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Hinckley & Bosworth
Borough Council

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

Date: 29 March 2018

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
Mrs MA Cook	Mrs H Smith
Mrs GAW Cope	Mrs MJ Surtees
Mr WJ Crooks	Miss DM Taylor
Mr MA Hall	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, 10 APRIL 2018** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen
Democratic Services Officer

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 - 10 APRIL 2018

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 6)

To confirm the minutes of the meeting held on 6 March.

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. 17/00964/FUL - LAND SOUTH OF CRIMSON WAY, BURBAGE (Pages 7 - 22)

Application for erection of 30 dwellings.

8. 17/01050/OUT - HORNSEY RISE MEMORIAL HOME, BOSWORTH ROAD, WELLSBOROUGH (Pages 23 - 46)

Application for demolition of care home building and erection of up to 20 dwellings including conversion of former chapel to dwelling and associated access, drainage and landscaping works (in part).

9. 17/01268/FUL - MEADOW BARN, SHENTON LANE, UPTON (Pages 47 - 54)

Application for removal of two mobile homes and residential storage barn and erection of dwelling.

10. 18/00018/REM - LAND ST MARYS COURT, BARWELL (Pages 55 - 64)

Application for approval of reserved matters (layout, scale, appearance and landscaping) of outline planning permission 16/00966/OUT for residential development of nine dwellings.

11. 18/00178/CONDIT - KINGSCLIFFE, 48 BARTON ROAD, MARKET BOSWORTH (Pages 65 - 78)

Application for variation of condition 2 of planning permission 17/00612/CONDIT for an additional attached garage to the front, re-siting of the house and an amended site layout.

12. 18/00038/HOU - 15 DENIS ROAD, BURBAGE (Pages 79 - 88)

Application for first floor extension to bungalow to form two and a half storey dwelling with alterations to all elevations (resubmission of 17/00546/HOU).

Members were “minded to refuse permission” at the previous meeting of the Planning Committee and this item is therefore brought back to the committee in accordance with paragraph 2.12 of the procedure rules.

13. APPEALS PROGRESS (Pages 89 - 92)

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

Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

6 MARCH 2018 AT 6.30 PM

PRESENT: Mr R Ward - Chairman
Mr BE Sutton – Vice-Chairman
Mr PS Bessant, Mr MB Cartwright (for Mrs GAW Cope), Mrs MA Cook, Mr WJ Crooks, Mr MA Hall, Mrs L Hodgkins, Mr E Hollick, Mrs J Kirby, Mr C Ladkin, Mr M Nickerson (for Ms AV Wright), Mr RB Roberts, Mrs H Smith 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: Gemma Dennis, Julie Kenny, Rob Parkinson, Michael Rice and Nicola Smith

379 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Cope, Surtees and Wright, with the following substitutions authorised in accordance with council procedure rule 10:

Councillor Cartwright for Councillor Cope
Councillor Nickerson for Councillor Wright.

It was also noted that, since the agenda had been despatched, Councillor Hall had replaced Councillor Boothby as a member of the committee.

380 MINUTES

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

RESOLVED – the minutes of the meeting held on 6 February be confirmed and signed by the chairman.

381 DECLARATIONS OF INTEREST

Application 17/01002/FUL: Councillor Cartwright declared a personal interest as chair of the Klondyke Steering Group and Councillor Hollick declared a personal interest as a parish representative on the Groby Quarry Liaison Committee.

Application 17/01319/FUL: Councillors Hall and Nickerson declared personal interests as members of Burbage Parish Council. Councillors Cartwright, Crooks, Hodgkins, Hollick and Witherford declared a personal interest as Councillor Lynch was the architect / agent for the application.

Application 17/01240/OUT: Councillor Witherford declared a personal interest which might lead to bias and requested to speak as ward councillor and subsequently leave the meeting.

382 DECISIONS DELEGATED AT PREVIOUS MEETING

It was noted that all decisions had been issued.

383 17/01043/HYB - LAND EAST OF HINCKLEY ISLAND HOTEL, WATLING STREET, BURBAGE

Hybrid application for storage facility, industrial storage and distribution unit, access, landscaping and other associated development.

Notwithstanding the officer recommendation that the application be approved, some members felt that the application would be detrimental to visual amenity and would cause traffic issues.

It was moved by Councillor Hall and seconded by Councillor Roberts that the committee be minded to refuse the application for reasons of loss of visual amenity from zones 2 and 3, impact on the highway due to additional vehicle movements by employees of the site and development in the open countryside.

Upon being put to the vote, the motion was LOST.

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

RESOLVED –

- (i) Permission be granted subject to:
- The prior completion of a S106 agreement to secure the following obligations:
Highways:
 - A contribution towards improvements to the wider highway network within Hinckley as detailed in the late items
 - Provision of bus services and contribution towards future service. New bus stop infrastructure must include but not be limited to: bus stops, bus shelters, facilitation of real time information, raised kerbs, lighting and timetable information as detailed in the late items
 - One travel pack per employee of £52.85 from first occupation
 - One six month bus pass per employee at an average of £360 per pass to be offered on commencement of bus service provision on site
 - Framework travel plan monitoring fee of £11,337.50
 - Site wide travel plan co-ordinator to be funded and employed by the applicant from the commencement of development until five years following full occupation.
 - Provision of opportunities for apprenticeships and work experience and employment and skills related training during the construction of the development as detailed in the late items;
 - The conditions outlined in the officer's report and late items.
- (ii) The Planning Manager (Development Management) be granted delegated powers to determine the final details of planning conditions;
- (iii) The Planning Manager (Development Management) be granted delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

384 17/01240/OUT - TRANSCO NTS, COVENTRY ROAD, HINCKLEY

Outline application for residential development for up to 42 dwellings (access only) and demolition of the existing building.

Having declared a personal interest which might lead to bias in this application, Councillor Witherford spoke as ward councillor and subsequently left the meeting at 8.13pm before the discussion on and determination of the application.

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

RESOLVED –

- (i) Permission be granted subject to:
 - a. Prior completion of a S106 agreement to secure the following obligations:
 - Highways: as detailed in the late items
 - 20% affordable housing units subject to a reduction for vacant building credit
 - Education based on the DFE cost multiplier as follows:
Primary School £12,099.01 per pupil at a pupil ratio of 0.24 per dwelling
 - Health: £23,280.48
 - Public open space:
 - Equipped children's play space 3.6m² per dwelling, off site provision per square metre £181.93 and maintenance £87.80
 - Casual / informal play spaces 16.8m² per dwelling, off site provision per square metre £4.44 and £5.40
 - Outdoor sports provision 38.4m² per dwelling, off site provision per square metre £9.05 and maintenance £4.30
 - Accessibility and natural green space 40m² per dwelling, off site provision per square metre £4.09 and maintenance £7.10
 - The conditions contained in the officer's report and late items
- (ii) The Planning Manager (Development Management) be granted delegated powers to determine the final detail of planning conditions;
- (iii) The Planning Manager (Development Management) be granted delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods based on the contributions agreed.

385 18/00024/FUL - 7 UTAH CLOSE, HINCKLEY

Application for erection of a detached log cabin for a footcare and beauty salon business (retrospective) (resubmission of 17/01004/FUL).

Notwithstanding the officer's recommendation that permission be refused, some members felt that, in general, the benefit of the application outweighed the harm. It was moved by Councillor Bessant, seconded by Councillor Roberts and

RESOLVED – permission be granted with the imposition of appropriate conditions delegated to officers – such conditions to include painting of the cabin, appropriate hours for a business in a residential area and an appropriate timeframe.

386 18/00038/HOU - 15 DENIS ROAD, BURBAGE

Application for first floor extension to bungalow to form two and a half storey dwelling with alterations to all elevations (resubmission of 17/00546/HOU).

Notwithstanding the officer's recommendation that permission be granted, members felt that the proposed development was out of keeping with the character of the area and contrary to DM10. It was moved by Councillor Crooks, seconded by Councillor Cartwright and

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

387 17/01292/FUL - 38 ALMEYS LANE, EARL SHILTON

Application for erection of one detached bungalow (resubmission of 17/00636/FUL).

On the motion of Councillor Hollick, seconded by Councillor Hall, it was

RESOLVED – permission be refused for the reasons contained in the officer's report.

388 17/01002/FUL - ALLOTMENT GARDENS NEWTOWN LINFORD LANE, GROBY

Application for the replacement of an existing dwelling with a new dwelling.

Whilst generally in support of the officer's recommendation, and it being moved by Councillor Cartwright and seconded by Councillor Hollick that permission be refused, Councillor Cartwright requested that additional reasons for refusal be added due to it being an unsustainable development, contrary to Core Strategy policy 9 and contrary to policies DM14, DM1, DM4 and DM10. Following advice from officers and in the absence of a seconder, the additional reasons for refusal were not put to the vote.

At this juncture, it having reached 9.30pm, it was moved by Councillor Crooks and seconded by Councillor Witherford that the meeting be extended. Upon being put to the vote the motion was CARRIED and it was

RESOLVED – the meeting be permitted to continue after 9.30pm.

On returning to debate upon the application, it was moved by Councillor Hollick, seconded by Councillor Smith and unanimously

RESOLVED – permission be refused for the reasons contained in the officer's report.

389 17/01319/FUL - MILLENNIUM HALL, BRITANNIA ROAD, BURBAGE, HINCKLEY

Application for erection of a new pavilion.

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

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report;
- (ii) The Planning Manager (Development Management) be granted delegated powers to determine the final detail of planning conditions.

390 17/00862/CONDIT - 23 STATION ROAD, RATBY

Application for variation of condition 2 of planning permission 15/01090/FUL to extend the flue by 1 metre and to reflect the correct position of the flue.

It was moved by Councillor Hodgkins, seconded by Councillor Cartwright and unanimously

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report;
- (ii) The Planning Manager (Development Management) be granted delegated powers to determine the final detail of planning conditions.

391 APPEALS PROGRESS

An update on progress in relation to various appeals was presented. It was moved by Councillor Crooks, seconded by Councillor Witherford and

RESOLVED – the report be noted.

(The Meeting closed at 9.36 pm)

CHAIRMAN

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Planning Committee 10 April 2018
Report of the Planning Manager, Development Management

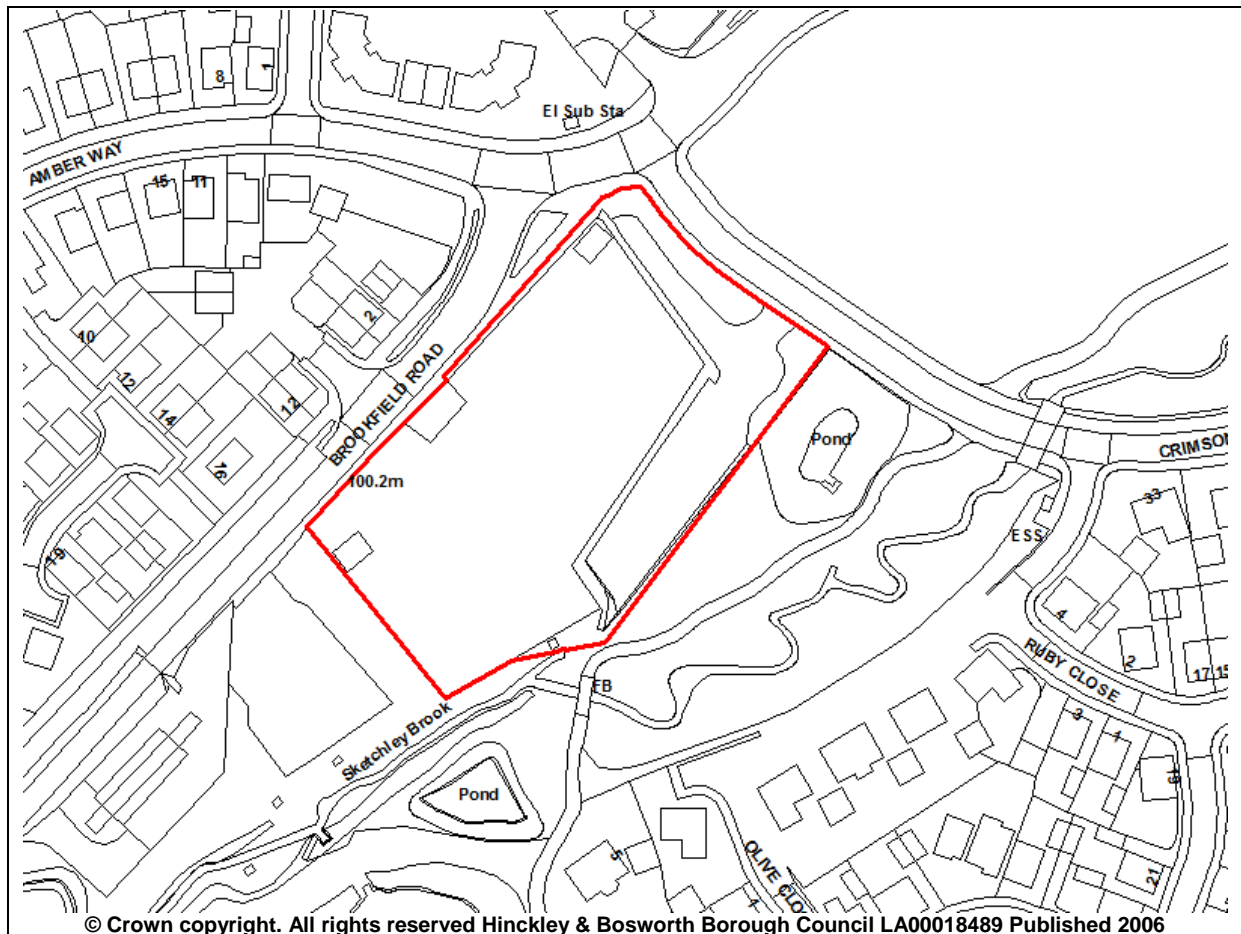
Planning Ref: 17/00964/FUL
Applicant: Westleigh Partnership Ltd
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: Land South Of Crimson Way Burbage

Proposal: Erection of 30 dwellings



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - 100% affordable housing units, (20% policy provision and 80% additionality)
 - Education facilities contribution of £72,594.06 (subject to reduction due to loss of units from original scheme)
 - Health facilities contribution of £9,145.44
 - Public Play and Open Space contribution of £46,171.44
- 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.

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

2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of 30 new dwellings. The scheme comprises 8 x 1 bed flats, 12 x 2 bed dwellings, 8 x 3 bed dwellings and 2 x 4 bed dwellings. The flats are to be provided in a single 'L' shaped block facing the junction of Brookfield Road and Crimson Way. The 2, 3 and 4 bed houses are arranged as semi-detached and terraced properties facing Brookfield Road, Crimson Way and a new access road off Crimson Way adjacent to the existing open space. A total of 51 parking spaces are proposed throughout the development. All of the proposed dwellings are to be affordable units for social rent and intermediate tenure.
- 2.2. A Design and Access Statement, Transport Assessment, Flood Risk Assessment and Drainage Strategy have been submitted to support the application.
- 2.3. Amended plans have been submitted during the course of the application to reduce the scheme from 35 to 30 dwellings. Re-consultation has been undertaken.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 0.66 hectares and is located within the settlement boundary of Burbage to the south of the junction of Crimson Way and Brookfield Road. It is a vacant, predominantly hard-surfaced site that was most recently used as a storage compound associated with the construction of the wider Sketchley Brook development that includes residential properties, a public house and open space. A large part of the site is enclosed by 2 metre high metal palisade security fencing.
- 3.2. To the north west of the site there are two storey residential properties on Brookfield Road. To the north east there is a vacant plot between Crimson Way and Rugby Road. Sketchley Brook lies to the south east of the site with a public footpath through open space and residential development beyond. To the south west there is land in the ownership of Severn Trent Water Limited.

4. Relevant Planning History

10/00518/OUT	Mixed use development comprising up to 375 dwellings, employment (Use Classes B1a, B1c, B2 and B8), local centre (Use Classes A1-A5 and D1), live-work units, works to Sketchley Brook corridor, remodelling of lake and associated open space, parking and accesses (outline – access only)	Permitted	30.08.2011
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5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Responses have been received from 32 separate addresses as a result of public consultation raising the following objections and concerns:-
- 1) Highway safety – inadequate road infrastructure to take increased traffic flow from additional dwellings resulting in additional traffic congestion

- 2) Services and facilities – inadequate school facilities and health care facilities to serve additional dwellings
- 3) The application site was meant to be used for retail or commercial outlets or open green space facilities, not additional housing which is not needed
- 4) Lack of broadband infrastructure.

6. Consultation

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

Leicestershire County Council (Rights of Way)
 Leicestershire County Council (Drainage)
 Leicestershire County Council (Ecology)
 Environmental Health (Drainage)
 Environmental Health (Pollution)
 Street Scene Services (Waste)

6.2. Leicestershire County Council (Highways) have advised that additional information is required and raised issues with the originally proposed site access and internal layout. The re-consultation response on the submitted amended plans has not yet been received.

6.3. Leicestershire Fire and Rescue Service refer to standing advice and Building Regulations.

6.4. Leicestershire County Council (Developer Contributions) request the following infrastructure contributions:-

- 1) Director of Children and Family Services requests a total contribution of £72,594.06 (subject to reduction due to loss of units from original scheme) towards education facilities to mitigate capacity issues resulting from the proposed development (Primary School Sector);
- 2) Director of Environment and Transport requests a contribution of £1,734 (subject to reduction of four units) towards civic amenity facilities to mitigate additional demands on Barwell Civic Amenity site as a result of the proposed development;
- 3) Library Services (Locality Manager – North) considers that the development would not have any adverse impact on Burbage Library and therefore no contribution is requested on this occasion.

6.5. NHS England requests a contribution of £9,145.44 towards the improvement of local health care facilities to mitigate additional demands on the local surgery as a result of the proposed development.

6.6. Burbage Parish Council object to the application on the grounds that there are too many properties proposed on the site, insufficient parking and turning with issues of highway safety and neighbours have inadequate broadband provision.

6.7. No response has been received from:-

Severn Trent Water Limited
 Leicestershire Police
 Cycling UK
 Ramblers Association.

7. Policy

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage
- Policy 15: Affordable Housing

- Policy 16: Housing Density, Mix and Design
 - Policy 19: Green Space and Play Provision
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy SA3: Land at Brookfield Road and Sketchley Brook, Burbage
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM7: Preventing Pollution and Flooding
 - 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)
 - Community Infrastructure Levy (CIL) Regulations (2010)
- 7.4. Other relevant guidance
- Open Space and Recreation Study (2016)
 - Burbage Neighbourhood Plan (BNP) 2015 – 2026 (Pre-Submission Draft)
 - Burbage Village Design Statement (BVDS)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Pollution
- Affordable Housing
- Infrastructure contributions
- Other issues

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). The emerging Burbage Neighbourhood Plan (BNP) 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.
- 8.4. Policy DM1 of the 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 materials consideration indicate otherwise.

- 8.5. The application site falls within a wider redevelopment site, referred to in this report as 'Sketchley Brook site', which was approved in August 2011 (planning reference 10/00518/OUT). This outline application was for 'mixed use development comprising up to 375 dwellings, employment (use classes b1a, b1c, b2 and b8), local centre (use classes a1-a5 and d1), live-work units, works to Sketchley Brook corridor, remodelling of lake and associated open space, parking and accesses.
- 8.6. Objections to the current application have been received on the grounds that the application site was allocated in the outline planning permission masterplan for retail/commercial outlets and open space and that additional housing is not needed.
- 8.7. Notwithstanding these objections, the application site was clearly identified for potential residential development in the approved masterplan for the site. The open space identified in the masterplan has also been provided to the south of the site. Employment development has been provided to the west of the site (DPD). The local centre referred to was identified on land further to the north east of the application site and other than a public house/restaurant is currently vacant and therefore (notwithstanding a recent refusal of planning permission for 49 dwellings) still potentially available for such development. The two previous reserved matters applications approved within the wider site for 345 dwellings (212 and 133 dwellings) fall short of the outline planning permission range of up to 375 new dwellings. The current proposal is a full application (not reserved matters) for 30 new dwellings and would meet the shortfall from the outline planning permission.
- 8.8. The site is located within the settlement boundary of Burbage where Policy 4 of the adopted Core Strategy seeks to support Hinckley's role as a sub-regional centre through the allocation of land for residential, employment and retail land uses. Policy SA3 of the adopted SADMP seeks to ensure a mixed use development on the Sketchley Brook site which retains existing employment uses on site; delivers a neighbourhood centre comprising retail units (A1-A5); delivers a minimum of 46 dwellings with a housing density, mix and design in line with Policy 16 of the adopted Core Strategy and also ensures that the amenity of future occupiers of both residential and employment units would not be adversely affected in line with Policy DM10 of the adopted SADMP.
- 8.9. It is therefore considered that residential development on the application site would be in accordance with the strategic planning policies of the development plan subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.10. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.11. Policies 2 and 4 of the emerging BNP support residential proposals that do not cause adverse impacts on the character of the area, are within the continuity of existing frontage buildings, are comparable in layout, size, scale and design to neighbouring properties and retain important natural boundaries. Policy 3 of the emerging BNP seeks to restrict the size of new dwellings to the housing needs within the Parish.

