This would split within the site to allow vehicles to access a private driveway linking to land at the north and east of the site. Each unit would have private gardens.

Site and Surrounding Area

The application site comprises a square parcel of land with an area of 1.13 hectares (2.8 acres). The site has an existing double access off Sutton Lane towards the western end of the highway facing boundary. The farmhouse associated with the holding is sited to the north of the site and is served by the same access. Mature native hedgerow forms the northern, western and southern boundaries of the site. Internally the site is subdivided into two distinct parcels of land, each with differing uses. A mature belt of conifers divides the site. The eastern (rear) boundary of the site is demarcated by a close boarded timber fence and vegetation.

The original site comprised of agricultural land, with four poultry units. The existing buildings are single storey in nature, with low eaves and ridge heights with shallow pitched roofs.

The western section of the site comprises that on which the four poultry units are sited. It is understood that the poultry enterprise and therefore the use of these buildings for their intended (agricultural) purpose ceased in roughly 2004. As illustrated by aerial photography taken in 2006 it is apparent that the use of these buildings for the storage of building materials had commenced at this time. From this evidence it is also clear that the existing farmstead had been extended unlawfully into the undeveloped countryside to the north and that new boundary treatment (close boarded fence and hedgerow) had been erected. A reclamation/salvage business has been operated from the eastern section of the site. No

buildings have been erected in association with this use; this section of the site solely involves the storage of building materials.

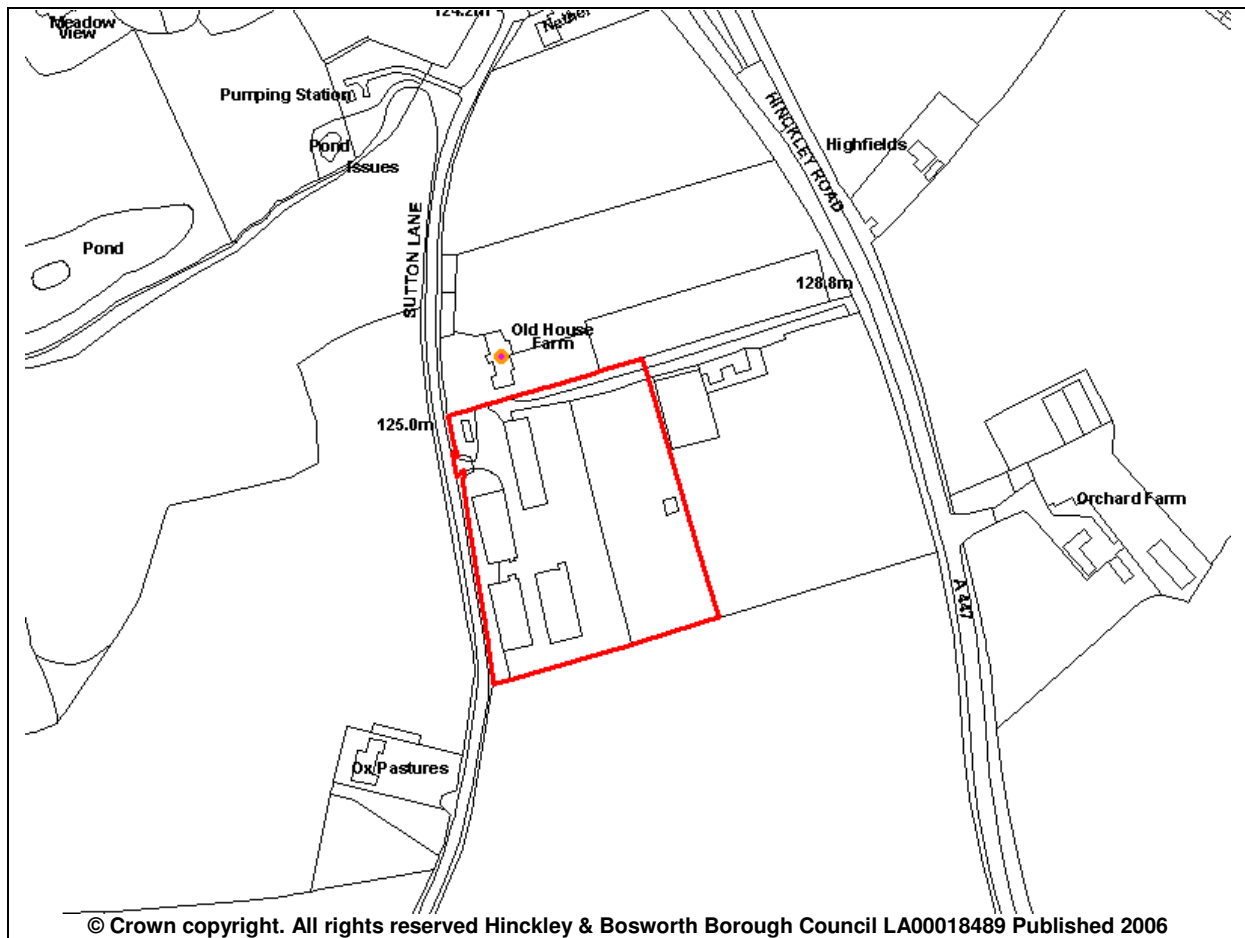
During the timescale of the previous submission, the section of land to the east, from which the reclamation business is operated was cleared and the use ceased. In the interim period, prior to the submission of this scheme, the use has recommenced this land. It is possible that the salvage and reclamation yard is unlawful and therefore could be liable to enforcement action.

Relevant Planning History:-

87/01279/4	Erection of agricultural bungalow for use in connection with poultry farm	Refused	23.02.88
88/00839/4	Erection of a new bungalow	Grant	23.08.88
81/00808/4	Extension to no 3 broiler house	Grant	22.09.81
94/00238/FUL	Erection of a poultry house	Grant	19.04.94
94/00354/FUL	Poultry house	Grant	24.06.94
97/00818/TEMP	Retention of portable building for	Grant	11.12.97
01/00769/FUL	Removal of agricultural occupancy condition	Refused	10.10.01
14/00286/FUL	Conversion of existing buildings to form 5 residential dwellings with associated works	Grant	12.01.15

Technical Documents submitted with application

Ecology Survey
Planning Statement
Design and Access Statement



Consultations:-

Cadeby Parish Council has objected to the planning application, raising the following issues:-

- a) the proposal does not comply with the Development Plan
- b) planning permission has been granted for a previous scheme for the conversion of the existing agricultural buildings on site, which is appropriate to the rural location and setting
- c) the development would be unsustainable
- d) the site is situated outside of the settlement boundary
- e) proposal would lead to a 12% increase in the total number of dwellings to the village
- f) Cadeby lacks the services to accommodate the increase in housing
- g) no land in or adjacent to Cadeby is identified for new housing within the Hinckley and Bosworth Borough Council Site Allocations Document
- h) new builds would not be in keeping with the rural character of the village
- i) the development would occupy a significantly greater area of the site than the area occupied by the existing agricultural buildings
- j) the proposed dwellings would be two storeys, and therefore would appear prominent along Sutton Lane The scheme would have a detrimental visual impact on the rural setting and gateway to the Conservation Area
- k) would be contrary to the Cadeby Conservation Area Management Plan, which describes Sutton Lane as providing a “pleasant entry into the village that gives rise to views of farm outbuildings”
- l) the Conservation Area Appraisal Map identifies views from Wood Lane towards the application site that should be protected
- m) concerns with highway safety for both pedestrians and drivers, as Sutton Lane is a substandard road with no street lighting or footpath

- n) development would lead to an increase in housing along Sutton Lane of almost 300%, which would result in a significant increase of vehicle and pedestrian movement along the lane
- o) concerns with drainage of surface water into the existing sewer system.

A petition has been received with 43 signatures, objecting to the application. The following objections have been raised:-

- a) Lack of safety and suitable access to the site via Sutton Lane which has 6 blind bends situated to the North and South of the proposed access, is very narrow having no central demarcation, is a busy “rat-run” between Bosworth, the Fenn Lanes and the A5, is used by large commercial and farm vehicles, has no speed limit, vehicle weight restriction, footpaths, or street lighting. Vehicles are unable to pass each other without difficulty. Safety mirrors have been erected by residents in order to combat the winding nature of the road. The road is currently unsafe to be utilised by pedestrians and cyclists, thus using the road as access to bus routes or Cadeby Village would be dangerous. The proposal would result in the increase in vehicle numbers utilising the road, which is already unsafe
- b) Drainage of the site. The village drainage system is already inadequate. When overwhelmed, the pumping station discharges foul waste into the watercourse resulting in noxious smells and environmental damage. Wood Lane floods frequently when drains are overwhelmed. The development would ultimately add to the existing problems with drainage
- c) Contravention of the Conservation status of Cadeby as defined by the “Cadeby Appraisal” and the resulting “Long Term Strategy for the Village”. “Protected views” from “listed and historical buildings” would be lost. “Gateways” in Sutton Lane would be detrimentally changed. “The transition to the countryside” in Sutton Lane would be detrimentally changed. There would be significant change in the protected “character” of the village by the large footprint, height, design, access visibility splay and location of this development. The proposed development is outside of the settlement boundary, and of such a size as would change the “centre of gravity” of the village away from the “heart of the Conservation Area and the intersection between Main Street and Wood Lane”.

Additionally, objections have been received from 9 neighbouring properties, raising the following issues:-

- a) would result an unacceptable increase in traffic to substandard Sutton Lane
- b) would have a detrimental impact on the conservation area
- c) the proposed designs of the dwellings would not be in keeping with the existing single storey buildings on site, and thus would detract from the character of the village
- d) proposal would set a precedent for future development outside of the settlement boundary
- e) concerns with sewage and drainage on the site, and adding to the existing problems with drainage within the village
- f) Cadeby lacks the services to accommodate the increase in housing
- g) development would result in the loss of the “small village community”
- h) original planning permission for the conversion of the existing agricultural buildings on site was not intended to be carried out, and was a used as a gateway to the submission of the current application
- i) development would be an eyesore
- j) members of the public were not given the opportunity to present their views on the proposal
- k) surrounding housing developments within Market Bosworth, Newbold Verdon and Desford are better equipped to accommodate an increase in housing

- l) Sutton Lane has no street lighting or pavements to accommodate additional pedestrian footfall
- m) would result in a 12% increase to the population of the village
- n) size of the proposal would be overwhelming and oppressive
- o) development would result in the erection of 3 storey buildings, which is out of character with the existing area
- p) the site is agricultural land.

Leicestershire County Council (Highways) has raised the following objections to the application:-

- a) the opportunities for sustainable transport modes have not been taken up/ there are no opportunities for sustainable transport modes
- b) safe and suitable access to the site cannot be achieved for all people
- c) improvements have not been offered within the transport network that cost effective limit the significant impacts of development
- d) failure to demonstrate that proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport.

Environmental Services (Drainage) have requested the submission of a Flood Risk Assessment for the application, in accordance with the NPPF.

No objections subject to conditions have been received from:-

Leicestershire County Council (Ecology)
 Severn Trent Water Limited
 Street Scene Services (Waste)
 Environmental Health (Pollution)

Development Plan Policies:-

National Policy Guidance

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

Site Allocations and Development Management Policies Development Plan Document – Submission Version December 2014

Policy DM4: Safeguarding the Countryside and Settlement Separation
 Policy DM10: Design of Developments

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
 Policy NE5: Development in the Countryside
 Policy RES5: Residential Proposals on Unallocated Sites
 Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

New Residential Development (SPG)

Appraisal:-

The site is situated within the countryside as defined on the adopted Local Plan Proposals Map.

The NPPF states that the Local Plan is the starting point in the determination of planning applications unless material considerations indicate otherwise. In this case the Local Plan constitutes the emerging Site Allocations and Development Management Policies (SADMP), the Hinckley and Bosworth Local Plan (2001) and the Core Strategy (2009). The NPPF is also a material consideration in the determination of this application.

As the site is situated outside the settlement boundary of Cadeby, there are no applicable land-use policies within the Core Strategy of relevance to whether the proposal is acceptable in principle.

In relation to local policies, as the SADMP is at an advanced stage of adoption, the policies within it can be attributed weight in the determination of the scheme. In addition saved policies of the Local Plan are also applicable. Policy DM4 (Safeguarding the Countryside and Settlement Separation) of the SADMP will replace Policy NE5, Development in the countryside and Policy RES5, Residential proposals on unallocated sites are the most relevant when considering whether this a residential scheme is acceptable in principle.

The release of the NPPF and its presumption in favour of sustainable development requires Local Plan policies to be considered in terms of their consistency with this presumption and for weight to be attributed accordingly.

Policy NE5 seeks to protect the countryside for its own sake; and designate appropriate development in rural areas outside of settlement boundaries which are generally considered to be unsustainable, criterion a – c and i – iv are considered broadly compliant with the NPPF and as such are attributed weight in the determination of this application.

Policy RES5 relates to residential proposals on unallocated sites and suggests that residential development will not be granted unless it is within a settlement boundary. The intent of this policy is to direct development to the most sustainable locations, which is in accordance with the NPPF and as such weight is attributed to it in the determination of this application.

In relation to new residential development within the countryside, Paragraph 55 of the NPPF is most relevant. This suggests that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It continues that local planning authorities should avoid new isolated homes within the countryside unless there are special circumstances. These include the provision of rural workers accommodation; where the development would result in the optimal viable use of a heritage asset; where the development would re-use redundant or disused buildings; or due to the exceptional quality or innovative nature of the design of the dwelling. In relation to the final point, further clarity is provided. It is suggested that such developments should be truly outstanding or innovative, should reflect the highest standards in architecture, significantly enhance the immediate setting and be sensitive to the defining characteristics of the local area.

There is a clear conflict between the proposed development in relation to policies of the Local Plan and the emerging SADMP, in that the development does not fall within one of the categories of acceptable types of development as cited within these policies, nor is the site considered to be in a sustainable location, by virtue of its countryside location, as required by Policy RES5.

Notwithstanding the conflict of the proposal with Policy NE5 and RES5 of the Local Plan, as the scheme proposes new residential development within the countryside, evaluation in accordance with the final point of paragraph 55 of the NPPF must be undertaken along with consideration of any other material planning considerations.

The site comprises a vacant poultry enterprise and unauthorised salvage and reclamation which may be unlawful. The general appearance of the site is untidy and the existing timber poultry sheds are in a poor state of repair. The scheme proposes to clear the entire site, demolishing all buildings associated with the historic agricultural use and to re-develop the site through the erection of eight new dwellings.

The dwellings would be arranged in a courtyard formation, following a simple rectangular footprint. Internally there would be a central landscaped feature. Parking would be to the frontage of the development arranged around the landscaped feature and private amenity space would extend to the sites external boundaries. The development would vary in scale between one and a half to two and a half storeys. The variation in ridge and eaves height and the incorporation of architectural detail including header and cill detail, brick plinths, decorative brickwork and chimney stacks along with the use of quality materials may result in a well designed scheme.

Paragraph 55 of the NPPF sets out how local planning authorities should deal with proposals for housing in rural areas. It advises that new isolated homes in the countryside should be avoided unless certain criteria are met. This includes the re-use of redundant or derelict buildings. This weighed in favour of approving the previous scheme on the front portion of this site.

Another criterion of Paragraph 55 to allow development in rural areas is where the development proposes a development of exceptional quality or innovative design. In this case, the re-development of the site and the incorporation of additional landscaping and remediation would help to enhance the site's immediate setting. The intention to provide 'green technologies' in the construction of the development would also be positive. However, it is not considered that this is a scheme that is outstanding or innovative and therefore in this respect it could not be argued that the requirements of Paragraph 55 are satisfied.

The surrounding area is rural and undeveloped in character, aside from isolated buildings associated with agriculture. Mature native hedgerow provides a strong highway boundary to this narrow country lane and where buildings do exist, these are predominantly single story. By virtue of its scale, form, volume and design, notwithstanding that the scheme has been attractively designed, it would not be sensitive to the defining characteristics of the local area. Based on the above, the development can not be considered as adhering to the requirements of Paragraph 55 of the NPPF.

In the supporting statement, the applicant suggests that there are special circumstances relating to the scheme that would override the in principal policy objection to the development. The site is considered by the agent to comprise of brownfield (previously developed) land and this has been weighed paramount to all other considerations in the acceptability of the scheme.

The Government's intent in relation to the development of brownfield land for housing has been made clear in various ministerial statements and publications including *'Building More Homes on Brownfield Land'* January 2015.

The definition of previously developed land (Annex 2 of the NPPF) is as follows:-

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes:

- land that is or has been occupied by agricultural or forestry buildings;*
- land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures;*
- land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and*
- land that was previously-developed, but where the remains of the permanent structure have blended into the landscape in the process of time”.*

As mentioned, the application site can be defined as two halves. The western section comprises the historic farmstead. As this land has been occupied by agricultural buildings, in accordance with the above definition it can not be defined as previously developed land. The eastern section comprises a parcel of agricultural land on which building materials have been stored over a period of time. There is no built development associated with this parcel of land and in any event it is uncertain as to whether this is lawful. Consequently, this land is not currently and has not historically been occupied by a permanent structure and as such does not fall within the definition of previously developed land.

Regardless of whether or not the application site falls within the above definition of previously developed (brownfield) land, the publication continues, outlining what would be considered as ‘suitable’ sites for residential development. Suitable sites are defined as those free from constraint, either physical, environmental or policy related, where any mitigation required would not impact upon viability. Contaminated land should also be excluded if mitigation would compromise viability.

Based on the information available, there are known environmental and policy constraints to the development of the site and it is highly likely, given the site’s historic agricultural uses that there would be contamination issues. Accordingly, the site is not one that could be considered ‘suitable’ for new build residential development.

Planning Balance

Based on the above account, there would be benefits derived from the re-development of the site. The site would be remediated and environmentally upgraded and additional housing stock would be provided in the locality. However the development of eight new dwellings in this isolated location would detrimentally alter the character and openness of this area of countryside and the form and amount of new development proposed would appear incongruous in the landscape. The development would be unsustainable by virtue of its distance from services and infrastructure, would be reliant on car travel and it could not be argued that it would help sustain the vitality and viability of the nearest local rural centres due to the distance from them. Furthermore the proposal would not result in the reuse of exiting buildings and would not provide a mix of housing suitable for the whole community. Neither the NPPF or other ministerial guidance indicates that the development of this site for housing would conform with government policy.

In terms of the benefits associated with the site’s re-development, by virtue of the extant permission for the conversion of the poultry buildings to dwellings, there is already a sustainable solution in place to achieve this.

As such there are no overriding material considerations that would result in this scheme for eight new dwellings in the countryside being acceptable.

The development is considered to be unsustainable development, contrary to Policy DM4 of the emerging Site Allocations & Development Management Policies DPD, Policies NE5 and RES5 of the Local Plan and Paragraph 55 of the NPPF.

Design and Character

Policy BE1 (criterion a) of the Local Plan and Policy DM10 of the emerging SADMP seeks to ensure that proposals complement or enhance surrounding development through materials, design and architectural features. Paragraphs 56 and 58 of the NPPF identify good design as a key aspect of sustainable development.

The scheme is considered well designed, with good architectural detailing, symmetry and proportionality. However when considered in context, the scheme would appear incongruous in the landscape, would compromise its historic setting and would introduce an unacceptable level of new built development which would compromise, to a detrimental level the openness and character of this landscape area. As such the development would be contrary to Policy BE1 (a) of the Local Plan and DM10 of the emerging SADMP.

Residential Amenity

Policy BE1 (criterion i) of the Local Plan and Policy DM4 of the emerging SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.

The closest dwelling to the site would be the farmhouse associated with the enterprise located to the north. As a result of the mature hedgerow running along the northern boundary of the site, along with the separation distances and orientation of the new dwellings and the existing farmhouse there are considered to be no materially harmful impacts in terms of overlooking, overshadowing or overbearing. Furthermore, as the scheme would result in the cessation of an agricultural/commercial enterprise, the proposal raises no concerns in terms of noise and disturbance over and above existing impacts.

Affordable Housing

As the site is within a rural area, Policy 15 of the Core Strategy would be applicable. This states that in rural areas, developments providing more than 4 dwellings or with a site area in excess of 0.13ha would be required to provide 40% affordable housing with a tenure split of 75 Social rented and 25% intermediate housing. There is a confirmed need within this area for the provision of affordable units and as such this obligation is considered necessary and would be sought if the scheme were considered acceptable. While the provision of affordable housing on this site weighs in favour of the scheme, this does not outweigh the harm as set out above.

Highway Safety

Saved Policies T5 and BE1 (criterion g) and NE5 (criterion iv) of the Local Plan seek to ensure a high standard of highway design and vehicle parking standards, as well as adequate highway visibility for road users.

Leicestershire County Council (Highways) has recommended that the application be refused. The proposal would be served by the existing access from Sutton Lane, which currently serves both the host property and reclamation business. Under the previous application (ref. 14/00286/FUL), LCC (Highways) recommended the application for approval on the basis of the evidence provided within the Vehicle Movement Schedule, which demonstrated that, on balance, the usage of the road to serve the reclamation yard would generate a similar level

of traffic for the erection of five dwellings on the site. The ceasing of the reclamation use in that location weighed in favour of approving the application in traffic generation terms.

However, the current application is for eight dwellings. This would result in the increase in the usage of Sutton Lane. It should also be noted that the previous proposal was scrutinised by LCC (Highways), and was only recommended for approval on the basis of the similarity of the existing and previous vehicular movements along the site. Therefore, taking into account comments from LCC (Highways) as well as the raised objections from the public in regard to highway safety, it is considered that the current proposal would result in an unacceptable increase in pedestrian and vehicular usage of the highway, to the detriment of highway safety.

Contamination

Due to the potentially contaminative past uses of the site, Environmental Health (Pollution) has recommended that prior to the commencement of any development, a scheme of investigation of potential land contamination on the site would need to be submitted to and approved by the Local Planning Authority, including details of how any contamination is to be addressed. Should planning permission be granted, these details would need to be submitted for consideration and approval.

Drainage

In accordance with the NPPF, as well as additional issues raised in relation to the drainage on site, prior to the commencement of any development a Flood Risk Assessment would need to be submitted to the Local Planning Authority for consideration.

Additionally, Severn Trent Water Limited have recommended that prior to the commencement of any development, drainage plans for the disposal of surface water and foul sewage would need to be agreed. A condition securing this would be necessary if the application were acceptable in all other regards.

Other issues

In regard to the comments received concerning the potential increase in the population of Cadeby and the detracting from a "small village community", the provision of eight additional dwellings is unlikely to materially alter the size or character of the village to the extent where a refusal on these grounds could be sustained.

In regard to the comments received concerning the Cadeby Conservation Area, and the consideration of the associated documents, given that the site is not situated within the designated Conservation Area, this can only be given limited weight. Additionally, in regard to the protection of views from Wood Lane, given the existing screening of the site, as well as the untidy state of the site in its current form, it is not considered that the proposal would be detrimental to the Conservation Area in this respect.

In regard to the proposal setting a precedent for future development, all applications are to be appraised on their own merits.

In regard to comments received regarding the intentions of the applicant and the previous application for planning permission, these are not planning matters and therefore cannot be taken into consideration.

In regard to comments received about the lack of consultation with members of the public, the application process has ensured the consultation with members of the public, which is

demonstrated by the level of response from the local community. These views have been fully taken into consideration as part of the assessment of the scheme.

In regard to comments received concerning the suitability of neighbouring settlements for the proposed development as opposed to Cadeby, this is not a planning consideration and therefore cannot be taken into account.

Conclusion

Overall, the proposal for the erection of eight new dwellings to The Old House Farm, Sutton Lane, Cadeby is considered to be detrimental to the character of the countryside and surrounding area, and subsequently unsustainable and therefore contrary to Local Plan Policies NE5 and RES5, Policy DM4 of the emerging Site Allocations and Development Management Policies DPD as well as Paragraph 55 of the NPPF. The proposal would also result in a significant increase in traffic to substandard Sutton Lane, and therefore would be considered unacceptable on the basis of highway safety, and would be contrary to Local Plan Policies T5, BE1 and NE5 of the Local Plan. While consideration has been given to the benefits of improving the condition of the site, this does not outweigh the harm that would be caused. The development is considered to be unsustainable and is recommended for refusal.

RECOMMENDATION:- Refuse planning permission.

In dealing with the application, through ongoing negotiation the local planning authority has 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.

Reasons :-

- 1 The proposal, by virtue of its location outside of the settlement boundary for Cadeby and being located within an area of designated countryside would result in new residential development in an isolated location remote from services and facilities, resulting in dependency on the private car. The proposal would constitute an unsustainable form of development contrary to Policy NE5 and RES5 of the Hinckley & Bosworth Local Plan 2001, Policy DM4 of the emerging Site Allocations and Development Management Policies Development Plan Document and Paragraph 55 of the National Planning Policy Framework.
- 2 The proposal would result in a detrimental impact upon the character and landscape of the surrounding countryside which is predominantly open and rural in nature, contrary to Policy NE5 of the Hinckley & Bosworth Local Plan 2001, Policy DM4 of the emerging Site Allocations and Development Management Policies Development Plan Document and conflicting with the environmental dimension of sustainability as set out in the National Planning Policy Framework.
- 3 The proposal would lead to the intensification of an existing rural vehicular access with substandard visibility and would introduce new residential development into a location where there are no footways or street lighting. The proposal would cause a detrimental impact upon highway safety contrary to Policy T5 of the Hinckley & Bosworth Local Plan 2001 and the National Planning Policy Framework.

Contact Officer:- Sarinah Farooq Ext 5603

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Reference: 15/00633/FUL
Applicant: IDM
Location: Land At Rear Of 4 Pipe Lane Orton On The Hill
Proposal: Erection of 2 dwellings and garages

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as more than four letters of objection have been received from neighbours.

Application Proposal

This application seeks full planning permission for the erection of two dwellings. The proposed dwellings would be set well back from The Green and Pipe Lane with an access running along the northern boundary of the site. The dwellings would be one and a half storey with steep pitched gables and inward facing.

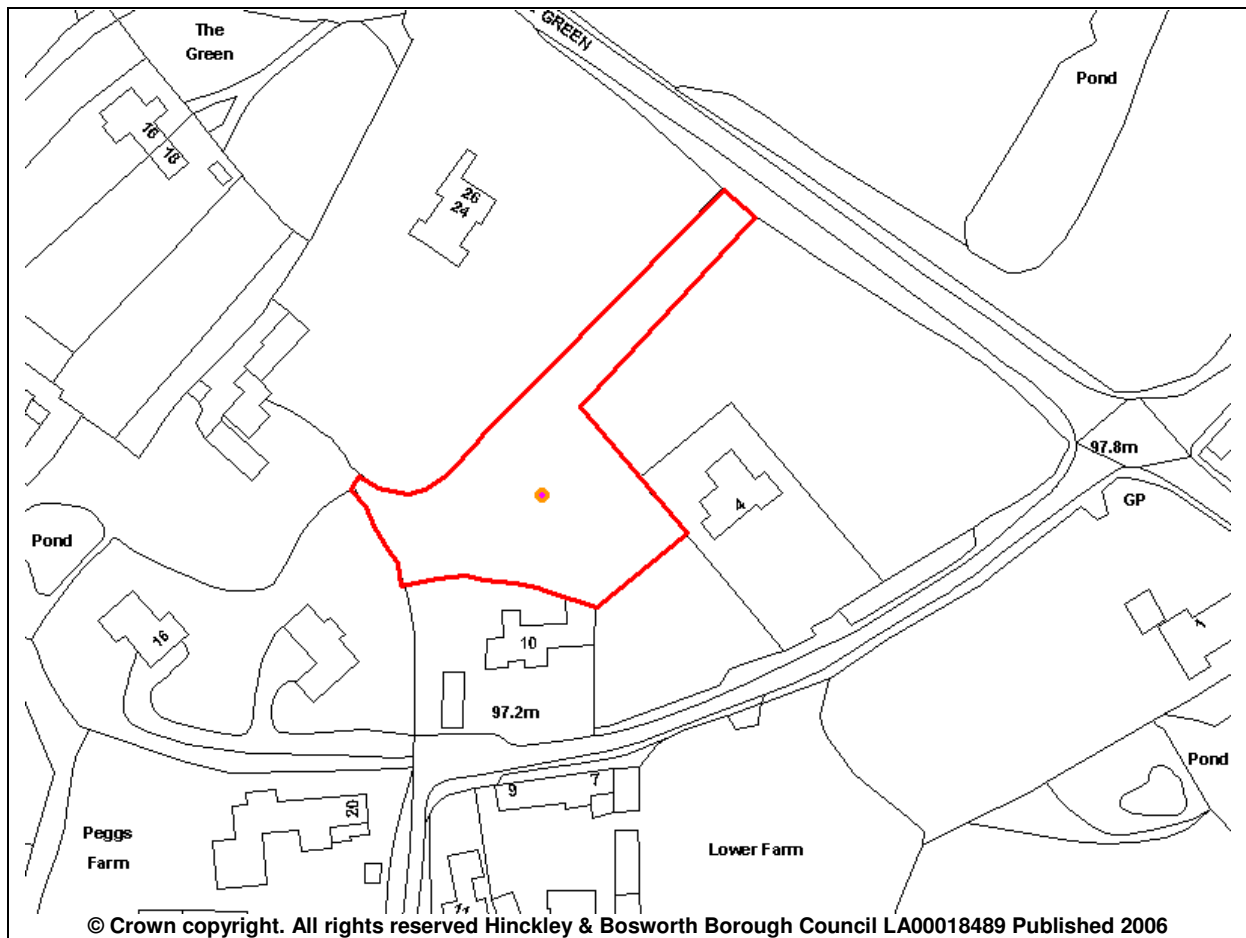
Site and Surrounding Area

The application site is located within the settlement boundary of Orton on the Hill. Development in the area comprises primarily residential development of varying styles and design with no uniform pattern of development.

