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Hinckley & Bosworth
Borough Council

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Steve Atkinson MA(Oxon) MBA FIoD FRSA
Chief Executive

Date: 16 May 2016

To: **Members of the Planning Committee**

Membership to be confirmed at Annual Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite, Hinckley Hub on **TUESDAY, 24 MAY 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 - 24 MAY 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 19 April 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. 16/00311/OUT - LAND AT BEECH DRIVE, THORNTON (Pages 5 - 32)

Application for residential development of up to 48 dwellings (outline – access).

8. 16/00178/FUL - LAND TO THE REAR OF 25 & 27 BURBAGE ROAD, BURBAGE (Pages 33 - 46)

Application for subdivision of rear gardens of nos 25, 27 and 29 and erection of four dwellings and erection of single garages for nos 25 & 27.

9. 16/00242/FUL - LAND ADJACENT TO 7 NAILSTONE ROAD, BARTON IN THE BEANS (Pages 47 - 62)

Application for erection of 3 detached dwellings, single garage and demolition of existing buildings.

10. 16/00281/FUL - KINGSCLIFFE, 48 BARTON ROAD, MARKET BOSWORTH (Pages 63 - 74)

Application for erection of a dwelling with associated parking.

11. PLANNING POLICIES (Pages 75 - 82)

To be read in conjunction with the above applications.

12. APPEALS PROGRESS (Pages 83 - 86)

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

13. APPEAL DECISIONS RECEIVED

To report on the following Planning Inspectorate appeal decisions received:

- (a) 34 Grace Road, Desford (Pages 87 - 88)
 - (b) 55 Greenmoor Road, Burbage (Pages 89 - 92)
 - (c) 152 Wolvey Road, Burbage (Pages 93 - 96)
 - (d) Little Markfield Farm, Forest Road, Markfield (Pages 97 - 102)
 - (e) Land off Sherborne Road, Burbage (Pages 103 - 116)
14. DELEGATED DECISIONS ISSUED (Pages 117 - 134)
Report of the Deputy Chief Executive (Community Direction) attached.
15. 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

19 APRIL 2016 AT 6.30 PM

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

In accordance with Council Procedure Rule 4.4 Councillors Mr MB Cartwright and Mr K Morrell were also in attendance.

Officers in attendance: Simon Atha, Richard Crosthwaite, Rebecca Owen, Michael Rice and Helen Wilson

496 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Allen, Bessant and Hollick, with the following substitutions authorised in accordance with Council Procedure Rule 4:

Councillor Boothby for Councillor Bessant
Councillor D Cope for Councillor Hollick.

497 MINUTES

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

RESOLVED – the minutes of the meeting held on 22 March 2016 be confirmed and signed by the Chairman.

498 DECLARATIONS OF INTEREST

Councillors D Cope and Bill declared personal interests in application 16/00107/FUL as directors of a company based opposite the application site.

Councillor Cartwright, whilst not on the committee and in attendance as ward councillor, wished it to be noted that he had a personal interest in application 16/00145/FUL as he lived near the application site.

499 DECISIONS DELEGATED AT PREVIOUS MEETING

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

500 MAJOR PROJECTS UPDATE

The committee received an update on a number of current projects and major schemes in the borough. It was particularly noted that the planning application from the consortium for the Earl Shilton Sustainable Urban Extension was expected in August 2016, and that an extraordinary Planning Committee to consider an application on land west of Hinckley may be arranged for early July, subject to agreement with key members. Members requested that ward councillors be involved in discussions on the latter.

501 15/00536/OUT - 8 WOOD LANE, NORTON JUXTA TWYCROSS

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

Councillor Rooney proposed that the application be approved, but in the absence of a seconder the motion fell.

Notwithstanding the officer's recommendation that the application be approved, some members felt that the proposed development was inappropriate due to being outside of the settlement boundary, contrary to policy 13 of the core strategy and policies BE1, NE2 & NE5 of the Local Plan. It was moved by Councillor O'Shea and seconded by Councillor Cook that the application be refused on these grounds.

Following further discussion, Councillor O'Shea proposed an amendment that a reason be included in relation to detriment to residential amenity due to noise, which was seconded and supported.

Upon being put to the vote, the motion, as amended, was CARRIED and it was therefore

RESOLVED – the application be refused due to being outside of the settlement boundary, highway safety concerns and noise disturbance to residents of the new houses.

502 16/00060/CONDIT - LAND NORTH EAST OF RESERVOIR ROAD, THORNTON

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

Notwithstanding the officer's recommendation that the application be approved, it was moved by Councillor Boothby and seconded by Councillor O'Shea that the application be refused due to its overbearing nature and intrusion into the countryside. Upon being put to the vote, the motion was CARRIED and it was therefore

RESOLVED – the application be refused due to its overbearing nature and intrusion into the countryside.

503 16/00145/FUL - CO-OPERATIVE, LAUNDON WAY, GROBY

Application for 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).

It was moved by Councillor O'Shea and seconded by Councillor Boothby that the application be refused on grounds of over-intensification. Upon being put to the vote, the motion was LOST.

It was moved by Councillor Rooney and seconded by Councillor Sutton that the application be approved subject to the conditions contained in the officer's report and an amended condition 6 to restrict delivery hours to 08:00 to 20:00. It was also requested that a note to applicant be added to ask them to encourage staff to park in the service yard and that non-solid (ie see-through) shutters be installed. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be granted subject to the conditions contained in the officer's report and the abovementioned amendments to condition 6.

504 16/00107/FUL - RICHARD ROBERTS DYERS LTD, SOUTHFIELD ROAD, HINCKLEY

Application for erection of 68 dwellings with associated access, parking and landscaping.

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

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

505 APPEALS PROGRESS

Progress in relation to appeals since the last meeting was noted.

506 APPEAL DECISIONS RECEIVED

Appeal decisions in relation to 40D Ratby Lane, Markfield; 42 Coventry Road, Burbage; land north-west of Barlestone Road, Bagworth; land to the north of 48 Roseway, Stoke Golding; and land west of Dodwells Road, Hinckley were noted.

507 DELEGATED DECISIONS ISSUED

Delegated decisions were noted.

(The Meeting closed at 8.05 pm)

CHAIRMAN

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Reference: 16/00311/OUT

Applicant: J H Hallam & Son Limited

Location: Land off Beech Drive Thornton

Proposal: Residential development of up to 48 dwellings (Outline - access)

RECOMMENDATION:- Grant subject to conditions and S106 agreement.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is an application that has attracted community interest and the Chief Planning & Development Officer considers it necessary to be determined by Planning Committee.

Background

This application is a resubmission of planning application 14/01274/OUT which was refused permission on 16th April 2015 and is currently the subject of an appeal to be heard by Public Inquiry in June 2016. The site and the applicant remain the same as previously.

The reason for refusal of application 14/01274/OUT was as follows:

“The development, by virtue of its scale and location would impact upon a settlement with limited infrastructure and services which would be contrary to the spatial distribution of growth as outlined within the Hinckley & Bosworth Core Strategy 2009. The housing proposed would exceed the needs of the area and allocation of growth as set out in Policy 10 of the Core Strategy and would therefore be contrary to the development plan. In addition, the proposed development would be located outside of the settlement boundary contrary to Policy NE5 of the Hinckley & Bosworth Local Plan 2001. Consequently, the development is considered to unsustainable as defined by Paragraphs 7 and 14 of the National Planning Policy Framework.”

Application Proposal

This current, revised application now proposes the following:

- The reduction in the number of residential units originally proposed from 49 to 48
- 29 open market units and 19 affordable units (approximately 40% affordable)
- the unit removed from the original application was the one previously shown for illustrative purposes as closest to the rear gardens of 128 to 130 Main Street.
- the deletion of the unit will also result in a reduction in suggested development adjacent to the public right of way to the northern boundary of the application site.
- The Right of Way (R85) will remain in its existing position and there are new cycle/pedestrian links around the northern edge of the site
- A green infrastructure network including a children’s playspace, areas of informal public open space, retained hedgerow, National Forest and surface water management features.

Site and Surrounding Area

The site covers an area of 2.15 hectares and comprises a single pastoral unit. The site has a steep topography, sloping down towards the south west and is enclosed to all elevations by mature native hedgerow and a belt of trees along the south western side.

The post war residential estate of Hawthorn/Beach Drive lies to the north west of the site and Main Street is to the north east.

Thornton is a small, linear settlement which has developed through ribbon development along Main Street. Although modern infill developments and modernisations have taken place along Main Street, the majority of modern development has been towards the southern fringe of the village.

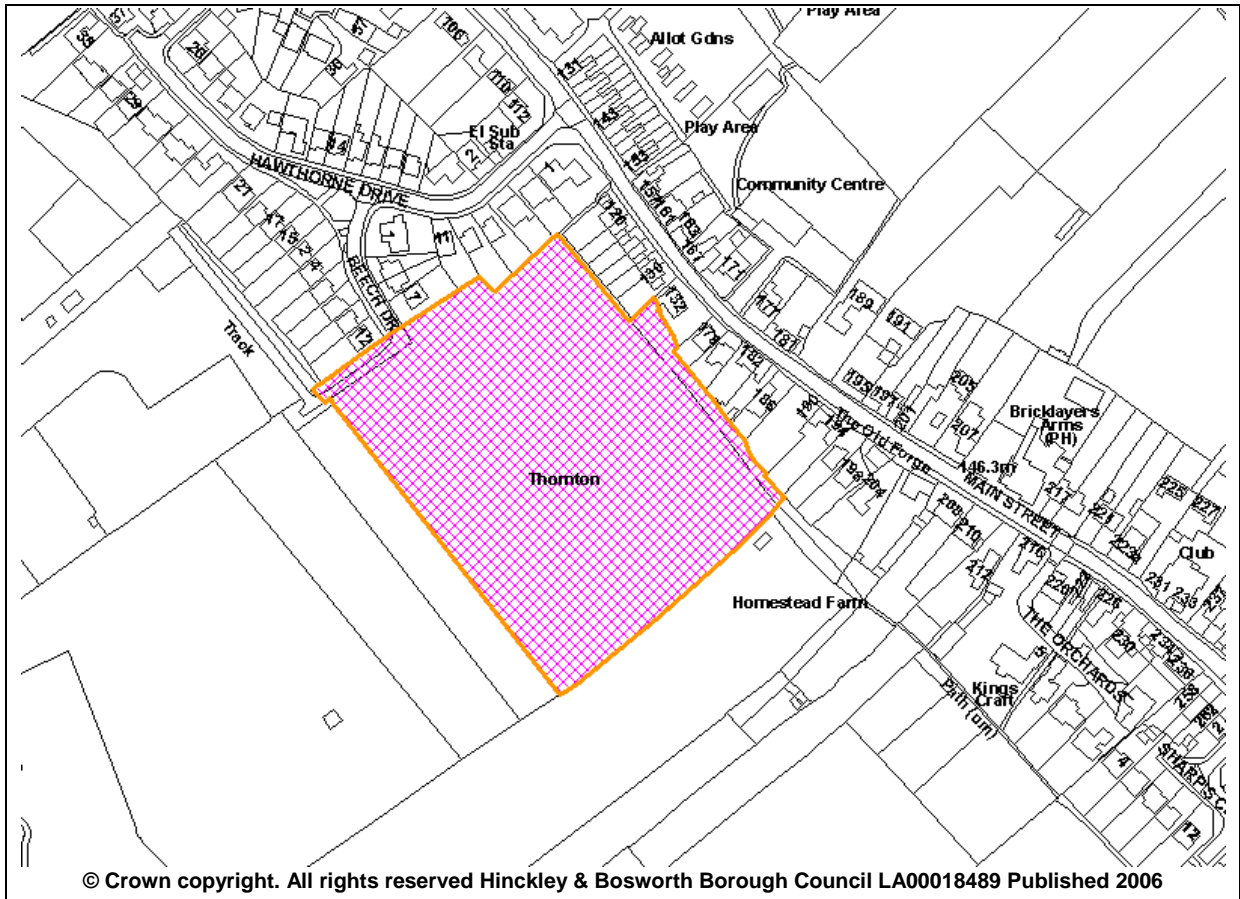
The site is located outside of, but adjacent to the settlement boundary of Thornton as defined by the adopted Hinckley & Bosworth Local Plan proposals map (2001).

Technical Documents submitted with the application

Topographical Survey
Planning Statement
Design and Access Statement
Topographical Survey
Flood Risk Assessment
Transport Assessment
Phase 1 Desktop Study
Ecological Appraisal
Heritage and Archaeology
Landscape Review
Arboricultural Report
Archaeology Desk Based Assessment
Foul and Storm Water Drainage Strategy

Relevant Planning History:-

04/00516/GDO	Formation of agricultural access way	GDO	19.05.04
10/00712/COU	Change of use from existing agricultural land to pony paddock and the erection of a stable	Approved	01.12.10
14/01274/OUT	Residential Development of up to 49 units	Refused	16.04.2015



Consultations:-

No objection has been received from:-

Environment Agency

No objection subject to conditions has been received from:-

- Leicestershire County Council (Public Rights of Way)
- Leicestershire County Council (Highways)
- Leicestershire County Council (Archaeology)
- Leicestershire County Council (Ecology)
- Environmental Health (Pollution)
- The National Forest Company
- Hinckley and Bosworth Borough Council (Waste Minimisation)
- Severn Trent Water Ltd

Leicestershire County Council (Drainage) has objected to the application due to the methodology used to calculate greenfield run-off rates, updated information from the applicant is being considered at the time of writing this report.

No comments have been received in regard to this application from:-

NHS England (update awaited at the time of writing this report)

As a result of the Developer Contribution consultation, the following requests have been made:-

Leicestershire County Council (Civic Amenity) requests £3,138

Leicestershire County Council (Education) requests £0 (primary), £119,412.82 (secondary) and £0 (Post 16)

Leicestershire County Council (Highways) requests the following contributions:-

Travel Packs - £52.85 per pack, 6 month bus passes, two per dwelling (average £350.00 per pass), new/improvements to 2 nearest bus stops (including raised and dropped kerbs to support modern bus fleets with low floor capabilities - £3263.00 per stop), information display case at a nearest bus stop (to inform of the nearest bus services in the area - £120.00 per display).

NHS England – a previous request being updated at the time of writing this report – previously requested £24,897.18 to contribute towards the extension of the Markfield GP Practice.

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

- The application site is located on green belt land.
- Consideration of this development prior to the publication of the 5-year plan and 10-year plan would be inappropriate and premature.
- Some information submitted within the application is incorrect.
- Traffic and highway concerns in terms of accessibility, capacity, road safety for drivers and pedestrians (particularly school children) and the generation of traffic along Hawthorn Drive/Main Street.
- The proposal will place additional pressures on the local infrastructure and services, particularly Thornton Primary School and the nearest health centre.
- There are more suitable Key Rural Centres for the proposed development.
- The area has already contributed significantly to housing supply within the Hinckley and Bosworth Borough.
- The public consultation undertaken by the developer has been inadequate
- There are capacity issues with the local foul sewage disposal system.
- There are frequent power outages within the area.
- Potential impacts in terms of Ecology and Archaeology have not been adequately explored.

David Treddinick MP has also objected to the scheme on the following grounds:

- Development of a greenfield site, outside of the settlement boundary of Thornton.
- Negative impact on the local community, in particular with regard to highway safety, increase in traffic and school place capacity.
- There has been no housing allocation for Thornton.
- Unwarranted intrusion into the open countryside, and unnecessary extension to a rural village of distinct character.

Site notices and a press notice were displayed and neighbours notified.

One letter of support for the scheme has been received from a member of the public.

96 letters of objection from members of the public have been received in relation to the scheme. These raise the following concerns:-

- Traffic and highway concerns in terms of accessibility, congestion and highway safety. This includes potential difficulties for emergency vehicles accessing the area, and the in the instance of adverse weather conditions, the increase in traffic on the road would result in hazardous conditions.
- The area has inadequate local infrastructure and services to accommodate the development, particularly in regard to schools, public transport and doctor's surgeries.
- The existing schools and doctor's surgeries are oversubscribed, and there is no scope to expand to accommodate extra residents.
- The development of the open space would have an adverse impact on the local wildlife in the area.
- Detrimental impact on the existing residential properties within the area, in terms of overshadowing, loss of privacy and loss of views.
- The development is not in keeping with the character of the small, rural village, and would have a particularly adverse impact on the older section of the village.
- Development is overdevelopment of the area and inappropriate for a village.
- Adverse impact on the environment.
- The development proposed would be unsustainable.
- Development within an area of outstanding natural beauty.
- Loss of open space.
- Detrimental impact on the ecology of the area.
- Development on designated agricultural land.
- Development would result in significant removal and movement of soil, and there is no information submitted by the developer to demonstrate the required structures to support banks.
- Adverse impact on the National Forest.
- The existing footpath on the site would be redirected.
- The existing footpath on the site would no longer be used.
- Proposed opportunities for cycle routes are not realistic and would be dangerous as there is no street lighting between Thornton and surrounding villages.
- The development would be outside of the settlement boundary, located within the countryside.
- Loss of important views within the area.
- Development is proposed to be located on green belt land.
- Increase in flooding within the area.
- There are existing problems with the current drainage system, power and telecommunications within the area.
- The proposed design and layout of the development is not sympathetic to the area.
- The proposed play park would create a divide between existing residents and new residents within the area.
- The development would be contrary to the NPPF and saved policies within the Hinckley and Bosworth Local Plan 2001.

- Development would not benefit the local economy.
- No requirement for more affordable housing within the area.
- Hinckley and Bosworth Borough has already identified areas to meet the 5 year housing supply for the borough, and thus the residential properties within this proposal is not required.
- The current application has not been altered from the previously refused application (our ref: 14/01274/OUT).
- There are other sites available that would be more suitable for the development proposed.
- Similar applications of this nature have been refused.
- The information submitted by the developer is misleading and inaccurate.
- The development is neither needed nor wanted by local residents.
- The public consultation undertaken by the developer has been inadequate.
- There are existing vacant properties within the area.
- Detrimental impact on the quality of life of the existing residents.
- Adverse impacts on the value of property within the area.
- The construction of the development would have an adverse impact on the area.
- In the case of the application approved, it would set a precedent for future development.
- Potentially result in an increase in anti social behaviour and crime in the area.
- There should be protections in place against future development within the area.
- Increase in traffic would result in an increase in air pollution, leading to health problems.
- Ground levelling required for the development would result in large ridges and concrete walls, which are unsympathetic to the existing landscape.
- The developer has not taken into account the traffic generated through visitors to Thornton Reservoir.
- Adverse impact on the sense of community within the village.

Policy:-

Hinckley & Bosworth Core Strategy 2009

Policy 7: Key Rural Centres
 Policy 10: Key Rural Centres within the National Forest
 Policy 14: Rural Areas: Transport
 Policy 15: Affordable Housing
 Policy 16: Housing Density, Mix and Design
 Policy 19: Green Space and Play Provision
 Policy 20: Green Infrastructure
 Policy 21: National Forest
 Policy 22: Charnwood Forest
 Policy 24: Sustainable Design and Technology

Hinckley & Bosworth Local Plan 2001

Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities
 Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal
 Policy REC3: New Residential Development - Outdoor Play Space for Children
 Policy RES5: Residential Proposals on Unallocated Sites

Policy NE5: Development in the Countryside
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy BE1: Design and Siting of Development
Policy BE14: Archaeological Field Evaluation of Sites
Policy BE16: Archaeological Investigation and Recording
Policy T5: Highway Design and Vehicle Parking Standards
Policy T9: Facilities for Cyclists and Pedestrians

Site Allocations and Development Management Policies DPD (Main Modifications) February 2016

DM1: Presumption in Favour of Sustainable Development
DM3: Infrastructure and Delivery
DM4: Safeguarding the Countryside and Settlement Separation
DM6: Enhancement of Biodiversity and Geological Interest
DM7: Preventing Pollution and Flooding
DM10: Development and Design
DM13: Preserving the Borough's Archaeology
DM17: Highways and Transportation
DM18: Vehicle Parking Standards

National Policy Guidance

The National Planning Policy Framework (NPPF) 2012
The National Planning Practice Guidance (NPPG) 2014
The Community Infrastructure Levy (CIL) Regulations 2010
Environmental Impact Assessment Regulations 2011

Supplementary Planning Guidance/Documents

New Residential Development (SPG)
Play and Open Space (SPD)
Affordable Housing (SPD)

Other Material Policy Guidance

Green Space Strategy: Landscape Character Assessment (2006)

Appraisal:-

The following considerations in determination of this application are:-

- Principle of development
- Character and impacts on the countryside
- Highway considerations
- Residential amenity
- Infrastructure obligations and viability
- Drainage and flood risk
- Archaeology
- Ecology
- Pollution
- Agricultural land

Principle of Development

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

In accordance with Paragraph 216 of the NPPF, appropriate weight can also be given to relevant policies of the emerging Site Allocations and Development Management Development Plan Document (SADMP) which has been through Examination in Public, having been through the Main Modifications consultation. The Council is expecting the Inspector's report shortly.

Local Plan

When considering the acceptability in principle of a new building or use within the countryside, the most relevant Local Plan Policy is NE5. This seeks to protect the countryside for its own sake and identifies acceptable land uses within the countryside.

However, since the release of the NPPF and its presumption in favour of sustainable development, criteria a - c of policy NE5 are considered too prescriptive and do not conform to the intentions of the NPPF. Therefore these criteria can only be attributed limited weight in the determination of this application. Any development should, however conform with criteria i to iv and should not have an adverse effect on the appearance or character of the landscape, be in keeping with the scale and character of the existing buildings and the general surroundings and where necessary be effectively screened by landscaping or other methods.

The weight attributed to Policy NE5 also has to be considered in light of the emergence of Policy DM4 of the SADMP which is expected to be compliant with the NPPF and is gaining weight as referenced in the SADMP section of this report below.

Core Strategy

Policy 7 of the Core Strategy provides the overarching policy for Key Rural Centres. Specifically it supports housing development within settlement boundaries that provide a mix of housing types and tenures as set out in Policies 15 and 16 of the Core Strategy

Policy 10 of the Core Strategy seeks to transform the former mining settlements of Bagworth and Thornton into 'Forest Settlements'. The provision of services in Bagworth is the priority of this policy. This will be secured through (amongst other things) the allocation of land for the development of a minimum of 60 new homes in Bagworth. Whilst the policy specifically refers to the housing being located in Bagworth, it does not expressly exclude Thornton as being capable of accommodating some development. As set out, Policy 10 itself says that 60 dwellings is a minimum. The requirement to demonstrate a 5 year housing land supply is also a minimum level of provision and should not be viewed as a ceiling to otherwise sustainable development. There is therefore no policy of protection in relation to Thornton, or the application site in particular, and no express reason why appropriate development should not come forward there. There are also elements of policy 10 that would be supported by the proposed development. These relate to the contribution to delivering the National Forest Strategy in accordance with Policy 21 and supporting the delivery of the Charnwood Forest Regional Park in accordance with Policy 22.

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

The emerging SADMP DPD was submitted to the Secretary of State 25 March 2015 and the hearing sessions were held for four days between the dates of 29 September and 7 October 2015. Following the hearing sessions, the Council then consulted on the proposed Main Modifications suggested by the Planning Inspector which ran between 5 February and 18 March 2016. The Council is now awaiting the Inspector's final report which is anticipated to arrive shortly.

Given that this document is almost nearing the completion of its Examination in Public, appropriate weight can be given to the document including those policies mentioned above.

No sites have been allocated within the emerging Site Allocations and Development Management Policies DPD in Thornton for residential development. However, as set out elsewhere within this report the allocations are a minimum that the Council needs to identify and, as the Local Planning Authority, needs to consider new proposals against the relevant development plan policies and material considerations and whether the development proposed can be considered sustainable.

Policy DM4: Safeguarding the Countryside and Settlement Separation will replace Policy NE5 of the 2001 Local Plan when the SADMP is adopted and will provide guidance on when development would be considered appropriate in the Countryside. This policy can be given moderate weight in the determination of this application. The Policy confirms that development will be considered sustainable where, amongst other things, it significantly contributes to economic growth, job creation and/or diversification of rural business and it does not have significant adverse effects on the open character and landscape character of the countryside, does not undermine the separation between settlements, does not exacerbate ribbon development and, if within the National Forest, contributes to the delivery of the National Forestry Strategy.

Housing Land Supply

Paragraph 47 of the NPPF states that local authorities should identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements. They should also provide an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, authorities should increase the buffer to 20% (moved forward from later in the Plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

As of 1 October 2015 the Council has 5.69 years supply of housing sites, based on the Sedgefield method of calculation (which proposes that any shortfall should be brought forward from later in the Plan period). The Council have had recent appeal decisions confirming its 5 year housing supply position using the Sedgefield method with a 5% buffer. These decisions include Land south of Markfield Road, Ratby (App/K2420/W15/3003301) as well as Land off Dorchester Road, Burbage (APP/K2420/W/3004910).

The Planning Balance

It is clear from recent planning appeal decisions around the country that a greenfield site that would be in excess of the five year housing requirement for a Local Planning Authority can still be sustainable development, and should be permitted if it is considered as such. As set out above, there is currently a deliverable housing supply of 5.69 years as at October 2015.

Since the decision was made to refuse the previous planning proposal on the application site on 16 April 2015 (14/01274/OUT), the Site Allocations and Development Management

Policies DPD has progressed significantly through its Examination in Public. Throughout the hearing sessions held across September and October 2015, it was apparent that not all sites considered to be reasonable alternatives for development across the Borough had been assessed in the Council's Sustainability Appraisal or Sustainability Appraisal Addendum. Therefore the Council undertook further work to appraise all sites considered developable in the Strategic Housing Land Availability Assessment (SHLAA) 2014 against 24 Sustainability Objectives. Within this additional list of sites to be assessed was the application site (AS686 – Land off Beech Drive). This assessment concluded that development of the site would not have any major adverse direct or indirect effects on sustainability and would have no significant effect (a neutral relationship) on sustainability.

As set out in the application submission Thornton has the following facilities: a convenience store, a repair garage, garden centre and coffee shop, pubs, community centre, recreation ground, church, Primary School, and bus stops. It is near to Bagworth and can be considered to have good access to its facilities.

Other than awaited comments from LCC (Drainage) on the updated drainage strategy submission, no infrastructure provider has raised any concern that Thornton could not accommodate development of the scale proposed, which could contribute an economic support to existing facilities.

In addition to this, the NPPF defines the three dimensions of sustainable development as follows:-

Economic

It is acknowledged that the proposed scheme would contribute towards the wider economy, through construction related employment and the purchasing of materials and services. Further, the development would secure financial contributions for the provision and future maintenance of local infrastructure and would help sustain employment opportunities within the surrounding area and support spend in local facilities.

Social

The delivery of both market and affordable housing is a social benefit. As referenced above there is a primary school, shop, public houses and a community centre within the settlement, catering for some social needs of the development. Residents of this development would to a certain extent rely upon the car to access facilities such as larger shops and doctors within adjacent, larger settlements. In this respect the settlement of Thornton itself would not comprehensively address the social needs of the development. However this must be considered with the contribution the proposal would make to the provision of housing within the borough. The benefits associated with the scheme's contribution towards meeting the established housing needs and supporting existing services within the adjacent settlements has to be given significant weight and consideration. The development would contribute towards the vitality and vibrancy of the wider rural area. The development would also secure improvements to play provision, education, health facilities and green infrastructure within the locality.

Environmental

The site falls within the countryside, where residential development is restricted by Local Plan Policies NE5 and RES5. However, Policy DM4 of the SADMP can be given moderate weight in the determination of this application as it has gained weight since the previous planning decision in April 2015. The Policy seeks to protect the countryside from unsustainable development but development will be considered sustainable where, amongst

other things, it significantly contributes to economic growth, job creation and/or diversification of rural business and it does not have significant adverse effects on the open character and landscape character of the countryside, does not undermine the separation between settlements, does not exacerbate ribbon development and, if within the National Forest, contributes to the delivery of the National Forestry Strategy. In this case, it is considered that there will be economic benefits of the proposal as set out above. In terms of the other provisions of the policy the application site comprises a single pastoral unit. Although the land could be farmed for livestock grazing, due to the size and topography of the site, benefits associated with this, and thus the site's contribution to the rural economy would be relatively small.

