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Hinckley & Bosworth
Borough Council

A Borough to be proud of

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Date: 04 September 2017

To: Members of the Planning Committee

| | |
|------------------------------|------------------|
| Mr R Ward (Chairman) | Mrs J Kirby |
| Mr BE Sutton (Vice-Chairman) | Mr C Ladkin |
| Mr PS Bessant | Mr RB Roberts |
| Mr CW Boothby | Mrs H Smith |
| Mrs MA Cook | Mrs MJ Surtees |
| Mrs GAW Cope | Miss DM Taylor |
| Mr WJ Crooks | Ms BM Witherford |
| Mrs L Hodgkins | Ms AV Wright |
| Mr E Hollick | |

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite - Hub on **TUESDAY, 12 SEPTEMBER 2017** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

Rebecca Owen
Democratic Services Officer

Fire Evacuation Procedures

Council Chamber (De Montfort Suite)

- On hearing the fire alarm, leave the building **at once** quickly and calmly by the nearest escape route (indicated by green signs).
- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
- Proceed to **Willowbank Road car park**, accessed from Rugby Road then Willowbank Road.
- **Do not** use the lifts.
- **Do not** stop to collect belongings.

Abusive or aggressive behaviour

We are aware that planning applications may be controversial and emotive for those affected by the decisions made by the committee. All persons present are reminded that the council will not tolerate abusive or aggressive behaviour towards staff, councillors or other visitors and anyone behaving inappropriately will be required to leave the meeting and the building.

Recording of meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, the press and public are permitted to film and report the proceedings of public meetings. If you wish to film the meeting or any part of it, please contact Democratic Services on 01455 255879 or email rebecca.owen@hinckley-bosworth.gov.uk to make arrangements so we can ensure you are seated in a suitable position.

Members of the public, members of the press and councillors are hereby informed that, in attending the meeting, you may be captured on film. If you have a particular problem with this, please contact us using the above contact details so we can discuss how we may accommodate you at the meeting.

PLANNING COMMITTEE - 12 SEPTEMBER 2017

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS
2. MINUTES (Pages 1 - 4)
To confirm the minutes of the meeting held on 15 August 2017.
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 12.
6. DECISIONS DELEGATED AT PREVIOUS MEETING
The Head of Planning to report progress on any decisions delegated at the previous meeting.
7. 17/00353/FUL - 115 HIGH STREET, EARL SHILTON (Pages 5 - 12)
Application for change of use of first floor to 3 no. apartments and ground floor to mixed retail and café use.
8. 17/00574/FUL - 1 BEACON VIEW, BAGWORTH, COALVILLE (Pages 13 - 20)
Application for erection of a 2.5 Storey Dwelling and associated Garage.
9. 17/00751/FUL - THE HUTCH, BROAD LANE, STANTON UNDER BARDON (Pages 21 - 28)
Application for erection of a new dwelling to replace a former livestock building.
10. APPEALS PROGRESS (Pages 29 - 32)
Planning Appeal Progress Report.
11. MAJOR PROJECTS UPDATE (Pages 33 - 38)
To provide an update to Planning Committee on a number of major schemes in the Borough that are currently being proposed or implemented.
12. 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

15 AUGUST 2017 AT 6.30 PM

PRESENT: Mr R Ward - Chairman
Mr BE Sutton – Vice-Chairman
Mr DC Bill MBE (for Mrs GAW Cope), Mrs MA Cook, Mr WJ Crooks, Mrs L Hodgkins,
Mr E Hollick, Mrs J Kirby, Mr C Ladkin, Mr RB Roberts, Mrs MJ Surtees,
Miss DM Taylor, Ms BM Witherford and Ms AV Wright

In accordance with Council Procedure Rule 4.4 Councillor Mr SL Rooney was also in attendance.

Officers in attendance: Helen Knott, Rebecca Owen, Michael Rice and Nicola Smith

93 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Boothby, Cope and Smith, with the substitution of Councillor Bill for Councillor Cope authorised in accordance with council procedure rule 10.

94 MINUTES

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

RESOLVED – the minutes of the meeting held on 20 June be confirmed and signed by the Chairman.

95 DECLARATIONS OF INTEREST

Councillor Ward declared a personal interest which might lead to bias in application 17/00484/FUL as the land was adjacent to his property.

Councillor Hollick declared a pecuniary interest in application 17/00521/HOU as the applicant.

Councillors Bill, Crooks, Hodgkins, Taylor and Witherford declared personal interests which might lead to bias in application 17/00521/HOU as friends of the applicant.

96 DECISIONS DELEGATED AT PREVIOUS MEETING

All decisions had been issued.

97 17/00484/FUL - LABURNUM COTTAGE, HIGH STREET, STOKE GOLDING

Application for demolition of garage and erection of five dwellings with access and provision of community orchard.

Having declared a personal interest which might lead to bias in this application, Councillor Ward left the meeting at 6.34pm.

Councillor Sutton took the chair at this juncture.

Councillor Wright entered the meeting at 6.35pm.

In presenting the report, attention was drawn to the amended conditions in the late items.

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

RESOLVED – permission be granted subject to

- (i) Prior completion of a S106 agreement to secure provision of a community orchard / public open space and permanent future management and maintenance thereof;
- (ii) The conditions outlined in the officer's report and late items.

Councillor Ward returned to the meeting at 7.10pm and resumed the chair.

98 17/00521/HOU - 7 SHAW WOOD CLOSE, GROBY

Application for two storey rear extension and conservatory.

Having declared a pecuniary interest in this application, Councillor Hollick left the meeting at 7.10pm. Councillors Bill, Crooks, Hodgkins, Taylor and Witherford also left the meeting at 7.10pm after having declared a personal interest which might lead to bias.

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

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

Councillors Bill, Crooks, Hodgkins, Hollick, Taylor and Witherford returned to the meeting at 7.15pm.

99 16/01058/CONDIT - LAND OFF HINCKLEY ROAD, STOKE GOLDING

Application for variation of condition 1 of planning permission 16/00212/CONDIT to amend siting of plots 49 – 71 with associated substitution of house types.

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

RESOLVED – permission be granted subject to prior completion of a section 106 agreement and conditions as outlined in the officer's report.

100 17/00130/FUL - LAND OFF HINCKLEY ROAD, STOKE GOLDING

Application for erection of one new dwelling and detached double garage.

On the motion of Councillor Taylor, seconded by Councillor Kirby, it was unanimously

RESOLVED – permission be granted subject to prior completion of a section 106 agreement and conditions as outlined in the officer's report.

101 APPEALS PROGRESS

Members received a progress update in relation to appeals. It was moved by Councillor Crooks, seconded by Councillor Witherford and

RESOLVED – the report be noted.

(The Meeting closed at 7.36 pm)

CHAIRMAN

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Planning Committee 12 September 2017
Report of the Head of Planning and Development

