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Hinckley & Bosworth
Borough Council

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

Date: 25 June 2018

To: Members of the Planning Committee

Mr R Ward (Chairman)	Mr C Ladkin
Mr BE Sutton (Vice-Chairman)	Mr KWP Lynch
Mr PS Bessant	Mrs J Richards
Mr DC Bill MBE	Mr RB Roberts
Mrs MA Cook	Mrs H Smith
Mr WJ Crooks	Mrs MJ Surtees
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, 3 JULY 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 - 3 JULY 2018

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS
2. MINUTES (Pages 1 - 4)
To confirm the minutes of the meeting held on 5 June 2018.
3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES
To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.
4. DECLARATIONS OF INTEREST
To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**
5. QUESTIONS
To hear any questions in accordance with Council Procedure Rule 12.
6. DECISIONS DELEGATED AT PREVIOUS MEETING
To report progress on any decisions delegated at the previous meeting.
7. 18/00122/FUL - 339 RUGBY ROAD, BURBAGE (Pages 5 - 16)
Application for demolition of existing dwelling and the erection of a detached two storey dwelling and a detached double garage (re-submission).
8. 17/01330/FUL - 12 BIRCH CLOSE, EARL SHILTON (Pages 17 - 34)
Application for demolition of existing dwelling and erection of 16 dwellings with associated vehicular access, parking and landscaping.
9. 18/00316/HOU - 10 FAIRACRE ROAD, BARWELL (Pages 35 - 44)
Application for single storey side and rear extension.
10. 18/00381/FUL - 8 TRAFFORD ROAD, HINCKLEY (Pages 45 - 52)
Application for part change of use from residential to childminding business for up to 9 children.
11. 18/00198/FUL - 46 LUTTERWORTH ROAD, BURBAGE (Pages 53 - 64)
Application for erection of one detached dwelling and formation of associated new access.
12. PLANNING ENFORCEMENT UPDATE (Pages 65 - 70)
To provide an update to Members.
13. APPEALS PROGRESS (Pages 71 - 76)
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

5 JUNE 2018 AT 6.30 PM

PRESENT: Mr R Ward - Chairman
Mr BE Sutton – Vice-Chairman
Mr PS Bessant, Mr DC Bill MBE, Mr SL Bray (for Mrs L Hodgkins), Mrs MA Cook, Mr WJ Crooks, Mr MA Hall, Mr E Hollick, Mr C Ladkin, Mr KWP Lynch, Mrs J Richards, Mr RB Roberts, Mrs H Smith, Mrs MJ Surtees, Ms BM Witherford and Ms AV Wright

In accordance with Council Procedure Rule 11 Councillors Mr LJP O'Shea were also in attendance.

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

35 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Hodgkins, with the substitution of Cllr Bray authorised in accordance with council procedure rule 10.

36 MINUTES

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

RESOLVED – the minutes of the meeting held on 8 May 2018 be confirmed and signed by the chairman.

37 DECLARATIONS OF INTEREST

No interests were declared at this stage.

38 DECISIONS DELEGATED AT PREVIOUS MEETING

The Interim Head of Planning reported that all decisions had been issued with the exception of the variation to the section 106 agreement relating to planning application 14/00596/OUT which was being finalised.

Councillor Ladkin entered the meeting at 6.35pm.

39 17/01330/FUL - 12 BIRCH CLOSE, EARL SHILTON

It was noted that this item had been withdrawn from the agenda.

40 17/00872/FUL - RATBY BURROUGHS, SOUTH BURROUGHS ROAD, RATBY

Application for change of use for paintballing with ancillary buildings and structures (retrospective).

It was reported that Leicestershire County Council Highways had submitted late comments after the late items had been published requesting some measures on the highway (such as passing places) to address some of the concerns raised. Officers had not had the opportunity to consider these comments.

It was moved by Councillor Sutton and seconded by Councillor Ladkin that permission be granted subject to the conditions in the officers report and late items except that the hours of use be 9.15am to 5.00pm Monday to Friday and 9.15am to 4.00pm on Saturdays and Sundays in order to reduce traffic on the narrow access road at peak times in the morning, that the use be restricted to 150 days per calendar year with a maximum of four days in a week and these four days not to run consecutively across different weeks. Upon being put to the vote, the motion was CARRIED.

In relation to the aforementioned late comments from the County Council, it was moved by Councillor Ladkin and seconded by Councillor Richards that the Interim Head of Planning in consultation with the Chairman of the Planning Committee and the spokesperson for the opposition be granted delegated authority to include a condition as requested by the highways authority if deemed appropriate following discussion with the highways authority. Upon being put to the vote, the amendment was CARRIED and it was

RESOLVED –

- (i) permission be granted subject to the conditions contained in the officer's report and late items and:
 - a. Amended condition 2 to read "the application site shall not be used for paintballing activities outside of the hours of 9.15am to 5.00pm Monday to Friday or outside the hours of 9.15am to 4.00pm Saturday and Sunday;
 - b. Amended condition 3 to read "the number of days that paintballing or associated activities at the site shall not exceed 150 days in any one calendar year, and the use shall not be carried out on more than four days in any one week (Monday to Sunday) and that these four days may not be run consecutively across two weeks (ie no more than four consecutive days use at any time).
- (ii) Authority be delegated to the Interim Head of Planning in consultation with the Chairman of the Planning Committee and spokesperson for the opposition to impose a condition as requested by the highways authority if it is deemed appropriate following that consideration.

41 18/00122/FUL - 339 RUGBY ROAD, BURBAGE

Application for demolition of existing dwelling and the erection of a detached two storey dwelling and a detached double garage (re-submission).

At this juncture, Councillor Lynch stated that he had considered and voted on the application at a meeting of Burbage Parish Council and therefore would not take part in discussion or voting on this item.

It was moved by Councillor Ladkin and seconded by Councillor Sutton that permission be granted subject to the conditions contained in the officer's report. Upon being put to the vote, the motion was LOST.

Councillor Wright felt that the proposal was not in keeping with the character of the area and would impact privacy and amenity of the neighbouring properties. Seconded by Councillor Bill, Councillor Wright proposed that the committee be minded to refuse permission. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the committee be minded to refuse permission and the application be brought back to a future meeting.

Councillor Lynch wished it to be recorded that he abstained from voting on this item.

42 17/01297/FUL - 84 LEICESTER ROAD, HINCKLEY

Application for erection of seven dwellings, garages and associated drive (resubmission of application 17/00096/FUL).

Notwithstanding the officer's recommendation that permission be granted subject to conditions, some members expressed concern about the layout and density of the proposed development. It was moved by Councillor Bill and seconded by Councillor Bray that members be minded to refuse the application. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the committee be minded to refuse permission and the application be brought back to a future meeting.

Councillor Bray left the meeting at 8.28pm.

43 18/00316/HOU - 10 FAIRACRE ROAD, BARWELL

Application for single storey side and rear extension.

Notwithstanding the officer's recommendation that permission be granted subject to conditions, some members felt that the layout was inappropriate. It was moved by Councillor Wright and seconded by Councillor Roberts that the committee be minded to refuse the application. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the committee be minded to refuse permission and the application be brought back to a future meeting.

44 APPEALS PROGRESS

The report was noted.

(The Meeting closed at 8.46 pm)

CHAIRMAN

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Planning Committee 3 July 2018
Report of the Interim Head of Planning

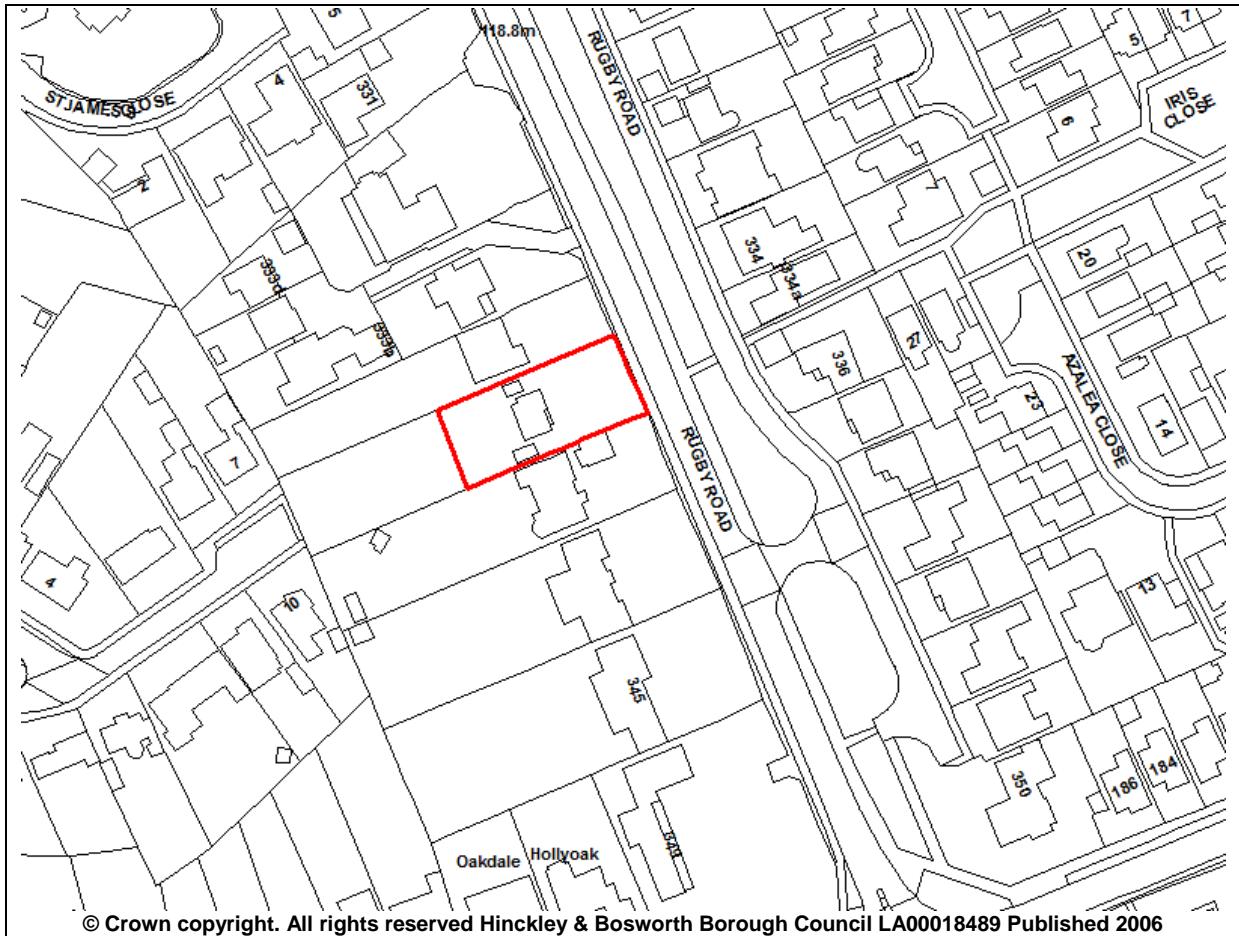


Hinckley & Bosworth
Borough Council

Planning Ref: 18/00122/FUL
Applicant: Ricky Child
Ward: Burbage Sketchley & Stretton

Site: 339 Rugby Road Burbage

Proposal: Demolition of existing dwelling and the erection of a detached two storey dwelling and a detached double garage (re-submission)



1. This application was taken to Planning Committee on the 5 June 2018. Notwithstanding the officer's recommendation that permission be granted, it was resolved that members were minded to refuse permission and that the application would therefore be brought back to a future meeting.
2. Consideration was given by the applicant to the suggestion that the height of the proposed dwelling should be reduced; however given that height of the dwellings along this stretch of Rugby Road is varied; with some dwellings having a higher roof height than that proposed in this case the applicant has opted to retain the roof height as previously proposed.
3. The assessment and recommendations to planning committee for this scheme have not altered from the previous report to committee. The original report to committee is attached as Appendix A.

APPENDIX A

Planning Committee 5 June 2018
Report of the Interim Head of Planning

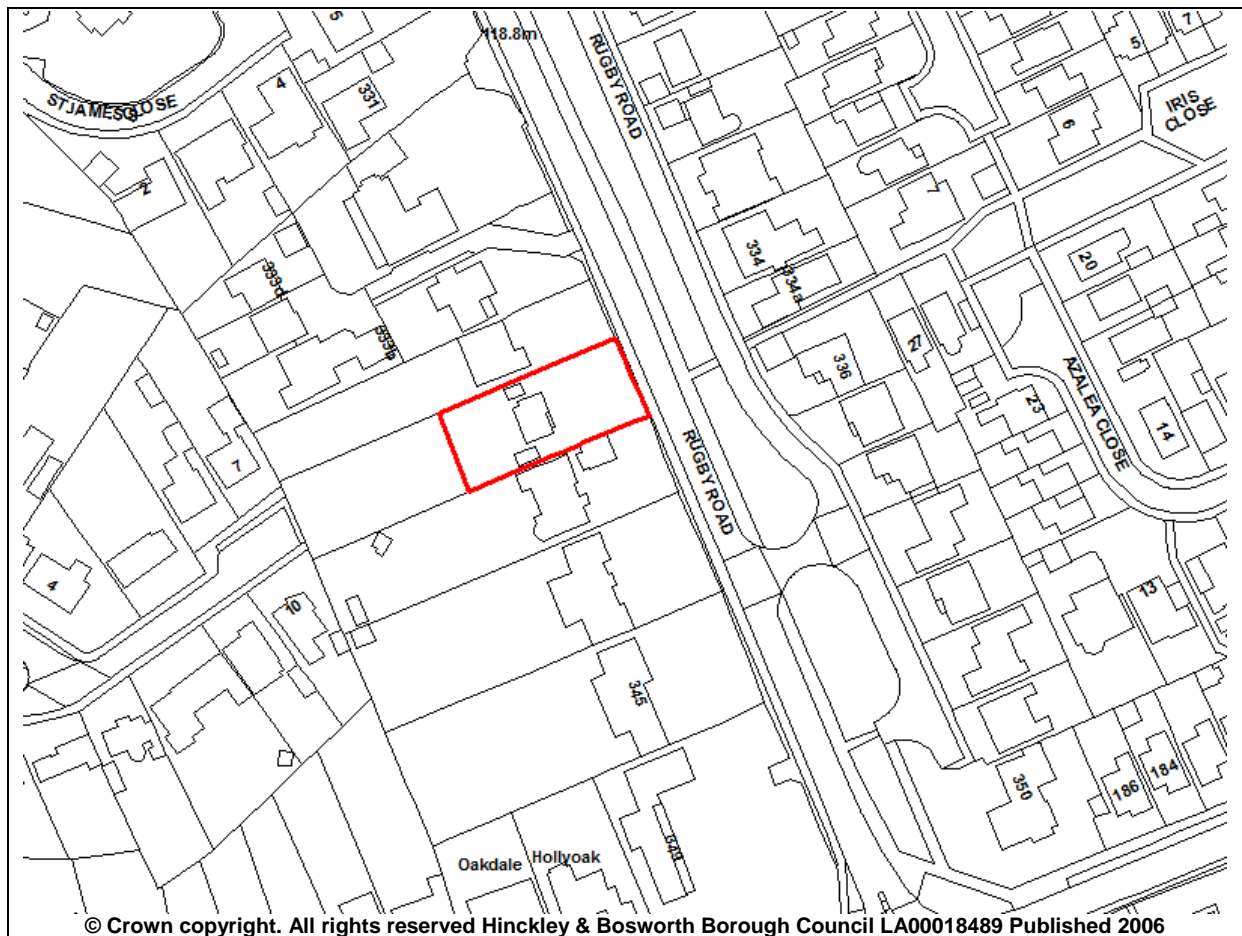
Planning Ref: 18/00122/FUL
Applicant: Ricky Child
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 339 Rugby Road Burbage

Proposal: Demolition of existing dwelling and the erection of a detached two storey dwelling and a detached double garage (re-submission)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

- 2.1 The applicant seeks planning permission for the demolition of the existing two storey detached dwelling and its replacement with a detached two storey dwelling, and a detached double garage set forward of the proposed dwelling.

