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

Date: 12 August 2019



**Hinckley & Bosworth
Borough Council**

To: Members of the Planning Committee

Mrs MJ Crooks (Chairman)	Mr A Furlong
Mr DJ Findlay (Vice-Chairman)	Mr SM Gibbens
Mrs CM Allen	Mr E Hollick
Mr RG Allen	Mr KWP Lynch
Mr CW Boothby	Mrs LJ Mullaney
Mr MB Cartwright	Mr RB Roberts
Mr DS Cope	Mrs H Smith
Mr WJ Crooks	Mr BR Walker
Mr REH Flemming	

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, 20 AUGUST 2019 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

Rebecca Owen
Democratic Services Manager

Fire Evacuation Procedures

- 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

At HBBC we are open and transparent about how we make decisions. We allow recording, filming and photography at all public meetings including Council, the Executive and Planning Committee as long as doing so does not disturb or disrupt the proceedings. There may occasionally be some reports that are discussed in private session where legislation requires this to happen, but this is infrequent.

We also allow the use of social media during meetings, which helps to bring the issues discussed to a wider audience.

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 so we can discuss how we may accommodate you at the meeting.

Use of mobile phones

To minimise disturbance to others attending the meeting, please switch off your phone or other mobile device or turn it onto silent or vibrate mode.

Thank you

PLANNING COMMITTEE - 20 AUGUST 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 23 July 2019.

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. 19/00452/FUL - 83-103 CHURCH STREET, BURBAGE (Pages 5 - 18)

Application for change of use of part of existing retail unit to drinking establishment (use class A4).

8. 18/01288/FUL - THE BULLS HEAD, 88 MAIN STREET, NAILSTONE (Pages 19 - 32)

Application for erection of six dwellings and alterations to the existing public house.

9. 19/00252/FUL - 5 WHARF YARD, HINCKLEY (Pages 33 - 44)

Application for erection of 14 apartments (revised scheme).

10. 19/00625/DEEM - AMBION COURT, SOUTHFIELD WAY, MARKET BOSWORTH (Pages 45 - 60)

Application for demolition of the existing sheltered flats and the construction of 24 sheltered flats (for over 60s) and three bungalows with associated car parking and landscaping.

11. 19/00573/FUL - LAND REAR OF 125 - 131 LUTTERWORTH ROAD, BURBAGE (Pages 61 - 72)

Application for conversion of existing building to residential (C3) use and single storey extension to side.

12. APPEALS PROGRESS (Pages 73 - 76)

To report on progress relating to various appeals.

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

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

23 JULY 2019 AT 6.30 PM

PRESENT: Mrs MJ Crooks - Chairman
Mr DJ Findlay – Vice-Chairman
Mrs CM Allen, Mr RG Allen, Mr CW Boothby, Mr MB Cartwright, Mr DS Cope,
Mr WJ Crooks, Mr REH Flemming, Mr A Furlong, Mr E Hollick, Mr KWP Lynch,
Mrs LJ Mullaney, Mr K Nichols (for Mr SM Gibbens), Mrs H Smith and Mr BR Walker

Also in attendance: Councillor DC Bill MBE, Councillor R Webber-Jones and Councillor P Williams

Officers in attendance: Farzana Akhtar, Jenny Brader, Rhiannon Hill, Rebecca Owen and Nicola Smith

86 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Gibbens and Roberts, with the substitution of Cllr Nichols for Cllr Gibbens authorised in accordance with council procedure rule 10.

87 MINUTES

It was moved by Councillor Cartwright, seconded by Councillor Allen and

RESOLVED – the minutes of the meeting held on 25 June be confirmed and signed by the chairman.

88 DECLARATIONS OF INTEREST

Councillor C Allen and Councillor R Allen declared a personal interest in application 19/00611/HOU as members of Earl Shilton Town Council Planning Committee which had given consideration to this application.

Councillors Lynch and Walker declared a personal interest in application 19/00452/FUL as members of Burbage Parish Council Planning Committee which had given consideration to this application.

89 DECISIONS DELEGATED AT PREVIOUS MEETING

Two applications considered at the previous meeting had been “minded to refuse” and were on the agenda for this meeting. The decision on application 19/00413/FUL had been issued.

90 19/00452/FUL - 83-103 CHURCH STREET, BURBAGE

Application for change of use of existing retail unit to drinking establishment (use class A4).

Councillor R Allen, seconded by Councillor Furlong, proposed that permission be granted subject to the conditions contained in the officer's report. Upon being put to the vote, the motion was LOST.

Councillor Flemming, seconded by Councillor Walker, proposed that permission be refused. The meeting adjourned at 7.02pm for Councillors Flemming and Walker to prepare their reasons for refusal.

Upon reconvening at 7.08pm, Councillor Flemming, with the support of Councillor Walker, withdrew his motion.

Councillor Flemming, seconded by Councillor Walker proposed that the application be deferred to allow further consideration of the concerns around pedestrian safety. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the application be deferred.

91 18/01252/OUT - LAND EAST OF PECKLETON LANE, DESFORD

Application for residential development up to 80 dwellings with associated works (outline – access only).

Notwithstanding the officer recommendation that permission be granted, some members felt that the proposal was inappropriate. It was moved by Councillor Cartwright that permission be refused due to the impact on the intrinsic value and character of the countryside and harm to the countryside outweighing benefits of the development contrary to policy DM4; not being sensitive to the setting and therefore contrary to policy DM9 and being in a dangerous location in terms of highways and therefore contrary to policy DM17.

Following advice from officers, Councillor Cartwright withdrew policies DM9 and DM17 as reasons for refusal although wished it to be noted that he had concerns about highway safety.

Councillor Furlong proposed that the application be deferred pending making of the Desford Neighbourhood Development Plan. Following advice from officers, he withdrew his motion.

Councillor Furlong then seconded Councillor Cartwright's motion for refusal.

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

RESOLVED – permission be refused due to the impact on the intrinsic value and character of the countryside and the harm to the countryside outweighing benefits of the development contrary to policy DM4.

92 19/00149/OUT - LAND OPPOSITE BOSWORTH COLLEGE, LEICESTER LANE, DESFORD

Application for residential development of up to 80 dwellings and associated works (outline – access only).

It was moved by Councillor Cartwright that permission be granted subject to the conditions in the officer's report. The motion was not seconded at this stage.

It was moved by Councillor R Allen and seconded by Councillor Boothby that permission be refused due to being contrary to policy DM4.

Councillor Walker then seconded Councillor Cartwright's motion to grant permission.

The chairman requested an adjournment to seek procedural advice and the meeting adjourned at 7.45pm and reconvened at 7.50pm.

As the first valid motion, Councillor Allen's motion was put to the vote and subsequently LOST.

Councillor Cartwright's motion was put to the vote and CARRIED and it was therefore

RESOLVED – permission be granted subject to:

- (i) The prior completion of a S106 agreement to secure the following obligations:
 - a. £640,098 towards education
 - b. £184,785 towards provision and maintenance of play and open space
 - c. 40% affordable housing provision on-site with a mix of 75% social or affordable rent and 25% intermediate tenure and a mix of 66% of the rented accommodation to be two-bedroomed houses and a remainder as a mix of one-bedroomed accommodation. The intermediate tenure should be a mix of two and three bedroomed houses
 - d. £51,840 health care provision at Desford and Ratby surgeries
 - e. Suitable highways mitigation including:
 - Travel packs at a cost of £52.85 per pack
 - Six month bus passes, two per dwelling at £360 per pass
 - Residential travel plan monitoring fee of £6,000
 - Travel plan co-ordinator
 - f. £3,962 towards civic amenity at Barwell
 - g. £2,410 for library services at Desford library
 - h. Provision of footpath links across Barns Way
- (ii) The conditions contained in the officer's report.

93 19/00611/HOU - 120 HINCKLEY ROAD, EARL SHILTON

Application for a detached garage.

Whilst generally in support of the application, concern was expressed about the size of the garage. It was moved by Councillor Allen and seconded by Councillor Cartwright that a condition be added to restrict the use to that ancillary to the domestic use of the home and not for commercial purposes.

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

RESOLVED – permission be granted subject to the conditions contained in the officer's report and an additional condition to prevent commercial use.

94 APPEALS PROGRESS

Members gave consideration to a report on progress in relation to various appeals. It was moved by Councillor Crooks, seconded by Councillor Cartwright and

RESOLVED – the report be noted.

(The Meeting closed at 8.12 pm)

CHAIRMAN

**Planning Committee 20 August 2019
Report of the Planning Manager**

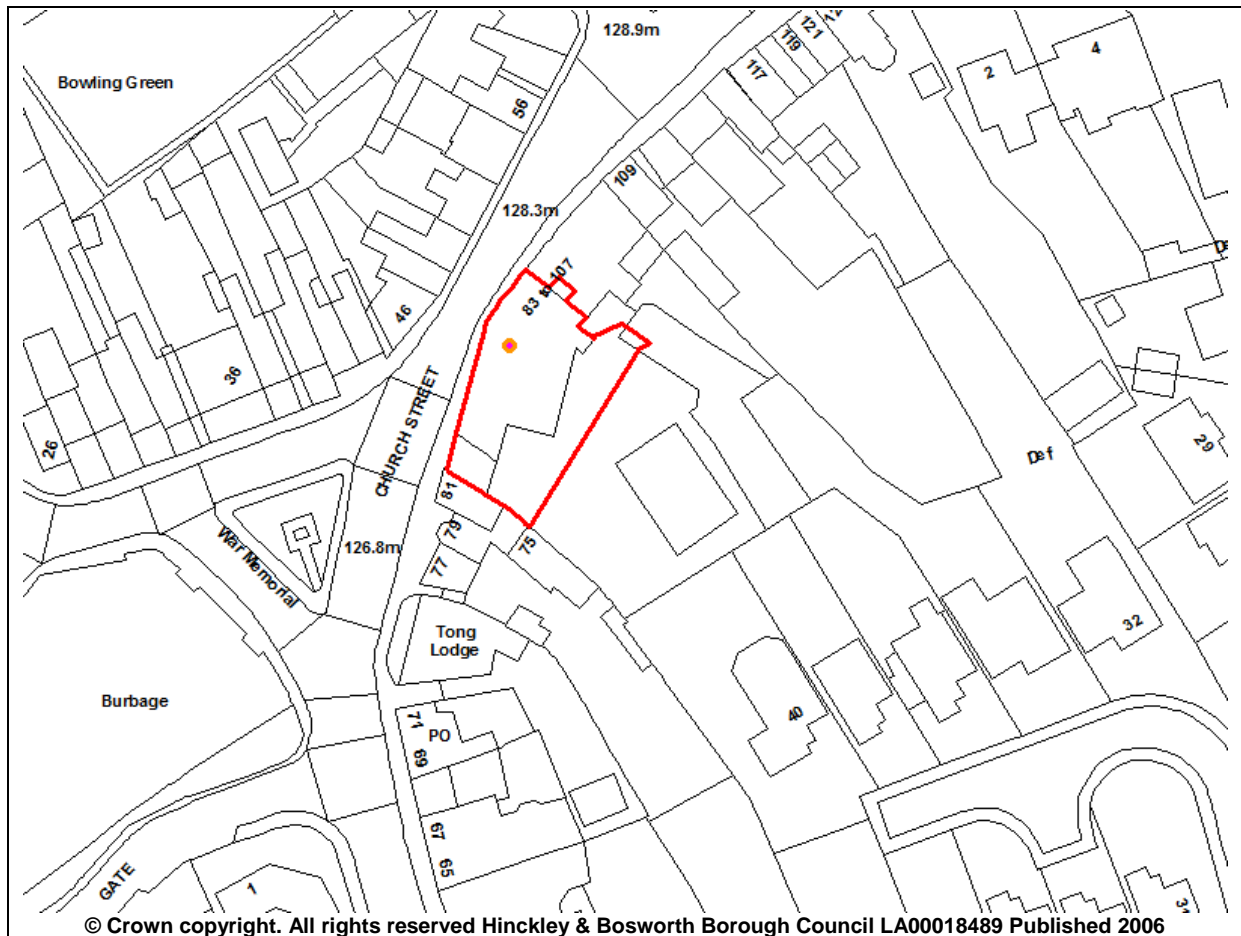
Planning Ref: 19/00452/FUL
Applicant: Mr Timothy Arnold
Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: 83 - 103 Church Street Burbage Hinckley

Proposal: Change of use of part of existing retail unit to drinking establishment
(Use Class A4)



1. This application was taken to the previous Planning Committee on the 23 July 2019. The previous report is attached to this report as Appendix A.
2. Concerns were raised regarding pedestrian safety given the width of the existing footpath, outside of the application premises and potential for indiscriminate parking. Therefore, notwithstanding the officer's recommendation that permission be granted, members deferred the application for further comment from LCC (Highways).
3. Since the Planning Committee meeting on 23 July 2019, the Council has received additional comment from the Highway Authority. LCC (Highways) have confirmed that as the site is surrounded by a number of Traffic Regulation Orders (TROs), the likelihood of inappropriate parking is reduced.

Further to this LCC (Highways) agree that the A4 use is likely to generate less potential for indiscriminate parking than the permitted take-away (A5) use.

4. The response received from LCC (Highways) confirms that the situation is existing and it is not possible to increase the footway width without reducing carriageway widths. Widening the footway in this area may impede free flowing traffic and it is also likely to impede larger vehicles which could lead to kerb mounting. Therefore, there is no scope for widening the footway. The Highway Authority checked Personal Injury Collision data and found no record of incidents in the last 5 years.
5. The application proposal has not been altered, given the comments above, the recommendations to Planning Committee do not alter from those identified in the previous report and the proposal is considered acceptable in planning terms and recommended for approval subject to the conditions contained in the previous report attached at appendix A.

APPENDIX A

Planning Committee 23 July 2019
Report of the Planning Manager

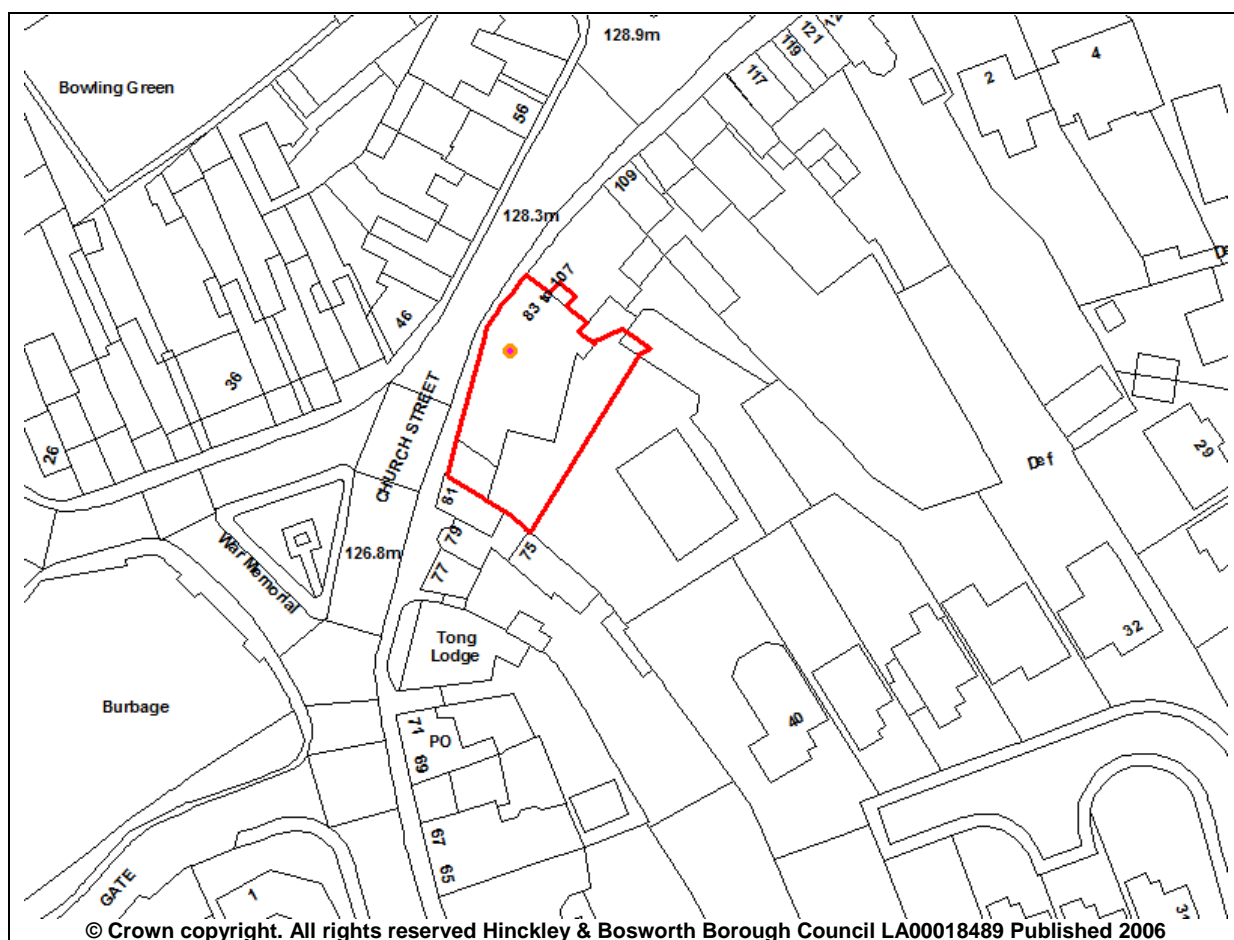
Planning Ref: 19/00452/FUL
Applicant: Mr Timothy Arnold
Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: 83 - 103 Church Street Burbage

Proposal: Change of use of part of existing retail unit to drinking establishment
(Use Class A4)



1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application seeks the change of use of part of the existing ground floor retail use to use as a drinking establishment under use class A4 which includes public houses, wine bars or other drinking establishments (but not night clubs) including drinking establishments with expanded food provision under use class A4. Planning permission ref: 16/00885/FUL included the application unit and this permission has

been lawfully commenced. That permission approved the change of use of part of the retail unit to either a retail unit (class A1) or use as a hot food takeaway (class A5). As such there is an extant planning permission in place on this part of the ground floor retail unit for its change of use to a hot food takeaway (A5) and this permission can be implemented at any time.