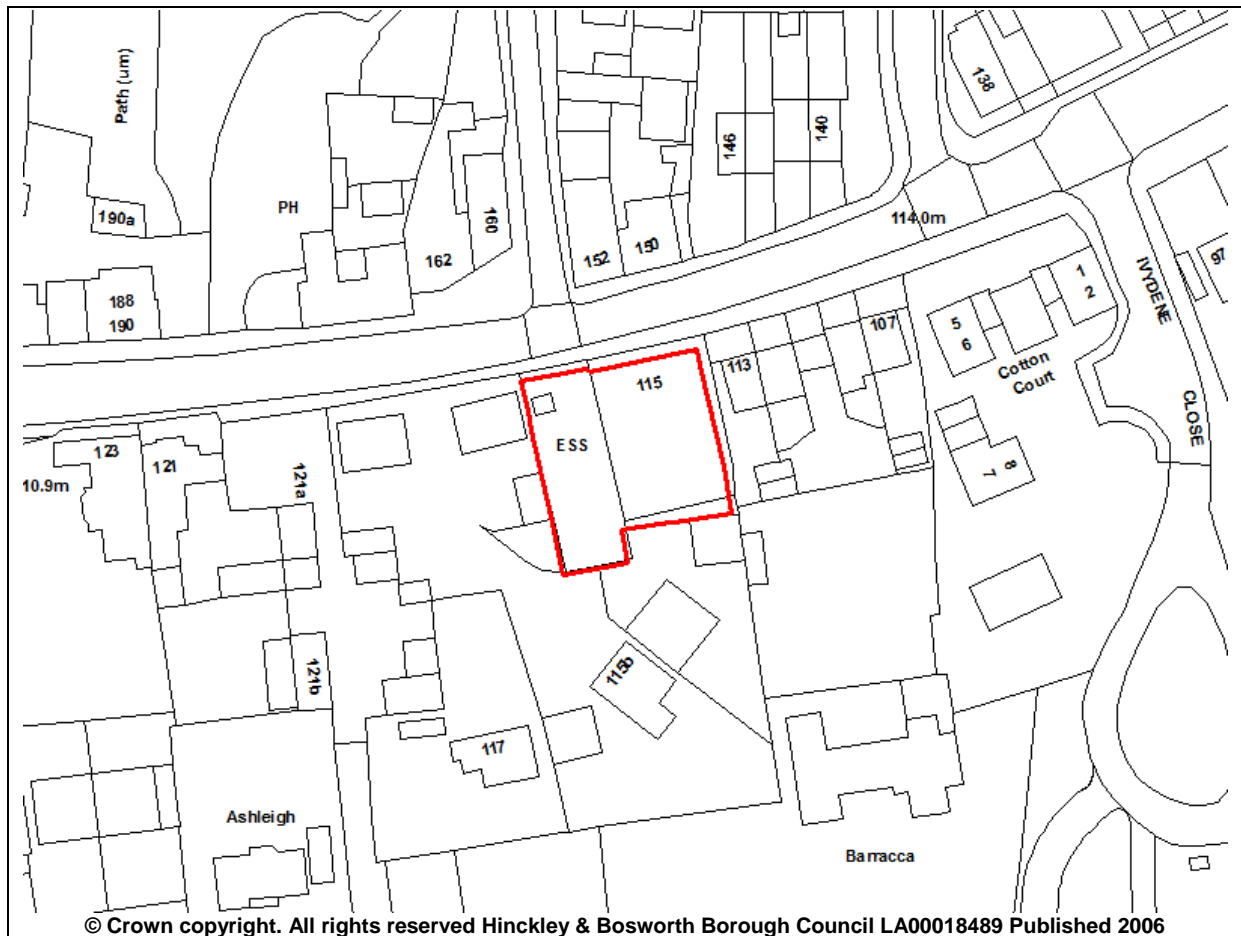
Planning Ref: 17/00353/FUL
Applicant: Mr Avtar Dhami
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 115 High Street Earl Shilton

Proposal: Change of use of first floor to 3 no. apartments and ground floor to mixed retail and café use



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

- 2.1. The applicant proposes to convert the ground floor of the property from a carpet shop (A1 use class) to a general retail store with a café to the rear of the premises (A1 use class). In addition, it is proposed to convert the first floor from a gym (D2 use class) into three flats (C3 use class). There would be no external alterations to the front or east elevation; the only changes proposed to the west and rear

elevation involve the addition of windows to serve the flats. The site also has a private parking area which would accommodate five vehicles.

3. Description of the Site and Surrounding Area

- 3.1. The site is located within the settlement boundary of Earl Shilton; the property is currently used as a carpet shop with a private gym operating at first floor level. To the west of the site are two newly developed residential properties and there are two further newly developed residential properties to the rear of the site. To the east of the site are existing residential properties which are in close proximity of the application site. To the opposite side of the High Street there is a cluster of shops including a restaurant, beauty salon and several small independent retailers.

4. Relevant Planning History

| | | | |
|---------------|------------------------|---------|------------|
| 14/01005/GDOD | Demolition of building | Refused | 05.12.2014 |
|---------------|------------------------|---------|------------|

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. Five letters of objection have been received from five different addresses; the issues raised are summarised below:
- 1) Safety concerns in relation to reversing over the pavement onto the main road as drivers would be unable to turn and leave in a forward direction
 - 2) Deliveries and customer visits will be made whilst parking on High Street in the narrowest part of the road
 - 3) Issues raised in regard to the proposed opening hours being too long and the plan to open 7 days a week.
 - 4) The installation of new windows on the west elevation would intrude upon the neighbour's privacy.
 - 5) No details have been provided in relation to proposed ventilation/control of odours from the food preparation.

6. Consultation

- 6.1. Leicestershire County Council (Highways) has stated that the availability of sustainable transport choices and the parking facilities that will be retained/provided mean that the application cannot be deemed to cause severe harm when taking into account the previous/existing use of the site. The Local Highways Authority has no objection to the proposal subject to the imposition of conditions.
- 6.2. No objections received from:
- HBBC Environmental Health (Drainage)
- 6.3. No objections received subject to conditions from:
- HBBC Environmental Health (Pollution)
 - HBBC Waste Services
- 6.4. No comments were received from Earl Shilton Town Council

7. Policy

- 7.1. Core Strategy (2009)
- Policy 2: Development in Earl Shilton

- 7.2. Earl Shilton and Barwell Area Action Plan (AAP)
- Policy 26 is relevant but has been replaced by Policy DM22 of the Site Allocations and Development Management Policies DPD
- 7.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM22: Vitalising District, Local and Neighbourhood Centres
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

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. Policy DM1 of the SADMP and Paragraph 14 of the NPPF set out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved.
- 8.3. Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states that proposals that accord with the development plan should be approved unless other material planning considerations indicate otherwise.
- 8.4. The site is located within the settlement boundary of Earl Shilton which is defined as a key urban area by Policy 2 of the Core Strategy (2009) and the SADMP. As the site is within the settlement boundary there is a presumption in favour of sustainable development, provided that as the development accords with other policies within the SADMP.
- 8.5. As part of this application; it is proposed to convert the ground floor into a retail store; an A1 use with a café to the rear. It has been indicated that the café would also be an A1 use as it has been initially proposed that the café would be a Subway (i.e. a shop for the sale of cold food for consumption off the premises). Therefore, as the existing use on the ground floor is an A1 use (carpet shop) no planning permission is actually required for the proposed change of use of the ground floor.
- 8.6. It is proposed to convert the first floor of the development into residential properties, Policy DM22 of the SADMP states that the use of upper floors of retail premises within district, local and neighbourhood centres, for residential use, will be supported where they accord with other policies in the SADMP.

- 8.7. It is therefore considered that the principle of development is sustainable and in accordance with Policy DM1 and DM22 of the Site Allocations and Development Management Policies DPD subject to other material planning considerations.

Design and impact upon the character of the area

- 8.8. Policy DM10 of the SADMP requires developments to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.9. There are no proposed external changes to the principal elevation which fronts onto the High Street or to the east elevation which is adjacent to 113 High Street. Changes are proposed to the west elevation facing 115D High Street and the rear elevation facing 115C High Street as detailed below.
- 8.10. The proposed changes to the west side elevation would be the addition of four windows at first floor level to serve the proposed flats, and at ground floor level to the rear of the premises would be an emergency exit door and an additional window. It is considered that these additions would not have an adverse impact on the character of the area or the building itself, and would in fact break up and provide relief to a currently blank elevation.
- 8.11. To the rear elevation two windows would be inserted at first floor level which would serve a kitchen/dining area to one of the proposed flats and a bathroom window which would be obscurely glazed. The rear elevation would be visible from 115C High Street, it is considered that the addition of two windows to this elevation is minimal and would have no adverse impact upon the character of the surrounding area or the building itself.
- 8.12. It is therefore considered that the proposed changes are minimal in terms of their impact on the building itself and would not adversely impact the character of the area; given that the principal elevation of the building would be retained in its current form. It is therefore considered that the development is in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon neighbouring residential amenity

- 8.13. Policy DM10 of the SADMP states that developments will be permitted providing that the development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings including matters of air quality (including odour) and noise, vibration and visual intrusion.
- 8.14. Comments were received from residents raising concerns that no details have been provided in regard to ventilation details for the café. The applicant has indicated that the proposed end user would be Subway and therefore there would be no cooking on the premises as all the food is delivered pre cooked. Subsequently there is no need for a ventilation system to be installed. After discussions with HBBC Environmental Health (Pollution) it has been suggested that given that the end user could change; a condition should be imposed to require that in the event that this occurs, that details of an adequate ventilation system would need to be submitted and approved to ensure it does not become a source of annoyance to local residents.
- 8.15. It is proposed that the café would be open between the hours of 07:00 to 23:00 hours Monday to Sunday including bank holidays. The premises are located within a district centre and are located within the Earl Shilton Town Centre. As noted above; the change of use on the ground floor does not require planning permission and there is no existing time restriction in relation to the use of this property. To the opposite side of a road is a restaurant which is open to 22:30. As this

application gives the Local Authority the opportunity to condition the hours of operation it would be reasonable to condition the hours in line with those of the restaurant on the opposite side of the road. It is therefore considered that the café/retail store would have no adverse impact on neighbouring properties and is considered to be in accordance with Policy DM10 of the SADMP.

