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Hinckley & Bosworth
Borough Council

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Steve Atkinson MA(Oxon) MBA FIoD FRSA
Chief Executive

Date: 11 April 2016

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 PS 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, 19 APRIL 2016** 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 - 19 APRIL 2016

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 March 2016.

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. 16/00145/FUL - CO-OPERATIVE, LAUNDON WAY, GROBY (Pages 5 - 16)

Proposed mixed use development consisting of pharmacy / hairdressing salon (class A1), hot food takeaway (class A5) coffee shop (class A3) and installation of shop fronts (resubmission).

8. 15/00536/OUT - 8 WOOD LANE, NORTON JUXTA TWYXCROSS (Pages 17 - 34)

Erection of 3 dwellings (outline – access and layout) (revised scheme).

9. 16/00060/CONDIT - LAND NORTH EAST OF RESERVOIR ROAD, THORNTON (Pages 35 - 42)

Variation of condition 2 of planning permission 15/00820/FUL to increase the height of the stable building.

10. 16/00107/FUL - RICHARD ROBERTS DYERS LTD, SOUTHFIELD ROAD, HINCKLEY (Pages 43 - 60)

Erection of 68 dwellings with associated access, parking and landscaping.

11. PLANNING POLICIES (Pages 61 - 68)

To be read in conjunction with the above applications – FOR INFORMATION ONLY

12. MAJOR PROJECTS UPDATE (Pages 69 - 72)

Report of the Deputy Chief Executive (Community Direction).

13. APPEALS PROGRESS (Pages 73 - 78)

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

14. APPEAL DECISIONS RECEIVED

To report on the following Planning Inspectorate appeal decisions received:

- (a) Appeal Decision: 40D Ratby Lane, Markfield (Pages 79 - 84)
- (b) Appeal Decision: 42 Coventry Road, Burbage (Pages 85 - 86)
- (c) Appeal Decision: Land north-west of Barlestone Road, Bagworth (Pages 87 - 96)
- (d) Appeal Decision: land to the north of 48 Roseway, Stoke Golding (Pages 97 - 100)
- (e) Appeal Decision: land west of Dodwells Road, Hinckley (Pages 101 - 106)

15. DELEGATED DECISIONS ISSUED (Pages 107 - 120)

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

16. 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 MARCH 2016 AT 6.30 PM

PRESENT: Mr R Ward - Chairman
Mr LJP O'Shea – Vice-Chairman
Mr RG Allen, Mr DC Bill MBE, Mr MB Cartwright (for Mrs L Hodgkins), Mrs MA Cook, Mrs GAW Cope, 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 Councillor Mr SL Bray was in attendance. County Councillor M Mullaney was also in attendance.

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

458 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Hodgkins, with the substitution of Councillor Cartwright authorised in accordance with Council Procedure Rule 4.

459 MINUTES

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

RESOLVED – the minutes of the meeting held on 23 February be confirmed and signed by the Chairman.

460 DECLARATIONS OF INTEREST

Councillors Bill, Cartwright, Cope, Hollick and Witherford declared a personal interest leading to bias in relation to application 15/01322/FUL and stated that they would leave the meeting during this item.

461 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all decisions delegated at the previous meeting had been issued.

462 16/00054/FUL - ASDA, BARWELL LANE, HINCKLEY

Application for demolition of nos 26 & 28 Barwell Lane and the erection of an automated petrol filling station (revised scheme)

Councillor Taylor entered the meeting at 6.35pm.

In presenting the application, officers corrected an error in condition 9 in the report which should have read "The petrol filling station shall not be open for the sale of fuel outside the hours of 06:00 to 21:00 Mondays to Saturdays..."

Notwithstanding the officer's recommendation that the application be approved, some members felt that the traffic impact at the Barwell Lane/Ashby Road junction should be assessed further. It was moved by Councillor Cartwright that the decision be delegated to officers following further discussion with the applicant and the highways authority.

Following the officer's response that such discussions had already taken place, Councillor Cartwright withdrew his proposal.

Councillor Cartwright then proposed that the application be refused due to detriment to residential amenity and highways, which was seconded by Councillor Bill.

Councillor Allen, seconded by Councillor Cook, proposed that the application be approved subject to the conditions contained in the officer's report.

Councillor Cartwright's motion, having been seconded prior to Councillor Allen's, was put to the vote and CARRIED. It was therefore

RESOLVED – the application be refused on grounds of detriment to residential amenity and highways issues.

463 15/00942/FUL - FORMER POLICE STATION, UPPER BOND STREET, HINCKLEY

Application for change of use from Police Station to 30 residential apartments.

Whilst in support of the principle of bringing the building back into use, concern was expressed regarding insufficient car parking provision on site and the potential of exacerbating the on-street parking problems in the surrounding area. It was moved by Councillor Witherford and seconded by Councillor Taylor that the application be deferred for a site visit and further discussions with the applicant in relation to parking.

Councillor Cartwright proposed an amendment that the application be deferred to give consideration to a S106 agreement to alleviate potential parking problems. Following clarification by officers that further discussion would not be necessary and the requirement for a S106 agreement could be added as part of this decision, Councillor Cartwright withdrew his amendment.

Councillor Wright, seconded by Councillor O'Shea, proposed that the application be approved subject to the conditions in the officer's report and a requirement for a Section 106 agreement to provide parking permits for 14 units in council-owned long-stay car parks for two years at the developer's expense.

As the first viable motion, Councillor Witherford's proposal to defer for a site visit was put to the vote and LOST.

Councillor Wright's motion that the application be approved with the additional Section 106 agreement was put to the vote and subsequently CARRIED. It was therefore

RESOLVED – the application be approved subject to the conditions contained in the officer's report and a Section 106 agreement requiring a financial contribution for 14 parking permits in HBBC's long-term car parks for a period of two years.

464 15/01322/FUL - DOCTORS SURGERY, CLIFTON WAY, HINCKLEY

Application for extension to medical centre.

Having declared a personal interest leading to bias in this item, Councillors Bill, Cartwright, Cope, Hollick and Witherford left the meeting at 7.55pm. Councillor Taylor also left the meeting at 7.55pm.

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

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

Councillors Bill, Cartwright, Cope, Hollick, Taylor and Witherford returned to the meeting at 8.02pm.

465 16/00064/HOU - THE COTTAGE, 2 NEWTON LANE, ODSTONE

Application for extension to existing garage and erection of two dormer windows (retrospective).

Councillor Cook proposed that a condition be added to require opaque glass in the dormer windows.

It was moved by Councillor Rooney and seconded by Councillor Allen that the application be approved. Councillor O’Shea then seconded Councillor Cook’s motion that opaque glass be required in the dormer windows. This was not accepted as an amendment by the mover and seconder of the valid motion.

Upon being put to the vote, the motion to approve the application was CARRIED and it was

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

466 APPEALS PROGRESS

Members received an update on progress in relation to various appeals since the last meeting. It was

RESOLVED – the report be noted.

Councillor Cook was absent during discussion and voting on this item.

467 APPEAL DECISIONS RECEIVED

The committee received decisions in relation to appeals at 28 Lutterworth Road, Burbage and 23 Station Road, Ratby. It was

RESOLVED – the reports be noted.

468 DELEGATED DECISIONS ISSUED

Members received a schedule of delegated decisions taken since the last meeting. An error on page 89, which referred to the Police Station site, was highlighted and it was agreed that this was an error and should not have appeared on the list.

RESOLVED – the report be noted.

(The Meeting closed at 8.21 pm)

CHAIRMAN

Planning Committee 19 April 2016
Report of the Chief Planning and Development Officer



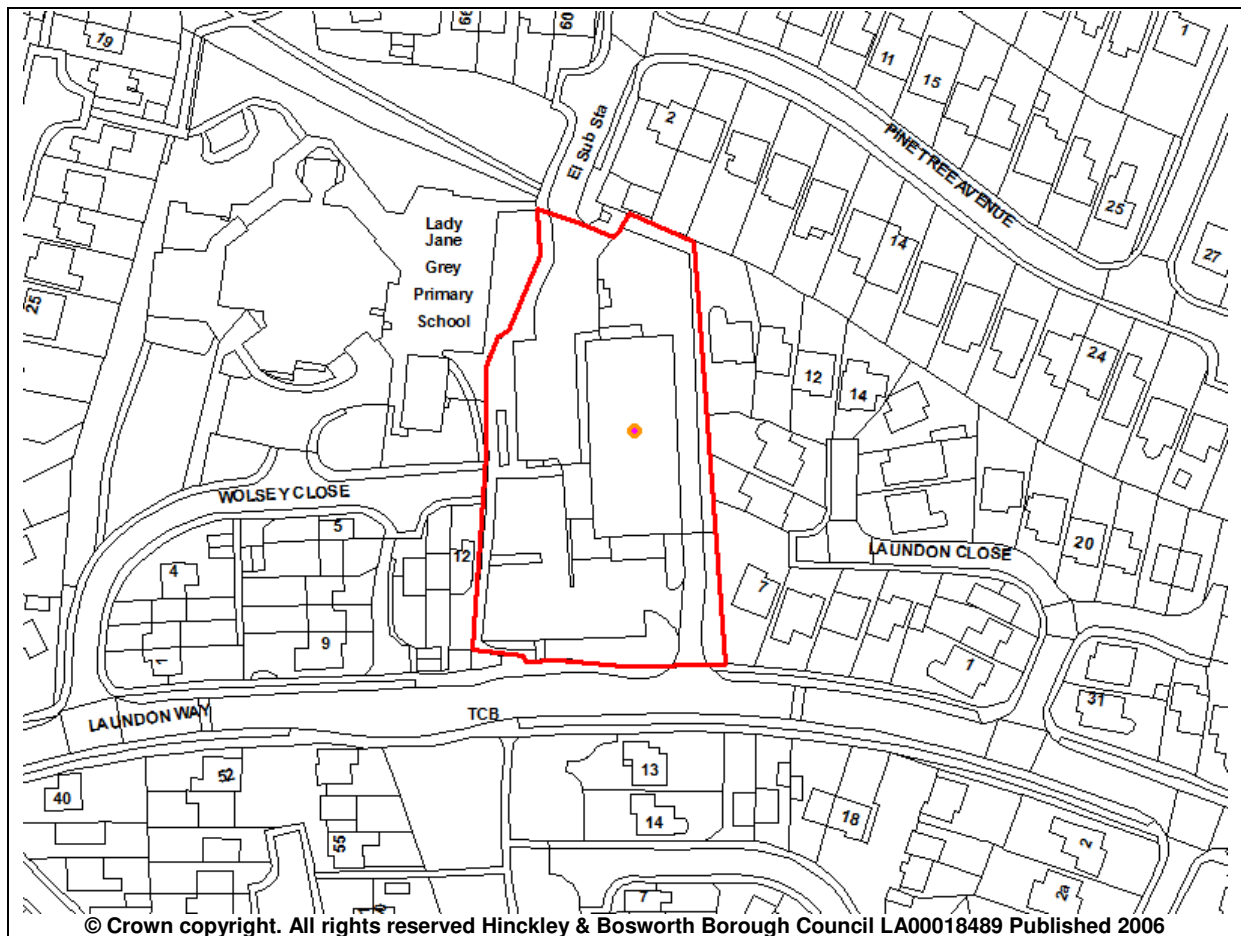
Hinckley & Bosworth
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Planning Ref: 16/00145/FUL
Applicant: Mr Mahesh Karavadra
Ward: Groby

Site: Co Operative Laundon Way Groby

Proposal: Proposed mixed use development consisting of
pharmacy/hairdressing salon (class A1), Hot Food Takeaway (class
A5) coffee shop (class A3) and installation of shop fronts
(resubmission)



1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

1.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

2. Planning Application Description

- 2.1. This application seeks planning permission for the subdivision of a vacant retail unit to provide the following: pharmacy (A1), hairdressers (A1), coffee shop (A3), hot food takeaway (A5) and office space. Storage facilities are proposed at first floor level above the proposed pharmacy, hairdressers and coffee shop. External works would include the installation of shop fronts along the west elevation, installation of windows at first floor level in the west elevation, installation of a flue on the north elevation, works to the northern elevation and excavation works adjacent to the west elevation to provide a level footpath; the footpath would be bounded by a retaining wall.
- 2.2. Amended plans have been submitted during the course of the application to remove the shop front from the north elevation.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located on the southern side of Groby within the settlement boundary. The site is designated as a Local Shopping Centre. The area is primarily residential with the site bounded by dwellings along the north, east and partially along the western boundary. There is a green amenity space to the south of the site across Laundon Way. Adjoining the west boundary of the site is Lady Jane Grey primary school.
- 3.2. The application site is a rectangular shape running north to south. The site comprises a single, large building on the eastern side of the site. The building has a retail (A1) use comprising two units; one which is currently vacant. There are two car parks serving the building; one to the north west of the building with access onto Pymm Ley Lane and one to the south west of the building with access onto Laundon Way. There is a service/delivery area to the north east of the building with access along the eastern side of the building. There is a public footpath inside the western boundary of the site. The topography of the site slopes from the north down to the south.

4. Relevant Planning History

87/00667/4	Erection of 7 no retail shopping units with service area and car park	Approved	22.09.1987
87/01194/4	Erection of food store with service area and car park	Approved	22.12.1987
14/01010/ADV	Erection of internally illuminated fascia signage to surround ATM (retrospective)	Approved	03.12.2014

15/00857/FUL	Installation of plant equipment and replacement air-conditioning units (Retrospective)	Approved	28.09.2015
15/00836/FUL	Subdivision of existing retail unit into two separate retail units including shop front alterations, installation of ATM machine, bollards and cycle racks and erection of a fence	Approved	08.10.2015
15/00808/ADV	Display of 3 x illuminated fascia signs and 8 x non-illuminated post mounted signs (retrospective)	Approved	21.10.2015
15/01180/FUL	Alterations to shop-front including roller shutters and installation of extract vents and warehouse light (retrospective)	Approved	06.01.2016

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Eight letters of objection and one letter of support have been received; the comments are summarised below:
1. There is no need for the proposed units
 2. There are already three hairdressers in the village with two offering beauty services
 3. There is a fish and chip shop in the village that is established and we should be supporting them
 4. A fish and chip shop should not be allowed adjacent to a school
 5. The residents are already subject to commercial traffic at all hours and the proposed units would increase this
 6. There is a safe route to the school that would be impacted upon
 7. The residents living close by should be protected
 8. The site has previously had youth ASBO problems and regular police patrols
 9. There would be noise and disturbance associated with the development as a meeting place

10. There would be problems with litter, damage to property, bad language and menace and therefore the fish and chip shop is unacceptable
11. If approved the latest time the fish and chip shop should be open is 7pm
12. There would be problems with smells from the fish and chip shop
13. Noise and disturbance from extractors
14. The impacts of the fish and chip shop could reduce property values
15. There are inaccuracies in the design and access statement
16. The application does not specify opening hours
17. A wall should be erected along the public footpath right of way/footpath to protect residents and pupils from traffic
18. Impacts of pollution on the residents of Wolsey Close
19. Increase in traffic along Pymm Ley Lane
20. The units are an excellent idea, especially the pharmacy
21. It will create more jobs for the local area
22. A coffee shop and fish and chip shop in walking distance would be brilliant.

6. Consultation

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

Environmental Health (Pollution)
 Environmental Health (Drainage)
 Waste Services

- 6.2. Groby Parish Council object to the application; the comments are summarised below:

1. The recent application for the subdivision of the building into two units should be the limit if detrimental harm is not to be caused to the neighbouring properties and cause safeguarding issues for the school
2. The design and access statement is misleading and inaccurate
3. The original planning application ensured the only frontage faced Laundon Way
4. The neighbouring properties to the west of the site would be subject to noise and light pollution
5. There would be overlooking from the first floor windows
6. There is likely to encourage antisocial behaviour due to the car park
7. This is not evidence to support the need for a coffee shop.

7. Policy

- 7.1. Local Plan 2006 – 2026: Core Strategy (2009)

- Policy 7: Key Rural Centres

- 7.2. Hinckley and Bosworth Local Plan (2001)

- Policy BE1: Design and Siting of Development
- Policy BE26: Light Pollution
- Policy NE2: Pollution
- Policy T5: Highway Design and Vehicle Parking Standards
- Policy Retail 6: Shop Fronts
- Policy Retail 7: Local Shopping Centres
- Policy Retail 8: Change from Retail Use within Local Centres

7.3. Emerging Site Allocations and Development Management Policies DPD Submission Version (Dec 2014)

- DM1: Presumption in Favour of Sustainable Development
- DM7: Preventing Pollution and Flooding
- DM10: Development and Design
- DM17: Highways Design
- DM18: Vehicle parking Standards
- DM22: Vitalising District, Local and Neighbourhood Centres
- DM23: High Quality Shop Fronts and Advertisements

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Shopping and Shop Fronts (SPD)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Other matters

Assessment against strategic planning policies

8.2. Policy DM1 of the emerging Site Allocations and Development Management Policies DPD (SADMP) and Paragraph 14 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved.

8.3. The site is within the settlement boundary of Groby. Groby is a Key Rural Centre and identified as a sustainable location for development which provides employment opportunities and retail development to meet local need within defined local centre boundaries in Policy 7 of the Core Strategy.

8.4. The application site is designated as a Local Shopping Centre in the Local Plan. Policy Retail 7 of the Local Plan seeks to support retail development to meet local needs in Local Shopping Centres. Policy Retail 8 of the Local Plan allows for change of use within Local Shopping Centres from retail to non-retail services subject to meeting the criteria as set out in the policy.

8.5. The application site is designated as a Neighbourhood Centre in the emerging SADMP. Policy DM22 of the emerging SADMP seeks to retain and enhance district centres wherever possible. The change of use or loss of A1 or A2 uses will only be permitted where it can be demonstrated that the loss would not reduce the community's ability to meet its day to day needs within a reasonable walking distance. The emerging policy is given significant weight due to its advanced stage

through the examination process and the policy relating to neighbourhood centres is not subject to a main modification.

- 8.6. The building on the application site has recently been subdivided to form one smaller retail unit than that which previously occupied the building and one vacant unit. The subdivision of the building to provide one smaller unit reduced the floorspace of the sales area to below 280 square metres so that the shop is not subject to limited trading hours on Sundays. The extended hours increased the ability of the community to meet their day-to-day needs. The second unit is currently vacant.
- 8.7. The existing permitted use for the building on the application site is retail (A1). The change of use of the proposed subdivided units to a pharmacy and a hairdresser's do not require permission as these have an A1 retail use and only the external works associated with these units require permission.
- 8.8. The change of use from retail to a cafe and hot food takeaway is supported by Policy Retail 8 of the Local Plan provided the criteria of the policy is met. One of the criteria is that the proposed development would not have an adverse effect on the overall retail development of the centre. This is supported by the emerging SADMP policy with regards to impacting on the community's ability to meet their retail needs. As noted above, it was not considered that the subdivision of the site adversely impacted the retail development of the centre and enhanced the community's ability to meet their needs within a reasonable walking distance. The neighbourhood centre serves the population to the south of the application site, which do not have direct vehicular access to the village centre, and some properties to the north, east and west. The addition of a coffee shop, pharmacy and hot food takeaway would enhance the community's ability to meet their day-to-day needs in a more sustainable manner, reducing the need for vehicular travel, with additional facilities provided within a reasonable walking distance.
- 8.9. It is acknowledged that there are similar facilities within the village centre. However, it is not a requirement of the applicable policy for the applicant to demonstrate the impact on adjacent centres; they merely need to demonstrate that the loss of retail would not impact on the ability of the community to meet their needs. Given the extent of the development proposed, which does not increase the floorspace of the neighbourhood centre, and the distance of the neighbourhood centre from the village centre, it is unlikely that the proposed development would have an adverse impact on the vitality of the village centre.
- 8.10. The submitted plans show that development would create some office space to the rear of the units. The use of the office space has not been specified as A2 or B1. Policy Retail 8 of the Local Plan supports, subject to meeting the criteria in the policy, office uses that fall under an A2 use as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Due to the location within the neighbourhood centre, it is considered that A2 office space would be acceptable and shall be conditioned to reflect this use.
- 8.11. In light of the above, it is considered that the proposed change of uses would not have an adverse impact on the retail development of the neighbourhood centre and would enhance the community's ability to meet their day-to-day needs. Subject to satisfying the criteria as set out in the policy, which is assessed below, the proposed development is considered to be in accordance with Policies Retail 7 and Retail 8 of the Local Plan and DM22 of the emerging SADMP.

Impact upon the character of the area

- 8.12. Policy BE1 of the Local Plan and Policy DM10 of the emerging SADMP seek to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. This is supported by paragraph 17 of the NPPF which seeks to ensure a high quality of design. Policy Retail 6 of the Local Plan and DM23 of the emerging SADMP seek to ensure that new shop fronts are appropriate to their location.
- 8.13. Proposed external works to the development include the addition of shop fronts along the western elevation of the building, erection of a flue for ventilation of the hot food takeaway, installation of windows at first floor level on the western elevation and infilling the wall of the northern elevation where there are currently extraction units.
- 8.14. The existing western elevation of the building comprises brick courses, brick pillars, gables and brick corncicing to reduce the bulk of the elevation. The proposed development would introduce shop fronts at ground floor level and windows at first floor level. The majority of the features of the existing elevation would be retained but the windows would remove some of the corncicing and the shop fronts would cover some of the lower brick course. The proposed development would retain the existing character of the building whilst enhancing the visual appearance of the building providing more interest than a blank elevation for those approaching from the north and west sides of the site. Amended plans were submitted to remove the shop front from the north elevation so that the frontage is focussed on the west and south elevations. The existing extraction units in the north elevation would be replaced with reclaimed bricks and incorporate a dummy window to provide architectural interest to the elevation.
- 8.15. The proposed shop fronts windows and doors would be constructed using aluminium frames finished in a grey matt colour which would be consistent with the existing shop front on the south elevation of the building. The proposed fascias are considered to be an appropriate size in relation to the proportions of the elevations. The materials, colours and design etc. to be used for the fascia would need subject to approval under advertising regulations.
- 8.16. The flue associated with the proposed extraction unit for the hot food takeaway would be located on the northern elevation which currently comprises a service area for the shops. The location of the extraction flue is functional and would have a limited impact on the visual appearance of the building.
- 8.17. It is proposed to install roller shutters to the shop fronts for security purposes. Roller shutters are used on the shop front of the existing shop on-site and therefore would not be contrary to the character of the area. However, the roller shutters proposed would not allow for any internal visibility which is contrary to policy and the guidance in the Shopping and Shop Fronts SPD. Roller shutters are acceptable in-principle; however, an appropriate design should be agreed through the use of a planning condition.
- 8.18. Concern has been raised in relation to litter resulting from some of the proposed uses. There are existing bins along the footpath adjacent to the building which the customers could use. However, additional bins should be provided at the pedestrian exits to the site to avoid littering and these should be secured through a planning condition.

- 8.19. In light of the above, it is considered that the external works associated with the change of use would enhance the visual appearance of the building and are in accordance with Policies BE1 and Retail 6 of the Local Plan and DM10 and DM23 of the emerging SADMP.

Impact upon neighbouring residential amenity

- 8.20. Policy BE1 of the Local Plan and Policy DM10 of the emerging SADMP seek to ensure that development proposals shall not harm the amenity of neighbouring residential properties. Policies BE26 and NE2 of the Local Plan and DM7 of the emerging SADMP seek to ensure development does not have an adverse impact with regards to air and light pollution.
- 8.21. The proposed development would create shop fronts along the western elevation of the building which would face the Lady Jane Grey school and the dwellings on Wolsey Close. The proposed shopfronts would have a large proportion of glazing. Although some light would escape from the shop windows, there would be no external lighting that would project towards of the neighbouring residential properties nor light the elevation resulting in light pollution. The shopfronts would be visible from the neighbouring properties but it is not considered that the lighting would have an adverse impact on the amenity of the occupiers of the dwellings. Any proposed illumination of advertising would be controlled through a future application under the advertising regulations. Therefore, it is considered that the proposed development would not have an adverse impact on the amenity of the occupiers of the neighbouring properties with regards to light pollution.
- 8.22. The proposed hot food takeaway would require an extraction and ventilation system which would be provided through the flue as shown on the submitted plans. Dependent on the products offered at the coffee shop/café there may be a requirement for plant machinery but this has not been shown on the submitted plans at this stage. Environmental Health (Pollution) has been consulted on the application and raised no objection subject to conditions relating to details of the ventilation of the premises to be submitted and approved. Concern has been raised relating to smells from the hot food takeaway and noise from the ventilation system. It is considered that the ventilation system would mitigate smells resulting from the development to an extent that would not be considered to have an adverse impact on amenity. With regard to the noise impacts of the proposed ventilation system, it is considered that there would not be excessive noise as a result the size of the ventilation system. However, to ensure there are no adverse noise impacts, a planning condition is recommended to ensure that noise levels outside nearby residential facades do not exceed 30dB.
- 8.23. There are windows proposed at first floor level to serve the storage areas of the pharmacy, coffee shop/café and hairdressers. These windows would not directly face the private amenity space of any nearby neighbouring residential properties and they would be located a reasonable distance from the western boundary of the site. It is considered there would not be an adverse overlooking impact resulting from the windows.
- 8.24. The proposed development would likely result in an increase in vehicular traffic associated with the use of the site. The vehicular traffic would create noise and disturbance through the manoeuvring of vehicles on-site, impacting on dwellings to the west of the application site, and general noise and disturbance from the increase in traffic along Pymm Ley Lane. Several concerns have been received relating to the impact on neighbouring amenity. The level of noise and disturbance

associated with vehicular movements to and from a neighbourhood centre would be relatively modest. However, the site is located within a largely residential area and therefore it is considered necessary to limit the opening hours of the proposed units to stop noise and disturbance at antisocial hours. The applicant has not specified opening hours. It is considered that an opening time of 08:00 and closing time of 22:00 would allow for sufficient custom in the evening for the businesses to remain viable but avoid adverse impacts on neighbouring amenity. Additionally, the hours of deliveries shall be restricted through a planning condition to limit the impact on neighbouring amenity.