- 2.2. Minimal alterations are proposed to the elevations of the application unit. The existing powder coated aluminium glazed shopfront and door would continue to form the main entrance into the building with the door remaining inward opening. The blocked up window on the front elevation would be replaced with a new powder coated aluminium window which would have a top opening window pane. The rear elevation would remain unaltered with the exception of a need for extract ducts if hot food is to be served on the premises. Access to the parking, situated at the rear of the site, would remain through an existing archway from Church Street. One car parking space is shown to be allocated for the application unit. An enclosed bin/empty cask store would be located to the rear of the site.
- 2.3. Internally, the application unit comprises some 70m² of floor space and is intended to have a capacity of circa 60 people. There would be a serving bar along with a small kitchen created to the rear of the premises. An existing cold room, immediately behind the bar serving area would be used as a Beer Cellar. There would be two toilets along with an existing cellar located underneath the toilets to be used as a storage area.

3. Description of the Site and Surrounding Area

- 3.1. The application unit is located within the settlement boundary and Conservation Area of Burbage. Forming the centre unit of the former Co-Op Store between the Dental Practice and the Funeral Directors, it is understood that the whole site is still owned by the Co-op and the application unit would be let as a commercial premises.
- 3.2. The built form in the surrounding area is predominantly two storeys, with the existing building itself being two storey. The building curves round reflecting the curved nature of Church Street. Above the application unit are residential apartments at first floor level along with two storey terraced residential properties opposite the site. Indeed, the application unit lies within a neighbourhood centre as defined in the SADMP where there is a mixture of commercial and residential uses.

4. Relevant Planning History

16/00885/FUL	Change of use of part of existing retail unit to either a retail unit (A1) or hot food takeaway (A5). Change of use of office (B1) and dance studio (D2) to residential (C3) to form 5 flats. Demolition of part of outbuilding to rear and erection of a two storey side extension	Planning Permission	04.01.2017
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17/00451/CONDIT	Variation of condition 2 of planning permission 16/00885/FUL to amend front and rear facade of main building, remove extension to outbuilding and rearrange layout of rear parking area	Planning Permission	04.07.2017
09/00473/COU	Change of use to Office (B1)	Planning Permission	18.08.2009
18/00747/FUL	Conversion of existing office building to 2 flats and associated alterations to car parking and landscaping	Planning Permission	26.10.2018

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was published in the local press.
- 5.2. During the consultation period, 12 letters of objection have been received from individual addresses. These letters raise the following issues:
- 1) Noise disturbance from customers and live music
 - 2) Live music next to the funeral directors would be disrespectful
 - 3) People would stand outside on the pavement to smoke causing the obstruction of an already narrow pavement
 - 4) There are no toilet facilities in the building
 - 5) There would be pedestrian safety issues from customers leaving the bar as the footpath is very narrow (between 0.8m – 1m wide)
 - 6) Limited parking for cars and motorbikes in the area for 60+ customers
 - 7) Amenity issues from the proposed smoking area at rear of building next to residential flats and a fire escape
 - 8) There are 7 licensed premises within 650 metres of the site which generate noise complaints from live music and this proposal has already applied for a live music licence. This is a small village and not a town centre
 - 9) Anti-social behaviour would be experienced from customers and the police should be consulted on this application
 - 10) Illegal parking on double yellow lines in the area and so a car parking survey is required
 - 11) Installing opening windows at the front and having a fire door open for smokers at the rear would allow noise from live music to impact on residential properties
 - 12) Smokers would block fire exit for flats above

5.3. 52 letters of support have been received from individual addresses raising the following areas of support:

- 1) This proposal would re-use a building which is an eyesore and has been vacant for a while and does nothing to improve the appearance of the area
- 2) Burbage has already lost 2 public houses so more needed
- 3) The building will be a good place for people to enjoy craft beers and ciders
- 4) Owner already runs a public house which does not attract any anti-social behaviour and this public house has added footfall into Hinckley
- 5) This use would be a valuable part of the community
- 6) Family run award winning micro pubs should be encouraged and they attract the mature type of drinker
- 7) A relaxed and friendly environment is proposed which does not encourage heavy drinkers
- 8) The proposal would create jobs and income and would be a great addition to Burbage
- 9) Micro breweries gain support from CAMRA and small ventures should be supported in a time when public houses are in rapid decline

6. Consultation

6.1. No objection some subject to conditions from the following:

Environmental Health (Pollution) - conditions
HBBC Waste Services - condition
HBBC Conservation Officer
Leicestershire Police
Environmental Health (Drainage)

6.2. Burbage Parish Council objects to the application on the grounds of public safety. The Parish Council maintains that the pavement to the front of the premises is extremely narrow and does not allow for easy passing of pedestrians. An increase in pedestrian traffic arriving and leaving the application premises would compound this already hazardous stretch of pavement. There are also examples of indiscriminate parking in the area and evidence will be provided.

6.3. The Highway Authority refers the local planning authority to current standing advice. Although they note that the proposal could increase demand for parking in the area, they state that it is unlikely to constitute reasonable grounds to resist the proposal as there is on-street parking within the vicinity of the site which can be used by customers/visitors and restrictions to prevent indiscriminate parking within the area.

7. Policy

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM22: Vitalising District, Local and Neighbourhood Centres
- Policy DM23: High Quality Shop Fronts and Advertisements
- Policy DM25: Community Facilities

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4. Other Considerations

- Burbage Conservation Area Appraisal (2011)
- Emerging Burbage Neighbourhood Plan (BNP)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area and the Burbage Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other Considerations

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, development permission should not usually be granted unless other material considerations indicate otherwise.

8.3. The development plan consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP). The emerging Burbage Neighbourhood Plan (BNP) is still in development. The BNP has yet to be submitted to the LPA for Submission Consultation prior to Examination by an Inspector and subsequent referendum. Therefore, very limited weight can be afforded to it at this time.

8.4. The application site is located within the settlement boundary and conservation area of Burbage. Policy 4 of the Core Strategy identifies Burbage as a key centre which supports Hinckley's role as a sub regional centre. Policy 4 also aims to support the Burbage local centre and ensure that the village's infrastructure can accommodate new development. The development is sustainably located with regards to access to services, facilities and modes of public transport and would therefore be in accordance with Policy 4 of the Core Strategy and DM22 of the SADMP.

8.5. The site is designated as a Neighbourhood Centre within Policy DM22 of the SADMP. Policy DM22 states that 'the change of use or loss of A1 or A2 uses within the neighbourhood centres will only be permitted where it would not reduce the community's ability to meet its day to day needs.' There is an extant planning permission on the application unit for the change of use to an A5 use (hot food takeaway) and so there would be no conflict with Policy DM22 with respect to the loss of an A1 or an A2 use within the area.

Impact upon the character of the area and the Burbage Conservation Area

8.6. The application unit is located within the settlement boundary and Conservation Area of Burbage. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states in determining the application special attention shall be paid

to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.7. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and this applies irrespective of whether any potential harm amounts to substantial harm total loss or less than substantial harm to the significance.
- 8.8. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced. 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 with the intention of preventing development that is out of keeping with the surrounding area. Policy DM23 of the SADMP seeks to maintain high levels of design and ensure local distinctiveness for proposals for new and refurbished shop fronts.
- 8.9. The application unit is part of an important and prominent building within the Burbage Conservation Area with the curve in the building reflecting the curved nature of Church Street. Despite the modern interventions on the ground floor, the building does contribute to the character and appearance, and thus significance of the conservation area.
- 8.10. The Council's Conservation Officer raises no objection to the application proposal. Due to the limited amount of alterations required to its external elevations, the Conservation Officer considers that the character and appearance of the building would be retained and the significance of the Burbage Conservation Area would be preserved.
- 8.11. In addition to the above, the proposal would also bring this empty unit back into a beneficial use and the replacement of the boarded up window with a window to match the existing shopfront would enhance the appearance of the building to the benefit of the significance of the Conservation Area.
- 8.12. Due to the nature of the site and the proposed location of the bin store, a scheme which makes adequate provision for waste and recycling and collection from the unit would need to be submitted to ensure that there is no impact from waste on the street scene or the conservation area. It is recommended that this be secured by condition.
- 8.13. The proposed works would retain the character and appearance of the building and the significance of the Burbage Conservation Area. The proposal would enhance the significance of the conservation area and it therefore complies with Policies DM10, DM11, DM12 and DM23 of the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.14. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties. Policy DM22 of the SADMP supports the use of upper floors of retail premises within local and neighbourhood centres for residential use.

- 8.15. There are residential properties above the application unit. Details have been submitted with the planning application of the Fire and Acoustic Ceiling Specification which has been installed between the unit and the residential apartment in preparation for its use as a takeaway. Based on these details the Council's Environmental Health Officer has no objections to the A4 use now being proposed to be operated from the unit.
- 8.16. With regards to the noise levels for external plant from the air conditioning units/cooling units and ventilation, full details of the noise levels were contained in a Noise Mitigation Report submitted with the 2016 planning consent. The Environmental Health Officer has assessed the noise report submitted and considers there would be no harm caused to residential amenity from these air conditioning units. It is recommended that a planning condition is imposed which ensures that the noise from any external plant and equipment is in accordance with this Noise Mitigation Report. With regards to the proposed preparation of hot food within the building, the Environmental Health Officer has assessed the application and considers that a flue could be installed to the rear of the building which would not have a detrimental impact upon the residents on the first floor and the residents adjacent to the site. A planning condition is recommended which ensures that no hot food is prepared on site until full details of the ventilation scheme have been submitted to and approved in writing by the local planning authority in order to protect the amenity of neighbouring residents.
- 8.17. In addition to the above, the first floor residential apartments are situated on the front of the building, with a communal corridor separating the residential accommodation from the rear elevation of the building. As such, there is an intervening area between the first floor apartments and the proposed air conditioning units/cooling units and the possible indicative location of the flue.
- 8.18. The majority of the objections received relate to the noise which could be generated by the proposed drinking establishment particularly from live music. The use proposed does have the potential to generate footfall late into the evening. The proposal also includes a small opening window on the front elevation. Opening hours can be restricted by a planning condition to ensure the protection of residential amenity. Indeed, the A5 use has an opening hours restriction from 8am to 11 pm each day and these hours were considered not to be detrimental to residential amenity. The opening hours of the drinking establishment proposed would be restricted by a planning condition and the Premises Licence. It is recommended that opening hours are restricted to 12:00 to 23:00 Sundays to Thursdays and 12:00 to 23:30 on Fridays and Saturdays in order to reduce the impact of noise on nearby residents which are the same hours as specified on the Premises Licence.
- 8.19. Concerns are also raised about customers drinking and smoking outside of the application unit and the potential for this noise to be late at night. Burbage Parish Council has stated that conditions should be imposed to prohibit smoking and drinking in front of the premises. Such a planning condition would not meet the requirements laid out in the Framework but would be conditions imposed on the Premises Licence.
- 8.20. A number of objections raised relate to the potential for anti-social behaviour from the proposed drinking establishment and other drinking establishments in the area. Leicestershire Police's Designing Out Crime Officer has visited the application unit and confirms that he has no objection to the proposed A4 use. A number of recommendations are made on the need to install CCTV cameras, an internal alarm system and secure bin storage areas. These are requirements contained within a Premises Licence and an A4 use cannot operate without first obtaining a Premises

Licence. As laid out in paragraph 183 of the Framework, the focus of planning decisions should be on whether proposed development is an acceptable use of land rather than the control of processes which are the subject of separate control regimes. In this case, the conditions on a Premises Licence would address the anti-social behaviour raised by the objectors and so there would be a greater level of control over this proposed A4 use compared to the permitted A5 hot food takeaway use which would not need such a Licence to operate.

- 8.21. Based on the restrictive conditions proposed and the fallback position in that the application unit could trade as a hot food takeaway until 23:00 each evening and the comments received from Environmental Health it is not considered that the proposal would have a significant adverse effect on the amenity of nearby residents. As such the proposal is considered to comply with Policy DM10 of the SADMP

Impact upon highway safety

- 8.22. Policy DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.23. The proposed access to the site is from Church Street, using an existing access through an archway under the residential flats. One parking space has been allocated for this unit and this is for use by an employee. There is no parking provision for users of the public house.
- 8.24. LCC Highways has assessed and considered the application and submitted details and have referred the local planning authority to current standing advice. Although they note that no parking has been proposed, they advise that it is unlikely to be reasonable to resist the proposal on the grounds of a lack of parking provision. Indeed, they note that there is on-street parking within the vicinity of the site that can be used by customers and visitors and that parking restrictions are in place to prevent indiscriminate parking within the area.
- 8.25. Concerns have been raised by local residents and the Parish Council about the lack of availability of parking in the area. Photographic evidence has also been provided of indiscriminate parking. During a site visit no indiscriminate parking was observed and it was noted that parking restrictions are in place outside of the application unit. It is accepted that demand for parking would be different during the day and night. However, there is limited evidence available which would indicate that there is no residual parking capacity for vehicles in the area and that there are high instances of indiscriminate parking as a result of this. In addition to this, the Highway Authority and Police have no objections to the proposal and it would be the Police who would enforce indiscriminate parking.
- 8.26. Being located within a Neighbourhood Centre the application unit is located in a sustainable location with public transport available nearby. The extant consent for a hot food takeaway use could generate more traffic than the proposal for a drinking establishment as customers would want to park closer to the takeaway to collect their hot food. As such it is unlikely that the proposal for a small A4 use would result in a demonstrable increase in traffic over the fall-back use of the site. This is a key factor when considering the impact on highway safety for development.
- 8.27. Concerns have also been raised about pedestrian safety as the footpath outside of the unit is narrow. The footpath outside the entrance doorway is 1.2 metres in width. The entrance doorway is inward opening and there is sufficient width to allow two pedestrians to pass each other. Concerns have also been raised about customers leaving the premises and falling into the road. Church Street has a 20 mph speed

limit outside of the application unit and being located on the inside of a sharp bend the average speed of vehicles is likely to be far lower than this. It is considered that the width of the pavement outside of the application unit is sufficient to accommodate the customers generated from the proposed use and that the low speed levels of oncoming vehicles should ensure adequate stopping distances.

- 8.28. Based on the above the proposal would not have a severe adverse impact upon highway or pedestrian safety and would therefore be in accordance with Policies DM17 and DM18 of the SADMP.

