

Public Document Pack

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

Date: 29 January 2018



**Hinckley & Bosworth
Borough Council**

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, 6 FEBRUARY 2018 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 - 6 FEBRUARY 2018

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 9 January 2018.

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

To report progress on any decisions delegated at the previous meeting.

7. 17/00730/FUL - 100 MAIN STREET, NAILSTONE (Pages 5 - 18)

Application for demolition of existing dwelling, and erection of two dwellings, garages and associated drive.

8. 17/00819/FUL - THE GATE INN, ASHBY ROAD, OSBASTON (Pages 19 - 24)

Proposal for installation of a new remote condenser and condensing unit.

9. 17/01249/FUL - 35 FORRESTERS ROAD, BURBAGE (Pages 25 - 32)

Proposal for demolition of existing bungalow and erection of 2 no. detached houses.

10. 17/01084/FUL - 1 THE NOOK, MARKFIELD (Pages 33 - 42)

Proposal for conversion of existing building to create 5 flats.

11. 17/01085/LBC - 1 THE NOOK, MARKFIELD (Pages 43 - 48)

Proposal for conversion of existing building to create 5 flats.

12. 17/01047/HOU - 80 MAIN STREET, DESFORD (Pages 49 - 56)

Proposal for removal of a section of wall to create a vehicular access and erection of gates.

13. APPEALS PROGRESS (Pages 57 - 60)

To report on progress relating to various appeals.

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

This page is intentionally left blank

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

9 JANUARY 2018 AT 6.30 PM

PRESENT: Mr BE Sutton - Vice-Chairman, in the Chair

Mr CW Boothby, Mrs MA Cook, Mrs GAW Cope, Mr WJ Crooks, Mrs L Hodgkins, Mr E Hollick, Mrs J Kirby, Mr C Ladkin, Mr RB Roberts, Mrs MJ Surtees and Ms BM Witherford

In accordance with Council Procedure Rule 11 Councillors Mr RG Allen and Mr DS Cope were also in attendance.

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

264 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Taylor, Ward and Wright.

265 APPOINTMENT OF VICE-CHAIRMAN

It was moved by Councillor Surtees and seconded by Councillor Roberts that, with the Vice-chairman in the chair, Councillor Cook be appointed as Vice-chairman for this meeting only. It was subsequently

RESOLVED – Councillor Cook be appointed as Vice-Chairman for this meeting only.

266 MINUTES

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

RESOLVED – the minutes of the meeting held on 5 December 2017 be confirmed and signed by the Chairman.

267 DECLARATIONS OF INTEREST

No interests have to be declared at this stage.

268 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all decisions made at the previous meeting had been issued, with the exception of application 17/00765/FUL, which was on the agenda for this meeting.

269 17/00765/FUL - THE BIG PIT, LAND TO THE REAR OF 44 TO 78 ASHBY ROAD, ASHBY ROAD, HINCKLEY

Application for erection of 60 dwellings including engineering infill operation and associated works.

Notwithstanding the officer's recommendation that the application be approved and officer advice in relation to the outline planning permission that already existed on the site for residential development and infilling of the pit and associated matters that had

been considered by the inspector at appeal, some members felt that they could not support the application. Councillor Hodgkins, seconded by Councillor Kirby, proposed that the application be refused for the following reasons:

“The development, by virtue of its layout, would create parking arrangements and areas of hardstanding that would not be conducive for residents to park or have deficiencies which would lead to the displacement of parking on the street, creating an unattractive streetscene that would be detrimental to the amenities of future occupiers. The development would also create areas of public open space which have no natural surveillance. The development is therefore overdevelopment, it would not function well over the lifetime of the development, would not create high quality streetscenes in which to live, nor design out crime. The development is therefore contrary to paragraph 58 of the NPPF and DM10 of the SADMP July 2016.”

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

RESOLVED – permission be refused on the grounds that the development, by virtue of its layout, would create parking arrangements and areas of hardstanding that would not be conducive for residents to park or have deficiencies which would lead to the displacement of parking on the street, creating an unattractive streetscene that would be detrimental to the amenities of future occupiers. The development would also create areas of public open space which have no natural surveillance. The development is therefore overdevelopment, it would not function well over the lifetime of the development, would not create high quality streetscenes in which to live, nor design out crime. The development is therefore contrary to paragraph 58 of the NPPF and DM10 of the SADMP July 2016.

270 17/00149/FUL - BULL IN THE OAK FARM, BOSWORTH ROAD, BULL IN THE OAK, CADEBY

Application for removal of existing residential and agricultural buildings for the erection of five new dwellings and associated works.

Whilst generally in support of the officer's recommendation, members felt that condition 14 should be strengthened to require that materials used should reflect those of existing buildings. It was moved by Councillor Cook, seconded by Councillor Surtees and

RESOLVED – permission be granted subject to the conditions contained within the officer's report, late items and abovementioned amended condition.

271 17/00302/FUL - LAND OFF BRASCOTE LANE, CADEBY

Application for erection of a farmyard and agricultural worker's dwelling.

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

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

272 17/01047/HOU - 80 MAIN STREET, DESFORD

Application for removal of a section of wall to create vehicular access and erection of gates.

Notwithstanding the officer's recommendation that permission be granted subject to conditions, it was moved by Councillor Surtees and seconded by Councillor Crooks that permission be refused as loss of a section of the wall would be detrimental to the character of the conservation area, which was characterised by the walls. It was noted that, in accordance with paragraph 2.12 of the Planning Committee procedure rules, the motion would be deemed to be a motion of "minded to refuse". Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the committee be minded to refuse permission in accordance with paragraph 2.12 of the procedure rules.

273 APPEALS PROGRESS

Members received an update on progress in relation to various appeals. It was moved by Councillor Crooks, seconded by Councillor Surtees and

RESOLVED – the report be noted.

(The Meeting closed at 7.44 pm)

CHAIRMAN

This page is intentionally left blank

Planning Committee 6 February 2018
Report of the Planning Manager (Development Management)

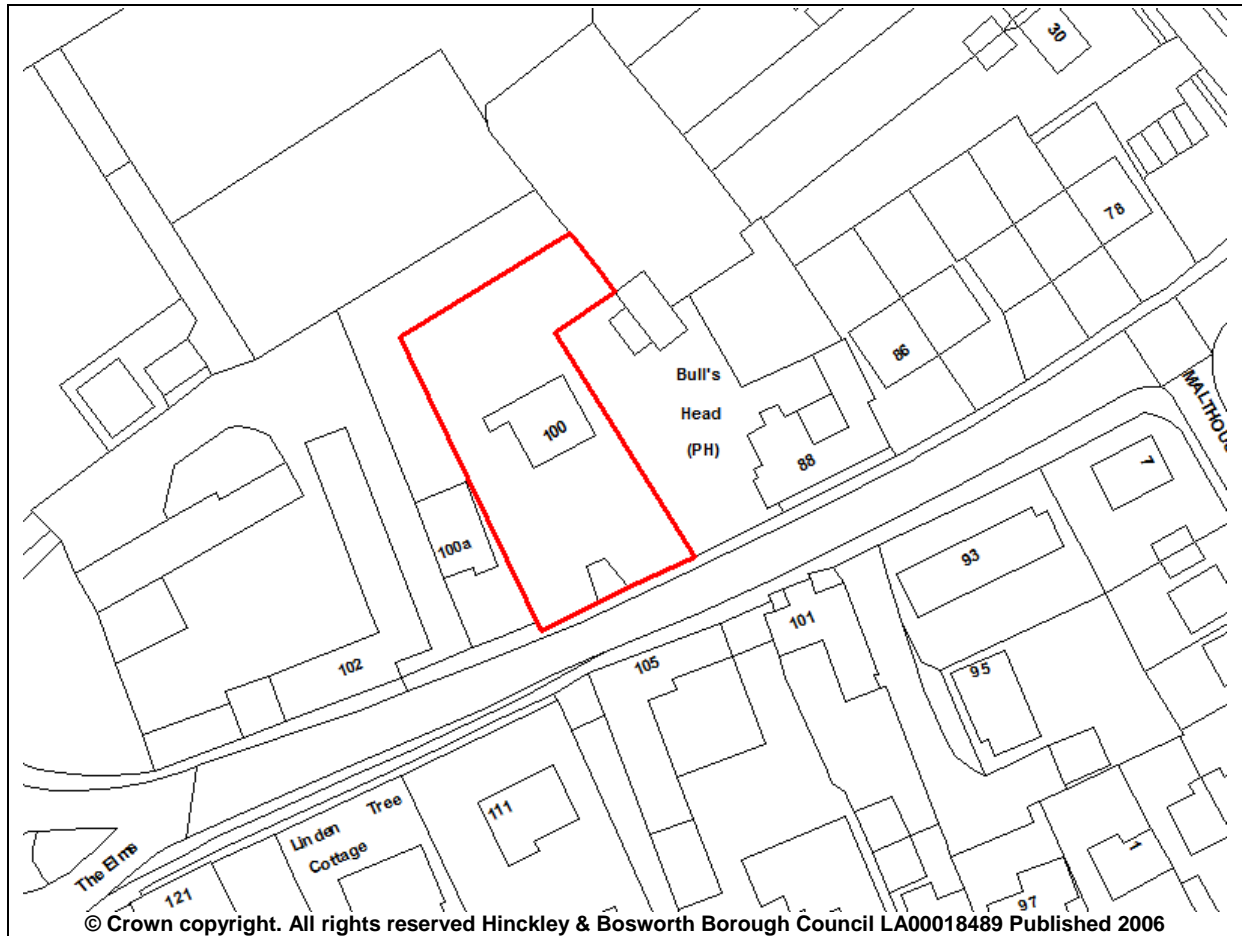
Planning Ref: 17/00730/FUL
Applicant: Carlton Select Homes Ltd
Ward: Barlestone Nailstone and Osbaston



Hinckley & Bosworth
Borough Council

Site: 100 Main Street Nailstone

Proposal: Demolition of existing dwelling, and erection of two dwellings,
garages and associated drive



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Planning Manager Development Manager 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 two detached, two-storey dwellings, with associated single garages at 100 Main Street, Nailstone. The scheme would include the demolition of the existing dwelling and garage on site, and the relocation of the access and driveway serving the site.

- 2.2. The proposal comprises two detached, two storey dwellings. Both plots are proposed to be served by a single, pitched ~~red~~-roof garage, and parking provision for two cars on the proposed drive.
- 2.3. The existing access is proposed to be relocated to the south-west corner of the plot.
- 2.4. Plot 1 is proposed to be sited to the front boundary of the site, with Plot 2 sited directly behind, to the rear of the site. Both dwellings would be accessible via the proposed new access.
- 2.5. A Design and Access Statement and Heritage Impact Statement have been submitted as part of this application.
- 2.6. Pre-application advice has been provided prior to the submission of the current application.

3. Description of the Site and Surrounding Area

- 3.1. No. 100 Main Street comprises a detached bungalow, with a detached, single garage.
- 3.2. To the front of the site, along the eastern boundary is a Blue Atlas cedar tree. There is also a cherry tree to the north-west corner of the site, and a holly tree to the rear of the site.
- 3.3. There is an existing boundary wall sited along the front boundary of the site.
- 3.4. The application site is located within the settlement boundary of Nailstone, and majority of the site is sited within the Nailstone Conservation Area.
- 3.5. The site is accessible from Main Street.
- 3.6. To the eastern boundary of the application site is The Bull's Head public house and associated car park. To the western boundary is No. 100A Main Street, a two storey detached residential dwelling.
- 3.7. There is an application for planning permission for the erection of four dwellings to the rear of the site (ref: 15/01202/FUL). This application is currently pending consideration, minded to approve, subject to the completion of a Section 106 agreement to secure traffic calming measures within the area.