The application site comprises an area of open space/paddock land to the rear of Pipe Lane and has an irregular shape due to the curtilage of neighbouring properties. Site levels slope gently from the north west down to the south east on the site and then steeper down to Pipe Lane. Adjacent to the southern boundary of the site is a significant Horse Chestnut tree which is subject to a Tree Preservation Order. The east boundary of the site comprises a wire mesh fence adjoining no.4 Pipe Lane and is open adjoining more paddock land; beyond the paddock land is a mature hedgerow adjoining The Green. The north west boundary comprises a mature hedgerow with several mature trees set behind the hedgerow. The south west boundary comprises a mix of close boarded fencing and hedgerow.

Relevant Planning History:-

14/00515/OUT	Erection of two dwellings (outline) access only	Granted	16.10.14
13/00135/TPO	Removal of tree	Refused	15.04.13
12/01089/TPO	Removal of tree	Refused	11.02.13
11/00602/FUL & 11/00603/CON	Demolition of existing dwelling and the erection of 6 dwellings with associated access	Refused	23.11.11



Consultations:-

No objections have been received from:-

- Environmental Health (Pollution)
- Environmental Health (Drainage)
- HBBC Waste Services
- Leicestershire County Council (Highways)
- Leicestershire County Council (Ecology)
- Leicestershire County Council (Archaeology)
- Leicestershire County Council (Flood)
- Severn Trent Water Limited

Site notice displayed and neighbours notified - 11 letters of objection have been received; the comments are summarised below:-

- a) overbearing impact on No.4
- b) loss of privacy to No.4 due to the location and number of windows
- c) disturbance from vehicles along the access at night
- d) lack of information to demonstrate surface water can be effectively dealt with
- e) lack of information regarding the septic tank
- f) lack of plans demonstrating the suitability of the access
- g) lack of on-site car parking provision
- h) protection of trees has not been taken into account
- i) lack of Heritage Statement
- j) two dwellings is uncharacteristically dense development

- k) the materials will contrast with the surrounding conservation area
- l) the steep pitched roofs are uncharacteristic of the area
- m) the dwellings will be dominant due to the size and position on elevated land
- n) the dwellings should not be two storey.

Policy:-

National Policy Guidance

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

Hinckley & Bosworth Core Strategy (2009)

Policy 13: Rural Hamlets

Hinckley & Bosworth Local Plan (2001)

Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities
 Policy REC3: New Residential Development - Outdoor Play Space for Children
 Policy NE14: Protection of Surface Water and Groundwater Quality
 Policy BE1: Design and Siting of Development
 Policy BE7: Development in Conservation Areas
 Policy BE13: Initial Assessment of Sites of Archaeological Interest and Potential
 Policy T5: Highway Design and Vehicle Parking Standards

Site Allocations & Development Management Policies Development Plan Document - Submission Document December 2014

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

Supplementary Planning Guidance/Documents

New Residential Development SPG (2000)
 Orton on the Hill Conservation Area Appraisal (2009)

Appraisal:-

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

- Principle of development
- Visual appearance and character of the conservation area
- Impact upon residential amenity
- Highway safety
- Drainage

- Archaeology
- Ecology
- Play and open space

Principle of Development

The principle of development for the erection of two dwellings on this site has been established through the previously approved planning application ref: 14/00515/OUT. It is considered that this development is acceptable in principle and would lead to the creation of sustainable development in accordance with the NPPF, policies 13 of the Core Strategy and DM1 of the Site Allocations DPD.

Visual Appearance and Character of the Conservation Area

Policies BE1 and BE7 of the Local Plan seek to ensure a high standard of design and preserve or enhance the special character of conservation areas. This is supported by chapters 7 and 12 of the NPPF.

The proposed dwellings would be located on the north and east sides of the site with an area of hardstanding between and landscaping to the west. The dwellings would be inward facing with the rear elevation of unit 2 and side elevation of unit 1 and the associated garage visible from The Green. There is no established uniform pattern of development in the area and therefore the proposed layout is not considered to be inconsistent with the character of the area.

The design of the dwellings comprises a simplistic gabled design which follows the general characteristics and proportions of the buildings within the conservation area. The degree of the pitch of gable ends is varied in the immediate surrounding built form. The proposed gable pitch would exceed that of the surrounding area but would complement the existing and is consistent with a rural design.

Due to the varying topography of the site, the dwellings would be sunk into the ground slightly which is consistent with the previously approved application, although no detailed plans were submitted for the previous application. The finished floor levels of unit 1 would be 0.3m below the highest adjacent ground to the north east and 0.1m above the land to the south. The finished floor levels of unit 2 would be 0.2m below the land adjacent to the north elevation and 0.2m above the land adjacent to the south elevation. Due to the steep pitch of the roofs the dwellings are relatively tall and located in a raised position adjacent to the surrounding dwellings which would make them prominent. Whilst the design is acceptable it is considered that the proposed dwellings should be sunk into the ground further to reduce the visual impact of the proposed dwellings and their prominence in relation to the surrounding built form. Viewed from The Green the ground levels rise in front of the proposed dwellings which would reduce the dwellings' visibility as illustrated by the street scene provided, however the street scene is not considered to be an accurate. The heights of the varying sections of the buildings are varied to reflect to the topography of the site and help to create a varied roof range. Subject to amended finished floor levels, it is considered that the bulk and mass of the proposed dwellings would complement the surrounding built form.

Amended plans have been submitted during the course of the application which proposes more appropriate detailing which is consistent with the surround buildings. This includes brick arches, blue brick cills, removal of gable chimney stacks, removal of canopies above the entrance doors, and reducing the number of roof lights. Some details of the doors have been submitted however the detailed design and any finishes on the wood would need to be submitted for approval and it is recommended that this be dealt with by planning condition.

The use of uPVC for the windows was discussed and it is noted that there are examples in the surrounding area of the use of this material. However, it is considered that uPVC would not be a suitable material that would complement or enhance the conservation area and therefore an alternative material should be used. A condition forms part of the recommendation to ensure that the profile, materials and detailed design of the window is appropriate.

It is proposed to clad some of the gable ends with timber. Two samples of differing timber have been submitted as representative examples of the types that could be used. The applicant has submitted a Burnt Flame coloured Marley Eternit clay plain tile. Custom made brick slips are proposed for the dwellings which are acceptable in-principle however a sample panel should be constructed and submitted for approval. Representative examples of the materials have been submitted and are considered acceptable. However, details and samples of the confirmed materials would need to be submitted for approval through condition.

The access to the proposed dwellings would be from the existing field access along the north west boundary. This is the same route as was approved under permission ref. 14/00515/OUT. It is proposed to bound the southern side of the access with a paddock style fence. The style of fence is considered acceptable in principle. Details of the fence design have not been submitted and therefore a condition forms part of the recommendation to agree this specification. Additionally, the gates are shown across the access which is acceptable in principle subject to design. It is proposed to construct the access using granite. This is likely to have an urbanising impact which would not assimilate into the surrounding area well. An alternative material has not been agreed and therefore it is proposed that the details of the hard surfacing for the access route should be submitted for approval as part of the discharge of a condition.

There are two significant trees adjacent to the application site; a horse chestnut to the south and common lime to the north east. Unit 2 would not encroach within the root protection area of the horse chestnut. A construction management plan would be required to ensure there are no detrimental impacts on the tree during construction and it is proposed that this be secured by condition. The proposed access track would encroach within the root protection area of the common lime and therefore construction details of the access would be required to ensure there would be no significant impact on the longevity of the tree. There are several trees adjacent to the north west boundary, outside the application site. The proposed dwellings and associated works would not impact upon these.

In light of the above, it is considered that the proposal would be in keeping with the character of the conservation area. The proposal is therefore in line with saved Policy BE1 of the Local Plan (2001) and DM10, DM11 and DM12 of the Site Allocations DPD (2014).

Impact upon Residential Amenity

Policy BE1 of the Local Plan states that development proposals shall not harm the amenity of neighbouring residential properties. The applications site adjoins: 24 The Green and 4, 10 and 14 Pipe Lane.

Unit 1 would be located in close proximity to the north west boundary. There would be two roof lights in the rear elevation; one serving a bedroom and the other serving a bathroom. The dwelling would be located parallel to an area of garden land of 24 The Green. The boundary between the proposed dwelling and the garden of 24 The Green comprises several mature trees which would mitigate any overlooking of the neighbouring rear garden. It is not considered that the proposed dwelling would have an overbearing or overshadowing impact on occupiers of 24 The Green.

Unit 1 would comprise large windows at first floor level in the gable end of the west and south elevations. The windows would be in excess of 13m from the nearest boundaries adjoining nos.10 and 14 Pipe Lane which, despite the sloping of the land, is sufficient to avoid any overlooking of the neighbouring properties.

Unit 2 would be located in close proximity to the boundary adjoining no.4 Pipe Lane. The rear garden of no.4 currently enjoys an aspect to the rear. The proposed dwelling would create a gable near to the north west corner of the garden with projections to the north and south with roofs sloped away from no.4. The proposed dwellings would impact on the current open aspect from the garden with the introduction of the development. However due to its location primarily along the side boundary it is not considered there would be an overbearing impact. There are five windows ground on the ground floor of the east elevation. These are all high level and would not cause overlooking of the neighbouring garden. There are two roof lights proposed in the eastern roof slopes. These could result in overlooking and therefore a condition forms part of the recommendation to ensure these are obscure glazed and non opening. It is considered that due to separation distances from other surrounding properties' boundaries that unit 2 would not impact on any other neighbours.

Concern has been raised over noise and disturbance caused by cars accessing the proposed dwellings especially at night. The location of the access has been previously approved through application ref: 14/00515/OUT where it was considered that given the relatively minor scale of development proposed, the resultant level of disturbance from the use of the access is not considered to result in a material level of harm to the existing or future occupants. The situation has not changed as part of this proposal and therefore, the location of the access would not have a detrimental impact on the amenity of neighbours. The applicant has proposed the use of partially bound and partially loose granite for the driveway. As referred to above, the use of this material is considered visually inappropriate and therefore an alternative material is proposed to be secured through condition which should be bound to reduce noise.

There are no boundaries shown on the submitted plans to separate the gardens of the two proposed dwellings. However, due to the location of the dwellings set back from the road and the generous plot sizes, it is considered that sufficient private amenity space can be achieved in accordance with the Council's Design Guidance.

It is therefore considered that the proposal is acceptable and in accordance with saved Policies BE1 of the Local Plan (2001), DM10 of the Site Allocations DPD (2014) and the New Residential Development SPG (2000).

Highway Safety

It is proposed to use the existing field access adjoining The Green to gain access to the proposed dwellings. This is consistent with the access that was proposed as part of planning application ref: 14/00515/OUT which was approved subject to conditions. LCC Highways commented that their response on the previously approved application should be referred to. Details submitted show that the proposed access would be 5.25m wide for the first 10m from the near edge of the highway which is in accordance with local highway standards for a shared access for two dwellings. Beyond 10m from the highway the access would reduce to 4.5m with a 0.5m footpath adjacent. A gate is proposed across the access, set 10m back from the highway which is sufficient to allow a vehicle to pull clear of the highway when entering the site. A condition forms part of the recommendation to ensure the gate opens away from the highway.

Each of the proposed dwellings would have four bedrooms and therefore there is a requirement for three car parking spaces to be provided per dwelling. Two car parking

spaces can be accommodated for each dwelling within the proposed garages and there is additional space forward of the garages. There would be sufficient space on the area identified as 'driveway' for vehicles to park and manoeuvre so that future occupiers can egress the site in a forward gear.

The proposal provides a suitable level of car parking provision and will not be detrimental to highway safety in accordance with saved policy T5 of the Local Plan (2001) and DM17 and DM18 of the Site Allocations DPD (2014).

Drainage

The site does not benefit from a foul drainage system and it is proposed to install a biodisc treatment package unit (septic tank) to serve the proposed dwellings. Concerns have been raised over the impact of discharged materials on the trees to be retained on-site. Therefore, prior to commencement of works, full details of the foul drainage system would need to be submitted. A suitable condition forms part of the recommendation.

The site does not benefit from a surface water drainage system. It is proposed to mitigate surface water run-off using a sustainable urban drainage system. Permeability testing confirmed low levels of infiltration across the site and therefore it is proposed to construct permeable driveways with storage beneath all hardstanding with the addition of a rainwater harvesting system.

The Drainage Statement submitted suggests further soil permeability testing should be carried at the location of outfall points for the biodisc unit and rainwater harvesting overflow systems prior to works. This would need to be undertaken as part of a detailed drainage scheme which should be submitted for approval and it is recommended that this be dealt with by planning condition.

Concern was raised over the impact of the dwellings on the existing flooding problem along The Green. The Lead Local Flood Authority commented that it is unlikely the development will be impacted by the existing flooding issue. Additionally, Severn Trent Water raised no objection to the application.

Subject to a suitable drainage scheme, it is considered the proposed dwellings would not have a detrimental impact on flooding nor groundwater quality and is in accordance with policies NE14 of the Local Plan (2001) and DM7 of the Site Allocations DPD (2014).

Archaeology

Leicestershire County Council (Archaeology) commented that an archaeological evaluation was undertaken on the application site 2010. The results of the report show that the proposed development is unlikely to impact significant archaeological remains and therefore no further archaeological investigation is necessary. It is considered that the proposed development will not have a detrimental impact on archaeological remains and is in accordance with Policy BE13 of the Local Plan and DM13 of the Site Allocations DPD.

Ecology

Ecological reports were submitted with the previous application on the site. This showed evidence of badgers using the site. However there were no setts on-site or in a location that would be impacted by the development. The previous reports recommended conditions which Leicestershire County Council Ecology consider appropriate to mitigate any harm to badgers. Additionally, an updated ecological report would be required if development has not commenced within 3 years of the most up-to-date report for the site. It is considered that,

subject to conditions, the proposed development will not have a detrimental impact on protected species and biodiversity and is in accordance with policy DM6 of the Site Allocations DPD (2014) and paragraph 118 of the NPPF.

Play and Open Space

Policy REC 3 of the Local Plan requires a financial contribution towards play and open space in certain circumstances. In this instance, there is no existing open space within 400 metres of the site and as such it is not appropriate to request a contribution.

Conclusion

The site is in a sustainable location within the settlement boundary of Orton on the Hill where residential development is acceptable in principle. By virtue of the proposed layout, scale, design and appearance, subject to conditions, the scheme would complement the character and appearance of the conservation area and would not give rise to any material adverse impacts on the amenities of the occupiers of any neighbouring properties. The proposed layout also allows adequate access and off-street vehicle parking and turning to be provided within the site to ensure that it will not result in any adverse impact on highway safety. The proposed scheme is considered to be in accordance with Policy 13 of the adopted Core Strategy, policies IMP1, REC3, BE1, BE7, BE13 and T5 of the adopted Local Plan, policies DM1, DM3, DM6, DM7, DM10, DM11, DM12, DM13, DM17 and DM18 of the Site Allocations DPD (2014) the adopted SPG on New Residential Development together with 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 except in complete accordance with the details shown on the submitted plans, details and materials, received by the Local Planning Authority on 15 September 2015:-
 - Unit 1 Proposed Elevations
 - Unit 2 Proposed Elevations
 - Proposed Floor Plans, Unit 1
 - Proposed Floor Plans, Unit 2
 - Garage Elevations, Site Layout, Site Plan
 - Proposed Entrance Drive Layout and Fencing Detail
- 3 Before any development commences, details of the types and colours of materials to be used on the external elevations of the proposed dwelling and garage shall be submitted and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

- 4 Notwithstanding the finished floor levels shown on the submitted plans, 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 approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 5 Prior to commencement of development, details of all external doors shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 6 Prior to commencement of development, full details, including large scale drawings, of the window style, reveal, cill, header treatment and materials shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 7 No works hereby permitted, and associated works, including underground services, shall be within the root protection of the Horse Chestnut tree to the south of the application and identified as Tree 1 on submitted drawing no. 5273 FE TL 02 dated 08.10.14. Additionally, during construction, no materials, equipment or machinery shall be stored within the root protection area of the tree.
- 8 Notwithstanding the submitted details, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) Means of enclosure
 - b) Car parking layouts
 - c) Other vehicle and pedestrian access and circulation areas
 - d) Hard surfacing materials
 - e) Proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
 - f) Planting plans
 - g) Written specifications
 - h) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - i) Implementation programme.
- 9 Notwithstanding submitted details, prior to commencement of development, full details of a scheme for the disposal of surface water and foul water on-site to serve the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 10 The mitigation and recommendations within the Protected Species Assessment Report, Ref: 2014 - 09 (02) Rev A - addendum Only 17 September 2014 shall be strictly followed and implemented. If works have not commenced within 3 years of the date of the report, an updated Protected Species Assessment Report shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved mitigation and recommendations of that report.

- 11 The roof lights to be inserted in the north east roof slopes of unit 2 shall be obscure glazed and non-opening below 1.8m above floor level and shall be retained as such at all times thereafter.
- 12 Prior to commencement, a method statement shall be submitted to and approved in writing by the Local Planning Authority; this should illustrate drive construction to the north of T9 Lime tree where it crosses the root protection area (RPA). The method statement shall indicate how root and soil damage will be avoided. The method statement shall be implemented as approved.

Reasons:-

- 1 To comply with the requirements of Section 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3-6 To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure that trees are not damaged and there will be no ground intrusions that could be detrimental to long-term health of the tree. In accordance with Policies NE12 and BE1 of the Hinckley & Bosworth Local Plan
- 8 To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policies BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.
- 9 To ensure groundwater quality and that surface water is adequately disposed of in accordance with Policy NE14 of the adopted Hinckley & Bosworth Local Plan and to ensure there is no detrimental impact on the surrounding trees of value in accordance with Paragraph 109 of the National Planning Policy Framework
- 10 To ensure that the development minimises impacts on biodiversity In accordance with paragraph 109 of the NPPF.
- 11 To ensure the privacy of the occupiers of No. 4 Pipe Lane from overlooking in accordance with policy BE1 of the Hinckley & Bosworth Local Plan.
- 12 To ensure that trees are not damaged during construction and that soil bulk density will not be increased and be detrimental to long-term health of the tree. In accordance with Policies NE12 and BE1 of the Hinckley & 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:- Richard West Ext 5809

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Reference: 15/00570/FUL

Applicant: Sachkhand Nanak Dham

Location: Stretton House Watling Street Burbage

Proposal: Change of use of residential to mixed use of premises to provide accommodation and meeting and teaching facilities, extensions and alterations, alterations to access and provision of associated car parking

RECOMMENDATION:- Grant subject to conditions and the provision of an Agreement or Unilateral Undertaking pursuant to section 106 of the Town and Country Planning Act 1990 to restrict the use of the premises and wider land holding, the numbers of people and vehicles entering the site and hours of use and subject to conditions.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as an elected member (Councillor Bray) has requested in writing that the application be referred to Planning Committee for determination to allow Members to consider the impact on neighbouring properties and highway safety issues. Furthermore, the application has attracted interest from the occupiers of five or more addresses, the views of which are contrary to the officer's recommendation.

Application Proposal

This application seeks full planning permission for a change of use from residential to a mixed use of the premises including retention of the existing residential use and the provision of meeting and teaching services and facilities. The application also includes extensions and alterations to the building for the proposed day centre type uses with ancillary administration and office space, alterations to the access and the provision of associated car parking.

The first floor would remain unchanged and would continue to provide bedroom accommodation for the existing occupiers and their guests. The ground floor would mainly be used for meetings, discussion groups, teaching and day centre uses to provide spiritual, social and cultural services to the community including spiritual teaching, yoga, language classes, music and meditation. There would also be reception rooms, child care, kitchens and dining area, together with office and administration rooms.

The application includes a single storey extension to the south elevation to provide approximately 110 square metres of additional meeting and day centre uses space. Two further single storey extensions on the east elevation are proposed to provide additional lobby space. The scheme includes the re-alignment of the access drive to provide a 4.5 metre width along its length and the provision of a total of 30 car parking spaces through alterations to the existing driveway and the formation of an additional area in the adjacent grassed paddock. The scheme also includes details for the provision of a new private sewage treatment plant in the field to the south to deal with foul water discharge rather than the continued use of the existing shared cesspit located in a field to the west of the site. A hedgerow maintenance regime at the junction with the A5 is proposed to ensure adequate visibility is maintained.

The Site and the Surrounding Area

Stretton House lies in the countryside to the south of the A5 approximately 0.5 kilometres to the north west of junction 1 of the M69 motorway. It is a large eight bedroom dwelling of some architectural merit in extensive grounds comprising gardens, access and parking areas, outbuildings, grassed paddocks and woodland. The application relates to approximately 0.82 hectares of the larger (1.56 hectare) land holding. The site contains a large number of trees that are subject to a Tree Preservation Order. The land holding also includes a field to the south of the dwelling. Former single storey outbuildings adjacent to the dwelling to the north have been previously converted into five separate dwellings known as Stretton Court and share the vehicular access onto the A5 Watling Street. There are agricultural fields to the south and west. Land to the north of the A5 Watling Street benefits from an extant planning permission for residential development.

Technical Documents submitted with the Application

The application is supported by a detailed Design & Access Statement and Planning Policy Statement, a Great Crested Newt Assessment and details of the proposed private sewerage treatment plant. A section 106 unilateral undertaking has also been submitted containing planning obligations with the aim of limiting the volume of vehicle and visitor numbers using the access in connection with the proposed mixed use, limiting the duration and hours of use and restricting the use of adjoining land in the applicant's ownership.

The planning obligations propose the following restrictions to visitor and vehicle numbers and hours of use:

a) In relation to services provided on weekdays:

- that not more than 15 people in total receiving the services at Stretton House shall attend on any one weekday, whether or not more than one of the services is being provided on that weekday
- that not more than 5 vehicles in total shall be admitted to Stretton House in respect of services provided on any one weekday
- that any services being provided at Stretton House on a weekday shall not be provided outside the hours of 10.00am to 9.00pm.

b) In relation to services provided on any Saturday:

- that no more than 50 people in total receiving the services at Stretton House shall attend on any Saturday, whether or not more than one of the services is being provided on that Saturday
- that not more than 20 vehicles in total shall be admitted to Stretton House in respect of services being provided on any Saturday
- that any services being provided at Stretton House on a Saturday shall not exceed 3 hours in duration and shall not be provided outside the hours of 10.00am to 3.00pm.

c) In relation to services provided on any Sunday:

- that no more than 80 people in total receiving the services at Stretton House shall attend on any Sunday, whether or not more than one of the services is being provided on that Sunday
- that not more than 30 vehicles in total shall be admitted to Stretton House in respect of any services being provided on a Sunday

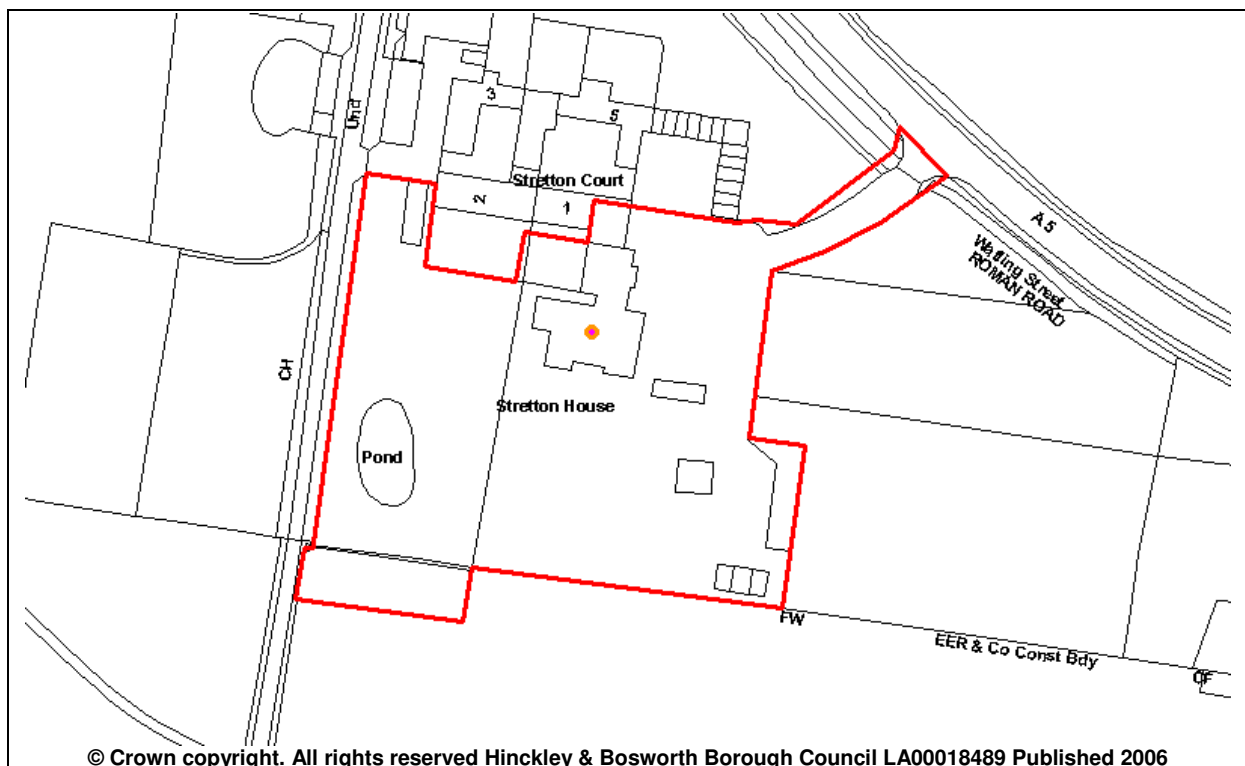
- that any services being provided at Stretton House on a Sunday shall not exceed 4 hours in duration and shall not be provided outside the hours of 10.00am and 3.00pm.
- d) That no events shall be held at Stretton House at any time involving more than 80 people.
- e) That the staging of 'special events' involving large numbers of people shall not take place at Stretton House or its surrounding grounds.

The supporting information confirms that 'special events' attracting large numbers of people of the nature that have been held at the premises in the past would be held at alternative venues away from Stretton House.

Background Information

For Members information, a series of planning applications for change of use of the site have been submitted since 2008. Each application has sought to overcome reasons for refusal through: i) the removal of 'special' larger scale events in order to reduce noise and disturbance to neighbouring properties and reduce vehicle movements to and from the A5; ii) alterations to the driveway to improve access and egress to and from the site and iii) the provision of a private sewage treatment plant to overcome foul water disposal capacity issues.

A similar application to the scheme now proposed (11/00915/FUL) was refused by Planning Committee in March 2012 on the grounds that the proposal would be detrimental to highway safety. Although the subsequent appeal (APP/K2420/A/12/2177905) Inspector considered that a planning obligation would be necessary to ensure continued highway safety and that it would meet the statutory tests, the appellant failed to submit a suitable planning obligation (executed and certified) to control traffic generation to and from the site with the appeal and therefore the appeal was dismissed in January 2013.



Consultations:-

No objection has been received from:-

Environment Agency
Severn Trent Water Limited
Leicestershire County Council (Ecology)
Rugby Borough Council
Environmental Health (Drainage)

No objection subject to conditions has been received from:-

Highways England
Leicestershire County Council (Highways)
Environmental Health (Pollution)
Tree Officer

Burbage Parish Council raise objections to the application on the following grounds:-

- a) unsatisfactory relationship with nearby unrelated residential uses, detrimental to the amenities of the neighbouring occupiers due to loss of privacy, disturbance, emissions, overbearing effect, hours of working, noise and vehicular activity
- b) out of keeping with the character and appearance of this residential area located in the countryside
- c) toilet block is in an inappropriate location adjacent to kitchen of neighbouring dwelling and vents to neighbours garden
- d) detrimental impact on neighbours as a result of increase in vehicle movements on shared access drive
- e) access/egress to the A5 is hazardous and dangerous, unsuitable and inadequate for the proposed use and would be detrimental to highway and pedestrian safety
- f) A5 is a very busy road with a constant flow of heavy traffic which will increase over the next few years with a number of large scale developments (including MIRA Enterprise Zone, DPD Distribution Centre, Stretton Croft hotel and Business Park and major residential developments) already permitted nearby
- g) despite the proposed monitoring mechanism, it would be impossible to control or adequately or effectively monitor the number of vehicles attending events at the property
- h) inadequate parking provision therefore would have detrimental impact on existing residents
- i) should permission be granted it would be difficult to prohibit any subsequent increases in vehicular movements in relation to the use of the site
- j) wider consultation should be undertaken

Site notice posted and neighbours notified, letters have been received from the occupiers of nine separate addresses, eight objecting to the proposal on the following grounds:-

- a) the purpose of the organisation is to increase its following/worshippers therefore the suggested limit/control of numbers of vehicles and people would appear to be contrary to its aims
- b) the site has been operating as an international place of worship for seven years and the numbers of vehicles and people at events held at the site has been in excess of those stated causing problems for neighbouring residents
- c) it is impossible to control or effectively monitor numbers of people for a place of worship and invitations to events are on social media and the applicants website so how can the applicant know how many people or vehicles would turn up to the site

- d) detrimental to residential amenities of neighbouring dwellings due to noise and disturbance from amplified music and attendance of services including percussion instruments and chanting
- e) the applicant's website has advised visitors to park on the neighbouring residential estate (Three Pots) causing traffic/parking congestion and nuisance as a result of traffic movements and noise and disturbance to the residents of the estate
- f) adverse impact on neighbours amenities from smell from proposed toilet block/urinal window and cooking
- g) access/egress to and from the site is onto a hazardous and dangerous section of the busy A5 Trunk Road (Stretton bends) where there is a constant flow of HGV traffic and where traffic exceeds the speed limit therefore the significant proposed increase in vehicles entering and leaving the site would be detrimental to highway safety
- h) when parking in the nearby residential estate visitors have to cross the busy A5 and walk along a narrow footpath to enter the site which is detrimental to the safety of these pedestrians
- i) coaches also drop off visitors to the site further along the A5 and they walk along a narrow footpath to enter the site which is detrimental to the safety of these pedestrians
- j) significant increase in traffic causes congestion and queueing at the junction both on the A5 and within the site causing danger to highway users and inconvenience to the occupiers of the neighbouring dwellings in Stretton Court
- k) the proposed slight widening of the access drive is only an aesthetic improvement and would not improve access or egress to and from the site
- l) access for emergency vehicles would be limited
- m) the scheme is overbearing and detrimental to the character of area
- n) Stretton House has architectural merit and historical value and should be listed as a house of note in Hinckley
- o) works carried out to the house have been detrimental to the character of the building
- p) land ownership issue in respect of the grassed paddock to north.