- 8.16. To the east elevation it is proposed that four windows would be installed at first floor level with one of the windows being an obscure glazed window serving a bathroom. The remaining three windows would serve a kitchen/lounge and two bedrooms. The nearest residential property would be 113 High Street; the side wall of which is 10 metres away. The side elevation of 113 High Street is blank and there is also a garage located to the rear of the premises. Therefore, there would be no issues of overlooking between the two properties.
- 8.17. In terms of the rear elevation; one of the proposed windows to the rear elevation would be obscurely glazed as it would serve a bathroom; the remaining windows would be clear glazed which would all serve habitable rooms and would be acceptable in terms of amenity. The nearest residential property is 115C High Street, this property is set at an angle with the application site and has one window to the side elevation of the property which does not serve a habitable room. The building closest to the application site property is the garage to 115C High Street; with the rear garden to this property being behind the dwelling to the south of the site. It is considered that there would only be minimal overlooking; mainly of the driveway of 115C High Street and the proposal is therefore considered to be in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon highway safety

- 8.18. Policy DM17 and DM18 relate to highway safety and vehicular parking standards. Policy DM17 states, that development proposals will be supported where there is no significant adverse impact upon highway safety. Development will also be supported if the location is in a sustainable location and other transport methods can be utilised.
- 8.19. Leicestershire County Council (Highways) has been advised by local residents that there are concerns with parking issues in the area. The current use of the site is an A1 use (carpet shop); the proposed use as a retail store would generate similar levels of traffic albeit over longer periods due to the proposed hours of operation of the café. Also, there are existing parking restrictions on the highway near the site which means that no on-street parking can spill onto the main carriageway and interfere with the free flow of traffic. In addition there are public car parks in the area, and the proposed development would provide parking for the flats and cycle parking for the flats, staff and customers of the café; there is also a frequent bus service past the site. Therefore, given the availability of sustainable transport choices, and the parking facilities that will be retained; the proposed development would not cause severe harm in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.
- 8.20. Policy DM18 of the SADMP states that all proposals for new development will be required to provide an appropriate level of parking provision. The applicant is proposing to provide five car parking spaces for the flats, staff and customers of the café. It is considered that with the site being located in close proximity to Earl Shilton Town Centre with a number of car parks in the local vicinity that there would be sufficient parking provision for the development. LCC Highways recommend that conditions are imposed to ensure no gates are added to the access and that the parking spaces are marked out. It is considered that these conditions are

reasonable. Therefore the provision of parking is acceptable and in accordance with Policy DM18 of the Site Allocations and Development Management Policies DPD.

9. Equality Implications

9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

9.3. There are no known equality implications arising directly from this development.

10. Conclusion

10.1. The site is located within the settlement boundary of Earl Shilton, and therefore there is a presumption in favour of sustainable development in accordance with Policy DM1 of the SADMP. As discussed within the report; the proposal to use the ground floor for retail and as a café would not require planning permission.

10.2. In regard to the conversion of the first floor for residential use; residential accommodation above properties in A1 use is common place in town centre and is supported through Policy DM22 of the SADMP. The external elevational changes proposed to the premises would not adversely affect the character of the existing building or the character and amenity of the surrounding area and there would be no significantly adverse impact on the residential amenity of neighbouring properties as a result of the proposals.

10.3. It is therefore considered subject to appropriate conditions that the development is in accordance with Policy DM1, DM10, DM17, DM18 and DM22 of the Site Allocations and Development Management Policies DPD.

11. Recommendation

11.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2. That the Head of Planning and Development be given powers to determine the final detail of planning conditions.

11.3. 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: Existing

Elevation, Proposed Elevation, Proposed Ground Floor Plan, Existing Ground Floor Plan, Existing First Floor Plan, Site Location Plan received by the Local Planning Authority on the 13 April 2017; and Amended Site/Block Plan and Amended proposed car park layout received by the Local Planning Authority on the 12 June 2017 and Proposed First Floor Plan received by the Local Planning Authority on the 21 August 2017.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the Site Allocations and Development Management Policies DPD.

3. Prior to occupation of the development hereby permitted, vehicle and cycle parking facilities shall be provided, as shown in the 'Proposed Car Park Layout' plan, these shall be hard surfaced and made available for use within the site. The parking area so provided shall not be obstructed and shall thereafter be permanently so maintained.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area; and in the interests of the sustainability of the development and to encourage alternative transport choice in accordance with Policy DM18 of the Site Allocations and Development Management Policies DPD.

4. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as not to open outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking and re-enacting that Order with or without modification) the proposed ground floor should be an A1 Use as a retail shop/café and no other uses inclusive of that order, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that if a material change of use of the premises occurs this could require a suitable ventilation system which could harm the amenity and character of the surrounding area in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

6. The shop and café shall not be open to the public other than between the hours of: 0700 to 22:30 hours Monday to Sunday including Bank Holidays.

Reason: To ensure that the development does not become a source of annoyance for neighbouring residential properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

7. Before first occupation of the flats; the windows serving the bathrooms on the rear (south) and west elevation shall be fitted with obscure glazing to Pilkington Level 3 and shall be permanently retained in that condition thereafter.

Reason: To ensure that the development protects the residential amenity of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

11.4. **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. This planning consent is for the change of use to a shop/café on the ground floor with flats on the first floor. A further planning application would be required for the proposed display of adverts and any external changes to the shop front.

Planning Committee 12 September 2017
Report of the Head of Planning and Development

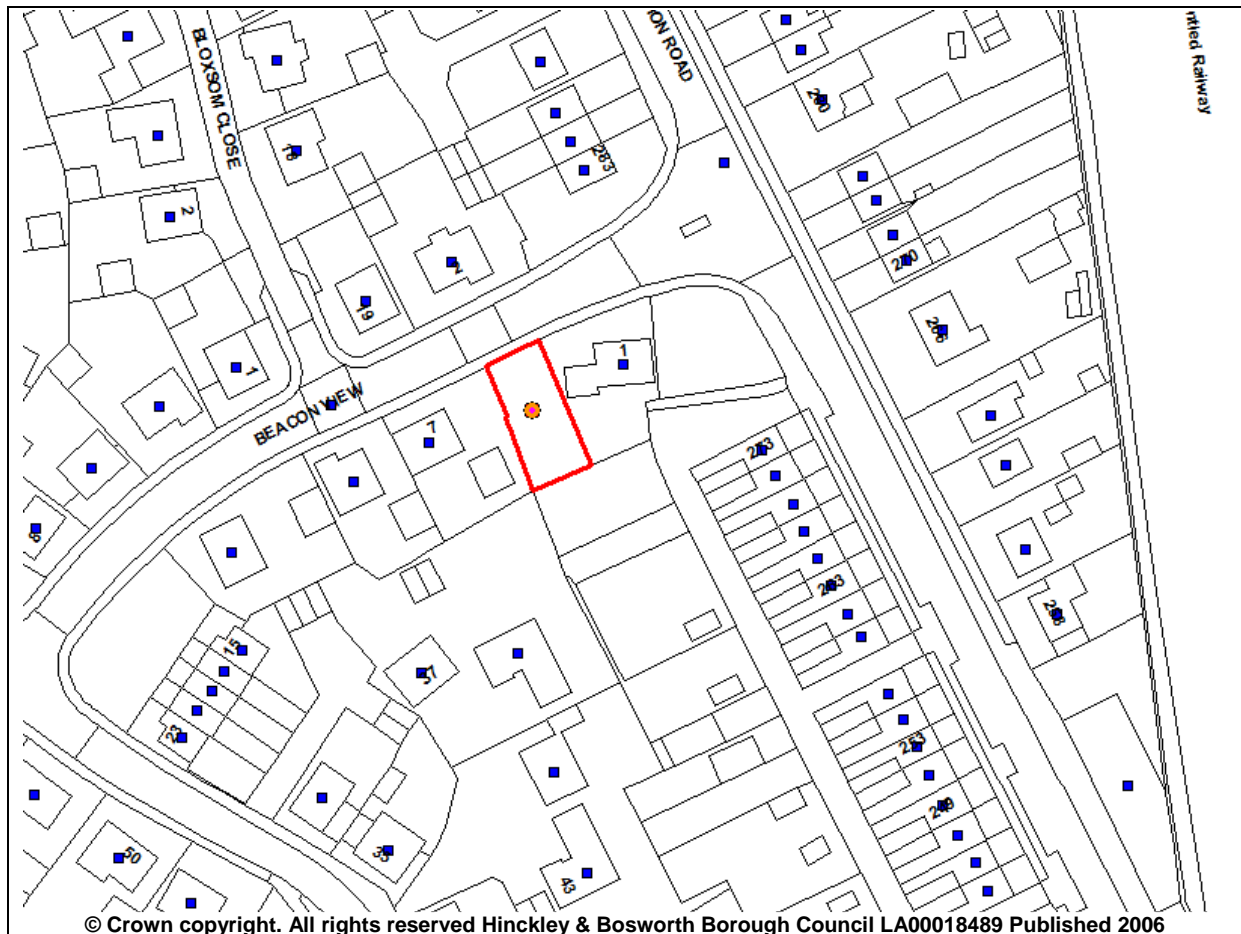
Planning Ref: 17/00574/FUL
Applicant: Mr Peter Seditas
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: 1 Beacon View Bagworth Coalville