4. Relevant Planning History

15/01202/FUL	Alterations to public house and erection of 4 no dwellings	Pending consideration	
96/00280/FUL	Detached garage	Permitted	12.06.1996
85/00561/4	Residential development	Outline permission	23.07.1985

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. Councillor Crooks has objected to the application, raising the following concerns:
 1. Would result in the addition of two accesses to join an already busy road;

2. Plot 1 would block the view of The Bull's Head pub;
 3. Would result in drainage issues;
 4. Plot 1 is sited too close to the highway boundary;
 5. Would be out of keeping with other properties within the area;
 6. Would have a negative impact upon the dwellings approved under planning application 15/01202/FUL (Alterations to public house and erection of 4 no dwellings).
- 5.3. County Councillor Ould has objected to the application, raising the following concerns:
1. Would have a negative impact upon the Conservation Area;
 2. Would result in drainage issues;
 3. Leicestershire County Council (Highways) has not submitted formal comments recommending approval for the application.
- 5.4. Representations have been received from seven members of the public, raising the following objections:
1. Would be out of character with the Conservation Area, and would be contrary to the Nailstone Conservation Area Appraisal;
 2. No new development should be allowed within the Conservation Area;
 3. Concern with uneven distribution of new dwellings within Nailstone – development is clustered into one area within the Conservation Area;
 4. There are already 4 dwellings to be constructed to the rear of the site;
 5. Construction of the development would impact negatively on neighbouring properties;
 6. Concerns over maintenance of the garage serving Plot 2;
 7. Would have a negative impact on The Bull's Head Pub;
 8. Concerns with land levels on site;
 9. Development would encroach onto neighbouring properties;
 10. Would be unsustainable development;
 11. Nailstone lacks the facilities to accommodate more houses;
 12. Drainage details have not been provided for the scheme;
 13. Would result in flooding of neighbouring properties and onto the highway, which would result in associated highway and pedestrian safety issues;
 14. The site is located off a dangerous road, with existing speeding problems and is utilised by overweight lorries;
 15. Traffic calming measures secured under planning application 15/01202/FUL have not yet been implemented;
 16. Development should require additional traffic calming measures to be secured;
 17. Would exacerbate congestion and traffic in the area;
 18. Site is located close to a dangerous junction;
 19. Decision should be made by Planning Committee;

6. Consultation

- 6.1. Nailstone Parish Council have raised the following objections for the application:
1. Drainage details provided is not adequate, given the existing land levels on site;
 2. The proposed garage to serve Plot 2 will impact upon the hedge and ancient tree on the north-west boundary;
 3. Would be contrary to the Conservation Area;
 4. Would be sited too close to the public footpath;
 5. Siting of Plot 1 would result in visibility issues for neighbouring properties pulling out of their drives;
 6. Would be overdevelopment of site;
 7. There is an existing telegraph pole to the front of the site – no details have been submitted for its relocation
- 6.2. The Tree Officer has objected to the application due to the proposed loss of the cedar tree within the Conservation Area.
- 6.3. No objections, subject to conditions, have been received by:-
HBBC Conservation Officer
Leicestershire County Council (Highways)
- 6.4. No objections have been received by:-
Environmental Services (Drainage)
Environmental Health (Pollution)
- 7. Policy**
- 7.1. Core Strategy (2009)
- Policy 12: Rural Villages
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - 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)
 - Planning (Listed Buildings and Conservation Areas) Act (1990)
- 7.4. Other relevant guidance
- Nailstone Conservation Area Appraisal and Management Plan (2015)
- 8. Appraisal**
- 8.1. Key Issues
- Assessment against strategic planning policies

- Design and impact upon the character of the conservation area
- Trees
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Other issues

Assessment against strategic planning policies

- 8.2. Paragraph 14 of the National Planning Policy Framework (NPPF) and Policy DM1 of the SADMP 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. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. Nailstone is identified as a rural village within Policy 12 of the Core Strategy. The focus of such settlements is to support the existing services within these villages by supporting housing development within settlement boundaries.
- 8.5. The application site is located within the settlement boundary of Nailstone as defined within the SADMP, as such the site is considered to be situated within a sustainable location. Comments have been received stating that Nailstone lacks the facilities to accommodate new dwellings. However, the proposal would result in one replacement dwelling and one new dwelling to the area, and therefore would only result in the addition of a single dwelling to the area.
- 8.6. Therefore, subject to all other planning matters being addressed, the principle of development is considered acceptable.

Design and impact upon the character of the conservation area

- 8.7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 8.8. Section 12 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.9. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.10. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment, stating that proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.11. To the eastern boundary of the site is The Bull's Head public house, which is identified as a Key Unlisted Building within the Nailstone Conservation Area Appraisal.
- 8.12. The Conservation Officer has raised no objections to the scheme. No. 100 Main Street is located within the Nailstone Conservation Area. The property is a post-war bungalow which does not reflect the traditional characteristics of the Conservation Area, being single-storey and located towards the rear of its plot, away from the street scene. As such it does not make a positive contribution to the character and appearance and thus significance of the Conservation Area. The plot has therefore

been identified as a “negative area” in the Conservation Area Appraisal. Policy DM12 states that proposals that seek to improve identified “negative areas” in Conservation Areas, which also lead to the overall enhancement of the Conservation Area, will be supported and encouraged.

- 8.13. Objections have been raised in relation to the siting of the development on the edge of the pavement, and the impact of the development on the Conservation Area. The layout of the proposed development comprises two dwellings, with Plot 1 sited slightly behind the back edge of the pavement, and Plot 2 to the rear. The location of Plot 1 respects the traditional and characteristic location of development within the Conservation Area, providing a strong and appropriate presence fronting the street scene. The siting of Plot 1 on the edge of the highway boundary would reflect the siting of the neighbouring properties to the south of the site, Nos 104 and 105 Main Street, the neighbouring property further west of the site, No. 102 Main Street, and The Bull's Head Pub.
- 8.14. Plot 1 also follows the characteristic built form and scale of the Conservation Area, being a two storey cottage with a symmetrical plan and the use of locally distinctive eyebrow dormer windows set within the eaves, reflecting the historical vernacular feature favoured by Earl Howe when the village formed part of the Gopsall Estate. The design of Plot 2, with small half-gable dormer windows and a prominent gable is appropriate for its location set away from the street frontage. Further characteristic detailing including brick windows cills and segmental arches are proposed for both plots. There will be longer distance views of the garage to serve plot 2 through the site from the street. However, its simple dual pitched roof design, proposed materials and use of a panelled door with windows, would ensure that the garage is in keeping with the character of the site and the wider Conservation Area. In any case, it is considered that this view would be similar to that of the single garage serving the existing dwelling on site.
- 8.15. Facing brick, interlocking plain tiles and cottage style windows have been proposed for the construction of the dwellings. The Conservation Officer has recommended a condition to secure further details of the external materials to be utilised, which could be attached to any permission granted.
- 8.16. Concerns have been raised stating that the proposed development would block the view of The Bull's Head Pub. Plot 1 would be sited in line with the building line of the pub along Main Street. Although it would have some impact on views of the pub from the south-west, given the existing siting of No. 102 Main Street, and the fact that views of the pub would still be available along Main Street from the north-east, it is not considered that the siting of the development would have any adverse impacts on The Bull's Head pub in this regard.
- 8.17. The Conservation Officer has also stated that although the current dwelling does not contribute to the significance of the Conservation Area, a cleared site would have a greater harmful impact on the area. Therefore, the officer has recommended a condition to ensure that the demolition of the existing dwelling is not carried out until the development proposed is confirmed to commence on site. This is in line with Policy DM12, which states that conditions will be imposed to ensure demolition does not occur until immediately prior to the redevelopment or remediation of the site. A condition of this nature could be attached to any permission granted.
- 8.18. Given that the property that does not contribute positively to the character and appearance of the Conservation Area, the proposal provides an opportunity for its significance to be enhanced. Given the appropriate design, scale and siting of development, it is considered to accord with the principles of the Nailstone Conservation Area Appraisal, Policies DM11 and DM12 the SADMP, Section 12 of

the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Trees

- 8.19. The Tree Officer has submitted comments for the application, objecting to the loss of the Blue Atlas cedar tree, located to the front of the site along the shared boundary with The Bull's Head car park.
- 8.20. The proposed siting of Plot 1 to the front boundary of the site is a key factor in the assimilation of the development within the character of the Conservation Area, as has been identified by the Conservation Officer. The Tree Officer states within his comments that this tree could merit protection by a tree preservation order. However, the retention of this tree on site would mean that the proposed layout would not be achievable. It is considered that the proposed re-development of the site, as discussed above, would provide significant benefits to improving the character of this part of the conservation area which has been identified within the character appraisal as a negative area. Due to the location of the tree and its root protection area it is not possible to achieve an alternative development which would be in keeping and provide a benefit in design terms to the conservation area. As identified previously the conservation area is characterised by frontage development and this is a key characteristic which should be incorporated into any redevelopment of the site.
- 8.21. Following discussions with the Tree Officer, as well as local ward members, it has been identified that there is scope for a replacement tree to be planted along the east boundary of the site, which would be partially viewable from the street from the east. This would help to mitigate the loss of the cedar tree within the street scene.
- 8.22. Therefore, it is considered that this opportunity for the enhancement of the site, and the mitigation provided through the planting of a replacement tree would outweigh the loss of the existing cedar tree on site.
- 8.23. Comments have been raised in relation to the wellbeing of the hedge and cherry tree to the north-west corner of the site, where the proposed garage to serve Plot 2 would be sited. The Tree Officer has stated that the construction of the garage should not have an adverse impact on this tree providing protective measures are put in place during the construction of the garage foundations. Further, the amended positioning of the garage away from the boundary would mean that it would have no adverse impact upon this hedge.
- 8.24. The Holly tree to the rear garden of the proposed Plot 2 is proposed to be retained. This tree is sited on the boundary of the Conservation Area. The Tree Officer has stated that this tree is important to the background rural landscape. However, it may have a potential impact on the rear garden of this dwelling, in terms of overshadowing. However, given the siting of the tree, and the scale and design of the garden, it is considered that any overshadowing would not be materially adverse, and therefore its retention would be considered acceptable. In any case the tree is located within a Conservation Area, and subsequently any works proposed to be carried out would require separate consent from the Local Planning Authority.
- 8.25. Notwithstanding the loss of the cedar tree, the demolition of the existing bungalow, a property that does not contribute positively to the character and appearance of the Conservation Area provides an opportunity for its significance to be enhanced. It is therefore considered to accord with the principles of the Nailstone Conservation Area Appraisal, Policies DM11 and DM12 the SADMP, Section 12 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.26. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.27. Concerns have been raised in relation to the impact of the development on neighbouring properties within the area. To the west of the site is No. 100A Main Street, a detached, two-storey dwelling sited further back on the plot than the proposed Plot 1, but further forward on the plot than the proposed Plot 2.
- 8.28. By virtue of the proposed access road, the proposed dwellings would be set back from the boundary with No. 100A, and therefore any overbearing and overshadowing impacts would be mitigated. The proposed garage serving Plot 2 would be sited along the shared boundary with this neighbour. However, given minor scale of the garage proposed, it is not considered to have any adverse overbearing or overshadowing impacts to this neighbour.
- 8.29. The proposal would result in a first floor window serving Plot 2 facing out towards the rear garden of No. 100A. However, by virtue of the distance between the window and the shared boundary, the siting of the proposed garage and the length of the garden serving No. 100A, it is not considered that the window would result in any adverse overlooking impacts to this neighbour.
- 8.30. Concerns have been raised in relation to the impact of the development on the four dwellings proposed to the rear of the site under planning application 15/01202/FUL. Two first floor windows serving Plot 2 would face out onto these properties, however, by virtue of siting, would have no direct views into any dwellings proposed under 15/01202/FUL.
- 8.31. Further, by virtue of the siting of Plot 1, it is not considered to have any overlooking impacts to any neighbours.
- 8.32. The development would therefore not have an adverse affect on the amenity of surrounding residents and is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.33. Policy DM17 of the SADMP states that all new development should in be accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.34. Concerns have been raised in relation to proposal resulting in an increase to traffic and congestion within the area, and that the proposed access would lead onto a dangerous road, near to a dangerous junction.
- 8.35. Leicestershire County Council (Highways) has raised no objections to the application. The proposal would result in one additional dwelling on the site. Both dwellings would share a single access off Main Street, which would replace the existing access onto the site. The layout proposed would allow for turning on site and an adequate visibility splay onto the main road. Indeed, the new visibility splay would be an improvement to the existing access on site. Given the above, the fact that the access would replace an existing access, and the minor increase to the number of vehicles that would utilise Main Street, it is considered that the proposal would not have any adverse impact on highway safety in the area.
- 8.36. Concerns have been raised in relation to speeding vehicles and overweight vehicles utilising Main Street. These issues cannot be addressed through this application. Traffic calming measures for this road are currently being negotiated through planning application 15/01202/FUL, which should assist in addressing these issues.

However, if this scheme is not progressed and the traffic calming measures are not implemented, it is not considered that the traffic generated by an additional dwelling would not be severe or cause a highway safety concern which would warrant refusal.

- 8.37. The proposal would result in a minimum of three off-street car parking spaces to serve each dwelling. This is considered adequate provision to serve a development of this scale, and therefore the proposal would not contribute to on-street parking problems within the area.
- 8.38. LCC (Highways) have recommended a condition to be imposed to ensure that the proposed new vehicular access shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access to the site be closed permanently. This condition is not considered necessary, as the proposed layout of the site would not allow for the existing access to remain open.
- 8.39. The proposal therefore would comply with Policies DM17 and DM18 of the SADMP.