The ninth letter states that a left turn in and left turn out for access/egress to and from the site or provision of a slip road should be used to make the proposal safer in respect of highway safety.

No response has been received at the time of writing this report from:-

Leicestershire County Council (Archaeology)
 Leicestershire Fire and Rescue Service
 Cyclists Touring Club.

Policy:-

National Policy Guidance

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

Hinckley & Bosworth Core Strategy 2009

None relevant.

Hinckley & Bosworth Local Plan 2001

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

Policy BE1: Design and Siting of Development
Policy NE5: Development in the Countryside
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

The main considerations with regards to this application are:-

- the principle of development
- impact on highway safety
- impact on the amenities of neighbouring properties
- design of the proposed extensions and impact on the character and appearance of Stretton House and the surrounding area
- disposal of foul water drainage
- other material considerations

Principle of Development

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications for planning permission should be determined in accordance with the development plan unless other material planning considerations indicate otherwise. The development plan comprises the saved policies of the adopted Hinckley and Bosworth Local Plan (2001) and the adopted Local Plan 2006-2026 Core Strategy (2009).

The site is located outside the settlement boundary of Burbage in the countryside as defined in the adopted Hinckley and Bosworth Local Plan Proposals Map. Saved Policy NE5 of the adopted Local Plan states that the countryside will be protected for its own sake, however, the policy also states that planning permission will be granted for built and other forms of development in the countryside, including (criterion b) the change of use and extension of existing buildings subject to a number of specified design criteria.

The NPPF is a material consideration in the determination of the application and provides a presumption in favour of sustainable development. Paragraph 7 identifies the three roles of sustainable development as being social, economic and environmental. Paragraphs 17 and 70 support the re-use and conversion of existing buildings and seek to support the provision of community and cultural facilities and services to meet community needs and enhance the sustainability of communities. Paragraphs 17 and 34 seek to manage patterns of growth to make the fullest possible use of public transport and walking and cycling and maximise the use of sustainable transport modes. Paragraph 29 recognises that the opportunities to maximise sustainable transport solutions will vary from urban and rural areas.

The proposed change of use and extension of Stretton House would be acceptable in principle in respect of saved Policy NE5 (criterion b) of the adopted Local Plan. Notwithstanding that the location of the site does not encourage the use of sustainable transport modes, the proposal would contribute positively to the social role of sustainable development identified in the NPPF through the provision of a community facility offering cultural services to the community and to the environmental role through the provision of a sustainable foul water drainage system to serve the facility.

The proposal is therefore considered to be sustainable and acceptable in principle subject to all other planning matters being appropriately addressed.

Highway Safety

Saved Policy NE5 (criterion iv) of the adopted Local Plan requires that development in the countryside will not generate traffic likely to exceed the capacity of the highway network or impair road safety. Saved Policy BE1 (criterion g) requires that development ensures adequate highway visibility for road users and adequate provision for off street parking for residents and visitors together with turning facilities. Saved Policy T5 of the adopted Local Plan refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified.

The NPPF in paragraph 32 states that decisions should take account of whether safe and suitable access to the site can be achieved for all people but also states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Objections have been received on highway safety grounds. Objectors consider that the A5 Watling Street is a very busy road with a constant flow of heavy traffic which regularly exceeds the 40 mile per hour speed limit and that the level of traffic will increase over the next few years with a number of large scale developments (including MIRA Enterprise Zone, DPD Distribution Centre, Stretton Croft Hotel and Business Park and major residential developments) already permitted nearby. Objectors consider that, notwithstanding the proposed alterations to the driveway, access and egress to the A5 from the application site is hazardous and dangerous, unsuitable and inadequate for the proposed use and would cause traffic congestion and queueing at the junction both on the A5 and within the site and therefore be detrimental to highway and pedestrian safety. Objectors also consider that notwithstanding the submitted planning obligation, it would be impossible to effectively control or effectively monitor numbers of people and vehicles attending services/meetings at Stretton House and should permission be granted it would be difficult to prohibit any subsequent increases in vehicular movements in relation to the use of the site.

The site is accessed directly off the south side of the A5 Watling Street Trunk Road, a single carriageway road with restrictions to overtaking to either side of the Stretton House access. There are bends to the north west of the access and a slight brow to the south east.

The proposal includes minor alterations to the internal access driveway to provide a minimum of 4.5 metres width and enable vehicles to pass each other within the site and avoid potential queuing on the A5, together with proposals for future maintenance of boundary hedgerow adjacent to the A5 highway to maintain visibility. The proposed provision of 30 vehicle parking spaces within the site to serve Stretton House would provide adequate car parking facilities to serve the proposed uses as limited by the submitted planning obligation and would not result in any obstruction of the parking areas of Stretton Court.

Leicestershire County Council (Highways) consider that the residual cumulative impacts of the current scheme can be mitigated and are not considered severe and therefore raise no objections to the scheme subject to conditions to ensure the provision of the proposed parking and turning areas and provision of cycle parking within the site.

Highways England are aware of the restrictions placed on the use of the premises in terms of maximum numbers of visitors and vehicles and raise no objections to the application as submitted in terms of highway safety subject to the completion of the proposed planning obligation to control the use of Stretton House and the wider land holding and to restrict the number of vehicles and people to Stretton House to those proposed within the scheme together with a condition to ensure maintenance of the highway boundary hedgerows to maintain visibility from the access at the junction with the A5 Trunk Road.

Notwithstanding the advice of Highways England (then Highways Agency), the previous 2011 application was refused on highway safety grounds for the following reason:

In the opinion of the local planning authority the proposed development, if permitted, would result in an intensification of use of the existing access and a material increase in traffic turning onto or off the A5 Watling Street Trunk Road in an area remote from main development where traffic volumes and speeds are generally high to the detriment of highway safety. The proposed development is therefore contrary to Policies NE5 and T5 of the adopted Hinckley and Bosworth Local Plan and Planning Policy Guidance 13: Transport.

The current scheme proposes a similar scale of use to the previous scheme. It should be noted that in paragraph 12 of the decision notice in respect of the subsequent planning appeal the Planning Inspector considered that: 'taking account of the form of traffic flow, the 40mph speed limit, the nature of this section of the road, and that, in practical terms, the visibility at the junction would extend beyond the 120 metre standard required, the traffic generation arising from the proposal based on the submitted details would not give rise to conditions that would be prejudicial to highway safety through the use of the existing access'. However, in addition the Inspector considered that: 'The degree of traffic generation must be subject to specific control, as any increase would need to be assessed on its relative merit to ensure continued highway safety.' In paragraph 14 of the appeal decision notice the Inspector considered that in order to control traffic generation a planning obligation would be necessary to ensure that highway safety could be protected and that 'such an obligation in this case would meet the statutory tests' of the CIL Regulations 2010.

Whilst a draft planning obligation to control vehicle and visitor numbers was submitted with the application, the applicant failed to submit a suitable (executed and certified) planning obligation with the appeal. As a matter of appeal procedure for written representation cases (paragraphs N.2.1 and N.2.2 of Annex A of The Planning Inspectorate Procedural Guide to Planning Appeals - England) the Inspector can only consider what is before him/her and will not delay the issue of a decision to wait for an obligation to be executed. Accordingly, the appeal was dismissed due to the lack of a suitable planning obligation to ensure highway safety.

The current application is supported by a planning obligation that limits the number of vehicles and people to the site and hours of operation in respect of the proposed change of use, contains a recording scheme to enable the local planning authority to monitor/enforce the planning obligation and prohibits the use of the land holding for events of over 80 people. The applicant proposes to control numbers of people attending services at Stretton House at source through the use of an invitation only system. The applicant proposes to maintain an up-to-date register of the names of each individual visitor to Stretton House, their main home address, date, time and duration of visit and mode of transport to the site and registration details of motor vehicles used. The register of information would be available at all reasonable times to the local planning authority to enable monitoring to be undertaken in respect of compliance with the planning obligation.

Concerns have been raised in respect of the acceptability and effectiveness of the planning obligation to control the number of people and vehicles to Stretton House and the proposed monitoring scheme which relies upon the applicant's own recording. Whilst there is sympathy with this view, the use of planning obligations and self-registers to monitor visitor numbers and other activity is not unique and such schemes are used for a variety of situations (e.g. to monitor the occupation of holiday lets in countryside or other sensitive locations). In the event the obligation was not complied with, the method for addressing this would be enforcement action through the courts, subject to satisfactory evidence to demonstrate non-compliance being available.

A left turn in and left turn out arrangement for access/egress to and from the site or provision of a slip road has been suggested in a neighbour consultation response to make the proposal safer in respect of highway safety. However, such an arrangement would not only compromise the occupiers of the existing residential properties in Stretton Court but would not be fairly or reasonably related to the scale of activities proposed by the application. In paragraph 11 of the appeal decision the Planning Inspector noted that the accident record along this section of Watling Street (seven) 'did not involve any vehicles using the [Stretton House] access'.

A neighbour consultation response raises an objection on the grounds that there would be limited access to the site for emergency vehicles however there is no evidence to suggest that this would be the case.

Notwithstanding the objections received and concerns raised in respect of highway safety, there is no technical support or evidence to demonstrate that the proposal as submitted would not achieve a safe and suitable access or that the residual cumulative impacts of development would be severe. Accordingly, subject to the completion of a satisfactory planning obligation to limit the number of vehicles/people to Stretton House, including the proposed monitoring scheme, the proposal would be in accordance with saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan and paragraph 32 of the NPPF.

Neighbours Amenities

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

Objections have been received that the proposal would result in adverse impacts on the amenities of neighbouring residential properties. These include overbearing effect, loss of privacy, smell from the proposed toilet block, noise and disturbance from amplified music, percussion instruments and chanting, hours of use and inconvenience, emissions and noise from additional vehicular activity and parking.

By virtue of their siting on the eastern and southern elevations of Stretton House, away from Stretton Court and their single storey scale, the proposed extensions and alterations would not result in any adverse impacts on residential amenity from any overbearing impact or loss of privacy from overlooking.

The proposal includes the removal and bricking up of existing windows facing towards the rear garden of the adjoining dwelling in Stretton Court to improve privacy and amenity of the occupiers. The proposed floor plan (Drawing No. 156-005B) also indicates that extraction from the toilet block would be directed away from the neighbouring property in Stretton Court and out through the east elevation of the building. Therefore the proposed toilet block would not result in any material adverse impacts on the amenities of the adjoining occupiers from noise or odour.

The scale of the proposed activities would be limited by the submitted planning obligation and are not considered to be unreasonable given the size of Stretton House and its gardens and the limited hours of use for the proposed community services. However, concerns have been raised that these uses could result in potentially noisy activities including amplified music, percussion instruments and chanting that would adversely affect the amenity of neighbouring occupiers particularly in summer months when windows and doors may be open.

The applicant's planning agent advises that the building has recently been fitted with double glazing throughout and has indicated that a condition to prohibit amplified music from being played to the external areas of the property would be acceptable to the applicant's. However, the agent considers that any condition which sought to require all windows and doors to be kept closed when music is being played indoors would be unreasonable as the premises retains a residential use and such a condition would not reasonably be imposed on a dwelling. Environmental Health (Pollution) considers that a condition to prevent the playing of amplified music in or to the external areas of Stretton House in connection with the meeting and teaching services would suffice and be reasonable to protect the residential amenity of neighbouring occupiers.

The kitchen is located on the east side of Stretton House rather than adjacent to the neighbouring properties in Stretton Court. The supporting information proposes the improvement of extraction and filtering equipment to the kitchen to minimise any impacts on the adjacent occupiers from smells, fumes and noise but no details have been submitted. Environmental Health (Pollution) considers that food preparation for up to 80 people would be more akin to a commercial scale rather than domestic. Although the hours of the proposed community type uses would be limited, the preparation of food could take longer and the preparation of food of a high odour content has the potential to have an impact on neighbouring occupiers. He therefore recommends a condition requiring the submission for prior approval of a scheme for extraction, filtering and ventilation of the kitchen which is considered to be reasonable and necessary to protect the amenities of the occupiers of Stretton Court. This is also considered to be reasonable in order to control the visual impacts of any extraction system on the appearance of Stretton House.

People attending Stretton House would use the existing shared access drive with Stretton Court and pass beyond to the existing and proposed additional parking areas which are located in excess of 45 metres from the neighbouring properties. The proposed scheme includes minor alterations to improve access and egress at the junction with the A5 Watling Street by providing a 4.5 metre wide drive to enable two vehicles to pass. Notwithstanding that the proposal would result in additional traffic using the access and as a result there may be small delays in exiting the site at peak times, by virtue of the limited numbers of vehicles allowed to enter the site and limited hours of use as submitted in the planning obligation the number of vehicle movements is unlikely to result in any significant adverse impacts on residential amenity from inconvenience or noise and disturbance from comings and goings.

Concerns have been raised that when larger events have been held at Stretton House in the past, the applicant's website has encouraged visitors to park on the neighbouring residential estate (Three Pots) causing traffic/parking congestion and nuisance as a result of traffic movements and noise and disturbance to the residents of the estate. However, the current scheme proposes that events would be by invitation only and the submitted planning obligation would prevent the larger type events previously held at the site and on the remainder of the land in the applicant's ownership.

The proposal would provide adequate parking facilities within the application site to accommodate the maximum of 30 vehicles detailed in the planning obligation. This should help to reduce the potential for vehicles needing to park elsewhere, such as near to houses on residential streets. The potential for this problem remains at times when the facility is being used to capacity. The applicant considers that the parking being provided within the site is sufficient for their needs and it is reasonable to assume that some visitors would car share, which would reduce the potential for off-site parking. On balance, with the controls in place to limit numbers of people using the site, this impact would not be so severe to justify a refusal.

It should be noted that in his decision notice in respect of the previous appeal the Planning Inspector considered that the extensions 'would not have an adverse impact on the living conditions of adjoining neighbours' and raised no concerns in relation to the scale of the proposed activities which were similar to those now proposed.

Notwithstanding the objections received, by virtue of the size of the premises, the scale of the proposed extensions and the proposed activities in terms of numbers of people, the limitations on the hours of use for those activities and separation distances to neighbouring properties, the proposal as submitted would be unlikely to result in significant adverse impacts on the amenities of neighbouring residents to an unacceptable degree and the proposal would therefore be in accordance with Saved Policy BE1 (criterion i) of the adopted Local Plan.

Character and Appearance of Stretton House and Surrounding Area

Saved Policy NE5 (criteria i, ii and iii) of the adopted Local Plan requires that development does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and the general surroundings and is effectively screened by landscaping. Saved Policy BE1 (criteria a, b and c) require that development complements or enhances the character of the surrounding area with regard to scale, layout, design, materials and architectural features, avoids the loss of vegetation and features which contribute to the quality of the local environment and has regard to the safety and security of individuals and property.

Objections have been received on the grounds that Stretton House has architectural merit and historical value and should be listed as a house of note in Hinckley and that works carried out to the house have been detrimental to the character of the building. Whilst it is acknowledged that the house has some historical value through its association with the renowned Atkins family and some aesthetic value due to its architectural features, currently it is not a listed building or identified in any local listing. Repair and minor alterations and replacement of windows are not works that would require planning permission.

Objections have been received on the grounds that the proposal is detrimental to the character and appearance of this residential area and overbearing.

The property is a large detached dwelling and residential annex with a total of 8 bedrooms set within large grounds and is well screened from the highway by fencing and mature landscaping including a large number of trees that are subject to a Tree Preservation Order. The proposed change of use would, for much of the time, retain the appearance of the site as a large rural family dwelling in extensive grounds which are to be maintained as gardens, paddocks and woodland. Therefore no significant adverse impacts upon the appearance or character of the area would result from the proposed change of use.

The proposed single storey extension off the south elevation of Stretton House would project 6 metres and face the open countryside rather than any adjacent residential properties. It is designed with a flat roof with glazed roof lanterns and is proposed to be constructed in matching facing bricks and stone quoin and lintel details to respect the appearance of the existing building. The single storey lobby extensions on the east elevation would be sited in recesses facing the access drive and parking areas and are proposed to be constructed of matching external materials to respect the appearance of the existing building. The proposed lean-to roof lobby area would improve the appearance of the secondary entrance whilst the other lobby would provide internal access to the new toilet facilities. Whilst this would have a flat roof construction it would be well screened from the access drive by a brick wall and close boarded timber fencing of 2 metres in height and by tall, dense evergreen shrubs and therefore would not be a prominent feature. As a result of their siting, design and the use of

matching materials, the proposed extensions and alterations are considered to respect the scale, character and appearance of the existing building and would not have any significant adverse impact on the character or appearance of the site or surrounding landscape.

In his decision notice in respect of the previous appeal the Planning Inspector noted that Stretton House is a substantial country property and considered that the proposed extensions (which were similar to those now proposed) 'would be acceptable in terms of their impact on the character and appearance of the property and of this area of countryside'.

A total of 30 vehicle parking spaces would be created through alterations to the existing driveway area and part of the grassed paddock to the east of the driveway, including 5 overflow spaces within the paddock which would be surfaced in a Grasscrete paving system to minimise any impact on the appearance of the paddock particularly when the parking area is not in use. These spaces would be set well back from the highway and be well screened from public areas by fencing and mature trees and therefore would not have any material adverse impact on the overall character or appearance of the site.

The proposed minor alterations to/alignment of the internal access road to provide a 4.5 metre width and pedestrian footpath are to be constructed with the aim of improving the flow of traffic to and from the A5 junction and pedestrian safety. The alterations are proposed to be constructed with a no-dig method of construction and incorporate geo-textile separation filtration layers with granular fill to reduce impact and protect the root systems of protected mature trees adjacent to the access.

The Council's Tree Officer does not object to the scheme but considers that the proposed entrance drive re-alignment, alterations to the access road and parking spaces 10 - 14 will need to be constructed using a no-dig construction method to avoid any adverse impacts on the root systems of adjacent protected trees. A construction method statement could be secured for prior approval by the imposition of an appropriate planning condition should the application be approved.

Notwithstanding the objections received, the proposal would not result in any material adverse impacts on the character or appearance of Stretton House or the surrounding countryside and would therefore be in accordance with saved Policies NE5 (criteria i, ii and iii), BE1 (criteria a, b and c) of the adopted Local Plan.

Drainage and the Environment

Saved Policy NE14 of the adopted Local plan states that planning permission will not be granted for development proposals which would adversely affect the water quality and ecology of watercourses and groundwater resources unless satisfactory arrangements are made for the disposal of foul sewage and surface water. Paragraph 109 of the NPPF seeks to prevent adverse impacts on the water environment.

Stretton House currently uses non-mains drainage in the form of a shared cesspit with limited capacity that services a number of unrelated properties and is located at some distance on third party land within an agricultural field used for growing crops to the west of the site. Access to the cesspit is therefore subject to third party control and can only be obtained prior to crop growth in the spring and even then is dependant upon prevailing ground conditions to allow the tanker to safely access the site. As a result, the application proposes the installation of a sustainable private sewage treatment system within the field to the south that would have adequate capacity to service the proposed uses of the building and to discontinue connection to the shared cesspit. The plant would discharge into an existing pond within the garden area as would storm water from Stretton House. The submitted Great Crested Newt Survey suggests that the pond is unlikely to support the species due to high

populations of fish and that water quality would not be significantly affected due to existing fouling by ducks and fish. Leicestershire County Council (Ecology) have assessed the report and raise no objection to the application. The Environment Agency, Severn Trent Water Limited and Environmental Health (Drainage) raise no objections to the proposed drainage system.

Other Issues

Notwithstanding the comment from Burbage Parish Council, adequate consultation and publicity has been undertaken in respect of the application.

Land ownership issues are not a material planning consideration.

Conclusion

Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. It states that for decision taking this means approving proposals that accord with the development plan without delay and where the development plan is absent, silent or out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or specific policies in the Framework indicate development should be restricted.

The change of use and extension of existing buildings in the countryside is supported by adopted Local Plan Policy NE5 and the NPPF and is therefore acceptable in principle. Notwithstanding the objections received and concerns raised in respect of highway safety, there is no technical support or evidence to demonstrate that the proposal, as submitted, would not achieve a safe and suitable access or that the residual cumulative impacts of development would be severe. The applicant is willing to enter into a planning obligation to control and restrict the numbers of vehicles and people and hours of use and maintain a register to enable ongoing monitoring to be undertaken. In addition, events involving more than 80 people at the Stretton House landholding would be prevented and would be held elsewhere.

Highways England raise no objections to the application as submitted in terms of highway safety subject to the completion of the proposed planning obligation to control the use of Stretton House and the wider land holding and to restrict the hours of use and number of vehicles and people to Stretton House to those proposed within the scheme together with a condition to ensure maintenance of the highway boundary hedgerows to maintain visibility from the access.

Objections have been received in respect of potential adverse impacts on the amenity of neighbouring properties as a result of the increase in visitor numbers compared to the existing residential use. Notwithstanding this, by virtue of the size of the premises and grounds and separation distances the scale of the meeting and teaching activities as proposed would not give rise to significant or demonstrable adverse impacts on neighbours amenities and the previous appeal Inspector raised no concerns in this respect.

Concerns have been raised in respect of the future compliance with the restrictions within the submitted planning obligation and the ability of the local planning authority to effectively monitor and enforce the restrictions therein in terms of numbers of people and vehicles and the limitations on the hours of use. Notwithstanding this the previous appeal Inspector considered that a planning obligation was necessary and would meet the statutory tests.

Objections have been received in respect of potential adverse impacts on residential amenity as a result of noise and disturbance from activities and kitchen/food odours. However, such impacts can be mitigated through the use of planning conditions to prohibit the playing of amplified music to external areas in connection with the meeting and teaching activities and to require the submission of kitchen extraction, filtering and ventilation equipment for prior approval and subsequent installation.

By virtue of their siting, scale and design and subject to the use of sympathetic external materials, the proposed extensions and alterations would not result in any significant adverse impacts on the character or appearance of Stretton House, the privacy or amenity of any neighbouring properties, protected trees or the surrounding countryside. The provision of a private sewage treatment plant to serve Stretton House would result in a more sustainable foul drainage system and reduce the capacity pressures on the existing shared cesspit and reduce the possibility of pollution of the water environment.

The proposal would therefore be in accordance with saved Policies NE5 (criteria b, i, ii, iii and iv), BE1 (a, b, c, g and i), NE14 and T5 of the adopted Local Plan and the overarching principles of the NPPF and the application is therefore recommended for approval subject to conditions and the completion of a section 106 planning obligation.

RECOMMENDATION:- Grant subject to conditions and the provision of an Agreement or Unilateral Undertaking pursuant to section 106 of the Town and Country Planning Act 1990 to restrict the use of the premises and wider land holding, the numbers of people and vehicles entering the site and hours of use and 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 drg. no. 156-001E, Proposed Site Layout Plan drg. no. 156-002H; Tree & Levels Site Survey drg. no. 156-012, Access Drive Re-Alignment & Footpath drg. no. 156-SK-A4a, Visibility Splays drg. No. 156-SK-A3a, Existing Ground Floor Plan drg. No. 156-004, Existing First Floor Plan drg. No. 156-011A, Proposed First Floor Plan drawing no. 156-006B, Existing East and South Elevations drg. No. 156-007, Proposed East and South Elevations drg. No. 156-009B received by the local planning authority on 19 May 2015 and Proposed Ground Floor Plan drg. no. 156-005C, Existing West and North Elevations drg. No. 156-008B and Proposed West and North Elevations drg. no. 156-010C received by the local planning authority on 1 October 2015.
- 3 The materials to be used on the external elevations of the proposed extensions and alterations shall match the corresponding materials of the existing building.
- 4 Before first use of the premises for the purpose hereby permitted the works for the disposal of surface water and the provision of the private sewage treatment plant for the disposal of foul water from the site shall be completed and fully operational in accordance with the submitted details and once provided shall be so maintained as such at all times thereafter.

- 5 Notwithstanding the submitted information, before development commences on site full details of: (i) the method of construction of the alterations to the existing access drive and new car parking area, including sections and levels; (ii) all proposed tree surgery works and (iii) a tree protection scheme during construction works, shall be submitted to and approved in writing by the local planning authority. The method of construction shall include a no-dig design and method statement and be carried out in accordance with the approved scheme.
- 6 Within three months of the implementation of this permission, a scheme for hedgerow management and boundary treatment at the junction of the site with the A5 Watling Street, as shown on the approved Proposed Site Layout Plan Drawing No. 156-002H, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be maintained and managed in accordance with the approved scheme.
- 7 The change of use hereby permitted shall not take place until the 30 vehicle parking spaces and turning facilities have been constructed and marked out in accordance with the approved Proposed Site Layout Plan Drawing No. 156-002H and once provided the spaces shall be permanently retained for parking at all times thereafter.
- 8 The change of use hereby permitted shall not take place until a scheme for extraction, filtering and ventilation of the premises, which shall include installation method, maintenance and management, has been submitted to and agreed in writing by the local planning authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first used for the mixed sui generis use hereby permitted and shall be permanently so maintained and in use at all times thereafter.
- 9 There shall be no amplified music played in or to the external areas of the site in connection with the meeting and teaching services.

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 to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that the development hereby permitted is provided with a satisfactory drainage system and to reduce the risk of pollution of the water environment to accord with Policy NE14 of the adopted Hinckley & Bosworth Local Plan.
- 5 The trees on this site are subject to a Tree Preservation Order and this condition is necessary to ensure that proper steps are taken to safeguard the trees at all times, in accordance with Policies BE1 (criterion b) and NE12 (criterion c) of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the A5 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 in the interests of road safety in accordance with Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Hinckley & Bosworth Local Plan.

- 7 To ensure that adequate vehicle parking and turning facilities are available to serve the development hereby permitted in the interests of highway safety to accord with Policies BE1 (criterion g) and T5 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure the development does not result in any adverse impact on the amenities of neighbouring properties in terms of odour and noise to accord with Policy BE1 (criterion i) of the adopted Hinckley & Bosworth Local Plan.
- 9 To protect the amenities of the occupiers of neighbouring properties from noise and disturbance to accord with Policy BE1 (criterion i) of the adopted Hinckley & 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 The applicant's is advised that separate consent will be required from the Environment Agency in respect of the proposed private sewerage treatment plant and the additional separate requirements of the agency.
- 6 The applicant's attention is drawn to the recommendations and suggestions within Section 5 of the submitted Great Crested Newt Assessment and to the consultation response of Leicestershire County Council (Ecology) in respect of any future external or internal works relating to the roof, chimneys, gables, ridge, eaves, soffits, bargeboards or internal roof spaces etc. and potential impact on protected species or their habitat, in particular bats.

Contact Officer:- Richard Wright Ext 5894

Reference: 15/00694/FUL

Applicant: Asda Stores Ltd

Location: Asda Barwell Lane Hinckley

Proposal: Demolition of Nos. 26 & 28 Barwell Lane and the erection of an automated petrol filling station

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

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

Application Proposal

Full planning permission is sought for the demolition of two dwellings and the erection of an automated petrol filling station. This petrol filling station will be 'pay at the pump' and therefore no manned kiosk is proposed.

The petrol filling station would have three dual sided fuel dispensers which would be covered by a canopy to allow up to six vehicles to fill-up at any one time. The canopy would measure 21 metres by 5.8 metres. Additionally, an air/water machine, a control centre and CCTV cameras are proposed. The hard landscaping proposed features a 2.1 metre boundary fence to the eastern boundary and a twin rail 1.2 metre high fence along the north, west and southern boundaries. The soft landscaping proposed includes tree planting to the north, east and western boundaries.

The proposal would result in the net loss of 7 parking spaces from the existing ASDA store.

The petrol filling station would use the existing access to the store from Barwell Lane.