Proposal: Erection of a 2.5 Storey Dwelling and associated Garage



1. Recommendations

- 1.1. Grant planning permission subject to:
 - Planning conditions outlined at the end of this report.
- 1.2. That the Head of Planning and Development be given powers to determine the final detail of planning conditions.

2. Planning Application Description

- 2.1. This application seeks planning permission for the erection of a two and a half storey, detached dwelling and detached garage.
- 2.2. Amended plans have been submitted during the assessment of this application relocating the dwelling to the western side of the site and reducing the depth of the dwelling.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the settlement boundary of Bagworth in a residential area. To the east of the site is Station Road which is fronted by dwellings of a variety ages and types with several of the dwellings' gardens extending to the south of the application site. To the north and west of the site is a relatively recent residential development. The land slopes from the east down to the west.
- 3.2. The application site comprises garden land associated with 1 Beacon View. The site is bounded by close boarded fencing with an overgrown landscaped area fronting onto Beacon View.

4. Relevant Planning History

| | | | |
|--------------|---|----------|------------|
| 07/01240/FUL | Erection of one dwelling and double garage | Approved | 17.12.2007 |
| 04/01259/FUL | Erection of one dwelling | Approved | 27.01.2005 |
| 03/01153/FUL | Erection of two dwellings and detached garage | Refused | 03.12.2003 |

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. Two representations of objection have been received which are summarised below:
- 1) Overshadowing and overbearing impact on neighbours
 - 2) Overlooking and loss of privacy to neighbours
 - 3) Noise and disturbance to neighbours
 - 4) The dwelling would be uncharacteristic of the area
 - 5) An application for two dwellings on the site was refused previously.

6. Consultation

- 6.1. No objection, some subject to conditions, has been received from the following:
- Environmental Health (Pollution)
Waste Services
Leicestershire County Council (Highways)
National Forest Company

7. Policy

- 7.1. Core Strategy (2009)
- Policy 7: Key Rural Centres
 - Policy 10: Key Rural Centres within the National Forest
 - Policy 21: National Forest
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

8.2. Policy 7 of the Core Strategy states that to support the Key Rural Centres and ensure they can provide key services to their rural hinterland, the Council will support housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Policy 15 and 16.

8.3. The proposed development seeks planning permission for the erection of a dwelling within the settlement boundary of Bagworth and therefore is supported by Policy 7 of the Core Strategy. The proposal seeks permission for one dwelling and therefore the provisions of Policies 15 and 16 of the Core Strategy are not applicable to this development.

Design and impact upon the character of the area

8.4. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.5. Policy 21 of the Core Strategy seeks new developments within the National Forest to reflect the Forest context their accompanying landscape proposals.

8.6. The section of Beacon View surrounding the application site is characterised by primarily large, detached, two storey houses with detached garages. The dwellings sit in proportionately sized plots with spaces at first floor level between the dwellings reducing the bulk and massing of the built form. Further along Beacon View to the west and fronting onto Station Road to the east of the site, there is a greater variety of dwelling styles and sizes, including two and half storey houses comparable in height with the application proposal.

8.7. This application seeks planning permission for the erection of a two and half storey, detached house to be sited on the side garden of No. 1 Beacon View. Concern has been raised that the dwelling would be uncharacteristic of the street scene due to the surrounding large dwellings. The proposed dwelling would be narrower than the adjacent dwellings however the site layout is reflective of the street scene. The dwelling is proposed to be sited to the western side of the plot which provides good separation distance at first floor level between the two dwellings either side. The resulting bulk and massing of the built form is reflective of, and proportionate to, the surrounding built form. The 2.5 storeys and narrower design of the dwelling are comparable to the dwellings immediately to the north east of the site fronting onto Station Road. The proposed dwelling would marginally exceed the building line of No 1 Beacon View but would be consistent with the building line of No. 5. Minor variations to the building are characteristic in the street scene and therefore are considered acceptable. The appearance of the proposed dwelling would complement and enhance the existing high quality design of the existing street scene with detailing including stone cills below the windows, brick soldier courses above the windows, a bay window with lead flashing above, brick detailing below the eaves, a porch hood and even a door design the same as others in the street scene.

- 8.8. Land levels on and surrounding the site slope from the east down to the west. To ensure an appropriate ground and finished floor levels, this information should be secured through a planning condition.
- 8.9. At present the application site comprises garden land bound by close boarded fencing with a landscaped area to the frontage. The landscaped area fronting onto Beacon View has become overgrown and is untidy. If the landscaped area was maintained, the close boarded fence behind would be visible on entrance to the development. Close boarded fencing is not a high quality material, adversely impacts on the appearance of the street scene and is uncharacteristic of boundary treatments along street frontages. A landscaping scheme should be secured through condition to ensure appropriate hard and soft landscaping is achieved.
- 8.10. The application site is located within the area designated as part of the National Forest. Within the National Forest landscaping proposals should reflect the context. Policy 21 of the Core Strategy identifies that the appropriate mix of landscaping features will depend upon the setting and the opportunities that the site presents. In this instance, given the limited size of the site and due to the siting within a built up area of Bagworth where there is no forest context present, it is not considered appropriate to provide any form of woodland planting.
- 8.11. It is considered that the proposed dwelling would be characteristic and proportionate and would enhance the street scene in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP seeks to ensure that development proposals do not have a significant adverse impact on the amenity of nearby residents.
- 8.13. No. 2 Beacon View is located to the north of the application site on the opposite side of Beacon View. The dwellings would have a separation distance of 18m between the front elevations and windows. The relationship is comparable to the facing windows of habitable rooms of the adjacent dwelling, No. 3, and the dwelling opposite, No. 4 which has previously been approved. Additionally, the closest window of No. 2 is opposite a proposed window to serve a landing and the proposed front facing bedroom would be opposite the stairway window of No. 2. It is considered that the proposed dwelling would not lead to a loss of privacy that would have a significant adverse impact on the occupiers of No. 2. Good practice requires habitable windows to be separated by at least 14m from a two storey elevation to avoid an overbearing impact on the occupiers of a habitable room. The proposed dwelling would be in excess of this requirement and sufficiently separated from No. 2 to avoid an adverse overbearing or overshadowing impact. It is considered that the proposed dwelling would not have a significant adverse impact on the amenity of the occupiers of No. 2.
- 8.14. No. 3 Beacon View is located to the west of the application site. The proposed dwelling does not extend beyond the rear building line and therefore would not impact on any rear facing windows or the rear amenity space. There is a window and a door in the side elevation of No. 5 serving. The window serves an en-suite bathroom and the door serves a utility room; neither of which are considered habitable rooms and therefore any potential impact on these windows is given limited weight. It is considered that the proposed dwelling would not have a significant adverse impact on the amenity of the occupiers of No. 3.
- 8.15. The proposed dwelling would be located on the existing side garden of No. 1 Beacon View. No. 1 would retain in excess of 95 sqm of rear amenity space which is sufficient to serve the occupiers of the dwelling to provide a good level of private amenity space. The proposed dwelling would extend beyond a section of the rear

elevation of No. 1 due to the orientation of the dwelling, however, not to an extent which would result in an overbearing impact on the windows or rear amenity space. There is one window at second floor level in the side elevation of No. 1 fronting the proposed dwelling. This window is a secondary window serving a bedroom and therefore the impact on the window is given limited weight. It is considered that the proposed dwelling would not have a significant adverse impact on the amenity of the occupiers of No. 1.

