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Hinckley & Bosworth
Borough Council

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

Date: 14 January 2019

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, 22 JANUARY 2019** 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 - 22 JANUARY 2019

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS
2. MINUTES (Pages 1 - 4)
To confirm the minutes of the meeting held on 18 December 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. 18/00751/DEEM - LAND EAST OF LEICESTER ROAD, HINCKLEY (Pages 5 - 28)
Proposal for erection of crematorium building and formation of associated memorial gardens, roadways, car parking, footpaths and landscaping.
8. 16/00758/FUL - 121 STATION ROAD BAGWORTH (Pages 29 - 42)
Proposal for erection of 10 no. dwellings and 2 no. flats (100% Affordable Scheme).
9. 17/00538/FUL - MORRISONS, 2 CLOVERFIELD, HINCKLEY (Pages 43 - 56)
Proposal for creation of second vehicular exit onto Stoke Road.
10. APPEALS PROGRESS (Pages 57 - 60)
To report on progress relating to various appeals.
11. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

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Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

18 DECEMBER 2018 AT 6.30 PM

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

Also in attendance: Councillor DS Cope and Councillor MR Lay

Officers in attendance: Gemma Dennis, Rhiannon Hill, Rebecca Owen, Michael Rice
and Nicola Smith

321 APOLOGIES AND SUBSTITUTIONS

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

322 MINUTES

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

RESOLVED – the minutes of the meeting held on 20 November 2018 be
confirmed and signed by the chairman.

323 DECLARATIONS OF INTEREST

No interests were declared at this stage.

324 DECISIONS DELEGATED AT PREVIOUS MEETING

It was noted that decisions in relation to applications 18/00680/FUL, 18/00843/FUL and
18/00805/FUL had been issued.

325 18/00658/HYB - 21 SHAW LANE, MARKFIELD

Hybrid planning application comprising outline permission (access, scale and
landscaping) for the erection of up to 5000 sqm of B8 storage and full permission for
extension to existing manufacturing unit (B2/B8) with associated access, landscaping
and drainage works.

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

RESOLVED –

- (i) Permission be granted subject to:
 - a. The prior completion of a S106 agreement to secure the
following obligations:

- £64,582.80 towards improvements along the A511, specifically the A511/B591 junction (flying horse) and the A511/B585 junction
- £3,500 per stop to the two nearest stops for bus stop improvements (to allow level access)
- £5,500 per stop to the two nearest stops for Real Time Information systems
- £6,000 monitoring fee for Leicestershire County Council to support the Travel Plan Co-ordinator

b. The conditions contained in the officer's report and late items;

- (ii) The Interim Head of Planning be granted delegated powers to determine the final details of the planning conditions;
- (iii) The Interim Head of Planning be granted delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

326 18/01034/FUL - KIRBY GRANGE FARM, TAVERNER DRIVE, RATBY

Application for change of use to vehicle repair garage (use class B2).

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

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

327 18/01061/FUL - BEECHWOOD FARM, ASHBY RD, STAPLETON

Application for widened vehicular access and new driveway (resubmission of 17/00271/FUL).

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

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report and late items;
- (ii) The Interim Head of Planning be granted powers to determine the final detail of the planning conditions.

328 18/00903/FUL - LAND ADJACENT 166 SAPCOTE ROAD, BURBAGE

Application for erection of a two storey, four bedroom dwelling.

Notwithstanding the officer's recommendation that permission be granted, it was moved by Councillor Hall and seconded by Councillor Lynch that permission be refused due to the harm to the intrinsic character of the countryside which would be contrary to policy DM4. Upon being put to the vote, the motion was LOST.

It was subsequently moved by Councillor Sutton, seconded by Councillor Richards and

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

329 18/00827/FUL - NEWHAVEN, 12 WYKIN ROAD, HINCKLEY

Application for erection of seven dwellings with associated access (resubmission of 16/00270/FUL).

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

RESOLVED –

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

330 APPEALS PROGRESS

Members received an update in relation to appeals. A member thanked officers for their work on the successful appeals.

(The Meeting closed at 7.42 pm)

CHAIRMAN

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Planning Committee 22 January 2019
Report of the Interim Head of Planning

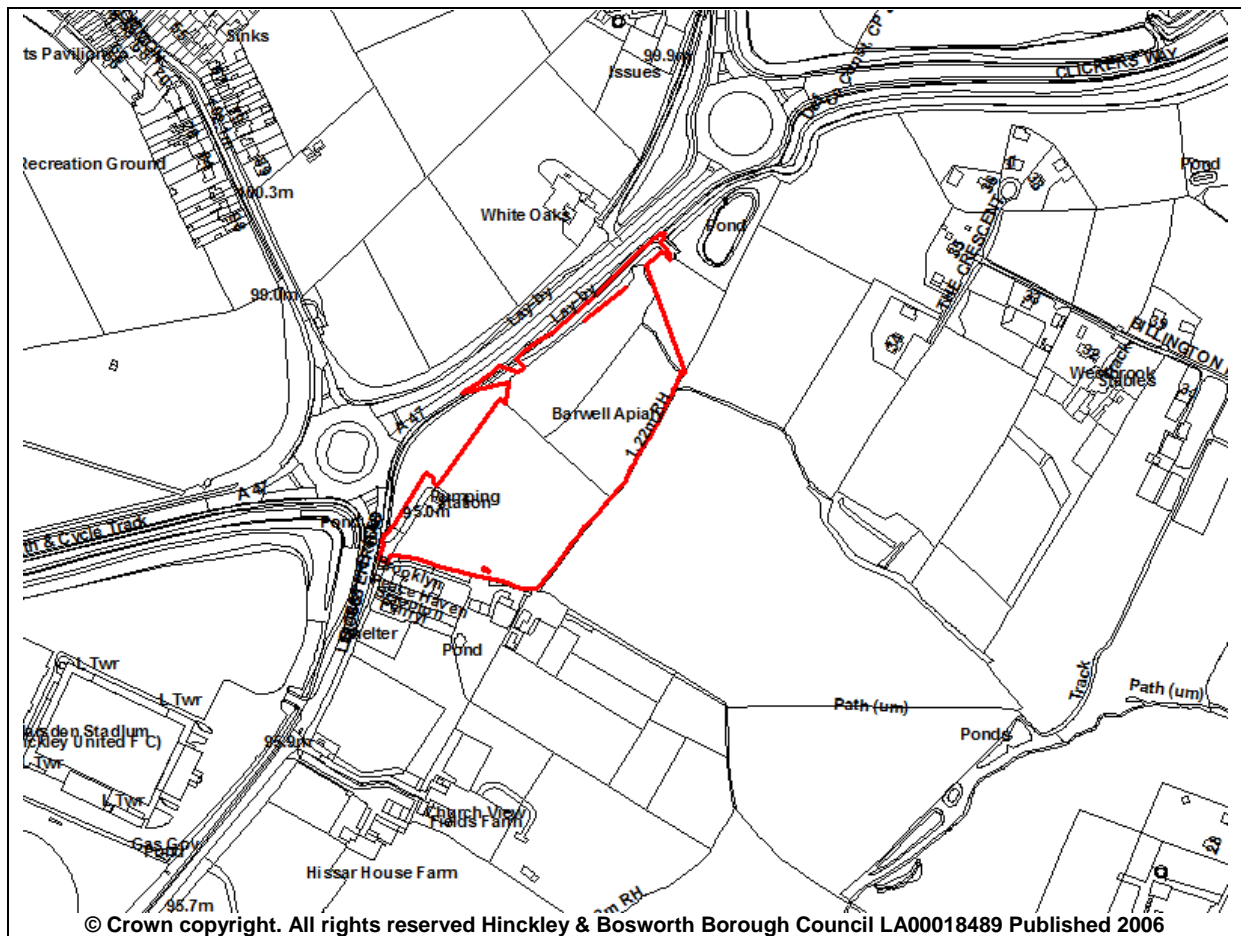


Hinckley & Bosworth
Borough Council

Planning Ref: 18/00751/DEEM
Applicant: Hinckley and Bosworth Borough Council
Ward: Barwell

Site: Land East Of Leicester Road Barwell Leicestershire

Proposal: Erection of crematorium building and formation of associated memorial gardens, roadways, car parking, footpaths and landscaping.



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a legal agreement to secure the following obligations:
 - the provision of a replacement layby
 - 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 be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This application is made by the Borough Council under Regulation 3 of the Town and Country Planning General Regulations 1992 for deemed consent for the development of a crematorium building and storage yard and the formation of associated memorial gardens, roadways, car parking, footpaths and landscaping on Council owned land east of Leicester Road, Barwell.
- 2.2. The multi-faith crematorium buildings would provide 450 square metres of internal floor space and be located within the south east part of the site. The main car parking area (156 spaces and coach parking) would be in the north west part of the site adjacent to the access/egress points. The road layout is designed to form a loop around the site with an additional 24 overflow parking spaces. Seven parking spaces for disabled users are provided adjacent to the Waiting Room. Water retention basin features are located in lower levels in the north east and south parts of the site. The remainder of the site is to be extensively landscaped, including retention of existing grasslands and perimeter boundary hedgerows and trees.
- 2.3. The crematorium buildings are designed to accommodate 200 mourners and provide a series of linear spaces linked by covered external structures, including external walkways, colonnades and port cocheres. Each sequential space has a distinct function from arrival at the water garden, into an internal waiting area, through a covered courtyard to the ceremonial hall and afterwards along the layout of pathways and covered walkways to a series of external spaces including the flower court and book of remembrance/memorial wall on route back to the car park.
- 2.4. The buildings are designed at varying heights of 7 metres (Ceremonial Hall), 6 metres (Crematory Hall) and 4.5 metres (Waiting Room/Administration) and the cremation chimney stack height of 10 metres. Proposed external materials include: stone effect cladding (Portland Stone or similar white) to lower walls, black or anthracite standing seam zinc cladding to higher walls (above 3 metres) and chimney stack, bronze anodized aluminium doors and window frames.
- 2.5. The following documents have been submitted to support the application:
 - Site Location Plan
 - Topographical Survey
 - Proposed Site Layout Plans
 - Site Access and Circulation Plans
 - Crematorium Floor Plan, Elevations and Sections Drawings and Computer Generated External Images
 - Soft and Hard Landscaping Plans
 - Landscape Management and Maintenance Plan
 - Surface Water Drainage Plans and details
 - Design and Access Statement
 - Planning Statement
 - Crematorium Need Assessment
 - Site Sequential Test
 - Environmental Impact Assessment Screening Report
 - Landscape Visual Impact Assessment
 - Agricultural Land Classification Assessment
 - Transport Statement
 - Road Safety Audit (Stage 1)
 - Phase 2 Site/Ground Investigation Report
 - Gas Monitoring Assessment
 - Stack Height Calculation Report
 - Air Quality Assessment (Emissions)

- Acoustic Consultancy Report/Noise Data
- Ground Water Audit
- Flood Risk Assessment
- Archaeological Written Scheme of Investigation
- Archaeological Evaluation Report
- Tree Survey Report
- Extended Phase 1 Habitat Survey
- Botanical Survey/Update
- Badger Survey Brief
- Reptile Survey, Mitigation and Compensation Report
- eDNA Great Crested Newt Report
- Habitat Suitability Index Assessment, Record Search and Mitigation Brief

2.6. A number of amended plans and documents have been submitted during the course of the application to address issues raised. Re-consultation has been undertaken with the appropriate statutory authorities.

3. Description of the Site and Surrounding Area

3.1. The application site measures approximately 3.5 hectares and lies in the countryside to the south east of Barwell and north east of Hinckley and to the south east side of Leicester Road. The site forms part of the designated Hinckley/Barwell/Earl Shilton/Burbage Green Wedge. The site comprises an area of rough scrub and horse grazing paddocks with boundary hedgerows and occasional trees. To the south west corner there is a sewage pumping station which is a remnant of the former use of (part of) the site for a sewerage treatment plant. The site is located towards the bottom of sloping topography to the south of the ridgeline settlements of Barwell and Earl Shilton.

3.2. The ground level of the site is approximately 2 metres lower than the Leicester Road/Earl Shilton By-Pass (A47) that forms the north west boundary of the site beyond which there are pasture fields and an isolated residential property. To the south of the site there is a public footpath and four semi-detached dwellings, associated outbuildings/stables associated with equine recreation uses and a mobile home. A football stadium lies further to the south west. To the east and north east there are agricultural/pasture fields and low density residential small holdings beyond located within the neighbouring Blaby District Council area.

4. Relevant Planning History

90/00641/4D	New crematorium (Outline)	Permitted	31.07.1990
90/00926/4D	Crematorium and associated works	Permitted	25.09.1990
94/00104/FUL	Crematorium and associated car parking and access	Permitted	11.04.1994

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. Site notices were also posted within the vicinity of the site and a notice was displayed in the local press as a departure from the adopted local plan.