The Site and Surrounding Area

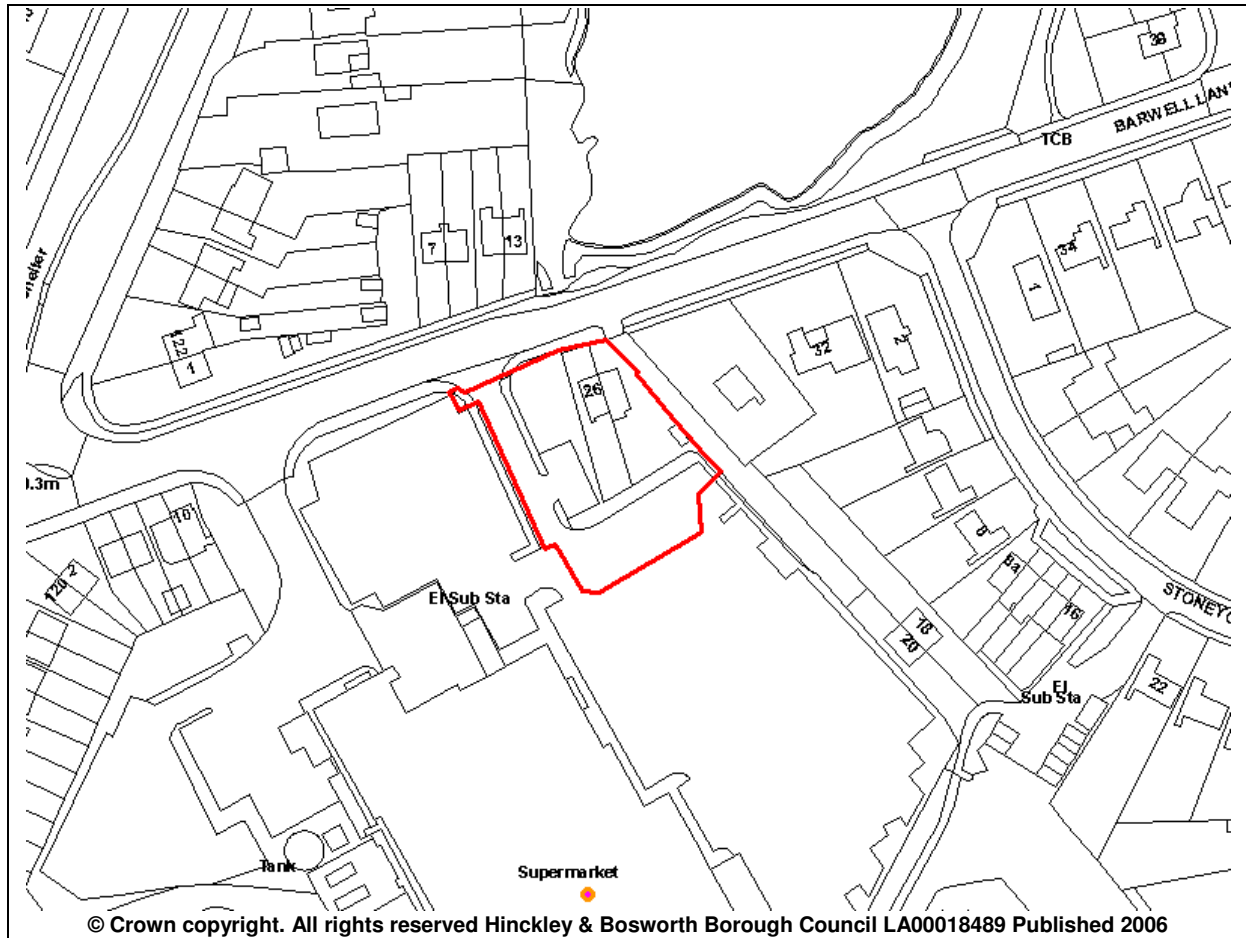
The site area is approximately 0.2 ha in size and includes two semi-detached residential properties, an area of landscaping and a small area of parking for the supermarket.

To the north, across Barwell Lane, and to the east of the site are residential properties. To the south and west of the site is the ASDA store with associated parking.

The existing access serving the store is from Barwell Lane and is immediately to the west of the application site. A separate waiting lane to turn into the supermarket site exists on Barwell Lane.

Technical Documents submitted with application

Planning Statement
Transport Statement
Noise Assessment
Lighting scheme



Consultations:-

No objection, subject to conditions, have been received from:-

- Severn Trent Water
- Leicestershire County Council (Highways)
- Environmental Health (Pollution)

A site notice and press notice were displayed and neighbours notified.

Two letters of support and a petition with 110 signatures has been received following an in store consultation event. It was also raised by the applicant that some concerns were raised in regard to parking, highways access and hours of operation of the petrol filling station, however the number of these were not provided.

32 objections have been received from neighbouring properties raising the following issues:-

- a) too much traffic & congestion around the store entrance and a petrol filling station will make matters worse
- b) too many HGV's driving along Barwell Lane
- c) often tailback up Barwell Lane to get onto the Ashby Road
- d) Stoneygate Drive has become a rat run
- e) Barwell Lane and Ashby Road junction dangerous and proposal will worsen matters
- f) Roundabout should be constructed on Ashby Road to Barwell Lane
- g) existing problem with parking for the store and reduction will worsen matters and parking along Barwell Lane

- h) would be better in ASDA car park to the south west of the site
- i) no need for more petrol filling stations
- j) unhealthy to have a petrol station so close to residential properties
- k) not suitable in a residential area
- l) impact upon noise, odour and light to neighbouring residential amenity
- m) environmental pollution
- n) safety risk of explosion and fire
- o) cramped and potentially dangerous layout
- p) seeks to trade outside of authorised opening hours
- q) reduced facilities for customers - loss of trolley parking facility
- r) loss of two dwellings
- s) lead to unsociable behaviour/threats to local residents
- t) barriers should be erected to the main site to stop people using the car park when store is closed
- u) where will delivery vehicles park.

County Councillor Michael Mullaney has objected to the application raising the following concerns:-

- a) highway congestion issues with the petrol station being located close to the Ashby Road/Barwell Lane junction. As this is an extremely busy junction a petrol station would make congestion worse at the junction
- b) the Stoneygate Drive estate is a large estate with only two exits at Barwell Lane/Ashby Road and Leicester Road. Similar petrol stations elsewhere in the country can cause pump queues at rush hour that tailback
- c) it seems unsuitable to put a working petrol station into a residential estate as there is a large potential for noise/disruption to local residents.

Policy:-

National Policy Guidance

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

Hinckley & Bosworth Core Strategy 2009

Policy 1: Development in Hinckley

Site Allocations and Development Management Policies Development Plan Document - Submission Version December 2014

Policy DM10: Development and Design
Policy DM17: Highways Design
Policy DM18: Vehicle Parking Standards

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy BE26: Light Pollution
Policy NE16: Storage of Oils, Fuels and Chemicals
Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

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

- Principle of development
- Impact upon the character of the area
- Impact upon neighbouring amenity
- Impact upon the highway

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) and the emerging Site Allocations and Development Management Policies (submission document December 2014)

The proposed petrol filling station is to be used in connection with the existing retail food store, within the settlement boundary of Hinckley. The proposal seeks the demolition of two dwellings. It is considered that the loss of two dwellings would not be detrimental to the overall provision of housing in the borough. It is therefore considered that the provision of a petrol filling station is acceptable in principle as it would provide sustainable economic development through increased retail provision at the existing retail store which is supported by the NPPF.

Impact upon the Character of the Area

Policy BE1 (criterion a) of the Local Plan requires development to complement or enhance the character of the surrounding area with regard to scale, layout, mass and design.

The demolition of the two dwellings would alter the character of the street scene and open up views into the adjacent ASDA site. The character of the area is varied along Barwell Lane, by a mixture of two storey residential properties and the existing ASDA retail store. Given the existing mixed character of the area and the overall form and appearance of the retail store, it is considered that this proposal would be a minor addition to the context of the overall retail nature of the store and the addition of a petrol filling station would not harm the overall mixed character of the area and is in keeping with the existing retail store.

The materials used within the surrounding area are a mixture of brick, render and grey metal cladding (ASDA store). The proposed materials to be used for the canopy consist of a steel profile metal decking, supported on a primary grid of steel sections, finished in white with aluminium fascias. The canopy is simple in its design and it is considered that the materials would not harm the appearance of the area. Any advertisements/corporate branding for the petrol filling station would need to be dealt with through a separate application for advertisement consent.

The control room would be located along the western boundary, adjacent to the existing access and would measure 2.2 metres in height, with dimensions of 1.9 metres x 2.1 metres and would feature a flat roof design. The unit is prefabricated and finished in matt white. Whilst the unit is plain in its design, it is functional and would not form an incongruous addition to the street scene.

The proposed CCTV and lighting poles are considered to be in keeping with the existing security and lighting across the ASDA site. These are characteristic of an urban environment and would not be detrimental to the character or appearance of the area.

A 2.1 metre close boarded timber fence is proposed along the eastern boundary. This would be in keeping with the existing character of the area as fencing is visible along Barwell Lane. It is considered that the height would not be overbearing as it is similar to the height of a domestic fence.

The site currently contains trees along the southern boundary with the existing ASDA car park, additionally some hedge and small tree planting exists within an open space adjacent to no's. 26 and 28 Barwell Lane. The proposal would result in the removal of this existing planting to facilitate the development. The trees to the north of the site, fronting the highway, provide limited value within the street scene and therefore their removal would not be detrimental to the appearance of the area. The trees to the rear are more mature and provide some amenity value to the area, however except from within the car park they are not easily visible. It is considered that proposed landscaping, which would include tree planting would mitigate this loss. It is therefore considered on balance that the replacement planting and landscaping on site would improve the character of the area and compensate the loss of the existing trees to the rear.

It is therefore considered that the proposal would not adversely affect the appearance and character of the area and is therefore acceptable and in accordance with Policy BE1 (criterion a) of the Hinckley & Bosworth Local Plan (2001).

Impact upon Neighbouring Residential Amenity

Policy BE1 (criterion i) of the adopted Local Plan and SPG require that new development does not adversely affect the amenity of occupiers of neighbouring properties. There are several residential properties surrounding the proposal along Barwell Lane, these include no's. 7, 9, 11 13 and 30 Barwell Lane.

A Noise Impact Assessment has been submitted with the application. Following discussions with Environmental Health (Pollution) amendments have been made to both the noise report and a boundary fence has been inserted along the eastern boundary.

The noise assessment concludes that the noise levels of the proposal would be acceptable and in keeping with existing standards/guidance. Following the amendments to the noise report Environmental Health (Pollution) have no objections to the proposal in regard to the impact of the development on residential amenity in respect to noise.

An amendment to the lighting scheme was submitted following comments from Environmental Health. The lighting scheme proposed is considered to be satisfactory. Concerns were raised from Environmental Health in regard to the impact of a light used during deliveries upon neighbouring residential properties. It is therefore considered that a restriction on deliveries to day time hours only would remove this issue and alleviate the impact of the development upon residential amenity. It is considered reasonable that the deliveries to the site are restricted to the restrictions set on the existing ASDA store (outside of 20:00-07:00 - Monday to Saturday and 17:00-09:00 Sunday).

The proposal is for a 24 hour petrol filling station, however strong concerns from residents have been raised in respect of this. The existing ASDA store holds restrictions in regard to deliveries and opening hours due to the impact upon neighbouring residential amenity through noise and disturbance. It is considered that limiting the opening hours of the petrol station to the opening hours of the existing ASDA store would be in keeping with the existing

situation for the retail store and would ensure further impacts are not generated to neighbouring residential properties that immediately surround the site. If the petrol station were to operate on a 24 hour basis throughout the night, it is considered that the noise and disturbance associated with the operation of the pumps, vehicle movements and the general operation of the filling station would lead to harm to neighbouring residential amenity given that the site is located adjacent to a residential area and background noise levels would be much lower when the store is closed during the night. To allow for use of the petrol filling station as people arrive to the store in the morning and leaving at closing, it is considered reasonable to restrict the opening hours for customers and for deliveries of fuel to one hour before an after closing (06:00 to 23:00 Monday - Saturday and 10:00 to 16:00 Sundays).

Two CCTV cameras are proposed within the development. Due to their positioning and the proposed boundary treatment to the residential dwellings to the east it is considered that these CCTV cameras would only view internally into the site and would not harm the privacy of existing residents through overlooking or a loss of privacy.

Concerns have been raised during the consultation in regard to odour from the proposed petrol filling station. If approved the petrol filling station would be subject to vapour recovery in accordance with the European Parliament Directive (5/5/2009) and a license which addresses containment of vapour emissions during tanker deliveries, as well as vapour displaced from customer's vehicles whilst refuelling. Details of the vapour recovery system used by ASDA have been provided for information purposes and identify that this system is constantly monitored to ensure the effectiveness of the vapour recovery system. It is considered that the measures required by the license would ensure the surrounding properties would not be adversely affected by odour from the proposed development.

Concerns have also been raised in regard to the risk of explosion or fire. If approved, the petrol filling station would be subject to an Environmental Permit/License. This would ensure the development is in accordance with all necessary safety requirements and standards. It is therefore considered that the risk of explosion or fire is highly unlikely and would not form a reason for refusal.

It is therefore considered that the applicant has demonstrated that the proposed development implements appropriate mitigation measures and, subject to conditions, would not detrimentally harm the amenity of neighbouring residents. The proposal is therefore considered to be in accordance with Policy BE1 (criterion i) of the Hinckley & Bosworth Local Plan (2001).

Impact upon Highway Safety

Policy T5 of the Local Plan states that proposals should not impact upon highway safety or the satisfactory functioning of the local highway network. Additionally paragraph 32 of the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Concerns have been raised by residents in regard to the impact of the development upon the highway network. A Transport Statement has been submitted alongside the application. This report concludes that the traffic impact of the proposal upon the adjoining road network would be negligible. No objections, subject to conditions have been raised by Leicestershire County Council as Highway Authority, who conclude that the residual cumulative impact of the development would not be severe. The existing access to the store would be used by the development and is considered acceptable. It is considered that the conditions requested in regard to parking and turning facilities, closing of redundant vehicular accesses and

requirement of a construction management plan are reasonable and necessary to this development.

Concerns have also been raised in regard to queuing vehicles waiting to use the petrol filling station and the impact upon the wider road network. Capacity calculations and a vehicle stacking diagram have been submitted by the applicant which identifies that the proposal has capacity for 11 vehicles within the site. This information therefore confirms that there is adequate space within the site to accommodate queuing vehicles without the need for them to stack back onto the internal store road. The Highway Authority concludes that the land available for queuing within the site is acceptable.

The proposal would result in the reconfiguration of the north eastern corner of the existing car park. The reconfiguration would result in a net loss of 7 parking spaces. The existing ASDA store is within a sustainable location within the town of Hinckley and is accessible by public transport. It is therefore considered that the loss of 7 parking spaces would not result in a severe impact upon the highway network, and is therefore acceptable.

It is therefore considered that the proposal would not have a severe impact upon the highway network and is therefore acceptable and in accordance with paragraph 32 of the National Planning Policy Framework and saved Policy T5 of the Hinckley & Bosworth Local Plan (2001).

Drainage

Severn Trent water has not objected to the application, subject to a condition. The requested condition requires the submission of details in regard to the disposal of surface water and foul sewage prior to the commencement of development. The requested condition is considered reasonable and necessary and is therefore recommended.

The comments from the Environment Agency have not yet been received and therefore an update in regard to flood risk and drainage comments will be updated through the late items agenda.

Conclusion

The erection of a petrol filling station and demolition of two residential dwellings is considered acceptable and would not have a detrimental impact upon neighbouring residential amenity or the highway network. The proposal is therefore considered acceptable and in accordance with national and local planning policy subject to conditions.

RECOMMENDATION:- Grant subject to conditions.

In dealing with the application, through ongoing negotiation the local planning authority has 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 except in complete accordance with the details shown on the submitted plans:
PA02 Rev A - Site Location Plan - Submitted 19 June 2015
PA04 Rev D - Proposed Layout - received 1 October 2015

PA06 Rev B - Proposed Elevations - received 1 October 2015
PA07 Rev B - Sections - received 1 October 2015
PA08 Rev B - Control Room Detail - received 1 October 2015.

- 3 No development shall commence until details of the proposed ground levels of the site, and proposed finished levels shall be submitted to and approved in writing by the local planning authority. The approved proposed ground levels and finished levels shall then be implemented in accordance with the approved details.
- 4 No development shall commence until drainage plans for the disposal of surface water and foul sewage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 5 No development shall take place until a scheme of hard and soft landscaping works for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme.
- 6 All changes in ground levels, hard landscaping, planting seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding seasons (October - March inclusive) following the commencement of the development. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damages or diseased shall be replaced in the next planting season with others of a similar size and species.
- 7 A 2.1 metre boundary fence, constructed to the specifications and location identified within the Noise Assessment dated 1 October 2015 and the proposed layout received 1 October 2015, shall be erected prior to first use of the petrol filling station. This fence shall be maintained in a sound condition thereafter.
- 8 There shall be no deliveries of fuel (diesel, unleaded or LPG) to the petrol filling station outside the hours of 07:00 - 20:00 Monday to Saturday inclusive and 09:00 - 17:00 on Sundays and Bank Holidays.
- 9 The petrol filling station shall not be open for the sale of fuel outside the hours of 06:00 to 23:00 Mondays to Saturdays or 10:00 to 16:00 on Sundays and Bank Holidays.
- 10 Off-street car parking and turning facilities shall be provided within the application site in accordance with the details shown on the submitted plan Dwg no (PA)04 Rev D. The parking and turning areas shall be surfaced and marked out prior to the development being brought into use, and shall thereafter be so maintained at all times.
- 11 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, storage of materials 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.

Reasons:-

- 1 To comply with the requirements of Section 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan 2001.
- 4 To ensure appropriate drainage on site to minimise flood risk and pollution in line with Policy NE13 of the adopted Hinckley & Bosworth Local Plan 2001.
- 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 the approved landscaping scheme is undertaken in a timely fashion and is continually maintained to accord with Policy NE12 of the adopted Hinckley & Bosworth Local Plan 2001.
- 7-9 To ensure that the proposed use does not become a source of annoyance to nearby residents and remains compatible with the surrounding area, in accordance with saved Policy BE1 (criterion i) of the Hinckley & Bosworth Local Plan (2001).
- 10 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area in accordance with saved Policy T5 of the Hinckley & Bosworth Local Plan 2001.
- 11 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area in accordance with saved Policy T5 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).

Contact Officer:- Helen Wilson Ext 5691

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Reference: 15/00624/CONDIT

Applicant: P A Wright & Sons

Location: 1 Burton Road Twycross

Proposal: Variation of condition 2 of planning permission 10/00133/FUL to allow for the removal of two car parking spaces

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

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

Application Proposal

This is a Section 73 application to vary condition 2 of planning permission 10/00133/FUL, to remove two parking spaces. The original permission included provision for 8 parking spaces to serve four dwellings. This application proposes 6 parking spaces to serve four dwellings, which equates to 1.5 parking spaces per dwelling.

No further amendments are proposed to the approved scheme.

The Site and Surrounding Area

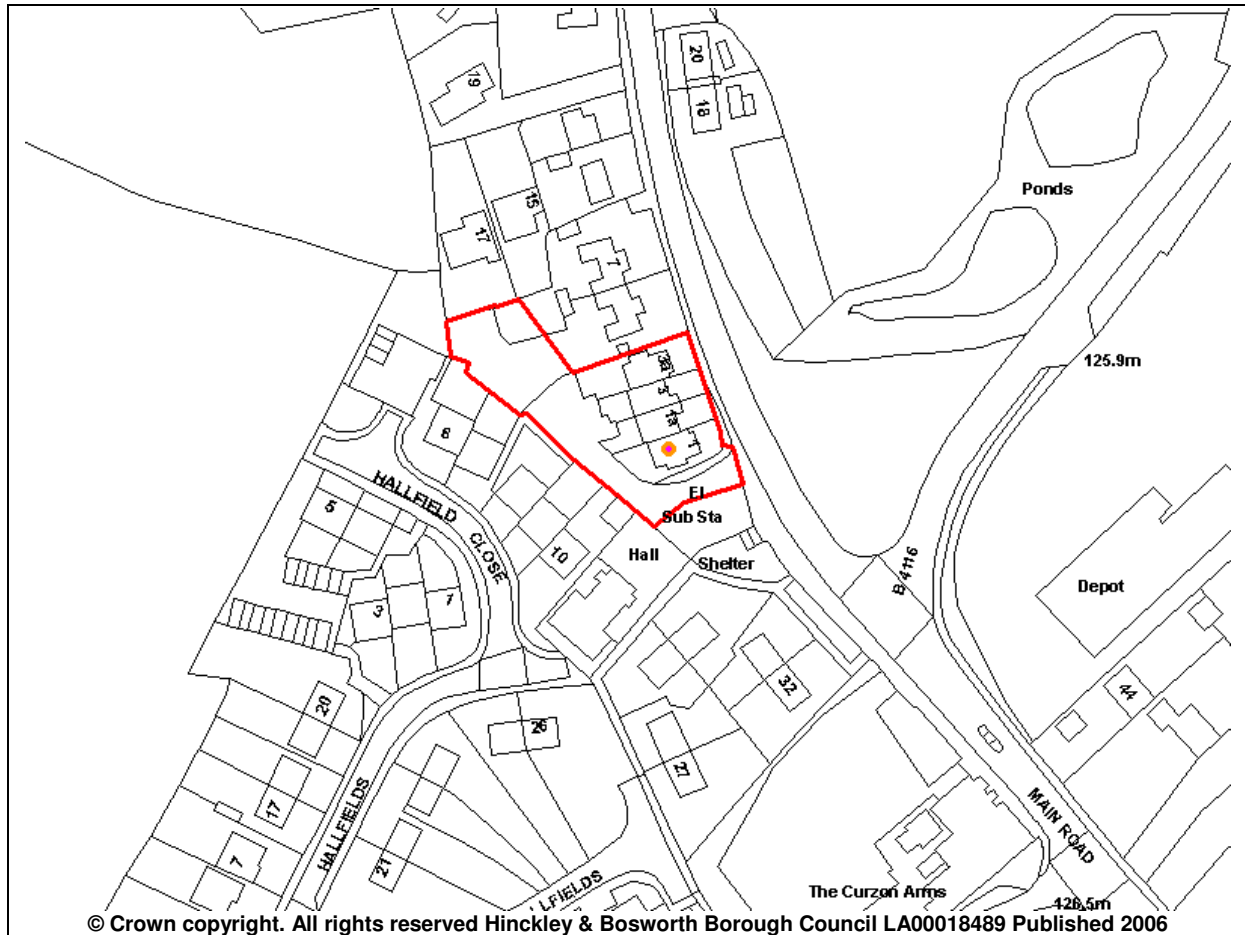
The development approved through 10/00133/FUL has been completed and is occupied. The site consists of four, 3 bedroomed, terraced dwellings which front Burton Road. The parking for these dwellings is situated to the rear of the properties and is accessed from Twycross Road, through a shared access.

Currently the parking area is unallocated and parking is available for 8 vehicles.

The site is surrounded by residential properties to the north and west and the village hall to the south west.

Relevant Planning History:-

14/00060/FUL	Erection of 3 bedroomed detached dwelling	Appeal Dismissed	17.11.14
13/00928/FUL	Erection of one new dwelling	Withdrawn	13.12.13
10/00133/FUL	Demolition of existing dwellings and erection of four new dwellings	Granted	15.07.10
09/00300/FUL	Demolition of one and three Burton Road and erection of four terrace dwellings with parking and amenity space	Granted	10.06.09



Consultations:-

No objection has been received from Leicestershire County Council (Highways).

Twycross Parish Council object to the scheme and raise the following issues:-

- a) residents of the properties are currently parking at the side of their dwellings on land not owned by the developer, suggesting the parking is inadequate or not it for purpose
- b) residents park in the area in front of village hall and removal of spaces will impact on parking for the village hall
- c) availability of public transport is questionable as the future of the bus route is uncertain and no train stations are available as an alternative
- d) reference to number of cars owned per household within the borough is not relevant as Twycross is an affluent area with multiple cars per household
- e) rented properties so parking requirements may change
- f) no public parking area within the vicinity of these properties
- g) no provision for visitor or tradesman parking, they parking on access road an village hall car park which are not public parking spaces
- h) problems with reversing onto A444 rather than leaving in a forward gear.

A site notice was displayed and neighbours notified.

Five letters of support have been received.

Six objections have been received from neighbouring properties raising the following issues:-

- a) would result in inadequate parking, leading to parking on the main road (A444)
- b) currently not enough parking for the existing residents
- c) existing residents park within the village hall car park
- d) some vehicles are reversing out onto the A444 as there is no adequate vehicle turning area, which was a condition of the original approved application (09/00300/FUL) and as recommended by LCC Highways
- e) some properties have more than two cars.

Policy:-

National Policy Guidance

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

Hinckley and Bosworth Core Strategy 2009

Policy 10: Key Rural Centres within the National Forest

Site Allocations and Development Management Policies Development Plan Document - Submission Version December 2014

Policy DM18: Vehicle Parking Standards

Hinckley and Bosworth Local Plan 2001

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

Appraisal:-

This is a variation of condition application to planning permission ref: 10/00133/FUL and therefore the principle of development is considered acceptable. With the exception of the removal of two car parking spaces no further amendments are proposed to the previously approved scheme.

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

- Impact upon the highway and parking provision on site
- Conditions
- Developer contributions

Impact upon the highway and parking provision on site

Saved Policy T5 of the Local Plan (2001) states that the borough council will apply the parking targets as set out in Appendix D unless a different level of provision can be justified. The parking targets identified within Appendix D states that two parking spaces should be provided for dwellings with 3 or less bedrooms. The approved application (ref:

10/00133/FUL) provided eight parking spaces in total, which equates to two parking spaces per dwelling.

The 6C's Design Guide deals with highways and transportation infrastructure for developments where Leicestershire County Council is the Highway Authority. Within this design guide, it provides either set maximum parking standards or allows the use of the DCLG Residential Car Parking Research Paper Method (Department for Communities and Local Government method). The DCLG method calculates the demand for car parking spaces for a development, based upon car ownership details for the area, dwelling type/size, and location. It is considered that the DCLG method is consistent with paragraph 39 of the NPPF in regard to parking standards. This approach is supported by emerging Policy DM18 of the Site Allocations and Development Management Policies (submission document 2014).

A desk exercise using the DCLG Method has been undertaken by the Highway Authority for the assessment of parking for the existing development. This concludes that six parking spaces would be acceptable, if all parking spaces were to be unallocated. The parking spaces are currently unallocated and can be used by any resident or visitor to the four dwellings. Therefore an alternative level of provision can be justified on site and is in accordance with Policy T5 of the Local Plan (2001) and the provisions of the 6C's design guidance and emerging policy DM18 of the Site Allocations and Development Management Policies (submission document 2014).

Objections have been received in regard to vehicles (associated with the four dwellings) parking within the area in front of the village hall. It is not considered that this is a reflection of insufficient parking for the site, as it was noted during the site visit that vehicles were parked in this area in front of no. 1 Burton Road and the parking area to the rear of the properties was unused. Therefore the use of the area in front of the village hall for parking relates to a matter of land ownership which is a civil matter which cannot be controlled through the planning process.

Further concerns have been raised in regards to the potential parking on the A444, due to a lack of parking for the development. There are no parking restrictions on the A444, however this is a busy main road and parking would not be ideal. It is considered that the removal of two parking spaces would result in an acceptable parking provision on site. It is therefore considered that the development would not result in a need for further parking which cannot be accommodated on site and it is therefore unlikely residents would need to park on the A444.

The parking for the existing dwellings allows turning for vehicles to leave the site in a forward gear. The removal of two parking spaces would not alter this.

It is therefore considered that the removal of two parking spaces for these properties would not cause a severe impact upon the highway network and is therefore acceptable and in accordance with Policy T5 of the Local Plan (2001), the provisions of the 6C's guidance, and emerging Policy DM18 of the Site Allocations and Development Management Policies (submission document 2014).

Conditions

As this application is a S73 application all other conditions from the previous permission must be carried forward, if applicable. Pre-commencement conditions, including materials, drainage and landscaping have been discharged and undertaken as the development is completed. It is not considered reasonable to include these conditions within this application. The conditions have therefore been amended to reflect this.

Developer Contributions

Developer contributions in regard to play and open space have been paid and provided by this development. Therefore further contributions are not required and the development has been carried out in accordance with Policy REC3 of the Local Plan 2001.

Conclusion

It is therefore considered that the removal of two parking spaces will not result in an under provision of parking on site and therefore would not have a severe impact upon the highway network and is in accordance with paragraph 39 of the NPPF and saved Policy T5 of the Local Plan (2001).

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 not be carried out otherwise than in complete accordance with the submitted application details, as follows: 1:1250 Site Location Plan, 5656.SS, 5656.03D - Elevations and details, all received 15 July 2010, topographical survey Dwg No 3768cv-01 Rev B received 18 April 2012 and production drawing Dwg No 2011.001-008B received 2 June 2015.
- 2 The hard and soft landscaping identified in the landscaping site plan within Dwg No 2011.001-008B received 2 June 2015 shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 3 The approved parking areas shall be unallocated and available for parking in perpetuity.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) development within Article 3, Schedule 2, Part 1 Classes A, B, C, D and E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To enhance the appearance of the development to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To ensure the appropriate parking provision on site in accordance with Policy T5 of the adopted Hinckley & Bosworth Local Plan.