- 8.16. To the south of the application site is the rear garden serving No. 273 Station Road. The garden is separated from the dwelling via an access but is the amenity space for the occupiers. The proposed dwelling would have a back garden with a depth in excess of 11m and the rear elevation would be in line with the rear elevations of the adjacent dwellings along Beacon View which overlook amenity spaces of other dwellings. Whilst there would be some additional overlooking of the rear amenity space, due to the separation of the 11m deep rear garden, it is considered that the overlooking impact would not have a significant adverse impact on the users of the amenity space. To avoid additional overlooking that could be harmful to the occupiers in the future, it is considered reasonable and necessary to remove permitted development rights for extensions to the roof avoiding rear facing dormer windows and low level roof lights. There would be no overbearing or overshadowing impact on the amenity space. It is considered that the proposed dwelling would not have a significant adverse impact on the amenity of the occupiers of No. 273.
- 8.17. It is considered that the proposed development for a dwelling in a residential area would not give rise to noise and disturbance that would be harmful to the amenity of neighbouring occupiers.
- 8.18. The proposed dwelling would have a rear amenity space in excess of 80 sqm which is considered sufficient to serve the future occupiers of the dwelling.
- 8.19. The proposed dwelling would not have a significant adverse impact on the amenity of neighbouring occupiers and would provide a good standard of amenity for future occupiers. The proposed dwelling is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.20. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.21. This application proposes a vehicular access onto Beacon View. Beacon View is an unclassified, adopted road subject to a 30mph limit although includes speed calming measures. There is a speed table forward of the proposed dwelling which would not be impacted by the development as the proposed access is located to the east of the table. The road frontages are relatively open and would provide unobstructed vehicular visibility splays appropriate to vehicle speeds along the road. The access width, car parking spaces and garage dimensions are in accordance with the design guidance as set out in the 6Cs Design Guide. The proposed development would not have an adverse impact on highway safety.
- 8.22. As noted above, the proposed car parking spaces are in accordance with the 6Cs Design Guide, including the proposed garage. There would be three car parking spaces to serve the four bedroom dwelling which is considered appropriate in this location. It is considered necessary to ensure that the garage is retained for car parking purposes through a planning condition to ensure there is sufficient car parking in perpetuity.

- 8.23. The proposed development would not have an adverse impact on highway safety and would provide sufficient car parking to serve the future occupiers of the dwelling. The proposed development is considered to be in accordance with Policies DM17 and DM18 of the SADMP.

Other matters

- 8.24. It has been highlighted that an application for two dwellings on the land in the ownership of No. 1 Beacon View has been previously refused. The previous proposal sought two dwellings fronting onto Station Road. Subsequently No.1 Beacon View has been erected. This application proposes a scheme which is materially different to the previous scheme, the context of the area has changed and the previous refusal was determined in accordance with a Development Plan which has been superseded. Each application should be determined on its individual merits in the context of the current development plan and therefore very limited weight should be attributed to the previous refusal given the differing context.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The proposed development would be located within the settlement boundary of Bagworth where new residential development is supported by Policy 7 of the Core Strategy.

- 10.2. The proposed development would complement the existing visual appearance of the street scene and character of the area and would not give rise to harmful impacts on neighbouring amenity. The development would not have an adverse impact on highway safety and would provide sufficient car parking for the future occupiers.

- 10.3. The proposed development is in accordance with Policies 7, 10 and 21 of the Core Strategy and Policies DM1, DM10, DM17 and DM18 of the SADMP.

11. Recommendation

- 11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2. 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 except in complete accordance with the details shown on the submitted plans, details and materials:

100-01 rev B - Planning Layout (received on 21 August 2017)

4B1 (OP) rev A - Proposed Elevations (received on 21 August 2017)

4B1 (OP) rev A - Proposed Floor Plans (received on 21 August 2017)

Reason: To ensure a satisfactory impact of the development to accord with Policy DM1 of the adopted Site Allocations and Development Management Policies DPD.

3. Before any development commences, representative samples of the types and colours of materials to be used on the exterior of the proposed dwelling and garage shall be submitted to and approved in writing by the Local Planning Authority, The scheme shall be implemented in accordance with the approved materials.

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

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

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

5. Prior to first occupation of the dwelling hereby permitted full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include:

- a) Means of enclosure
- b) Hard surfacing materials
- c) Planting plans
- d) Written specifications
- e) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- f) Implementation programme

All approved landscape works shall be carried out prior to first occupation of the dwelling hereby permitted.

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

6. Notwithstanding the provisions of Classes B and C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) the roof of the dwelling hereby permitted shall not be extended or altered without the grant of planning permission for such development by the Local Planning Authority.

Reason: To ensure there are no significant adverse impacts on neighbouring amenity resulting from overlooking to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

7. The proposed garage hereby permitted, shall be available for car parking at all times and shall be retained as such in perpetuity.

Reason: To ensure sufficient off-street car parking provision for the occupiers of the dwelling to accord with Policy DM18 of the Site Allocations and Development Management Policies DPD.

11.3. **Notes to Applicant**

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

Planning Committee 12 September 2017
Report of the Head of Planning and Development

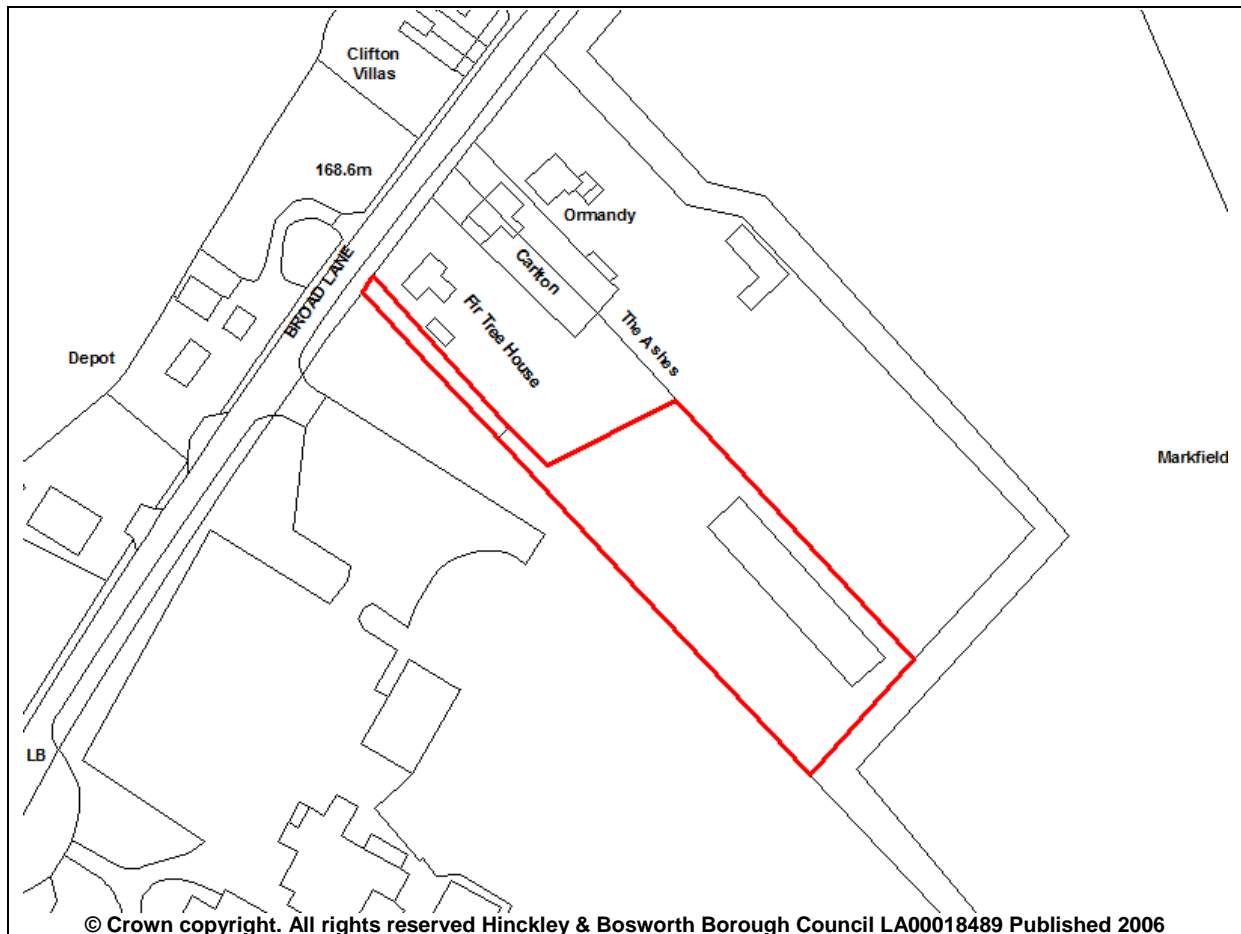
Planning Ref: 17/00751/FUL
Applicant: Mr George Chandler
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: The Hutch Broad Lane Stanton Under Bardon