- 8.12. Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 40 dwellings per hectare within Burbage.
- 8.13. Burbage Parish Council objects to the application on the grounds that there are too many properties being proposed.
- 8.14. Amended plans have been submitted during the course of the application to reduce the number of units proposed on the site from 35 to 30 to enable an acceptable layout to be achieved with parking located predominantly to the side and rear of dwellings. The proposed density at 45 dwellings per hectare would be in accordance with Policy 16 of the adopted Core Strategy.
- 8.15. The amended proposal would provide a mix of different sized dwellings comprising 8 x 1 bed flats, 12 x 2 bed dwellings, 8 x 3 bed dwellings and 2 x 4 bed dwellings. The flats are to be provided in a single 'L' shaped block facing the junction of Brookfield Road and Crimson Way. The 2, 3 and 4 bed houses are arranged as semi-detached and terraced properties set back from Brookfield Road, Crimson Way and a new access road off Crimson Way adjacent to the existing open space. Satisfactory amenity spaces of at least 40 square metres for the smaller houses and up to 90 square metres for the larger houses are provided within the layout. The two parking courts proposed are provided with natural surveillance. A condition could be imposed to ensure satisfactory hard and soft landscaping within the site to enhance its appearance.
- 8.16. The density, layout and two storey scale and design of the dwellings along with the use of complementary external materials of red brick and occasional render would complement the character of neighbouring development to the north west and would therefore be acceptable in respect of Policy DM10 of the adopted SADMP and Policies 2 and 4 of the emerging BNP.

Impact upon neighbouring residential amenity

- 8.17. Policy DM10 of the adopted SADMP and Policy 2 of the emerging BNP require that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings or the future occupiers of the site.
- 8.18. By virtue of the separation distances of over 25 metres to all neighbouring existing properties the proposal would not result in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring dwellings.
- 8.19. A majority of the proposed dwellings have back to back separation distances between habitable room windows of between 19 metres and 21 metres with 1.8 metre high close boarded fencing providing privacy between opposing rear gardens. Where separation distances are lower at approximately 15 metres, the dwellings are slightly offset such that the privacy of the future occupiers would not be significantly compromised.
- 8.20. The amended scheme would therefore be acceptable in terms of the residential amenities of existing and future occupiers and in accordance with Policy DM10 of the adopted SADMP and Policy 2 of the emerging BNP in this respect.

Impact upon highway safety

- 8.21. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 5 of the emerging BNP requires two off-street parking spaces to be provided for each new dwelling, unless it is unachievable.

- 8.22. Objections have been received on highway safety grounds that there is inadequate road infrastructure to take any increased traffic flow from additional dwellings on the Sketchley Brook site and resulting in additional traffic congestion. Burbage Parish Council object to the scheme on highway safety grounds resulting from insufficient parking and turning circles.
- 8.23. A Transport Statement has been submitted to support the application. This refers to the previous Transport Assessment and Travel Plan submitted to support the outline application for the wider Sketchley Brook site for a mixed use development of 375 dwellings, employment and a local centre. The statement suggests that the highway infrastructure proposed to serve that development has been largely completed and the current proposal for 30 dwellings does not exceed the overall housing numbers for the wider site. It therefore concludes that traffic implications from the proposed residential scheme would not be severe or adversely affect the operation of the highway network to any significant degree.
- 8.24. The amended layout proposes 51 parking spaces within the development with a majority of the houses to be provided with at least two parking spaces and the proposed flats with one parking space. The Transport Statement suggests that the provision can be justified through a submitted assessment of local car ownership levels, the sustainable location of the site in close proximity to a range of services and facilities within the town centre and to public transport links.
- 8.25. Leicestershire County Council (Highways) has assessed the scheme and has indicated that there is not likely to be any in-principle objection to the scheme in this case as the number of units throughout the wider site would not exceed the overall approved outline planning permission of 375 dwellings. Amended plans have been submitted to seek to address highway design issues in the layout raised in initial consultation responses and re-consultation has been undertaken. The re-consultation response from the Highway Authority has not been received at the time of writing this report and will be reported as a late item to this agenda. In the meantime, standard highway conditions have been included in the recommendation.

Drainage

- 8.26. Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.27. A Flood Risk Assessment (FRA) and Drainage Strategy have been submitted to support the application proposing the use of sustainable drainage measures.
- 8.28. Leicestershire County Council (Drainage) and Environmental Health (Drainage) have assessed the information submitted and raise no objection to the scheme subject to planning conditions being imposed to require the submission of a surface water drainage system in accordance with the submitted FRA and Drainage Strategy for prior approval, infiltration testing, management of surface water during construction of the development and a long term maintenance plan for the sustainable surface water drainage system to be approved. The conditions would be reasonable and necessary to prevent flooding and maintain water quality by ensuring the satisfactory storage and disposal of surface water from the site and a suitable maintenance regime for its long term performance.
- 8.29. Subject to the satisfactory discharge of such conditions, the proposal would be in accordance with Policy DM7 of the adopted SADMP in respect of surface water drainage and water quality.

Pollution

- 8.30. Policy DM7 of the adopted SADMP seeks to prevent adverse impacts from pollution by ensuring that development proposals demonstrate that appropriate remediation of contaminated land is undertaken in line with minimum national standards.
- 8.31. By virtue of the former uses of the application site the Environmental Health (Pollution) team recommend conditions to require the submission of a scheme for the investigation of potential land contamination and any necessary remediation works for prior approval in order to protect the amenity of the future occupiers of the site.
- 8.32. Subject to satisfactory investigation/remediation being undertaken in line with any approved scheme, the proposal would be in accordance with Policy DM7 of the adoptee SADMP.

Affordable Housing

- 8.33. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. Policy 15 seeks the provision of 20% affordable housing on all sites in urban areas of 15 dwellings or more or 0.5 hectares or more with a tenure split of 75% for social rent and 25% for intermediate tenure.
- 8.34. The scheme proposed is for 100% affordable housing which would meet the 20% policy requirement and provide 80% additional affordable housing to provide a significant contribution to the affordable housing needs of the Borough over the plan period. The proposed tenure split is 50% social rented and 50% intermediate housing. By virtue of the overall gain in the number of rented units above the policy position the split is considered acceptable in terms of the requirements of Policy 15 of the adopted Core Strategy. The scheme provides an acceptable mix of 1, 2, 3 and 4 bedroom dwellings through the site which is acceptable in respect of Policy 16 of the adopted Core Strategy.
- 8.35. Developments in Hinckley meet the needs of housing applicants for the entire Borough and the section 106 agreement will include provision for the type of tenure and the allocation of dwellings in accordance with the Council's Housing Allocations Policy.

Infrastructure contributions

- 8.36. 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.
- 8.37. The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 1) Public play and open space
- 8.38. Policies 1 and 19 of the adopted Core Strategy seek to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within Hinckley. The Open Space, Sports and Recreational Facilities (PPG17) Study provides further advice on the quality of facilities at each designated public open space.

- 8.39. In this case, the site is located within 300 metres of Rugby Road Recreation Area (reference BUR09 in the SADMP) which provides formal park facilities with equipped and casual/informal children and young peoples play areas and outdoor sports facilities with a quality score of just 60%. It is also with 300 metres of the newly formed Indigo Drive amenity area (reference BURNEW3).
- 8.40. In order to mitigate the impact of additional users of these facilities as a result of the proposed development, a contribution of £46,171.44 has been calculated using the figures provided in the Open Space and Recreation Study. This equates to £1,648.98 per unit with a 25% reduction for each one bedroom unit and would be used towards schemes aimed at improving the range of public open space and children's play facilities within the vicinity of the site.
- 8.41. As a result of public consultation the following infrastructure contributions have been identified:
- 2) Education
- 8.42. The Director of Children and Family Services requests a contribution of £72,594.06 (subject to reduction due to loss of units from original scheme) towards education facilities in Burbage/Hinckley to mitigate the impact of additional users from the development on the Primary School Sector where deficits have been identified. No contributions are requested for the Secondary School Sector, Post 16 Sector or Special Schools Sector.
- 3) Civic Amenity
- 8.43. The Director of Environment and Transport requests a contribution of £1,734 (subject to reduction of four units) towards the delivery of civic amenity services and facilities at the nearest site in Barwell to mitigate the impact of additional users from the development on the facility. Due to the small scale of the estimated impact from the development on the civic amenity facility, it is considered that the impact would not be so significant to justify mitigation by way of a financial contribution from the development. In this instance the contribution is not considered to be CIL compliant and therefore is not requested from the developer.
- 4) Health care facilities
- 8.44. NHS England requests a contribution of £9,145.44 towards the improvement of local health care facilities to mitigate additional demands on the local Burbage surgery as a result of the proposed development. The contribution has been identified for the installation of a new telephone system to provide more effective triage of patient calls and improve access for patients to out of hours facilities and services.
- 8.45. The infrastructure contributions identified above, with the exception of civic amenity facilities, are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and therefore CIL compliant and could be secured through the completion of a suitable section 106 planning obligation which is currently under negotiation.
- Other issues
- 8.46. Leicestershire County Council (Rights of Way) has confirmed that the public footpath (U64) Diversion Order has been confirmed and therefore raises no objection to the scheme.
- 8.47. In view of the previous use of piling foundations within the wider site Environmental Health (Pollution) recommend the imposition of conditions to require the prior submission of a construction environmental management plan for prior approval

and working hours restrictions which would be reasonable to protect the residential amenity of existing neighbouring properties.

- 8.48. Burbage Parish Council and existing residents have objected to the scheme on the grounds that the previous developer did not install fibre broadband on the estate and therefore broadband speeds are slow and additional connections will slow it further, the service should be upgraded to provide fibre broadband to the estate. There is no policy requirement for the developer to pay for upgrading the broadband system on the estate. The scheme is providing 100% affordable housing in a highly sustainable urban location and in an area of identified need, along with a range of other recognised CIL compliant infrastructure contributions.

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 SADMP states that development proposals that accord with the policies in the development plan will be approved without delay unless material considerations indicate otherwise.
- 10.2. The application site is located within the settlement boundary of Burbage and adjacent to Hinckley and forms part of a mixed use development site allocation (reference BUR02) with outline planning permission including 375 new dwellings. Notwithstanding that this is a full application the proposed scheme for 30 dwellings would make up the existing shortfall on the site allocation and outline planning permission. The development would be 100% affordable housing with a mix of tenures and would provide a mix of housing types. The development would be in accordance with Policy SA3 of the SADMP and Policies 4, 15 and 16 of the adopted Core Strategy.
- 10.3. The proposed development would complement the scale, design and appearance of neighbouring development and enhance the appearance of this hard-surfaced former construction compound. The development would not have any significant adverse impact on the amenity of surrounding residential properties and would provide a good standard of amenity for future occupiers. The amended proposal is not likely to have a significant adverse impact on highway safety and given the sustainable urban location with access by sustainable transport modes to a range of services and facilities would provide sufficient car parking provision within the site to serve the future occupiers. Subject to the re-consultation response from Leicestershire County Council (Highways) the amended scheme would be in accordance with Policies DM10, DM17 and DM18 of the adopted SADMP.

- 10.4. Conditions can be imposed to ensure that the proposal would not result in any flooding or pollution impacts. In addition to the affordable housing provision, a range of infrastructure contributions have been identified to mitigate impacts from the development on local services and can be secured through the completion of a suitable section 106 legal agreement. The development would be in accordance with Policies 19 of the adopted Core Strategy, Policies DM3 and DM7 of the adopted SADMP.
- 10.5. The scheme would result in a sustainable development in accordance with Policy DM1 of the adopted SADMP and is therefore recommended for approval subject to conditions and completion of a suitable section 106 legal agreement to secure affordable housing and CIL compliant infrastructure contributions.

11. Recommendation

11.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - 100% affordable housing units (20% policy provision and 80% additionality)
 - Education facilities contribution of £72,594.06 (subject to reduction due to loss of units from original scheme)
 - Health facilities contribution of £9,145.44
 - Public play and open space facilities contribution of £46,171.44
- 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. That the Planning Manager, Development Management be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

11.4. Conditions and Reasons

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing No. 40145 022 received by the local planning authority on 22 September 2017; Plots 1 - 4 Floor Plans and Elevations Drawing No. 40145 013, Plots 5 - 7 Floor Plans and Elevations Drawing No. 40145 014B, Plots 8 - 10 Floor Plans and Elevations Drawing No. 40145 015A, Plots 11 - 12 Floor Plans and Elevations Drawing No. 40145 016A, Plots 13 - 14, 19 - 20, 21 - 22 Floor Plans and Elevations Drawing No. 40145 017B and Plots 15 - 16, 17 - 18 Floor Plans and Elevations Drawing No. 40145 018B received by the local planning authority on 24 January 2018; Plots 23 - 30 Floor Plans and Elevations Drawing No. 40145 027C, External Materials Plan Drawing No. 40145 026B, Materials Distribution Plan Drawing No. 40145 025A received by the local planning authority on 13 March 2018 and Site Layout Drawing No. 40145 003AF, Technical Site Layout Drawing No. 40145 023J and Boundary Treatment Plan Drawing No. 40145 024B received by the local planning authority on 21 March 2018.

Reason: To define the permission and ensure satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the dwellings hereby permitted shall be in accordance with the approved External Materials Plan Drawing No. 40145 026 Rev B and Materials Distribution Plan Drawing No. 40145 025 Rev A received by the local planning authority on 13 March 2018.

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 Development Plan Document (2016).

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

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development shall commence until a scheme to provide a surface water drainage system in accordance with the submitted Flood Risk Assessment v 2.0 dated October 2017 and Drainage Strategy dated September 2017 has been submitted to and approved in writing by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the development is provided with a satisfactory means of surface water drainage to prevent flooding and minimise the risk of pollution by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development shall commence until such time as full details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details for the duration of the construction period.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No development shall commence until such time as full details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the local planning authority. The system shall subsequently be maintained in accordance with the approved details at all times thereafter.

Reason: To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

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

Reason: To enhance the appearance of the development and to ensure that the works are carried out in a reasonable period of time to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: To ensure that the works are carried out within a reasonable time period and thereafter maintained to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. No part of the development hereby permitted shall be occupied until such time as the accesses, off-street parking and turning arrangements shown on Site Layout Drawing No. 40145 003AF have been implemented in full. Once provided the access, off-street parking and turning facilities shall be permanently retained as such at all times thereafter.
- Reason:** To ensure adequate access, off-street parking and turning is available to serve the development in the interests of highway and pedestrian safety in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
13. The development hereby permitted shall not be occupied until such time as the accesses, parking and turning spaces have been surfaced with tarmacadam or similar hard bound materials (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 Development Plan Document (2016).
14. Prior to the first occupation of any of the dwellings hereby permitted the boundary fencing shown on Boundary Treatment Plan Drawing No. 40145 024B shall be implemented in full and the boundaries permanently maintained as such at all times thereafter.
- Reason:** To protect the privacy and amenity of neighbouring properties and the future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
15. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the local planning authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, vibration, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.
- Reason:** To protect the residential amenity of existing and future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
16. Site preparation and construction works shall be limited to the following hours: Mondays to Fridays 07:30 – 18:00; Saturdays 08:00 – 13:00 and no working on Sundays or Bank Holidays.
- Reason:** To protect the residential amenity of existing and future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.5. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
3. In relation to conditions 6 and 6 advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
4. In relation to condition 8, details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
5. In relation to condition 9, details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.
6. The suitability of the ground strata for soakaway drainage should be ascertained by means of the infiltration test described in BRE Digest 365 Soakaway Design.
7. Planning Permission does not give you approval to work on the public highway. The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring. All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.

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Planning Committee 10 April 2018
Report of the Planning Manager, Development Management

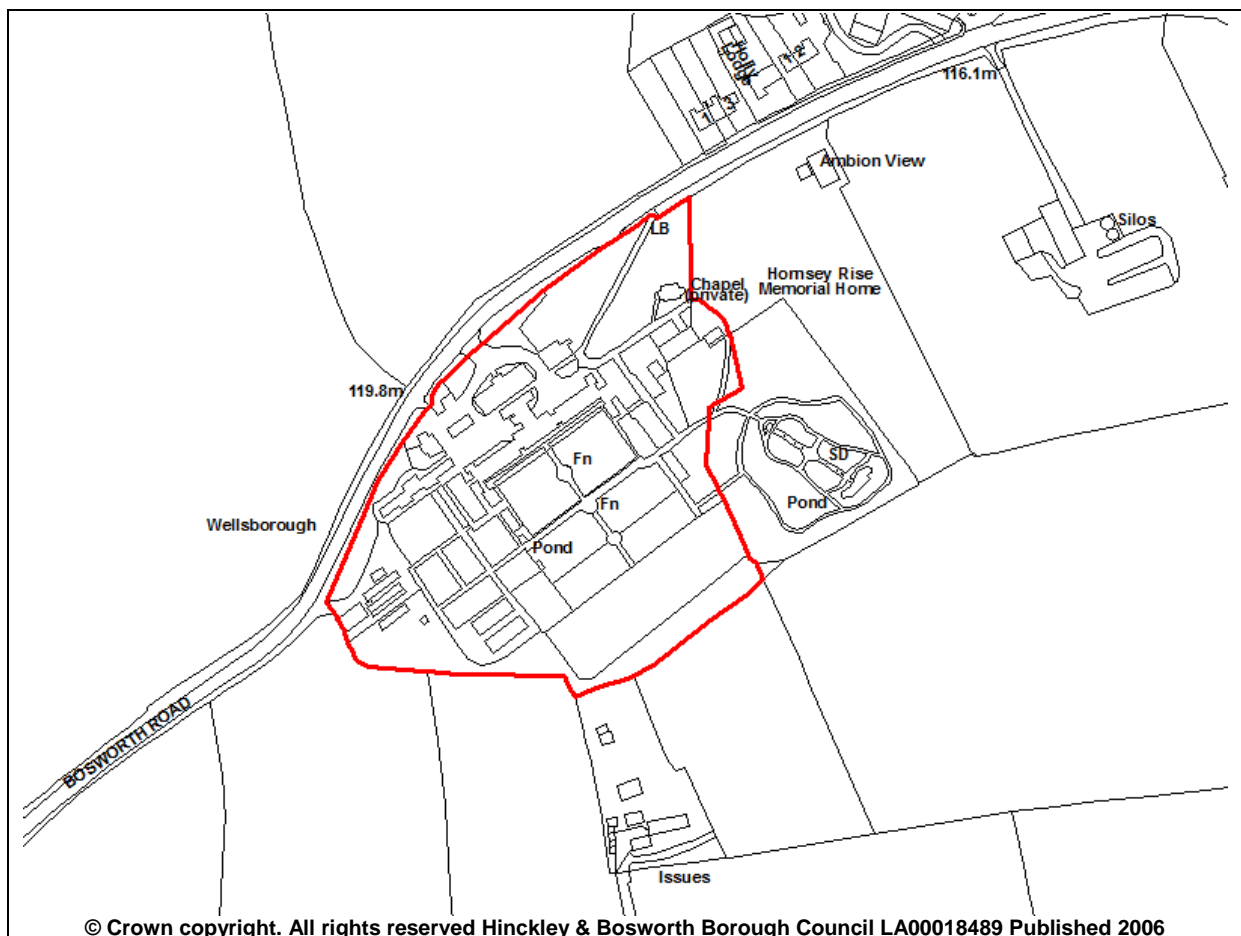


Hinckley & Bosworth
Borough Council

Planning Ref: 17/01050/OUT
Applicant: Mr A Burr
Ward: Ambien

Site: Hornsey Rise Memorial Home Bosworth Road Wellsborough

Proposal: Demolition of care home building and erection of up to 20 dwellings including conversion of former chapel to dwelling and associated access, drainage and landscaping works (in part)