2.2 The scheme has been subject to various amendments during the course of the application and the latest proposed amendments are still out for consultation at the time of writing. These plans show a reduction in the ridge height of the proposed dwelling of 0.2 metres and the previously integral garage section which projecting forward of the main elevation of the proposed dwelling has been removed and replaced with a detached garage forward of the principal elevation. The proposed garage is reduced in height and size from that previously proposed by 1.4 metres. The amended plans have gone out further neighbour consultation and any additional comments received will be reported as a late item.

3. Description of the Site and Surrounding Area

3.1 The application site is located within the settlement boundary of Burbage on the western side of Rugby Road. The existing dwelling is a detached two storey property which fronts onto and is accessed from Rugby Road with substantial planting to the boundary with Rugby Road.

3.2. The wider area is characterised by large detached dwellings with a variety of designs to the west side of Rugby Road. A number of properties along this stretch of Rugby Road have detached garages forward of the principal elevation of the dwelling. All the dwellings along Rugby Road are set back a considerable distance from the highway; on average by around 20 metres.

3.3. To the east side of Rugby Road, the area is characterised by detached two storey dwellings smaller in scale to those on the opposite side of the road.

4. Relevant Planning History

14/01160/OUT	Demolition of Existing Dwelling and Erection of two new dwellings (outline - access only)	Outline Planning Permission	16.01.2015
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5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

5.2. Five letters of objection from five addresses were submitted in response to the scheme as originally proposed, with the points summarised below:

- 1) The proposed dwelling would project beyond the building line of other properties on the street which are all aligned
- 2) The proposed front elevation would not be in keeping with other adjacent properties, in regard to the contemporary vaulted windows to the bedrooms which are disturbing to the street scene
- 3) Concerns that a nursery will be developed as an application for this type of development was previously withdrawn from the applicant therefore should be a restriction so no commercial business operates from the site
- 4) The erection of a double garage and parking spaces for five cars is excessive and gives the impression that the dwelling could be used for more than family living accommodation
- 5) The proposed dwelling lacks proportionality with both the size of the site and the surroundings, is imposing and over develops and overcrowds the site
- 6) The proposed dwelling's roof and eaves are shown as being substantially higher than any of the other adjacent properties and therefore draws a sharp focus to the discordant obtrusiveness
- 7) The width of the site covers the whole plot which overcrowds the site and brings a terracing effect to the street scene

- 8) The size of the southern elevation within one metre of the neighbouring boundary shades and cuts off natural daylight, to the first and ground floor windows, but also shades daylight to the second aspect window of a living room at ground floor and a bedroom at the front of 341 Rugby Road due to the forward projection of the house
- 9) The large windows proposed on the rear elevation would increase the amount of over looking onto neighbouring residential properties
- 10) The development will have a negative and adverse visual impact on the character of the locality and the landscape of the area by being over-dominant, over bearing, out of scale and out of character in terms of appearance
- 11) The proposed garage would cause disturbance to the root protection zones of the existing vegetation, and methods should be undertaken to protect the existing trees

5.3. Following the submission of revised plans which revised the position of the proposed dwelling to follow the existing building line along Rugby Road; and involving an integral garage built forward of the principal elevation which was to be one and half storeys in height , a further re consultation was undertaken with three neighbour comments being received raising objections to the proposal, these comments are summarised below:

- 1) Floor to ceiling glazing is inappropriate leading to a lack of privacy and therefore loss of amenity to the neighbouring garden
- 2) The overpowering nature of the design is brought about by the substantial and unnecessary increase in ridge height; the increased depth of the property effectively moving the ridge closer to the rear of the plot; the two rear gable treatments emphasising and exaggerating the overall height and the increased width of the property leads to an unacceptable design
- 3) The proposed development would result in a loss of visual amenity, with the development overcrowding the site
- 4) The development is overbearing and the proposed property will be visually jarring and out of keeping with the area. The scale and form of the proposal is insensitive to the relationship with the neighbouring properties
- 5) The proposed double garage is almost as high as the existing property and projects forward of the existing building line. This elevation will be immediately adjacent to and unavoidably visible from the ground and second floor windows of 337 Rugby Road which will subsequently block direct light
- 6) The design would almost entirely eliminate production of low carbon solar energy from the southernmost roof installation of 337 Rugby Road and will increase their dependence on mains electricity

5.4. As detailed above, a further set of revisions to the proposed scheme has been received and consultation on these is currently in progress. Any comments received will be detailed as a Late Item.

6. Consultation

6.1. Burbage Parish Council has objected to the application on the grounds that the proposed scale of the development will be an overdevelopment of the site and the development will be sited too far forward of the building line. The amount of glazing, the height, mass and design of the building is out of keeping with the street scene and the established area and will create an unsatisfactory relationship with neighbouring properties. Burbage Parish Council maintained an objection to the application on receipt of the first set of revised plans. The Parish Council have yet

to comment on the latest set of revisions, any comments received will be reported as a late item.

- 6.2. HBBC Environmental Health (Drainage) has recommended notes to applicant be added to ensure disposal of surface water to the main sewers.

7. Policy

- 7.1. Core Strategy (2009)

- Policy 4: Development in Burbage
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.3. National Planning Policies and Guidance

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

- 7.4. Other relevant guidance

- Draft Burbage Neighbourhood Plan (BNP) 2015 – 2026

8. Appraisal

- 8.1. Key Issues

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

Assessment against strategic planning policies

- 8.2. Policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved unless other material planning considerations indicate otherwise.

- 8.3. Policy 1 of the draft Burbage Neighbourhood Plan supports development proposals within the settlement boundary of Burbage provided it complies with other policies in the Neighbourhood Plan. The emerging Burbage Neighbourhood Plan is still in development, not yet having been submitted to the Local Planning Authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore; only very limited weight can be afforded to this document at this time.

- 8.4. The proposal is located within the settlement boundary of Burbage and therefore there is a presumption in favour of sustainable development. The applicant seeks planning permission for the demolition of an existing two storey dwelling and the erection of a detached two storey dwelling and a detached double garage. The proposal is considered acceptable in principle, subject to other material planning considerations.

Design and impact upon the character of the area

- 8.5. Policy DM10 of the SADMP requires developments to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.6. The proposed dwelling would be a two storey five bedroom property, with a detached double garage located forward of the principal elevation of the property. The proposed dwelling would be constructed with two glazed front gables with an eaves height of 5 metres and a ridge height of 8.4 metres. By way of comparison; measurements were taken at the two neighbouring residential properties with the ridge height at 341 Rugby Road being 6.82 metres and at 337 Rugby Road the ridge height being 7.5 metres. Whilst the directly neighbouring properties are lower in height than the proposed dwelling; there are varying ridge heights along this stretch of Rugby Road and there are other properties along this stretch of road are similar height to the proposed dwelling. The proposed double garage to the front would have an eaves height of 2.5 metres and a ridge height of 5 metres.
- 8.7. The dwelling itself would be set back from the highway by approximately 19 metres; following the existing building line with other properties along Rugby Road. The detached garage would be set back from the highway by approximately 10 metres; in line with the detached garage to the neighbouring property at 341 Rugby Road. The existing property is a three bedroom detached dwelling and is currently one of the smallest properties on the western side of Rugby Road. Rugby Road is characterised by large detached dwellings, and the proposed development would therefore be in keeping with the character of the area. The character of properties along Rugby Road is varied in terms of scale, height and design. The existing property does not positively contribute to the street scene in design terms. The proposed glazing to the front gable would add a contemporary design which is not considered to be detrimental to the character of the area and is therefore acceptable.
- 8.8. The proposed dwelling would be set in by 0.5 metre from the boundaries with both the adjoining neighbours allowing access to the rear. As noted above, a number of dwellings along Rugby Road are of similar size and bulk, therefore the proposed dwelling would not be out of keeping with the character of the area in this respect.
- 8.9. The proposed detached double garage would be constructed with a dual pitch roof with an eaves height of 2.5 metres and a ridge height of 5 metres. There are a number of dwellings which have detached garages along Rugby Road which have been constructed forward of the principal elevation of the dwelling including at the neighbouring property of 341 Rugby Road. The proposed garage would be set back from the highway by approximately 10 metres and there is extensive vegetation which provides considerable screening along Rugby Road which would screen the garage from view. Additional planting is also proposed along Rugby Road which would further screen the property and the garage.
- 8.10. The proposed detached double garage would be constructed in close proximity to 337 Rugby Road's conifer trees. The construction could affect the root protection areas of these trees and therefore a condition will be imposed requiring details of the proposed foundations to ensure that there is no adverse impact on the trees as a result of the construction of the garage.
- 8.11. By virtue of its siting, scale, design and appearance the proposal would not harm the character and appearance of the surrounding area and would therefore be in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 of the SADMP seeks to ensure that developments will have no significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.13. The proposed dwelling would be set off the boundary with the neighbouring property to the south; 337 Rugby Road by 0.5 of a metre. This property has one side window facing towards the proposed dwelling which serves a hallway. No windows are proposed to the northern elevation of the proposed dwelling and therefore there would be no overlooking of this neighbouring property. Therefore there would not be a significantly adverse impact on the amenity of the neighbouring property.
- 8.14. The proposed dwelling would be set off the boundary with 341 Rugby Road, to the north by 0.5 of a metre; bringing it closer to the boundary and the proposed dwelling would be higher than that which is replaces. 341 Rugby Road has three side windows at first floor level. However, these windows serve a bathroom which is obscurely glazed and two hallway windows and there would therefore be no significant impact on the amenity of this property. There are no side windows proposed to the northern side elevation of the proposed dwelling and there are no habitable room windows to this side elevation to 341 Rugby Road and therefore the proposed development would not adversely affect the amenity of 341 Rugby Road.
- 8.15. The detached garage would be constructed forward of the principal elevation of the proposed dwelling; on the boundary with 337 Rugby Road. However, given its location 2.5 metres forward of the neighbouring dwelling and given that the roof slopes away from the boundary; being 2.5 metres at the closest point to the boundary there would be no significantly adverse impact on 337 Rugby Road in terms of overshadowing or overbearing impact.
- 8.16. A bungalow is currently under construction to the rear of the site which is accessed by Johns Close. The separation distance between the proposed dwelling and the approved dwelling at Johns Close would be 29 metres from rear elevation to rear elevation. The proposed dwelling would have three windows at first floor level with majority of the ground floor being glazed. However the separation distance between the two properties is considered sufficient to ensure that there would be no adverse impact on the neighbouring amenity of the property to the rear of the site. There is also an existing 1.8 metre high close boarded fence which forms the boundary treatment between the two properties and acts as screening between the two properties.
- 8.17. The proposed property sits within an extensive plot and therefore it is considered that adequate private amenity space could be provided for the prospective occupiers of the new dwelling with 14 metres in length of garden space from the rear of the property to the rear boundary.
- 8.18. For the reasons given above, the proposed scheme would not result in any significant adverse impacts on the amenities of the occupiers of neighbouring properties and therefore the proposal is considered to comply with Policy DM10 of the Site Allocations and Development Management Policies DPD.

Impact upon highway safety

- 8.19. Policy DM17 of the SADMP states that development proposals will be supported where there is no significant adverse impact upon highway safety.
- 8.20. Policy DM18 of the SADMP states that all new developments should provide an appropriate level of parking provision.

- 8.21. Leicestershire Highway Design Guidance provides that three spaces should be provided per dwelling within an urban location. The proposed dwelling is set back a considerable distance from the highway and meets the required standard set out within the 6C's. The parking layout and the turning space has not been outlined within the application, however it is considered that the site includes enough space to facilitate this, therefore it would be appropriate to have a suitably worded condition to ensure these details are submitted prior to any commencement of development. In terms of the access they are using an existing access which would not increase in use given that this application is for a replacement dwelling and it is therefore acceptable.
- 8.22. It is therefore considered that the development is in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

Infrastructure contributions

- 8.23. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements. However, the Planning Policy Guidance provides that, tariff-style planning obligations should not be sought for developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000 square metres. Therefore notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

Other Issues

- 8.24. Comments have been received stating that the dwelling is of a large nature and raising concerns that it could operate as a nursery. A planning application was submitted in 2015 by the applicant for the "Conversion and two storey extension of dwelling to a children's day nursery with residential on first floor" (Planning Reference: 15/01068/FUL). This application was withdrawn and no formal decision was made on this application. The current application is for a single dwelling and that is what must be considered. Any future application for use of the property as a day nursery would need to be assessed against the relevant planning policies.

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

11. Conclusion

- 11.1. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that accords with the policies in the Development Plan unless material considerations indicate otherwise. The site is located within a sustainable urban settlement with reasonable access to a range of services and facilities by sustainable transport modes.
- 11.2. Subject to the conditions set out below, the proposed development by virtue of the siting, layout, scale and design would respect the character of the street scene and would not adversely affect the amenities of the occupiers of neighbouring residential properties.
- 11.3. The application is considered to be in accordance with Policy 4 of the adopted Core Strategy and Policies DM1, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

12. Recommendation

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

- Planning conditions outlined at the end of this report.

- 12.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

12.3. 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: Block Plan, Garage Plan & Elevations, Proposed Floor Plans, Proposed Elevations received by the Local Planning Authority on the 18 May 2018 and, Landscaping Plans, received by the Local Planning Authority on the 13 April 2018 and Site Location Plan received by the Local Planning Authority on the 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 DPD.

3. Prior to the commencement of development, representative samples of the types and colours of materials to be used on the external elevations of the dwelling hereby permitted shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved.

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

4. Prior to the commencement of development, a plan shall be submitted showing the existing and proposed ground levels of the site and finished floor levels of the dwelling hereby permitted. This shall be approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those details approved.

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

5. No development shall commence until a detailed scheme of landscaping and measures for the protection of trees on site and adjacent to the boundaries of the site to be retained during the course of development shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following items;
 - 1) A site specific tree protection plan with details of site storage areas and welfare facilities;
 - 2) A full and detailed prescription for tree surgery works;
 - 3) A method statement for site works and foundation design within the Root Protection Area on or adjacent to the site; and
 - 4) A landscape plan.

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

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

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

7. Before first occupation of the dwelling hereby permitted, the access drive and parking spaces shall be surfaced with a tarmacadam or similar hard bound material (no loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be permanently so maintained at all times thereafter.

Reason: To reduce the possibility of deleterious material (loose stones etc) being deposited in the highway in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD.

12.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata; i.e soakaways, previous paving, filter drains, swales, etc and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata area insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.

3. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet
4. Rainwater from the garage roof should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge onto the surface of the application site and neighbouring properties.