5.2. Responses from four separate individual addresses (three with objections and one of support) and an objection on behalf of Dignity Funerals Limited have been received as a result of public consultation. The responses raise objections to the scheme on the following grounds:-

- 1) Inappropriate development in the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge

- 2) Reference is made to the dismissed appeal for residential development on a nearby site within the Green Wedge and potential undermining of its protection against other future speculative development
 - 3) Adverse impacts on the visual amenity of the surrounding landscape and recreational users of a local public right of way, landscaping to screen the building and car parks from outside the site will be ineffective
 - 4) Insufficient evidence has been submitted in respect of ecological habitats and biodiversity to determine the application
 - 5) The massing and detailing of the building is depressing and emotionally suppressing and does not create an uplifting experience. Materials are cold and dark and are outdated.
 - 6) Long term health implications for nearby residents from furnace emissions from the facility
 - 7) Proposal will add additional traffic to the existing noise, light and fume pollution due to usage of the A47, the by-pass and the M69
- 5.3. The letter of support considers that the proposed crematorium is a much needed facility and suggests internal layout/facilities to take into account deaf and wheelchair/disabled users needs.

6. Consultation

- 6.1. No objections has been received from:-
 Leicestershire County Council (Archaeology)
 Environment Agency
 Charnwood Borough Council
 North Warwickshire Borough Council
 Rugby Borough Council
 Barwell Parish Council
 Arboricultural Officer
 Street Scene Services (Waste)
- 6.2. No objection subject to conditions has been received from:-
 Leicestershire County Council (Highways)
 Leicestershire County Council (Drainage)
 Leicestershire County Council (Ecology)
 Leicestershire County Council (Public Rights of Way)
 National Grid/Cadent Gas Limited
 Environmental Health (Pollution)
 Environmental Health (Drainage)
- 6.3. Earl Shilton Town Council support the proposal.
- 6.4. Cycling UK raise concerns regarding the current and future arrangements for cyclists around the site and surrounding highways
- 6.5. No responses have been received at the time of writing this report from:-
 Severn Trent Water Limited
 Western Power Distribution
 Leicestershire Police
 Leicestershire Fire and Rescue Service
 Blaby District Council
 North West Leicestershire District Council
 Nuneaton and Bedworth Borough Council

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan DPD (2014)

- No relevant policies
- 7.2. Core Strategy (2009)
- Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
 - Policy 20: Green Infrastructure
- 7.3. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM25: Community Facilities
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2018)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Green Wedge Review (2011)
 - Landscape Character Assessment (2017)
 - Siting and Planning of Crematoria guidelines (1978)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies/general principles
- Design and impact upon the countryside and Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- Impact upon highway safety
- Pollution and residential amenity issues
- Impact upon archaeology
- Impact upon ecology
- Drainage/Flood risk
- Public right of way
- Other material considerations

Assessment against strategic planning policies/general principles

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2018) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

- 8.3. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009), the Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.4. Policy DM25 of the adopted SADMP seeks to support the formation of new community facilities across the Borough. To reduce the reliance on the private car, where new facilities are established it should be demonstrated that they are accessible to the community which they intend to serve by a range of sustainable transport modes.
- 8.5. The 1902 Cremation Act which is reiterated in the Siting & Planning of Crematoria guidance (1978) states that no crematorium shall be constructed nearer to any dwelling house than 200 yards (circa 183 metres) without the owner/occupier's written consent. This provides a constraint to the likelihood that a crematorium facility would be located, or would be suitable, within an urban area of the Borough. The guidance also suggests that crematorium facilities must have easy access by public transport.
- 8.6. It is considered that the location of the proposed crematorium close to the edge of, and centrally located to, the established urban area of the Borough (Barwell, Hinckley, Earl Shilton and Burbage), and a large proportion of the population that it is intended to serve would be a rational location for this type of community facility. The site lies approximately 2 miles to the north east of Hinckley town centre and is well served in terms of the potential for the use of sustainable transport. An existing shared-use footway/cycleway runs alongside the A47 and site frontage providing suitable links to the surrounding area. The nearest bus stop is approximately 2 minutes walk from the site on Leicester Road with regular bus services providing links to the wider area and Hinckley railway station.
- 8.7. In a planning appeal decision (APP/T2405/A/13/2210523, Foston Road, Countesthorpe) the Inspector noted that a crematorium is more likely to require a rural location because of the constraints imposed by the Cremation Act 1902. The Inspector identified that these requirements reduce the likelihood of finding a suitable urban site, a conclusion which has been reached in a number of appeal decisions where inspectors have found a rural location to be acceptable.
- 8.8. Notwithstanding this, one of the overarching planning principles of national and local planning policy is to protect the countryside and areas/sites of designated particular importance from inappropriate development. It is therefore necessary to assess the proposal against these protection policies and in terms of impact on the countryside and designated Green Wedge.
- Design and impact upon the countryside and Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- 8.9. A Planning Statement, Design and Access Statement and Landscape Visual Impact Assessment have been submitted to support the application. A comprehensive landscaping scheme and Landscape Management and Maintenance Plan have also been submitted to integrate the development into the wider landscape.
- 8.10. The Design and Access Statement has been submitted to support the application. This suggests that the buildings have been designed to be long and low to blend into the landscape and are sited furthest from the public highway (over 100 metres) and on a 2 metre lower ground level than the road level. The proposed external materials are described as being '*simple yet natural elegant materials that will withstand the elements.*'

- 8.11. The Planning Statement and Landscape Visual Impact Assessment suggest that the benefits of the proposed development will outweigh any adverse landscape or visual impacts which are assessed as low and not significant as the proposed scheme would not affect the landscape character in the broader spatial context and would represent a sustainable form of development.
- 8.12. As a result of public consultation on the application, objections have been received on the grounds that the proposal would be inappropriate development and result in adverse impacts on the visual amenity of the surrounding landscape and recreational users of a local public right of way and would be in conflict with adopted strategic planning policies relating to protection of the countryside and the designated Hinckley/Barwell/Earl Shilton/Burbage Green Wedge. Reference is made to a dismissed planning appeal in respect of a major residential development on a nearby site within the Green Wedge and potential undermining of its protection against other future speculative development. Objectors consider that landscaping to screen the building and car parks from outside the site will be ineffective. An objection has also been received on the grounds that the massing and detailing of the building is depressing and emotionally suppressing and does not create an uplifting experience also raising that the proposed materials are cold and dark and are outdated.

Design

- 8.13. 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.
- 8.14. Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development and helps make development acceptable to communities. Paragraph 127 requires that decisions should ensure that developments will function well and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 128 of the NPPF (2018) states that applications that can demonstrate early, proactive and effective engagement with the community should be looked upon more favourably than those that cannot.
- 8.15. The layout of the site has been shaped by the building zone restriction defined by the Siting and Planning of Crematoria guideline separation distance of 183 metres to avoid any conflicts with existing neighbouring dwellings. The proposed crematorium buildings are therefore restricted to the rearmost (south east) part of the site over 100 metres from the public highway and on a ground level approximately 2 metres lower than the highway. The buildings have also been designed to be long and low (with the exception of the required chimney stack) to minimise their visual impact on the surrounding landscape.
- 8.16. The crematorium building has an individual statement design and appearance and reflects its proposed use/function. The proposed use of a variety of natural materials including stone, timber, metal and glazing assists in breaking up the mass of the buildings and provides visual interest and progression. Notwithstanding the single objection received on design grounds, it is accepted that design is a subjective matter. The proposed scheme has been subject to widespread public consultation and has been refined to take into account some of the comments received from the community.
- 8.17. The proposed design would ensure that the development will function well and would be visually attractive as a result of good architecture, layout and appropriate

and effective landscaping. It is therefore considered that the proposal would be in accordance with Policy DM10 of the adopted SADMP.

Countryside/Landscape

- 8.18. The site is located outside of any settlement boundary and is therefore in the countryside as defined in the adopted SADMP where Policy DM4 of the adopted SADMP is applicable.
- 8.19. Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside subject to meeting a number of other criteria. Forms of development that the policy may consider to be sustainable in the countryside include development for sport or recreation purposes, change of use of existing buildings, development that contributed significantly to economic growth, job creation and/or rural businesses, renewable energy developments and essential rural worker accommodation. The policy also states that development in the countryside will be considered sustainable where:
- i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - ii) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii) It does not create or exacerbate ribbon development;
 - iv) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9.
- 8.20. The Council's Landscape Character Assessment (LCA)(2017) assesses the landscape of the Borough and divides the landscape into ten character areas based on their characteristics. It also assesses the larger settlements (including Barwell) and identifies their urban characteristics.
- 8.21. The LCA identifies the application site as being part of landscape Area F: Burbage Common Rolling Farmland. Key characteristics of this landscape include: 1) Large scale gently rolling arable and pasture farmland; 3) Smaller scale pasture fields around the settlements; 5) Sparse settlement within the area, comprising individual buildings and scattered farm complexes; 6) Major transport corridors dissect the landscape and introduce noise and movement; 7): Open landform and lack of tree cover allows for expansive and distant views to edge of settlement, often situated on the skyline, and punctuated by major infrastructure; 8) Public rights of way concentrated around Burbage Common; and 9) Green Wedge providing separation between Hinckley and Barwell and green infrastructure to the cluster of settlements of Burbage, Hinckley, Barwell and Earl Shilton.
- 8.22. Key landscape sensitivities and values for this area identified within the LCA include: 1) public rights of way; 2) Woodland and mature trees provide biodiversity and visually screen nearby development; 3) The generally rural character and undeveloped landscape of the Green Wedge which forms an important gap between Hinckley and Barwell and a green infrastructure link to the wider landscape to the north; 4) Low hedgerows and hedgerow trees surrounding fields form part of the overall ecological network; 6) Extensive visibility and long distance views across open expanses of rolling farmland are sensitive as any change/development has the potential to be widely visible.
- 8.23. Landscape strategies for this area identified within the LCA include: 2) Respect and enhance the essentially rural character of the landscape. Ensure any new

development is integrated into the landscape; 4) Maintain the gap between Hinckley and Barwell as a multifunctional green corridor incorporating recreation; 5) Maintain and enhance recreational assets including rights of way; and 6) Create new and conserve existing notable habitats.

- 8.24. The site is relatively well screened by mature landscaping to the south west, south east and north east of the site, the majority of which is proposed to be retained. Although the visual presence of the crematorium building in the landscape would be reduced in light of the layout and low level design, the buildings would initially be visible from the public highway, in particular from higher ground at the roundabout to the north of the site. In addition, the strong rectilinear lines of the building and proposed use of external Portland Stone or similar white wall cladding could result in a bold feature in contrast to the surrounding verdant countryside, particularly in the initial years prior to the proposed comprehensive soft landscaping scheme becoming established to provide additional screening. However, once the landscaping becomes established, the building and remainder of the site would be well screened from the surrounding landscape, including the public right of way that runs outside the south boundary of the site. In addition, the visual impact of the development in the landscape from any higher ground would be tempered by separation distances, intervening existing landscaping and the presence of nearby much larger scale sport stadium and other sports buildings.
- 8.25. However, the proposal for a crematorium building and associated hardstanding is not a form of development in the countryside that is supported by Policy DM4 of the adopted SADMP. By virtue of built form the proposal would have an impact on the current verdant, undeveloped character of the site. The proposal would therefore result in conflict with Policy DM4 of the adopted SADMP.

Green Wedge

- 8.26. The application site is located within the designated Hinckley/Barwell/Earl Shilton/Burbage Green Wedge on the Policies Map of the SADMP where Policy 6 of the adopted Core Strategy is relevant. Areas of green wedge primarily seek to guide the development form of urban areas. The green wedge protects the separation of the settlements, helping to protect their individual identities and provides easy access from the urban areas into green spaces and contributes towards the quality of life for residents in their urban areas.
- 8.27. Policy 6 of the adopted Core Strategy seeks to protect the Green Wedge from unacceptable development and identifies acceptable land uses, provided the operational development associated with the use does not damage the function of the green wedge. The acceptable uses are as follows:
- a) Agriculture, including allotments and horticulture not accompanied by retail development
 - b) Recreation
 - c) Forestry
 - d) Footpaths, bridleways and cycle ways
 - e) Burial grounds
 - f) Use for nature conservation.

Policy 6 also requires that any land use or associated developments in the Green Wedge should:

- a) Retain the function of the Green Wedge
- b) Retain and create green networks between the countryside and open spaces within the urban areas
- c) Retain and enhance public areas to the Green Wedge, especially for recreation; and

d) Should retain the visual appearance of the area.