Other Considerations

- 8.29. Concerns have been raised that smokers standing at the rear of the building would block the fire escape for the apartments above. The site plan and proposed rear elevation plan submitted with the application demonstrates that there is sufficient space to the rear of the application unit so that the escape route to the apartments is not impeded.

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 unit lies within a Neighbourhood Centre and there would be no conflict with Policy DM22 of the SADMP. Due to the limited amount of alterations required to its external elevations, the character and appearance of the building would be retained and the significance of the Burbage Conservation Area would be preserved.

- 10.2. In view of the restrictive conditions proposed and the fallback position in that the application unit could trade as a hot food takeaway until 23:00 each evening, it is not considered that the proposal would have a significant adverse effect on the amenity of nearby residents and it is assessed that there would be no intensification

of the use of the site and the proposal would not have a severe adverse impact upon highway or pedestrian safety. The proposal is considered to be in accordance with Policies DM1, DM10, DM11, DM12, DM17, DM18, DM22 and DM23 of the SADMP and is therefore recommended for approval subject to conditions.

11. Recommendation

11.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

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

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

2. The development hereby permitted shall not be carried out otherwise than in accordance with the submitted application details, as follows: Site Location Plan, Drw No: 3138/A/010 Rev L, Proposed Front Elevation, Proposed Rear Elevation and Block Plan received by the local planning authority on 25 April 2019 and the Environmental Noise Assessment Report received by the local planning authority on 22 September 2016.

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

3. The proposed public house drinking establishment shall not be open to the public outside the following hours:

12.00 – 2300 Sunday – Thursday

12:00 – 2330 Friday – Saturday

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

4. The window fitted to the existing boarded up section on the front elevation shall be of the same specification as the adjoining shopfront and the opening shall be inward opening.

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

5. Hot food shall not be prepared or served at the premises until a scheme for ventilation of the premises, which shall include the installation method, maintenance and management has been submitted to and approved in writing by the local planning authority. The approved details shall then be fully implemented prior to the preparation and serving of any hot food and thereafter maintained as such at all times.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

6. The level of noise emitted from the external plant/equipment from the unit hereby approved shall be in accordance with the noise levels as outlined in Section 7 – Noise Mitigation of the submitted Environmental Noise Assessment Report received by the local planning authority on 22 September 2016 for outline permission ref: 16/00885/FUL.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

7. Before first use of the unit as an A4 use, a scheme shall be submitted to the local planning authority for their approval in writing to ensure adequate provision for waste and recycling storage of containers and collection from the site. The details should address accessibility to storage facilities and confirm adequate space is provided to facilitate collection of waste via a registered waste carrier.

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

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. A separate planning application may be required if the details submitted under condition 5 require planning permission.

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Planning Committee 20 August 2019
Report of the Planning Manager

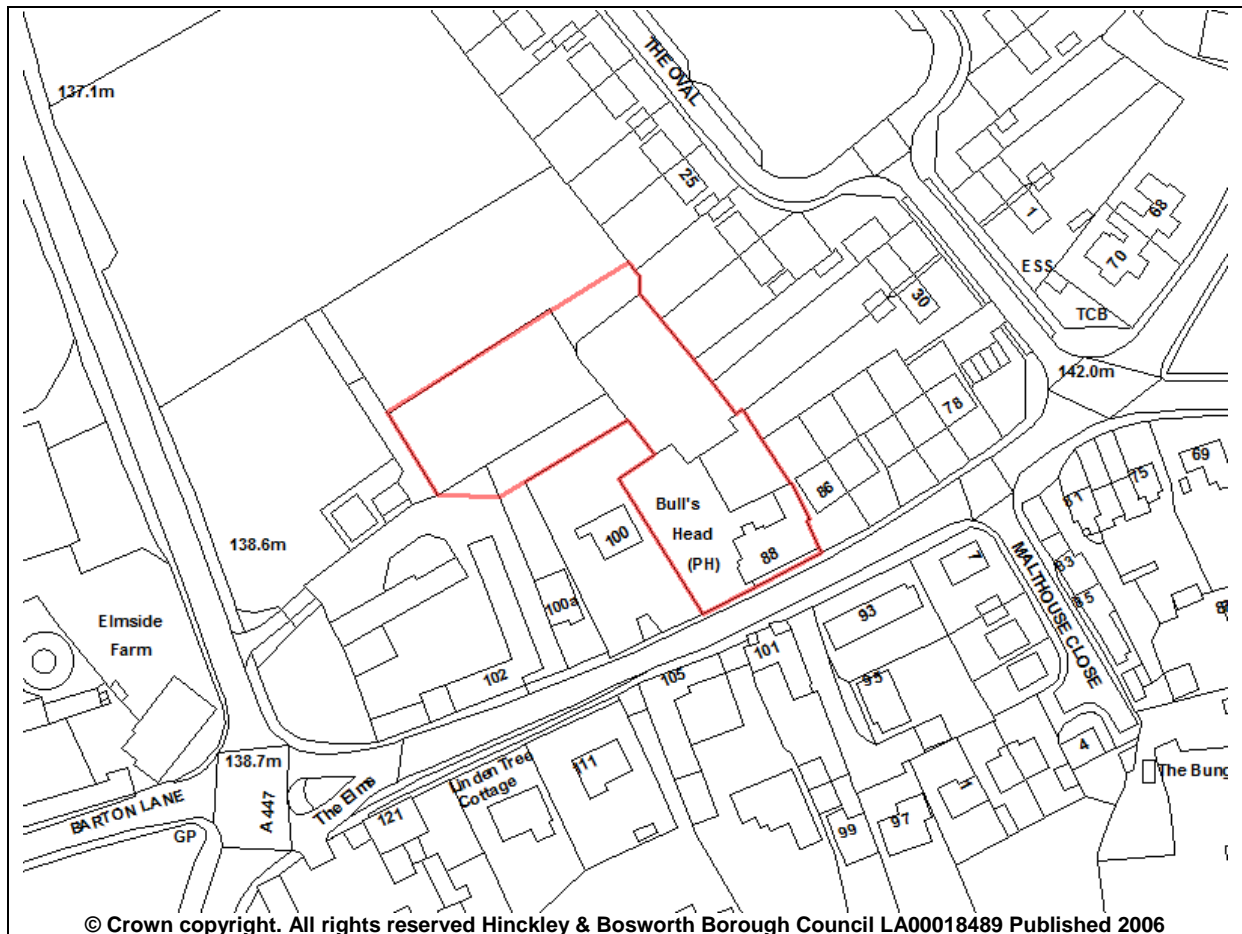
Planning Ref: 18/01288/FUL
Applicant: Mr Andrew Lloyd
Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: The Bulls Head 88 Main Street Nailstone

Proposal: Erection of six dwellings and alterations to the existing Public House



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations
 - Highways – to deliver a traffic calming scheme
- Planning conditions outlined at the end of this report.

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

1.3. That the Planning Manager 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 is a full planning application for alterations to the public house and the construction of 6 no. dwellings (a block of 4 x four bed barn style dwellings and a pair of two bed semi-detached cottage style) with associated parking, landscaping and amenity space.
- 2.2. The proposed barn style dwellings have been amended in scale and design to replicate a former farmstead, with the semi-detached dwellings comprising a pair of cottage style dwellings incorporating eyebrow dormers.
- 2.3. The external alterations to the public house would follow a schedule of works that has been discussed and agreed with the Conservation Officer. These works include the removal of a side extension, replacement first floor windows, repainting and the replacement of the front porch.
- 2.4. Access to the site is to be taken from Main Street, utilising the existing access to the site.
- 2.5. This application covers a slightly larger, more squared off area than that approved under 15/01202/FUL, considered by this committee on 11 October 2016 and subsequently granted planning permission on 22 May 2018 following completion of the s.106 agreement. The site area has been amended during the course of the application to show a blue line area around the paddock to the rear of Plots 1 – 4 and the red line reduced to the rear of their immediate patio and garden areas.

3. Description of the Site and Surrounding Area

- 3.1. The Bulls Head is an early 19th century public house, located on the north side of Main Street near the junction with the A447 Ibstock Road. To the rear of the pub is a car park and a grassed amenity area. The pub itself is modest in scale. To the east of the site are 1960's semi detached bungalows; immediately to the west the site is being developed with 2no. two-storey dwellings approved under 17/00730/FUL. To the north of the site the remainder of the application site comprises a former manege and a grassed paddock.
- 3.2. The public house and car park is within the Nailstone Conservation Area whilst the remainder of the site lies outside. The majority of the site, with the exception of the whole rear garden to plot 4, and part of the rear garden of Plot 3, is located within the settlement boundary of Nailstone which was amended following the adoption of the Site Allocations and Development Management Policies Development Plan Document (SADMP) in July 2016.
- 3.3. Access to the site is via the existing pub car park access.

4. Relevant Planning History

13/00030/PP	Demolition of existing public house and erection of three detached dwellings	Refused & Appeal dismissed	28.02.2014
12/00304/FUL	Demolition of existing public house and the erection of three new dwellings with associated access and parking	Withdrawn	31.05.2012

13/00458/FUL	Demolition of existing public house and erection of three detached dwellings	Refused	20.09.2013
15/01202/FUL	Alterations to public house and erection 4 no dwellings	Permitted	22.05.2018

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Three letters of representation have been received from 2 different households raising the following comments:
- 1) Poor access visibility as whilst hedge has been removed from front of 100 Main Street, a new dwelling has been constructed at the back of the pavement. Also, no parking restrictions on this part of Main Street so anyone could park there and block visibility
 - 2) Proposal should incorporate preventative measures to address severe risk to Highway safety
 - 3) Close proximity of plots 5/6 to the Bulls Head PH will fail to preserve its setting
 - 4) Concern over highway safety, impact upon known and unknown heritage assets and refuse collection – need to ensure the same conditions are imposed as for 15/01202/FUL
 - 5) Site is clearly visible from the A447 which is not referenced at Q22 of the application form
 - 6) Would the boundary treatment to the rear of plots 5/6 prevent overlooking into 28 and 30 The Oval?
 - 7) The Bulls Head PH is a designated Community Asset but no apparent regard has been paid to ensuring that it is not negatively impacted upon by the development

6. Consultation

- 6.1. Nailstone Parish Council have commented as follows:
- 1) Concerns about highway safety and exiting the proposed development because the visibility splay has been reduced since the previous application, this has been caused by the building of a new house right on the road side
 - 2) Concerns about the increase from 4 to 6 properties and the obvious increase in vehicles that goes with this
 - 3) The new planning application refers to the removal of some of the existing outbuildings, it was a condition of the previous planning application that the current site of the Bulls Head should be preserved
 - 4) That agreed is reached that all of the conditions confirmed in the previous application are included in the new planning application
- 6.2. No objection, some subject to conditions have been received from:
- Leicestershire County Council (Highways)
HBBC Conservation Officer
Severn Trent Water Limited
HBBC Waste Services
HBBC Environmental Services (Pollution)

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

7.4. Other guidance

- Nailstone Conservation Area Appraisal and Management Plan (2015)

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

8.2. Paragraph 11-12 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking. The NPPF is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies Development Plan Document (SADMP).

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

8.4. Nailstone is identified as a Rural Village within Policy 12 of the Core Strategy. The focus of such settlements is to support the existing services within these villages by supporting housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Policy 15 and 16. The application site is located predominantly within the settlement boundary of Nailstone as defined within the SADMP, as such the site is considered to be situated within a sustainable location.

- 8.5. Policy 12 of the Core Strategy seeks to allocate land for the development of a minimum of 20 new homes in Nailstone. The site is allocated within the SADMP for residential development up to 4 dwellings (allocation reference NAI09). This carries significant weight in the assessment of the application. Policy SA1 of the SADMP seeks to safeguard allocated sites for the same land uses, in this case this is safeguarding for residential use.
- 8.6. This application proposes to refurbish and retain The Bulls Head public house. Policy DM25 of the SADMP and the wider overarching policy within the NPPF supports the retention of community facilities in villages such as public houses and in order to stem their loss, they have been designated as community facilities within the SADMP.
- 8.7. Given the above policy context, the application site is considered to be in a sustainable location and the refurbishment and retention of the public house and new residential development is acceptable in principle subject to all other planning matters being appropriately addressed.

Design and impact upon the character of the area

- 8.8. Policy DM10 of the SADMP requires development to complement and enhance the character of the surrounding area. Paragraph 124 of the NPPF states that 'good design is a key aspect of sustainable development', with Paragraph 127 going on to state that 'decisions should ensure that developments: are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'.
- 8.9. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the open countryside.
- 8.10. Policy DM11 of the SADMP requires development proposals which have the potential to affect a heritage asset or its setting to demonstrate an understanding of the significance of the asset and its setting; the impact of the proposal on the asset including measures to minimise or avoid these impacts and how the benefits of the proposal will outweigh any harm caused and consider any impact on archaeology in line with Policy DM13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that, when determining applications for development which affects any buildings or other land in a conservation area, a local planning authority shall pay special attention to the desirability of preserving or enhancing the character and appearance of that area.
- 8.11. Policy DM12 of the SADMP provides that development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features including appropriate boundary treatments which reflect the local style, and materials which are characteristic of the conservation area.
- 8.12. Policy DM13 of the SADMP requires that where a proposal has the potential to impact a site of archaeological interest, developers to set out in their application an appropriate desk based assessment and, where applicable, results of a field evaluation detailing the significance of any affected asset. Conditions in this regard were imposed on the previous approval on the site (15/01202/FUL) and have been discharged. It is not therefore considered necessary or reasonable to impose them again on any further planning permission as the findings have been recorded recently.
- 8.13. The Leicestershire and Rutland Historic Environment Record (HER) notes that the Bulls Head and associated outbuildings appear on early Ordnance Survey maps of the 19th century. The Bulls Head is constructed from red brick in an unusual bond, it features a clay tiled roof, eyebrow dormer windows, gable end stacks and metal rise

and fall gutter brackets. These architectural characteristics indicate that the building was constructed as part of the Gopsall Estate. The building is therefore considered to be a heritage asset in its own right, of local, if not regional significance which makes a positive contribution to the special character and appearance, and thus significance of the Nailstone Conservation Area.

- 8.14. With regard to the proposed alterations to the Bulls Head itself, the Conservation Officer met with the applicant on site in September 2018 and is satisfied that the works set out in Appendix 1 of the submitted Design, Access & Heritage Statement will restore some of the building's local interest and enhance the character of the conservation area. Further details of the external finishes to the Bulls Head as part of the works will also be conditioned.
- 8.15. The proposed development is located off one of the main roads into Nailstone and is characterised by traditional properties located on the back edge of the highway, with more modern properties set further back, resulting in no definitive building line. Traditional properties incorporate eyebrow dormers above first floor windows, a feature which has been replicated on some modern infill developments, most notably that which is immediately neighbouring the site and nearing completion.
- 8.16. The layout of the proposal is two semi-detached dwellings (plots 5 & 6) located to the rear of the pub garden which are at 90 degrees to Main Street and facing the private access drive. The layout and orientation of these dwellings is very similar to that approved on plot 1 of a current permission on the site (15/01202/FUL); the dwellings are considered to appropriately reflect the varied front building line found on historical plots located elsewhere in the conservation area. Plots 1-4 are proposed to be barn style dwellings with the orientation turned back 90 degrees so the principal elevations face south. This orientation again is similar to that approved for plots 3 and 4 of the current permission. These four dwellings would be attached following the submission of amended plans which successfully give the illusion of a complex of connected agricultural buildings. The use of garages to either end and a car port to the central plots perpendicular to the dwellings overall provides an E-shaped plan form for the development, which although is not prevalent in the area (like an L or U shape) it is not wholly out of keeping and would provide an appropriate layout of linear ranges.
- 8.17. Plots 5 and 6 will be two storeys in height which reflects the prevalent building scale in the area for this type of dwelling. They have a simple design which includes the use of eyebrow dormer windows which reflects the local vernacular. They are to be constructed of red brick and a blue clay tile which are traditional materials that respect those used in the local area.
- 8.18. Plots 2 & 3 are full two storey in height seeking to provide the appearance and scale of a former threshing barn that would be the dominant building within an agricultural complex. Plots 1 and 4 would be one and a half storeys in height, with Plot 1 appearing lower than Plot 4 due to site levels, this would result in them being subservient to the more dominant central plots. Overall it is considered that the proposal reflects the ranges of heights and scales of buildings located within agricultural complexes within the village and elsewhere. Agricultural style openings are proposed for the fenestration which provides each dwelling with an appropriate organic appearance that can be appreciated in both direct views of the front elevations from the access drive and the rear elevations when viewed from the wider countryside to the north. A number of conservation style roof lights are proposed to provide natural light to the upper floors, these are not considered to have any adverse visual impact on any elevations. The dwellings are to be constructed of red brick and a blue clay tile with timber windows and doors, all of which are appropriate traditional materials that respect those used in the local area.