Drainage

- 8.40. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.41. Concerns have been raised in relation to the drainage of the development. No objections have been raised by Environmental Services (Drainage) for the scheme. However, due to the concerns raised from consultation responses with regard to drainage it is considered that a condition identifying how drainage will be dealt with on site is submitted and approved prior to commencement of development on site. Leicestershire County Council (Highways) has recommended a condition to secure surface water drainage details for the site prior to the occupation of the development, to ensure that water does not flow onto the public highway. This can be incorporated into the drainage condition.

Other issues

- 8.42. In relation to the comments concerned with the distribution of development within the Conservation Area, and the dwellings pending consideration under 15/01202/FUL, each application for development is assessed on its own merits, within the context of each individual application site.
- 8.43. In regard to the land levels on site, a condition has been imposed to ensure acceptable finished floor and ground levels for the development.
- 8.44. In regard to concerns over the maintenance of the garage serving Plot 2, this is not a planning matter and cannot be addressed within this application.
- 8.45. In regard to the concerns of the construction of development having a negative impact on neighbouring properties, many of the issues raised are civil matters and therefore cannot be addressed within this application. Notwithstanding this, the hours of construction on site could be controlled through an appropriate condition, which could be attached to any permission granted.
- 8.46. In relation to comments seeking additional traffic calming measures to mitigate the impact of development on the highway, given the level of development proposed and the fact that no issues have been raised by Leicestershire County Council (Highways), it is not considered reasonable to seek contributions for this development.

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. Overall, it is considered that this proposal will not harm the special character, and thus significance of the Conservation Area. The current dwelling does not contribute positively to the character of the conservation area. By virtue of the design, scale, form and layout of the proposed new dwellings the proposal will enhance the character and appearance, and thus significance of the conservation area, and would not have any adverse impacts on neighbouring properties or highway safety. The proposal is considered to be in accordance with Policy 12 of the Core Strategy, Policies DM1, DM10, DM11, DM12, DM17 and DM18 of the SADMP, Section 12 of the NPPF and the statutory duty of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, and is therefore considered to be acceptable.

11. Recommendation

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

- Planning conditions outlined at the end of this report.

- 11.2. That the Planning Manager Development Management 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: Drg No. 843.CSH.05 (Plot 2 – Planning Drawing 01), received by the Local Planning Authority on 21 July 2017, Drg No. 843.CSH.04 Rev A (Plot 1 – Planning Drawing 01) received by the Local Planning Authority on 31 October 2017, and Drg No. 843.CSH.06C (Site Plan – Planning Drawing 01), received by the Local Planning Authority on 15 December 2017.

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

Management Policies DPD, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 12 of the NPPF.

3. No part of the development hereby permitted shall be occupied until such time as the access, parking and turning arrangements shown on Drawing No. 843.CSH.06C (Site Plan – Planning Drawing 01), received by the Local Planning Authority on 15 December 2017, have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally, in the interests of general highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD.

4. Prior to the commencement of development, surface water drainage details, shall be submitted to and approved in writing by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details to ensure that surface water shall not drain into the Public Highway, and thereafter shall be so maintained.

Reason: To ensure effective drainage on site, to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

5. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-

- Hard surfacing materials;
- Boundary treatments;
- Planting plans, including a tree to replace the loss of the Blue Atlas Cedar sited to the south-east corner of the site;
- Written specifications;
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- Implementation programme.

Reason: In the interests of protecting the visual amenity of the area, in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 12 of the NPPF.

6. All hard landscaping, planting, seeding or turfing shown on the approved landscaping details under condition 5 shall be carried out during the first available planting and seeding seasons (October - March inclusive) following the approval of the landscaping scheme. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: In the interests of visual amenity, and to ensure that the work is carried out within a reasonable period and thereafter maintained, to accord with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 12 of the NPPF.

7. The existing cherry tree to be retained on site, shown on the approved Drawing No. 843.CSH.06C (Site Plan – Planning Drawing 01), shall be protected by the erection of temporary protective fences in accordance with BS5837:2012 and of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. 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 area agreed to be protected, the existing ground level shall neither be raised nor lowered and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches for services are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason: The tree is an important feature in the area and this condition is imposed to make sure that they are properly protected while building works take place on the site, to accord with Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 12 of the NPPF.

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

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 12 of the NPPF.

9. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the dwellings, including details of fenestration and doors, and roof verge and eaves detailing, 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 a satisfactory impact of the development to accord with Policies DM1, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 12 of the NPPF.

10. Construction work of the development, hereby permitted, shall not take place other than between the hours of 08:00hrs and 18:00hrs on weekdays and 08:00hrs and 13:00hrs on Saturdays, and at any time on Sundays and Bank Holidays unless otherwise agreed in writing.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD.

11. No demolition works shall commence until a contract has been let to carry out the building operations permitted under this permission (or any superseding consent as first agreed in writing by the Local Planning Authority) has been made.

Reason: To avoid premature demolition which would be harmful to the character and appearance of the Conservation Area, and to safeguard the local environment and in accordance with the aims and objectives of the NPPF and in accordance with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD.

12. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 (Classes A, B, C, D, E, F and G) and Part 2 (Class A) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no means of enclosure, enlargement, improvement or other alteration to the dwellings hereby permitted shall be erected or carried out without the grant of planning permission for such extensions by the Local Planning Authority.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 12 of the NPPF.

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. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the 6Cs Design Guide which is available at <https://www.leicestershire.gov.uk/environment-and-planning/planning/6cs-design-guide>.

This page is intentionally left blank

Planning Committee 6 February 2018
Report of the Planning Manager (Development Management)

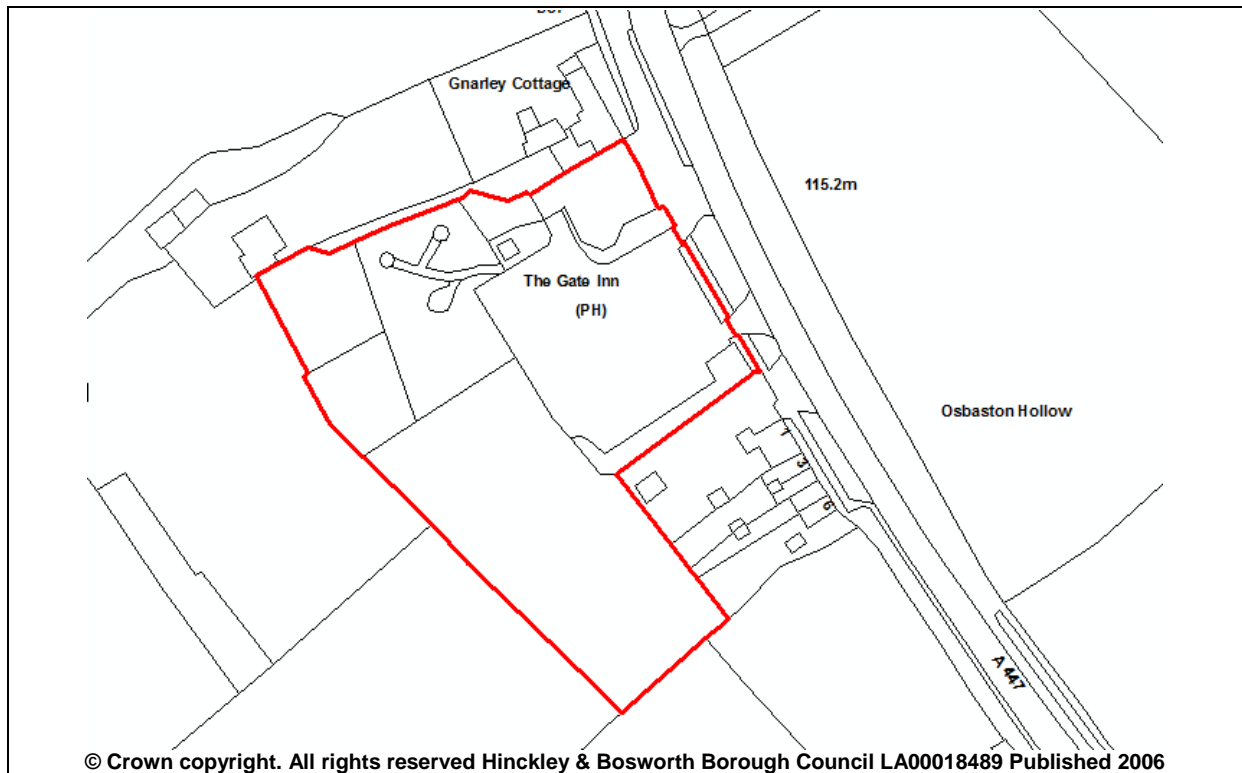
Planning Ref: 17/00819/FUL
Applicant: Marstons
Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: The Gate Inn Ashby Road Osbaston

Proposal: Installation of a new remote condenser and condensing unit



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

- 2.1. The applicant seeks planning permission for the installation of a new remote condenser and condensing unit. There are currently three condensers on site. One serves the walk in fridge and is contained within an enclosure, and has not led to any noise complaints. It is proposed that this will remain in-situ. The second is the existing cellar cooling condenser which is contained within an enclosure, and when the enclosure is used correctly, noise from the condenser is low. However, it is understood that there have been times when the doors have been opened, thus compromising the enclosure's performance and impacting adversely on the neighbouring property, Gnarley Cottage in terms of noise. The final condenser serves the freezer unit and this is not situated in an enclosure, the noises emitted from this unit are the primary concern and cause of complaints from the adjacent

residential property. This application seeks to remove the old remote condensers serving the cellar and the freezer unit and replace them with new units which will be enclosed.

- 2.2. To support the application, the applicant has provided a noise acoustic report which makes recommendations to address the potential impact of the proposed units on the neighbouring residential property of Gnarley Cottage.

3. Description of the Site and Surrounding Area

- 3.1. The Gate Inn is a public house that is sited within the undefined settlement known as Osbaston Toll Gate or Osbaston Hollow along the A447. The public house is immediately adjoined to the north by Gnarley Cottage; a residential property and is bound to the south by other dwellings. There is a large car park to the side and rear of the public house.

4. Relevant Planning History

09/00899/FUL	Extensions and alterations to public house	Refused	05.03.2010
10/00527/FUL	Extensions and alterations to public house including alterations to access.	Permitted	17.09.2010
10/01007/FUL	Alterations and refurbishment of premises and installation of prefabricated external cold rooms to enclosed yard area.	Permitted	30.03.2011
15/00192/FUL	Erection of a beer cellar condensing unit and acoustic enclosure (retrospective)	Permitted	30.04.2015

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. One neighbour has commented neither objecting nor supporting the application. The neighbour makes the point that the current application does not correctly describe the existing situation on site; this equipment having caused noise and disturbance on the neighbouring property for many years. The neighbour is seeking to ensure that if the application is approved a suitably worded condition is imposed to ensure that the equipment is installed and maintained in accordance with the approved plans and recommendations within the acoustic report.

6. Consultation

- 6.1. Osbaston Parish Council has provided comments in support of the neighbour's comments as set out above.

6.2. HBBC Environmental Health (Pollution) has no objection subject to a condition to require appropriate acoustic enclosures are provided as stated in the noise acoustic report submitted by the applicant.

6.3. No comments were received from CAMRA

7. Policy

7.1. 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 DM10: Development and Design

7.2. 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

Assessment against strategic planning policies

8.2. Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay, unless material considerations indicate otherwise.

8.3. The site is located outside of the settlement boundary of Osbaston, as defined on the Policies map contained within the SADMP and therefore Policy DM4 is of relevance. Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. The proposed units would be erected within the existing grounds of the public house; and would therefore have no adverse impact on the intrinsic character and beauty of the countryside. It is therefore considered that the development would be in accordance with Policy DM4 of the Site Allocations and Development Management Policies DPD.

Design and impact upon the character of the area

8.4. Policy DM10 of the SADMP provides 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. Policy DM4 of the SADMP seeks to ensure that development does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.