Whilst the detailed layout and design is reserved for subsequent approval, the submitted information indicates that the dwellings proposed would be built at a relatively low density to reflect the rural character of the area and the scheme would incorporate areas of tree planting in accordance with the National Forest Planting Strategy and would be landscaped to help it assimilate within its rural setting. Through the development there would be opportunities to enhance the local biodiversity.

Based on the above the scheme is considered to comprise a sustainable form of development, in accordance with adopted and emerging local planning policy, and would contribute towards boosting housing land supply as required by guidance contained in the NPPF.

Summary

As the proposed development is outside the settlement boundary for Thornton as defined in the 2001 Local Plan, there is a technical breach of Saved Policies NE5 and RES5, as residential development is not supported outside the settlement boundary. However, these policies are in the process of being replaced by the Policies of the emerging SADMP and specifically relevant in this case will be Policy DM4 Safeguarding the Countryside and Settlement Separation. This sets out an NPPF-compliant approach to the consideration of applications for development in the countryside and that they can be considered sustainable in certain circumstances.

This application for 48 dwellings would help boost the supply of housing, contributing towards the Council's five year supply position.

Given the assessment above, it is considered that the proposed development can be considered as sustainable and can be supported in principle having regard to relevant development plan policies and emerging planning policies that are material considerations in this case. The assessment of other material considerations in the planning assessment is set out below.

Character and Impact on the Countryside

Criteria i - iii of saved Policy NE5, constitutes design criteria which seeks to ensure that new development in the countryside does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of existing buildings and the general surrounds, and where necessary is effectively screened.

Policy DM4 of the SADMP confirms that to be considered sustainable proposals should not have significant adverse effects on the open character and landscape character of the countryside, should not undermine the separation between settlements, should not exacerbate ribbon development and, if within the National Forest, should contribute to the delivery of the National Forestry Strategy.

Within the Landscape Character Assessment 2006, Thornton is defined as being within the Forest Hills Character Area. This area's key characteristics include its undulating rural landscape, large scale field pattern, with groups of smaller fields surrounding settlements and linear settlements of former mining villages. The landscape strategy for this area seeks to ensure that the siting and design of new development complements the existing settlement pattern of the area. However, the wider area is more resilient to change due to the evolving nature of the landscape.

The site comprises a parcel of agricultural land, with an area of 2.15 hectares. The land is currently in pastoral use and comprises a single field. The north eastern and north western boundaries are adjacent to existing residential development along Main Street and Beach Drive.

Historically Thornton comprised a linear settlement. However two post war housing estates have been developed to the south of Main Street; Hawthorn/Beach Drive and Highfields/Oakwood/Warwick Close and St Peters Drive. These areas have altered the development pattern of the village.

The application site is situated directly adjacent to Hawthorn/Beech Drive and would provide a continuation of the existing highway and development in a south easterly direction. Land between the two post war-estate developments has been sub-divided into smaller pastoral units, resulting in a structured field pattern and further varying the historic field pattern.

The site rises to the south east, which limits long distance views and there is a belt of woodland tree planting along the south western boundary of the site, which once mature, will limit views in this direction. From the south, the site would be viewed against the context of existing development within the settlement. Accordingly the site is visually and physically constrained and is not viewed prominently within the context of the wider landscape.

The indicative details seek to retain and enhance the existing vegetation and tree planting along the southern and south western boundaries of the site, and a belt of informal landscaping is proposed along the width of the northern boundary. The indicative layout suggests that the development would be inward facing, with rear gardens acting as a further buffer between the built development and the surrounding countryside.

The surrounding residential properties vary in terms of their siting and design, although density of development is relatively low, with most dwellings occupying large plots.

Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and requires at least 30 dwellings to the hectare to be achieved within rural areas unless individual site characteristics indicate otherwise.

The indicative layout is generally acceptable, although the density proposed is low (23dph). This is considered acceptable as it reflects the site's edge of settlement position. This said, design improvement would be required in respect of the plots abutting the countryside and the specific boundary treatment details in this sensitive location. Further work is also required in relation to the siting and parking arrangements for the affordable units. The layout would be discussed in further detail within any subsequent reserved matters application.

The mix of properties has also been influenced by the surrounding developments which has a mixture of detached, semi-detached and terraced two-storey properties. These design details would be considered in more depth at reserved matters stage.

The proposed landscaping would help to frame and preserve the rural setting of the site and would act as a natural buffer between the open countryside and the development.

The proposed access would continue from an existing spur off Beech Drive. The layout of the development has been carefully considered to demonstrate that the road layout would be achievable given the gradient constraints on the site. The access would be gently graded to minimise the extent of hard engineering required to deliver the access in accordance with the technical highway standards.

Although the development would urbanise this historically rural area, subject to acceptable and sensitive landscaping, design and layout, the consequential impacts are not considered to result in any significant detrimental harm to the character of the area. It is considered that the scheme has the potential to enhance the local landscape and provide increased opportunities for biodiversity and environmental upgrade.

The proposal is therefore considered in environmental terms to be sustainable development. Furthermore, the supporting information has demonstrated that it is likely that a design solution is likely to be achievable, in accordance with the design criteria of Local Plan Saved Policies NE5 and BE1 and DM10 of the SADMP.

Affordable Housing

In rural areas, Policy 15 of the Core Strategy requires that 40% of the dwellings should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. The scheme proposes 48 dwellings resulting in a requirement for 20 of those proposed to be affordable. The developer is proposing to deliver 19 dwellings for affordable housing for this scheme, being 39.6% of the total number of dwellings proposed against a policy requirement of 40%. This provision is considered acceptable.

By virtue of the evidence provided from the waiting list and the Housing Needs Survey (2011), the developer's offer and mix of affordable housing is considered appropriate to meet the identified need. 5 of the 19 properties should be put forward for intermediate tenure, preferably a mix of 3x2 and 2x3 bed houses.

There is a recognised need for affordable housing in this area. If Committee support the recommendation to grant permission, it will be necessary as part of 106 negotiations to ensure that applicants for affordable housing to have a local connection to the parish of Thornton in the first instance and in the second instance the borough of Hinckley and Bosworth.

In accordance with the Affordable Housing SPD the affordable housing would be required to be spread across the site in clusters to ensure a balanced and appropriate mix of market and affordable housing.

There is a demand in Thornton for affordable properties. The applicant is proposing to deliver a significant level of affordable housing in this area and this is a material consideration that weighs in the balance of meeting the social role of sustainability as supported by Policy DM3 of the emerging SADMP.

Access and Highway Considerations

Policies T5 and BE1 (criterion g) of the Local Plan seek to ensure that new developments have adequate visibility, parking and turning facilities and that the highway design standards within the Leicestershire County Council's "Highways Requirements for Development" are achieved.

Chapter 4 of the NPPF promotes sustainable transport. Paragraph 34 suggests that developments which generate significant vehicle movements should be located where the need to travel would be minimised and the use of sustainable transport modes could be maximised and Paragraphs 37 and 38 recognise and promote the benefits of mixed used developments.

Given the scale of this proposal, it has been accompanied by a Transport Assessment. This has taken account of existing traffic conditions, accessibility, sustainable modes of transport, accident records and vehicular impacts.

The illustrative masterplan shows 48 dwellings arranged around three interconnecting roads. The layout of the development has been examined in detail to demonstrate that the road layout would be achievable given the gradient constraints on the site.

Vehicular access would be from an extension of Beech Drive, which is a 5.5m wide adopted residential road with 1.8m wide footways on both sides. These dimensions would be carried into the development, so that it would also have a 5.5 metre wide carriageway, with footways on both sides.

Pedestrian access would be via the public footpath that currently runs into the site and then along the backs of the houses fronting Main Street (eastern boundary). Leicestershire County Council (Public Rights of Way) have raised no objection to the proposal, subject to the requested condition imposed to secure a scheme for the improvement Public Rights of Way for the site.. A contribution for further improvements to the Rights of Way network is also suggested, but at the time of writing this report further information regarding this request is awaited, as it is not currently considered compliant with the CIL Regulations 2010..

Beech Drive and Hawthorne Drive together serve around 63 houses, connected via a T-junction to Main Street. With the additional 48 dwellings proposed by this application, the number served from this junction would increase to 111 houses. This number would be in accordance with guidance which identifies the numbers of dwellings served from a single point of access.

The Transport Assessment concludes that the development would not materially alter the conditions on the local highway network. However, it has been noted that the visibility for vehicles emerging from Hawthorne Drive is substandard and that the development would add extra traffic past the school on Main Street. To respond to this concern the application proposes to add a junction table at the Main Street/Hawthorne Drive junction.

It is considered that this solution would assist pedestrian crossings of the road and would also assist in reducing speeds to around 20mph. This will have a secondary benefit that the required visibility splay to the right, for vehicles emerging from Hawthorne Drive, will reduce in length and the achievable distance will be more than is required.

In summary, Leicestershire County Council (Highways) has no objection subject to the imposition of planning conditions. On this basis, the scheme is considered to be in accordance with Saved Policy T5 of the Local Plan and guidance contained within the NPPF.

The development is not considered to result in a severe highway impact, in accordance with Paragraph 32 of the NPPF.

Accordingly, subject to the recommended conditions, the construction of a junction table at the Main Street/Hawthorne Drive junction, and confirmation of whether there is a request

from the Public Rights of Way service regarding footpath improvements that complies with the requirements of the CIL regulations, the scheme is considered acceptable in of highway safety terms.

Impacts upon Residential Amenity

Criterion (i) of Policy BE1 of the Local Plan and relevant provisions of emerging Policy DM10 of the SADMP seeks to ensure that development does not adversely affect the privacy and amenity of occupiers of neighbouring properties.

As appearance, layout and scale are not for consideration at this stage, impacts in terms of privacy, overshadowing and the development being of an overbearing form can not be comprehensively considered. These issues were also not raised in the reason for refusal on the original scheme. Notwithstanding this, there has been a revision to the previous scheme to delete one two-storey unit that would have been located adjacent to the public Right of Way and the rear garden boundary of 128-130 Main Street. This suggested improvement to the scheme demonstrates that there would be in excess of 22 metres between existing dwellings and proposed two storey development shown on the illustrative masterplan. It is not considered that the revised development proposal will have impacts on residential amenity that cannot be addressed at the reserved matters stage.

By virtue of its scale the development would result in some impacts, in terms of noise and disturbance, both from vehicle movements and the development itself. The dwellings most likely to be affected would be those adjacent to the site's northern and eastern boundaries.

A Noise Impact Assessment accompanies the application. This assesses potential noise impacts from construction and traffic. The report been considered by Environmental Health (Pollution) and no objections on such grounds have been received.

Infrastructure Obligations

The requirement for developer contributions must be considered alongside the guidance contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions are requested they need to be necessary, directly related and fairly reasonably related in scale and kind to the development proposed. The following requests have been received:-

Education

A contribution request has been made from the Local Education Authority based on Department for Education cost multipliers on a formula basis.

The site falls within the catchment area of Thornton Primary School. The School has a net capacity of 140 and 148 pupils are projected on the roll should this development proceed; a deficit of 8 pupil places. There are currently no pupil places at this school being funded by S106 agreements from other developments in the area. There is 1 other primary school within a two mile walking distance of the development: Stanton under Bardon Community Primary School. This has a surplus of 16 spaces, after three S106 funded places have been discounted. There is therefore an overall surplus in this sector after including all primary schools within a two mile walking distance of the development of 8 pupil places. An education contribution will therefore not be requested and cannot be supported for this sector.

A Secondary School contribution request of £119,412.82 has been made for South Charnwood High School. The School has a net capacity of 669 and 796 pupils are projected

on roll should this development proceed - a deficit of 127 pupil places. A total of 2 pupil places are included in the forecast for this school being funded from S106 agreements for other developments in this area and have to be discounted. This reduces the total deficit for this school to 125 (of which 118 are existing and 7 are created by this development). There are no other 11-16 schools within a three mile walking distance of the site. A request for an education contribution in this sector is therefore justified. The contribution would be used to improve, remodel and enhance the existing facilities at the school.

In the Post-16 sector the nearest school to the site is Groby Community College. The College has a net capacity of 911 and 918 pupils are projected on roll should this development proceed; a deficit of 7 pupil places. A total of 7 pupil places are being funded at this school from S106 agreements for other developments in this area and have to be discounted. This results in a deficit/surplus for this school of 0 pupil places. An education contribution in the Post-16 sector is therefore not requested. As the proposed development is less than 250 houses with two or more bedrooms a request for a Special School contribution is not appropriate in this case.

Having assessed the above request, it is considered that the education contribution for £119,412.82 is directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of receipt of the final payment.

Highways and Public Rights of Way

The following highway contributions have been sought:-

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £350.00 per pass)
- New/Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop.
- Information display case at a nearest bus stop; to inform new residents of the nearest bus services in the area. At £120.00 per display.

These contribution requests are considered to be directly, fairly and reasonably related in scale and kind to the development proposed and thus will be requested.

A contribution for further improvements to the Rights of Way network is also requested by LCC (Public Rights of Way). This would comprise of Access Improvements along existing Public Footpaths R85 between the proposed development site and Highfields, Public Footpath R71 between Main Street and the junction with Public Footpath R85 and Public Footpath R80 between Main Street and Thornton Reservoir. Improvements to these Public Footpaths will enable the residents of the development to travel throughout the village without having to utilise motorised transport.

At the time of writing this report further information regarding this request is awaited as the information currently supporting the request is not considered to be compliant with the

Community Infrastructure Regulations 2010. A further update will be provided to committee through the late items.

Civic Amenity

A contribution request has been made from Leicestershire County Council Environmental Services for £3,138 for enhancing the waste facilities at Coalville Civic Amenity Site. It is estimated that there would be an additional 13 tonnes (approx.) of waste generated by the development and given the total waste collected is 5,898 tonnes per annum. It is not considered that this request is necessary or fairly related to this development, as the impact from this development would be minimal. This request would therefore not meet the requirements of the CIL Regulations 2010 and is not supported as part of the consideration of this application.

Health

A contribution request of £24,897.18 was received from NHS England for the previous application 14/01274/OUT. Justification for this is on the basis that the proposal could result in an increased patient population of 119. The application site falls within the catchment of the Markfield GP Practice. The practice has indicated that an increase in GP sessions would be required and that presently the surgery has no spare capacity. The practice has identified that the surgery premises would need to be extended. The site has the capacity to accommodate an extension. The contribution requested would go towards the premises development which is attributable to the proposed population increase.

It was considered that this contribution was necessary, fairly and reasonably related in scale and kind to the development proposed using Department for Health cost multipliers and was essential to relieve the impact of the development on health provision locally and provide for capacity to deal with the increased population that would arise as a result of this development.

At the time of writing this report an updated request is anticipated. An updated response will be reported to Committee through the Late Items.

National Forest

The application site extends to 2.15ha and the guidance for the National Forest, as referred to by Core Strategy Policy 21, would expect 20% of the site area to be woodland planting and landscaping. This would equate to 0.43ha for this application site.

The National Forest Company has raised no objections to the proposal, subject to a condition requesting further details to be submitted and agreed on how 0.43ha of woodland planting and landscaping will be accommodated within the proposals including tree species and planting densities, including details of additional planting to broaden the depth of the planting belt. Suitable condition wording is recommended to confirm that this planting detail will form part of the reserved matters submissions.

Play and Open Space

Policy 19 of the Core Strategy and Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

The site is located within 1km of Main Street/Thornton Reservoir Local Open Space. This facility would fall within the remit of Policy REC2.

At the time of writing this report updated figures are awaited from the developer so that the relevant contributions can be requested to meet the policy requirements. There is not expected to be any unresolved issue in this respect. Committee will be updated with the relevant details through the Late Items.

Drainage and Flood Risk

Saved Policy NE14 of the Local Plan states that development proposals should provide satisfactory surface water and foul water measures. In addition, the NPPF sets out at Paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The application has been accompanied by a Flood Risk Assessment and the scheme has been considered by the Environment Agency, Severn Trent Water and Leicestershire County Council (Drainage).

LCC (Drainage) has objected to the application as the greenfield run-off calculations within the submitted surface water drainage strategy do not appear to be accurate, and are based on a site area of 3 hectares which includes land outside of the proposed application site. It is also referenced that the development does not include sufficient assessment and utilisation of sustainable drainage systems (SuDS) on site. LCC (Drainage) has provided methods to overcome the objections raised. Updated drainage information has been submitted by the applicant and the LLC (Drainage) response will be reported through the Late Items for this application.

The Environment Agency has raised no objections to the application.

Severn Trent Water has confirmed that it has no objections to the proposals subject to the inclusion of a condition to drainage details for surface and foul sewage have been submitted to and approved by the local planning authority.

In response to the previous scheme (14/01274/OUT) additional correspondence was received from Severn Trent Water confirming that the existing foul sewage system was acceptable and able to cater for unrestricted foul sewage from the site. Severn Trent also confirmed that if there were capacity issues with the existing system, it would be their responsibility to upgrade the infrastructure. A previously suggested condition, which sought details of the upgrading of the foul water sewage system, is no longer considered necessary.

The previous scheme has raised no objection to the proposal subject to a scheme for surface water drainage and foul water being submitted prior to the commencement of development. Subject to a satisfactory update to be provided by the applicant and LLC (Drainage) following the drafting of this report, it is not considered that the proposal would lead to harm to the quality of groundwater from surface or foul water in accordance with Saved Policy NE14 of the Local Plan and Policy DM7 of the emerging SADMP.

Archaeology

The application has been accompanied by an Archaeological Survey in conformity with Saved Policy BE14 of the Local Plan and Policy DM13 of the SADMP.

Leicestershire County Council (Archaeology) has recommended the application be approved subject to conditions. The advice provided is the same as that provided for the previous application (our ref: 14/01274/OUT). By virtue of the scale of the proposed development, and lack of previous disturbance to the site, there is a reasonable likelihood that archaeological remains are present within the application site and would be impacted by the proposals. It is therefore recommended that the current application is approved subject to conditions to secure a programme of archaeological mitigation including, as necessary, intrusive and non-intrusive investigation and recording.

It is therefore considered that the proposal is in accordance with Saved Policies BE14 and BE16 of the Local Plan and emerging Policy DM13 of the SADMP.

Ecology

The application has been accompanied by an Ecology Report. The content of this has been considered by Leicestershire County Council (Ecology). Leicestershire County Council (Ecology) has raised no objections to the proposal, and has submitted the same comments as submitted for the previous application (our ref: 14/01274/OUT). It has been commented that the survey did not note any species of more than local significance that would be impacted upon by the development. However, the hedgerow along the south eastern boundary, the plantation along the south western boundary and a veteran Oak (T3) sited within the south eastern boundary have been considered as important and worthy of retention. Accordingly, conditions are proposed to secure this.

It is considered that the proposal would accord with the provision of Policy DM6 of the emerging SADMP with regarding to ecological interests.

Pollution

Saved Policy NE2 and Policy DM7 of the emerging SADMP seek to prevent the risk of pollution through development.

Environmental Health (Pollution) has raised no objection to the proposal subject to conditions relating to a scheme of investigation for any possible land contamination on the site being carried out prior to the commencement of development, and any remediation works so approved being carried out prior to the site first being occupied.

Subject to those conditions it is not considered that the proposed development would lead to an issue with contaminated land and would be in accordance with Saved Policy NE17 of the Local Plan and Policy DM7 of the emerging SADMP.

Agricultural Land

Although the application would result in the loss of agricultural land, in accordance with Paragraph 112 of the NPPF, the site does not comprise of the Best and Most Versatile agricultural land and therefore this would not weigh against the scheme in this instance.

Other Matters

Concerns have been raised regarding pedestrian and emergency vehicle access within and around the site and in relation to the design of the proposed dwellings. As appearance and layout are not for determination at this stage, full details have not been provided. These matters would be subject for consideration at the reserved matters stage.

Street Scene Services (Waste) has raised no objections to the application, subject to a requested condition to secure the provision of waste and recycling storage and collection for the scheme. It is considered that this matter can be addressed through the detailed consideration of reserved matters submissions. Therefore a separate condition is not required for this outline proposal. It has been suggested that there are high voltage power cables which cross the site. In response to the previous planning application for 49 units and Electricity Wayleave was received from Western Power. This confirmed that it would be the responsibility of Western Power to underground the overhead cable at their expense if necessary.

Concerns have been raised that the existing trees along the site boundaries would result in an unacceptable level of overshadowing to the proposed dwellings, which would result in pressure for their removal. This concern would be addressed through the layout of the development, in the determination of the subsequent reserved matters application. Further, appropriate tree protection has been secured by way of condition on this application.

Conclusion

It is considered that the application proposal is within a sustainable location with sufficient infrastructure and provides both market and affordable housing (in which the Council has a shortfall) and that these are real and significant material considerations in favour of supporting the proposal. The previous reason for refusal does not confirm a material harm in terms of Policy NE5. It highlights a failure to fall within a settlement boundary. This is therefore a 'technical' breach of policy.

Subject to the updates awaited as part of the consultation on this revised application, principally relating to surface water drainage and footpath improvements, the proposal is not anticipated to attract any material technical planning objections with regard to ecology, archaeology, heritage, flood risk, or highways (impacts that can be addressed through appropriate conditions. Nor is there a subjective landscape objection raised either to this proposal or in the reason for refusal on the original application proposal (14/01274/OUT).

Collectively, it is considered that the above factors weigh in favour of recommending that permission be granted. In reaching this recommendation the views and concerns raised by local residents have been carefully considered and taken into account.

RECOMMENDATION:- Grant subject to conditions and S106 agreement, such agreement making provision for contributions towards:

- Affordable Housing - 19 units, approximately 40%
- Education - £119,412.82 towards Secondary Education
- Highways - Travel Packs - £52.85 per pack, 6 month bus passes, two per dwelling (average £350.00 per pass), new/improvements to 2 nearest bus stops (including raised and dropped kerbs to support modern bus fleets with low floor capabilities - £3263.00 per stop), information display case at a nearest bus stop (to inform of the nearest bus services in the area - £120.00 per display).
- Health – in the region of £24,897.18 to contribute towards the extension of the Markfield GP Practice.
- Public Open Space – figure to be confirmed

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan and emerging local planning policies, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would be a sustainable development, would not have an adverse impact upon the character and appearance of the countryside, flooding, ecology, biodiversity and archaeology, highway safety or residential amenity and would contribute to the provision of affordable housing and other infrastructure and services.

Hinckley & Bosworth Core Strategy (2009):- Policies 7, 10, 15, 16, 19 and 24.

Hinckley & Bosworth Local Plan (2001):- Policies RES5, IMP1, REC2, REC3, NE5, NE2, NE14, BE1, BE16 and T5.

Site Allocation and Development Management Policies DPD (2014): - Policies DM3, DM4, DM7, DM10, DM13, DM17

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

Conditions:-

- 1 An application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:
 - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
 - b) The scale of each building proposed in relation to its surroundings.
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
 - d) The landscaping of the site including the provision of 20% Woodland Planting, treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.
Reason: This planning permission is submitted in outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- 3 Construction shall be limited to 08:00 - 18.00 hrs Monday to Friday and 09:00 - 13:00hrs Saturdays with no working on Sundays or Bank Holidays.
Reason: To ensure the protection of neighbouring residential amenity during construction to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM7 of the Hinckley and Bosworth

Site Allocations and Development Management Policies Development Plan Document 2014.

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

- a) cleaning of site entrance, facilities for wheel washing, vehicle parking and turning facilities;
- b) the construction of the accesses into the site, the erection of any entrance gates, barriers, bollards, chains or other such obstructions; and
- c) details of the route to be used to access the site, including measures to ensure a highway condition inspection prior to commencement and any required repair works upon completion of construction.

Reason: To ensure the protection of neighbouring residential amenity during construction to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM7 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2014 .

- 5 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages 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 BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM10 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2014 .

- 6 No development shall commence until such time as the proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

Reason: In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM10 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2014.

- 7 The development shall be carried out in accordance with the recommendations of the Ecology Report by Aspect Ecology dated November 2014.

Reason: In the interests of ecology and biodiversity in accordance with Policy DM6 of the emerging Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2014.

- 8 Notwithstanding the arboricultural report dated 7th October 2014, prior to the commencement of development an updated full Arboricultural Implications Assessment and Tree Protection Plan to BS5837 2012 to include hedgerows will be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of ecology and biodiversity in accordance with emerging Policy DM6 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2014.

- 9 No development shall commence until drainage details for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full before the development is first brought into use.
Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM7 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2014.
- 10 No development shall commence 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: In the interests of protecting the amenity of future occupiers from possible contamination to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM7 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2014.
- 11 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the local planning authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
Reason: In the interests of protecting the amenity of future occupiers from possible contamination to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001 and emerging Policy DM7 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2014.
- 12 The access should have a minimum width of 4.8 metres wide for at least the first 5 metres behind the highway boundary. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall be maintained thereafter.
Reason: In the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 13 No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of geophysical survey and/or trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
 - The programme for post-investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation

- Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
Reason: To safeguard any important archaeological remains potentially present in accordance with Saved Policies BE14 and BE16 of the Hinckley and Bosworth Local Plan and emerging Policy DM13 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2014.
- 14 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (13).
Reason: To safeguard any important archaeological remains potentially present in accordance with Saved Policies BE14 and BE16 of the Hinckley and Bosworth Local Plan 2001 and emerging Policy DM13 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2014.
- 15 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (13) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
Reason: To safeguard any important archaeological remains potentially present in accordance with Saved Policies BE14 and BE16 of the Hinckley and Bosworth Local Plan and emerging Policy DM13 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2014.
- 16 Development shall not begin until details of design for off-site highway works being traffic calming measures on Main Street at, or in the vicinity of its junction with Hawthorne Drive, have been approved in writing by the local planning authority; and the 10th dwelling to be served by Beech Drive shall not be occupied until that scheme has been constructed in accordance with the approved details.
Reason: The proposal will lead to an increase in turning traffic at the junction of Hawthorne Drive with Main Street where visibility is restricted. The improvements are therefore required in the interests of highway safety in accordance with Policy T5 of the Hinckley and Bosworth Local Plan 2001.

Notes to Applicant:-

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

- 5 Severn Trent Water advise that although the statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to or directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the building. Severn Trent can be contacted on telephone number 0116 234 3834.