- 8.28. Policy 20 of the adopted Core Strategy identifies that the green wedge between Hinckley and Barwell should be maintained as it plays an important environmental and landscape protection role. It also identifies that the green wedge is looked to be developed into a large scale recreational asset to service the Sustainable Urban Extensions and residents living in north Hinckley.
- 8.29. The Green Wedge Review (2011) divides the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge into nine areas. The application site is located within Area E: 'Land off Leicester Road'. The assessment identifies that: *'The site provides remote access as it provides important views towards Burbage Common and Woods and there are distinct sightlines. Remote access means that the area provides a valuable, visual green space resource which provides a panorama to the community. Any development would have a significant impact on the visual amenity on the wider green wedge towards Burbage Common and Woods. It would impact on the rural nature and character of the western fringes of Elmesthorpe which is already sensitive due to the construction of the bypass. It provides a continuing green route way.'*
- 8.30. The Green Wedge Review concludes that: *'Area E plays an important role in terms of the wider green wedge role as it provides the green link from the A47 towards Burbage Common and the public right of way which runs alongside the boundary of Area E towards Elmesthorpe and Burbage Common and Woods. There is mature vegetation within this area and the poplar trees are particularly prominent. The Sustainable Urban Drainage System is the main feature visible from the A47 roadside and was put into place as a mitigation measure from the development of the A47 bypass. It now provides an aesthetic, wildlife habitat within the area whilst performing the green lung function in terms of flood alleviation. This area offers the role of preventing the merging of settlements in relation to the wider context, whilst guiding development form beyond the A47 limiting any potential impact on the rural character of Elmesthorpe and its unique morphology. There is public access through the green wedge in terms of the A47 transport corridor which penetrates between Area E and C contributing towards separation and acting as a green lung. The A47 has a pavement that leads to Leicester Road and The Common, this allows pedestrian connectivity between Earl Shilton, Hinckley and Barwell. There are no boundary amendments proposed for the assessment area.'*
- 8.31. Policy 6 of the Core Strategy supports the use of land within the green wedge for a burial ground which is a similar use to that proposed but does not provide specific support for any associated buildings. To help make an assessment of the impact of the proposal on the green wedge a micro-scale assessment can be undertaken as outlined in the Leicester and Leicestershire Green Wedge Review Joint Methodology. The Methodology allows for micro-scale reviews to enable detailed analysis of smaller areas, and how they function in the context of the wider strategic designation, using the four functions of the green wedge as the evaluation criteria within Policy 6 of the adopted Core Strategy.
- i) Preventing the merging of settlements
- 8.32. The application site is a relatively small part of the assessment area on the edge of the Borough. The site lies to the south east of the A47/Bypass and by virtue of its valley location and relatively low key nature with a majority of the site retained for soft landscaping and existing and proposed screening, the proposed development would not impact to any significant degree on the coalescence of settlements. If implemented, the proposed use has the potential to act as a further constraint to development in the vicinity of the site.

ii) Guiding development Form

8.33. Unlike green belt one of the principles of green wedges is to help guide the form of new developments as urban areas extend. As such it is not a wholly restrictive policy that prevents any development within the green wedge. Due to the 183 metre buffer required between residential properties and a crematorium it is likely that the siting of such a building would need to be located within the countryside whilst being in close proximity to the community which it is to serve. The proposed location provides easy access to all the urban settlements within the Borough.

8.34. There are a number of scattered residential properties and large scale sports facilities within the vicinity of the proposed site so there is already some built development within this location and sightlines. It could therefore be considered that an isolated crematorium building screened by comprehensive landscaping would have limited impact on the rural character of the wider green wedge.

iii) Providing a green lung into urban areas

8.35. Green wedges help provide communities with access to green infrastructure and the countryside beyond. The site is currently enclosed with no public access and therefore does not contribute significantly to this function of the green wedge other than contribution to views. The proposed development would include large areas of soft landscaping and grassland for memorialisation and this would provide biodiversity enrichment of the existing site and enhancement of ecology and wildlife through increasing the biodiversity and range of habitats. As such the proposal would contribute to the positive enhancement of the site in terms of green infrastructure and the green lung function.

iv) Acting as a recreational resource

8.36. The site does not currently act as a recreational resource and is not publically accessible other than remote access (contribution to views). The adopted SADMP identifies cemeteries and churchyards as open space. The primary purpose of this type of open space is for burial of the dead and quiet contemplation but also for the promotion of wildlife conservation and biodiversity. The proposal would include large areas of quiet contemplation within the site and aims to protect and enhance the biodiversity of the area. Policy DM9 of the adopted SADMP relates to natural and semi-natural open spaces and seeks to enhance accessibility and recreational value whilst ensuring that biodiversity and conservation is improved. It is considered that the proposal would provide an additional recreational resource through the creation of a publically available open space.

8.37. The proposal is not a form of development that is supported by Policies 6 or 20 of the adopted Core Strategy. However, the site is relatively well screened with the exception of the north west of the site which is proposed to be significantly improved through comprehensive landscaping. As such the area would remain predominantly verdant in nature and have a positive impact on green infrastructure. From a micro-scale assessment, the proposed crematorium development could be considered to have only a limited impact on the function of the wider green wedge, but would nevertheless be in conflict with Green Wedge protection Policies 6 and 20 of the adopted Core Strategy.

Impact upon highway safety

8.38. Policy DM17 of the adopted SADMP supports development proposals where they:

- a) Seek to make the best use of public transport services;
- b) Seek to ensure that there is convenient and safe access for walking and cycling to services and facilities;

- c) Demonstrate that there is not a significant adverse impact upon highway safety; and in the case of development that generates significant movement:
- d) That the development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised;
- e) Where it can be demonstrated that the residual cumulative impacts of development on the transport network are not severe.

Where appropriate, improvements will be required to be undertaken to the highways and transportation network to limit any significant impacts arising from the development (taking into account cost effectiveness).

All proposals for new development should reflect the most up to date highway design standards adopted by the relevant highway authority.

- 8.39. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed.
- 8.40. Policy 109 of the NPPF (2018) states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.41. As a result of consultation, Cycling UK raise concerns regarding the current and future arrangements for cyclists around the site and surrounding network.
- 8.42. A Transport Statement and Road Safety Audit (Stage 1) have been submitted to support the application. The Transport Statement concludes that:
 - the site is well located for this type of development, on the edge of town but with good transport links, including facilities for non-car users
 - additional traffic movements generated by the proposed development could be comfortably accommodated, without significant impact on the safety or capacity of the surrounding transport network and infrastructure
 - due to its off-peak operating times, the proposal will not impact upon existing peak hour traffic flows on the adjacent A47 or local network
 - subject to further detailed design, the site entrance/exit and internal road layout appear feasible and appropriate for the site and its intended use
 - proposed on-site parking provision is ample in terms of the likely vehicle movements forecast
 - the provision of a local crematorium facility for the Borough should reduce overall vehicle miles travelled within the wider area to existing crematoria further afield.
- 8.43. Leicestershire County Council (Highways) assessed the submitted information and raised initial concerns in respect of the position and design of the site access/exit points and adherence to relevant highway design guidance and standards, together with impact on the existing highway layby on the A47/Bypass.
- 8.44. Amended plans have been submitted during the course of the application to address the concerns initially raised and have been reassessed. The Local Highway Authority are now satisfied that the revised site access has addressed the concerns raised, that the internal road layout will work on a one-way system to reduce potential conflict between vehicles within the site and that an appropriate level of parking provision for various vehicles is provided within the layout to serve the proposed development. No objections are raised in respect of highway safety. The Local Highway Authority consider that, subject to a number of highway related

conditions, the cumulative impacts of the development can be mitigated and are not considered severe in accordance with the NPPF (2018).

- 8.45. Recommended highway conditions relate to:
- the prior submission of a scheme for off-site highway works for the provision of a new layby on the A47/Bypass to replace the existing layby through which access to the site is to be taken and for its construction prior to any works that would impact on the use of the existing layby;
 - the provision of the site access and egress as proposed subject to a Stage 2 Road Safety Audit;
 - the provision of parking and turning facilities within the site as proposed; and
 - satisfactory set back from the highway and opening during operational hours of any access/egress security gates
- 8.46. The conditions relating to the site access and egress, parking and turning and site access and egress security gates are reasonable to make the development acceptable in planning terms. However, it is considered that a more satisfactory method by which to secure the replacement layby would be through the completion of an appropriate legal agreement for off-site works. This is being negotiated at the time of writing this report and an update will be reported as a late item to this agenda.
- 8.47. Subject to the conditions and completion of a section 106 planning obligation the proposal would enable the use of sustainable transport modes for access to the site, would not result in any significant adverse impacts on highway safety and would provide adequate parking and turning arrangements within the site to serve the development. Notwithstanding the issue raised by Cycling UK, any amendments to the existing cycle paths and cyclist and pedestrian safety would be considered as part of the overall scheme. The proposal would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Pollution and residential amenity issues

- 8.48. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings. Policy DM7 of the adopted SADMP seeks to prevent adverse impacts from pollution by ensuring that development proposals demonstrate that it will not contribute to poor air quality and appropriate remediation of contaminated land is undertaken in line with minimum national standards.
- 8.49. As a result of public consultation, objections have been received on the grounds that the proposal may result in potential long term health implications for nearby residents from furnace emissions from the facility and that the proposal will add additional traffic to the existing noise, light and fume pollution due to usage of the A47, the by-pass and the M69.
- 8.50. A Stack Height Calculation Report, Air Quality Assessment (Emissions), Acoustic Consultancy Report/Noise Data, Phase 2 Site/Ground Investigation Report and Gas Monitoring Assessment have been submitted to support the application.
- 8.51. The Environmental Health (Pollution) team have assessed the submitted information. The submitted Air Quality Impact Assessment and Noise Impact Assessment predict a negligible impact from the operation of the development. The site will be subject to the separate Environmental Permitting regime and an Environmental Permit will be required which will control emissions to the air from the processes. The Air Quality Impact Assessment predicts possible dust impacts during construction works and therefore a condition requiring the submission of a

Construction Environmental Management Plan for prior approval is recommended and would be reasonable to protect amenity.

- 8.52. The Ground Investigation Report found no contaminants of concern in excess of relevant criteria. However, a condition is recommended that in the event of any land contamination being encountered during the site preparation and construction phases that a scheme for its investigation and appropriate remediation shall be submitted for prior approval. Ground gas monitoring has been carried out and concludes that no gas protection measures for the proposed buildings are considered necessary.
- 8.53. Notwithstanding the objection received, by virtue of separation distances and existing and proposed landscaping the proposal would not result in any overlooking of overbearing impacts on any neighbouring dwellings. Subject to the recommended conditions the proposal would not result in any significant adverse impacts on the residential amenity or health of the occupiers of any neighbouring properties and would address any potential land contamination issues. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP.

Impact upon archaeology

- 8.54. Policies DM11 and DM13 of the adopted SADMP and Section 16 of the NPPF seek to protect and enhance the historic environment, including archaeology. Where proposals have the potential to impact a site of archaeological interest, full archaeological investigation and recording by an approved archaeological organisation will be required before development commences.
- 8.55. An Archaeological Written Scheme of Investigation and Archaeological Evaluation Report have been submitted to support the application. The report concluded that as no archaeological deposits or finds were present within 24 trenches excavated during the evaluation, that it is unlikely that the proposed development will have an impact upon any archaeological remains.
- 8.56. Leicestershire County Council (Archaeology) has assessed the proposal and submitted archaeological information and confirms that the field work has demonstrated a low archaeological potential, with no significant remains identified. As such the proposal would not result in any significant direct or indirect impacts upon the archaeological interest or setting of any known or potential heritage assets and no further archaeological action is required. The proposal would therefore be in accordance with Policies DM11 and DM13 of the adopted SADMP and Section 16 of the NPPF (2018).

Impact upon ecology

- 8.57. Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features.
- 8.58. As a result of public consultation, objections have been received on the grounds that insufficient evidence has been submitted in respect of ecological habitats and biodiversity to be able to properly determine the application.
- 8.59. A Tree Survey Report; Extended Phase 1 Habitat Survey; Botanical Survey/Update; Badger Survey Brief; Reptile Survey, Mitigation and Compensation Report; eDNA Great Crested Newt Report, Habitat Suitability Index Assessment, Record Search and Mitigation Brief and Landscape Management and Maintenance Plan have been submitted to support the application. Following the objection received, a Habitat Suitability Index Assessment, Record Search and Mitigation Brief and further clarification has been submitted to address the issues raised and support the application.

- 8.60. The surveys identified that there are habitats of some ecological value within the site but with targeted recommendations to enhance biodiversity, the development of the site in the manner proposed is likely to increase its ecological value and provide net gains to biodiversity.
- 8.61. A comprehensive landscaping scheme is proposed for the site and is supported by a Landscape Management and Maintenance Plan. It is considered that the substantial planting proposed would enable the proposed development to be satisfactorily integrated into the wider landscape, particularly once it has become established. The proposed provision of native and ornamental species and the creation of a variety of habitats with attenuation ponds, trees, copse and understorey and ground level planting, new hedgerows and retention of species rich grassland would provide a variety of foraging and wildlife habitats and significantly enhance the biodiversity value of the site.
- 8.62. The Tree Survey and impact assessment have been assessed by the Tree Officer who considers that they are accurate reflections of the tree population and the effect that development will have on tree cover. The loss of trees to be removed and in particular G1 Lombardy poplar which is in structurally poor condition, can be mitigated by high quality new planting which will be of high future benefit.
- 8.63. The various submitted ecological surveys and reports have been assessed by Leicestershire County Council (Ecology). Following the submission of the additional information, no objections are raised subject to conditions. These require: the submission of a construction management plan and biodiversity management plan for prior approval providing details on how the retained grassland will be protected during construction and then maintained long-term; a pre-commencement badger survey and, if found necessary, a mitigation strategy for prior approval; and any required vegetation clearance to be completed outside of the bird-breeding season.
- 8.64. Subject to the recommended conditions and the development of the site in accordance with the approved landscaping management and maintenance details, the proposal would result in enhancement of the biodiversity value of the site and would therefore be in accordance with Policy DM6 of the adopted SADMP and the overarching principles of section 15 of the NPPF (2018).