Proposal: Erection of a new dwelling to replace a former livestock building



1. Recommendations

1.1. Refuse planning permission subject to the reasons at the end of this report.

2. Planning Application Description

2.1. This application seeks planning permission for the erection of a single storey dwelling to replace a rural building following a failed conversion attempt.

2.2. Construction works associated with the rebuild for a new dwelling have commenced following the failed conversion.

2.3. Once it was established by the local planning authority that the building was not being converted, as per the previous planning permission, a temporary stop notice was issued stopping works whilst the applicant submitted an application seeking to regularise the works.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located outside any defined settlements boundaries and therefore in an area designated as countryside. The site is located to the south east of Stanton under Bardon and south west of Markfield. Broad Lane comprises of a ribbon development of dwellings and South Charnwood High School. To the west of the application site is the school, to the north are dwellings and to the south east is an area of woodland.
- 3.2. A footpath runs along the south west boundary of the application site and intersects the site in a north east direction to the north of the rural building.
- 3.3. The application site comprises land formerly associated with Fir Tree House and an area of land to the rear containing a building formerly used for breeding rabbits. The building has been partially demolished although approximately one third of the building remains at the northern west end of the site. Towards the south east end construction works have been undertaken including erecting block work walls.

4. Relevant Planning History

| | | | |
|--------------|--|----------|------------|
| 15/00745/FUL | Conversion of livestock shed to dwelling, erection of double garage and works to driveway and access | Approved | 08.10.2015 |
| 15/00347/OUT | Demolition of existing dwelling and erection of six new dwellings (outline - all matters reserved) | Refused | 26.05.2015 |
| 98/00511/FUL | Erection of rabbit breeding shed (revised proposal) | Approved | 24.07.1998 |
| 98/00149/FUL | Erection of rabbit breeding shed and feed store | Approved | 28.05.1998 |

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. No responses have been received.

6. Consultation

- 6.1. Leicestershire Footpath Association – object to the application as the application does not have regard to the existing footpath R26 which runs across the site
- 6.2. Waste services – no objection subject to condition
- 6.3. Leicestershire County Council (Drainage) – no comment
- 6.4. Environmental Health (Pollution) – no objection

7. Policy

- 7.1. Core Strategy (2009)
- None applicable
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation

- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM10: Development and Design
- Policy DM15 - Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

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

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage

Assessment against strategic planning policies

8.2. The application site is located outside any defined settlements boundaries, to the south east of Stanton under Bardon and south west of Markfield, and therefore in an area designated as countryside. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. Development in the countryside will be considered sustainable where:

- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
- e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.

8.3. There was a recent planning permission on the site (ref: 15/00745/FUL) for the conversion of the redundant rural building to a single dwelling. The previous application was accompanied by a Building Condition Report, authored by a qualified surveyor and member of the Royal Institute of Chartered Surveyors, which concluded that the building was capable of conversion to a residential dwelling without removal or complete replacement of the original framework and structure. The report highlighted that new foundations could be poured without removal of the main walls, that the main walls are internally strengthened and clad on the exterior and that the roof is capable of supporting a lightweight roof covering.

8.4. During conversion works, undertaken by the applicant, complications arose when removing the internal floor to pour the new foundations resulting in instability. Subsequently, the roof of the first third of the building was propped for support and the roof covering was removed then the outer walls were removed to allow safe construction. For works to the second third of the building it was similarly decided that it would be safest to remove the exterior walls to dig the new foundations and cast a new floor slab. Insufficient supporting of the roof lead to a collapse. At

present 2/3 of the structure has been rebuilt with an inner skin of blockwork and internal dividing walls and 1/3 of the original building still remains. The original roof trusses are to be used for the roof.

- 8.5. As noted above, the above application was submitted with a building condition report that identified the building could be converted. Therefore, the subsequent failed conversion attempt is likely to be as a result of human error i.e. failure to adequately plan and execute the works required for the conversion, as opposed to the building being incapable of conversion. As the majority of the original building no longer remains, the works now proposed cannot be considered a conversion of the original building which was the fundamental basis of the permission granted by 15/00745/FUL and which permission is now incapable of being carried out.
- 8.6. Following the failed conversion attempt, this application seeks planning permission for the erection of a new dwelling to replace the original rural building on the site. The remaining third of the original building would be removed and the construction would continue as per the works so far. As noted above, Policy DM4 does not consider the replacement of a rural building with a new dwelling or a new dwelling in this location in general to be a sustainable development in the countryside. The proposed development would be considered unsustainable development in the countryside which is contrary to Policy DM4 of the SADMP.
- 8.7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that application determination must be made in accordance with the plan unless material considerations indicate otherwise. The applicant has submitted a statement explaining the conversion attempt works along with the original construction drawings. The applicant has identified the conversion works that lead to the instability of the building and subsequent collapse were as a result of inexperience, naivety and bad weather during works but that the conversion attempt was made in good faith. The failed conversion attempt is as a result of human error during preparation and execution of the works on the building. The works may have been undertaken in good faith but as the building was capable of conversion, inexperience and naivety is not considered to be sufficient justification to outweigh the conflict with the policies of the Development Plan as set out above and allow a new dwelling in the countryside.

Design and impact upon the character of the area

- 8.8. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.9. The proposed dwelling would be constructed to have the same internal layout and external dimensions as the previously approved converted building. The same materials are proposed for the exterior of the building including timber cladding and sheeted roofing.
- 8.10. The proposed building is located in the countryside which has a rural character and is highly visible from the public footpath which runs through the application site. In this instance, the proposed dwelling would have an urbanising impact on a countryside location which was previously rural in nature. The introduction of a new dwelling along with the associated manicured landscaped appearance and residential paraphernalia would have an adverse impact on the rural character of the countryside. The residential development to the north is confined to the road frontage and rear garden areas whereas the proposed would lead to an

uncharacteristic form of residential development extending into the surrounding countryside.