8.5. The proposed units would be situated on an existing close boarded fence facing the car park to the south. The units would only be visible to customers visiting the premises and are the standard condensing units which are found at public houses and therefore not considered to be out of keeping with the character of the area. It is also proposed as per the acoustic noise report that the units be enclosed; this would therefore minimise the impact of the units. Details of the proposed enclosures would be conditioned to be approved by the Local Planning Authority as part of any grant of planning permission. It is therefore considered that the development is in

accordance with Policy DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon neighbouring residential amenity

- 8.6. Policy DM10 of the SADMP states that development should 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 lighting, air quality, noise, vibration and visual intrusion.
- 8.7. The applicant has submitted an acoustic report to assess the potential noise impact the proposed development could have on the adjoining neighbour at Gnarley Cottage.
- 8.8. Within the acoustic report a number of recommendations are set out. The assessment within the acoustic report assumes a minimum of a 1.8 metre close boarded acoustic barrier (in good condition) located in close proximity, but not connected to the freezer condenser, with the cellar cooler condenser being shielded by the pub itself.
- 8.9. Nonetheless, the calculated impact is higher than desirable, and it is considered that the units should each be provided with a carefully designed acoustic enclosure.
- 8.10. The enclosure must be designed such that the doors can remain closed whilst the condenser is in operation in the summer. It would also be beneficial for the enclosure to have its openings facing the car park to the south, in order to allow the air and sound from the units to radiate south away from the neighbouring residential property at Gnarley Cottage. It would also be advantageous for the enclosure to be oversized in order to assist with air flow around the unit and for the freezer condenser and enclosure to be situated such that they are not connected to the acoustic barrier.
- 8.11. It is therefore considered that the combination of the minimum 1.8 metre high acoustic barrier, together with the provision of enclosures to meet the above would adequately protect neighbouring residential amenity.
- 8.12. HBBC Environmental Health (Pollution) has commented on the acoustic report and agrees with the recommendations of the report. It is recommended that suitably worded conditions are imposed to ensure that appropriate measures are put in place to protect the residential amenity of the neighbour at Gnarley Cottage. Subject to this, it is therefore considered that the development is in accordance with Policy DM10 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 Gate Inn is located outside of a settlement and the proposed units would therefore be located within open countryside. The units would however be sited in close proximity to other buildings associated with the public house and therefore would have no adverse impact on the character of the area or wider countryside.
- 10.2. In terms of the impact on the neighbouring residential amenity, a number of recommendations were suggested within the acoustic report to ensure noise levels are minimised. Subject to compliance with these recommendations; the proposed development would have no adverse impact on the neighbouring property of Gnarley Cottage. The proposed development would therefore be in accordance with Policy DM4 and DM10 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 Planning Manager 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: Amended proposed ground floor plans (Drawing Number: PO817/90322/0.1) received by the Local Planning Authority on the 5 October 2017 and Land Ownership Plan received by the Local Planning Authority on the 11 August 2017.

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

3. Prior to the installation of the condensing units hereby approved; details of the enclosures for the units to be provided and to be agreed in writing by the Local Planning Authority and then shall be implemented in accordance with the details and maintained in perpetuity.

Reason: To ensure that the neighbouring residential amenity is protected from any noise and disturbance from the units in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

4. Within one month of the new units being installed, the existing cellar condenser unit and the freezer unit shall be removed.

Reason: To ensure that the neighbouring residential amenity is protected from any noise and disturbance from the units 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.

Planning Committee 6 February 2018
Report of the Planning Manager (Development Management)

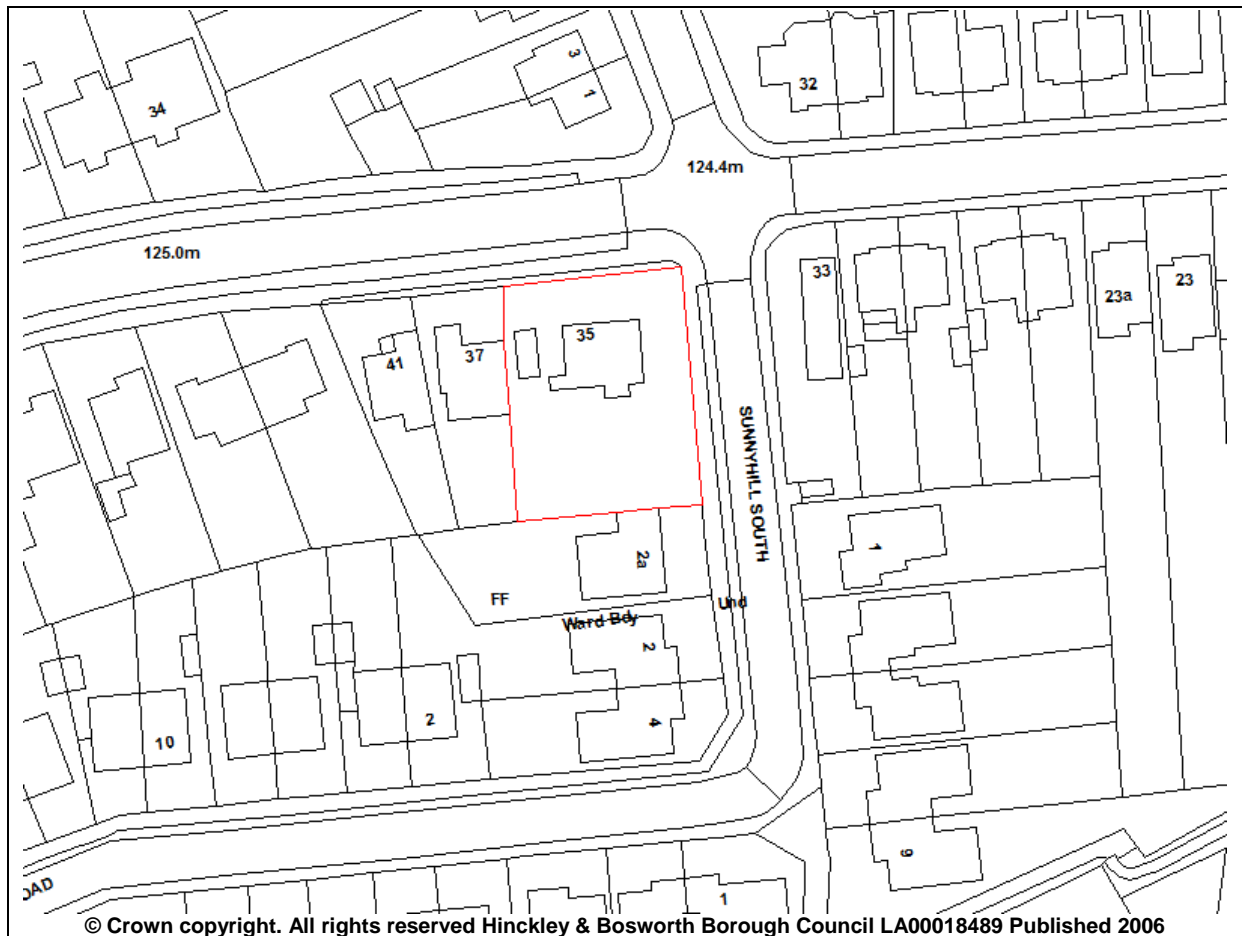
Planning Ref: 17/01249/FUL
Applicant: Mr Parker
Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: 35 Forresters Road Burbage

Proposal: Demolition of existing bungalow and erection of 2 no. detached houses



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

2.1. The applicant seeks planning permission for the demolition of the existing bungalow and the erection of two five bed roomed; detached dwellings.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the settlement boundary of Burbage. The wider area is characterised by dwellings which vary considerably in terms of character, designs and styles. Immediately adjacent to the application dwelling are detached two storey dwellings whilst further to the west is a collection of bungalows which though similar in scale to no. 35 Forresters Road, display a range of distinctly different designs and styles.

4. Relevant Planning History

17/00400/HOU	Extension to bungalow to form two storey dwelling with two storey rear extension	Permitted	23.06.2017
--------------	--	-----------	------------

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. One letter of objection has been received with the comments summarised below:
1. Overlooking into neighbouring properties due to the elevated position of the application site

6. Consultation

- 6.1. No objections were received from:
- HBBC Environmental Health (Pollution)
- 6.2. No objection was received subject to suitable conditions being imposed:
- HBBC Waste Services
 - HBBC Environmental Health (Drainage)
- 6.3. Burbage Parish Council has objected to the application stating that the proposal is considered to be of poor design and out of keeping with the established street scene and would result in the overdevelopment of the site. The PC feels that the development does not respect the separation distances of existing and surrounding properties and will have an overbearing appearance.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 4: Development in Burbage
- 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)
- 7.4. Other relevant guidance
- Draft Burbage Neighbourhood Plan (BNP) 2015 – 2026

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. Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the development plan is the starting point for decision making and that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 13 of the NPPF states that the NPPF is a material consideration in determining applications.
- 8.3. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009), and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.4. Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved unless other material planning considerations indicate otherwise.
- 8.5. Policy 4 of the adopted Core Strategy supports development within the settlement boundary of Burbage to deliver a minimum of 295 new residential dwellings. Policy 1 of the draft Burbage Neighbourhood Plan supports development proposals within the settlement boundary of Burbage provided it complies with other policies in the Neighbourhood Plan. The emerging Burbage Neighbourhood Plan is still in development; not yet having been submitted to the Local Planning Authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore; only very limited weight can be afforded to this document at this time.
- 8.6. Notwithstanding that the housing allocation for Burbage identified within Policy 4 of the adopted Core Strategy has been exceeded, it is the minimum to be provided and does not prevent additional sustainable housing development for Burbage. The proposal is located within the settlement boundary of Burbage and therefore there is a presumption in favour of sustainable development. The applicant seeks planning permission for the demolition of the existing bungalow and the erection of two detached dwellings. The proposal is considered acceptable in principle, subject to other material planning considerations.

Design and impact upon the character of the area

- 8.7. 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.
- 8.8. The proposed dwellings would be two-storey five-bedroom properties with rooms in the roof and integral garages. The eaves height of the properties would be 4.7 metres with a ridge height of 9.2 metres. The properties would have a mono pitch roof detail to the front elevation extending over the porch and garage.

- 8.9. The proposed dwellings would be set back from the highway by 7 metres, in line with the adjacent property of 37 Forresters Road. The proposed ridge height would be in keeping with existing properties along the street and would actually be a reduction from the 9.7 metre high ridge height approved under planning reference 17/00400/FUL for the extension of the bungalow to form a two storey dwelling.
- 8.10. One of the proposed dwellings would be sited on a corner of Forresters Road and Sunnyhill South, in a prominent position within the street scene. There is currently extensive hedging which screens the existing bungalow. In order to ensure that adequate screening is retained a condition should be imposed to ensure suitable landscaping is provided.
- 8.11. By virtue of its scale, design and appearance the proposal would not harm the character and appearance of the surrounding area and would therefore be in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP seeks to ensure that developments will have no significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.13. The separation distance between the proposed property on the corner of Forresters Road and Sunnyhill South and no. 33 will remain significant given the presence of Sunnyhill South which intersects the two properties. It is therefore considered that there will be no adverse overbearing, overlooking or loss of light impact on no. 33.
- 8.14. The separation between the other proposed dwelling and the neighbouring property to the west, 37 Forresters Road, which is set right up against the boundary of the site, would be 2 metres. One side window is proposed on this elevation which would serve a bathroom on the first floor and would be obscurely glazed. In any case the side elevation of no. 37 is blank and there would therefore be no adverse impact on the residential amenity of no. 37.
- 8.15. A separation distance of 13.5 metres between the proposed property and 2a Sunnyhill South; the bungalow to the south will remain; this is unchanged from the current situation notwithstanding that the bungalow on the application site would be replaced with two storey properties. It is not considered that the proposed development would result in any adverse impact on the residential amenity of the property to the south given both the separation distance and the orientation of the application site, directly north of 2a Sunnyhill South. Two windows would be provided at first floor to the rear of both of the proposed dwellings, together with three roof lights to the rear roof slope facing towards the rear garden of 2a Sunnyhill South. It is not considered that this would result in additional overlooking of 2a Sunnyhill South given that the garage to this property is the closest section of the property to the boundary with the proposed dwellings. The property is also well screened by the high hedging that runs along the boundary between the two properties. It is noted that the properties proposed on Forresters Road will be at a slightly elevated position compared to the property at 2a Sunnyhill South; however due to the separation distance between the two properties being sufficient there would be no adverse impact on neighbouring amenity at 2a Sunnyhill South.
- 8.16. Neighbour comments have been received stating that trees have already been removed which therefore removes screening to the site. It would be reasonable as suggested earlier in the report to impose a condition requiring submission of a landscaping scheme for the site to ensure that there is adequate screening on the rear boundary of the site.

