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Hinckley & Bosworth  
Borough Council

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

Date: 20 July 2020

**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 SL Bray                    | 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 member,

There will be a meeting of the **PLANNING COMMITTEE** as virtual meeting via Zoom on **TUESDAY, 28 JULY 2020** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen  
Democratic Services Manager

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Thank you

## PLANNING COMMITTEE - 28 JULY 2020

### A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 7 July 2020.

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. Items to be taken at the end of the agenda.

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. 20/00347/REM - LAND EAST OF PECKLETON LANE, DESFORD (Pages 5 - 18)

Application for approval of reserved matters (layout, scale, appearance and landscape) of planning permission ref: 18/01252/OUT for 80 dwellings and details of the Affordable Housing Scheme and On-Site OpenSpace Area Scheme.

8. 20/00354/FUL - TEMPLE HALL FARM, BOSWORTH ROAD, WELLSBOROUGH (Pages 19 - 30)

Application for change of Use of agricultural building to commercial use (B8) and relocation of access (part retrospective).

9. 19/01440/FUL - 5 SHENTON LANE, MARKET BOSWORTH (Pages 31 - 44)

Erection of one dwelling and garage with associated access (revised scheme).

10. 20/00191/FUL - PAYNES GARAGES LTD, WATLING STREET, HINCKLEY (Pages 45 - 50)

Application for installation of 4 x 5 metre high lamp columns and associated lighting units (retrospective).

11. 19/01112/OUT - LAND AT REAR OF 131 LUTTERWORTH ROAD, BURBAGE (Pages 51 - 64)

Application for residential development (outline- access only).

12. 18/01288/FUL - THE BULLS HEAD, 88 MAIN ST, NAILSTONE (Pages 65 - 80)  
Application for erection of six dwellings and alterations to the existing Public House.
13. APPEALS PROGRESS (Pages 81 - 86)  
To report on progress relating to various appeals.

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### PLANNING COMMITTEE

7 JULY 2020 AT 6.30 PM

PRESENT: Mrs MJ Crooks - Chairman  
Mr DJ Findlay – Vice-Chairman  
Mr CW Boothby, Mr MB Cartwright, Mr JMT Collett (for Mrs H Smith),  
Mrs MA Cook (for Mrs CM Allen), Mr DS Cope, Mr WJ Crooks,  
Mr REH Flemming, Mr SM Gibbens, Mr E Hollick, Mr C Ladkin (for Mr RG Allen),  
Mr KWP Lynch, Mrs LJ Mullaney, Mr RB Roberts and Mr BR Walker

Also in attendance: Councillor DC Bill MBE and Councillor LJP O'Shea JP

Officers in attendance: Matthew Bowers, Jenny Brader, Rhiannon Hill, Julie Kenny, Rebecca Owen, Nicola Smith and Michael Rice

#### 396 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors C Allen, R Allen, Furlong and Smith, with the following substitutions authorised in accordance with council procedure rule 10:

Councillor Collett for Councillor Smith  
Councillor Cook for Councillor C Allen  
Councillor Ladkin for Councillor R Allen.

#### 397 MINUTES

It was moved by Councillor Cartwright, seconded by Councillor W Crooks and

RESOLVED – the minutes of the meeting held on 16 June 2020 be confirmed and signed by the chairman.

#### 398 DECLARATIONS OF INTEREST

Councillor Collett declared a non-pecuniary interest in application 19/01256/FUL as he had submitted comments but stated he had come to the meeting with an open mind.

Councillors Flemming, Lynch and Walker declared non-pecuniary interests in application 19/01112/OUT as members of Burbage Parish Council but confirmed that they had come to the meeting with an open mind.

Councillor Hollick declared a non-pecuniary interest in application 19/01060/S106 as a member of Groby Parish Council but confirmed that he had come to the meeting with an open mind.

#### 399 DECISIONS DELEGATED AT PREVIOUS MEETING

It was noted that all decisions delegated at the previous meeting had been issued with the exception of 20/00143/FUL which was subject to a S106 agreement.

400 19/01256/FUL - HANGMANS HALL FARM, TWENTY ACRE LANE, SUTTON CHENEY

Application for construction of a 62 hectare solar park to include the installation of solar photovoltaic panels to generate electricity with access from Wharf Lane and Stapleton Lane and associated substations, inverters, perimeter stock fencing, access tracks, CCTV and landscaping.

It was moved by Councillor Collett, seconded by Councillor Findlay and

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

401 19/01112/OUT - LAND AT REAR OF 131 LUTTERWORTH ROAD, BURBAGE

Application for residential development (outline – access only).

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

It was then moved by Councillor Roberts and seconded by Councillor Findlay that permission be refused. This motion was then withdrawn.

It was moved by Councillor Findlay and seconded by Councillor Roberts that the application be deferred for a site visit. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the item be deferred for a site visit.

402 19/01060/S106 - FORMER HIGHWAY LAND, LEICESTER ROAD, GROBY

Application for a deed of variation to amend the S106 agreement relating to 15/00767/OUT to provide an all affordable housing scheme comprising 10 affordable units and 20 shared ownership and removal of all other obligations.

Notwithstanding the officer's recommendation that the modification to the S106 agreement be approved, some members felt that the loss of any contribution was unacceptable. It was moved by Councillor Cartwright and seconded by Councillor Hollick that the proposed modification be refused. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the modification to the S106 agreement be refused.

403 18/01288/FUL - THE BULLS HEAD, 88 MAIN STREET, NAILSTONE

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

Notwithstanding the officer's recommendation that permission be granted, some members felt that the removal of the requirement for traffic calming measures was unacceptable. It was moved by Councillor W Crooks and seconded by Councillor Cartwright that permission be refused. Following further consideration, Councillor Cartwright withdrew as seconder and the motion was not put to the vote.

Following expressions of concern about Leicestershire County Council having amended their requirement for contributions for traffic calming measures since approval of the

application in August 2019, it was requested that a stern letter be sent to the county council via Councillor Bill as Executive Member for Planning regarding their inconsistent approach to highways matters on planning applications and the item be deferred to allow for this and for further discussion with the county council. It was moved by Councillor J Crooks and seconded by Councillor Findlay that the application be deferred. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the application be deferred.

Councillor Ladkin left the meeting at this juncture.

404 APPEALS PROGRESS

Members received an update on appeals.

RESOLVED – the report be noted.

(The Meeting closed at 8.32 pm)

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CHAIRMAN

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Planning Committee 28 July 2020  
Report of the Planning Manager

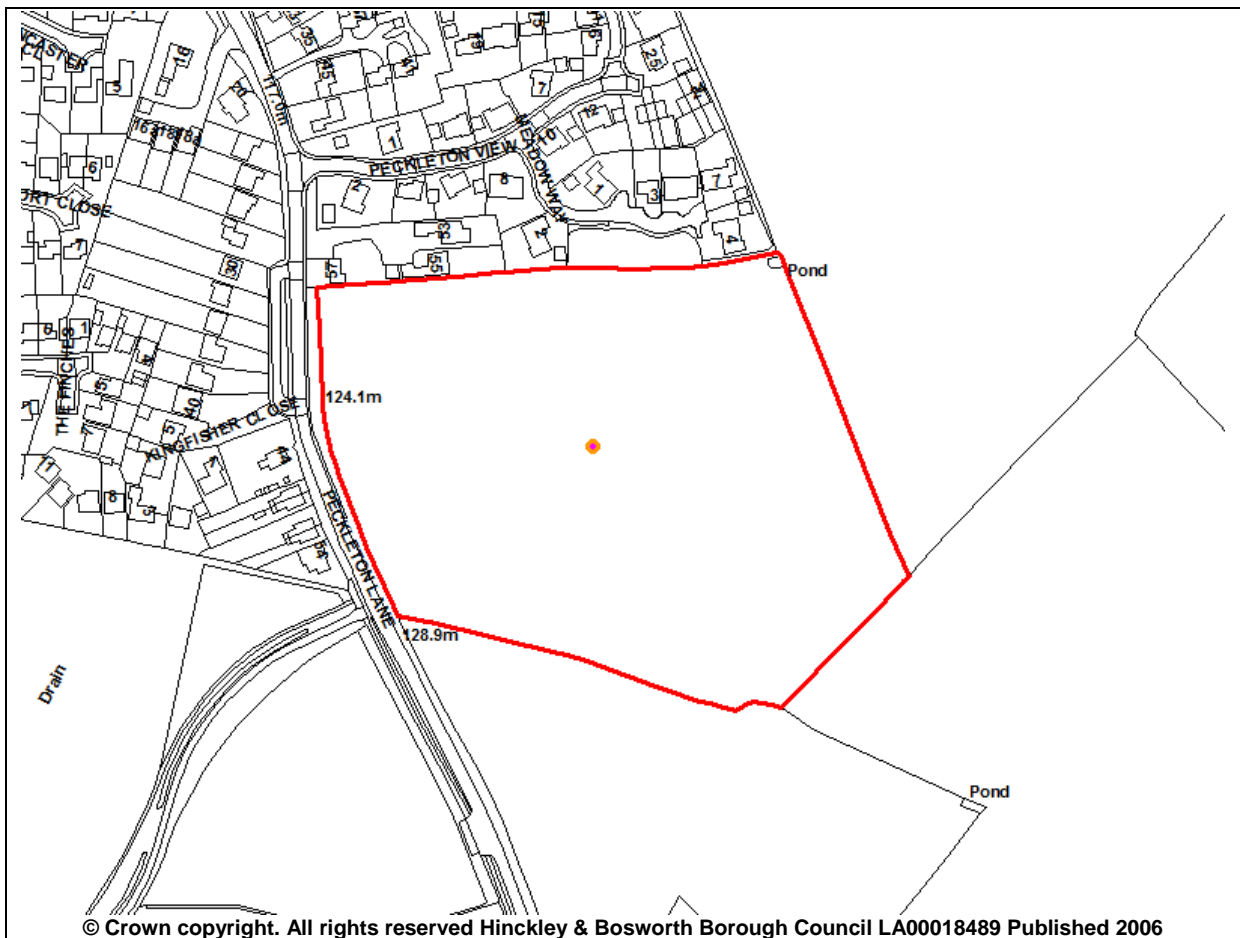
Planning Ref: 20/00347/REM  
Applicant: Owl Homes  
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth  
Borough Council

Site: Land East Of Peckleton Lane Desford

Proposal: Approval of reserved matters (layout, scale, appearance and landscape) of planning permission ref: 18/01252/OUT for 80 dwellings and details of the Affordable Housing Scheme and On-Site Open Space Area Scheme



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

## 2. Planning Application Description

- 2.1. The proposal relates to the approval of reserved matters following outline planning permission granted under ref: 18/01252/OUT for a residential development of up to 80 dwellings. A detailed access plan showing a new road off Peckleton Lane in the location of an existing field gate has already been considered and approved under this outline permission.

- 2.2. The properties proposed are of traditional construction comprising predominantly facing bricks with roofing tiles. . All of the properties would be built to a height of two-storeys with the exception of 4 bungalows. The housing mix proposed comprises 48 market properties, 24 affordable rented properties and 8 shared ownership properties. The mix of housing ranges are as follows:

Market housing: 4 x 2-bed bungalows; 9 x 2-bed 2 storey; 23 x 3-bed and 12 x 4-bed.

Affordable Housing (Rented): 8 x 1-bed; 8 x 2-bed; 6 x 3-bed; 2 x 4-bed properties.

Affordable Housing (Shared Ownership): 6 x 2-bed; 2 x 3-bed properties.

- 2.3. The site layout plans shows the development of 80 properties arranged into five perimeter blocks. All of the properties face onto roads behind small front gardens with their rear gardens backing onto each other. An area of open space is proposed around the perimeter of the site and ensures that the existing field hedgerow can be retained. Two attenuation ponds are proposed in this area of open land along with an equipped play area and the retention of the public footpath along the southern boundary of the site. The dwellings along Peckleton Lane would be set back from the existing hedgerow by some 24 metres behind private drives and a landscaped buffer. Four bungalows are proposed along this frontage.
- 2.4. The proposal includes the construction of a public footpath along the eastern side of Peckleton Lane linking the proposed vehicular access to the existing footpath leading into the centre of Desford. There would also be an internal pedestrian access constructed towards the northern boundary of the site to link in to this public footpath.