Drainage/Flood risk

- 8.65. Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding and that development will not adversely impact the water quality, ecological value or drainage function of water bodies in the Borough.
- 8.66. A Flood Risk Assessment (FRA), Sustainable Surface Water Drainage System (SuDS) details and calculations and Ground Water Audit have been submitted to support the application.
- 8.67. The submitted details have been assessed by Leicestershire County Council (Drainage) as the Lead Local Flood Authority and Environmental Health (Drainage). The submitted details demonstrate that the site is capable of being satisfactorily drained by a sustainable drainage system incorporating attenuation basins within the site layout. Subject to conditions to secure the submission of further drainage details for prior approval, the proposal would not create or exacerbate flooding or adversely affect water quality or the ecological value or drainage function of the existing watercourses. The proposal would therefore be in accordance with Policy DM7 of the adopted SADMP.

Public right of way

- 8.68. Leicestershire County Council (Public Rights of Way) recommend a number of conditions in respect of a public footpath. However, it lies outside the south boundary of the application site and the proposals would not result in any adverse impacts on the right of way. Therefore, the conditions are not considered to be either reasonable or necessary in this case.

Other material considerations

- 8.69. The proposed development would be in conflict with Policy DM4 of the adopted SADMP and Policies 6 and 20 of the adopted Core Strategy which seek to protect the countryside and designated Hinckley/Barwell/Earl Shilton/Burbage Green Wedge.
- 8.70. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
- 8.71. In this case, a Crematorium Need Assessment, Site Sequential Test and Agricultural Land Classification Assessment have been submitted to support the application.
- 8.72. The Need Assessment provides a quantitative and qualitative need assessment for additional crematorium facilities to serve the area. It assesses drive time catchments of the existing crematoria in neighbouring districts and the proposed facility, the existing population/demand and future population growth/demand projections and the capacity and operation of the existing facilities and satisfaction levels of those using those facilities. The assessment suggests that there is a cogent need for additional crematorium facilities for the following reasons:
- Approximately 32,000 residents are outside the 30 minute drive time catchment of existing crematoria in neighbouring areas and equates to approximately 250 cremations per annum that would be unique to the site
 - When factoring in population growth, the closest facility (Nuneaton) is due to reach capacity within 3.5 years or sooner
 - 51% of the potential catchment of the proposed crematorium is not accounted for by the nearest crematorium
 - Qualitative and quantitative analysis highlights the need for additional facilities to address the scarcity of services at core times (10am to 3pm) and enable appropriate timescales for funerals to take place along with less hurried services.
 - Waiting times of up to 3 weeks for a core service time at the closest facility (Nuneaton) is normal according to local funeral director services and the nearest alternative (South Leicestershire) is beyond the 30 minute drive time. Approximately 90% of funeral directors surveyed supported the need for a new crematorium. The remaining 10% lie further away from the site and have alternative crematoria options.
- 8.73. The submitted Need Assessment refers to an appeal decision relating to a crematorium proposal in Cambourne, Cornwall (reference APP/D0804/A/09/2098108 dated 19 August 2009) in which the Inspector considered that: *'I place significant weight on the needs of the bereaved and*

conclude that the proposed crematorium would result in benefits not only in terms of the times involved in travelling to and from funerals, but also in provision of appropriate timescales for funerals to take place and potentially the experience on site.'

- 8.74. The submitted Sequential Test assessed a number of sites within the Borough for their suitability for additional crematorium facilities. Having regard to site size, location, characteristics and deliverability and the application of strategic, practical and environmental criteria, the report concludes that the application site offers the most potential with the least detriment and provides the most sustainable option of all sites assessed. This site is within close proximity to the four urban settlements within the Borough whilst also being far enough away from any neighbouring dwellings to meet the necessary separation distance requirements within the Siting and Planning of Crematoria guidelines (1978).
- 8.75. The submitted Agricultural Land Classification Assessment suggests that following both site and desk top review the site has been classified as Grade 3b based on the most limiting factor (wetness). This classification relates to agricultural land of only moderate quality and therefore the proposal would not have any adverse impacts on the best and most versatile agricultural land within the Borough.
- 8.76. By virtue of the proposed layout, scale and design and the comprehensive soft landscaping scheme and future landscape management and maintenance plan, the proposal is considered to result in limited adverse impacts on the character and verdant appearance of the countryside and the function of the designated Green Wedge in this case, particularly once the planting has become established.
- 8.77. Support for a more flexible approach to the consideration of crematorium development in designated areas can be found in paragraph 145 of the NPPF (2108). In referring to proposals affecting the more restricted designation Green Belt land, paragraph 145 of the NPPF (2018) states that: *'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.'* However exceptions to this, include: *'b) the provision of appropriate facilities for cemeteries and burial grounds as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.*
- 8.78. The micro-scale assessment of the Green Wedge suggests that the openness would be preserved and that the proposed change of land use for a crematorium and associated facilities would not conflict to a significant degree with the function of the Green Wedge in this case. By virtue of the comprehensive landscaping scheme including the varied habitat protection and provision measures, the proposal would significantly enhance the biodiversity of the site and provide public access where non currently exists. The provision of a more local facility in close proximity to the four urban centres of the Borough would reduce the need to travel to existing facilities further afield. The proposal would therefore result in a public benefit and contribute to the environmental objective of sustainable development.
- 8.79. The provision of a new accessible crematorium facility with open space to serve the local community would result in a public benefit and contribute to the social objective of sustainable development.
- 8.80. The provision of the facility would result in benefits to the local economy through the construction of the development and its long term future operation and therefore contribute to the economic objective of sustainable development.
- 8.81. The Needs Assessment demonstrates that there is a need for a new facility in the local area. The nature of the facility and separation distance requirements are likely to result in a rural location rather than an urban location and the site is located in

close proximity to the four main urban settlements of the Borough. The proposal would result in significant public benefits and contribute to the environmental, social and economic objectives of sustainable development as outlined in paragraph 8 of the NPPF (2018). It is considered that the need for the facility, its functional requirements and the significant public benefits identified would outweigh any adverse visual impacts on the countryside or the function of the Green Wedge 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.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposed development for a crematorium and associated facilities is not a form of development that is supported by either Policy DM4 of the adopted SADMP or Policies 6 or 20 of the adopted Core Strategy that seek to protect the countryside and designated Hinckley/Barwell/Earl Shilton/Burbage Green Wedge. However, Policy DM25 of the adopted SADMP supports the provision of sustainable and accessible community facilities.
- 10.2. It is recognised that by virtue of their nature and separation distance requirements that such facilities are likely to require a rural location. In addition, the more recently published NPPF (2018) provides more flexibility for the consideration of new buildings in associated with cemeteries and burial grounds in the countryside and designated protection areas subject to their openness and function being preserved.
- 10.3. The application is supported by evidence that there is a cogent need for an additional crematorium facility in the area and that the site, being located close to, and between, the four urban areas with easy access by sustainable transport modes is a sequentially preferable site. Any adverse impacts on the rural character and appearance of the wider landscape and function of the designated Green Wedge would be limited by the comprehensive landscaping scheme and biodiversity enhancements proposed.

- 10.4. Subject to conditions, the proposal would not result in any significant adverse impacts on highway safety, residential amenity, pollution, archaeology, ecology or surface water drainage.
- 10.5. The proposal would contribute to the environmental, social and economic objectives of sustainable development identified in paragraph 8 of the NPPF (2018) and it is considered that any adverse impacts on the countryside or Green Wedge would be outweighed by the need for the facility and significant public benefits of the scheme in this case. Accordingly the proposal is considered to be a sustainable development and is therefore recommended for approval subject to conditions.

11. Recommendation

11.1. Grant planning permission subject to:

- The prior completion of a legal agreement to secure the following obligations:
 - the provision of a replacement layby
- 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 otherwise than in complete accordance with the submitted application details, as follows:-

Site Location Plan Drawing No. CDS_HAB_CRM_01 Rev 01

Site Layout Plan Final Issue Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 1 of 5)

Highways Overview Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 2 of 5)

Highways Entrance and Exit Detail Plan Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 5 of 5)

Coach and Car Swept Path Analysis Plan Drawing No. CDS_HAB_CRM_52 Rev 00

Landscape Plan Final Issue Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 3 of 5)

Planting Schedules Drawing No. CDS_HAB_CRM_11 Rev 04

Drainage Plan Final Issue Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 4 of 5)

Utilities Plan Drawing No. CDS_HAB_CRM_09 Rev 00

Ground Floor Plan Drawing No. 02-03-000 Rev C

Building Elevation A-A Drawing No. 02-05-001 Rev D

Building Elevation B-B Drawing No. 02-05-002 Rev D

Building Elevation C-C Drawing No. 02-05-003 Rev D

Building Elevation D-D Drawing No. 02-05-004 Rev D

Building Elevation E-E Drawing No. 02-05-005 Rev A

Building Elevation F-F Drawing No. 02-05-006 Rev A

Building Elevation G-G Drawing No. 02-05-007 Rev B

Reason: To define the permission and ensure satisfactory impact of the development to accord with Policies DM1, DM6, DM7, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No site preparation or development shall commence until a Construction Environmental Management Plan has been submitted to and agreed in writing by the local planning authority. The plan shall detail how, during the site preparation and construction phase of the development, any impact on existing residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To protect the residential amenity of neighbouring occupiers and to minimise potential sources of pollution in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No site preparation or development shall commence until a Construction Management Plan and Biodiversity Management Plan providing details of how the retained grassland will be protected during construction and then maintained long-term, shall be submitted to and approved in writing by the local planning authority and the development shall then be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure appropriate conservation and protection of biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 15 of the National Planning Policy Framework (2016).

5. No site preparation or development shall commence until a pre-commencement badger survey, including a badger mitigation strategy if found to be required, have been submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure appropriate conservation and protection of biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 15 of the National Planning Policy Framework (2016).

6. Site preparation and construction works shall be limited to the following hours: Mondays - Fridays inclusive: 07:30 - 18:00; Saturdays 08:00 - 13:00 and no working on Sundays and/or Bank Holidays.

Reason: To protect the residential amenity of neighbouring occupiers and to minimise potential sources of pollution in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development shall commence on site until a scheme to provide a sustainable surface water drainage system in accordance with the submitted Flood Risk Assessment (December 2018 D1.0) and surface water drainage strategy has been submitted to and approved in writing by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details and completed before the development is first brought into use.

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

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

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

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

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

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

Reason: To ensure safe development of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Prior to first use of the development hereby permitted, full details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the local planning authority. The system shall subsequently be maintained in accordance with the approved details at all times thereafter.

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

12. Prior to first use of the development hereby permitted the proposed site access and exit, shall be in general accordance with Highways Overview Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 2 of 5) and Highways Entrance and Exit Detail Plan Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 5 of 5) and shall include revisions as recommended by a Stage 2 Road Safety Audit and in accordance with engineering details which have first been submitted to, and approved in writing by, the local planning authority. Such details are to include construction, signing, surface, water drainage and street lighting details and thereafter shall be implemented in accordance with the approved details and be completed prior to the first use of any part of the development.

Reason: To ensure that vehicles enter and leave the site in a controlled manner, 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).

13. Prior to first use of the development hereby permitted the parking and turning facilities shall be implemented and completed in accordance with the details submitted on Highways Overview Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 2 of 5) and Highways Entrance and Exit Detail Plan Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 5 of 5) and once so provided shall be permanently so maintained 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 Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. Prior to the first use of the development hereby permitted full details of the proposed access and exit road security gates and any site boundary walls and/or fencing shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently retained as such at all times thereafter.

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).

15. The materials to be used on the external elevations of the crematorium buildings hereby permitted shall be in accordance with the details submitted on the approved Elevations Drawing Nos Building Elevation A-A Drawing No. 02-05-001 Rev D; Building Elevation B-B Drawing No. 02-05-002 Rev D; Building Elevation C-C Drawing No. 02-05-003 Rev D; Building Elevation D-D Drawing No. 02-05-004 Rev D; Building Elevation E-E Drawing No. 02-05-005

Rev A; Building Elevation F-F Drawing No. 02-05-006 Rev A; Building Elevation G-G Drawing No. 02-05-007 Rev B and Building Elevation H-H Drawing No. 02-05-008 Rev B received by the local planning authority on 20 August 2018.

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

16. The development shall be carried out in accordance with the details submitted on approved Landscape Plan Final Issue Drawing No. CDS_HAB_CRM_53 Rev 00 (Sheet 3 of 5) and Planting Schedules Drawing No. CDS_HAB_CRM_11 Rev 04. The soft landscaping scheme shall be carried out during the first appropriate planting season following the date when the crematorium hereby permitted is first ready for use and shall thereafter be managed and maintained in accordance with the approved Landscape Management and Maintenance Plan (August 2018) at all times thereafter.

Reason: To ensure that the works are carried out within a reasonable time period and thereafter maintained and to conserve and enhance features of nature conservation and visual amenity within the site in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. Notwithstanding the provisions of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 15 metres of the highway boundary and shall be open at all times when the crematorium building is in use.

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 Development Plan Document (2016).

11.5. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a section 278 agreement. It is strongly recommended that contact is made at the earliest opportunity to allow time for the process to be completed to specify the new works and enable road space booking (to enable coordination of physical works on the highway) before works can start. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information

please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

4. In relation to Condition 7, the scheme shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.

5. In relation to Condition 8, details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
6. In relation to Condition 11, details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system.
7. Land Drainage Consent - If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following: <http://www.leicestershire.gov.uk/Flood-risk-management>.
8. In relation to Condition 10, advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
9. The applicant/developers attention is drawn to the consultation response from National Grid/Cadent Gas: due to the presence of Cadent and/or National Grid apparatus in proximity to the application site, the contractor should contact Plant Protection team before any works are carried out to ensure the apparatus is not affected by any of the proposed works. E-mail: plantprotection@cadentgas.com Telephone: (0)800 688588.