- 4 To safeguard the amenities of adjacent occupiers and the character of the area, in accordance with the requirements of Policy BE1 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:- Helen Wilson Ext 5691

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

	<p>restricted. (Para 14).</p> <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>
National Planning Policy Guidance - Flood Risk and Coastal Change	<p>Less Vulnerable</p> <ul style="list-style-type: none"> • Police, ambulance and fire stations which are not required to be operational during flooding. • Buildings used for shops; financial, professional and other

	<p>services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the more 'More Vulnerable' class; and assembly and leisure.</p> <ul style="list-style-type: none"> • Land and buildings used for agriculture and forestry. • Waste treatment (except landfill* and hazardous waste facilities). • Minerals work and process (except for sand and gravel working). • Water treatment works which do not need to remain operational during times of flood. • Sewage treatment works, it adequate measures to control pollution and manage sewage during flooding events are in place. <p>Water-Compatible Development</p> <ul style="list-style-type: none"> • Flood control infrastructure. • Water transmission infrastructure and pumping stations. • Sewage transmission infrastructure and pumping stations. • Sand and gravel working. • Docks, marinas and wharves. • Navigation facilities. • Ministry of Defence defence installations. • Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location. • Water-based recreation (excluding sleeping accommodation). • Lifeguard and coastguard stations. • Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms. • Essential ancillary sleeping or residential accommodation for staff required by uses in this category, subject to a specific warning and evacuation plan.
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Flood risk vulnerability and floor zone 'compatibility'

Flood Zones	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 3b*	Exception Test required *	X	X	X	√
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.				
Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their impact	The circular provides guidance on the application of law relating to planning and nature conservation. It is structured on a topic basis and deals with conservation of internationally designated sites; sites of special scientific interest and the consultation and notification processes; planning for nature conservation outside the designated sites; conservation of species; and advice on other duties and use of statutory powers.				

within the planning system	
Kyoto Protocol, 2005	<p>The Kyoto Protocol is a legally binding agreement under which industrialised countries will reduce their collective emissions of greenhouse gases by 5.2% compared to the year 1990. The goal is to lower overall emissions from six greenhouse gases – carbon dioxide, methane, nitrous oxide, sulphur hexafluoride, HFCs, and PFCs – calculated as an average over the five year period of 2008-2012.</p> <p>The UK has set targets to generate 15% of electricity from renewable energy sources by 2015 and 20% by 2020. This is in addition to cutting carbon dioxide emissions by 60% by 2050.</p>
Parsons Brinckerhoff Report March 11	<p>This is an independent study into the phenomenon of shadow flicker from window turbines. The study finds there have not been extensive issues with shadow flicker in the UK; the frequency of the flickering caused by the wind turbine rotation is such that it should not cause a significant risk to health; and in the few cases where problems have arisen, they have been resolved effectively using mitigation measures, in particular turbines shut down systems. The Government considered the report's findings and concluded that existing planning guidance on shadow flicker is fit for purpose and that no changes to it are necessary.</p>
Planning Policy for Traveller Sites March 2012	<p>This sets out the Government's planning policy for traveller sites and should be read in conjunction with the NPPF. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.</p>
Environmental Impact Assessment Regulations 2011	<p>The criteria and thresholds in the EIA Regulations are only indicative. In determining whether significant effects are likely, the location of a development, the more environmental sensitive the location, the lower will be the threshold at which significant effects will be likely. Development listed in Schedule 1 of the Regulations always needs an Environmental Impact Assessment (EIA). Development listed in Schedule 2 of the Regulations may need an EIA, depending on a number of things such as whether it would be in a sensitive area and on its size, complexity and nature of the development. Development that exceeds the criteria and are judged to be significant are required to be supported by an Environmental Statement that should be scoped and agreed by the Location Planning Authority.</p>

Hinckley and Bosworth Core Strategy 2009	
Spatial Objective 1: Strong and Diverse Economy	<p>To strengthen and diversify the economy by providing sufficient, sustainably located, good quality land and premises and other support programmes, including skills training, to encourage appropriate sectors with growth potential including high value manufacturing businesses, business services, tourism, rural diversification initiatives and the cultural and creative industries. The focus for new employment will be Hinckley, reflecting its status as a sub regional centre and in Earl Shilton and Barwell to support the regeneration of these areas, with smaller scale employment in the key rural areas of the borough.</p>

Spatial Objective 11: Built Environment and Townscape Character	The adopted Core Strategy aims "To safeguard, enhance and where necessary regenerate the borough's distinctive built environment including its wider setting particularly that associated with Conservation Areas, Listed Buildings and historic industries.
Spatial Objective 12: Climate Change and Resource Efficiency	To minimise the impacts of climate change by promoting the prudent use of resources through sustainable patterns of development, investment in green infrastructure, minimising the use of resources and energy, increasing reuse and recycling of natural resources, increasing the use of renewable energy technologies and minimising pollution, including greenhouse gas emissions.
Spatial Objective 13: Transportation and Need to Travel	To reduce the high reliance on car travel in the borough and to increase the opportunities for other forms of transport by focusing the majority of development in the Hinckley urban area where there is a range of transport options available and through securing improvement to public transport infrastructure and facilities that promote walking and cycling and through the use of travel plans.
Strategic Objective 3 : Strong and Vibrant Rural Communities	Seeks to ensure rural communities have access to a range of shops, education, community and leisure facilities and employment opportunities to support, enhance and improve the sustainability, vibrancy and vitality of our rural areas.
Strategic Objective 7 : Healthier and Active Communities	Seeks to develop healthier communities by improving access to, and the provision of, community, sports and cultural facilities, green infrastructure and walking and cycling routes.
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 2	Development in Earl Shilton: supports the regeneration of Earl Shilton. It makes provision for a minimum of 10 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 south of Earl Shilton, seeks to ensure there is a range of employment opportunities within Earl Shilton, supports the regeneration of Earl Shilton local centre including public realm improvements, the development of a focal civic space and the provision of additional retail floor space. 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 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 5	Transport Infrastructure in the Sub-regional Centre: sets out transport interventions which are proposed to support additional development in and around Hinckley. This includes improvements to the provision and management of car parking and public transport to increase the increased use of Hinckley town centre.
Policy 6	<p>Hinckley/Barwell/Earl Shilton/Burbage Green Wedge: confirms that the following land uses will be acceptable in the Green Wedge:-</p> <ul style="list-style-type: none"> a) Agriculture, including allotments and horticulture not accompanied by retail development b) Recreation c) Forestry d) Footpaths, bridleways and cycle ways e) Burial grounds f) Use for nature conservation. <p>Any land use or associated development in the Green Wedge should:-</p> <ul style="list-style-type: none"> a) Retain the function of the Green Wedge b) Retain and create green networks between the countryside and open spaces within the urban areas c) Retain and enhance public access to the Green Wedge, especially for recreation and d) Should retain the visual appearance of the area. <p>It also indicates that a review should be carried out of the existing Green Wedge boundaries.</p>

Policy 7	<p>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.</p>
Policy 8	<p>Key Rural Centres Relating to Leicester: supports local services and seeks to ensure people have access to a range of housing.</p> <p>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; 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>
<p>Policy 9</p>	<p>Rothley Brook Meadow Green Wedge: encourages uses that provide appropriate recreational facilities within easy reach of urban residents and promote the positive management of land to ensure that the Green Wedge remains or is enhanced as an attractive contribution to the quality of nearby urban residents. It lists a number of uses considered acceptable in the Green Wedge, these include:</p> <ul style="list-style-type: none"> a) agriculture, inc allotments and horticulture; b) recreation; c) forestry; d) footpaths, bridleways and cycleways; e) burial grounds; and f) use for nature conservation <p>It further requires any land use or associated development in the Green Wedge to:</p> <ul style="list-style-type: none"> a) retain the function of the Green Wedge; b) retain and create green networks between the countryside and open spaces within the urban areas; c) retain and enhance public access to the Green Wedge, especially for recreation; d) retain and enhance function as a floodplain and infiltration basin; e) retain the visual appearance of the area.
<p>Policy 10</p>	<p>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</p>

	<p>seek improvements in car parking provision at Thornton Reservoir.</p>
Policy 11	<p>Key Rural Centres Stand Alone: supports local services and seeks to maintain rural population levels.</p> <p>Barlestone – allocates land for a minimum of 40 new homes; supports additional employment provision to meet local needs; supports the improvement of GP facilities; address existing deficiencies in green space and play provision; implement strategic green infrastructure; deliver safe cycle routes; allocate land for a new cemetery; and support improvements in the quality of facilities.</p> <p>Market Bosworth – allocates land for a minimum of 100 new homes; supports additional employment provision to meet local needs; support the role of Market Bosworth as a tourist destination; support the improvement of GP facilities; address existing deficiencies in green space and play provision; implement strategic green infrastructure; deliver safe cycle routes; protect green open land which penetrates towards the market place; seek improvements to the high school indoor sports facilities, outdoor pool and playing fields near Bosworth Water Trust; support the provision of new car parking at Dixie Grammar School; and require new development to respect the character and appearance of the Market Bosworth Conservation Area.</p> <p>Newbold Verdon – allocates land for a minimum of 110 new homes; support additional employment provision to meet local needs; support the improvement of the GP facilities; address existing deficiencies in green space and play provision; implement green infrastructure; deliver safe cycle routes; seek improvements in the quality of the community centre; support the provision of a car park for the church and cemetery; and require new development to respect the character and appearance of the Conservation Area.</p> <p>Stoke Golding – allocates land for minimum of 60 new homes; support additional employment provision to meet local needs; support the improvement of the GP facilities; address existing deficiencies in green space and play provision; implement green infrastructure; deliver safe cycle routes; encourage tourism; seek improvements in the quality of the village hall, playing fields and pavilion; improve connections with the neighbouring villages of Dadlington and Higham on the Hill; and require new development to respect the character and appearance of the Conservation Area.</p>
Policy 12	<p>Rural Villages: supports housing development within settlement boundaries, development that meets local needs, development that enables home working and small scale employment uses, development of the tourism industry and transport improvements. It also seeks to resist the loss of local shops and facilities in rural villages unless it is demonstrated that the business or facilities can no longer operate in a viable manner.</p> <p>In addition this policy provides guidance for individual settlements</p>

	<p>as follows:</p> <p>Higham on the Hill – allocate land for a minimum of 40 new homes; address existing deficiencies in green space and play provision; require new development to respect the character and appearance of the conservation area; and deliver safe cycle routes.</p> <p>Stanton under Bardon – allocate land for a minimum of 30 new homes; support the relocation of the community centre; address existing deficiencies in green space and play provision; implement strategic green infrastructure; support proposals that contribute to the National Forest Strategy and Charnwood Forest Regional Park; and deliver safe cycle routes.</p> <p>Sheepy Magna – allocate land for a minimum of 20 new homes; support proposals to provide a village shop; address existing deficiencies in green space and play provision and deliver safe cycle routes.</p> <p>Nailstone – allocate land for a minimum of 20 new homes; address existing deficiencies in green space and play provision; and deliver safe cycle routes.</p> <p>Twycross – allocate land for a minimum of 20 new homes; address existing deficiencies in green space and play provision; deliver strategic green infrastructure; require new development to respect the character and appearance of the conservation area; deliver safe cycle routes; and support the role of Twycross Zoo as a tourist destination.</p> <p>Witherley – work with the Highways Agency to address identified problems with the A5/Kennel Lane junction; address existing deficiencies in green space and play provision; require new development to respect the character and appearance of the conservation area; and deliver safe cycle routes.</p> <p>Congerstone – allocate land for a minimum of 10 new homes; address existing deficiencies in green space and play provision; deliver strategic green infrastructure; and require new development to respect the character and appearance of the conservation area.</p>
Policy 13	<p>Rural Hamlets: supports housing development within settlement boundaries that provides for a mix of housing types and tenures; complies with policy 17: Local Needs; enabling home working and other small scale employment uses within settlement boundaries; resists the loss of local shops and facilities unless it is demonstrated that the business or facility can no longer operate in a viable manner; deliver strategic green infrastructure; contributes to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park; provides transport improvements; supports the tourism industry; requires new development to respect the character and appearance of the relevant Conservation Area and requires development to be of a highest environmental standards.</p>
Policy 14	<p>Rural Areas: Transport: supports accessibility within the rural</p>

	<p>areas through safeguarding the route of the National Forest line and stations at Desford and Bagworth; the delivery of a viable, high quality public transport network between Key Rural Centres and their nearest urban centre and between Rural Villages and their nearest Key Rural Centre or urban centre; the provision of accessible transport services for mobility impaired and rurally isolated residents; further development of quality and reach of accessible transport services; the continuation of the Leicestershire hourly services network; the continuation of demand responsive transport networks; deliver safe cycle paths. Developers will be required to contribute towards these initiatives through developer contributions and/or land. New development that would prejudice their implementation will not be permitted.</p>
Policy 15	<p>Affordable Housing: seeks the provision of affordable housing on residential proposals in the urban areas at a rate of 20% on schemes of 15 dwellings or more or 0.5ha or more and rural area at a rate of 40% on schemes of 4 dwellings or more of 0.13ha or more with a tenure split of 75% social rented and 25% intermediate housing. The affordable housing figure can be negotiated on a site by site basis taking into account identified need, existing provision, characteristics of the site, and viability.</p>
Policy 16	<p>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.</p>
Policy 17	<p>Rural Needs: seeks to provide small scale developments that meet a 'local need' either through Local Choice or a Rural Exceptions Site for housing employment or community facilities adjacent the settlement boundary in Key Rural Centres, Rural Villages and Rural Hamlets providing that: the 'local need' has been clearly identified in an up to date Needs Survey or Parish Plan; it cannot be met within the settlement boundary of the village; it is of a scale and design that respects the character of the settlement; for Rural Exception it should be small scale (10 dwellings or less) and exclusively for the provision of affordable housing; a legal agreement secures exclusive occupation in perpetuity.</p> <p>A local need for housing is defined as people: who are resident at the date of allocation in the village, parish or local areas which the development is intended to serve; and who have an existing family or employment connection in the village, parish or local area which the development is intended to serve.</p>
Policy 18	<p>Provision of Sites for Gypsies, Travellers and Travelling Showpeople: states that the council will allocate land for 42 residential pitches, and planning permission for sites will be granted where certain criteria are met including siting adjacent to the settlement boundary of any Key Rural Centre or Rural Village or the site is located within a reasonable distance of local services and has safe highway access.</p>
Policy 19	<p>Green Space and Play Provision: seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.</p>
Policy 20	<p>Green Infrastructure: is a key priority of the Council and seeks to mitigate against the urban 'heat island' effect by increasing the number of street trees to provide shade, cooling and air quality</p>

	improvements.
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 23	Tourism Development: tourism development for new and extended visitor attractions including major facilities will be encouraged in suitable locations where: the development can help support the existing local community services and facilities; and is of a design and scale which is appropriate to the character of the surrounding area; and it adds to Hinckley and Bosworth's local distinctiveness; and it complements the tourism themes of the borough; and it adds to the economic well being of the area.
Policy 24	Sustainable Design and Technology: seeks to ensure all new development meets specified sustainable design and technology standards.

Local Plan 2006-2026: Hinckley Town Centre Area Action Plan 2011	
Policy 5	The Hinckley Town Centre Area Action Plan document provides a planning framework for areas in Hinckley Town Centre where significant change or conservation is needed. Policy 5 relates specifically to Land north of Mount Road and lists the key aspirations for the site's redevelopment.
Policy 7	Relates specifically to the Rugby Road/Hawley Road site. It supports the provision of a mixed use development incorporating new residential, commercial and other employment uses on the application site, the provision of a landmark building at the junction and the retention and enhancement of existing buildings where possible.
Policy 9	'Bus Station' sets out the key aspirations for the sites redevelopment which include an enhanced bus station, an exciting landmark development, a mixed use scheme anchored by a superstore, a cinema and other leisure uses, high quality public realm improvements including improved pedestrian connectivity to the town centre, improved links to Hinckley railway station and a consolidated car park of approximately 560 spaces. The toilet block falls within the area covered by Policy 9.
Policy 10	North Warwickshire and Hinckley College Sites: key aspirations for the sites redevelopment include: provision of a residential scheme on the smaller site on Spa Lane; redevelopment of the London Road college site for a mixed use scheme predominantly focussed on the delivery of offices and residential units; provision of landscaped frontages and the protection of significant trees;

	retention and re-use of existing high quality buildings where possible; and provision of landscaped public open space.
Policy 12b	<p>Transco HQ /Jarvis Porter: This is an identified employment site which contains significant employers for the town. An area to the west of the site currently has planning permission for warehousing/storage units, retail warehousing and a drive through restaurant. The remainder of the site will be actively retained for employment uses throughout the plan period. The mixed use development of this site will ensure investment in outdated employment provision, ensuring a range of employment is available within Hinckley.</p> <p>Throughout the plan period, the Borough Council will actively seek to retain 9.2 hectares of employment uses on this site.</p>
Policy 13	'Hinckley Town Centre Shopping Areas' states that ground floor development along Primary Shopping Frontages will be restricted primarily to A1 uses to protect the vitality and retail integrity of town centre's retail core, and A1-5 and D2 uses will be acceptable in the rest of the town centre. It also states that along primary and secondary shopping frontages, new development will retain, replace or create shop frontages as appropriate and that shop frontage must be designed to support the character and vitality of Hinckley Town Centre.
Policy 14	Retail Development Outside Hinckley Town Centre states within identified existing shopping centres, retail development will be permitted but must be a type and size which will not have a significant adverse impact on the vitality and viability of the town centre's Primary Shopping Area.
Policy 15	<p>Transport Infrastructure Delivery and Developer Contributions states Developers will either make direct provision of infrastructure, or will contribute towards the overall provision of measures by way of providing contributions through Section 106 agreements (or equivalent) to an overall pot for transportation improvements in the town centre.</p> <p>Contributions will be negotiated between the developer and the local planning authority during the production of detailed schemes for major developments.</p>
Policy 16	To improve the attractiveness of cycling to and within Hinckley town centre, the Council will require contributions towards the implementation of initiatives through developer contributions.
Spatial Objective 1:	To increase the number of people living in Hinckley town centre as part of the mix of uses, helping to generate vitality and diversity.
Spatial Objective 2:	Seeks to increase and improve accessibility within, to and from the town centre for pedestrians, cyclists and public transport and improve and rationalise car parking facilities in Hinckley town centre.
Spatial Objective 4:	To enhance Hinckley town centre's image to developers, retailers and visitors by ensuring high quality, safe and well designed, environmentally friendly development in the town centre.
Spatial Objective 7:	To improve the public realm through new public spaces, environmental improvements and public art, and to enhance the conservation of the historic character of the town centre through heritage-led regeneration.

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>
HOUSING	
Policy RES1	Residential Proposals: allocates specific sites for residential development. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy RES1a	North of Bagworth Colliery, Bagworth: supports residential proposals to a maximum of 115 dwellings subject to the proposals providing a well designed mix and layout with comprehensive landscaping, highway infrastructure with cycle and pedestrian links. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy RES1b	Former Railway Sidings, Bagworth: supports residential proposals subject to the proposal providing access from Station Road, access to the proposed railway station, consideration of ground contamination, substantial landscaping and financial contributions towards the proposed railway station. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy RES1c	Former Allotment Site west of Stapleton Lane, Barwell: supports residential proposals subject to vehicular access being obtained from Stapleton Lane. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy RES1d	Former Allotments Site west of Kirkby Road, Barwell: supports residential proposals providing vehicular access being obtained from Kirkby Road and retention and enhancement of established hedgerow and trees. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy RES1e	East of The Common, Barwell: supports residential proposals subject to vehicular access being obtained from The Common and substantial landscaping along the south-eastern boundary. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy RES1g	Rugby Road/Coventry Road, Burbage: supports residential proposals subject to vehicular access being provided from a new roundabout at junction of Rugby Road and Three Pots; contributions towards improvements to A5; retention and enhancement of existing landscaping <i>This policy is consistent with the intentions of the NPPF.</i>
Policy RES1h	Shadows Lane, Congestone: supports residential proposals to a maximum of 10 dwellings in accordance with the design brief for the site. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy RES1i	Ronald Toon Road, Earl Shilton: supports residential proposals subject to submission of a comprehensive layout of the whole site; a range of house types and layout characteristic of its urban fringe location; access from Mill Lane; new pedestrian and cycle links and substantial landscaping to the southern boundary. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy RES1j	South of Breach Lane, Earl Shilton: supports residential proposals

	<p>subject to submission of a comprehensive layout of the whole site; a range of house types and layout characteristic of its urban fringe location; a contribution towards any new junction on the bypass and other highway infrastructure works including pedestrian links and cycleways and substantial landscaping along the southern boundary.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy RES1k	<p>Martinshaw Lane, Groby: supports residential proposals subject to vehicular access being obtained from Martinshaw Lane.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy RES1l	<p>West of Clifton Way, Hinckley: supports residential proposals subject to submission of a comprehensive layout of the whole site; a range of house types, new pedestrian and cycle links and retention of existing natural features.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy RES1m	<p>North of Outlands Drive, Hinckley: supports residential proposals subject to vehicular access from Outlands Drive; provision of new pedestrian and cycle links and protection of protected trees during construction and their future maintenance.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy RES1n	<p>Nutts Lane/Coventry Road, Hinckley: supports residential proposals subject to an appropriate landscaped corridor alongside the canal; submission of a traffic impact assessment; preservation or enhancement of the special character of the Ashby Canal Conservation Area; highway infrastructure improvements and financial contribution towards A5</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy RES1o	<p>Barons Park, Kirby Muxloe: supports residential proposals subject to vehicular access from Barons Close, highway infrastructure improvements, new pedestrian and cycle links; retention and enhancement of existing hedgerows and trees.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy RES1p	<p>North of Ferndale Drive, Ratby: supports residential proposals subject to vehicular access from Ferndale Drive, provision of pedestrian links, retention and protection of existing trees and hedgerows; provision of acoustic barrier to east of site; financial contribution towards primary school education.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy RES1q	<p>West of the M1, Ratby: supports residential proposals subject to a range of house types; a buffer zone adjacent the motorway boundary; provision of pedestrian and cycle links.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy RES5	<p>Residential Proposals on Unallocated Sites: states that on sites that are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal does not conflict with the relevant plan policies.</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>
Policy RES10	<p>Replacement Dwellings: supports replacement dwellings where there is special justification and only where it is of a similar size and scale to that of the original dwelling and is built on a similar</p>

	<p>footprint or where appropriate and less detrimental to the character or appearance of the countryside, within the cartilage of the original dwelling.</p> <p><i>This policy has limited consistency with the intentions of the NPPF</i></p>
Policy RES12	<p>New Agricultural Dwellings: requires consideration of the following:</p> <ul style="list-style-type: none"> a the agricultural holding must be of a nature that requires a person to live on site having regard to the security and efficient operation of the holding; b the holding must be sufficiently viable to sustain any additional worker in full time employment c the availability of suitable alternative accommodation in the local housing market. <p>Where the principle of a new agricultural dwelling is supported every effort should be made to locate it within the settlement or alternatively within or adjacent to any existing farm complex or other group of buildings.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
EMPLOYMENT	
Policy EMP1	<p>Existing Employment Sites: seeks to actively retain existing identified employment sites for employment purposes.</p> <p><i>This policy is consistent with the intentions of the NPPF but should be read in conjunction with the Employment Land and Premises Study.</i></p>
Policy EMP1(b)	<p>Existing Employment Sites: consider proposals for other employment activities, or alternative uses of the sites identified below on their merits in the context of the appropriate design policies of this plan. These sites are generally considered to be acceptable employment locations and are indicated on the proposal map.</p>
Policy EMP2	<p>Expansion of Existing Employment Uses: supports the expansion of existing site subject to meeting design, layout, landscaping, access, parking and highway requirements; safeguarding amenities of occupants of adjoining or neighbouring properties and protecting and improving the character and appearance of the site and immediate environment.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy EMP3	<p>Land for Employment Development: supports development of identified sites for employment development subject to appropriate design, layout, highways and parking standards.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy EMP3a	<p>Station Road, Earl Shilton: supports employment proposals subject to vehicular access from Oaks Way; design and scale in relation to nearby residential properties; landscaping to strengthen existing vegetation on southern boundary and fencing or planting along western and northern boundaries.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy EMP3b	<p>Land at Nutts Lane, Hinckley: supports employment proposals subject to preparation of a planning and design brief; necessary highway improvements and financial contributions to improvements along the A5; and comprehensive landscaping including provision of a canalside buffer</p>

	<i>This policy is consistent with the intentions of the NPPF.</i>
Policy EMP3c	Land at Grass Plots / A5, Burbage: supports employment proposals subject to preparation of a planning and design brief; necessary highway improvements and financial contributions to improvements along the A5; comprehensive landscaping including provision of a canalside buffer; and access to the Jericho Farm site is not prejudiced. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy EMP4	Employment Development on sites other than those allocated for Employment Uses: supports small scale employment use within settlement boundary and rural areas subject to not being detrimental to residential amenity; not detracting from character and appearance of environment and countryside; provision of necessary highway infrastructure and no adverse impact upon highway network and safety. <i>This policy is consistent with the intentions of the NPPF when proposal is within settlement boundary but has limited consistency in all other cases.</i>
Policy EMP5	MIRA, Built Development for Employment Purposes: seeks to ensure that a built development within the MIRA site is not to the detriment of the appearance and character of the area, complies with current highway standards, provides necessary landscape screening and makes provision for the storage of waste material. <i>This policy is consistent with the intentions of the NPPF when the proposal is for MIRA but has limited consistency if it is not – it is too specific to a particular company.</i>
Policy EMP6	MIRA, Surface Test Facilities and Landscaping to Proving Ground: seeks to ensure that development within the MIRA site would not be detrimental to the amenities enjoyed by occupiers of nearby dwellings by reason of visual intrusion, noise and effect on the general character of the area. <i>This policy is consistent with the intentions of the NPPF when the proposal is for MIRA but has limited consistency if it is not – it is too specific to a particular company.</i>
CONSERVATION AND BUILT ENVIRONMENT	
Policy BE1	Design and Siting of Development: requires that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area with regards to scale, layout, density, materials and architectural features; avoid loss of open spaces; has regard to safety; incorporates design features which reduce energy consumption, encourages recycling and minimises impact on local environment; incorporates a high standard of landscaping; meets DDA requirements where necessary; ensure adequate highway visibility and parking standards and manoeuvring facilities; do not adversely affect the amenities of neighbouring properties; and would not be prejudicial to the comprehensive development of a larger area of land of which the development forms part. For residential proposes development should incorporate urban design standards, ensure adequate degree of amenity and privacy and provide sufficient amenity space. <i>Criteria a - i of this policy are consistent with the NPPF and as such the policy should be given weight.</i>
Policy BE3	Demolition of Listed Buildings: requires special overriding

	<p>justification for proposals that involve demolition or partial demolition of a listed building. <i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy BE4	<p>Alterations to Listed Buildings: requires it to be demonstrated that additions or alterations to listed buildings would not detract from the architectural or historical character of the building. Consideration will be given to scale, form, siting, materials, features and details which contribute to the character and fabric of the building. <i>This policy is consistent with the intentions of the NPPF.</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. <i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy BE6	<p>Change of Use of Listed Buildings: supports change of use where it would conserve the character, appearance, fabric, integrity and setting of the building; it would not necessitate internal or external alterations considered to be detrimental to its character; full details of the alterations both external and internal are provided. <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. <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. <i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy BE9	<p>Shop Fronts in Conservation Areas: seeks to retain shop fronts that contribute to the character of the conservation area. Where replacement is unavoidable only authentic and carefully detailed traditionally styled shops fronts will be permitted. Proposals to replace or alter shop fronts of insufficient quality to warrant their retention will be permitted providing the replacement if of high quality design. <i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy BE10	<p>Shop Security in Conservation Areas: supports the installation of security fittings only where it does not have an adverse effect upon the character or appearance of a listed building or conservation area. <i>This policy is consistent with the intentions of the NPPF however additional weighting should be given to designing out crime and enabling the premises to development and modernise.</i></p>
Policy BE11	<p>Advertisements in Conservation Areas: seeks to retain existing advertisements that make a positive contribution, replacement advertisements should be of traditional design. Proposals for replacement advertisements will be permitted if the existing advertisement is of insufficient quality to warrant their retention providing the replacement is of high quality design. <i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy BE12	<p>Scheduled Ancient Monuments and Nationally Important</p>

	<p>Archaeological Sites: states that planning permission will not be granted for any proposed development which would adversely affect a scheduled ancient monument or other nationally important archaeological site or its setting.</p> <p><i>This policy is considered to be inconsistent with the NPPF as the NPPF contains no caveat for 'special justification' as suggested within the NPPF.</i></p>
Policy BE13	<p>Initial Assessment of Sites of Archaeological Interest and Potential: states that any application where triggered, should be accompanied by an initial assessment of whether the site is known or likely to contain archaeological remains.</p> <p><i>This policy is consistent with the intentions of the NPP but NPPF offers more precise guidance.</i></p>
Policy BE14	<p>Archaeological Field Evaluation of Sites: requires that where archaeological remains may exist, there is a need for an archaeological field evaluation to be carried out by a professionally qualified archaeological organisation or archaeologist.</p> <p><i>This policy is consistent with the intentions of the NPP but NPPF offers more precise guidance.</i></p>
Policy BE15	<p>Preservation of Archaeological Remains in Situ: seeks to protect important archaeological remains through planning conditions which require the remains to be left in situ and any damage to the remains to be avoided or minimised through appropriate design, layout, ground levels, foundations and site work methods.</p> <p><i>This policy is consistent with the intentions of the NPP but NPPF offers more precise guidance.</i></p>
Policy BE16	<p>Archaeological Investigation and Recording: states that the Local Planning Authority can impose conditions requiring that satisfactory archaeological investigation and recording be carried out.</p> <p><i>This policy is consistent with the intentions of the NPPF but NPPF offers more precise guidance.</i></p>
Policy BE17	<p>Historic Battlefields: states that planning permission will not be granted for development that would have an adverse effect on the character or setting of the Bosworth Battlefield area.</p> <p><i>This policy is considered to be inconsistent with the NPPF as the NPPF contains no caveat for 'special justification' as suggested within the NPPF.</i></p>
Policy BE19	<p>Open Spaces and Areas of Special Character within Settlements: seeks retention of any open area of land or visual breaks between buildings identified as making a contribution to the special character of a settlement.</p> <p><i>This policy has limited consistency with the intentions of the NPPF</i></p>
Policy BE20	<p>Reuse and Adaptation of Rural Buildings: supports reuse and adaptation of rural buildings providing the use will not have an adverse effect on the appearance or character of the landscape; it is structurally sound and capable of conversion without significant adaptation and rebuilding; it will not be detrimental to the design, character, appearance and setting of the building; it would not involve extensions that would significantly alter the form and general design of the building which would detract from its character and appearance; there would be no adverse impact through noise, smell or other disturbance; it would not adversely</p>