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Planning Committee 3 July 2018
Report of the Interim Head of Planning

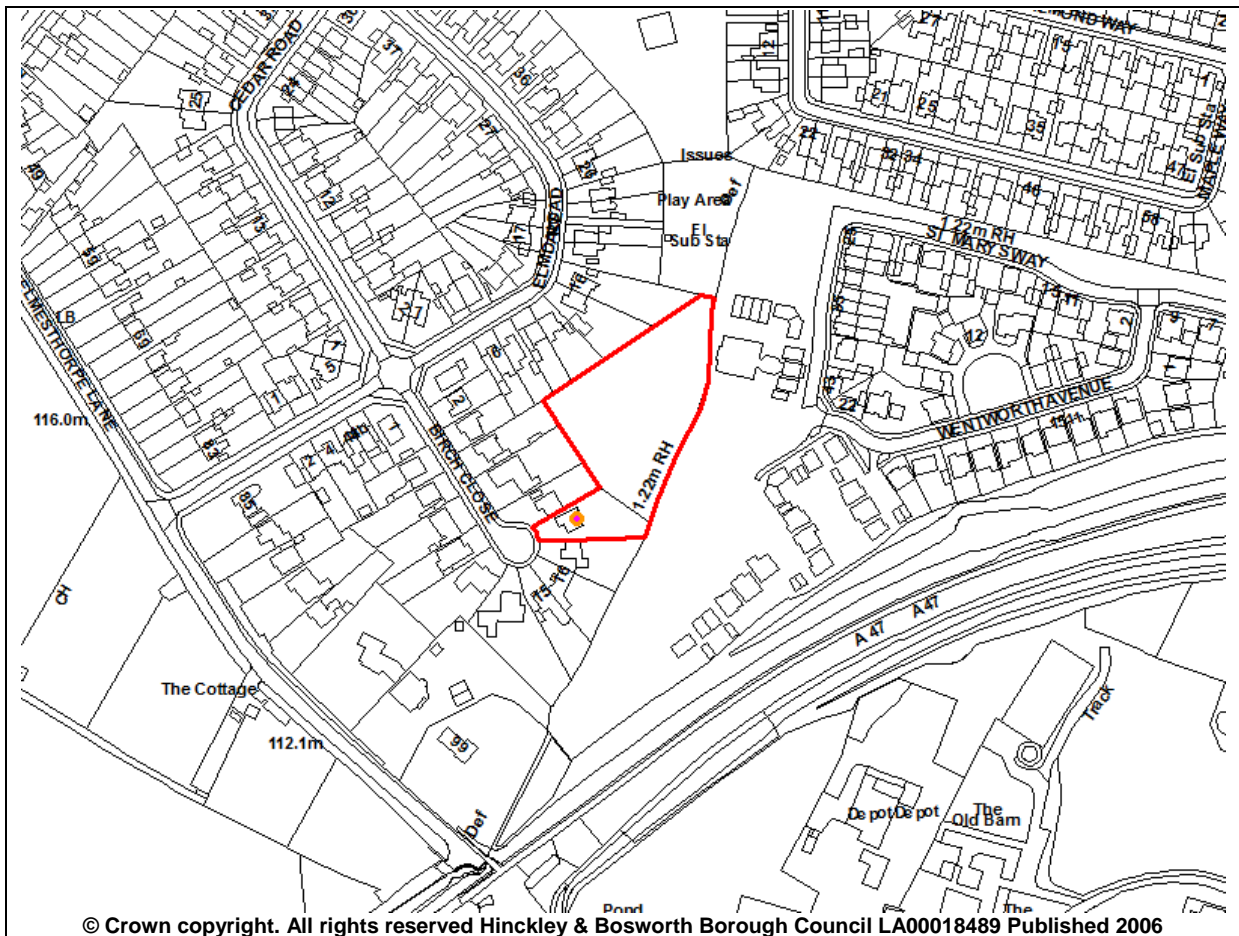
Planning Ref: 17/01330/FUL
Applicant: Kaplan Property Group
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 12 Birch Close Earl Shilton

Proposal: Demolition of existing dwelling and erection of 16 dwellings with associated vehicular access, parking and landscaping



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - 100% affordable housing provision
- Planning conditions outlined at the end of this report.

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

1.3. That the Interim Head of Planning 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. The application seeks full planning permission for the demolition of an existing dwelling and the erection of 16 dwellings with access proposed from Birch Close. The internal road for the site is proposed to be accessed via Birch Close and would be facilitated by the demolition of No.12 Birch Close, which is an existing detached bungalow. The proposed dwellings are to provide affordable housing, and include no market dwellings.
- 2.2. The layout of the proposed development has been amended during the course of the application, to provide improved relationships within the site to create more activate frontage within the proposed street scene, as well as amenity spaces and parking layout. A full 10 day re-consultation has taken place.

3. Description of the Site and Surrounding Area

- 3.1. The site is approximately 0.46 hectares in size, has a triangular shape and is located on land to the rear of Birch Close and Elmdale Road. The site is within the settlement boundary as defined by the Site Allocations and Development Management Policies DPD and reiterated in the Earl Shilton and Barwell Area Action Plan.
- 3.2. The majority of the site comprises overgrown grassland. The southern section of the site comprises No.12 Birch Close, a detached bungalow, and its residential curtilage. The topography of the site slopes from the south west down to the north east. There are established shrubs, hedgerows and trees along the south western, north western and eastern boundaries in addition to several mature trees adjacent to the site.
- 3.3. The application site is located within a residential area. To the west of the application site are dwellings fronting onto Elmdale Road and Birch Close. Maple Park recreation ground is located adjacent to the north of the site. The land to the east of the application site is currently undergoing construction works for a housing development that is located within the district of Blaby.

4. Relevant Planning History

15/00650/OUT	Demolition of dwelling and erection of 14 dwellings (outline - access and layout)	Outline permission	10.05.2016
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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 and five letters of objection have been received from 5 separate addresses; the comments are summarised below:-

- 1) The road is not suitable for additional traffic
- 2) The turning circle would be lost
- 3) The access would be extremely tight making it difficult for refuse lorries to access
- 4) Where the bins would be stored for collection is a concern
- 5) Parking provision is already an issue on Birch Close and surrounding roads
- 6) There is no need for the properties due to the adjacent Morris Homes development
- 7) Loss of character to a quiet cul-de-sac
- 8) Loss of privacy to neighbouring properties

- 9) Construction will cause noise and disturbance
 - 10) Access to the site would be better through the adjacent site currently under construction
 - 11) The proposed footpath from the park is a security concern
 - 12) The proposed properties would be higher than surrounding neighbouring dwellings, which will cause privacy issues
 - 13) The layout of the proposed development is contrived and cramped and is overdeveloped
- 5.2. One letter has been received which states, they have no objection to the proposed development, however are concerned over the proposed the footpath link into the park, due to the poor drainage which exists in that area.

6. Consultation

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

Environmental Health (Pollution)
 Leicestershire County Council (Ecology)
 Leicestershire County Council (Archaeology)
 Environmental Health (Drainage)
 Severn Trent
 Waste Services

- 6.2. Initial comments have been received from Leicestershire County Council (Highways) but currently awaiting final comments from re-consultation.

- 6.3. Comments have been received from the Lead Local Flood Authority, who has requested further information. The applicant has provided further information and their comments are awaited

- 6.4. No comments have been received from:-

Western Power Distribution
 Blaby District Council

- 6.5. Earl Shilton Town Council supports the development of the site for dwellings, as it would provide a benefit to water drainage. The site would also provide a footpath link.

7. Policy

- 7.1. Core Strategy (2009)

- Policy 2: Development in Earl Shilton
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design

- 7.2. 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 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)

8. Appraisal

8.1. Key Issues

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

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 current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and the Barwell and Earl Shilton Area Action Plan.
- 8.4. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development that is in accordance with the adopted development plan. Policy 2 of the adopted Core Strategy supports residential development within the settlement boundary of Earl Shilton, in a sustainable urban location. The application site also benefits from an extant outline planning permission for the erection of 14 dwellings (reference number 15/00650/OUT) which must be afforded significant weight in favour of the proposal.
- 8.5. Therefore, residential development would be acceptable in terms of strategic planning principles and Policy 2 of the adopted Core Strategy, subject to satisfying all other relevant policies and material planning consideration.

Design and impact upon the character of the area

- 8.6. Policy DM10 of the SADMP and Policy 22 of the ESBAAP seek to ensure that new development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.7. Birch Close is characterised by primarily detached bungalows although there are two houses to the northern end of the close. The dwellings are set back from the front boundary within wide and deep plots providing ample rear gardens. At the southern end of Birch Close where the dwellings front onto the turning circle, the plot frontages are narrower and the dwellings set further back in the plots. Elmdale Road is characterised by a mix of detached and semi-detached bungalows on narrower plots than Birch Close. Due to the topography of the area, the dwellings

along the northern side of the road are situated on higher ground than those to the south. Additionally, there are some one and half storey dwellings on lower ground to the south of Elmdale Road. To the east of the application site, a residential development is under construction comprising detached houses on relatively narrow and shallow plots.

- 8.8. The proposed development comprises a mix of detached, semi-detached and terraced houses and bungalows which is consistent with Policy 16 of the Core Strategy that requires a mix of housing types. The dwellings would be set on narrower and shallower plots than the development fronting Birch Close and Elmdale Road and would be closer related to the dwelling-to-plot size proportions of the residential development to the east of the application site. The development comprises a cul-de-sac which would create its own unique character, separate to that of the surrounding properties.
- 8.9. To the south of the site where the proposed access adjoins Birch Close the proposal seeks to erect 2 detached bungalows which would be set back from Birch Close and would allow the existing character of Birch Close to be retained, and reflect the character of the Cul-de-sac, beyond this the dwellings would be two storey in scale. Given the scale of the proposed dwellings which would reside within the application site, glimpses of the development would be partially visible from Elmdale Road. However given the varied nature of the surrounding property types this would have a limited impact upon the character of the area.
- 8.10. The proposal includes a mixture of dwellings, offering single and two storey dwellings, and would provide detached and semi detached properties. The proposed dwellings have been orientated to provide a strong street frontage and afford natural surveillance within the proposed street scene and access. The proposed development would also provide a high quality landscaping scheme, with a mix of hard surfacing to denote the public and private areas. To the rear of plot 13 and 14 is a mature sycamore tree on the adjacent land. The Sycamore tree is one of a number of trees identified within the arboriculture assessment, surrounding the site which provide a valuable contribution to the character of the area. The proposed dwellings have been positioned with sufficient separation distances to ensure the proposed development would not have an adverse impact on the longevity of important trees on the adjacent site to the north.
- 8.11. It is therefore considered that the proposed residential development would be in keeping with the character of the surrounding area and would therefore be in accordance with Policy DM10 of the SADMP and Policy 16 of the adopted Core Strategy.

Affordable Housing

- 8.12. 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. At least 480 dwellings will contribute to this target in rural areas. Policy 15 requires that for all sites, the tenure split will be 75% social rented and 25% intermediate housing. These figures may be negotiated on a site by site basis.
- 8.13. It has been identified that there are currently 996 applicants on the register for affordable dwellings for Earl Shilton. The Residential Land Availability Monitoring Statement for 1 April 2017 – 31 March 2018 identifies that since the start of the plan period to 31st March 2018, 1056 affordable dwellings have been provided. The requirement therefore to provide 2090 affordable dwellings by 2026 is not on track to being met and the proposed development of 16 dwellings with no market dwelling

provision should be given significant weight, as it would make a contribution towards meeting this identified need.

- 8.14. The application offers a mix of 10, 2 bedroomed 4 persons properties, including 2 bungalows and 6, 3 bedroomed 5 persons dwellings. The proposed scheme seeks to provide 8 dwellings for affordable rent and 8 dwellings of shared ownership.
- 8.15. Policy 15 of the Core Strategy seeks that the tenure split on site is 75% social rented and 25% intermediate housing. The application proposes to provide a 50% split on site. Whilst this is not the split as required by Policy 15, the proposed development would provide 100% affordable housing scheme, which is over and above the 20% affordable housing target on a development. The proposed development is therefore considered to be in accordance with Core Strategy Policy 15.

Impact upon neighbouring residential amenity

- 8.16. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.17. The proposed development is bound by residential dwellings, and is positioned to the east of Birch Close, to the south of Elmdale Road, and to the north of St Marys Way, Earl Shilton.
- 8.18. The proposed development would result in the demolition of an existing dwelling No.12 Birch Close, and the creation of a vehicular access to serve the development of 16 proposed dwellings. The proposed access would be situated at the end of the existing cul-de-sac, and the proposed vehicular access would extend along the rear garden of No.10 Birch Close, Earl Shilton. The proposed development would lead to an increase level of vehicular movements, creating additional noise and disturbance however this is not considered to be at a level which would have an adverse affect on residential amenity. The outline permission (reference 15/00650/OUT) granted permission for the development of 14 dwellings also did not consider the noise and disturbance to be adverse. This proposal seeks an increase the number of dwellings from 14 to 16, the increase of 2 dwellings as proposed by this scheme, would not result in any material harm in terms of additional noise and disturbance to this dwelling, over and above that which has already been approved. A condition however is necessary to ensure appropriate boundary treatment along the boundary is secured to ensure adequate private amenity space to the rear of this dwelling.
- 8.19. On the entrance into the site, the nearest residential properties, would be plots 1 and 2 situated to the south of the proposed access into the site. Plots 1 and 2 are single storey bungalows, the rear elevations would face towards the rear amenity space serving No.14 Birch Close, and proposed side elevation would be situated approximately 7.5 metres beyond the rear wall of No.14. Given the distance of the proposed dwellings from No.14 and the single storey nature of the proposed dwellings, there would be no impact upon this property in terms of overbearing impact or overshadowing to this proposal.
- 8.20. The side elevation of Plot 4, would face towards the rear garden of No.10 Birch Close, set away from the rear boundary by approximately 6 metres. Plot 4 would have a first floor window within the west facing side elevation which would face towards No.10, however this would serve a bathroom, and would therefore be obscured, and would not result in any overlooking. The rear garden to No.10 is in excess of 18 metres, and therefore given the proposed dwelling would be set away from the rear boundary, and the rear garden is of considerable length, there would

be no impact in terms of overbearing development or overlooking from Plot 4 to No.10 Birch Close.

- 8.21. Plots 5 – 8 would have rear facing elevations facing the rear elevations of No.6 and No.8 Birch Close. The rear gardens of these properties along Birch Close, are in excess of 20 metres, and would have a window to window distance of approximately 30 metres, which is in excess of the separation distances identified within the Good practice guidance, such as the Urban Design Compendium, and would therefore avoid any overlooking or overbearing impact. The side elevation of Plot 8, would face towards the rear elevations of No.10 and No.12 Elmdale Road, there would be a first floor window serving the bathroom, which would face towards the dwellings on Elmdale Road, which would be obscured and therefore avoid any direct overlooking. The garden length is in excess of 20 metres and therefore would not have adverse impact in terms of overbearing impact to these dwellings.
- 8.22. Plots 9 – 14 would have rear elevations facing neighbouring rear gardens of No.14 and No.16 Elmdale Road. The rear gardens are in excess of 20 metres in length, and the rear gardens serving Plots 9-14 would be at least 10 metres in length. Given the significant distance of it is not considered that this development would result in any overbearing impact or result in any overlooking.
- 8.23. Plot 16 is situated to the west of a newly constructed development, St Marys Way, a development comprising of 2 storey dwellings. Plot 16 is set approximately 2 metres away from the boundary and its side elevation would face the rear gardens and elevations of the dwellings along St Marys Way. A first floor window is proposed within the east facing side elevation which would face towards these dwellings, however it would serve a bathroom, and would therefore not result in any overlooking. The dwelling would be situated approximately 13 metres from the nearest dwelling on St Marys Way and therefore given the distance would not result in any overbearing impact or loss of light.
- 8.24. The proposed dwellings would be served by reasonable sized gardens to provide adequate amenity space of future occupiers. The dwellings would be sufficiently separated from one another to avoid overlooking or indivisibility of windows. Where dwellings are positioned on opposite sides of the proposed road serving the development, dwellings are set back from the road and have been positioned and designed that dwellings do not directly face into similar opposing habitable rooms, further reducing overlooking across the development. Therefore the proposed layout would afford future occupiers a reasonable level of amenity.
- 8.25. To ensure there is no detrimental impact upon neighbouring amenity during construction, Environmental Health (Pollution) have recommended a condition is attached to any planning permission to restrict the hours of construction operation.
- 8.26. The development has been designed to ensure there would be no adverse impact upon the amenity of existing and future occupiers and is therefore in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.27. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.28. The proposed development would incorporate the demolition of No.12 Birch Close to facilitate an access onto Birch Close. No.12 is located with access onto an existing turning circle at the end of the cul-de-sac. The proposed access would be built to a width of 4.8 metres with a 2 metre wide footpath adjoining one side of the road and a 0.5 metre service strip to the other. The Leicestershire County Council

Highways Design Guide requires accesses serving between 5 and 25 dwellings to be a minimum of 4.8 metres wide, plus 0.5 metres if bounded by a wall, fence or other structure.