Contact Officer:-

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Planning Committee 24 May 2016
Report of the Chief Planning and Development Officer

Planning Ref: 16/00178/FUL
Applicant: Mr Shaun Hussey
Ward: Burbage St Catherines & Lash Hill

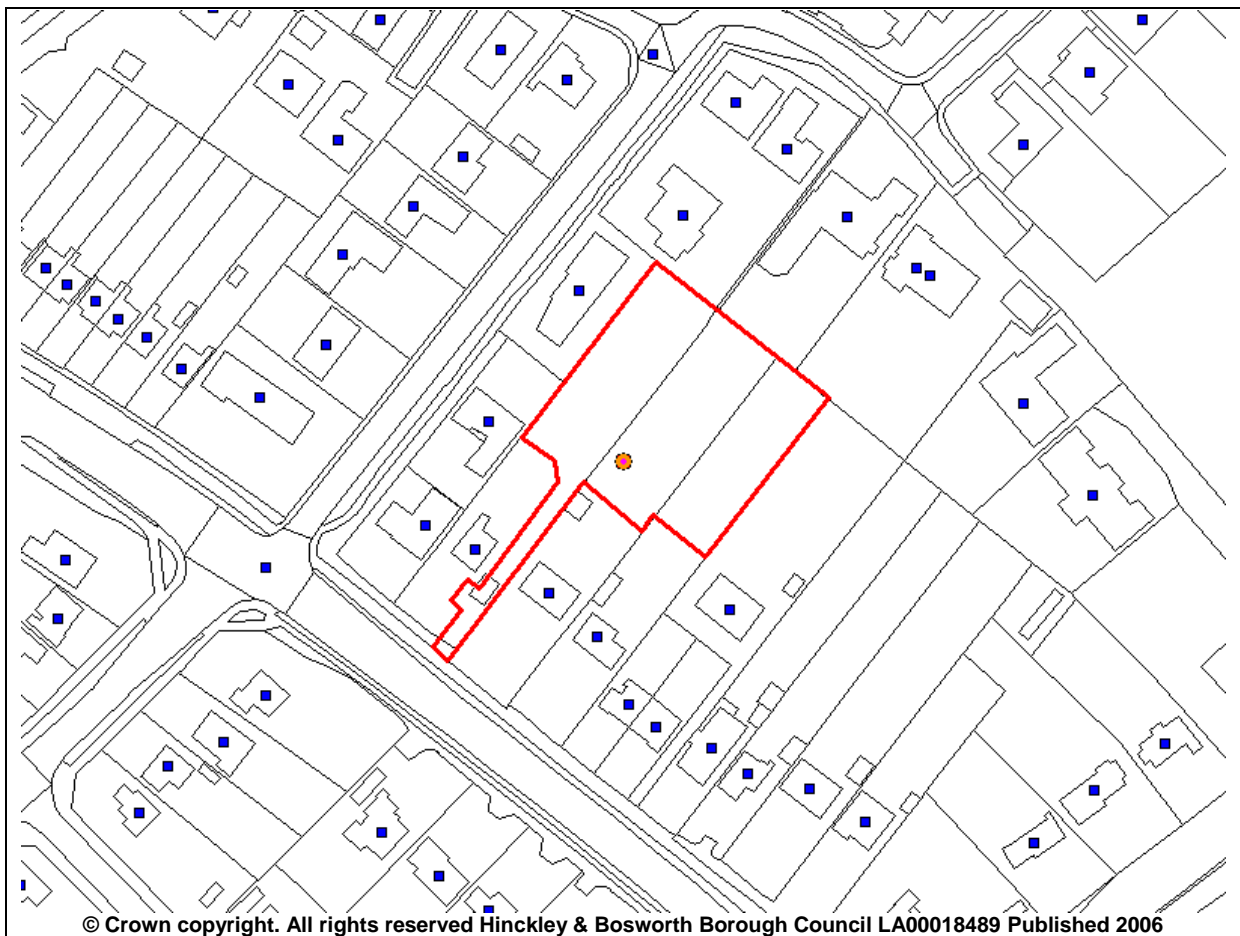


Hinckley & Bosworth
Borough Council

A Borough to be proud of

Site: Land To The Rear Of 25 & 27 Burbage Road
Burbage

Proposal: Subdivision of rear gardens of No's. 25, 27 and 29 and erection of
four dwellings and erection of single garages for No's. 25 & 27



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1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of four detached dwellings, garages and the formation of associated access on land to the rear of 25, 27 and 29 Burbage Road, Burbage.

- 2.2. The proposed four bedroom dwellings would be positioned on a slightly staggered building line across the middle of the plot with a footprint of between 9 - 11 metres in overall width and 11 – 12 metres in overall depth. They would be two storeys in height and designed with a mix of traditional and hipped roofs with an eaves height of 5 metres and ridge heights of 8.6 metres (house types A, B1 and B2) and 8 metres (house type C). Two double garages are proposed to the front corners of the site to serve plots 1 and 4 (house types A and C). The two central plots 2 and 3 (house types B) would have integral garages. Two single garages are proposed to the rear of No. 27 to serve that dwelling and to the front of No. 25 to replace the garage demolished to form the proposed shared access between Nos 25 and 27 Burbage Road.
- 2.3. A Planning Statement, Transport Statement and Tree Survey have been submitted to support the application.
- 2.4. Amended plans have been submitted to reduce the scheme from five to four new dwellings, to address issues raised in respect of the layout, design, impact on neighbouring properties and access issues. Re-consultation has been undertaken.

3. Description of the Site and Surrounding Area

- 3.1. The site is located within the settlement boundary of Burbage to the north east side of Burbage Road and measures approximately 0.23 hectares (including the access). It is rectangular in shape being approximately 47 metres wide and 42 metres deep with a 23 metres long access drive off Burbage Road. The site currently forms the rearmost sections of the long gardens of 25, 27 and 29 Burbage Road and is enclosed and divided by a variety of fencing, hedgerows and planting of varying height. There are a number of trees, mostly towards the perimeter or just outside the site.
- 3.2. The site is surrounded by residential development of predominantly detached dwellings of varying scale, designs and appearance within a variety of plot sizes including a detached bungalow in what appears to be a subdivided plot to the rear of Nos. 31 and 33 Burbage Road.

4. Relevant Planning History

None.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Responses have been received from 16 separate addresses raising objections to the scheme on the following grounds:-
1. inappropriate back land development that would adversely affect the character of the area
 2. high density/overdevelopment of the site not in keeping with the surrounding area
 3. Core Strategy housing target has been exceeded and additional houses are not required in Burbage
 4. overbearing impact and loss of light and open aspect to the detriment of the amenities of neighbouring properties

5. loss of privacy from overlooking to the detriment of the amenities of neighbouring properties
6. increase in vehicle movements and traffic congestion in close proximity to a busy junction on Burbage Road that suffers tailbacks
7. lack of parking facilities
8. tight access for emergency vehicles
9. will result in additional pressure on local services and infrastructure
10. some trees were removed prior to the Tree Survey

5.3. Burbage Parish Councillor Ann Hall raises objections on the following grounds:-

1. contrary to national guidance and local planning policies
2. back land development that would adversely affect the character of the neighbourhood
3. not in keeping with the density, plot sizes or individual designs of surrounding dwellings
4. overshadowing and overbearing impact on the amenity of the occupiers of an adjacent dwelling
5. adverse impacts on highway safety and pedestrian safety due increased use of access and proximity to a busy, congested junction that suffers tailbacks.

5.4 The re-consultation period on amended plans remains open at the time of writing and closes on 20 May 2016. Any further consultation responses received before the closing date will be reported and appraised as a late item.

6. Consultation

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

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

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

1. incongruous and uncomplimentary back-land development that would adversely affect the character of the neighbourhood
2. not in keeping with the density, plot sizes, scale or individual architectural designs of surrounding dwellings
3. detrimental effect on the amenities of the occupiers of neighbouring properties
4. increase in activity and vehicle movements resulting in an increase in noise and disturbance and detriment to the amenities of the occupiers of neighbouring properties
5. highway and pedestrian safety concerns due to proximity to a busy, congested junction that suffers tailbacks and is a route used by school children
6. limited access/turning for larger/emergency vehicles within site
7. adverse impacts on neighbours amenities and highway and pedestrian safety during construction phase
8. lack of any ecology survey.

7. Policy

- 7.1. Local Plan 2006 – 2026: Core Strategy (2009)
- Policy 4: Development in Burbage
 - Policy 24: Sustainable Design and Technology
- 7.2. Hinckley and Bosworth Local Plan (2001)
- Policy BE1: Design and Siting of Development
 - Policy RES5: Residential Proposals on Unallocated Sites
 - Policy NE14: Protection of Surface Waters and Ground Water Quality
 - Policy T5: Highway Design and Vehicle Parking Standards
- 7.3. Emerging Site Allocations and Development Management Policies DPD Submission Version (Dec 2014)
- Policy DM1: Presumption in Favour of Sustainable Development
 - 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)
- 7.5. Other relevant guidance
- Supplementary Planning Guidance on New Residential Development (SPG)
 - Burbage Village Design Statement (BVDS) Supplementary Planning Document (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 highway and pedestrian safety
 - Other issues

Assessment against strategic planning policies

- 8.2. Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision taking and that the NPPF is a material consideration in determining applications.
- 8.3. The development plan in this instance consists of the adopted Core Strategy (2009) and the saved policies of the adopted Local Plan (2001). The Site Allocations and Development Management Policies (SADMP) Development Plan Document 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 be afforded to those emerging policies.

- 8.4. Objections have been received that the Core Strategy housing allocation for Burbage has been exceeded and that there is no requirement for additional housing in Burbage.
- 8.5. The application site is located within the settlement boundary of Burbage as defined in the adopted Local Plan and the emerging SADMP where there is a presumption in favour of residential development provided by saved Policy RES5 of the adopted Local Plan. In addition, Policy 4 of the adopted Core Strategy supports development in Burbage to deliver a minimum of 295 new homes. Notwithstanding that the number of dwellings for Burbage supported by Policy 4 has been exceeded (as at 1 October 2015), it is a minimum number and the scale of proposed development for just four additional dwellings would not adversely affect the spatial vision for the settlement.
- 8.6. Policy DM1 of the emerging SADMP and the National Planning Policy Framework (NPPF) in paragraph 14 provide a presumption in favour of sustainable development. Paragraph 7 of the NPPF states that sustainable development has three interacting dimensions:- the social, economic and environmental roles.
- 8.7. The site is located within a sustainable urban location surrounded by existing residential development and within a reasonable distance of services and facilities. The proposal would provide a small contribution to the social role of sustainable development by providing four additional dwellings towards the overall housing supply for the Borough. The construction and sale of the development and its future ongoing occupation would also provide a small contribution to the local economy.
- 8.8. The environmental role of sustainable development requires proposals to protect or enhance the natural and built environment. The site is not identified as having any environmental or ecological significance. However, paragraph 53 of the NPPF suggests that local authorities should consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Therefore, regard must be had to the impact of the scheme on the character of the surrounding area. This is discussed below.

Impact upon the character of the area

- 8.9. Saved Policy BE1 (criterion a) of the adopted Local Plan and Policy DM10 (criterion c) of the emerging SADMP seek 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.
- 8.10. The Council's adopted Supplementary Planning Guidance (SPG) on New Residential Development aims to ensure that new development has regard to the character of the surrounding area and is well integrated into its surroundings.
- 8.11. Burbage Village Design Statement identifies this section of Burbage Road as being a 'mature area' comprising properties of varying age, styles and designs. This SPD seeks to protect such areas from inappropriate development that would harm the character of such areas with regard to plot size, building form, building siting, density, design styles and landscaping.
- 8.12. 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 development. Paragraph 58

seeks to ensure that development responds to local character and reflects the identity of local surroundings. Paragraph 64 states that permission should be refused for development of poor design that fails to improve the character or quality of an area and the way it functions.

- 8.13. Objections have been received that the proposal would result in an incongruous and uncomplimentary form of back land development and high density overdevelopment of the site that would adversely affect the character of the area and would be out of keeping with neighbouring development in terms of plot size, scale and individual design and appearance.
- 8.14. The development of the site and additional built form would clearly change the current undeveloped garden character of the application site. However, public views into the site are extremely limited and there are a variety of plot sizes and shapes within the immediate vicinity. The proposed density (approximately 17 dwellings per hectare) and plot sizes would not be significantly dissimilar to some of those of surrounding development. In respect of the back land nature of the proposal, there is an existing bungalow located to the rear of Nos. 31 and 33 with an access off Burbage Road that has already eroded the undeveloped garden character of the area to some degree. Therefore, notwithstanding the additional built form, the proposed scheme would not be overly prominent from any public areas and the harm to the character of the surrounded area would be limited.
- 8.15. There are a variety of scales, designs and styles in the surrounding area. The amended designs of the proposed two storey dwellings include a mix of traditional and hipped roof designs and include a number of architectural features (subordinate two storey projecting gables, bay windows, chimneys, headers and sills) and the use of a variety of external materials including brick and render that would add interest to the development and enhance its appearance. As no specific external materials have been submitted a condition would be necessary to ensure a satisfactory appearance. The scale and amended design and appearance of the dwellings would complement the varied, individual traditional designs and styles of surrounding development. The proposed layout for four new dwellings would provide adequate private amenity space and off-street parking for the existing dwellings and each new plot in excess of adopted SPG and highway design guidance standards and would not result in overdevelopment of the application site.
- 8.16. By virtue of the layout, scale and amended design of the proposed dwellings, the proposal would be in accordance with Policy BE1 (criterion a) of the adopted Local Plan, Policy DM10 (criterion c) of the emerging SADMP, adopted SPG on New Residential Development and the overarching design principles of the NPPF and would have limited conflict with the design guidance within the Burbage Village Design Statement in this case.

Impact upon neighbouring residential amenity

- 8.17. Saved Policy BE1 (criterion (i) of the adopted Local Plan, Policy DM10 (criterion a) of the emerging SADMP and SPG on New Residential Development require that development does not adversely affect the amenities or privacy of the occupiers of neighbouring properties. The NPPF in paragraph 17 seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.18. Objections have been received on the ground that the proposal would result in overbearing/overshadowing impacts, loss of light and open aspect, loss of privacy from overlooking and an increase in noise and disturbance from activity and vehicle

movements to the detriment of the amenities of the occupiers of neighbouring properties.

- 8.19. 18 Elm Tree Drive is a detached bungalow with a steeply pitched roof located to the north west of the application site. It has habitable room windows facing south east towards the site and a narrow rear garden of between 3 and 7 metres. The boundary with the application site is enclosed by a 2 metre high timber panel fence. Some of the windows in the rear elevation of No. 18 would face towards the rear garden of proposed Plot 1. Those windows that would face the blank side elevation of the proposed dwelling would be 14 metres from the two storey elevation and 12 metres from the single storey elevation in accordance with the separation distance guidelines within the adopted SPG on New Residential Development. By virtue of the separation distances, inset from the site boundary, hipped roof design and blank first floor side elevation, Plot 1 would have no material adverse overshadowing or overbearing impacts or result in any loss of privacy from overlooking on the amenities of the occupiers of No. 18.
- 8.20. 19 Elm Tree Drive is a detached dormer bungalow located to the south west of the application site. The boundary with the application site is enclosed by a 2 metre high timber panel fence. The front elevation windows of Plot 1 would be 18 metres from the rear elevation of No. 19 and offset by 7 metres from the rear garden. By virtue of the separation distance and the offset position from No. 19, Plot 1 would have no material adverse overshadowing or overbearing impacts or result in any loss of privacy from overlooking on the amenities of the occupiers of No. 19.
- 8.21. 35 Burbage Road is a detached bungalow located in an extensive plot to the south east of the application site. The boundary is defined by a thick conifer hedgerow of 2 metres in height. The front elevation windows of Plot 4 would be 15 metres from the rear elevation of No. 35 and offset by 7 metres. The only side elevation window facing No. 35 would be to a staircase. A condition could be imposed requiring that the window be non-opening and obscurely glazed at all times to prevent any loss of privacy from overlooking. By virtue of the separation distance, offset position and the hipped roof design, Plot 4 would have no material adverse overshadowing or overbearing impacts or result in any loss of privacy from overlooking on the amenities of the occupiers of No. 35.
- 8.22. The separation distance from the rear elevations of the four proposed dwellings to the rear gardens of existing dwellings on The Coppice and Elm Tree Drive would be a minimum of 15 metres and the separation distance to opposing habitable room windows would be over 30 metres in excess of adopted SPG standards.
- 8.23. The separation distance from the front elevation windows of the four new dwellings to the rear gardens of existing dwellings fronting Burbage Road would be between 12 and 15 metres and the separation distance to opposing habitable room windows would be over 35 metres in excess of adopted SPG standards.
- 8.24. The scheme would introduce vehicle movements along the side and rear boundaries of the host properties and neighbouring gardens. However, by virtue of the small scale of the development for only four new dwellings and subject to the provision of appropriate boundary treatments, 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.

- 8.25. The proposal would not result in any material adverse impacts on the amenities of any neighbouring properties and therefore would be in accordance with saved Policy BE1 (criterion i) of the adopted Local Plan, Policy DM10 (criterion a) of the emerging SADMP and the adopted SPG on New Residential Development.

Impact upon highway and pedestrian safety

- 8.26. Saved Policies BE1 (criterion g) and T5 of the adopted Local Plan Policies and Policies DM17 and DM18 of the emerging SADMP require development to accord with adopted highway design and vehicle parking standards to ensure that there is adequate highway visibility for road users and adequate provision of off-street parking and manoeuvring facilities. Paragraph 32 of the NPPF states that a safe and suitable access to sites should be achieved and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.27. Objections to the scheme have been received on the grounds of highway and pedestrian safety as a result of additional traffic movements to and from an access that is in close proximity to a busy congested junction subject to tailbacks, inadequate parking provision and access for emergency and construction vehicles.
- 8.28. The scheme proposes a 4.8 metres wide access for the first 5 metres behind the highway boundary to serve the four new dwellings and the host dwellings either side, reducing to 4.25 metres for the remainder of its length to serve the four new dwellings. The proposed access width is in accordance with adopted highway design guidance for the scale of development. Pedestrian visibility splays are proposed at the junction of the access and the wide highway verge on Burbage Road would enable adequate forward visibility to be achieved to mitigate highway and pedestrian safety concerns. A condition could be imposed to ensure appropriate access surfacing. The proposed layout would provide adequate off-street vehicle parking (three spaces) and turning within the site for each plot in accordance with adopted highway design guidance for four bedroom dwellings. The host dwellings would retain adequate parking and turning space.
- 8.29. In response to the objections received in respect of the close proximity of the proposed access to a busy and congested junction subject to tailbacks, the scheme has been assessed by Leicestershire County Council (Highways). The Highway Authority acknowledges that queueing at the traffic signals is likely to occur, particularly during rush hour periods, which may cause delays to occupiers wishing to turn right out of the access. However, having regard to accident data in the vicinity of the signalled junction (two slight accidents within the last five years), the presence of existing anti-skid surfacing together with conditions to ensure that the access complies with adopted highway design guidance, the Highway Authority consider that the cumulative impacts of a small scale development for only four new dwellings can be mitigated, would not increase the risk of accidents occurring at the site and are not considered severe.
- 8.30. The Highway Authority therefore raise no objections to the scheme in respect of either highway or pedestrian safety subject to a number of standard highway related conditions to control access width, surfacing and gates, pedestrian visibility splays, parking and turning provision, closure of redundant vehicle accesses and a construction traffic/site traffic management plan. The conditions would be reasonable and necessary in this case to ensure satisfactory development of the site.

- 8.31. The scheme would not result in any adverse impacts on highway or pedestrian safety and would therefore be in accordance with saved Policies BE1 (criterion g) and T5 of the adopted Local Plan Policies and Policies DM17 and DM18 of the emerging SADMP.

Other issues

- 8.32. Objections have been received on the grounds that trees have been removed prior to the tree survey and that no ecology or bat surveys have been submitted. However, none of the trees on site were protected and those trees remaining within or immediately adjacent to the site that contribute to visual amenity are to be retained. The Council's Arboricultural Officer raises no objection to the amended scheme layout. The site is not within an area that would trigger a requirement for an ecology survey to be submitted with the application.
- 8.33. Objections have been received that the scheme would result in additional pressures on local infrastructure and services. The application site is not within 400 metres of any public play and open space facilities and a development for only four new dwellings does not trigger a requirement for any other infrastructure contributions.
- 8.34. Severn Trent Water Limited does not object subject to the imposition of a standard condition to require the submission of drainage details for prior approval. A condition would be reasonable and necessary to ensure satisfactory drainage of the site to accord with Policies DM7 of the emerging SADMP and saved Policy NE14 of the adopted Local Plan.
- 8.35. Environmental Health (Pollution) do not object to the scheme but recommend a condition requiring the submission of a scheme to monitor and remediate any landfill gas for prior approval to protect the future occupiers of the site. By virtue of the proximity of a known landfill site the condition would be reasonable and necessary to ensure safe development and occupation of the site to accord with Policy DM7 of the emerging SADMP and saved Policy BE1 (criterion c) of the adopted Local Plan.
- 8.36. Street Scene Services (Waste) recommend a condition to require the submission of details of a suitably located refuse and recycling collection point at the highway boundary. The amended layout would include a shared collection point between 2 and 12 metres from the highway boundary which would comply with good practice guidance within both manual for Streets and BS 5906:2005. Therefore a condition would not be necessary.

9. Conclusion

- 9.1. The application site is in a sustainable location within the settlement boundary of Burbage close to services and facilities where residential development is generally acceptable in principle and, notwithstanding the subdivision of three large gardens, would contribute to the social and economic roles of sustainable development whilst having no material adverse impacts on the environment.
- 9.2. By virtue of the proposed layout, scale and amended design and subject to the use of appropriate external materials to ensure a satisfactory appearance, the scheme would not result in any material adverse impacts on the character of the surrounding area, the amenities of the occupiers of any neighbouring properties or highway safety. Appropriate conditions can be imposed to ensure satisfactory development of the site.

9.3. The proposed scheme would be in accordance with Policy 4 of the adopted Core Strategy, saved Policies BE1 (criteria a, g and i), RES5 and T5 of the adopted Local Plan, Policies DM1, DM10, DM17 and DM18 of the emerging SADMP and the SPG on New Residential Development together with the overarching principles 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. In dealing with the application, through ongoing negotiation the local planning authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site Location Plan Drawing No. BRH/LP_/110B and Site Context Plan Drawing No. BRH/CP_/111C received by the local planning authority on 19 April 2016; Site Layout Plan Drawing Nos. LP_BRH/02D and BRH/LP/100J, Street Elevation Drawing No. BRH/SE/10C, House Type A Drawing No. BRH/HT_A/01A, House Type B1 Drawing No. BRH/HT_B/01D, House Type B2 Drawing No. BRH/HT_B/02D and House Type C Drawing No. BRH/HT_C/01B received by the local planning authority on 9 May 2016; and Garages Drawing No. BRH/HT_G/01A received by the local planning authority on 18 April 2016.

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

3. No development shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings and garages hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 (criteria c) 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.

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

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

6. No development approved by this permission shall be commenced until a scheme for the monitoring of landfill gas on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how any landfill gas 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 protect the future occupiers of the site to accord with Policy DM7 of the emerging Site Allocations and Development Management Policies Development Plan Document and Policy BE1 (criterion c) of the adopted Hinckley and Bosworth Local Plan.

7. Notwithstanding the submitted details, prior to any development commencing on site, full details of all boundary enclosure measures and an implementation schedule shall be submitted to and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved details.

Reason: To protect the privacy and amenity of neighbouring occupiers and future occupiers of the site and in the interests of visual amenity to accord with Policy DM10 (criteria a and c) of the emerging Site Allocations and Development Management Policies Development Plan Document and Policy BE1 (criteria a and i) of the adopted Hinckley & Bosworth Local Plan.

8. The shared private drive shall be a minimum of 4.8 metres wide and shall be surfaced with tarmacadam or similar hard bound material (not loose aggregate) for at least the first 5 metres behind the highway boundary and thereafter a minimum of 4.25 metres wide. The access drive shall be so provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

Reason: In the interest of highway safety 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 (loose stones etc.) being deposited in the

highway to accord with Policy DM17 of the emerging Site Allocations and Development Management Policies Development Plan Document and Policy T5 of the adopted Hinckley and Bosworth Local Plan.

9. No development shall commence on site until a scheme for the permanent closure of all redundant existing vehicular accesses and reinstatement of the crossings to highway footway and verge have been submitted to and approved in writing by the local planning authority. The scheme shall then be implemented and completed within one month of the new access first being brought into use.

Reason: To reduce the number of potential conflict points in the interests of pedestrian safety to accord with Policy DM17 of the emerging Site Allocations and Development Management Policies Development Plan Document and Policy T5 of the adopted Hinckley and Bosworth Local Plan.

10. Before first use of the development hereby permitted, 1.0 metre by 1.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access at its junction with Burbage Road with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway. Once provided the splays shall be permanently so maintained at all times thereafter.

Reason: In the interests of pedestrian safety to accord with Policy DM17 of the emerging Site Allocations and Development Management Policies Development Plan Document and Policy T5 of the adopted Hinckley and Bosworth Local Plan.

11. Prior to the first occupation of any of the dwellings hereby permitted, the off-street vehicle parking and turning spaces shall be provided in accordance with the approved Layout Plan A Drawing No. LP_BRH/02D received by the local planning authority on 9 May 2016 and once provided shall be so maintained and retained for such use at all times thereafter.

Reason: To ensure that adequate off-street parking and turning provision is made in the interests of highway safety to accord with Policy DM18 of the emerging Site Allocations and Development Management Policies Development Plan Document and Policy T5 of the adopted Hinckley and Bosworth Local Plan.

12. No vehicle access gates, barriers, bollards, chains or other obstructions shall be erected within 5 metres of the adopted highway boundary.

Reason: To ensure that vehicles entering the site can pull clear of the highway in the interests of highway and pedestrian safety in accordance with Policy DM17 of the emerging Site Allocations and Development Management Policies Development Plan Document and Policy T5 of the adopted Hinckley and Bosworth Local Plan.

13. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including hours of work, working practices, 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 protect the amenities of the occupiers of neighbouring properties and in the interests of highway and pedestrian safety to accord with Policies DM10 (criterion a) and DM17 of the emerging Site Allocations and Development Management Policies Development Plan Document and Policies BE1 (criterion i) and T5 of the adopted Hinckley and Bosworth Local Plan.

14. Notwithstanding the submitted details, the first floor landing window on the south east side elevation of House Type A (Plot 4) facing 35 Burbage Road shall be non-opening and fitted with obscure glazing and once so provided shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of the neighbouring dwelling from potential overlooking in accordance with Policy DM10 (criterion a) of the emerging Site Allocations and Development Management Policies Development Plan Document and Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan.

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. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
3. Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
4. The application indicates that surface water from the development will discharge into the main sewer which would not be acceptable without exploring other more sustainable methods in accordance with Building Regulations (Part H).
5. This planning permission does NOT allow you to carry out access alterations within the highway. The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road. Before any 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 Leicestershire County Council website: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg or telephone (0116) 3050001.
6. The proposal is situated in excess of 45 metres from the highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.