- 8.25. In light of the above, subject to conditions, it is considered that the proposed development would not have an adverse impact on neighbouring amenity and would not result in noise or air pollution. The proposed development is considered to be in accordance with Policies BE1, BE26 and NE2 of the Local Plan and DM7 and DM10 of the emerging SADMP.

Impact upon highway safety

- 8.26. Policies T5 of the Local Plan and DM17 of the emerging SADMP seek to ensure new development adheres to the design standards as set out in the 6C's design guide. Policies T5 of the Local Plan also seeks to ensure parking provision in accordance with the Council's Parking Standards unless a different provision can be justified. Policy DM18 of the emerging SADMP seeks to ensure parking provision appropriate to individual development.
- 8.27. The proposed change of use does not incorporate any alterations to the existing vehicular accesses. The development may lead to an intensification of the use of the accesses, however, Leicestershire County Council (Highways) have raised no objection to this. Therefore, it is considered that the proposed development would not have an adverse impact on highway safety. Concern has been raised that an increase in traffic would have an adverse impact on the safety of local residents and pupils of the adjacent school who use the public right of way/footpath through the site. The footpath runs along the western boundary of the site and there is a footpath which crosses between the car parks but not across them which would avoid conflict between vehicles and pedestrians.
- 8.28. The development would not increase the floorspace of the retail/office areas and therefore there is no requirement for an increase in car parking provision on-site. The development would result in the loss of one car parking space due to the excavation works in the northern car park. Policy T5 of the Local Plan allows for a reduction in car parking where it can be justified and Policy DM18 of the emerging SADMP requires appropriate levels of car parking. It was noted on various site visits that the car park did not appear to be fully utilised. It is not considered that the loss of one car parking space would not have an adverse impact and the level of car parking is still considered to be appropriate and justified.
- 8.29. In light of the above, it is considered that the proposed development would not have an adverse impact on highway safety and would retain sufficient car parking provision in accordance with Policies T5 of the Local Plan and DM17 and DM18 of the emerging SADMP.

Other matters

- 8.30. Concern has been raised that the addition of units that are opening in the evenings and use of the car park may lead to antisocial behavior. There is no evidence to

support that the development would lead to antisocial behaviour and therefore these concerns are given limited weight. The addition of the units along the western elevation would provide greater natural surveillance of the car parks to the side of the building which would discourage antisocial behaviour.

- 8.31. It has been recommended by a neighbour that a wall should be erected along the western boundary of the site to protect the public right of way and those using it and to mitigate impacts on the neighbouring properties. There are not considered to be adverse impacts on the neighbouring properties that require mitigation nor is there considered to be a need to mitigate highway impacts on the footpath. The addition of a wall, dependent on height, could create an alleyway which would prohibit natural surveillance and could cause potential safety issues.
- 8.32. Concern has been raised that the proposed units would adversely impact on the value of house prices in the surrounding area. The impact on house prices is not considered to be a material planning consideration and therefore is given no weight in this assessment.

9. Conclusion

- 9.1. The application site is designated as a Local Shopping Centre in the Local Plan and Neighbourhood Centre in the emerging SADMP where uses should be primarily focussed as retail. However, there is an allowance for alternative uses where the change of use does not impact on the community's ability to meet their day-to-day needs which in this case is considered to be justified. By virtue of the proposed layout, design and appearance the scheme would complement the character and appearance of the surrounding 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 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 7 of the adopted Core Strategy, Policies BE1, BE26, NE2, T5, Retail 6, Retail 7 and Retail 8 of the adopted Local Plan and DM1, DM7, DM10, DM17, DM18, DM22 and DM23 of the emerging SADMP together with the overarching principles of the NPPF and is therefore recommended for approval subject to conditions.

10. Recommendation

10.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

- 10.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

10.3. Conditions and Reasons

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

Reason: To comply with the requirements of Section 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, details and materials:

RPD/FEB/2016/PLANNING/05/07 - Location Plan; Block Plan (received on 16 February 2016)

RPD/FEB/2016/PLANNING/05/06 - Roof Plan (received on 16 February 2016)

RPD/FEB/2016/PLANNING/05/03 - First Floor Plans (received on 16 February 2016)

RPD/FEB/2016/PLANNING/05/04 rev A - Elevations (received on 4 April 2016)

RPD/FEB/2016/PLANNING/05/02 rev A - Ground Floor Plan (received on 4 April 2016)

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The materials to be used on the external elevations of the proposed shop fronts and alterations shall be as detailed in section 9. materials on the submitted application form.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy BE1 of the Hinckley & Bosworth Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.

4. The office space hereby permitted, as shown on drawing no. RPD/FEB/2016/PLANNING/05/02 rev A, shall be used for no other purpose other than A1 (retail) or A2 (financial and professional services) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure an appropriate use in a Local Shopping Centre and Neighbourhood Centre in accordance with Policies Retail 8 of the Hinckley & Bosworth Local Plan and DM22 of the emerging Site Allocations and Development Management Policies DPD.

5. The units, hereby permitted, shall not be open to the public outside the following times:- 08:00 and 22:00 Monday to Saturday and 10:00 and 21:00 on Sundays and Bank Holidays.

Reason: To ensure neighbouring residential amenity is protected from noise and disturbance at antisocial hours to accord with Policy BE1 of the Hinckley & Bosworth Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.

6. There shall be no deliveries to the units, hereby permitted, outside the following times:- 08:00 and 22:00 hours.

Reason: To ensure neighbouring residential amenity is protected from noise and disturbance at antisocial hours to accord with Policy BE1 of the Hinckley & Bosworth Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.

7. No development shall take place until a scheme for the ventilation of the premises, which shall include: installation method, maintenance and

management, has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use for the development hereby approved and maintained as agreed thereafter.

Reason: To ensure neighbouring residential amenity is protected from air pollution to accord with Policy BE1 of the Hinckley & Bosworth Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.

8. The level of noise emitted from the extraction/ventilation system of the A5 unit (shown on the submitted plans as a fish and chip shop) hereby approved shall not exceed 30dB measured over any 10 minute period as measured at the external facade of the surrounding residential properties.

Reason: To ensure neighbouring residential amenity is protected from noise to accord with Policy BE1 of the Hinckley & Bosworth Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.

9. No development shall take place until details of the location and design of bins for customers using the units hereby approved have been submitted to and approved in writing by the Local Planning Authority. The bins shall be installed in accordance with the approved details and maintained thereafter.

Reason: To ensure there is no littering in the interests of visual amenity to accord with Policy BE1 of the Hinckley & Bosworth Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.

10. Notwithstanding the details of the proposed roller shutters as shown on drawing no. RPD/FEB/2016/PLANNING/05/02 rev A - Ground Floor Plan, prior to first use of the units hereby permitted, the design, details and specification of any roller shutters to be installed shall be submitted to and agreed in writing by the Local Planning Authority. The roller shutters shall be installed and maintained in accordance with the approved design, details and specification.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy BE1 of the Hinckley & Bosworth Local Plan and DM10 of the emerging Site Allocations and Development Management Policies DPD.

10.4. Notes to Applicant

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

Planning Committee 19 April 2016
Report of the Chief Planning and Development Officer



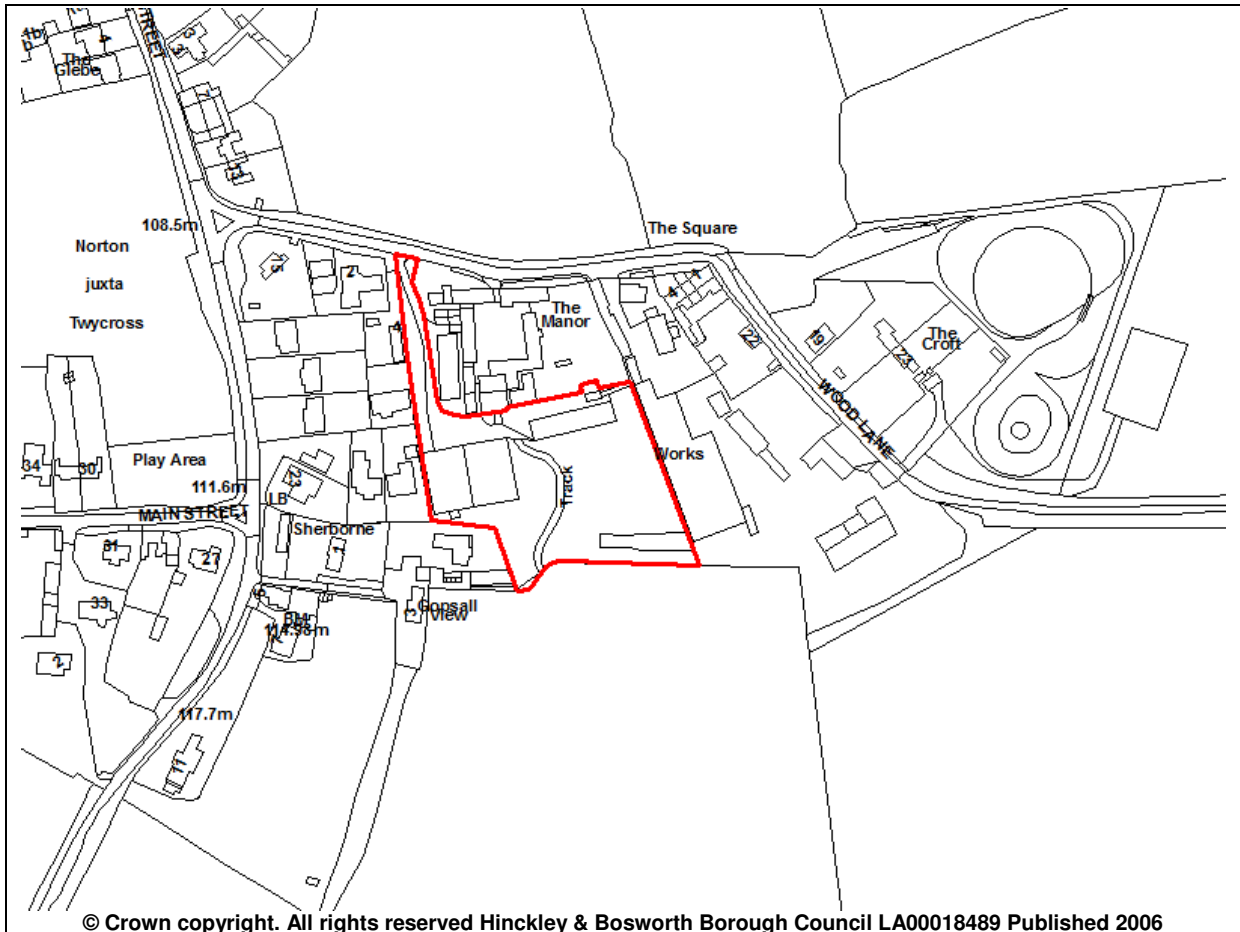
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 15/00536/OUT
Applicant: Mrs Lynette Fallowes
Ward: Twycross Sheepy & Witherley

Site: 8 Wood Lane Norton Juxta Twycross

Proposal: **Erection of 3 dwellings (outline - access and layout) (revised scheme)**



1. Recommendations

1.1. Grant outline planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - public play and open space facilities
- Planning conditions outlined at the end of this report.

1.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

- 1.3. That the Chief Planning and Development Officer be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This application seeks outline planning permission for the erection of 3 new detached dwellings including the demolition of existing agricultural buildings. The application seeks approval of access and layout only with all other matters (scale, appearance and landscaping) reserved. Amended plans have been submitted to address the accuracy of the submitted plans in respect of surrounding development and to reduce the scheme from 8 new dwellings to 3 new dwellings. Re-consultation has been undertaken.
- 2.2. Vehicular access is proposed from Wood Lane utilising and improving an existing farm track that runs inside the western boundary of the site. The amended scheme proposes three detached dwellings located within the western part of the site and a landscaping buffer in the eastern part of the site.
- 2.3. A Design and Access/Planning Statement and Noise Assessment Report have been submitted to support the application.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 0.77 hectares and is located on the south side of Wood Lane, Norton Juxta Twycross to the rear of a large farmhouse and range of former farm buildings. The application site comprises three large scale buildings associated with the former agricultural uses of the site and areas of overgrown scrub.
- 3.2. The site is located outside of, but adjacent to, the settlement boundary of Norton Juxta Twycross, as defined in the adopted Hinckley and Bosworth Local Plan and the emerging Site Allocations and Development Management Policies Development Plan Document.
- 3.3. There are residential properties to the west of the site, an established engineering factory and works to the east of the site and open agricultural fields to the south. The farmhouse and former farm buildings located to the north are subject to an extant planning permission (13/01095/FUL) for the conversion of former farm buildings into four residential dwellings, refurbishment of the farm house and the erection of one new dwelling with associated access drive and parking. There are a variety of boundary treatments enclosing the site. A public footpath crosses through the south west corner.

4. Relevant Planning History

13/01095/FUL	Conversion of agricultural buildings into 4 residential dwellings, refurbishment of farm house and erection of 1 new dwelling with associated access drive and parking	Permitted	23.01.2015
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14/00790/OUT Erection of 16 dwellings (outline - Withdrawn 12.01.2015
access, appearance, layout and
scale)

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. A petition with 40 signatures objecting to the erection of eight dwellings has been received.
- 5.3. Responses have been received from 37 separate addresses, one in support and 36 with objections to the scheme on the following grounds:-
1. Outdated plans/lack of detail of surrounding development
 2. Unsustainable location, insufficient infrastructure services and facilities within Norton Juxta Twycross to support the development resulting in additional car journeys
 3. Outside settlement boundary
 4. Other sites are available within the settlement boundary
 5. No need for additional housing in Norton Juxta Twycross
 6. Overprovision of development in proportion to the size of the settlement
 7. Adverse impact on the character and appearance of the landscape
 8. Density too high
 9. Out of character with surrounding development
 10. Detached executive homes do not meet local needs
 11. Agricultural use has not ceased
 12. Future responsibility and maintenance of the landscaped buffer
 13. Threat to the future viability of the adjacent factory which is an important local employer
 14. Adverse impact on future occupiers of the site from noise from adjacent factory which operates a two shift system between 6.00am and 10.00pm
 15. Overbearing impact on neighbours
 16. Loss of privacy to neighbours from overlooking
 17. Loss of outlook
 18. Adverse impact on neighbours from noise and disturbance from residential occupation
 19. Adverse impact on amenity from noise from additional traffic and during construction
 20. Adverse impacts on highway safety from additional traffic movements on narrow rural lanes with no footpaths or street lighting
 21. Adverse impacts on highway safety from additional on-street parking on narrow rural lane
 22. Loss of trees and shrubs and wildlife habitats
 23. Inadequate capacity within the existing foul sewage system
 24. Could exacerbate flooding at Main Street/Wood Lane junction
 25. De-valuation of property.
- 5.4. The response in support of the application suggests that:-
1. The site is run-down and the farm needs improvement
 2. It is not a greenfield site and redevelopment of disused barns is acceptable
 3. The rural lanes already cope with HGV lorries.

6. Consultation

6.1. No objection, some subject to conditions has been received from:-

Leicestershire County Council (Public Rights of Way)
Severn Trent Water Limited
Environmental Health (Pollution)
Environmental Health (Drainage)
Street Scene Services (Waste)

6.2. Leicestershire County Council (Highways) recommend refusal of the application on the grounds that the applicant has failed to demonstrate that the proposal will be in a location where services are readily and safely accessible by sustainable transport modes. However, no objections are raised in respect of highway safety subject to conditions.

6.3. Twycross Parish Council object to the application on the following grounds:-

1. Outside settlement boundary of this rural hamlet where major development is inappropriate and should be of an infill nature
2. Not sustainable, lack of key services to support large scale growth
3. Unsuitable location for residential development adjacent to a major local employer with potential for noise pollution.

6.4. County Councillor Ivan Ould objects to the application on the following grounds:-

1. Contrary to Policy 13 of the adopted Core Strategy and saved Policy NE5 of the adopted Local Plan
2. Unsustainable location with no local facilities or public transport
3. Outside the settlement boundary on a greenfield site, not infill
4. Adverse impacts on future occupiers from noise from adjacent engineering works and consequent threat to the future viability of the works which is an important employer of up to 80 staff
5. Lack of accuracy/out of date plans submitted.

6.5. No response has been received from the Ramblers Association.

6.6. The consultation period remains open at the time of writing this report and closes on 18 April 2016. Any further consultation responses received before the closing date will be reported and appraised as a late item to the agenda.

7. Policy

7.1. Local Plan 2006 – 2026: Core Strategy (2009)

- Policy 13: Rural Hamlets
- Policy 19: Green Space and Play Provision.

7.2. Hinckley and Bosworth Local Plan (2001)

- Policy BE1: Design and Siting of Development
- Policy RES5: Residential Proposals on Unallocated Sites
- Policy NE2: Pollution
- Policy NE5: Development in the Countryside
- Policy NE12: Landscaping Schemes
- Policy NE14: Protection of Surface Waters and Ground Water Quality

- Policy T5: Highway Design and Vehicle Parking Standards
 - Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
 - Policy REC3: New Residential Development – Outdoor Play Space for Children.
- 7.3. Emerging Site Allocations and Development Management Policies (SADMP) DPD Submission Version (Dec 2014)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highway Design
 - Policy DM18: Vehicle Parking Standards.
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)
 - Community Infrastructure Levy (CIL) Regulations (2010).
- 7.5. Other relevant guidance
- Play and Open Space SPD
 - New Residential Development SPG

8. Appraisal

- 8.1. This is an outline application for the demolition of large scale former farm buildings and the redevelopment of the site for the erection of three new detached dwellings. The application seeks approval of access and layout only at this stage with all other matters (scale, appearance and landscaping) reserved. The key issues are:-
- assessment against strategic planning policies
 - impact upon the character of the area
 - the relationship to adjacent industrial operations
 - impact upon neighbouring residential amenity
 - impact upon the highway safety
 - impact upon trees and wildlife habitats
 - drainage
 - infrastructure contributions
 - other issues.

Strategic Planning Policies

- 8.2. Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is the starting point for decision taking but the NPPF is a material consideration in determining planning applications. The development plan in this instance consists of the adopted Core Strategy (2009) and the saved policies of the Local Plan (2001). The policies within the emerging Site Allocations and Development Management Policies (SADMP) Development Plan

Document (Submission Document December 2014) should also be given some weight.

Core Strategy (2009)

- 8.3. Policy 13 of the adopted Core Strategy supports housing development within settlement boundaries of rural hamlets, such as Norton Juxta Twycross, that provide a mix of housing types and tenures.

Local Plan (2001)

- 8.4. The site lies outside of the settlement boundary of Norton Juxta Twycross, as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as countryside. Saved Local Plan Policies NE5 and RES5 therefore apply.
- 8.5. Saved Policy NE5 of the adopted Local Plan relates to development in the countryside and seeks to protect the countryside for its own sake. It states that planning permission will only be granted for certain forms of development and subject to certain criteria. The policy does not support new residential development. Saved Policy RES5 of the adopted Local Plan seeks to guide new residential development to appropriate sustainable sites within settlement boundaries and therefore restricts such development in the countryside.

Emerging Site Allocations and Development Management Policies (SADMP) Development Plan Document (2014)

- 8.6. The SADMP has been submitted to the Secretary of State for examination in public which took place at the end of September 2015. Following the examination hearings the Planning Inspector has proposed a number of 'Main Modifications' to the document which have been subject to further public consultation (to 18 March 2016). Now that the SADMP has been submitted to the Secretary of State and has been through examination in public, weight can now to be afforded to those emerging policies (particularly those with little or no proposed modifications) and the allocation of sites across the borough. No sites have been allocated for residential development in Norton Juxta Twycross.
- 8.7. Policy DM1 of the emerging SADMP provides a presumption in favour of sustainable development. Policy DM4 of the emerging SADMP states that the countryside will first and foremost be safeguarded from inappropriate and unsustainable development to protect its intrinsic value, beauty and open character. The policy states that exceptions will be considered where the proposal involves the change of use, re-use or extension of existing buildings which lead to an enhancement of the immediate setting and where development does not have a significant adverse effect on the intrinsic value, beauty or open character of the countryside or create or exacerbate ribbon development.

National Planning Policy Framework (2012)

- 8.8. The NPPF provides a presumption in favour of sustainable development and paragraph 14 states that for decision taking this means:
- 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 the NPPF taken as a whole, or
 - specific policies in the NPPF indicate development should be restricted.
- 8.9. The NPPF in paragraph 7 identifies three dimensions to sustainable development:- the economic, social and environmental roles. Paragraph 8 states that these roles should not be undertaken in isolation because they are mutually dependent.
- 8.10. Paragraph 55 of the NPPF states that local planning authorities should avoid isolated homes in the countryside unless there are special circumstances such as:- the essential need for a rural worker to live permanently at or near their place of work; to secure the future of a heritage asset; the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting; or would result in a development of exceptional quality or innovation.

Housing Land Supply

- 8.11. As of 1 October 2015 the Council is able to demonstrate a 5.69 years supply of deliverable housing sites, based on the 'Sedgefield' method of calculation (which proposes that any shortfall should be made up during the next five years of the Plan) and a 5% buffer. As a result the housing supply policies contained within the Core Strategy are considered to be up-to-date.
- 8.12. Whilst the Council currently has a five year supply of housing sites, in the context of paragraphs 14 and 49 of the NPPF, planning applications for new housing development should still be considered in the context of the presumption in favour of sustainable development to help contribute to maintaining the supply of housing.

Assessment

- 8.13. Objections have been received on the grounds that:- the site is in an unsustainable, greenfield location outside the settlement boundary where there are insufficient local services and facilities to support additional housing development resulting in additional car journeys; that there is no need for additional housing in the hamlet; that the proposal represents an overprovision of development in proportion to the size of the settlement and that the proposal would harm the surrounding landscape contrary to Policy 13 of the adopted Core Strategy and saved Policy NE5 of the adopted Local Plan. The response in support of the application suggests that the site is run-down and the farm needs improvement and that it is not a greenfield site and redevelopment of disused barns is acceptable.
- 8.14. The application site is located outside the settlement boundary of Norton Juxta Twycross which is defined as a rural hamlet in the adopted Core Strategy, the least sustainable settlements in the settlement hierarchy due to the limited availability of services and facilities. The proposal would therefore conflict with Policy 13 of the Core Strategy and saved Policies NE5 and RES5 of the adopted Local Plan.
- 8.15. The NPPF defines the three dimensions of sustainable development as economic, social and environmental.

a) Economic

The scheme would provide limited benefits to the local economy through the creation of jobs and demand for services and materials for the construction of the development itself and from the future occupation of the development supporting local businesses.

b) Social

The scheme would provide a small contribution to the overall housing land supply within the Borough but in an area where there is no housing allocation within the adopted Core Strategy. Notwithstanding this, the small scale of proposed development for just three additional dwellings would not adversely affect the spatial vision for the settlement. The scheme would trigger a requirement for infrastructure contributions for the provision and future maintenance of local public play and open space facilities in the locality which could be secured by the completion of a suitable legal agreement.

c) Environmental

The application site comprises three large scale buildings constructed of red facing bricks and corrugated cement fibre sheets associated with the former agricultural uses of the site together with a large area of untidy, overgrown scrub. The application does not propose the reuse of the existing buildings as supported by Policy DM4 of the emerging SADMP but the demolition of the existing buildings and clearance of the overgrown scrub to enable a small residential development and the provision of a landscaping buffer would nevertheless lead to an enhancement of the immediate setting. In addition, whilst located outside of the settlement boundary the site is enclosed on three sides by the settlement boundary and existing development and therefore the proposed development would not have any significant adverse effect on the intrinsic value, beauty or open character of the countryside or create or exacerbate ribbon development. The proposal would therefore be in accordance with this aspect of emerging Policy DM4. The proposal would not result in the loss of any significant trees or wildlife habitats or any other demonstrable adverse impacts on the environment.