- 8.29. The submitted layout plan has provision for a minimum of two spaces per dwelling which is considered the minimum provision that would be acceptable for dwellings of the proposed sizes in this location. A condition has been imposed to ensure the provision of car parking is delivered.
- 8.30. A footpath is proposed to create a pedestrian access from the site to adjoin the recreation ground to the north of the site. The proposed footpath would help to create a strong link between the proposed buildings and the existing facilities in the area.
- 8.31. The principal of an access to serve a development for 14 dwellings has already been accepted through the grant of a previous approval, however formal and final comments from Leicestershire County Council (Highways) in respect of the final detail of the proposed development will be reported by way of a late item, following their receipt.

Drainage

- 8.32. Policy DM7 of the SADMP requires adverse impacts from flooding to be prevented and that development should not create or exacerbate flooding by being located away from area of flood risk unless adequately mitigated.
- 8.33. The application site is located within Flood Zone 1 as defined on the Environment Agency flood map and therefore is at a low risk of flooding. As the existing site is greenfield land, the development is likely to lead to increased levels of surface water runoff. The application has been accompanied by a drainage strategy report and proposed mitigation measures. The Lead Local Flood Authority have advised that the documents which were initially submitted with the application were insufficient to allow a detail response. Further information has been submitted by the applicant and a further consultation has been carried out, and will be reported to committee as a late item.
- 8.34. Environmental Health (Drainage) has also assessed the submitted strategy and has no objections to the proposed scheme subject to the imposition of condition that the proposed surface water drainage scheme which accords with the submitted strategy is submitted to and agreed prior to commencement.
- 8.35. Severn Trent has no objection to the proposed development, and has provided 2 informatives to be included for the applicants information.

Impact upon Ecology

- 8.36. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.37. The application has been accompanied by an Ecology Report. The content of this has been considered by Leicestershire County Council (Ecology) who raise no objection to the proposed development subject to conditions. The survey identifies that the majority of the site was recently colonised scrub, with some areas of species poor grassland and tall ruderal vegetation. The proposed development would not result in any loss of habitat that would meet the Local Wildlife Site Criteria. No evidence of protected species was recorded on site, however the report does acknowledge that the site did have potential to support reptiles and badgers

and therefore the recommendations as set out in the submitted report should be conditioned.

- 8.38. Accordingly, subject to conditions the development would be in accordance with Policy DM6 of the adopted SADMP by securing biodiversity enhancements.

Infrastructure contributions

- 8.39. 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.

- 8.40. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm 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

- 8.41. Core Strategy Policy 2 states that new development should address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Hinckley. New green space should meet the standards in Policy 19 of the Core Strategy. Policy 19 sets out standards to be used to determine what improvements are required to existing facilities, and what new provision is required for new development.

- 8.42. The proposal will need to provide green space and play provision using the quantity standards outlined in Core Strategy 19. The overall provision is dependant upon the number of dwellings to be provided on site. In the first instance, the green space and play provision should be provided on site. However this is not always practical due to other factors, such as minimum sizes of types of green space/play provision, levels issues, awkward site shapes. To ensure that the development is in accordance with Policy 19 of the Core Strategy if the full on-site green space and play provision is not provided contributions towards the off-site provision and maintenance of open space will be requested through a Section 106 legal agreement. For clarity, the quantity required is broken down per dwelling and the provision and maintenance figures per square metre. The contributions sought will therefore be based upon the table below:

	Provision per dwelling (2.4 people per dwelling)	Number of dwellings	Sqm to be provided	Off site provision per square metre	provision contribution	Maintenance contribution per square metre	Maintenance contribution
Equipped Children's Play Space	3.6	16	57.6	£181.93	£10,479.17	£87.80	£5,057.28
Casual/Informal Play Spaces	16.8	16	268.8	£4.44	£1,193.47	£5.40	£1,451.52
Outdoor Sports Provision	38.4	16	614.4	£9.05	£5,560.32	£4.30	£2,641.92
Accessibility Natural Green Space	40	16	640	£4.09	£2,617.60	£7.10	£4,544.00
				Provision total	£19,850.56	Maintenance total	£13,694.72

8.43. The application site is located adjacent to Maple Park, which is situated to the north of the site. Maple Park provides Equipped Children's Play Space, Casual play space, sports provision and natural green space. Maple Park has a quality score of 74% within the Open Space and Recreation Study 2016, which is below the 80% quality target score. Given the size of the units proposed it is considered that these would appeal to families and given the proximity of the application site to Maple Park, it is considered that the future occupiers would use the facilities on this site.

8.44. These contributions are considered reasonable in mitigating the impact of the proposed development upon the existing facilities and/or maintaining the green space and play provision provided on site. Subject to the signing of a Section 106 legal agreement which includes the prevailing contributions, as currently indicated above, the application is considered in accordance with Policy 19 of the Core Strategy.

Education

8.45. An assessment of the development's impact upon the local education provisions have been provided by Leicestershire County Council. These have been broken down into Primary, Secondary and Special School Requirements.

Primary

8.46. With regards to Primary School requirements the site falls within the catchment area of Townlands C of E Primary School and there are 2 other primary schools within a two mile walking distance of the development. Overall there is a surplus in this sector after taking into consideration all primary schools within the two mile walking distance of the development of 22 pupil spaces. A contribution towards primary schools is therefore not requested.

Secondary

- 8.47. The site falls within the catchment area of Heath Lane Academy, a secondary school (11-18). The school has a net capacity of 784 and 1316 pupils are projected on roll should this development is granted; a deficit of 532 pupil places after taking into account the 3 pupil places this development would generate. A total of 455 pupil places are being funded at this college from S106 agreements for other developments in this area which have to be deducted. This reduces the total deficit for this college to 77 (of which 74 are existing and 3 are created by this development). There are no other upper schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore justified.
- 8.48. In order to provide the additional 11-18 school places anticipated by the proposed development, Leicestershire County Council requests a contribution for the 11-18 school sector of £54,354.38. This has been calculated using the deficit multiplied by the DFE cost multiplier. No contributions are requested for Special Schools Sector.

Health

- 8.49. Assessment of the impact of the development upon the health service in the area has been assessed by the NHS. It is identified that the development could have an estimated population of 39 residents (using the Census average household size of 2.4 people per dwelling). This would result in the need for 1 hour additional patient appointment per week for a consulting room and 0.30 hours additional patient appointment hours per week for a treatment room. The closest GP Practice is located at Heath Lane Surgery.
- 8.50. This centre has experienced continual growth of patient numbers which is currently impacting upon the capacity within the existing premises. To provide a comprehensive medical service to the proposed residents of this scheme an extension to Heath Lane Medical Centre would be needed to provide increased clinical space and access at the surgery. The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices. The cost per sqm has been identified by a quantity surveyor experienced in health care projects. The cost of providing additional accommodation for 39 patients and requested contribution is £6,490.58

Libraries

- 8.51. The impact of the development upon libraries has been assessed by Leicestershire County Council. A contribution request has been made from Leicestershire County Council Library Services for £450 for use of provision and enhancement of library facilities at Earl Shilton Library on Wood Street, and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the library on the local library service arising from the development. The formula is based on £15.09 per 1 bed property, £30.18 per 2+ bed roomed properties. It is considered that the library request has not demonstrated whether the contribution is necessary and how increasing lending stock would mitigate the impact of the development on the library facility.

Viability

- 8.52. Policy DM3 of the SADMP states that where, because of the physical circumstances of the site and/or prevailing and anticipated market conditions, a developer can demonstrate that the viability of a development proposal affects the provision of affordable housing and/or infrastructure provision, the Borough Council

will balance the adverse impact of permitting the scheme on the delivery of such provision, with any appropriate evidence to support this justification.

- 8.53. A viability statement has been independently assessed by a third party instructed by the Local planning Authority. The development is for 100% affordable housing which is funded Social Housing Grant, Recycled Capital Grants programme and a further subsidy from applicants own resources. Due to the development being 100% affordable housing, lower than market rents would be achieved. The viability study identifies that the development even with internal and external grant funding, demonstrates that the development would require further subsidy from the applicants own resources to fund the development. Therefore the scheme could not sustain the requirement of Section 106 contributions and remain a viable scheme.
- 8.54. Paragraph 173 of the NPPF requires careful attention to viability and costs in plan making and decision making. Given the particular circumstances of this case and the evidence presented the proposed development would not be able to pay any contributions and remain viable and deliverable in accordance with paragraph 173 of the NPPF.

Planning Balance

- 8.55. The NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF states that it does not change the statutory status of the development plan as the starting point for decision making. 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. Paragraphs 8-9 confirm that the planning system should play an active role in guiding development to sustainable solutions and that pursuing sustainable development involves seeking positive improvements.
- 8.56. In accordance with Paragraph 7 of the NPPF, there are three dimensions to sustainable development: economic, social and environmental. These roles are mutually dependant and therefore to achieve sustainable development they should be considered together.
- 8.57. In respect of the economic role, the scheme proposed would provide limited benefits to the local economy through the creation of jobs and demand for services and materials for the construction of the development itself and from the future occupation of the development supporting businesses in the wider rural area.
- 8.58. In respect of the social role, the scheme would provide a contribution to the overall housing supply within the Borough, however the scheme would not be capable to provide Section 106 contributions and remain viable. The proposal would provide and deliver social a 100% affordable housing, as previously discussed, the Residential Land Availability Monitoring Statement for 1 April 2017 – 31 March 2018 identifies that since the start of the plan period to 31st March 2018, 1056 affordable dwellings have been provided. The requirement therefore to provide 2090 affordable dwellings by 2026 is not on track to being met and the proposed development of 16 dwellings with no market dwelling provision should be given significant weight, as it would make a contribution towards meeting the identified need and the loss of contributions would not render the application unacceptable due to the significant weight given to delivery of 16 affordable houses.
- 8.59. In respect of the environmental role, the application site comprises predominately of overgrown grass land, which is enclosed on three sides by residential development. The site is not identified as having any high environmental value and the proposal would not result in the loss of any wildlife habitats or any other demonstrable adverse impacts on the environment. The proposed residential development would be sympathetic and significant improve the aesthetics of the site, as well as

delivering biodiversity enhancements, and would be well contained visually with appropriate landscaping proposed, links into the neighbouring play and open would be provided to the north, improving links to areas of quality public open space.

- 8.60. It is therefore considered that the benefits of the scheme, outlined above, outweigh the harm caused by the development not contributing towards loss of contributions to health, education and off site play and open space. The development is therefore considered to be acceptable.

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 application site is in a sustainable location within the settlement boundary of Earl Shilton where residential development is acceptable in principle in accordance with national and local policy. By virtue of the proposed layout the scheme would complement the character and appearance of the surrounding area and would not give rise to any material adverse impacts on the amenities of the occupiers of any neighbouring properties. Technical reports have been submitted to demonstrate that the proposal would not result in any significant environmental impacts on biodiversity, important trees, flooding or pollution. During the course of the application the applicant submitted a viability report was submitted and independently assessed, which demonstrates that the scheme could not deliver Section 106 contributions and remain viable.

- 10.2. The scheme would contribute towards affordable housing, which is considered to be a significant benefit of the scheme which would outweigh the harm caused by the absence of contributions. The proposed scheme is considered to be in accordance with Policy 2 and 16 of the adopted Core Strategy and Policies DM1, DM6, DM7, DM10 DM18 and DM17 of the Site Allocations and Development Management Policies DPD together with the overarching principles of the NPPF.

11. Recommendation

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

- The prior completion of a S106 agreement to secure the following obligations:
 - 100% affordable housing provision
- Planning conditions outlined at the end of this report.

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

11.3. That the Interim Head of Planning 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 except in complete accordance with the details shown on the submitted plans:

Site Location Plan Dwg No. 4391/KP/17/001, Proposed elevations and floor plans, 2 Bed 4 Persons House Dwg No.4391/KP/17/010, proposed elevations and floor plans 3 Bed 5 Persons house Dwg No.4391/KP/17/011 received 22 December 2017, Proposed site plan Dwg No. 4391/KP/17/003 Rev J, Proposed floorplan and elevations 2 bed, 4 persons bungalow Dwg No.4391/KP/17/012 Rev A, received by the Local Planning Authority on the 13 April 2018.

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

3. Before any development commences above damp course level, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those approved materials.

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

4. No development, excluding demolition, 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:

- i. Means of enclosure
- ii. Car parking layouts
- iii. Other vehicle and pedestrian access and circulation areas
- iv. Hard surfacing materials
- v. Minor artefacts and structures (e.g. furniture, play equipment, refuse
- vi. or other storage units, signs, lighting, etc.)
- vii. Planting plans
- viii. Written specifications
- ix. Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- x. Implementation programme

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

5. The approved Landscape scheme, required by condition 4, shall be carried out in accordance with the approved details, in the next available planting period following the completion of the development hereby approved. The soft landscaping shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the 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).

6. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority details of the landscaping, boundary treatment and measures to maintain security at the dwellings adjacent to the new access (Nos.10 and 14 Birch Close). The approved details shall be completed in accordance with a timetable to be agreed in writing with the Local Planning Authority before construction of the access commences.

Reason: To ensure adequate boundary treatments to Nos. 10 and 14 Birch Close to protect the amenity of the residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

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

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

8. Development shall not begin until surface water drainage details and calculations, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the full details prior to the completion of development.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

9. Construction shall be limited to 08:00 - 18.00 hrs Monday to Friday and 09:00 - 13:00hrs Saturdays with no working on Sundays or Bank Holidays.

Reason: To ensure no harm to occupiers of nearby dwellings or the environment surrounding the application site to accord with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD.

10. Development shall not begin until a full Tree Survey to BS5837:2012 has been submitted to and approved in writing by the local planning authority. This report shall include details upon the retention and removal of trees and mitigation measures to protect retained trees during construction, including those outside the application site but adjoining the access. The development

shall be implemented in accordance with the full details of the approved survey.

Reason: To ensure that trees are not damaged during construction and that soil bulk density will not be increased and be detrimental to long-term health of the tree. In accordance with Policies DM10 and DM6 of the adopted Site Allocations and Development Management Policies Plan.