- 8.19. The site plan indicates that there will be short rear gardens to serve plots 1-4. This would provide a tight rather than extended curtilage which is closely related to the existing built form and ensures that the current open and rural character of the northern paddock. As a result it is considered that this arrangement has no adverse impact on the setting of the conservation area.
- 8.20. Overall it is considered that the design, form, scale and materials of the proposed new dwellings reflect the local vernacular and are appropriate for a site located within the setting of the conservation area and preserve its special character.
- 8.21. Details of boundary treatments have not been submitted with the application. A condition would therefore be imposed on any planning permission granted to require the submission of a detailed hard and soft landscaping scheme to be approved by the Local Planning Authority. It is considered necessary and reasonable to suggest that a low post and rail fence be used to the north western boundary of Plots 1 – 4 in order to maintain the rural character.
- 8.22. Given the above, it is considered that the site has the potential to accommodate a high quality and sustainable residential development to take account of the site characteristics and the character of the local area in accordance with Policy DM1, DM4, DM10, DM11 and DM12 of the SADMP. In making the above assessment, special attention has been had to the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.23. Policy DM10 of the SADMP seeks to ensure that development does not adversely affect the privacy or amenity of neighbouring properties.
- 8.24. To the west of the site planning permission under 17/00730/FUL has been granted for the erection of 2 dwellings on the site of the former modern bungalow at 100 Main Street. The dwellings are both nearing completion and have been designed so as to respect the extant planning permission on the application site. There would be sufficient distance between the proposed dwellings and the newly completed ones on the site of the former 100 Main Street to prevent loss of amenity through either overlooking or loss of light.
- 8.25. To the east of the site No 86 Main Street, is a semi detached bungalow, there are no windows or openings on the western elevation facing the site. The rear garden to no 86 will be adjacent to the pub garden. This is the current relationship and so it is not considered that there will be any additional significant adverse impact on the residential amenity of this property as a result of this proposal.
- 8.26. Windows are proposed in the east facing elevations to plots 5 and 6. Separation distances to neighbouring properties located on The Oval, which share a rear boundary with the application site, would be around 25 metres. This is considered adequate to avoid any significant overlooking of neighbouring gardens. Separation distances with the properties to the west are similarly considered adequate. All windows to the gable walls of the proposed new dwellings which face onto neighbouring properties would be obscurely glazed.
- 8.27. The internal layouts of plots 1 – 4 have been designed with very few first floor windows on either the front or rear elevations. This is to be in keeping with the style of agricultural conversions where the large openings were at ground floor. This design reduces any potential impact from the development through overlooking or loss of privacy. Plots 1 – 4 would also be a sufficient distance away from neighbouring properties to prevent overbearing impact.

- 8.28. Policy DM10 provides that development will be permitted providing that the amenity of the occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site. Plot 6 would be the closest property to the Bulls Head, sharing a boundary with the public house garden. The property has been designed with a single garage adjacent to the boundary and no windows within this elevation to reduce any impact through noise and disturbance. The previous planning permission on the site included a dense landscaped barrier between the pub garden and the nearest property and it is considered reasonable to impose a condition requiring such a boundary treatment in this instance. No objections to the proposed development have been received from the Environmental Health Officer.
- 8.29. Taking the above context into account, it is considered that the development will be in accordance with Policy DM10 of the SADMP with regard to impacts on neighbouring residential amenity and the amenity of occupiers of the proposed development.

Impact upon highway safety

- 8.30. Policies DM17 and DM18 of the SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 8.31. The Local Highway Authority is of the view that the provision of an additional six dwellings is unlikely to lead to any significant intensification of vehicles utilising this existing access, nor will the additional trips have a material impact on the capacity of the local road network. Given the above, the Local Highway Authority considers that the residual cumulative impacts of the development can be mitigated and are not considered severe in accordance with paragraph 109 of the NPPF.
- 8.32. Vehicular and pedestrian access to the public house and new dwellings would be from the existing access to the Public House car park from Main Street. Whilst Leicestershire County Council (Highways) are not concerned that the proposal would have a material impact upon the capacity of the local road network it is considered that in line with the previous approval on the site, an off-site traffic calming scheme is required with the costs to be met by the applicant. This needs to be secured through a new s.106 agreement as the red line of the application site has changed, and would need to consist of the provision of speed cushions which would assist in reducing speeds on the approach to the site access from the west.
- 8.33. 19 off-street parking spaces are to be provided to serve the public house as per the previous approval on the site, and the dwellings would have two parking spaces for the 2-bed properties with the larger 4-bed dwellings having either three or four off-street parking spaces which is in line with LCC Highways guidance.
- 8.34. The appropriateness of access to the residential properties being provided through the pub car park has been raised by an objector to the scheme. However, neither Leicestershire County Council (Highways) nor the Environmental Health Officer has any objection to the arrangement submitted subject to the imposition of planning conditions. Given this context, the scheme is considered to be in accordance with Policies DM17 and DM18.

Planning Obligations

- 8.35. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.36. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the

development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

- 8.37. In this instance the development is not 'major' development, as such contributions towards affordable housing can not be sought in accordance with the Planning Practice Guidance.
- 8.38. LCC (Highways) have requested that the proposal provides off site traffic calming measures to ensure that the use of the access is safe in highways terms. Therefore, it is considered that this request would make the development acceptable in planning terms, directly relates to the proposal and is fairly and reasonably related in scale and kind.
- 8.39. There are no other obligations being sought from the proposal, which is considered to be acceptable in planning terms without any further obligations.

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. Overall, it is considered that this proposal will preserve and enhance the special character, and thus significance of the conservation area. The retention and improvement of the pub; which is a community facility as defined within the SADMP will contribute to the social well being of the village, and the provision of four new dwellings is in line with the allocation within the SADMP. The proposals accords with Policy 12 of the Core Strategy and Policies DM1, DM10, DM11, DM12, DM13, DM17, DM18, DM25 of the SADMP.

11. Recommendation

- 11.1. **Grant planning permission** subject to:
- The prior completion of a S106 agreement to secure the following obligations:
 - Highways – to deliver a traffic calming scheme

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

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

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

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

Site Location Plan, Block Plan and Streetscene Drg No 933 - LB - 02 - Rev C
Received by the Local Planning Authority on 2 August 2019.

Proposed Floorplans Drg No 933 - LB - 03 - Rev C
Proposed Elevations Drg No 933 - LB - 04 - Rev C
Received by the Local Planning Authority on 12 July 2019.

Detailed Access Plan (scale 1:200)
Received by the Local Planning Authority on 3 April 2019.

Reason: To ensure a satisfactory appearance and impact of the development and to accord with Policies DM1, DM10 and DM12 of the Site Allocations and Development Management Development Plan Document (2016).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings and for the renovation of the Bulls Head public house shall be made available to view on site and on acceptance approved in writing by the Local Planning Authority. 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 and Policy DM12 of the Site Allocations and Development Management Policies Development Plan Document.

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

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

5. No development beyond foundation level shall commence until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping works for the site, including boundary treatments. All hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or

seriously diseased shall be replaced in the next planting season with others of a similar size and species.

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

6. No part of the development hereby permitted shall be occupied until such time as off-street car parking and turning facilities has been provided and hard surfaced with permeable surfacing in accordance with 933-LB Drg No: 02 Rev C. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: 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 to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. The development hereby permitted shall not commence until drainage plans for the disposal of surface water, incorporating sustainable drainage principles (SuDS) and foul sewage have been submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating and exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document.

8. No development beyond foundation level shall commence until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary.

Reason: In the interests of protecting the visual amenity of the area, in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

9. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation submitted 22 May 20188 and approved under condition 9 of 15/01202/FUL.

Reason: To ensure satisfactory historic building survey and archaeological investigation to record and advance understanding of the significance of the affected resource prior to its loss and to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Development Plan Document.

10. The development shall not be occupied until the site investigation and post investigation assessment have been completed in accordance with the programme set out in the Written Schemes of Investigation approved under c.

9 of 15/01202/FUL and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory historic building survey and archaeological investigation to record and advance understanding of the significance of the affected resource prior to its loss and to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Development Plan Document (2016).

11. Notwithstanding the submitted plans prior to the first occupation of either the dwellings or the refurbished public house the site access shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the highway boundary and have have a drop crossing of a minimum size as shown in Figure DG20 of the Leicestershire Highway Design Guide at its junction with the adopted road carriageway. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays. The access drive once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

12. There shall be no occupation of the sixth dwelling authorised to be constructed pursuant to the planning permission unless and until the works of alteration and refurbishment to the Bulls Head public house have been completed in accordance with Appendix 1 of the Design, Access and Heritage Statement received 3 January 2019.

Reason: To secure the enhancement of the conservation area and the community facility in accordance with Policies DM11, DM12 and DM25 of the Site Allocations and Development Management Policies Development Management Plan.

13. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A to H (inclusive); of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the character and openness of the countryside in accordance with Policy DM4 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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. This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.

3. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
4. Where a soakaway is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. If the ground strata proves unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA.
5. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. The Applicant is advised that it is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> or telephone 0116 305 0001.

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Planning Committee 20 August 2019
Report of the Planning Manager

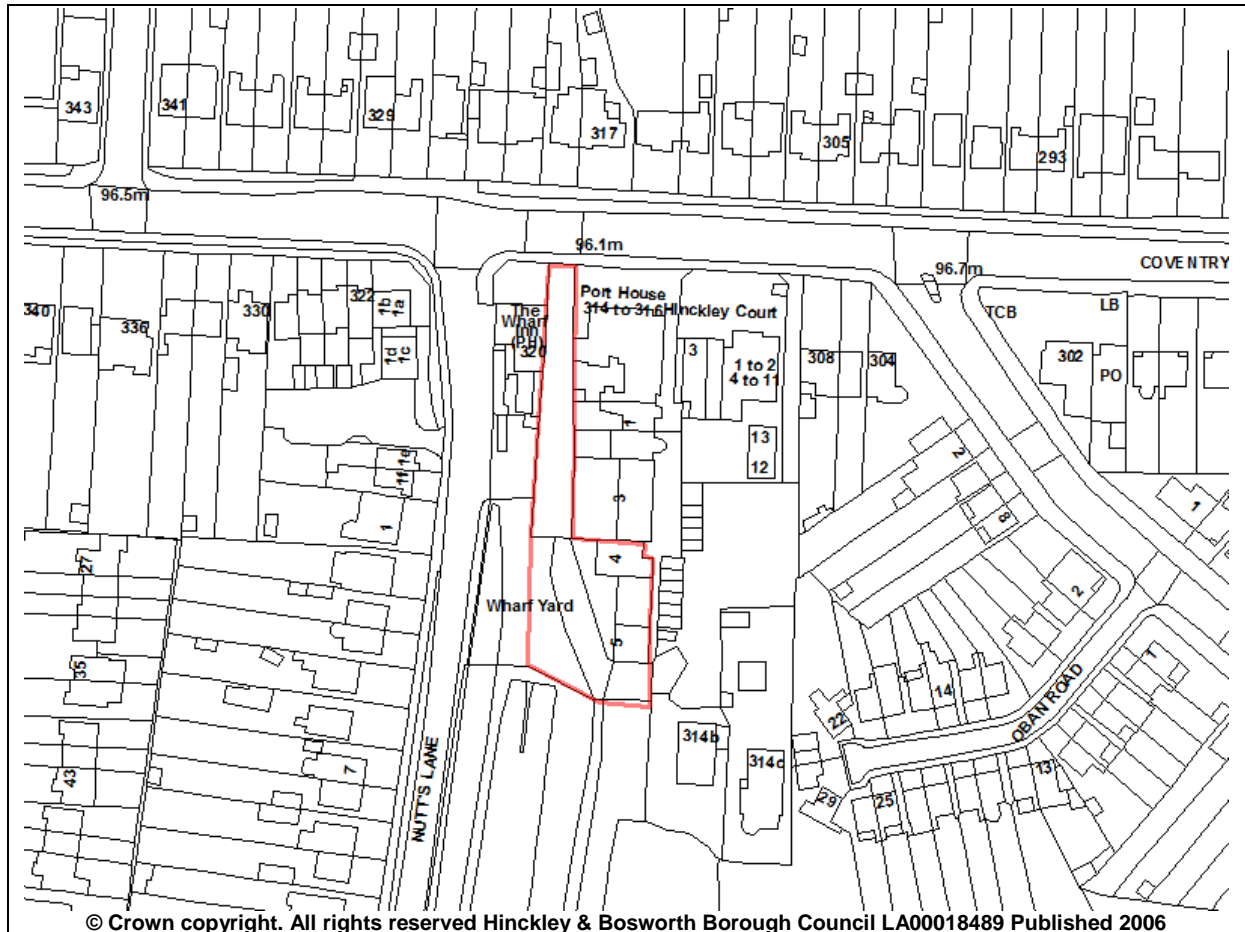
Planning Ref: 19/00252/FUL
Applicant: Mr J Bailey
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: 5 Wharf Yard Hinckley

Proposal: Erection of 14 apartments (revised scheme)



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - Off-site Play and Open Space Provision £17,369.24
 - Off-site Play and Open Space Maintenance.£11,982.88
- Planning conditions outlined at the end of this report.

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

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

Planning Application Description

1.4. Full planning permission is sought for the erection of fourteen apartments.

- 1.5. Members are advised that this application is a revision of a previously approved application under 11/00808/FUL for a dental laboratory and clinic with two office units and nine apartments with vehicular access and parking. The permission has been partially implemented and building work has commenced to first floor level. The revised scheme seeks to remove the commercial element of the scheme and the undercroft parking. The application therefore seeks a new permission for 14 apartments and ancillary parking provision. The footprint of the building including its height, scale and general appearance is not subject to change.
- 1.6. The application proposes a three and a half storey building consisting of fourteen apartments. The scheme proposes 2, one bedroomed apartments, 9 two bedroomed apartments and 3 three bedroomed apartments within a similar layout to the approved scheme.
- 1.7. The building proposes to use materials to match the adjacent residential premises. The scheme also proposes 20 car parking spaces, cycle storage, refuse storage and an area for clothes drying outside.

2. Description of the Site and Surrounding Area

- 2.1. The site is accessed from the Coventry Road between the Port House and the Wharf Inn Public House.
- 2.2. Land levels differ considerably; the access slopes down from Coventry Road, the site itself is predominantly flat, whilst the land to east of the site is approximately 2.5 metres higher, thus creating a three and half storey development to the front elevation and two and half storey development to the rear elevation.
- 2.3. The adjacent site to the north, referred to as 'Phase I' was subject to an application for six apartments which was approved in 2006 (06/00757/FUL) and has subsequently been implemented. To the east of the site is a commercial yard, and parking and garaging area for a detached bungalow at 314b Coventry Road located to the south east. To the south of the site the access continues to the branch of the canal.
- 2.4. The site is located within the settlement boundary of Hinckley and within the Ashby de la Zouch Canal Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan. Wharf House (a Grade II Listed Building) is located adjacent to the site to the south.