- 8.16. Norton Juxta Twycross is a rural hamlet with limited services and facilities and is therefore the least sustainable of settlements within the hierarchy identified within the adopted Core Strategy. In addition, partial residential development of the site would clearly be in conflict with Policy 13 of the adopted Core Strategy, saved Policies NE5 and RES5 of the adopted Local Plan, Policy DM4 of the emerging SADMP and paragraph 55 of the NPPF. However, notwithstanding the objections received, by virtue of the small scale of the development, the limited harm identified to the setting of Norton Juxta Twycross and the surrounding countryside together with identified economic, social and environmental benefits arising from the development, it is considered that these outweigh the 'in principle' policy conflict in this case.

Impact upon the Character of the Area

- 8.17. Saved Policy NE5 (criterion ii) requires that development in the countryside is in keeping with the scale and character of existing buildings and the general surroundings. Policy DM10 (criteria c- h inclusive) of the emerging SADMP and saved Policy BE1 (criterion a) of the adopted Local Plan seeks to ensure that the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the

character of the surrounding area. The Council's adopted Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the surrounding area and is well integrated into its surroundings. The NPPF in paragraph 17 seeks to secure high quality of design and paragraph 56 states that good design is a key aspect of sustainable design. Paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings.

- 8.18. Objections have been received that the proposal would be out of character with surrounding development and that the density would be too high.
- 8.19. The surrounding area is characterised by relatively low density development at depth in small cul-de-sac type arrangements off the main routes through the hamlet. The proposed amended site layout for three new dwellings would therefore complement the pattern of development and density of the surrounding area. Subject to satisfactory scale, appearance and landscaping, which are to be submitted as reserved matters for approval at a later stage and can be secured by planning conditions, the proposal would not result in any significant or demonstrable adverse impacts on the character of the surrounding area. This outline scheme would therefore be in accordance with Policy DM10 (criteria c and d) of the emerging SADMP, saved Policy BE1 (criterion a) of the adopted Local Plan, the Council's adopted SPG on New Residential Development and the overarching design principles within paragraphs 56 and 58 of the NPPF.

Relationship to Adjacent Industrial Operations

- 8.20. Policy DM10 (criterion b) of the emerging SADMP and saved Policy BE1 (criterion h) seek to ensure that the amenities of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site. Saved Policy NE2 (criterion b) seeks to prevent harm from existing or potential sources of pollution.
- 8.21. Objections have been received on the grounds that the application site is adjacent to an important rural employment site accommodating Henton's Engineering works and associated companies. Objectors suggest that residential development of the site would result in adverse impacts on the amenities of the future occupiers of the site from noise and disturbance from the works which operates a two shift system between 6.00am and 10.00pm and would consequently threaten the future viability of the works which is an important employer of up to 80 staff.
- 8.22. As a result of the objections received, amended plans have been submitted to reduce the scheme from eight new dwellings across the whole site to three new dwellings on the western part of the site and the provision of a landscaped buffer on the eastern part of the site adjacent to the engineering works. In addition, separate noise assessments have been submitted by both the applicant and an objector with a view to enabling assessment of the potential impacts of noise, vibration and disturbance on the amenities of any future occupiers of the site.
- 8.23. Environmental Health (Pollution) has assessed the noise reports submitted and visited the site to obtain noise readings. They consider that by virtue of the separation distance of 41 metres to the nearest garden and subject to the incorporation of satisfactory noise attenuation measures both within the construction of the proposed dwellings (active ventilation) and to shield the site from the adjacent engineering works and yard (acoustic fencing), a satisfactory noise environment for the future occupiers of the proposed dwellings could be achieved.

- 8.24. As a result of the previous agricultural uses of the site Environmental Health (Pollution) also recommend conditions to require investigation for any potential land contamination and mitigation measures before any development commences to ensure safe development and future occupation of the site.
- 8.25. Subject to the incorporation of any necessary noise attenuation measures and land contamination remediation, the proposal would be in accordance with Policy DM10 (criterion b) of the emerging SADMP and saved Policies BE1 (criterion h) and NE2 (criterion b) of the adopted Local Plan.

Impact upon Neighbouring Residential Amenity

- 8.26. Policy DM10 (criterion a) of the emerging SADMP, saved Policy BE1 (criterion (i) of the adopted Local Plan and adopted SPG require that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties.
- 8.27. Objections have been received on the grounds that the proposal would result in adverse impacts on the amenities of neighbouring properties from loss of privacy from overlooking, overbearing impacts, loss of outlook and loss of amenity from noise and disturbance from residential occupation and from additional traffic movements and during the construction phase.
- 8.28. The amended site layout demonstrates that by virtue of proposed separation distances and subject to consideration of satisfactory additional details which are to be submitted for approval at the reserved matters stage (including scale, design, position of windows and boundary treatments) which can be secured by planning conditions, the proposal would not result in any significant or demonstrable adverse overbearing impacts or loss of privacy from overlooking on the amenities of neighbouring properties. By virtue of the small scale of development, noise and disturbance from additional traffic movements would not be so severe to materially affect the amenities of neighbouring occupiers. Noise and disturbance during the construction phase would be temporary in nature and therefore would not have any long term impacts on the amenities of the occupiers of any neighbouring residential properties.
- 8.29. Notwithstanding the objections received, the proposed outline scheme would be in accordance with Policy DM10 (criterion a) of the emerging SADMP, saved Policy BE1 (criterion i) of the adopted Local Plan and adopted SPG.

Impact upon Highway Safety

- 8.30. Policies DM17 and DM18 of the emerging SADMP and saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan apply highway design and vehicle parking standards and seek to ensure that development does not adversely affect highway safety through the provision of adequate highway visibility and adequate provision of parking and manoeuvring facilities. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.31. Objections to the scheme have been received on the grounds of adverse impacts on highway safety from additional traffic movements on narrow rural lanes with no footpaths or street lighting and from additional on-street parking on narrow rural

lanes. The response in support of the application suggests that the rural lanes already cope with HGV lorries.

- 8.32. The scheme proposes an improved access from Wood Lane and the amended layout provides adequate off-street vehicle parking space to serve each of the proposed three new dwellings. By virtue of the small scale of development, the scheme would not result in traffic movements on a scale that that would exceed the capacity of the highway network and should be considered against the potential traffic that could be generated by alternative uses of the site for agriculture or other commercial uses.
- 8.33. The scheme has been assessed by Leicestershire County Council (Highways) who consider that the lack of availability of sustainable transport modes within the vicinity of the site would result in severe transport impacts and therefore recommend refusal on transport grounds. The sustainability of the proposal has been discussed earlier in this report. The highway authority raise no objections on highway or pedestrian safety grounds but recommend a number of highway related conditions to ensure that the development would be in accordance with adopted highway design standards. It is therefore considered that the road network is capable of serving the additional development from a capacity and safety point of view.
- 8.34. Conditions relating to the access width and surfacing and provision of off-street parking and turning space within the development are reasonable and necessary to ensure satisfactory development. Conditions relating to access gradient and construction traffic management are not considered to be necessary in this case by virtue of the land levels and the extensive areas for parking etc. available within the site.
- 8.35. Notwithstanding the objections received, subject to the imposition of reasonable and necessary highway related conditions, the development of the site for three new dwellings would not result in any severe or demonstrable adverse impacts on highway or pedestrian safety and is therefore considered to be in accordance with Policies DM17 and DM18 of the emerging SADMP and saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Hinckley and Bosworth Local Plan.

Impact on Trees and Wildlife Habitats

- 8.36. Saved Policy NE12 of the adopted Local Plan and Policy DM6 of the emerging SADMP require either the conservation of existing landscaping or the provision of additional or replacement landscaping where appropriate to enhance the biodiversity value of sites together with proposals for their long term future management. The NPPF in section 11 seeks to conserve and enhance the natural environment by minimising impacts on biodiversity.
- 8.37. Objections have been received on the grounds that the proposed scheme would result in the loss of trees, shrubs and wildlife habitats and concerns have been raised in respect of the future responsibility and maintenance of the landscaped buffer.
- 8.38. The application seeks outline planning permission for access and layout only, future landscaping would be subject to a reserved matters application for assessment at a later date. However, there are no significant trees or vegetation within the main part of the site that would be affected by the proposed development but improvements

to the width of the access would result in the loss of some semi-mature trees on the western boundary of the site. Notwithstanding this, a large area of the eastern part of the site is proposed for a landscaping buffer that would mitigate for any loss of trees and enhance the overall biodiversity of the site and its visual appearance. The provision of future landscaping is a reserved matter and its content and long term maintenance can be secured by a planning condition.

- 8.39. Notwithstanding the objections received, the proposal would not result in any significant adverse impacts on biodiversity and would be in accordance with Policy DM6 of the emerging SADMP and saved Policy NE12 of the adopted Local Plan.

Drainage

- 8.40. Policy DM7 of the emerging SADMP and saved Policy NE14 of the adopted Local Plan require that development is provided with satisfactory surface water and foul water drainage and does not create or exacerbate flooding problems
- 8.41. Objections have been received on the grounds that there is inadequate capacity within the existing foul sewage system and that the proposal could exacerbate flooding problems at Main Street/Wood Lane junction.
- 8.42. The scheme has been assessed by both Severn Trent Water Limited and Environmental Health (Drainage) who raise no objections to the scheme in principle, but recommend the imposition of pre-commencement conditions (in the event that outline planning permission is permitted) to require the submission for prior approval of surface water and foul water drainage details. It is suggested that these should incorporate sustainable drainage principles (SuDS) to mitigate any impacts on the current surface water drainage system.

Infrastructure Contributions

- 8.43. Policy IMP1 of the adopted Local Plan and Policy DM3 of the emerging SADMP require development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.44. The request for any infrastructure contributions must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Play and Open Space Facilities

- 8.45. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and play provision in the borough.
- 8.46. The site is located within 400 metres of Norton Juxta Twycross Playing Field Amenity Green Space and Children's Play Area which provides such facilities. The quality of open spaces has been assessed within the Open Space, Sport and Recreational Facilities Study (PPG 17 Study) 2011 which awarded this space a quality score of 80%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. The contribution in this case would be £1250.80 per new dwelling, a total of £3752.40 (made up of £2453.40 provision element and £1299 maintenance element). This

would be used to provide replacement and/or refurbishment of the play equipment within the site together with repair to the existing play surface to improve the quality of the site and to mitigate the impact of the additional dwellings on such facilities.

- 8.47. The units proposed are likely to appeal to families and given the proximity of the application site to the open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It can be demonstrated that the contribution is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution can be justified in this instance.
- 8.48. An appropriate legal agreement is required to be completed to secure public play and open space infrastructure contributions in accordance with saved Policy IMP1 of the adopted Local Plan, Policy DM3 of the emerging SADMP, Policy 19 of the adopted Core Strategy and the Play and Open Space SPD. A legal agreement is currently being prepared.

Other Issues

- 8.49. Street Scene Services (Waste) recommend a condition to secure a scheme for the provision for waste and recycling storage at the highway boundary. The scheme proposes a 5 metres wide access with an additional pedestrian footway that would, in principle, enable satisfactory access and turning for commercial sized vehicles. However, no details have been submitted in respect of the future adoption or maintenance of the access or its construction therefore a condition to require the provision of details of future collection of waste and recycling would not be unreasonable in this case.
- 8.50. De-valuation of property is not a material planning consideration.

9. Conclusion

- 9.1. By virtue of its location outside the settlement boundary of Norton Juxta Twycross, residential development on part of the site would clearly be in conflict with Policy 13 of the adopted Core Strategy, saved Policies NE5 and RES5 of the adopted Local Plan, Policy DM4 of the emerging SADMP and paragraph 55 of the NPPF. However, notwithstanding the objections received, by virtue of the small scale of the development, the limited harm identified to the setting of Norton Juxta Twycross and the surrounding countryside together with identified economic, social and environmental benefits arising from the development, it is considered that these outweigh the 'in principle' policy conflict in this case.
- 9.2. Satisfactory noise attenuation measures could be used and secured by planning conditions to protect the amenities of the future occupiers of the site and the future viability of the adjacent employment site. The site could be provided with adequate access to the adopted highway network and subject to satisfactory scale, design, appearance and landscaping (which would be considered at the reserved matters stage and could be controlled by planning conditions), the scheme would provide an appropriate density, would complement the character of the surrounding area, would significantly enhance the visual appearance of this overgrown site and would not give rise to any adverse impacts on the amenities of the occupiers of any neighbouring properties, highway safety or biodiversity. Satisfactory surface water drainage could also be secured by condition to provide mitigation against flooding. The scheme would provide infrastructure contributions towards off-site public play and open space facilities through the completion of an appropriate legal agreement.

- 9.3. The scheme is considered to be in accordance with the general principles of Policies DM1, DM3, DM4, DM6, DM7, DM10, DM17 and DM18 of the emerging SADMP, Policies 13 and 19 of the adopted Core Strategy, saved Policies BE1, NE5, NE12, NE14, RES5, IMP1, REC3 and T5 of the adopted Local Plan together with the overarching principles of the NPPF and is therefore recommended for outline approval for access and layout with all other matters reserved subject to conditions and the completion of a legal agreement to secure infrastructure contributions towards off-site public play and open space facilities.

10. Recommendation

10.1. Grant outline planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - public play and open space facilities
- Planning conditions outlined at the end of this report.

- 10.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

- 10.3. That the Chief Planning and Development Officer be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

- 10.4. 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.

10.5. Conditions and Reasons

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

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:
 - a) The scale of each building proposed in relation to its surroundings
 - b) The appearance of the development including the aspects of a building or place that determine the visual impression it makes
 - c) The landscaping of the site including treatment of private and public space to enhance and protect the site's amenity through hard and soft measures together with arrangements for its future long term maintenance.

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

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site Location Plan Drawing No. 9216.10 Rev A, Site Survey Drawing No. 9216.11 received by the local planning authority on 14 May 2015 and Proposed Site Layout Drawing No. 9216.20 Rev B received by the local planning authority on 7 April 2016.

Reason: For the avoidance of doubt and in the interests of proper planning.

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

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 (criteria c and f) of the emerging Site Allocations and Development Management Policies Development Plan Document and saved Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.

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

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 (criterion h) of the emerging Site Allocations and Development Management Policies Development Plan Document and saved Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.

6. No development shall commence until surface water drainage details, incorporating sustainable drainage principles (SuDS) and details for the disposal of foul water drainage have been submitted to and approved in writing by the local planning authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with satisfactory means of surface water and foul water drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the emerging Site Allocations and Development Management Policies Development Plan Document and saved Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

7. Notwithstanding the submitted information, no development shall take place until a noise attenuation scheme for the protection of the future occupiers of the dwellings hereby permitted from noise from the neighbouring industrial site has been submitted to and approved in writing by the local planning

authority. All works which form part of the approved noise attenuation scheme shall be completed prior to the first occupation of any of the dwellings hereby permitted and once provided shall be maintained as such at all times thereafter.

Reason: To protect the amenities of the future occupiers of the site from noise and disturbance in accordance with Policies BE1 (criterion i) and NE2 (criterion b) of the adopted Hinckley and Bosworth Local Plan.

8. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the emerging Site Allocations and Development Management Policies Development Plan Document and saved Policy NE2 (criterion b) of the adopted Hinckley and Bosworth Local Plan.

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

Reason: To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the emerging Site Allocations and Development Management Policies Development Plan Document and saved Policy NE2 (criterion b) of the adopted Hinckley and Bosworth Local Plan.

10. No development shall take place until a scheme for the provision for waste and recycling storage and collection across the site has been submitted to and approved in writing by the local planning authority and the scheme shall subsequently be implemented in accordance with the approved details before the first occupation of any of the dwellings hereby permitted.

Reason: To ensure satisfactory provision for the collection of waste and recycling in accordance with Policy BE1 (criterion d) of the adopted Hinckley and Bosworth Local Plan.

11. The shared access road, turning space, pedestrian footways and off-street vehicle parking shall be provided in accordance with the approved Site Layout Plan Drawing No. 9216.20 Rev B received by the local planning authority on 7 April 2016 and shall be surfaced in tarmacadam, concrete or similar hard-bound material (not loose aggregate) prior to the first occupation of any of the dwellings hereby permitted and shall be so maintained at all times thereafter.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to reduce the possibility of deleterious material being deposited in the highway in the interests of highway safety to accord with Policies DM17 and DM18 of the emerging Site Allocations and Development Management Policies Development Plan Document and saved Policy T5 of the adopted Hinckley and Bosworth Local Plan.

12. Before first occupation of any of the dwellings hereby permitted, surface water drainage shall be provided within the site such that surface water does not drain into the public highway and once provided shall thereafter be permanently so maintained.

Reason: In the interests of highway safety in accordance with Policy DM17 of the emerging Site Allocations and Development Management Policies Development Plan Document and saved Policy T5 of the adopted Hinckley and Bosworth Local Plan.

10.6. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
3. 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, activity must be suspended and Natural England contacted for advice (tel. 0845 600 3078).
4. All works within the limits of the Highway with regard to the access shall be carried out with the agreement of Leicestershire County Council (Highways) - tel. 0116 305 0001.
5. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website as follows: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg. The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
6. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone or, if practicable, in combination with infiltration systems and/or rainwater harvesting systems.

7. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability. On low-permeability sites, water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet. (See Environment Agency guidance on the permeable surfacing of front gardens).
8. In relation to conditions 8 and 9 advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

Planning Committee 19 April 2016
Report of the Chief Planning and Development Officer



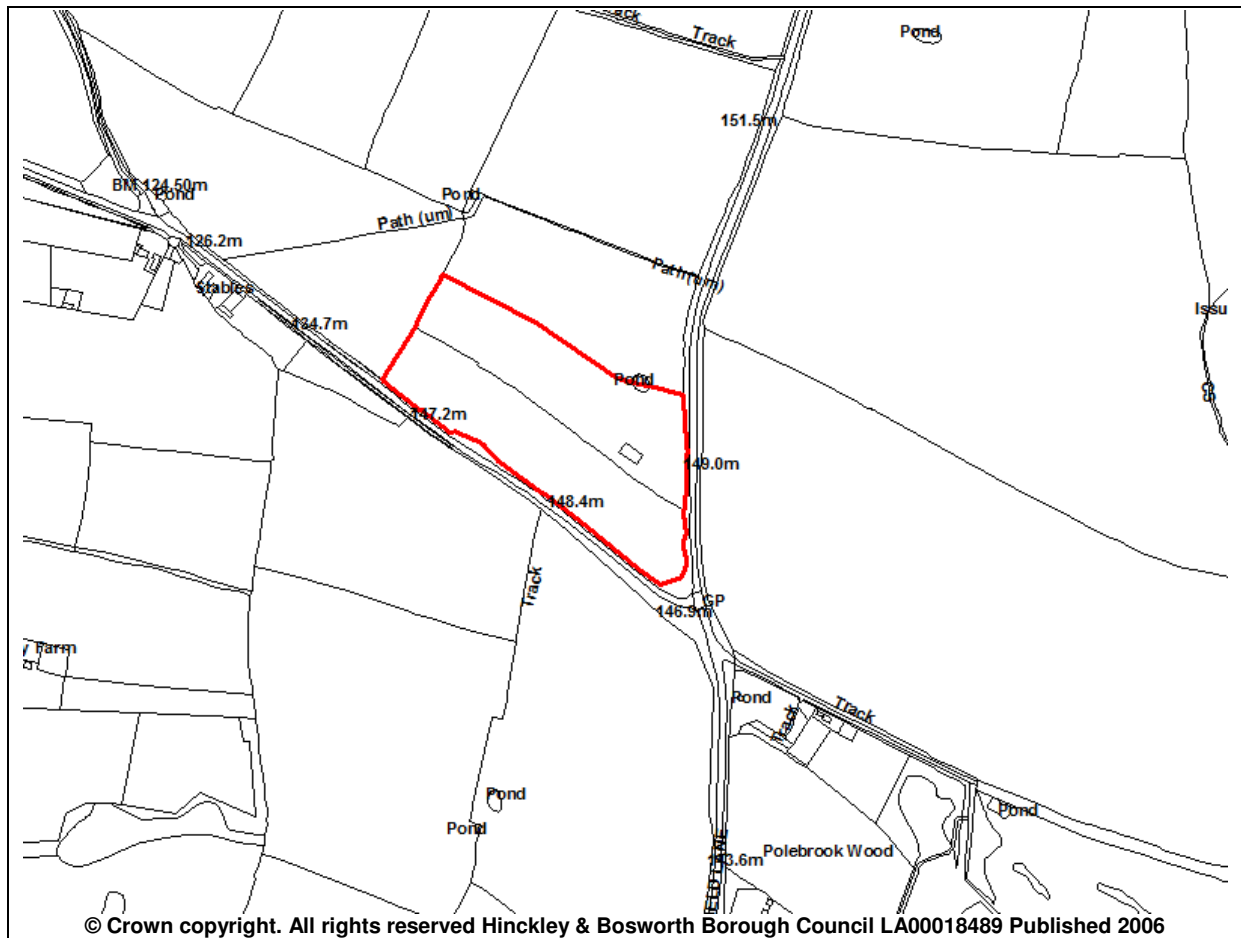
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 16/00060/CONDIT
Applicant: Mrs Melanie Brewster
Ward: Ratby Bagworth And Thornton

Site: Land North East Of Reservoir Road Thornton

Proposal: Variation of condition 2 of planning permission 15/00820/FUL to increase the height of the stable building



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1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

1.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This is a Section 73 application to vary condition 2 of planning permission 15/00820/FUL, to increase the height of a proposed stable building. The original permission included the change of use of an existing building to stables and the

creation of a ménage. This application proposes to increase the overall height of the previously approved stable building from 5.2 metres to 7.2 metres, to allow the use of a mezzanine for the overhead storage of hay. The existing building is proposed to remain unchanged in scale and converted into stables.

2.2. No further amendments are proposed to the approved scheme.

3. Description of the Site and Surrounding Area

3.1. The application site comprises two grassed fields measuring a total of approximately 3.48 hectares (8.6 acres). The site is located within the countryside to the south east of Thornton, north east of Reservoir Road and west of Thornton Lane/Whittington Lane.

3.2. The site contains a large agricultural building (erected under the GDO prior notification procedure), which is constructed of concrete block work, timber boarding walls and cement sheet roof panels. A steel storage container is situated to the east of the agricultural building. This building has been converted to stables with associated equestrian storage and the construction of the manège implemented.

3.3. An extensive area of hardstanding (brick rubble etc.) has been laid along with a rectangular concrete base within the eastern part site.

3.4. The east and south west boundaries of the application site are defined by field hedgerows and the north east boundary by a post and wire fence. The hedgerow fronting Thornton Lane/Whittington Lane to the east is identified as a Site of Importance to Nature Conservation (SINC). Land levels fall to the north west towards Thornton Reservoir.

4. Relevant Planning History

09/00907/GDO	Erection of building for cattle and machinery	Withdrawn	22.12.2009
09/00986/GDO	Erection of agricultural building to keep livestock	Granted	27.01.2010
10/00811/FUL	Erection of four stables and feed/tack room	Approved	05.01.2011
12/00095/FUL	Proposed access road to serve stable block and agricultural barn	Withdrawn	23.03.2012
15/00373/FUL	Extensions and alterations to stable block	Application returned	15.07.2015
15/00374/FUL	Creation of an equestrian manège	Application returned	30.07.2015

15/00375/FUL	Siting of a mobile home	Refused	22.05.2015
15/00820/FUL	Conversion and extension of agricultural building for stables, formation of manège, improvements to existing access, hard surfaced parking and turning area and change of use of land for the keeping of horses	Approved	18.11.2015

5. Publicity

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

6. Consultation

- 6.1. Bagworth and Thornton Parish Council have objected on the following grounds:-
1. Work had already commenced on site
 2. Application submission is misleading there are protected species in the area
 3. The application site can be seen from Reservoir Road
 4. The increase in height will have a severe an negative impact upon the Reservoir landscape
 5. The proposed building would be above the tree line and out of place
 6. No saved Policies which relate to the stabling of horses, therefore the application should be determined in accordance with normal countryside policies which are severely restrictive
 7. No special justification for departing from policies
 8. The application site encompasses a plot which has previously been referenced as THO10 in the Borough Development Plan as a proposed Traveller site. This proposed allocation was later withdrawn following a lengthy community consultation. Therefore not least that in fairness to the Traveller Community which was not allowed to development the site, this application is entirely inappropriate and should be refused.