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Planning Committee 24 May 2016
Report of the Chief Planning and Development Officer



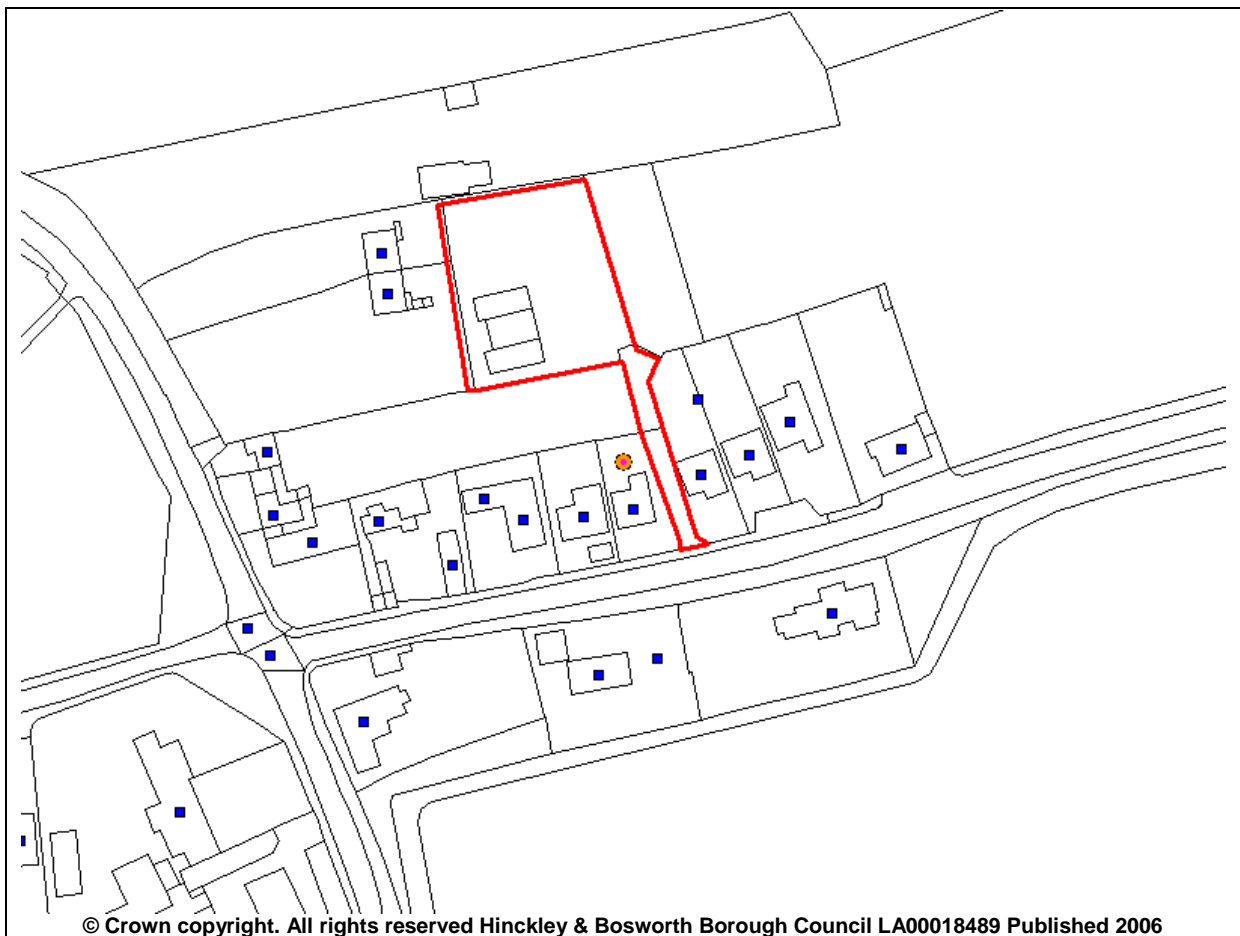
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 16/00242/FUL
Applicant: Cadeby Homes Ltd
Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: Land Adjacent To 7 Nailstone Road Barton In The Beans

Proposal: Erection of 3 detached dwellings, single garage and demolition of existing buildings



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - Infrastructure contribution of £515.70 towards informal green 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.

2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of three detached dwellings, a detached garage and associated access on land off Nailstone Road Barton in the Beans. The proposal includes the demolition and removal of three current/former business buildings (Nissen huts) and the removal of five storage containers from the site.
- 2.2. The proposed four bedroom dwellings would be positioned on a slightly staggered building line across the middle of the site with a footprint of between 7 – 9 metres in overall width and between 11.5 – 13.5 metres in overall depth. They would be two storeys in height with subordinate two storey front projecting gables but with individual designs. The dwellings would have an eaves height of 5 metres and varying ridge heights of 8.5, 8.8 and 8.9 metres. House Types 1 and 3 would have integral garages and two additional off-street parking spaces. House Type 2 would have a detached single garage and two additional off-street parking spaces.
- 2.3. A Design and Access Statement, Ground Stability Report, Heritage Statement, Bat Survey and Arboricultural Method Statement have been submitted to support the application.

3. Description of the Site and Surrounding Area

- 3.1. The site is located outside of, but adjacent to, the settlement boundary of Barton in the Beans and to the rear of dwellings fronting onto the north side of Nailstone Road. The site measures approximately 0.14 hectares (excluding the access). It is rectangular in shape being approximately 35 metres wide and 29 metres deep with an unmade 46 metres long access off Nailstone Road between Nos. 7a and 7b.
- 3.2. The site comprises three Nissen huts, five storage containers, a large area of loose surfaced hardstanding and an untidy area of grasses. There are mature trees close to the southern perimeter of the site and a row of conifers from the northern boundary towards the middle of the site. The site is enclosed by a mix of concrete panels and shiplap timber panel fencing of approximately 1.8 metres in height.
- 3.3. There are residential properties to the west and south of the site, a field to the east and an un-associated Nissen hut and allotment type use to the north.

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.
- 5.2. Responses have been received from 7 separate addresses raising objections to the application on the following grounds:-
 1. Site is outside settlement boundary

2. No need for additional housing in Barton in the Beans
 3. Detrimental impact on the amenities of neighbouring properties from loss of privacy from overlooking
 4. Detrimental overbearing/overshadowing impacts on the amenities of neighbouring properties due to proximity, relative ground levels and height
 5. Noise pollution and disturbance from additional vehicle movements
 6. Highway safety – inadequate visibility from the access
 7. Inadequate, narrow access
 8. Loss of protected and other trees
 9. Inadequate surveys for ecology
 10. Position of waste and recycling collection point
 11. Foul and surface water drainage/flooding
 12. Would set a precedent for additional development
- 5.3 The re-consultation period on amended plans remains open at the time of writing and closes on 21 May 2016. Any further consultation responses received before the closing date will be reported and appraised as a late item.

6. Consultation

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

Leicestershire County Council (Highways)
 Leicestershire County Council (Archaeology)
 Leicestershire County Council (Ecology)
 Environment Agency
 Environmental Health (Pollution)
 Environmental Health (Drainage)
 Street Scene Services (Waste)
 Arboricultural Officer

- 6.2. No response has been received from Shackerstone Parish Council.

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 BE16: Archaeological Investigation and Recording
 - Policy RES5: Residential Proposals on Unallocated Sites
 - Policy NE2: Pollution
 - Policy NE5: Development in the Countryside
 - 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
- 7.3. Emerging Site Allocations and Development Management Policies 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 DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough's Archaeology
 - 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 Supplementary Planning Document (SPD)
 - New Residential Development Supplementary Planning Guidance (SPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the site and surrounding countryside
- Impact upon neighbouring residential amenity
- Impact on heritage assets
- Impact upon highway safety
- Impact upon trees and wildlife habitats
- Drainage
- Infrastructure contributions
- Other issues

Assessment Against 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 Barton in the Beans, which provide a mix of housing types and tenures.

Local Plan (2001)

- 8.4. The application site is located in the countryside outside the settlement boundary of Barton in the Beans as defined in the adopted Local Plan Proposals Map therefore saved Policies NE5 and RES5 of the adopted Local Plan 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 additional sites, other than that already benefitting from planning permission have been allocated for residential development in Barton in the Beans.
- 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 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 planning 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 outside the settlement boundary and that there is no need for any additional housing development in Barton in the Beans.
- 8.14. The application site is located outside the settlement boundary of Barton in the Beans 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 be in conflict with Policy 13 of the Core Strategy and saved Policies NE5 and RES5 of the adopted Local Plan.
- 8.15. However, Policy DM1 and paragraphs 14 and 49 of the NPPF provide a presumption in favour of sustainable residential development. Notwithstanding its location outside the settlement boundary, the site is not isolated but adjacent to the settlement boundary and, significant in this case, comprises a previously developed brownfield site. Paragraph 17 of the NPPF encourages the effective use or reuse of such sites provided they are not of high environmental value.
- 8.16. The NPPF defines the three dimensions of sustainable development as economic, social and environmental.

i) 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.

ii) 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 additional 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 towards informal green space within the locality which could be secured by the completion of a suitable legal agreement.

iii) Environmental

The application site comprises three Nissen huts, five unsightly storage containers and a large area of loose hardstanding associated with former business or commercial uses of the site. 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 containers and clearance of the site to enable a small residential development would nevertheless lead to an enhancement of the immediate setting. In addition, the brownfield site is not isolated but is adjacent to the settlement boundary. The proposed dwellings would be located to the rear of existing dwellings where they would not contribute to ribbon development or be visually prominent in respect of the open landscape to the north or east, being viewed against existing development. Redevelopment of this brownfield site would therefore be in accordance with some aspects of Policy DM4 of the emerging SADMP and therefore have limited conflict. The site is not identified as having any high environmental value and the proposal would not result in the loss of any significant or protected trees or wildlife habitats or any other demonstrable adverse impacts on the environment.

Planning Balance

- 8.17. Barton in the Beans is a rural hamlet with no services or facilities other than a bus service and is therefore the least sustainable of settlements within the hierarchy identified within the adopted Core Strategy. In addition, 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 brownfield nature of the site, the small scale of the development, the limited harm identified to the setting of Barton in the Beans and the surrounding countryside together with identified economic, social and environmental benefits arising from the development, the scheme would comply with aspects of Policy DM4 of the emerging SADMP and paragraphs 7, 14, 17 and 49 of the NPPF. It is considered that the benefits of the scheme would outweigh the 'in principle' policy conflict in this case subject to all other planning matters being satisfactorily addressed.

Impact upon the character of the site and surrounding countryside

- 8.18. Saved Policy NE5 (criteria i and ii) require that development in the countryside is in keeping with the scale and character of existing buildings and the general surroundings and does not have any adverse impacts on the appearance or character of the surrounding landscape. Policy DM10 (criterion c) 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.

- 8.19. Barton in the Beans is characterised by predominantly low density development fronting onto the main roads through the hamlet but there are also small pockets of higher density development at depth further to the west on the south side of Main Street. There are also a wide variety of scales, designs and styles within the settlement. The proposed scheme would introduce back land development to this part of the settlement which is not the predominant development pattern. However, there is a more varied, denser pattern of development elsewhere in the settlement and the benefits of the scheme to this untidy brownfield site would outweigh any adverse impacts on the character of the area in this case. The proposed two storey dwellings would complement the scale of existing dwellings fronting Nailstone Road and subject to the use of satisfactory external materials that could be secured by condition, the proposed high quality designs, would enhance the character of the site. The scheme would therefore be acceptable in respect of Policy DM10 (criteria c) 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.

Impact upon neighbouring residential amenity

- 8.20. 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.
- 8.21. 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/overshadowing impacts due to proximity, relative ground levels and two storey height and noise and disturbance from vehicle movements.
- 8.22. The nearest neighbouring dwellings are Nos. 10 and 12 Odstone Road, a pair of semi-detached dormer bungalows occupying a slightly lower ground level to the west of the application site. They have relatively small rear gardens compared to the extensive gardens to their side and frontage. The rear gardens have been further reduced by a large extension and conservatory to the rear of No. 10 and by an extension and the siting of three sheds to the rear of No. 12.
- 8.23. Proposed house type 2 would be positioned closest to Nos. 10 and 12, offset from the site boundary by 4 metres and at a separation distance of 15 metres from the main rear elevation windows of Nos. 10 and 12. The separation distance would be in excess of the 14 metre separation guideline in the Council's adopted SPG and therefore would not result in any adverse overbearing or overshadowing impacts on the neighbouring dwellings. In addition, as a result of the consultation responses received, the applicant has submitted amended plans to provide a hipped roof to house type 2, and hand the house type to relocate the front projecting gable to the far side of the dwelling, thereby further reducing any perceived impact from the originally proposed side gable and reducing the depth of the house type on the west side elevation. A site section has been submitted to demonstrate an acceptable relationship of the proposed dwellings to the rear elevation of No. 12. The only windows facing the rear gardens of Nos. 10 and 12 would be a secondary dining area window and a cloakroom window at ground floor and a staircase window at first floor. Subject to the use of non-opening windows with obscure glazing that

could be controlled by condition, the proposal would not result in any loss of privacy to Nos. 10 or 12 from overlooking.

- 8.24. The front elevation windows of the proposed house types would be in excess of 44 metres to any other dwellings and a minimum of 18 metres to the boundary of the garden to the south. The rear elevation windows face towards a Nissen hut and land used for allotment type purposes which appear to be in association with the occupation of No. 12 Odstone Road. Therefore the proposal would not result in any adverse overbearing/overshadowing impacts or loss of privacy from overlooking to any other neighbouring dwellings.
- 8.25. Objections have been received on the grounds that the scheme would result in additional noise and disturbance from traffic movements and activity. The scheme proposes only three new dwellings on a brownfield site which could potentially be used more intensively. In any case, by virtue of the scale of development the proposal would not result in additional traffic movements to a degree that would have any material adverse impacts from noise or disturbance on the amenities of any neighbouring properties. The access is already bounded by a 1.8 metre high brick wall and close boarded timber fencing that protects the privacy and amenity of the adjacent occupiers.
- 8.26. Notwithstanding the objections received, by virtue of its layout, design and separation distances, the proposed scheme would not adversely affect any neighbouring properties, subject to the inclusion of a condition for obscure and fixed glazing to the west elevation of house type 2. The scheme would therefore 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 on heritage assets

- 8.27. Where undesignated historical assets have been identified but preservation is not justified, saved Policy BE16 of the adopted Local Plan and Policy DM13 of the emerging SADMP require satisfactory archaeological investigation and recording to be carried out by an approved organisation before any development commences. Policies DM11 and DM12 of the emerging SADMP seek to protect and enhance the historic environment and heritage assets. Section 12 of the NPPF seeks to conserve and enhance the historic environment in a manner proportionate to their significance.
- 8.28. A Heritage Statement has been submitted to support the application and has been assessed by Leicestershire County Council (Archaeology). The statement is welcomed but in order to preserve by record and advance the understanding of the significance of the assets to be lost standard archaeological conditions are recommended requiring that an appropriate level of building recording is carried out (in line with Historic England guidelines) prior to demolition of the huts. This would be reasonable and necessary to ensure compliance with saved Policy BE16 of the adopted Local Plan, Policies DM11, DM12 and DM13 of the emerging SADMP and Section 12 of the NPPF (2012).

Impact upon Highway Safety

- 8.29. 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.

- 8.30. Objections to the scheme have been received on the grounds of adverse impacts on highway safety from inadequate visibility at the access junction with Nailstone Road and access width.
- 8.31. By virtue of the existing/past uses of the site, the small scale of the development for only three new dwellings, the rural nature of Nailstone Road and level of traffic movements, the available visibility from the access in either direction would not be considered to be likely to result in any severe adverse impacts on highway safety and would be acceptable in this case.
- 8.32. The 2.5 metres wide access is significantly less than the highway authority design standard width of 4.25 metres to serve three dwellings and is in effect single width. However, by virtue of the existing 8 metres wide 'bell-mouth' junction, vehicles would still be able to pull clear of Nailstone Road to enable an opposing vehicle to pass. On that basis the proposal would be unlikely to result in any adverse impact on highway safety and would therefore be acceptable in this case.
- 8.33. Leicestershire County Council (Highways) have assessed the scheme and raise no objections on highway safety grounds but recommend the imposition of a number of highway related conditions. Conditions to control the provision of adequate parking and turning within the site, satisfactory surfacing of the access and gate set back would be reasonable and necessary to make the scheme acceptable in planning terms. The access is already in excess of the standard 4.25 metre width for the first five metres behind the highway boundary therefore a condition to control this detail is unnecessary. By virtue of the size of the site, scale of development and its rural location, a scheme for construction traffic/site traffic management would not be either reasonable or necessary in this case and the Highway Authority has separate powers to control the condition of the public highway.

Impact upon trees and wildlife habitats

- 8.34. Saved Policy BE1 (criterion b) of the adopted Local Plan requires development to avoid the loss of vegetation that contributes to the quality of the local environment. Policy DM6 of the emerging SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features.
- 8.35. Objections have been raised on the grounds of the potential loss of protected trees around the site and that inadequate ecology surveys have been undertaken.
- 8.36. There are a number of trees close to the boundaries of the site that are protected by a Tree Preservation Order (2004). Trees T7 (Oak) and T6 (Ash) lie close to the access to the site. The Council's Arboricultural Officer has assessed the scheme and considers that by virtue of their separation from the proposed dwellings and clearance height from the access their appearance and long term viability would not be adversely affected from any above ground development proposed. However, the scheme would require the laying of services along the access which passes below the canopy and above the root protection area of T7 and therefore a condition has been recommended to require the submission of an Arboricultural Method Statement and Tree Protection Plan for prior approval to ensure adequate protection of the trees. The applicant has subsequently submitted an underground

services method statement and tree protection plan and the further comments of the Arboricultural Officer will be reported as a late item to the agenda.

- 8.37. Subject to satisfactory arboricultural mitigation measures being undertaken, there would be no adverse impacts on any of the protected trees around the site and the proposal would therefore be in accordance with saved Policy BE1 (criterion b) of the adopted Local Plan and Policy DM6 of the emerging SADMP.
- 8.38. As the proposal includes the demolition of a number of buildings, a Bat Survey has been submitted to support the application and includes a description of the composition of the site and its flora. The proposal has been assessed by Leicestershire County Council (Ecology) who consider that the report is satisfactory and raise no objections.

Drainage

- 8.39. 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.
- 8.40. Objections have been received on the grounds that there may be inadequate capacity within the existing foul sewage system and that the additional hard surfacing within the proposal could result in additional surface water runoff/flooding to neighbouring properties.
- 8.41. The scheme has been assessed by Environmental Heath (Drainage) who raise no objections to the scheme in principle, but recommends notes to the applicant in respect of ensuring the suitability of the ground strata for soakaway drainage and the use of permeable paving on access drives and parking and turning areas with any necessary attenuation storage to incorporate sustainable drainage principles. This would ensure the development would not create or exacerbate flooding problems in accordance with emerging Policy DM7 of the SADMP and saved Policy NE14 of the adopted Local Plan.
- 8.42. A satisfactory method of disposal of foul sewage from the site would be subject to separate Building Regulations control.

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. 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.
- 8.44. 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.
- 8.45. The site is located within 300 metres of the Baptist Church which provides publically accessible informal green space. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In

this case, the infrastructure contribution of £515.70 (£171.90 per dwelling) would be used to provide benches and notice boards to enhance the facilities of the green space for its users. By virtue of the proximity of the application site to the green space it is considered that the future occupiers would use the facility, increasing demand for the facilities that it offers and their maintenance requirements. It has been demonstrated that the infrastructure contribution is required for a planning purpose, 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 therefore a contribution is justified in this instance.

- 8.46. An appropriate legal agreement is required to be completed to secure the green space infrastructure contributions in accordance with saved Policy IMP1 of the adopted Local Plan, Policy DM3 of the emerging SADMP and Policy 19 of the adopted Core Strategy. A legal agreement is currently being prepared.

Other issues

- 8.47. Due to the potential for past uses of the site to have resulted in land contamination Environmental Heath (Pollution) recommend the imposition of standard land contamination investigation and mitigation conditions which would be reasonable and necessary to ensure safe development of the site for residential use.
- 8.48. Objections have been received that the approval of the scheme would set a precedent for further residential development outside the settlement boundary. However, any application must be assessed on its own merits and in accordance with the current development plan policies and relevant national guidance.
- 8.49. The position of the waste and recycling collection point at the side of the access close to the highway boundary would not be any more visually detrimental to any other road on collection day and is for a temporary period only.

9. Conclusion

- 9.1. By virtue of its location outside the settlement boundary of Barton in the Beans, 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 brownfield nature of the site, the small scale of the development, the limited harm identified to the setting of Barton in the Beans 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. By virtue of the access, layout, scale and design of the scheme and subject to the use of appropriate external materials to ensure a satisfactory appearance, the proposal would significantly improve the visual appearance of the site and would not result in any material adverse impacts on the character of the surrounding area, the amenities of the occupiers of neighbouring properties, highway safety, protected trees or wildlife habitats or drainage. Satisfactory historic building recording of the existing Nissen huts to be demolished could be secured by condition. An infrastructure contribution towards local green space could be secured by 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, DM11, DM12, DM13, DM17 and

DM18 of the emerging SADMP, Policies 13 and 19 of the adopted Core Strategy, saved Policies BE1, BE16, NE2, NE5, NE14, IMP1 and T5 of the adopted Local Plan together with the overarching principles of the NPPF and is therefore recommended for approval subject to conditions and the completion of a legal agreement to secure infrastructure contributions towards green space facilities.

10. Recommendation

10.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - Infrastructure contribution of £515.70 towards informal green 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.

10.4. Conditions and Reasons

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site Location Plan drawing. no. B16/01/L01, House Type 1 drawing. no. B16/01/P02 and House Type 3 drawing. no. B16/01/P04 and received by the local planning authority on 14 March 2016 and Proposed Site Plan and Site Section drawing. no. B16/01/P01D and House Type 2 drawing. no. B16/01/P05C received by the local planning authority on 11 May 2016.

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

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

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 (criteria c) 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.

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) 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. 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.

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

7. No demolition/development shall take place/commence until a Written Scheme of Investigation detailing a suitable programme of archaeological work (Historic Building Photographic Survey) has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - The programme and methodology of historic building survey, reporting and archive deposition
 - The nomination of a competent person or persons/organisation to undertake the works set out
 - No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To ensure satisfactory historic building survey, analysis and reporting in accordance with Policy DM13 of the emerging Site Allocations and Development Management Policies Development Plan Document, Policy

BE16 of the adopted Hinckley and Bosworth Local Plan and paragraph 141 of the National Planning Policy Framework (2012).

8. The development hereby permitted shall be carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan (Dr S. Bodnar - May 2016) received by the local planning authority on 4 May 2016.

Reason: To ensure the existing trees to be retained are adequately protected during construction and in the interests of visual amenity of the area and biodiversity to accord with Policy DM6 of the emerging Site Allocations and Development Management Policies Development Plan Document, saved Policy BE1 (criterion b) of the adopted Hinckley and Bosworth Local Plan and paragraph 109 of the National Planning Policy Framework (2012).

9. Before first occupation of any of the dwellings hereby permitted, the shared access drive shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and once provided shall be permanently so maintained at all times thereafter.

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

10. Prior to the first occupation of any of the dwellings hereby permitted, the off-street vehicle parking and turning spaces shall be provided in accordance with the approved Site Layout Plan Drawing No. BE16/01/P01D and once provided shall be so maintained and retained for such use at all times thereafter.

Reason: To ensure that adequate off-street parking and turning provision is made in the interests of highway safety to accord with Policy DM18 of the emerging Site Allocations and Development Management Policies Development Plan Document and Policy T5 of the adopted Hinckley and Bosworth Local Plan.

11. No vehicle access gates, barriers, bollards, chains or other obstructions shall be erected within 5 metres of the adopted highway boundary.

Reason: To ensure that vehicles entering the site can pull clear of the highway in the interests of highway and pedestrian safety in accordance with Policy DM17 of the emerging Site Allocations and Development Management Policies Development Plan Document and Policy T5 of the adopted Hinckley and Bosworth Local Plan.

12. Notwithstanding the submitted details, the first floor landing window and ground floor secondary dining room window and cloakroom window on the west side elevation of House Type 2 (facing 10 and 12 Odstone Road) shall be fitted with obscure glazing and non-opening below a height of 1.8 metres above finished floor level. Once so provided the windows shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of the neighbouring dwelling from potential overlooking in accordance with Policy DM10 (criterion a) of the emerging Site Allocations and Development Management Policies Development Plan Document and Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan.

10.5. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
3. The applicant's attention is drawn to the recommendations in the submitted Ecological Appraisal (Dr S. Bodnar - January 2016).
4. In relation to conditions 5 and 6 advice from Health and Environment Services can be viewed via the following web address:- {ul <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.
5. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
6. 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).
7. All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001). The highway boundary is the hedge/wall/fence fronting the premises and not the edge of the carriageway/road.

The proposal is situated in excess of 45 metres from the highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.

C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.

Planning Committee 24 May 2016
Report of the Chief Planning and Development Officer



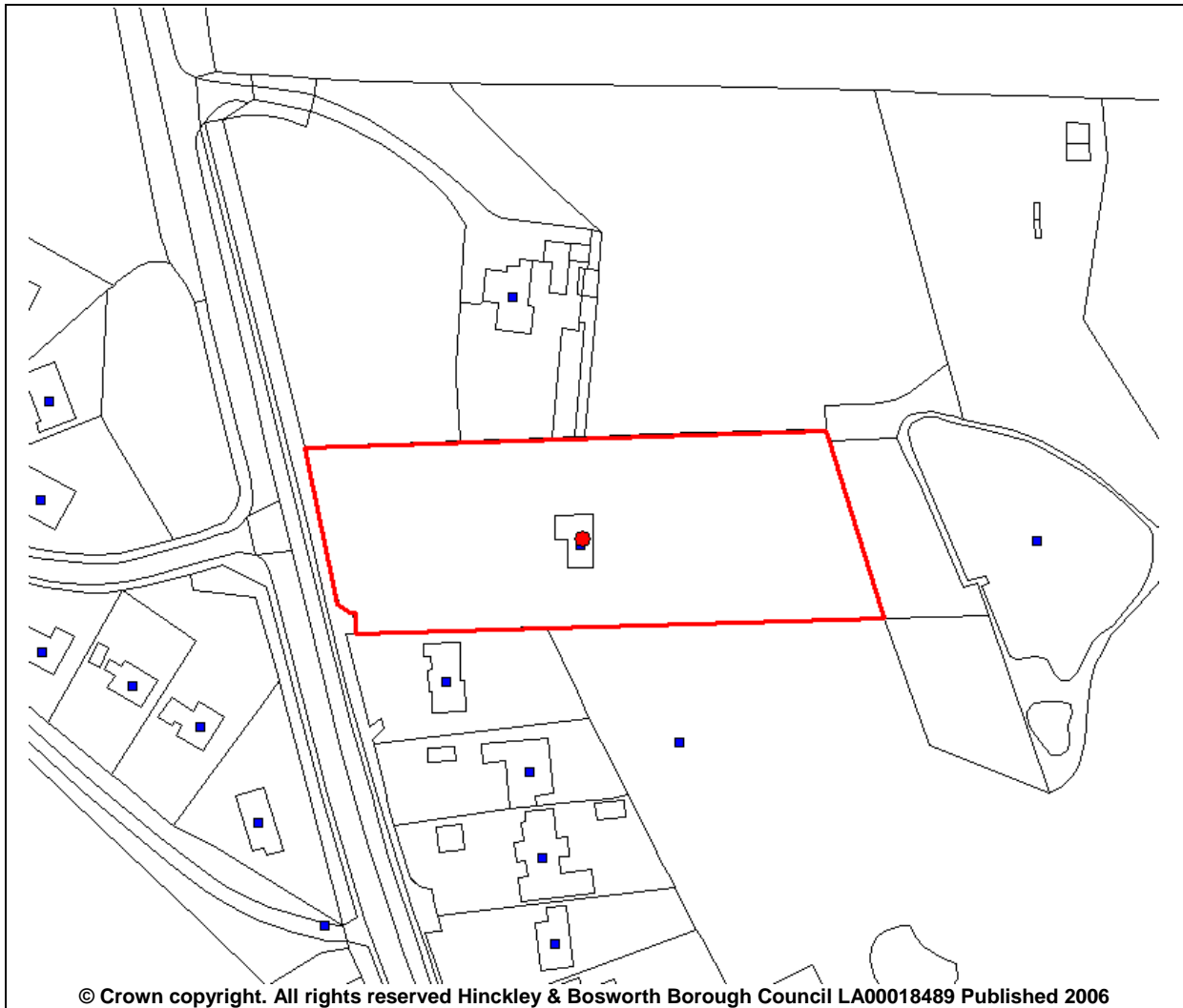
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 16/00281/FUL
Applicant: Mr Steve Wong
Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: Kingscliffe 48 Barton Road Market Bosworth

Proposal: Erection of a dwelling with associated parking



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 is a revision to the previously refused planning application ref: 14/00966/FUL and the previously withdrawn planning application ref: 15/00607/FUL for the erection a new dwelling.
- 2.2. This application is for the erection of a dwelling with associated parking in the front garden of 48 Barton Road, Market Bosworth. The amendments include the setting back of the dwelling and the significant reduction in depth, width and height of the dwelling with the proposal dug approximately 3 metres down into the ground.
- 2.3. The proposed dwelling is modern in design and appearance, with the lower ground floor of the dwelling set below ground level with a sub basement patio area and a flat roof light above the kitchen and lounge. The lower ground floor would be 'L' shaped, measuring approximately 13.6 metres in depth and 18 metres in width. The ground floor plan would be rectangular, measuring approximately 8.7 metres by 11.4 metres.
- 2.4. The proposal would have a green roof and glazed fencing surrounding the sub basement patio. The dwelling would be dual pitched with a double garage and entrance facing southwards, perpendicular from Barton Road.
- 2.5. A Design and Access Statement and an Archaeological Evaluation report was submitted with the application.