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

- 3.1. The application site comprises some 3.76 hectares of land and is located in the countryside adjacent to, but outside of, the settlement boundary of Desford and east of Peckleton Lane. Residential development forms its northern and western boundaries and open fields form the eastern and southern boundaries.
- 3.2. Comprising a single pasture field, the site has well defined hedgerow boundaries which include trees. The site frontage currently comprises of a mature hedgerow providing a natural screen to the proposed site. As part of the proposed development a section of this hedgerow would have to be cleared to improve the current vehicular access into the site.
- 3.3. The site is in an agricultural use and has a varied topography with a plateau in the south west corner of the site. The defined settlement boundary of Desford forms the northern and western boundaries of the site and the application site and proposed access are located outside of the settlement boundary. Sporting facilities and employment uses lie further to the south and south west of the site. These forms of development along Peckleton Lane give the area its verdant semi-rural character.

#### 4. Relevant Planning History

|              |  |                |            |
|--------------|--|----------------|------------|
| 19/00027/PP  | Residential development up to 80 dwellings with associated works (Outline - access only) | Appeal Allowed | 18.12.2019 |
| 18/01252/OUT | Residential development up to 80 dwellings with associated works (Outline - access only) | Refused        | 29.07.2019 |

#### 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. Objection letters have been submitted from 9 households raising the following issues:
- 1) This site is located in a high trafficked area especially with the shift patterns of Caterpillar and Neovia
  - 2) The proposed access would be unsafe and is sited near to a bend on a hill. There have been accidents near to this access
  - 3) The proposal should include a pedestrian crossing
  - 4) There will be 15 metres in length of hedgerow lost to create the vehicular access and not the 9 metres as discussed in the public inquiry
  - 5) Inadequate drainage infrastructure in the area. There is not a surface water drain in Peckleton Lane. Measures need to be put in place on the development site to prevent the surrounding properties flooding
  - 6) Planning permission has already been granted for 80 houses off Barns Way and so Desford does not require any further housing
  - 7) The junction with High Street is already congested and this would add more traffic and pollution
  - 8) The cross section drawings do not show all of the existing houses on the opposite side of Peckleton Lane. The development site would be on higher ground and would tower over existing properties. Plots 16 and 17 should be bungalows too
  - 9) The doctors, dentists, shops, schools, public houses and postal service are already operating above capacity and cannot cope with any additional residents
  - 10) Development on this site would reduce the amount of green space in the area
  - 11) Development on this site would block any future plans for the future Desford Western bypass

#### 6. Consultation

- 6.1. Desford Parish Council has provided the following comments on the original submission. No comments have been received on the amended proposal:
- 1) They express their disappointment at the lack of bungalows and market housing maisonettes
  - 2) Questions are raised as to whether 20mph speed signs would be erected
  - 3) The hedge to be removed along Peckleton Lane should be kept to a minimum

6.2. LCC Highway Authority advise that the residual cumulative impacts of the development can be mitigated and are not considered severe in accordance with the Framework subject to conditions.

6.3. No objections have been received from:

HBBC Affordable Housing Officer  
Severn Trent Water Ltd  
HBBC Compliance and Monitoring Officer  
HBBC Waste Services – subject to a condition  
Leicestershire Police  
LCC Lead Flood Authority  
LCC Ecology – subject to conditions  
HBBC Environmental Services (Pollution)

6.4. No comments have been received from:

LCC Archaeology  
HBBC Arboricultural Officer

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres relating to Leicester
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 17: Rural Needs
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.3. Emerging Desford Neighbourhood Plan

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- Good Design Guide SPD (2020)
- National Design Guide (2019)
- Landscape Character Assessment (2017)
- Housing Needs Study (2019)
- Affordable Housing SPD (2011)
- Open Space and Recreation Study (2016)

## 8. Appraisal

### 8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon residential amenity
- Ecology
- Highway Safety
- Open Space Provision
- Other Matters

### 8.2. Design and impact upon the character of the area

- 8.3. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.4. Policy DM10 of the adopted SADMP seeks to ensure that proposals complement or enhance surrounding development through materials, design and architectural features.
- 8.5. The application site lies within the Newbold and Desford Rolling Farmland in the Hinckley and Bosworth Borough Landscape Character Assessment (2017) (LCA). The Landscape Sensitivity Assessment (2017) makes an assessment of the landscape sensitivity around Desford. The assessment area covers the area to the south, west and east of the settlement.
- 8.6. The landscape sensitivity study gives the following guidance for new development outside the settlement boundary of Desford in the assessment area:
- Seek Opportunities to maintain the rural character of the landscape and, where possible, conserve rural views and the setting of settlement
  - Plan for successful integration of potential new development in the landscape through sensitive design and siting, including use of sensitive materials and use of landscape mitigation to enhance sense of place
  - Seek to retain the pattern of hedgerows and hedgerow trees and encourage the use of traditional Midlands-style hedge laying for management
  - Seek to protect localised areas that retain a natural character and encourage tree planting to replace mature/veteran trees as they begin to deplete
  - Aim to maintain and enhance the recreational assets including rights of way network
  - Consider opportunities to create and promote an integrated green infrastructure network linking the waterways with the urban area.
- 8.7. The site is situated within a prominent position along Peckleton Lane and lies within an area where open countryside can be viewed from the settlement of Desford as described in the LCA. The existing boundary treatment which comprises of mature trees and hedgerows along the road boundary do shield views of the site from the street scene. A Hedgerow Retention plan accompanies this reserved matters application. This shows that the proposed layout would retain all of the landscaping along the boundaries of the site with the exception of the removal of a section of hedgerow next to the vehicular access onto Peckleton Lane and a small section removed for the pedestrian access onto Peckleton Lane. The proposed houses

would be set back some 24 metres from Peckleton Lane behind a landscaped buffer. This would assist in shielding views of the development from this road.

- 8.8. The application site does have a varied topography with a plateau in the south west corner of the site and higher ground levels along its north western boundary with Peckleton Lane. In the appeal decision notice for outline approval ref: 18/01252/OUT the Inspector at para 31 does state that:- *"Evidence was heard at the inquiry relating to how the land would be sculpted on the west side to ensure properties are on a comparable level to those dwellings currently fronting Peckleton Lane. Consequently, I find that there would not be any overbearing impact from the development."*
- 8.9. Condition 5 attached to the outline consent states that "Any reserved matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels."
- 8.10. The finished floor levels have been provided along with cross sections of the site including cross sections of the proposed frontage properties facing onto Peckleton Lane. Following concerns raised by the Council and residents, amended plans have been submitted substituting 4 of the two storey properties along this frontage with 4 bungalows. These would be located on plots 1, 18, 19 and 20. Therefore, whilst the finished floor level of plot 18 would be 1m lower than the eaves height of the dwelling opposite (no. 44 Peckleton Lane), due to the proposed property being single storey in height coupled with the intervening landscaping buffer, the proposed layout would not have an overbearing impact on the street scene and the outlook from this property. A planning condition can be imposed to ensure that the housing scheme is implemented in accordance with the finished floor level plans to ensure that this satisfactory relationship with the buildings along Peckleton Lane is achieved.
- 8.11. Desford Parish Council has raised concerns that the original scheme submitted lacked any bungalows. The substitution of the house types along Peckleton Lane as discussed in paragraph 8.11 would result in 4 market bungalows being provided on the site.
- 8.12. The existing residential dwellings surrounding the site comprise of a mix of detached dwellings and semi-detached dwellings sited with limited front gardens. The proposal is to retain the vegetation around the majority of the site along with setting any development back from the hedgerows by at least 5 metres. Additional planting and landscape buffers are also proposed and form part of the landscape plan submitted. These mitigation measures would maintain the site's existing mature and verdant character which contributes to the semi-rural character of the area.
- 8.13. The properties proposed are of a traditional design comprising predominantly facing brickwork with roofing tiles. The use of render is used for focal buildings. The variations in roof styles and orientations proposed would create variety and rhythm within the street scene. Parking areas and garages are predominantly set between and behind dwellings in order to reduce the visual impact of cars on the street scene. Landscaping and grass verges are proposed along the internal roads to soften the built development. Dwellings are orientated to maximise views over the landscaped buffer and the public open space to improve natural surveillance of these areas.

- 8.14. The housing mix proposed comprises 48 market properties, 24 affordable rented properties and 8 shared ownership properties. 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.
- 8.15. The housing mix for the affordable housing units includes 1-bed; 2-bed; 3-bed and 4-bed properties. This mix has been agreed with HBBC's Affordable Housing Officer. The mix of housing ranges for the market properties includes 2-bed bungalows, 2-bed 2-storey, 3-bed and 4-bed properties. Therefore, this mix of housing types and tenures would comply with the requirements of Policy 16 of the Core Strategy.
- 8.16. Therefore, it is considered that the design, layout, design and landscaping details as submitted along with the improvements to landscaping and ecological enhancements would result in the development not being unduly intrusive to the wider countryside. This is the same conclusion which was reached by the Planning Inspector when determining the outline planning proposal where he found that a residential scheme would have limited harm on the countryside and so there would be some conflict with Policy DM4 of the SADMP (2016). The reserved matters scheme submitted would complement the character of the surrounding area as required by Policy DM10 of the SADMP (2016).

Impact upon residential amenity

- 8.17. Policy DM10 of the adopted SADMP seeks to ensure that development does not adversely affect the amenity of occupiers of neighbouring properties.
- 8.18. As a result of public consultation, objections have been received on the grounds of loss of privacy from overlooking, loss of amenity from traffic movements and car headlights and loss of views.
- 8.19. Whilst there are existing dwellings adjoining the site boundary to its northern and western boundaries, the proposed layout ensures that the new dwellings would be constructed a minimum of 40 metres away and behind landscaping from these existing properties on Peckleton Lane and Meadow Way. Such a distance would reduce any impact of overlooking onto the properties adjoining the site and would exceed the distances laid out in the Council's Good Design Guide SPD.
- 8.20. As discussed in paragraph 8.8, the application site does have a varied topography with a plateau in the south west corner of the site and higher ground levels along its north western boundary with Peckleton Lane. Whilst the finished floor level of plot 18 would be 1m lower than the eaves height of the dwelling opposite (no. 44 Peckleton Lane), due to the proposed property being single storey in height coupled with the intervening landscaping buffer and a distance of some 42 metres between the existing property and the proposed property, the proposed layout would not have an overbearing impact on the outlook from this property and would exceed the distances laid out in the Council's Good Design Guide SPD.
- 8.21. The construction of a development would be temporary and would not result in any long terms impacts on amenity. However, by virtue of the scale of development, the proximity to existing residential properties and potential duration of the construction phase, as recommended by the Council's Environmental Health (Pollution) a condition was included on the outline consent to secure the submission of a Construction Environmental Management Plan for approval prior to construction by the local planning authority to protect the amenities of neighbouring properties and minimise any adverse impacts. A condition was also imposed on the outline

permission for the submission and approval of a construction traffic management plan to protect the amenity of neighbouring properties.

- 8.22. The layout of the proposal has been designed to comply with the minimum standards laid out in the Council's Good Design Guide SPD. This includes rear gardens which exceed 7 metres in depth and distances between first floor principal windows of some 24 metres. Through the use of perimeter blocks this ensures that each plot has been designed to minimise the impact of overlooking whilst providing some surveillance over rear gardens to assist in providing security.
- 8.23. Based on the above, the proposal would not have a significant adverse impact on the residential amenity of either nearby residential properties or on the future occupiers of the site. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP.

#### Ecology

- 8.24. Policy DM6 of the SADMP (2016) states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment including securing biodiversity enhancements where possible.
- 8.25. As a result of public consultation, objections have been received on the grounds of potential loss of mature hedgerows that bound the site and that the site has potential for protected habitat/species interest.
- 8.26. An Ecology Report and a Landscape Strategy Plan has already been submitted to support the outline application. Leicestershire County Council (Ecology) has assessed the submitted information under this reserved matters application and they raise no objections to the proposal. They confirm that the proposal provides opportunities for ecological enhancement and are pleased that these have been incorporated into the Landscape Strategy Plan. They recommend that all boundary planting comprises of locally native species only and the planting mixes must be approved prior to the commencement of development. A biodiversity management plan is already required to be produced as part of the outline permission.
- 8.27. Therefore, the development would conserve the ecology of the surrounding area and is therefore in accordance with Policy DM6 of the SADMP.

#### Highway Safety

- 8.28. Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.29. A detailed access plan showing a new road off Peckleton Lane in the location of an existing field gate has already been considered and approved under the outline planning permission. The decision notice issued for the outline approval also included conditions to ensure that the access was constructed in accordance with the approved plans prior to the occupation of any of the dwellings approved.
- 8.30. LCC as highway authority has been consulted on the internal layout of the road network proposed and the parking plan proposed. The parking plan shows that each property would have a minimum of 2 dedicated car parking spaces with the exception of 2 x 1 bed units who would have 1 car parking space and a shared visitor space. The larger housing units would also have additional parking provided within garages. This level of car parking proposed would be in accordance with the requirements in Policy DM18. The Highway Authority has suggested planning



conditions to ensure that the parking and turning areas proposed within the site are laid out and available for use prior to the occupation of each dwelling.