3. Relevant Planning History

11/00808/FUL	Dental laboratory and clinic with two office units and nine apartments with vehicular access and parking	Permission	02.05.2012
11/00809/CON	Part demolition of existing buildings to facilitate development	Permission	02.05.2012

4. Publicity

- 4.1. 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.
- 4.2. There have been six objections from five addresses. Objections are on the following grounds:
- 1) Lack of parking
 - 2) On-going parking problems
 - 3) Problems with drainage/sewage
 - 4) Overlooking and loss of privacy
 - 5) Loss of conifer tree
 - 6) Access along unmade road is dangerous

5. Consultation

- 5.1. The following consultees have no objections, some subject to conditions:

Leicestershire County Council Highways authority
Leicestershire County Council Ecology
Lead Local Flood Authority
Environmental Health (Pollution)
Environmental Health (Drainage)
HBBC Conservation
Waste Services
Ashby Canal Association
Inland Waterways Association

6. Policy

- 6.1. Core Strategy (2009)
- Policy 1: Development within Hinckley
 - Policy 19: Green Space and Play Provision
- 6.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 6.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)

7. Appraisal

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

Assessment against strategic planning policies

- 7.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) 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.
- 7.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 7.4. The site is in a sustainable location within the settlement boundary of Hinckley where there is generally a presumption in favour of residential development under Policy 1 in the Core Strategy.
- 7.5. The housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure and the Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by Ministry Housing Communities and Local Government (MHCLG). Therefore, the application should be determined in accordance with Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.6. The consideration under Paragraph 11 (d) is weighed in the balance of the merits of any application and 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.
- 7.7. The site is identified on the Hinckley and Burbage Policies Map as a residential site with planning permission. In addition, the site is within walking distance from a neighbourhood centre and a regular bus service between Hinckley and Nuneaton. Therefore, the principle of residential development on the site would be acceptable in terms of adopted strategic planning policies, subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area and the Ashby Canal Conservation Area

- 7.8. 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. Policies DM11 and DM12 seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 7.9. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of

special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 7.10. Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 193).
- 7.11. The site lies within the Ashby Canal Conservation Area on the access road to a community facility. The proposal seeks to replace the approved offices and dental surgery with duplex and standard apartments so there will be elevational changes to the ground floor only. There would be no additional impact on the Ashby Canal with the revised proposal. Additionally, although there is the Grade II Listed Port House to the western boundary of the site, the development is not viewed in context with this building from any viewpoint and it is therefore not considered that the development would cause harm to the setting of this Grade II listed Building.
- 7.12. The scheme is to be sited in a linear design projecting from the southern elevation of 'Phase I'. The ridge height steps down from the adjacent development reflecting the fall in ground level. It is considered that both the siting and proportions of this development reflect that of the existing form of development.
- 7.13. The design includes features that reflect a historic wharf side warehouse by incorporating gables and large arched features, three of the arched features include glazing which gives the appearance of a modern conversion. The only elevational changes are to the frontage to flats 2, 3 and 4 and these will match the approved frontage to flat 1. The frontage to the flats will be a central double door flanked by glazing panels set within a large arch.
- 7.14. The siting, scale and revised design is considered to reflect the adjacent development while also reflecting the change in levels between the two sites. The proposal is a modern design incorporating features of a historic development and is considered to be a suitable design approach in this setting. It is considered that the proposed amended design of the building would continue to be appropriate and therefore would preserve the character and appearance and thus significance of the Ashby Canal Conservation Area. The proposal would also be compatible with the significance of the adjacent grade II listed building known as the Port House. Therefore, it is considered that such an amended proposal would comply with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of Sections 66 and 72 of the Planning (Listed Buildings and Conservations Areas) Act 1990.

Impact upon neighbouring residential amenity

- 7.15. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.16. The proposed development would not result in any increase in the built form of development previously approved and implemented. The 5 new units will be incorporated into the ground floor where commercial units and undercroft parking were originally approved and these will have no impact on neighbouring amenity.
- 7.17. The residential dwelling most immediately impacted upon as a result of the proposal would be No. 314b Coventry Road located to the south east of the application site.

- 7.18. Due to the difference in land levels and siting of the neighbouring dwelling, it is sited approximately 2.5 metres higher than the ground level on the application site. For this reason it is not considered that the proposed development would have a significant detrimental impact upon the neighbouring dwelling.
- 7.19. The original permission conditioned obscure glazing within four windows on the eastern elevation with some lower panes of obscure glazing on the southern elevation to prevent overlooking towards the adjacent bungalow (319b). This arrangement is proposed to be replicated within this application and therefore the windows to these units are acceptable. The proposal is considered to have minimal impacts upon the amenity of neighbouring residents and accords with Policy DM10 of the SADMP.

Impact upon highway safety

- 7.20. 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 development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. The applicant has proposed 20 car parking spaces for the 14 dwellings proposed.
- 7.21. There is visibility of 42 metres at the junction with Coventry Road which is commensurate with the 20 mph zone (with capacity of up to 60 metres) with 1metre x 12 metres visibility for pedestrians.
- 7.22. There are 20 parking spaces proposed for the 14 units and this is sufficient for the amount of development. The LHA originally considered that the turning facilities were substandard. Although a revised plan has been submitted with each parking space complying with the Design Guide, there have been no revised comments from LHA thus far. However, it is considered that there is sufficient space for vehicles to turn within the site and both access and egress the site in a forward gear.
- 7.23. The development makes provision for bicycle storage which is anticipated to aid with the sustainable transport options to the site and which is expected to be utilised given the town centre location.
- 7.24. In regard to the level of vehicular parking provided, the scheme is acceptable and complies with Policy DM17 and DM18 of the SADMP.

Drainage

- 7.25. Policy DM7 of the adopted SADMP requires that development proposals demonstrate that they would not create or exacerbate flooding.
- 7.26. Drainage details are similar to those approved under the previous application (11/00808/FUL). Although there have been no comments received from Severn Trent Water, as per the previous application, STW had agreed that both Surface and Foul water disposal could connect into the public sewer, which would require a section 106 sewer connection approval via themselves.
- 7.27. The previous application has been implemented with the building above ground floor level. As the previous condition requiring a drainage scheme has been discharged with STW agreeing that connections could be made to the public sewer for both foul and surface water, it is considered that there is no requirement for an additional drainage condition. There have been comments made on existing problems relating to drainage. However, this appears to be an on-going issue and it

is not considered that, if the development is properly connected to the public sewer as agreed, that the proposal for 14 new dwellings would cause additional problems.

- 7.28. In this regard, the proposal complies with Policy DM7 of the SADMP.

Other Matters

- 7.29. There have been objections raised in regard to the loss of a conifer tree, the erection of gates and the deterioration of the service road between the site and Coventry Road.
- 7.30. These matters have been queried with the applicant and confirmation has been received that the conifer tree adjacent to the southern boundary of the site is not on land under the applicant ownership or control and the tree is not to be felled as part of this application.
- 7.31. Although the original application proposed a gate on the northern boundary of the site but this has been omitted from this scheme. The gates to the Boat Club on the southern end of the site are to be slightly re-positioned but will remain for access to the boat club, with no obstructions for members of the Boat Club or other community uses within the land to the south.
- 7.32. Although the access road to Coventry Road has been included within the red line, this is not within the ownership of the applicant and therefore there would be no requirement on the applicant to improve this land. This would be a private matter between all those with an easement over the land.

Infrastructure contributions

- 7.33. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 7.34. 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.

Public open space/public realm

- 7.35. Policies 1 and 19 of the adopted Core Strategy seek to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within Hinckley. The Open Space, Sports and Recreational Facilities (PPG17) Study provides further advice on the quality of facilities at each designated public open space.
- 7.36. The site is located within 400 metres of Langdale Road Recreation Park which include a children's play area and outdoor sports facilities, Brodrick Road amenity green space and allotments. According to the Open Space and Recreation Study October 2016 the park has a score of 74 points. It has been confirmed by HBBC Green Spaces that improvements at Langdale Park would include additional play items to the existing play area, improvements to the cricket square (outdoor sports) new site furniture (casual/informal) and some bulb and wildflower planting (Natural Green Space). The contribution of £29,352.12 has been identified towards improving these facilities. The request for these monies is CIL compliant.

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Off site provision	Off site maintenance
Equipped Children's Play Space	3.6	£9,169.27	£4,425.12
Casual/Informal Play Spaces	16.8	£1,044.29	£1,270.08
Outdoor Sports Provision	38.4	£4,865.28	£2,311.68
Accessibility Natural Green Space	40	£2,290.40	£3,976.00

University Hospitals of Leicester NHS Trust

- 7.37. A contribution of £4,970 is sought towards to gap in funding created by each potential patient from this development in respect of A&E and the evidence provided by the UHL is not sufficiently robust to conclude that the CIL Regulation 122 test can be satisfied. Therefore the contribution is not considered to be CIL compliant and will not be sought for this development.

Education

- 7.38. LCC Education are not seeking any contributions towards education facilities.

8. Equality Implications

- 8.1. 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.

- 8.2. 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.

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

- 8.4. 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).

9. Conclusion

- 9.1. The site is allocated as a residential site with planning permission on the Hinckley and Burbage Policies Map. The proposed amended design of the building would continue to be appropriate and therefore would preserve the character and appearance and thus significance of the Ashby Canal Conservation Area. Parking provision is adequate for the number of dwellings to be provided. The scheme as amended is acceptable under Policy 1 and Policy 19 of the Core Strategy, Policies DM1, DM3, DM7, DM10, DM11, DM12 and DM18 of the SADMP, and is therefore recommended for approval subject to conditions.

10. Recommendation

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

- The prior completion of a S106 agreement to secure the following obligations:
 - Off-site Play and Open Space Provision £17,369.24
 - Off-site Play and Open Space Maintenance.£11,982.88
- Planning conditions outlined at the end of this report.

- 10.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

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

10.4. 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 91 of the Town and Country Planning Act 1990, as amended by 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:

Ground Floor plan, Dwg no 4524/110 Rev C

First Floor Plan, Dwg no 4524/11 Rev C

Second Floor Plan, Dwg no 4524/12 Rev C

Third Floor Plan, Dwg no 4524/13 Rev C

Cross Sections and Construction Notes Dwg no 4524/15 Rev C

All received by the Local Planning Authority on 1 March 2019

Site location and Block Plan - Dwg no 4524/01 received by the Local Planning Authority on 8 April 2019

Site layout plan, Dwg no 4524/02 Rev B received by the Local Planning Authority on 16 July 2019

Elevations, Dwg no 4524/14 Rev B received by the Local Planning Authority on 25 July 2019

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The materials to be used on the external elevations of the proposed extension including details of doors, windows, eaves, verge treatment, guttering and downpipes (including method of fixing) shall accord with the approved drawings:

Elevations, Dwg no 4524/14 Rev B

Sections and Construction Notes, Dwg no 4524/15 Rev C

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to first occupation of the development hereby permitted, the scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, shall be carried out in accordance with approved Site Layout drawing no 4524/02 Rev B received by the Local Planning Authority on 16th July 2019. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

5. The finished floor levels of the development shall be implemented in accordance with the approved Site Layout plan, Dwg no 5424/02 Rev B received by the local Planning Authority on 16th July 2019.

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

6. The development hereby permitted shall not be occupied until such time as the car parking and cycle spaces provision (with turning facilities) has been provided, hard surfaced and demarcated in accordance with the approved Site Layout plan drawing number 4524/02 Rev B. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: 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 to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. The development, hereby approved, shall not be occupied until the provision for waste and recycling storage and collection across the site has been constructed in accordance with Site Layout plan, Dwg no 4524/02 Rev B received by the Local Planning Authority on 16th July 2019.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

10.5 **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. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.

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Planning Committee 20 August 2019
Report of the Planning Manager

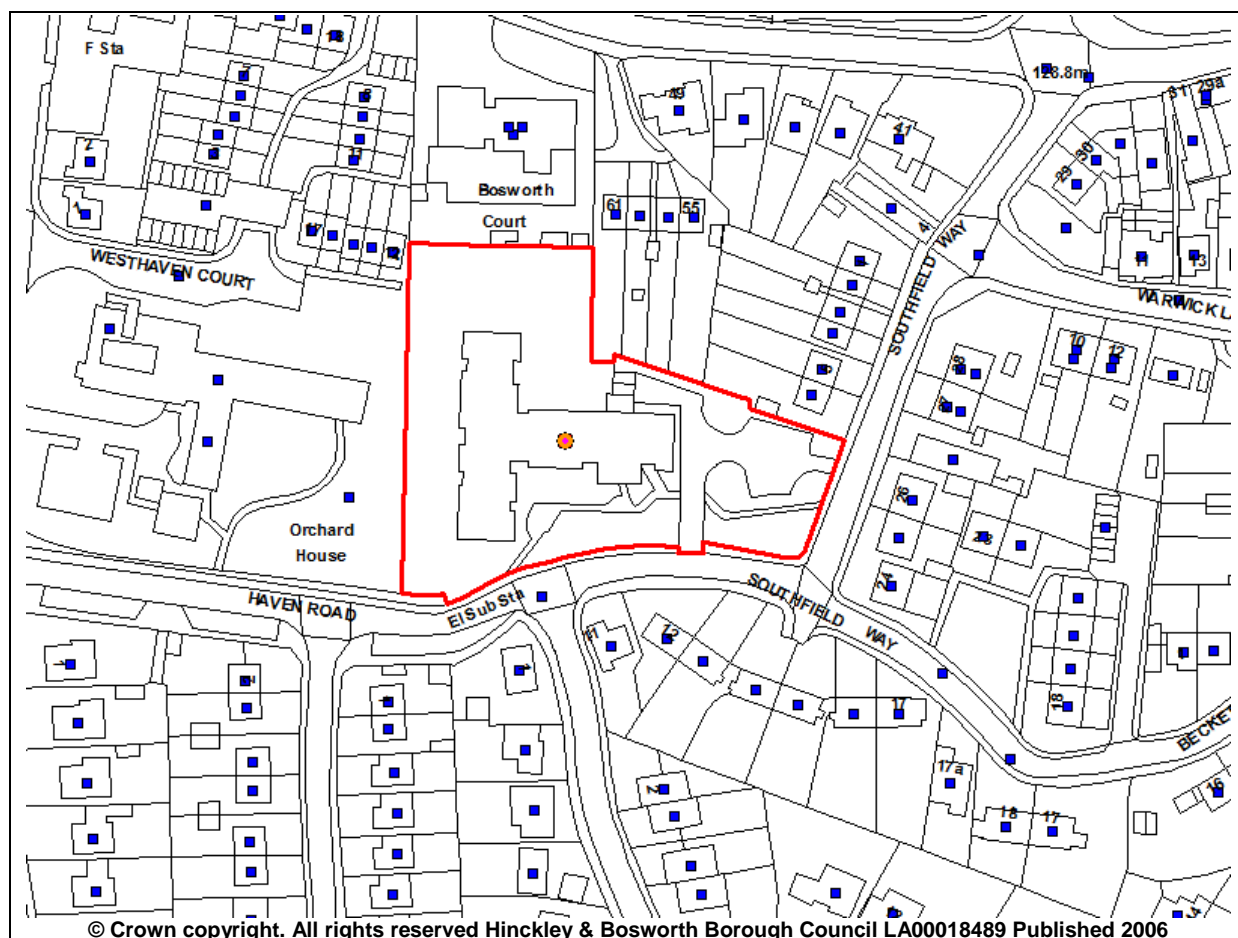
Planning Ref: 19/00625/DEEM
Applicant: Hinckley & Bosworth Borough Council
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: Ambion Court Southfield Way Market Bosworth

Proposal: Demolition of the existing sheltered flats and the construction of 24 sheltered flats (for the over 60s) and three bungalows with associated car parking and landscaping.



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - Affordable Rented Dwellings
- Planning conditions outlined at the end of this report.

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

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

2. Planning Application Description

- 2.1. This application seeks the demolition of the existing sheltered housing complex, which comprises 26 bedsits and 5 flats, which is warden controlled, and the erection of a replacement sheltered housing scheme which would comprise 24 flats, in addition to the erection of 3 one bedroomed bungalows, for over 60s.
- 2.2. The main building, would be positioned within the west portion of the application site, and would be a linear building, running south to north, set in from the western boundary and upon a similar footprint of the existing building, with access and parking situated to the east of the building, providing the main entrance point into the building. Access would be taken from the existing point of access along Southfield Way.
- 2.3. The bungalows would be situated and confined to the east side of the application site, and would introduce an additional access from Southfield Way. Plots 1 and 2 would be set back from the highway, providing parking to the front. Plot 3 would be situated upon the corner of Southfield Way, forward of plots 1 and 2, with parking proposed to the rear.
- 2.4. The proposed development would provide 19 parking spaces across the application site.
- 2.5. A Design and Access Statement, Ecology Report, Affordable housing statement, Drainage statement, Tree Survey and a Geo Environmental Appraisal Phase 2 in support of the application.