1. Recommendations

1.1. Grant outline planning permission (access only) subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - A commuted sum of £279,100.00 for off-site affordable housing provision in lieu of 40% on-site provision
 - Education facilities contribution of £130,538.02
 - Health facilities contribution of £5,512.32
 - Permanent future management and maintenance of the woodland and natural landscaping buffer (estimated cost £110,000.00)
- 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.
- 1.3. That the Planning Manager, Development Management be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This application seeks outline planning permission for the demolition of a now derelict former care home and associated buildings and the redevelopment of the site for up to 20 new dwellings including the conversion of the former chapel to a dwelling. The application seeks the approval of access and landscaping (in part) at this stage with layout, scale, appearance and detailed landscaping being reserved matters for approval at a later date.
- 2.2. The amended parameter plan indicates that redevelopment would retain and maintain the existing woodland to the east/south boundary of the site, retain and maintain a natural landscaping buffer of between 25 – 38 metres around the south/west boundaries of the site and retain and reinforce the existing trees and hedgerows on the north (Bosworth Road) boundary. The area proposed for redevelopment would therefore be restricted to the central areas of the site and predominantly areas including the footprint of existing and demolished buildings, hardstanding and the formal terraced gardens associated with the care home (approximately 1.62 hectares). The amended parameter plan also provides a further restriction to any built form/hardstanding with a maximum height of buildings limited to 10 metres and a restriction for cultivated landscaping (residential curtilage).
- 2.3. The proposal includes the relocation of the vehicular access to the development approximately 15 metres to the east of the existing access and trimming of vegetation to improve visibility. The access road is also intended to be constructed to an adoptable standard to enable access for refuse and recycling vehicles etc. The proposal includes the reinstatement of an existing 2 metre wide pedestrian access from the site to Bosworth Road and access to the memorial stone which would be refurbished and relocated. The pedestrian access would link to the existing pedestrian footway within the highway on the north side of Bosworth Road which it is proposed to improve by the trimming of hedgerow and removal of detritus to provide a minimum width of 1.2 metres and the provision of dropped kerbs with tactile paving.
- 2.4. Amended plans have been submitted during the course of the application to reduce the number (from 27) and mix of dwellings proposed (removal of 3 storey apartment block). Re-consultation has been undertaken.
- 2.5. The following technical documents have been submitted to support the application:-
 - Design and Access Statement
 - Planning Statement
 - Transport Statement
 - Flood Risk Assessment
 - Sustainable Drainage Maintenance and Management Plan
 - Archaeological Desk-Based Assessment
 - Landscape and Visual Impact Assessment
 - Arboricultural Assessment/Tree Survey
 - Extended Phase I Ecological Survey
 - Internal/External Bat Survey
 - Dawn/Dusk Emergent Bat Surveys
 - Badger Survey
 - Great Crested Newt Habitat Suitability Survey

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 2.5 hectares with an additional 0.7 hectares of woodland. It is located in the countryside in an undesignated rural hamlet known as Wellsborough which comprises a small row of dwellings, a private school and other sporadic dwellings, farms and agricultural buildings. The site lies approximately 1.5 kilometres north of Sibson, 4 kilometres west of Market Bosworth and 7 kilometres north east of the market town of Atherstone.
- 3.2. The care home site comprises a derelict and partially demolished former care home and associated outbuildings (which included staff accommodation, chapel, theatre, laundry, boiler house, summer house, glasshouses etc.), the remnants of formal terraced gardens and areas of natural landscaping and woodland providing significant tree cover. The buildings and associated hardstanding are located towards the northern part of the site which is relatively flat with the formal terraced gardens and grounds falling towards the south. The main building was constructed of 2½ and 2 storey sections with outbuildings being predominantly single storey in height. A war memorial and remembrance garden is located within the woodland area. Access is directly onto Bosworth Road to the north. The current access has poor visibility in both directions.
- 3.3. The care home closed in 2012 and has remained unoccupied. As a result the site has been subject to frequent vandalism, arson and antisocial behaviour and the buildings are now predominantly derelict and the gardens in very poor condition.

4. Relevant Planning History

16/00304/SCOPE	Demolition of former care home, erection of 14 dwellings and 12 apartments and conversion of former chapel to one dwelling	Scoping Opinion Issued	19.04.2016
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5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Responses have been received from nine separate addresses raising the following objections and concerns:-
- 1) Development not sustainable, no local services or facilities
 - 2) Development of this rural site would be a blight on the landscape and visible from a distance on this hill top location
 - 3) A proportionate and sympathetic development on this rural site would be welcomed to remove antisocial behaviour, nuisance and disturbance to Wellsborough residents, however, too many dwellings are being proposed on the site given how much of it is Brownfield and none should exceed two storeys in height
 - 4) Highway safety – the access is located on a blind bend and crest of a hill, access use has been minimal for many years and was nowhere near that suggested in the submitted Transport Statement, The number of dwellings proposed would result in significantly more traffic movements to and from an access in a dangerous position on Bosworth Road that lacks adequate and safe visibility on a rural road that is subject to high speed traffic. Moving the access point would not diminish the danger and traffic calming measures should be provided

- 5) Inadequate utilities infrastructure capacity to serve additional dwellings (water supply, electricity, sewage disposal), loss of water supply and low pressure on old fragile pipes
- 6) Contamination (asbestos) needs to be professionally investigated and remediated prior to any construction
- 7) Potential flooding on Tinsel Lane and impact on existing cess pit
- 8) Construction of new dwellings could threaten the viability of a nearby composting facility and result in the loss of jobs and waste management facilities contrary to Leicestershire County Council's Minerals and Waste Local Plan (2013) (Safeguarding Waste Management Facilities)
- 9) No trees should be removed as part of the proposal and perimeter hedge and trees should be retained to protect wildlife habitat
- 10) Public access to the Memorial Gardens/Memorial Stone would be welcomed.

6. Consultation

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

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

6.2. Leicestershire Fire and Rescue Service refer to standing advice.

6.3. Leicestershire County Council (Developer Contributions) request the following infrastructure contributions:-

- 1) Director of Children and Family Services requests a total contribution of £130,538.02 towards education facilities to mitigate capacity issues resulting from the proposed development (Primary School Sector: £58,075.25; Secondary School Sector: £59,706.41; Post 16 Sector: £12,756.41).
- 2) Library Services (Locality Manager – North) requests a contribution of £600.00 towards library facilities to mitigate additional demands on local library facilities as a result of the proposed development.
- 3) Director of Environment and Transport considers that the demands of the residents of the proposed development could be met within current Barwell civic amenity site thresholds therefore no contribution is requested on this occasion.

6.4. NHS England requests a contribution of £5,512.32 towards the improvement of local health care facilities to mitigate additional demands on the local surgery as a result of the proposed development.

6.5. Sheepy Parish Council recognises that the site needs to be developed in some manner to remove the eyesore that the site has become and the antisocial behaviour that the site causes to local residents. However, any development must be sympathetic to the rural nature of the site. The policies within the Sheepy Neighbourhood Plan (Pre-submission consultation draft) should be considered for this development. On behalf of the local community/residents the Parish Council raise objections on the following grounds:-

- 1) The size and scope of development. Too many dwellings are proposed and apartments are inappropriate for this rural site where there are no local

facilities. Between 7 and 15 dwellings would be more appropriate and none over two storeys in height

- 2) Access to and from the site. The access is located on a blind bend from both directions on a fast rural road. The proposed repositioning of the access will not improve sight lines significantly and retain a dangerous exit at an increased trip rate. The submitted Transport Statement is misleading in respect that the previous use of the site resulted is nowhere near the number of notional traffic movements quoted. If the application is to be approved, the speed limit should be reduced to a maximum of 40mph and other speed reduction solutions to improve the safety of vehicles using the access should be considered
- 3) Poor state of current utilities supply and outlets, particularly water supply, foul drainage and electricity services which already suffer from failure and will be unable to cope with any increase in capacity requirement from the proposed development
- 4) The polluted site has not been cleaned up or made safe. A comprehensive asbestos survey should be undertaken by a specialist company and appropriate safe removal of such materials carried out prior to any new construction taking place
- 5) Public access should be retained to the historical war memorial located within the site.

6.6. No responses have been received at the time of writing this report from:-

Severn Trent Water Limited
Leicestershire Police
Cycling UK
Arboricultural Officer

7. Policy

7.1. Core Strategy (2009)

- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM9: Safeguarding Natural and Semi-Natural Open Spaces
- 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 DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

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

- Community Infrastructure Levy (CIL) Regulations (2010)
- 7.4. Other relevant guidance
- Affordable Housing SPD (2008)
 - Landscape Character Assessment (2017)
 - Landscape Sensitivity Study (2017)
 - Sheepy Neighbourhood Plan (SNP) 2017 (Pre-submission consultation draft)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Previously developed land
- Impact upon the character of the site and surrounding landscape
- Sustainable design
- Impact upon highway safety
- Impact upon archaeology
- Impact upon neighbouring and future residential amenity
- Biodiversity
- Drainage
- Contamination
- Affordable housing
- Infrastructure contributions
- Other material considerations

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). The site also lies within the emerging Sheepy Neighbourhood Plan area. However, this 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.
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Wellsborough is not identified as a designated rural hamlet within the adopted Core Strategy or the SADMP and by virtue of its countryside location and low level of sustainability for additional development has no site allocations. The location of the site is clearly remote from any everyday services and facilities, a point raised by objectors during the consultation process.
- 8.5. The HBBC 'Briefing Note August 2017 - Five Year Housing Land Supply Position at 1 April 2017' confirms that the Council is able to demonstrate a five year housing land supply of 5.74 years. Therefore the relevant development plan policies relating

to the supply of housing are neither absent nor silent and are considered up to date and in accordance with paragraphs 47 and 49 of the NPPF.

- 8.6. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that is in accordance with policies in the development plan.
- 8.7. Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside subject to meeting a number of other criteria. Forms of development that the policy may consider to be sustainable in the countryside include the change of use, re-use or extension of existing buildings but do not include new residential development unless it is for essential rural worker accommodation. Therefore, other than the proposed conversion of the former chapel, which comprises only a minor part of the overall development, the proposal is in conflict with this strategic policy of the adopted development plan.
- 8.8. Policy DM15 of the adopted SADMP also provides support for the re-use and/or adaptation of rural buildings outside of settlement boundaries subject to satisfying a number of other criteria and where development would result in an enhancement of the immediate setting. However, as the majority of the development involves demolition and new build dwellings, the policy has limited relevance to the overall proposal.
- 8.9. Policy S13 of the emerging Sheepy Neighbourhood Plan (SNP) seeks to allocate approximately 0.5 hectares of the site (predominantly the brownfield area covered by existing buildings and hardstanding) for around 20 dwellings and restoration of the chapel subject to satisfying a number of other criteria. Whilst the amended scheme has been reduced to a compatible number of units and includes the conversion of the chapel, the amended parameter plan submitted still exceeds the area that the plan seeks to allocate.
- 8.10. Whilst new residential development is not a form of development in the countryside that is supported by Policy DM4 of the adopted SADMP, the NPPF requires assessment of all other material planning considerations in the determination of planning applications.

Previously developed land

- 8.11. The Planning Statement submitted to support the application identifies that the NPPF in paragraph 17 seeks to *'encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value'*. The statement also identifies that Government support for using previously developed land for homes has been emphasised in the consultation document to proposed changes to the NPPF (December 2015) where states that *'substantial weight should be given to the benefits of using brownfield land for housing'* and that *'development proposals for housing on brownfield sites should be supported, unless overriding conflicts within the Local Plan or the NPPF can be demonstrated and not mitigated'*.
- 8.12. The glossary in Annex 2 of the NPPF defines previously developed land as; *'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that all of the curtilage should be developed) and any associated fixed surface infrastructure'* but excludes *'land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time'*.

- 8.13. It is clear that not all of the application site could be defined as being occupied by permanent structures or fixed surface infrastructure. Those parts are limited predominantly towards the northern parts of the site and identified in the emerging Sheepy Neighbourhood Plan. The amended parameter plan seeks to include not only those areas but also the area occupied by the formal terraced gardens within the proposed developable area (including any residential curtilages) which included hard surfaced paths and enclosure wall. The proposed developable area does however exclude an area occupied by buildings at the western edge of the site to ensure a wider natural landscaped buffer can be provided to enhance the screening of the development from Bosworth Road.
- 8.14. Sheepy Parish Council and other public consultation responses acknowledge that some form of development of the site is necessary to address the significant antisocial behaviour and nuisance issues that the site attracts and to improve the overall appearance of the site and its immediate setting which has become an eyesore.
- 8.15. The current amended proposal would provide an opportunity to make more efficient use of this rundown site in line with government emphasis, remove the ongoing antisocial behaviour from the site and significantly enhance the visual appearance of the site and its long term management and maintenance. These planning merits provide significant weight in favour of the proposal subject to all other planning matters being satisfactorily addressed.

Impact upon the character of the site and surrounding landscape

- 8.16. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside and requires that development does not undermine the physical or perceived separation and open character between settlements or create or exacerbate ribbon development.
- 8.17. The Council's recently published Landscape Character Assessment (LCA) (2017) identifies the site as being located within character area 'G: Sence Lowlands'. This area is identified as being unique from other areas of the Borough, highlighted for its rural tranquillity and dispersed settlement pattern of small historic villages. The LCA requires new development to complement the existing context of development in relation to scale and form.
- 8.18. Objections have been received on the grounds that the scale of development proposed would not be in keeping with the rural character of the site, would be visible from distance by virtue of its hill top location and would have a detrimental impact on the landscape.
- 8.19. The site is located in a relatively isolated rural location characterised by arable open fields, clusters of woodland and sporadic farm buildings. The site itself benefits from mature woodland, trees and hedgerow surrounding the perimeter of the site which currently provide significant enclosure of the site in both landscape and visual impacts terms.
- 8.20. The application is supported by a Landscape and Visual Impact Assessment. This examines the character of the site and surrounding landscape and the scale and nature of the proposed development. The assessment concludes that by virtue of the former residential type use and large scale of the existing 2/2½ storey buildings on the site and the retention and conservation of the woodland and a natural landscaped buffer around the developable area, the proposal would not have a harmful or significant adverse effect on the landscape character of the surrounding countryside or undermine the physical or perceived separation between settlements.

- 8.21. Demolition of the existing derelict buildings, removal of demolition rubble and some form of redevelopment of the site which includes future management and maintenance of the woodland and a natural perimeter landscaping buffer would clearly enhance the current derelict character and rundown appearance of the site and address the significant antisocial behaviour issues arising from its current condition.
- 8.22. The amended parameter plan has reduced the number of units originally proposed from 27 to 20, restricts the proposed developable area of the site to the more central areas of buildings, hardstanding and formalised terraced gardens, further restricts the spatial extent of built form and hardstanding and restricts the scale of built form to a maximum height of 10 metres.
- 8.23. As a result of these proposed development parameter restrictions and retention and maintenance of the perimeter landscaping, it is considered that the amended scheme would not result in any significant adverse visual impacts on the character or appearance of the surrounding landscape, would result in the removal of derelict buildings and rubble which currently detracts from the visual amenity of the site and would significantly enhance the immediate setting of the site. The proposal would therefore have limited conflict with the additional criteria of Policy DM4 of the SADMP.

Sustainable design

- 8.24. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policy 16 of the adopted Core Strategy seeks a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and at a minimum density of 30 dwellings per hectare in rural areas unless site characteristics justify a lower density. Policy DM2 of the adopted SADMP seeks to reduce environmental impact through carbon reduction measures and through appropriately designed and sited renewable energy and low carbon developments.
- 8.25. Notwithstanding the rural location of the site remote from services and facilities and that final layout, design and housing mix is to be considered at the reserved matters stage, the Planning Statement submitted to support the application states that *'in the interests of promoting and delivering the most sustainable form of development the following design/build standards and technologies are proposed:*
- *At least 50% of the dwellings proposed will achieve Lifetime Homes Standard*
 - *Have electric car charging points*
 - *Have rainwater harvesting facilities*
 - *Will feature sustainable power generation technologies wherever possible'*
- 8.26. The Planning Statement also states that to achieve these aspirations, the applicant positively promotes that each reserved matters application will be accompanied by a Sustainability and Energy Statement thus demonstrating the minimum design standard each unit can achieve in satisfying the requirements of Policy DM2 of the adopted SADMP.
- 8.27. Planning conditions can be imposed to control the future layout, housing mix, scale, design and appearance of the scheme and its sustainable design credentials in accordance with Policy 16 of the adopted Core Strategy and Policies DM10 and DM2 of the adopted SADMP.

Impact on highway safety

- 8.28. Policy DM17 of the adopted SADMP supports development that would seek to maximise the use of sustainable transport modes to access services and facilities, be located where the need to travel can be minimised and would not result in any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision.
- 8.29. Objections have been received from Sheepy Parish Council and other public consultation responses on highway safety grounds. Objectors consider that:-
- the access is located on a blind bend and crest of a hill and lacks adequate and safe visibility on a rural road that is subject to high speed traffic
 - access use has been minimal for many years and has been nowhere near that suggested in the submitted Transport Statement, the number of dwellings proposed would result in significantly more traffic movements to and from the access
 - the proposed relocation of the access would not diminish the danger and additional traffic calming measures should be provided.
- 8.30. A Transport Statement has been submitted to support the application. This suggests that: the review of personal injury collision data does not highlight any existing safety issues that would need to be mitigated; the relocation of the access to the new position proposed would enable improvements to visibility over the current situation; the review of historic/proposed site uses demonstrates that there would be no significant traffic impacts from the proposed scheme and therefore concludes that the proposed development would have no material adverse impact on the safety or operation of the highway network.
- 8.31. Leicestershire County Council (Highways) has assessed the application and supporting documents and has concluded that the traffic that is likely to be generated from the proposed scheme (for 20 dwellings) will not have any more impact on the highway network than the existing/extant use of the former care home and therefore that the residual cumulative impacts of development are not considered severe.
- 8.32. Additional plans have been submitted providing visibility, width and radii details of the proposed new/relocated access junction with Bosworth Road and large refuse vehicle tracking information.
- 8.33. The proposed new/relocated access would be 15 metres further to the east of the existing access. It would have a proposed width of 5 metres, radii of 6 metres and visibility splays of 2.4 metres x 97 metres to the south west and 2.4 metres x 140 metres to the north east (albeit with an Oak tree within the splay within the highway verge). The Highway Authority would prefer the access to be moved even further to the east to improve visibility further. However, given the existing/previous legal use of the existing site access and proposed improvement to the current situation, the Highway Authority considers that the new/relocated access is sufficient in terms of location, width, radii and visibility to serve the proposed development. Further movement of the access to the east would impact on existing boundary trees within the site.
- 8.34. In respect of the internal layout, an amended plan has been submitted that confirms the developers intention for the new/relocated access road to be built to an adoptable standard and allow large refuse vehicles to enter, park and turn within the site and this is also acceptable in terms of highway safety to the Highway Authority. Given the remote nature of the site and reliance on private car for most trips,

parking within the site will need to be in accordance with adopted highway design guidance but this is to be considered at the reserved matters/detailed layout stage.

- 8.35. An additional plan has been submitted providing details for proposed pedestrian access and improvements to an existing crossing point and the existing pedestrian footway on the north side of Bosworth Road.
- 8.36. The existing pedestrian pathway within the site would be reinstated to a width of 2 metres and would remain un-adopted. The proposed scheme includes improvements to the existing crossing point from the site and the existing pedestrian footway on the north side of Bosworth Road with dropped kerb and tactile paving and the cutting back of vegetation and clearance of detritus to provide a footway width of approximately 1.2 to 1.5 metres.
- 8.37. The Highway Authority is aware that there are constraints to the available width of the existing pedestrian footway on the north side of Bosworth Road but include a condition to require the maximum possible width to be provided to enable its use by pedestrians with pushchairs or wheelchair users. The Highway Authority also recommend conditions relating to the provision of the access arrangements as proposed prior to occupation, closure of any existing access points within a reasonable time period, control of site drainage and a construction traffic management plan. The conditions are considered to be reasonable and necessary to ensure satisfactory development of the site in terms of highway safety.
- 8.38. Notwithstanding the objections received, the proposed scheme is not considered to result in any significant adverse impacts on the highway network and would provide satisfactory access to the site. The proposed scheme is therefore acceptable and in accordance with Policy DM17 of the adopted SADMP.