- 8.11. Whilst the proposed dwelling would have the same appearance as the previously approved scheme, the previously approved scheme was compliant with local and national policy and it visually lead to an enhancement of the setting through the conversion of a redundant building. In this instance, the replacement of a redundant rural building is not compliant with local or national policy and therefore the urbanising impact of the scheme and any harm to the countryside is unjustified.
- 8.12. There are several mature trees in and around the application site. An arboricultural assessment has been submitted with the application. It is considered that the proposed development would not have a detrimental impact on trees of landscape value. However, hardstanding is proposed within the root protection area of two mature oak trees. The oak trees are considered to be of landscape value and therefore a 'no dig' method of construction is required to avoid root compaction and ensure the longevity of the trees. A condition was been imposed to secure this on the previous application which was discharged through the submission of an arboricultural and driveway method statement. All works should be conditioned to accord with the arboricultural method statement.
- 8.13. It is considered that the proposed dwelling would have an adverse urbanising impact on the character of the countryside and would be contrary to Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.14. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties.
- 8.15. The proposed dwelling would be located to the rear of Fir Tree House. The proposed access along the boundary with the garden would not give rise a level of noise or disturbance that would materially impact on the occupiers of the Fir Tree House.
- 8.16. The building is sufficiently separated from the dwellings to the north to avoid an adverse impact as a result of overbearing, overlooking or overshadowing.
- 8.17. The proposed dwelling would be set within a large plot which would provide ample amenity space for the occupiers of the proposed dwelling.
- 8.18. The proposed development would not have an adverse impact on neighbouring amenity and would be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.19. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.20. Fir Tree House previously benefitted from an access and an egress. It is proposed to retain the access for use by Fir Tree House and the egress would be upgraded to provide an access to the proposed dwelling to the rear. Suitable visibility splays can be achieved measured from 2m back from the near edge of the highway. It is considered that the level of vehicular movements associated with the one dwelling to the rear would not materially impact upon highway safety.
- 8.21. Sufficient car parking would be retained for Fir Tree House and sufficient space would be provided for car parking to serve the proposed dwelling to the rear.

- 8.22. There is an existing footpath which would run along the proposed access and driveway and then cross the site. Leicestershire Footpath Association has objected to the application as it does not have regard to the footpath. However, the route of the footpath is clearly shown on the proposed plans. The route of the public footpath would be retained as existing and the proposed development would not impact on users of the public footpath.
- 8.23. The access and parking arrangement were approved under the previous application. It is considered that the proposal would provide a suitable level of car parking provision and would not be detrimental to highway safety in accordance with Policies DM17 and DM18 of the SADMP.

Ecology

- 8.24. An extended phase 1 and phase 2 ecological survey was submitted as part of the previous application. The surveys conclude there was evidence of use of the building by bats and swallows and therefore mitigation is required. As the building has been subject to works the majority of the mitigation is no longer relevant. However, creation of new bat roosting boxes as per paragraphs 6.9 to 6.13 of the report should be secured though condition.
- 8.25. It is considered that, subject to conditions, the proposed development will not have a detrimental impact on protected species and biodiversity and is in accordance with Policy DM6 of the SADMP.

Other matters

- 8.26. The application of the policies of the development plan has been supported following the adoption of the SADMP by a planning inspector for an appeal which was dismissed for a similar development on a different site.
- 8.27. Application ref: 16/00505/FUL, which was refused, sought planning permission for the demolition and replacement of an existing redundant rural building that had an extant planning permission for an extension and conversion to a residential dwelling. The replacement building would have had a comparable external appearance to the approved conversion and the building was set back from the road and screened from public view.
- 8.28. The appeal was dismissed. The Inspector concluded, despite there being an extant permission for conversion to a residential dwelling, a new dwelling in the countryside in a position isolated from facilities and services would be in conflict with local and national policy.
- 8.29. The application and appeal decisions were taken prior to commencement of the conversion works and do not contain an assessment/consideration for a failed conversion attempt. However, given the similarities to the principle of development for this current application, comprising replacement of a redundant rural building with a new dwelling when there is an extant planning permission, it is considered that this appeal decision and the assessment of the policies support the above assessment and interpretation of current planning policy.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
(1) A public authority must, in the exercise of its functions, have due regard to the need to:
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

9.3. There are no known equality implications arising directly from this development.

10. Conclusion

10.1. This application seeks planning permission for a new dwelling in the countryside to replace a redundant rural building following a failed conversion attempt on the building. The proposed dwelling would be contrary to Policy DM4 of the SADMP. The extant planning permission for a conversion and the collapse of the building as a result of inexperience, naivety of the worker and weather are not sufficient material considerations to outweigh the conflict with policy.

10.2. By virtue of the introduction of a new dwelling in the countryside, the proposed development would have an unjustified urbanising impact on the character and appearance of the countryside which would be contrary to Policies DM4 and DM10 of the SADMP.

10.3. Notwithstanding the above, the proposed development would not have an adverse impact on neighbouring amenity, highway safety and ecology.

11. Recommendation

11.1. Refuse planning permission subject to the reasons at the end of this report.

11.2. Reasons

1. The application site is located within the designated countryside, isolated from facilities, services, employment and sustainable modes of transport, where new, unrestricted, residential development for the replacement of a redundant rural building is not considered sustainable development and would be contrary to the spatial strategy for growth as set out in the Core Strategy. The proposed development is contrary to Policies DM1 and DM4 of the Site Allocations and Development Management Policies DPD.
2. By virtue of the introduction of a new residential dwelling in the countryside, the proposed development would have an adverse urbanising impact on the character and appearance of the countryside. The proposed development is contrary to Policies DM1, DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

11.3. Notes to Applicant

1. This application has been determined in accordance with the following submitted details:- Planning Application Form and Certificates; Design and Access Statement, Arboricultural Survey and Report, Arboricultural Method Statement, Driveway Method Statement, Access Statement, 15.3122 – Location Plan, 15-3122.11 – Production Drawing 1 of 3, 15-3122.12 – Production Drawing 2 of 3, 15-3122.13 – Production Drawing 3 of 3.

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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 01.09.17

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

| FILE REF | CASE OFFICER | APPLICATION NO | TYPE | APPELLANT | DEVELOPMENT | SITUATION | DATES |
|-------------|--------------|---------------------------------------|------|---|--|---|----------------------------------|
| | TW | 17/00504/FUL (PINS Ref 3182485) | WR | Timothy Payne 8 Bradgate Gardens Hinckley | 35 Station Road Hinckley (Change of use from office to dwelling with single storey front extension) | Awaiting Start Date | |
| | AC | 17/00545/ADV (PINS Ref 3182058) | WR | Sainsbury's Supermarkets Ltd Toronto Square Leeds LS1 2HJ | Sainsbury's 20 Rugby Road Hinckley | Awaiting Start Date | |
| | AC | 17/00543/CONDIT (PINS Ref 3181442) | WR | Mr Rick Morris TM Builders Tony Morris Builders & Co 80 Wood Street, Earl Shilton LEICESTER LE9 7ND | Cedar Lawns Church Street Burbage (Removal of condition 17 of planning permission 16/00441/FUL to remove the requirement for a brick wall to be constructed between plot 1 and the rear of gardens 66-72 Church Street) | Awaiting Start Date | |
| 17/00016/PP | SF | 17/00163/OUT (PINS Ref 3179738) | WR | Mr Paul Mac 44 Station Road Elmesthorpe | 52 Heath Lane Earl Shilton Leicester (Erection of 3 dwellings (outline - access, layout and scale only)) | Start Date Statement of Case Final Comments | 24.08.17 28.09.17 12.10.17 |
| | CA | 17/00055/FUL (PINS Ref 3179549) | WR | Mr Daniel Cliff 223 Markfield Road Groby | 223 Markfield Road Groby (Siting of a storage container) | Awaiting Start Date | |
| 17/00015/PP | JB | 17/00305/FUL (PINS Ref 3178033) | WR | Invicta Universal Ltd 39 Station Road Desford | Land North East Of Old White Cottage 2 Newbold Road Desford (Erection of two detached dwellings and associated access and landscaping (Revised scheme)) | Start Date Statement of Case Final Comments | 01.08.17 05.09.17 19.09.17 |