	<p>affect highway safety; would not adversely affect any protected wildlife habitat; it meets highway standards for layout and design; does not involve significant areas being utilised for external storage.</p> <p><i>This policy is consistent with the intentions of the NPPF unless the proposal is for residential and then it has limited consistency.</i></p>
Policy BE26	<p>Light Pollution: seeks to ensure that developments do not create nuisance through glare, create light spillage or affect the character or appearance of the area.</p> <p><i>This policy is considered to be inconsistent with the NPPF but Policy BE1 is consistent and covers elements of this policy.</i></p>
Policy BE27	<p>Wind Power: supports proposals for wind farms and individual wind turbines where they are capable of supporting the generation of wind power; they are sensitively located so that its visual impact is minimised and will not be unduly prominent; they do not have detrimental impact due to noise or other forms of nuisance; they are located a minimum distance that is equal to its own height away from any public highway or publicly accessible area; they would not involve the erection of overhead power lines to connect to the national grid that would have an adverse impact on the landscape of the area.</p> <p><i>Criteria a, b and c are consistent with the intentions of the NPPF and should be afforded weight, however criteria d and e are considered to be inconsistent as the NPPF contains no guidance on these matters.</i></p>
THE NATURAL ENVIRONMENT	
Policy NE2	<p>Pollution: states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy NE4	<p>Areas of Separation: seeks to protect areas of separation between settlements from development other than that associated with agriculture, horticulture, community or sport and recreational uses. Areas identified on the proposals map include:</p> <ul style="list-style-type: none"> a) land between Sketchley, Three Pots Estate, A5 and Sketchley Lane Industrial Area; b) land between Harrowbrook Industrial Area and the Ashby Canal, Hinckley; c) land between Dodwells Bridge, the A5 and the Borough boundary; d) land between Markfield Road and Fern Crescent, Groby; e) land between Caterpillar Ltd, Peckleton Lane, Desford and Desford village; f) land between Hinckley and Burbage between Brookside and the Railway. <p><i>This policy has limited consistency with the intentions of the NPPF</i></p>
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> <ul style="list-style-type: none"> a) Important to the local economy and cannot be provided

	<p>within or adjacent to an existing settlement; or</p> <p>b) For the change of use, reuse or extension of existing buildings, particularly those of historic value; or</p> <p>c) For sport or recreation purposes.</p> <p>And only where the following criteria are met:-</p> <p>i) It does not have an adverse effect on the appearance or 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 NE6	<p>Sites of Special Scientific Interest: seeks to protect SSSI's or RIGS from damage unless it is demonstrated that no other suitable sites are available for the development proposed and the development is of such overriding national or international need that it exceeds the level of importance for nature conservation or geological interest.</p> <p><i>Criteria (a) of this policy is consistent with the intentions of the NPPF. However Criteria (b) has limited consistency as the NPPF does not require there to be an overriding national or international need.</i></p>
Policy NE7	<p>Sites of County and Local Nature Conservation Significance: seeks to protect sites significant at county or district level for their flora, fauna, or geological features or sites of natural history or scientific interest or semi-natural woodland unless it is demonstrated that there is an overriding national or local need identified for which no alternative site is available.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy NE9	<p>Areas of particularly attractive countryside</p> <p>d) Charnwood Forest, to the north east of the borough</p>
Policy NE10	<p>Local Landscape Improvement Areas: identifies sites as landscape improvement areas and requires proposals in these areas to include comprehensive landscaping proposals.</p> <p><i>This policy has limited consistency with the intentions of the NPPF.</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 NE13	<p>The Effects of Development on Natural Watercourses: protects the drainage functions of the natural watercourse system and seeks adequate on or off site protection, alleviation or mitigation where it is affected. This includes development in the floodplain; preventing access to watercourses for maintenance; giving rise to substantial changes in the characteristics of surface water run off; causing adverse effects upon the integrity of fluvial defences.</p> <p><i>This policy is consistent with the intentions of the NPPF but NPPF</i></p>

	<i>provides more guidance on process</i>
Policy NE14	Protection of Surface Waters and Groundwater Quality: seeks to ensure that developments do not compromise the quality of the water environment. <i>This policy has limited consistency with the intentions of the NPPF as it is too specific</i>
Policy NE15	Protection of River Corridors: discourages development in or adjoining a river or other watercourse corridor which would either have an adverse effect on its land drainage function or result in the loss of the recreational amenity and nature conservation value of the river or watercourse corridor. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy NE16	Storage of Oils, Fuels and Chemicals: requires development involving the use or storage of oils, fuel and chemicals to take measures to prevent the discharge to surface waters and ground waters in the event of spillage and/or leakage. <i>This policy is consistent with the intentions of the NPPF but NPPF provides more guidance on process</i>
Policy NE17	Protection of the Water Environment from the Development of Contaminated Land: requires the submission of a detailed ground conditions report indicating where appropriate recommendations for remedial treatment where development affects land known to be contaminated as a result of previous land uses. <i>This policy has limited consistency with the intentions of the NPPF as it is too specific</i>
Policy NE20	Grobby Pool and Pool House: states permission will not be granted for any speculative new building or for development which would be detrimental to the area covered by the site of special scientific interest. <i>This policy is consistent with the intentions of the NPPF but NPPF provides more guidance</i>
TRANSPORTATION	
Policy T1	Strategic Road Improvements: states planning permission will not be granted for development on land that will prejudice the construction of widening schemes associated with the M1 motorway. <i>This policy is consistent with the intentions of the NPPF</i>
Policy T2	Protection of the Lines of Proposed Improvements to the Specified Road Network: states planning permission will not be granted for development on land that would prejudice the construction of the Earl Shilton bypass. <i>This policy is consistent with the intentions of the NPPF</i>
Policy T3	New Development and Public Transport: requires that where planning permission is granted for major new development provision will be made for bus access and appropriate supporting infrastructure. <i>This policy is consistent with the intentions of the NPPF</i>
Policy T4	Retention of Car Parking Facilities: provides that development of existing off street car parking will be granted where there is either an over provision or alternative parking provision is proposed. <i>This policy has limited consistency with the intentions of the NPPF.</i>
Policy T5	Highway Design and Vehicle Parking Standards: refers to the application of appropriate standards for highway design and

	parking provision for new development <i>This policy is consistent with the intentions of the NPPF.</i>
Policy T6	Car Parking in Market Bosworth: requires proposals for the redevelopment of the former cattle market site to include an element of public car parking to meet local needs. <i>This policy is consistent with the intentions of the NPPF</i>
Policy T7	Proposed Railway Station at Desford: supports the construction of a new passenger railway station and associated car parking on the site of the former station yard <i>This policy is consistent with the intentions of the NPPF</i>
Policy T8	Proposed Railway Station at Bagworth: supports the construction of a new passenger railway station and associated car parking at Bagworth. <i>This policy is consistent with the intentions of the NPPF</i>
Policy T9	Facilities for Cyclists and Pedestrians: encourages walking and cycling including facilities for cycle parking. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy T10	Secure Cycle Parking Facilities: seeks the provision of secure parking facilities at public transport interchanges, shopping centres, libraries, educational institutions and other major developments within the Borough. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy T11	Traffic Impact Assessment: requires developers to provide a traffic impact assessment for development likely to generate significant traffic flows. <i>This policy is consistent with the intentions of the NPPF but NPPF doesn't reference HGVs</i>
RETAILING AND TOWN CENTRE ISSUES	
Policy Retail 1	General Retail Strategy: provides that new retail development should be provided within Hinckley town centre and that major retail development outside of Hinckley Town Centre will not be supported unless there is a demonstrable need; there are no suitable alternatives in the town centre, edge of town or local centre; there is no detrimental impact on the vitality and viability of Hinckley Town Centre and it can be served by frequent and convenient public transport and maximises opportunities for access by foot or cycle. <i>This policy is consistent with the intentions of the NPPF but NPPF more precise and logical in approach.</i>
Policy Retail 3	Within the secondary shopping frontages of Hinckley town centre, shown on the proposals map, development or change of use of ground floors will be restricted to shops (as defined by class a1 of the town and country planning (use classes) order 1987). In the case of applications for change of use premises for the sale of food and drink (class a3), financial and professional services (class a2) and launderettes, planning permission will be granted providing that the development proposed would not: a) Have a seriously detrimental effect on the amenities enjoyed by the occupiers of adjoining residential property; b) Generate additional traffic which would be detrimental in terms of highway safety or capacity;

	c) Remove an existing shop type frontage or, in the case of new development, fail to provide a shop type frontage.
Policy Retail 6	Shop Fronts: supports new or refurbished shop fronts where it will respect the local style, materials, scale and proportion; the fascia reflects the scale of the shop front and upper floors; signage illumination is sensitively located and not detrimental to road safety; shop security and devices have been carefully integrated into the design; the design of blinds and canopies leave the street scene uncluttered particularly out of hours; adequate provision has been made for access for the disabled; the main public elevations add interest to the building and are on a human scale. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy Retail 7	Local Shopping Centres: identifies local shopping centres in the Borough and supports development that does not: have an adverse effect on the amenities of adjoining occupiers and general character of locality in terms of noise, smell, litter or disturbance; involve the intensified use of an access or creation of a new access which would be inadequate; and result in an under provision of off street parking, access and servicing facilities. <i>This policy is consistent with the intentions of the NPPF however need to consider how up to date the designation is.</i>
Policy Retail 8	Change from Retail Use within Local Centres: supports change of use from retail use to non-retail services in local centres such as banks, building societies, cafes, restaurants and hot food takeaways providing it will not adversely effect the overall retails development of the centre; would not have a detrimental effect on the amenities of neighbouring residents and the general character of the locality in terms of noise, smell, litter or disturbance should not have a detrimental effect on the highway network or safety and would not remove an existing shop frontage or fail to provide a shop type frontage. <i>This policy has limited consistency with the intentions of the NPPF as it is too restrictive in that it limits to retail. The NPPF is broader</i>
Policy Retail 9	Proposed Local Shopping Centres: seeks to safeguard land north of Roston Drive, Hinckley and west of Station Road, Bagworth for the development of shopping facilities. <i>This policy has limited consistency with the intentions of the NPPF as it is too restrictive in that it limits to shopping.</i>
Policy Retail 11	Small Local Shops: supports the provision of small local shops in settlements without provision providing they are of appropriate scale and will not have a detrimental effect on the amenities of neighbouring residents and the general character of the area. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy Retail 12	Use of Upper Floors: supports the use of vacant or under-used upper floors of shops and commercial premises within the town centre or local shopping centre for their conversion to self contained flat providing it does not have adverse effect on amenities of occupiers of adjoining property and would not involve the intensified use of an access or creation of a new access that would be inadequate in terms of width and/or visibility to the detriment of highway safety and capacity. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy Retail 13	Conversion of Shops to Residential Use: within primarily

	<p>residential areas supports conversion of individual shops to residential providing it can be demonstrated that the retail facility is no longer viable and normal standards of residential amenity can be provided as part of new accommodation.</p> <p><i>This policy has limited consistent with the intentions of the NPPF.</i></p>
Policy Retail 15	<p>Amusement Centres: supports amusement centres in secondary shopping areas or areas of mixed commercial development unless it will have an adverse effect on overall shopping function of the centre and would have a detrimental effect on the amenities enjoyed by neighbouring occupants and the general character of the locality.</p> <p><i>This policy has limited consistent with the intentions of the NPPF as such uses are Main Town Centre Uses in the NPPF</i></p>
RECREATION AND TOURISM	
Policy REC1	<p>Development of Recreation Sites: states that planning permission for alternative uses will not be granted for the development of land and buildings currently used for recreation and open space unless in the case of this application, the developer provides an equivalent range of replacement facilities in an appropriate location serving the local community.</p> <p><i>Criteria (a + b) of this policy is consistent with the intentions of the NPPF. Criteria © has limited consistency with intentions of the NPPF as doesn't have to be on the remainder of site</i></p>
Policy REC2	<p>New Residential Development – Outdoor Open Space Provision for Formal Recreation: requires all new residential development to provide outdoor play space for formal recreation.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
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>
Policy REC4	<p>Proposals for Recreational Facilities: states that planning permission for new recreational facilities will be granted provided that:-</p> <ol style="list-style-type: none"> a) Any large scale indoor facilities are to be located only in or adjoining built up areas; b) The facility does not have a detrimental effect upon adjacent land uses, or upon the amenities of adjacent residents; c) The form, scale and design of the proposal are in keeping with the area and do not detract from the character of the landscape; d) Adequate parking and access arrangements are provided, and there is capacity in the local road network to accommodate the development; e) Landscaping is provided as an integral part of the proposal; f) Any new development is not detrimental to the rights of way network; g) The proposal does not adversely affect sites of ecological,

	geological or archaeological significance. <i>This policy has limited consistency with the intentions of the NPPF.</i>
Policy REC6	Ashby Canal Corridor: provides a corridor either side of the canal in order to protect the recreational and ecological value of the canal. Development is allowed within the corridor subject to specified criterion. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy REC7	Marina and Moorings Development: supports marinas and other commercial developments adjacent to the Ashby Canal providing it is not detrimental to the canals conservation area and is sympathetic to the rural character of the area; does not affect sites of nature conservation interest; does not lead to an over intensification of marina developments; relates to boating activities; provides adequate parking and access arrangements. <i>This policy is consistent with the intentions of the NPPF but ensure REC6 is satisfied first.</i>
Policy REC9	Access to the Countryside: states that proposals for development in the countryside should have regard to the following:- a) Improving access to the countryside, in particular for vulnerable groups including disabled people; b) Promoting walking, cycling and horse riding as safe and convenient means of access to the countryside; c) Safeguarding existing rights of way and ensuring that acceptable alternatives are provided where appropriate; d) Ensuring that new development does not adversely affect the safety and convenience of existing off-road routes; e) Improving, where possible extending, the existing public footpath and bridleway network. <i>This policy has limited consistency with the intentions of the NPPF.</i>
Policy REC10	Former Railway Lines: protects former railway land from development that restricts its use as a recreational route or undermine its value as a corridor for wildlife. <i>This policy has limited consistency with the intentions of the NPPF.</i>
Policy REC12	Nailstone Colliery: allocates the 55 hectare site for recreational activities, forest planting and landscaping including fishing and informal pursuits. Other forms of development will be resisted. <i>This policy has limited consistency with the intentions of the NPPF.</i>
Policy REC13	Thornton Reservoir: allocates Thornton Reservoir and surrounding land for recreational uses compatible with the ecological interest of the area. Other forms of development will be resisted. <i>This policy has limited consistency with the intentions of the NPPF.</i>
Policy REC16	Britannia Road, Recreation Ground: protects the land that has been granted planning permission for recreation ground. Alternative development of the land will be resisted. <i>This policy has limited consistency with the intentions of the NPPF.</i>
COMMUNITY FACILITIES	

Policy CF2A	Development on Allocated Educational Sites: identifies sites for the development of educational facilities. <i>This policy has limited consistency with the intentions of the NPPF.</i>
Policy CF2B	Alternative Uses of Existing Educational and Community Uses: seeks to protect playing fields and ancillary open space from development other than for educational or community uses unless an equivalent range of replacement facilities in an appropriate location serving the local community is provided; or the developer provides adequate proof that there is a surplus of educational and/or community facilities beyond the needs of the local community; or the development of a small part of a larger site in educational or community use would result in the enhancement of facilities on the remainder of the site. <i>This policy is consistent with the intentions of the NPPF however NPPF does not require facilities to be on remainder of the site.</i>
Policy CF4	Former Higham Grange Hospital: supports proposals that seek reuse or conversion of the former higham grange hospital for residential institutions, non-residential institutions or a single large office use or use for research and development of products and processes. Proposals should not have a detrimental effect on the architectural character of higham grange nor the local traffic situation. <i>This policy has limited consistency with the intentions of the NPPF.</i>
Policy CF5	Cemetery Extensions and New Crematoria in the Urban Area: identifies sites for cemetery and cremation purposes. <i>This policy has limited consistency with the intentions of the NPPF.</i>
Policy CF6	Village Cemeteries: supports extensions to village cemeteries in the open countryside provided that they: are not detrimental to the amenity and visual character of the village; and have adequate vehicular access and parking arrangements. <i>This policy is consistent with the intentions of the NPPF but NPPF provides better guidance</i>
Policy CF8	Residential Care and Nursing Homes: supports proposals for new development or extensions to existing buildings to provide residential care homes and nursing homes where they complement and enhance the character of the surrounding area; the premises are of a suitable size and type; adequate gardens are provided to protect and enhance the amenity of residents; provide satisfactory car parking and areas for service vehicles; have easy access to shops, public facilities and public transport and the design of the buildings should accommodate easy access by the elderly and the infirm. <i>This policy is consistent with the intentions of the NPPF but duplicates BE1.</i>

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.
House	Provides guidance on design issues to ensure extensions not only

Extensions SPG	complement the character of the existing house but also the character of the area and seeks to ensure extensions do not adversely impact upon the amenity of residents of neighbouring property.
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.
Conversion of Rural Buildings 2004 SPG	The guidance sets the council's policy and approach to the conversion of existing farm buildings to alternative commercial uses; seeks to maintain the existing agricultural character of traditional farm buildings in new proposals, including retention of external and internal details; seeks to preserve the agricultural character to the setting of the traditional farm buildings; seek to protect wildlife and habitat; and advice of what information should be submitted with proposals to enable proper consideration.
Affordable Housing SPD	This expands upon policies contained with the Core Strategy and provides guidance on the thresholds, targets, tenure and mix, local need, design and layout of affordable housing and how the provision should be delivered.
Rural Needs SPD	<p>Sets out the Council's approach to considering development in rural areas, it particular it clarifies the Council's support for specific rural initiatives to increase the supply of affordable housing and employment opportunities in the rural areas. It seeks to ensure:</p> <ul style="list-style-type: none"> • There is no 'sustainability trap', where development is only approved in areas that are already considered sustainable. Lack of any development in some settlements may result in them becoming less, not more, sustainable; • That rural communities are mixed communities where young and old, high and lower incomes are able to live in rural settlements; • That rural economic development is supported and encouraged; • That existing services in rural areas are supported and maintained.
Shopping and Shop Fronts 2007 SPG	Sets out the Council's strategy for securing quality shop fronts and advertisements, and applies across the Borough; and provides criteria to be taken into account when assessing applications for Class A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaways) Uses and applies throughout the Borough.
Residential Care and Nursing Homes SPG	Provides guidance on suitable siting, provision of space and amenity of residences, satisfactory parking etc.
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.

Burbage Village Design Statement	Sets out the principles, design features and quality standards that should be adopted by those wishing to building, modify or extend buildings in the settlement.
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Other Material Policy Guidance	
Barwell High Street Conservation Area	The Barwell High Street Conservation Area (BHSCA) was designated in 2001. The BHSCA Map and Appraisal (updated in 2010) identifies the application buildings (Co-operative building, Argyle Terrace) as being a 'Key Local Building' of local historic or architectural importance due to its former association with the Co-operative Society and its characteristic appearance of early boot and shoe manufacturing factories in the village.
Burbage Conservation Area Appraisal	The conservation area in Burbage was declared in 1973. The appraisal subdivides the areas according to different character. Each area is analysed in terms of its buildings of townscape merit, distinctive details and features of interest, green spaces and vegetation.
Cadeby Conservation Area Appraisal (2007)	The appraisal provides factors contributing positively and factors having a negative influence on the Conservation Area and the general Conservation Area guidance, planning controls and policies.
Groby Conservation Area Appraisal	The conservation area in Groby was declared in 1976. The 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.
Market Bosworth Conservation Area Appraisal	The conservation area in Market Bosworth was declared 1974. The appraisal provides a character statement, analyses the townscape and architectural quality of key buildings, the setting, gateways and views.
Markfield Conservation Area Appraisal	Markfield Conservation Area was designated by the Council in January 1979. The area does not have a single unifying street pattern, building material or style. The line of stone rendered cottages on Hillside take advantage of a fine south facing view over the valley. On Main Street, the sense of enclosure created by domestically scaled buildings close to each other and the highway boundary has been interrupted by new development of a different pattern. Other areas in the Conservation Area boundary reflect Markfield's agricultural and industrial past with many stone buildings built in the vernacular style. There are 3 listed buildings in the area, and a number of unlisted buildings that are of specific architectural merit.
Ashby Canal Conservation Area Appraisal.	The part of the canal that runs through the Borough of Hinckley and Bosworth was declared a conservation area in 1990. The appraisal examines the historic development of the canal, the setting of the canal, its physical features, boat moorings, canalside buildings and potential threats to the canal.
Orton on the Hill Conservation Area	The conservation area in Orton-on-the-Hill was designated in 1997. The appraisal subdivides the settlement into two distinct character areas; the historic area and the area surrounding Main Street. The buildings of historic value are

	analysed to assess their relationship and advice is provided on character and detailing of the built and natural environment.
The Earl Shilton & Barwell Area Action Plan (Consultation Draft November 2010)	Is a masterplan that will be used to guide development in Earl Shilton and Barwell in the period to 2026. The document sets out what the Council considers should be the preferred way forward for Earl Shilton and Barwell.
Landscape Character Assessment 2006	An evidence base document that defines areas with consistent distinctive characteristics resulting from the interaction of geology, landform, soils, vegetation, land use and human settlement. It provides an understanding of the landscape, its evolution and future pressures along with future management strategies. It also studies the urban character through assessing street patterns, urban form, landmark buildings and common building styles and materials to define the local vernacular of the principle settlements.
Employment Land and Premises Study 2013	The report assesses the supply, need and demand for employment land and premises in Hinckley and Bosworth. The study assesses the economy which informs the amount, location and type of employment land and premises required to facilitate its development and growth; reviews the current portfolio of employment land and premises and recommendation on the future allocation of employment land and premises.
Leicestershire County Council 6C's Design Guide (originally called Highways, transportation and development)	The guide provides guidance on highway and transportation infrastructure for new development. It aims to ensure new development is delivered in ways that promote sustainable travel and safeguard the efficient and safe functioning of the transport system.
Leicestershire and Leicester Waste Development Framework (WDF): Core Strategy and Development Control Policies (submission Draft) June 2008	The WDF sets out policies and proposals for the development and use of land for waste management within the framework area which will guide decisions about planning applications for waste facilities and provide a spatial plan or geographic blueprint to help shape the future of the area in respect to Waste. The waste development plan comprises a core strategy and development control policies which includes a spatial vision, spatial strategy, strategic objectives and core policies which set out the key principles to guide the form of waste management development in the WDF area. The development control policies provide criteria against which applications for waste management development will be considered.
Green Wedge Review	The Review was adopted in December 2011, the purpose of the review was to assess whether the land currently allocated as Green Wedge meets the evaluation criteria, as follows: <ul style="list-style-type: none"> • prevents the merging of settlements; • guides development form; • provides a green lung into the urban area; and • acts as a recreational resource.
The Hinckley & Bosworth Borough	The study evaluates sites with the potential to accommodate

Council Extended Phase 1 Habitat Survey (Feb 2012)	development within the borough up to 2026. The survey and desk based study identify the significance and value of habitats and areas of biodiversity interest within the identified sites.
Code of Best Practice on Mobile Phone Network Development 2002	Provides clear and practical advice to ensure the delivery of significantly better and more effective communication and consultation between operators, local authorities and local people.
Designing Gypsy and Traveller Sites: Good Practice Guide	Primarily intended to cover social site provision and states that there is no single, appropriate design for sites, and that it is important to ensure that sites. a) are sustainable, safe and easy to manage and maintain b) are of a decent standard, equitable to that which would be expected for social housing in the settled community c) support harmonious relations between Gypsies and Travellers and the settled community. The Guide states that it will not be possible to meet all aspects of this guidance in every respect on every site. Local authorities and registered social landlords will need to take decisions on design on a case by case basis, taking into account local circumstances such as the size, geographical and other characteristics of the site or prospective site and the particular needs of the prospective residents and their families. In the case of small private site development there will be similarities but it should be recognised that those sites are designed to meet the individual and personal preferences of the owner and may contain elements which are not appropriate or popular for wider application in respect of social provision. It would not therefore be appropriate to use the good practice guidance in isolation to decide whether a private application for site development should or should not be given planning permission.
The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2016	This identifies the needs for gypsy and travellers within the Borough up until 2016.
The Black and Minority Ethnic Communities Housing in the East Midlands: A Strategy for the Region	Recommendation 8 states that 'It is imperative that local authorities make immediate progress in site identification to meet the needs of Gypsies and Travellers rather than relying on the development of policies through the local development framework.'
Site Allocations and Development Management Policies Development Plan Document –	This document forms part of the Local Plan 2006 to 2026 (formerly LDF). It identifies specific sites for particular uses, such as housing, employment, retail, open space and community facilities that will deliver the aims and vision of the Core Strategy. It also contains development

Submission version	management policies which will be used to assess planning applications over the plan period. This document was published for consultation in February 2014. Modifications to this document are currently being prepared in advance of being submitted to the Secretary of State in Spring 2015. A full Examination is likely to take place in the summer of 2015.
Strategic Housing Land Availability Assessment (SHLAA) Review 2010	The SHLAA Review 2010 was published in April 2011 it identifies sites that are suitable, available and achievable and, as a result, developable.
World Health Organisation Guidelines for Community Noise	Provides recommendations for noise limits, where and when noise readings for assessments should be taken, and potential mitigation measures.
BS8233 – Sound insulation and noise reduction for buildings	This deals with the control of noise from outside the building, noise from plant and services within it, and room acoustics for non-critical situations.
BS4142 – Method for rating industrial noise affecting mixed residential and industrial areas	This provides a method for rating industrial and commercial noise sources when brought into mixed residential and industrial areas.
Noise Policy Statement for England (March 2010)	This sets out the long term vision of promoting good health and a good quality of life through the management of noise. It requires consideration of noise issues at the right time during the development of policy and decision making and not in isolation. It highlights the underlying principles on noise management already found in existing legislation and guidance.
The Hinckley Town Centre Renaissance Masterplan (2006)	This document provides a strategic development framework and a vision for future social, economic and environmental enhancement and development of Hinckley Town Centre. Area 4 relates specifically to Land north of Mount Road and identifies how this area could be redeveloped to provide a new leisure centre overlooking the park, subject to a feasibility study.
The Hinckley Town Centre Conservation Area (2013)	This document describes the historical development of the town and identifies and describes the various character areas within the conservation area and the features of special interest that justify its designation.
ETSU-R-97 'The Assessment & Rating of Noise from Wind Farms	Report of the Noise Working Group of developers, noise consultants, environmental health officers and other professionals set up in 1995 by the Department of Trade and Industry through ETSU (Energy Technology Support Unit). This is not a report of government and does not replace other statutory legislation or government guidance. The report represents the consensus view of the group of experts to describe a framework for the measurement and assessment of wind farm noise and gives indicative noise levels thought to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development or adding unduly to the costs and administrative burdens on wind farm

	<p>developers or local authorities. The Planning Practice Guidance for Renewable and Low Carbon Energy states that the report should be used by local planning authorities when assessing and rating noise from wind energy developments.</p>
<p>Green Spaces Strategy 2005-2010</p>	<p>Sets out the vision for the Councils Green spaces and includes methodology behind how much Green Space should be provided in relation to the population and a breakdown per settlement of the area of green space when compared to the population of those settlements.</p>
<p>Green Spaces Quality/Accessibility Audit 2005</p>	<p>Provides an audit of open spaces within the Borough by settlement, including details of location, catchments, analysis of the provision and recommendations for future improvement.</p>
<p>Open Space, Sport and Recreational Facilities Study (2011)</p>	<p>Provides a record of existing sites, identifies local needs, sets the quantity, quality, accessibility and design provision standards, evaluates the sites against those standards and provides a framework to protect and improve such facilities.</p>
<p>Community, Cultural and Tourism Facilities Review (2013)</p>	<p>The review provides an up-to-date and relevant evidence base about the community, cultural and tourism provision within the urban and rural areas of the borough.</p>
<p>Renewable Energy Capacity Study (2014)</p>	<p>An evidence base document published in 2014 to assess the technical and deployable potential for renewable and low carbon energy proposals within the Borough up until 2026.</p>
<p>Planning Policy Statement 10</p>	<p>Planning Policy Statement 10 (PPS10) sets out the government's policy to be taken into account by waste planning authorities and forms part of the national waste management plan for the UK, with the overarching intention to protect human health and the environment by producing less waste and re-using it as a resource wherever possible</p>

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Appeal Decision

Site visit made on 10 September 2015

by Sarah Colebourne MA, MRTPI

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

Decision date: 24 September 2015

Appeal Ref: APP/K2420/W/15/3049417

48 Barton Road, Market Bosworth, Leicestershire, CV13 0RL

- 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 Steve Wong against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 14/00966FUL, dated 29 September 2014, was refused by notice dated 17 March 2015.
 - The development proposed is the construction of a new 5 bed dwelling with associated parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on:-
 - the character and appearance of the area;
 - the scheduled monument of Roman Foundations east of Barton Road;
 - trees which are the subject of a provisional Tree Preservation Order.

Reasons

Character and appearance

3. The objectives of the Council's policy BE1 in the Hinckley and Bosworth Local Plan (2001) are broadly compatible with the National Planning Policy Framework (the Framework) in seeking to achieve a high standard of design. I have not taken into account policy BE7 referred to by the Council as this refers to development in Conservation Areas and I have not been provided with any evidence to indicate that the site lies within or adjacent to a Conservation Area.
4. The appeal site lies very close to the northern edge of Market Bosworth. The view along Barton Road is identified in the Market Bosworth Neighbourhood Plan ('made' 4 September 2015) as a key view and an important approach towards the town. The mature front boundary of a hedge and very tall trees contributes strongly to the semi-rural character of this part of Barton Road which lies between the more suburban character of the road to the south and the more rural character of the open countryside beyond the edge of the settlement. Dwellings are not clearly seen at this point in the street scene and

are set well back from the road. From no 42 onwards, the dwellings become more prominent. The style of dwelling varies but they are generally of a suburban character.