- 8.17. The existing property sits within an extensive plot and therefore it is considered that both properties would benefit from adequate private amenity space.
- 8.18. For the reasons given above, the proposed scheme would not result in any significant adverse impacts on the privacy or amenities of the occupiers of neighbouring properties and therefore the proposal is considered to comply with Policy DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon highway safety

- 8.19. Policy DM17 of the SADMP states that development proposals will be supported where there is no significant adverse impact upon highway safety, and, in the case of development that generates significant traffic movement, where the development would be sited a sustainable location and other transport methods can be utilised.
- 8.20. Policy DM18 of the SADMP states that all new development should provide an appropriate level of parking provision.
- 8.21. Leicestershire 6C's Design Guidance provides that two spaces should be provided per dwelling within an urban location. The proposed dwellings would be set back from the edge of the highway by 5.80 metres which meets the required distance set out within the 6C's. The proposed layout would provide adequate off-street parking to serve each of the two dwellings within the site. The site layout provides adequate provision for turning within the site to enable vehicles to enter and exit in a forward direction.
- 8.22. It is therefore considered that the development is in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

Infrastructure contributions

- 8.23. Policy DM3 of the adopted SADMP requires 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 children's play provision within settlements. However, the Planning Policy Guidance provides that, tariff-style planning obligations should not be sought for developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000 square metres. Therefore notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

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. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that accord with the policies in the Local Plan unless material considerations indicate otherwise. The site is located within a sustainable urban settlement with reasonable access to a range of services and facilities by sustainable transport modes.
- 10.2. Subject to the conditions set out below; the proposed development by virtue of the layout, scale, design would respect the character of the street scene and would not adversely affect the amenities of the occupiers of neighbouring residential properties.
- 10.3. The application is considered to be in accordance with Policy 4 of the adopted Core Strategy, Policies DM1, DM10, DM17 and DM18 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 Planning Manager 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: Elevations, Floor Plans & Street Scene Locations (Drawing Number: OB 002), Site Location Plan and Block Plan received by the Local Planning Authority on the 5 December 2017.

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

3. Prior to the commencement of development, representative samples of the types and colours of materials to be used on the external elevations of the dwellings 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

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

4. Prior to the commencement of development, a plan shall be submitted showing the existing and proposed ground levels of the site and finished floor levels of

the dwellings hereby permitted. This shall be approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those details approved.

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

5. Prior to the commencement of development, details should be provided for the provision of waste and recycling storage to be provided on the site. This should be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate storage is provided on the site in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

6. Prior to the commencement of development hereby permitted, details of the parking layout and the access arrangements for each of the dwellings shall be submitted to and approved in writing by the local planning authority. Once approved the parking shall be laid out in accordance with the approved plans prior to the first occupation of the dwelling to which it relates and then shall be returned as such in perpetuity.

Reason: To ensure that adequate access and off street parking is provided within the site to serve the two dwellings. This is in the interests of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

7. There shall be no commencement of development until a fully detailed scheme for the hard and soft landscaping of the site has been submitted in writing to and been approved in writing by the Local Planning Authority. The landscaping scheme should include details of all existing trees and hedges to be retained, the planting densities for all new planting, plant sizes and boundary treatments. The hard and soft landscaping scheme shall be implemented in accordance with the approved details within the first available planting season following the approval of details.

Reason: To ensure that the appropriate planting has been undertaken to protect neighbouring residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

8. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To 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.

9. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order) no gates, barriers, bollards, chains, or other such obstructions shall be erected to the vehicular access within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway

in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

10. Before first occupation of the dwellings hereby permitted, the access drive and parking spaces shall be surfaced with a tarmacadam 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 and in accordance with Policy DM17 of the adopted 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. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e soakaways, previous paving, filter drains, swales etc and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in the combination with infiltration systems and/or rainwater harvesting systems.
3. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.

Planning Committee 6 February 2018
Report of the Planning Manager (Development Management)

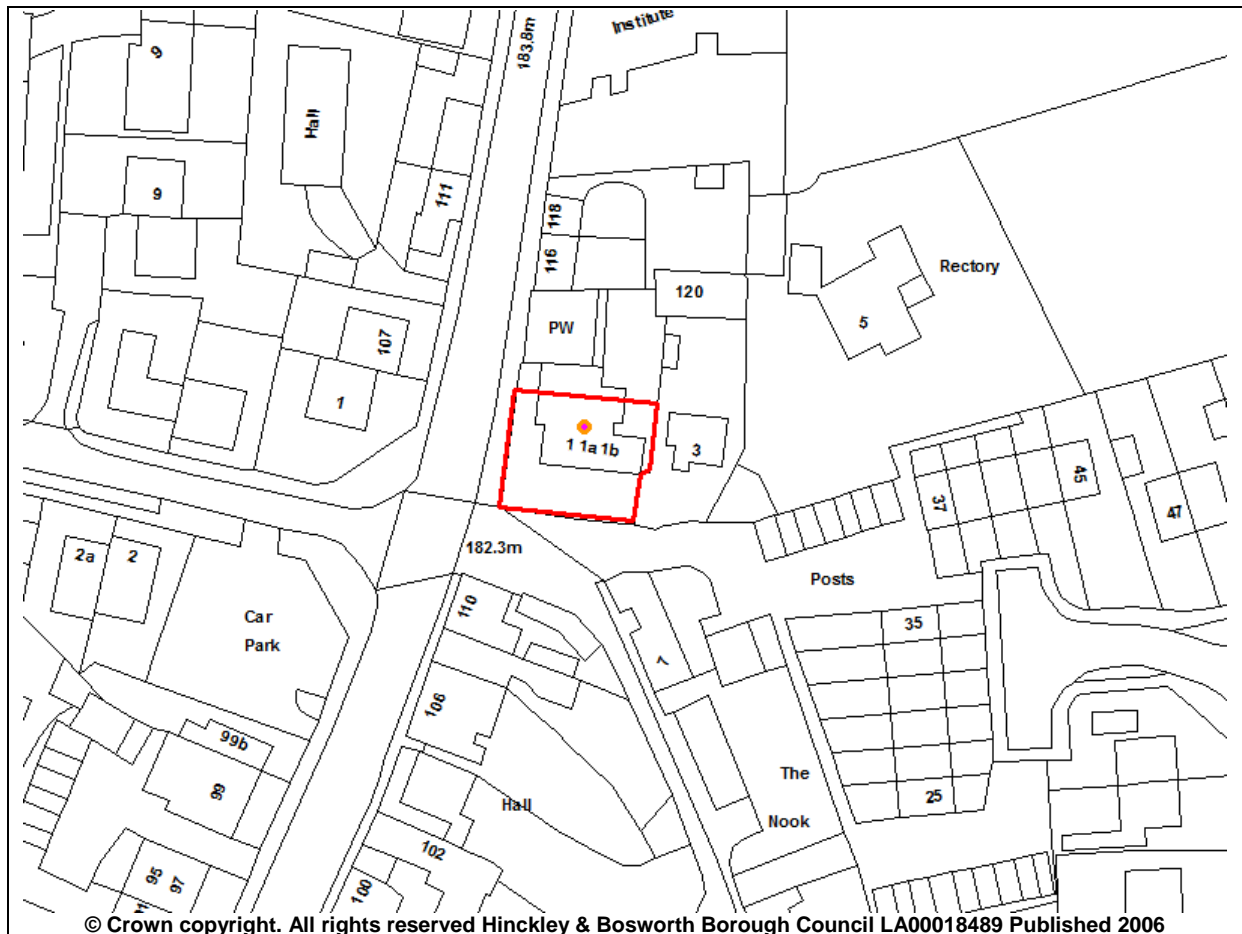
Planning Ref: 17/01084/FUL
Applicant: Lorraine Harris
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: 1 The Nook Markfield

Proposal: Conversion of existing building to create 5 flats



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

2.1. This application seeks planning permission for the subdivision of an existing three storey building to increase the proposed living accommodation from 3 flats to 5 flats through internal sub division.

- 2.2. Externally the application seeks to provide landscaping in the form of railings to the existing west boundary wall, an increase in parking situated to the front of the building, increasing from 3 to 5.
- 2.3. During the course of the application, amended plans have been submitted, which increased the proposed parking provision to the front, identified an existing basement and proposed railings to the perimeter of the boundary wall. A full 21 day re-consultation was carried out.
- 2.4. The proposed works internally and externally to the listed building and walls is also subject to a separate application (ref: 17/01085/LBC).

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the settlement boundary of Markfield and Conservation area of Markfield. The application site is located at the junction of Main Street and The Nook, and is situated adjacent to a number of residential properties.
- 3.2. The application property is a Grade II Listed Building and was the former Markfield Village rectory and dates from the late 18th Century. It is a grand three storey, three bay fronted building with a number of architectural features including angle pilasters, full height giant older centrepiece and semi-circular head and open pediments. Due to the scale and position of the building, the application building is a prominent feature within the Conservation area.
- 3.3.

4. Relevant Planning History

91/00695/4L	Alterations	Listed Building Consent	24.09.1991
91/00744/4	Extensions to two flats and erection of boundary wall	Approved	24.09.1991
17/01085/LBC	Conversion of existing building to create 5 flats	Pending Consideration	

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 3 objections have been received raising the following points:-
 1. Insufficient parking proposed which is overdevelopment of this property
 2. Flats could be occupied by a couple or family who own more than one vehicle.
 3. The nature of the houses located on this stretch of Main Street date back to before the 1800s do not afford residents driveways, already parking issues in the area and this will exacerbate.
 4. How is expected increase of cars to be accommodated without more vehicles staying in the public car park adjacent.

6. Consultation

- 6.1. No objections, some subject to conditions, has been received from:-
 - Environmental Health (Pollution)
 - Environmental Health (Drainage)

Historic England
Historic Buildings Panel
Leicestershire Archaeology
The Victorian Society
Georgian Group
Conservation Officer

6.2. Objections have been received from Markfield Parish Council and raise the following points:-

1. There are 5 flats/bed-sits and only 4 parking spaces

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- 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)
- Sections 66 and 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and Impact upon the character of the area, Listed Building and conservation area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Assessment against strategic planning policies

8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the development plan is the starting point for decision making and that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 13 of the NPPF states that the NPPF is a material consideration in determining applications.

- 8.3. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009), and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. Policy 8 of the Core Strategy states that to support local services and maintain rural population levels the Council will allocate land for the development of a minimum of 80 new dwellings in Markfield. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that accord with policies in the development plan.
- 8.5. The application site is located within the settlement boundary and conservation area of Markfield. Policy 8 of the Core Strategy identifies Markfield as a key rural centre relating to Leicester. Policy 7 of the Core Strategy supports housing development within the settlement boundaries, subject to consideration of all other material planning considerations. Therefore the subdivision of an existing building to create a net gain of 2 additional flats is considered to be acceptable in principle.

Design and Impact upon the character of the area, Listed Building and conservation area

- 8.6. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.7. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for the change of use, extensions and alterations of listed buildings and development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should ensure the significance of a conservation area is preserved and enhanced. Proposals which seek to improve identified neutral and negative areas inside designated conservation areas, which lead to the overall enhancement of the conservation area, will be supported and encouraged.
- 8.8. Section 12 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 132). The Setting of Heritage Assets guidance published by Historic England is also given due consideration during the determination of this application as the document sets out guidance on managing change within the setting of heritage assets.
- 8.9. Minor and moderate levels of harm are considered "less than substantial", and in accordance with Policy DM11 of the SADMP and paragraph 134 of the NPPF the harm caused by the proposal should be weighed against the public benefits. Recent case law has confirmed that considerable weight and importance should be given to the desirability of preserving the significance of heritage assets when carrying out the balancing exercise in accordance with the statutory duty, and the finding of harm (including less than substantial) to a listed building and its setting or a conservation area gives rise to a strong presumption against planning permission

being granted unless considerable public benefits or powerful material considerations clearly and demonstrably outweigh that harm.

- 8.10. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment – paragraph 20), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - Reducing or removing risks to a heritage asset
 - Securing the optimum viable use of a heritage asset in support of its long term conservation
- 8.11. 1 The Nook is a Grade II listed building, the former Markfield Village Rectory dates back to the late 18th Century. This grand three storey, three bay fronted building has a number of features of architectural interest including angle pilasters, full height giant older centrepiece, semi-circular head and open pediments, moulded parapet and cill bands. Internally the original plan form of the building is still discernible, with principle rooms set either side of a grand central lobby and staircase on the ground floor and smaller servicing rooms set to the rear. Such a plan form remains similar on the upper floors. Each of these elements provides the building with special historic and architectural interest and thus significance.
- 8.12. The building was converted into three separate flats during the late 20th century, facilitated by a number of internal and external works. Internal fit outs for the units from this time have meant that very little historic fabric or features of historical or architectural interest either remain or are visible, new windows were installed to all elevations, and a landscaping scheme was created including a multi-levelled brick boundary wall with hedging to Main Street enclosing a small lawn, and to the Nook a low level brick boundary wall/planter to the neighbouring property with a central paved pathway flanked by brick planters and piers and car parking spaces laid to gravel.
- 8.13. The property is located within the Markfield Conservation Area. Due to its historical use, its grand scale and status, and prominent siting at the corner of Main Street and The Nook it is a landmark feature within the conservation area that contributes positively to its character and appearance and thus significance. The proposal seeks to create five flats within the building by subdividing and renovating the ground floor and first floors, from one to two units and renovating the second floor. In addition to the subdivision of the existing flats, works to the existing curtilage is proposed in the form of additional landscaping and the creation of additional car parking. This includes the provision of iron railings to the existing boundary wall with Main Street, the removal of raised planters and walls which are in disrepair. A proposed new four panelled Georgian style black front door is also proposed set below the existing semi-circular fanlight, which would replace the existing door. However full details of the proposed door would be required prior to its replacement and would be secured by condition, to ensure it would be compatible with the building and provide an enhancement to the frontage and the character and appearance of the Conservation Area.
- 8.14. The proposed landscaping works to the front and side of the building would improve the setting and the character and appearance of the Markfield Conservation Area.