Planning Committee 22 January 2019
Report of the Interim Head of Planning

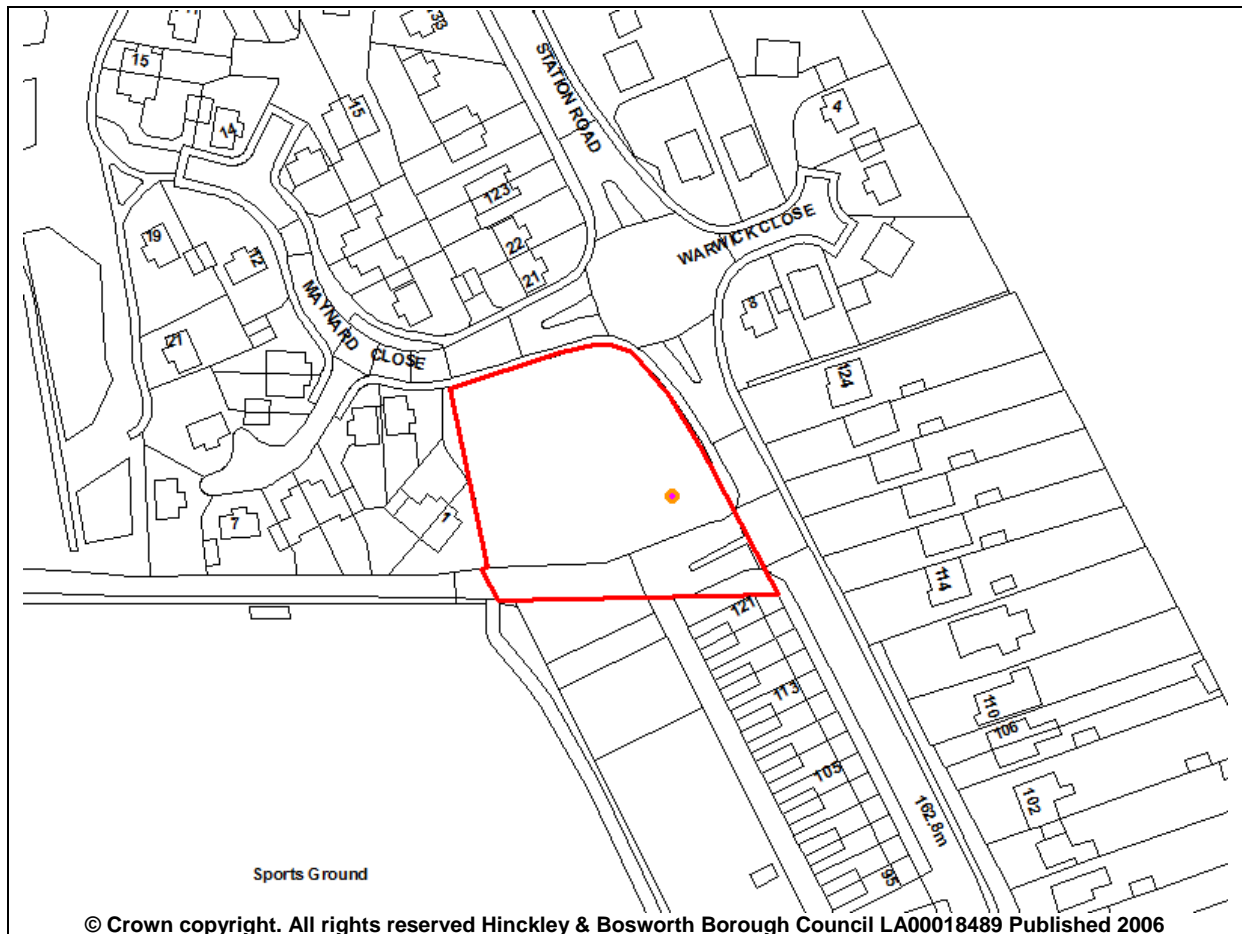
Planning Ref: 16/00758/FUL
Applicant: Mr Atul Lakhani
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Land Adjacent 121 Station Road Bagworth

Proposal: **Erection of 10 no. dwellings and 2 no. flats (100% Affordable Scheme)**



1. Recommendations

1.1 Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
- Affordable housing – Twelve (12) units (10 x 2 bedroom dwellings of shared ownership tenure and 2 x 1 bedroom flats of 100% social rent tenure)
- Planning conditions outlined at the end of this report.

1.2. 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.

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

2. Planning Application Description

- 2.1 The application seeks full planning permission for a 100% affordable housing scheme comprising 10 x 2 bedroom dwellings and 2 x 1 bedroom flats with associated vehicular parking including 2 visitor parking spaces. The tenure of the dwellings comprises 10 x 2 bedroom dwellings for shared Ownership and 2 x 1 bedroom flats for 100% social rent.
- 2.2 The original proposal was for a slightly larger scheme of 14 dwellings with a layout which was considered to be unacceptable by officers. There have been substantial delays to the application due to changes to the layout, issues in relation to road adoption, drainage and financial viability in regard to developer contributions. All outstanding issues have been resolved and are discussed within the main body of the report.

3. Description of the Site and Surrounding Area

- 3.1 The application relates to a site with an area of 0.25 ha to the west of Station Road, and South of Maynard Close which is allocated for housing in the Site Allocations and Development Management Policies DPD, (ref BAG02PP). The majority of the site is currently waste ground with the southern part of the site comprising the access road to the sports ground. This also allows access to the rears of the dwellings to the south fronting Station Road. Residential properties surround the site to the north, east and south east with the sports ground to the south west. The north eastern corner of the site is adjacent to a roundabout marking the junction between Station Road, Maynard Close and Warwick Close. The site has previously been granted planning permission as part of a larger development (02/00374/REM) and as a separate parcel of land with permission for 9 apartments and an A1 shop. Since this permission was granted, a shop has been built further to the north on Station Road.

4. Relevant Planning History

07/00013/PP	Mixed use development comprising three retail units (use class a1, a3 and d1) and nine apartments with associated parking and access	Permission	09.08.2007
01/01041/REM	External building materials and landscaping	Permission	07.12.2001
02/00120/REM	Residential development and associated works for 10 dwellings (amended layout) following the granting of outline planning permission 99/00820/out	Permission	17.04.2002
02/00236/REM	Residential development and associated works for 50 dwellings	Refused	09.10.2002
02/00374/REM	Erection of 55 dwellings and associated works	Permission	10.10.2002
99/00820/OUT	Residential development and associated open space including village green and play	Outline permission	01.05.2001

	areas and provision of a local retail facility		
06/01114/FUL	Mixed use development comprising three retail units (use class a1, a3 and d1) and nine apartments with associated parking and access	Refused	15.01.2007
10/00557/FUL	Mixed use development comprising of a retail unit (use class a1) and eight dwellings with associated parking and access	Permission	01.09.2010
10/00561/EXT	Extension of time for extant planning permission 06/01114/FUL for mixed use development comprising three retail units (use class a1, a3 and d1) and nine apartments with associated parking and access	Permission	15.09.2010
13/00478/EXT	Extension of time for extant planning permission 10/00561/EXT for mixed use development comprising three retail units (Use Class A1, A3 and D1) and nine apartments with associated parking and access	Refused	17.10.2013
13/00510/EXT	Extension of time application for planning permission 10/00557/FUL for mixed use development comprising of a retail unit (use class A1) and eight dwelling with associated parking and access	Permission	04.02.2014

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site. and a notice was displayed in the local press.

5.2. There have been 27 objections from third parties with the following issues raised:

- 1) Too many affordable housing schemes in the village
- 2) No amenities in village (doctors, dentists, schools)
- 3) Problems with access to sports ground to rear
- 4) Loss of 'historic' access road layout
- 5) No S106 monies to benefit village
- 6) Too many cars/insufficient parking spaces on site/increase in vehicles on the main road
- 7) Visual impact
- 8) Effect on character of the neighbourhood/village
- 9) Over-development of the site

6. Consultation

6.1. The following consultation responses have been received, no objections subject to conditions:

Severn Trent Water
HBBC (Affordable Housing)
HBBC (Drainage)
HBBC (Waste Services)
LCC (Highways)
LCC (Rights of Way)

6.2. Bagworth and Thornton Parish Council object to the scheme on the following grounds:

- 1) Thornton Primary School is already over-subscribed, Mercenfield Primary and South Charnwood Primary schools are also over subscribed with no room for on-site expansion.
- 2) The nearest GP surgery at Markfield is also operating at capacity.
- 3) There are no local services within Bagworth and the development would increase the need for car borne journeys and any new development within Bagworth should give serious attention to the provision of school places, health care and the economic stability of the village.
- 4) There does not appear to be sufficient parking on site and the right of way and current access for the Recreation Ground Bagworth New Wood and Bagworth Clay Pigeon needs to be accessible at all times.
- 5) The current layout of the access road is due to it being the in/out access to the former colliery and should, perhaps, be preserved as a memorial recognising the villages history and heritage.

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 10: Key Rural Centres within the National Forest
- Policy 15: Affordable Housing
- 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 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) (2018)
- 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
- Flood Risk and Drainage
- Affordable Housing
- Viability and Developer Contributions

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3 The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.5 Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years of deliverable housing. Due to the change in the housing figures required for the borough paragraph 11 of the NPPF is triggered. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.6 Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided taking into account the type of provision that is likely to be required. Policy 10 of the Core Strategy relates to key rural centres within the National Forest of which Bagworth forms one of these key settlements. Housing within the settlement boundary is acceptable with developers required to demonstrate that the number, type and mix of housing proposed meet the needs of the settlement. The site is an allocated housing site and the proposed development comprises a mix of 2 and 1 bedroom dwellings. The two bedroom houses are proposed as shared-ownership whereas the one bedroom flats are for social rent offering a mix of dwelling types to provide variation and meet the identified housing requirements and the local area generally. The Housing Strategy and Enabling Officer has confirmed that the proposed housing type and tenures are considered to help meet the needs of the local population and therefore satisfy the requirements of Policy 10 and 16. The application site is therefore considered sustainable and acceptable in principle.

Design and impact upon the character of the area

- 8.7 Policy DM10 of the 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
- 8.8 Policy 21 of the Core Strategy seeks to support proposals that contribute to the delivery of the National Forest Strategy where the siting and scale of the proposed development is appropriately related to its setting within the Forest. The National

Forest Authority have confirmed that the site is below their threshold where appropriate landscaping or contributions would be required.

- 8.9 The development comprises a layout of 2 storey buildings which would front onto Maynard Close and Station Road with car parking and vehicular access to the rear accessed via the existing service road to the sports ground. Rear parking areas are considered to be acceptable in this scheme as front parking areas with cars having to reverse onto Station Road adjacent to the existing roundabout would likely cause highway hazard to other road users including pedestrians. In terms of outside amenity space, the rear gardens are sufficient for the purposes of providing adequate outside amenity space for future occupiers. However, the gardens would be severely compromised should, at a later date, extensions and/or conservatories were to be built and in this regard it is considered appropriate to remove Permitted Development Rights for extensions/conservatories. In regard to additional accommodation within the roof spaces, the design of the dwellings with first floor windows breaking through the eaves, additional dormer windows would not be an acceptable design feature. Therefore it is also considered appropriate to remove Permitted Development Rights for roof alterations. Proposed materials are similar to those on surrounding development. The layout, scale, character and appearance of the development is in-keeping with the adjacent development which it would be read against.
- 8.10 The site is within the settlement boundary where residential development is appropriate and the proposed development would both complement and enhance the character of the area and respect the character and appearance of the village setting within the National Forest. There is some feature soft landscaping proposed within the site which softens the hard landscaping areas and is considered adequate for the size of the site.
- 8.11 Overall, and taking all of the above into consideration, the proposal is considered to be in accordance with Policy DM10 of the SADMP and Policies 16 and 21 of the Core Strategy.

Impact upon neighbouring residential amenity

- 8.12 Policy DM10 of the adopted SADMP states that development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.13 The closest existing dwellings to the development are no's 1 and 3 Maynard Close. This pair of semi-detached dwellings sits at an oblique angle with the west boundary of the site which is proposed to be bounded with a 1.8m high close boarded fence along the length of the rear garden of the closest dwelling (annotated as Plot 1 on the proposed site plan) has a first floor rear bedroom window which would have an oblique view towards the front bedroom windows of no 1 Maynard Close. However there is a distance of approximately 19 metres between the two windows which is considered acceptable. The side flank wall of Plot 1 is approximately 20 metres to the north-east of the front elevation of no 3 Maynard Close. It is not considered that the development would reduce the light levels to this property due to the orientation of the two existing dwellings and the proposed dwellings along the northern boundary. As the majority of the new dwellings would be built around the north and east edge of the site with the rear windows of the dwellings on the eastern boundary of the site some 50 metres away from the dwellings in Maynards Close, it is considered that there would be no undue impact on existing dwellings including those fronting Station Road and the proposal is considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.14 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.
- 8.15 This application proposes to upgrade and use the existing access from Station Road which although in the applicant's ownership, does have easement rights for the benefit of the Parish Council and users of the recreation ground to the rear. None of the roads into the development are to be adopted by the County Council. A Public footpath (Q85) also runs through the site and this is to be retained and upgraded. The carriageway itself would be 5.5 metres wide with appropriate visibility splays. A raised block paved area on the southern side of the road has been designed to prevent parking along the access road without compromising existing vehicular access to the garages at the rear of the terrace of properties along Station Road and to the QEII park and sports ground to the rear. At the entrance to the Sports ground the block paved area is flush with the road surface thus retaining the usable road width at 5.5 metres. The RoW is unrestricted on the northern side of the access road as previously suggested by LCC RoW officers.
- 8.16 The proposed development provides one parking space per dwelling and 2 visitor spaces within the confines of the site and provides sufficient parking facilities to serve the occupiers. The internal road is to remain under private ownership and would not be adopted by the County Council. Although there have been concerns raised by local residents as to the impact the development may have on the existing road network, given the modest scale of the development and parking provision proposed it is not considered that it would give rise to adverse impacts on highway safety and overall is in accordance with Policies DM17 and DM18 of the SADMP.