11. Prior to first occupation of any dwelling hereby permitted, a footpath shall be provided from the site to the adjacent recreation ground to the north, as shown on drawing no.4391/KP/17/003 Rev J. Details of the footpath including surface material and boundary treatment shall be submitted to and approved by the local planning authority. The footpath shall be constructed and maintained in accordance with the submitted details.

Reason: To mitigate the impact of the development and providing and promoting sustainable form of development to accord with DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 32 of the National Planning Policy Framework 2012.

12. The development shall be carried out in accordance with the recommendations found within Preliminary Ecological Appraisal December 2017 received by the Local Planning Authority 9 January 2018.

Reason: To ensure that satisfactory measures are in place to safeguard protected species in accordance with Policy DM6 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies DPD.

13. The access drive shall be a minimum of 4.8 metres wide for at least 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

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

14. Prior to occupation of the development hereby approved, areas of parking as indicated on dwg no. 4391/KP/17/003 Rev J shall be provided, hard surfaced and marked out. The parking areas shall be retained and maintained thereafter.

Reason: To ensure that there is adequate parking provision to serve the development, and avoid on street parking to accord with Policies DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

15. Before first occupation of the dwellings hereby approved, the first floor windows positioned within the side elevations, which serve proposed bathrooms of plots, 4 8 and 16 as identified within layout plan dwg no. 4391/KP/17/003 Rev J shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.

Reason: To protect the privacy and amenities of occupiers of neighbouring properties with Policy DM10 of the Site Allocations and Development Management Policies DPD.

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. Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our New Connections Team (Tel: 0800 707 6600).
3. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

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**Planning Committee 3 July 2018
Report of the Interim Head of Planning**

Planning Ref: 18/00316/HOU
Applicant: Miss Helena Jaron
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 10 Fairacre Road Barwell

Proposal: Single storey side and rear extension



1. This application was taken to Planning Committee on the 8 May 2018. Notwithstanding the officer's recommendation that permission be granted, members deferred a decision to Planning Committee on 5 June to seek amendments to set the extension further back. As no amendments were put forward, Members were minded to refuse the application and deferred the item again.
2. No amendments to the scheme have been submitted since the application was considered at the 5 June 2018 Planning Committee.
3. Additional justification was 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) Deeds plans have been provided that indicate that the application is wholly within the applicant's boundary. The narrative to the deed plan notes that there is a requirement for joint maintenance of the driveway.

- b) A letter from the Occupational Therapist detailing the disabilities and particular requirements that need to be considered is also awaited and will be reported as a late item once received.
 - c) It is noted that the neighbours garage is set forward of the garage to no. 10 by almost 2 metres. The proposal is to set the garage forward by 3 metres and therefore the same principles apply. It is also noted that the neighbours would still be able to use the remaining shared space to alight any vehicles and move forward up to the garage if needed.
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 5 June 2018
Report of the Interim Head of Planning

Planning Ref: 18/00316/HOU
Applicant: Miss Helena Jaron
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 10 Fairacre Road Barwell

Proposal: Single storey side and rear extension



1. This application was taken to Planning Committee on the 8 May 2018. Notwithstanding the officer's recommendation that permission be granted, members deferred a decision to seek amendments to set the extension further back.
2. Amendments to the scheme have been considered by the applicants but the requests are not achievable as detailed below. No amendments to the scheme have therefore been submitted since the application was considered at the 8 May 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) Deeds plans have been provided that indicate that the application is wholly within the applicant's boundary. The narrative to the deed plan notes that there is a requirement for joint maintenance of the driveway. The deeds make it clear that there are no easements giving rights over any other land including rights of light and air. It is likely that the neighbour also has the same note on their register and therefore no right of access over the applicant's half of the driveway. However, the applicant is seeking legal advice to this effect and any update will be reported to Committee as a late item.
 - b) It is stated by the applicant that the neighbours garage is set forward of the garage to no. 10 by almost 2 metres. The proposal is to set the garage forward by 3 metres and therefore the same principles apply. It is also noted that the neighbours would still be able to use the remaining shared space to alight any vehicles and move forward up to the garage if needed.
 - c) A letter from the Leicestershire County Council Occupational Therapist has been received in support of the application detailing the disabilities and particular requirements that need to be considered. It states that the scheme is the only feasible option to create a suitable adaption as the ground floor adaption needs to be close to the stairs to allow night time supervision, and costs of relocation are prohibitive. A recommendation for a Disabled Facilities Grant has been made to HBBC for this adaption.
 - d) The agent advises that the final design was arrived at following lengthy meetings with client, Social Services Occupational Therapist and HBBC Grant Officer. The proposed bedroom and en suite facilities are for the use of the client's disabled daughter and are being part funded by HBBC under a disabled facilities grant with the remainder funded by the client.
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.
5. Section 9 of the report refers to Equality Implications as follows:

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.

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.

The equality implications arising from this application relate to the protected characteristics of a disabled person which is addressed in the assessment of the application by reference to planning policies and national guidance.

Planning Committee 8 May 2018
Report of the Planning Manager, Development Management

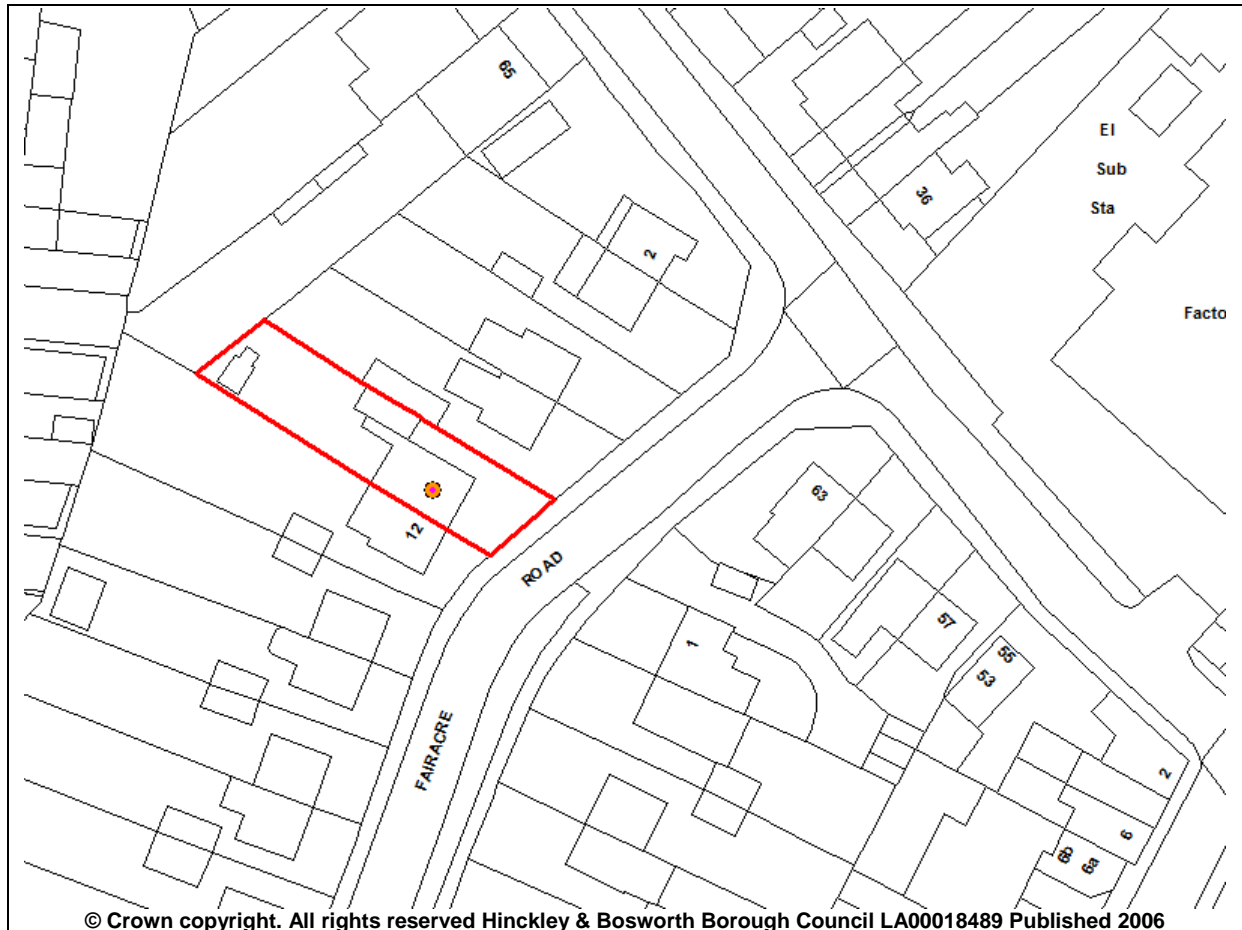


Hinckley & Bosworth
Borough Council

Planning Ref: 18/00316/HOU
Applicant: Miss Helena Jaron
Ward: Barwell

Site: 10 Fairacre Road Barwell

Proposal: Single storey side and rear extension



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 removal of a conservatory and flat roofed garage and proposes a ground floor extension to add a bedroom and bathroom for disabled use, and to extend the kitchen and dining room to the rear.

2.2. At the side the bedroom would extend further forward than the existing but remain set back from the front of the dwelling by 4 metres. This in turn would project 3.6 metres in front of the neighbours' garage.

2.3. The design has a low pitched roof, 2.3 metres to eaves and 3.4 metres to the ridge in matching facing bricks and concrete tiles and UPVC doors and windows.

3. Description of the Site and Surrounding Area

3.1. The site is located in a residential area within Barwell. The houses in Fairacre Road are semi detached in a uniform layout with a driveway between and generally with garages set back and open lawned frontages. Few have paved frontages although no 8 and 6 are both fully paved over. The application property has a garage set back by 8.5 metres and shares a drive with no 8 which has a garage set back by 7 metres from the front of the houses. The garage to the application property has in part been converted to a shower room and utility with a store to the rear, with a link to the conservatory.

4. Relevant Planning History

81/00694/4	Retention of shed	Permitted	21.07.1981
80/00572/4M	Erection of a garage	Permitted	04.07.1980

5. Publicity

5.1. The application has been publicised by sending out letters to local residents.

5.2. Two letters of objection have been received raising the following concerns:-

- 1) Loss of parking
- 2) Restricted access to garage and drive
- 3) Loss of access to rear garden
- 4) Damage to driveway

6. Consultation

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

- 1) Object under Policy DM10 – design needs to be more in keeping with the street. Encroachment onto shared driveway for bin storage and emergency access for both properties.

6.2. Councillor Roberts has requested that the application is called before committee for consideration and raises the following concerns:-

- 1) Loss of parking
- 2) Impact on neighbour`s access to garage
- 3) No access to rear garden

7. Policy

7.1. Core Strategy (2009)

7.2. Earl Shilton and Barwell Area Action Plan

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

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

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- 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 Barwell, 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. The proposed single storey additions and pitched roof, due to the minor nature and single storey height would complement the character of the host dwelling, and with ramped access at the front and rear would enable access for a disabled user.

8.7. The proposed extension would be constructed of matching brick and tiles that would not significantly impact upon the character of the area being set back from the frontage. Although the extension is forward of the existing garage, there are other instances in the street where garages are in line with the front of the dwellings. This would remain set back and therefore would not significantly alter the character of the street scene.

8.8. By virtue of its scale, design and appearance of the proposal, it is considered that the 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

- 8.9. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of neighbouring properties.
- 8.10. The proposed single storey element would not project past the front elevation of no. 10 Fairacre Road to the north east, or beyond its garage to the rear.
- 8.11. Although the driveway is effectively shared with no demarcation of the boundary line, the proposed extension would not project over the existing ownership boundary between the properties and still allow access to the neighbours' garage.
- 8.12. At the rear there would be a projection of 0.93 metres beyond the existing conservatory and neighbour's extension at no.12 and as such, at single storey the impact would be only marginally greater than existing, with no windows overlooking. Therefore it is not considered that this would harm neighbouring amenity and be in accordance with policy DM10.
- 8.13.

Impact upon highway safety

- 8.14. 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.
- 8.15. The proposal adds an additional one bedroom, resulting in a four bedroomed property. Given the provision of off-street parking to the front of the site and the retention of the existing drive space, parking provision would be sufficient in line with LCC Highways guidance at three spaces for four bedrooms.
- 8.16. It is noted that no. 8 has a paved frontage for caravan parking as well as the side driveway and garage.
- 8.17. 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.

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 Barwell 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: Dwg. 17/HJ/2a Existing ground floor @ scale 1:50; 17/HJ/3 Existing elevations @ scale 1:50; 17/HJ/4b Proposed Plan @ scale 1:50; 17/HJ/5a Proposed Elevations @ scale 1:50; 17/HJ/7 Block Plan @ scale 1:500 and Location Plan @ scale 1:1250 received by the Local Planning Authority on 27 March 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 external materials to be used in the development hereby permitted shall be in strict accordance with those specified within the application form unless alternative materials are first agreed in writing with the Local Planning Authority.

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 Committee 3 July 2018
Report of the Interim Head of Planning

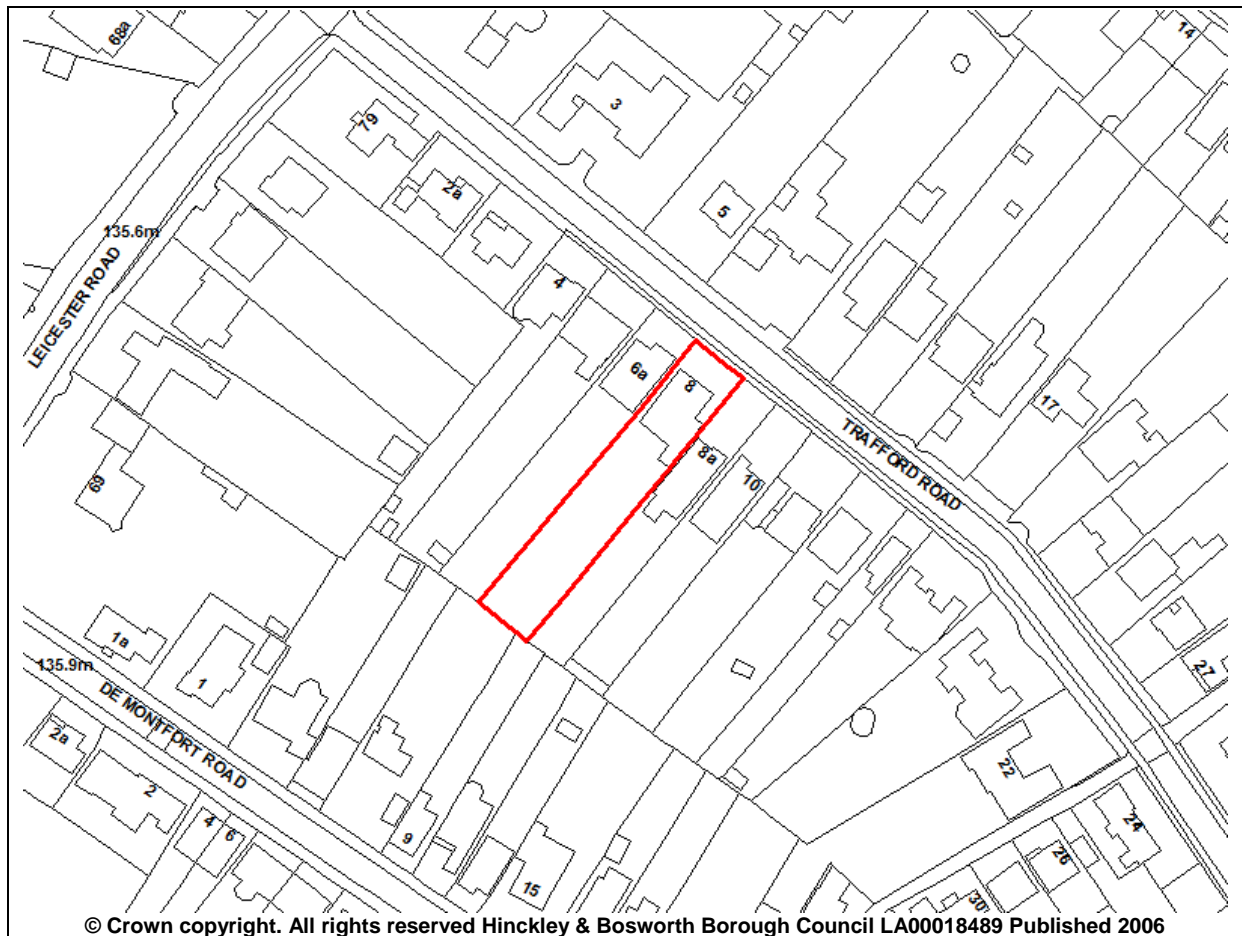
Planning Ref: 18/00381/FUL
Applicant: Miss Elaine Tingle
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: 8 Trafford Road Hinckley

Proposal: Part change of use from residential to childminding business for up to 9 children



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1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

2.1. This proposal seeks full planning permission for the part change of use of 8 Trafford Road, Hinckley to a childminding business for a maximum of 9 children. The proposed use would be confined to the ground floor of the dwelling and the rear garden. The ground floor of the dwelling has a floor space of approximately 163 square metres and the garden has an area of approximately 650 square metres.