- 8.31. Further comments on an amended plan are awaited from the Highway Authority with regards to the suitability of the internal roads for adoption. Nevertheless, the Highway Authority has confirmed that they have no highway safety objections to the proposal. As such the scheme would comply with Policies DM17 and DM18 of the SADMP (2016).

#### Open Space Provision

- 8.32. The Unilateral Undertaking signed as part of the outline permission includes a requirement for 80 dwellings to provide 288m<sup>2</sup> of equipped children's play space and 133m<sup>2</sup> of casual/informal play spaces along with the provision of play equipment and the maintenance of these areas for a 20 year period. The Undertaking also includes a requirement for off-site play and open space provision of 3072m<sup>2</sup> and 3200m<sup>2</sup> of accessible natural green space and their maintenance.
- 8.33. The layout scheme submitted exceeds the open space provision specified above with 372m<sup>2</sup> of equipped children's play area; 3,229m<sup>2</sup> of casual/informal play space; 4,185m<sup>2</sup> of incidental open space and 5,659m<sup>2</sup> of natural green space which includes the attenuation ponds. The Council's Monitoring Officer has requested that further information is submitted on how this additional land would be managed as it is not included in the terms of the Unilateral Undertaking. The applicant has provided information that the open space provision would be managed by a Management Company and these areas of land would be maintained in accordance with the wording in the Unilateral Undertaking. Further details will be submitted of the play equipment to be installed on the site as required by the Undertaking. As such, it is considered that the layout plan as submitted exceeds the requirements as laid out in the Council's Open Space and Recreation Study (2016) and in the Unilateral Undertaking submitted with the outline permission.

#### Other Matters

- 8.34. Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding. As part of the outline planning permission and in accordance with the comments made by Severn Trent Water Ltd and LCC as the Local Lead Flood Authority, drainage details are required to be provided through a condition to ensure that surface water disposal incorporates sustainable urban drainage. It is considered that the development would be in accordance with Policy DM7 of the SADMP.

### **9. Equality Implications**

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

- 9.3. There are no known equality implications arising directly from this development.
- 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 reserved matters submission is for the comprehensive residential development of the site. Outline planning permission has been approved for this residential scheme which included the detailed consideration of the vehicle access and the number of housing units to be provided. The proposal seeks permission for the outstanding reserved matters. The detail of the proposed properties would not have a significant and demonstrable adverse impact when assessed against Policy DM4 and DM10 of the SADMP. Through the design and scale of the proposal and the landscaping proposed these mitigation measures would result in the development not being unduly intrusive to the wider countryside. The reserved matters scheme submitted would complement the character of the surrounding area as required by Policy DM10 of the SADMP (2016).
- 10.2. In addition, the proposal would not have any significant adverse impact on residential amenity or on ecology. It is considered that the reserved matters are in accordance with Policies DM6, DM7, DM10, DM17 and DM18 of the SADMP. Therefore, the reserved matters are recommended for approval subject to additional conditions.

## **11. Recommendation**

### **11.1. Grant planning permission subject**

- Planning conditions outlined at the end of this report.

### **11.2. Conditions and Reasons**

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

Site Location Plan Drw No: 19210 – SLP – 01; Tree Protection Plan Drw No: C-1758-02; Waste Management Plan Drw No: 19210 – 1012; Drw No's: 19210 – Worsley- 01; Worsley Variant – 01; Webb & Ellis – 01; Ravenscroft – 01; Quad Garages – 01; P119 – 01; Leonard – 01; Healey – 01; Guscott – 01; Greenwood – 01; Garages – 01; Farrell – 01; Croft – 01; Croft Rendered Variant – 01; Cotton – 01; Bracken – 01; 3C – 01; 3B; 3A; 2A; 2A – Terrace Floor Plans; and, 2A – Terrace Elevations all received by the local planning authority on 6 April 2020.

Detailed Landscape Proposal Drw No: c1758-01 Rev A; Landscape Schedule Drw No: c-1758-03 Rev A; Open Space Provision Plan Drw No: 1026-AD-018A; Proposed Site Levels Drw No: 20003 4 Rev B; Hedgerow Retention/Removal Plan Drw No: c1758-04; Drws No: 19210 – Love – 01; Love – 02; Love – 03; Guscott – 02 & 3B – 01A all received by the local planning authority on 8 June 2020.

Site Layout Plan Drw No: 19210 1000F; Materials & Fence Key Layout Drw No: 19210 1010B; Storey Height Plan Drw No: 19210 1011B; Parking Plan Drw No: 19210 1013 Rev B & Development Layout – Visibility Drw No:

T20003 SK02 Rev C all received by the local planning authority on 9 July 2020.

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

2. Prior to the occupation of 20% of the dwellings hereby approved the landscaping scheme as shown on approved Drws no. c1758-01 Rev A & c-1758-03 Rev A; shall be implemented in full to the satisfaction in writing of the local planning authority. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted 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 DPD (2016).

3. No works shall take place above finished floor level of any of the dwellings hereby approved until details of the materials to be used on the external elevations of the dwellings hereby permitted have been submitted to the local planning authority for approval in writing. The scheme shall only be implemented in accordance with the 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 development hereby permitted shall not be occupied until such time as the parking and turning facilities for each dwelling have been implemented in accordance with Drw No: 19210 1000 Rev F. 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 in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

5. Any dwellings that are served by private access drives including any turning spaces shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highway Design Guide. The private access drives shall be surfaced with tarmacadam or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and once provided, shall be 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 in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

6. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access

gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the SADMP (2016).

7. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of all private accesses with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, and once provided, shall be so maintained in perpetuity.

**Reason:** In the interests of pedestrian safety and in accordance with Policy DM17 of the SADMP (2016).

8. Notwithstanding the submitted plans, any garage doors shall be set back from the footway/carrageway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors, 6.1 metres for up-and-over doors and 6.5 metres for doors opening outwards and thereafter shall be so maintained.

**Reason:** To enable a vehicle to stand clear of the highway whilst the garage/car port doors are opened/closed, to protect the free and safe passage of traffic including pedestrians in the public highway and to ensure that adequate off street parking provision is available to reduce the possibility of on street parking problems locally in accordance with Policy DM17 of the SADMP (2016).

9. The proposed finished floor level of the buildings shall be in full accordance with the details contained within approved drawing no: 20003 4 Rev B.

**Reason:** To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the SADMP (2016).

10. None of the trees or hedges indicated to be retained on the Hedgerow Retention/Removal Plan (Drw No: c1758-04) shall be cut down, uprooted or destroyed, nor shall they be topped or lopped. The trees and hedgerows to be retained should be protected in accordance with details in the Tree Protection Plan Drw No: c-1758-02. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time as agreed with the local planning authority.

**Reason:** To ensure that the existing trees and hedges on the site are retained and protected in accordance with Policy DM6 of the SADMP (2016).

11. The approved boundary treatment and fencing details shall be completed in full accordance with the approved details as shown on Drw No: 19210 1010 B prior to the occupation of the 80<sup>th</sup> dwelling on the site.

**Reason:** To ensure that an adequate boundary treatment is provided to safeguard the visual amenities of the area, the amenities of the future occupiers of the dwelling and the occupiers of adjoining properties and in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

### 11.3. Notes to Applicant

1. Great Crested Newts (GCN) are protected under both English and European law. It is an offence to kill, injure, disturb or take GCNs or to damage or destroy their places of shelter, whether the animals are present or not. The development is likely to require a European Protected Species Licence from Natural England in order to proceed. The work is likely to involve exclusion of GCN from specific sections of the development area deemed to have the potential to support newts and terrestrial habitat enhancements such as habitat piles and hibernacula.
2. All species of bat are protected under both English and European law. It is an offence to kill, injure, disturb or take bats, or to damage or destroy their places of shelter (roosts), whether the animals are present or not. Licences may be issued in respect of disturbance or re-locating a roost site in some cases.
3. The approved development will require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
4. Rainwater from the detached garage roofs should be positively drained into a suitable water butt, soakaway or domestic drainage system, and not be permitted to discharge directly onto the surface of the application site and neighbouring properties.
5. Severn Trent Water advise that although the statutory sewer records do not show any public sewers within the area, 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 the applicant is advised to contact Severn Trent Water to discuss the proposal. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the buildings.
6. 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.
7. To erect temporary directional signage you must seek prior approval from the local Highway Authority in the first instance (telephone 0116 305 0001).
8. A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highway Act 1980.
9. All proposed off site highway works and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.

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Planning Committee 28 July 2020  
Report of the Planning Manager

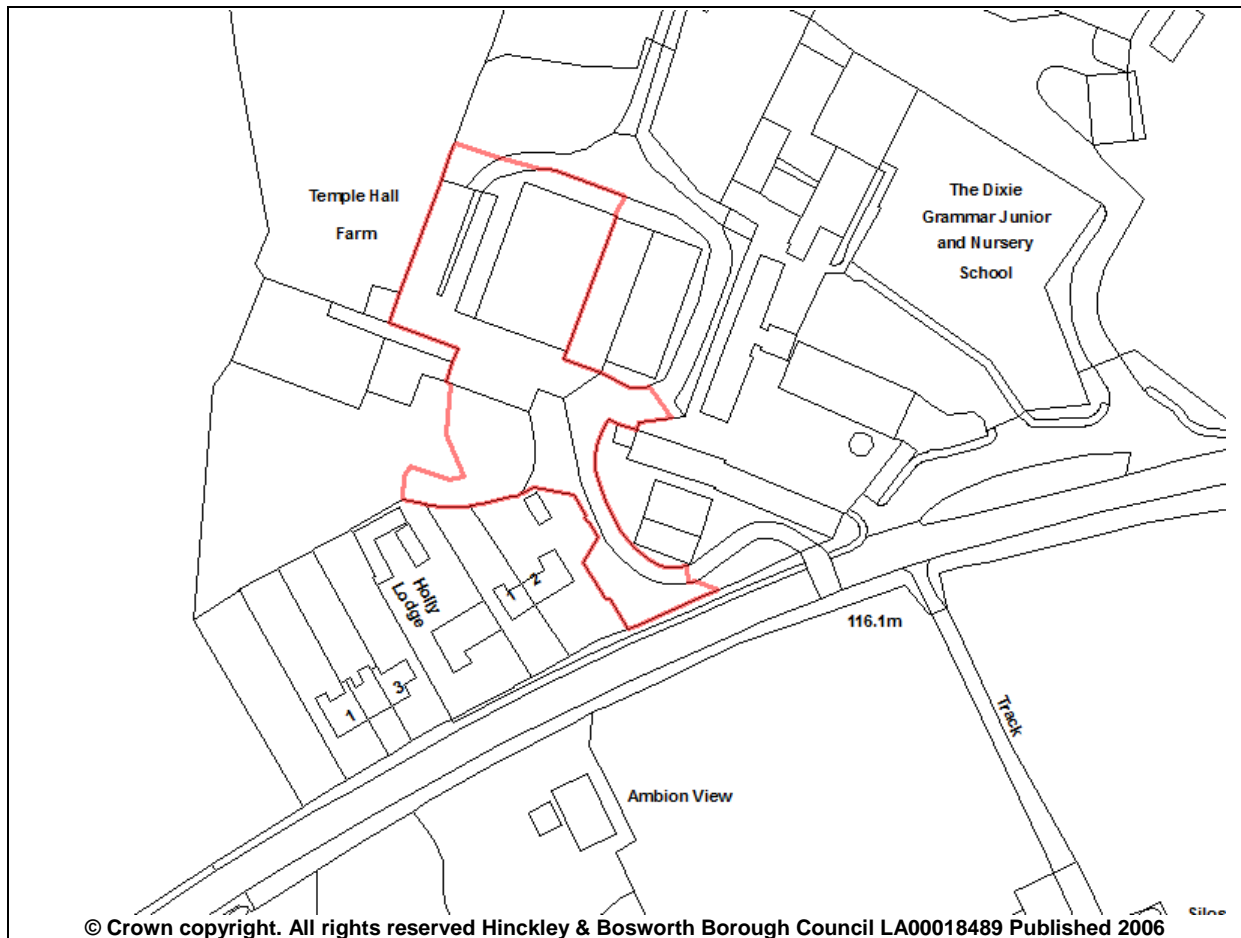
Planning Ref: 20/00354/FUL  
Applicant: M Milner  
Ward: Ambien



Hinckley & Bosworth  
Borough Council

Site: Temple Hall Farm Bosworth Road Wellsborough

Proposal: Change of Use of agricultural building to commercial use (B8) and relocation of access (part retrospective)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

## 2. Planning Application Description

- 2.1. The application seeks a retrospective permission for the change of use of 2 agricultural buildings totalling approximately 670 square metres to commercial use (B8) and relocation of the existing access. It is understood the agricultural buildings internally form one large open space and are already being used as B8 however the proposed relocated access has yet to be constructed.
- 2.2. The plans have been amended during the course of the application. The amendments include removing trees from the proposed landscaping and relocating

the turning area to the north-east of the site away from the classrooms located to the south-east, associated with Dixie Grammar Junior School.