Flood Risk and Drainage

- 8.17 Policy DM7 of the SADMP seeks to ensure that surface water and groundwater quality are not adversely impacted by new development and that it does not exacerbate flood risks.
- 8.18 A Flood Risk Assessment and Drainage Strategy has been submitted with the application which demonstrates that all surface water drainage could be adequately discharged. HBBC Environmental Health (Drainage) and Leicestershire County Council (as Local Lead Flood Authority) have raised no objection to the development subject to the submission of a detailed drainage scheme to be secured through the imposition of planning conditions.
- 8.19 It is considered that the proposed development would not adversely impact on water quality and would not create or exacerbate flood risk. The proposed development is therefore in accordance with Policy DM7 of the SADMP.

Affordable Housing

- 8.20 Policy 15 of the adopted Core Strategy requires the provision of 40% affordable housing on sites of over 4 dwellings or on sites measuring 0.13 hectares or more in rural areas. For all sites a tenure split of 75% social rented and 25% intermediate housing is required to support mixed sustainable communities. These figures may be negotiated on a site by site basis. The proposal is for 100% affordable dwellings and therefore Policy 15 is satisfied.
- 8.21 It has been identified that there are currently 972 applicants on the register for affordable dwellings, 12 of which have a connection to Bagworth.

- 8.22 Although concern has been raised by some local residents in regard to the amount of 100% affordable housing development that has been approved within Bagworth recently, as set out above, Policy 15 requires 40% of affordable units on sites of over 4 dwellings in all rural areas, in this regard, any land brought forward for housing development above these thresholds will be required to supply affordable units. In this case, the provision of a total of 12 affordable units, with a mix of one and two bedroom dwellings of mixed tenure of shared ownership and social rent is appropriate and provides housing opportunities for local people to get on the housing ladder.
- 8.23 Since the site is in a rural area of the Borough, a cascade mechanism would be included within any Section 106 agreement to give preference in the first instance to applicants with a connection to the Parish of Bagworth and Thornton. If there are surplus applicants from the parish the properties can be offered to people with a connection to the Borough of Hinckley and Bosworth. The proposed development would make a further contribution towards meeting the identified affordable housing needs of the Borough over the plan period in accordance with Policy 15 of the Core Strategy.

Viability and Developer Contributions

- 8.24 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. The policy also goes on to state that where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly.
- 8.25 The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within regulation 122 of 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.
- 8.26 The total requirement for contributions for Education has been assessed as £52,132.06. The applicant submitted a Financial Viability Assessment (FVA) stating that the scheme would be rendered non-viable if these contributions were to be made. The FVA has been independently assessed by a third party instructed by the Local Planning Authority. The LPA have been advised by the independent assessors that the proposed scheme would not support any additional S106 contributions over and above gaining 100% on-site affordable housing and it is considered any additional planning obligations would prejudice the deliverability of the proposed scheme.
- 8.27 Although it is regrettable that the Financial Viability Assessment has concluded that there are no funds available for contributions towards education or community facilities, it is considered that on balance that the opportunity to provide much needed affordable housing in a tenure other than 100% social rental would provide an opportunity for local residents to engage with the housing market and allow them to get a foot on the housing ladder. The provision of affordable housing should be given significant weight due to the existing provision during the development plan period and the identified requirement for affordable housing across the Borough. In this instance it is considered that the provision of affordable housing outweighs the non-

provision of the requested contributions. The proposed development would therefore be in accordance with Policy DM3 of the SADMP.

- 8.28 Policy 19 of the Core Strategy and Policy DM3 of the SADMP requires new residential development over 10 dwellings to contribute towards the provision and maintenance of green space and play provision. It has already been agreed that there is no monies available for developer contributions and in this regard there has been no additional request for contributions towards green space or play provision within the local area.
- 8.29 Notwithstanding the above, there are existing green and play spaces adjacent to the site within the QEII park and the children play space at Maynards Walk. Whilst these are identified as requiring enhancement, lack of additional provision would not deprive the occupiers of the development access to these facilities. In this regard, no financial contributions are required as part of the S106 Agreement.
- 8.30 A Section 106 has been drafted to secure the scheme for 100% Affordable tenure. The S106 Agreement is to ensure the development is 100% affordable housing is considered to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably relate in scale and kind to the development proposed and therefore CIL regulations compliant.

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.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 Policy DM1 of the SADMP states that development proposals that accord with the policies in the development plan will be approved without delay unless material considerations indicate otherwise.
- 10.2 The proposed development is an allocated housing site. The development would be 100% affordable housing and would provide a mix of housing types and tenures in

accordance with Policy 16 of the Core Strategy. The development would not have an adverse impact on the amenity of surrounding residential occupiers and would provide a good standard of amenity for future occupiers. The proposal would not have an adverse impact on highway safety and would provide sufficient car parking provision to serve the occupiers in accordance with Policies DM7, DM10, DM17 and DM18 of the SADMP.

- 10.3 The Financial Viability Assessment has concluded that there are no funds available for contributions towards education or community facilities. Although regrettable, on balance the provision of 12 affordable dwellings of mixed tenure is considered a sustainable development in accordance with Policy DM1 of the SADMP.

11. Recommendation

11.1. Grant planning permission subject to

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

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

That the Interim Head of Planning and Development be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

11.2. Conditions and Reasons

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

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Existing site levels P010 Received 17/08/16

Proposed Site Plan P001 Rev O Received 14/01/19

Proposed plans & elevations, Plots 1,2,8,9 P003 Rev C, Received 3/11/17

Proposed plans & elevations, Plots 3-5. 10-12 P004 Rev B, Received 03/11/17

Proposed plans & elevations, Plots 6 & 7 P005 Rev B, Received 3/11/17

Existing and Proposed Site Section A-A P006, Rev C, Received 11/12/18

Existing and Proposed Site Section B-B P007 Rev A, Received 19/10/17

Existing and Proposed Site Section C-C P008 Rev A, Received 19/10/17

Proposed Site Elevations A + B P009 Rev A, Received 19/10/17

Proposed Boundary Treatments P012 Rev G Received 14/01/19

Foul and Surface Water Drainage Layout Dwg no 101 Rev P6, Received 11/12/18

Foul and Surface Water Drainage Schedules Dwg no 103 Rev P3, Received 11/12/18

Drainage Details: Layout Dwg no 102 Rev P4, Received 11/12/18

Entrance to site layout Dwg no 111 Rev P11, Received 14/01/19

Visibility Splays Dwg no 112 Rev P11, Received 14/09/19

Swept Path Analysis- Access, Dwg no 113 Rev P11, Received 14/01/19

Swept Path Analysis – Egress, Dwg no 114, Rev P11, Received 14/01/19

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. The external materials to be used in the development hereby permitted shall be in strict accordance with those as shown on drawings:

Proposed Site Plan P001 Rev O Received 14/01/19

Proposed plans & elevations, Plots 1,2,8,9 P003 Rev C, Received 03/11/17

Proposed plans & elevations, Plots 3-5. 10-12 P004 Rev B, Received 3/11/17

Proposed plans & elevations, Plots 6 & 7 P005 Rev B, Received 3/11/17

unless alternative materials are first agreed in writing with the Local Planning Authority.

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

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

Reason: To ensure appropriate remediation of contaminated land to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

5. Site preparation and construction works shall be limited to the following hours:

Monday – Friday 07:30 – 18:00

Saturday – 08:00 – 13:00

No work shall be undertaken on Sundays and 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.

6. Notwithstanding submitted details, no development approved by this planning permission shall take place, until such time as a surface water drainage scheme has been submitted to, and approved in writing by the local planning authority. This must include written confirmation from Severn Trent Water that a surface water connection to their public system has been approved, including the point of connection location and confirmed maximum discharge rate.

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.

7. Notwithstanding the submitted details, no development approved by this planning permission shall take place, until such time as details in relation to both the management of surface water on the site during the construction period and the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To prevent an increase in flood risk and / or damage to the final surface water management systems during the construction period and to establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

8. No development shall commence, until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

9. Prior to first occupation of any dwelling, both hard and soft landscaping including the refuse collection point as shown on the submitted Plans, shall be carried out as per the details on drawing no's:

Proposed Site Plan P001 Rev O Received 14/01/19

Proposed Boundary Treatments, PO12 Rev G, Received 14/01/19

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 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.

10. No dwelling hereby permitted shall be occupied until such time as the Access, Visibility Splay and Parking Arrangements as shown on drawing no's:

Entrance to site layout Dwg no 111 Rev P11, Received 14/01/19

Visibility Splays Dwg no 112 Rev P11, Received 14/01/19

have been implemented in full. These shall be retained in perpetuity.

Reason: In the interests of general highway safety and to ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

11. Notwithstanding the provisions of Classes A, B C and E 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 buildings hereby approved shall not be extended or altered without the grant of planning permission for such development by the Local Planning Authority.

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

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.
2. Where a surface water connection is proposed to a public sewer, a copy of the approval notice of the sewerage undertaker (Severn Trent Water) should be submitted to the LPA as part of the Discharge of Conditions application.³ If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-andplanning/planning/leicestershire-highway-design-guide>.
3. If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
4. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-andplanning/>.

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Planning Committee 22 January 2019
Report of the Interim Head of Planning

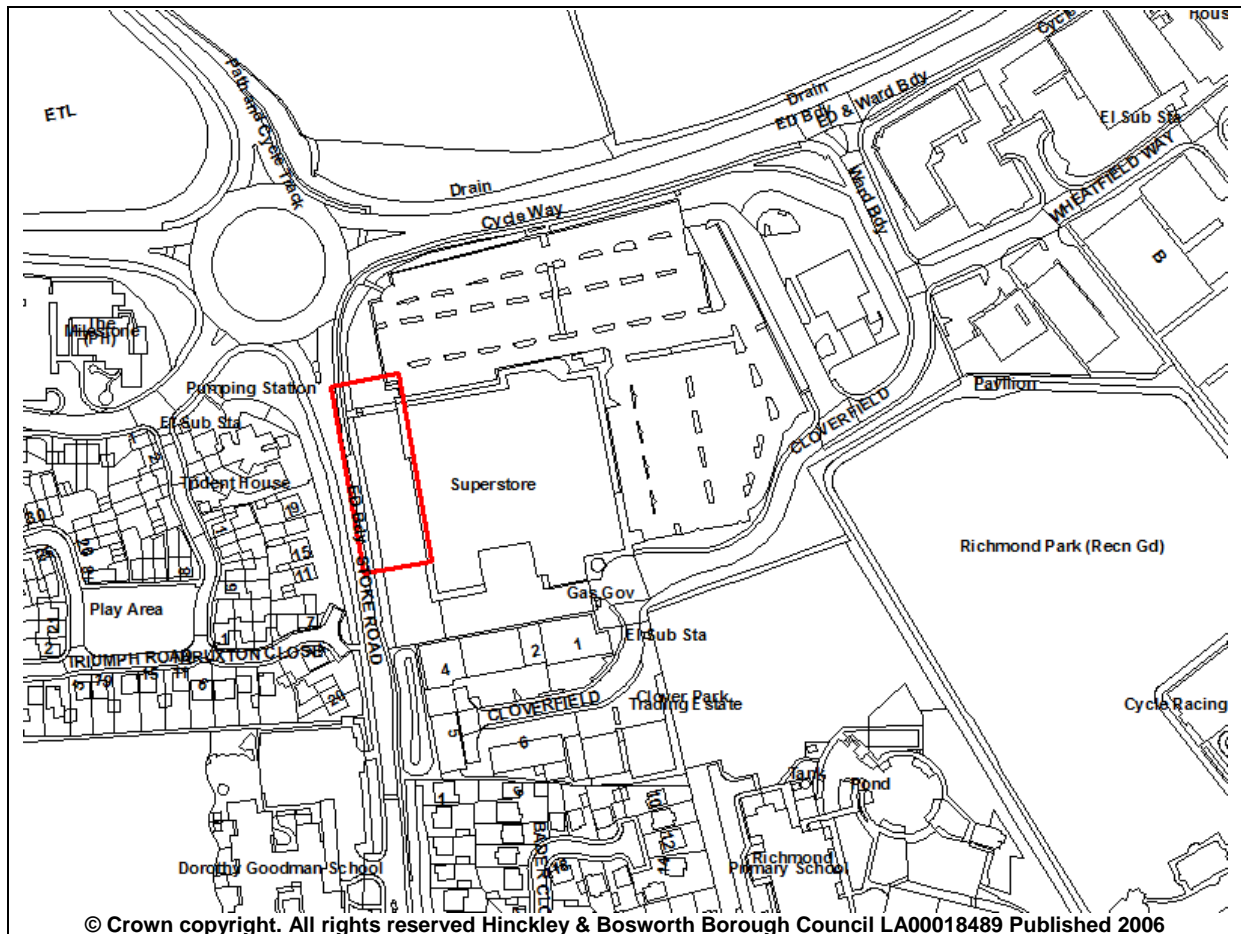


Hinckley & Bosworth
Borough Council

Planning Ref: 17/00538/FUL
Applicant: Mr Oliver Rebeiro
Ward: Hinckley Trinity

Site: Morrisons 2 Cloverfield Hinckley

Proposal: Creation of second vehicular exit onto Stoke Road



1. This application was taken to a previous Planning Committee on 20 November 2018. The previous report and accompanying late items are attached to this report as Appendix A and B.
2. Notwithstanding the officer's recommendation that permission be granted, members had reservations regarding the proposed exit which allowed for both a left and right turn exit out of the site and the subsequent impact on highway safety. The application was therefore deferred to allow officers to discuss with the applicants their willingness to consider providing a left turn only exit.
3. Amended plans have now been submitted indicating that the proposed exit is to be left turn only, allowing vehicles to exit the Superstore heading southwards on Stoke Road only, towards Hinckley town centre.