7. Policy

- 7.1. Local Plan 2006 – 2026: Core Strategy (2009)
- Policy 21: National Forest
- 7.2. Hinckley and Bosworth Local Plan (2001)
- Policy NE5: Development in the Countryside
 - Policy BE1: Design and Siting of Development

- 7.3. Emerging Site Allocations and Development Management Policies DPD Submission Version (Dec 2014)
- Policy DM1: Presumption in favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)
- 7.5 Other Relevant Guidance
- Supplementary Planning Guidance on the Design of Agricultural Buildings

8. Appraisal

- 8.1. This application should be read in conjunction with the previously approved application 15/00523/FUL. As the principle of the development, highway safety and other such details have been accepted by the earlier scheme, the main issues for considered of development therefore are:-
- Impact on the Character and Appearance of the Countryside
 - Previously imposed planning conditions

Impact upon the character of the area

- 8.2. Policy 21 of the adopted Core Strategy requires that the siting and scale of development within the National Forest is appropriately related to its setting and respects the character and appearance of the wider countryside.
- 8.3. The design criteria of Saved Policy NE5 (i, ii and iii) requires that development in the countryside does not have an adverse impact on the character or appearance of the landscape, is in keeping with the scale and character of existing buildings and general surroundings, is effectively screened by landscaping. Policy DM4 of the SADMP also seeks to ensure that development within the countryside does not have an adverse effect on the intrinsic value, beauty or open character of the countryside. Saved Policy BE1 (criteria a, c and d) of the Local Plan and Policy DM10 (criteria c, d, e, f, g and h) of the SADMP requires that development complements or enhances the character of the surrounding area with regard to scale, layout, design, materials, and incorporates landscaping to a high standard.
- 8.4. One of the core planning principles of the NPPF in paragraph 17 is to seek a high quality of design and protect the intrinsic character and beauty of the countryside. Paragraphs 56 and 58 of the NPPF identify good design as a key aspect of sustainable development and seek to ensure that development is visually attractive.
- 8.5. The existing building situated within the application site will not change and has been converted into stables. This proposal relates only to the proposed erection of an additional stable building. The proposed stable building would extend to the north west from the rear of the existing building and would follow the existing hedgerow boundary which separates the two agricultural fields. The proposed amendment seeks to increase the overall ridge height of the building from 5.2 metres, which is ridge height of the existing building, and proposes to increase it to 7.2 metres. The proposed building would provide 5 stables with tack room as

previously approved, however the additional roof height would allow for the provision of a mezzanine for the overhead storage of hay.

- 8.6. During the course of the application objections have been received in respect of the impact the proposed development would have on the Thornton Reservoir and surrounding landscape. The application site is situated to the south east of Thornton Reservoir, land levels increase from the Reservoir up towards the application area. Due to the rolling nature of the land and the mature vegetation along the south east boundary of the Reservoir the proposed development would have a limited visual impact upon the Thornton Reservoir.
- 8.7. The proposed building would be set back from the highway to the rear of the existing building, where it would be partly screened from the surrounding landscape, including mature hedgerows and trees. Due to the existing surrounding landscape and the positioning of the building within the site the increased height would not dominate the street scene or views from the wider landscape, and visible views of the building would be fleeting. Furthermore the proposed building is to be finished in treated softwood cladding which would soften and visible impact and aid their assimilation into the countryside. The design maintains a low pitched roof, reflective of the existing building situated on site, and the appearance is not untypical of modern agricultural buildings and is therefore consistent with the advice contained in the Council's Supplementary Planning Guidance on the Design of Agricultural Buildings.
- 8.8. By virtue of the siting, design and proposed construction materials the proposal is considered to complement the character of the site, and would not have a material adverse impact on the character or appearance of the surrounding countryside. The proposal would therefore be in accordance with Policy BE1 (criterion a) and Policy NE5 (criteria i, ii and iii) of the adopted Local Plan, Policy DM4 and DM10 of the emerging SADMP, Policy 21 of the Core Strategy and the overarching principles of the NPPF.

Previously Imposed Conditions

- 8.9. The original planning permission was subject to 11 conditions. It must be considered whether these conditions remain relevant and therefore should be re-imposed on the current scheme.
- 8.10. Condition 1, concerns the timescale for development to take plans. Development on site has been commenced and therefore this condition is no longer necessary to be re-imposed.
- 8.11. Condition 2, is subject to this Section 73 application concerning approved plans for the development. As such this has been superseded by the current application and a condition has been re-imposed to secure that the development will be carried out in accordance with the approved plans.
- 8.12. Condition 3 and 4 refers to the submission of proposed surfacing, parking, turning area and landscaping scheme (including the removal of the existing concrete hardstanding) to be submitted and agreed, and implemented. The condition required the works to be implemented within three months, whilst some works have commenced they are not completed. A condition it therefore necessary to be imposed to ensure the agreed works are carried out and completed prior the development being brought into use.

- 8.13. The details have been agreed however require fully implementing, condition 3 and 4 will therefore be reworded to reflect the agreed details and secure implementation.
- 8.14. Condition 5 relates to the ongoing maintenance of the agreed landscaping scheme, this condition is needs to be re-imposed to secure the long term future of the proposed landscaping scheme.
- 8.15. Conditions 6 to 9 relate to the carrying out of highway and access works/improvements prior to the development being first brought into use. As the site has not been brought into use and the required works have not been carried out, these conditions remain relevant and will be re-imposed.
- 8.16. Condition 10 relates to details of any proposed external lighting to be submitted and agreed before first use of the site. The site has not been brought into use, and no details have been provided. This condition is therefore necessary to re-impose to ensure any external lighting does not have a detrimental impact in terms of night time illuminance upon the wider character of the area.
- 8.17. Condition 11 seeks to ensure horse manure or other waste materials are not burnt on site, this condition is necessary for the protection of air pollution, and will be re-imposed.

9. Conclusion

- 9.1. The principle of development has already been established through the earlier grant of planning permission (ref:15/00820/FUL). By virtue of its siting and the design and appearance of the proposed stable building, it is considered that the proposed increase of height would not have any material adverse impact on the character or appearance of the site or surrounding countryside. The proposal would be in accordance with Policies BE1 (criterion a) and NE5 (criteria i, ii, iii and iv) of the saved Local Plan, Policies DM4 and DM10 of the emerging SADMP, Policy 21 of the adopted Core Strategy together with the overarching principle of the NPPF. The proposal is therefore recommended for approval subject to conditions.

10. Recommendation

10.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

- 10.2. That the Chief Planning and Development Officer be given powers to determine the final details of planning conditions.

10.3. Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows; Proposed manège details (scale 1:20, 1:100, 2:00) received on the 22 July 2015, Site Location Plan (1:2500), Block Plan (1:500) Proposed elevation and floorplan (Scale 1:200) received by the Local Planning Authority on the 22 January 2016.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Before first use of the site the parking and turning area shall be surfaced in Trent Gravel and carried out in accordance with the approved details shown on proposed landscape plan drawing number 3887/7R received on the 10 December 2015.

Reason: To enhance the appearance of the development within this countryside and National Forest setting to accord with Policy 21 of the adopted Core Strategy (2009).

3. The hard and soft landscaping scheme for the development hereby approved shall be carried out in complete accordance with the approved details as shown on Drawing No. 3887/7R and implemented in accordance with the details provided within Drawing No 3887/7R. 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.

Reason: To enhance the appearance of the development within this countryside and National Forest setting to accord with Policy 21 of the adopted Core Strategy (2009).

4. Before first use of the development hereby approved, the vehicular access from the site onto Thornton Lane, shall be provided with 7.5 metre kerbed radii on both sides of the access as shown on Dwg No. 3887/2R

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to accord with Policy T5 of the Hinckley and Bosworth Local Plan (2001).

5. Before first use of the development hereby approved the access drive shall be surfaced in a bound porous material for a minimum distance of 12 metres from the back edge of the highway and shall be so maintained at all times.

Reason: To reduce the possibility of deleterious material being deposited in the highway in accordance with Policy T5 of the Hinckley and Bosworth Local Plan (2001).

6. Before first use of the development hereby approved, the vehicular access to the site shall be widened to an effective minimum width of 6 metres over a distance of 12 metres behind the highway boundary.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause dangers within the highway to accord with Policy T5 of the Hinckley and Bosworth Local Plan (2001).

7. Before first use of the development hereby approved, visibility splays of 2.4 metres by 113 metres shall be provided at the junction of the access with Thornton Lane. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan (2001).

8. Before first use of the site details of any proposed external illumination within the development shall be submitted to and approved in writing. The scheme shall be implemented in accordance with those approved details.

Reason: In the interests of amenity to reduce any impact of night time illumination on the character of the area, in accordance with Policy NE5 of the Hinckley and Bosworth Local Plan (2001) and Policy DM7 (criterion c) of the Site Allocations and Development Management Plan.

9. No horse manure or other waste materials shall be burnt on the site at any time.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of air pollution to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan (2001).

10.4. **Notes to Applicant**

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

Planning Committee 19 April 2016
Report of the Chief Planning and Development Officer



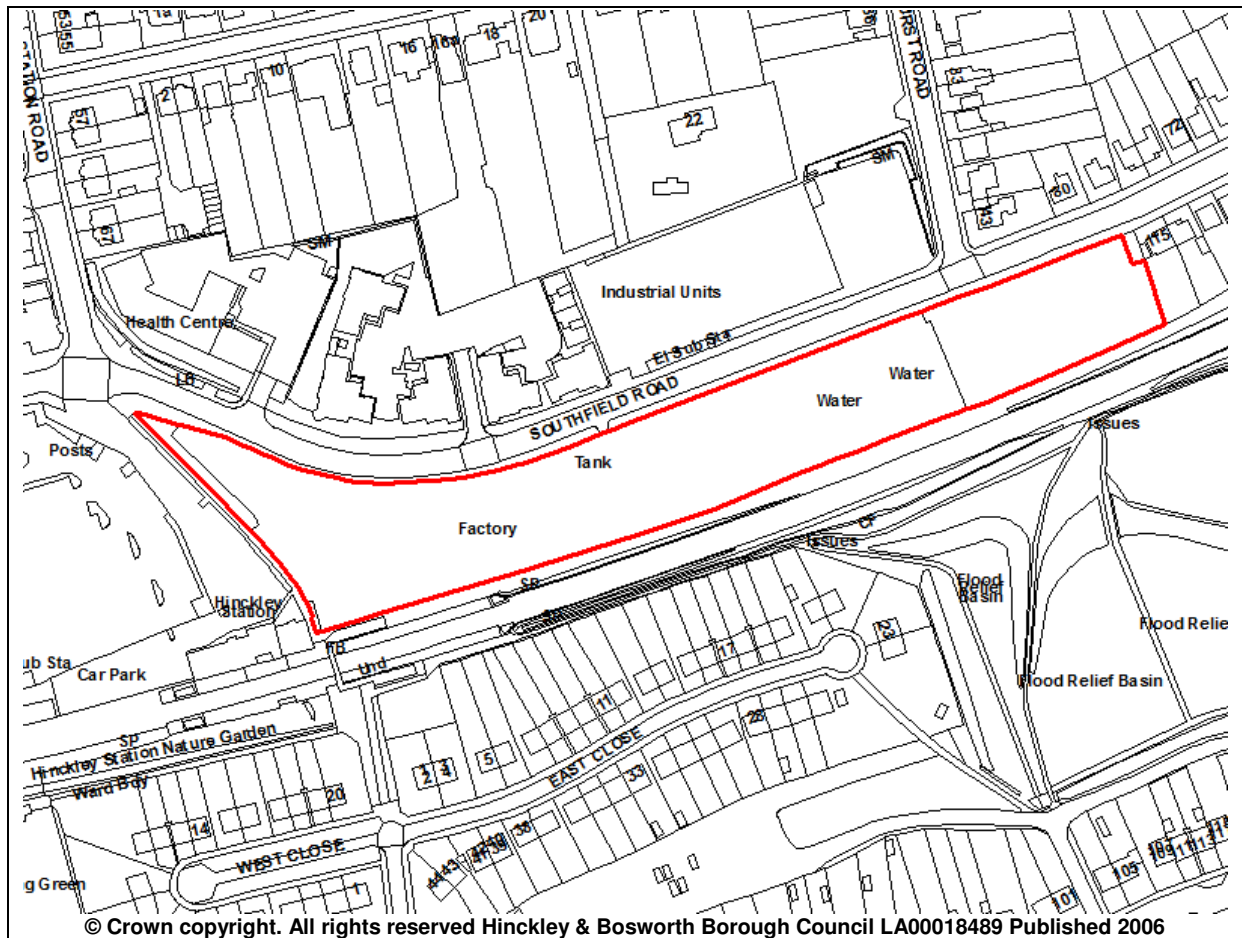
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 16/00107/FUL
Applicant: Westleigh Partnerships Limited
Ward: Hinckley Castle

Site: Richard Roberts Dyers Ltd, Southfield Road
Hinckley

Proposal: Erection of 68 dwellings with associated access, parking and landscaping



1. Recommendations

1.1. Grant planning permission subject to

- The prior completion of a S106 agreement to secure the following obligations:
 - On-site affordable housing
 - Education – £127,765.35
 - Highways - £11,766
 - Play and Open Space - £113,931.20
- Planning conditions outlined at the end of this report.

- 1.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.
- 1.3. That the Chief Planning and Development Officer be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This is a full application for the erection of 68 dwellings, with associated access, parking and landscaping. The development is for 100% affordable housing with a mixture of 75% affordable rented properties (51 dwellings) and 25% intermediate tenure (shared ownership) (17 dwellings). The registered providers of the site would be Nottingham Community Housing Association and Hinckley and Bosworth Borough Council.
- 2.2. The proposal includes a mixture of dwelling types, these include:
 - 24 one bedroom flats
 - 22 two bedroom houses
 - 16 three bedroom houses
 - 6 two bedroom bungalows
- 2.3. The application proposes three access points from Southfield Road, one is an existing access to the north eastern corner of the site and the other two are new proposed access points. The development includes a total of 99 parking spaces; the parking is to be allocated to each dwelling and generally equates to one parking space for the one bedroom flats and two bedroom dwellings, and two parking spaces for the three bedroom dwellings and the two bedroom bungalows.

3. Description of the Site and Surrounding Area

- 3.1. The application site is situated on the edge of the town centre of Hinckley, adjacent to Hinckley Train Station. The site is bound by Southfield Road to the north, the railway line to the south, No. 115 Southfield Road to the east and the Railway Station and associated parking to the west. Directly to the north of the site opposite on Southfield Road are residential flats and Sparkenhoe Business Centre.
- 3.2. The site is vacant and has been for a number of years. The last use of the site was a hosiery factory, however the buildings have since been demolished and only remnants of storage tanks and retaining walls remain on the site.
- 3.3. Due to the site being vacant for a large period of time a number of self seeded trees have established and the site was overgrown. However within recent weeks the site has been cleared of vegetation. The site is bounded by a large brick wall and metal fencing along Southfield Road and metal palisade fencing along the boundary with the railway line.
- 3.4. There are significant level differences within the site, with a two metre drop from Southfield Road to the centre of the site. The site also slopes downwards to the east. Due to the level differences there are a number of retaining walls along the northern and western boundaries.

4. Relevant Planning History

None

5. Publicity

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

5.2. One letter of support for the application was received. Four letters of objection have been received for this application which raise the following issues:

- Impact of additional traffic on Southfield Road and Hawley Road, which is already heavily congested
- Loss of views to flats opposite
- Loss of sunlight to windows and balconies of flats opposite
- Too many dwellings proposed, lower numbers would be more suitable and would improve the attractiveness of the street scene

6. Consultation

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

Natural England
Severn Trent Water
Leicestershire County Council (Highways)
Waste Services
Environmental Health (Drainage)
Environmental Health (Pollution)

6.2. Network Rail have objected to the application due to concerns with run off rates onto railway infrastructure. Additional conditions are also requested, if approved.

6.3. Leicestershire County Council have requested the following developer contributions:
Education – £127,765.35
Libraries - £1690
Civic Amenity - £3368
Highways - £11,766 (plus 6 month bus passes - 2 per dwelling and travel packs)

6.4. Burbage Parish Council welcome the development of this site, however concerns have been raised in regard to the unimaginative and visually disappointing design. Concerns have also been raised regarding the speed of traffic on this section of Southfield Road and request a traffic survey and speed calming measures are implemented where necessary.

7. Policy

7.1. Hinckley Town Centre Area Action Plan (2011)

- Policy 8: Railway Station/Southfield Road
- Policy 15: Transport Infrastructure Delivery and Developer Contributions
- Policy 16: Cycle Routes

- 7.2. Local Plan 2006 – 2026: Core Strategy (2009)
- Policy 1: Development in Hinckley
 - Policy 15: Affordable Housing
 - Policy 16: Housing Density, Mix and Design
 - Policy 19: Green Space and Play Provision
 - Policy 24: Sustainable Design and Technology
- 7.3. Hinckley and Bosworth Local Plan (2001)
- Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities
 - Policy RES5: Residential Proposals on Unallocated Sites
 - Contamination
 - Policy BE1: Design and Siting of Development
 - Policy NE2: Pollution
 - Policy NE17: Protection of the Water Environment from the Development of Contaminated Land
 - Policy T5: Highway Design and Vehicle Parking Standards
 - Policy REC2: New Residential Development – Outdoor Open Space Provision for Formal Recreation
 - Policy REC3: New Residential Development – Outdoor Play Space for Children
- 7.4. Emerging Site Allocations and Development Management Policies DPD Submission Version (Dec 2014)
- SA1: Safeguarding Site Allocations
 - DM1: Presumption in Favour of Sustainable Development
 - DM3: Infrastructure and Delivery
 - DM7: Preventing Pollution and Flooding
 - DM10: Development and Design
 - DM17: Highways Design
 - DM18: Vehicle Parking Standards
- 7.5. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)
- 7.6. Other relevant guidance
- New Residential Development (SPG)
 - Play and Open Space (SPD)
 - Affordable Housing (SPD)
- 8. Appraisal**
- 8.1. Key Issues
- Assessment against strategic planning policies
 - Impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon the highway
 - Drainage
 - Contaminated Land
 - Noise and vibration
 - Affordable Housing

- Developer Contributions

Assessment against strategic planning policies

- 8.2. Paragraph 14 of the National Planning Policy Framework (NPPF) and emerging Policy DM1 of the Site Allocations and Development Management Policies DPD SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved.
- 8.3. The site is located on the edge of the town centre and in the settlement boundary of Hinckley. Hinckley is identified as a sub-regional centre in Policy 1 of the Core Strategy (2009) and is therefore a sustainable location for development.
- 8.4. The site forms part of a larger allocated site (Railway Station/ Southfield Road) for office led development in Policy 8 of the Hinckley Town Centre Area Action Plan (AAP). A recent Employment Land and Premises Review has identified the site as a category 'C' employment area. Category 'C' sites are lower quality employment areas where part or whole redevelopment of the site may be appropriate, subject to regeneration policies. The site has been derelict for a number of years with no prospect of office led development being carried forward. This situation was reviewed during the Site Allocations process and the development of the SADMP. Policy SA1 of the emerging Site Allocations and Development Management Policies Development Plan Document (SADMP) allocates the application site for residential development (HIN18). The SADMP is at an advanced stage and has undergone an examination in public and a final consultation on main modifications has been undertaken. No modifications have been suggested to the allocated site HIN18. It is therefore concluded that the allocation of the site within the SADMP can carry significant weight in the determination of the application.
- 8.5. The site is a brownfield, derelict site within the centre of Hinckley, which has become an eyesore. Paragraph 111 of the NPPF states that local planning authorities should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. The site is not of high environmental value and therefore the reuse of the site should be encouraged. The redevelopment of this site would bring significant environmental benefits by improving the character of the area. Additionally social benefits will be brought by the development as it would provide much needed affordable housing for the area. The proposed scheme is therefore sustainable.
- 8.6. The principle of residential development of this site is acceptable, subject to all other matters being satisfactory. The development would be in accordance with Policy 1 of the Core Strategy and emerging Policy SA1 and DM1 of the SADMP.

Impact upon the character of the area

- 8.7. Policy BE1 (criterion a) of the adopted Local Plan and Policy DM10 of the emerging SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features with the intention of preventing development that is out of keeping with the character of the surrounding area. The Council's adopted Supplementary Planning Guidance on New Residential Development aims to ensure that new development has regard to the character of the area and is well

integrated into its surroundings. Furthermore, one of the core planning principles of the NPPF is to secure a high quality design in development.

- 8.8. The application site is a key site within Hinckley as it is adjacent to the train station on a slightly elevated position from the highway. Currently the site is derelict and detracts from the character of the area and it is therefore important that the scheme provides a positive addition to the street scene and enhances the character of the area.
- 8.9. Amended plans have been received following discussions with planning officers to improve and amend the layout and design of the dwellings to provide a good standard of design across the site.
- 8.10. Whilst the site is a comprehensive development it can be divided into three sections for descriptive purposes. A section of the proposal in the eastern part of the site and includes 10 dwellings served by a private access with parking to the rear. The dwellings within this section (Plots 58-68) front the street and are set back 4 metres from the footpath.
- 8.11. A second section forms the majority of the site and includes a block of buildings (Plots 52-57) which would be orientated to be facing into the site, providing a gable end to the street scene. These would break up the roof line of the development. Dwellings would then be set back into the site by at least 15 metres (Plots 20 – 51). This section would be served by a larger private access with an internal private road and parking to the front of dwellings. A mixture of two storey dwellings and bungalows, with a variety of materials including brick render and cladding, are included within this section which would break up the building line and provide interest to the street scene. Whilst these properties are stepped back into the site the parking and landscaping would be open to ensure the development would provide an active frontage to Southfield Road.
- 8.12. A third section can be identified in the western corner of the site, this section is served by a private access with a parking area and the properties are positioned to provide a frontage to the train station and car park and also a frontage to Southfield Road, specifically Plots 1 – 12.
- 8.13. Due to the layout of the dwellings and the mixture of house types, heights and materials proposed this would provide interest and character to the street scene and ensure that the development would not form a monotonous linear development along a key site within Hinckley.
- 8.14. A bin strategy has been agreed with Waste Services to ensure bins are not left along Southfield Road. Bin collection points and bin storage areas are proposed in several locations to allow the bins to be collected from specified areas. This will ensure the development would not detract from the street scene as bins would be stored in appropriate places rather than scattered along the roadside.
- 8.15. The proposal would include a small landscaping strip along the boundary with Southfield Road and within the site. Additionally, a small open space to the western corner of the site is proposed which would allow the corner of the site to be softened. It is envisaged that this area would be open and could be used by the public as a meeting point or small green amenity space. Landscaping plans have been submitted, however further amendments are required to ensure this is of a high quality. A condition has been imposed to ensure landscaping plans and a scheme is submitted prior to the commencement of development.

- 8.16. The proposed development would enhance the character of the area in accordance with Policy BE1 (criterion a) of the Local Plan (2001) and the emerging Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.17. Policy BE1 (criterion i) of the adopted Local Plan and SPG and emerging Policy DM10 of the SADMP require that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties. The nearest residential properties to the site are Nos 78, 80 and 115 Southfield Road, 43 Hurst Road, the flats opposite the site on Southfield Road (including 1-15 Ashby House, 1-15 Bradgate House, 1-15 Burbage House and 1-11 Desford House).
- 8.18. The layout of the proposed development ensures there is no direct overlooking into existing rear gardens of neighbouring properties. Nos 87 and 80 Southfield Road and 48 Hurst Road and the flats opposite the site are separated by Southfield Road and associated footpaths and therefore the separation distance would remove any overbearing impact or overlooking to these properties.
- 8.19. Concerns have been raised with regard to the loss of view from the existing flats to the north of Southfield Road by this development. This is not a material consideration and as such cannot be considered. A consideration which can be made is if there is an overbearing impact to the existing flats. Due to the distance of the proposed dwellings from the flats and the level differences from Southfield Road, resulting in the properties being significantly lower than the existing flats, the proposed development would not have an overbearing impact to the existing flats.
- 8.20. An access to serve the rear of 10 properties is proposed adjacent to No. 115 Southfield Road, however a substation divides the two. There is an existing access point into the site which is being facilitated by this scheme. A landscaping buffer has been included along the boundary with No. 115 to alleviate the noise associated with this access. Due to the small number of dwellings being served by this access, the landscaping buffer and the access being existing in this location this would not harm the residential amenity of the existing residents and is acceptable.
- 8.21. Due to the close proximity of the development to local residents and the potential disturbance which could be caused by the development Environmental Health have recommended that construction hours be limited to 07:30 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday and no working on Sundays and Bank Holidays. This condition is reasonable and necessary to ensure the amenity of residents is not unduly impacted through the construction of the development.
- 8.22. For the reasons outlined above the scheme is acceptable and in line with Policy BE1 (criterion i) of the adopted Local Plan (2001) and emerging Policy DM10 of the SADMP.

Impact upon Highway Safety

- 8.23. Saved Policies T5 and BE1 (criterion g) of the adopted Local Plan and Policies DM17 and DM18 of the emerging SADMP require that new accesses, new highways, parking and other works are provided in line with the 6 C's Guidance.
- 8.24. The proposal includes three access points from Southfield Road. All internal roads are to be private, with no adopted highways proposed within the scheme. Leicestershire County Council have raised no objections to the scheme subject to

conditions. Small amendments are requested to the plans to display visibility and bring the access points in line with the 6 C's Guidance, these amendments will be received prior to the committee meeting and the planning committee will be updated via a late item.