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

- 3.1. The application site is located in the countryside in an undesignated rural hamlet known as Wellsborough approximately 4 kilometres west of Market Bosworth. The original farmhouse is to the south east of the site and is now occupied, along with the traditional buildings, as an independent school. The modern buildings have until recently been used for the housing of cattle and part of a dairy farm.
- 3.2. The site is currently accessed off Bosworth Road, which is a C class road subject to a 50mph speed limit. The adjacent school, which lies immediately to the east, includes a converted Grade II listed former Farmhouse (Temple Hall Farm) and courtyard ranges of brick and tile outbuildings. There are open agricultural fields to the west and north of the site and a row of residential properties to the south fronting onto Bosworth Road.
- 3.3. The application site measures approximately 0.2 hectares and comprises 2 vacant steel framed former agricultural buildings. Outside of the red line but sharing the access there are 2 other buildings and an open sided barn. These buildings are to retain their agricultural uses as is the former slurry pit. The brick built building and open sided barn are to the east of the two buildings forming this change of use application. The third agricultural building is smaller and detached from the others and located towards the front of the site.
- 3.4. There is a circulation area for servicing around the main buildings with an unmade vehicular access via a field gate off Bosworth Road immediately adjacent to the school buildings and a layby off Bosworth Road. A large linear bund lies along the west boundary of the site with a post and rail fence denoting the boundary between the site and the adjacent row of dwellings.
- 3.5. The existing agricultural buildings are constructed of a mix of materials; the two which form part of the application are steel framed with part concrete blockwork and part vertical timber boarding and roof.

### **4. Relevant Planning History**

None

### **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. There has been six third party representations with the following concerns raised:
  - 1) There are no toilet facilities
  - 2) Amendments do not address the problem of traffic generated by the farm use which surrounds the site
  - 3) Access is used by tractors and lorries causing damage to the road and pavement
  - 4) Hedge is an improvement to the landscaping but trees would cause issues with light and subsidence
  - 5) Relocating the access will cause the houses to shake
  - 6) Lorries create lots of noise at unsociable hours
  - 7) Farm vehicles will continue to use the site and there should be a 7.5 tonne restriction on vehicles using the site
  - 8) Hours of use should be restricted
  - 9) Impact on the school function
  - 10) Impact on listed buildings



## **6. Consultation**

6.1. The following consultees have no objection subject to conditions:

LCC Highways  
HBBC Environmental Services (Pollution)  
HBBC Conservation Officer  
HBBC Environmental Services (Drainage)

6.2. Sheepy Parish Council object to the proposal as although it appears in line with the Neighbourhood Plan policies, due to concerns raised by residents regarding the number of vehicle movements to and from the site, the potential storing of waste materials stored on site and the close proximity to the school and no welfare facilities for staff or visitors to the site.

## **7. Policy**

7.1. Sheepy Parish Neighbourhood Plan 2018-2036

- Policy S1 - Countryside
- Policy S8 - Design
- Policy S17 – Rural Economy

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- 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

- Employment and Premises Land Review (2020)

## **8. Appraisal**

8.1. Key Issues

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

### Assessment against strategic planning policies

8.2. The Town and Country Planning Act (1990) and paragraph 11 of the National Planning Policy Framework (NPPF)(2012) require that applications for planning permission be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF confirms that the development plan is the starting point for decision making and that proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

- 8.3. The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). As the site also lies within the Sheepy Neighbourhood Plan area, the relevant policies from the Sheepy Parish Neighbourhood Plan (SPNP) are also applicable.
- 8.4. Policy DM4 of the adopted SADMP and Policy S1 of the Sheepy Parish Neighbourhood Plan (SPNP) both state that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside subject to meeting a number of other criteria, the most relevant of which are criteria b) the proposal involves the change of use, re-use or extension of existing buildings which lead to enhancement of the immediate setting.
- 8.5. Policy DM 15 allows for development outside of the settlement boundaries for the reuse and/or adaption of redundant or disused rural buildings subject to a range of criteria. Criterion (a) requires the applicant to demonstrate that the building(s) is no longer viable in its current use and; b) requires the applicant to adequately demonstrate that the building is in structurally sound condition and is capable of conversion without significant rebuild or alteration and; c) extensions and 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 other relevant policies. All proposals for the re-use of redundant rural buildings should result in an enhancement of the immediate setting.
- 8.6. Policy S17 of the SPNP relates to the rural economy supporting small scale business and enterprise development through the conversion of existing buildings where these meet the requirements of other relevant policies within the SADMP as well as other policies within the SPNP.
- 8.7. The agent has indicated that the applicants have undertaken significant investment in new buildings at their central base in Newton Burgoland, which has resulted in the building subject at Temple Hall Farm becoming surplus to requirements.
- 8.8. The central base for the farming enterprise is at Little Oaks Farm, in Newton Burgoland. Within this complex the applicant states there is a newly constructed purpose-built grain store of around 7,300 sq. ft. with the capacity to hold around 2,500 tonnes of combinable crops. The current output of the farm is around 2,000 tonnes. This is a modern building fully compliant with the farm assurance standards with the buildings at Temple Hall being non-compliant with modern standards. In addition to the grain buildings there is storage for machinery and hay and straw extending to around 19,000 sq. ft. plus a concrete yard area at Little Oaks Farm giving ample storage facilities. With the more efficient farming system operated by the applicant and the considerable investment in buildings at Little Oaks Farm, there is no longer a requirement for utilising all of the buildings at Temple Hall and as such the building subject to this application is no longer required to support the existing farming practice.
- 8.9. The application is accompanied by an agricultural appraisal which demonstrates that the building subject to this application is no longer required for the purposes of agriculture. The application is also supported by a report on the structural condition which confirms that no additional works are required.
- 8.10. It is considered that sufficient justification has been provided for a change of use to the buildings being accepted in principle, subject to the proposal leading to the enhancement of the immediate setting and not having an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside,

which would be assessed further in the report, to accord with Policies DM1, DM4 and DM15 of the SADMP and Policies S1 and S17 of the SPNP.

#### Design and impact upon the character of the area and the setting of the Listed Building

- 8.11. Policy DM4 of the adopted SADMP seek to ensure that development in the countryside does not have any significant adverse effects on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the separation between settlements and does not create or exacerbate ribbon development. Policy DM10 of the adopted SADMP and Policy S8 of the SPNP seek to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, design and 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. Proposals should also incorporate a high standard of landscaping where this would add to the quality of the design and siting. Policies DM11 and DM12 of the SADMP and Policy S7 of the SPNP seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of Listed Buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.12. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses.
- 8.13. The agricultural buildings are located further to the west of the complex of traditional farm buildings (which are now mainly in use as part of the school, known as Dixie Grammar Junior School). The buildings have a purely functional form and an appearance typical of modern agricultural buildings. As there are no external alterations proposed for the buildings it is not considered that the change of use would have any impact on the character or openness of the countryside in this location.
- 8.14. The agricultural buildings as existing are considered to make a neutral contribution to the significance of the listed farmhouse and associated complex of buildings. As there are no external alterations to the buildings it is considered that they will continue to have a neutral impact on these heritage assets. The application includes a turning area and this has been relocated to the north-west area of the site adjacent to the former slurry pit and is a considerable distance away from the southern range of listed buildings. In this regard the impact on both the heritage assets and their function as a school would not be compromised by the proposed change of use.
- 8.15. The current access arrangement adjacent to the listed building to the south-east is to be stopped up with a new access proposed from Bosworth Road further to the south-west. Although the service route would continue to pass the southern range of traditional former farm buildings, the relocation of the access is considered acceptable in terms of its impact on the heritage assets adjacent. In this regard the proposal complies with DM11 and DM12 of the SADMP and S7 of the SPNP.
- 8.16. In terms of visual amenity and the impact on the countryside location, the external appearance of the buildings is not expected to change (aside from minor repairs), thus the proposal would not result in any additional harm to the character and appearance of the site within its countryside location. There is no external artificial lighting proposed and as this may have an impact on the dark landscape and an

impact on wildlife including bats it is considered prudent to attach a condition requiring an further application in order to consider these potential impacts should external lighting be required. Additionally to keep the site tidy and to retain visual amenity it is considered that should permission be granted, it would be prudent to restrict any open storage for the proposed B8 use.

- 8.17. Aside from the existing bund, the application is accompanied by a landscaping plan which consists of the planting of a hedgerow alongside the western perimeter boundary adjacent to no's 1 and 2 Temple Hall Cottages which would also act as a visual buffer between the residential and the proposed commercial use. Several trees are proposed also within the site between the bund and the former slurry pit. The addition of soft landscaping is considered to enhance the site within its countryside location in accordance with Policy DM4 of the SADMP.
- 8.18. The proposal therefore complies with Policies DM4, DM10, DM11 and DM12 of the SADMP, S7 and S8 of the SPNP, Section 16 of the NPPF and the statutory duty of Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Impact upon neighbouring residential amenity

- 8.19. 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. Policy DM7 relates to the prevention of pollution and flooding including noise nuisance.
- 8.20. Following on from the relocation of the turning area away from the school, the objections from the school have been formally removed.
- 8.21. The Environmental Health officer originally expressed concerns in relation to potential noise nuisance and a Noise Assessment was subsequently provided. The Assessment details the proposed use of the building for the storage of racking equipment with only the use of a forklift and an impact wrench for approximately 3 hours per working day. An impact wrench is a hand held tool (similar to a drill) which tightens or loosens bolts and would be typically used as part of the activities of moving timber and metal racking from one area of the warehouse to another. A fork lift truck is the only other plant used on a regular basis. Noise maps included within the Noise Assessment show that the main source of noise is to the north of the site where the vehicles typically would unload. These noise levels are considered to be moderate but proposed mitigation measures which include ensuring that the main loading door is closed during operational times and that any gaps or holes within the main framework of the building are repaired to prevent noise escape would bring noise levels down to a predicted slight to moderate.
- 8.22. The planning officer, after making a site visit, is satisfied that the operations carried out on site are B8 and no other B Class use. As the scale of the operations are small in scale using only 2 of the 5 buildings it is considered that potential noise and disturbance can be mitigated against by the addition of conditions including a condition which removes any permitted development right to move between B class or any other uses in order to safeguard amenity. The EHO has asked for hours of operation to be restricted which has been agreed.
- 8.23. The proposal includes the strengthening of landscaping between the site and the row of cottages to the west. There is a bund already in existence along the western boundary to the rear of the row of dwellings and this has a grassed appearance. Originally it was proposed to plant trees on top of the bund but these have been removed after objections regarding potential loss of light to the cottages along with concerns over possible subsidence. Some individual trees are proposed within the site adjacent to the former slurry pit. The majority of the landscaping proposed is in

the form of a hedgerow alongside the western boundary adjacent to no 1 Temple Hall Cottages and along the north (rear) boundaries of no's 1 and 2 Temple Hall Cottages is welcomed by both the LPA and supported by the occupier of this property.

- 8.24. As aforementioned, external lighting may also impact on residential amenity causing nuisance and a condition requiring a further application for external lighting is to be imposed to prevent such nuisance occurring.
- 8.25. Overall it is considered that the proposed change of use of the 2 agricultural buildings due to the small scale of the operations and with the restriction on the hours of operation and the use for B8 purposes only; is acceptable in regard to its impact on amenity of both adjacent residents and other users in accordance with Policy DM7 and DM10 of the SADMP and Policy S1, S8 and S17 of the SPNP.