4. A full reconsultation with neighbours and Leicestershire County Council Highways was undertaken. As a result of the consultation, two further letters of objection have been received raising the following additional concerns:-
 - Despite left turn only, how to prevent vehicles turning right
 - Movement of 30mph speed limit will not stop vehicles travelling fast along Stoke Road from the roundabout
 - A future application may still be submitted for a right turn exit
 - The amended angle of exit does not allow appropriate visibility
 - A pedestrian crossing should be provided
5. The kerb radius of the exit has been altered to force vehicles to turn left only and 'no right turn' signs would be provided at the exit point.
6. The location and width of the proposed exit road has not changed. However the egress would be single file, measuring 3.5 metres in width with hashed markings either side in case of a vehicle breaking down.
7. The proposed pedestrian access and retaining wall has not been altered as part of these amendments. No additional trees are to be lost and the landscaping is to remain as previously proposed.
8. In respect of the highways impacts of the proposed amendments, LCC Highways are yet to submit a formal response and their comments will be reported to members in the late items. Notwithstanding this, the appropriate visibility splays have been indicated and as a result of the previously submitted traffic surveys and road safety audit, it is considered that the residual cumulative impacts of the development can be mitigated and are not considered severe.
9. Concerns have been raised regarding the beginning of the 30 mph zone being amended and the provision of a new pedestrian crossing. The 30mph speed limit is not being moved through this application and Leicestershire County Council have advised that a new pedestrian crossing is to be constructed later this year adjacent to the existing Dorothy Goodman School, however this project is not connected to this planning application. In response to concerns raised regarding any future submission of an application to allow vehicles to turn right, as always such an application would be considered on its own merits.
10. Following the submission of amended plans to address issues identified at the previous Planning Committee meeting, the recommendations to Planning Committee do not alter from those identified in the previous report to committee and the proposal is considered acceptable in planning terms and recommended for approval subject to conditions, amended from the previous report to refer to the amended plans submitted.
11. **Grant planning permission** subject to:
 - Planning conditions outlined at the end of this report.That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

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:

Location of Proposed Egress drg. no. LOC/006
received by the Local Planning Authority on 31 May 2017

Proposed Access Arrangement & Long Section drg. no. DE/100/005
Visibility Splay Plan drg. no. SKH/002
Tree Protection Plan drg. no. TPP01 Rev. B
Landscape Proposals drg. no. LL01 Rev. C
received by the Local Planning Authority on 20 December 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. No development shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the boundary wall hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

4. The hard and soft landscaping scheme shall be carried out in accordance with the approved Landscape Proposals drg. no. LL01 Rev. C received by the Local Planning Authority on 20 December 2018. All hard landscaping, planting, seeding or turfing shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

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

5. No demolition/development shall take place/commence until trees T2, T3, T4, T5 and Tree Group G1, identified on the submitted Tree Protection Plan drg. no. TPP01 Rev. B received by the Local Planning Authority on 20 December 2018, have been protected by the erection of temporary protective fences in accordance with the details included within the submitted Tree Protection Plan drg. no. TPP01 Rev. B received by the Local Planning Authority on 20 December 2018 and as shown on the approved submitted Tree Protection Plan drg. no. TPP01 Rev. B received by the Local Planning Authority on 20 December 2018. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5 cm or more shall be left unsevered.

Reason: The trees are important features in the area and to ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

6. Notwithstanding the submitted details, prior to commencement of development, full details of a scheme for the disposal of surface water, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and completed before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of surface water drainage to prevent flooding and minimise the risk of surface water being deposited in the highway network in the interests of highway safety in accordance with Policies DM7 and DM17 of the Site Allocations and Development Management Policies Development Plan Document.

7. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area 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.

APPENDIX A

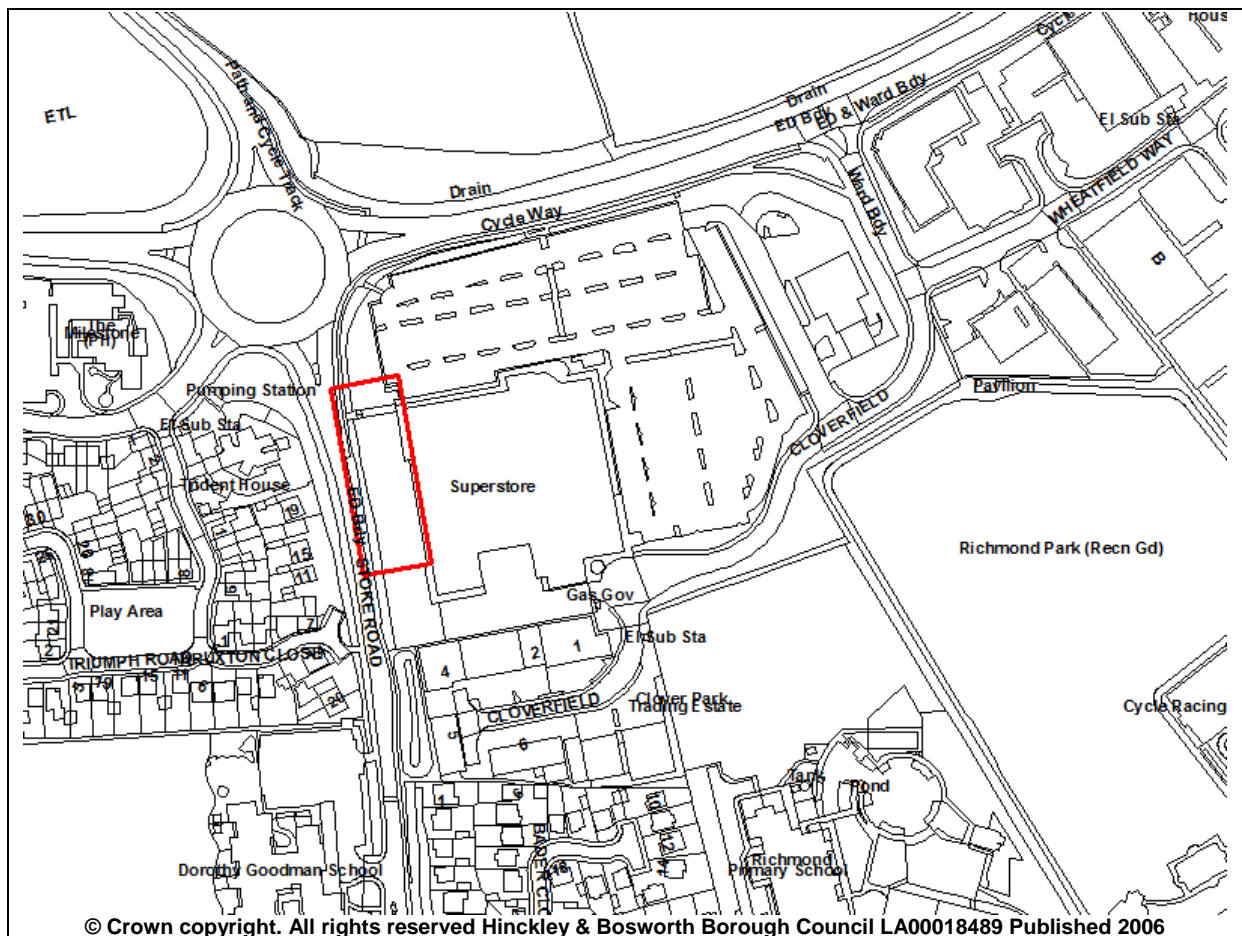
Planning Committee 20 November 2018
Report of the Interim Head of Planning

Planning Ref: 17/00538/FUL
Applicant: Mr Oliver Rebeiro
Ward: Hinckley Trinity



Hinckley & Bosworth
Borough Council

Site: **Morrisons 2 Cloverfield Hinckley**
Proposal: **Creation of second vehicular exit onto Stoke Road**



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 creation of a second vehicular exit onto Stoke Road, Hinckley to serve the existing Morrisons Superstore.

2.2. Currently all vehicles exit the superstore via the existing Cloverfield/Normandy Way junction which is a left turn only. The proposed alterations sought by this permission

would provide a two lane vehicle exit onto Stoke Road, allowing vehicles to turn both left and right. Three car parking spaces are to be lost by the proposed development.

- 2.3. Amended plans, arboricultural surveys, additional transport assessments, road safety audits and traffic modelling data have been submitted during the course of the application.

3. **Description of the Site and Surrounding Area**

- 3.1. The existing site comprises of Morrisons supermarket including a garden centre and petrol station, and the associated car park serving the premises. The premises is located on the corner of Stoke Road and Normandy Way (A47), and the corner of Cloverfield and Normandy Way (A47). The proposed access would be located on Stoke Road at a point where it is a 40 mph speed limit.
- 3.2. The location of the proposed access is currently covered by dense hedgerow and shrubbery. The store is located significantly higher than Stoke Road with land levels dropping to the west.
- 3.3. To the west of the site opposite the proposed access are the residential dwellings of Thruxton Close. To the north of the site, over Normandy Way (A47) are open fields.

4. **Relevant Planning History**

91/00447/4	Erection of retail food store petrol filling station and associated works	Permission	25.06.1991
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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.
- 5.2. Objections received from six separate addresses raising the following concerns:-
- 1) Impact upon highway and pedestrian safety
 - 2) Speed of traffic greater than the submitted survey
 - 3) A large number of existing exits onto Stoke Road already, thus potential to cause a cumulative impact
 - 4) Existing access on Cloverfield should be upgraded instead
 - 5) Time limit in the car park should be introduced to deter additional parking from adjacent businesses
 - 6) Increase in noise and pollution from additional vehicle movements
 - 7) Existing anti-social behaviour within the car parking could be increased by a through route
 - 8) Devaluation of adjacent properties
 - 9) Lack of public consultation
- 5.3. In addition to the above, a petition has been received with 47 signatures regarding concerns surrounding impact upon highway and pedestrian safety.

6. **Consultation**

- 6.1. Leicestershire County Council Highways department have no objections subject to conditions.
- 6.2. HBBC Arboricultural Officer has no objections.
- 6.3. Concerns raised by Councillor D Bill and Councillor D Cope in respect of upgrading the existing access instead and the potential impact upon highway and pedestrian safety from the proposed exit.

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM22: Vitalising District, Local and Neighbourhood Centres

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- 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. The proposed exit is to serve the existing retail food store, within the settlement boundary of Hinckley. Hinckley is identified as a sub-regional centre in Policy 1 of the Core Strategy and is therefore a sustainable location for development. The application site is an allocated local centre within the Site Allocations and Development Management Policies DPD (SADMP) (HIN190L). Given it is to be used in conjunction with the existing retail store, the provision of a new vehicular exit would support the existing Local Centre. As such, the proposed development is considered acceptable in principle subject to all other material planning considerations being addressed.

Design and impact upon the character of the area

- 8.3. Policy DM10 of the 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.
- 8.4. This application seeks full planning permission for the creation of a second vehicular exit to serve the existing Morrisons superstore. Existing low level shrubbery and trees are currently located to the side of the existing building, separating the site from Stoke Road. A large ash tree (T1) is located immediately adjacent Stoke Road and a number of other ash trees are located next to the existing car park serving the store (T2-T5).
- 8.5. The development would result in the loss of part of the existing group and also the ash tree (T1) located on the highway boundary. It should be noted that both the group (G1) and T1 have been identified as category B, with the ash tree (T1) below the expected vitality of this species.