3. Description of the Site and Surrounding Area

- 3.1. The application site is situated within the settlement boundary of Market Bosworth, and within an existing residential area. The existing sheltered housing building is currently vacant and takes the form of a 'T' shaped red brick and tile building, and is two storeys in scale, however the roof pitch is shallow. Parking and access serving the building is situated to the east of the building. The site is relatively flat, however levels do fall towards the east.
- 3.2. To the north of the application site, the building backs onto Bosworth Court, and a row of terraces houses, all of which are two storey in scale, and to the south two storey semi detached dwellings, set back from the highway. Facing onto the site to the east, is a number of bungalows. To the west the site is immediately bound by Orchard House, which is a care home facility, however between the application site and Orchard House planning permission has been granted for the development of 4 dwellings, of two storey scale.

4. Relevant Planning History

89/01156/4D	Erection of 6 x 2 bedroom bungalows and alterations to 2 existing flats housing committee 28 09 89 minute no 434	Permitted	24.10.1989
74/00009/4D	Erection of o a p flatlets	Approval of Reserved matters	25.06.1974

5. Publicity

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

6. Consultation

- 6.1. No objections, some subject to conditions, have been received from:-
Environmental Health (Pollution)
Environmental Health (Drainage)
Severn Trent
Lead Local Flood Authority
Leicestershire County Council (Highways)
Leicestershire County Council (Highways)
Waste Services
- 6.2. Further comments are awaited from Leicestershire County Council (Ecology)
- 6.3. No comments have been received from:-
Cycling UK
Leicestershire Fire And Rescue Service
Market Bosworth Neighbourhood Forum
- 6.4. Market Bosworth Parish Council have provided support for the application, and advise the works would create welcome facilities within the Parish

7. Policy

- 7.1. Market Bosworth Neighbourhood Plan 2014-2026
- CE1: Character and Environment
- 7.2. Core Strategy (2009)
- Policy 7: Key Rural Centres
 - Policy 15: Affordable Housing
 - Policy 16: Housing Density and Mix
- 7.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (2017)

8. Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies
 - Affordable housing
 - Design and impact upon the character of the area

- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Contamination
- Ecology
- Infrastructure contributions
- Other matters

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) 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.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. The application is located in the settlement boundary of Market Bosworth. Market Bosworth is identified as a Key Rural Centres, Stand alone within the Policy 11 of the Core Strategy. These centres are settlements outside the National Forest and away from the edge of Leicester that provide services to their rural hinterland.
- 8.5. Policy 11 of the Core Strategy seeks to support the local services in Market Bosworth and maintain rural population levels, and developments should seek to meet the needs of the Market Bosworth, taking into the account the latest Housing Market Assessment and local housing needs surveys as detailed in Policy 15 and 16. The proposal seeks to replace an existing sheltered housing building, to provide 24 sheltered flats and 3 one bedroomed bungalow, in replacement of 26 bedsits and 5 flats, within the settlement boundary of Market Bosworth. The scheme seeks to provide improved and updated living accommodation within the settlement of Market Bosworth for existing residents of the current facility and new residents of the same demographic.
- 8.6. Given the ageing population and higher levels of disability and health problems within the older generation, the Housing Economic Needs Assessment identifies that there is likely to be an increase requirement for specialist housing options, including the need for step free living accommodation, such as bungalows.
- 8.7. In addition the Lead Commissioner – Older People at Leicestershire County Council has stated that their strategic priority is to focus revenue and political capital expenditure on positive alternatives to residential and nursing care, such as extra care/assisted living and other community-based services, which maximise individual's opportunities to remain independent and manage their own care.
- 8.8. The proposal seeks to replace an existing sheltered housing building, to provide 24 sheltered flats and 3 one bedroomed bungalow, in replacement to 26 bedsits and 5 flats, within the settlement boundary of Market Bosworth, and within close proximity to the centre of Market Bosworth.

- 8.9. The proposal would provide a replacement enhanced and high quality facility which would respond to the need of the older demographic within a sustainable location, close to services. It is considered that the proposed development would accord with Policies 7, 15 and 16 of the Core Strategy, Policy DM1 of the SADMP and the overarching provisions of the NPPF.

Affordable housing

- 8.10. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. Policy 15 seeks the provision of 40% affordable housing on all sites in rural areas with a tenure split of 75% for social rent and 25% for intermediate tenure.
- 8.11. This is an application for the development of a sheltered housing scheme in Market Bosworth. The scheme replaces a previous sheltered scheme of 24 bedsits and 5 flats for people over 60. This scheme was no longer fit for purpose and will be replaced by 24 one bedroomed self contained apartments, and attendant communal areas including a common room, laundry, hairdressing room and scooter storage facilities. The application also includes 3 one bedroomed bungalows on the east of the site.
- 8.12. The scheme would provide support on site from a visiting warden but care services will be commissioned separately, from independent providers. For this reason, the scheme falls under class use C3 (dwelling houses) rather than C2 (residential care). Consequently, policies relating to the provision of affordable housing set out in Policy 15 of the Core Strategy will apply, which includes a requirement for 40% affordable housing to be provided on sites of 4 dwellings or more or 0.13 hectares or more in rural areas. The scheme also exceeds the National Planning Policy Framework requirement which sets the threshold at 10 dwellings or more.
- 8.13. However this scheme is the replacement of a council owned sheltered facility and all of the properties will be for affordable rent. There are 11 Council owned sheltered schemes in the Borough, including Ambion Court, but provision is concentrated in the urban areas of the Borough and the nearest alternative sheltered housing is situated in Barlestone.
- 8.14. Market Bosworth is a high demand village well connected to the wider Borough and provides a number of services including shops, pubs and restaurants and a library. There is a healthy waiting list for general needs accommodation including 482 applicants for 1 bedroomed accommodation. Of this number, 182 are over 60 and therefore could potentially apply for sheltered accommodation. It should also be noted that when the existing scheme was closed, a number of residents were temporarily moved pending the redevelopment of the scheme, and these residents have the right to return to live at Ambion Court should they wish to do so. Despite the previous scheme only offering shared bathroom facilities to residents, vacancies did not prove problematic to let. It is therefore expected that the provision of a modern sheltered housing development in a desirable village will attract a high level of interest.
- 8.15. Whilst it is common practice for new affordable housing in rural areas to require lettings to be offered in the first instance to people with a connection to the village, specialist accommodation is of its nature an exception to this requirement. Sheltered housing forms part of the specialist provision of supported accommodation in the Borough and therefore serves the need of the wider community. Any qualifying household who has a connection to the Borough will therefore be eligible to be considered for accommodation at the scheme.

- 8.16. Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.

Design and impact upon the character of the area

- 8.17. Policy DM10 of the SADMP states that developments will be permitted providing that the design respects the scale, proportions and height of the existing building, neighbouring structures and overall street scene, and building materials respect the materials of existing, adjoining/neighbouring buildings and the local area generally. Policy CE1 requires that all new development within Market Bosworth should be in keeping with its Character Area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place. It is considered that the development proposed by this application would meet these aims and requirements for the reasons given below.
- 8.18. The site is identified as being within character area D 'Suburban residential' within the Market Bosworth Neighbourhood Plan (MBNP). This area is characterised by:
- Detached and semi-detached, two storey dwellings
 - Long open aspect front gardens providing a sense of openness
 - Wide, open aspect grassed verges at road entrances
 - Public open spaces dividing housing
 - Well proportioned uniform plots with properties set back from the pavement;
 - Garages and driveways
- 8.19. The site is situated in a predominately residential area, with both a mix of care homes and single family dwellings present within the area. Scale of development within the area is varied with two storey and single storey dwellings present within the street scene, as well as the presence of utilitarian design building, one of which this application seeks to replace. The proposed development would demolish the existing building, and erect a rectangular linear building as a replacement, which would be two storeys in scale. The proposed building would provide a central entrance which would open into a communal area, which would include dining area, lounge, library and hairdressers, two corridors extending north and south serving the respective flats. The mass of the proposed building would be broken up through changes within the elevations, such as areas of glazing, the incorporation of a first floor external seating area and balconies.
- 8.20. The orientation of the building has been informed by the orientation of the sun to ensure that all flats benefit from natural sunlight at some point during the course of the day. However this would result in the gable end of the building facing onto Southfield Road. The existing building due to its 'T' shaped footprint has a gable end facing onto Southfield Way, and therefore this relationship exists. The proposed development also provides an opportunity to enhance the south facing elevation, fronting onto Southfield Way, which is currently a gable wall, with a single window at first floor and ground floor door. Although the proposed development would maintain a gable end adjacent to Southfield Way, its mass and appearance would be reduced due to the gable being stepped, and would incorporate areas of significant glazing at both ground and first floor to serve a communal seating area, as well of habitable windows to the flats, providing an improved relationship between the development and Southfield Way, and a more active frontage.
- 8.21. In addition to the sheltered flats, the scheme also seeks to provide three 1 bedroomed bungalows, which would be situated to the east of the main building and upon a corner within Southfield Way, facing onto the existing bungalows on the opposing side. Plot 3 would be situated upon the corner south east corner, and has been designed to be dual frontage, with habitable windows and an open frontage proposed along the east edge with the entrance provided within the south elevation.

To the north of Plot 3, Plots 1 and 2 faces east, set back from Southfield Road, to provide parking to the front. A portion of existing hedgerow and a number of trees would have to be removed along this eastern boundary to facilitate the bungalows.

- 8.22. The site provides a degree of tree stock, which is within a semi-mature to mature age range, and is predominately broadleaved species typical of a sub urban area. The spacing between the trees has allowed for incremental growth of canopies. The application has been supported by a tree survey, which identifies no Category A trees, 8 Category B trees, 12 Category C trees and 2 Category U trees. The majority of trees which would be required to be removed to facilitate the development would fall within Category C, low value, with an exception of 4 Category B trees, according to the submitted Tree Survey. The survey goes on to state that given the root protection zones required and the siting of the trees, redevelopment of the site, with out the removal of some of the existing trees would be commercially unviable. The tree survey also identifies the necessary root protection areas and build method which should be employed to the trees which are to be retained, and could be conditioned should permission be granted. The survey is subject to further comments from the Tree officer and will be reported by way of late item.
- 8.23. The proposed development also includes scooter stores for both sheltered flats and the bungalows, to aid accessibility for occupiers. The proposed development is also proposed to incorporate renewable energy in the form of solar panels, as well as a highly insulated fabric first build, to seek low energy solutions.
- 8.24. The proposed layout includes landscaped gardens and additional planting for future occupiers to circulate externally, as well as formal parking provision being provided within the site, denoted through a change of materials, set back from the frontage to provide a buffer and soften the appearance of the hard surfacing.
- 8.25. By virtue of the scale, layout, design and appearance, the proposal would complement the character and appearance of the surrounding area and would therefore be in accordance with Policy DM10 of the adopted SADMP in this respect and Policy CE1 of the Market Bosworth Neighbourhood Plan.

Impact upon neighbouring residential amenity

- 8.26. 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.
- 8.27. The application site is situated within a predominately residential area, to the south east and north the site is flanked by residential dwellings, and the west and north a further care home facility. The proposed replacement sheltered flat building, would be situated in a similar position of the existing building, with the gable end of the building facing towards the junction of Southfield Way with Northumberland Avenue. The nearest dwelling, which the south gable of the sheltered flat building would face towards is No.1 Northumberland Avenue, which is situated upon a lower land level to that of the application site. The south facing elevation of the proposed sheltered flat building would face towards this dwelling. No. 1 Northumberland Avenue is orientated to face east, and therefore the north facing elevation of this property is the side, and with a separation distance of approximately 22 metres proposed, it is not considered that the proposed development would be unduly overbearing upon this dwelling, nor would it result in any adverse overlooking.
- 8.28. To the east of the application site, four dwellings the side elevations of which face towards the Ambion Court, a Leylandi hedge is present along the boundary between the proposed dwellings and the application site. It should be noted that development has not commencement on site and therefore permission has not been

implemented. However the west facing elevation of the proposed building would be positioned approximately 11 metres from the shared boundary. Habitable windows would, be positioned along this elevation, and would face towards the proposed amenity space serving the dwellings. This relationship is currently present with the existing building, and therefore this proposal would not alter this accepted relationship, should the development be brought forward.

- 8.29. The proposed bungalows situated to the east of the application site. Plots 1 and 2 would face west and plot 3 south. Plot 1 and 2 would be set back from Southfield Way by approximately 9.2 metres, to afford for 2 parking spaces. Plots 1 and 2 would face the principal elevations of No.25 and 26 Southfield Way, which are bungalows situated on the opposite side of the road, with a separation distance in excess of 23 metres. As such given this relationship and the proposed scale, the proposed development would not result in any overbearing impact or overlooking to these properties. To the south of plots 1 and 2, plot 3 would be positioned upon the corner and orientated south however habitable windows would also face east, towards No.24 Southfield Way, however with a separation distance of approximately 22 metres across a highway this relationship would not be adverse in terms of overlooking. The principal elevation of the proposed bungalow of plot 3 would face towards No.13 and 14 Southfield way, which are two storey dwellings set back from the highway. Given the proposed scale and the separation distance of approximately 24 metres, there would no impact in terms of overlooking to these dwellings.
- 8.30. To the north of proposed bungalow 1, is No.6 Southfield way which is a two storey dwelling. Plot 1 would be set away from this north boundary by approximately 3.5 metres, and set back from the front elevation of No.6. Given the scale is limited to single storey and would be set away from the boundary, it is not considered that the proposed development would result in any overbearing impact, nor overshadowing which would be detrimental to this dwelling.
- 8.31. The proposal would include a plant room, the doors of which would open west towards Orchard House. Details of the plant equipment including noise data has not been provided as part of this application and it is therefore considered necessary to impose a condition to ensure the details are agreed prior to first use of the building.
- 8.32. Therefore the proposed scheme would not result in any significant adverse impacts on the residential amenity of any neighbouring occupiers and would provide a satisfactory living environment for the future occupiers of the site.
- 8.33. Due to the limited depths of the gardens serving the Bungalows, it is considered necessary to impose a condition to remove permitted development rights to ensure any additional alterations and extensions to dwellings are not carried out without consent, to allow full regard of neighbouring amenity
- 8.34. The scheme would therefore be in accordance with Policy DM10 of the adopted SADMP in these respects.

Impact upon highway safety

- 8.35. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework 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.

- 8.36. The proposal would utilise the existing dropped kerb access along the southern side of the application site. In addition to this, the scheme seeks to construct a new access along the east of the application site onto Southfield Way to serve bungalow plots 1 and 3. This would require a new dropped kerb as well as the reinstatement of the existing dropped kerbs which appear to have served a historic access to the application site, which has since been blocked off with a hedgerow. The proposed development would also increase parking provision within the site from 11 to 19, which is a difference in 8 spaces.
- 8.37. The existing facility provides a total of 30 bedrooms, and the replacement scheme would provide 27 bedrooms. The proposal would be served by an on site manager working Mon- Fri office based hours, which would manage the building and offer welfare checks to maintain residents independence and well being, and would continue in the manner previously.
- 8.38. Southfield Way is an unclassified road with a 30mph speed limit, Leicestershire County Council (Highways) have considered the application and given the accesses provide adequate visibility and the fact that vehicles would be travelling at low speeds, there are no objections the proposed development, subject to conditions, which seeks to ensure that development is not occupied until visibility splays and accesses have been are provided in accordance with the submitted details, as well as the parking and cycle stores have be implemented and retained. As such subject to the imposition of conditions the proposal would not result in any significant adverse impacts on the local highway network or highway safety and would accord with Policies DM17 and DM18 of the SADMP.

Drainage

- 8.39. Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding.
- 8.40. The Environment Agency flood maps identify the site as being located within Flood Zone 1 and do not highlight any concerns relating to surface water flooding. The application has been supported with a Drainage strategy to demonstrate the proposed development would not have an adverse impact upon flood risk. The Local Lead Flood Authority to the proposed development and identify that as it is a brownfield site with limited options for infiltration and details maintenance plan has not been included at this point, it would be considered necessary however, to impose conditions, which seek surface water drainage scheme to be submitted and agreed, details of the management of surface water on site during construction, and no occupation of the development until details have been provided in relation to the long term maintenance of surface water drainage system has been submitted.
- 8.41. In terms of foul water, Severn Trent have considered the application, and subject to the imposition of a condition, which requires the submission of foul water drainage scheme to be submitted and agreed, offer no objections to the proposed development. It is considered that the development would be in accordance with Policy DM7 of the SADMP.