#### Impact upon highway safety

- 8.26. Policy DM17 of the adopted SADMP supports development proposals where they demonstrate that there would be no adverse impacts on highway safety and that development is located where the use of sustainable transport modes can be maximised. Policy DM18 of the adopted SADMP seeks an appropriate level of parking provision within sites to serve the development.
- 8.27. The current access has an awkward alignment with the adopted highway. The applicant considers that this access does not conform to current guidance and is therefore proposing a more design compliant access to the site. The proposed access would measure 6.0 metres wide, along with a 0.5 metre margin on either side, dropped kerbs are proposed as opposed to a kerbed radii. The Applicant has detailed visibility splays of 2.4 x 215 metres to the southwest of the access and 2.4 x 280 metres to the northeast of the access.
- 8.28. Leicestershire County Council as Highways Authority (LHA) have considered the application and have no objection and would welcome the improved access, given that site access road runs parallel with the highway and results in sharp turning manoeuvres for vehicles turning left in or right out of the access, which would be removed by this proposal. The Highway Authority consider that the proposed dimensions would be acceptable subject to condition, such as the access would need to be hard bound for a minimum of 10 metres behind the highway boundary, along with a minimum gate setback distance of 10 metres, to ensure vehicles can stand safe of the highway, which are considered reasonable and necessary.
- 8.29. Reference has been made to a speed survey undertaken approximately 120 metres southwest of the proposed site access (originally submitted as part of application 17/01050/OUT for Hoo Hills Farm) which details 85%ile speeds of 50.7 mph for westbound vehicles and 49.3mph for eastbound vehicles. Overall, given that visibility splays of 2.4 x 215 metres can be achieved from the proposed access in both directions, which are suitable for vehicle speeds of between 54-62mph, the proposed access would comply with Leicestershire's Highways Design Guide, and therefore provides adequate visibility.
- 8.30. In terms of vehicle movements, regard needs to be had to the permitted use of the farmstead as a dairy farm. The Applicant has advised that the dairy farm equated to the following vehicle movements:
- 3-4 feed lorries per week resulting in 6-8 two way trips a week
  - 3 staff resulting in 6 two way trips
  - Artificial insemination once per day creating 2 two way trips
  - Muck carting and straw deliveries on a periodic basis in addition to the above

- 8.31. The Applicant advises on average there would have been around 11-12 trips per day. It is intended that the change of use would see the buildings occupied by a single user who intends to store racking, which would generate approximately 14(two-way) vehicle movements per day.
- 8.32. The Applicant has also undertaken TRICS assessment of the level of trips the site could generate. TRICS is a computer database that validates assumptions about the transport impacts of new developments. It is the industry standard system for calculating trip generation in the UK and is used as an integral and essential part of the Transport Assessment process. The database allows users to establish potential levels of trip generation for a wide range of development and location scenarios and contains over 6,600 transport surveys. Based on a self storage use, this data indicates that the land use could generate approximately four two way trips (2 arrivals and 2 departures) in the AM peak and three two way trips (1 arrival and 2 departures) in the PM peak with a daily flow of approximately 32 two way trips.
- 8.33. Comments received from local residents query the applicant's use of vehicular movements from when the site was used as a dairy farm as this use ceased around 2000. It is also noted that only 2 of the 5 buildings within the site are subject to this application. Despite the cessation of the use as a dairy farm, the site has continued in use for agricultural purposes and the remainder of the site would retain this use. The site would still be accessed by farm vehicles as well as vehicles for the proposed change of use. Although hours of operation can be restricted for the building to be used for B8 purposes, these restrictions would not include vehicles that would use the site for agricultural purposes.
- 8.34. However, given the overall floorspace proposed by this application for B8 storage it is unlikely to generate such volume of traffic that would be over and above the number of agricultural vehicles that access the site currently and the LHA consider the proposals would not generate a significant increase in traffic using the site access in comparison to the current permitted agricultural use.
- 8.35. In regard to internal parking and turning layouts, there are seven car parking spaces and two HGV spaces proposed. While the HGV spaces block access to the car parking area, this is considered an internal operational issue and is unlikely to generate parking within the public highway. Sufficient turning space is also provided within the site to allow for vehicles to enter and exit in a forward gear. Based on the Leicestershire Highway Design Guide, the proposals provide the requisite number of spaces and in this regard the proposal is acceptable.
- 8.36. Overall the proposals would generate a minimal increase in vehicles using the site and a safer access point. The application has been considered by LCC (Highways) who do not consider the proposals could be demonstrated as 'severe' in line with the NPPF 2019 and in this regard the proposal is acceptable under Policies DM17 and DM18 of the SADMP.

#### Flood Risk/Drainage

- 8.37. Policy DM7 of the adopted SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.38. According to the EA flood map for planning, the site lies wholly within Flood Zone 1 out of the maximum extent of flooding from both the 1 in 100 year and 1 in 1,000 year return period events.
- 8.39. The site is also identified on the Flood Risk from Surface Water map as at very low risk from surface water flooding and identified on the Flood Risk from Reservoirs Map as outside the maximum extent of flooding from any nearby reservoirs.

- 8.40. There have been no reported incidents of flooding to the LLFA within 1km of the site.
- 8.41. It is not considered that the proposed use would create or exacerbate potential flooding and in this regard the proposal is acceptable under Policy DM7 of the SADMP.

#### Other Matters

- 8.42. Concern has been raised in regard to the lack of toilet facilities at the site. The applicant has responded that a Portaloo is to be provided to the rear of the site but as workmen are only on site for short periods this on site facility should alleviate any future issues.

### **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 outside of the settlement boundary and is therefore in the countryside. However, the proposal for a change of use of an agricultural building is included in Policy DM4 of the SADMP where development of this type may be considered sustainable. Policy DM15 of the SADMP also relates to the re-use of redundant rural buildings. Therefore, the principle of the proposed change of use is accepted.
- 10.2. The change of use of the buildings would not harm the rural character of the site within this countryside setting nor cause harm to the adjacent listed building. The proposals would not cause adverse impact on neighbouring amenity, nor would the proposed use have a severe impact on the highway network. There is adequate parking and turning areas for the users of the site and the relocated access is considered acceptable and would not cause highway hazard to other road users. On this basis, the proposal is considered a sustainable development in accordance

with Policies DM1, DM4, DM7, DM10 and DM15 of the SADMP, Policies S1, S7, S8 and S15 of the Sheepy Neighbourhood Plan and the wider objectives of the NPPF.

## 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Existing and Proposed floor Plan

Received by the Local Planning Authority on 24 April 2020

Site Layout Plan, Drg no 01 Rev B

Received by the Local Planning Authority on 4 June 2020

Initial Access and Site Entrance Plan, Drg no 11873/001

Received by the Local Planning Authority on 9 July 2020

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

2. Within 3 months from the date of this permission. the new access shall have been provided in accordance with the details as shown on the Initial Access Detail, Drg no 11873/001 received by the Local Planning Authority on 9 July 2020.

**Reason:** In the interests of highway and pedestrian safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019) and 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.

3. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access to the north-east of the site that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details as shown on the Initial Access Detail, Drg no 11873/001 received by the Local Planning Authority on 9 July 2020.

**Reason:** In the interests of highway and pedestrian safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

4. The new access shall not be used until such time as vehicular visibility splays of 2.4 metres by 215 metres and pedestrian splays of 2 metres x 2 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 adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).



5. Within 3 months of the date of this decision the car parking provision (including HGV turning facilities) shall be provided, hard surfaced and demarcated in accordance with Site Layout 01 Rev B received by the Local Planning Authority on 4 June 2020. 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 DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

6. The new access drive shall not be used to serve the development until such time as the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

**Reason:** To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 10 metres of the highway boundary nor shall any be erected within a distance of 10 metres of the highway boundary unless hung to open away from the highway.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

8. The approved soft landscaping scheme shall be carried out in accordance with the site layout plan, Drg no 01 Rev B received by the Local planning Authority on 4 June 2020, in the first planting season following the grant of planning permission. 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 work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. The premises shall not be used other than for purposes falling within Class B8 of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

**Reason:** To ensure the proposed development is compatible with existing development in the locality in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. The use shall not take place other than between the hours:-

08:00-18:00 Monday - Friday

09:00 -13:00 Saturdays

At no time on Sundays or Public Holidays.

**Reason:** To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. The main loading door to the building shall remain closed at all times except for when loading or unloading.

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

12. There shall be no storage of materials associated with the approved B8 use on the open area of the site, unless otherwise agreed in writing by the Local Planning Authority.

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

### 11.3. **Notes to Applicant**

1. 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.
2. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>

Planning Committee 28 July 2020  
Report of the Planning Manager

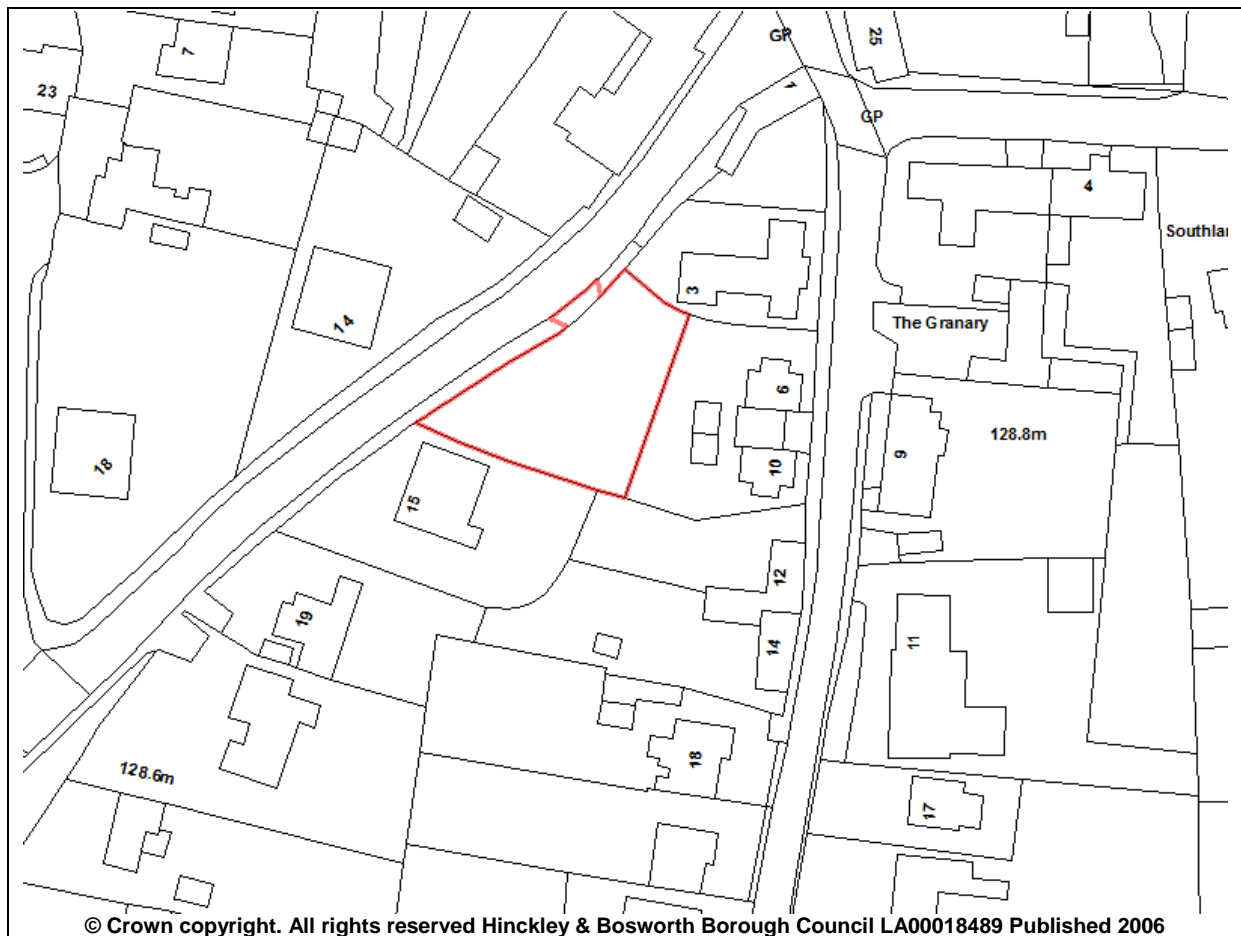
Planning Ref: 19/01440/FUL  
Applicant: Mr & Mrs Cooper  
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth  
Borough Council

Site: 5 Shenton Lane Market Bosworth

Proposal: Erection of one dwelling and garage with associated access (revised scheme)



## 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 erection of a two storey three bedroom detached dwelling and attached garage together with the formation of a new access drive, parking and turning space. The proposal is a resubmission of an extant scheme for one dwelling previously approved on appeal. The main changes include amendments to the design and appearance of the dwelling, the addition of a

garage to the north east side elevation of the dwelling and amendments to the access position, parking and turning within the north eastern part of the site.