Impact upon archaeology

- 8.39. Policies DM11 and DM13 of the adopted SADMP state that where a proposal has the potential to impact a site of archaeological interest, developers will be required to provide appropriate desk-based assessment and, where applicable, field evaluation detailing the significance of any affected asset. Where preservation of archaeological remains in situ is not feasible and/or justified the local planning authority will require full archaeological investigation and recording by an approved archaeological organisation before development commences.
- 8.40. Paragraph 128 of the NPPF states that where a site has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit appropriate desk-based assessment and field evaluation. Paragraph 141 of the NPPF requires developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and the impact and to make this evidence publically accessible.
- 8.41. An Archaeological Desk-Based Assessment has been submitted to support the application which concludes that the site has low archaeological potential due to the construction of the buildings, terraces and other landscaping within the site. However, Leicestershire County Council (Archaeology) considers that below-ground remains could survive within areas where less ground disturbance has taken place. The development proposals include works (e.g. foundations, services, road construction, water attenuation, landscaping) likely to impact upon archaeological remains.
- 8.42. To ensure that any archaeological remains present are dealt with appropriately the applicant should provide for an appropriate level of archaeological investigation and recording. This should consist of a programme of archaeological work to be

conducted prior to commencement of the proposed groundworks associated with the development. It should commence with an archaeological trial trench investigation of the development area; if archaeological remains are present and will be impacted by the development, a further stage of investigation will be necessary. The nature and extent of any subsequent mitigation will be informed by the results of the initial trenching. A contingency provision for recording and excavation of archaeological remains of greater extent, complexity or significance than currently envisaged should also be made.

- 8.43. It is therefore recommended that any planning permission should be subject to a number of planning conditions to safeguard any important archaeological remains potentially present in accordance with Policies DM11 and DM13 of the adopted SADMP and section 12 of the NPPF.

Impact upon neighbouring and future residential amenity

- 8.44. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the future occupiers of proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.45. There are no existing dwellings immediately adjacent to the site and by virtue of separation distances and boundary landscaping the proposed scheme would not result in any significant adverse impacts on residential amenity of any neighbouring properties.
- 8.46. An objection to the proposal has been received on the grounds that the construction and occupation of new dwellings on the site could threaten the viability of a nearby composting facility (Caton Recycling Limited) and result in the loss of jobs and waste management facilities contrary to Leicestershire County Council's Minerals and Waste Local Plan (2013) (Safeguarding Waste Management Facilities).
- 8.47. The composting site boundary is located approximately 1.2 kilometres to the south of the boundary of the application site. Leicestershire County Council (Waste) has assessed the application and advise that the Borough Council should be confident that if the composting materials at the recycling site are turned whilst the wind is blowing due north towards this proposed development that the amenity of the new occupiers would not be harmed and that the current and future operations at Glebe Farm are not prejudiced. There is not a prescribed affecting distance between a waste composting facility and residential properties.
- 8.48. Environmental Health (Pollution) has assessed the proposal and considers that by virtue of the separation distance of 1200 metres, the future occupiers of the scheme are unlikely to be adversely affected to any significant degree by the operation of the existing composting site.
- 8.49. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP in respect of residential amenity.

Biodiversity

- 8.50. Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features.
- 8.51. Objectors to the scheme have commented that no trees should be removed as part of the proposal, that perimeter hedgerow and trees should be retained to protect wildlife habitat and that future management and maintenance responsibilities for the retained woodland and natural buffers needs to be secured.

- 8.52. An Extended Phase 1 Ecological Survey, Arboricultural Assessment/Tree Survey, Bat Surveys (including Emergence Surveys), Badger Survey and Great Crested Newt Habitat Suitability Surveys have been submitted to support the application.
- 8.53. The submitted Extended Phase 1 Ecological Survey concludes that the proposed construction zones are of low to moderate ecological value but recommends further surveys and reports including a woodland management plan, tree survey and specific additional protected species surveys be undertaken in order to fully determine the presence of any protected species and development implications on those species. The report also recommends biodiversity enhancement, mitigation and protection measures that could be incorporated into the development.
- 8.54. The Arboricultural Assessment considers that it should be possible to retain a vast majority of the most important category A and B trees within the site subject to future layout considerations and satisfactory protection during any construction phase. This could be controlled by suitably worded conditions.
- 8.55. The future long term management and maintenance of the retained woodland and natural buffers can be secured through the completion of a suitable section 106 legal agreement and the submission for prior approval of a suitable landscape management plan and maintenance schedule. The submitted Viability Assessment includes a sum (estimated at £110,000.00) for these purposes.
- 8.56. Leicestershire County Council (Ecology) has assessed the ecological and protected species surveys/reports submitted and raises no objection to the scheme subject to a number of conditions to ensure the protection and enhancement of the biodiversity value of the site and to ensure that no protected species would be adversely affected by the proposed development. Such conditions are reasonable and necessary to make the proposal acceptable in planning terms and to accord with Policy DM6 of the adopted SADMP.

Drainage

- 8.57. Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding by being located away from areas of flood risk unless adequate mitigation is provided in accordance with National Policy.
- 8.58. Objections to the scheme have been received on the grounds that there is inadequate utilities infrastructure capacity, particularly water supply, foul drainage and electricity services which already suffer from failure and will be unable to cope with any increase in capacity requirement from the proposed development. Concerns have also been raised in respect of run-off from the development exacerbating flooding on Tinsel Lane and potential back-fill of an existing cess pit.
- 8.59. A Flood Risk Assessment and Sustainable Drainage Maintenance and Management Plan have been submitted to support the application. Leicestershire County Council (Drainage) and Environmental Health (Drainage) have assessed the submitted information and both consider that additional information of any proposed sustainable drainage system is required.
- 8.60. The imposition of conditions requiring the submission of additional surface water drainage details, details of the management of surface water during construction and long term maintenance of the sustainable surface water drainage system for prior approval would therefore be reasonable and necessary in this case to ensure no adverse impacts from flooding in accordance with Policy DM7 of the adopted SADMP. The satisfactory disposal of foul drainage would be subject to separate Building Regulations approval.

Contamination

- 8.61. Policy DM7 of the adopted SADMP seeks to prevent adverse impacts from pollution by ensuring that development proposals demonstrate that appropriate ground investigation and any necessary remediation of contaminated land is undertaken.
- 8.62. Objections have been received on the grounds that the site has been polluted and has not been cleaned up or made safe. Objectors consider that a comprehensive asbestos survey should be undertaken by a specialist company and appropriate safe removal of such materials carried out prior to any new construction taking place.
- 8.63. The Environmental Health (Pollution) team has assessed the application and by virtue of the potential for past use to have resulted in land contamination, including asbestos contamination, the imposition of conditions are recommended for the prior investigation of any potential land contamination and the implementation of any necessary remediation works. Subject to such appropriate investigation and remediation the proposal would ensure safe development of the site and be in accordance with Policy DM7 of the adopted SADMP in this respect.

Affordable Housing

- 8.64. Policy 15 of the adopted Core Strategy seeks contributions towards affordable housing in rural areas on sites of four dwellings or more or sites of 0.13 hectares or more. Of these, 75% should be for social rent and 25% for intermediate housing.
- 8.65. The amended scheme for up to 20 dwellings would therefore result in a policy requirement for 8 affordable housing units on the site, 6 for social rent and 2 for intermediate housing. The Housing Strategy and Enabling Officer considers that by virtue of the isolated position of the site and lack of nearby services, facilities or public transport links, the application site would not be a favourable location for affordable housing. For this reason it is considered that, in this instance, a commuted sum should be paid by the developer towards the provision of affordable housing in a more sustainable location and in accordance with the commuted sum calculation in the adopted Affordable Housing Supplementary Planning Document.
- 8.66. The applicant has submitted an assessment of the viability of the scheme to deliver affordable housing, infrastructure contributions and long term future woodland management and maintenance. The Viability Assessment concludes that the proposed scheme could provide a commuted sum of £279,100.00 for off-site affordable housing in lieu of 40% on-site affordable housing provision.
- 8.67. The Viability Assessment has been sent to a viability consultant for independent appraisal. The outcome of the appraisal will be reported as a late item to this agenda.
- 8.68. Subject to payment of a reasonable commuted sum, which can be secured by the completion of a suitable legal agreement, the scheme would be in accordance with Policy 15 of the adopted Core Strategy.

Infrastructure contributions

- 8.69. 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.
- 8.70. The request for any planning obligations (infrastructure contributions) must be considered against the requirements set out within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer

contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

- 8.71. As a result of public consultation the following infrastructure contributions have been identified:
- 1) Education
- 8.72. The Director of Children and Family Services requests a total contribution of £130,538.02 towards education facilities in Market Bosworth (Primary School Sector: £58,075.25 and Secondary School Sector: £59,706.41) and Earl Shilton (Post – 16 School Sector: £12,756.41) to mitigate the impact of additional users from the development on the capacity of these facilities where deficits have been identified. No contributions are requested for the Special Schools Sector.
- 2) Health care facilities
- 8.73. NHS England requests a contribution of £5,512.32 towards the improvement of local health care facilities to mitigate additional demands on the local surgery in Market Bosworth as a result of the proposed development. The contribution has been identified for improvements to the Dispensary at the surgery.
- 3) Civic Amenity facilities
- 8.74. The Director of Environment and Transport considers that the civic amenity site at Barwell will be able to meet the additional demands of the proposed development and therefore no contribution is required on this occasion.
- 4) Library facilities
- 8.75. The Library Services – Locality Manager North requests a contribution of £600 towards library stock and materials to mitigate the impacts of the proposed development on the local library service in Market Bosworth.
- 8.76. There are no public play and open space facilities in the vicinity of the site that would be impacted on by the development therefore no such contributions are requested for compliance with Policy 19 of the adopted Core Strategy.
- 8.77. The infrastructure contributions identified above, with the exception of library facilities contributions, are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed and therefore CIL compliant and can be secured through the completion of a suitable section 106 legal agreement which is currently under negotiation.

Other material considerations

- 8.78. Paragraph 7 of the NPPF identifies that there are three dimensions to sustainable development: the economic, social and environmental roles and that they are mutually dependent.
- 8.79. The Planning Statement submitted to support the application suggests that the proposals will deliver significant economic benefits through the provision of an estimated 54 direct full-time equivalent construction roles and indirect full-time equivalent jobs during the build phase. It also suggests that the scheme could generate £2.8 million of gross value added during the construction period and generate New Homes Bonus payments. The scheme is also envisaged to result in around 30 economically active employed residents with new households generating an estimated £0.64 million per annum and approximately £40,000 per annum in Council Tax revenue.
- 8.80. In respect of the social role, the proposals would provide significant social benefits in the form of additional well designed market housing units and equivalent 40%

affordable housing off-site, the removal of serious and recurring anti-social behaviour from the site that has had significant adverse social impacts on nearby residents and emergency services. The scheme includes the provision of financial contributions towards education and health facilities to support local social infrastructure. The scheme also proposes a safer vehicular access to the site with improved visibility and public access to the memorial stone erected within the site.

- 8.81. In respect of the environmental role, the proposals would result in the more effective use of this part previously developed site, the removal of unsightly derelict, vandalised and part demolished buildings, appropriate remediation of any contamination and significant enhancement to the visual amenities and appearance of the site. In addition, the proposals seek to secure the long term future management and maintenance of the retained woodland and natural buffers to promote, protect and benefit biodiversity within the site. Sustainable design and build measures are also proposed to be incorporated into the development including sustainable drainage measures providing environmental benefits.

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. By virtue of its isolated countryside location remote from everyday services and facilities, Wellsborough has a low level of sustainability for additional residential development. In addition, the Council is able to demonstrate a five year housing land supply of 5.74 years and therefore residential development in the countryside is not currently required to boost the housing supply in the Borough.

- 10.2. The proposal is therefore in conflict with the overarching spatial vision for the Borough within the adopted Core Strategy and Policy DM4 of the adopted SADMP which does not support new residential development in the countryside.

- 10.3. Paragraph 17 of the NPPF seeks to 'encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value'. Sheepy Parish Council and other public consultation responses acknowledge that some form of development of the site is necessary to address the significant antisocial behaviour and nuisance issues that the site attracts and to improve the overall appearance of the site and its immediate setting which has become an eyesore.

- 10.4. Notwithstanding the clear conflict with the adopted development plan, in this case, it is considered that there are significant public economic, social and environmental

benefits identified within the scheme that weigh in favour of the proposal. The scheme is in outline only at this stage and planning conditions can be imposed to control the future layout parameters, housing mix, scale, design and appearance of the scheme and its sustainable design credentials.

- 10.5. Subject to satisfactory details being submitted, it is considered that the residential redevelopment of the site as within the submitted development parameters proposed would not result in any significant adverse impacts on the surrounding landscape, highway safety, archaeology, residential amenity, biodiversity, flooding or pollution and would provide contributions towards affordable housing, education facilities, health facilities and the future long term management and maintenance of the existing woodland and natural boundary buffers within the site. The proposal is therefore recommended for the approval of outline planning permission subject to conditions and the completion of a satisfactory section 106 planning obligation.

11. Recommendation

11.1. Grant outline planning permission (access only) subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - A commuted sum of £279,100.00 for off-site affordable housing provision in lieu of 40% on-site provision
 - Education facilities contribution of £130,538.02
 - Health facilities contribution of £5,512.32
 - Permanent future management and maintenance of the woodland and natural landscaping buffer (estimated at £110,000.00)
- 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. That the Planning Manager, Development Management be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

11.4. Conditions and Reasons

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site Location Plan Drawing No. 04A received by the local planning authority on 12 October 2017; Proposed New Access Drawing No. 17398-05 received by the local planning authority on 30 January 2018 and Development Parameters Plan Drawing No. 05H received by the local planning authority on 16 March 2018.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
 - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development
 - b) The scale of each building proposed, which shall not exceed 10 metres in height, in relation to its surroundings
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
 - d) The access arrangements within the site for vehicles, cycles and pedestrians
 - e) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Any reserved matters application shall be accompanied by a scheme which details the proposed housing mix for the development which should be in accordance with the Council's adopted Development Plan and the housing needs of the area. The development shall then be completed in accordance with the approved details.

Reason: To ensure an appropriate housing mix to meet the housing needs of the locality is provided in accordance with Policy 16 of the Core Strategy (2009).

5. Any reserved matters application shall be accompanied by a Sustainability and Energy Statement that demonstrates the sustainable design standard that each dwelling can achieve for the prior written approval of the local planning authority. The development shall then be completed in accordance with the approved details.

Reason: To reduce the environmental impact of the development in accordance with Policy DM2 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

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 Development Plan Document (2016).

8. No development shall commence on site until a programme of archaeological work (commencing with initial trial trench investigation and including any appropriate subsequent mitigation) has been detailed within a Written Scheme(s) of Investigation (WSI), submitted to and approved in writing by the local planning authority. The WSI(s) shall include a statement of significance and research objectives, and:
- The programme and methodology of site investigation and recording, with consideration of appropriate analytical methods to be utilised;
 - A detailed environmental sampling strategy, linked to the site research objectives and where appropriate informed by previous work (i.e. any previous archaeological evaluation or investigation of this site or in the vicinity);
 - The programme for public outreach and dissemination;
 - The programme for post-investigation assessment and subsequent analysis;
 - Provision for publication, dissemination and deposition of resulting material in an appropriate archive repository; and
 - Nomination of competent person(s) or organisation(s) to undertake the agreed work.

For land and/or structures included within the WSI, no demolition, development or related ground disturbance shall take place other than in accordance with the agreed WSI.

Reason: To ensure satisfactory and proportionate archaeological investigation and recording of the significance of any heritage assets impacted upon by the development proposal prior to its loss, in accordance with Policies DM11 and DM13 of the adopted SADMP and section 12 of the National Planning Policy Framework (2012).

9. The programme of archaeological site investigation, subsequent analysis, publication, dissemination and deposition of resulting material in an appropriate archive repository shall be completed within 12 months of the start of development works, or in full accordance with the methodology and timetable detailed within the approved WSI.

Reason: To make the archaeological evidence and any archive generated publically accessible in accordance with Policies DM11 and DM13 of the adopted SADMP and section 12 of the National Planning Policy Framework (2012).

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

Reason: To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. No development shall commence until a scheme to provide a surface water drainage system in accordance with the submitted Flood Risk Assessment dated January 2017 (Revision P2) has been submitted to and approved in writing by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the development is provided with a satisfactory means of surface water drainage to prevent flooding and minimise the risk of pollution by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. No development shall commence until such time as full details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details for the duration of the construction period.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. No development shall commence until such time as full details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the local planning authority. The system shall subsequently be maintained in accordance with the approved details at all times thereafter.

Reason: To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. The development shall be implemented in accordance with the recommendations contained within the submitted Extended Phase I Ecological Survey (updated November 2017), Internal/External Bat Survey

(updated October 2017), Dawn/Dusk Emergent Bat Surveys (updated October 2017), Badger Survey (February 2017) and Great Crested Newt Habitat Suitability Survey (updated November 2017) by Dr S. Bodnar.

Reason: To ensure appropriate conservation and protection of biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 118 of the National Planning Policy Framework (2012).

16. Before any development commences on site, a biodiversity management plan shall be submitted to and approved in writing by the local planning authority and the development shall then be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure appropriate conservation and protection of biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 118 of the National Planning Policy Framework (2012).

17. No part of the development hereby permitted shall be occupied until such time as the Proposed New Access arrangements shown on David Tucker Associates Drawing No. 17398-05 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, in the interests of general highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 32 of the National Planning Policy Framework (2012).

18. Notwithstanding the submitted Proposed Pedestrian Improvements David Tucker Associates Drawing No. 17398-04 Rev A, the proposed footpath widening shall be as wide as possible, given constraints of vegetation and to the satisfaction of the local planning authority and no part of the development shall be occupied until such time as these offsite works have been implemented in full.

Reason: To mitigate the impact of the development in the general interests of pedestrian and highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 32 of the National Planning Policy Framework (2012).

19. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access(es) on Bosworth Road that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the local planning authority.

Reason: In the general interests of pedestrian and highway safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 32 of the National Planning Policy Framework (2012).

20. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by

the local planning authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 32 of the National Planning Policy Framework (2012).

21. Notwithstanding the submitted details, before any development is commenced on site, including site works of any description, an Arboricultural Method Statement and Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that existing trees and hedgerows on the site that are to be retained are adequately protected during construction in the interests of visual amenity and biodiversity in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development or any phase of the development, whichever is the sooner. The landscape management plan shall thereafter be carried out in accordance with the approved details.

Reason: To conserve and enhance features of nature conservation within the site in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

23. All built form shall be contained within the developable area identified by the land within the orange dashed line on the approved Development Parameter Plan Drawing No. 05H received by the local planning authority on 16 March 2018.

Reason: To protect the rural character and appearance of the site and surrounding landscape in accordance with Policy DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

24. All residential curtilage shall be contained within the cultivated landscape area identified by the land within the green dashed line on the approved Development Parameter Plan Drawing No. 05H received by the local planning authority on 16 March 2018 and shall be permanently maintained as such at all times.

Reason: To protect the rural character and appearance of the site and surrounding landscape and to protect the natural buffer around the site in the interests of conserving the biodiversity value of the site in accordance with Policies DM4 and DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Class E shall not be carried out unless planning permission for such development has first been granted by the local planning authority.

Reason: To protect the rural character and appearance of the site and surrounding landscape in accordance with Policy DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.5. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. In relation to conditions 8 and 9, the applicant must obtain a suitable Written Scheme(s) of Investigation (WSI) for all phases of archaeological investigation from suitably qualified archaeological person(s) and/or organisation(s) acceptable to the local planning authority. A WSI for the exploratory trial trenching should be submitted for approval but will not be sufficient for the discharge of the relevant Condition(s).

The WSI(s) shall comply with relevant Chartered Institute for Archaeologists "Standards" and "Code of Practice", and Historic England's "Management of Research Projects in the Historic Environment" (MoRPHE). The WSI(s) shall include a suitable indication of arrangements for the implementation of the archaeological work and the proposed timetable for the development.

The applicant should commission the trial trench investigation at an early stage to enable the costs and timescales of any further mitigation work to be ascertained and fully integrated into the development programme.

The LCC Historic and Natural Environment Team (HNET), as advisors to the Local Planning Authority, will monitor the archaeological work to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the local planning authority.

3. In relation to conditions 10 and 11 advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
4. In relation to condition 12, the scheme shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.
5. In relation to condition 13, the details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to

completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

6. In relation to condition 14, details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.
7. If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following:
<http://www.leicestershire.gov.uk/Flood-risk-management>
8. In relation to condition 15, badger mitigation should be based on the recommendations in the Badger Survey (Dr S. Bodnar, 2017), with a minimum of a 30 metre buffer surrounding the badger sett. Should the reserved matters application not be submitted before August 2018 it is recommended that an updated badger survey is completed to ensure that that mitigation strategy is still appropriate.

Updated bat surveys may be required in advance of the reserved matters application/prior to commencement after May 2018 (two years since the date of the previous survey). The buildings were assessed as having bat roost potential.