3. Description of the Site and Surrounding Area

- 3.1. The site is within the curtilage of 48 Barton Road and would result in a subdivision of the plot. The plot is substantial in size and the existing dwelling is set back into the site which is characteristic of other dwellings within the streetscene. The site currently contains a tennis court and is well planted with mature trees on the west and north border of the site. The trees are currently undergoing a provisional Tree Preservation Order (TPO). The site levels differ from east-west, with the land rising significantly from Barton Road to the east.
- 3.2. The site is accessed from Barton Road, which has good visibility with gates set back well from the road.

4. Relevant Planning History

15/00607/FUL	Erection of dwelling with associated parking	Withdrawn Appeal Withdrawn	01.04.2016 03.11.2015
14/00966/FUL	Erection of a dwelling with associated parking	Refused Appeal Dismissed	17.03.2015 24.09.2015
88/01459/4	Erection of one house (outline)	Refused	20.12.1988

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. 6 letters of objection have been received raising the following points:
- Out of character
 - Proximity to road
 - Impact upon trees
 - Forward of the building line
 - Increase in on-street parking problems
 - Potential archaeological impact
 - Setting of a precedent along Barton Road
 - Outside of the settlement boundary
 - Contrary to Policy NE5 of the Local Plan and Policies CE1a and CE3 of the Market Bosworth Neighbourhood Plan
 - Inadequacy of the archaeological survey
 - Contrary to Policies BE1 and BE7 of the Local Plan
 - Important view into Market Bosworth
 - Loss of greenery

6. Consultation

- 6.1. No objections received from
- Leicestershire County Council (Highways)
 - Historic England
 - HBBC Environmental Health
 - HBBC Waste Services
 - HBBC Drainage
- 6.2. Leicestershire County Council (Archaeology) have no objection subject to a condition requiring further evaluation.
- 6.3. Market Bosworth Parish Council and Neighbourhood Forum have no objection but raise the following points:
- Protection of tree on all boundaries before and during development
 - Extensive efforts as made to minimise the visual impact on key view into Market Bosworth
 - The site of the development is adequately screened on all sides
 - Constraints should be placed ensuring no trees are removed in the future
- 6.4. Market Bosworth Society raise the following concerns:
- Development is out of character with adjacent buildings and the area
 - Loss of the set back nature of dwellings
 - Located in an important entrance approach and view to Market Bosworth
 - Contrary to Policies BE1(a) and BE7 of the adopted Local Plan
 - Forward of the building line
 - Setting of a precedent along Barton Road
 - Detrimental impact upon the Market Bosworth Conservation Area
 - Impact upon trees

7. Policy

- 7.1. Market Bosworth Neighbourhood Plan 2014-2026
- Policy CE1: Character and Environment
 - Policy CE3: Important Views and Vistas
 - Policy CE4: Trees
- 7.2. Local Plan 2006 – 2026: Core Strategy (2009)
- Policy 7: Key Rural Centres

- Policy 11: Key Rural Centres Stand Alone
 - Policy 19: Green Space and Play Provision
- 7.3. Hinckley and Bosworth Local Plan (2001)
- Policy RES5: Residential Proposals on Unallocated Sites
 - Policy BE1: Design and Siting of Development
 - Policy BE7: Development in Conservation Areas
 - Policy BE14: Archaeological Field Evaluation of Site
 - Policy NE5: Development in the Countryside
 - 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 Development Plan Document Submission Version (Dec 2014)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM17: Highways Design
 - Policy 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 (2000)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon trees
- Impact upon heritage assets
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Other issues

Assessment against strategic planning policies

- 8.2. 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. This site is currently outside the settlement boundary for Market Bosworth in the Local Plan (2001), of which Policy NE5 restricts unacceptable land uses within the countryside. However, the adopted Market Bosworth Neighbourhood Plan identifies the site as being within the settlement boundary of Market Bosworth within the proposals map; and the site is identified as being within the settlement boundary of

Market Bosworth in the emerging Site Allocations and Development Management Policies Development Plan Document (SADMP). The SADMP is at an advanced stage and has undergone an examination in public and a consultation upon main modifications, the inspectors report is imminent, therefore weight can be given to this document when assessing applications. It is therefore considered that the site is not classed as being within the countryside and is in fact within the settlement of Market Bosworth.

- 8.4. Policy 11 of the Core Strategy identifies the need to support housing development for a minimum of 100 dwellings within the village. The village is identified as a key rural centre with a number of existing services making it a sustainable location for development. The principle of residential development is therefore in acceptable and in accordance with Policy 11 of the Core Strategy, subject to other material considerations being acceptable.

Impact upon the character of the area

- 8.5. Saved Policy BE1 (criterion a) of the Local Plan seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. This is supported by Policy DM10 of the emerging SADMP. Policies BE7 of the Local Plan and DM11 and DM12 of the emerging SADMP seek to ensure the special interests of conservation areas are preserved or enhanced through new development. This is supported by Paragraphs 133 - 134 of the NPPF which seeks to ensure heritage assets are appropriately preserved. This is supported by paragraph 17 and section 12 of the NPPF which seeks to ensure a high quality of design.
- 8.6. The site is identified as being within character area D 'Suburban residential' within the Market Bosworth Neighbourhood Plan. This area is characterised by:
- Detached and semi-detached, two storey dwellings
 - Long open aspect front gardens providing a sense of openness
 - Wide, open aspect grassed verges at road entrances
 - Public open spaces dividing housing
 - Well proportioned uniform plots with properties set back from the pavement; and
 - Garages and driveways
- 8.7. Policy CE1 of the Market Bosworth Neighbourhood Plan seeks to ensure that all new development within Market Bosworth is in keeping with its character area in regard to scale, layout and materials to retain local distinctiveness and create a sense of place. Innovative or outstanding design will be supported if it raises the overall quality of the Character Area. Furthermore, Policy CE1b states that any new development within Character Area D (Suburban Residential) should pay particular regard to existing rooflines. The site is on the edge of Market Bosworth and contributes to the strong character of this important entrance and approach into the village and Conservation Area. A strong feature of the area is that all properties along Barton Road are set back into the site with large front gardens. Currently this site follows this existing character, as the property is set back well into the site with a mature tree screen, landscaping and a tennis court, which is well screened from the street scene.
- 8.8. Policy CE3 of the Market Bosworth Neighbourhood Plan seeks to protect and enhance existing open spaces and important landscape characteristics. The view

along Barton Road to the south is identified within the Market Bosworth Neighbourhood Plan as a key view into Market Bosworth. This site falls within this key view area.

- 8.9. The previous scheme was refused and included a reason for refusal due to the detrimental impact upon the character of the area due to the scale and massing leading to an incongruous addition to the street scene.
- 8.10. This application has sought to address the problems by digging the proposal deeper into the ground by approximately 2.5-3 metres in order to give the appearance of a single storey building. Therefore the proposal has been reduced in height and scale and would not appear dominant or incongruous to the street scene.
- 8.11. This application has also sited the proposal further back into the site and it would now be sited in line with the existing building line to the south of properties along Barton Road and would not impact upon the street scene of the area.
- 8.12. Concerns have also arisen due to the site being identified as an important view into Market Bosworth as defined in the recently adopted Market Bosworth Neighbourhood Plan. The proposal is set back into the site and 'dug in' and therefore the view of the proposal from outside of the site would be a low level single storey building. The proposal includes a green roof and wooden cladding, which would allow the building to blend into its surroundings. Whilst the site is of a higher level than the street there is a wall and a mature band of hedgerow and trees bordering the site to the north, west and east which would act as an element of screening to the development. Therefore, the proposed dwelling would not appear dominant within the application site or intrusive to the important view as designated within the Market Bosworth Neighbourhood Plan.
- 8.13. Although the development is not within the Market Bosworth Conservation Area, Policy BE7 of the Local Plan and Policies DM11 and DM12 of the emerging SADMP aim to ensure the significance of the conservation area is preserved and enhanced. The application site is situated on the entrance to Market Bosworth and the Market Bosworth Conservation Area. As a result of the screening from the large amount of trees and hedgerows to the north of the site, and the proposed green roof of the dwelling, the proposal would not negatively impact the setting of the Conservation Area and would therefore ensure the preservation of the special character of the Market Bosworth Conservation Area.
- 8.14. Whilst the proposal is located within the front garden of the site, the siting, design and existing vegetation to the boundaries would ensure that the development would not appear dominant within the street scene. The proposal would therefore not have a detrimental impact to the character of the area, setting of the conservation area or the key view into Market Bosworth in accordance with Policies BE1 and BE7 of the Local Plan and DM10, DM11 and DM12 of the emerging SADMP and Policies CE1 and CE3 of the Market Bosworth Neighbourhood Plan 2014-2026.

Impact upon trees

- 8.15. Following receipt of the previous application ref: 14/00966/FUL and a site visit and assessment by the Tree Officer, it was determined that the trees provided significant amenity value to the area and are worthy of a Tree Preservation Order (TPO).

- 8.16. The previous application (14/00966/FUL) included a reason for refusal due to the impact of development upon the trees, due to concerns with the accuracy of the root protection area (RPA) boundaries on the previously submitted tree survey. An updated tree survey plan was submitted alongside this application, which indicates a more detailed and accurate RPA. The Tree Officer has assessed the updated details and concludes that the revised layout would not have an impact on the important retained trees to the west and north side of the site. An appropriate tree protection plan has been detailed and can be secured by condition.
- 8.17. In addition to the impact from the construction of the proposal upon the important trees, there are also concerns in regard to the future pressure to remove or significantly prune the trees. Due to the size and location of the proposed dwelling, the trees would not create any significant shading to the garden or sub-basement patio of the proposal. Additionally the trees provided screening to the site and privacy. Therefore it is considered that the pressure to remove or significantly prune the trees would be minimal.
- 8.18. It is therefore considered that the development, due to its scale, location and positioning would not have a harmful impact upon the trees on the site and is therefore in accordance to Policy BE1 of the Local Plan and DM10 of the emerging SADMP and Policy CE4 of the Market Bosworth Neighbourhood Plan 2014-2026 which seeks to conserve and enhance important trees and wooded areas.

Impact upon heritage assets

- 8.19. Policy BE14 of the Local Plan and Policy DM11 and DM12 of the emerging SADMP seek to ensure that development proposals shall protect, conserve and enhance the historic environment of the area.
- 8.20. To the immediate east, north and south of the existing dwelling, lies a Scheduled Monument, consisting of the below-ground archaeological remains of a probable Roman villa, where Iron Age artefacts have been identified. The previous application included a reason for refusal due to the impact upon the scheduled ancient monument, due to a lack of archaeological evaluation. With this application the applicant has submitted an archaeological evaluation.

The archaeological evaluation identifies number of deposits, which were largely undated and not fully characterised by evaluation. Leicestershire County Council (Archaeology) do not object to the proposal, however state that further information is required with regards to the archaeological evaluation to the site. This information can be secured by condition and is considered to be reasonable to ensure that any archaeological remains present are dealt with appropriately. Subject to the inclusion of this condition the development would not have a detrimental impact upon the scheduled ancient monument adjacent to the site or any other heritage assets and is therefore in accordance with policies BE14 of the Local Plan and emerging policies DM11 and DM12 of the SADMP.

Impact upon neighbouring residential amenity

- 8.21. 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. No. 46 Barton Road is a two storey detached property located approximately 19 metres south of the front elevation of the proposed dwelling. West Lea is a detached property located approximately 25 metres north of the application site.

- 8.22. The site includes mature and dense planting to the boundaries and includes limited windows to the upper floor therefore the proposal would not have an impact upon overlooking upon neighbouring properties. Additionally due to the ground levels and the proposal being dug down into the ground, the dwelling would appear single storey in nature and as a result would not be overbearing upon any neighbouring properties.
- 8.23. Due to the large application site, both the existing dwelling and proposed dwelling would retain a large amount of amenity space, of which would be sufficient to serve the occupiers and would be in accordance with the requirement set out in the New Residential Development SPG. Additionally due to the difference in levels and existing planting there would be no impact upon direct overlooking into windows.
- 8.24. It is considered that the proposed revised scheme would not have an adverse impact on neighbouring amenity in accordance with Policies BE1 of the Local Plan and DM10 of the emerging SADMP.

Impact upon Highway Safety

- 8.25. 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.
- 8.26. No objection has been received by Leicestershire County Council (Highways) as part of this application. The existing access has adequate visibility and is considered to be acceptable. The proposal would have five bedrooms but would provide four off street parking spaces (of which two are in a double garage). The provision of car parking is considered in accordance with the Council's car parking standards.
- 8.27. Access to the existing dwelling would not be impacted by the proposal and there would be sufficient room for the vehicles of the existing and proposed dwellings to manoeuvre on site and leave in a forward gear.
- 8.28. The proposed development is considered to be in accordance with Policies T5 of the Local Plan and DM17 and DM18 of the emerging SADMP.

Other Issues

- 8.29. Policy IMP1 and REC3 of the adopted Local Plan, Policy 19 of the Core Strategy, Policy DM3 of the emerging SADMP 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. In this instance, the application site is not within 400m of an open space and therefore a contribution is not sought.
- 8.30. The HBBC Drainage Officer have no objections to the proposal but have provided notes to applicant regarding a soakaway drainage system and a permeable paving system for the construction of hardstanding.
- 8.31. HBBC Environmental Health Officer have no objections as the former landfill site adjacent to the site was investigated in 2011 and the limited sampling indicated that the levels of landfill gas at the site were not of concern.

9. Conclusion

- 9.1. The proposed dwelling, due to its design and siting would not have a detrimental impact upon the character of the area and street scene; the important trees along the boundary of the site; the setting of the conservation area; neighbouring amenity and highway safety. Subject to conditions the proposal would not impact upon the adjacent scheduled monument. Therefore the proposed development is considered to be in accordance with Policies CE1, CE3 and CE4 of the Market Bosworth Neighbourhood Development Plan, Policy DM1, DM4, DM10, DM11, DM12, DM17 and DM18 of the emerging Site Allocations and Development Management Policies Development Plan Document, Policy RES5, BE1, BE7, BE14, NE5 and T5 of the Local Plan 2001 and Policy 7 and 11 of the Core Strategy, the aims of the National Planning Policy Framework and the Supplementary Planning Guidance on New Residential Development.

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 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Proposed Site Plan and Street Scene drg. no. 170A (scale 1:100 and 1:200), Proposed Ground Floor Plan drg. no. 270A (scale 1:100), Proposed Lower Ground Floor Plan and Elevations drg. no. 470A (scale 1:100) and Proposed Elevation and Street Scene drg. no. 471 (scale 1:100) received by the Local Planning Authority on 29 April 2016.

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

3. No development shall take place within the application site until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. No works shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policy BE14 of the Local Plan and Policy DM11 and DM12 of the emerging Site Allocations Development Management Policies Development Plan Document.

4. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the

programme set out in the Written Scheme of Investigation approved under condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policy BE14 of the Local Plan and Policy DM11 and DM12 of the emerging Site Allocations Development Management Policies Development Plan Document.

5. No development shall take place until trees identified within the schedule of trees, received by the Local Planning Authority on 12 May 2016 have been protected by the erection of temporary protective fences in accordance with the details included within the schedule of trees. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5 cm or more shall be left unsevered.

Reason: The trees are important features in the area as defined in the Market Bosworth Neighbourhood Plan and they must be properly protected while building works take place on the site.

6. Before any development commences, representative samples of the types and colours of materials to be used on the new external elevations of the proposal 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 BE1 (criterion a), BE7 (criteria b, c, d) of the Local Plan (2001) and Policy DM10, DM11 and DM12 of the emerging SADMP.

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. The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
3. The proposed outfall of the surface water sewer into a watercourse should receive the prior consent of the Environment Agency and be constructed in accordance with that Agency's standard design drawing.
4. The Written Scheme of Investigation (WSI) shall include an assessment of significance and research questions; and:
 - The programme and methodology of site investigation and recording

- The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
5. The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

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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>

Environmental Impact Assessment Regulations 2011	The criteria and thresholds in the EIA Regulations are only indicative. In determining whether significant effects are likely, the location of a development, the more environmental sensitive the location, the lower will be the threshold at which significant effects will be likely. Development listed in Schedule 1 of the Regulations always needs an Environmental Impact Assessment (EIA). Development listed in Schedule 2 of the Regulations may need an EIA, depending on a number of things such as whether it would be in a sensitive area and on its size, complexity and nature of the development. Development that exceeds the criteria and are judged to be significant are required to be supported by an Environmental Statement that should be scoped and agreed by the Location Planning Authority.
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Hinckley and Bosworth Core Strategy 2009	
Policy 4	Development in Burbage: makes provision for the allocation of land for a minimum of 295 new residential dwellings focused primarily to the north of Burbage, 10ha of B8 employment land and 4ha of B2 employment land adjacent to the railway line as an extension to Logix Park. It supports the provision of additional retail floorspace within the defined Burbage local centre, transport improvements, tourism development and infrastructure to support the new development including an extension to the GP surgery, play and open space, and cycling routes.
Policy 7	Key Rural Centres: supports key rural centres to ensure they can provide key services to their rural hinterland. It supports housing development in settlement boundaries that provide a mix of housing types and tenures and meets local need; seeks to ensure there is a range of employment opportunities within Key Rural Centres; supports new retail development to meet local need within defined local centre boundaries; resists the loss of local shops and facilities in Key Rural Centres unless it is demonstrated that the business or facilities can no longer operate in a viable manner; requires transport improvements; supports development of the tourism industry and requires development to be of the highest environmental standards.
Policy 10	Key Rural Centres within the National Forest: relates to Bagworth and Thornton. It seeks provision of local services in Bagworth including a local shop and possibly a post office and primary car provision; allocates land for a minimum of 60 new homes in Bagworth; support additional employment provision to meet local needs; support proposals that contribute to the delivery of the National Forest Strategy; support the development of an improved community centre for Bagworth; address existing deficiencies in green space and play provision; support improvement in the quality of Bagworth Village hall, Sports pavilion and Sports Ground and Thornton Community Centre; implement strategic green infrastructure; support proposals that contribute to the delivery of the Charnwood Forest Regional Park; deliver safe cycle routes; safeguard land at Bagworth for the development of a new passenger railway station and associated car parking; and seek improvements in car parking provision at Thornton Reservoir.
Policy 11	Key Rural Centres Stand Alone: supports local services and

	<p>seeks to maintain rural population levels.</p> <p>Barlestone – allocates land for a minimum of 40 new homes; supports additional employment provision to meet local needs; supports the improvement of GP facilities; address existing deficiencies in green space and play provision; implement strategic green infrastructure; deliver safe cycle routes; allocate land for a new cemetery; and support improvements in the quality of facilities.</p> <p>Market Bosworth – allocates land for a minimum of 100 new homes; supports additional employment provision to meet local needs; support the role of Market Bosworth as a tourist destination; support the improvement of GP facilities; address existing deficiencies in green space and play provision; implement strategic green infrastructure; deliver safe cycle routes; protect green open land which penetrates towards the market place; seek improvements to the high school indoor sports facilities, outdoor pool and playing fields near Bosworth Water Trust; support the provision of new car parking at Dixie Grammar School; and require new development to respect the character and appearance of the Market Bosworth Conservation Area.</p> <p>Newbold Verdon – allocates land for a minimum of 110 new homes; support additional employment provision to meet local needs; support the improvement of the GP facilities; address existing deficiencies in green space and play provision; implement green infrastructure; deliver safe cycle routes; seek improvements in the quality of the community centre; support the provision of a car park for the church and cemetery; and require new development to respect the character and appearance of the Conservation Area.</p> <p>Stoke Golding – allocates land for minimum of 60 new homes; support additional employment provision to meet local needs; support the improvement of the GP facilities; address existing deficiencies in green space and play provision; implement green infrastructure; deliver safe cycle routes; encourage tourism; seek improvements in the quality of the village hall, playing fields and pavilion; improve connections with the neighbouring villages of Dadlington and Higham on the Hill; and require new development to respect the character and appearance of the Conservation Area.</p>
Policy 13	<p>Rural Hamlets: supports housing development within settlement boundaries that provides for a mix of housing types and tenures; complies with policy 17: Local Needs; enabling home working and other small scale employment uses within settlement boundaries; resists the loss of local shops and facilities unless it is demonstrated that the business or facility can no longer operate in a viable manner; deliver strategic green infrastructure; contributes to the delivery of the National Forest Strategy and the Charnwood Forest Regional Park; provides transport improvements; supports the tourism industry; requires new development to respect the character and appearance of the relevant Conservation Area and requires development to be of a highest environmental standards.</p>

Policy 14	Rural Areas: Transport: supports accessibility within the rural areas through safeguarding the route of the National Forest line and stations at Desford and Bagworth; the delivery of a viable, high quality public transport network between Key Rural Centres and their nearest urban centre and between Rural Villages and their nearest Key Rural Centre or urban centre; the provision of accessible transport services for mobility impaired and rurally isolated residents; further development of quality and reach of accessible transport services; the continuation of the Leicestershire hourly services network; the continuation of demand responsive transport networks; deliver safe cycle paths. Developers will be required to contribute towards these initiatives through developer contributions and/or land. New development that would prejudice their implementation will not be permitted.
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 20	Green Infrastructure: is a key priority of the Council and seeks to mitigate against the urban 'heat island' effect by increasing the number of street trees to provide shade, cooling and air quality improvements.
Policy 21	National Forest: supports: the implementation of the National Forest to the north east of the borough; enhancing biodiversity; developing a new woodland economy for timber products and wood fuel energy; outdoor recreational and sports provision; and tourism developments subject to the siting and scale of the development being related to its setting within the Forest; reflecting the character and appearance of the wider countryside and not adversely affecting the existing facilities and working landscape of either the Forest or the wider countryside.
Policy 22	Charnwood Forest: supports proposals that maintain the traditional landscaped of the forest; provide new recreation facilities; provide access to and from the rural areas into and within the regional park by non vehicular means; retain local character and complement the local landscape; enhance open spaces; enhance woodland and habitat provision and connectivity; manage and enhance the cultural heritage of the area.
Policy 23	Tourism Development: tourism development for new and extended visitor attractions including major facilities will be encouraged in suitable locations where: the development can help support the existing local community services and facilities; and is of a design and scale which is appropriate to the character of the

	surrounding area; and it adds to Hinckley and Bosworth's local distinctiveness; and it complements the tourism themes of the borough; and it adds to the economic well being of the area.
Policy 24	Sustainable Design and Technology: seeks to ensure all new development meets specified sustainable design and technology standards.

Hinckley and Bosworth Local Plan 2001	
INFRASTRUCTURE	
Policy IMP1	Contributions towards the provision of infrastructure and facilities: requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed. <i>This policy is consistent with the intentions of the NPPF.</i>
HOUSING	
Policy RES5	Residential Proposals on Unallocated Sites: states that on sites that are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal does not conflict with the relevant plan policies. <i>This policy is consistent with the intentions of the NPPF if the development is within the settlement boundary but has limited consistency in all other locations.</i>
CONSERVATION AND BUILT ENVIRONMENT	
Policy BE1	Design and Siting of Development: requires that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area with regards to scale, layout, density, materials and architectural features; avoid loss of open spaces; has regard to safety; incorporates design features which reduce energy consumption, encourages recycling and minimises impact on local environment; incorporates a high standard of landscaping; meets DDA requirements where necessary; ensure adequate highway visibility and parking standards and manoeuvring facilities; do not adversely affect the amenities of neighbouring properties; and would not be prejudicial to the comprehensive development of a larger area of land of which the development forms part. For residential proposes development should incorporate urban design standards, ensure adequate degree of amenity and privacy and provide sufficient amenity space. <i>Criteria a - i of this policy are consistent with the NPPF and as such the policy should be given weight.</i>
Policy BE14	Archaeological Field Evaluation of Sites: requires that where archaeological remains may exist, there is a need for an archaeological field evaluation to be carried out by a professionally qualified archaeological organisation or archaeologist. <i>This policy is consistent with the intentions of the NPP but NPPF offers more precise guidance.</i>
Policy BE16	Archaeological Investigation and Recording: states that the Local Planning Authority can impose conditions requiring that satisfactory archaeological investigation and recording be carried out.

	<i>This policy is consistent with the intentions of the NPPF but NPPF offers more precise guidance.</i>
THE NATURAL ENVIRONMENT	
Policy NE2	Pollution: states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy NE5	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:- 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. And only where the following criteria are met:- 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. iv) The proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety. <i>This policy is consistent with the intentions of the NPPF for rural enterprise proposals but has limited consistency in all other respects</i>
Policy NE12	Landscaping Schemes: requires proposals for development to make provision for further landscaping where appropriate. <i>This policy is partially consistent with the intentions of the NPPF.</i>
TRANSPORTATION	
Policy T5	Highway Design and Vehicle Parking Standards: refers to the application of appropriate standards for highway design and parking provision for new development <i>This policy is consistent with the intentions of the NPPF.</i>
Policy T9	Facilities for Cyclists and Pedestrians: encourages walking and cycling including facilities for cycle parking. <i>This policy is consistent with the intentions of the NPPF.</i>
RECREATION AND TOURISM	
Policy REC2	New Residential Development – Outdoor Open Space Provision for Formal Recreation: requires all new residential development to provide outdoor play space for formal recreation. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy REC3	New Residential Development – Outdoor Play Space for Children: requires the appropriate level of open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing

	<p>facilities in the area. <i>This policy is consistent with the intentions of the NPPF.</i></p>
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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.
Burbage Village Design Statement	Sets out the principles, design features and quality standards that should be adopted by those wishing to building, modify or extend buildings in the settlement.

Other Material Policy Guidance	
Site Allocations and Development Management Policies Development Plan Document – Submission version	This document forms part of the Local Plan 2006 to 2026 (formerly LDF). It identifies specific sites for particular uses, such as housing, employment, retail, open space and community facilities that will deliver the aims and vision of the Core Strategy. It also contains development management policies which will be used to assess planning applications over the plan period. This document was published for consultation in February 2014. Modifications to this document are currently being prepared in advance of being submitted to the Secretary of State in Spring 2015. A full Examination is likely to take place in the summer of 2015.
Green Spaces Strategy 2005-2010	Sets out the vision for the Councils Green spaces and includes methodology behind how much Green Space should be provided in relation to the population and a breakdown per settlement of the area of green space when compared to the population of those settlements.

PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 06.05.16

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
16/00016/HEDGE	CA	15/00816/HEDGE (PINS Ref APP/H/16/1509)	WR	Mr & Mrs Stokes	90 Forest Road Hinckley (Complaint High Hedges)	Start Date Awaiting Decision	15.04.16
	RWE	15/00768/OUT (PINS Ref 3146564)	WR	Mrs Sarah Shaw	10 St Martins Stapleton (Erection of 1 No. dwelling (outline - all matters reserved))	Questionnaire LPA Statement and Third Party Representations Final Comments	10.05.16 07.06.16 21.06.16
	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	
16/00015/PP	RWE	15/01137/OUT (PINS Ref 3144838)	WR	Mrs Sue Carter	16 Main Street Stapleton (Erection of two dwellings (outline - access only) (revised scheme))	Start Date Statement of Case Final Comments	12.04.16 17.05.16 31.05.16
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 Awaiting Decision	15.02.16

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 Final Comments	10.03.16 06.05.16
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 Final Comments	23.03.16 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 Awaiting Decision	10.02.16
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 Proof of Evidence (TBA) Inquiry Date - 2 days	12.02.16 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 Proof of Evidence (TBA) Inquiry Date - 2 days	12.02.16 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 Final Comments	23.03.16 11.05.16
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 Awaiting Decision	10.03.16
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 Awaiting Decision	03.03.16

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 Awaiting Decision	17.02.16
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 Awaiting Decision	16.11.15
15/00026/ENF	SF	15/00145/UNUSEH (PINS Ref 3132569)	IH	Michael Cash	Land North West Of Cold Comfort Farm Rogues Lane Hinckley (Unauthorised Traveller Encampment)	Start Date Informal Hearing	26.10.15 07.06.16
15/00013/PP	HW	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 27.05.16 14-17.06.16
15/00010/HEDGE	JB	14/00065/UNUSES (APP/HH/15/1431)	WR	Michael John Birchall	34 Peckleton Lane Desford (High hedge)	Start Date Awaiting Decision	22.05.15

Decisions Received

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)	DISMISSED	08.04.16
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)	ALLOWED	13.04.2016
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)	DISMISSED	13.04.2016

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))	DISMISSED	04.05.16
16/00009/FTPP	RWE	15/00794/HOU (PINS Ref 3142349)	WR	Mr Peter Christie	152 Wolvey Road Burbage (Erection of perimeter fence and gate)	DISMISSED	05.05.2016

Rolling 1 April 2016 - 29 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
5	1	4	0	0	1	0	3	0	0	1	0	0	0

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
0	0	0		

Appeal Decision

Site visit made on 7 April 2016.

by Martin H Seddon BSc DipTP MPhil MRTPI

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

Decision date: 13 April 2016

Appeal Ref: APP/K2420/D/16/3144540
34 Grace Road, Desford, Leicester, LE9 9FZ

- 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 & Mrs K Young against the decision of the Borough Council of Hinckley & Bosworth.
- The application Ref: 15/01255/HOU was refused by notice dated 27 January 2016.
- The development proposed is a single storey front extension including garage conversion & detached garage.

Decision

1. The appeal is allowed and permission is granted for a single storey front extension including garage conversion & detached garage at 34 Grace Road, Desford, Leicester, LE9 9FZ in accordance with the terms of the application Ref: 15/01255/HOU, dated 28 November 2015 and subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 3. The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, existing and proposed elevations, floor plans and cross sections sheets 1 & 2 (Rev.A).
 4. Prior to the commencement of development a landscaping scheme showing the hedgerow to be retained, details of measures to protect the hedgerow during construction works and details of additional shrub planting, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main issue

2. The main issue is the effect of the proposed detached garage on the character and appearance of the area.

Reasons

3. The appeal site is located in a corner position at the junction of Grace Road and a residential cul-de-sac. The Council has raised no objection to the proposed

single storey front extension and the conversion of the integral garage. The proposals would be in keeping with the character and appearance of the dwelling and there is no reason to disagree.

4. The proposed garage would be sited within a sloping grassed area of land. The foundation would be cut into the slope to allow level access from the existing forecourt and to lower the overall height of the garage compared to its surroundings. An existing, mainly hawthorn hedge, would screen views of the garage from properties at the opposite side of Grace Road. The appellant wishes to keep the hedge because it provides privacy for the dwelling. It is likely that any future occupants would also wish to retain some form of boundary treatment to prevent overlooking from the properties that are sited at a higher level at Grace Road.
5. Additional shrub planting in areas around the proposed garage would help to consolidate the screening effect of the hedge when viewed from properties in the cul-de-sac. This planting could be secured through a condition.
6. The Council considers that the proposed garage would appear isolated from the main dwelling. Nevertheless, it would relate well to the dwelling and plot in terms of siting, design and use of external materials. There is a large detached garage located at the end of the cul-de-sac which is particularly prominent. However, this appeal has been determined on basis of the individual merits of the proposal and its particular site circumstances, having regard to relevant development plan policies and all other material considerations.
7. Subject the above conditions and a condition to ensure the use of matching external materials, the proposed garage would complement the character and appearance of the surrounding area in terms of scale, mass, design and materials. There would be no conflict with Hinkley and Bosworth Local Plan policy BE1(a) regarding the siting and design of development or the design objectives in paragraph 17 of the National Planning Policy Framework.
8. All other matters raised have been taken into account. For the reasons given above the appeal is allowed subject to conditions.

Martin H Seddon

INSPECTOR

Appeal Decision

Site visit made on 8 March 2016

by G Fort BA PGDip LLM MCD MRTPI

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

Decision date: 08 April 2016

Appeal Ref: APP/K2420/W/15/3137492
55 Greenmoor Road, Burbage, Leicestershire LE10 2LS

- 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 and Mrs N Axon against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 15/00778/FUL, dated 12 July 2015, was refused by notice dated 29 September 2015.
 - The development proposed is a single storey contemporary dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are firstly, the effects of the appeal scheme on the character and appearance of the area; and secondly, its effects on the living conditions of occupiers of adjacent properties in terms of outlook, privacy, noise and disturbance.

Reasons

Character and Appearance

3. The appeal site is within the back garden of 55 Greenmoor Road, a brick-faced gable-ended bungalow. Greenmoor Road is part of a suburban and predominantly residential area, with a variety of types and sizes of dwellings, although mainly detached, mostly faced in brick with some render and timber cladding. Roof forms are varied, but in the main are pitched on the principal elements of dwellings. The area has a verdant character: the road is tree-lined, has grass verges and its dwellings are set back from the highway behind low boundary treatments within generous and generally well-vegetated plots.
4. The appeal site is bounded to the sides by the generous gardens of Nos 53 and 57 Greenmoor Road, and that of 3 John's Close. To the rear of the appeal site is the garden of 2 St James's Close. Some fencing and a dense hedge mark the boundary between the appeal site and No 53, and its boundaries to the other gardens are of close-boarded fencing; there is a brick wall of over two metres at the corner of the site adjacent to No 2 St James's Close.
5. The appeal proposal is for a single-storey dwelling in the corner of the appeal site that would be separated from the boundary of 2 St James's Close by just

over 2m to around just over 2.6m; and it would be separated from the boundary with No 53 by around 1.2m. It would feature a flat 'living green roof' with an overall height varying between around 3m and 3.6m and be faced in a mixture of brick, timber cladding and render. The scheme would include the demolition of No 55's garage to facilitate access to the proposed dwelling. The access would run between the flank wall of No 55 and the boundary with No 53 to two parking spaces in front of the proposed dwelling in a tandem arrangement. A new boundary treatment of acoustic fencing is proposed.

6. I note the appellants' suggestion that the character of the area is made up of small 'cluster pockets' of development, however, within the immediate context of Greenmoor Road's rear gardens the appeal scheme would introduce development of a type and scale that would be wholly incongruous. The proposed subdivision would result in plot sizes for No 55 and the appeal scheme strongly at variance with those of the generous rear gardens of neighbouring dwellings. The amount of space given over to the proposed access arrangements for the appeal scheme, and its siting much tighter to a rear boundary than most other dwellings in the area would impart a cramped character to the proposal. Taken together with the reduction in the size of No 55's rear garden, and the proposed dwelling's proximity to 2 St James's Close, the appeal scheme would result in an increase in the density of development to the detriment of the spacious and verdant character of the area.
7. Given the broadly level nature of the site and its surroundings, the green roof would not blend into this verdant backdrop when viewed from neighbouring gardens. The proposed glazing would be eye-catching, and not merely reflective of its surroundings. Consequently, the roof and glazing would do little to soften the development's harmful effects to Greenmoor Road's spacious development pattern.
8. Whilst the appeal scheme's front door would be orientated to face Greenmoor Road, it would be remote from that street frontage due to its siting and length of the access. Consequently, the appeal scheme would not integrate well with the wider development grain which comprises, in the main, of dwellings that have more intimate relationships with street frontages. The proposed dwelling would thus have a low level of legibility within the wider streetscene.
9. At my site visit, I saw the contemporary dwellings to the rear of the appeal site, which are accessed from Rugby Road. There are some limited stylistic similarities between the appeal scheme and these dwellings; however, the proposal's adjacency to them would only serve to further its overall impression of incongruous density.
10. I considered the appellants' comments regarding the scale of the proposal. The appeal scheme would be in excess of the size of most typical domestic curtilage buildings. Furthermore, the attendant access arrangements and subdivision of the plot, combined with the intensity of domestic use on the site would mean that the appeal scheme would have a materially different character to that of a typical ancillary building. Consequently, its effects on the character of the area would be greater than those of a curtilage structure.
11. Whilst I note the appellants' point that dwellings in the wider area were created as a result of so-called 'backland' development, the examples mentioned in the main are much more comprehensive schemes planned around cul-de-sacs, and

thus generally possessing a much more intimate relationship with street frontages, and having more regularly sized plots and access arrangements. I agree with the appellants that there is no specific requirement for developments to be comprehensive in either national or local planning policy. However, the more comprehensive proposals cited have knitted into the wider development pattern more sensitively than the appeal scheme would.

12. The appellants suggest that the *Burbage Village Design Statement* (adopted June 2006) ("the Design Statement") encourages innovative designs which respect their contexts. Whilst this may be the case, it also notes the "significant adverse impact on visual amenity" of housing developments in gardens within the Sketchley Manor Estate, of which Greenmoor Road forms a part. Given its harmful effects on the area's wider character and appearance, the appeal scheme would be an example of development that would be at odds with the objectives of this guidance.
13. Although the proposal is not within a conservation area and to my knowledge is not within the setting of any designated heritage assets, I am mindful of paragraph 58 of the National Planning Policy Framework ("the Framework") which states, inter alia, that developments "should respond to local character and history and reflect the identity of local surroundings and history". The appeal scheme, by increasing density and subdivision, and introducing an incongruous development in terms of its siting would be unresponsive to the surrounding local character and would thus conflict with the objectives of Policy BE1 of the Hinckley and Bosworth Local Plan (adopted February 2001) ("the Local Plan"). Whilst the Council does not have a specific policy that restricts the development of residential gardens, Policy BE1, amongst other things, seeks to ensure that new developments complement or enhance the character of their surroundings.

Living Conditions

14. I considered whether the appeal scheme would have a harmful effect on the outlook of occupiers of 2 St James's Close from their garden. The appeal scheme would bring built development closer to the boundary than it is at present. However, the rear wall of the appeal scheme would be adequately separated from the boundary with No 2. Moreover, the proposal's wall adjacent to the boundary would be of limited height. Consequently, I do not consider that the appeal scheme would have an unduly overbearing or enclosing effect on the garden of No 2 and thus would cause no significantly harmful effects to the outlook available to its residents.
15. I also assessed the proposal's effects in regard to the privacy of the occupiers of No 2 from the garden and the adjacent ground floor window. The proposed fenestration on the proposal's rear elevation would serve an area of circulation space rather than a habitable room. Furthermore, the appeal scheme's separation, orientation, and the height of the intervening boundary treatment would also minimize overlooking of No 2. Consequently, I do not consider that significantly harmful effects would arise to the privacy of the owners of No 2 as a result of the appeal scheme.
16. The appeal scheme would introduce traffic movements deeper into the plot than is currently the case, into an area bounded in the main by residential gardens. Whilst the sound of cars using the access, the shutting of car doors and so forth would no doubt be audible to some extent, the proposals for 2m

high acoustic fencing, coupled with the limited number of traffic movements that would arise from a single dwelling mean that the proposal would not cause significant harm in these regards.

17. I have found that no significant harm would arise from the appeal scheme in terms of noise and disturbance from traffic movements along the proposed access, or in terms of the outlook and privacy of the occupiers of 2 St James's Close. Thus I can detect no conflict with the objectives of Policy BE1 of the Local Plan, the Framework and the Supplementary Planning Guidance *New Residential Development* (adopted 2000). Taken together, and amongst other things, these policies and guidance seek to ensure that a good standard of amenity is secured for all existing and future occupants of land and buildings.

Other Matters

18. I had regard to the appellants' suggestion that the appeal scheme would constitute sustainable development for the purposes of the Framework. However, paragraph 7 of the Framework makes it clear that a substantial part of the planning system's environmental role is its contribution "to protecting and enhancing our natural, built and historic environment". Thus the harmful effects of the proposal on the character and appearance of the wider area, would be indicative of a low level of environmental sustainability for the purposes of the Framework. These harmful effects would subsist long after the modest economic effects of the construction of a single house had faded away. There would be social benefits of the proposal in terms of the delivery of one additional dwelling, but these would not weigh heavily in favour of the scheme when balanced against its harmful effects.
19. I had regard to the appeal decision submitted by the appellants¹, however, without any commentary as to its significance to this case, I am unable to attach a great deal of weight to it in my assessment of the current appeal.
20. Whilst I note the appellants' aspirations to pursue a self-build project, and the Government's support for this type of development, I attach only very limited weight to these considerations in the overall planning balance when weighed against the scheme's significantly harmful effects.

Conclusion

21. I have found that the appeal scheme would cause demonstrable and significantly harmful effects to the character and appearance of the area. On balance this significant harm outweighs the lack of material harm I found in respect of the living conditions of adjacent occupiers.
22. Consequently, the proposal would conflict with the development plan, and for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Fort

INSPECTOR

¹ APP/K2420/W/15/3025088

Appeal Decision

Site visit made on 29 April 2016

by Mr J P Sargent BA(Hons) MA MRTPI

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

Decision date: 05 May 2016

Appeal Ref: APP/K2420/D/16/3142349

152 Wolvey Road, Burbage, Leicestershire LE10 2JJ

- 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 Peter Christie against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 15/00794/HOU, dated 15 July 2015, was refused by notice dated 27 November 2015.
 - The development proposed is the erection of a new 180cm high perimeter fence and gate to part of the side boundary and front boundary of the property.
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Decision

1. The appeal is dismissed.

Procedural matters

2. No elevational details of either the fencing or the gate have been submitted. However, the fencing had already been erected at the time of my visit. While the Appellant contended this was not complete, the only additional work to which he referred was the application of dark staining. I have therefore considered the fence on that basis.
3. The gate was not in place. However, the submissions say it would be 180cm high and beyond that I consider its detailed appearance does not have a material impact on my reasoning.

Main Issue

4. The main issue in this case is the effect of the development on the character and appearance of the area.

Reasons

5. On the west side of Wolvey Road are dwellings of a variety of designs that are set back from the pavement behind relatively deep front gardens. Low walls and fences of various types tend to run along the front boundaries, and these allow views into the gardens and so contribute to a sense of openness in the streetscape. In places piers and railings on these fences and walls rise somewhat higher, but the limited width of the piers and the form of the fencing mean they do not impinge unduly on the openness that is otherwise experienced. It is also acknowledged that on occasions planting and hedging on the front boundaries is over 2m high. However its visual impact, with its varied, changing colours and its permeable nature, is softer and very different

- to that of a solid fence or wall, and in any event such planting lies outside of planning control.
6. The fencing around the front of the appeal property contrasts markedly with this pattern of openness, as it has a solid appearance and it is tall by comparison with the fencing and walls that are otherwise generally found on Wolvey Road. This means it is a dominant and alien arrangement that conflicts to an unacceptable degree with the relatively open nature of the street scene, and as a result of this I consider it causes harm to the character and appearance of the area.
 7. As the appeal property stands at a road junction, the fencing also runs round onto the frontage of Beechwood Avenue. This road too comprises houses set back behind gardens bounded by low boundary walls and similar, that once more results in an openness in the streetscape. The Appellant's rear garden is enclosed by fencing of the same height as what is now before me, a section of which has run along the back of the pavement for some time. However, the extent of this would be roughly doubled by the additional fencing he wishes to retain, albeit with whatever break would remain after the gate was installed. Therefore, its effect on the street scene would be considerably greater, unacceptably eroding the sense of openness that was experienced, and so once more it would result in harm to the area.
 8. In assessing this issue I have been mindful of the intention to stain the fence a darker colour. While that would reduce its visual impact to some degree its effect would not be sufficient to lead me to different findings in relation to the matter of openness. I have also noted the planting behind and above the fence, but consider that does not soften its appearance adequately.
 9. The Appellant contended there would be an uncomfortable visual relationship on the Beechwood Avenue frontage if the new fencing was appreciably lower than the existing fencing to the rear garden, but that is not a view I share. Such a change need not be discordant and I noted that elsewhere (such as on Brockhurst Avenue) it had been suitably accommodated.
 10. To be weighed against the harm that I have identified, the Appellant has highlighted factors he considered should count in favour of the scheme.
 11. Firstly, he contended it protects his home from the undue noise and pollution that results from traffic on the roads around. However, although Wolvey Road is busier than some suburban streets to my mind the traffic is not sufficient to cause an unacceptable nuisance in these regards.
 12. I am aware this flow will inevitably change in the future, and I have noted the various developments in the area to which the Appellant referred. The Meadows though has a good access to the B4109 that would allow traffic to go to the motorway and the town centre without passing along Wolvey Road, while any traffic from the Sketchley House development would be spread among a number of roads, depending on where it was travelling to and from. The Stretton Croft development would be on the opposite side of the A5, although I have no reason to challenge the predicted 25% increase in traffic past the appeal property. However, even taking these schemes into account I am of the view that any additional traffic on Wolvey Road would not be sufficient to cause unacceptable noise or pollution nuisance.

13. Moreover, I consider the fence has a negligible effect on any light pollution resulting from cars passing over the speed hump, due to the relationship between the house and the speed hump itself.
14. The Appellant also contended the fence increases the privacy for him and his family, and allows his front garden to be better used. I accept that a suitable level of privacy can be a reasonable aspiration of a householder, but this has to be balanced against the impact of any necessary works. For this reason, and mindful of this balance, it is often accepted on corner plots that a tall side fence round the back garden can abut the pavement. However, it is very common indeed for front gardens to have limited privacy with possible overlooking from passing motorists, cyclists and pedestrians. Given the dwelling has a suitably sized private rear garden, to my mind improving the privacy at the front does not justify the harm I have highlighted.
15. Finally, the Appellant has stated that since erecting the fence problems relating to litter in his front garden have ceased. I accept that litter is an unsavoury aspect of today's society. However, I have no basis to consider the litter has not been merely put somewhere else, and again I am not satisfied that the benefits to the Appellant in this regard justify a fence of this harm.
16. As a result, even if assessed together I find that these factors do not outweigh the harm I have identified.
17. Given the width of the grass verge in front of the houses the fencing does not unacceptably impede visibility for drivers emerging from neighbouring driveways.
18. Having taken into account the Appellant's intention to stain the fence, I therefore conclude that the development would constitute an alien and incongruous development that detracted unacceptably from the character and appearance of the area and, in the absence of any material considerations to outweigh this harm, I conclude the development would be in conflict with Policy BE1 of the *Hinckley and Bosworth Local Plan 2001* and the aims of good design in the *National Planning Policy Framework*.

J P Sargent

INSPECTOR

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Appeal Decision

Site visit made on 8th February 2016

by Anne Jordan BA(Hons) MRTPI

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

Decision date: 13 April 2016

Appeal Ref: APP/K2420/W/15/3129673

Little Markfield Farm, Forest Road, Markfield, Leicestershire, LE67 9UN

- 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 Brenda Featherstone against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 14/01258/FUL, dated 16 December 2014, was refused by notice dated 1st April 2015.
 - The development proposed is erection of a single wind turbine (hub height of 76m with a rotor diameter of 48m) with associated equipment, crane hardstanding, access road and substation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council refused permission for the proposal on the grounds of its impact on the landscape and the visual character of the area, including the cumulative effect of the proposal in combination with other existing and permitted turbines. The concerns of some local residents also relate to the visual impact of proposal on the wider local area.

Main Issues

3. Accordingly, the main issues are the effects of the proposed turbine on the character and appearance of the area.

Policy Background

4. The development plan for the area is made up of the *Hinckley and Bosworth Local Plan* (Local Plan) which was adopted in 2001, and the *Hinckley and Bosworth Core Strategy* which was adopted in 2009. Both predate the *National Planning Policy Framework* (The Framework). The policies within it therefore have to be considered in accordance with their degree of consistency with the Framework.
5. Saved Policy BE1 of the Local Plan seeks to safeguard and enhance the existing environment by seeking development which complements or enhances the character of the surrounding area. Saved Policy NE5 seeks to protect the countryside for its own sake. Development which is important to the local economy, or which cannot be provided within or adjacent to a settlement will be supported provided it does not have an adverse effect on the appearance or

- character of the landscape. The Framework also requires account to be taken of the different roles and character of areas and to recognise the intrinsic character and beauty of the countryside.
6. Saved Policy BE5 reflects the duty in Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 which states that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to preserving the building or its setting. Saved Policy BE7 similarly seeks to ensure that new development preserves or enhances the character or appearance of conservation areas. Saved Policy BE12 seeks to ensure that the archaeological importance of sites is taken into account in assessing the impact of development proposals.
 7. Saved Policy BE27 seeks to approve individual wind turbines where, amongst other things, they are sensitively located in relation to the existing landform and landscape features, where their visual impact is minimised and where they are not unduly prominent from important viewpoints. Spatial Objective 12 of the Core Strategy seeks to minimise the impacts of climate change through the use of renewable energy technologies. The Framework encourages local planning authorities to provide a positive strategy to promote energy from renewable and low carbon sources and to increase its use and supply. In this regard it seeks to support the transition to a low carbon future in a changing climate in part by encouraging the use of renewable resources. It advises decision makers that when determining planning applications, applicants should not be required to demonstrate the need for renewable energy.
 8. Footnote 17 of the Framework also advises that in assessing the likely impact of potential wind energy development, regard should be had to *the National Policy Statement for Renewable Energy Infrastructure*. Amongst other things, this, in effect, emphasises the role onshore wind generation can play in the Government's strategy for meeting the legally binding target of reducing UK emissions by at least 34% by 2020 and 80% by 2050, as well as achieving the UK's obligation of 15% of energy consumption from renewable energy resources by 2020.
 9. The Council are currently preparing the *Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document*. The plan has not yet reached a stage where I can be sure that the policies within it are likely to be adopted in their current form, and this limits the weight which I can attribute to them. As part of the evidence base for this plan the Council commissioned the *Hinckley and Bosworth Renewable Energy Capacity Study* which aimed to assess the potential for renewable energy within the Borough for the plan period by providing a broad assessment of areas of future suitability for wind turbine development. The study does not intend to replace detailed studies for specific siting and does not form part of an adopted plan. Therefore, whilst I have had regard to it I can attribute it only very limited weight as a material consideration.
 10. I have also taken into account the Ministerial Statements (WMS) of 6 June 2013 and the 18th of June 2015 and the *Planning Practice Guidance* (PPG). These advise that the cumulative impact of wind turbines should be taken into account and the need for renewable energy does not automatically override environmental protection or the planning concerns of local communities.

Reasons

The Benefits

11. The appellant advises that the installed capacity of the turbine would be around 500KW and would generate electricity to be fed into the National Grid. The Framework advises that small scale projects provide a valuable contribution to cutting greenhouse gas emissions. The proposal would assist in tackling climate change¹ and help meet national and local targets and ambitions for reducing greenhouse gas emissions. It would also assist in security of supply.

Visual Impact in Landscape Character

12. The *Hinckley and Bosworth Landscape Character Assessment* shows that the application site is located within the "Charnwood Fringe Character Area". This comprises a gently undulating arable landscape with some plateaus of higher ground. Hedgerows are well established with some tree cover along field edges. Individual farming operations are visible in the landscape, along with individual dwellings. The M1 motorway is prominent in some views, but as it sits partly in a cutting it is not always a visible presence, being absent from many viewpoints. Existing turbines of varying sizes are notable features, particularly from higher ground to the east, and from the south. Along with smaller pylons and power lines, these provide a strong manmade presence in the landscape. The site also lies close to an area defined in the Landscape Character Assessment as the "Forest Hills Landscape Character Area". This varies from the "Charnwood Fringe" as it appears to flatten out towards the west, and has a larger field pattern, however in relation to the area around the appeal site it does not appear to be significantly different in character.
13. The gently rolling nature of the landscape would provide open views of large new structures, the effect of which would be only partly offset by the presence of other manmade features. I therefore consider that the landscape has moderate sensitivity to change and some capacity for modest development.
14. The turbine would measure 76m to the hub and 100m to the blade tip. It would have three blades and be finished in an off-white matt colour. It would be located in an open field with an associated access track and concrete base and substation. As part of the proposal the appellant provided a LVIA which contained views from 10 viewpoints in the local area and an assessment of the zone of theoretical visibility, which I have dealt with in turn below.
15. In close range views the turbine would appear as a prominent feature, due to its substantial height. From viewpoint 2 (from Thornton Road motorway bridge), the turbine would be seen as a large and dominant structure which would not be offset by the lower trees and telegraph poles visible in the landscape. From viewpoint 1, (from the motorway bridge on Forest Road), it would also appear very prominent and would be visible in shared views with 2 other turbines. Although the motorway is itself a significant built intrusion from these selected points, it is also in a cutting for parts of the route and so has a much less intrusive effect in a range of other nearby views. In this regard its presence does not significantly diminish the urbanising effect of the turbine on the surrounding landscape. From both viewpoints sustained views of the turbine would also be available to drivers on the motorway. In these close

¹ Including 'in combination' effects with other renewable and low carbon energy schemes.

- range views the proposal would have a significantly harmful effect on the local landscape.
16. From further afield other natural and built features would become more notable and would reduce the visual prominence of the turbine. In viewpoint 3, (from London Road), it would be a notable moving feature on the skyline, the effect of which would be partially off-set by the residential development, telephone lines and the motorway visible in the foreground. From viewpoint 8, (from Stanton under Bardon), it would also be prominently visible above the treeline and would be seen in shared views with the solar farm in the foreground.
 17. From viewpoint 6, the turbine would appear as a starkly prominent feature on the ridge which would not be mitigated by tree cover in the foreground. I noted on site that it would be visible in sustained views from the Leicestershire Round Footpath and from a number of residential properties in Thornton, which would have direct views of the structure. In the vicinity of viewpoint 6, from Merrylees to Botcheston, a number of other turbines are visible, and the spread of these structures across the landscape, together with the disparity in their heights accentuates their intrusive visual effect on the wider landscape. The proposed turbine would add to this, and would have a further erosive effect on rural character. Taking this range of views into account, I consider that in mid-range views the turbine would form a moderately intrusive element in the landscape which would lead to moderate harm.
 18. In longer range views the effect of the proposal would vary with the effect of the local topography. In views from the west from viewpoint 7, Bagworth, clear and open views of the turbine would be available across the gently undulating landscape. This effect would be less marked from the north, as noted from viewpoint 9, and from Beacon Hill, due to intervening higher ground and the increased distance from the site. From the south and east, from viewpoint 4 – Kirkby Muxloe and from viewpoint 5, Groby, it would be screened by trees and rising land. In these wider vistas other turbines and power lines are also visible as prominent features. As such, in longer range views the turbine would have only a slightly intrusive effect on the wider landscape.

Conclusion On Visual Impact

19. In local views the visual impact of a turbine of the scale and location proposed, would have a significant harmful effect on the local area. In medium range views it would have only a moderate impact upon the wider landscape, although this would be less significant effect in long ranging views. It would, in addition, have a moderately harmful cumulative effect when viewed in association with existing turbines in the landscape. The effect of the proposal would be reversible, nevertheless its effects would be significant for the duration of the development, when it would have an adverse impact on the appearance of the countryside in this location. It would therefore conflict with Local Plan policies BE1 and BE27 and with guidance in the Framework which seeks to recognise the intrinsic character and beauty of the countryside. This weighs against an approval in the planning balance.

Other Matters

20. Some residents have expressed concerns relating to the effect of the proposal on the safety of road users on the M1. Although the turbine would be a prominently visible feature to vehicles travelling in both directions, I have no

reason to consider that it would form a distraction which would be prejudicial to the safety of road users. I note the comments of NATS² and the Ministry of Defence who have confirmed they have no objections to the proposal. I therefore do not consider the proposal a threat to aviation safety. The appellant's ecological survey found that no significant wildlife populations would be likely to be harmed by the proposal. I therefore share the view of the County Ecologist that harm to local wildlife would be unlikely to arise.