2.2. Access to the site would remain the same. The business is being proposed to run between the hours of 0745 and 1800. The application proposes to provide care

predominately for children between the ages of 0 and 4.5 years. There is currently one existing employee and an additional part time employee is proposed. There are currently three off street parking spaces situated to the front of the dwelling.

- 2.3. There would be no material changes to the dwelling.
- 2.4. Amendments were received from the applicant due to a proposed garage not being in accordance with LCC Highways design guidance. The garage was subsequently removed from the proposal.

3. Description of the Site and Surrounding Area

- 3.1. The application property is a two storey detached dwelling within the settlement boundary of Hinckley. Trafford Road can be accessed from Leicester Road or Butt Lane. The immediate area is predominately residential in character, comprising detached dwellings in a variety of styles and designs.
- 3.2. A mature hedge runs parallel to Trafford Road on the north-east boundary. To all remaining boundaries, the application site is bound by dwellings. The application site is flat and level.

4. Relevant Planning History

03/01196/FUL	Extensions and alterations to dwelling	Permission	03.12.2003
93/00713/4	Extension to dwelling	Permission	29.09.1993

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Seven letters of objection have been received from seven separate addresses raising the following points:
- 1) On-street parking
 - 2) Siting of the proposed garage
 - 3) Adequate parking provision
 - 4) Commercial business proposed in a residential area
 - 5) Risk to pedestrians
- 5.3. The garage has been removed from the proposal and therefore objection 2 is not relevant.

6. Consultation

- 6.1. No objections have been received from HBBC Pollution; however a recommendation to condition the operational hours and number of children was put forward.
- 6.2. No comments have been received from:
- 1) LCC Children and Young People's services
 - 2) LCC Highways

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

- Principle of Development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety

Principle of Development

8.2. The application is situated within the settlement boundary and therefore there is a presumption in favour of sustainable development under policy DM1 of the Site Allocations and Development Management Policies DPD (SADMP) as long as the proposal is in accordance with the relevant policies of the SADMP.

8.3. Paragraphs 21 and 70 of the NPPF encourage flexibility and the integration of residential and commercial uses within the same unit, to enhance the sustainability of communities and residential environments.

8.4. The proposal constitutes the change of use of part of the existing dwelling to a childcare facility. The scheme would result in the incorporation of residential and commercial uses in a sustainable location within the settlement boundary. The proposed mixed use scheme would capitalise on the site's potential, resulting in economic, social and environmental benefits.

8.5. Concerns have been raised in respect of the site being in a predominately residential area. The NPPF encourages the integration of residential and commercial uses within the same unit and the partial change of use of the dwelling to provide a childcare facility is not considered to conflict with any of the adopted planning policies in the Core Strategy or the SADMP. It is therefore considered that the use is acceptable in principle, subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

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

8.7. There are no external alterations proposed to 8 Trafford Road, Hinckley, however as the application seeks to introduce a commercial use to an area predominately residential in character, there would be an impact in this respect. The scheme seeks to contain the proposed use within the existing ground floor space and rear garden of the dwelling.

8.8. Some of the children are collected and dropped off directly by the applicant and others by parents/guardians. The applicant currently has six children within her care each day. The drop off/pick up times are staggered throughout the day. There would be additional vehicle trips associated with the additional three children, however these are not considered to be of a level that would materially impact upon the residential characteristics of the area.

8.9. As the change of use would not result in any physical alterations to the external fabric of the building, its residential appearance would be retained. As such it is not

considered that the proposal would have adverse impact upon the character of the area in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.10. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.11. Objections have been received on grounds that the proposal would result in an adverse impact on the amenities of the neighbouring properties from the additional traffic movements and increased on-street parking.
- 8.12. The application seeks to change the use of part of the existing dwelling (ground floor) to a childcare facility. The maximum number of children would be 9, this is only an increase of 3 children, as the applicant already cares for 6 children (a generally accepted number, above which a material change of use has occurred requiring planning permission), The operating hours would be between 0745 and 1800 Monday to Friday and there would be one full time and one part time member of staff on site at any one time.
- 8.13. The closest dwellings to the application site are those to the south-east and north-west. To the south-east, 8A Trafford Road, comprises a two storey detached dwelling situated approximately 1 metre from the south-eastern elevation of the application site. To the north-west of the application site is 6A Trafford Road, whose side elevation is approximately 3 metres from the north-western elevation of the application dwelling. Given the proximity of these dwellings to the site, the impacts in terms of noise and disturbance generated from the general use of the site and vehicle movements must be considered.
- 8.14. The applicant has identified a member of staff would be outside with children at all times to engage with the children, thereby reducing external noise. Due to the children being in the garden within daytime working hours the level of noise and disturbance generated from the use of the external space would be limited and as such is not considered to result in any significant adverse impacts on the amenity of surrounding residents that would outweigh the benefits associated with the scheme.
- 8.15. In respect of noise and disturbance associated with vehicle movements, whilst there may be increased disturbance during 'peak' drop off and collection times (0745-0815 and 1630-1730), as the site is within a built up area and adjacent to a highway, the associated disturbance is not considered to result in a material increase over and above the existing background noise, that would result in the application being unacceptable. Furthermore, the drop off and pick up times are staggered throughout the day and the applicant goes out to pick up and collect a number of the children herself.
- 8.16. Based on the submitted information, Environmental Health (Pollution) raises no objections to the proposal in terms of noise and disturbance caused to surrounding residents. Accordingly, based on the above, the proposal is considered to have no adverse effect on the residential amenity of the neighbouring dwellings and therefore complies with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.17. Policy 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. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety.

- 8.18. Neighbour concerns have been raised regarding on-street parking along Trafford Road. Leicestershire County Council (Highways) has not provided any comments on the application and therefore it is considered that they have no objections to the scheme, subject to the proposal being in accordance with Leicestershire Highways Design Guide.
- 8.19. The application site provides off road parking provision for approximately three cars. If the proposed use was at maximum capacity of 9 children at the setting at any one time, that would require two members of staff, there is sufficient parking for this whilst leaving one off street parking space for drop offs and pick ups. The times that children are collected and dropped off are staggered throughout the day and there is additional on-street parking available with no highway restrictions in the immediate vicinity. In relation to potential delays and congestion, given that the drop off or collection of the children would be a relatively quick activity, associated impacts would not be sustained and would not justify refusal of the application.
- 8.20. Impact experienced would be time specific and would not lead to constant congestion or parking problems, and therefore overall the issues are finely balanced from a highway perspective and as such are not considered to be significantly harmful in highway safety terms to lead to a detrimental impact upon highway safety.
- 8.21. Concerns have been raised in respect of pedestrian safety of school children walking along Trafford Road, however given the limited distance a vehicle travels along this stretch where vehicle speeds are generally low it is not considered that sufficient conflict would occur to lead to the proposal being unacceptable.
- 8.22. The objections and concerns of neighbouring residents in respect of on-street parking have been carefully considered. Overall, it is considered that the proposed use would not result in any demonstrable or significant impacts in terms of highway safety and as such the proposal is considered to be in accordance with Policies DM17 and DM18 of the SADMP.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The application is for the part change of a residential dwelling for the purposes of a childminding business. The application is situated within the settlement boundary and therefore there is a presumption in favour of sustainable development under policy DM1 of the SADMP as long as the proposal is in accordance with the

relevant policies of the SADMP. Both the Core Strategy and the NPPF seek to encourage economic development and enterprise through the use of existing premises to provide employment opportunities, including homeworking.

- 10.2. By virtue of the specific nature and level of the proposal, it is not considered that the development would result in any materially adverse impacts on the residential amenity of surrounding dwellings, either by way of noise and disturbance associated with vehicle movements or the children cared for. The proposal would also not result in any severe harm in terms of highway safety or impact on the character of the surrounding area. Therefore, the application is considered to be in accordance with DM1, DM10, DM17 and DM18 of the SADMP and is therefore 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. 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 (scale 1:1250)
- Parking Plan (scale 1:50)
- Existing Ground Floor Plan (scale 1:50)
received by the Local Planning Authority on 27 April 2018.
- Existing Front Elevation (scale 1:100)
received by the Local Planning Authority on 16 May 2018.
- Existing Side Elevation (scale 1:100)
received by the Local Planning Authority on 14 May 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 DPD.

3. The number of children attending the premises shall not exceed 9 at any one time.

Reason: To ensure that the development does not have a detrimental impact upon highway safety and existing residential amenity in accordance with Policy DM10, DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

4. The use hereby approved shall not be in operation outside the hours of between 07:45am and 18:00pm Monday to Friday, and shall not operate at any time on Saturday or Sundays.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

11.3. **Notes to Applicant**

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

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**Planning Committee 3 July 2018
Report of the Interim Head of Planning**

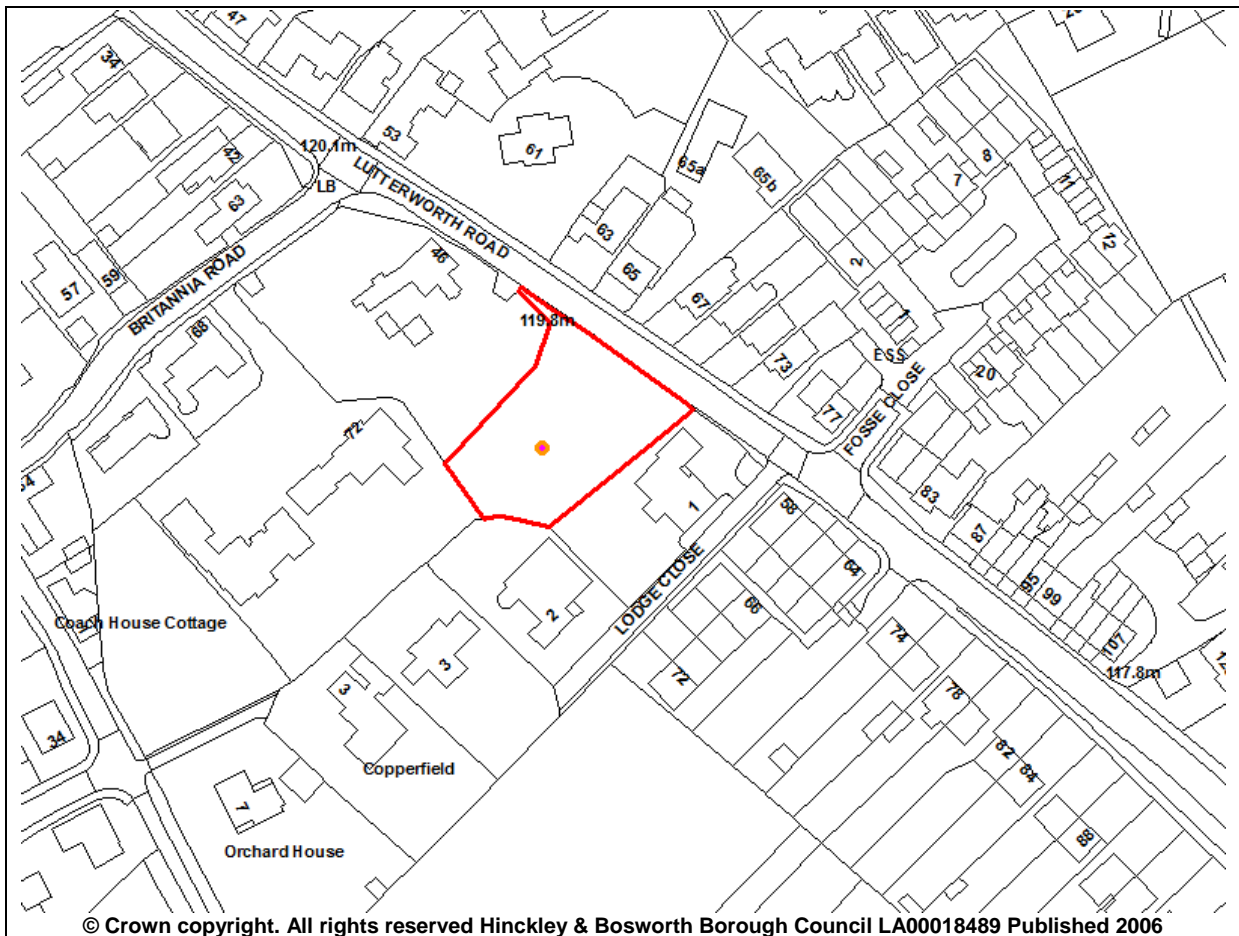


Hinckley & Bosworth
Borough Council

Planning Ref: 18/00198/FUL
Applicant: Mr James Flavell
Ward: Burbage Sketchley & Stretton

Site: 46 Lutterworth Road Burbage

Proposal: Erection of one detached dwelling and formation of associated new access



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of a detached, two storey five bedroom dwelling and the formation of associated access to Lutterworth Road. The proposed dwelling would be set back from the highway boundary by approximately 22 metres. The footprint would measure 24.1 metres in width x 13.8 metres in depth with a main ridge height of 9.8 metres and varying eaves heights.