Iron railings are to be installed to the existing multi level boundary wall which would restore the character of the property. The planter and boundary wall situated to the front of the property and forms the east boundary to the neighbouring property on The Nook, is to be replaced with a boundary wall, which would complement the wider area. It appears that the existing soft landscaping to the side of the property consisting of a section of hedgerow, a small number of shrubs and the remainder laid to lawn is to remain. The existing angled and steep steps to the front door are to be removed and rebuilt. The pathway to the door and flanking planters and brick piers are to be removed to provide room for extra car parking. The existing car parking spaces are laid to gravel but have an untidy appearance with a proliferation of weeds, and a landscaping scheme to be secured by condition to ensure an improved surface treatment for the hardstanding and the provision of a bin store to serve the proposed development is necessary to ensure a high quality finish.

- 8.15. It is therefore considered that the proposal provides public benefits to the site's contribution to the conservation area and the setting of the listed buildings through the proposed improvements to the landscaping surrounding the property. The proposed associated works to create the additional flats are compatible with the setting of the listed building, retaining its special interest thus significance and would not result in any harm to this heritage asset. Therefore the proposal complies with Policies DM11 and DM12 of the SADMP, Section 12 of the NPPF and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.16. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.17. The application site, is situated within an area of predominately residential dwellings. Adjoining the application to the north, is a 112 Main Street, and to the east a detached dormer bungalow.
- 8.18. The enabling works to create 5 flats other than the amendments to the external landscaping is limited to internal works. The proposed development would not result in any additional windows in the building and the outlook from the flats would remain unchanged. Therefore this proposal would not result in any additional overlooking towards neighbouring properties.
- 8.19. Given the limited works proposed by the development, it is not considered that the development would have any adverse impact upon any neighbouring amenity, in terms of overlooking to accord with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.20. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.21. The existing property currently serves as 3 flats, which equates to 5 bedrooms across the three floors. This proposal would result in a 5 flats, which would have a total of 6 bedrooms, with 2 of the proposed flats being bedsits and therefore only suitable single person occupation. During the course of the application, amended plans have been received which increases the proposed parking provision to 5 off street parking spaces being created. This proposal would be an increase from 3 which currently serves the 5 bedroomed properties.

- 8.22. The 6C's Design Guide, seeks the provision of 6 off street parking spaces to serve the proposed flats. The proposed development would have an under provision of 1 parking space to serve the development. The existing property currently has an under provision of 2 parking spaces. This scheme would therefore be betterment upon the existing arrangement. Furthermore the property is situated within the centre of Markfield and within close proximity to existing bus services into Leicester. There is also on street parking provision within Main Street, and a car park to the south west of the application site on the opposite side of the road, accessed from Uplands Drive. The 6Cs Design Guidance does allow for provision of reduced parking spaces in areas where reliance on private car is reduced. The proposal is therefore not considered to have an adverse impact upon highway safety and would accord with Policy DM18 of the SADMP.

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 result in two additional flats within the settlement boundary of Markfield in accordance with Policy 7 and 8 of the Core Strategy.
- 10.2. It is considered that the proposal would result in public benefits due to the improvements and enhancements to the landscaping surrounding the Listed Building. The proposed scheme would preserve and complement the character of the area, Markfield Conservation Area and would enhance the setting of the Listed Building and would preserve the special architectural and historic interest in accordance with Policies DM10, DM11 and DM12 of the adopted SADMP and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.
- 10.3. The proposed development would not adversely impact upon neighbouring amenity and would protect the amenity of future occupiers. The proposed development would provide five off street parking spaces to serve the proposed development, and given the characteristics of the wider street and the sustainable location it would not result in an adverse impact upon highway safety.
- 10.4. The proposed development accords with Policies 7 and 8 of the Core Strategy and Policies DM1, DM10, DM11, DM12 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. That the Planning Manager Development Management 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 year 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 Dwg No.A-EX-001 received 24 October 2017, Proposed Site Plan Dwg No. A-PL-001 Rev C, Proposed Ground Floor Dwg No.A-PL-100 Rev C, Proposed first floor plan Dwg No.A-PL-101 Rev B, Proposed second Floor Plan Dwg No.A-PL-102 Rev B, Proposed Basement Plan Dwg No.A-PL-103, Proposed front elevation Dwg No. A-PL-200 Rev B and Proposed Side Elevation Dwg No.A-PL-201 Rev B received by the Local Planning Authority on the 20 December 2017.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1, DM4, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD.

3. Prior to the commencement of development, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. These details shall include:-

- planting plans
- Hard surfacing materials
- Boundary Treatments
- Bin storage
- Implementation programme

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document.

4. Prior to occupation of the development hereby approved the proposed parking provision shall be fully implemented in accordance with submitted plan Proposed Site Plan Dwg No. A-PL-001 Rev C received by the Local Planning Authority on the 20 December 2017, and shall be maintained and made available at all times in perpetuity.

Reason: To ensure adequate parking is provided and made available to serve the development to accord with Policy DM18 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.

This page is intentionally left blank

Planning Committee 6 February 2018
Report of the Planning Manager (Development Management)

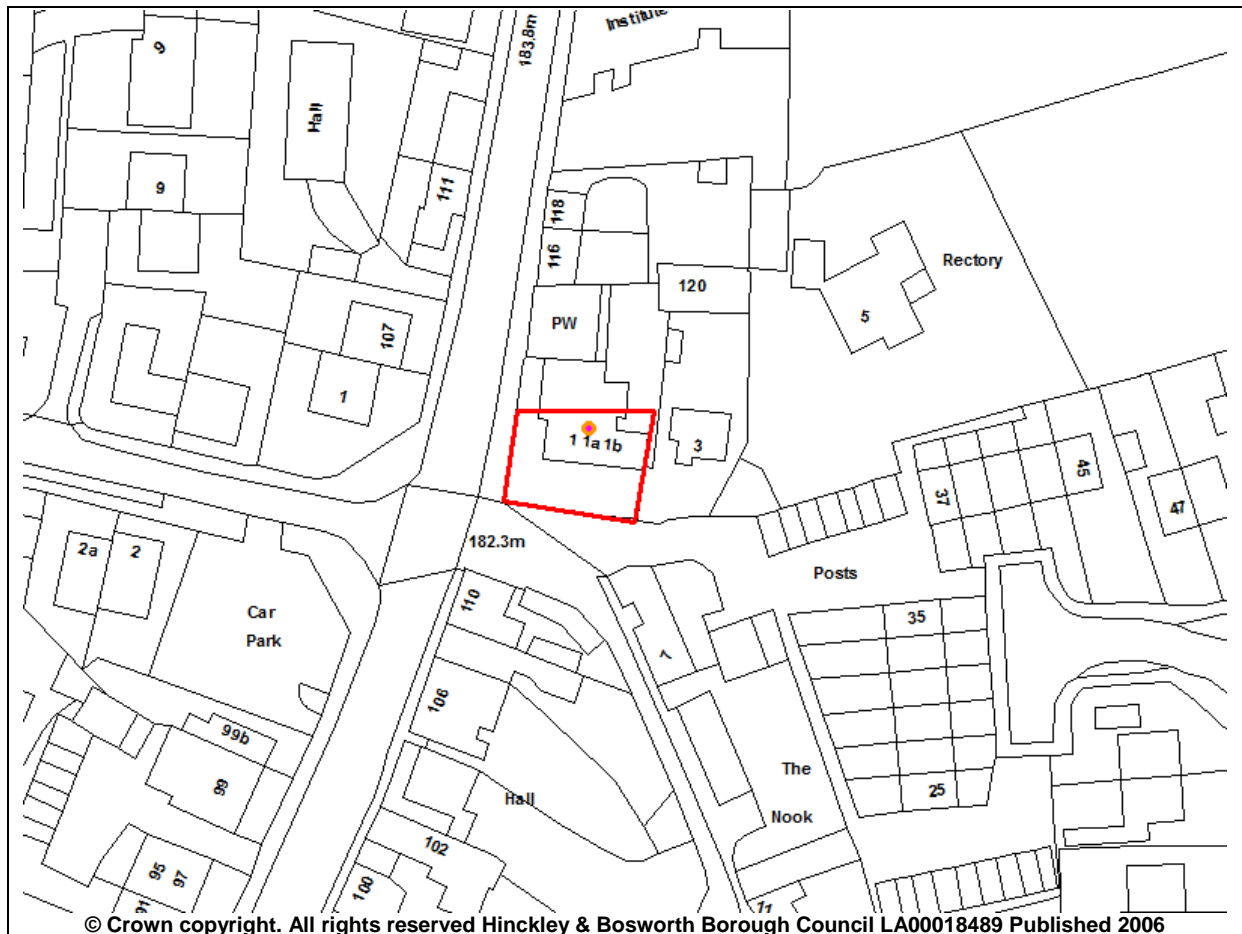
Planning Ref: 17/01085/LBC
Applicant: Lorraine Harris
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: 1 The Nook Markfield

Proposal: Conversion of existing building to create 5 flats



1. Recommendations

1.1. Grant Listed Building Consent subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

2.1. This application seeks Listed Building Consent for the subdivision of an existing three storey building to increase the proposed living accommodation from 3 flats to 5 flats through internal sub division.

2.2. During the course of the application, amended plans have been submitted, which increased the proposed parking provision to the front, identified an existing

basement and proposed railings to the perimeter of the boundary wall. A full 21 day re-consultation was carried out.

- 2.3. This application should be read in conjunction with 17/01084/FUL.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located within the settlement boundary of Markfield and Conservation area of Markfield. The application site is located at the junction of Main Street and The Nook, and is situated adjacent to a number of residential properties.
- 3.2. The application property is a Grade II Listed Building and was the former Markfield Village rectory and dates from the late 18th Century. It is a grand three storey, three bay fronted building with a number of architectural features including angle pilasters, full height giant older centrepiece and semi-circular head and open pediments. Due to the scale and position of the building, the application building is a prominent feature within the Conservation area.

4. Relevant Planning History

91/00695/4L	Alterations	Listed Building Consent	24.09.1991
91/00744/4	Extensions to two flats and erection of boundary wall	Approved	24.09.1991
17/01084/FUL	Conversion of existing building to create 5 flats	Pending Consideration	

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 2 objections have been received raising the following points:-
1. Insufficient parking proposed which is overdevelopment of this property
 2. How is expected increase of cars to be accommodated without more vehicles staying the public car park adjacent.

6. Consultation

- 6.1. No objections, some subject to conditions, has been received from:-
 Environmental Health (Pollution)
 Environmental Health (Drainage)
 Historic England
 Historic Buildings Panel
 Leicestershire Archaeology
 The Victorian Society
 Georgian Group
 Conservation Officer
- 6.2. Objections have been received from Markfield Parish Council and raise the following points:-

1. There are 5 flats/bed-sits and only 4 parking spaces

7. Policy

7.1. Site Allocations and Development Management Policies DPD (2016)

- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

7.2. National Planning Policies and Guidance

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

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the Grade II Listed Building and its setting

Assessment against strategic planning policies

8.2. Policies DM11 and DM12 of the emerging SADMP and Section 12 of the NPPF seek to conserve and enhance heritage assets in a manner according to their significance but support repair and alterations to listed buildings in principle where they would not detract from the architectural or historical character of the buildings or their setting. Therefore the main considerations with regards to this application are whether the proposed repair works/alterations would have any adverse impacts that would detract from the architectural or historical character of this Grade II listed building or its setting to an unacceptable degree.

Impact of the proposed alterations on the historic fabric and architectural significance of the listed building and its setting

8.3. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses.

8.4. Policies DM11 and DM12 of the adopted SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals for change of use of listed buildings should be compatible with the significance of the building and its setting.

8.5. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when considering whether to grant listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses.

8.6. Section 12 of the NPPF provides national guidance on conserving and enhancing the historic environment. Paragraph 134 of the NPPF states that where a

development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use.