- 2.2. The proposed dwelling and attached garage would have a maximum footprint width of 20.7 metres and a maximum footprint depth of 10.9 metres. The dwelling would have a main ridge height of 7.7 metres (an increase of 0.6 metres on the approved extant scheme) and a main eaves height of 3.8 metres. The attached garage would have a lower ridge height of 5.7 metres and eaves height of 2.3 metres. The design has horizontal emphasis and includes a feature chimney, feature open pitched roof front porch, dormer windows, brick plinth, exposed rafters to eaves, scalloped tile detailing to roof and brick roof verge, headers and cills. Proposed external materials include red rustic facing bricks with blue contrasting blue brick detailing, clay roof tiles and timber windows and doors. The extant approved scheme included timber framing and rendered panels at first floor which are no longer being proposed.
- 2.3. The proposed access would be approximately 5 metres in width and is proposed to be hard surfaced with granite setts for the first 5 metres behind the highway boundary. Two off-street car parking spaces and turning space are proposed within the site. A new post and rail fence would be erected across the site frontage behind the visibility splay. An enclosed garden would be provided to the rear.
- 2.4. The previous scheme was refused on the grounds of adverse impacts on highway safety as a result of the proposed access, however, the appeal inspector found no significant harm. The access now proposed would be located slightly further to the north east but would have similar visibility splays, and would still enable vehicles to enter and leave in a forward direction as with the previously approved appeal scheme.
- 2.5. A Design and Access Statement has been submitted to support the application.
- 2.6. Amended plans have been submitted during the course of the application and re-consultation has been undertaken.

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

- 3.1. The application site measures approximately 520 square metres and is located close to the centre of Market Bosworth on the south east side of Shenton Lane and within the designated Market Bosworth Conservation Area. It comprises a vacant plot formerly part of a garden to an adjacent dwelling and used as an allotment. The site is enclosed by 1.8 metre high close boarded and solid shiplap panel timber fencing to three sides and the remnants of a boundary hedge to the highway boundary. The ground level of the site is approximately 1 metre higher than the highway on Shenton Lane and higher than the dwellings fronting Sutton Lane to the rear.
- 3.2. To the north east of the site is a large detached bungalow constructed from red brick and dark tile and immediately to the south west is a large detached two storey bay fronted dwelling which is part brick and render and has been extended with a two-storey side extension. To the east on a lower ground level there are three dwellings in a two storey terrace and with small rear gardens.

#### 4. Relevant Planning History

|              |  |                                |                          |
|--------------|--|--------------------------------|--------------------------|
| 03/00573/FUL | Erection of one detached and one pair of semi detached dwellings and detached garage   | Withdrawn                      | 20.10.2003               |
| 05/01013/OUT | Erection of dwelling   | Refused                        | 23.11.2005               |
| 06/01167/OUT | Erection of two dwellings and detached garage with associated parking and access       | Withdrawn                      | 08.01.2007               |
| 11/00228/FUL | Erection of one dwelling, detached garage and formation of access                      | Refused<br>Appeal<br>Dismissed | 25.05.2011<br>15.11.2011 |
| 12/00167/FUL | Erection of dwelling with detached garage and formation of associated vehicular access | Refused<br>Appeal<br>Dismissed | 11.05.2012<br>30.05.2013 |
| 18/00378/FUL | Erection of one dwelling and associated access (Re-submitted scheme)                   | Refused<br>Appeal<br>Allowed   | 22.06.2018<br>05.06.2019 |

#### 5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Responses have been received from 3 separate addresses raising objections to the scheme on the following grounds:-
- 1) Siting, layout, orientation and proximity to neighbouring properties/street scene
  - 2) Overdevelopment of site
  - 3) Loss of light to neighbouring properties due to siting, height and proximity to boundaries

#### 6. Consultation

- 6.1. No objection has been received from:-  
Environmental Health (Pollution)  
Environmental Health (Drainage)  
Cadent Gas
- 6.2. No objection subject to conditions has been received from:-  
Leicestershire County Council (Highways)  
Streetscene Services (Waste)
- 6.3. Market Bosworth Parish Council objects to the proposal on the following grounds:-
- 1) Previous extensive site history of refused applications and dismissed appeals
  - 2) Proposal is larger and more imposing than previously approved scheme resulting in overbearing impacts to both Shenton Lane and properties to the rear on Sutton Lane
  - 3) Overdevelopment/urbanisation of the site
  - 4) Proposal is contrary to Policies DM10 and DM11 of the adopted SADMP and Policy CE1 of the adopted Market Bosworth Neighbourhood Plan

- 5) Adverse impact on highway safety from congestion and volume of traffic
- 6.4. Market Bosworth Society objects to the proposal on the following grounds:-
- 1) Overdevelopment of the site, insufficient personal space
  - 2) Adverse impact on immediate area and neighbours due to relationship
  - 3) Insufficient parking and turning to serve the dwelling and adverse impacts on highway safety.
- 6.5. No response has been received from Market Bosworth Neighbourhood Forum.

## **7. Policy**

- 7.1. Market Bosworth Neighbourhood Plan (MBNP) 2014-2026
- Policy CE1: Character and Environment
- 7.2. Core Strategy (2009)
- Policy 11: Key Rural Centres Stand Alone
  - Policy 19: Green Space and Play Provision
- 7.3. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM3: Infrastructure and Delivery
  - Policy DM10: Development and Design
  - Policy DM11: Protecting and Enhancing the Historic Environment
  - Policy DM12: Heritage Assets
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
  - Planning Practice Guidance (PPG)
  - Planning (Listed Buildings and Conservation Areas) Act 1990
- 7.5. Other relevant guidance
- Market Bosworth Conservation Area Appraisal and Management Plan (2014)
  - The Good Design Guide (2020)
  - National Design Guide (2019)
  - Manual for Streets
  - Manual for Streets 2

## **8. Appraisal**

- 8.1. Key Issues
- Assessment against strategic planning policies
  - Design and impact upon the Market Bosworth Conservation Area
  - Impact upon neighbouring residential amenity
  - Impact upon highway safety
  - Infrastructure contributions
  - Other issues

### 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.
- 8.4. The development plan in this instance consists of the adopted Market Bosworth Neighbourhood Plan (MBNP) (2014-2026), the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.5. Policy 11 of the adopted Core Strategy (2009) identifies Market Bosworth as a 'Key Rural Centre' in the hierarchy of settlements within the borough. The application site lies within the settlement boundary of Market Bosworth, close to the retail centre of the village where there is good access to a range of services and facilities by sustainable transport modes and where infill residential development would generally be considered to be sustainable and therefore acceptable in terms of the strategic planning policies of the adopted Development Plan subject to all other planning matters being satisfactorily addressed.
- 8.6. Notwithstanding the above, 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. 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.
- 8.7. 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.

#### Design and impact upon the Market Bosworth Conservation Area

- 8.8. The application site is located close to the centre of Market Bosworth and is within the designated Market Bosworth Conservation Area. It comprises a vacant plot formerly part of a garden to an adjacent dwelling and used as an allotment. Consequently, the site is not identified as having any specific importance within the adopted Market Bosworth Conservation Area Appraisal or Management Plan (2014).
- 8.9. Objections to the scheme have been received on the grounds that by virtue of the siting, layout, orientation and proximity to neighbouring properties and the proposal being larger and more imposing than the previously approved appeal scheme, it would result in overdevelopment of the site and adverse overbearing impacts to the street scene on Shenton Lane to the detriment of Market Bosworth Conservation Area. It is also suggested that there would be insufficient personal space for the future occupiers.
- 8.10. Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 places a duty on the local planning authority in respect of conservation areas in the exercise of planning functions to require special attention to be paid to the desirability of preserving or enhancing the special character or appearance of conservation areas.

- 8.11. Policies DM11 and DM12 of the adopted SADMP seek to protect and enhance the historic environment and heritage assets. Development proposals should ensure that the significance of a conservation area is preserved and enhanced. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.12. Policy CE1 of the adopted MBNP requires that all new development in Market Bosworth should be in keeping with its character area with regards to scale, layout and materials to retain local distinctiveness. In Character Area E (Market Bosworth Conservation Area) the roof line of any new development must respect adjoining areas and neighbouring buildings and not harm important views.
- 8.13. 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.
- 8.14. In assessing the previous appeal scheme the Inspector considered that: *'by virtue of its proposed layout, scale and design, the proposed development would preserve the local character and distinctiveness of the area and would not harm important views.'*
- 8.15. The dwelling now proposed would be set back between approximately 3 and 4 metres from Shenton Lane and would respect the building line of adjacent properties along Shenton Lane with a similar layout to that of the appeal scheme. The scale and massing of the proposed dwelling, albeit wider by virtue of the garage addition and with a 0.6 metre increase in ridge height, would infill the existing gap with built form and continue to provide a stepped roofline within the street scene between the two storey dwelling to the south west (No. 15) and the bungalow to the north east (No. 3). Notwithstanding the objections received, it is considered that by virtue of the set back and proposed ridge height the dwelling would not be over-dominant within the Shenton Lane street scene and would respect the roof lines of neighbouring buildings as evidenced by the submitted street scene drawing and in accordance with Policy CE1 of the MBNP.
- 8.16. The design of the proposed dwelling has a cottage appearance with a well balanced front elevation with small dormer windows set either side of a focal pitched roof oak framed porch. The scalloped tile detailing and exposed rafters to the roof, feature brick chimney stack, brick plinth detail, segmental arches and canted bricks cills to the windows all provide visual interest to the design of the dwelling and reflects the detailing to a number of dwellings located within the Market Bosworth Conservation Area. This detailing is continued in part along the side and rear elevations along with brick roof verge detailing and results in a good quality heritage design appropriate to its siting within the conservation area. No specific external materials have been submitted therefore a condition to require their submission for prior approval would be reasonable and necessary to ensure a satisfactory appearance. In addition, three conservation style roof lights are proposed, sited on the front and rear elevations. To ensure that there is no adverse visual impact to the conservation area caused by their installation they should be fitted flush to the roof plane with this finish secured by a condition. The garage door has been amended to a sympathetic heritage style, higher quality design that is more in keeping with the site context.



- 8.17. The site layout would provide approximately 90 square metres of private rear garden space to serve the three bedroom dwelling along with additional open areas within the site. This provision would exceed the amenity space standards within the adopted Good Design Guide. The site plan indicates a post and rail boundary treatment to the front elevation with open access for vehicles. Further details of the proposed boundary treatment to the site frontage to Shenton Lane and soft and hard landscaping can be secured by condition to ensure that the scheme would be sympathetic to the character of the area.
- 8.18. By virtue of the proposed layout, scale, design and subject to the use of sympathetic external materials, roof lights, boundary treatments and hard and soft landscaping to ensure a satisfactory appearance, the proposal would preserve the character and appearance and thus significance of the Market Bosworth Conservation Area. The proposal would therefore be in accordance with Policy CE1 of the adopted MBNP, Policies DM10, DM11 and DM12 of the adopted SADMP, Section 16 of the NPPF (2019) and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.19. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the future occupiers of proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.20. Objections have been received on the grounds that by virtue of the site layout and the size, height and proximity of the proposed dwelling and garage it would result in adverse overbearing impacts and loss of light to neighbouring properties.
- 8.21. Nos. 6, 8 and 10 Sutton Lane are a two storey terrace of dwellings located to the east of the application site. They have small rear gardens that back onto the application site and the dwellings themselves occupy a lower ground level than their rear gardens and the site. Nos. 8 and 10 have outbuildings within the rear gardens. Objections have been received in respect of the height and siting of the proposed garage and potential overbearing impacts and loss of light to these properties. Amended plans have been submitted to relocate and turn the garage such that the rear and side elevations of the garage would be at an angle to, and 1 metre from, the rear boundary. The nearest corner of the garage would be approximately 11 metres from the rear elevations of the neighbouring dwellings with an eaves height of 2.2 metres and the pitched garage roof ridge being a further 2.5 metres away at a height of 5.7 metres. The existing 1.8 metre high solid timber boundary fencing would obscure a majority of the garage walls to eaves level whilst the steep pitched roof would be visible from the neighbouring properties. However, by virtue of the single storey scale, garage orientation and separation distance, and notwithstanding the relative ground levels, it is considered that the relationship of the garage to the neighbouring properties would not result in any significant adverse overbearing impacts or loss of light to the neighbouring properties on Sutton Lane.
- 8.22. The nearest part of the proposed main dwelling would be approximately 18 metres from the rear elevation of the Sutton Lane properties. Notwithstanding that this would be less than the 21 metre separation distance between habitable room windows within the recently adopted Good Design Guide, similar to the appeal scheme the proposed dwelling would be constructed at an angle to, and therefore not face directly towards, the rear elevations of 6, 8 and 10 Sutton Lane. By virtue of the separation distances and orientation, the proposal would not result in any significant adverse overlooking between habitable room windows of the existing and proposed dwellings. There would be a minimum of 7 metres between the first floor

windows and the rear boundary between the proposed and existing dwellings on Sutton Lane which together with the existing 1.8 metre high screen fence which is to be retained would not result in any significant loss of privacy from overlooking to the garden areas of the existing dwellings.