- 2.2. The proposed dwelling has a traditional design with feature timber/render gable to the front elevation, bay window, chimneys and other architectural features. A double garage is included in the design with additional hard-surfaced parking and turning provided at the front of the dwelling and gardens to front and rear. A new 1.8 metre high brick wall and close boarded timber fence is proposed to separate the site from the host dwelling. Existing 1.8 metre high close boarded timber fencing is to be retained to the other side and rear boundaries.
- 2.3. The proposal includes the removal of a number of trees within the site and the existing 1.5 metre high hedgerow across the site frontage to improve visibility from the proposed new access. The trees on site that are protected by Tree Preservation Orders are proposed to be retained.
- 2.4. A Design and Access Statement, Arboricultural Assessment and Arboricultural Method Statement have been submitted to support the application.
- 2.5. Amended plans have been submitted to address a number of issues raised with regard to potential adverse impacts on the privacy and amenity of the occupiers of neighbouring properties and protected trees. 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 located within the settlement boundary of Burbage on the south west side of Lutterworth Road. It is currently part of the garden to 46 Lutterworth Road and comprises a large lawn surrounded on three sides by mature tree belts, understorey shrubs and hedgerow. In addition there is a 1.8 metre high close boarded timber fence to the south east and south west boundaries. The site is currently open to the host dwelling that lies to the north west.
- 3.2. The site is surrounded by residential development characterised by a variety of designs, scales and styles. Neighbouring dwellings are predominantly two storey but there are bungalows to the south and south east of the site.

4. Relevant Planning History

None relevant.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Responses have been received from 5 separate addresses objecting to the application on the following grounds:-
 - a) Inappropriate design
 - b) Overbearing impact on neighbouring properties
 - c) Loss of privacy from overlooking
 - d) Noise pollution and dust from parking
 - e) Highway safety – poor visibility as a result of unrestricted on-street parked cars
 - f) Highway safety – traffic congestion
 - g) Adverse impact on tree root zones and tree removal.
- 5.3. One response has been received in support of the application.

6. Consultation

- 6.1. No objections have been received from:-
 - Environmental Health (Pollution)
 - Environmental Health (Drainage)
 - Street Scene Services (Waste)
 - Burbage Parish Council

6.2. No objection subject to conditions has been received from the Tree Officer.

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

7. Policy

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage
- 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 DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- 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

- Burbage Neighbourhood Plan (BNP) 2015 – 20126 (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 on trees
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Infrastructure contributions

Assessment against strategic planning policies

8.2. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).

8.3. 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 emerging document at this time.

8.4. Policy 4 of the adopted Core Strategy supports development within the settlement boundary of Burbage. The site is in a sustainable urban location within the settlement boundary of Burbage and with reasonable access to a range of services and facilities and sustainable transport modes. By virtue of its location together with the small scale of development, the proposal would not result in any conflict with Policy 4 of the adopted Core Strategy or the emerging BNP in strategic terms and would therefore be acceptable in principle subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.5. 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.
- 8.6. 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.
- 8.7. The size of the application plot and that remaining for the host dwelling would complement those of neighbouring development and it would have road frontage to Lutterworth Road. The layout of the site and footprint of the proposed dwelling has been developed to respect the existing mature trees within the site that are subject to a Tree Preservation Order and are required to be retained.
- 8.8. Objections have been received on the grounds that the proposed dwelling has an inappropriate design for this part of the village.
- 8.9. The proposed dwelling would complement the footprint size and scale of the host dwelling and neighbouring properties to the west. The proposed dwelling has a traditional design with feature timber beam/part rendered gable to the front elevation with a first floor overhang and exposed beams, bay window with parapet roof with brick detailing, feature chimney, brick plinth and arched brick headers to the integral porch and recessed front door.
- 8.10. The inclusion of these traditional architectural features results in a high quality design that would complement the character of the 'mature' areas of the village as identified in the Burbage Village Design Statement of which the host dwelling forms part. No specific external materials have been submitted but this detail can be controlled by a condition requiring submission for prior approval to ensure a high quality overall appearance.
- 8.11. Notwithstanding the objections received, by virtue of the layout, scale and design, and subject to the use of appropriate external materials and retention of significant trees within the site, which can be secured through conditions, the proposed scheme would complement and enhance the character of the surrounding area. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and Policies 2 and 4 of the emerging BNP.

Impact on trees

- 8.12. Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features. Policy DM10 of the adopted SADMP requires development to incorporate a high standard of landscaping where this would add to the quality of the design.
- 8.13. There are a large number of trees around the boundaries and within the site that provide a significant contribution to the visual amenity of the surrounding area and many of these are protected by a Tree Preservation Order (TPO). An Arboricultural Assessment and Arboricultural Method Statement have been submitted to support the application.
- 8.14. The Arboricultural Assessment identified 5 individual trees and one tree group of high quality/value (Category A) specimens, 21 trees and a hedgerow of moderate quality/value (Category B) and 29 individual trees, two tree groups and a hedgerow of low quality/value (Category C).

- 8.15. Objections to the proposal have been received on the grounds of loss of trees and adverse impacts on tree root zones.
- 8.16. A number of moderate and low quality/value trees are proposed to be removed from the Lutterworth Road boundary to enable the formation of the new access and the south east boundary (to 1 Lodge Close) to enable the positioning of the proposed dwelling. The existing hedgerow along the site frontage with Lutterworth Road is also to be removed to provide visibility splays either side of the proposed new access drive. Some works are proposed to some of the trees to ensure compatible development and their long term future health and viability.
- 8.17. The proposed layout has been designed to respect the root protection areas of the most important and significant trees within the site and enable them to be retained. Where root zones are affected, such as the proposed access drive, no-dig construction can be used to minimise any adverse impacts. In some cases, the removal of other trees would benefit the future growth and viability of more important adjacent trees. The Arboricultural Assessment recommends that replacement tree and hedgerow planting should be undertaken to mitigate proposed losses, particularly new hedgerows to the Lutterworth Road frontage and replacement trees to the south west and north west boundaries (to 70 Britannia Road and the host dwelling).
- 8.18. In order that the trees to be retained are protected before, during and post development, an Arboricultural Method Statement has been submitted to support the application. This provides written details and plans of tree protection methodology, supervision and mitigation measures including protective barrier fencing/exclusion zones, ground/root protection, a schedule of tree works, an auditable system of arboricultural site monitoring by a suitably qualified arboricultural consultant and site procedures, construction materials/equipment storage, no-dig driveway construction and post-construction tree management.
- 8.19. The Borough Council's Tree Officer has assessed the application and the supporting information and raises no objections subject to the proposed scheme being implemented in full accordance with the details submitted within the Arboricultural Assessment and Arboricultural Method Statement and a landscaping condition to require prior approval of additional tree and hedgerow planting to mitigate proposed losses. Notwithstanding the objections received, subject to these conditions the proposal would be in accordance with Policies DM6 and DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.20. 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.
- 8.21. Objections to the proposal have been received on the grounds that it would result in overbearing impacts and loss of privacy from overlooking to neighbouring occupiers and result in noise pollution and dust from parking.
- 8.22. The plans submitted with the application originally included a first floor balcony on the rear south west gable elevation and first floor windows in the south east side elevation that would have resulted in overlooking to adjacent gardens and loss of privacy to neighbouring occupiers. Amended plans have been received during the course of the application to seek to address these issues.
- 8.23. The amended rear (south west) elevation facing towards the rear gardens of 70 Britannia Road and 2 Lodge Close has only high level windows to a vaulted ceiling

in the rear gable set off the boundary with 2 Lodge Close by approximately 5 metres and first floor bedroom and en-suite windows set off the rear boundary with 70 Britannia Road by approximately 16 metres. There are also retained/protected trees that would provide a degree of screening and the submitted Arboricultural Assessment and Method Statement include proposals for additional tree planting inside the south west boundary to mitigate losses within the site. As a result of separation distances, the nature and position of first floor windows and screening, it is considered that the proposal would not result in any significant loss of privacy from overlooking or result in any significant adverse overbearing impacts on the occupiers of 70 Britannia Road or 2 Lodge Close.

- 8.24. The proposed dwelling would be set back completely from 1 Lodge Close and have an overall depth of 13.8 metres. The main (two storey) side elevation of the proposal would be set off the common side boundary by between 4.5 - 6 metres. A single storey orangery with a depth of 5.4 metres with a parapet roof to a height of 3.5 metres is also proposed set off the common side boundary by between 1 – 2 metres. Notwithstanding the projection of the proposal beyond the rear elevation of the adjacent dwelling, the site lies to the north west and by virtue of the separation distances and screening provided by the existing 1.8 metre high close boarded fencing to the boundary, it is considered that the proposal would not have any significant adverse overbearing or overshadowing impacts on the amenity of the occupiers of 1 Lodge Close. The amended south east side elevation facing towards the rear garden of 1 Lodge Close would have only high level windows to en-suite bathrooms set in from the boundary by approximately 5 metres and a high level roof light to a vaulted ceiling. As a result of separation distances, the nature and position of first floor windows and roof light and existing screening, it is considered that the proposal would not result in any significant loss of privacy to the occupiers of 1 Lodge Close from overlooking.
- 8.25. The north west side elevation facing the host dwelling (46 Lutterworth Road) would have two bedroom windows at first floor facing the retained garden but these would be set off the proposed new 1.8 metre high boundary wall/close boarded timber fence by 12.5 and 15.5 metres respectively. In addition there are a number of retained/protected trees that would provide screening to the host dwelling. As a result of separation distances, the position of first floor windows and screening, it is considered that the proposal would not result in any significant loss of privacy from overlooking or result in any significant adverse overbearing or overshadowing impacts on the occupiers of 46 Lutterworth Road.
- 8.26. The north east front elevation facing Lutterworth Road would be set back from the highway boundary by approximately 22 metres and screened from the existing dwellings on the opposite side of Lutterworth Road by retained/protected trees. By virtue of the separation distance and existing screening it is considered that the proposal would not result in any significant loss of privacy from overlooking or result in any significant adverse overbearing or overshadowing impacts on the occupiers of dwellings on the opposite side of Lutterworth Road.
- 8.27. By virtue of the proximity of the proposed dwelling to protected trees and the rear and side boundaries, a condition to remove permitted development rights for extensions and alterations would be reasonable and necessary in this case to protect trees to be retained and the privacy and amenity of the occupiers of neighbouring properties.
- 8.28. The proposed off-street parking and turning spaces within the site are adequate to serve the proposed dwelling and not considered to be likely to result in any significant adverse impacts on any neighbouring properties from off-site parking, noise pollution or dust.

- 8.29. Notwithstanding the objections received, by virtue of separation distances, two storey scale, nature and position of windows and existing and proposed screening, the proposal would not result in any significant adverse impacts on the privacy or amenities of the occupiers of any neighbouring properties and would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.30. 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.
- 8.31. Objections to the proposal have been received on the grounds of highway and pedestrian safety. Objectors refer to high levels of traffic using Lutterworth Road, unrestricted on-street vehicle parking in the vicinity of the site causing traffic congestion and resulting in poor visibility from existing driveways and lack of a pedestrian footway on the site frontage. Objectors suggest that whilst visibility splays are shown for the new access, these have the potential to be obstructed by parked cars either side and therefore the development should seek traffic regulation orders to prevent on-street parking on this stretch of Lutterworth Road.
- 8.32. Lutterworth Road has a speed limit of 30 miles per hour and there are no parking restrictions within the vicinity of the site. There is a pedestrian footway on the opposite side of the road but none across the frontage of the application site.
- 8.33. The scheme proposes a new 4 metres wide block paved access drive at a right angle to Lutterworth Road. The width of the access exceeds highway design guidance of 2.75 metres to serve a single dwelling. The proposed double garage and driveway would provide a minimum of four parking spaces within the site which would be adequate to serve the proposed five bedroom dwelling and a turning space would be available to enable vehicles to enter and leave in a forward direction. A pair of access gates on pillars would be set back 6 metres behind the Lutterworth Road carriageway/highway boundary and are indicated as opening inwards which would allow a vehicle to pull clear of the highway whilst the gates are opened/closed.
- 8.34. For a road with a speed restriction of 30 miles per hour, highway design guidance seeks visibility splays of 2.4 metres x 43 metres. The submitted plans indicate that a visibility splay of 2.4 metres x 43 metres could be achieved in a south easterly direction (nearside) from the new access in accordance with highway design guidance. However, a visibility splay of only 2.4 metres x 33 metres could be achieved in a north westerly direction (offside) from the access due to the retained hedgerow on the highway boundary with the host dwelling. Notwithstanding that this would be less than highway design guidance, as this is to the less critical offside direction and the access would serve only one dwelling, it is considered that the proposal would not result in severe or significant highway safety concerns. To achieve these splays, the scheme requires the removal of a number of existing trees and the hedgerow adjacent to the highway boundary which works are detailed in the submitted Arboricultural Assessment and Arboricultural Method Statement. The proposal would not have any adverse effects on the access or adequate off-street parking arrangements available for the host dwelling.
- 8.35. Whilst the concerns raised regarding potential on-street parking are noted, this is an existing situation and the small scale of development for a single dwelling would not justify a requirement for a Traffic Regulation Order to address any likely additional impact as a result of the new access.

- 8.36. Notwithstanding the objections received, by virtue of the proposed layout, access design and small scale of development, the proposal would provide satisfactory access to the site and adequate off-street parking and turning to serve the proposed dwelling and would not result in any severe adverse impacts on highway or pedestrian safety. The proposal would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Infrastructure contributions

- 8.37. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements. However, following amendments to national planning guidance, tariff style planning obligations should not be sought for developments of 10 units or less and which have a maximum combined gross floor space of no more than 1000 square metres. Therefore notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The site is within the settlement boundary of Burbage where new residential development is acceptable in principle. By virtue of the siting, layout, scale, high quality design and subject to the use of appropriate external materials, the proposal would complement and enhance the character of the surrounding area. Subject to conditions to require the development to be implemented in accordance with the submitted Arboricultural Assessment and Method Statement and replacement planting, the proposal would not result in any significant adverse impact on retained or protected trees within and around the site. By virtue of the layout, separation distances, two storey scale, nature and position of windows and existing and proposed screening by landscaping, the proposal would not result in any significant adverse impacts on the privacy or amenities of the occupiers of any neighbouring properties. By virtue of the proposed layout and access design the proposal would not result in any severe adverse impacts on highway or pedestrian safety. The proposal would therefore be in accordance with Policy 4 of the adopted Core Strategy and Policies DM1, DM6, DM10, DM17 and DM18 of the adopted SADMP. The proposal is therefore 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 Interim Head of Planning 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: Site Location Plan Drawing No. 1442-05 Rev B received by the local planning authority on 27 February 2018; Proposed Site Layout Drawing No. 1442-03 Rev I received by the local planning authority on 15 June 2018 and Proposed Floor Plans and Elevations Drawing No. 1442-06 Rev H, Arboricultural Assessment and Arboricultural Method Statement by FPCR and Appendices received by the local planning authority on 24 May 2018.

Reason: To define the permission and ensure satisfactory impact of the development to accord with Policies DM1, DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. 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).

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

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

5. The development hereby permitted shall be implemented at all times in complete accordance with the tree works, tree protection measures and tree mitigation and management measures detailed within the approved Arboricultural Assessment and Arboricultural Method Statement by FPCR received by the local planning authority on 24 May 2018.

Reason: To ensure that existing trees and hedgerows on the site that are to be retained are adequately protected before, during and post 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).

6. Notwithstanding the submitted details, no development shall take place until full details of both hard landscape works and replacement 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) Proposed finished levels or contours
 - b) Full details of boundary enclosure
 - c) Hard surfacing materials
 - d) Planting plans
 - e) Written specifications
 - f) Schedules of trees/plants, noting species, sizes and proposed numbers/densities where appropriate
 - g) 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 Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. 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 Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on the approved Site Layout Plan Drawing No. 1442-03 Rev I have been implemented in full. Once so provided, the access arrangements shall be permanently maintained as such at all times thereafter.