Contamination

- 8.42. Policy DM7 of the adopted SADMP requires that development proposals demonstrate that appropriate remediation of any contaminated land would be satisfactorily undertaken and that there would be no adverse impact on water quality.
- 8.43. Environmental Ground Investigation Reports (Phase I and Phase II) have been submitted to support the application. The application has been assessed by Environmental Health (Pollution) team. No objections are raised to the proposed

development in principle. However, the Phase II report recommends further visits to characterise the gas regime, the site has been classified as a CS1 where gas protection measures are not required as part of the proposed development against carbon dioxide or methane gases. However, an allowance should be made for CS2 grade gas protection measures until the remaining two visits as identified within the Phase II investigation have been completed.

- 8.44. Conditions are therefore recommended to require additional ground contamination investigation and any necessary remediation to be undertaken and also if any land contamination not previously identified is encountered during development of the site. Such conditions are considered to be reasonable and necessary in order to ensure safe development of the site for the health and amenity of future occupiers. In addition given the application site is situated within a residential area, it is also considered necessary to impose a condition for the submission of a Construction Environmental Management Plan to be submitted, which seeks to mitigate and prevent dust, odour, noise, vibration, smoke, light and land contamination, and the limitation of construction hours. Accordingly the proposed development is considered to comply with Policy DM7 of the SADMP.

Ecology

- 8.45. Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features.
- 8.46. An Ecology Report has been submitted to support the application. Leicestershire County Council (Ecology) has considered the application, and advises that although no habitats of importance were recorded on site and no evidence of protected species were found in the survey submitted, the existing building was assessed as having moderate bat roost potential and as such an internal inspection of the building is required. At the point of writing this report, an internal inspection has been carried out and the necessary reports compiled, an update by way of a late item will therefore be completed following further comments from Leicestershire County Council (ecology) on the submitted bat report.
- 8.47. Accordingly subject further information and consultation with Ecology, the proposed development is considered to comply with Policy DM6 of the SADMP.

Infrastructure Contributions

- 8.48. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.49. The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Health

- 8.50. The existing facility provides 30 bedrooms across the site, comprising of 24 bedsits and 5 flats. The proposal seeks to replace this existing housing complex, and would result in a 27 bedroomed scheme across the site, therefore a reduction in population. A request for contributions from NHS England has been received,

however further clarification and information regarding the net loss in units has been sought, and therefore this be reported as a late item.

Libraries

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

Other matters

- 8.52. Street Scene Services (Waste) has raised no objections to the application, subject to a requested condition to secure the provision of waste recycling, storage and collection for the scheme. As the scheme is split into two elements it is proposed, that the flats would have a communal central bin store adjacent to the car parking area, and the proposed bungalows would be served by their individual bins adjacent to the highway. As such it is considered that this matter could be adequately addressed and agreed through the imposition of a condition.

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 application site is located within the settlement boundary of Market Bosworth, and seeks to provide a replacement affordable sheltered housing accommodation which is considered acceptable in principle.
- 10.2. By virtue of the layout, scale and appearance, the site would complement the visual appearance and character of the area and would not give rise to adverse impacts on neighbouring residential amenity. Subject to the imposition of a number of planning conditions, the scheme would not result in any significant adverse impacts on highway or pedestrian safety, or ecology. Conditions can also be imposed to ensure safe development of the site in respect of any land contamination and drainage to prevent any adverse impacts arising in respect of pollution or flooding.
- 10.3. The proposed scheme would be in accordance with Policies 7, 15 and 16 of the Core Strategy, Policies DM1, DM3, DM6, DM7, DM10, DM11, DM13, DM17, DM18 and DM19 of the adopted SADMP and Policy CE1 of the Market Bosworth Neighbourhood Plan, and is therefore recommended for approval subject to conditions and the completion of a section 106 legal agreement to secure the development remains affordable.

11. Recommendation

- 11.1. **Grant planning permission** subject to:
- The prior completion of a S106 agreement to secure the following obligations:
 - Affordable housing obligation
 - Planning conditions outlined at the end of this report.
- 11.2. That the Development Management Manager be given powers to determine the final detail of planning conditions.
- 11.3. That the Development Management Manager 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 Dwg No.2523/P100, Block plan Dwg No.2523/P104, Proposed Site Plan Dwg No. 2523/P102, Proposed site plan Dwg No. 2523/P103, Proposed floor plan Dwg No. 2523/P201, Elevations and Sections Dwg No. 2523/P202, Proposed roof plan, scoter store plan Dwg No.2523/P203 and proposed Bungalow Plan Dwg No.2523/P204 received by the Local Planning Authority on the 5 June 2019.
Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
 3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

4. The occupation of the development hereby approved shall be limited to persons aged 60 years and above.

Reason: To ensure that the development caters for the older demographic in accordance with Policies 15 and 16 of the Core Strategy 2009.

5. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

6. The communal garden shall be laid out within one month of the first occupation of any of the flats within the development and be permanently available for use by the occupants of all the flats to which this permission relates.

Reason: In the interests of residential amenity, as this communal garden is an essential element of the development in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

7. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that order with or without modification) development within Schedule 2, Part 1, Classes A, B, C, D and E shall not be carried out without the grant of planning permission for such development by the Local Planning Authority.

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

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 development shall then be implemented in accordance with the approved details.

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

10. No development shall commence on site until the recommendations contained within the Phase II investigation have been reported to the Local Planning Authority and agreed in writing.

Reason: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11. Prior to first occupation of the development hereby approved, details shall be submitted of the equipment and apparatus to be contained within the ground floor plant shall be submitted to and agreed in writing by the Local Planning Authority, this shall include all noise data associated with the proposed plant equipment. The agreed details shall be completed and installed prior to first occupation of the development hereby approved and maintained in accordance with those details thereafter.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 and DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, 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 minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

13. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays. There shall be no construction work on site on Sundays and Bank Holidays unless other agreed in writing.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

14. No development shall commence until drainage details for the disposal of surface water and foul sewage have been submitted in writing to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

15. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. 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.

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

16. Prior to commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

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

17. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4; metres by 43; metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework.

18. Bungalows B2 and B3 as shown on Pelham Architects drawing number 2523/P102, shall not be occupied until such a time as the access arrangement shown on Pelham Architects drawing number 2523/P102 have been completed with vehicular visibility splays of 2.4 metres by 43 metres in a northerly direction and 2.4 metres by 17 metres in a southerly direction and pedestrian visibility splays of 1.0 metre by 1.0 metre on Southfield Way. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of pedestrian safety, and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework.

19. Bungalows B2 and B3 as shown on Pelham Architects drawing number 2523/P102 shall not be occupied until such a time as the parking, and turning facilities have been completed in accordance with B2 and B3 as shown on Pelham Architects drawing number 2523/P102, and thereafter maintain in perpetuity.

Reason: 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 to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

20. No development shall take place until a scheme which provides adequate provision for waste and recycling storage and collection across the site has been submitted to and approved in writing by the Local Planning Authority. The details should address the accessibility to storage facilities and adequate collections point space at the adopted highway boundary.

Reason: To ensure that the development is served with a satisfactory waste collection scheme across the site to serve the amenity of the future occupants to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

11.5. Notes to Applicant

1. 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. 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>
2. To erect temporary directional signage you must seek prior approval from the Local Highways Authority in the first instance (telephone 0116 305 0001).

Planning Committee 20 August 2019
Report of the Planning Manager

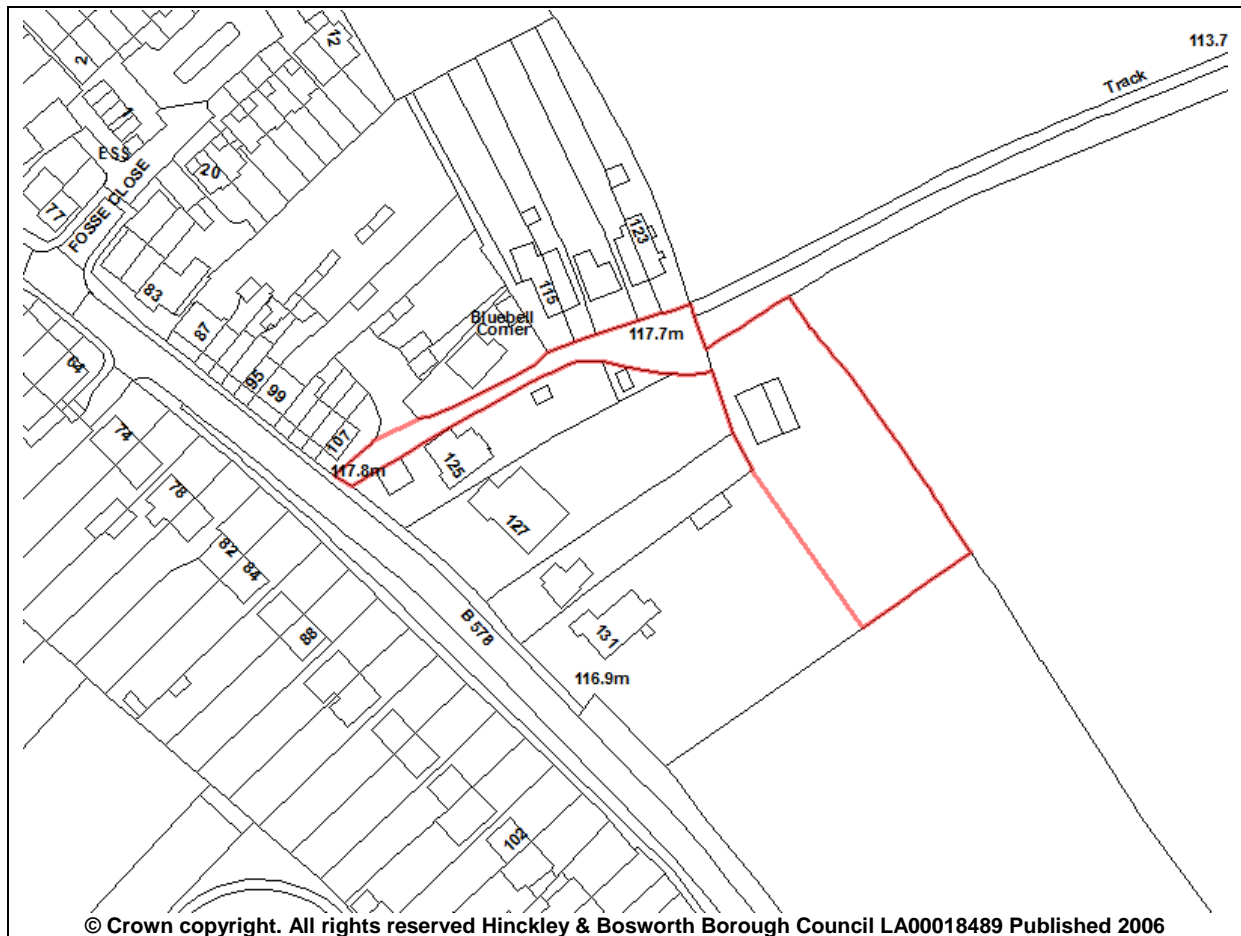
Planning Ref: 19/00573/FUL
Applicant: Mr Thomas Knapp
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: Land Rear Of 125 - 131 Lutterworth Road Burbage

Proposal: Conversion of existing building to residential (C3) use and single storey extension to side



1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

1.2 That the Planning Manager 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 conversion of an existing redundant building to a residential dwelling, including a single storey extension to the side, replacing an existing lean to on land rear of 125-131 Lutterworth Road, Burbage.

- 2.2. Following a previous permission, the existing property (no. 131) has been demolished and the building and the application site subdivided from the new dwellings erected on the land facing onto Lutterworth Road. It is therefore considered that the application building is no longer tied to the residential property and the land and the building has no defined use.
- 2.3. The proposal involves the conversion of the existing brick built section to a residential dwelling, including the insertion of new window and door openings and re-roofing with mock zinc profile roofing. The proposal also involves the demolition of an existing lean to section and replacement with a brick built extension, on the same footprint. The proposal does not exceed the parameters of the exiting structure on site. A structural survey has been submitted in support of the application.

3. Description of the Site and Surrounding Area

- 3.1. The application site consists of a parcel of land located to the rear of nos.125 to 131 Lutterworth Road. Access to the site is from an existing private access track located between nos. 107 and 125 Lutterworth Road.
- 3.2. The site is located adjacent to but outside of the settlement boundary of Burbage and as such, within land designated as countryside.
- 3.3. A gate is located at the entrance to the site with a private right of way running across the front of the site providing access to open fields to the east. The building itself currently comprises a single storey brick built building with a lean to section constructed from metal cladding and with timber doors which provides a storage area. The building has an existing asbestos roof.
- 3.4. The application building is not highly visible from the surrounding area, given the siting immediately behind a dense hedgerow which separates the application site from the rear gardens of no. 127 and 129 Lutterworth Road.
- 3.5. Two new dwellings have been constructed on Lutterworth Road to the south west of the site, permission exists for a third to be erected.

4. Relevant Planning History

17/01124/FUL	Demolition of existing dwelling and erection of 3 new dwellings and associated access	Permission	21.12.2017
18/00643/FUL	Change of use of building to light industrial (B1c) and raising of roof and extension to existing building	Withdrawn	16.11.2018
18/00953/FUL	Erection of detached dwelling and new vehicular access	Withdrawn	21.11.2018
18/01278/FUL	Erection of detached dwelling and a new vehicular access	Permission	12.06.2019

19/00363/CONDIT	Variation of conditions 2, 4, 5, 7 and 8 of planning permission 17/01124/FUL to refer to an amended site plan with relocated access and amended landscaping (retrospective)	Permission	23.05.2019
18/00300/FUL	Demolition of existing workshop and erection of a new dwelling	Withdrawn	01.06.2018
18/00643/FUL	Change of use of building to light industrial (B1c) and raising of roof and extension to existing building	Withdrawn	16.11.2018

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site
- 5.2. Objections have been received from four separate addresses raising the following concerns:
 - 1) Burbage is over developed and services are insufficient, with the schools and doctors being over subscribed
 - 2) Congestion is an issue of Lutterworth Road
 - 3) Loss of open space and countryside
 - 4) Access is narrow, un-adopted and not maintained
 - 5) Inadequate visibility splays
 - 6) Parking provision within the site is limited
 - 7) Would set a precedent for further development on the site
 - 8) The site is outside of the settlement boundary

6. Consultation

- 6.1. Burbage Parish Council object to the proposal as it is outside of the settlement boundary and within countryside, the access road is unsuitable and should meet highway standards.
- 6.2. No objections from the following:
 - HBBC Waste
 - HBBC Drainage
 - HBBC Environmental Health
 - LCC Ecology
- 6.3. LCC Highways have no objection subject to conditions
- 6.4. Notes to applicant provided by Cadent Gas.

7. Policy

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Emerging Burbage Neighbourhood Plan (2018)

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise.

8.3. The development plan in this instance consists of the Core Strategy (2009) 2006-2026 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. Policy 4 of the Core Strategy identifies Burbage as an important urban area where development would be focused to the north to support the Hinckley sub regional centre.

8.5. Policy 4 provides the policy framework for development in Burbage. The first criterion for Burbage seeks the provision of a minimum of 295 new homes.

8.6. However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure and the Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by MHCLG. Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly

and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 8.7. This is weighed in the balance of the merits of any application and 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.
- 8.8. This site lies outside of the settlement boundary of Burbage and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. 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.
- 8.9. Policy DM4 states that where proposals in the countryside involve the change of use, re-use or extension of existing buildings, development is sustainable if it leads to the enhancement of the immediate setting. This issue will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.
- 8.10. Policy DM15 of the SADMP goes beyond Policy DM4 and provides criteria against which proposals for development outside settlement boundaries for the re-use and/or adaption of redundant or disused rural buildings should be assessed in order to be supported. Policy DM15 states that developments will be supported where:
- a) The applicant demonstrates the building is no longer viable in its current use; and*
 - b) The applicant has adequately demonstrated the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration; and*
 - c) Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage; and*
 - d) The proposed development accords with Policy DM10: Development and Design and relevant design guidance, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.*
- 8.11. The site, although outside of the settlement boundary is adjacent to it, Burbage is considered to be a sustainable location with residents having access to amenities and sustainable transport options. The site has been subject to several planning applications, a number of which have been withdrawn. However, the Council is aware that the site once formed part of a residential curtilage which the site is now severed from. Therefore no lawful use has been established and thus, the site is considered to have nil use. The planning history of the site demonstrates that the building is not viable in its current use with the Council previously accepting that the site has nil use. The structural survey confirms that the building is capable of conversion without substantial adaption. The proposal does include the replacement of an asbestos roof, however, from the site visit it was evident that there are existing roof trusses that could support a new roof treatment, the structural survey confirms this. However, the Council questioned the capability of conversion of the lean to element, albeit the structural survey states it is structurally sound. There are no foundations and the roof has been removed and replaced with boards. Therefore, the proposal has been amended so that the lean to element is described as a replacement and therefore considered to be an extension. This amendment would not materially change the impacts upon surrounding properties or the countryside from the original description and proposal and therefore no re-consultation was necessary. The proposed extension replaces an existing structure

and the overall proposal does not increase the scale or mass of the building as existing.