- 8.25. The proposal includes 99 parking spaces for 68 dwellings. This equates to 1 parking space for the one bedroom flats and two bedroom dwellings, with the exception of 9 shared ownership two bedroomed dwellings which are allocated two parking spaces and two parking spaces for the three bedroom dwellings and the two bedroom bungalows. One parking space for the smaller dwellings on site is acceptable and in line with the 6 C's Guidance due to the location of the site to the train station, public transport facilities and the town centre.
- 8.26. The scheme also includes a widening of the southern footpath along Southfield Road, to ensure the footpath retains its width along the length of the site. A pre-commencement condition has been requested for additional details of this, however it is not considered necessary as the submitted plans indicate the details of the widening of the footpath and enough information has been obtained from the applicant.
- 8.27. Concerns have been raised in respect of the speed of vehicles using Southfield Road and the impact of the development upon this. A Transport Statement has been submitted with the scheme and Leicestershire County Council (Highways) have not objected to the document and have not requested any additional speed reduction measures. The introduction of access points could naturally slow the speed of traffic due to the potential of vehicles entering the highway. It is therefore considered that the scheme would not worsen the speed situation along this stretch of Southfield Road.
- 8.28. The proposal is therefore in accordance with Policies T5 and BE1 (criterion g) of the adopted Local Plan and Policies DM17 and DM18 of the emerging SADMP.

Drainage

- 8.29. A Flood Risk Assessment has been submitted alongside the scheme. A surface water drainage scheme has been requested by Environmental Health (Drainage). Further details have been provided by the application including engineering layout and MicroDrainage calculations. Subject to clarification/amendments to a couple of small details Leicestershire County Council (Drainage) does not object to the proposal.
- 8.30. An objection has been raised by Network Rail due to concerns with site drainage, specifically the increased flow projected from the proposed development. The flood risk assessment identifies that there would be a 30% betterment on site with regards to flow rates. Discussions with Network Rail and the applicant are on-going to ensure that these concerns are addressed.
- 8.31. Whilst there are outstanding issues to be addressed with the drainage of the scheme a condition is recommended to ensure the appropriate drainage scheme is delivered on site. Subject to agreement to and implementation of an appropriate drainage scheme the application would not have a detrimental impact upon flooding in the area and is therefore acceptable and in accordance with emerging Policy DM7 of the SADMP.

Contaminated Land

- 8.32. A phase 1 geo-environmental assessment has been submitted with the scheme. This identifies that due to the previous use of the site it is advised that further ground investigation is undertaken to establish the land contamination status of the site. The applicant has instructed consultants to undertake this work; however the findings have not yet been finalised and submitted with the application. A condition is therefore recommended to ensure further investigations are undertaken and the findings submitted to the council to identify the potential for land contamination.
- 8.33. Subject to the recommended condition the proposal would ensure all contaminated land issues will be dealt with on site prior to the commencement of development and is therefore acceptable and in accordance with Policies NE2 and NE7 of the Local Plan and DM7 of the SADMP.

Noise and vibration

- 8.34. A noise assessment has been submitted alongside the application to address the noise implications of the proximity of the railway line to future residents and the measures to be used to reduce the noise impacts. Environmental Health have reviewed the assessment and have requested minor amendments. The applicant is currently amending the assessment and has not objected to the requested amendments. However whilst the noise assessment is not acceptable in its current form a condition is recommended to ensure an acceptable noise assessment is submitted to support the scheme, ensuring the protection of future residents amenity for the scheme.
- 8.35. The submitted noise assessment also includes details upon the vibration from the adjacent railway line. This identifies there are no issues in regards to vibration and Environmental Health do not object to this.
- 8.36. Subject to agreement to and implementation of an accepted noise assessment the proposal would ensure the noise impacts of the adjacent railway line would be significantly limited and therefore is acceptable and in accordance with Policy DM7 of the SADMP.

Affordable Housing

- 8.37. Policy 15 of the Core Strategy requires sites within the urban areas of the borough to provide 20% affordable housing, with a mix of 75% affordable rented and 25% intermediate tenure (shared ownership). The application is for 100% affordable housing and the proposal would comprise 50 units for affordable rent (75%) and 18 units for intermediate tenure (shared ownership) (25%). The registered providers for the proposal would be Nottingham Community Housing Association and Hinckley and Bosworth Borough Council.
- 8.38. There is an identified need for affordable housing within Hinckley and the proposed mix of dwellings has been discussed with the Housing Strategy and Enabling Officer and reflects the requirements to best meet the identified need in the borough.
- 8.39. A Section 106 agreement is required to ensure a local connection to the borough is secured and the dwellings remain affordable housing and are not converted to private dwellings.

- 8.40. The proposed scheme is in accordance with the identified need for Hinckley and is therefore in accordance with Policy 15 and 16 of the Core Strategy.

Developer Contributions

- 8.41. Developer contributions have been requested by Leicestershire County Council towards education, libraries, civic amenity and highways. Additionally play and open space contributions in accordance with saved policies REC2 and REC3 of the adopted Local Plan and Policy 19 of the Core Strategy have been requested.

Play and Open Space

- 8.42. Policies IMP1, REC2 and REC3 of the adopted Local Plan, Policy 19 of the Core Strategy and the Play and Open Space SPD require new residential development to contribute towards the provision and maintenance of public play and open space facilities for children. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. The request for any developer must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.43. The quality of open spaces has been considered within the Open Space, Sport & Recreational Facilities Study awarded Rugby Road Park a quality score of only 45%. In accordance with the Play and Open Space SPD the contribution in this case would total £113,931.20 (provision element of £70,717.20 and maintenance element of £43,214.00 in total) and would be used to provide and maintain additional play equipment and to maintain existing equipped and informal amenity play space to mitigate the impact of the additional dwellings on such facilities.
- 8.44. The size of the additional units proposed would appeal to families and given the proximity of the application site to the open space it is considered that the future occupiers would use the facility, increasing wear and tear and requiring maintenance. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal in accordance with the CIL Regulations, and a contribution is justified in this instance.

Civic Amenity

- 8.45. Leicestershire County Council has reviewed the proposed development and consider there would be an impact on the delivery of Civic Amenity waste facilities within the local area because of a development of this scale, type and size. As such a developer contribution is requested of £3368. It is estimated that there would be an additional 18 tonnes of waste generated by the development of 68 dwellings and given that the total waste collected is approximately 7,874 tonnes per annum at this civic amenity site, it is difficult to conclude that a contribution is necessary or fairly related to this development as the impact from this development would be minimal.

Libraries

- 8.46. Leicestershire County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area. The nearest local library facility is Hinckley Library on Lancaster Road. The

library facilities contribution request is £1690. Leicestershire County Council consider that the proposed development would impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for materials, such as books, audio books, newspapers and periodicals for loan and reference use to account for additional use from the proposed development.

- 8.47. Hinckley Library has an active borrower base of 9,289 people. However Hinckley Library attracts usage from a much wider catchment of 46,374 people through additional borrowers who live outside the settlement area but come into Hinckley for work, shopping or leisure reasons. Active users of Hinckley Library currently borrow on average 24 items a year. Leicestershire County Council consider that the proposed development is likely to generate an additional 81 plus users and would require an additional 194 items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service. It is considered that the library request has not demonstrated whether the contribution is necessary and how increasing lending stock would mitigate the impact of the development on the library facility and nor is such a small population increase arising out of the development likely to directly correlate to an impact in planning terms.

Education

- 8.48. Leicestershire County Council consider the proposed development is of a scale and size which would have an impact on local primary school provision. The site is within the catchment area of Westfield Infant and Westfield Junior School, which would have a deficit of 144 school places if this proposal were implemented. There are 30 places which are funded by other developments of the area which reduces the surplus to 114 (of which 11 would be generated by the proposed development). There are seven other primary level schools within a two mile walking distance and when using the surplus/deficit figures of all a total deficit figure of 353 places. Therefore the accommodation of the additional school places (11) which would be generated by this development cannot be accommodated and therefore a Primary School contribution is considered necessary and relevant. A total of £127,765.55 is requested and has been calculated using the deficit multiplied by the DFE cost multiplier.
- 8.49. No requirements for Secondary or Special Schools are requested as there is an identified surplus of student places in both.
- 8.50. It is therefore considered that the education contribution is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal in accordance with the CIL Regulations, and a contribution is justified in this instance.

Highways

- 8.51. Contributions towards the improvement of bus stops, information displays and real time information systems have been requested by the Highway Authority. However evidence to justify why the requests are reasonably related to the development and in scale and kind to the scheme have not been provided. Due to the site location and the provision of one parking space for the smaller dwellings it is considered that the residents of the dwellings would use public transport, however information on the expected use has not been provided to support the request for contributions

towards the improvement of the bus stops. Additional information has been requested from Leicestershire County Council (Highways) to support their request.

- 8.52. Additionally travel packs and 6 month bus passes (at two per dwelling) have been requested to encourage sustainable modes of transport from the development. Due to the town centre location, proximity to the train station and the lower level of parking on site this would encourage sustainable modes of transport and therefore the requirement of travel packs and bus passes is not necessary to make this development acceptable in planning terms
- 8.53. Paragraph 173 of the NPPF states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 8.54. The application has been accompanied by a viability assessment which has been reviewed and identifies that if the requested contributions are paid this would render the scheme unviable. This viability appraisal is being assessed by an independent viability surveyor, however the final conclusions have not yet been made. The final conclusions of the surveyor will be provided through a late item to committee and may have a significant impact on the requests for developer contributions.

9. Conclusion

- 9.1. This application would result in the regeneration of a vacant brownfield site within the centre of Hinckley. The proposal has been designed to ensure properties front Southfield Road and provide interest and character to the street scene. A mix of house types and materials are proposed to break up the line of buildings and give a strong character to the development.
- 9.2. Subject to conditions the proposal would not have a detrimental impact upon existing residential amenity, flooding, noise, land contamination and highways.
- 9.3. The proposal would provide 68 affordable homes of which there is a demand for in the area.
- 9.4. The proposal is sustainable and would improve both the local environment and social needs of the community. The application is therefore considered acceptable and in accordance with the identified policies of the development plan.

10. Recommendation

10.1. Grant planning permission subject to

- The prior completion of a S106 agreement to secure the following obligations:
 - On-site affordable housing
 - Education – £127,765.35
 - Highways - £11,766
 - Play and Open Space - £113,931.20
- Planning conditions outlined at the end of this report.

- 10.2. That the Chief Planning and Development Officer be given powers to determine the final detail of planning conditions.
- 10.3. That the Chief Planning and Development Officer be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

Conditions and Reasons

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

Reason: To comply with the requirements of Section 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans and documents received 30 March 2016:

Location Plan Dwg No 001
Proposed Site Plan Dwg No 002 Rev S
Proposed Street Scenes Dwg No 003 Rev P2
Proposed Site Sections Dwg No 004 Rev P1
House Type 1 - Planning Dwg No BT1 Rev P6
House Type 2 - Planning Dwg No BT2 Rev P7
House Type 3 - Planning Dwg No BT3 Rev P7
House Type 4 - Planning Dwg No BT4 Rev P6
House Type 5 - Planning Dwg No BT5 Rev P7
House Type 6 - Planning Dwg No BT6 Rev P6
House Type 7 - Planning Dwg No BT7 Rev P5
House Type 8 - Planning Dwg No BT8 Rev P5
House Type 9 - Planning Dwg No BT9 Rev P5
House Type 10 - Planning Dwg No BT10 Rev P6
House Type 11 - Planning Dwg No BT11 Rev P6
House Type 12 - Planning Dwg No BT12 Rev P5
House Type 13 - Planning Dwg No BT13 Rev P3
House Type 14 - Planning Dwg No BT14 Rev P3
House Type 15 - Planning Dwg No BT15 Rev P4
Bin Store (Plots 1 - 12) Detail Dwg No DE001 Rev P1
Bin Store (Plots 46-51 & 52-57) Detail Dwg No DE002 Rev P1
Stormking False Chimney Detail Dwg DE003 Rev P1

Reason: For the avoidance of doubt and in the interests of proper planning.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy NE2 and NE17 of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy NE2 and NE17 of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

5. Development shall not begin until a scheme for protecting the proposed dwellings from noise and vibration from the adjacent railway line and station has been submitted to and approved in writing by the Local Planning Authority. All works and mitigation measures identified in the approved scheme shall be completed prior to the first occupation of each dwelling.

Reason: To ensure the protection of future residential amenity from associated disturbance from the adjacent railway line in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

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

Reason: To ensure the protection of existing residential amenity during construction of the development in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

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

Reason: 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.

8. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, 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.

Reason: 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 and emerging Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

9. 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.

Reason: To ensure the approved landscaping scheme is undertaken in a timely fashion and is continually maintained to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan 2001 and emerging Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

10. Before first use of the development hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of each access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety in accordance with Policy T5 of the Hinckley and Bosworth Local Plan and emerging Policy DM17 of the Site Allocations and Development Management Polices Development Plan Document.

11. Any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with Policy T5 of the Hinckley and Bosworth Local Plan

and emerging Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

12. Any shared private drive serving more than 25 dwellings shall be a minimum of 5.5 metres wide for at least the first 5 metres behind the highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with Policy T5 of the Hinckley and Bosworth Local Plan and emerging Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

13. Off-street car parking and turning facilities shall be provided within the application site in accordance with the details shown on the submitted drawing No. 3599.WD.13.002 Rev. P; 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.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users in accordance with Policy T5 of the Hinckley and Bosworth Local Plan and emerging Policy DM18 of the Site Allocations and Development Management Policies Development Plan Document.

14. Before first occupation of the/any dwelling, its access drive and any turning space shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and shall be so maintained at all times.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in accordance with Policy T5 of the Hinckley and Bosworth Local Plan and emerging Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

15. The gradients of the access drives shall not exceed 1:12 for the first 10 metres behind the highway boundary.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety in accordance with Policy T5 of the Hinckley and Bosworth Local Plan and emerging Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document.

16. Construction works and traffic movements to or from the site associated with the construction of the development, hereby permitted, shall not take place other than between the hours of 07:00hrs and 18:00hrs on weekdays and 08:00hrs and 13:00hrs on Saturdays and not at all on Sundays and Bank

Holidays, except that emergency works may be carried out at any time provided that the developer retrospectively notifies the Local Planning Authority of the emergency works.

Reason: To minimise disruption to the neighbouring residents in accordance with saved Policies BE1 of the Hinckley & Bosworth Local Plan (2001) and emerging Policy DM10 of the Site Allocations and Development Management Policies.

10.4. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Please note the comments submitted by Network Rail 15 March 2016 and the requirements outlined.

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National Policy Guidance	
<p>Planning Practice Guidance 2014</p>	<p>The Planning Practice Guidance (PPG) was published on 6 March 2014 as a web-based resource. The PPG has cancelled a number of previous planning guidance documents including the majority of previous Circulars and Letters to Chief Planning Officers. The PPG 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>
<p>National Planning Policy Framework 2012</p>	<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>
<p>The Community Infrastructure Levy (CIL) Regulations 2010</p>	<p>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.</p>

Hinckley and Bosworth Core Strategy 2009	
Policy 1	Development in Hinckley: supports Hinckley's role as a sub-regional centre and sets out the criteria to achieve this. It makes provision for a minimum of 1120 new residential dwellings, seeks to diversify the existing housing stock in the town centre to cater for a range of house types and sizes, seeks to ensure there is a range of employment opportunities within Hinckley and to allocate land for new office development within or adjoining the Hinckley Town Centre Area Action Plan boundary. It supports the expansion of the creative industries job market, the provision of new retail space, the redevelopment of the railway station to deliver a transport interchange, the provision of a new bus station, transport improvements, tourism development and the development of new leisure facilities.
Policy 7	Key Rural Centres: supports key rural centres to ensure they can provide key services to their rural hinterland. It supports housing development in settlement boundaries that provide a mix of housing types and tenures and meets local need; seeks to ensure there is a range of employment opportunities within Key Rural Centres; supports new retail development to meet local need within defined local centre boundaries; resists the loss of local shops and facilities in Key Rural Centres unless it is demonstrated that the business or facilities can no longer operate in a viable manner; requires transport improvements; supports development of the tourism industry and requires development to be of the highest environmental standards.
Policy 13	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.
Policy 15	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.
Policy 16	Housing Density, Mix and Design: seeks to ensure that all new residential developments provide a mix of types and tenures appropriate to the applicable household type projections.
Policy 19	Green Space and Play Provision: seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.
Policy 21	National Forest: supports: the implementation of the National

	Forest to the north east of the borough; enhancing biodiversity; developing a new woodland economy for timber products and wood fuel energy; outdoor recreational and sports provision; and tourism developments subject to the siting and scale of the development being related to its setting within the Forest; reflecting the character and appearance of the wider countryside and not adversely affecting the existing facilities and working landscape of either the Forest or the wider countryside.
Policy 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 8	<p>Railway Station / Southfield Road - Key aspirations of this site's redevelopment are:</p> <ul style="list-style-type: none"> • Provision of an office led development to create a high quality employment zone for the town centre • Creation of active frontages onto the railway station and forecourt. • Creation of a new landmark development to give a positive impression on arrival to Hinckley by train. • Creation of a transport interchange, with buses accessing the railway forecourt to pick up and drop off passengers, to enhance connections to the Bus Station redevelopment and town centre as a whole • Provision of enhanced passenger facilities at the railway station • Provision of small retail units to compliment the railway station but not detract from the town centre.
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.

Hinckley and Bosworth Local Plan 2001	
INFRASTRUCTURE	
Policy IMP1	<p>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.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
HOUSING	
Policy RES5	Residential Proposals on Unallocated Sites: states that on sites that are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design

	<p>and layout of the proposal does not conflict with the relevant plan policies.</p> <p><i>This policy is consistent with the intentions of the NPPF if the development is within the settlement boundary but has limited consistency in all other locations.</i></p>
CONSERVATION AND BUILT ENVIRONMENT	
Policy BE1	<p>Design and Siting of Development: requires that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area with regards to scale, layout, density, materials and architectural features; avoid loss of open spaces; has regard to safety; incorporates design features which reduce energy consumption, encourages recycling and minimises impact on local environment; incorporates a high standard of landscaping; meets DDA requirements where necessary; ensure adequate highway visibility and parking standards and manoeuvring facilities; do not adversely affect the amenities of neighbouring properties; and would not be prejudicial to the comprehensive development of a larger area of land of which the development forms part. For residential proposes development should incorporate urban design standards, ensure adequate degree of amenity and privacy and provide sufficient amenity space.</p> <p><i>Criteria a - i of this policy are consistent with the NPPF and as such the policy should be given weight.</i></p>
Policy 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>
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 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 within or adjacent to an existing settlement; or b) For the change of use, reuse or extension of existing buildings, particularly those of historic value; or c) For sport or recreation purposes. <p>And only where the following criteria are met:-</p> <ul style="list-style-type: none"> i) It does not have an adverse effect on the appearance or character of the landscape. ii) It is in keeping with the scale and character of existing buildings and the general surroundings. iii) Where necessary it is effectively screened by landscaping or other methods.

	<p>iv) The proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.</p> <p><i>This policy is consistent with the intentions of the NPPF for rural enterprise proposals but has limited consistency in all other respects</i></p>
Policy NE12	<p>Landscaping Schemes: requires proposals for development to make provision for further landscaping where appropriate.</p> <p><i>This policy is partially consistent with the intentions of the NPPF.</i></p>
Policy NE14	<p>Protection of Surface Waters and Groundwater Quality: seeks to ensure that developments do not compromise the quality of the water environment.</p> <p><i>This policy has limited consistency with the intentions of the NPPF as it is too specific</i></p>
Policy NE17	<p>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 effects land known to be contaminated as a result of previous land uses.</p> <p><i>This policy has limited consistency with the intentions of the NPPF as it is too specific</i></p>
TRANSPORTATION	
Policy T5	<p>Highway Design and Vehicle Parking Standards: refers to the application of appropriate standards for highway design and parking provision for new development</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
RETAILING AND TOWN CENTRE ISSUES	
Policy Retail 6	<p>Shop Fronts: supports new or refurbished shop fronts where it will respect the local style, materials, scale and proportion; the facia 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.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy Retail 7	<p>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.</p> <p><i>This policy is consistent with the intentions of the NPPF however need to consider how up to date the designation is.</i></p>
Policy Retail 8	<p>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</p>

	<p>and would not remove an existing shop frontage or fail to provide a shop type frontage.</p> <p><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></p>
RECREATION AND TOURISM	
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>

Supplementary Planning Guidance / Documents	
New Residential Development SPG	Provides guidance on design issues to ensure new developments are well integrated into their surroundings, offer a good standard of security and amenity to future residents, protect amenity of existing occupiers and are locally distinctive in their appearance.
Play and Open Space Guide 2008 SPD	Sets out the Boroughs approach when considering applications for development likely to generate a demand for open space and play facilities.
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.
Design of Agricultural Buildings (SPG)	Sets out guidance on the development and use of new farm buildings. It sets out the many factors which should be taken into account prior to the commencement of a project, such as requirement, siting, design and landscaping. Achieving a building that meets practical needs whilst ensuring it is sympathetically designed with respect to its surroundings.

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PLANNING COMMITTEE – 19 APRIL 2016

MAJOR PROJECTS UPDATE REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

WARDS AFFECTED: ALL WARDS

1. PURPOSE OF REPORT

- 1.1 The purpose of this Report is to provide an update to Planning Committee on a number of current projects and major schemes in the Borough that are currently being proposed or implemented.

2. RECOMMENDATION

- 2.1 That Planning Committee notes the content of this report.

3. BACKGROUND TO THE REPORT

- 3.1 In order to keep Members informed of progress with regard to the delivery of major development projects, it has been agreed with the Executive Member for Planning that regular reports will be brought to Planning Committee. The following sections provide the latest update:

Strategic Planned Housing Sites

Barwell Sustainable Urban Extension (SUE)

- 3.2 The Barwell SUE is allocated in the adopted Earl Shilton and Barwell Area Action Plan (AAP) for the development of 2500 new homes and a minimum of 6.2ha of employment land.
- 3.3 Details of the scheme and an update on negotiations relating to a s106 agreement were approved at Planning Committee on 3 March 2015 following an earlier resolution to grant outline planning permission subject to s106 agreement on 23 April 2013. The Chief Planning and Development Officer has been granted delegated powers to finalise all matters associated with the completion of the s106 agreement and the range, scope and drafting of all planning conditions and issue outline planning permission. The s106 agreement is nearing completion and it is expected that outline planning permission will be issued by June 2016.

Earl Shilton Sustainable Urban Extension (SUE)

- 3.4 The Earl Shilton SUE is allocated in the adopted Earl Shilton and Barwell Area Action Plan (AAP) for the development of 1600 new homes and a minimum of 4.5ha of employment land.
- 3.5 A Development Consortium has prepared an outline planning application for the whole site and will be undertaking a programme of activity linked to its submission.

Land West of Hinckley

- 3.6 Land West of Hinckley is identified in the emerging Site Allocations and Development Management Policies DPD for the development of 850 new homes.

- 3.7 An outline planning application for the development of 850 homes on the site was submitted to the Council on 27 February 2015, this was followed by a full planning application for the development of 243 dwellings (phases 1 and 2) and associated infrastructure on 20 May 2015.
- 3.8 Good progress is being made with the assessment of this application, including negotiations relating to the design of the detailed phase one scheme and on a draft S106 agreement. It is anticipated that the application will be reported to planning committee in the summer.

Other Strategic Planning and Economic Development updates

Site Allocations and Development Management Policies Development Plan Document (DPD)

- 3.14 The Examination in Public hearing sessions took place between 29 September 2015 and 7 October 2015. Proposed main modifications to the plan were published for consultation from Friday 5 February until Friday 18 March 2016. Any representations that were made during that period will be considered by the Inspector when drafting the final Report into the Examination.

LEADER

- 3.15 The England's Rural Heart LEADER Programme 2015-2019 (European Union initiative for rural development) covers rural areas within the boroughs of North Warwickshire and Hinckley & Bosworth. Its overall purpose is to benefit rural businesses and communities by stimulating economic growth, developing rural businesses and creating new jobs in rural areas.
- 3.16 The Programme is being administered by a Team at North Warwickshire Borough Council in liaison with HBBC and the first open call for outline project applications took place between 16 November 2015 and 4 January 2016. The LEADER Local Advisory Group is meeting on 6 April 2016 to assess full applications from the first call for projects.
- 3.17 The next call for applications will open on 25th April and will close on 10th June 2016.
- Farming Productivity
 - Forestry Productivity
 - Rural Services
 - Micro and Small Enterprise, including farm diversification

4. FINANCIAL IMPLICATIONS [TF]

Strategic Planned Housing Sites

- 4.1 In relation to Barwell SUE it is anticipated that monies will be received from S106 contributions. As this is still in the negation phase the contribution sum has not been agreed.
- 4.2 The Earl Shilton SUE (paragraph 3.4 & 3.5) planning application will require officers' time to review. This cost will be met from existing budgets. The planning fees are still to be ascertained.
- 4.3 Negotiations are taking place in relation to S106 contributions for the Land West of Hinckley (Paragraph 3.8).