Planning Committee 10 April 2018
Report of the Planning Manager, Development Management

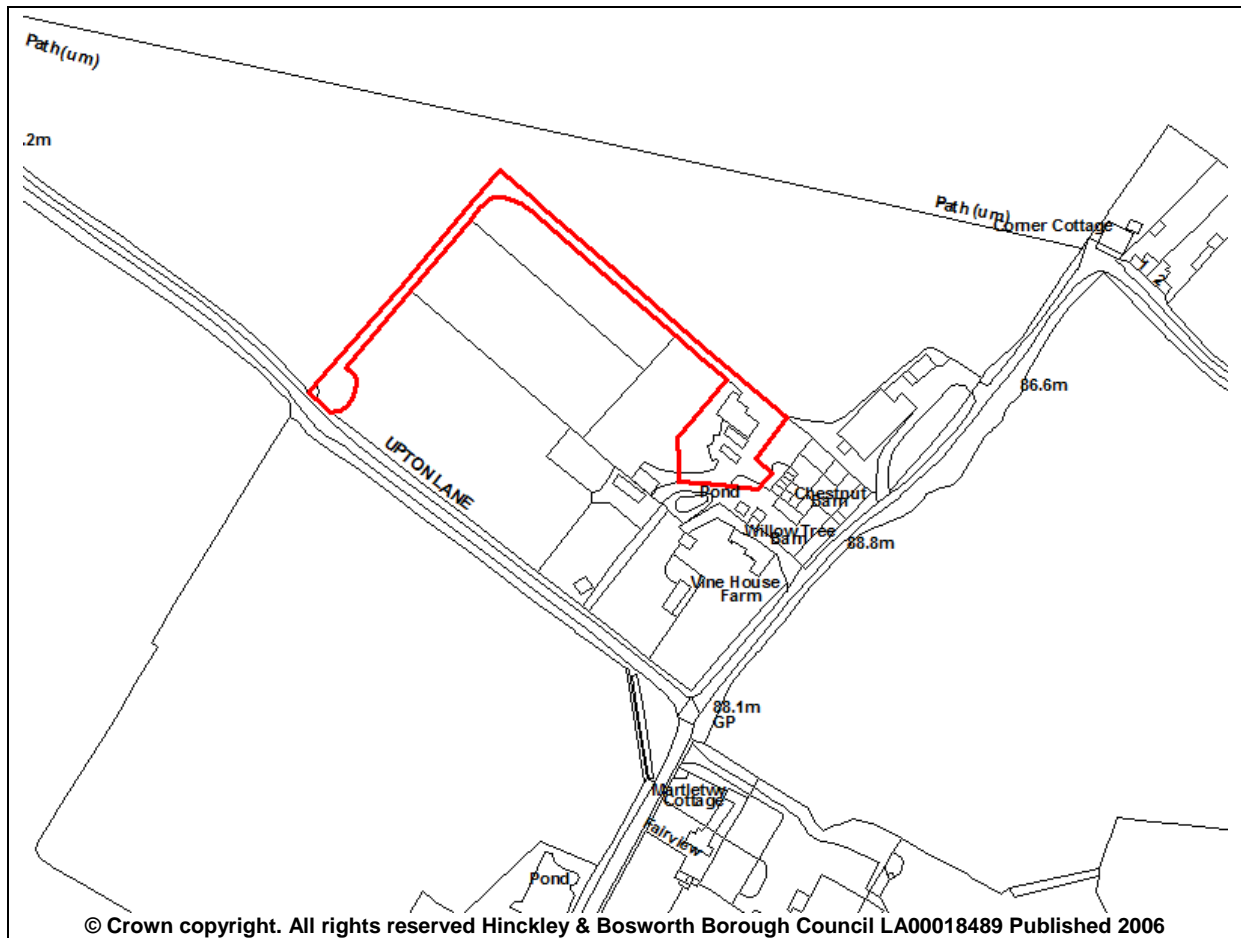
Planning Ref: 17/01268/FUL
Applicant: Anna Vaughan
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Meadow Barn Shenton Lane Upton

Proposal: Removal of two mobile homes and residential storage barn and erection of dwelling



1. Recommendations

1.1. **Refuse planning permission** for the reasons at the end of this report.

2. Planning Application Description

2.1. This application seeks full planning permission for the erection of a new dwelling on land currently occupied by two mobile homes, a caravan and an associated residential storage barn.

2.2. The proposed dwelling would be a 1½ storey, three bedroomed detached dwelling that would measure 13.3 metres in width x 7 metres in depth. It would have an eaves height of 3 metres and a ridge height of 6.85 metres. It has a plain rectangular design with modern windows and roof lights. Proposed external materials include Ibstock Leicestershire Weathered facing bricks, plain clay roof tiles and painted hardwood windows and doors. Access would be from Upton Lane

along an existing narrow unmade private track. The existing structures would be removed to enable the proposed development.

- 2.3. A combined Design, Access and Planning Statement has been submitted to support the application.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 1560 square metres (not including the access) and is located in the countryside to the north of Upton. It currently comprises two separate mobile homes, another mobile home/caravan and a timber framed storage barn along with areas of hardstanding and grass.
- 3.2. The applicant has obtained a certificate of lawful use for the residential occupation of two of the mobile homes (one for lounge accommodation and kitchen facilities and the other for bedroom accommodation and bathroom facilities) along with residential storage within the barn (reference 16/01052/CLUE). A certificate of lawful use was previously refused for lawful occupation of the two mobile homes as a single dwelling as neither of the structures provided all the normal facilities such that they could be considered to comprise a single dwelling (reference 16/00755/CLUE).
- 3.3. The former farm complex previously included a fourth barn with planning permission for residential conversion but this was demolished. The applicant recently renewed an extant planning permission (reference 17/00147/FUL) to build a replacement new dwelling on an adjacent plot immediately to the south east of the application site where the fourth barn formerly stood. This permission remains extant but has not been implemented.
- 3.4. To the south and south east of the application site there is a former farm house (Vine House Farm), a 2½ storey detached house, two x 1½ storey residential barn conversions (Chestnut Barn and Willow Tree Barn) which front onto Shenton Lane and a single storey range used for garaging and ancillary residential storage. To the north west of the site there is a grassed paddock and agricultural fields to the north and north east.

4. Relevant Planning History

13/00383/FUL	Erection of dwelling	Withdrawn	18.06.2013
14/00176/FUL	Erection of one new dwelling	Withdrawn	16.04.2014
14/00637/FUL	Erection of one new dwelling	Permitted	08.09.2014
16/00755/CLUE	Certificate of lawful use for the existing use of Meadow Barn and associated access and curtilage to be lawfully occupied as a single dwelling house and separate address	Refused	11.11.2016
16/01052/CLUE	Certificate of Lawful Existing Use for the residential occupation of two mobile homes (one for lounge accommodation and kitchen facilities and the other for bedroom accommodation and bathroom facilities), residential storage within the barn and associated access and curtilage at Meadow Barn, Upton Lane, Upton, Leicestershire	Permitted	16.01.2017

17/00147/FUL	Erection of one new dwelling	Permitted	04.04.2017
17/00536/FUL	Removal of two mobile homes and residential storage barn and erection of replacement dwelling	Refused	07.08.2017
17/00898/FUL	Erection of one new dwelling (Resubmission of 17/00147/FUL)	Refused	26.10.2017

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 response received raising the following concerns:-

- 1) Height and distance from existing buildings
- 2) Out of keeping with existing buildings and being clearly visible from Shenton Lane
- 3) Lack of detail submitted in respect of proposed disposal of foul drainage from the site.

6. Consultation

6.1. No objection has been received from:-

Environmental Health (Pollution)
Environmental Health (Drainage)

6.2. Street Scene Services advise that waste and recycling collection is from the public highway and recommend a condition to confirm that adequate space is available at the public highway.

6.3. No response has been received from:-

Severn Trent Water Limited
Sheepy Parish Council

7. Policy

7.1. Core Strategy (2009)

- No relevant policies.

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy 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

- Sheepy Neighbourhood Plan (SNP) 2017 (Pre-submission consultation draft)

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
- Other issues

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) requires 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 confirms that the NPPF constitutes guidance and is a material consideration in determining planning applications.
- 8.3. The development plan in this instance consists of the adopted Core Strategy (2009), and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The site also lies within the emerging Sheepy Neighbourhood Plan area. However, this 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.
- 8.4. Policy DM1 of the adopted SADMP states that planning applications that accord with the policies in the development plan will be approved unless material considerations indicate otherwise. Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside subject to meeting a number of other criteria. The categories of development that may be considered to be sustainable in the countryside do not include new residential development unless it is in respect of essential rural worker accommodation.
- 8.5. Paragraph 55 of the NPPF in seeking to promote sustainable development in rural areas expects housing to be located where it will enhance or maintain the vitality of rural communities and states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.
- 8.6. Upton does not have a settlement boundary. The application site is located in the countryside, and whilst there are three other dwellings (a former farmhouse and two residential barn conversions) in the vicinity the application site it is isolated in relation to access to everyday services and facilities. The supporting information makes reference to a private caravan site bar which is also open to the public and to a cheese shop and tea room which appears to be open for two mornings a week but other than this Upton lacks everyday services and facilities to serve new dwellings and therefore the proposal would contribute little to maintaining or enhancing the vitality of facilities in Upton. Future occupiers would therefore rely heavily on the private car for transport to surrounding settlements to access everyday services and facilities and one dwelling is unlikely to contribute significantly to the vitality of any services in surrounding settlements. Accordingly the site is considered to be in an unsustainable location for a new dwelling.
- 8.7. The proposal for a new dwelling is not a form of development considered to be sustainable in countryside locations or supported by Policy DM4 of the SADMP and it would therefore be in clear conflict to this adopted, and NPPF compliant, development plan policy for the area. The submitted Design, Access and Planning

Statement fails to assess the proposal in terms of this principle adopted development plan policy relating to development in the countryside.

- 8.8. The proposal does not meet any of the special circumstances highlighted in paragraph 55 and would therefore also be in conflict with the overarching strategic principles of the NPPF with regard to new dwellings in the countryside.
- 8.9. The proposal for a new dwelling in this remote location isolated from everyday services and facilities would be in clear conflict with current strategic development plan policy and national guidance which seeks to protect the countryside from unsustainable and unwarranted new residential development.

Design and impact upon the character of the area

- 8.10. The site is located in the countryside as defined in the adopted SADMP. Policy DM4 of the adopted SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the area generally.
- 8.11. An objection has been received on the grounds that the height of the proposal would be out of keeping with neighbouring existing buildings and would be clearly visible from Shenton Lane.
- 8.12. By virtue of their utilitarian design and appearance, the existing mobile homes are not sympathetic to the rural surroundings but are not permanent structures. The proposed new dwelling would be located to the north west of the former farm complex and its siting would not be well related to the complex. The proposed dwelling has a simple rectangular footprint and a ridge height of almost 7 metres. Whilst it would replace some existing smaller structures it would be more prominent in the landscape than those structures and would extend built form from the former farm complex to the detriment of the open character of the surrounding landscape and in conflict with Policy DM4 of the adopted SADMP. By virtue of the proposed siting, uncharacteristic layout, design and scale the scheme would fail to complement or enhance the rural character or appearance of the former farm complex of buildings or its historical form and layout and would therefore be in conflict with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.13. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and that the amenities of the occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.14. By virtue of the siting and scale of the proposed dwelling and separation distances of in excess of 25 metres relative to the three neighbouring dwellings, the proposal would not result in any significant overbearing impacts or loss of privacy from overlooking to any neighbouring occupiers.

Impact upon highway safety

- 8.15. Policy DM17 of the adopted SADMP supports development proposals that would not have any significant adverse impacts on highway safety, seek to make the best

use of existing public transport services and ensure that there is convenient and safe access for walking and cycling to services and facilities. Policy DM18 requires new development to provide an appropriate level of parking provision.

- 8.16. The existing driveway to the application site has adequate width and visibility at its junction with Upton Lane to provide satisfactory access to serve the proposed dwelling without having any adverse impacts on highway safety. The site would provide adequate space for off-street vehicle parking (two spaces) and turning within the site. The application site is not located where a majority of services and facilities could be accessed by public transport, cycling or safely by walking given the unlit rural road network and lack of footways. There is therefore a degree of conflict with Policy DM17 of the adopted SADMP.

Other issues

- 8.17. An objection has been received regarding the lack of detail submitted with the application in respect of disposal of foul drainage. However, this would be subject to separate Building Regulations approval.
- 8.18. The submitted Design, Access and Planning Statement makes no attempt to support the application in terms of the main adopted development plan policy relating to development in the countryside outside of any defined settlement boundary (Policy DM4 of the adopted SADMP) but instead seeks to justify the proposal based on paragraph 55 of the NPPF and the judgement in Braintree District Council and Secretary of State for Communities and Local Government [2017] EWHC 2743 (Admin).
- 8.19. Paragraph 11 of the NPPF requires 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 development plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Planning Balance

- 8.20. Unlike the case referred to in the above judgement, the Council can demonstrate a five year supply of deliverable housing sites therefore the relevant policies for the supply of housing are not silent or out of date. The proposal does not accord with the development plan in respect of its isolated countryside location outside any defined settlement boundary.
- 8.21. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore it must be considered whether there are any economic, social or environmental benefits arising from the scheme (as detailed in paragraph 7 of the NPPF) that would outweigh the significant conflict with adopted Development Plan policies and national planning guidance.
- 8.22. In terms of economic considerations, the proposed development would provide a very limited short term benefit to the local economy through the creation of jobs and demand for local services during the construction period. Any support for local services would be limited by the scale of development (one dwelling) and the lack of such services in Upton and the need to access services in other larger settlements by the use of the private car.
- 8.23. The occupation of the proposed dwelling would provide a private benefit to the applicant, however, in terms of other social benefits, the proposal would make a minimal contribution to the housing supply and the weight attached to this is further

limited by the fact that the Council has identified sufficient land to meet local housing requirements for at least the next 5 years and in locations that have better access to services and facilities.

- 8.24. The proposed removal/demolition of the existing structures would result in an improvement to the appearance of the site. However, this could be achieved without the need to erect another new dwelling on the site in addition to the extant planning permission. There would also be environmental harm due to the poor accessibility of the location for services and facilities, the resultant increase in the need to travel and the use of unsustainable transport modes.
- 8.25. It is therefore considered that there are no significant material considerations arising from the scheme that would outweigh the clear and significant conflict with adopted Development Plan policies. Therefore the presumption in favour of sustainable development under paragraph 14 of the NPPF does not apply 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 states that planning applications that accord with the policies in the development plan will be approved unless material considerations indicate otherwise. Policy DM4 of the adopted SADMP states that the countryside will first and foremost be safeguarded from unsustainable development. The application site is located in an unsustainable location in the countryside, remote from services and facilities, where there is no demonstrable need for additional housing within the adopted spatial strategy for the area. New, unwarranted residential development is not a form of sustainable development in the countryside supported by Policy DM4 of the adopted SADMP. By virtue of the proposed siting, uncharacteristic design and scale, the scheme would extend built form and result in adverse impacts on the open character of the surrounding landscape in conflict with Policy DM4 of the adopted SADMP. By virtue of its siting, uncharacteristic design and scale, the scheme would fail to complement or enhance the rural character or appearance of the former farm complex of buildings or its historical form and layout and would therefore be in conflict with Policy DM10 of the adopted SADMP.
- 10.2. The proposal would be in clear conflict with Policies DM1, DM4 and DM10 of the recently adopted, and NPPF compliant, local development plan policies and the overarching strategic principles within national planning guidance.

- 10.3. There are no significant material considerations arising from the scheme that would outweigh the clear and significant conflict with adopted development plan policies and national planning guidance in this case that seek to avoid unsustainable and unwarranted residential development in the countryside. There are no other material considerations that would weigh in favour of the proposal. Accordingly, the proposal would not constitute sustainable development and the application is recommended for refusal.

11. Recommendation

- 11.1. **Refuse planning permission** for the reasons at the end of this report.

11.2. Reasons

1. By virtue of the location of the application site outside any settlement boundary and remote from services and facilities, the proposed scheme would result in unsustainable and unwarranted new residential development in the countryside in conflict with the spatial strategy for residential development in the borough as set out by the Core Strategy. The proposal is therefore contrary to Policies DM1 and DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2012) with particular reference to paragraph 55.
2. By virtue of the siting, layout, design and scale of the proposed dwelling it would fail to complement the rural character, appearance and historic layout of the adjacent former agricultural complex. The proposal is therefore contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2012).

11.3. Notes to Applicant

1. This application has been determined having regard to the following documents and plans submitted with the application: Planning Application form; Design, Access and Planning Statement (January 2018); Site Location Plan Drawing No. 16/027/10/10; Existing Site Plan Drawing No. 16/027/11/11; Existing Mobile Home Floor Plans and Elevations Drawing No. 16/027/01/1; Existing Storage Barn Floor Plan and Elevations Drawing No. 16/027/12/12; Proposed Site Plan Drawing No. 16/027/09/09; Proposed Block Plan Drawing No. 16/027/08/8 and Proposed Floor Plans and Elevations Drawing No. Grouse-RH-001.

Planning Committee 10 April 2018
Report of the Planning Manager, Development Management

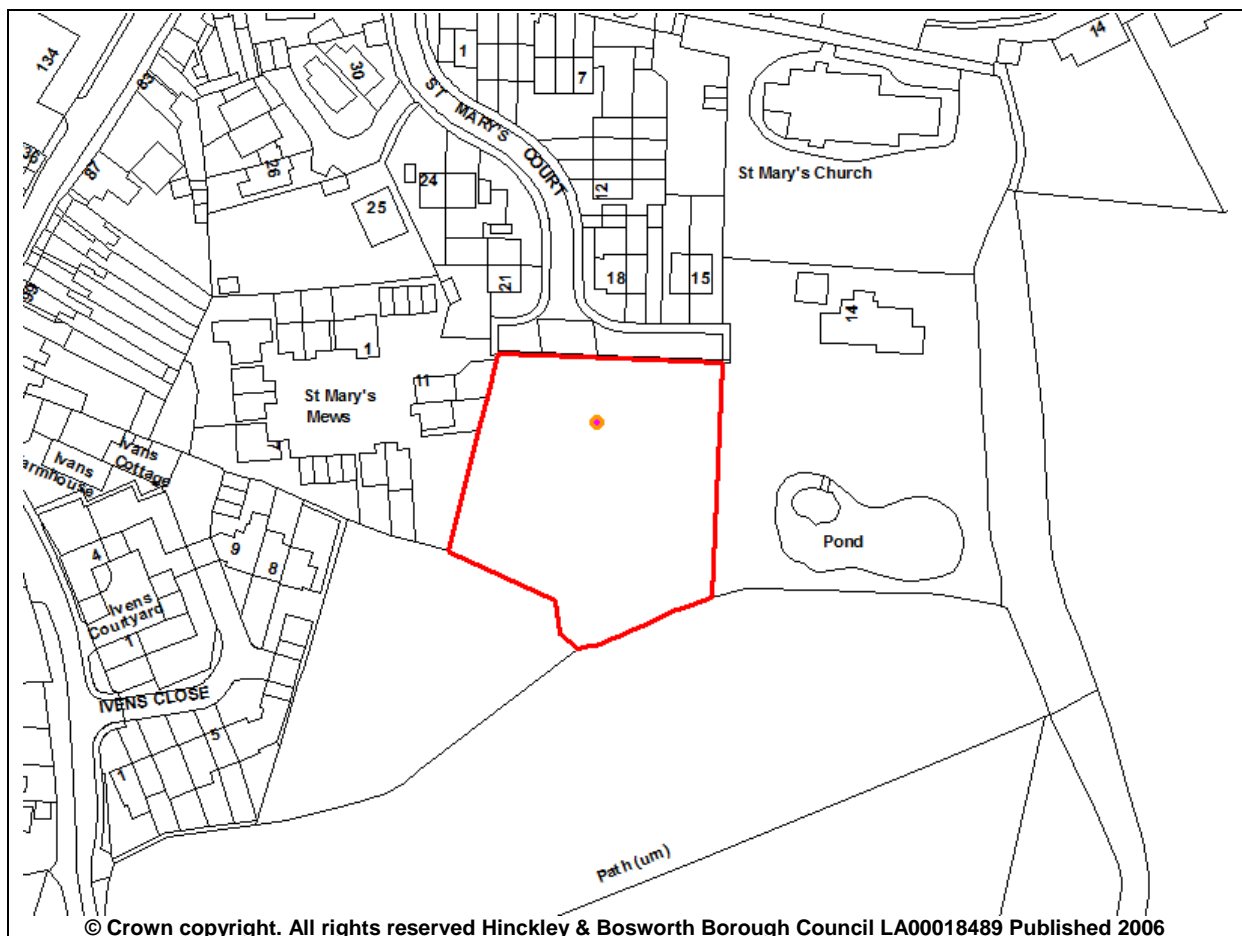


Hinckley & Bosworth
Borough Council

Planning Ref: 18/00018/REM
Applicant: Mr R Mahal
Ward: Barwell

Site: Land off St Marys Court Barwell

Proposal: Approval of reserved matters (layout, scale, appearance and landscaping) of outline planning permission 16/00966/OUT for residential development of 9 dwellings



1. Recommendations

1.1. Grant approval of reserved matters 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 the approval of reserved matters (layout, scale, appearance and landscaping) following the approval of outline planning permission 16/00966/OUT for access only for the erection of nine dwellings on land off St Mary's Court, Barwell. The scheme proposes 2 x 2/3 bedroom detached bungalows

and 7 x 3 bedroom two storey detached houses. The layout includes two off-street parking spaces for each dwelling and a shared surface access road which is intended to be constructed to adoptable standards. Amended plans have been received to address access, layout and design issues identified. Re-consultation has been undertaken.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 0.3 hectares and is roughly square in shape. It is located outside of, but adjacent to, the settlement boundary of Barwell and within the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge. It comprises a paddock of land that has recently been cleared of heavily overgrown scrub and vegetation. The site is enclosed to the south and east by mature hedgerows and trees, to the west by a mix of hedgerow and fencing and is open to the north boundary with St Mary's Court. Ground levels fall from north to south.
- 3.2. There are residential properties to the north and west, to the east is a detached dwelling within a large garden plot and to the south there is agricultural land.