5. The proposed house would be sited on a tennis court and part of the front garden of an existing house which was built a few years ago, at a significantly lower level than the existing house due to the ground levels which rise away from the road. It would be sited broadly at right angles to the road, facing towards the existing drive. I have noted that no 45 opposite is sited closer to the road as are the garages of some of the other properties and that the proposed siting would broadly follow the staggered building line of the dwellings at nos 40 to 46. However, it would be significantly closer to the road than the other dwellings in the frontage on this side of the road.
6. Like the existing house, the proposed house would have two storeys although most of the nearby dwellings are of one and a half storeys. Whilst the eaves and ridge levels would be slightly higher than the neighbouring dwelling at no 46, the height, scale and massing of the new house would be substantially bulkier and, by reason of its siting close to the road, more prominent than most of its neighbours.
7. Whilst the existing front boundary and planting would provide some screening, I noted at my visit a gap between the hedge and the canopy of the trees. As most of the trees are deciduous and the conifer trees have a narrow spread, the dwelling would remain unduly prominent, particularly in winter.
8. For these reasons, I conclude that the proposal would significantly harm the character and appearance of the area, contrary to LP policy BE1.

Scheduled monument

9. According to the appellant's Archaeological Desk-Based Assessment, the proposed dwelling would be some 33m from a scheduled monument, to the rear of the existing dwelling. Historic England (HE) and Leicestershire County Council's Archaeologist's (LCC) representations indicate that the site was possibly that of a Romano-British villa and that Iron Age artefacts have also been identified.
10. Paragraph 132 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that any harm should require clear and convincing justification. The objectives of the Council's LP policy BE14 are broadly compatible with the Framework in seeking to protect important heritage assets.
11. The appellant's assessment considers that the potential for preservation is reduced due to earlier medieval agriculture, tree planting in the C19th and more recently by the construction of the tennis court, the existing dwelling and its garage block. However, both HE and LCC consider that there is potential for the construction and all associated landscaping works to impact on non-designated archaeological remains which might make a positive contribution to the significance of the scheduled monument, particularly where the proposed new dwelling extends beyond the footprint of the tennis court.

12. LCC recommends that an Archaeological Impact Assessment is submitted requiring a field evaluation by trial trenching to identify and locate any significant archaeological remains and proposed suitable treatment to avoid or minimise damage by the development. This accords with paragraph 128 of the Framework. It is not unreasonable given that the land is already within the ownership of the appellant and given the national importance of the scheduled monument. A pre commencement condition would not be appropriate as it could not guarantee that any harm could be suitably mitigated.
13. Without this information I cannot be certain that the proposal would not harm the significance of the scheduled monument and I have insufficient justification for the development to override such harm. Although the harm I have identified would be less than substantial, I must give it considerable importance and weight.
14. I accept that the appeal site is in a sustainable location outside the Green Belt but one new dwelling would provide only a very limited public benefit. The existing dwelling appeared to me to be in very good condition and of an attractive appearance. Any enhancement of that property that were to arise from the proposal would, therefore, also be of very limited public benefit. From what I saw at my visit I would disagree that the land is in an unkempt state and the proposal would not benefit its appearance. Any reduction in maintenance costs would be a private benefit. I conclude then, that on the basis of the information available to me at this time, the proposed development would harm the significance of the scheduled monument and this is not outweighed by the very limited public benefits. It would be contrary to LP policy BE14 and to national policy.

Trees

15. There are a number of mature trees along the northern and western boundaries of the site on which a provisional Tree Preservation Order has been made following the submission of the proposal. This includes three silver birch along the northern boundary and several silver birch, one beech, two larch and a maple along the western boundary. These trees can be seen clearly from the road and make an important contribution to the character and appearance of the area as referred to earlier.
16. At the site visit, the parties agreed that the canopies of the two trees measured on the western boundary were approximately 1m greater than shown on the appellant's tree survey, although that survey was dated September 2014 and it is likely that some growth would have occurred since then. However, even on the basis of the submitted tree survey, the proposed dwelling would abut or infringe slightly the root protection area of some of the important trees along the western boundary. This would not allow sufficient space for site working around the dwelling or for canopy growth and would be likely to result in damage to the trees.
17. I am less concerned about light to the western elevation as this contains only windows to ensuite bathrooms and secondary windows to living rooms. However, the main dining room window in the north elevation would be very close to the trees as would the kitchen/family room to a lesser extent. Furthermore, a significant area of the rear garden would lie under the tree canopies which would result in late afternoon and early evening shading. It is likely that future occupiers would try to maximise the light and outlook to these

north-facing rooms and rear garden. This relationship is likely to result in pressure for the cutting back or removal of the trees which may be difficult for the Council to refuse if the trees were materially affecting the living conditions of the occupiers. Any substantial cutting back or loss would fail to protect the trees and would harm the character and appearance of the area.

18. A pre-commencement condition for the protection of these trees could not provide sufficient mitigation. I conclude then that the proposed development, by reason of its siting, would result in significant harm to or the loss of important trees within the site, contrary to LP policy BE1 which accords with the Framework in seeking to avoid the loss of vegetation and features which contribute to the quality of the local environment.

Conclusion

19. For the reasons given above, the proposed development would cause harm to the character and appearance of the area, would fail to conserve the significance of the scheduled monument and would result in harm to or the loss of important trees. I have taken into account all other matters raised but the very limited public benefits provided by the proposal do not sufficiently outweigh the harm I have identified. It would, therefore, conflict with the development plan as a whole and does not constitute sustainable development. The appeal should be dismissed.

Sarah Colebourne

Inspector

Appeal Decision

Site visit made on 7 September 2015

by I Radcliffe BSc(Hons) MCIEH DMS

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

Decision date: 29 September 2015

Appeal Ref: APP/K2420/W/15/3025088

Land south of Bonita, Bullfurlong Lane, Burbage, Leicestershire LE10 2HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Andrew Milne against Hinckley & Bosworth Borough Council.
 - The application Ref 14/00715/OUT, is dated 23 July 2014.
 - The development proposed is a residential development of 32 dwellings with vehicular access.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Procedural matters

2. The application was submitted in outline, with only access, layout and scale to be determined at this stage. During the course of the application the description of the proposed development was revised from 32 dwellings to 14. I have dealt with the appeal on this basis and I have taken the illustrative plans that have been submitted into account insofar as they are relevant to my consideration of the principle of the development on the appeal site. A unilateral planning obligation made under section 106 of the Act has also been submitted as part of the appeal.

Planning policy

3. The development plan for the area includes the Hinckley and Bosworth Core Strategy ('Core Strategy') and the Hinckley and Bosworth Local Plan ('Local Plan'). The National Planning Policy Framework ('the Framework') is also an important material consideration.
4. Policy 4 of the Core Strategy seeks a minimum of 295 new houses in Burbage. The fact that this level of development has been exceeded therefore does not count against the proposal. The proposals map of the Local Plan identifies a settlement boundary for Burbage. Policy RES5 of the Local Plan seeks to restrict new housing development to within settlement boundaries. The appeal site is located adjacent to but outside the settlement boundary. As a result, for planning policy purposes its location is contrary to this policy. However, the Local Plan was adopted some 14 years ago in the context of different national planning policy. As a consequence, and having regard to the advice in paragraph 215 of the Framework less than full weight should be given to policy RES5.

Main Issues

5. The main issues in this appeal are;
 - the effect of the proposed development on the character and appearance of the area; and,
 - whether the proposal would be a sustainable development and the extent of the housing land supply in the Borough.

Reasons

Character and appearance

6. The appeal site lies within the open countryside adjacent to Burbage's settlement boundary. A core planning principle of the Framework is that the intrinsic character and beauty of the countryside should be recognised in decision taking. Policy NE5 of the Local Plan which, amongst other matters, seeks to protect the character and appearance of the countryside and its landscape is consistent with the Framework in this respect and significant weight should be attached to it.
7. The Hinckley and Bosworth Character Assessment identifies the countryside in which the appeal site lies beyond the southern edge of Burbage as having a gently rolling landform with a pattern of medium sized fields bounded by hedgerows with some hedgerow trees. As an open hedged field of pasture the appeal site conforms to the Assessment and makes a positive contribution to the character and appearance of the countryside and landscape of which it forms a part. The proposed development would urbanise the site and result in the loss of this area of countryside to development.
8. Surrounded on three sides by open countryside the scale of the housing proposed, although laid out set back slightly within the site, would extend above the height of the boundary hedge around the site. As a result, the proposed outward facing housing scheme would appear as an isolated finger of development that would protrude into the rural landscape. The protrusion would be readily visible in public views from the well used public footpaths through neighbouring fields to the east and south of the site. It would also be apparent in public views from the bottom of Bullfurlong Lane and in private views from the adjacent neighbouring house. Landscaping of the proposed scheme and appearance are reserved. However, good design in relation to these matters and retention of features such as the hedgerow and occasional trees within it would not prevent the loss of countryside to development, the urbanisation of the site and the significant adverse effects that I have described.
9. Other permissions on the southern side of Burbage have been referred to in support of the appeal¹. However, as these sites abut the settlement on two sides they relate better to the settlement than the proposal before me. I am therefore satisfied that these developments are not directly comparable to the appeal proposal. As a result, they have not altered my finding in relation to this issue.

¹ References 13/00094/FUL, 12/00154/FUL & 13/00147/FUL

10. Taking all these matters into account, I therefore conclude that the proposed development would cause demonstrable harm to the character and appearance of the countryside and the landscape setting of Burbage. This would be contrary to the objectives of policy NE5 of the Local Plan.

Sustainable development

11. Sustainable development is at the heart of the Framework. Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development. Burbage is designated as a local centre by the Core Strategy. It has a range of services and facilities to meet the day to day needs of residents including shops, primary schools and medical practices. With regular bus services operating along Coventry Road to Hinckley the services and facilities not available in the settlement, together with Hinckley railway station, are accessible by public transport.
12. A number of the facilities in Burbage and the bus stops are within comfortable walking distance of the appeal site. However, the footways along Bullfurlong Lane are significantly narrower than that sought by national guidance contained within 'Manual for Streets'². Minimum widths measured during the site visit were less than a metre. Given the comparatively narrow nature of Bullfurlong Lane, where wider sections of footway do exist, I saw that they were often compromised by vehicles parked half on the footway in order to allow other vehicles to easily pass. As a result, a poor quality environment for pedestrians exists which would discourage future residents of the proposed development from walking to the bus stops, or walking to the services and facilities available in Burbage. The accessibility on foot of local facilities and bus services from the appeal site is therefore poorer than it is reasonable to expect.
13. In terms of the environment, I have found that the proposed development is located within the open countryside and would cause significant harm to its character and appearance and the landscape. In terms of living conditions, at reserved matters stage windows in the houses proposed on plots 1 to 4 could be arranged so as to avoid overlooking of the neighbouring house, Bonita.
14. Economically, the proposal would generate employment during the construction and fitting out of the proposed dwellings. Socially, the additional houses would make a contribution to addressing housing need, including the need for affordable housing.
15. My overall conclusion on this issue is that the social and economic benefits of the scheme would not overcome the significant harm that would be caused to the character and appearance of the countryside and its landscape and the poor accessibility to and from the site for pedestrians. This harm would continue long after the benefits of employment associated with the construction of the development has faded. I therefore conclude, on the overall balance of considerations that the proposal would not be a sustainable development.

Housing land supply

² As this document relates to residential streets it is more relevant than the 'Design Manual for Roads and Bridges' which is the design standard for trunk roads and motorways relied upon by the appellant.

16. Paragraph 47 of the Framework advises that Local Planning Authorities should have sufficient deliverable sites to provide five years of housing against their housing requirements. The position of the Council is that as of the start of April 2015 it has a 5.69 year supply. However, questions have been raised about whether the housing requirement should be higher to address potential economic growth to 2031. As a result, I find that the evidence that has been provided on this matter is inconclusive.

Other matters

17. On the basis of the evidence that I have read and what I saw at the site visit the proposed site access would be adequate for vehicles to safely enter and leave the site.

Conclusions

18. The proposed development would cause significant harm to the character and appearance of the countryside and the landscape setting of Burbage. It would also have poorer accessibility for pedestrians than it is reasonable to expect. As a result, it would not constitute a sustainable development.

19. In terms of the supply of deliverable housing sites, I have found the evidence is inconclusive. Nonetheless, even if there is not such a supply, the contribution of the fourteen dwellings proposed towards addressing this issue would not outweigh the harm to the character and appearance of the area and the fact that the proposal would not be a sustainable development. Having regard to paragraph 14 of the Framework, the adverse impacts of the proposed development would significantly and demonstrably outweigh its benefits.

20. Contributions are sought in accordance with the development plan to mitigate the effect of the proposed development on local infrastructure and to provide affordable housing. The tests in paragraph 204 of the Framework and Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) apply to planning obligations. However, in this case as the appeal is to be dismissed on its substantive merits it is not necessary to assess the submitted agreement against the requirements of Regulations 122, 123 or paragraph 204.

21. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector

Appeal Decision

Site visit made on 7 September 2015

by I Radcliffe BSc(Hons) MCIEH DMS

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

Decision date: 30/09/2015

Appeal Ref: APP/K2420/W/15/3063791

The Pantry, 102 Rugby Road, Hinckley, Leicestershire LE10 0QE

- 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 Kamal Ullah against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 15/00074/COU, dated 28 January 2015, was refused by notice dated 7 April 2015.
 - The development proposed is change of use of ground floor from hot food takeaway to Bangladeshi Meeting Centre and alterations to ground floor front (west) elevation.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of ground floor from hot food takeaway (Use Class A5) to Bangladeshi Meeting Centre (Use Class D1) and alterations to ground floor front elevation at The Pantry, 102 Rugby Road, Hinckley, Leicestershire LE10 0QE in accordance with the terms of the application, Ref 15/00074/COU, dated 28 January 2015, subject to the conditions in the schedule at the end of this decision.

Procedural matters

2. The application stated that the proposed development would be open 08.00 hours to 20.00 hours. In order to protect the living conditions of nearby residents the parties were invited to comment on a condition restricting opening of the centre to between these hours. The comments of the parties received in relation to this matter have been taken into account in the writing of this decision.
3. Reference has been made to plan ref B13/22/B010 Rev D by the Council. However, on closer examination and consideration of the other submitted plans the correct reference appears to me to be B13/22/B01D. I have therefore referred to this plan on this basis.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the living conditions of nearby residents, with regard to noise, disturbance and indiscriminate parking.

Reasons

5. The appeal site is a semi-detached building that has been extended to the front and side. It is located on the corner of Rugby Road and Willowbank Road close to the point where residential properties give way to large scale office and retail use on the edge of the town centre.

6. Permission was granted on appeal for a hot food takeaway on the appeal site with a closing time of 8pm. Given the transitional character of the area, and the busy nature of Rugby Road, a subsequent appeal found that later closing would not result in noise and disturbance that would harm the living conditions of nearby residents. As a consequence, closing time was extended by condition to 9pm.
7. A hot food takeaway (Use Class A5) is a different use to a Meeting Centre (Use Class D1). The appellant refers to use of the centre as a meeting place, the provision of children's classes and for prayers. Both use types would therefore attract people and generate vehicle movements. However, a hot food takeaway would involve short visits of a few people at a time whereas visits to a meeting centre would involve larger numbers of people for longer periods of time. Nevertheless, similar considerations apply. The Meeting Centre confined to the ground floor of the building would be small in keeping with the size of the local Bangladeshi community. Should they in time outgrow the size of the centre it is a reasonable assumption to make that they would seek larger premises rather than continue to use premises that are no longer big enough. As a result, other than to greet each other and briefly chat outside the building, I do not consider that centre users would congregate outside long enough to cause disturbance to nearby local residents.
8. The living conditions of the occupiers of the attached dwelling No 100 owned by the appellant would not be adversely affected by the proposal to a material degree. This is because with the existing use of the premises as a hot food takeaway and the sound insulation works that have been carried out the proposed change of use would not result in appreciably higher levels of noise.
9. Given the busy nature of Rugby Road, I do not consider that the levels of traffic, dropping off, parking and movement of vehicles and people resulting from the proposed development would result in noise and disturbance that would have a significant adverse effect on living conditions.
10. The off road parking provided at the premises would be insufficient to cater for all the users of the centre. However, along the eastern side of Rugby Road in the immediate vicinity of the site are approximately fifteen on road parking spaces. During the site visit, which occurred at 15.00 hours, two thirds of these spaces were vacant. These spaces can be used for up to one hour between 08.00 hours and 18.00 hours. Outside of these times their use is unrestricted. Furthermore, the appeal site is located within Hinckley close to its centre. As a result, it is accessible by bus and is within cycling and walking distance of a large number of dwellings within the town. As a consequence, centre users would have a range of transport options available to them and would not be dependant upon the use of a car to access the proposed centre.
11. Subject to its users abiding by the parking restrictions that apply, and with the range of means of accessing the site available, I find that indiscriminate parking which would inconvenience local residents is unlikely to occur. Should this not be the case, with the regular meeting hours and timing of prayers it would be a straightforward matter to take enforcement action against parking contraventions.
12. In terms of the proposed car park, the Council does not object to it on the grounds of highway safety. I agree with their assessment. As Willowbank Road is a no through road, I do not consider that manoeuvring vehicles would

cause congestion sufficient to demonstrably harm the living conditions of nearby residents.

13. For all of these reasons, I therefore conclude that subject to the proposed development being open only during the stated times of 08.00 hours to 20.00 hours it would not result in noise and disturbance, or indiscriminate parking, that would harm the living conditions of nearby residents. Given the accessibility of the site, the level of parking provision provided would reflect the site's specific circumstances. The proposed development would therefore comply with policies BE1 and TE5 of the Hinckley and Bosworth Local Plan which, amongst other matters, seeks to prevent harm to living conditions and the provision of appropriate levels of parking.

Other matters

14. As part of the proposed change of use the shop front would be removed and replaced with two small windows. A new front door would also be fitted. The Council has no objections to the design of these external changes. I agree with their assessment.

Conditions

15. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. In the interests of highway safety, further details on parking arrangements are required. To ensure that the development complements its surroundings the external materials used in the alterations need to match the existing building. In the interests of residential amenity, use of the building needs to be restricted to the use for which permission has been granted and the opening hours restricted to those contained in the application.
16. I have required these matters by condition, revising the conditions suggested by the Council where necessary to better reflect the requirements of Planning Practice Guidance.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Ian Radcliffe

Inspector

Schedule

- 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: B13/22/L01A, B13/22/E01C, B13/22/B01D
- 3) Notwithstanding the submitted details, prior to first use of the premises as a meeting centre full details of the proposed access, surfacing, visibility splays, car parking and turning facilities and cycle parking shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented and completed prior to first

- use of the premises as a meeting centre and shall thereafter be so retained.
- 4) The materials to be used in the alterations to the external elevations hereby permitted shall match those used in the existing building.
 - 5) The ground floor of the premises (in part) shall be used for the purposes of a meeting room, community room and associated facilities only as defined within the approved plan Drawing B13/22/B01D and for no other purpose (including any other purpose falling within Class D1, Schedule 2 of the Town and Country Planning (Permitted Development) (England) Order 2015.
 - 6) The use of the ground floor hereby permitted shall not take place other than between the hours of 08.00 – 20.00.

Appeal Decisions

Hearing held on 29 September 2015

Site visit made on 29 September 2015

by J A Murray LLB (Hons), Dip.Plan.Env, DMS, Solicitor

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

Decision date: 2 October 2015

Appeal A: APP/K2420/C/15/3005893

The land adjacent to the west of E Taylor Skip Hire & Recycling Limited, Leicester Road, Hinckley, Leicestershire, LE10 3DR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by E Taylor Skip Hire & Recycling Limited against an enforcement notice issued by Hinckley & Bosworth Borough Council.
- The Council's reference is 12/00121/S.
- The notice was issued on 4 February 2015.
- The breach of planning control as alleged in the notice is without planning permission the change of use of land within the area hatched in blue on the Plan from agricultural use to the storage of non-agricultural waste and equipment and including:
 - (a) waste materials comprising stone, road planings, road chippings, rubble, crushed bricks and concrete
 - (b) skips
 - (c) lorry trailers vehicle bodies containers vehicles and vehicle parts
 - (d) other waste products
- The requirements of the notice are:
 - (a) Cease the use of the Land for the storage of non-agricultural waste and equipment
 - (b) Remove all non-agricultural waste and equipment from the Land
 - (c) Break up the hard standing in the area hatched blue on the Plan and remove from the Land all arisings and associated materials from such breaking up
 - (d) Lay the area hatched in blue on the Plan with top soil and reseed with grass
- The periods for compliance with the requirements are: 3 months for requirement (a); 4 months for requirement (b); 6 months for requirement (c); and 7 months for requirement (d).
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (d) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a correction and variations.

Appeal B: APP/K2420/C/15/3005897

The land adjacent to the west of E Taylor Skip Hire & Recycling Limited, Leicester Road, Hinckley, Leicestershire, LE10 3DR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by E Taylor Skip Hire & Recycling Limited against an enforcement notice issued by Hinckley & Bosworth Borough Council.
- The Council's reference is 12/00121/S.
- The notice was issued on 4 February 2015.

- The breach of planning control as alleged in the notice is without planning permission the creation of hard standing on the area of land hatched green on the Plan and the use of the same for unauthorised parking of non-agricultural vehicles.
- The requirements of the notice are:
 - (a) Cease the use of the Land for the parking of non-agricultural vehicles
 - (b) Break up the unauthorised hard standing hatched green on the Plan and remove all arisings and associated materials from such breaking up from the Land
 - (c) Lay the area hatched in green on the Plan with top soil and re-seed with grass
- The periods for compliance with the requirements are: 3 months for requirement (a); 4 months for requirement (b); and 5 months for requirement (c).
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (c), (d) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with a corrections and variations.

Preliminary matters

1. The allegation in the notice which is the subject of appeal B (Notice B) refers to operational development, namely the creation of the hard standing on the area hatched green on the notice plan, but also the use of that land for the parking of non-agricultural vehicles. However, it does not, in terms, allege a material change of use.
2. Whilst the Council indicated during the hearing that it was concerned with the use of the land for parking, it accepted that the area hatched green did not constitute a separate planning unit. For the purposes of assessing the materiality of any change of use, the larger field would fall to be considered as the planning unit. Whilst requirement (a) of the notice demands cessation of the parking use on an even large area edged red, on the notice plan, this goes well beyond the specific allegation of use of the area hatched green. Furthermore, that wider area edged red encompasses the adjacent field to the west, as well as the area know as 'Dunton Cottage', which is the subject of the allegation in the notice considered on appeal A (Notice A).
3. If Notice B were corrected or varied, so that it alleged a material change of use, the correct planning unit would need to be defined. However, the appellant pointed out that it would then be necessary to identify all of the elements in the use of that larger area, which would include storage uses as well as parking. This would widen the scope of the deemed application and necessitate additional notice requirements. I am not persuaded that this could be done without injustice and it would require consideration of matters not drawn to the attention of third parties, none of whom attended the hearing.
4. Having regard to these points, the Council accepted that it would be better to consider addressing the question of unauthorised uses through another enforcement notice, whereas this Notice B should be considered to relate to operational development only. In practice, removal of the hard standing would be likely to inhibit parking in the area hatched green anyway.
5. In the circumstances, I will correct the allegation by deleting the reference to use of the area hatched green for unauthorised parking. As stated above, that reference to "use" did not in itself indicate the material change of use of any

relevant planning unit anyway and this correction can be made without causing injustice. As a consequence, I shall also vary Notice B by deleting requirement (a) and restating the times for compliance in section 6. In any event, that requirement went beyond the scope of the allegation, which only concerned the area hatched green and its deletion will cause no injustice.

APPEAL A

Ground (b)

6. To succeed on this ground, the appellant must prove on the balance of probability that the matters alleged in the notice have not occurred, because no waste materials are stored on the site. If that is proved, I must consider whether the allegation can be corrected without causing injustice.
7. In addition to non-agricultural equipment, the allegation in Notice A correctly lists materials such as stone, road planings, road chippings, rubble, crushed bricks and concrete. However, the appellant explained that both the Environment Agency and Leicestershire County Council are satisfied that none of the materials stored on the site technically constitutes "waste". Along with metals, these other items are all reclaimed materials and the items listed can collectively be described as "aggregates". The Council accepted this point, but both parties agreed that the allegation can be corrected to reflect it without causing injustice. I am satisfied that this is the case and I will also make consequential variations to the notice requirements.

Ground (d)

8. Having regard to the corrected allegation, to succeed on this ground, the appellant must prove on the balance of probability that the change of use of the land from agriculture to use for the storage of aggregates and other recovered materials, including metals, and the storage of non-agricultural equipment, including skips, lorry trailers, vehicle bodies, containers, vehicles and vehicle parts occurred on or before 4 February 2005¹ and that the use then continued without significant interruption for 10 years after the date of change.
9. The parties agreed that the area hatched blue on the plan attached to Notice A constitutes a separate planning unit. I see no reason to take a different view; it is physically separated from adjoining land by fences and hedges and by an earth bund on its northern side and is functionally separate.
10. Although the area hatched blue on the plan has historically been known as 'Dunton Cottage', there is no evidence before me that there has ever been a dwelling on it. Certainly, it is highly unlikely that the somewhat dilapidated building which remains on the site could ever have been a dwelling. Though it had no direct knowledge of the site until more recently, the Council suggested that aerial photographs from 1999 and 2001 are consistent with agricultural use at that time. However, for the appellant, Mr Ambrose said that he had been visiting the site since 1993, when he first starting acted for the appellant, and that since that time, the land has been used informally for the purposes set out in the corrected allegation. With regard to the 1999 and 2001 aerial photographs, he explained that the items visible on the site were not agricultural equipment, but included: a 360 degree excavator; curtain sided containers, used to store the more precious materials; and skips.

¹ I.e. 10 years before the notice was issued.

Mr Ambrose's first hand account is consistent with the photographs and I am satisfied with it.

11. On the evidence, I accept that the change of use first occurred by 1993 at the latest. The Council suggested that it had intensified since then and that the area actually covered by the use had expanded, albeit within the blue hatched area. However, the notice does not allege a material change of use through intensification and the evidence is insufficient to show that there has been a fundamental change to the character of the use since 1993. Similarly, the evidence is insufficient to indicate that there was a change in the planning unit, so as to begin a new chapter in the planning history.
12. However, it is common ground that the land hatched blue was used as a gypsy/traveller site in 2006 and 2007 for some 3 – 4 caravans. Mr Ambrose acknowledged that it had been used as such for about a year, but said the use alleged in the notice also continued throughout the period of gypsy/traveller occupation. I have no reason to doubt that, but it nevertheless means that, in 2006, the use of the site materially changed from the storage use alleged in the notice to a mixed use for storage and as a gypsy/traveller site. Even though there is evidence that the storage use had subsisted for more than 10 years prior to 2006, it was then superseded by a new mixed use which, having continued for a year or so, constituted a substantial interruption. The clock started to run again once the gypsy/traveller site use ended in 2007, but the storage use did not then continue for 10 years before Notice A was issued.
13. The appellant also contended that the hard standing was substantially completed before 4 February 2011 and is thus immune from enforcement action. However, the notice does not allege operational development; merely a material change of use. Whilst it requires the hard standing to be broken up and removed, having regard to the relevant case law², the appellant acknowledged at the hearing that notices concerning changes of use can require the removal of operational development, even if it would otherwise be immune from enforcement action, providing it was integral to and part and parcel of the unauthorised use and was not undertaken for a different lawful use. The appellant did not dispute that the hard standing was integral to and part and parcel of the unauthorised use and could not suggest that it was provided for some other lawful purpose.
14. I therefore conclude on ground (d) that whilst the appellant has proved on the balance of probability that the alleged change of use occurred before 4 February 2005, he has not proved that it continued without significant interruption for 10 years after the date of change. Ground (d) therefore fails.

Ground (a)/the deemed application for planning permission

Main issue

15. The main issue is the effect of the development on the character and appearance of the area, having regard to policies concerning the Green Wedge.

² *Murfitt v SSE* [1980] JPL 598; *Somak Travel v SSE* [1987] JPL 630; *Bowring v SSCLG & Waltham Forest BC* [2013] EWHC 1115 (Admin); and *Makanjuola v SSCLG* [2014] JPL 439 (see Sweet and Maxwell's Encyclopedia of Planning law and Practice at paragraph P173.07)

Reasons

16. The appeal site lies in a countryside location with fields to the north, Burbage Common to the south and Hinckley Golf Course to the west. A field also separates it from the appellant's authorised waste transfer station to the east. This open setting is part of the Green Wedge, as designated by the Hinckley and Bosworth Borough Council Core Strategy (CS), adopted December 2009. The supporting text to CS Policy 6 indicates that the Green Wedge between Hinckley, Barwell and Earl Shilton safeguards the separation of the three settlements "helping to protect their individual identities" and provide "easy access from urban areas into green spaces" and that "maintaining the Green Wedge is an important part of protecting the green infrastructure of the borough." Policy 6 itself seeks to restrict new development in the Green Wedge to specified categories, which do not damage its function and retain the visual appearance of the area.
17. The appeal development does not fall into any of the acceptable categories of development listed in CS Policy 6. Furthermore, the appellant does not identify any overriding need for the development, so as to satisfy Policy WCS13 of the Leicestershire and Leicester Waste Development Framework Core Strategy and Development Control Policies (WDFCS) up to 2021, which seeks to restrict waste management development in Green Wedges.
18. The appeal site is screened from Burbage Common and the golf course by a substantial deciduous hedge, which was still in full leaf at the time of my visit. I could only glimpse the lorry trailers on the appeal site through that hedge, but it is possible that there would be more significant views during the winter months and it is clear that both the common and golf course are well used.
19. In any event, those lorry trailers are visible from the field access onto Leicester Road to the north, notwithstanding the overgrown earth bund on the northern boundary of the land hatched blue. Given the low level of materials currently stored on the site, they are screened by the lorry trailers, but the trailers themselves are intrusive in this country side setting. I do not know the height to which materials have been stored in the past. The appellant had suggested in its statement that a condition might be imposed to restrict this to 3m. However, Mr Ambrose indicated during the hearing that this would not be appropriate, as it would necessitate spreading the materials over a wider area. Whilst additional screening could be required, in order to be effective all rear round, new planting would have to be evergreen and would itself be incongruous in the context of surrounding native planting.
20. In terms of the main issue, I am satisfied that use of the site for the storage of these materials and equipment is detrimental to the undeveloped and open character of the area and it undermines the function of the Green Wedge. The development is therefore contrary to CS Policy 6 and WDFCS Policy WCS13 and having regard to my conclusion on the main issue and all other matters raised, I am satisfied that the appeal on ground (a) should not succeed and planning permission should not be granted.