- 8.7. No.1 The Nook is a Grade II listed building that was the former Markfield village rectory. It dates from the late 18th century, and is a grand three storey and three bay fronted building with a number of features of architectural interest including angle pilasters, full height giant older centrepiece, semi-circular head and open pediments, moulded parapet and cill bands. Internally the original plan form of the building is still discernible, with principle rooms set either side of a grand central lobby and staircase on the ground floor and smaller servicing rooms set to the rear. Such a plan form remains similar on the upper floors. Each of these elements provides the building with special historic and architectural interest and thus significance.
- 8.8. The building was converted into three separate flats during the late 20th century, facilitated by a number of internal and external works. Internal fit outs for the units from this time have meant that very little historic fabric or features of historical or architectural interest either remain or are visible, new windows were installed to all elevations, and a landscaping scheme was created including a multi-levelled brick boundary wall with hedging to Main Street enclosing a small lawn, and to the Nook a low level brick boundary wall/planter to the neighbouring property with a central paved pathway flanked by brick planters and piers and car parking spaces laid to gravel.
- 8.9. This proposal is to create five flats within the building by subdividing and renovating the ground and first floors from one to two units and renovating the existing second floor unit, alongside works to the grounds/landscaping to create additional car parking spaces. Some like-for-like and appropriate external repairs (replacement roof leadwork, repairs to pediment boarding and stone bands) and internal works (including replacing radiators and kitchen fittings, installing a soil pipe) have recently been undertaken which have had no impact on the special interest and significance of the building and therefore did not require listed building consent.
- 8.10. Internal works to facilitate the creation of five flats include installing two small sections of solid wall to divide the current hallway and create the second flat on the ground floor. On the first floor only one small section of solid wall is to be removed to provide a door between the front left living room and central bedroom. A limited number of stud walls are to be installed to create divisions between newly created bathrooms and an entrance lobby. Due to the very limited number of insertions of new solid and stud walls and only one occurrence of small section of existing solid wall being removed the historic plan form of each floor will remain clearly discernible. No new solid or stud walls are to be inserted or existing walls altered on the second floor flat.
- 8.11. The fitting out of the new flats is cosmetic in nature, with the reconfiguration of room uses on the ground and first floors and the installation of new kitchen and bathroom fittings and boilers. New flooring is being installed replacing flooring installed in the 20th century. On the top floor there are no changes proposed to the use of each room but a new kitchen and bathroom is being installed and original timber ceiling beams left exposed. The property does have a vaulted basement which has been damp proofed at some point towards the end of the 20th century but now requires remedial works, the basement however is not planned to form part of one of the

flats. Overall the internal works to the property will retain the special interest of the building.

- 8.12. A new four panelled Georgian style black front door is proposed set below the existing semi-circular fanlight, replacing the current 20th century door. Details of this proposed new door should be secured via a condition, and an appropriately styled door will be compatible with the building and provide an enhancement to the frontage. Iron railings are to be installed to the existing multi-levelled boundary wall which extends to the west of the Listed Building and encloses to the curtilage to the west of the building. The planter/boundary wall to the side of the neighbouring property on The Nook is to be replaced with a boundary wall of the same height, which would enhance the setting of the Listed Building.
- 8.13. By virtue of ensuring that the original internal plan form of the building remains discernible, ensuring no historic fabric is adversely affected, and providing a more appropriate front door and boundary treatment, which would be subject to condition, the proposed works to create the additional flats would be compatible with the listed building and its setting and will retain its special interest and thus significance. Therefore the proposal complies with Policies DM11 and DM12 of the SADMP, section 12 of the NPPF and the statutory duty of Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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 internal alterations would preserve the historic fabric and architectural character and therefore significance of the Grade II listed building and its setting in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies DM11 and DM12 of the adopted SADMP and the overarching principles of Section 12 of the NPPF and are therefore recommended for listed building consent subject to conditions.

11. Recommendation

- 11.1. **Grant listed building consent** subject to:

- Planning conditions outlined at the end of this report.
- 11.2. That the Planning Manager Development Management 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 18 of the Planning (Listed Building and Conservation Areas) Act 1990.
 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Dwg No.A-EX-001 received 24 October 2017, Proposed Site Plan Dwg No. A-PL-001 Rev C, Proposed Ground Floor Dwg No.A-PL-100 Rev C, Proposed first floor plan Dwg No.A-PL-101 Rev B, Proposed second Floor Plan Dwg No.A-PL-102 Rev B, Proposed Basement Plan Dwg No.A-PL-103, Proposed front elevation Dwg No. A-PL-200 Rev B and Proposed Side Elevation Dwg No.A-PL-201 Rev B received by the Local Planning Authority on the 20 December 2017.

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1, DM4, DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies DPD.
 3. Before any development commences, full details of the proposed front door including a scale section, proposed colour and finish shall be deposited with and approved in writing by the Local Planning Authority and shall be implemented in accordance with those approved details.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policies DM10, DM11 and DM12 of the adopted 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.

Planning Committee 6 February 2018
Report of the Planning Manager, Development Management

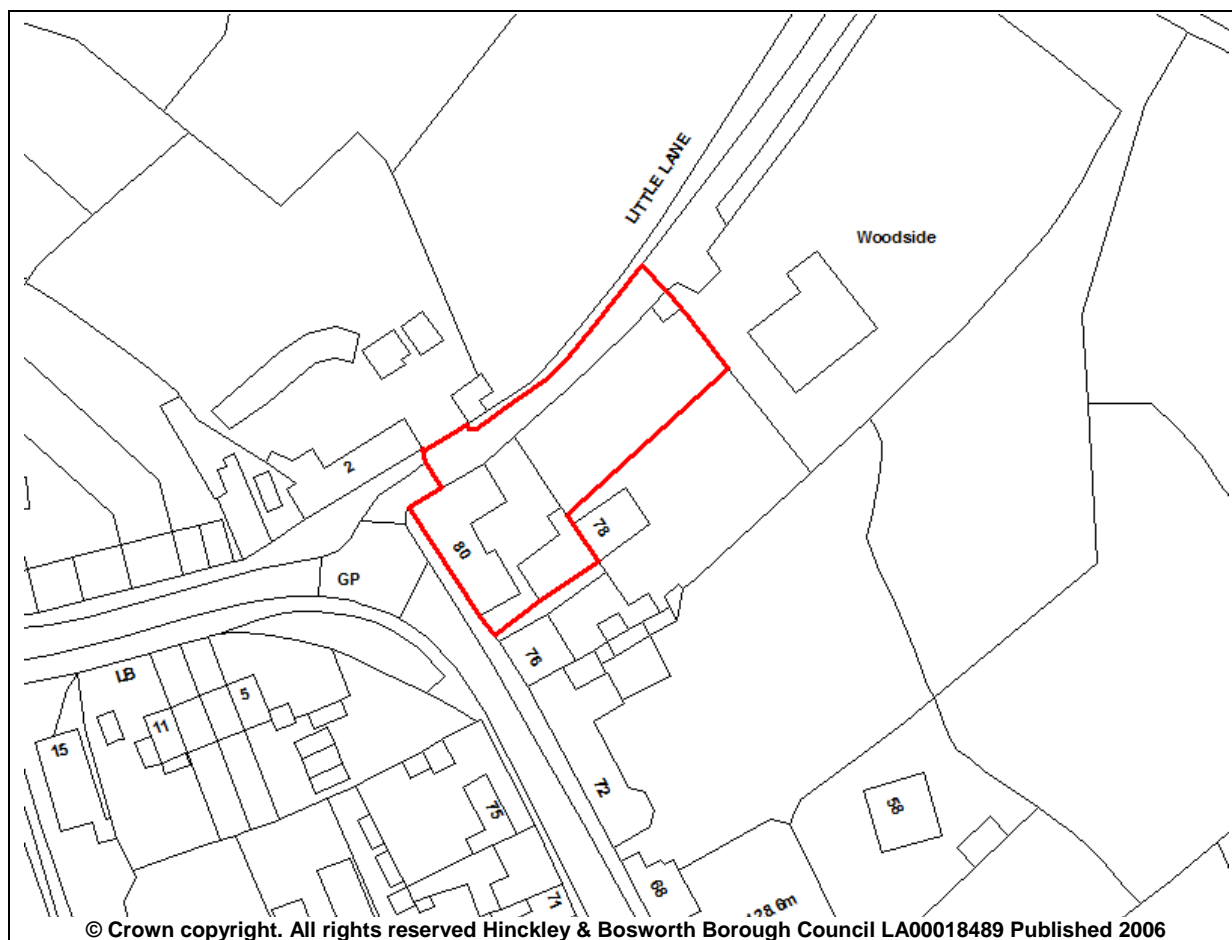
Planning Ref: 17/01047/HOU
Applicant: Mr Alan Cooper
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 80 Main Street Desford

Proposal: Removal of a section of wall to create a vehicular access and erection of gates



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Planning Manager, Development Management be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This application seeks planning permission for the removal of a section of wall and erection of solid wooden gates to create a vehicular access on Little Lane with a car parking area in the rear garden of the existing dwelling.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located on the northern side of Desford within the settlement boundary and conservation area. The area is characterised by primarily residential development with dwellings set forward on the plot abutting the footpath. Dwellings in the vicinity are served by low levels of off-street car parking resulting in on-street car parking on surrounding roads. To the north of the application site is a planted area and beyond that is agricultural land. To the north east are two dwellings access along Little Lane.
- 3.2. The application site comprises a two storey dwelling set forward on the plot. The dwelling has a garage and an area of hardstanding sufficient to accommodate a single vehicle. The site includes Little Lane as this is a private road. The appropriate advertisement has been undertaken by the applicant and certificates of ownership signed in relation to land outside their ownership. Public footpath R87 runs along Little Lane. There is a historic wall between no. 80 Main Street and Little Lane constructed with a stone base with brick atop and comprising pillars at regular intervals.

4. Relevant Planning History

None applicable.

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. Six representations of objection have been received commenting that:
- 1) There is already 2 off-street car parking spaces as well as a garage
 - 2) The design of the gates are not in-keeping with the age and style of the conservation area
 - 3) Access via Little Lane is restricted to 4 access points and would breach the original contract
 - 4) Increased traffic along Little Lane would endanger users of the footpath
 - 5) Visibility at the access would be poor
 - 6) There is an original floor from a Victorian sunken greenhouse where the hardstanding is proposed
 - 7) Traffic on Main Street is horrendous and often congested

6. Consultation

- 6.1. Leicestershire County Council (Highways) refer to standing advice.
- 6.2. Leicestershire County Council (Public Rights of Way) – there is concern about the generation of additional traffic and the impact on users of the footpath on a stretch which is narrow.
- 6.3. Leicestershire County Council (Archaeology) – no objection.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 7: Key Rural Centres
 - Policy 8: Key Rural Centres Relating to Leicester
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- 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 DM13: Preserving the Borough's Archaeology
- 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

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Archaeology
- Other matters

Design and impact upon the character of the area

- 8.2. 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. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation area. Section 12 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.3. This proposal seeks to remove a section of wall to create a vehicular access and the erection of solid wooden gates. The current wall bounding the garden of 80 High Street from Little Lane is constructed of red brick with blue saddleback coping stones and set on a stone base. It is of a considerable height, reaching 2.8 metres in height due to site levels towards the neighbouring property on Little Lane. The wall is located within the Desford Conservation Area and the Conservation Area Appraisal identifies that brick boundary walls provide a strong sense of enclosure, channel views and provide a distinct local identity. The wall subject to this application is no exception and it contributes positively to the character and appearance and thus significance of the conservation area.
- 8.4. The existing wall along Little Lane in which the proposed access is to be constructed contributes positively to the character and appearance of the conservation area. Due to the age and maintenance of the wall it has deteriorated in areas. To ensure that the works to the wall are undertaken appropriately, a Construction Method Statement (CMS) should be secured through a planning condition. The CMS would require the applicant to detail how the works will be undertaken, whether any machinery will be used, the extent of materials to be removed and rebuilt etc. Planning permission is required for the removal or partial removal of a wall within a conservation area. The CMS would control the extent of the works and ensure that no materials are unnecessarily removed. Any works which are not detailed in the CMS would be considered unauthorised and could be subject to enforcement action.

- 8.5. The proposal seeks to remove a 3.8 metre section of the wall on to Little Lane to provide car parking spaces. Details have been submitted which identify that the gates are to be constructed of solid timber and to nearly the same height as the existing wall with a slightly curved design for the top. The Conservation Area Appraisal provides guidance states that where the loss of important boundary walls is unavoidable any new openings should be as narrow as possible. In this instance, the loss of a 3.8 metre section of wall cannot be narrowed any further without adversely impacting on visibility splays at the access. Additionally, the width of the gates has been determined by the space between the existing brick pillars. The section of wall to be removed is relatively small in the context of the considerable length of the wall along Little Lane. By virtue of the height of the proposed replacement gates, their appearance and materials, they would retain a reasonable and appropriate sense of enclosure along Little Lane
- 8.6. Due to the contribution the wall makes to the significance of the conservation area a loss of a section of the wall will cause a minor level of harm to its significance which is considered to be "less than substantial". In accordance with Policy DM11 of the SADMP and paragraph 134 of the NPPF the harm caused by the proposal should be weighed against the public benefits.
- 8.7. Public benefits arising from the scheme are limited to the removal of two cars parking on-street around the junction of Main Street and Little Lane. At present, the level of on-street car parking in this area is considered to have an adverse impact on the character and appearance of the conservation area. Additionally, concerns have been raised Main Street is congested with vehicles struggling to pass one another. The removal of some on-street car parking would make a minor contribution to alleviating the congestion.
- 8.8. It is considered that the public benefit resulting from the proposed development is minor. However, the level of harm caused to the significance of the conservation area is also minor. In this instance, on balance, it is considered that the public benefits of the scheme outweigh the harm caused to the conservation area.