4. Relevant Planning History

14/00124/OUT	Residential development of 9 dwellings (outline - access only)	Permitted	07.04.2014
16/00966/OUT	Residential development of up to 9 dwellings (outline - access only) (renewal of 14/00124/OUT)	Permitted	19.12.2016
17/00896/FUL	Erection of 14 dwellings	Refused	14.12.2017

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Responses have been received from nine separate addresses objecting to the application on the following grounds:-
- 1) Outside development boundary in the Green Wedge
 - 2) 5 year housing land supply therefore no additional dwellings are required
 - 3) Highway safety – additional strain on street parking, access and egress within the close
 - 4) Lack of sustainability (location and design) of the development
 - 5) Contamination of the site by Japanese Knotweed and landfill/methane gas
 - 6) Poor design architecturally and land faces directly to the countryside and should be taken advantage of
 - 7) Levels not available
 - 8) Do the house types meet the needs of the village
 - 9) Noise and disruption to residents during construction
 - 10) Loss of wildlife habitat
 - 11) Depreciation of surrounding properties.

6. Consultation

- 6.1. No objections, some subject to conditions, has been received from:-
Leicestershire County Council (Ecology)
Environmental Health (Pollution)
Environmental Health (Drainage)
- 6.2. Leicestershire County Council (Highways) raises no objection in principle but advised that the originally proposed road layout did not conform to an adoptable

standard. Further comments are awaited on an amended plan submitted to seek to address the issues raised.

6.3. Leicestershire County Council (Drainage) refers to standing advice.

6.4. Barwell Parish Council raises no objections subject to the whole area of land being cleared of Japanese Knotweed by a licensed disposal company and a guarantee issued.

7. Policy

7.1. Earl Shilton and Barwell Area Action Plan (ESBAAP) Development Plan Document (2014)

- No relevant policies.

7.2. Core Strategy (2009)

- Policy 3: Development in Barwell
- Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge

7.3. 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 DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- Green Wedge Review (2011)

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

8.2. The development plan in this instance consists of the adopted Core Strategy (2009), the Earl Shilton and Barwell Area Action Plan Development Plan Document (2014) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).

8.3. Objections have been received on the grounds that the application site lies outside the development boundary in the Green Wedge and that the Council has a 5 year housing land supply.

8.4. The application site does lie outside the settlement boundary of Barwell and within the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge where acceptable land uses do not include new residential development. Therefore, residential

development would be in conflict with both Policy 6 of the adopted Core Strategy and Policy DM4 of the adopted SADMP.

- 8.5. However, this application seeks the approval of reserved matters to an extant outline planning permission for the erection of nine dwellings that was originally granted at a time when a 5 year housing land supply could not be demonstrated and the outline permission was subsequently renewed in 2014. Notwithstanding the location of the site, the extant outline planning permission must be afforded significant weight in favour of the proposal, along with the allowed appeal decision (reference APP/K2420/A/11/2167650) relating to the erection of new dwellings on land immediately to the west of the site on St Mary's Mews.
- 8.6. Accordingly, whilst the proposed scheme would be in conflict with adopted strategic development plan policies, it is considered that the acceptability of residential development of the site for nine dwellings has been established through the extant outline planning permission.

Design, layout and impact upon the character of the area

- 8.7. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.8. Objections have been received on the grounds of poor architectural design, a layout which does not take advantage of the countryside, housing mix, levels and sustainable location/design.
- 8.9. The immediate area within St Mary's Court is characterised predominantly by two storey semi-detached dwellings, which occupy linear front and rear building lines with plots of a similar size and similar footprints. Properties in the adjacent St Mary's Mews development are more modern and set out in a courtyard layout with projecting gables and detailing.
- 8.10. The proposed scheme includes four frontage properties to St Mary's Court and a small cul-de-sac serving five further dwellings arranged around and facing onto the shared surface access road. The layout, position and scale of the dwellings therefore respect the pattern of development on St Mary's Court and the adjacent St Mary's Mews. The set back of the properties from the southern boundary and the provision of rear gardens to the south of the dwellings adjacent to the open countryside provides a soft edge to the development where it meets the countryside and would therefore reduce any impact of built form on the Green Wedge. The inclusion of two bungalows adds to the housing mix within the village.
- 8.11. The proposed dwellings benefit from a number of architectural features that add interest to the design of the scheme including subordinate gables, brick plinths, canopy porches, brick eaves detailing and headers and sills to windows. Notwithstanding the objection received, it is considered that the designs would enhance the character of the area and are therefore acceptable.
- 8.12. A landscaping scheme has been submitted that includes the use of permeable paving for the shared surface access road and parking areas and the planting of new hedgerow and trees to enhance the appearance of the development along with a low level wall and new 1.8 metre high close boarded fencing to define plot boundaries.
- 8.13. Ground levels within the site fall to the south and therefore the proposed ground and finished floor levels of the development are subject to a condition requiring their submission for prior approval on the outline planning permission.

- 8.14. Barwell forms part of the urban area of the Borough and has a range of services and facilities. The site is within easy access of those facilities by sustainable transport means and therefore the location of the site is sustainable for additional housing. The dwellings would have to meet current Building Regulations standards in respect of their construction and design.
- 8.15. By virtue of the layout, scale, design, landscaping and subject to the use of sympathetic external materials which are controlled by condition on the outline planning permission, the proposed scheme would complement the character and appearance of the surrounding area in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.16. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the future occupiers of the site would not be adversely affected by activities in the vicinity.
- 8.17. The proposed scheme would have adequate separation distances of a minimum of 21 metres between habitable room windows across St Mary's Court. There would be a separation distance of at least 11 metres from the rear elevations of 11 and 10 St Mary's Mews to the proposed bungalow on Plot 9. The front elevation windows of the two storey house on Plot 8 would be offset from the rear garden of 10 St Mary's Mews.
- 8.18. By virtue of the proposed layout, scale and design the scheme would not result in any significant adverse overbearing/overshadowing impacts or result in any significant loss of privacy from overlooking to the occupiers of any neighbouring properties. The boundaries of the site and individual plots will be enclosed either by existing hedgerows or new 1.8 metre close boarded timber fencing to protect the privacy and amenity of neighbouring occupiers and future occupiers of the site. The scheme would therefore be in accordance with Policy DM10 of the adopted SADMP in this respect.
- 8.19. Objections have been received that the scheme would result in noise and disturbance to neighbouring residents during the construction phase of the development.
- 8.20. Noise and disturbance during the construction phase would be for a temporary period only and would not result in any long term adverse impacts on residential amenity of the occupiers of neighbouring properties. Conditions to control the construction phase were not recommended at the outline stage or included as conditions and cannot be included within a reserved matters application. The Environmental Health (Pollution) team have powers to address noise and air quality issues under separate legislation if these do arise.

Impact upon highway safety

- 8.21. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed.
- 8.22. Objections have been received on the grounds that there is an existing traffic congestion problem in St Mary's Court due to the nature of the road and on-street parking in the vicinity of the site. Objectors therefore consider that the scheme would exacerbate these issues, particularly during the construction phase of any development and that this would result in highway safety issues.

- 8.23. St Mary's Court is an adopted public highway that provides adequate and safe access to the application site. The proposal includes the formation of a new shared surface access road to serve plots 4 – 9 inclusive and this is intended to be constructed to an adoptable standard. The proposed scheme would also provide two-off street parking spaces to serve each of the three bedroom units in line with adopted highway design guidance.
- 8.24. Leicestershire County Council (Highways) has assessed the application and raises no objections in principle to the development as it could not be considered to result in severe adverse impacts on highway safety. An amended site access layout plan has been submitted to seek to address issues raised by the Highway Authority in respect of the adoptability of the new shared surface road. The re-consultation response from the Highway Authority on the acceptability of the amended access road layout has not been received at the time of writing this report and will be reported as a late item to this agenda. In the meantime standard highway conditions have been included in the recommendation.
- 8.25. By virtue of the constrained nature of St Mary's Court, a condition for the submission of a construction traffic/site traffic management plan for prior approval was imposed on the outline planning permission to control this aspect of the development.
- 8.26. By virtue of the small scale of development the proposal would not result in any significant adverse impacts on highway safety and, subject to there being no significant issues raised by the Highway Authority in respect of the layout of the new shared surface access road, the amended proposal is likely to be acceptable in respect of the requirements of Policies DM17 and DM18 of the adopted SADMP.

Contamination

- 8.27. Policy DM7 of the adopted SADMP seeks to prevent any adverse impacts from pollution by ensuring that development proposals demonstrate that appropriate remediation of contaminated land in line with minimum national standards will be undertaken.
- 8.28. Objections have been received that the site is contaminated by Japanese Knotweed and landfill.
- 8.29. In respect of potential contamination from landfill, conditions have been imposed on the outline planning permission to require a scheme for the investigation of any potential land contamination and necessary remediation works to be submitted for prior approval and also for the monitoring of landfill gas.
- 8.30. The applicant has submitted information in respect of the intended treatment of the Japanese Knotweed on the site by a specialist company including warranties, guarantees, and insurances etc. The depositing, treatment or disposal of waste is controlled under the Environmental Protection Act.
- 8.31. Subject to satisfactory investigation and necessary remediation of the site, the proposal would be in accordance with Policy DM7 of the adopted SADMP.

Other issues

- 8.32. Objections have been received that the proposal would result in the loss of wildlife on the site and was cleared without an ecologist being present. The site has recently been cleared of vegetation and a suitably qualified ecologist has confirmed that he was present on site to inspect each section prior to clearance being undertaken in accordance with condition 10 of the outline planning permission (reference 16/00966/OUT). There has been no loss of significant wildlife habitat from the site.

8.33. Depreciation of property values is not a material planning consideration.

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. Notwithstanding that the site lies outside the settlement boundary of Barwell and in the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge, there is an extant planning permission for development of the site for nine dwellings. The site is in a sustainable location to support additional residential development adjacent to the settlement boundary of Barwell which benefits from a range of services and facilities accessible by sustainable transport means.

10.2. By virtue of the proposed layout, scale, design, landscaping and subject to the use of sympathetic external materials and confirmation of levels details, the scheme would complement the character and appearance of the surrounding area and would not result in any significant adverse impacts on the amenity of any neighbouring properties or highway safety. Contamination issues are controlled by conditions on the outline planning permission and other legislation.

10.3. The scheme would be in accordance with Policy 3 of the adopted Core Strategy, Policies DM1, DM7, DM10, DM17 and DM18 of the adopted SADMP and is therefore recommended for approval subject to conditions.

11. Recommendation

11.1. **Grant approval of reserved matters** 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows: Existing and Proposed Site Layout Plan Drawing No. 2890-08 Rev D received by the local planning authority on 14 March 2018; Plot 1 Floor Plans and Elevations Drawing No. 2890-11 Rev B, Plots 2 and 3 Floor Plans and Elevations Drawing No. 2890-09 Rev B, Plot 4 Floor Plans and Elevations Drawing No. 2890-14 and Plot 9 Floor Plans and Elevations Drawing No. 2890-12 Rev C received by the local planning authority on 6 February 2018;

Plot 5 Floor Plans and Elevations Drawing No. 2890-15, Plots 6, 7 and 8 Floor Plans and Elevations Drawing No. 2890-10 Rev C and Landscaping Plan Drawing No. 2890-13 Rev D received by the local planning authority on 21 March 2018.

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. Prior to the first occupation of any of the dwellings hereby permitted, the access road and turning areas shall be provided and surfaced in hard bound permeable materials in accordance with the approved Site Layout Plan Drawing No. 2890-08 Rev D received by the local planning authority on 14 March 2018 and Landscaping Plan Drawing No. 2890-13 Rev D received by the local planning authority on 21 March 2018.

Reason: To ensure that adequate access, turning and off-street parking provision is made in the interests of highway safety to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The soft landscaping scheme shall be implemented in accordance with the approved details submitted on Landscaping Plan Drawing No. 2890-13 Rev D received by the local planning authority on 21 March 2018 during the first planting season following the date when the dwellings hereby permitted are first ready for occupation. 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.

Reason: In the interests of visual amenity and to enhance the appearance of the development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to the first occupation of each dwelling hereby permitted, boundary fencing shall be erected around each plot in accordance with the details submitted on the approved Landscaping Plan Drawing No. 2890-13 Rev D received by the local planning authority on 21 March 2018.

Reason: To protect the privacy and amenity of neighbouring dwellings and future occupiers of the development from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.4. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. This planning permission must be read in conjunction with outline planning permission reference 16/00966/OUT and implemented in accordance with the specific details approved under the discharge of conditions imposed therein.
3. The applicant's attention is drawn to the standing advice provided by Leicestershire County Council (Lead Local Flood Authority) in their consultation response provided on 23 January 2018 and condition 6 of the outline planning permission 16/00966/OUT.

4. This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website as follows: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.
5. If the road within the proposed development is to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
6. The recycling and waste collection service operates from the boundary with the public highway. If the proposed access road is to be adopted, the developer's attention is drawn to the need for the design and construction of the access road to be suitable for passage and turning of HGV waste and recycling collection vehicles. Waste and recycling bins are no longer provided free of charge and the developer, incoming residents or managing agents will need to place an order with the waste services department for their supply.

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Planning Committee 10 April 2018
Report of the Planning Manager, Development Management

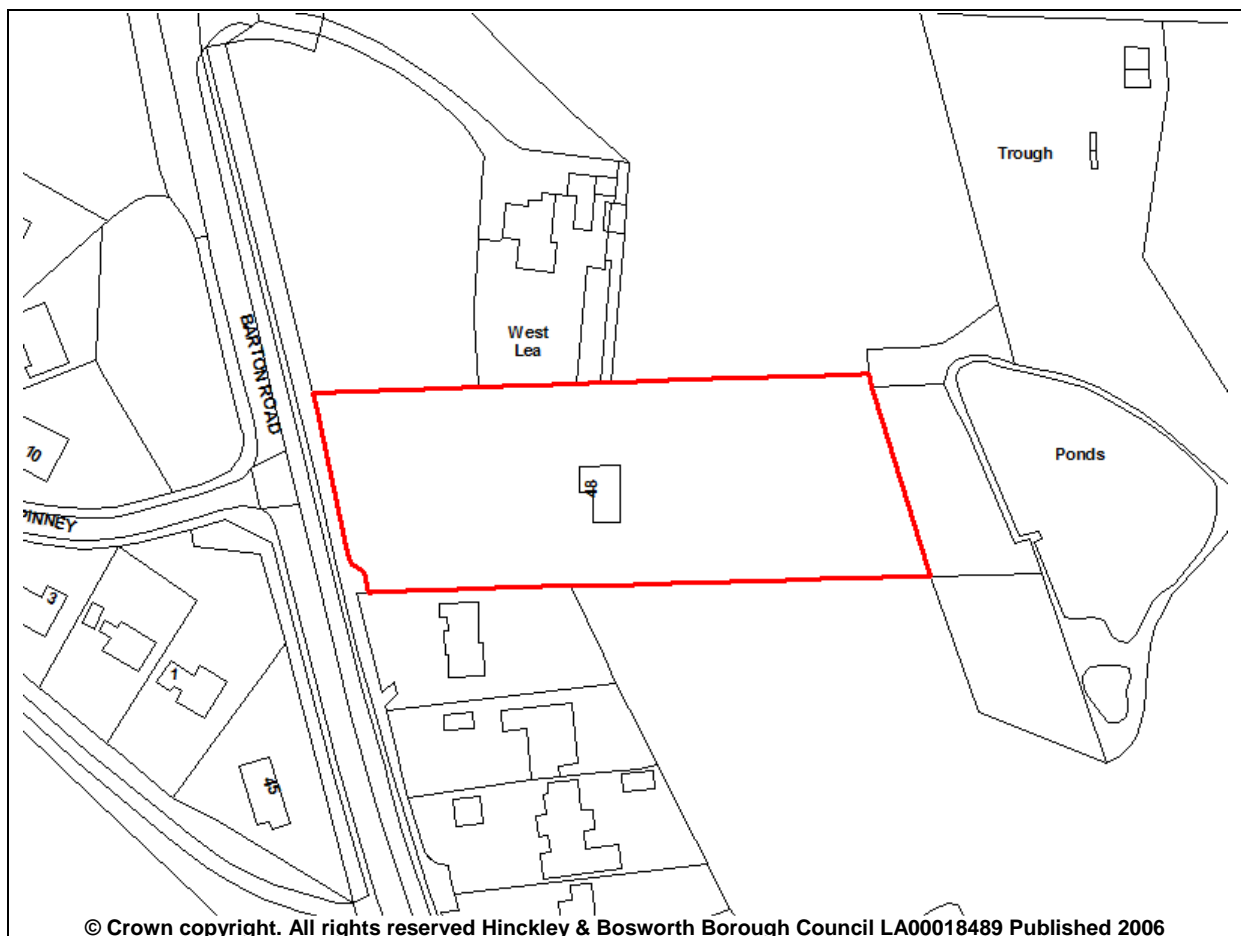
Planning Ref: 18/00178/CONDIT
Applicant: Mr Steve Wong
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: Kingscliffe 48 Barton Road Market Bosworth

Proposal: Variation of condition 2 of planning permission 17/00612/CONDIT for an additional attached garage to the front, re-site the house and an amended site layout



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1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the 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 variation of condition 2 of planning permission 17/00612/CONDIT for an additional attached garage, move the siting of the house by approximately 0.5 metres to the south to allow access to the rear garden and an amended internal site driveway.

- 2.2. Planning permission was granted on 14 August 2017 for “Variation of condition 2 of planning permission 16/01164/FUL to create additional living space in the loft and two roof lights on rear elevation”.
- 2.3. Condition 2 of planning permission 17/00612/CONDIT stated the following:
 “The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Proposed Floor Plans drg. no. 250 D (scale 1:50), Second Floor Plan drg. no. 251 and Proposed Elevations drg. no. 450 F (scale 1:50 and 1:100) received by the Local Planning Authority on 15 June 2017 and Proposed Site Plan drg. no. 150 B (scale 1:500) and Proposed Site Plan drg. no. 151 B (scale 1:200) received by the Local Planning Authority on 12 April 2017.”
- 2.4. It is proposed to vary condition 2 by providing for an additional attached garage, reposition the house approximately 0.5 metres to the south and amend the internal driveway in accordance with the revised plans submitted as part of this application.

3. Description of the Site and Surrounding Area

- 3.1. The site is within the curtilage of 48 Barton Road and relates to the previously approved dwelling located to the north of the existing dwelling. The plot is substantial in size and the existing dwelling is set back into the site which is characteristic of other dwellings within the streetscene. Planning permission has been granted for the erection of one dwelling to the front of the site (ref. 16/00281/FUL).
- 3.2. The proposed site currently comprises part of No.48 and a detached garage. The garage is proposed to be relocated to the front of the existing dwelling and has already been demolished to allow suitable archaeological works to take place.
- 3.3. The existing dwelling is extensive in size and situated in the south east of the plot. The existing dwelling has a hipped roof with two large gable elevations on the front of the property with one bay window and a large porch. The existing windows and doors have specific header and cil detailing with large openings.
- 3.4. The site is well planted with mature trees on the west and north border of the site, with a number of trees protected by a tree preservation order. A number of trees have been removed in accordance with the guidance received from HBBC’s Arboricultural Officer. The removal allows the important and feature trees to grow through evenly and healthily ensuring the mature screening is not compromised.
- 3.5. The site levels differ from east-west, with the land rising significantly from Barton Road to the east. The site is accessed from Barton Road, which has good visibility with gates set back from the road.
- 3.6. There is one further residential property to the north of the application site which is the last property on Barton Road. The properties located to the south of the site along Barton Road are all set further forward than the existing dwelling.