Hinckley Town Centre Regeneration and Employment schemes

4.4 The leader project is hosted by North Warwickshire Borough Council and is funded by the EU Rural Devolvement Scheme and therefore has no financial implications for HBBC (paragraphs 3.15 to 3.17).

5. LEGAL IMPLICATIONS [MR]

5.1 none arising directly from the report

6. CORPORATE PLAN IMPLICATIONS

6.1 This Report provides an update on projects that will contribute to the following strategic aims of the Council:

- Creating a Vibrant Place to Live
- Empowering Communities

7. CONSULTATION

7.1 None directly required in relation to this update. Statutory consultation processes on schemes form part of the development management and local plan making processes.

8. RISK IMPLICATIONS

8.1

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

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 This Report provides an update on a number of schemes, several of which are the subject of separate reporting mechanisms within which equality and rural implications are considered.

10. CORPORATE IMPLICATIONS

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

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: none

Contact Officer: Richard Crosthwaite x5695
Executive Member: Councillor M Hall

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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 01.04.16

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
	RWE	15/00768/OUT (PINS Ref 3146564)	WR	Mrs Sarah Shaw	10 St Martins Stapleton (Erection of 1 No. dwelling (outline - all matters reserved))	Awaiting Start Date	
	RWR	15/00570/FUL (PINS Ref 3146368)	WR	Sachkhand Nanak Dham	Stretton House Watling Street Burbage (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)	Awaiting Start Date	
	KP	15/00853/TPO	WR	Adam Powell	1A Everards Way Stanton Under Bardon Markfield (Works to laburnum, silver birch x2 and rowan trees)	Awaiting Start Date	
	RWE	15/01137/OUT (PINS Ref 3144838)	WR	Mrs Sue Carter	16 Main Street Stapleton (Erection of two dwellings (outline - access only) (revised scheme))	Awaiting Start Date	
16/00008/FTPP	SP	15/01255/HOU (PINS Ref 3144540)	WR	Mrs Sasha Young	34 Grace Road Desford (Single storey front extension, garage conversion & erection of detached garage)	Start Date Awaiting Decision	23.02.16
16/00004/PP	HW	15/00694/FUL (PINS Ref 3144204)	WR	Mr Rober Parkes Asda Stores Ltd	Asda Barwell Lane Hinckley (Demolition of Nos. 26 & 28 Barwell Lane and the erection of an automated petrol filling station)	Start Date Final Comments	15.02.16 13.04.16

16/00011/PP	HW	15/01024/OUT (PINS Ref 3144173)	WR	Mr Kevin Jarvis	89 Brookside Burbage (Erection of one new dwelling (outline - all matters reserved) (revised scheme))	Start Date Statement of Case Final Comments	10.03.16 14.04.16 28.04.16
16/00013/VCON	HW	15/00624/CONDIT (PINS Ref 3143843)	WR	Mr Robert Wright	1 Burton Road Twycross Atherstone (Variation of condition 2 of planning permission 10/00133/FUL to allow for the removal of two car parking spaces)	Start Date Statement of Case Final Comments	23.03.16 27.04.16 11.05.16
16/00002/ENF	CA	11/00351/S (PINS Ref 3143780)	WR	Mrs Julia Newton Winfield	231 Shaw Lane Markfield (Unauthorised Change Of Use)	Start Date Final Comments Site Visit	10.02.16 13.04.16 19.04.16
16/00003/CLD	CA	15/00933/CLUE (PINS Ref 3143504)	PI	Mr Arthur McDonagh	Land To The North Of Newton Linford Lane Newtown Linford Lane Groby (Application for a Certificate of Lawful Existing Use for a dwelling)	Start Date Final Comments Proof of Evidence (TBA) Inquiry Date - 2 days	12.02.16 19.04.16 20.09.16 18 & 19.10.16
16/00006/ENF	CA	10/00234/UNAUTH (PINS Ref 3143502)	PI	Mr Arthur McDonagh	Land To The North Of Newton Linford Lane Newtown Linford Lane Groby (Caravans present on land in contravention to the court order and enforcement action)	Start Date Final Comments Proof of Evidence (TBA) Inquiry Date - 2 days	12.02.16 19.04.16 20.09.16 18 & 19.10.16
16/00014/PP	RWE	15/00618/OUT (PINS Ref 3142663)	WR	Mr Julian Carlyle Pinehouse Ltd	36 Station Road Stoke Golding (Erection of single dwelling (outline - access only))	Start Date Statement of Case Final Comments	23.03.16 27.04.16
16/00012/PP	HW	15/00579/OUT (PINS Ref 3142543)	WR	Mr T Barton	Northwood Farm Stud Wood Lane Higham On The Hill (Erection of a dwelling (outline - access only) (resubmitted scheme))	Start Date Statement of Case Final Comments	10.03.16 14.04.16 28.04.16
16/00009/FTPP	RWE	15/00794/HOU (PINS Ref 3142349)	WR	Mr Peter Christie	152 Wolvey Road Burbage (Erection of perimeter fence and gate)	Start Date Awaiting Decision	03.03.16

16/00010/PP	SG	15/00996/OUT (PINS Ref 3142493)	WR	Mr R Raynor	Land Adj Hill Rise Station Road Desford (Erection of 5 dwellings (outline - all matters reserved))	Start Date Statement of Case Final Comments	03.03.16 07.04.16 21.04.16
16/00005/PP	SG	15/00529/FUL (PINS Ref 3140436)	WR	Darren Price	Land East Of Heath Road Bagworth (Proposed livestock building with associated access and landscaping)	Start Date Letter Final Comments	17.02.16 06.04.16
16/00001/PP	RWE	15/00778/FUL (PINS Ref 3137492)	WR	Mr & Mrs Nigel Axon	55 Greenmoor Road Burbage (Erection of a single storey dwelling)	Start Date Awaiting Decision	12.01.16
15/00029/PP	CA	14/01247/COU (PINS Ref 3135595)	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)	Start Date Awaiting Decision	09.11.15
15/00030/PP	RWR	15/00437/FUL (PINS Ref 3133608)	WR	Thomas Knapp	Land Rear Of 99 To 107 Lutterworth Road Burbage (Erection of a dwelling and associated parking)	Start Date Site Visit	16.11.15 07.04.16
15/00026/ENF	CA	15/00145/UNUSEH (PINS Ref 3132569)	WR	Michael Cash	Land North West Of Cold Comfort Farm Rogues Lane Hinckley (Unauthorised Traveller Encampment)	Start Date Awaiting Decision	26.10.15
15/00013/PP	SA	14/01274/OUT (PINS Ref 3081119)	PI	JH Hallam & Son Ltd	Land Beech Drive Thornton (Residential development of up to 49 dwellings (Outline - access))	Start Date Proof of Evidence Public Inquiry (4 days)	09.07.15 17.05.16 14-17.06.16
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
15/00010/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

15/00005/PP	SA	14/00475/OUT (PINS Ref 3004910)	PI	Mr Terry McGreal	Land Off Dorchester Road, Sherborne Road And Illminster Close Burbage (Residential development (outline - access only))	Start Date Decision Due	19.03.15 06.05.16
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Decisions Received

15/00031/PP	JB	14/00924/FUL (PINS Ref 3136005)	WR	Plesvale Ltd	Land West Of Dodwells Road Hinckley (Erection of two storey "drive- through" restaurant with associated parking and landscaping)	ALLOWED	10.03.16
15/00033/PP	JB	15/00186/COU (PINS Ref 3137291)	WR	Mrs Andrea Bailey	40D Ratby Lane Markfield (Part change of use of dwelling to nursery/childcare)	ALLOWED	15.03.16
15/00034/PP	RWR	15/00077/FUL (PINS Ref 3136226)	WR	Mr Michael Taberer	48 Roseway Stoke Golding (Proposed dwelling and associated access)	DISMISSED	15.03.16
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)	DISMISSED	21.03.16
15/00032/PP	HW	15/00061/OUT (PINS Ref 3136187)	WR	Mrs Gill Moore	42 Coventry Road Burbage (Erection of a dwelling following demolition of existing garage (outline - access only))	DISMISSED	23.03.16

Rolling 1 April 2015 - 1 April 2016

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
26	5	16	0	5	3	0	13	2	0	2	0	0	1

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
3	1	2		

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Appeal Decision

Site visit made on 16 February 2016

by G Fort BA PGDip LLM MCD MRTPI

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

Decision date: 15 March 2016

Appeal Ref: APP/K2420/W/15/3137291
40D Ratby Lane, Markfield, Leicestershire LE67 9RJ

- 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 Mrs Andrea Bailey against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 15/00186/COU, dated 27 February 2015, was refused by notice dated 21 October 2015.
 - The development proposed is partial change of use from a games room to a childcare facility employing two childcare assistants.
-

Decision

1. The appeal is allowed and planning permission is granted for partial change of use from a games room to a childcare facility employing two childcare assistants at 40D Ratby Lane, Markfield, Leicestershire LE67 9RJ in accordance with the terms of the application, Ref 15/00186/COU, dated 27 February 2015, and subject to the conditions in the schedule to this decision.

Procedural Matter

2. For clarity, I have slightly modified the description of development. The description on the original application is as follows: "Partial change of use from a games room to able to run a childcare facility employing two childcare assistants. The no. of children able to attend due to the floor area in accordance with the DFE stat. framework for early years foundation stage. Under 2's 3.5m² per child/2 years 2.5m² each/3-5 years 2.3m² per child. The age range will be predominantly 0-4 years unless after school care is required. To ensure minimal disruption on the shared drive different drop off/ collection times will be arranged. Otherwise parents will be asked to park on Ratby Lane and collect on foot."

Main Issue

3. The main issue is the effect of the appeal scheme on the living conditions of neighbouring residents in respect of noise and disturbance arising from traffic movements.

Reasons

4. The appeal property is one of four substantial dwellings set back from a cul-de-sac known as Victoria Gardens. Located within a generous plot, the appeal property has gardens to the side and rear and a substantial area of

- hardstanding to the front for parking. The cul-de-sac is accessed between 40 and 42 Ratby Road. The appeal property's garden is bounded to the rear by 17 and 19 Link Rise. Another dwelling is to the eastern boundary of the appeal property, and Launde Road is to the west.
5. The appeal proposal would secure the change of use of the room at the side of the appeal property which faces the garden and Launde Road to a childcare facility employing up to two assistants. An area of garden would be used by this facility for outdoor play, and is separated from the rest of the appeal property's garden by a fence of around 2m in height. I noted at my site visit that the room is currently in use for childcare purposes, although within the limit on the number of children allowed to be cared for according to the rights arising from The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).
 6. The use would increase vehicular traffic along the private access that serves 40D and its three neighbours. An assessment prepared by the appellant during the course of the original planning application suggested that the use would generate in order of 6 to 8 additional traffic movements a day. The appellant also submitted evidence to suggest that pick up and drop off times would be staggered to mitigate any adverse effects of multiple movements at peak times, and to fit in with the working patterns of parents using the facility.
 7. Whilst I note that the assessment only covers an example of potential users of the facility, and that circumstances could change over time, I do not consider that the number of additional car journeys would be excessively over and above the level of trips generated by a large family residing in a substantial dwelling such as this. Moreover, demand for the facility, and overall traffic movements generated by it, will vary from term-time to other times in the year. I also consider that the amount of additional vehicular movements would not be significantly greater than those arising from the currently authorised childcare use. Furthermore conditions limiting the number of children using the facility and its times of operation would help to keep the number of additional trips within reasonable limits.
 8. At my site visit, I noted that from within the cul-de-sac generally the traffic noise generated by Launde Road, a busy highway with a speed limit of 40 miles per hour, was an almost constant feature. No doubt the sound of vehicles travelling along the cul-de-sac would be different to those using Launde Road. However, given the existing noise environment, and the low speed in which cars would have to travel to negotiate the access I do not consider that the sound of the limited number of additional vehicles accessing the proposed use would cause significant harm to the living conditions of occupiers of neighbouring properties. Similarly, although there would be more opening and closing of car doors, this would be intermittent and not constant, and in any event would not be in unsociable hours. Consequently, I can apprehend no material harm arising in these regards either.
 9. I considered whether other disturbance would arise from these increased highways movements such as headlight glare. Due to the layout of the cul-de-sac, the beams of headlights would only indirectly affect Nos 40B and 40C. The property with most potential to be affected by headlights is No 40A, across from the appeal property, however, its front elevation is angled away from No 40D's driveway and the cul-de-sac, meaning that any glare would be indirect.

Furthermore, this effect would only be noticeable with a limited amount of traffic movements in mornings and evenings in parts of autumn and winter. These considerations lead me to the view that there would be no materially harmful effects arising to the living conditions of the occupiers of No 40A in this regard.

10. Consequently, as the proposed use would not cause significantly harmful effects to the living conditions of the occupiers of adjacent properties arising from the additional traffic movements, I can discern no conflict with Policy BE1 of the Hinckley and Bosworth Local Plan (adopted February 2001) or Policy DM10 of the emerging Site Allocations and Development Management Policies Development Plan Document. Taken together, and amongst other things, these Policies seek to ensure that development proposals do not cause material harm to the living conditions of the occupiers of their neighbouring properties.

Other Matters

11. I assessed whether the additional noise arising from the use of part of the garden for childcare purposes would have a harmful effect on the living conditions of adjacent properties. The proposed area set out for play is separated from the rest of the garden by a fence of around 2m in height, and is close to 40D, separated around 8m from the boundary with the adjacent properties on Link Rise. I noted that within this area the sound of traffic from Launde Road was very audible. The use of the facility for outdoor play would be for a limited amount of children, and its use would vary both throughout the year, and from day to day. In any event, the sound of a small number of children playing within the garden of a substantial dwelling would be neither unusual nor unreasonable. Moreover, the noise generated would not be significantly in excess of the noise arising from the current operation of the permitted childminding use. Consequently, given the likely level of additional sound and in the context of the existing noise environment, I do not consider that significantly harmful effects would arise to the living conditions of the occupiers of the adjacent Link Rise properties in this regard.
12. I considered whether the proposed use could exacerbate the noise caused by dogs within the appeal property. However, the barking of dogs is something that is only marginally related to the development proposed, and as such I have attached only limited weight to the matter in my determination of this appeal.
13. Respondents raised concerns with regard to highway safety. The limited number of additional traffic movements proposed, coupled with the layout of the access, which would tend to deter higher speeds, would indicate that any effects on highway safety would be marginal. I also note the lack of objections in this regard from the Local Highways Authority. Whilst concern has been expressed about accidents occurring on the lane, a lack of substantive evidence about the nature of these events, and how the limited amount of additional traffic movements could contribute to similar occurrences leads me to attach only limited weight to these considerations in my determination of the appeal.
14. I considered the adequacy of the existing on-plot parking arrangements for the proposed use. The appeal property benefits from a large area of hard standing to the front, which would provide a reasonable amount of off street parking to handle the picking up and dropping off children at the site.

15. The additional wear and tear on the unadopted road caused by vehicle movements arising from the proposed use would be difficult to quantify. In any event, the maintenance of the unadopted road is a private matter. Accordingly, the effect of the proposal in this regard is a matter to which I have only attached limited weight in my assessment of the appeal.
16. Whilst I have had regard to the suggestion that there is an overprovision of childcare facilities in the locality generally, this is essentially a commercial consideration and has thus not been instrumental in my reasoning on this case.
17. I have considered concerns regarding the health and safety of the children in respect of adequate marshalling points in case of emergency. I am persuaded, however, that the facility would have to make adequate arrangements in these regards for the purposes of its OFSTED accreditation, and accordingly have attached only limited weight to these matters in arriving at my decision.

Conditions

18. The Council supplied a suggested suite of conditions should the appeal be allowed, and I have assessed these against the criteria set out in paragraph 206 of the National Planning Policy Framework (the Framework).
19. I have attached a condition specifying the approved plans in the interests of certainty and for the avoidance of doubt.
20. A number of conditions are attached to ensure that the development respects the living conditions of adjacent occupiers. Firstly, I have attached a condition to ensure that the childcare use remains ancillary to the wider residential use of the property. Secondly, I have attached a condition limiting the childminding use to the ground floor area as shown on the approved plan. Thirdly, a condition restricts the amount of children onsite at any one time to 9. Fourthly, I have attached a condition controlling the business's hours of operation. Finally, a condition is attached that limits the times when the garden can be used for outdoor play.

Conclusion

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

G Fort

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Nursery Floor Plans M288/13/03A received by the Local Planning Authority on 2 March 2015; Site Location Plan (Scale 1:1250) received by the Local Planning Authority on 2 March 2015; and Garden Plan Drawing received by the Local Planning Authority on 24 April 2015.
- 3) The use hereby permitted shall be carried on only by the occupants of 40D Ratby Lane, Markfield, Leicestershire LE67 9RJ and the use shall not be run independently from the dwelling.
- 4) The childcare use hereby permitted shall not be carried on in any part of the dwellinghouse at 40D Ratby Lane other than the ground floor nursery room and sitting area as identified on the Nursery Floor Plans M288/13/03A received by the Local Planning Authority on 2 March 2015.
- 5) No more than 9 children shall be cared for in the use hereby permitted at any one time.
- 6) The use hereby permitted shall only take place between the following hours: 0700 to 1800 hours Mondays to Fridays and shall not operate at any time on Saturdays or Sundays.
- 7) The use for of the garden area identified in the Garden Plan Drawing received by the Local Planning Authority on 24 April 2015 in connection with the use hereby approved shall only take place between the following hours: 0900 to 1700 hours Mondays to Fridays and shall not operate at any time on Saturdays or Sundays.

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Appeal Decision

Site visit made on 26 January 2016

by Elizabeth Pleasant BSc(Hons)DipTP MRTPI

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

Decision date: 23 March 2016

Appeal Ref: APP/K2420/W/15/3136187
42 Coventry Road, Burbage, Hinckley LE10 2HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Gill Moore against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 15/00061/OUT, dated 19 January 2015, was refused by notice dated 27 August 2015.
 - The development proposed is the demolition of prefab garage to side of existing property and erection of 1 new dwelling house to the rear of existing property.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is for outline planning permission with all matters except for access reserved for future consideration.

Main Issue

3. The main issue in this case is the effect of the development on highway safety.

Reasons

4. The appeal site would share an access with No 42 Coventry Road. The existing garage at 42 would be demolished and a parking and turning area for both 42 and the appeal proposal would be created within the site to the rear of the existing property.
5. The site access is bounded to the southwest by a brick wall, which stretches across most of the site frontage, and is in the control of the appellant. To the northeast side of the access there is a hedgerow which forms the site boundary between Nos. 40 and 42 Coventry Road. A small section of the hedge lies within the appellants' control; however the remainder belongs to No 40.
6. I noted on my site visit that a fence panel, approximately 1.8m in height, has been erected within the curtilage of No 40 adjacent to the site boundary and highway. The fence has been erected since the Council made their decision and I am not aware of its planning status.
7. Having conducted traffic speed surveys the Highway Authority consider, based on the speed of traffic, that a 2.4m x 54m visibility splay would be required to

the southwest of the access and a 2.4m x 51m splay to the northeast. I am aware that there may not have been any injury accidents directly attributable to the use of this access, and I have also considered that there would be an opportunity to improve existing visibility, particularly to the southwest. However, the presence of the hedgerow to the northeast, the height of which is outside of the control of the appellant, means achievable visibility in that direction is significantly below what would be considered to be acceptable in this location. The proposed development could double the volume of traffic currently using a substandard access which would put additional drivers at risk.

8. Whilst there is some dispute over the width of access, it seems to me that it would not be possible for a vehicle to enter the site whilst another vehicle is waiting to exit it, without the vehicle entering the site partially blocking the pavement and possibly obstructing the emerging vehicles' visibility. This situation would result in obstruction to pedestrians or vehicles on the adjoining highway which would be prejudicial to highway safety.
9. I have had regard to the improvements to the on site turning facilities that would be brought about by this proposal. However, these improvements do not outweigh the harm that I have found to highway safety that would be brought about by this development through a significant increase in the use of the access which has insufficient width for the development proposed and has severe restrictions to its visibility.
10. I conclude that the appeal proposal would cause substantial harm to highway safety and would be contrary to Policy T5 of the Hinckley and Bosworth Local Plan 2001 which seeks to ensure that new development does not prejudice a safe and efficient highway and that the highway design standards set out in the current addition of Leicestershire County Council's "Highway Requirements For Development" are applied. The proposal would also conflict with paragraph 32 of the National Planning Policy Framework (the Framework) which advises that a safe and suitable means of access should be achieved for all people.

Other Matters

11. There is no dispute between parties that the site is located in a sustainable location. However, even if the Council could not demonstrate a five year housing land supply, the harm caused to highway safety set out above, significantly and demonstrably outweighs the limited economic and social benefits that would flow from the appeal proposal when assessed against the Framework as a whole.

Conclusion

12. For the reasons set out above and taking all other matters into consideration, I conclude that the appeal be dismissed.

Elizabeth Pleasant

INSPECTOR

Appeal Decision

Site visit made on 8 December 2015

by Brian Cook BA (Hons) DipTP MRTPI

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

Decision date: 18 March 2016

Appeal Ref: APP/K2420/W/15/3031279

Land North West of Barlestone Road, Bagworth, Leicestershire GR Easting: 443641; Northing: 308092

- 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 AGR Renewables Ltd against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 14/00729/FUL, dated 28 July 2014, was refused by notice dated 12 November 2014.
 - The development proposed is a single wind turbine with a maximum blade tip height of up to 94m and associated infrastructure including turbine foundation, crane hardstanding, transformer and electrical equipment kiosks, temporary construction compound and ancillary infrastructure.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. Although the appeal was made by the company set out in the summary details above, the planning application was submitted by RES UK & Ireland Ltd. The applicant company confirmed by letter dated 20 July 2015 that the development interest had been transferred to the appellants company.
3. The Council determined on 5 August 2013 that an Environmental Impact Assessment would not be required. On receipt of the appeal the Secretary of State agreed with that conclusion.

Policy Matters and Main Issues

Policy matters

4. The Council cites three saved policies from the Hinckley & Bosworth Local Plan, (LP), adopted in February 2001 in the reasons for refusal. The Hinckley & Bosworth Core Strategy was adopted in December 2009 but neither party refer to any of its policies. There is an emerging Hinckley & Bosworth Site Allocations and Development Management Policies Development Plan Document (DPD) which has been submitted for examination which is ongoing. The most relevant policy is DM2 which addresses the delivery of renewable energy and low carbon development. However, this policy has been subject to considerable alteration and I agree with the parties that in the circumstances very limited weight should be afforded to this DPD policy in accordance with paragraph 216 of the National Planning Policy Framework (the Framework).
-

5. An important part of the supporting evidence base for DPD policy DM2 is the *Hinckley and Bosworth Renewable Energy Capacity Study* (RECS). Among other things, the RECS identifies opportunity areas for renewable and low carbon energy developments. The appellant's evidence is that the appeal proposal is sited within an opportunity area identified for wind energy development.
6. However, the report contains some important caveats as to its use in relation to those areas. First, it contains only a landscape sensitivity assessment. It specifically states that there will be many other factors influencing decisions on the location of wind turbines including impacts on visual amenity. Second, it provides strategic guidance at the landscape character area (LCA) level only; local variations in character need to be considered for individual proposals. Third, it does not negate the need for detailed landscape and visual impact assessment (LVIA) on a case-by-case basis in relation to an individual planning application. Finally, it should not be interpreted as a definitive statement on the suitability of a particular landscape for a particular development. Given these caveats and the current position of the DPD policy that may give expression to the RECS outcomes, I believe that very little weight should be afforded to what the appellant interprets as apparent support for a specific scheme in any particular opportunity area identified.
7. LP policy BE27 addresses only wind power and states that planning permission will be granted for wind farms and individual wind turbines where five criteria are met. The appellant contends that this policy is inconsistent with the Framework and thus out of date. As I understand the appellant's evidence, this is because it allows no room for a balance of considerations to be made with regard to any adverse effects being addressed satisfactorily.
8. Specifically, the appellant argues that criterion (b) does not reflect the planning test considered to be inherent in the *Overarching National Policy Statement for Energy* (EN-1) and the *National Policy Statement for Renewable Energy Infrastructure* (EN-3), both of which are quoted. The appellant contends that the test is to judge whether the visual effects on sensitive receptors outweigh the benefits of the project. The appellant then says that the appeal proposal should be considered in '...the more recent (than the LP) planning policy context which attributes weight to proposals that have been carefully designed, employ reasonable mitigation and allow for the wider benefits of a proposal to be engaged as part of a balance when considering the visual effects of a proposal.'
9. I do not believe the appellant's interpretation that this balance must be within the relevant policy rather than the plan as a whole to be correct. EN-1 and EN-3 were both issued in 2011 as guidance to the (then) Infrastructure Planning Commission in coming to the decisions that it would make on developments within its remit. Neither directly indicates the weight that should be attributed to the energy benefits of the proposal. Nor do they suggest that the benefits should be weighed against the harm before a conclusion is drawn on the issue of visual or landscape impact.
10. While footnote 17 to Framework paragraph 97 confirms that in decision-making the approach set out in EN-3 together with relevant sections of EN-1 should be followed, there is nothing in Framework section 10 to suggest that the benefits of renewable and low carbon energy should be specifically taken into account

before concluding on the acceptability of a proposal against any particular issue such as landscape and visual impact. This contrasts with Framework section 12 for example where a conclusion on whether consent for a proposal should be given requires harm to the significance of a heritage asset to be balanced against the public benefits of the proposal. It contrasts also with Framework paragraph 88 where, as a matter of policy, the weight to be attributed to any harm to the Green Belt is specified.