21. A number of residents have expressed concerns in relation to noise arising from the operation of the turbine. I share the view of the Council's Environmental Health Officer who considers that as the proposal would fall within the limits defined in the ETSU³ guidance, then a condition limiting noise to this level is considered sufficient to provide an adequate level of protection against noise. I also note concerns in relation to shadow flicker but consider that the proposal could be conditioned to mitigate against the effects of this. I also have no substantive evidence that the proposal would cause harm to health due to infra-noise or vibration. Furthermore, I have no evidence before me that the proposal would harm television reception. I note the concerns of some residents that the proposal would be harmful to the operation of South Charnwood Academy, however, I have been provided with no evidence as to the nature of this harm or how this would occur.
22. I also concur with the findings of the submitted heritage statement, and the comments of the Council's Conservation Officer, that the proposal would have a neutral impact on the setting of the majority of the designated heritage assets located within a 5km radius. In relation to the Grade II* listed Church of St Peter, the tips of the turbine blades would be visible in some limited views within the churchyard. However, as this would have a very limited impact upon the church's wider setting and no impact on the church's historic and architectural interest its effect would be negligible.
23. The turbine would be clearly visible in views of the Grade II Listed Little Markfield Farmhouse. It would be located within a view which already features the M1 Motorway. This view does not contribute to the importance of the heritage asset, which instead is derived from its fabric and its relationship to the surrounding farmland. The turbine would also be visible in some views into and out of the Markfield Conservation Area, however, as this would affect only limited parts of the asset, and would not detract from its historic or architectural interest, this effect would also be negligible. In this regard I am satisfied that the proposal would not harm the significance of identified heritage assets.
24. The proposal gave rise to around 140 objections from members of the public along with around 80 letters of support. A significant proportion of those who objected expressed concern in relation to the impact on landscape and local views. Whilst local opposition is not itself sufficient grounds for withholding permission, in relation to the effect of the proposal on the character and appearance of the area, it is an issue where I have also found harm, and which has not been addressed by the proposal. Having regard to the most recent expression of Government policy in respect of wind energy development (the

² National Air Traffic Control Services

³ Guidelines for the environmental assessment of wind turbine related noise are given in the report entitled ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms' (ETSU), based on the findings of the Working Group on Noise from Wind Turbines.

June 2015 WMS), to which the Secretary of State attaches substantial weight, it could not reasonably be argued that the proposal has the backing of the affected local community. An approval would conflict with and undermine the objective of this WMS. This would be a further adverse impact of the appeal scheme.

The Balancing Exercise

25. The proposal would provide energy from a renewable source, contributing towards national and local targets for reducing greenhouse gas emissions. The reduction in greenhouse emissions and delivery of renewable energy infrastructure is identified in paragraph 93 the Framework as being central to the economic, social and environmental dimensions of sustainable development. Small-scale projects are also recognised as providing a valuable contribution to cutting greenhouse gas emissions. These are considerations to which I attribute significant weight.
26. Against this I weigh the significant harmful impact upon visual amenity in local views, and the more moderate harm to the wider landscape. This harm would be reversible and its more significant effects would be localised. However, this planning impact was identified by the local community and has not been addressed. Accordingly, the proposal would not comply with the transitional arrangements set out in the WMS, tipping the balance against the proposal.

Conclusion

27. Accordingly, although the benefits of the scheme carry significant weight, they would not outweigh the harm identified and so the balance weighs against the development. I therefore conclude that the appeal should be dismissed.

Anne Jordan

INSPECTOR

Appeal Decision

Inquiry held on 1- 4 December 2015 and 11 February 2016.

Site visit made on 12 February 2016.

by Siân Worden BA DipLH MCD MRTPI

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

Decision date: 04 May 2016

Appeal Ref: APP/K2420/W/15/3004910

Land off Sherborne Road, Burbage, Leicestershire LE10 2BE

- 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 Jelson against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 14/00475/OUT, dated 12 May 2014, was refused by notice dated 12 November 2014.
 - The development proposed is residential development and associated infrastructure.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Inquiry an application for costs was made by Jelson against Hinckley & Bosworth Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The planning application was in outline with all matters apart from access reserved for later determination.

Main Issues

4. I consider that the main issues in this case are:
 - whether there is a 5 year supply of housing land in the Borough, and
 - the effect of the proposed development on the character and appearance of the surrounding landscape.

Reasons

Housing land supply - OAN

5. In order to boost significantly the supply of housing local planning authorities are required to use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs (OAN) for market and affordable housing in the housing market area¹. The Hinckley and Bosworth (H&B) Core Strategy (CS) was adopted in 2009, predating the publication of the National Planning

¹ The Framework paragraph 47

Policy Framework (the Framework) in 2012. The CS target is to deliver 9000 dwellings up to 2026, that is, 450 units per annum. This requirement, however, is derived from the revoked East Midlands Regional Plan, the dwelling targets in which were based on 2004 household projections. The CS requirement is not the OAN and is not, therefore, consistent with the Framework.

6. The starting point for the calculation of OAN is demographic calculations based on the most recent, available population projections. This is made clear in paragraph 159 of the Framework which states that the strategic housing market assessment (SHMA) should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which meet household and population projections, taking account of migration and demographic change. The Council, together with the other Leicestershire district and borough councils and Leicester City Council, commissioned a SHMA which was published in June 2014².
7. Demographic calculations result in the total number, expressed as a range, of people and households likely to live in the Borough during the plan period, regardless of the type of dwelling which they might desire or require. The latter needs, for example the numbers requiring housing for families; for older people; for those with low mobility; or for those who cannot afford market housing, are the products of separate and different calculations and assessments. In theory they are included within the total population arising from population projections and a demographic methodology and should be consistent with them.
8. A main area of dispute between the parties is whether affordable housing need should be fully met by the OAN. The appellant's view is that the OAN arising from the SHMA is a constrained or policy-on figure and that, consequently, the upper end of the range is not properly identified. On the other hand, the Council concurs with the guidance set out in the Planning Advisory Service's technical advice note on the matter³. This describes those factors which should not contribute to OAN as being 'below the line'; they are matters which should not be included in the OAN calculation but which should be taken into account at a later stage when formulating provision targets. The technical advice note argues that affordable housing need is not measured in a way that is directly comparable with OAN and should not be a constituent of it; affordable housing should thus be below the line and a policy consideration.
9. Based on demographic-led household projections the SHMA concluded that the bottom end of the OAN range for H&B up to 2031 was 375. Due to the mechanism by which the vast majority of affordable housing is delivered, that is as a percentage of all residential schemes over a threshold of units (and subject to viability), it might be necessary to increase the number of dwellings required overall in order to maximise the provision of affordable housing. This measure, which is referred to in PPG⁴, is a policy decision and thus appropriately calculated outside of OAN. In H&B the number of homes needed for supporting proportionate economic growth was identified through the SHMA as 467 and the affordable housing need as 248 per annum⁵. In order to

² *Leicester and Leicestershire Strategic Housing Market Assessment*, GL Hearn and Justin Gardner Consulting.

³ *Objectively Assessed Need and Housing Targets* Technical advice note, second edition July 2015.

⁴ PPG Reference ID: 2a-029-20140306

⁵ SHMA Table 84

support the provision of additional affordable housing and a growth in employment/labour supply, therefore, the top end of the range⁶ was put at 450; that is therefore a policy-on figure.

10. There is no dispute that there is a significant need for affordable housing in Hinckley and in Burbage. The most recent analysis is in the SHMA which puts the figure at about 250 dpa. In increasing the demographically produced figure of 375 up to 450, a 20% uplift, specifically to provide for affordable housing and economic growth, the OAN properly takes account of that need.
11. The appellant's view is that the top of the OAN range should be at least the 980 dwellings identified in the SHMA⁷ as the total amount of housing necessary to deliver the indicated housing need under current policy. This is clearly impractical and unreasonable; the corollary would be a requirement of 196,825 units in the HMA as a whole, a considerable, inconsistent and thus unjustifiable increase on the 75,000 or so dwellings calculated from household projections to be needed by 2031. The 980 figure identified in the SHMA is thus purely theoretical although it could be used as a pointer to further policy adjustments, such as a change in the percentage of affordable housing required. Significant issues in the area such as shortcomings in housing provision, including affordable housing, should be addressed through the Local Plan.
12. Since the SHMA was produced more recent population projections, for 2012, have been published. Analysis of them shows a need for 364 dpa in H&B derived from the total figure for Leicestershire. This is lower than the bottom end of the SHMA OAN but generally consistent with it. In my opinion the figure confirms the Council's approach and validates the CS housing provision of 450 dwellings which is about 24% above that needed to meet demographic increases.
13. It is not my role in this decision to identify an alternative OAN. The appellant has calculated however that, all things being equal, the housing land supply would fall below five years where the OAN was 539 dpa⁸. This figure would be a 44% uplift on the 375 demographically-led household projection which, to my mind, would represent a considerable number of additional affordable dwellings. If I had considered, therefore, that the 450 dph housing requirement was wanting it would still not have been necessary to increase it beyond the 539 threshold whereby a five year supply was not available.
14. Over recent years policy and guidance on OAN, and specifically the inclusion or otherwise of affordable housing, has been interpreted in a number of judgements and inspectors' decisions and reports. In *Satnam Millennium Ltd v Warrington Borough Council* (Feb 2015) the judge found that the assessment of full OAN for housing had not taken account of the substantial need for affordable housing. It is not clear, however, whether he intended that the full affordable housing need should be included in the OAN.
15. In respect of the *Oadby and Wigston v Bloor Homes* case (July 2015) the Court found that the inspector had been entitled to exercise his planning judgement on all of the evidence before him. He had lawfully concluded that the range arising from the Leicestershire SHMA, the same document as is central to this

⁶ SHMA Table 84

⁷ SHMA Table 48

⁸ Inquiry Document 21

case, was "policy on" and that it failed properly to reflect the affordable housing needs and the needs generated by economic factors. A significant difference between that case and the one before me here is that in Oadby and Wigston the Council's housing requirement figure of 80-100 dpa was well below the SHMA affordable housing need of 160 dpa.

16. The judgement in Kings Lynn v Elm Park Holdings (July 2015) stated that the Framework made it clear that affordable housing needs should be addressed in determining the full OAN, but neither it nor the PPG suggested that they had to be met in full by the full OAN. This judge disagreed with the conclusions of the Oadby and Wigston v Bloor Homes judge.
17. The inspector undertaking the Charnwood CS examination concluded in September 2015, after a thorough assessment, that the Leicester and Leicestershire SHMA provided an up-to-date and robust assessment of housing needs in the HMA. He agreed that the OAN for the Housing Market Area (HMA) should be 4,215 dpa; the H&B OAN of 375-450 is a component of that overall figure. These conclusions further support the Council's position.

Housing land supply - buffer

18. A borough's five year supply should include an additional buffer of at least 5%, moved forward from later in the plan period⁹, but where there has been a record of persistent under delivery the buffer should be increased to 20%. Advice on determining persistent under delivery is given in PPG which states that it is a question of judgment for the decision maker. It adds that there can be no universally applicable test or definition and the assessment of a local delivery record is likely to be more robust if a longer term view is taken which will account for the peaks and troughs of the housing market cycle¹⁰.
19. The appellant's view is that, as the issue is whether the Council will be able to deliver the housing requirement set out in the adopted development plan, only performance during that plan period should be assessed, namely since 2006. It points out that this period is long enough to cover peaks and troughs. The Council's 14 year monitoring period undoubtedly takes a longer term view, although I note that only the two most recent years of the previous plan period (2004/5 and 2005/6) are necessary to bring the balance into the black.
20. The period at the beginning of a plan period, when sites allocated in the previous plan have been mainly built out and new allocations have yet to be confirmed by adoption, can amount to a trough. In this case it was succeeded by the national recession. It is thus reasonable to include a peak period, for example the years up to 2006/07, in the monitoring period. The position might be different if there was a continuing undersupply but this is not the case. During the two most recent monitoring years completions were 30 units above the requirement (in 2013/14) and 302 greater (2014/15). In my judgement, therefore, there has not been persistent under delivery and a buffer of 5% is sufficient. The appellant has drawn my attention to a recent (October 2015) housing trajectory. The projected number of completions for 2015/16 is 379¹¹ which would be a shortfall of 71, or 16%, on the required 450 units pa. This would not make a significant dent in the total units when calculated over the

⁹ The Framework, paragraph 47

¹⁰ PPG Reference ID: 3-035-20140306

¹¹ Housing Trajectory, RT PoE, Appendix 11

longer period adopted by the Council. Furthermore, as it is not a confirmed figure it cannot carry much weight.

Housing land supply – deliverable sites

21. Only deliverable sites can contribute towards the five year supply of housing land. The Framework defines deliverable sites as those which are available now, offer a suitable location for development now, and are achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years¹². Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out¹³.
22. The appellant has not challenged the contribution expected to be made by small sites to the available supply but four of the large sites are questioned. Sites AS100 and AS833 both have consents for care homes; the appellant argues that both also have a history of unimplemented permissions contrary to the advice set out in PPG¹⁴. At the first permission has been extended up to May 2016 and the site has been cleared. I agree with the Council that, despite the site not being marketed, there is evidence of a firm intention to develop the site. At the second the agent confirmed an intention to submit a further application by the end of 2015 and this had come forward by the time of the inquiry. There are no significant infrastructure constraints at either of these sites.
23. It was the appellant's view that AS893 was not available now as it was in use as a gymnasium. Outline consent had, however, been resolved for a grant in November 2014 with negotiations regarding the S106 agreement being the only hurdle to its finalisation. To my mind there is a clear aim to develop the site and it is available. The final site challenged by the appellant, AS306/307, is in multiple ownerships with a former brickworks, which would need remediation, just outside the boundary. There is a consent which has been extended until June 2016. The Council had spoken to the agent in November 2015 and he had reported developer interest with the landowner wishing to exchange contracts in December 2015. As with the second care home site, no units were scheduled to come forward until later in the five year period. All in all I consider that these four sites can be considered to be suitable, available and achievable.
24. Some units from two Sustainable Urban Extensions (SUEs) at Barwell (200 dwellings) and East Shilton (130 dwellings) are also included in the Council's housing land supply calculation¹⁵. These substantial and ambitious proposals, which are identified in the CS and the subject of an Area Action Plan adopted in September 2014, are bound to take much longer to get off the ground than a common or garden residential development. Delays to an initial timetable are not unusual and need not be fatal to delivery.

¹² The Framework, paragraph 47, footnote 11

¹³ PPG Reference ID: 3-031-20140306

¹⁴ PPG Reference ID: 3-020-20140306

¹⁵ AM PoE Table 1 on page 6

25. At Barwell a resolution to grant outline permission was made in April 2013, confirmed in March 2015 following an affordable housing viability study, and negotiations on a S106 are, according to the Council, nearing completion. In respect of East Shilton, at a developer forum in November 2015¹⁶ attended by interested house builders and H&BBC all parties confirmed their full commitment to bringing forward the SUE. The appellant owns land at East Shilton on which approximately 250 dwellings would be provided. Although the appellant intended delivery of those 250 to run alongside that of other potential interests in the area, its commitment to the Earl Shilton SUE was not affected.
26. In my opinion the evidence presented to the inquiry indicates a realistic prospect that the SUEs would deliver units by the end of the five year supply period. In addition the numbers forecast to come forward by then are modest. The Sketchley House¹⁷ inspector's concerns in respect of the SUEs were voiced in September 2014 prior to the agreement to re-negotiate the Barwell S106 obligation and before the East Shilton developer forum.
27. I have not seen any compelling arguments as to why the Council's 5% discount on large sites and 9% on small sites are not sufficient to account for the non-implementation of planning permissions.
28. The appellant also questions several of the residential allocations in the draft Site Allocations and Development Management Policies Development Plan Document (DPD). In March 2015 the Council approved the setting up of a company wholly owned by H&BBC whose purpose would be to build houses for sale and rent. That strikes me as a positive initiative confirming the Council's intentions to bring forward land in its ownership which has been set aside for housing development; it can only assist that process. The draft DPD is nearing the end of its examination with main modifications, which are changes necessary to make the plan sound, having recently (February/March 2016) been the subject of consultation. None of the modifications concern fundamental changes to the housing requirement, allocated sites or the housing land supply. Having also considered the Council's responses on the disputed sites¹⁸ I am confident that the number of dwellings on allocated sites is realistic and appropriate.
29. Finally on the matter of deliverable sites, the Council's calculation of housing land supply¹⁹ is five years and ten months; an 'overprovision' (column h) of 461 units makes the period comfortably longer than five years. It thus provides for some slippage or non-delivery of the sites comprising the housing supply.

Housing land supply – conclusions

30. All in all I have found that the calculation of OAN takes account of the substantial need for affordable housing and is otherwise sound. In addition there is no record of persistent under delivery and a 5% buffer is adequate. The identification of sites contributing to the five year supply and the prediction of when and how many dwellings will be delivered is reasonable. I therefore conclude that there is sufficient housing land in H&B to meet housing needs for the following five years.

¹⁶ Inquiry document 13b

¹⁷ APP/K2420/A/13/2208318

¹⁸ Inquiry document 13a

¹⁹ AM PoE Table 1 on page 6

31. My findings are supported to some extent by those of the inspector deciding the Markfield Road, Ratby case who concluded as recently as October 2015²⁰ that the housing land supply calculation submitted by H&B Council to that inquiry was as sound a calculation as was possible to make at that time. In reaching his decision he had not explored the OAN but had considered the position in respect of the buffer and deliverable sites including the SUEs. Overall he found that there was sufficient housing land in the Borough to meet requirements for the next five years.
32. I am aware that some of the quoted cases are the subject of legal challenge. Unless and until they are quashed or overturned, however, they are either law or, in the case of inspectors' reports and decisions, carry significant weight.

Character and appearance of the landscape

33. Burbage is a village to the south east of the town centre which has been absorbed by the urban mass of Hinckley. The appeal site comprises two fields on the outermost, eastern side of the village; they are part of an undeveloped parcel of land between the edge of Burbage, which is also the edge of the Hinckley urban area, and the M69. The proposal is for residential development in the region of seventy three dwellings, 20% of which would be affordable units.
34. To take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside is one of the Framework's core planning principles²¹. It also states that the planning system should contribute to the natural and local environment by protecting and enhancing valued landscapes²². A letter from the Minister of State for Housing and Planning²³ emphasises that, outside of designated areas which enjoy a high level of protection, the impact of development on the landscape can be an important material consideration. He stresses the need to take full account of all the dimensions which contribute to sustainable development, that is to say the environmental as well as the social and economic.
35. The Leicestershire Round long distance footpath crosses the site emerging in Sherborne Road. The illustrative masterplan indicates that its current route would be maintained passing through a main area of public open space proposed within the new development. I am sure that this area could be landscaped, including for example with indigenous species, to reflect the character of the surrounding landscape and that it would be pleasant. Nonetheless, from it a considerable number of houses would be visible to the north and particularly to the south. The current view to the south is of a grassy field sloping gently upwards to a hedgerow with scattered trees visible behind and, from the outer part of the route, the steeple of the church. Despite the modern housing at the edge of the site, it is a timeless, archetypal vista which would be spoiled by the proposed development; the experience of recreational walkers on the public right of way (PROW), whether covering many miles or enjoying a local stroll, would be harmed.
36. The boundary between the existing housing off Salisbury Road and the appeal site is defined by a low hedgerow. Over it can be seen the modern dwellings

²⁰ APP/K2420/W/15/3003301

²¹ The Framework, paragraph 17

²² The Framework, paragraph 109

²³ Brandon Lewis MP to Simon Ridley, Chief Executive of the Planning Inspectorate, dated 27 March 2015

closest to it and some of the settlement behind, a typically suburban view. The dense, high conifer hedge along the northern boundary of the site is also uncharacteristic of the countryside setting. Nevertheless, when facing away from these detracting features, the appeal site with its enclosing hedgerows and glimpsed views to the open countryside beyond, has landscape value. This is recognised by the appellant who describes the condition of the site and surrounding area as fair and as being of medium/high scenic quality²⁴. I noticed its attractiveness during my February site visit and am confident that, in the spring and summer when the hedgerows come into full leaf, it is more pleasant still.

37. That value diminishes as one progresses towards the motorway; the hedgerows are lower, the landscape becomes more open, and the intrusion of the pylons and motorway is more apparent. These effects on the land around it emphasise the largely unspoilt character of the appeal site. From the extensive residential area to the west, the open countryside, and especially the appeal site, is glimpsed from Salisbury Road and seen clearly from Ilminster Close, Sherbourne Road and Dorchester Road. It is clear from the number of objections to the scheme from local people that many of them value living close to this rural area. To my mind, the appeal site contributes to the identity of Burbage providing, at least for those who can see it, a reminder that they are in a village.
38. It would not be possible or desirable, and is not intended, to supplement the existing hedgerows to the extent where they blocked all views. The proposed development would thus be visible from the PROW on the approach to Burbage. From that location it is likely that, once construction was completed, there would not be a significant change from the existing view; I do not consider that the increased area of housing development would be harmfully noticeable. The site is also visible, however, from viewpoints on the surrounding roads such as Aston Lane and Lychgate Lane, particularly where the latter rises over the motorway. From these locations I consider that the proposed development would be perceived as bulging out from the clearly defined, existing urban edge and encroaching into the currently undeveloped parcel of open countryside between Burbage and the motorway.
39. CS Policy 4, entitled *Development in Burbage*, is a fairly broad-brush but comprehensive policy setting out a list of social, economic and environmental objectives for the settlement. The first section is mainly concerned with Burbage's function as a local centre, which also supports Hinckley's role as a sub-regional centre, whilst the second part concerns the settlement's character and sense of place.
40. A requirement under the second section is that the open landscape to the east of Burbage, which provides an important setting for the village, should be protected and preserved. Thus, although there is no designating line drawn around the protected area, in describing broadly where it is and its importance it seems to me that Policy 4 defines a valued landscape. Furthermore, and despite not being set out in a list, the policy identifies characteristics against which to assess proposals; these include that the landscape is open, that it provides an important setting for the village and that it separates Burbage from the M69 corridor. I do not consider that the policy amounts to a blanket ban

²⁴ Gary Holliday Proof of Evidence paragraph 6.7

on all development. Unlike the policy before the inspector in the Coalville case²⁵, CS Policy 4 is not, therefore, significantly inconsistent with paragraphs 109 or 113 of the Framework.

41. I do not see any inconsistency, either, between the Council's decisions in this case and on Lutterworth Road²⁶; land to the south of Burbage is not explicitly protected by Policy 4. Indeed, it could be seen to support my finding that Policy 4 identifies a valued landscape, namely the land to the east of Burbage only.
42. My conclusion on the issue of character and appearance is that the proposed development would not protect or preserve the open landscape to the east of Burbage, contrary to CS Policy 4. This policy carries significantly more weight than the less discriminating Policy NE5 of the H&B Local Plan, adopted 2001, which protects the open countryside for its own sake and is not site-specific.
43. At the moment it is possible to have access to all parts of the appeal site and many local people have reported that it is well-used, especially by children playing. Apart from on the route of the footpath other recreational use is, however, informal and permissive. Moreover, although the proposed areas of public open space within the new development would be smaller, it would be possible for children to play safely there. Other recreational use could still take place in the fields beyond the appeal site which appear to be similarly accessible albeit that they are less visually attractive. For these reasons I have given little weight to the existing recreational use of the appeal site other than of the footpath.

Planning contributions – Leicestershire Police

44. Leicestershire Police (LP) has demonstrated adequately that the sums requested would be spent on a variety of essential equipment and services, the need for which would arise directly from the new households occupying the proposed development. It would be necessary, therefore, in order to provide on-site and off-site infrastructure and facilities to serve the development commensurate with its scale and nature consistent with LP Policy IMP1. The planning contribution would also enable the proposed development to comply with the Framework's core planning principle of supporting local strategies to improve health, social and cultural well being and delivering sufficient community facilities and services to meet local needs²⁷.
45. In respect of compliance with CIL Regulation 123(3) the proposed spending has been apportioned to individual projects and procurement, such as property adaptation and a contribution towards a vehicle, in order to ensure no need for the pooling of contributions. In addition a clause of the undertaking which, in requiring written confirmation prior to payment that it would only be spent where there were no more than four other contributions, would provide a legal mechanism for ensuring full compliance with Reg. 123(3).
46. Evidence was submitted in the form of two maps²⁸ with types of criminal incidents plotted on them. The first of these shows that there were several burglaries and thefts in the housing area adjacent to the appeal site during the

²⁵ APP/G2435/W/15/3005052

²⁶ Inquiry Document 28

²⁷ The Framework paragraph 17

²⁸ Inquiry document 20

year up to July 2014. The second map covers a larger area, this time in Blaby, and indicates a steady rate of incidents, mainly forms of stealing, in all types of residential area. I have no reason to believe that levels of crime differ significantly between Hinckley/Burbage and Blaby.

47. I consider this to be a no less realistic and robust method of demonstrating the criminal incidents likely to arise in a specific area than the analysis of population data which is normally used to calculate the future demand for school places. The evidence gives credence to the additional calls and demands on the police service predicted by LP²⁹.

Planning contributions – Leicestershire County Council

48. The appellant is not challenging the proposed contributions for services provided by Leicestershire County Council (LCC) apart from those for the civic amenity site and library.
49. The nearest civic amenity site to the proposed development is that at Barwell. This site has a capacity to hold 162 tonnes of waste at any one time. During particularly busy periods, such as May bank holidays, this can be significantly exceeded leading to containers being full and even the site being closed. The proposed development would create additional demand for the facilities of this site and I agree that a financial contribution towards measures to increase its capacity, proportional to that demand, would be necessary and reasonable. The identified project would be a canopy to protect an additional storage area from the weather, the cost of which would require further S106 contributions. At the current time there was, potentially, only one other payment likely to be made to this project and thus a contribution from the proposed development would comply with CIL Reg. 123(3).
50. The requested contribution for the library would be put to purchasing a public access computer. There are currently four such computers at Burbage library falling short of the government's advisory 0.6 per 1000 population which equates to nine. Library computers are used not only to give public access to digital sources but also to teach computer skills to members of the public. To my mind it is likely that a majority of the new households would have access to a computer at home. I do not consider, therefore, that a need for more public computers at Burbage library arising from the proposed development has been demonstrated.
51. My overall conclusion on planning contributions is that those requested by LP and by LCC for the civic amenity site would be necessary to make the development acceptable in planning terms and would meet the other tests set out in the Framework³⁰. In those respects the submitted planning obligation carries significant weight. The contribution sought for Burbage library would not.
52. Of the other appeal decisions which have been drawn to my attention by LCC in support of their requested contributions those at Fairway Meadows³¹ and land north of Bill Crane Way³² do not deal with library contributions in any detail.

²⁹ M Lambert Proof of Evidence, pp 11 & 12

³⁰ the Framework paragraph 2004

³¹ APP/F2415/A/14/2217536

³² APP/F2415/A/12/2179844

Although the inspector at the Workhouse Lane appeal³³ found that LCC had provided a clear and detailed analysis of capacity and requirements to justify the amounts sought, including for libraries, as I am not aware of the circumstances of that case I cannot draw any helpful comparisons with it.