Impact upon neighbouring residential amenity

- 8.9. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties.
- 8.10. The proposed access would be in close proximity to Woodlands along Little Lane and the car parking area would be near to 76 Main Street. The proposed access would increase vehicular movements in close proximity to both the dwellings. However, it is considered that the vehicle movements would not generate noise and disturbance that would be significantly harmful to the amenity of the occupiers of the neighbouring dwellings.

Impact upon highway safety

- 8.11. 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.
- 8.12. This application seeks planning permission for the demolition of a section of wall and erection of gates to facilitate a vehicular access onto Little Lane. Little Lane is a private road which is single track bound on one side by the wall of the application site and hedgerow on the other. Public footpath R87 runs along Little Lane. Leicestershire County Council (Highways) were consulted on the application and referred to standing advice. Leicestershire County Council (Public Rights of Way) have raised concern that the proposed development would generate additional

traffic along the lane which could adversely impact on the users of the footpath given the width of the lane and the lack of refuge for pedestrians.

- 8.13. The proposed vehicular access would be 3.5m wide. In accordance with the 6Cs Design Guide an access serving a single dwelling should be 2.75m wide. From an access, pedestrian visibility splays of 1m by 1m would be sought. Given the height of the existing wall, normal pedestrian visibility splays could not be achieved without further removal of the wall which would be harmful to the character of the conservation area and therefore splays of only 0.4m by 0.4m are proposed. Having regard to the narrow nature of Little Lane vehicles would be required to egress the site slowly. Additionally, pedestrians are likely to walk towards the middle of the lane as opposed to directly adjacent to the access which increases visibility at the access. Although the pedestrian visibility splays would not meet the recommended requirements, it is considered that the access would not have an adverse impact on highway safety.
- 8.14. Concern has been raised regarding limited visibility and the lack of pedestrian refuge along Little Lane as well as the increase in vehicle movements. There are two dwellings along Little Lane at present as well as accesses to agricultural land. There is clear visibility from the end of the footpath at the top of Little Lane to the proposed access and therefore there would be no conflict between users of the footpath and vehicles and no requirement for refuge/a passing bay. There are no known incidents between vehicles and pedestrians along Little Lane and therefore it is considered there would not be any adverse impacts resulting from the increase in vehicle movements along this section of Little Lane.
- 8.15. At the junction of Main Street and Little Lane, vehicle visibility splays are often obscured by on-street parking in both a westerly and southerly direction. The proposed development would reduce the level of on-street car parking which would increase visibility at the junction and provide betterment to highway safety.
- 8.16. The applicant has commented that there is currently insufficient off-street car parking provision serving the occupiers of the dwelling. The dwelling is served by a garage and an area of hardstanding forward of the garage. Car parking spaces are required to be 2.4m by 5.5m and garages are required to be 3m by 6m if they are considered to provide a car parking space. The existing garage is not sufficient in size to provide a car parking space and the area of hardstanding is only sufficient to accommodate a single vehicle. Therefore, it is considered there is presently insufficient car parking provision serving the dwelling. The proposed development would increase the provision of off-street car parking to a level more appropriate level for a dwelling of this size and in a settlement with limited facilities and services.

Archaeology

- 8.17. Policy DM13 of the SADMP seeks to ensure appropriate investigation of archaeological remains where a development may impact upon the significance of an asset.
- 8.18. Concern has been raised that the development may impact upon Victorian remains. Leicestershire County Council (Archaeology) has commented that historic maps identify a small structure in the northern corner of the proposed driveway. However, neither of these is likely to be of such significance to warrant formal archaeological investigation. Additionally, the small scale of the proposed groundworks is unlikely to offer any opportunity to properly investigate the archaeological potential. It is considered that the proposed development would not impact upon archaeological remains of any significance.

Other matters

- 8.19. Concern has been raised that there is only permission for the existing accesses along Little Lane and the proposed access would not have lawful access. The applicant have undertaken advertisement in accordance with the regulations to determine the owner of the Lane and signed the appropriate certificates of ownership. This permission would allow the access to be constructed but would not provide lawful access along Little Lane without the owner's permission. Permission/right of access along Little Lane is a civil issue and is not a material planning consideration that can be taken into account in the assessment of this application.
- 8.20. Concern has been raised regarding the removal of a tree from the northern end of the rear garden of the application site which would be used for the hardstanding which would serve the proposed access. No consent was gained for the removal of the tree which was required due to its siting within the conservation area and therefore these works were unauthorised. This matter was previously reported to Planning Enforcement; and it was considered that given the limited size and the siting of the tree within the rear garden and largely screened by the existing wall; the tree made only a limited contribution to the conservation area. Therefore, it was considered not to be expedient to take enforcement action in respect of the unauthorised works. In addition it was not considered appropriate to require replacement planting or other remedial works which the proposed works could impede.

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 result in a less than substantial level of harm to the significance of the conservation area which is considered to be outweighed by the public benefits. The proposal would increase the level of off-street car parking associated with the dwelling to an acceptable level. There would not be an adverse impact on the amenity of neighbouring occupiers nor highway safety including users of the footpath along Little Lane. There would be no requirement for archaeological investigation on the site. The proposed development is considered to be in accordance with Policies DM1, DM10, DM11, DM12, DM13, DM17 and DM18 of the SADMP and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. Recommendation

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

- Planning conditions outlined at the end of this report.
- 11.2. That the Planning Manager, Development Management 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 except in complete accordance with the details shown on the submitted plans, details and materials:

Site Location Plan (received on 21 December 2017)
Proposed Gate Elevation (received on 18 December 2017)
Block Plan (received on 18 December 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. Prior to commencement of development, details of the materials and any finishes to be used for the gates shall be submitted to 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 and in the interests of visual amenity to accord with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD.
 4. Prior to the commencement of any development, including demolition, hereby permitted a Construction Method Statement shall be submitted and approved by the Local Planning Authority. All works shall be carried out in accordance with the approved Construction Method Statement. Any works not detailed within the Construction Method Statement shall be considered to be unauthorised.

Reason: To ensure the integrity of the wall adjoining Little Lane and its continuing positive contribution to the conservation area to accord with Policies DM10, DM11 and DM12 of the adopted 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.

This page is intentionally left blank

PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 26.01.18

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
	RWE	17/01025/FUL	WR	GPH Hinckley Road Development Ltd	Hinckley Sheds, 65 Hinckley Road, Burbage, LE10 2AF	Awaiting Start Date	
	AC	17/01204/HOU (PINS Ref 3194210)	WR	Mr and Mrs Pither Evergreen 101 Stapleton Lane Barwell LE9 8HE	Evergreen 101 Stapleton Lane Barwell	Appeal Valid Awaiting Start Date	23.01.18
	CB	17/00980/HOU (PINS Ref 3192937)	WR	Mr Richard Seabrook 25 Warwick Gardens Hinckley	25 Warwick Gardens Hinckley	Appeal Valid Awaiting Start Date	08.01.18
	CA	10/00221/UNAUTH (PINS Ref 3192396)	IH	Mr F Hopkins The Bungalow Coalville DE12 7DQ	Land at Allotment Gardens Newtown Linford Lane Groby Leicestershire	Awaiting Start Date	
18/00002/PP	AC	17/01005/FUL (PINS Ref 3192408)	WR	Mr and Mrs Patel 2A Queen Street Barwell LE9 8EA	2A Queen Street Barwell LE9 8EA	Start Date Statement of Case Final Comments	22.01.18 26.02.18 12.03.18
	RWR	17/00115/FUL (PINS Ref 3189810)	IH	Mr K Saigal Centre Estates 99 Hinckley Road Leicester	Land Off Paddock Way Hinckley	Awaiting Start Date	
	AC	17/00852/HOU (PINS Ref 3189344)	WR	Mr & Mrs C Elleman 20 Turner Drive Hinckley	20 Turner Drive Hinckley	Valid Appeal Awaiting Start Date	15.11.17
17/00030/PP	HK	17/00531/OUT (PINS Ref 3188948)	PI	Gladman Developments Ltd Gladman House Alexandria Way Congleton Cheshire CW12 1LB	Land East Of The Common Barwell	Start Date Statement of Case Proof of Evidence Inquiry Date (8 days)	11.12.17 02.02.18 15.05.18 12.06.18

17/00031/FTPP	CB	17/00870/HOU (PINS Ref 3188941)	WR	Mrs Lorna Beasley 32 Barton Road Barlestone	32 Barton Road Barlestone (Two storey rear extension and first floor front extension)	Start Date Awaiting Decision	15.12.17
18/00001/FTTREE	CB	17/00930/TPO (PINS Ref 3187799)	WR	Mr Andrew Baxter 4 Market Mews Market Bosworth	4 Market Mews Market Bosworth (Removal of overhanging branches on western side of tree overhanging the garden of 4 Market Mews. This is further works to the permission granted and executed during winter 2016/17)	Start Date Awaiting Decision	04.01.18
17/00028/PP	RWR	17/00167/FUL (PINS Ref 3187222)	WR	Mr Jerzy Prusinski 5 Meadow Lane Stanton under Bardon	Land Meadow Lane Stanton Under Bardon Coalville (Erection of detached house and	Start Date Awaiting Decision	04.12.17
17/00027/PP	RWR	17/00169/FUL (PINS Ref 3186840)	WR	Mr Jerzy Prusinski 5 Meadow Lane Stanton under Bardon	Land Meadow Lane Stanton Under Bardon Coalville (Erection of detached house and detached double garage (Plot 3))	Start Date Awaiting Decision	04.12.17
17/00026/PP	RWR	17/00168/FUL (PINS Ref 3186837)	WR	Mr Jerzy Prusinski 5 Meadow Lane Stanton under Bardon	Land Meadow Lane Stanton Under Bardon Coalville (Erection of detached house and detached double garage (Plot 2))	Start Date Awaiting Decision	04.12.17
	CA	17/00048/S215S (PINS Ref 3185061)	WR	Mr Balbir Singh	Former Police Station Upper Bond Street Hinckley	Awaiting Start Date	
17/00018/TREE	JS	17/00259/TPO (PINS Ref 6192)	WR	Richard Jones Ground Floor Unit3 Millers Yard Roman Way Market Harborough LE16 7PW	Land Adjacent 2 Hangmans Lane Hinckley (Removal of group of crack willow trees)	Start Date Awaiting Decision	22.09.17

17/00023/PP	RWR	17/00123/OUT (PINS Ref 3184407)	WR	Mr Phil Walker Groby Road Ratby LE6 0LJ	Land Rear Of 4 - 28 Markfield Road Ratby (Erection of four dwellings (Outline - access, layout and scale))	Start Date Awaiting Decision	02.11.17
	TW	17/00607/FUL (PINS Ref 3184092)	WR	Mr Paul Flemans Nuneaton Car Sales 70 Hinckley Road Nuneaton CV11 6LS	Unit 18 Hinckley Business Park Brindley Road Hinckley (Change of use from storage and distribution (B8) to motor vehicles storage, restoration and sales (sui- generis) (Retrospective) (Resubmission of application 16/00765/COU))	Awaiting Start Date	
17/00029/PP	CA	17/00055/FUL (PINS Ref 3179549)	WR	Mr Daniel Cliff 223 Markfield Road Groby	223 Markfield Road Groby (Siting of a storage container)	Start Date Awaiting Start Date	04.12.17

Decisions Received

Rolling 1 April 2017 - 26 January 2018

17/00022/COND	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)	DISMISSED	08.01.18
17/00024/FTPP	TW	17/00520/HOU (PINS Ref 3189242)	WR	Stephen John Gray 1 Elm Close Groby	1 Elm Close Groby (Erection of boundary fence (retrospective))	DISMISSED	24.01.2018
17/00025/FTPP	CB	17/00561/HOU (PINS Ref 3188266)	WR	Mr & Mrs Witham 5 Lancaster Avenue Market Bosworth	5 Lancaster Avenue Market Bosworth Nuneaton (Single storey side, rear and front extensions, detached single garage and replacement boundary wall)	DISMISSED	24.01.2018

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
23	5	17	0	1	5	0	17	0	0	0	0	0	0

Enforcement Appeal Decisions

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