11. Instead, Framework paragraph 98 simply says that an application should be approved where its impacts are, or can be made, acceptable. Landscape and visual impact is therefore one of the impacts that must be judged. In my view, LP policy BE27 sets out the impacts that need to be judged and is therefore not inconsistent with the Framework.
12. To complete this review of the evolution of national policy, on 18 June 2015 a Written Ministerial Statement (WMS) was issued. Although entitled *Local Planning*, its sole focus is onshore wind turbine development. It sets out new considerations to be applied to proposed wind energy development so that local people have the final say on wind farm applications, thus fulfilling the commitment made in the Conservative election manifesto.
13. Both parties have commented upon the implications of the WMS for this appeal. In doing so, a number of planning appeal decisions by both the Secretary of State and Inspectors have been included or referred to and the appellant in particular has undertaken an analysis of the objections lodged by local people in this case. This analysis is both qualitative, in that the extent to which the planning impacts identified have been addressed is examined, and quantitative in that the number of representations are expressed as a proportion of the affected community. This is then compared with what the appellant estimates to be equivalent proportions in two decided appeals.
14. I have taken all these comments into account. In the circumstances of the DPD described above I consider that it is the transitional provision in the WMS that applies to this appeal. While I have no reason to doubt the accuracy of the appellant's quantitative analysis, that was not the approach that the Secretary of State took to assessing the extent to which the planning impacts identified by the affected local community had been addressed in either case¹. Since these are two of the most recent decisions issued by the Secretary of State since the WMS was issued, I attribute substantial weight to the WMS in that context.

Main Issues

15. An Environmental Report (ER) accompanied the planning application. This included separate and comprehensive assessments of, among other things, ecology, ornithology, landscape and visual impact, cultural heritage, noise and vibration, shadow flicker, transportation and access, hydrology and flood risk and electromagnetic interference and aviation. All of these matters have been the subject of review by the responsible officers within the Council and/or the appropriate external consultee such as Natural England, English Heritage (as it then was) and the Coal Authority.

¹ APP/J0405/A/13/2194726 and APP/Y3425/A/14/2212769

16. These expert reviews have, with the single exception of landscape and visual impact, found either no evidential basis for the concerns expressed in the representations on the planning application or that the impacts can be addressed through the imposition of appropriate conditions. I have no evidence to disagree with the majority of those expert reviews. However, on the basis of my visit to the site and the surrounding area, I consider that the effect on cultural heritage matters (raised by local residents) is also of concern.
17. The main issues for the determination of this appeal are therefore:
- (a) The landscape and visual impact that the appeal proposal would have; and
 - (b) The effect that there would be on the settings of designated heritage assets.

Reasons

The landscape and visual impact that the appeal proposal would have

18. The proposed wind turbine would be erected within an agricultural field to the west of the broadly linear village of Bagworth. As set out in the summary details above, it would stand just over 90m to the blade tip. It would stand at a high point locally but, from the perspective of the majority in the village, it would be beyond a line of overhead power lines and the associated pylons. Although in contrast to the wind turbine proposed these are open, static structures and they are, in my opinion, dominant features in this part of the landscape. Beyond them however, the landscape is open and extensive with the village of Nailstone and its prominent church tower easily seen as is the more distant church tower in what was identified by the parties as Market Bosworth.
19. Looking generally back towards Bagworth from the Nailstone area and the public rights of way such as the Ivanhoe Way the proposed turbine would be seen against the backdrop of the pylons and, to a lesser degree, the village itself. Also in the panorama are, to one side, another turbine (Stonehaven-110m to blade tip) that was under construction at the date of my site view and, to the other side, the business parks and industrial buildings in the direction of Ellistown and the A511. Some of these buildings have a verticality including a stack of modest height associated with one of them.
20. The wider landscape therefore exhibits many of the landscape characteristics of the Forest Hills LCA within which the appeal site lies. These are listed within the appellant's LVIA as:
- (a) Gently undulating landform with small plateaus on higher ground with the highest point being centred around Bagworth;
 - (b) Predominantly rural landscape with arable and rough set-aside, influenced by industrial/urban features such as masts, poles and pylons;
 - (c) Industrial heritage of quarrying and mining resulting in areas of restored land and new woodland within the National Forest;
 - (d) Generally large scale field pattern with groups of smaller fields surrounding settlements;
 - (e) Linear settlements of former mining villages with sparsely scattered farms on slopes in between;

- (f) Good public access areas and footpath network throughout, especially within the National Forest area;
 - (g) Visually open due to immature plantations; and
 - (h) Wide-ranging views from higher ground.
21. The appeal proposal would introduce an uncharacteristically large structure into this landscape and, moreover, one that would have significant movement associated with it when functioning as it is designed to do. It would therefore change the character of the area in which it would be located. However, in my view, that change would be appreciated from relatively confined areas within Bagworth and from some of the public rights of way and other highways in the near vicinity. Even that would be tempered to a degree by the existing and dominant pylons. In more distant views I do not consider that the proposed turbine would read as a significant new element in a landscape already characterised to a degree by vertical structures such as the pylons and an emerging wind turbine.
22. I turn briefly now to the cumulative impact that there would be from the appeal proposal and others that exist, are consented or are awaiting a decision. In doing so I have taken account of the advice in the Planning Practice Guidance (PPG). Most of the schemes within 5km of the appeal proposal are to the south east of it. Some are considerably smaller than the appeal proposal. While some would be seen in the same view from certain locations I do not believe that this would lead to the character of the area changing to one that could be described as an energy landscape.
23. These conclusions are generally consistent with those of the appellant's LVIA. This has been prepared very much in the context of the RECS findings and recommendations. The RECS considers the sensitivity of this landscape to single large-scale turbines (80m-135m) to be moderate. It defines 'moderate' as 'some key characteristics and qualities of the landscape are vulnerable to change from wind turbines. Although the landscape may have some ability to absorb some development, it is likely to cause some change in character. Care would be needed in locating turbines.' In my judgement that analysis is fair.
24. The LVIA considers the landscape effect as perceived by landscape receptors at various distances from the proposed turbine. For those receptors within 1km (generally the residents of Bagworth and some users of the highways in that area) the effect is assessed as 'moderate' or 'moderate/minor'. Such assessments are, notwithstanding the rigour inherent in the LVIA process, subjective to a degree. However, I see no reason to disagree with the appellant's view. Elsewhere in the LVIA it is confirmed that, unless otherwise stated, it is assumed that all effects are adverse.
25. On that basis, the appellant's own evidence is that there would be a conflict with LP policy NE5 in this regard since under criterion (i) planning permission will be granted for development in the countryside only where it does not have an adverse effect on the character of the landscape. This policy is not inconsistent with the core planning principles set out in Framework paragraph 17. LP policy BE1 is a general design policy applicable to all development. To the extent that it is relevant, there would be no conflict with criterion (a) since, in the widest sense, the appeal proposal would complement the character of the surrounding area as discussed above. On this part of the main issue I consider LP policy BE27 to be silent.

26. I turn now to visual impact. The appeal proposal is for a generic rather than a specific model of wind turbine. While the overall maximum blade tip height is specified, the hub height and blade length are not. However, the turning blades will be at the top of the structure and thus the most prominent element of the turbine will be in the widest view.
27. The appellant quotes EN-3 as saying wind turbines ‘...are large structures and there will always be significant landscape and visual effects....for a number of kilometres around a site.’ This is a recognition at national policy level that traditional mitigation measures such as planting or the erection of screen bunds are likely to be very limited in their effect and that it is sensitive siting and distance from important visual receptors that is likely to be most effective in ameliorating impact. Indeed, the appellant’s LVIA specifically states that ‘...the turbine would give rise to some level of ...visual effects, which are not feasible to mitigate by providing screening.’
28. The appellant’s LVIA considers this issue in considerable depth. Residential occupiers and users of the public rights of way are identified as having the highest sensitivity to visual effects and can therefore be interpreted as being the most important viewpoints from which the turbine would be seen.
29. As stated above, Bagworth is for the most part, a linear settlement. As such many of the properties will have a view from their gardens and rooms at first floor especially across the landscape into which the development would be installed. Most of these properties would be about 1km or slightly less from the development. From within the modern developments to the north of the village it would only be those properties on the edge that would have a view across the development given the layout of the estates and orientation of the buildings. From public rights of way there would be clear views to the turbine which in places, on the appellant’s evidence, are about 250m from the turbine.
30. The appellant’s LVIA assesses the visual effect on these and many other receptors such as a number of recreational facilities in the immediate and wider area as being ‘moderate’ at least in many cases. On the basis of my site view I believe that to be fair. As set out earlier, that equates to an adverse effect.
31. Dealing very briefly with cumulative visual impact, my view is that this would be limited. To the extent that others would be seen at all together or in sequence with the appeal proposal, this would be in the context of the landscape at large scale.
32. The appeal proposal would therefore conflict with LP policy BE27 since the proposal has not been located such that the proposal would not be unduly prominent in views from important viewpoints. It would also conflict with LP policy NE5 since it would have an adverse effect on the appearance of the landscape.
33. To conclude on this issue, I consider that there would be a conflict with the development plan for the reasons set out. The extent to which issues such as what the appellant terms the ‘Lavender test’ should weigh against that conflict will be considered when I turn to the planning balance.

The effect that there would be on the settings of designated heritage assets

34. This is the subject of a short section of the ER which, among other things, includes a very brief summary of the fuller settings assessment given in Appendix D of the ER.
35. The church at Market Bosworth is just beyond the 5km study area used for the cultural heritage assessment. Of the two churches referred to above it is only the Grade II* Church of All Saints in Nailstone that has been assessed. The primary setting is said to be the churchyard grounds and its relationship with the buildings within the wider Nailstone settlement. However, both the LVIA and the cultural heritage sections of the LVIA refer to the tower and spire as a prominent feature in the landscape (the LVIA refers to it as a landmark), especially when viewed from the main approaches to Nailstone from the north, north west, north east and south. The proposed turbine would be to the north east.
36. Churches generally have an important historic and cultural role in society with the spires and towers reflecting and emphasising the power and significance of the institution. The height and prominence of such towers and spires ensured that this was appreciated over a wide area. That area should, in my judgement, be considered as part of the setting of the heritage asset. The visual supremacy of the church within that setting contributes to the significance of the asset.
37. In my judgement, the proposed turbine and the Church of All Saints tower and spire would be seen in the same view by walkers travelling from Bagworth towards Nailstone along a short length of the Ivanhoe Way until it passes beneath the power lines. For that short time the turbine would challenge the supremacy of the tower and spire in the landscape and cause an albeit limited degree of harm to the significance of the heritage asset. In that sole regard, I do not consider the appellant's assessment of the level of effect as 'neutral' to be correct.
38. Where less than substantial harm to the significance of a designated heritage asset would be caused, Framework paragraph 134 requires that harm to be balanced against the public benefits of the proposal. The PPG advises that a public benefit should flow from the development proposed and be of a nature and scale to be of benefit to the public at large and not just a private benefit.
39. In this case, the development would generate enough electricity to power the equivalent of at least 470 homes per annum at the annual average consumption figures assumed in the ER while saving some 21,600 tonnes of CO₂ emissions over the 25 year life of the project. My understanding is that this would be made available direct to the national grid rather than being used on the farm and would thus be a public benefit as defined.
40. In my view this modest contribution to the Government's climate change agenda would outweigh the very limited harm that I have found to the significance of the Listed church. There would therefore be no conflict with Framework policy in this regard.
41. In coming to this conclusion I have had the special regard to the desirability of preserving the setting of the Listed Building identified that is required by s66 of

the Planning (Listed Buildings and Conservation Areas) Act 1990. The courts have held that in this context 'preserving' means doing no harm. Where, as in this case, an albeit very limited degree of harm has been found, that harm must nevertheless be given considerable importance and weight in the balancing exercise required by Framework paragraph 134.

Planning Balance

42. Framework paragraph 6 explains that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. Those paragraphs give effect to the core planning principles in Framework paragraph 17. It is clear that a balance has to be struck between them when determining whether or not a proposal amounts to sustainable development. In doing so regard must be had to the three dimensions of sustainable development set out in Framework paragraph 7.
43. Framework paragraph 93 confirms that supporting the delivery of renewable and low carbon energy and associated infrastructure is central to all three dimensions. Applicants and appellants do not need to demonstrate the overall need for renewable or low carbon energy and decision makers must recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions (Framework paragraph 98).
44. However, although the appellant states that the appeal proposal will support the farming business as a reliable form of diversification, no evidence in the form of the contribution to the balance sheet going forward has been submitted. Any contribution to local employment is likely to be confined mainly to the construction period. The contribution to the economic role is therefore uncertain.
45. The renewable energy benefits contribute to the environmental role but for the reasons set out above, the development would not protect or enhance the natural and historic environment. There would be some harm to landscape character and visual appearance and less than substantial harm to the significance of a designated heritage asset. Although the latter does not give rise to a policy objection for the reasons set out, that is not the test when considering the environmental dimension of sustainable development. There would therefore be no positive contribution towards the environmental role overall.
46. Therefore, balancing the Framework policies as a whole it is my view that the development would not amount to sustainable development as defined in the Framework. The presumption in Framework paragraph 14 does not therefore apply. In any event, as set out above, I do not regard the development plan as silent or out of date. Nor would the appeal proposal accord with the development plan policies. In accordance with s38(6) of the 2004 Act the appeal should therefore be dismissed unless material considerations indicate otherwise.
47. Although I have found that there would be a conflict with LP policy in respect to both landscape character and visual impact, in both cases the harm would be limited in my view. The perception of harm to landscape character would be confined to a relatively small area within about 1km of the proposed turbine. The visual impact would not be such as to make any property unattractive and

thus an unsatisfactory place in which to live (the so-called Lavender test). In my judgement limited weight should be given to the development plan conflict in the planning balance.

48. That however is not the view of those of the affected local community who have made representations. Applying the transitional provision set out in the WMS, I am not satisfied that the planning impacts identified by that community have been addressed. These include the effects that there would be on the landscape character, visual impact and the effect on the view of the church in Nailstone. Having concluded that the proposal would have some limited impact in regard to all three matters, I conclude that those planning impacts as identified by the affected communities have not been addressed. As such the proposed development would not meet the transitional arrangements set out in the WMS. Significant weight should be given to this non-compliance.
49. Having weighed all relevant considerations, I conclude that the factors which weigh in favour of the proposed development (which are the contribution to renewable and low carbon energy and the reduction in greenhouse gas emissions) do not outweigh the limited conflict with the development plan identified and the material consideration to which significant weight must be given. The outcome of this balancing exercise indicates that the appeal should be dismissed. In this respect I note that my decision is consistent with those of the Secretary of State issued and drawn to my attention since the WMS was published and with that in respect of two turbines near Stone Park Farm (APP/Y3425/A/2212769) in particular. This was issued on 21 October 2015 and is one of those referred to by both parties.

Conclusion

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

Brian Cook

Inspector

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Appeal Decision

Site visit made on 16 February 2016

by G Fort BA PGDip LLM MCD MRTPI

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

Decision date: 15 March 2016

Appeal Ref: APP/K2420/W/15/3136226

Land to the North of 48 Roseway, Stoke Golding, Warwickshire CV13 6HQ

- 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 Michael Taberer against the decision of Hinckley and Bosworth Borough Council
 - The application Ref 15/00077/FUL, dated 19 January 2015, was refused by notice dated 10 April 2015
 - The development proposed is Construction of bespoke disabled dwelling and associated access
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether or not the appeal scheme would be consistent with the principles of sustainable development having regard to the National Planning Policy Framework ("the Framework") and the development plan.

Reasons

3. The appeal site is an area of open land adjacent to the turning head of Roseway, a predominantly residential street which slopes upwards towards the site. The site is undulating, and in the main open with a shed and steel container close to the boundary with 77 Roseway. Trees define the eastern boundary of the site, and frame its entrance from the street, although it is open to the north and the south. In all directions but westward the site is bounded by open agricultural fields. To the north these blend into open countryside, with the rooflines of houses visible in the middle distances. The rears of houses to the south and east are more prominent in the view across the adjacent field. Roseway itself comprises, in the main, large detached and semi-detached properties, set back from the road and varying between one and two storeys, predominantly faced in brick.
4. The proposal is for the development of single storey dwelling with accommodation in the roof space, with a ridge height of around 7 metres. Dormers at the front and rear would project from the roofline. The hipped roofed garage would present its door to Roseway and be attached to the dwelling's principal elevation by a pitched roofed link building.

5. The Hinckley and Bosworth Core Strategy (adopted 2009) ("the Core Strategy") recognises Stoke Golding as a Key Rural Centre and sets a framework in Policy 11 to support local services and maintain population levels, including allocating land for at least 60 new homes. The appeal site is, however, outside of the settlement boundary for the purposes of the Hinckley and Bosworth Local Plan (adopted February 2001) ("the Local Plan"), Policy NE5 of which restricts residential development in the countryside.
6. Given the age of the Local Plan, I have had regard to advice of the Framework at paragraph 215 that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework". I have also been mindful of the appeal decisions referenced by the parties, which consider the materiality of Policy NE5¹. I also had regard to another appeal decision referenced by the appellant², however, the proposal, policy background, and location of that appeal decision were all factors that distinguished it from the current case, and consequently, I have attached only limited weight to it in my assessment of this scheme.
7. Policy NE5's objectives in terms of protecting the character and appearance of the countryside are broadly consistent with the Core Planning Principles set out in paragraph 17 of the Framework, in particular bullet 5, which states that planning should "take account of the different roles and character of different areas... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it." However, there is a tension between NE5's restrictive approach to residential development and the Framework's policy in relation to rural housing at paragraph 55, which states inter alia that "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities."
8. Consequently, and irrespective of the current housing supply position, I have given due weight to Policy NE5's objectives in respect of protecting the character and appearance of the countryside, but have attached greater weight to the Framework's policy on rural housing in the determination of this appeal.
9. The Framework sets out the three dimensions of sustainable development in paragraph 7, namely the environmental, social and economic. Taking the environmental role of planning first, the Framework states that planning should contribute to protecting and enhancing the natural, built and historic environment.
10. The proposal's effects on the character and appearance of the area are thus an essential consideration in an assessment of its contribution to wider environmental sustainability. The site currently acts as a visual endpoint of the suburban character of Roseway, and blends into the much more open countryside. From Roseway itself, due to its sloping topography, the existing open character of the site allows views through to the open fields and sky beyond. The site itself blends into the surrounding agricultural land. The proposal would introduce development deeper into the open setting of Stoke Golding, beyond the extent of the curtilages of adjacent development and would have an inevitable effect on the open and rural character of the site, and its contribution to the wider landscape.

¹ APP/K2420/A/12/218108; APP/K2420/A/13/2200224; APP/K2420/W/15/3003301

² APP/X0360/A/13/2209286

11. Development of the site would be visible in views particularly from the rolling open countryside to the north. In these views, the proposal's excessive fenestration would be an eye-catching and visually jarring intrusion at variance with the area's wider rural character. Given the topography of the surrounding landscape, additional landscaping would do little to soften this effect and would itself introduce a level of subdivision within the open setting of the settlement that would look incongruously domestic.
12. From Roseway itself, the prominent gables, large dormers and particularly the garage and link building would be visible, and would be dominant and incongruous features at odds with the roof forms and development pattern of adjacent dwellings. The appeal proposal's blank western wall and its garage door would be its most prominent features in the context of Roseway, and be at variance with the wider development pattern which presents active front elevations to the street.
13. The proposal would thus be unsympathetic to both the character and appearance of the wider rural area, and that of the streetscene of Roseway, and in terms of the environmental aspect of sustainable development this would weigh heavily against the proposal. Whilst I note the aspirations to employ renewable technologies in the proposal and the site's reasonable level of accessibility, these considerations would not outweigh the harmful effects to character and appearance in this case.
14. From the economic point of view, the proposal would have demonstrable, though modest, benefits during its construction. However, its harmful effects on character and appearance would endure long after the benefits of employment associated with the construction had faded. The appeal scheme would also have social benefits, by providing housing accessible to people with disabilities although again, as this is only one unit, the benefit would be of a modest scale.
15. Consequently, the appeal scheme, due to its significant and harmful effects on the character and appearance of its surroundings would constitute a low level of environmental sustainability for the purposes of the Framework, whilst there would be benefits arising from the scheme they would be modest, and not outweigh this harmful effect.
16. I had regard to a recent planning permission for development outside of Stoke Golding's settlement boundary³. However, there were a number of considerations in that previous decision that differentiated it from the current scheme, including the scale of the social benefits that the scheme would deliver in terms of delivery of both market and affordable housing, and the more significant economic benefits flowing from construction of a much larger scheme.
17. Whilst, I can apprehend no conflict with the objectives of Policy 11 of the Core Strategy that seek to support local services and maintain rural population levels in Stoke Golding, the proposal due to its significantly harmful effects on the character and appearance of the area would not constitute sustainable development and would thus be at variance with the Framework, and the objectives of Policy NE5, which, taken together, and amongst other things seek

³ LPA reference 14/00262/OUT

to ensure that development is sustainable and respects the character and appearance of the landscape and wider surroundings.

Other Matters

18. The appellant submitted a unilateral undertaking in respect of provision and maintenance of public play and open space provision for children. Whilst this would be a benefit it would be a modest one, and would not weigh heavily in favour of the proposal, when balanced against the scheme's harmful effects.
19. I have had regard to the evidence of discussions between the appellant and Council officers during the original determination of the planning application. However, I have only attached limited weight to this background in arriving at my decision. The issue of precedent was not mentioned in the Decision Notice as part of the reason for refusal and consequently has not been a determinative matter in my assessment of the appeal.

Conclusion

20. The proposal, although having modest environmental, social and economic benefits would have demonstrably harmful effects on the character and appearance of the surrounding area. These significantly harmful effects would be indicative of a low level of environmental sustainability in the wider sense and would weigh heavily against the appeal scheme. Consequently, I have found that the proposal would conflict with the development plan and the Framework in this regard. As no other material considerations indicate otherwise, I conclude, for the reasons given above, and having regard to all other matters raised, that the appeal should be dismissed.

G Fort

INSPECTOR

Appeal Decision

Site visit made on 26 January 2016

by Elizabeth Pleasant BSc(Hons)DipTP MRTPI

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

Decision date: 11 March 2016

Appeal Ref: APP/K2420/W/15/3136005

Unit A, Dodwell Bridge Industrial Estate, Dodwells Road, Hinckley, Leicestershire LE10 3BZ

- 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 Plesvale Ltd against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 14/00924/FUL, dated 17 September 2014, was refused by notice dated 10 April 2015.
 - The development proposed is a freestanding two storey restaurant with associated drive-thru, car parking and landscaping and the installation of 2no customer order display and canopy.
-

Decision

1. The appeal is allowed and planning permission is granted for a freestanding two storey restaurant with associated drive-thru, car parking and landscaping and the installation of 2no customer order display and canopy at Unit A, Dodwell Bridge Industrial Estate, Dodwells Road, Hinckley, Leicestershire LE10 3BZ in accordance with the terms of the application, Ref 14/00924/FUL, dated 17 September 2014, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The Council's Decision identifies the neighbouring employment premises as Unit A. It is clear from the application forms and neighbour representations that the appeal site is Unit A and that the neighbouring employment premises of concern are Unit B. I have therefore referred to the neighbouring premises as Unit B in my decision.

Main Issues

3. The main issues in this case are the effect on:
 - Highway safety, with particular regard to congestion around the junction of the A5 and A47; and
 - The operation of the neighbouring employment premises (Unit B), with particular regard to security, parking and service provision.