| | | | | | | | |
|-------------|-----|------------------------------------|----|---|---|-------------------------------------|-----------------------------|
| 17/00014/PP | RWE | 16/00270/FUL (PINS Ref 3176703) | WR | Walrus (Vinyl Revival) Ltd c/o Agent | Newhaven 12 Wykin Road Hinckley (Erection of 7 dwellings with associated access) | Start Date Final Comments | 10.07.17 28.08.17 |
| 17/00009/PP | RWR | 16/01148/FUL (PINS Ref 3175878) | WR | Mr Nigel Foulds | Hill Farm, Markfield Lane, Botcheston, LE9 9FH (Erection of one detached dwelling - single storey bungalow) | Start Date Awaiting Decision | 14.06.17 |
| 17/00011/PP | CA | 16/00944/FUL (PINS REF 3174674) | WR | Mr Patrick Godden c/o Agent | Upper Grange Farm 1A Ratby Lane Markfield (Erection of new dwelling and conversion of existing hydro pool to garages) | Start Date Awaiting Decision | 16.06.17 |
| 17/00013/PP | RWE | 16/00726/OUT (PINS Ref 3174326) | WR | Ms J Perrin c/o Agent | 65 Coventry Road Burbage Hinckley (Demolition of no. 65 Coventry Road and erection of 13 no. dwellings (outline - access, layout and scale)) | Start Date Awaiting Decision | 29.06.17 |
| 17/00012/PP | JB | 16/00757/FUL (PINS Ref 3173503) | WR | Mrs Rita Morley 5 Whitehouse Close Groby | 5 White House Close Groby (Erection of 1 dwelling (resubmission)) | Start Date Awaiting Decision | 26.06.17 |
| 17/00008/PP | SF | 16/01003/OUT (PINS Ref 3173191) | WR | Mr & Mrs Raynor Hill Rise Station Road Desford | Land Adj Hill Rise Station Road Desford (Two new dwellings (outline - access and layout)) | Start Date Awaiting Decision | 17.05.17 |

Decisions Received

Rolling 1 April 2017 - 25 August 2017

Planning Appeal Decisions

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

Enforcement Appeal Decisions

| No of Appeal Decisions | Allowed | Dismissed | Split | Withdrawn |
|-------------------------------|----------------|------------------|--------------|------------------|
| 0 | 0 | 0 | 0 | 0 |

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Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

PLANNING COMMITTEE

12 September 2017

WARDS AFFECTED: All Wards

Major Projects Update

Report of Head of Planning and Development

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

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

3. BACKGROUND TO THE REPORT

- 3.1 This report provides an update of progress with regard to the delivery of major development projects. The following sections provide the latest update:

Strategic Planned Housing Sites

Barwell Sustainable Urban Extension (SUE)

- 3.2 The Barwell SUE is allocated in the adopted Earl Shilton and Barwell Area Action Plan (AAP) for the development of 2,500 new homes and a minimum of 6.2ha of employment land plus open space, a new primary school, shops and leisure facilities. The draft Section 106 document has been agreed and is being circulated around the parties for sign off. The document is expected to be signed by all parties and planning permission issued by early October 2017.

Earl Shilton Sustainable Urban Extension (SUE)

- 3.3 The Earl Shilton SUE is allocated in the adopted Earl Shilton and Barwell Area Action Plan (AAP) for the development of 1,600 new homes and a minimum of 4.5ha of employment land.

- 3.4 The developer has, for some considerable time, advised the council that they have prepared all necessary documents to allow a planning application to be submitted. They have advised that the application will not be submitted until they have agreed the S106 package, because they claim there are concerns about viability.
- 3.5 In order to seek to demonstrate to the Council that the SUE can not afford to deliver any affordable housing on the site, the developer has submitted a viability appraisal. The council has appointed an experienced viability expert to scrutinise this work. The results of this work suggest that the assumptions made by the developer are not correct and that the full affordable housing package should be provided.
- 3.6 A meeting has taken place to seek to iron out different opinions but it is unlikely that agreement will be reached at this time because it is extremely difficult to accurately predict build costs and sales values. The developer has been requested to demonstrate their commitment to the project by submitting their planning application at the earliest opportunity. They have been advised that the continued delays with progressing the scheme is not acceptable to the Council and that all options for delivering the Council's housing needs will be considered as part of the Local Plan review.

Land West of Hinckley

- 3.7 The development site covers an area of 44.04 hectares. The site is allocated in the Site Allocations and Development Management Policies DPD for 850 dwellings, including 20% affordable housing, a local shop, a primary school, pedestrian access links across Normandy Way and appropriate provision of play and open space.
- 3.8 An outline planning application for the development of 850 homes including 20% affordable housing, 500m² of retail units, a primary school, community facilities including sport pitches, parkland, children's play areas, allotments, sustainable urban drainage systems, a new access from Normandy Way and associated infrastructure. on the site was submitted to the Council on 27 February 2015.
- 3.9 A full application for an element of the allocated site, phases 1 and 2 has been submitted. This application is for 260 dwellings, formal and informal public open space, a new access from Normandy Way and associated infrastructure including a sustainable urban drainage system. Both this and the outline applications were approved by Planning Committee 16th August 2016 subject to conditions and the completion of a Section 106. The final decision on the terms of the S106 agreement has been delegated to a group of six members. Work is at an advanced stage with concluding the Section 106 negotiations and a decision is due to be made in late summer 2017.

Other Strategic Planning and Economic Development Updates

Town Centre Regeneration

- 3.10 The Council set out its high level ambition for the town centres in the Town Centre Vision document in October 2015. Work continues on bringing forward sites through discussions and meetings with various interested parties.
- 3.11 The site of the former Leisure centre site at Trinity Lane has been marketed with interested parties submitting their proposals by 8 September 2017. These are currently being considered.

- 3.12 At Stockwell Head, the retailer Aldi held a public consultation event on 23 August 2017 for a proposed food store development on part of the site fronting Hollier's Walk and Baptist Walk and pre-application discussions are underway. A planning application is expected shortly.
- 3.13 Lidl have recently stated that they have exchanged contracts to acquire the former HJ Hall factory site at Coventry Road which has been vacant and on the market. They are planning to construct a new store to replace their existing property at Hawley Road.
- 3.14 At Castle Street the former Coop site is generating interest from developers and occupiers too. Officers are looking at alternatives for the site and appropriate updates will continue to be brought to members as matters move forward.

LEADER

- 3.14 The England's Rural Heart LEADER Programme 2015-2019 (European Union initiative for rural development) covers rural areas within the boroughs of North Warwickshire and Hinckley & Bosworth. Grants are available for small and medium sized enterprises, farming, forestry, tourism, culture and heritage and community initiatives. Its overall purpose is to benefit rural businesses and communities by stimulating economic growth, developing those businesses and creating new jobs in rural areas.
- 3.15 The latest call for applications opened on the 3 July 2017 with all priorities included this comprised Tourism and Culture and Heritage, Rural Services, Farming Productivity, Small and Micro Enterprises and Forestry Productivity. The call closed on 21 August with 8 expressions of interest received for the Borough with the next decision meeting taking place 12 September.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 This report will be taken in open session.

5. FINANCIAL IMPLICATIONS [TF]

Strategic Planned Housing Sites

Barwell SUE

- 5.1 On agreement of the planning permission, there will be a final instalment for the plan fees in relation the reserved matters which will be determined upon the completion of agreements.

Earl Shilton

- 5.2 This development is still being negotiated and therefore plan fees and s106b contributions have not been ascertained

- 5.2 Negotiations are taking place in relation to S106 contributions for the Land West of Hinckley (Paragraph 3.7) and therefore the full implications can not be ascertained.

Other

5.3 Due to the Lidl and Aldi developments there will be additional plan fees received in year. However, as no planning application has been received the value can not be determined at this time.

5.4 Staff time on Planning and Regeneration updates are met from existing budgets.

5.5 LEADER project funding is applied for directly by the enterprises concerned, so does not go through the Council financial procedures.

6. LEGAL IMPLICATIONS [AR]

6.1 None

7. CORPORATE PLAN IMPLICATIONS

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

- Creating clean attractive places to live and work
- Encouraging growth, attracting business, improving skills and supporting regeneration

8. CONSULTATION

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

9. RISK IMPLICATIONS

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

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer’s opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

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

| Management of significant (Net Red) Risks | | |
|---|---|-------|
| Risk Description | Mitigating actions | Owner |
| Failure to provide a five year land supply. This leads to speculative unplanned housing developments plus additional costs incurred due to planning appeal process. | Proactive work to bring forward site allocations and maintain five year land supply | KR |
| Non delivery of Sustainable Urban Extensions | Close working with developers and regular progress reviews. | NT |

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

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

11. CORPORATE IMPLICATIONS

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

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

Background papers: None

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Executive Member: Councillor M Surtees

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