Ground (f)

21. To succeed on ground (f) the appellant must show that the requirements of the notice exceed what is necessary to remedy the breach of planning control or, as the case may be, the injury to amenity.

22. It is clear from its requirements that the primary purpose of the notice is to remedy the breach of planning control. The cessation of the use and removal of materials and equipment are necessary to remedy the breach and together with the removal of the hard standing and re-seeding with grass, they are also necessary to restore the land to its condition prior to the breach. In terms of amenity, the lesser step initially advocated by the appellant was restricting the height of stored materials to 3m but, as already indicated, this would not be practical. In these circumstances, the appeal must also fail on ground (f).

APPEAL B

Ground (b)

23. To succeed on this ground, the appellant must prove on the balance of probability that the matters alleged in the notice, as corrected, have not occurred.
24. The corrected allegation concerns only the creation of the hard standing. The essence of the appellant's case is that this constituted the improvement of an existing track. However, its evidence is that the track, which ran west from the waste transfer station, alongside the hedge on the northern site boundary, was a single vehicle track, some 3.5m wide. During the accompanied site visit, the width of the concrete hard standing was measured at 10.8m and, by pacing it, Mr Ambrose indicated that its approximate length was 35m.
25. In the circumstances, it is clear that an area of hard standing has been created and this was not merely the improvement of a track. The appeal on ground (b) cannot therefore succeed.

Ground (d)

26. Ground (c) is normally considered before ground (d). However, in this case the appellant's case on ground (d) is no more than the foundation for its case on ground (c). The case on ground (c) is that the works undertaken constitute improvement of the existing track, or private way. This is therefore dependant upon the track being lawful and so it makes sense to consider ground (d) first.
27. Under ground (d), the appellant must prove that the part of the track subsequently improved was substantially completed on or before 4 February 2011.³ In fact, it is evident from aerial photographs and common ground between the parties that a gravel or hardcore track, some 3.5m wide, was completed adjacent to the northern site boundary well before that date.
28. To that extent then, the argument succeeds on ground (d), but the notice concerns the creation of the hard surface, rather than the initial creation of the track and so this success on ground (d) does not necessitate quashing or altering the notice. I must go on to consider ground (c).

Ground (c)

29. Under this ground, the appellant must prove on the balance of probability that the matters alleged in the notice do not constitute a breach of planning control.
30. The appellant's case is that the works, which were undertaken in 2012, were for the improvement of a private way and were therefore permitted

³ I.e. 4 years before the notice was issued.

development by virtue of Class A of Part 9, of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995⁴. However, this argument can only apply to that part of the hard surfaced area which falls within the boundaries of the pre-existing, 3.5m wide track. The extract from Sweet & Maxwell's Encyclopedia of Planning Law and Practice, to which the appellant drew my attention⁵, states that "works permitted by this Part could only affect the surface and foundations of the way: they could not widen it or alter its route."

31. Accordingly, in so far as part of the hard surface constitute improvement of the existing 3.5m wide lawful private way, it does not constitute a breach of planning control and the appeal succeeds in part on ground (c). This partial success on ground (c) necessitates a variation of the requirements of the notice, so that it will only demand removal of the hard standing beyond the boundaries of the pre-existing track. I am satisfied that such a variation will not cause any injustice.

Ground (a)/the deemed application for planning permission

Main issue

32. The main issue is the effect of the development on the character and appearance of the area, having regard to policies concerning the Green Wedge.

Reasons

33. As per appeal A, the appeal site lies in a countryside location within the Green Wedge, where CS Policy 6 applies. Whilst the mere existence of an area of hard standing some 10.8m x 35m reduces the openness of the Green Wedge, it is unlikely that there will be any significant views of the surface itself from public vantage points on Leicester Road, which only has a footway on its northern side. However, the existence of the hard standing facilitates the parking of vehicles and storage of vehicles and equipment in that area. The deciduous hedge on the northern site boundary is somewhat thin and I am satisfied that vehicles and equipment parked or stored on the hard standing would be seen from Leicester Road during the winter months. As a result the development has a detrimental impact on the open character and appearance of the area and the function of the Green Wedge, contrary to CS Policy 6. Any enhanced screening sufficient to overcome that impact would have to be undertaken on land outside the appellant's control and therefore a condition could not be imposed.
34. Having regard to my conclusion on the main issue and all other matters raised, I am satisfied that the appeal on ground (a) should not succeed and planning permission should not be granted.

Ground (f)

35. The appellant's case on ground (f) was that the notice should not require removal of the hard standing, save in so far as it lies beyond the boundaries of the original track. I have already considered this under ground (c) and concluded that the requirements should be varied accordingly.

⁴ This is the Order in force at the time the works were undertaken but, in any event the relevant provision has been re-enacted in Class E of Part 9, of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

⁵ Hearing document 2.

Decisions

Appeal A: APP/K2420/C/15/3005893

36. The enforcement notice is:

- (i) corrected by deleting the allegation in section 3 and substituting "Without planning permission the material change of use of the land within the area hatched in blue on the Plan from agricultural use to the storage of aggregates and other recovered materials, including metals, and the storage of non-agricultural equipment, including skips, lorry trailers, vehicle bodies, containers, vehicles and vehicle parts"; and
- (ii) varied in section 5 by deleting the words "non-agricultural waste and equipment" from requirements (a) and (b) and substituting "aggregates and other recovered materials, including metals, and all non-agricultural equipment, including skips, lorry trailers, vehicle bodies, containers, vehicles and vehicle parts".

37. Subject to this correction and these variations the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B: APP/K2420/C/15/3005897

38. The enforcement notice is corrected in section 3 by deleting from the allegation the words "and the use of the same for the unauthorised parking of non-agricultural vehicles" and varied by:

- (i) deleting the first requirement "(a)" in section 5;
- (ii) deleting the second requirement "(b)" and substituting "Break up the unauthorised hard standing hatched green on the Plan, except for the area 3.5m wide along the line of the pre-existing track running west from the waste transfer station and parallel to the northern boundary hedge" and labelling that requirement "(a)";
- (iii) re-labelling the original requirement "(c)" as requirement "(b)"; and
- (iv) deleting the times for compliance in section 6 and substituting:
 - "(a) 4 months after the notice takes effect
 - (b) 5 months after the notice takes effect"

39. Subject to this correction and these variations the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

J A Murray

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Andrew Ambrose MRICS C.Env A L P Ambrose Minerals Planning & Development
Consultancy

FOR THE LOCAL PLANNING AUTHORITY:

Craig Allison Planning Enforcement Officer, Hinckley &
Bosworth Borough Council
Nic Thomas Chief Planning Officer, Hinckley & Bosworth
Borough Council

DOCUMENTS SUBMITTED AT THE HEARING

1	Council's notice of hearing
2	Extract from Sweet & Maxwell's Encyclopedia of Planning Law and Practice (paragraph 3B-2122/2)
3	List of suggested conditions

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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 02.10.15

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
		14/01247/COU	IH	Mr Albert Connors	Land To The East Wallace Drive Groby (Change of use of land to 2 No. Gypsy / Traveller pitches, including day room and associated works)	Awaiting Start Date	
15/00024/NONDET	HW	15/00607/FUL (PINS Ref 3134991)	WR	Mr S Wong	Kingscliffe 48 Barton Road Market Bosworth (Erection of dwelling with associated parking)	Start Date Questionnaire Statement of Case Final Comments	29.09.15 06.10.15 03.11.15 17.11.15
	RWR	15/00437/FUL (PINS Ref 3133608)	IH	Thomas Knapp	Land Rear Of 99 To 107 Lutterworth Road Burbage (Erection of a dwelling and associated parking)	Awaiting Start Date	
	HW	15/00205/OUT (PINS Ref 3133397)	WR	Judi Cookes	2A Drayton Lane Fenny Drayton Nuneaton	Awaiting Start Date	
	CA	15/00145/UNUSEH (PINS REF 3132569)	WR	Michael Cash	Land North West Of Cold Comfort Farm Rogues Lane Hinckley (Unauthorised Traveller Encampment)	Awaiting Start Date	
15/00020/ENF	CA	14/00175/UNBLDS (PINS Ref 3131877)	WR	Mr Tuhel 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))	Start Date Statement of Case Final Comments	09.09.15 21.10.15 11.11.15
15/00022/PP	JB	14/01121/FUL (PINS Ref 3103270)	WR	Mrs Rebecca Dawe	28 Lutterworth Road Burbage (Erection of a dwelling)	Start Date Questionnaire Statement of Case Final Comments	28.09.15 05.10.15 02.11.15 16.11.15

15/00013/PP	SG	14/01274/OUT (PINS Ref 3081119)	IH	JH Hallam & Son Ltd	Land Beech Drive Thornton (Residential development of up to 49 dwellings (Outline - access))	Start Date Statement of Case Hearing Date	09.07.15 09.10.15 08.12.15
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 Awaiting Decision	29.07.15
15/00023/PP	HW	15/00385/FUL (PINS Ref: 3129823)	WR	Ms Zena King	95 Main Street, Markfield (Proposed new self contained flat)	Start Date Questionnaire Statement of Case Final Comments	28.09.15 05.10.15 02.11.15 16.11.15
15/00021/PP	RW	14/00944/FUL (PINS REF 3049337)	WR	Mr Stephen Goodman	Craigmore Farm Merrylees Road Newbold Verdon (Erection of one new dwelling and detached garage with associated access)	Start Date Questionnaire Statement of Case Final Comments	28.09.15 05.10.15 02.11.15 16.11.15
	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 Cunnery 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 Proof of Evidence Public Inquiry Date (5 days)	15.07.15 22.03.16 19-26.04.16
15/00010/HEDGE	JB	14/00065/UNUSES (APP/HH/15/1431)	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)	Start Date Awaiting Decision	29.07.15
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 Awaiting Decision	17.04.15
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 Awaiting Decision	17.04.15
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 Decision Due	23.02.15 30.10.15

Decisions Received

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)	DISMISSED	24.09.15
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))	DISMISSED	29.09.15
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))	ALLOWED	30.09.15

Rolling 1 April - 2 October 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
10	2	7	0	1	2	0	6	0	0	0	0	0	1

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn

Delegated Applications determined between 07/09/2015 and 02/10/2015

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Ambien					
	15/00711/GDO	GENERAL DEVELOPMENT ORDER	07/09/2015	Mr Tom Greenfield	Land South Of Bosworth Road Wellsborough Nuneaton Leicestershire CV13 6PA
				Extension to existing agricultural building	
	15/00865/TPOCA	TPO SPLIT DECISION PERMIT/REF	07/09/2015	Ms A Warner	Keepers Cottage Twenty Acre Lane Sutton Cheney Nuneaton Leicestershire CV13 0AJ
				Works to trees	
Barlestone Nailstone And Osbasto					
	15/00770/HOU	PLANNING PERMISSION	09/09/2015	Mr & Mrs Toren Storer	50 Newbold Road Barlestone Nuneaton Leicestershire CV13 0DZ
				Demolition of porch and erection of single story front extension	
	15/00823/FUL	PLANNING PERMISSION	30/09/2015	Sunventures 4 Ltd	Crown Farm Bagworth Road Nailstone Nuneaton Leicestershire CV13 0QL
				The installation of a Photovoltaic Solar Farm, grid connection, access and associated works and infrastructure.	
	15/00825/FUL	PLANNING PERMISSION	17/09/2015	Mr & Mrs Preston	19 Gregory Road Barlestone Nuneaton Leicestershire CV13 0ET
				Demolition of existing bungalow and erection of replacement two storey dwelling	
Barwell					
	15/00861/COU	REFUSAL OF PLANNING PERMISSION	25/09/2015	SNS Leisure	Barwell WIndows Rear Of 124 High Street Barwell Leicestershire
				Change of use of part of the first floor to form five apartments together with associated alterations.	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Burbage Sketchley & Stretton					
15/00371/FUL	PLANNING PERMISSION	18/09/2015	Mr & Mrs R Wheatcroft	Applemead 58 Windsor Street Burbage Hinckley Leicestershire LE10 2EF	Erection of one new dwelling.
15/00686/ADV	APPLICATION WITHDRAWN	16/09/2015	Mr Richard Cayless	Chequers Inn 30 Lutterworth Road Burbage Hinckley Leicestershire LE10 2DN	Permission to display advertising sign in the Car Park of the Public House (Retrospective)
15/00749/HOU	PLANNING PERMISSION	15/09/2015	Mr D Payne	4 Halberd Close Burbage Hinckley Leicestershire LE10 2LB	First floor extension
15/00764/ADV	ADVERTISEMENT CONSENT	15/09/2015	The Hotel Collection	Hinckley Island Hotel Watling Street Burbage Hinckley Leicestershire LE10 3JA	Display of 1 x illuminated fascia sign (Retrospective)
15/00777/HOU	PLANNING PERMISSION	09/09/2015	Mr Hossam El-Gammal	32 Herald Way Burbage Hinckley Leicestershire LE10 2NX	Demolition of conservatory and erection of single storey rear extension
15/00778/FUL	REFUSAL OF PLANNING PERMISSION	29/09/2015	Mr And Mrs N Axon	55 Greenmoor Road Burbage Hinckley Leicestershire LE10 2LS	Erection of a single storey dwelling
15/00781/CLUP	CERTIFICATE OF LAWFUL PROPOSED USE	01/10/2015	Miss Maxine Jordan	Michealmas Cottage 138 Sappcote Road Burbage Hinckley Leicestershire LE10 2AY	Use of existing detached building for commercial dog grooming
15/00782/FUL	PLANNING PERMISSION	14/09/2015	The Hotel Collection	Hinckley Island Hotel Watling Street Burbage Hinckley Leicestershire LE10 3JA	New bin store and new enclosure to delivery yard

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
	15/00792/HOU	PLANNING PERMISSION	14/09/2015	Mr Rhys Davies	12 Swains Green Burbage Hinckley Leicestershire LE10 2QX
				Dropped kerb	
	15/00793/HOU	PLANNING PERMISSION	02/10/2015	Mr James Tarrant	14 Swains Green Burbage Hinckley Leicestershire LE10 2QX
				Formation of dropped kerb	
	15/00805/ADV	ADVERTISEMENT CONSENT	08/09/2015	DPDGroup UK Ltd	DPD International Gateway Logix Road Burbage Leicestershire
				Erection of 2 non-illuminated totem signs, 2 non-illuminated entrance signs and 3 x fascia signs	
	15/00829/HOU	PLANNING PERMISSION	16/09/2015	Mr Danny Broomfield	13 Freemans Lane Burbage Hinckley Leicestershire LE10 2HZ
				Two storey side extension and single storey rear extension (revised proposal)	

<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					
	15/00737/HOU	PLANNING PERMISSION	09/09/2015	Mr & Mrs Davis	45 Hillrise Burbage Hinckley Leicestershire LE10 2UA
				Single storey extension to front and rear	
	15/00744/HOU	PLANNING PERMISSION	15/09/2015	Jason Smith	Sherwood House Hinckley Road Burbage Hinckley Leicestershire LE10 2AG
				Demolition of existing conservatory and erection of replacement conservatory	
	15/00812/HOU	PLANNING PERMISSION	29/09/2015	Mrs Joy Nicholls	213 Brookside Burbage Hinckley Leicestershire LE10 2TH
				Raised rear patio (retrospective)	
	15/00815/HOU	PLANNING PERMISSION	18/09/2015	Mr Ian Food	53 Sapcote Road Burbage Hinckley Leicestershire LE10 2AS
				Single Storey Rear Extension	
	15/00833/HOU	PLANNING PERMISSION	10/09/2015	Mr James Grundy	84 Hinckley Road Burbage Hinckley Leicestershire LE10 2AH
				Single storey rear and side extension	
	15/00851/TPO	TREE PRESERVATION ORDER	23/09/2015	Mr & Mrs Ashworth	Woodbeech Kennels 9 Woodgate Road Burbage Hinckley Leicestershire LE10 2UF
				Pruning to lime tree	
	15/00906/HHGDO	GDO PRIOR APPROVAL NOT REQUIRED	16/09/2015	Mr Darren Ratcliffe	47 Sapcote Road Burbage Hinckley Leicestershire LE10 2AS
				Rear extension measuring 6.00 metres in depth; 3.90 metres in height to the ridge; and 2.74 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>
Cadeby Carlton M Bosworth & Sha					
15/00562/FUL	PLANNING PERMISSION	11/09/2015	Mr And Mrs R Goodwin	Nursery Barn Priors Lane Far Cotton Market Bosworth Leicestershire	Change of use from barn to dwelling along with extensions, associated access works, parking areas and residential curtilage
15/00663/TPOCA	TPO SPLIT DECISION PERMIT/REF	23/09/2015	Mrs D Sherwin	Swan House The Park Market Bosworth Nuneaton Leicestershire CV13 0LJ	Works to and felling of 4 trees
15/00775/HOU	PLANNING PERMISSION	07/09/2015	Mr And Mrs Crookes	10 West End Barton In The Beans Nuneaton Leicestershire CV13 0DG	Two storey side and rear extension
15/00776/COU	PLANNING PERMISSION	08/09/2015	Central Metals And Alloys	10 Park Street Market Bosworth Nuneaton Leicestershire CV13 0LL	Change of use of dwelling (C3) to office (B1)
15/00818/ADV	ADVERTISEMENT CONSENT	15/09/2015	Hinckley & Rugby Society	20 Market Place Market Bosworth Nuneaton Leicestershire CV13 0LE	Erection of one fascia sign, a name plaque, internal illuminated poster frames and a double sided hanging sign
15/00821/LBC	LISTED BUILDING CONSENT	15/09/2015	Hinckley & Rugby Building Society	20 Market Place Market Bosworth Nuneaton Leicestershire CV13 0LE	Erection of one fascia sign, a name plaque and a double sided hanging sign
15/00840/HOU	PLANNING PERMISSION	23/09/2015	Mr S Brown	4 Newton Lane Odstone Nuneaton Leicestershire CV13 0QT	Two storey rear extension and two dormer windows to the front
15/00941/NOMAT	PERMIT NON MATERIAL AMENDMENTS	25/09/2015	Mr B McLellan	Ellendale 86 Main Street Carlton Nuneaton Leicestershire CV13 0EZ	Non-material amendment to planning permission 14/01113/HOU to alter windows on the front elevation

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Earl Shilton					
	15/00084/FUL	PLANNING PERMISSION	24/09/2015	Westleigh Partnerships Limited	Warwick Building Rossendale Road Earl Shilton Leicester Leicestershire LE9 7LX
				Demolition of existing buildings and erection of 30 dwellings with associated vehicular access, parking and landscaping	
	15/00727/HEDGE	IMPORTANT HEDGEROW REMOVAL	07/09/2015	G&R Burgess	Huit Farm Breach Lane Earl Shilton Leicester Leicestershire LE9 7FB
				Removal of Hedgerow	
	15/00750/FUL	PLANNING PERMISSION	25/09/2015	Mr Stephen Holland	17 Breach Lane Earl Shilton Leicester Leicestershire LE9 7FB
				Subdivision of plot and erection of dwelling	
	15/00801/HOU	PLANNING PERMISSION	15/09/2015	Mr Adrian Lumb	Honey Pot House Breach Lane Earl Shilton Leicester Leicestershire LE9 7FB
				Two storey extension to front, extension to existing garage and single storey extension to rear	
	15/00819/ADV	ADVERTISEMENT CONSENT	09/09/2015	The MSG Group	30 Wood Street Earl Shilton Leicester Leicestershire LE9 7ND
				Erection of 2 external Fascia Signs	
	15/00830/CONDIT	PLANNING PERMISSION	17/09/2015	UK Building Compliance	27 Keats Lane Earl Shilton Leicester Leicestershire LE9 7DQ
				Applicaton for removal of condition 10 of planning permssion 13/00968/CONDIT - code for sustainable homes	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Groby					
	15/00409/HOU	PLANNING PERMISSION	16/09/2015	Mr M Terroca	19 Hilary Crescent Groby Leicester Leicestershire LE6 0BG
				Proposed loft conversion and dormers to front, side and rear	
	15/00800/HOU	PLANNING PERMISSION	10/09/2015	Mrs Hazel Hickson	16 Garendon Way Groby Leicester Leicestershire LE6 0YR
				Two storey side and rear extension	
	15/00839/HOU	PLANNING PERMISSION	29/09/2015	Mr C Hill	43 Stamford Drive Groby Leicester Leicestershire LE6 0YD
				Proposed single storey rear extension	
	15/00857/FUL	PLANNING PERMISSION	28/09/2015	C/o Wellsfield Associates	Budgens Laundon Way Groby Leicester Leicestershire LE6 0YG
				Installation of plant equipment and replacement air-conditioning units (Retrospective)	
	15/00873/ADV	ADVERTISEMENT CONSENT	30/09/2015	Bestway Group	18A Ratby Road Groby Leicester Leicestershire LE6 0GG
				Display of 1 x non-illuminated fascia sign, 1 x non-illuminated hanging sign, 1 x window vinyl, 1 x A1 poster holder and 1 x service menu board (retrospective)	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Hinckley Castle					
15/00707/ADV	ADVERTISEMENT CONSENT	10/09/2015	Miss Donna Axon	120 Trinity Lane Hinckley Leicestershire LE10 0BJ	Display of one illuminated box fascia sign and two non-illuminated fascia signs.
15/00795/HOU	PLANNING PERMISSION	07/09/2015	Papworth Trust	26 Tennyson Road Hinckley Leicestershire LE10 0TH	Erection of ramp and steps to front of dwelling for level access
15/00817/COU	PLANNING PERMISSION	17/09/2015	Mr Timothy Arnold	Unit 8 Block C The Crescent 26 Station Road Hinckley Leicestershire LE10 1AW	Change of use from retail shop/cafe (A1/A3) to drinking establishment (micropub/ale house) (A4)
15/00856/CONDIT	PLANNING PERMISSION	29/09/2015	Charles Street Buildings	3- 5 Hawley Road Hinckley Leicestershire LE10 0PR	Variation of condition 2 of planning permission 14/01066/FUL (approved plans) to extend internal mezzanine for Unit 3
15/00862/FUL	PLANNING PERMISSION	28/09/2015	Property Services Dept	48 Lower Bond Street Hinckley Leicestershire LE10 1QU	External door alterations and internal refurbishment

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Hinckley Clarendon					
	15/00678/REM	PLANNING PERMISSION	18/09/2015	Mr David Cooper	479 Coventry Road Hinckley Leicestershire LE10 0NF
				Application for approval of reserved matters following grant of planning permission (14/00458/OUT) for the erection of 1 No .dwelling (access, appearance, landscaping, layout and scale)	
	15/00705/FUL	PLANNING PERMISSION	24/09/2015	Western Power Distribution	Western Power Distribution Nutts Lane Hinckley Leicestershire LE10 3EQ
				Construction of a maintenance facility and additional car parking	
	15/00881/HOU	PLANNING PERMISSION	02/10/2015	Miss C Allman	Witzend 15 Hays Lane Hinckley Leicestershire LE10 0LA
				Single storey extension to front and first floor extension to side and front	
	15/00979/C	RECOMMENDATION ONLY	28/09/2015	Mrs Jennifer Saunders	Veolia ES UK Limited Watling Street Hinckley Leicestershire LE10 3ED
				Variation of Condition 12 of planning permission 2013/0148/04 to extend the hours of operation on weekends (0700 to 1700 hours Saturdays and 0930 to 1700 hours Sundays)	
Hinckley DeMontfort					
	15/00843/ADV	ADVERTISEMENT CONSENT	21/09/2015	G Seller & Co Limited (Leicester)	75 Upper Bond Street Hinckley Leicestershire LE10 1RH
				Display of 3 No. internally illuminated fascia signs	
	15/00896/COU	PLANNING PERMISSION	16/09/2015	Mr Mark Beasley	Unit 8 Salisbury House Wheatfield Way Hinckley Leicestershire LE10 1YG
				Change of use from office (Use Class B1a) to alternative and complementary health clinic (Use Class D1)	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Hinckley Trinity					
15/00357/FUL	PLANNING PERMISSION	30/09/2015	Redmoor Academy	Redmoor High School Academy Trust Wykin Road Hinckley Leicestershire LE10 0EP	
			Erection of 2 No. modular buildings to provide 4 No. classrooms		
15/00415/FUL	PLANNING PERMISSION	09/09/2015	Jelson Limited	Land Outlands Drive Hinckley Leicestershire	
			Substitution of house types for plots 196, 200-207, 222-228, 262-263, the repositioning of plots 214-215 and the reinstatement of plot 302 (of planning permission 09/00140/REM) and the re-instatement of plots 127-129 (of planning permission 08/00717/REM) revising the overall scheme total back up to 375 dwellings.		
15/00866/HOU	PLANNING PERMISSION	28/09/2015	Papworth Trust	14 Frederick Avenue Hinckley Leicestershire LE10 0EX	
			Erection of ramp 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>
Markfield Stanton & Fieldhead					
15/00645/FUL	PLANNING PERMISSION	08/09/2015	Thornton Lane Solar Farm Ltd	Land East Of Thornton Lane Stanton Under Bardon Leicestershire	Erection of a 2.77MW solar farm and associated infrastructure
15/00673/HOU	PLANNING PERMISSION	21/09/2015	Mr Nick Fitch	North Lodge Priory Lane Markfield Leicestershire LE67 9PH	Part single and part two storey rear extension and external wall insulation
15/00682/HOU	PLANNING PERMISSION	14/09/2015	Mr Alexander Holland	184 Main Street Stanton Under Bardon Markfield Leicestershire LE67 9TP	Single storey side and rear extension
15/00785/FUL	PLANNING PERMISSION	25/09/2015	Hill Moren Cars	Hill Moren Cars 32 Shaw Lane Markfield Leicestershire LE67 9PU	Demolition of existing valet bay/workshop and reconstruction of new showroom, valet bays and workshop
15/00831/TPO	TREE PRESERVATION ORDER	17/09/2015	OCA UK Ltd	Land Adjacent 55 Forest Road Markfield Leicestershire	Felling of two ash trees

<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					
15/00695/ADV	ADVERTISEMENT CONSENT	11/09/2015			The White Horse Leicester Lane Desford Leicester Leicestershire LE9 9JJ Display of 4 No. illuminated fascia signs, 1 No. pole mounted illuminated sign to front and 1 No. illuminated freestanding remote sign (retrosective)
15/00768/OUT	REFUSAL OF PLANNING PERMISSION	16/09/2015	Mrs Sarah Shaw		10 St Martins Stapleton Leicester Leicestershire LE9 8JS Erection of 1 No. dwelling (outline - all matters reserved)
15/00802/OUT	REFUSAL OF PLANNING PERMISSION	14/09/2015	Mr P Vesty		Field Maple House 34 Lindridge Lane Desford Leicester Leicestershire LE9 9GN Erection of 1 dwelling (outline - access only)
15/00803/HOU	PLANNING PERMISSION	02/10/2015	Mrs Helen Pettigrew		Station House Station Road Desford Leicester Leicestershire LE9 9FP Replacement fence and gate
15/00846/HOU	PLANNING PERMISSION	21/09/2015	Ms K Glover		The Old Pump House Station Road Desford Leicester Leicestershire LE9 9FP Side extension above existing ground floor extension
15/00960/NOMAT	PERMIT NON MATERIAL AMENDMENTS	01/10/2015	Mr And Mrs S Hulme		Paddock Barn Main Street Stapleton Leicester Leicestershire LE9 8JN Non-material amendment to planning permission 14/00796/HOU for alterations to windows

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Ratby Bagworth And Thornton					
	14/00206/FUL	PLANNING PERMISSION	08/09/2015	Mr Mike Watts	Holywell Farm Desford Lane Ratby Leicester Leicestershire LE6 0LE
				Conversion of existing outbuilding to form dwelling together with works to outbuilding to form ancillary accommodation	
	15/00621/FUL	PLANNING PERMISSION	17/09/2015	Miss Julie Greenwood	26 Main Street Ratby Leicester Leicestershire LE6 0JG
				Extension and alterations to first floor flat	
	15/00685/TPO	REFUSAL OF TREE PRESERVATION ORDER WORKS	15/09/2015	Ratby Parish Council	Street Record Overfield Walk Ratby Leicestershire
				Work to Ash tree	
	15/00809/OUT	OUTLINE PLANNING PERMISSION	14/09/2015	Mr David Parkes	Woodlands Thornton Lane Markfield Leicestershire LE67 9RP
				Erection of one dwelling (outline - access only)	
	15/00810/HOU	PLANNING PERMISSION	25/09/2015	Mr Lloyd Bakewell	8 Church Lane Thornton Coalville Leicestershire LE67 1AA
				Two storey side and rear extension	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Twycross Sheepy & Witherley					
15/00683/HOU	PLANNING PERMISSION	18/09/2015	Mr Nathan Baron	Fox Chapel 6 Main Road Twycross Atherstone Leicestershire CV9 3PL	Two storey side extension and single storey front extensions
15/00786/HOU	PLANNING PERMISSION	08/09/2015	Mrs Joyce Elliott	6 Church Croft Sheepy Magna Atherstone Leicestershire CV9 3RW	Single storey extension to front and first floor extension to side
15/00871/FUL	PLANNING PERMISSION	02/10/2015	Mr Peter Simpson	Livestock Building Drayton Lane Fenny Drayton Leicestershire	Extension of a storage unit
15/00876/TPOCA	PERMIT CONSERVATION AREA TPO WORKS	07/09/2015	Witherley Parochial Church Council	St Peters C Of E Parish Church Church Road Witherley Atherstone Leicestershire CV9 3NA	Works to cherry tree