Reasons

Highway safety

4. The site takes access off Dodwells Road (A47) just to the north of its junction with the A5 Watling Street. The junction of these roads is serviced by a signalised roundabout (Dodwells Island) which has recently been upgraded and improved by Highways England (HE) as part of a Pinch Point Plus scheme to improve the operation of the local highway network.
5. The site access is currently used exclusively by the occupiers of the neighbouring Unit B and evidence has been submitted by PTB Transport Planning Ltd on their behalf.
6. Although there is some dispute over the nature of the traffic on Dodwells Road, it is accepted by all parties that vehicles travelling south towards Dodwells Island during peak hours, consistently queue past the site access. For this reason the Local Highway Authority has requested that the proposed development include local carriageway widening to enable a 'ghost island' right turning lane to be provided. These mitigation measures, together with central pedestrian refuge islands in Dodwells Road, could be secured through a condition. The proposed development would generate additional traffic onto the local highway network. On the basis of the findings of the study undertaken by the appellant, the majority of this traffic would be either 'passing-by' or undertaking a minor alteration to their route, and would not be new traffic to the locality. I have taken into consideration the effect of the increase in traffic on the local highway network and specifically on queues leading onto Dodwells Island and the functioning of this junction. In doing so I have had regard to representations from interested parties which dispute the new traffic predictions as a result of the proposal and concerns that future traffic growth in the area has not been considered.
7. However, the Transport Assessment (TA) and subsequent Transport Statement (TS) demonstrate that the proposal would not have an adverse effect on the function of Dodwells Island which is forecast to operate within capacity and with minimal additional queues up to 2018. The TS acknowledges that there would be a slight increase in traffic queuing towards the Island although given the operation of the now signalised junction, this would be minimal. Moreover, the increase in traffic would not compromise the safe functioning of the junction. This view is supported by the Local Highway Authority which considers that a 'ghost island' right turning lane would mitigate any impact and has not raised any objections to the proposal, subject to such mitigation. Highways England has not objected to the proposal.
8. I have also considered the impact of the proposed development on the operation of the site junction with Dodwells Road. It is accepted by all parties that this junction has adequate visibility and at the moment operates well below its capacity. The appeal proposal would substantially increase the amount of traffic using this junction based on its current use levels and as such there would be some impact on its existing users. Based on the figures provided on behalf of the occupiers of Unit B, vehicles using this junction would experience just over a 2 minute delay at peak time. Therefore, even though this delay may increase marginally with future traffic growth and taking into account the alterations to internal site arrangements proposed for Unit B, I do

not consider that this would have a significant effect on the use of the junction or the flow of traffic.

9. It is accepted that vehicles turning right out of the site access would often have to turn into queuing traffic. However, Dodwells Island is now signalised with the flow of traffic regulated and traffic is likely to be rarely stationary for more than a couple of minutes at this point. Furthermore the traffic is generally moving slowly in the vicinity of the site, including that traffic travelling in a northerly direction along Dodwells Road having just exited the Island. Having had regard to the accident data supplied and acknowledging that there would be some additional queuing both on the adjoining highway network and at the site junction, I am satisfied that the proposal would provide a safe and suitable access to the site for both vehicles and pedestrians and that the impact on the local highway network would not be severe.
10. I conclude that the appeal proposal would not have a significant effect on highway safety, with particular regard to congestion around the junction of the A5 and A47. I therefore find no conflict with Policy T5 of the Hinckley and Bosworth Local Plan, 2001 (Local Plan) which seeks to ensure that new development does not prejudice a safe and efficient highway nor conflict with paragraph 32 of the National Planning Policy Framework (the Framework) which advises that a safe and suitable means of access should be achieved for all people and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Operation of the neighbouring employment premises (Unit B).

11. The appeal proposal would alter the internal site access, parking and service arrangements for the adjacent employment premises (Unit B). It would also require the existing perimeter fence and gates to be altered to allow 24 hour access to the proposed development.
12. The appeal site is currently vacant and the occupiers of Unit B have therefore been able to utilise the site in an unrestricted manner whilst it has remained an open hard surfaced area. The appeal site is however an allocated employment site. It seems to me that whatever its future use may be, it is likely that the occupiers of Unit B would need to make some changes to their existing parking/servicing arrangements to accommodate the new use.
13. The appellant has provided a potential internal site layout for this Unit and I have had regard to the comments of the current occupiers on this drawing. However, I am satisfied that Unit B would retain sufficient space to provide on site parking and manoeuvring space for its existing and future operators.
14. It would be necessary for the existing gates and security fencing to be removed from their current location at the site entrance. I recognise that this is a concern for the current occupiers of Unit B, however I see no reason why, if deemed necessary, fencing could not be realigned around the new perimeter proposed for Unit B. Furthermore, the site security measures proposed by the appellant, including CCTV and lighting, together with its proposed 24 hour operation, would provide some surveillance of the premises during the evening/night time and weekends when this business is currently closed. There is no evidence that the proposal would give rise to an increase in anti-social behaviour or crime in the area.

15. I conclude that the proposed development would not have a significant or harmful effect on the operation of the neighbouring employment premises (Unit B), with particular regard to security, parking and service provision. There is therefore no conflict with Policy BE1(c) of the Local Plan which seeks to ensure that new development has regard to the safety and security of both individuals and property.

Other Matters

16. I have had regard to concerns that the site is not sequentially preferable or sustainably located, and that the proposal does not make adequate provision for pedestrians and could cause danger to cyclists. I note that the Council accepts that it has been demonstrated that no sequentially preferable sites in town centres are available, that the loss of land identified for employment purposes is justified in this case and that in principle the proposed use in such a location is appropriate and I have no substantive evidence before me to conclude otherwise. The proposed development would include dedicated pedestrian links to the footways on the adjacent highways and pedestrian refuges could be provided within the carriageway on Dodwells Road where there is also a cycleway. The Local Highway Authority has not raised any objections to the proposals on these grounds and from my inspection of the site I concur with their views.

Conditions

17. The Council has suggested a number of conditions which I have considered against the advice in the Framework and Planning Practice Guidance. As a result I have amended some of them for clarity and consistency.
18. A condition specifying the approved plans is required as this provides certainty.
19. Conditions are imposed relating to details of off-site highway works and restrictions on any gates, barriers, etc to be provided in the interests of highway safety. A condition relating to cycle parking is also necessary to encourage a sustainable transport choice. I have imposed a condition requiring a programme of archaeological work to safeguard any archaeological remains and conditions in relation to landscaping are necessary to protect the character and appearance of the area.
20. A condition is required relating to details of lighting to protect bat foraging habitats and a condition relating to the control of emissions of fumes is necessary to protect the living and working conditions in the locality. Conditions have been imposed relating to drainage to prevent pollution of the water environment and any increase in risk of flooding.

Conclusion

21. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Site Location Plan H8443-01 Rev B; Block Plan H8443-02 Rev B; Proposed Building Plan 8443-07; Proposed Elevations H8443-04 Rev A; Proposed Elevations H8443-05 Rev A; Site Layout Drawing H8443-03 Rev C; Site Finishes Drawing H8443-06 Rev D; Flood Risk Assessment Rev A (ref: KRP/LEM/37319-001. dated July 2014).
- 3) No development shall commence until details of the design for the off-site highway works for the staggered 'ghost island right turn lane' junction (including the access to the Teal Business Centre) and forward visibility on the A47 Dodwells Road have been submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall be completed in full accordance with the approved details prior to the development being first brought into use.
- 4) No development shall take place until details of the cycle parking provision have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided in full accordance with the approved details prior to the development being first brought into use and shall be retained thereafter.
- 5) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 6) 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: hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, etc); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); planting plans; written specifications; schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) No development shall take place until details of any external lighting have been submitted to and approved in writing by the Local Planning Authority. The details shall include a layout plan with beam orientation, schedule of equipment proposed (including luminaire type, mounting

height, aiming angles and luminaire profiles). Development shall be carried out in accordance with the approved details.

- 9) Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
- 10) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

- a) limiting surface water run-off generated by all rainfall events up to the 100 year plus 20% (for climate change) critical rain storm so that it will not exceed the run-off from the existing site and not increase the risk of flooding off site;
- b) provision of sufficient surface water run-off attenuation storage to accommodate the difference between the existing allowable discharge rate and all rainfall events up to the 100 year plus 20% (for climate change) critical rain storm;
- c) details of how the scheme shall be maintained and managed after completion.

The scheme shall be fully implemented in accordance with the approved details before the development is first brought into use.

- 11) No development shall take place until a scheme to install oil and petrol separators has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details before the development is first brought into use.
- 12) If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected, they shall be set a minimum distance of 15 metres behind the highway boundary and shall be hung so as to open inwards only.

Delegated Applications determined between 07/03/2016 and 01/04/2016

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Ambien					
	15/01204/OUT	PLANNING PERMISSION	31/03/2016	Mrs Annette Quinney	Cloneen Ivy Close Stoke Golding Nuneaton Leicestershire CV13 6HH
				Erection of two dormer bungalow dwellings (outline - access, layout and scale)	
	16/00104/ADV	ADVERTISEMENT CONSENT	31/03/2016	Derek Bowater	The White Swan 47 High Street Stoke Golding Nuneaton Leicestershire CV13 6HE
				Display of 2x illuminated fascia signs, 3x non-illuminated fascia signs and 1x illuminated hanging sign	
Barwell					
	15/00864/FUL	PLANNING PERMISSION	21/03/2016	Mr Richard Taylor	1 Brockey Farm Cottage Kirkby Road Barwell Leicester Leicestershire LE9 8FT
				Change of use of agricultural land to residential curtilage and erection of a storage unit (resubmission)	
	15/01088/FUL	PLANNING PERMISSION	09/03/2016	Mr Steven Mason	11 Shilton Road Barwell Leicester Leicestershire LE9 8HB
				Subdivision of dwelling into no. 2 self contained flats	
	16/00076/HOU	PLANNING PERMISSION	17/03/2016	Mr Tom Christie	56 Chapel Street Barwell Leicester Leicestershire LE9 8DD
				Two storey rear extension	
	16/00099/HOU	PLANNING PERMISSION	14/03/2016	Mr Neil Jackson	37 The Common Barwell Leicester Leicestershire LE9 8BS
				Demolition of existing attached outbuilding and single storey rear extension	
	16/00118/TPO	PERMIT TREE PRESERVATION ORDER WORKS	18/03/2016	Mr Craig Upton	Unit 4 Kings Court 18 Kingsfield Road Barwell Leicester Leicestershire LE9 8NZ
				Works to chestnut	

<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					
15/01315/CONDIT	PLANNING PERMISSION	24/03/2016	Mr Johnathon Hinsley	Land Adjacent To 34 Forresters Road Burbage Leicestershire	Variation of condition 2 of planning permission 14/01159/FUL to amend the doors and windows to the south west side elevation and north west rear elevation at ground floor
16/00123/HOU	PLANNING PERMISSION	01/04/2016	Mr F.T. Dryburgh	33 Hillrise Burbage Hinckley Leicestershire LE10 2UA	Single storey front extension

<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					
	16/00033/HOU	PLANNING PERMISSION	10/03/2016	Mr Martin Baxter	70 Station Road Market Bosworth Nuneaton Leicestershire CV13 0LT
				Rendering of front and side of property	
	16/00035/HOU	PLANNING PERMISSION	18/03/2016	Mrs Alison Harewood	Tithe Farm Barton Road Congerstone Nuneaton Leicestershire CV13 6NB
				Alterations to existing barn and insertion of roof lights	
	16/00045/HOU	PLANNING PERMISSION	15/03/2016	Mr & Mrs Tupling	94 Station Road Market Bosworth Nuneaton Leicestershire CV13 0LT
				Two storey side and front extension, dormer windows and roof lights to front and rear roof slopes	
	16/00055/HOU	PLANNING PERMISSION	31/03/2016	Mr & Mrs David & Michelle Clement	9 Sutton Lane Market Bosworth Nuneaton Leicestershire CV13 0LB
				Minor repairs and alterations, including enlargement to roof and insertion of eyebrow windows	
	16/00056/LBC	LISTED BUILDING CONSENT	31/03/2016	Mr & Mrs David & Michelle Clement	9 Sutton Lane Market Bosworth Nuneaton Leicestershire CV13 0LB
				Minor repairs and alterations, including enlargement to roof and insertion of eyebrow windows	
	16/00064/HOU	PLANNING PERMISSION	24/03/2016	Mr And Mrs Ensor	The Cottage 2 Newton Lane Odstone Nuneaton Leicestershire CV13 0QT
				Extension to existing garage and erection of two dormer windows (retrospective)	
	16/00077/COU	REFUSAL OF PLANNING PERMISSION	24/03/2016	Mr Richard Jackson	Westfields Farm Cottage Carlton Road Market Bosworth Nuneaton Leicestershire
				Change of use of agricultural land to residential curtilage (resubmission) (retrospective)	
	16/00080/COU	PLANNING PERMISSION	22/03/2016	Central Metals & Alloys Ltd.	The Grange 2 Barton Road Market Bosworth Nuneaton Leicestershire CV13 0LQ
				Change of use of dwelling (C3) to an office (B1a)	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
	16/00088/FUL	PLANNING PERMISSION	30/03/2016	Bosworth Marina Limited	Bosworth Marina Carlton Road Market Bosworth Nuneaton Leicestershire CV13 6PH
				Change of use of first floor to cafe (A3) and extension to car park	
	16/00101/HOU	PLANNING PERMISSION	31/03/2016	Mr N Oxby	149 The Park Market Bosworth Nuneaton Leicestershire CV13 0LP
				Proposed extensions and roof alterations (re-submission)	
	16/00140/TPOCA	PERMIT CONSERVATION AREA TPO WORKS	18/03/2016	Anne Kitching	Home Farm 23 Barton Road Market Bosworth Nuneaton Leicestershire CV13 0LQ
				Works to horse chestnut	
	16/00154/TPOCA	PERMIT CONSERVATION AREA TPO WORKS	29/03/2016	Parish Council	Memorial Gardens Rectory Lane Market Bosworth Leicestershire
				Works to trees	
	16/00173/TPOCA	PERMIT CONSERVATION AREA TPO WORKS	01/04/2016	Mr Martin Lea	Cottage Farm Insleys Lane Shackerstone Nuneaton Leicestershire CV13 6NL
				Works to laurel, silver birch and spruce trees	
Earl Shilton					
	16/00059/HOU	PLANNING PERMISSION	15/03/2016	Mr G Patterson	33 Byron Street Earl Shilton Leicester Leicestershire LE9 7FA
				Single storey front and rear extension and extension to garage	
	16/00079/HOU	PLANNING PERMISSION	22/03/2016	Mr John York	14 Almond Way Earl Shilton Leicester Leicestershire LE9 7HZ
				Single storey front extension	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Groby					
	16/00042/HOU	PLANNING PERMISSION	09/03/2016	Mr M Den	2 The Rookery Groby Leicester Leicestershire LE6 0GP
				Single storey front extension	
	16/00106/HOU	PLANNING PERMISSION	31/03/2016	Mrs Susan Swanwick	67 Windsor Avenue Groby Leicester Leicestershire LE6 0YF
				Single storey rear extension and two storey side extension	
	16/00139/C	RECOMMENDATION ONLY	09/03/2016	Leicestershire County Council	Groby Quarry Newtown Linford Lane Groby Leicester Leicestershire LE6 0EA
				Variation of condition 13 of 95/1807/2 & 95/0552/04 to permit an increase of the output limit to 150,000 tonnes per annum (current permitted limit is 100,000 tonnes per annum) for a temporary period to 31st December 2017.	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Hinckley Castle					
	15/01097/FUL	PLANNING PERMISSION	09/03/2016	Paramount Building Contractors Ltd	30 St Georges Avenue Hinckley Leicestershire LE10 0TF
				Erection of two dwellings	
	16/00027/CONDIT	PLANNING PERMISSION	30/03/2016	JM Knapp & Sons	20 Trinity Vicarage Road Hinckley Leicestershire LE10 0BX
				Variation of condition 2 of planning permission 15/00523/FUL to alter the height of the eaves and ridge	
	16/00044/HOU	PLANNING PERMISSION	14/03/2016	Mr John OLeary	4 Spa Lane Hinckley Leicestershire LE10 1JB
				Erection of detached garage to rear of property (retrospective)	
	16/00047/HOU	PLANNING PERMISSION	24/03/2016	Mrs Sarah Swain	30 Browning Drive Hinckley Leicestershire LE10 0SH
				Erection of a Oak Pergola (retrospective)	
	16/00066/FUL	PLANNING PERMISSION	21/03/2016	Prezzo Plc	3 The Crescent Hinckley Leicestershire LE10 0QQ
				Installation of additional fire exit door to shopfront	
	16/00072/ADV	ADVERTISEMENT CONSENT	22/03/2016	WED2B	14 The Crescent Hinckley Leicestershire LE10 0QQ
				Display of 1x internally illuminated projecting sign, 1x non-illuminated fascia signs and 5x non-illuminated digitally printed vinyl signs	
	16/00098/FUL	PLANNING PERMISSION	01/04/2016	St. Bernards Private Day Nursery	6 Clarendon Road Hinckley Leicestershire LE10 0PL
				Erection of pergola	
	16/00103/ADV	ADVERTISEMENT CONSENT	31/03/2016	Mr Daniel Jones	11 The Crescent Hinckley Leicestershire LE10 0QQ
				Display of 4x illuminated fascia signs and 1x illuminated hanging sign	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Hinckley Clarendon	15/01333/HOU	PLANNING PERMISSION	15/03/2016	Ms SM Chapman	16 Freswick Close Hinckley Leicestershire LE10 0RW
				Single 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>
Hinckley DeMontfort					
	15/01342/FUL	PLANNING PERMISSION	01/04/2016	Mrs Anita Walton	Marra Dana 21 Hansom Road Hinckley Leicestershire LE10 1LL
				Raising of roof, erection of first floor, two storey side and rear extensions, demolition of single storey utility room, creation of 1x dwelling (resubmission)	
	16/00028/HOU	REFUSAL OF PLANNING PERMISSION	09/03/2016	Mr Daniel Ruddock	232 Ashby Road Hinckley Leicestershire LE10 1SW
				Two storey side and single storey rear extension	
	16/00054/FUL	REFUSAL OF PLANNING PERMISSION	24/03/2016	Asda Stores Ltd	Asda Barwell Lane Hinckley Leicestershire LE10 1SS
				Demolition of Nos. 26 & 28 Barwell Lane and the erection of an automated petrol filling station (revised scheme)	
	16/00063/HOU	PLANNING PERMISSION	17/03/2016	Mr & Mrs N Taylor	2 Falmouth Drive Hinckley Leicestershire LE10 1XQ
				Raising of roof and insertion of dormer windows to front and rear	
	16/00070/FUL	PLANNING PERMISSION	17/03/2016	Research Garage	60 London Road Hinckley Leicestershire LE10 1HL
				Erection of boundary wall to replace existing fencing (retrospective)	
	16/00083/HOU	PLANNING PERMISSION	21/03/2016	Mr Ben Pearson	37 Woodland Road Hinckley Leicestershire LE10 1JF
				Single storey side and rear extension and demolition of detached garage	
	16/00090/HOU	PLANNING PERMISSION	24/03/2016	Mr Stuart Burton	144 Ashby Road Hinckley Leicestershire LE10 1SN
				Two storey side and single storey rear extension	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Hinckley Trinity					
	15/01322/FUL	PLANNING PERMISSION	23/03/2016	Mr B Sacha	Doctor's Surgery Clifton Way Hinckley Leicestershire LE10 0UZ
				Extension to medical centre	
	16/00039/HOU	PLANNING PERMISSION	08/03/2016	Mr Ian Kimber	20 Hogarth Drive Hinckley Leicestershire LE10 0JG
				First floor extension to existing dwelling	
	16/00089/FUL	PLANNING PERMISSION	17/03/2016	Avery Healthcare Ltd	Hinckley House Tudor Road Hinckley Leicestershire LE10 0EH
				Installation of platform lift to external elevation	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Markfield Stanton & Fieldhead					
	15/01239/HOU	PLANNING PERMISSION	24/03/2016	Mr Kandola	Lilybank Lodge Grassy Lane Markfield Leicestershire LE67 9TB
				Two storey rear and side extension with new materials to existing front facade	
	15/01326/FUL	PLANNING PERMISSION	09/03/2016	Galliford Try Infrastructure	Land South Of Cliffe Hill Road Stanton Under Bardon Leicestershire
				Erection of temporary offices and storage compound, gate, fencing and haul routes (retrospective)	
	15/01341/CLUP	CERTIFICATE OF LAWFUL PROPOSED USE	09/03/2016	Mr Matthew Eames	16 Oakfield Avenue Markfield Leicestershire LE67 9WG
				Single storey rear and side extension	
	16/00015/TPO	PERMIT TREE PRESERVATION ORDER WORKS	07/03/2016	Mr Heap	99 Main Street Stanton Under Bardon Markfield Leicestershire LE67 9TN
				Works to tree	
	16/00018/TPO	APPLICATION RETURNED	14/03/2016	Markfield Parish Council	128 Main Street Markfield Leicestershire LE67 9UX
				Works to oak tree	

<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					
16/00009/FUL	PLANNING PERMISSION	11/03/2016	J R Education Ltd	Meadow View Farm School Brookland Farm Kirkby Road Barwell Leicester Leicestershire LE9 8FT	Conversion of agricultural building into classroom and extension of dining room
16/00030/FUL	PLANNING PERMISSION	18/03/2016	Mr Richard Cobley	Snowdene Farm Main Street Botcheston Nuneaton Leicestershire LE9 9FF	Erection of an agricultural building
16/00043/HOU	PLANNING PERMISSION	15/03/2016	Mr R.W. Simpson	41 Kirkby Road Desford Leicester Leicestershire LE9 9JH	Single storey side extension and conversion of garage
16/00073/CONDIT	REFUSAL OF PLANNING PERMISSION	23/03/2016	The Oaks Lodge	Land Adjacent The Oaks Stapleton Lane Kirkby Mallory Leicester Leicestershire LE9 7QJ	Variation of condition 5 of planning permission 13/00658/COU to allow the units to be temporarily used as the sole or main residence of the occupiers until 1st September 2017
16/00095/NOMAT	PERMIT NON MATERIAL AMENDMENTS	08/03/2016	Mr S Bradshaw	Hall Farm Main Street Newbold Verdon Leicester Leicestershire LE9 9NL	Non material amendment to planning permission 14/00660/FUL to replace the transformers from holly green to pure white
16/00108/HOU	PLANNING PERMISSION	21/03/2016	Mr K West	10 Kirkby Road Desford Leicester Leicestershire LE9 9JG	Single storey rear conservatory
16/00128/NOMAT	PERMIT NON MATERIAL AMENDMENTS	14/03/2016	Mr Brooker	The Red Lion 1 Lindridge Lane Desford Leicestershire LE9 9GN	Non material amendment to planning permission 11/00027/FUL to alter positioning of doors

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Ratby Bagworth And Thornton					
15/00717/FUL	PLANNING PERMISSION	14/03/2016	P.G.Warden Ltd	Erection of two detached dwellings	Ben Venuto Thornton Lane Markfield Leicestershire LE67 9RP
15/01302/HOU	PLANNING PERMISSION	09/03/2016	Mr Colin Raines	Garage extension to front	204 Main Street Thornton Coalville Leicestershire LE67 1AG

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Twycross Sheepy & Witherley					
15/01005/FUL	PLANNING PERMISSION	15/03/2016	Mrs Claire Lloyd	Mulberry Cottage 9 Mill Lane Witherley Atherstone Leicestershire CV9 3LU	Conversion of stables to residential dwelling (retrospective)
16/00029/HOU	PLANNING PERMISSION	24/03/2016	Mr & Mrs Harding	The Lodge From A444 Atherstone Road To Lodge Farm Atterton Nuneaton Leicestershire CV13 6JZ	Demolition of garage, removal of hedge and erection of two storey side extension (revised scheme)
16/00062/HOU	PLANNING PERMISSION	17/03/2016	Royal Oak Buildings	Crown Cottage 12 Main Street Orton On The Hill Atherstone Leicestershire CV9 3NN	Demolition of existing single storey extension, erection of orangery and installation of roof light and window
16/00086/HOU	PLANNING PERMISSION	17/03/2016	Mr Richard Pocklington	Park House 62 Main Road Sheepy Magna Atherstone Leicestershire CV9 3QU	Demolition and erection of replacement detached double garage
16/00100/HOU	PLANNING PERMISSION	23/03/2016	Mr Micheal Banks	Brookfield House Kennel Lane Witherley Atherstone Leicestershire CV9 3LJ	Erection of boundary wall
16/00135/HOU	PLANNING PERMISSION	24/03/2016	Mrs Stevens	Brigadoon Pipe Lane Orton On The Hill Atherstone Leicestershire CV9 3NF	Single storey rear conservatory
16/00136/HEDGE	NOT IMPORTANT HEDGEROW REMOVAL	16/03/2016	Mr Ian Wykes	Hill Farm Sibson Road Ratcliffe Culey Atherstone Leicestershire CV9 3PH	Removal of hedgerow

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