- 8.23. 15 Shenton Lane is a two storey dwelling located to the south west of the site. It has been extended at two storey height and now extends to within a metre of the site boundary. It has two windows at ground floor facing the site serving a garage and utility room. There are no principal or habitable room windows facing the site and there are no windows in the south west side elevation of the proposed dwelling facing 15 Shenton Lane. The nearest proposed first floor rear elevation window (serving the master bedroom) would be only 2 metres from the side boundary but, similar to the appeal scheme, would face in a south easterly direction towards the rear most part of the garden to No. 15 and the neighbouring garden is screened by existing holly trees located just inside the neighbouring garden. The proposed dwelling would project approximately 4 metres beyond the rear elevation of No. 15 at a separation distance from the site boundary of 1 metre at its closest point, however, the proposal would be located to the north and by virtue of its position in relation to No. 15 would not result in any significant overbearing or overshadowing impacts on any principal or habitable room windows or the rear garden of No. 15.
- 8.24. The proposed two storey dwelling is set off the north east side boundary of the site with 3 Shenton Lane, a bungalow, by approximately 10 metres (single storey garage) and 15 metres (two storey main dwelling) and as a result would not have any significant overbearing or overshadowing impacts on the amenities of the occupiers of No. 3. There are no windows proposed in the side elevation facing No. 3 and therefore together with the retention of the existing 1.8 metre high solid timber screen fence, the proposal would not result in any loss of privacy from overlooking to the occupiers.
- 8.25. Notwithstanding that there have been previous schemes on the site that have been subject to refusal and appeal decisions. The reasons for refusal did not include grounds of adverse impacts on residential amenity. The main difference between the appeal scheme and the current scheme is the addition of a pitched roof garage which extends closer to the boundary with neighbouring properties on Sutton Lane.
- 8.26. Notwithstanding the garage addition, it is considered that by virtue of the layout, scale, design, separation distances and boundary treatments, the proposal would not result in any significant adverse overbearing, overshadowing or overlooking impacts on the privacy or amenity of the occupiers of any neighbouring properties or the future occupiers of the site. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP.

#### Impact upon highway safety

- 8.27. Policy DM17 of the adopted SADMP supports development proposals where they demonstrate that there is not a significant adverse impact on highway safety. All proposals for new development should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority. Policy DM18 requires new development to provide an appropriate level of parking provision. Paragraph 108 of the NPPF (2019) requires that safe and suitable access to the site can be achieved for all users. Paragraph 109 states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

- 8.28. Objections to the scheme have been received on the grounds of adverse impacts on highway safety due to congestion and volume of traffic on Shenton Lane and inadequate parking and turning provision to serve the dwelling.
- 8.29. The scheme proposes a 5 metre wide, hard-bound surfaced access with visibility splays of 2.4 metres x 39 metres to the north east and 2.4 metres x 36 metres to the south west. The scheme proposes two-off street vehicle parking spaces within the site to serve the proposed three bedroom dwelling along with turning space to allow vehicles to enter and leave the site in a forward direction. The suitability of the turning area has been evidenced by the submission of vehicle tracking details. The existing hedge is proposed to be removed and replaced with a new post and rail timber fence set back behind the proposed visibility splays. The access width, visibility splays and parking and turning provision are in accordance with the current highways design guidance to serve the proposed dwelling.
- 8.30. Objectors raise concerns on highway safety grounds in respect of traffic congestion and parking on Shenton Lane where vehicles are able to park within the proposed visibility splays. However, in allowing a recent appeal (ref: APP/K2420/W/18/3218996) the Inspector considered that
- “Whilst parking in the visibility splays would significantly reduce visibility for vehicles exiting the appeal site, the same situation would occur at other properties along Shenton Lane. Manual for Streets 2 advises that parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice.” and:*
- “other accesses along Shenton Lane which are subject to the same issues regarding parking are operating without harm to highway or pedestrian safety.”*
- “The number of vehicle movements which would be generated by the proposed development would be modest and the risk to highway and pedestrian safety low. Whilst visibility splays would be reduced by the presence of parked cars, such an occurrence is common in urban areas, including elsewhere in Market Bosworth. I therefore conclude that the proposed access would not have a significant adverse impact upon on the safety of pedestrians, cyclists and drivers using Shenton Lane, nor would the residual cumulative impacts on the traffic network be severe.”*
- 8.31. The proposed access is similar to the appeal scheme, though relocated slightly further to the north east. The current scheme has been assessed by Leicestershire County Council (Highways) who, given the Inspector’s decision on the most recent appeal, would not seek to resist the application on highway safety grounds. The Local Highway Authority is satisfied that the proposed access arrangements are adequate and the internal layout of the site would allow adequate parking and turning provision for vehicles to enter and leave the site in a forward direction to serve the proposed three bedroom dwelling. A number of conditions are recommended to secure the proposed access arrangements, visibility splays and parking and turning facilities to ensure satisfactory development in highway safety terms.
- 8.32. The proposal would not result in any significant adverse impacts on highway safety and would provide satisfactory off-street parking and turning to serve the dwelling in accordance with Policies DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF (2019).

### Infrastructure contributions

- 8.33. 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. 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.
- 8.34. However, following amendments to national planning guidance, in this case the proposal is for only one additional dwelling which would not have any significant impact on the quality of the existing play and open space facilities within the surrounding area. The development is considered to be acceptable in planning terms without any contribution and therefore any contribution request would not be CIL compliant. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

### Other issues

- 8.35. There is adequate space at the highway boundary to provide a collection point for refuse and recycling bins for the proposed dwelling therefore a condition to require the submission of details for approval is neither reasonable or necessary in this case.

## **9. Equality Implications**

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 10.2. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the 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.
- 10.3. The application site lies within the settlement boundary of Market Bosworth close to the centre of the village with easy access to a range of services and facilities by sustainable transport means and the site also benefits from an extant permission for one dwelling. By virtue of the proposed layout, scale, design and subject to the use of sympathetic external materials to ensure a satisfactory appearance, the proposal would preserve the character and appearance and thus significance of the Market Bosworth Conservation Area and would not result in any significant adverse impacts on the residential amenities of the occupiers of any neighbouring properties or highway safety. The proposed scheme would be in accordance with Policy CE1 of the Market Bosworth Neighbourhood Plan, Policy 11 of the adopted Core Strategy and Policies DM1, DM10, DM11, DM12, DM17 and DM18 of the adopted SADMP, the overarching principles of the NPPF (2019) and the statutory duty of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.4. Paragraph 11 of the NPPF states that that any harm identified should be significant and demonstrably out weigh the benefits of the scheme. The provision of one new dwelling would provide modest social and economic benefits, however, given that no significant harm has been identified the proposal is found to be sustainable development and is therefore recommended for full planning permission subject to conditions.

## **11. Recommendation**

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

- Planning conditions outlined at the end of this report.

### **11.2.** That the Planning Manager 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: Site Location Plan and Block Plan Drawing No. 05A received by the local planning authority on 10 March 2020 and Proposed Site Plan, Floor Plans and Elevations Drawing No. 03M received by the local planning authority on 7 July 2020.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1, DM10 and DM12 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 dwelling 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 Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Notwithstanding the approved Proposed Elevations on Drawing No. 03M received by the local planning authority on 7 July 2020, all the proposed roof lights shall be conservation style fitted so as to be flush with the roof plane within which they are situated.

**Reason:** To ensure the development will have a satisfactory appearance that preserves the significance of the Market Bosworth Conservation Area in accordance with Policies DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the submitted details, no development above foundation level 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 DM10 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on the approved Site Layout Plan on Drawing No. 03M received by the local planning authority on 7 July 2020 have been implemented in full. The visibility splays, once provided, shall thereafter be permanently so 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, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be permanently so maintained at all times thereafter.

**Reason:** In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

8. The development hereby permitted shall not be occupied until such time as off street car parking provision with turning facilities have been provided and hard surfaced in accordance with the approved Proposed Site Layout Plan on Drawing No. 03M received by the local planning authority on 7 July 2020. Thereafter the onsite parking provision shall be permanently so maintained at all times thereafter.

**Reason:** To ensure that adequate off-street parking and turning provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

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

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

10. Prior to the first occupation of the dwelling hereby permitted, a drainage system shall be installed to ensure that surface water drainage from the site does not drain into the public highway and once provided shall thereafter be permanently so maintained.

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 108 and 110 of the National Planning Policy Framework (2019).

#### 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website [www.planningportal.gov.uk](http://www.planningportal.gov.uk)
3. The applicant/developer's attention is drawn to the consultation response from Cadent Gas indicating the proximity and location of gas pipe apparatus to the application site and the applicant/developer's obligations and responsibilities.
4. 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.

5. The suitability of the ground strata for soakaway drainage 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. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
6. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.



Planning Committee 28 July 2020  
Report of the Planning Manager

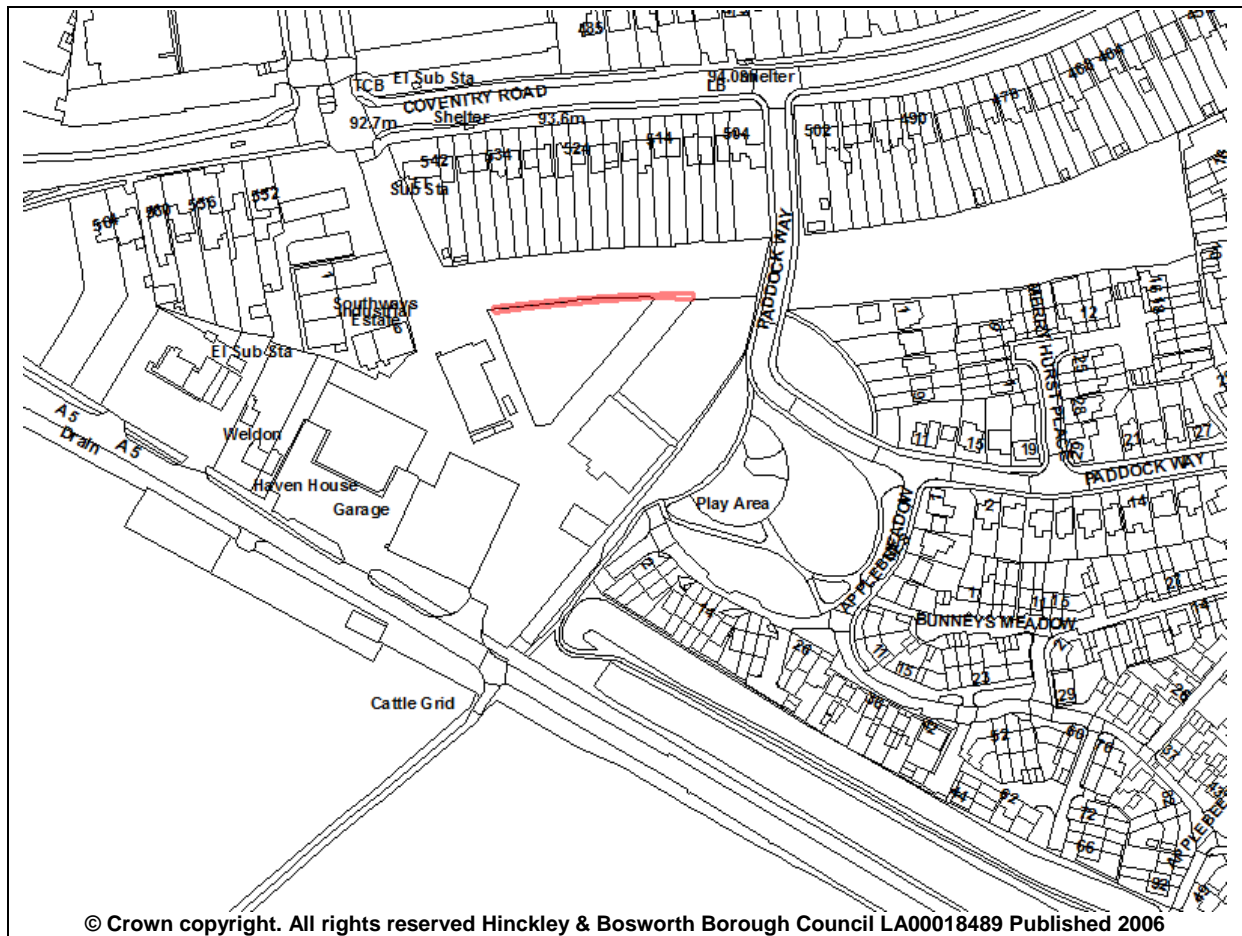
Planning Ref: 20/00191/FUL  
Applicant: Mr Nigel Payne  
Ward: Hinckley Clarendon



Hinckley & Bosworth  
Borough Council

Site: Paynes Garages Ltd Watling Street Hinckley

Proposal: Installation of 4 x 5 metre high lamp columns and associated lighting units (retrospective)



## 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 retrospective full planning permission for the installation of 4 x 5 metre high lamp metal columns and associated lighting units (Xcite 100W Road Lanterns) on land used as a staff car park serving Paynes Garage Limited.