- 8.6. Although the loss of part of the shrubbery would open up the visual appearance of the building, the development would not result in any significant built form, with only the provision of an access road and a 1.5 metre high boundary wall. A mix of shrub and tree planting is proposed between the exit road and Stoke Road, ensuring that the green nature of the existing site is retained as much as possible. In addition, the trees adjacent to the existing car park are to be retained, ensuring the limited views of the superstore from the A47 roundabout is continued.
- 8.7. A lime tree is proposed to the south of the exit, replacing the existing ash tree (T1). Overall, it is not considered that the loss of the small part of the existing shrubbery as well as the significant landscaping proposed would adversely alter the character of the surrounding area.
- 8.8. The levels of the exit drive would gradually fall from north to south, reflecting that of the existing drop in levels. Details regarding the materials of the boundary wall are to be submitted prior to commencement of works to ensure the wall is not out of character with the surrounding area.
- 8.9. Overall, given the built up nature of the surrounding area, the loss of only a small section of category B shrubbery and the substantial replacement planting would ensure the development would not adversely impact upon the character of the area, in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.10. Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.11. The proposed development would result in additional vehicles movements accessing Stoke Road from the proposed development. The nearest residential properties are located opposite the application site on Thruxton Close. These properties are approximately 15 metres away from the exit, separated by the existing Stoke Road and a mature line of trees. These properties also have their rear gardens on the west side of their house, thus further away from the superstore.
- 8.12. Given the separation distances, existing tree line and the existing vehicle movements from Stoke Road and Normandy Way, it is not considered that there would be a significant intensification of noise from the vehicles using the proposed exit.
- 8.13. As such, the proposed development would not result in any adverse impacts upon residential amenity from the development and would be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.14. 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. Paragraph 109 of the NPPF states that a safe and suitable access to sites should be achieved and that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.
- 8.15. A Transport Assessment was originally submitted with the application. Following a number of consultations with LCC Highways, traffic modelling information, an independent Road Safety Audit (RSA), revised access drawing and an updated Transport Assessment have been submitted in support of the application.

- 8.16. These documents indicate that the proposed vehicular exit would have adequate width and visibility at its junction with Stoke Road and would not result in severe cumulative impacts upon the highway network.
- 8.17. Stoke Road is a classified road subject to a 40 mph speed limit. The proposed exit would be located approximately 60 metres from the A47 roundabout. The exit road would have two lanes, one for vehicles turning left towards Hinckley and one for vehicles turning right towards the roundabout. Visibility splays have been shown of 120 metres to the south and 100 metres to the north. The development would result in the loss of three car parking spaces serving the existing store.
- 8.18. This application has been submitted in order to try and address an existing problem that the store currently has, in respect of a large volume of vehicles leaving the existing store at peak PM times and the associated disruption this causes.
- 8.19. The submitted access plan is considered acceptable in terms of geometry and visibility, in relation to the site and the existing Stoke Road.
- 8.20. The independent RSA submitted not only assessed vehicles but included the safety of pedestrians and school children, especially given the proximity to a number of schools. The independent RSA concluded that the proposed scheme would not have any negative impact upon the safety of local school children and as such LCC Highways does not consider that a reason for objection could be sustained on safety grounds.
- 8.21. Concerns have also arisen with regards to the impact of the egress traffic on the local highway network, including the adjacent Normandy Way roundabout. Detailed local traffic modelling has been submitted with the application which shows some impact at this roundabout and on the rest of the network, however it does not show a severe impact.
- 8.22. It should also be highlighted that there would be a reduction of approximately 157 vehicles using the roundabout in Friday PM peak as a result of vehicles turning left, southwards along Stoke Road. As such, the proposed development would also help the free-flow of traffic on the main through route of Normandy Way.
- 8.23. The only changes to the car park area are the removal of 3 parking bays. It is considered that the remaining car park is of a significant size to adequately serve the store and the loss of these three spaces would not have a detriment to highway safety.
- 8.24. The additional details submitted have satisfied the previous outstanding concerns of LCC Highways with regards to the geometry of the access, its safety, and the impact on the surrounding highway network.
- 8.25. As the submitted details are now in accordance with design standards, LCC Highways do not seek to resist the application.
- 8.26. Overall it is considered that the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with paragraph 109 of the NPPF and would be in accordance with Policies DM17 and DM18 of the SADMP.

Other issues

- 8.27. Concerns have arisen regarding existing anti-social behaviour within the car park and the surrounding area and the devaluation of adjacent residential properties. However there are no known issues of anti social behaviour in the area and the decrease in neighbouring properties value is not a material planning consideration in the determination of this application
- 8.28. Comments have been received by the lack of public consultation during the course of the application. A site notice was placed in the vicinity of the site and all adjoining

neighbouring properties were consulted, as per the regulations of the Procedure Order.

9. Equality Implications

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

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

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

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

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

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

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

10. Conclusion

10.1. The proposed development would be in conjunction with the existing superstore which is part of an allocated Local Centre. As such, and as a result of the location within the settlement boundary of Hinckley, the proposed development is considered acceptable in principle.

10.2. The proposed development is not considered to result in any adverse impacts upon the character of the area or residential amenity nor a severe impact upon highway or pedestrian safety.

10.3. The application is therefore considered to be in accordance with Policy 1 of the Core Strategy and Policies DM1, DM10, DM17, DM18 and DM22 of the SADMP 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 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:

Location of Proposed Egress drg. no. LOC/006
received by the Local Planning Authority on 31 May 2017

Proposed Access Arrangement & Long Section drg. no. DE/100/001 Rev. B
received by the Local Planning Authority on 18 October 2018

Visibility Splay Plan drg. no. SKH/001 Rev. A
received by the Local Planning Authority on 19 October 2018

Tree Protection Plan drg. no. TPP01 Rev. A
Landscape Proposals drg. no. LL01 Rev. B
received by the Local Planning Authority on 22 October 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. No development shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the boundary wall hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

4. The hard and soft landscaping scheme shall be carried out in accordance with the approved Landscape Proposals drg. no. LL01 Rev. B received by the Local Planning Authority on 22 October 2018. All hard landscaping, planting, seeding or turfing shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

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

5. No demolition/development shall take place/commence until trees T2, T3, T4, T5 and Tree Group G1, identified on the submitted Tree Protection Plan drg. no. TPP01 Rev. A received by the Local Planning Authority on 22 October 2018, have been protected by the erection of temporary protective fences in accordance with the details included within the submitted Tree Protection Plan drg. no. TPP01 Rev. A received by the Local Planning Authority on 22 October 2018 and as shown on the approved submitted Tree Protection Plan drg. no. TPP01 Rev. A received by the Local Planning Authority on 22 October 2018. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Within the areas agreed to be protected, the existing ground level shall be neither raised nor lowered and no materials or temporary building or surplus soil shall be placed or stored there. If any trenches are required in the protected areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5 cm or more shall be left unsevered.

Reason: The trees are important features in the area and to ensure that the development has a satisfactory appearance in the interests of visual amenity

to accord with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

6. Notwithstanding the submitted details, prior to commencement of development, full details of a scheme for the disposal of surface water, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and completed before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of surface water drainage to prevent flooding and minimise the risk of surface water being deposited in the highway network in the interests of highway safety in accordance with Policies DM7 and DM17 of the Site Allocations and Development Management Policies Development Plan Document.

7. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area 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.

11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.

APPENDIX B

ITEM 10

17/00538/FUL

Morrison Supermarkets PLC

Site:- Morrisons, 2 Cloverfield, Hinckley

Proposal:- Creation of second vehicular exit onto Stoke Road

Consultations:-

Four additional neighbour letters have been received raising the additional following comments which have not been raised previously:-

- 1) Four schools already in the vicinity of the site with the potential to cause impact upon pedestrian safety
- 2) Visual and vibration effects from vehicles upon adjacent properties
- 3) Significant loss of trees and associated habitats

The petition that has been submitted previously has also been resubmitted on 12 November 2018 as well as a copy of the notes from the residents meeting that was held on Wednesday 12 July 2017. Both raise concerns regarding highway and pedestrian safety.

Concerns have also been raised by Councillor Bill in respect of the potential impact upon highway and pedestrian safety

Appraisal:-

It should be noted that the submitted Road Safety Audit specifically took into account the safety of pedestrian and school children and the traffic modelling analysed the impact of the site traffic on the wider highway network. The modelling that the Applicant has undertaken has been assessed by the LHA to be sufficient to show that there would not be a severe impact on the local network.

It is not considered that there would be significant vibration effects that would have a detrimental impact upon the amenity of adjacent properties and loss of view is not a material planning consideration.

The loss of the trees have been assessed within the committee extract and given the existing scrub nature of the land, it is not considered that the development would result in significant adverse impacts upon protected species. Notwithstanding this, licenses are in place from Natural England which prevent the loss or disturbance on wildlife habitats.

Recommendation:-

The recommendations to committee have not changed from the original report.

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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 11.01.19

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	Appeal Valid	DATES
	AC	18/00783/HOU (PINS Ref 3219265)	WR	Mr Andrew McGarrick 22 Beechwood Avenue Burbage	Welbeck 22 Beechwood Avenue Burbage (Raising of roof and two storey front extension to form two storey dwelling and single storey side extension (re-submission of 18/00206/HOU))	Appeal Valid Awaiting Start Date	02.01.19
	RW	18/00378/FUL (PINS Ref 3218996)	IH	Mr John Hitchcock 2 Rectory Lane Market Bosworth	Land Between 3-15 Shenton Lane Market Bosworth (Erection of one dwelling and associated access (Re-submitted scheme))	Appeal Valid Awaiting Start Date	31.12.18
	JB	18/00732/FUL (PINS ref 3218401)	IH	Statue Homes Limited The Old House Farm Sutton Lane Cadeby Nuneaton	Kyngs Golf And Country Club Station Road Market Bosworth (Erection of multi-functional recreational building formation of a new car parking areas, new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping (Resubmission))	Appeal Valid Awaiting Start Date	02.01.19
18/00051/PP	AC	18/00915/FUL (PINS Ref 3216750)	WR	c/o Agent 15 Ratby Road Groby	15 Ratby Road Groby (Change of use from retail shop (A1) to referral veterinary clinic (D1))	Start Date Final Comments	05.12.18 23.01.19

18/00053/PP	RW	18/00642/FUL	WR	Mr Graham Penney The Oaks Lodges Stapleton Lane Kirkby Mallory	The Oaks Lodges Stapleton Lane Kirkby Mallory (Change of use of bed and breakfast accommodation (Use Class C1) with extensions and alterations to form a residential dwelling (Use Class C3))	Start Date Statement of Case Final Comments	11.12.18 15.01.19 29.01.19
18/00048/FTPP	SP	18/00717/HOU (PINS Ref 3213956)	WR	Miss Rebekah Goldson 21 Brookside Barlestone	21 Brookside Barlestone (Two storey side extension)	Start Date Awaiting Decision	30.11.18
18/00052/PP	AC	18/00624/OUT (PINS Ref 3213307)	WR	Mr W Richardson 295 Main Street Barlestone	295 Main Street Stanton Under Bardon Coalville (Erection of one dwelling (outline - access only))	Start Date Statement of Case Final Comments	11.12.18 15.01.19 29.01.19
18/00047/PP	AC	18/00156/FUL (PINS REF 3213146)	WR	Mr Peter Hunt Apex Homes 16A Cadle Close Stoney Stanton	Land To The Rear Of 19 De La Bere Crescent Burbage Hinckley (Erection of new dwelling (resubmission of 17/01138/FUL))	Start Date Awaiting Decision	09.11.18
18/00050/PP	RW	17/01268/FUL (PINS Ref 3210717)	WR	Miss Anna Vaughan Mobile Home Meadow Barn Shenton Lane Upton	Meadow Barn Shenton Lane Upton (Removal of two mobile homes and residential storage barn and erection of dwelling)	Start Date Final Comments	03.12.18 21.01.19
18/00043/PP	AC	18/00160/OUT (PINS Ref 3208803)	WR	Mr Jon Wetton 154 Wolvey Road Burbage	154 Wolvey Road Burbage (Erection of a dwelling and creation of an access to serve No. 154 (outline - all matters reserved) (resubmission of 17/01135/OUT))	Start Date Awaiting Decision	17.09.18
		18/00165/UNBLDS (PINS Ref 3209195)	PI	Mr Nigel Salt Salt Construction Limited 304 Leicester Road Wigston	Land South Cadeby Hall Main Street Cadeby (Unauthorised erection of a dwelling)	Appeal Valid Awaiting Start Date	13.09.18
		16/00277/UNUSES (PINS Ref 3206296)	WR	Mr F Tailor Oldlands Fenns Lane Dadlington	Oldlands Fenn Lanes Dadlington	Appeal Valid Awaiting Start Date	09.08.18

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 Awaiting Decision	16.05.18
18/00016/FTTREE	CJ	18/00211/TPO (PINS Ref 6767)	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

Decisions Received

18/00044/PP	HK	17/00765/FUL (PINS Ref 3203971)	WR	Orbit Group Ltd	The Big Pit Land to the rear of 44 - 78 Ashby Road Hinckley (Erection of 60 dwellings including engineering infill operation and associated works)	ALLOWED	10.01.19
18/00036/PP	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)	DISMISSED	21.12.18
18/00045/RPAGDO	EC	18/00343/CQGDO (PINS Ref 3210268)	WR	Mr Martyn Taylor 55 Foxs Covert Fenny Drayton	Cotton View Bosworth Road Wellsborough (Prior Approval for change of use of an existing agricultural building to a dwelling (C3) and associated building operations)	ALLOWED	19.12.18

Appeal Decisions - 1 April - 11 January 2019

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
41	12	28	1	0	10	1	27	1	0	2	0	0	0

Enforcement Appeal Decisions

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