- 8.12. A full assessment of the design and impact upon the character of the area and countryside is made later in the report. Therefore, in line with the above, subject to all other material considerations being satisfactorily addressed the re-use and proportionate extension of an existing redundant building is in principle acceptable in accordance with Policies DM1, DM4 and DM15 of the SADMP (2016) DPD.
- 8.13. The emerging Burbage Neighbourhood Plan is still in development, not yet having been submitted to the Local Planning Authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore; only very limited weight can be afforded to this document at this time.

Design and impact upon the character of the area

- 8.14. Policy DM4 of the adopted SADMP requires that development in the countryside does not have a significant adverse effect on the open character or appearance of the surrounding landscape and countryside.
- 8.15. 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 the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally.
- 8.16. Policy DM15 of the SADMP seeks to ensure that any proposed extensions or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage and that the building leads to an enhancement of the immediate setting.
- 8.17. The application site comprises a single storey detached building located to the rear of nos. 125-131 Lutterworth Road. Lutterworth Road is made up of predominantly ribbon development of dwellings with a variety of scale and designs. The application site was once the residential curtilage of a detached bungalow albeit outside of the settlement boundary. The bungalow has since been demolished and replaced with two, two storey dwellings. The site is currently enclosed by mature hedgerows, subdividing it from the agricultural fields beyond and housing to the west. The site is not highly visible and the existing building can only be viewed from within or immediately adjacent to the site.
- 8.18. The submitted structural report identifies that the main walls of the building are in a sound condition and in a good state of repair. However the existing lean to metal sheeting side extension is not considered suitable for conversion by the Council, the existing roof to the main part of the building also needs to be replaced. Overall, the site is in a state of disrepair and does not positively contribute to the character of the area and countryside.
- 8.19. Therefore the proposed works including the removal of the existing asbestos roof and the demolition of the existing metal cladding lean to and replacement extension of the same mass and proportions is considered to have a negligible impact upon the character of the area. The building is proposed to be roofed in mock zinc cladding and the external walls rendered with white through coloured render. The proposal uses all existing openings, other than in the eastern elevation which introduces three new window openings, and the north and south elevations replace garage style doors to the lean to with windows. Although the resulting appearance is not one of a traditional rural building, its close proximity to surrounding urban features, the improvement on its current state and the proportionate extension to the existing built form, do not warrant refusal of the application as there is no

significant adverse effect on the open character or appearance of the surrounding countryside. The proposed use of materials is acceptable and the resulting design, layout, scale and mass are not overtly different to the existing built form present on the site.

- 8.20. The proposal does introduce additional hardstanding in to the countryside, however, as Policy DM15 is supportive in principle of the reuse of existing buildings it is reasonable to expect some additional hard landscaping. Due to the orientation of the proposed conversion the additional parking area required off the access, limits the extent the hard surfacing encroaches in to the countryside and is the closest point to the existing urban edge, the proposed plans detail the surfacing to be stone chippings which is considered to be appropriate in this location.
- 8.21. The submitted layout plan also details the proposed boundary treatments surrounding the site, which include the retention of the existing hedgerow and post and rail fencing, all of which is considered appropriate.
- 8.22. It is considered reasonable and necessary to remove Permitted Development rights via a condition, from the proposed residential dwelling and its associated curtilage. This would prevent further built form or residential paraphernalia from eroding the openness of the Countryside without assessment of its appropriateness by the Council.
- 8.23. Criteria ii) to v) of Policy DM4 are not relevant as the proposal would not undermine the perceived separation between settlements, does not exacerbate ribbon development and is not located within a green wedge or the National Forest. As such, it is considered the proposal would not have an adverse impact upon the open character or appearance of the countryside or surrounding area in accordance with Policies DM4, DM10 and DM15.

Impact upon neighbouring residential amenity

- 8.24. Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.25. The building is currently located at the far end of the rear gardens of properties on Lutterworth Road.
- 8.26. No. 123 Lutterworth Road is located over 30 metres to the north west of the site and separated by the access track. As such, there would be no adverse impact upon the occupiers of this property by way of an overbearing nature or loss of privacy.
- 8.27. Given the significant distance (over 40 metres) to the dwellings to the south west, the siting away from the nearest private amenity space and the extensive length of the gardens, the conversion and single storey extension to the side would not result in any adverse impacts upon the occupiers of nos. 125-131 Lutterworth Road in respect of overbearing nature or loss of privacy. In addition, a mature hedgerow separates the site from these properties.
- 8.28. Objections have raised concern over the use of the access, however, the trips associated with a single residential dwelling is considered to add only a negligible amount of additional movement along the existing access, which is also used by other residential properties.
- 8.29. The existing building is adjacent to the settlement boundary, in a predominantly residential area. The associated residential curtilage proposed provides a large private amenity area for occupiers. There would be a right of way to the front of the property to allow agricultural vehicles access to the fields beyond, however, the existing building is separated from this right of way by a distance of approximately

18m. Therefore, the conversion of this building to a residential use would not present any concerns for the residential amenity of potential future occupiers.

- 8.30. Therefore, the proposal is not considered to have an adverse effect upon the residential amenity of surrounding residential properties, or the future occupiers of the proposal in accordance with Policy DM10 of the SADMP (2016) DPD.

Impact upon highway safety

- 8.31. Policies DM17 and DM18 of the SADMP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 8.32. The application site is accessed by way of a private un-adopted road which is not publicly maintained. It is considered that approximately 10 residential properties use this private track, as well as the agricultural access to the fields to the east. The site is served by this road until it meets Lutterworth Road. Parking would be provided to the front of the building with associated turning space allowing vehicles to leave the site in a forward gear.
- 8.33. LCC Highways consider that the impact of the development on highway safety would not be unacceptable and the impact on the road network would not be severe, it is considered that the use of the site and access for a single residential property is unlikely to intensify the use of the access that would warrant refusal. LCC Highways require a condition for the parking and turning area to be provided in accordance with the provided plans, this is considered to be a reasonable condition.
- 8.34. Concerns have arisen regarding inadequate visibility onto Lutterworth Road. Although the site access falls short of current highway standards, the proposed development would not alter the existing access arrangements. LCC Highways consider the proposal unlikely to alter the existing situation.
- 8.35. All disputes in respect of rights of access along this road are civil matters between the applicant and the owners of the road.
- 8.36. The development is therefore in accordance with Policies DM17 and DM18 of the SADMP.

Other Matters

- 8.37. HBBC (Pollution) requested a condition relating to bonfires, requesting that no bonfires shall be burnt at the site at any time. However, this is not considered reasonable, necessary or enforceable and is not a planning issue.
- 8.38. HBBC (Waste) requested a condition for details of waste and recycling storage, however, bin storage is detailed on the plans already and is deemed to be acceptable. Bin collection is anticipated from the adopted highway, although this is not ideal due to the distance, there are already other residential properties along this access that have residential waste collected from the access point.

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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this 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 proposal seeks the conversion and extension of an existing redundant building, situated within the Countryside. The building is considered to be structurally sound in part with the proposed extension replacing an existing lean to. The proposal is considered to have a negligible impact upon the character of the area and the openness of the countryside and has been found to have no adverse impacts upon the residential amenity of surrounding properties. The use of the existing un-adopted highway access is not considered to have severe detriment to highway safety and appropriate parking and turning areas are provided within the development site. Therefore the proposal is considered to be in accordance with Policy DM1, DM4, DM10, DM15, DM17 and DM18 of the SADMP DPD.

11. Recommendation

11.1. **Grant planning permission** subject to

- Planning conditions outlined at the end of this report.

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

11.3. **Conditions and Reasons**

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by 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:

General Arrangement ref: 4614/01 rev.A, received 25 July 2019.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with

GBa&e drawing number 4614/01. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: 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 to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

5. 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 in writing 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 first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A to H (inclusive); of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the character and openness of the countryside in accordance with Policy DM4 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the

public highway and therefore you should take every effort to prevent this occurring.

3. The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a lift able cover or other approved materials to the satisfaction of the Local Authority.
4. Any access drives, parking and turning areas, paths and patios should be constructed in permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (see Environment Agency guidance on the permeable surfacing of front gardens).
5. In relation to condition 4, advice from Health and Environment Services can be viewed via the following web address: <http://www.hinkcley-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.
6. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easement of wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restriction should be obtained from the landowner in the first instance.
7. If any construction traffic is likely to cross a Cadent pipeline then the applicant must contact Cadent's plant protection Team to see if any protection measure are required. Email: plantprotection@cadentgas.com tel: 0800 688 588.

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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 09.08.19

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	Appeal Valid	DATES
	CG	16/00758/FUL (PINS Ref 3234826)	WR	Mr Atul Lakhani Farland Trading Ltd 36 Thurnview Road Leicester	Land Adjacent 121 Station Road Bagworth (Erection of 10 no. dwellings and 2 no. flats (100% Affordable Scheme))	Awaiting Start Date	
	TW	18/00300/UNHOUS	WR	Mr Stuart Mallinson 34 Wendover Drive Hinckley	34 Wendover Drive Hinckley (Erection of a fence adjacent to a highway)	Awaiting Start Date	
	SW	18/01252/OUT	PI	Glenalmond Developments Limited	Land East Of Peckleton Lane Desford (Residential development up to 80 dwellings with associated works)	Notification of intention to submit an appeal	29.07.19
19/00025/PP	CG/NW	19/00031/FUL (PINS Ref 3232915)	WR	Nine Points Property Ltd c/o Agent	146 Hinckley Road Barwell (Change of use from children's day nursery to a residential care home for children with education facility)	Start Date Statement of Case Final Comments	29.07.19 02.09.19 16.09.19
	GS	19/00113/HOU (PINS Ref 3232751)	WR	Wesley Abdulai 69 Seaforth Drive Hinckley	69 Seaforth Drive Hinckley (First floor front extension (retrospective))	Appeal Valid Awaiting Start Date	08.07.19
19/00024/PP	SW	19/00302/OUT (PINS Ref 3231357)	WR	Mr Mark Whitmore Bramble Paddock Breach Lane Earl Shilton LE9 7FB	Land Opposite 22-24 Merrylees Road Newbold Heath Newbold Verdon (Detached 4 bedroom dwelling (Outline - with all matters reserved))	Start Date Statement of Case Final Comments	20.06.19 22.08.19 05.09.19

19/00016/PP	AC	19/00303/FUL (PINS REF 3229645)	WR	Ms Lisette Sampey 17 Main Street Higham on the Hill	17 Main Street Higham On The Hill Nuneaton (Demolition of existing workshop, garage and wall, subdivision of plot and erection of one detached dwelling, single storey front extension to existing dwelling and new access to serve existing dwelling)	Start Date Awaiting Decision	31.05.19
19/00015/PP	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 recreationa 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))	Start Date Hearing Date Co-joined with 3229633	28.05.19 13.08.19
19/00021/PP	JB	19/00230/FUL (PINS 3229633)	IH	Statue Homes Limited The Old House Farm Sutton Lane Cadeby Nuneaton	Kyngs Golf And Country Club Station Road Market Bosworth (Change of use of vacant outbuilding to No. 1 holiday lodge and alterations to existing vehicular access onto Station Road to include the extension of the access drive)	Start Date Hearing Date Co-joined with 3218401	13.06.19 13.08.19
19/00022/NONDET	RW	19/00213/CONDIT (PINS REF 3229530)	WR	Centre Estates Limited 99 Hinckley Road Leicester	Land Off Paddock Way Hinckley (Application Reference Number: 17/00115/FUL (Appeal Reference: APP/K2420/W/17/3189810) Date of Decision: 13/09/2018 Condition Number(s): 2)	Start Date Awaiting Decision	21.06.19
19/00023/FTPP	TW	19/00174/HOU (PINS Ref 3229307)	WR	Mr & Mrs Marcus & Gill O'Sullivan 122 Ashby Road Hinckley	122 Ashby Road Hinckley (Erection of a Car Port to front of property (Retrospective))	Start Date Awaiting Decision	16.07.19

19/00020/PP	JB	18/01104/FUL (PINS Ref 3228815)	WR	Mr Lee Brockhouse A5 Aquatics Meadowcroft Farm Watling Street Nuneaton	Land North Of Watling Street Nuneaton (Erection of dwelling, detached garage, boat house, football pitch, creation of access and associated landscaping (re- submission of 18/00207/FUL))	Start Date Awaiting Decision	13.06.19
19/00019/FTPP	RW	18/01259/HOU (PINS Ref 3228184)	WR	Mr & Mrs KB Jones 7 Cadeby Court Sutton Lane Cadeby	7 Cadeby Court Sutton Lane Cadeby (Single storey rear extension and timber framed open porch to front elevation of dwelling (re-submitted scheme))	Start Date Awaiting Decision	12.06.19
	TW	18/00247/UNHOUS (PINS Ref 3225956)	WR	Miss Helen Crouch 49 Main Street, Bagworth	49 Main Street Bagworth (Creation of a balcony)	Appeal Valid Awaiting Start Date	18.06.19
	TW	18/00268/UNUSES (PINS Ref 3222721)	WR	Mr Andrew Charles Swanbourne Dawsons Lane Barwell	Land East Of The Enterprise Centre Dawsons Lane Barwell (Siting of 2 storage containers ancillary to the existing equestrian use)	Appeal Valid Awaiting Start Date	29.03.19
	AC	18/01051/FUL (PINS Ref 3222720)	WR	Mr Andrew Charles Swanbourne Dawsons Lane Barwell	Land East Of The Enterprise Centre Dawsons Lane Barwell (Siting of 2 storage containers ancillary to the existing equestrian use)	Appeal Valid Awaiting Start Date	29.03.19
19/00017/PP	CG	18/00302/FUL (PINS Ref 3222266)	IH	Persimmon Homes North Midlands Ltd, Davidson House Unit 17c Meridian East, Meridian Business Park Leicester	Land South Of Amber Way Burbage (Erection of 40 dwellings and associated infrastructure)	Start Date Hearing Date - 2 days	31.05.19 20-21.08.19
	CJ	18/01151/HOU (PINS Ref 3221766)	WR	Mr Richard Seabrook 25 Warwick Gardens Hinckley	25 Warwick Gardens Hinckley (Erection of fence adjacent to highway above 1 metre)	Appeal Valid Awaiting Start Date	07.02.19

	CJ	18/00344/UNHOUS (PINS Ref 3221767)	WR	Mr Richard Seabrook 25 Warwick Gardens Hinckley	25 Warwick Gardens Hinckley (Erection of fence adjacent to highway above 1 metre)	Appeal Valid Awaiting Start Date	09.04.19
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Decisions Received

19/00014/NONDET	RW	18/01266/FUL (PINS Ref 3226202)	WR	NS & PS Developments Ltd c/o E-Countant The Fort Offices Artillery Business Park Oswestry	Barrack House The Barracks Barwell (Part demolition and conversion of existing factory to 4 apartments and erection of 4 new houses and 9 new apartments)	ALLOWED	05.08.19
19/00012/FTTP	TW	18/01098/HOU (PINS Ref 3224500)	WR	Mr Steve Benson c/o Agent David Ives 160 Birstall Road Birstall Leicester LE4 4DF	40 Highfields Thornton Coalville Leicestershire LE67 1AE	DISMISSED	30.07.19
19/00018/FTTP	GS	19/00057/HOU (PINS Ref 3229835)	WR	Mr E Sutton 21 Peters Avenue Newbold Verdon	Kindle House 21 Peters Avenue Newbold Verdon (Single storey side extension, new pitched roof over existing porch and canopy along front elevation)	DISMISSED	08.07.19

Appeal Decisions - 1 April - 9 August 2019

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
15	4	11	0	0	3	0	9	0	0	2	1	0	0

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
2	0	2	0	0