4. Relevant Planning History

14/00966/FUL	Erection of a dwelling with associated parking	Refused – Appeal Dismissed	17.03.2015
15/00607/FUL	Erection of dwelling with associated parking	Withdrawn	01.04.2016

16/00281/FUL	Erection of a dwelling with associated parking (resubmission)	Planning Permission	02.06.2016
16/01163/HOU	Partial demolition of existing dwelling and garage and erection of new garage	Planning Permission	28.04.2017
16/01164/FUL	Construction of new dwelling	Planning Permission	28.04.2017
17/00611/CONDIT	Variation of condition 2 of planning permission 16/00281/FUL to add additional floor space to the basement	Planning Permission	14.08.2017
17/00612/CONDIT	Variation of condition 2 of planning permission 16/01164/FUL to create additional living space in the loft and two roof lights on rear elevation	Planning Permission	14.08.2017
17/00707/TPO	Fell 2x Silver Birch Trees (T1 and T2) and fell 1x Rowan Tree (T3)	Permit Tree Preservation Order Works	13.09.2017
17/01261/TPO	Fell 3 Pine Trees, 1 Conifer Tree and 1 Chestnut Tree	Permit Tree Preservation Order Works	26.02.2018

5. Publicity

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

6. Consultation

- 6.1. Objections received from Market Bosworth Parish Council raising the following concerns:
- 1) Contrary to MBNP (Policies CE1, CE3, views 4, 5 and the green finger)
 - 2) Overdevelopment of the site
 - 3) Out of character with the area
 - 4) Impact upon the landscape and local ambience of the area
 - 5) Highly visible and prominent within the streetscene
 - 6) Consideration of the previous applications together
- 6.2. No further comments/objections, in addition to the original comments from the original application, from the following:

LCC Ecology
LCC Highways
Historic England
HBBC Waste
HBBC Environmental Health
Cadent

7. Policy

7.1. Market Bosworth Neighbourhood Plan 2014-2026

- Policy CE1: Character and Environment
- Policy CE3: Important Views and Vistas
- Policy CE4: Trees

7.2. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- 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

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- The Setting of Heritage Assets (Historic England)

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
- Impact upon heritage assets
- Impact upon trees
- Conditions

Assessment against strategic planning policies

8.2. The principle of development for the new dwelling has already been established through the previous planning permissions, references 16/01164/FUL and 17/00612/CONDIT.

8.3. The key issues concerning this application are the impacts upon the character of the area, residential amenity, highway safety, heritage assets and trees. This report

should be read in conjunction with the previous applications (16/01164/FUL and 17/00612/CONDIT).

- 8.4. These proposed amendments have to be considered in the context of the previously approved scheme.

Design and impact upon the character of the area

- 8.5. Policy DM10 of the Site Allocations and Development Management Policies DPD 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. This is supported by paragraph 17 of the NPPF which seeks to ensure a high quality of design. Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings.
- 8.6. The site is identified as being within character area D 'Suburban residential' within the Market Bosworth Neighbourhood Plan (MBNP). This area is characterised by:
- Detached and semi-detached, two storey dwellings
 - Long open aspect front gardens providing a sense of openness
 - Wide, open aspect grassed verges at road entrances
 - Public open spaces dividing housing
 - Well proportioned uniform plots with properties set back from the pavement;
 - Garages and driveways
- 8.7. Policy CE1 of the MBNP seeks to ensure that all new development within Market Bosworth is in keeping with its character area in regard to scale, layout and materials to retain local distinctiveness and create a sense of place. Innovative or outstanding design will be supported if it raises the overall quality of the Character Area. Furthermore, Policy CE1b states that any new development within Character Area D (Suburban Residential) should pay particular regard to existing rooflines.
- 8.8. All routes into Market Bosworth converge on the Market Place which is the centre of a designated conservation area. The countryside around the settlement and its relationship to the entrance roads is a major factor in the appreciation of the character of the village and its conservation area. The village is approached from Barton Road through woodland pasture and traditional parkland until it reaches the village edge where it continues between twin rows of development until it gently curves around Home Farm Mews and the Dower House, where the boundary of the conservation area commences, until reaching the Market Place. In addition to the larger public parks, parkland and smaller privately owned spaces, many front and rear gardens and wide grass verges, some with mature trees and hedges, add to the character and special ambience of the village.
- 8.9. A strong feature of the area is that all properties along Barton Road are set back into the site with large front gardens. Currently this site follows this existing character, as the property is set back well into the site with a mature tree screen and associated landscaping.
- 8.10. Policy CE3 of the MBNP seeks to protect and enhance existing open spaces and important landscape characteristics. View 4 along Barton Road to the south is identified within the MBNP as a key view into Market Bosworth. View 5 forks off view 4 towards the north east of the site, projecting towards to the property to the north of the application site. There are no green fingers as designated in the MBNP that highlight or point towards to the application site.
- 8.11. The proposed additional attached garage would project approximately 3.3 metres to the front of the previously approved garage with the matching depth of

approximately 6 metres. The proposed garage would match the existing approved garaging in respect of detailing, roof pitch and style, however would be set down approximately 1.5 metres from the ridge, ensuring the subservient nature of the attached garage is retained in relation to the previously approved dwelling.

- 8.12. The proposed re-siting of the house further to the south would reduce the separation distances between the existing dwelling and the approved dwelling from approximately 3.5 metres to approximately 3 metres. This amendment is to ensure the access to the rear garden is retained as a result of the introduction of a 1.5 metre high retaining wall to the northern boundary to take into account archaeological findings. However it is considered that the reduced separation distance to approximately 3 metres would still ensure that the proposal would remain set down and read separately in relation to the existing dwelling thus not impacting upon the character of the streetscene.
- 8.13. The amendment to the site layout of the internal driveway is considered minor to the overall scheme, would not impact upon the character of the area and would allow more planting and screening to the front of the existing dwelling, reducing the overall impact of the proposed scheme.
- 8.14. The plans submitted as part of this variation of condition application also relate to the inclusion of a new boundary wall and gates for the new dwelling. Detailing has been submitted of the proposed brick pier entrance gates to the new dwelling. It is considered that this detailing would match the existing entrance gates. Nevertheless, full details of hard and soft landscaping works, including boundary treatments are to be secured by condition and required to be submitted prior to commencement of development.
- 8.15. As a result there would be no significant impact from the proposed amendments on the character of the site or surrounding area.
- 8.16. Policy CE1 (b) states that any new development within Character Area D should pay particular regard to existing rooflines. As the roofline of the approved dwelling is not being increased by this amendment, and the proposed attached garage is significantly set down from the previously approved ridge, the proposal would be in accordance with Policy CE1 (b) of the MBNP.
- 8.17. Concerns have also arisen due to the site being identified as an important view into Market Bosworth as defined in the adopted MBNP. The proposal is set back into the site, away from Barton Road and therefore the view of the proposal from the outside of the site would be negligible. In addition to this, the minor amendment sought by this application would not result in a significant change of roof height as previously approved and would therefore not adversely impact upon this identified important view.
- 8.18. Concerns have also arisen regarding the proposed development being located within Character Area F as designated in the MBNP and Policy CE1 (a) states that where new development would be visible from an adjacent character area it should be sensitive to the principal characteristics of that area. The application site is located within Character Area D and Character Area F. However the proposed dwelling would be located within Character Area D with Character Area F located further to the rear of the site. Although the proposed dwelling would be visible from Character Area F, the minor amendments sought would not significantly alter the appearance of the approved dwelling.
- 8.19. The minor amendment sought as part of this application would not change the overall appearance of the approved scheme and would therefore not have a detrimental impact on the character of the area or existing dwelling in accordance

with Policies DM10 of the SADMP and Policies CE1 and CE3 of the Market Bosworth Neighbourhood Plan 2014-2026.

Impact upon neighbouring residential amenity

- 8.20. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.21. Due to the single storey nature, minor scale and size, roof pitching away from the boundary to the north and the separation distance of approximately 26 metres, the proposed garage would not result in adverse impacts upon the residential amenity of the property to the North, Beech Lea.
- 8.22. Due to the minor scale and siting, and retained separation distances to the existing dwelling and the previously approved dwelling to the front of the site, it is not considered that the proposed amendments would result in any adverse impacts upon the residential amenity of either properties.
- 8.23. The proposal is therefore in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.24. Policy DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.25. The proposed amendments would not result in any additional bedrooms and would provide one additional garage. The proposed revised site layout, internal driveway and parking areas would still ensure that the appropriate level of off street parking provision and turning areas is provided within the site for both the existing dwelling and the proposed dwelling.
- 8.26. The proposed amendments would not have an adverse impact upon highway safety and would therefore be in accordance with Policy DM17 and DM18 of the SADMP.

Impact upon heritage assets

- 8.27. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced. Policy DM13 seeks to preserve the borough's archaeology. Where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.28. 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.
- 8.29. 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 a conservation area.
- 8.30. To the immediate east, north and south of the existing dwelling, lies a Scheduled Monument, consisting of the below-ground archaeological remains of a probable Roman villa, where Iron Age artefacts have been identified.

- 8.31. The amendments sought would not result in any extension of the property to the rear of the site, towards the Scheduled Monument.
- 8.32. The proposal would preserve the significance of the conservation area and the scheduled monument, subject to the continued provision of conditions and therefore it complies with Policies DM11, DM12 and DM13 of the SADMP and section 12 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon trees

- 8.33. Policy CE4 of the Market Bosworth Neighbourhood Plan 2014-2026 seeks to conserve and enhance important trees and wooded areas. The trees located to the front (west) and side of the site (north) are protected by a Tree Preservation Order. A tree survey plan was submitted alongside this application, which indicates detailed and accurate root protection areas of the protected trees.
- 8.34. The proposed amendments to the driveway and the proposed additional garage would be sited where a number of trees were located. As stated previously, these trees have already been removed in accordance with the comments provided by the Arboricultural Officer. The removal of these trees were not covered by the tree preservation order and the loss of the trees is not considered to result in a detrimental impact to the character of the area. Notwithstanding the above, the proposed amendments to the driveway and site layout allows for additional planting and landscaping in accordance with a suitably worded condition.

Conditions

- 8.35. Planning permission 17/00612/CONDIT was subject to 11 conditions.
- 8.36. Condition 1 (relating to time restriction) is still required as the scheme has not commenced.
- 8.37. Condition 2 relating to the approved plans should be amended to refer to the plans submitted with this application.
- 8.38. Condition 3 relating to the submission of materials has not been discharged and should be carried forward to this permission.
- 8.39. Condition 4 relating to the submission of hard and soft landscaping details has not been discharged and should be carried forward to this permission.
- 8.40. Condition 5 relating to the planting and maintenance of landscaping details is still required and should be carried forward to this permission.
- 8.41. Condition 6 relating to the submission of levels has not been discharged and should be carried forward to this permission.
- 8.42. Condition 7 ensures the appropriate parking facilities are provided before first use of the development. This is to be amended in line with the revised site plan and associated site parking plan.
- 8.43. Condition 8 relating to the submission of archaeological work has not been discharged and should be carried forward to this permission.
- 8.44. Condition 9 relating to the carrying of the development in accordance with approved work under condition 8 is still required and should be carried forward to this permission.
- 8.45. Condition 10 relating to the provision of tree protection works is still required and should be carried forward to this permission.

- 8.46. Condition 11 relating to obscure glazed windows is still required and should be carried forward to this permission.
- 8.47. An application to discharge condition 3 (samples), 4 (landscaping plans), 6 (levels) and 8 (archaeological work) has been submitted, however not enough information or details have been submitted to discharge the conditions. A written scheme of investigation has been submitted as part of condition 8 but this will need to be altered to take into account the proposed amendments. As such, it is considered necessary to carry forward these conditions to this permission to ensure the appropriate details are submitted and discharged in due course.

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 amendments to the approved planning permission reference 17/00612/CONDIT complement the character and appearance of the area, are acceptable in design terms and do not result in any significant adverse impacts on the amenities of any neighbouring properties, highway safety or heritage assets and is therefore considered to be in accordance with Policies CE1, CE3 and CE4 of the Market Bosworth Neighbourhood Development Plan, Policies DM1, DM6, DM10, DM11, DM12, DM13, DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document and Policies 7 and 11 of the Core Strategy.

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 28 April 2017.

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Proposed Ground Floor Plans drg. no. 250 Rev. F (scale 1:50)
Proposed Floor Plans drg. no. 251 Rev. C (scale 1:50)
Proposed Elevations drg. no. 450 Rev. H (scale 1:50 and 1:100)
received by the Local Planning Authority on 15 February 2018 and

Proposed Site Plan drg. no. 151 Rev. E (scale 1:200)
received by the Local Planning Authority on 15 February 2018.

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 Development Plan Document and Policy CE1 of the Market Bosworth Neighbourhood Plan 2014-2026.

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

Reason: To ensure that the development has a satisfactory external appearance to accord with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document and Policy CE1 of the Market Bosworth Neighbourhood Plan 2014-2026.

4. Notwithstanding the submitted information, no development shall take place until a scheme of hard and soft landscaping works, including boundary treatments for the site, has been submitted to and approved in writing by the local planning authority. The scheme shall include, but is not exhaustive to, specific boundary treatments for the northern boundary of the site. The scheme shall be carried out in full accordance with the approved landscaping scheme.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document and Policy CE1 of the Market Bosworth Neighbourhood Plan 2014-2026.

5. All hard landscaping, planting, seeding or turfing approved under condition 4 shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of a similar size and species.

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 and Policy CE1 of the Market Bosworth Neighbourhood Plan 2014-2026.

6. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have

been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with approved proposed ground levels and finished floor levels.

Reason: To ensure that the development has a satisfactory appearance to accord with Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document and Policy CE1 of the Market Bosworth Neighbourhood Plan 2014-2026.

7. Before first use of the development hereby permitted, parking and turning facilities as shown on approved plan Proposed Site Plan drg. no. 151 Rev. E (scale 1:200) received by the Local Planning Authority on 15 February 2018 shall be provided and surfaced with a hard bound porous material (not loose aggregate) and be made available for use within the site to allow vehicles to enter, park and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained at all times.

Reason: To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users and in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

8. No development shall take place/commence until a complete set of development details (including existing and proposed ground levels and layout and depths of all foundations, service trenches, drains, landscaping and other ground works) and a programme of archaeological work (Strip, Plan and Record excavation) including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:-

- a) The programme and methodology of site investigation and recording
- b) The programme for post investigation assessment
- c) Provision to be made for analysis of the site investigation and recording
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To ensure satisfactory archaeological investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policy DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document.

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

programme set out in the Written Scheme of Investigation approved under condition 8 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policy DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document.

10. No development shall take place until trees identified within the Tree Survey drg. no. 1 B (scale 1:200), received by the Local Planning Authority on 23 December 2016 have been protected by the erection of temporary protective fences in accordance with the details included within the schedule of trees. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5 cm or more shall be left unsevered.

Reason: The trees are important features in the area and they must be properly protected while building works take place on the site in accordance with Policy CE4 of the Market Bosworth Neighbourhood Plan.

11. Notwithstanding the submitted information, the bathroom windows to the first floor side (north) elevation shall be fitted with obscure glazing to level 3 of the Pilkington Scale or above and shall non opening unless constructed above a minimum of 1.7 metres above the floor of the room within which the window is installed and shall thereafter be permanently retained in this approved form.

Reason: To ensure the development does not have a detrimental impact upon neighbouring residential amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

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. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in B R E Digest No. 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
3. Any 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 sited surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.

4. All recycling and refuse services take place from the boundary with the public highways and it is the responsibility of the occupiers to ensure that all containers/wheeled bins will be brought to the collection point.
5. The applicant is drawn to the recommendation in the submitted ecology report (Stefan Bodnar, February 2017).
6. Any works or extension to the rear of the property which is outside the limit of built works, as indicated on the approved site plan, will require an Application for Scheduled Monument Consent (SMC) to be submitted to the Secretary of State for Digital, Culture, Media and Sport before any work can be carried out. Further information and advice can be obtained directly from Historic England (Andy Hammon – 01604 735460).

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Planning Committee 10 April 2018
Report of the Planning Manager, Development Management

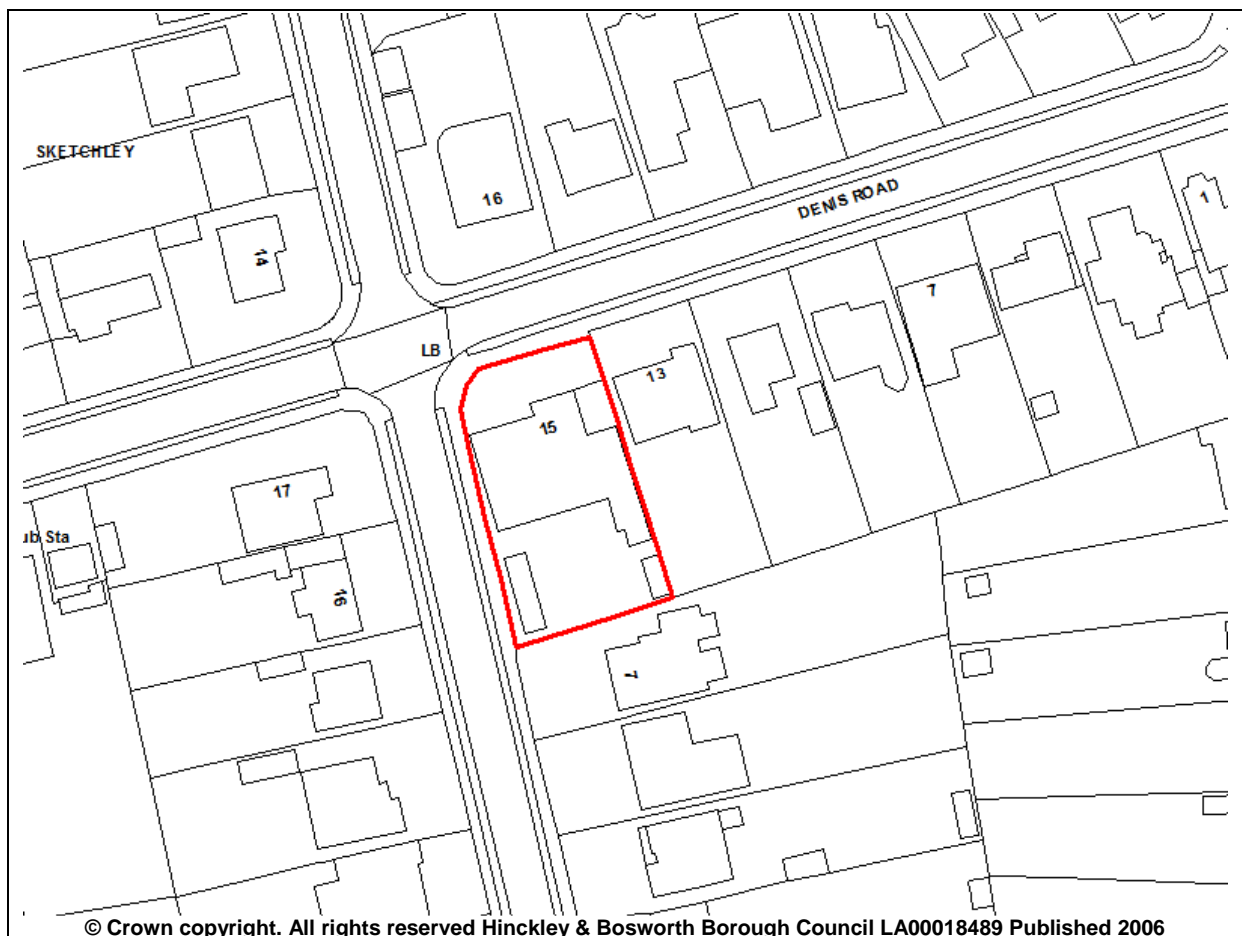


Hinckley & Bosworth
Borough Council

Planning Ref: 18/00038/HOU
Applicant: Mr & Mrs Smith
Ward: Burbage Sketchley & Stretton

Site: 15 Denis Road Burbage

Proposal: First floor extension to bungalow to form two and a half storey dwelling with alterations to all elevations (resubmission of 17/00546/HOU)



1. This application was taken to Planning Committee on the 6 March 2018. Notwithstanding the officer's recommendation that permission be granted, members felt that the proposed development was out of keeping with the character of the area and contrary to DM10. The resolution is that the committee be minded to refuse permission in accordance with paragraph 2.12 of the procedure rules.
2. No amendments to the scheme have been submitted since the application was considered at the 6 March 2018 Planning Committee.
3. Additional justification has been provided by the applicant to emphasise some of the key points from both the previous application's Delegated Officer Report and the Planning Manager's Report to the Committee. These are:

- a) It is clear from the officer's report of the previous application that there is an opportunity available to improve the character and quality of the area.
 - b) The existing Dormer Bungalow had already been extended to the boundary with Hall Road following permissions granted during the 1980s. These previous ad hoc extensions have resulted in a property that is lacking character and does not enhance the current street scene.
 - c) A series of varying roof pitches to the east of the property currently present a poor visual elevation to the neighbouring house.
 - d) A design that has the first floor extension significantly set back from the corner of Hall Road and Denis Road which greatly reduces any potential overbearing impact within the street scene.
 - e) Differing styles and types of individual and unique properties that are successfully mixed within the development that has houses and bungalows standing side by side.
 - f) The third floor is contained within the roof structure to minimise the scale and mass of the proposal which makes it a 2.5 storey property - this section of the proposal is set approximately 6.5 metres away from the boundary with Hall Road to maintain the open nature of the road junction.
4. The assessment and recommendations to planning committee for this scheme have not altered from the previous report to committee. The original report to committee attached as Appendix A.