Reason: To ensure safe access and egress to and from the site in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No part of the development hereby permitted shall be occupied until such time as the vehicular visibility splays shown on the approved Site Layout Plan Drawing No. 1442-03 Rev I have been provided at the site access. Once so provided, these vehicular visibility splays shall thereafter be permanently maintained at all times thereafter.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. No part of the development hereby permitted shall be occupied until such time as the parking and turning facilities shown on the approved Site Layout Plan Drawing No. 1442-03 Rev I have been implemented in full. Once so provided, the parking and turning facilities shall be permanently maintained as such at all times thereafter.

Reason: To ensure that adequate off-street parking and turning provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. The development hereby permitted shall not be occupied until such time as the access drive (and parking and turning space) has been surfaced with permeable hard bound material (not loose aggregate) for a distance of at least 6 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).

12. Any gates, barriers, bollards, chains or other such obstructions to the new vehicular access hereby permitted shall be set back a minimum distance of 6 metres behind the highway boundary and shall be hung so as to open inwards only as shown on the approved Site Layout Plan Drawing No. 1442-03 Rev I.

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed in order to protect the free and safe passage of traffic in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. Prior to the first occupation of the dwelling hereby permitted the 1.8 metres high boundary wall and fencing shown on the approved Site Layout Plan Drawing No. 1442-03 Rev I shall be erected along the north west boundary of the application site and once so provided shall be permanently maintained as such at all times thereafter.

Reason: To protect the privacy and amenity of 46 Lutterworth Road, Burbage 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).

14. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order with or without modification) the dwelling hereby approved shall not be extended or altered without the grant of planning permission for such extensions or alterations by the local planning authority.

Reason: To protect the trees to be retained within the site in the interests of visual amenity to preserve the character of the area and to protect the privacy and amenity of the occupiers of neighbouring properties in accordance with Policies DM6 and 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. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
3. Planning Permission does not give you approval to work on the public highway. 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.
4. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone or, if practicable, in combination with infiltration systems and/or rainwater harvesting systems.
5. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet. (See Environment Agency guidance on the permeable surfacing of front gardens).



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

PLANNING COMMITTEE

3 July 2018

WARDS AFFECTED:

All Wards

Planning Enforcement Update

Report of Head of Planning and Development

1. PURPOSE OF REPORT

- 1.1 To provide an update to Members on the number of active and closed enforcement cases within the borough.
- 1.2 To provide an update on the current workload being handled by the team.
- 1.3 To provide an overview of the performance of the compliance, monitoring and enforcement function within the planning and development service.

2. RECOMMENDATION

- 2.1 That the report be noted.

3. PLANNING ENFORCEMENT CASE UPDATE

3.1 Good Friday Caravan Site

As set out within the last report, the site is now empty. Further work is still required to be undertaken on the site to return the site to its original condition. Quotes are being obtained for this work, with further direct action to continue on the site in the next few months.

3.2 Newton Linford Lane, Groby (Known as Klondyke)

As previously reported, an appeal has been lodged in response to the service of an enforcement notice on the bottom section of the site. The notice relates to the unauthorised use of the land for the storage and repair of motor vehicles. Officers are still awaiting a start date for this appeal from the Planning Inspectorate.

An Enforcement Notice has also been served on a separate section of the site in relation to the laying of some hard core. A notice was served on the owner on the 10 April 2018. No appeal has been lodged and the hard standing is required to be removed by the 10 June 2018. At the time of writing; a site visit needs to be

undertaken to ascertain whether the notice has been complied with. An update will be provided to members within the next report.

A Planning Contravention Notice was served on a section of the site on which a caravan is sited; and a response was received which alleges that the caravan has been occupied for residential purposes for the last ten years. On several occasions over the last few years Officers have inspected this caravan; and have previously been informed by the occupant/owner that the caravan was not being used for residential purposes. It is likely therefore that further action will now be required in connection with this. An update will be provided within the next report.

Various other Enforcement work is also being progressed on the site; including the drafting of Planning Contravention Notices to be served on those pieces of land on which there may be breaches of planning control to gather more information regarding the ownership and use of these sections. Again, an update will be provided within the next report.

3.3 223 Markfield Road, Groby

On the 7 June 2017 the Local Planning Authority issued the owner with an enforcement notice requiring the removal of a storage container from the property. The owner appealed this decision to the Planning Inspector who subsequently dismissed the appeal. The owner has now removed the storage container therefore the case can be closed.

3.15 6 Azalea Close, Burbage

On the 15 November 2017 the Local Planning Authority issued the owner an enforcement notice requiring the removal of a fence which had been refused planning permission in October. The owner appealed the enforcement notice; however this was not received by the Planning Inspectorate within the required timescales and was therefore subsequently withdrawn. A site visit was undertaken on the 13th April and the fence had been removed. The enforcement notice has therefore been complied with and this case has now been closed.

3.16 Veros Lane

An enforcement notice was served in relation to the creation of an area of hardstanding which has been laid without the benefit of planning permission. The enforcement notice was not appealed and the hardstanding should therefore have been removed by 10th June 2018. In the meantime however, a planning application has been submitted for the erection of three dwellings on this piece of land. As a result, further action on this case will await the determination of the planning application.

3.16 S215 – Untidy Land Notices

During the first half of 2018; the council received 18 complaints in respect of the appearance of properties around the Borough. In one of these cases; a S330 Notice has been served which is the step prior to formal S215 action; should the owner fail to tidy the site within the required timescales we will proceed to serve a S215 Notice. Three reports of untidy sites related to construction sites and six other cases were not considered notice worthy at this time. In these instances; we ask the complainant to continue to monitor the site in question and get back in touch e.g. if the state of the land deteriorates further or if the site is not left tidy following completion of

construction work. Two sites were tidied up following initial contact from an Officer with no requirement to take formal action. Six properties are still under investigation.

4.0 **WORKLOAD, STAFFING UPDATE & PERFORMANCE**

4.1 The following tables detail the current workload that the team is managing in respect of current enforcement investigations. Table 1 demonstrates the number of cases that have been opened within a specific period and how many cases have been closed within the same period. The team ensures that enforcement cases are resolved as expediently as possible. Table 2 sets out in more detail how the cases were closed. As of the 19 June 2018 there are 135 enforcement cases pending consideration.

Table 1: Number of Enforcement cases opened and closed

Period of time	Number of cases opened	Number of cases closed
1 January 2018 – 31 March 2018	92	66
1 April 2018 – 19 June 2018	103	38

Table 2: How the enforcement cases were closed

Period of time	Total Cases closed	Case closed by resolution of breach	Case closed due to there being no breach	Work was deemed to be Permitted Development
1 January 2018 – 31 March 2018	66	15	43	8
1 April 2018 – 19 June 2018	38	2	25	11

4.3 The approach to tackling enforcement cases continues to be a collaborative one; involving joined up working with other service areas within the council. A series of briefing notes are in production which will outline the role of each department on common areas of complaint and seek to better inform staff, members and members of the public of the powers available to the Local Authority and therefore who it is best to direct an enforcement enquiry to. We also continue to attend the Endeavour meetings and the Enforcement Officers Group for Leicestershire Local Authorities as a forum to share experiences and best practice.

4.4 Members may be aware that Craig Allison; Senior Enforcement Officer; left the authority in June; we will be seeking to fill this role within the next few months. In the interim, Lucinda Lee; who is a Senior Enforcement Officer will be joining us in early July on a consultancy basis to bridge this gap. In addition we were successful in appointing Charlie Jones to the vacant Enforcement Assistant post which was previously held by Chris Bell. As always, should members have an enforcement issue raised with them by a member of the public please report this via the enforcement inbox enforcement@hinckley-bosworth.gov.uk.

5. FINANCIAL IMPLICATIONS [TF]

5.1 None

6. LEGAL IMPLICATIONS

6.1 None

7. CORPORATE PLAN IMPLICATIONS

The 2017-2021 Corporate Plan sets out ambitions for improving neighbourhoods, parks and open spaces, improving the quality of homes and creating attractive places to live (Places theme). It also promotes regeneration, seeks to support rural communities and aims to raise aspirations for residents (Prosperity theme). This report explains how planning enforcement powers are being used to deliver these aims.

8. CONSULTATION

None

9. RISK IMPLICATIONS

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

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

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

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Dealing with numerous Public Enquiries	Monthly monitoring of implications on revenue budget by Head of Service and Service Manager. Review and forecast overspend and review supplementary estimate/virement as part of budget review. Constant review of budget for public enquires for duration of the masterplan. Monitoring of budget in relation to appeal costs. Monitoring of planning decisions	Rob Parkinson

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

This report is for information purposes to update Members on the progress of recent enforcement cases. As this report is not seeking a decision it is envisaged that there are no equality or rural implications arising as a direct result of this report.

11. CORPORATE IMPLICATIONS

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

- Community Safety implications
 - Environmental implications
 - ICT implications
 - Asset Management implications
 - Human Resources implications
 - Voluntary Sector
-

Contact Officer: Gemma Dennis, Team Leader (Development Management) ext. 5792

Executive Member: Cllr Richard Allen

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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 22.06.18

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
		18/00098/HOU (PINS Ref 3204820)	WR	Mr D Power 37 Wykin Lane Stoke Golding	37 Wykin Lane Stoke Golding (Proposed Studio and Playroom above approved garages)	Appeal Valid Awaiting Start Date	14.06.18
	EC	18/00412/HOU (PINS Ref 3204710)	WR	Mrs Samantha Mather 64 Manor Road Desford	64 Manor Road Desford (Detached garage to front elevation and roof lantern to existing summer house in rear garden)	Appeal Valid Awaiting Start Date	13.06.18
	AC	17/00776/FUL (PINS Ref 3204517)	WR	Dr David Hickie 7 Hunters Walk Witherley Atherstone	7 Hunters Walk Witherley Atherstone Erection of timber post and wire fence adjacent to Kennel Lane (resubmission of 17/00310/FUL)	Appeal Valid Awaiting Start Date	20.06.18
	AC	18/00038/HOU (PINS Ref 3204410)	WR	Mr & Mrs Smith 15 Denis Road Burbage	15 Denis Road Burbage (First floor extension to bungalow to form two and a half storey dwelling with alterations to all elevations (resubmission of 17/00546/HOU))	Appeal Valid Awaiting Start Date	11.06.18
	RW	17/01341/FUL (PINS Ref 3204303)	WR	Mr Leighton Parsons Oakdene Leicester Lane Desford	Oakdene Leicester Lane Desford (Erection of one dwelling and associated detached triple garage)	Appeal Valid Awaiting Start Date	08.06.18
	HK	17/00765/FUL (PINS Ref 3203971)	PI	Orbit Group Ltd	The Big Pit Land to the rear of 44 - 78 Ashby Road Hinckley (Erection of 60 dwellings including	Awaiting Start Date	
18/00019/FTTREE	CJ	18/00234/TPO (PINS Ref 6812)	WR	William Burke 1 Goulton Crescent Desford	1 Goulton Crescent Desford (1x Scots pine, reduce overall height by 20 feet)	Start Date Awaiting Decision	30.05.18

18/00018/HEDGE	TW	18/00040/HEDGE (PINS Ref 512)	WR	AH Oliver & Son Sweepstone Fields Farm Snarestone Road Newton Burgoland	Odstone Hill Farm Newton Lane Odstone	Start Date Statement of Case Final Comments	16.05.18 27.06.18
	JB	18/00249/OUT (PINS Ref 3202284)	WR	Mr Jeffrey Allen Medworth Desford Road Desford	Land Adjacent Medworth Desford Lane Ratby (Erection of a single Dwelling after demolition of existing redundant outbuildings)	Appeal Valid Awaiting Start Date	10.05.18
18/00021/FTPP	AC	18/00193/HOU (PINS Ref 3202279)	WR	Mr T Knapp 18 Strutt Road Burbage	18 Strutt Road Burbage (Single storey attached garage to front of property (resubmission of 17/00777/HOU))	Start Date Questionnaire	21.06.18 28.06.18
	JB	17/00552/OUT (PINS Ref 3201693)	WR	Mr & Mrs T & G Moore 42 Coventry Road Burbage	42 Coventry Road Burbage (Demolition of garage and erection of one new dwelling to rear of existing property (Outline - access, layout and scale only))	Appeal Valid Awaiting Start Date	03.05.18
18/00016/FTTREE	CJ	18/00211/TPO	WR	Brian Higginson Village House Coventry Road Marton	32 Northumberland Avenue Market Bosworth Nuneaton (T1 Oak - Fell and replace; T2 Beech - Remove 2 damaged lower limbs)	Start Date Awaiting Decision	16.05.18
	RW	17/00877/OUT (PINS Ref 3200713)	WR	Mr M Hurst C/O Andrew Granger & Co. Phoenix House, 52 High Street Market Harborough	Land rear of 43 Park Road, Ratby (Outline planning application for development of 5no. dwellings and associated vehicular access) (Re-submission of 16/00999/OUT)	Appeal Valid Awaiting Start Date	19.04.18
18/00015/FTPP	EC	18/00076/HOU (PINS Ref 3200397)	WR	Mrs Rebecca Stilgoe 74 Alexander Avenue Earl Shilton	74 Alexander Avenue Earl Shilton (Single storey detached garage (retrospective))	Start Date Awaiting Decision	14.05.18
18/00014/FTPP	TW	18/00075/HOU (PINS Ref 3200590)	WR	Mr R Brown 61 Sycamore Drive Groby	61 Sycamore Drive Groby (1.8 metre high and 1 metre high timber fence to side boundary (part retrospective))	Start Date Awaiting Decision	14.05.18
	RW	17/00747/OUT (PINS Ref 3199326)	WR	Mr K Petcher 128 Preston Drive Newbold Verdon	Land Rear Of 143 Dragon Lane Newbold Verdon (Erection of single storey bungalow (outline - access only))	Awaiting Start Date	

18/00012/FTPP	AC	17/01190/HOU (PINS Ref 3199017)	WR	Mrs Natasha Godrich 12 Wellington Close Burbage	12 Wellington Close Burbage (Single storey side extension)	Start Date Awaiting Decision	14.05.18
18/00013/FTPP	TW	18/00006/HOU (PINS Ref 3199483)	WR	Mr Allan Clarke 47 Princess Road Hinckley	47 Princess Road Hinckley (Erection of a 1.8 metre high boundary wall)	Start Date Awaiting Decision	14.05.18
18/00011/FTPP	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)	Start Date Awaiting Decision	14.05.18
	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)	Appeal Valid Awaiting Start Date	16.04.18
18/00017/PP		17/01119/FUL (PINS Ref 3197114)	WR	Mr Andrew Ward Ben Venuto Thornton Lane Markfield	Ben Venuto Thornton Lane Markfield (Erection of detached dwelling)	Start Date Final Comments	17.05.18 05.07.18
18/00020/PP	AC	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
	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)	Appeal Valid Awaiting Start Date	22.05.18
	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	
18/00007/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 Hearing Date	20.03.18 10.07.18

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 Awaiting Decision	11.12.17
18/00001/FTTREE	CB	17/00930/TPO (PINS Ref 6502)	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

Decisions Received

18/00008/FTPP	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))	DISMISSED	31.05.18
	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))	Turned away late appeal	05.06.18
18/00010/FTPP	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)	ALLOWED	05.06.18
18/00009/FTPP	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))	ALLOWED	08.06.18

18/00001/FTTREE	CB	17/00930/TPO (PINS Ref 6502)	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)	DISMISSED	15.06.18
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Appeal Decisions - 1 April - 22 June 2018

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
11	3	8	0		3	0	8	0	0	0	0	0	0

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
1	0	0	0	1

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