Overall Planning Balance and Conclusions

53. I have found that there is a five year supply of housing land in the Borough at this time; relevant policies for the supply of housing are not, therefore, considered out-of-date. In these circumstances it is not necessary for me to determine which those policies are. The proposed development would not protect or preserve the open landscape to the east of Burbage which, whilst not specifically designated, is an important setting for the village and separates it from the M69 corridor.
54. The benefits of the proposed development include the provision of market and affordable housing in an area where the latter is much needed. The site is also close to the village centre, where there are local services, and within easy reach of Hinckley town centre by public transport. New public open space would be created and there would be other social and economic benefits such as additional support for local facilities and businesses. Nonetheless, these benefits are not sufficient to outweigh the harm to the landscape. I do not agree that the proposal would improve access to the countryside.
55. I am aware that Burbage is part of Hinckley Sub Regional Centre and that the CS strategy is that the majority of housing will be located in and around it. The positive aspects of the scheme, including the benefits referred to above and also factors such as the lack of harm to ecological interests or the living conditions of nearby occupiers, make it consistent with several CS policies, as will be the case with the vast majority of proposed development. Since this proposal is clearly contrary to CS Policy 4, which is most relevant to proposals in Burbage and thus most important in this case, compliance with other, more general policies carries little weight. The proposed development would therefore be contrary to the development plan as a whole. I have taken into account all the matters raised but found no compelling arguments to allow the appeal.
56. For the reasons given above I conclude that the appeal should be dismissed.

Siân Worden

Inspector

³³ APP/K2420/A/13/2202989

APPEARANCES

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Gary Holliday

Instructed by Bilfinger GVA

Director, Bilfinger GVA

FPCR Environment & Design Ltd

FOR THE FIRST RULE 6 PARTY:

Nina Pindham of Counsel

She called

Martin Lambert

Leicestershire Police

FOR THE SECOND RULE 6 PARTY:

Andrew Cross and Alex Strickland

They called

Andrew Tyrer

Leicestershire County Council

INTERESTED PERSONS:

Martin Preston

Simon Straker

Richard Causon

Roger Goodger

Mary Sherwin

Brent Watson

Beth Watson

Nicola Holloway

Mary Tarney

Local residents also speaking on behalf of
Sherborne Road Residents' Group

Local residents speaking for themselves and,
in some cases, other residents of the area.

DOCUMENTS

- 1 Extracts from *The Police and Crime Plan & Leicestershire Police's response to the funding challenge*.
- 2 Minor corrections to Rob Thorley's proof of evidence
- 3 Committee report on Barwell SUE
- 4 Appeal decision APP/X0360/A/13/2209286 - extract
- 5 Appeal decision APP/L2440/A/14/2209286
- 6 High Court Challenge Judgement re Banbury Road, Adderbury 3.2.2015
- 7 Planning Committee 11.11.2014 minutes re appeal site
- 8 Schedule of contributions claimed in H&B district – superseded
- 8a Library and Civic Amenity contributions
- 8b Relevant S106 contributions claimed in H&B district since 6.4.2010 – agreed with BC
- 8c Library and Civic Amenity contributions - updated
- 8d Email from A Tyrer to R Thorley re Education Contributions in Burbage 10.2.16
- 8e Note from H&B BC re CIL compliance
- 8f Email from S Bowler to A Tyrer re allocation of contribution 10.2.16
- 8g Email from M Lambert to S Atha re joint CIL compliance statement 10.2.16
- 9 Email from M Lambert to R Thorley re Draft response to GVA letter 26.11.15; letter from R Thorley to M Lambert 18.11.15; schedule of contributions in Leicestershire.
- 10 2 photos of the landscape in the vicinity of the Ratby site
- 11 Ratby site - proposed layout
- 12 Extract from the GVLIA 3rd edition
- 13a Note from H&BBC re large sites challenged by R Thorley
- 13b Agenda of Developer Forum on Earl Shilton SUE – 6.11.15
- 14 Observations of Burbage Parish Council – relationship of Burbage Neighbourhood Development Plan to appeal.
- 15 Statement of Common Ground November 2015
- 16 Judgement – Wainhomes (South West) Holdings Ltd & Sec of State for Communities and Local Government, 25.3.13
- 17 Judgement – Phides Estates (Overseas) Ltd & Sec of State for Communities and Local Government & Shepway District Council & David Plumstead, 26.3.15
- 18 Extract from final report of H&B Council's Earl Shilton and Barwell Area Action Plan, 4.8.14
- 19 Judgement – South Northamptonshire Council & Sec of State for Communities and Local Government & Barwood Land and Estates Ltd, 10.3.14
- 20 Covering email and maps showing recorded crime incidents, 3.12.15
- 21 Potential range for FOAN
- 22 H&BBC report on setting up of the housing development company.
- 23 Judgement – Bloor Homes East Midlands Ltd & Sec of State for Communities and Local Government & H&BBC, 19.3.14
- 24 Appeal decision APP/X2410/W/15/3007980
- 25 Appeal decision APP/G2435/W/15/3019451
- 26 Appeal decision APP/G2435/W/15/3005052
- 27 Appeal decision APP/X2410/W/15/3004925
- 28 H&BBC committee report re land to the south west of Lutterworth Road, Burbage
- 29 Judgement – Anita Colman & Sec of State for Communities and Local

- Government & North Devon District Council & RWE Npower Renewables Ltd, 9.5.13
- 30 Secretary of State's decision on inspector's recommendation re Land off Mountsorrel Lane, Rothley, Leicestershire, 8.4.14

Delegated Applications determined between 01/04/2016 and 02/05/2016

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Ambien					
16/00126/FUL	PLANNING PERMISSION	08/04/2016	Mr Oliver Warner	The Hercules Inn Main Street Sutton Cheney Nuneaton Leicestershire CV13 0AG	First floor rear extension, replacement of windows, erection of lobby and insertion of 2 no. rooflights
16/00127/LBC	LISTED BUILDING CONSENT	08/04/2016	Mr Oliver Warner	The Hercules Inn Main Street Sutton Cheney Nuneaton Leicestershire CV13 0AG	First floor rear extension, replacement of windows, erection of lobby and insertion of 2 no. rooflights
16/00245/TPOCA	PERMIT CONSERVATION AREA TPO WORKS	25/04/2016	Mr Peter Tustain	20 Andrew Close Stoke Golding Nuneaton Leicestershire CV13 6EL	Felling of 4 conifer trees

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Barlestone Nailstone And Osbasto					
15/00772/OUT	REFUSAL OF PLANNING PERMISSION	13/04/2016	Jupiter Strategic Land	Land At Cunnery Close West Of Bosworth Road East Of A447 Ashby Road Osbaston Leicestershire	Residential mixed use development comprising of up to 450 dwellings (use class C3), employment (use class B1), retail (use class A1 to A5), a childrens day nursery and medical centre (use class D1) and associated works (outline - access only) (resubmission)
15/01218/HOU	PLANNING PERMISSION	14/04/2016	Mr & Mrs K Webb	50 Main Street Nailstone Nuneaton Leicestershire CV13 0QE	Single storey front extension and erection of detached triple garage
16/00067/FUL	PLANNING PERMISSION	22/04/2016	Mr Peter Hiranihorsley	The Nut And Squirrel 32 Main Street Nailstone Nuneaton Leicestershire CV13 0QE	Erection of one dwelling (resubmission)
16/00219/HHGDO	GDO PRIOR APPROVAL NOT REQUIRED	11/04/2016	Mr Paul Branson	25 Little Mill Close Barlestone Nuneaton Leicestershire CV13 0HW	Rear extension measuring 3.9 metres in depth; 3.5 metres in height to the ridge; and 2.45 metres to the eaves

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Barwell					
	15/00885/COU	PLANNING PERMISSION	14/04/2016	Mr Masuk Miah	96 Kirkby Road Barwell Leicester Leicestershire LE9 8FN
				Change of use from shop (A1) to hot food takeaway (A5)	
	16/00113/COU	REFUSAL OF PLANNING PERMISSION	08/04/2016	Mr Fred Price	Land Adj. Hissar House Farm Leicester Road Hinckley Leicestershire
				Change of use of land for gypsy/traveller site for the provision of two static caravans, one touring caravan, erection of two amenity bulidings and associated infrastructure	
	16/00163/HOU	PLANNING PERMISSION	12/04/2016	Mr Christoper Bates	9 Queensway Barwell Leicester Leicestershire LE9 8AQ
				Erection of shed	
	16/00185/COGDO	PRIOR APPROVAL GIVEN	26/04/2016	Mr P Patel	2A Queen Street Barwell Leicester Leicestershire LE9 8EA
				Prior notification for change of use from commercial (B1) to 2 No. dwellings (C3)	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Burbage Sketchley & Stretton					
16/00017/CONDIT	PLANNING PERMISSION	07/04/2016	David Wilson Homes East Midlands	Sketchley House Watling Street Burbage Hinckley Leicestershire LE10 3HZ	Variation of condition 8 and 29 of planning permission 13/00529/OUT to alter the allocation of car parking spaces and alter the hours of construction
16/00075/ADV	REFUSAL OF ADVERTISEMENT CONSENT	12/04/2016	Heritage Garden Rooms Ltd	Brookfield Garage (Hinckley) Ltd Brookfield Garage Brookfield Road Burbage Hinckley Leicestershire LE10 2LL	Display of 1x non-illuminated advertising board
16/00112/HOU	PLANNING PERMISSION	14/04/2016	Mr & Mrs G Turner	34 Troon Way Burbage Hinckley Leicestershire LE10 2GX	Erection of two storey front extension, single storey rear extension and granny annexe
16/00151/HOU	PLANNING PERMISSION	05/04/2016	Mr & Mrs P.H. Hames	11 Lupin Close Burbage Hinckley Leicestershire LE10 2UJ	Single storey front extension and new pitched roof to porch
16/00234/HOU	PLANNING PERMISSION	29/04/2016	Mr Chris Bond	11 Azalea Drive Burbage Hinckley Leicestershire LE10 2SH	Single storey side and rear extension and porch to front

<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					
16/00051/HOU	PLANNING PERMISSION	14/04/2016	Mr Jonathan Cole	Archer Cottage Church Street Burbage Hinckley Leicestershire LE10 2DB	Single storey rear conservatory
16/00052/LBC	LISTED BUILDING CONSENT	14/04/2016	Mr Jonathan Cole	Archer Cottage Church Street Burbage Hinckley Leicestershire LE10 2DB	Single storey rear conservatory
16/00123/HOU	PLANNING PERMISSION	01/04/2016	Mr F.T. Dryburgh	33 Hillrise Burbage Hinckley Leicestershire LE10 2UA	Single storey front extension
16/00125/HOU	PLANNING PERMISSION	20/04/2016	Mr Kirk Beale	14 Salisbury Road Burbage Hinckley Leicestershire LE10 2AR	Two storey side extension, first floor rear extension, replacement pitched roof over the garage and replacement mono-pitch roof above the utility room
16/00149/HOU	PLANNING PERMISSION	21/04/2016	Mr David Lock	Aston Oaks Sapcote Road Burbage Leicester Leicestershire LE10 2AT	Erection of 3 no. outbuildings and swimming pool
16/00180/HHGDO	GDO PRIOR APPROVAL NOT REQUIRED	07/04/2016	Mr Tim Aston	74 Sapcote Road Burbage Hinckley Leicestershire LE10 2AX	Rear extension measuring 4.6 metres in depth; 3 metres in height to the ridge; and 3 metres to the eaves
16/00181/HOU	PLANNING PERMISSION	08/04/2016	Mr M Bygrave	40 Forresters Road Burbage Hinckley Leicestershire LE10 2RX	First floor 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					
	16/00087/HOU	PLANNING PERMISSION	08/04/2016	Mrs J Smith	Park View Farm Bosworth Road Carlton Nuneaton Leicestershire CV13 0DA
				New vehicular access with new gates and walls and new raised roof to existing garage to provide studio	
	16/00137/HOU	PLANNING PERMISSION	21/04/2016	Mr & Mrs L Sutton	Patriachica 6 West End Barton In The Beans Nuneaton Leicestershire CV13 0DG
				Single storey front extension and erection of 2 no. entrance gates	
	16/00153/FUL	REFUSAL OF PLANNING PERMISSION	26/04/2016	Mr & Mrs R Burnham	The Moorings Ibstock Road Odstone Nuneaton Leicestershire CV13 0QS
				Change of use of garage and stable to holiday let and erection of new stable block (resubmission)	
	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	
	16/00192/FUL	PLANNING PERMISSION	26/04/2016	Mr & Mrs T Richardson	Michaelmas House 4 Main Street Market Bosworth Nuneaton Leicestershire CV13 0JW
				Replacement of existing shop display windows, addition of new external door, reduction in length of existing fascia and awning	
	16/00193/LBC	LISTED BUILDING CONSENT	26/04/2016	Mr & Mrs T Richardson	Michaelmas House 4 Main Street Market Bosworth Nuneaton Leicestershire CV13 0JW
				Replacement of existing shop display windows, addition of new external door, reduction in length of existing fascia and awning and provision of new internal partition and steps	
	16/00209/FUL	PLANNING PERMISSION	26/04/2016	Mr B. Harvey	Carlton Grange Congerstone Lane Carlton Nuneaton Leicestershire CV13 0BU
				Erection of a stable block	
	16/00248/GDO	GENERAL DEVELOPMENT ORDER	13/04/2016	Mr Graham Wragg	Common Farm Barton Road Carlton Nuneaton Leicestershire CV13 0RL
				Erection of a hay barn	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
	16/00257/TPOCA	PERMIT CONSERVATION AREA TPO WORKS	26/04/2016	Mrs Kennedy	Holy Bones 10 Church Street Market Bosworth Nuneaton Leicestershire CV13 0LG
				Pruning of oak and scots pine and felling of laburnum, cherry, oak and rowan trees	
	16/00269/NOMAT	PERMIT NON MATERIAL AMENDMENTS	19/04/2016	Mr Richard Pointon	Highfields Hinckley Road Cadeby Nuneaton Leicestershire CV13 0BD
				Non material amendment of planning permission 15/01299/HOU to relocate side and rear first floor windows and re configuration of bedroom/ensuite	

Earl Shilton

	16/00069/CONDIT	PLANNING PERMISSION	21/04/2016	KL Ventures T/a Domino's Pizza	30 Wood Street Earl Shilton Leicester Leicestershire LE9 7ND
				Variation of condition 4 of planning permission 15/00594/COU to allow the premises to open until 03:00am	
	16/00131/HOU	PLANNING PERMISSION	04/04/2016	Mr Lawale Wahab - Laniyan	48 The Poplars Earl Shilton Leicester Leicestershire LE9 7ET
				Two storey side extension and erection of single storey detached double garage to front (resubmission)	
	16/00157/HOU	PLANNING PERMISSION	27/04/2016	Mr Scott Robertson	Bramble Nook 22 Breach Lane Earl Shilton Leicester Leicestershire LE9 7FB
				Erection of first floor above existing double garage and glazed link to main dwelling.	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Groby					
	16/00138/CLUP	CERTIFICATE OF LAWFUL PROPOSED USE	12/04/2016	Mr Paul Cairns	44 Sycamore Drive Groby Leicester Leicestershire LE6 0EW
				Single storey rear extension	
	16/00152/HOU	PLANNING PERMISSION	14/04/2016	Mr B Sahota	Surbrae Bradgate Hill Groby Leicester Leicestershire LE6 0FA
				Single storey rear, side and front extension	
	16/00165/CONDIT	PLANNING PERMISSION	27/04/2016	Mrs Valerie Hobson	27 Woodlands Drive Groby Leicester Leicestershire LE6 0BR
				Variation of condition 2 of planning permission 15/01242/CONDIT to provide a dual pitched roof to the 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 Castle					
16/00098/FUL	PLANNING PERMISSION	01/04/2016	St. Bernards Private Day Nursery	6 Clarendon Road Hinckley Leicestershire LE10 0PL	Erection of pergola
16/00143/FUL	PLANNING PERMISSION	05/04/2016	Highcross Commercial Investments Limited	Regent House 14 Waterloo Road Hinckley Leicestershire LE10 0QJ	Change of use of snooker club and retail units to 4 no. retail units (use class A1-A5 and D2) and alterations to front elevation to enlarge and replace existing windows and raise parapet wall by 0.7m
16/00155/ADV	ADVERTISEMENT CONSENT	18/04/2016	Edward Hands & Lewis Ltd	92 Castle Street Hinckley Leicestershire LE10 1DD	Illuminated fascia sign and illuminated posters
16/00164/ADV	ADVERTISEMENT CONSENT	18/04/2016	Places For People Leisure Management Ltd	Land At Argents Mead Hinckley Leicestershire	Two non-illuminated signs
16/00182/NOMAT	PERMIT NON MATERIAL AMENDMENTS	18/04/2016	Places For People Leisure Management Ltd	Land At Argents Mead Hinckley Leicestershire	Non-material amendment to planning permission 14/00342/FUL to approved plans for new leisure centre
16/00184/TPOCA	PERMIT CONSERVATION AREA TPO WORKS	04/04/2016	Mr Phil Chawner	29 Station Road Hinckley Leicestershire LE10 1AP	Removal of 1 No. willow tree
16/00201/ADV	ADVERTISEMENT CONSENT	18/04/2016	Poundland	Poundland 22 The Crescent Hinckley Leicestershire LE10 0QQ	Four illuminated fascia signs and two non-illuminated projecting signs
16/00307/NOMAT	PERMIT NON MATERIAL AMENDMENTS	26/04/2016	Miss Brianne Asbury	Jarvis Porter Coventry Road Hinckley Leicestershire LE10 0JJ	Non material amendment to planning permission 15/00204/REM to alter gable roofs to hipped roofs

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
	16/00308/NOMAT	PERMIT NON MATERIAL AMENDMENTS	26/04/2016	Miss Brianne Asbury	Jarvis Porter Coventry Road Hinckley Leicestershire LE10 0JJ
Non material amendment to planning permission 14/00881/REM to alter gable roofs to hipped roofs on plots 69, 74 and 94					
Hinckley Clarendon					
	16/00174/FUL	REFUSAL OF PLANNING PERMISSION	14/04/2016	Mr David Burton	35 Langdale Road Hinckley Leicestershire LE10 0NR
Subdivision of plot and erection of dwelling					
	16/00216/FUL	PLANNING PERMISSION	27/04/2016	Jelson Limited	9 Oronsay Close Hinckley Leicestershire LE10 0WY
Erection of detached garage					

<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)	
	16/00092/TPO	PERMIT TREE PRESERVATION ORDER WORKS	04/04/2016	Mr David Prosser	The Paddock 3 Beatty Close Hinckley Leicestershire LE10 1PD
				Works to ash tree	
	16/00130/HOU	PLANNING PERMISSION	20/04/2016	Mr James Hancox	58 Butt Lane Hinckley Leicestershire LE10 1LD
				Single storey rear extension	
	16/00133/REM	APPROVAL OF RESERVED MATTERS	25/04/2016	JM Knapp & Sons	Land North East Of 129 Leicester Road Hinckley Leicestershire
				Application for approval of reserved matters (appearance, landscaping, scale and layout) of outline planning permission 14/00283/OUT for the erection of 2 dwellings	
	16/00146/FUL	PLANNING PERMISSION	05/04/2016	Mr M Poole	2 - 2A Maizefield Hinckley Leicestershire LE10 1YF
				Three storey extension to industrial unit including basement	
	16/00150/TPO	TREE PRESERVATION ORDER	13/04/2016	Mr Peter Burke	North Warwickshire And Hinckley College London Road Hinckley Leicestershire LE10 1HQ
				Works to trees	
	16/00170/CONDIT	PLANNING PERMISSION	11/04/2016	Mr V Bhandari	Bosworth House 46 New Buildings Hinckley Leicestershire LE10 1HW
				Variation of condition 2 and 3 of planning permission 15/00419/FUL to allow for a different cladding material and the addition of windows to the basement area	
	16/00197/HOU	PLANNING PERMISSION	25/04/2016	Mrs Zoe Massey	134 Ashby Road Hinckley Leicestershire LE10 1SN
				Extension to chimney and replacement of existing flat roof with hipped roof	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
	16/00227/HHGDO	GDO PRIOR APPROVAL NOT REQUIRED	14/04/2016	Sarah Skelton	2 Barrie Road Hinckley Leicestershire LE10 0QX Rear extension measuring 4.05 metres in depth; 2.85 metres in height to the ridge; and 2.85 metres to the eaves
Hinckley Trinity					
	16/00119/HOU	PLANNING PERMISSION	05/04/2016	Mr Kurtis Lannon	33 Brame Road Hinckley Leicestershire LE10 0ET Two storey rear extension, erection of front porch, insertion of 4 no. roof lights and external wall insulation and re-rendering on all walls
	16/00158/COU	PLANNING PERMISSION	13/04/2016	Miss Joy Parker	45 Mulberry Way Hinckley Leicestershire LE10 0WJ Change of use of land to form part of residential curtilage (retrospective)
	16/00190/HOU	PLANNING PERMISSION	25/04/2016	Mr Michael Carver	204 Tudor Road Hinckley Leicestershire LE10 0EH Front access ramp and front door widening
	16/00231/HHGDO	GDO PRIOR APPROVAL NOT REQUIRED	19/04/2016	Mr John Arcus	105 Stanley Road Hinckley Leicestershire LE10 0HR Rear extension measuring 4.5 metres in depth; 3.0 metres in height to the ridge; and 2.1 metres to the eaves

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Markfield Stanton & Fieldhead					
	16/00048/HOU	PLANNING PERMISSION	12/04/2016	Mr Alan Coules	30 Preston Close Stanton Under Bardon Markfield Leicestershire LE67 9TX
				Two storey side extension and formation of dropped kerb	
	16/00071/HOU	PLANNING PERMISSION	07/04/2016	Mr Graham Hall	192 Little Shaw Lane Markfield Leicestershire LE67 9PP
				Single storey side extension	
	16/00142/HOU	PLANNING PERMISSION	29/04/2016	Mr And Mrs Parker	61 Bradgate Road Markfield Leicestershire LE67 9SN
				Two storey front extension	
	16/00188/TPOCA	PERMIT CONSERVATION AREA TPO WORKS	06/04/2016	Mark Whitehead Tree Services Ltd	78 Main Street Markfield Leicestershire LE67 9UU
				Works to trees	
	16/00196/HOU	PLANNING PERMISSION	22/04/2016	Mr Debbie McMahon	156 Main Street Markfield Leicestershire LE67 9UX
				Single story side extension and roof alteration to conservatory	
	16/00206/HOU	REFUSAL OF PLANNING PERMISSION	29/04/2016	Mr Phill Turner	7 Jacqueline Road Field Head Markfield Leicestershire LE67 9RD
				Two storey extension to front elevation and part garage conversion	

<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					
16/00102/HOU	PLANNING PERMISSION	12/04/2016	Mr Andrew Mensley	28 Brascote Lane Newbold Verdon Leicester Leicestershire LE9 9LF	Demolition of existing outbuildings and erection of annexe with ancillary living accommodation
16/00105/NOMAT	PERMIT NON MATERIAL AMENDMENTS	14/04/2016	Mr Ignasi Sospedra	Land West Of The Poultry Farm Desford Lane Ratby Leicester Leicestershire LE9 9BF	Non material amendment to planning permission 14/00654/FUL to reduce the size and volume of the cabins and substation
16/00110/HOU	PLANNING PERMISSION	04/04/2016	Mr David Draper	2 Pine Tree Close Newbold Verdon Leicester Leicestershire LE9 9PW	Two storey side extension
16/00141/TPO	TREE PRESERVATION ORDER	13/04/2016	Mrs Massey	14 Rectory Gardens Newbold Verdon Leicester Leicestershire LE9 9AJ	Works to 2x beech trees
16/00156/OUT	REFUSAL OF PLANNING PERMISSION	14/04/2016	Mr Rod Brown	Land At Oak Spinney 33 Newbold Road Kirkby Mallory Leicester Leicestershire LE9 7QG	Erection of 1 no. dwelling (outline - all matters reserved)
16/00171/HOU	PLANNING PERMISSION	19/04/2016	Mr Robert Porter	8 Kirkby Road Desford Leicester Leicestershire LE9 9JG	Front porch, first floor side extension and ground floor rear extension
16/00175/HOU	PLANNING PERMISSION	21/04/2016	Mr & Mrs Hodgson	34A Main Street Peckleton Leicester Leicestershire LE9 7RE	Single and two storey rear extension, front porch, garage conversion and alterations, and single storey glazed link
16/00177/HOU	PLANNING PERMISSION	20/04/2016	Mr Paul Percival	55 Manor Road Desford Leicester Leicestershire LE9 9JQ	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>
	16/00179/HOU	PLANNING PERMISSION	08/04/2016	Mr Thomas Lacey	32 Kirkby Road Desford Leicester Leicestershire LE9 9JG
				Rear single and two storey extension	
	16/00189/LBC	LISTED BUILDING CONSENT	21/04/2016	Mr & Mrs P Milner	Hall Farm Main Street Newbold Verdon Leicester Leicestershire LE9 9NL
				Refurbishment of 3 No. grade 2 listed barns	
	16/00202/FUL	REFUSAL OF PLANNING PERMISSION	26/04/2016	Miss Susan Johnson	Polebrook Hayes Farm 3 Markfield Lane Botcheston Leicester Leicestershire LE9 9FJ
				Change of use and extension of agricultural building to form an agricultural workers dwelling and erection of agricultural building (resubmission)	
	16/00205/HOU	PLANNING PERMISSION	05/04/2016	Mr Edward Litchfield	69 Manor Road Desford Leicester Leicestershire LE9 9JQ
				Dropped kerb	

Ratby Bagworth And Thornton

	15/01203/FUL	PLANNING PERMISSION	21/04/2016	Simtom Foods Limited	17 Merrylees Industrial Estate Leaside Desford Leicester Leicestershire LE9 9FS
				Proposed extension to industrial unit to create goods in and out (resubmitted scheme)	
	16/00129/HOU	REFUSAL OF PLANNING PERMISSION	14/04/2016	Mr J. Fox	61 Station Road Ratby Leicester Leicestershire LE6 0JQ
				Side extension to dwelling	
	16/00132/HOU	PLANNING PERMISSION	11/04/2016	Mr Dean Smith	27 Groby Road Service Road Ratby Leicester Leicestershire LE6 0LJ
				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>
Twycross Sheepy & Witherley					
	16/00117/CONDIT	REFUSAL OF PLANNING PERMISSION	04/04/2016	Mr John Holcroft	San Giovanni Mill Lane Sheepy Parva Atherstone Leicestershire CV9 3RL
				Removal of condition 4 of planning permission 14/00099/FUL to remove the obscure windows (retrospective)	
	16/00122/HOU	PLANNING PERMISSION	04/04/2016	Mr & Mrs D.A. Joel	Apple Yards 34 Main Street Orton On The Hill Atherstone Leicestershire CV9 3NN
				Two storey rear extension	
	16/00166/FUL	PLANNING PERMISSION	27/04/2016	Ms Claire Oldham	Twycross Zoological Park Burton Road Norton Juxta Twycross Atherstone Leicestershire CV9 3PX
				Extension of orangutan house (retrospective)	
	16/00167/FUL	PLANNING PERMISSION	27/04/2016	Ms Claire Oldham	Twycross Zoological Park Burton Road Norton Juxta Twycross Atherstone Leicestershire CV9 3PX
				Erection of butterfly house (retrospective)	
	16/00168/FUL	PLANNING PERMISSION	27/04/2016	Ms Claire Oldham	Twycross Zoological Park Burton Road Norton Juxta Twycross Atherstone Leicestershire CV9 3PX
				Erection of plant room to serve wet & wild play area (retrospective)	
	16/00169/FUL	PLANNING PERMISSION	27/04/2016	Ms Claire Oldham	Twycross Zoological Park Burton Road Norton Juxta Twycross Atherstone Leicestershire CV9 3PX
				Erection of wet & wild catering/refreshment lodge (retrospective)	
	16/00176/CONDIT	PLANNING PERMISSION	19/04/2016	Mrs Margaret Whitehouse	Watling House 46 Main Street Orton On The Hill Atherstone Leicestershire CV9 3NN
				Variation of condition 2 of planning permission 15/00870/FUL to amend the approved plans	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
16/00211/FUL	REFUSAL OF PLANNING PERMISSION	18/04/2016	Mr & Mrs A Cook	Winnowing Barn Main Street Orton On The Hill Atherstone Leicestershire CV9 3NT	Erection of agricultural storage and livestock building

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