Appendix A

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

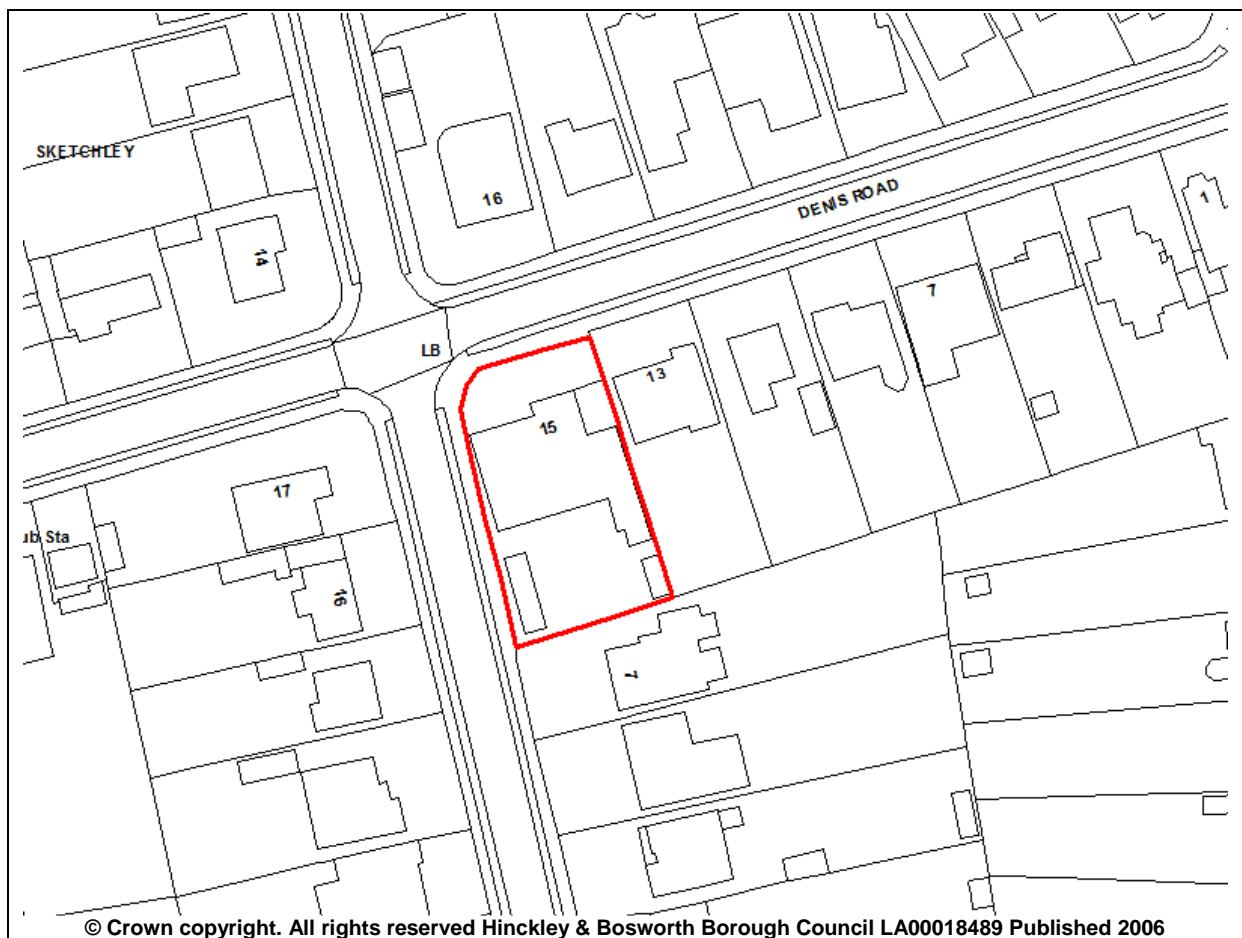


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1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the 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 a first floor extension to bungalow to form two and a half storey dwelling with alterations to all elevation at 15 Denis Road, Burbage.

- 2.2. This proposal is a resubmission of a previously refused application (reference 17/00546/HOU). This application is significantly different to the previously refused application with a substantial reduction in mass, scale and size of the two storey element. The two storey part of the proposal is now only located within the centre of the plot, away from the boundaries of the site and the junction of Hall Road and Denis Road.
- 2.3. The application would see the ridge height of the dwelling increase to approximately 9 metres for the two storey element and a new pitched roof to the single storey elements to both sides of the property. It is proposed to carry this pitched roof round the front of the property. The design would see the introduction of one gable to the front elevation constructed of grey cladding and two dormers serving the loft space to the rear elevation.

3. Description of the Site and Surrounding Area

- 3.1. The application site is a detached dormer bungalow located to the southern side of Denis Road within the settlement boundary of Burbage.
- 3.2. Directly to the rear of the application dwelling are bungalow properties. The dwellings, which include the application property, that sit at the crossroads of Denis Road and Hall Road are all bungalows that are similar in form though do display subtle variations in regards to character. To the east of the application dwelling, along Denis Road, the area is characterised by dwellings which vary considerably in terms of character, design, scale and styles.

4. Relevant Planning History

17/00546/HOU	First floor extension to bungalow to form two storey dwelling with alterations to all elevations	Refused	28.07.2017
85/00476/4	Replacement of existing fence by boundary wall	Permission	20.06.1985
84/00577/4	Garage and lounge extensions to dwelling	Permission	15.08.1984
81/00340/4	Extensions to bungalow	Permission	29.04.1981

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Eleven letters of objections from eleven separate addresses have been received raising the following concerns:
- 1) Impact upon the character of the area
 - 2) Overbearing on both the area and the adjacent properties in respect of mass and scale
 - 3) Loss of light and privacy on adjacent properties
 - 4) Lack of off street parking
 - 5) Poor design
 - 6) No access to rear garden
 - 7) Previously refused scheme on the site
 - 8) Inaccuracy of the description

- 9) Impact during construction

6. Consultation

- 6.1. Burbage Parish Council object for the following reason:

- 1) Detrimental to the character of the wider area due to its design, scale and mass

7. Policy

- 7.1. 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

- 7.2. 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
- Impact upon highway safety
- Other issues

Assessment against strategic planning policies

- 8.2. Paragraphs 11-13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications. The development plan in this instance consists of the Site Allocations and Development Management Policies DPD 2016 (SADMP) and the Core Strategy (2009).

- 8.3. Policy DM1 of the SADMP provides a presumption in favour of sustainable development. The policy sets out that those development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise.

- 8.4. The proposal is located within the settlement boundary for Burbage, which is identified as a key rural centre where the principle of a householder extension is considered acceptable, subject to all other material planning considerations being acceptable.

Design and impact upon the character of the area

- 8.5. 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. This is supported by paragraph 17 of the NPPF which seeks to ensure a high quality of design. Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development. Paragraph 58 seeks to ensure that development responds to local character and reflects the identity of local surroundings.

- 8.6. No. 15 Denis Road occupies a corner plot where Denis Road and Hall Road intersect. The application dwelling and the neighbouring properties which form the other corner plots and border the crossroads are detached bungalows with hipped

roofs. The scale and style of these properties do display a degree of variation, however, their single storey character ensures no undue level of prominence within the streetscene of any individual property, a feature which is reinforced by the setback nature of the dwellings which helps retain the openness that is characteristic of the intersection of Denis Road and Hall Road.

- 8.7. The previous application (ref. 17/00546/HOU) was refused for the following reason:
- “The erection of a first floor extension at 15 Denis Road would be contrary to Policies DM1 and DM10 of the Site Allocations Development Management Policy document (SADMP) and the National Planning Policy Framework (NPPF) in that the extension by virtue of its size, massing and design would appear as an incongruous and visually over dominant feature in relation to the streetscene, resulting in significant harm to the visual amenities of the locality and would therefore constitute poor design that fails to take the opportunities available for improving the character and quality of the area.”*
- 8.8. This application has been significantly altered and reduced in size, scale and mass from the previously refused application. The previous application had a two storey element that extended nearly the entire footprint of the property with four large gables to the frontage that fundamentally altered the character of the property in terms of scale, mass and design. In addition the proposed first floor element would've been built up to within 0.9 metres of the boundary to Hall Road.
- 8.9. It is clear from the officer's report of the previous application that there is an opportunity available to improve the character and quality of the area with an extension that has the potential to improve the visual attractiveness of the application property.
- 8.10. This application seeks to contain the two storey element entirely within the centre of the plot, which would be very modest in width and size which would also replicate the size and scale of the adjacent two storey properties along Denis Road. The proposed two storey element would be set away from the boundary of the site by approximately 4.5 metres to the east and approximately 6.5 metres to the boundary with Hall Road. Therefore the reduced two storey element would respect and complement the character of the surrounding area. The separation distances to the boundary of the site would help retain the openness that is characteristic of the intersection of Denis Road and Hall Road.
- 8.11. Although additional space has been created within the roof space of the proposal, the proposed ridge height would only be approximately 0.6 metres higher than the ridge height of the adjacent property to the east, no. 13. Therefore it is considered that the proposed amended and reduced scale and massing of the proposal, compared to the previously refused scheme, would not disrupt the balanced character of the area or result in an over prominence within the streetscene.
- 8.12. The proposed single storey additions and pitched roof, due to the minor nature and single storey height would improve the visual amenity of the host dwelling.
- 8.13. The proposed materials are to be constructed of render finish and grey cladding to provide a unique and modern design. However as a result of the varying materials within the surrounding area, the proposed materials would not significantly impact upon the character of the area.
- 8.14. Overall the narrowing of the first floor extension, from the previously refused scheme, would ensure the side elevation of the first floor extension would be significantly setback from the corner of Hall Road and Denis Road thus reducing any potential overbearing impact within the street scene. The conversion of the existing garage and retention of its single storey nature and single storey wrap

around design would reduce the massing of the proposal, compared to the previously refused scheme, resulting in a development more in keeping with the character of the area.

- 8.15. By virtue of its scale, design and appearance of the proposal, it is considered that the revised scheme would complement the scale, character and appearance of the wider area and be in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.16. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of neighbouring properties.
- 8.17. The proposed two storey element would not project past the front elevation of no. 13 Denis Road to the east. Although the two storey element would project past the rear elevation of no. 13, due to the separation distance of approximately 5 metres between the proposed first floor side elevations of the application property and no. 13, it is considered there would be no adverse impact on the amenity of no. 13 in terms of loss of light or overbearing.
- 8.18. There would also be no adverse overlooking impact upon the occupiers of no. 13 as the side elevation of the proposal would have four high level rooflights and one high level window facing the blank elevation of no. 13. The proposed first floor windows to the rear would only provide an oblique viewing angle to the rear of the neighbouring property similar to what already exists from the current rear dormer windows.
- 8.19. There would be no adverse impact in terms of residential amenity upon no. 7 Hall Road to the south as the separation distance between the two properties would remain the same, moreover, any potential overlooking would be mitigated by the screening provided by high level hedgerow that is set along the common boundary.
- 8.20. There would be no adverse impact in terms of residential amenity upon no. 16 Denis Road to the north due to the separation distance of approximately 25 metres. This distance will remain significant due to the presence of the highway which intersects the two properties.
- 8.21. Two windows are proposed to the side elevation of the property facing towards no. 16 Hall Road and no. 17 Denis Road to the west. Given the large separation distance and the separation of the properties by Denis Road, it is not considered that these windows would result in any adverse overlooking impacts upon the properties to the west.
- 8.22. All other aspects of the proposal are single storey in nature, located on the existing footprint and result in roofs pitching away from the boundary of the site. As such, the proposed alterations at ground floor level are considered acceptable so as not to result in any adverse impacts upon residential amenity.
- 8.23. It is considered that no properties would be adversely impacted upon from the proposed alterations and extensions and therefore the proposal is considered to comply with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.24. Policy DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.25. The proposal will see the creation of an additional one bedroom, resulting in a four bedroomed property. Given the extensive provision of off-street parking to the front of the site and the retention of the existing garage space to the east of the site,

parking provision would be sufficient in line with LCC Highways 6C's guidance at three spaces for four bedrooms.

- 8.26. The proposals would not have an adverse impact upon highway safety and would therefore be in accordance with Policy DM17 and DM18 of the SADMP.

Other issues

- 8.27. Concerns have arisen regarding the lack of access to the rear of the garden. This is not a planning matter that would alter the determination of the application. Nevertheless this is an existing issue as no access is currently available to the rear of the site.
- 8.28. Concerns have arisen regarding the accuracy of the description of works proposed. Given the nature of the second floor being located within the roof space and the provision of dormers to accommodate the habitable space, it is considered that the proposal would result in a two and a half storey property.
- 8.29. Concerns have arisen regarding potential impact during construction. As the proposal is for an extension to a house and there is room within the site to accommodate vehicles, it is not considered that the proposal would result in significant impacts upon adjoining properties during construction.

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 proposal is located within the settlement boundary for Burbage and there is a presumption in favour of sustainable development as set out in Policy DM1 of the SADMP and the wider policies of the NPPF.

- 10.2. The proposal, due to its design, scale, massing and siting would not have a detrimental impact upon the character of the existing dwelling, area and street scene; neighbouring amenity or highway safety. Therefore the proposed development is considered to be in accordance with Policies DM1, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document and the aims of the National Planning Policy Framework and is recommended for approval subject to conditions.

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: Revised Scheme 1 drg. no. 16/109 10D (scale 1:1250, 1:500 and 1:100) received by the Local Planning Authority on 8 February 2018.

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 Development Plan Document.

3. The materials to be used on the external elevations of the proposal shall accord with the approved Revised Scheme 1 drg. no. 16/109 10D (scale 1:1250, 1:500 and 1:100) received by the Local Planning Authority on 8 February 2018 and materials as detailed within the submitted Application Form received by the Local Planning Authority on 15 January 2018.

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

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.

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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 30.03.18

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
		17/01190/HOU (PINS Ref 3199017)	WR	Mrs Natasha Godrich 12 Wellington Close Burbage	12 Wellington Close Burbage (Single storey side extension)	Awaiting Start Date	
	SF	17/01167/HOU (PINS Ref 3199006)	WR	Mr N Salt c/o Agent	Oak Tree House Ashby Road Cadeby (2.8m high entrance gate and 1.9m to 2.4m high fence (Retrospective))	Awaiting Start Date	
	TW	18/0006/HOU	WR	Mr Allan Clarke 47 Princess Road Hinckley	47 Princess Road Hinckley (Erection of a 1.8 metre high boundary wall)	Awaiting Start Date	
	TW	17/01092/HOU (PINS Ref 3198395)	WR	Mr Andrew Fenwick Noctule House Pipistrelle Drive Market Bosworth	Noctule House Pipistrelle Drive Market Bosworth (Erection of two storey side and single storey rear extension)	Appeal Valid Awaiting Start Date	23.03.18
	AC	18/00054/HOU (PINS Ref 3198253)	WR	Mr Neale 6 Leysmill Close Hinckley	6 Leysmill Close Hinckley (Two storey side and rear extension and single storey front extension)	Appeal Valid Awaiting Start Date	22.03.18
	HW	15/00441/FUL (PINS 3197865)	IH	Cartwright Homes Ltd Vicarage Street Nuneaton	Land South Of Chapel Fields Livery Stables Chapel Lane Witherley (Erection of 10 dwellings and associated access)	Awaiting Start Date	
		17/01119/FUL (PINS Ref 3197114)	WR	Mr Andrew Ward Ben Venuto Thornton Lane Markfield	Ben Venuto Thornton Lane Markfield (Erection of detached dwelling)	Awaiting Start Date	

		17/00695/FUL (PINS Ref 319657)	WR	Mr D Tallis Basin Bridge Bungalow Hinckley Lane Higham on the Hill Nuneaton	Basin Bridge Bungalow Hinckley Lane Higham On The Hill Nuneaton (Demolition of existing dwelling and erection of replacement two-storey, two- bedroom dwelling)	Appeal Valid Awaiting Start Date	06.03.18
	CA	17/01213/HOU (PINS Ref 3196037)	WR	Mr B Sahota Surbrea Bradgate Hill Groby LE6 0FA	Surbrae Bradgate Hill Groby (Two storey side and rear extension ,single storey rear extension, erection of a porch and pitched roof over existing garage (re submission))	Appeal Valid Awaiting Start Date	19.02.18
	JB	17/00982/FUL	WR	Mr R Harrison R&W Harrison Builders Ltd 40 Farrier Lane Leicester	Holly Cottage 20 Rookery Lane Groby (Erection of one dwelling)	Awaiting Start Date	
18/00003/PP	RH	17/01025/FUL (PINS Ref 3194449)	WR	GPH Hinckley Road Development Ltd	Hinckley Sheds 65 Hinckley Road Burbage (Proposed residential development of 8 dwellings)	Start Date Awaiting Decision	08.02.18
18/00005/FTPP	AC	17/01204/HOU (PINS Ref 3194210)	WR	Mr and Mrs Pither Evergreen 101 Stapleton Lane Barwell LE9 8HE	Evergreen 101 Stapleton Lane Barwell (Raising of roof, loft conversion, rear extension and new porch (resubmission of 17/00605/HOU))	Start Date Awaiting Decision	14.03.18
18/00006/FTPP	CB	17/00890/HOU (PINS Ref 3192937)	WR	Mr Richard Seabrook 25 Warwick Gardens Hinckley	25 Warwick Gardens Hinckley (Single storey side extension)	Start Date Awaiting Decision	14.03.18
	CA	10/00221/UNAUTH (PINS Ref 3192396)	IH	Mr F Hopkins The Bungalow Coalville DE12 7DQ	Land at Allotment Gardens Newtown Linford Lane Groby (Alterations to access)	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 (Rendering to all external elevations, alterations to openings and new rooflights to front and rear (retrospective))	Start Date Awaiting Decision	22.01.18

18/00007/PP	RWR	17/00115/FUL (PINS Ref 3189810)	IH	Mr K Saigal Centre Estates 99 Hinckley Road Leicester	Land Off Paddock Way Hinckley (Residential development of 55 dwellings, creation of a new access and associated works to include 72 on-site parking spaces)	Start Date Statement of Case Hearing Date	20.03.18 24.04.18 10.07.18
18/00004/FTPP	AC	17/00852/HOU (PINS Ref 3189344)	WR	Mr & Mrs C Elleman 20 Turner Drive Hinckley	20 Turner Drive Hinckley (Loft conversion with proposed rear dormer)	Start Date Awaiting Decision	19.02.18
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 (Residential development of up to 185 dwellings (outline - access only))	Start Date Proof of Evidence Inquiry Date (8 days)	11.12.17 15.05.18 12.06.18
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 3186004)	WR	Mr Balbir Singh	Former Police Station Upper Bond Street Hinckley	Start date Statement of Case Final Comments	28.02.18 11.04.18 02.05.18
	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 Decision	04.12.17

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Decisions Received

Rolling 1 April 2017 - 30 March 2018

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)	DISMISSED	01.03.18
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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	
25	6	18	0	1	6	0	18	0	0	0	0	0	0	0

Enforcement Appeal Decisions

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