### 2.2. The application states that the lighting units are controlled via a photo cell and timer arrangement for staff arrivals and departures only and that the lights are set to be

on between 6.00am to 8.00am mornings and 4.30pm to 6.30pm evenings, and only when sufficiently dark.

- 2.3. The application states that they have been installed to replace existing faulty sodium car-park lighting in order to provide a safe and secure environment for staff to access their personal motor vehicles during the hours of darkness.
- 2.4. The four 5 metre high lamp columns are sited in an east - west line with approximately 26 metre spacing and located approximately 22 metres from the north boundary of the car park.

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

- 3.1. The application site forms part of a designated employment site (reference HIN118) The lamp columns that are the subject of this application are located within an extensive area of land with loose surfacing used for the parking of motor vehicles in association with the commercial/employment premises located to the west and south. Uses include car sales, vehicle servicing and repair etc. To the north of the car park there are residential properties with long rear gardens and the Paddock Way highway lies to the east. The site is enclosed by solid timber fencing of at least 2 metres in height to the north and east boundaries.

### **4. Relevant Planning History**

There is an extensive planning history for the wider site but none directly relevant to this current application.

### **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. Responses from five separate addresses have been received as a result of public consultation raising the following objections, issues and concerns:-
  - 1) Adverse impacts on amenity from light pollution/light intrusion
  - 2) Lights were initially on a timer but are now on for prolonged period through the night contrary to submitted application details
  - 3) Loss of privacy from removal of trees
  - 4) Old posts are an eyesore and should be removed

### **6. Consultation**

- 6.1. No objection has been received from:-

Leicestershire County Council (Highways)  
Environmental Health (Pollution)

### **7. Policy**

- 7.1. Core Strategy (2009)
  - Policy 1: Development in Hinckley
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
  - Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM7: Preventing Pollution and Flooding
  - Policy DM10: Development and Design
  - Policy DM19: Existing Employment Sites
- 7.3. National Planning Policies and Guidance
  - National Planning Policy Framework (NPPF) (2019)
  - Planning Practice Guidance (PPG)

#### 7.4 Other Relevant Guidance

- Employment Land and Premises Review (2013)

### 8. Appraisal

#### 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Impact upon neighbouring residential amenity

##### Assessment against strategic planning policies

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

8.3. By virtue of the scale and nature of the proposal there are no directly relevant policies within the adopted Core Strategy. The application site lies within an area designated as an employment site within the adopted SADMP (reference HIN118) and a category 'A' key employment site which is to be retained for such uses in the most recent Employment Land and Premises Review (2013). Paragraph 127 of the NPPF (2019) seeks to ensure that development creates places that are safe, inclusive and accessible for future users and where crime or the fear of crime is addressed.

8.4. The lighting scheme has been installed to enhance the safety and security of staff/users of the car parking facilities that are ancillary to the long established commercial/employment uses on the site during hours of darkness. As such the development is considered to be acceptable in principle subject to all other planning matters being satisfactorily addressed.

##### Impact upon the character of the area

8.5. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area.

8.6. The lamp columns are located between existing parking spaces within the car park site and by virtue of their 5 metre height which is not excessive, narrow profile and silver grey finish, the lamp columns and lighting units are not overly prominent within the car park or from the wider surrounding area. As with existing illumination in other parts of the wider site, when illuminated during the hours of darkness they are clearly be more noticeable. However, lighting schemes are features which would be expected within a commercial car parking area for safety and security purposes and by virtue of their siting, scale, design and appearance in this case they are not considered to result in any significant adverse impacts on the commercial and industrial character of the area. The lighting scheme is therefore considered to be in accordance with Policy DM10 of the adopted SADMP in such respects.

##### Impact upon neighbouring residential amenity

8.7. 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. Policy DM7 of the adopted SADMP states that adverse impacts from pollution will be prevented by ensuring that development proposals demonstrate that all reasonable steps are taken through design, siting and technological solutions to ensure the abatement of obtrusive light to avoid sky glow, glare and light intrusion.

- 8.8. Objections have been received on the grounds that the lighting scheme results in light pollution and light intrusion to neighbouring residential properties.
- 8.9. The lighting columns have been installed as replacements for old lighting units that have been removed from lighting columns that are located immediately inside the north boundary of the site adjacent to residential gardens. The new lighting columns are of similar height, have been relocated approximately 22 metres inside the site boundary and are fitted with lighting units that face downwards to reduce potential light spill to surrounding areas whilst providing satisfactory illumination to the parking area.
- 8.10. The application states that the lighting units are controlled via a photo cell and timer arrangement for staff arrivals and departures only and that the lights are set to be on between 6.00am to 8.00am mornings and 4.30pm to 6.30pm evenings, and only then when sufficiently dark to trigger the photo cell.
- 8.11. It appears from responses received during public consultation on the application that whilst the use of the lights may have been subject to hours restriction and control following initial installation, this seems to have become less so thereafter and it has been suggested by the occupiers of neighbouring properties that the lighting is on for prolonged periods through the night which results in unnecessary light intrusion to neighbouring properties.
- 8.12. The issue of the hours of illumination has been raised with the applicant who confirms that the controls stated in the application were installed to restrict the use of the lights to the time periods required. However, following the comments received during the application, an investigation is being undertaken to check the historic operation of the lighting scheme through the viewing of CCTV footage of the car park and the electrical contractor is to be asked to inspect/service the control mechanisms to ensure that they are operating correctly or, if not, to repair them. It was established that it had been damaged during a storm and the timing mechanism has now been repaired.
- 8.13. However, notwithstanding the outcome of those investigations, the future operation of the lights can be controlled through the imposition of a suitably worded condition to restrict the hours of use of the lights to those which have been applied for and which are considered to be reasonable and necessary to enable their effective use whilst mitigating any significant adverse impacts from light pollution/intrusion on neighbouring properties. The scheme has been assessed by the Environmental Health (Pollution) team who raise no objection in respect of impacts on residential amenity.
- 8.14. Notwithstanding objections received, by virtue of the existing enclosure of the site by 2 metre high solid timber boundary fencing which is to be retained, the installation of lighting columns within a car park does not result in any loss of privacy to neighbouring occupiers.
- 8.15. The old lamp columns are poor in terms of visual appearance however the applicant has confirmed that removal of these has not been undertaken pending planning permission being secured for the replacement new columns that are the subject of this application.
- 8.16. By virtue of the siting, 22 metre separation distance to the site boundary and the scale and downward design of the lighting scheme, subject to satisfactory control of illumination to reasonable hours, the scheme would not result in any significant adverse impacts from light pollution or intrusion on the amenities of neighbouring residential properties. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP.

## **9. Equality Implications**

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.
- 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 installation of ancillary safety and security facilities to serve existing uses is generally acceptable in principle. In this case the lighting scheme replaces a previously existing system that came to the end of its effective life. By virtue of the siting, scale, design and appearance the scheme complements the commercial and industrial character of the site. By virtue of the separation distance to any neighbouring properties and the design of the lighting units which point downwards to minimise light spill, together with the imposition of a condition to restrict the hours of use of the lighting to those that are necessary and applied for, the scheme would not result in any significant adverse impact on the amenity of any neighbouring residential properties or the wider area from light intrusion. The scheme is therefore considered to be in accordance with Policies DM1, DM7, DM10 and DM19 of the adopted 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. 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing reference TQRQM20064140812668, Site Plan Drawing reference TQRQM20064141310364 and Thorn Lamp Column Elevation/Technical Details Drawing No. 35919-1 received by the local

planning authority on 9 March 2020 and Xcite LED Lantern Details received by the local planning authority on 7 April 2020.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1, DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The external lighting hereby permitted shall not be switched on other than between the hours of 6.00am to 8.00am in the mornings and between 4.30pm and 6.30pm in the evenings.

**Reason:** To protect the occupiers of neighbouring residential properties from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Within six months of the date of this planning permission, the three existing redundant lamp columns located along the north boundary of the car park shall be removed from the site.

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

Planning Committee 28 July 2020  
Report of the Planning Manager

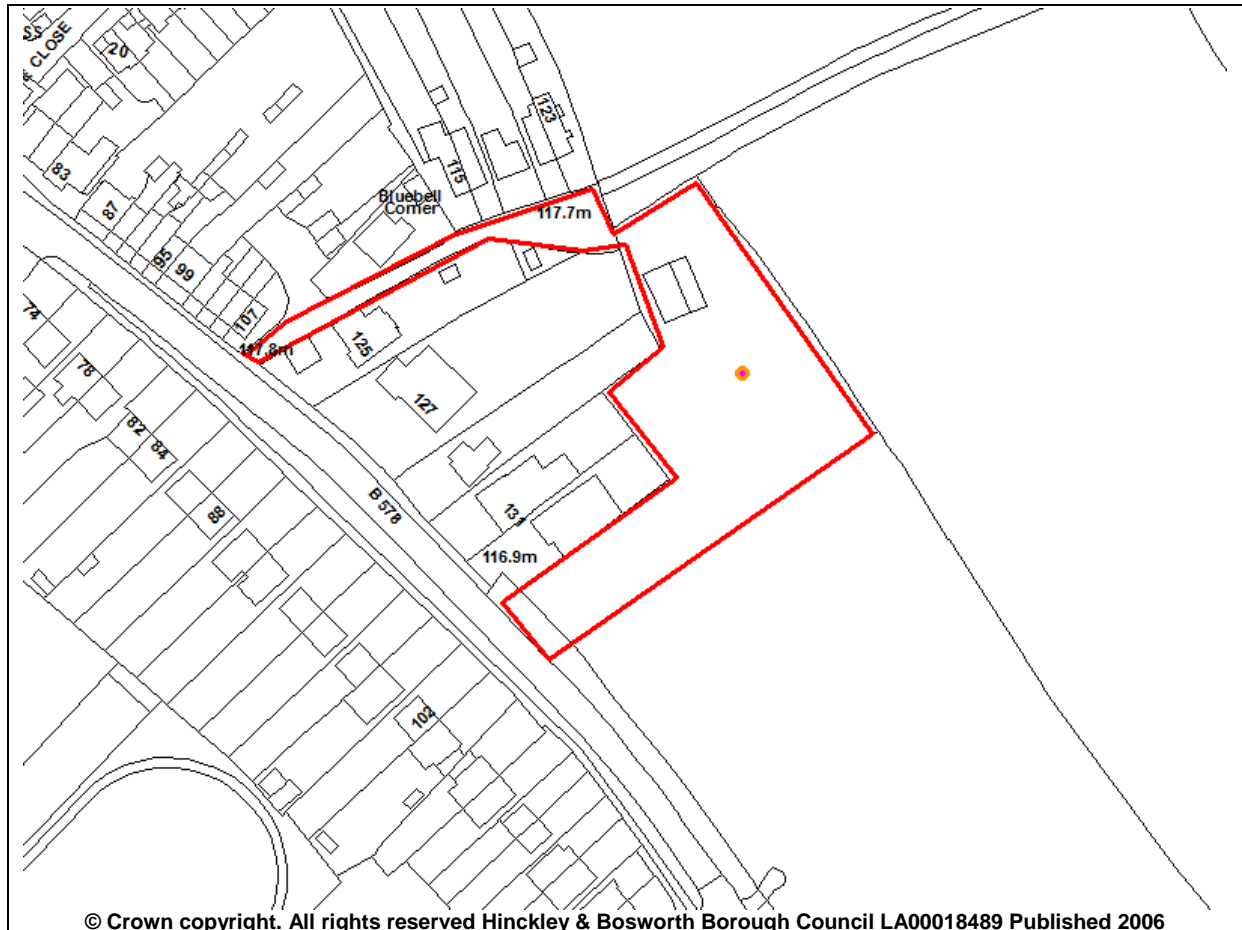
Planning Ref: 19/01112/OUT  
Applicant: Mr T Knapp  
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth  
Borough Council

Site: Land Rear Of 131 Lutterworth Road Burbage

Proposal: Residential development (outline- access only)



## 1. Recommendations

### 1.1. Grant outline planning permission subject to:

- Planning conditions outlined at the end of this report.

## 2. Planning Application Description

- 2.1. The application seeks outline permission for residential development with access a matter for consideration. All other matters are reserved. The exact number of dwellings has not been specified although an indicative layout plan has been received showing four detached dwellings. Three of those dwellings are positioned along the north east boundary with a further dwelling on the other side of the access track to the rear of the existing properties on Lutterworth Road. Boundary hedges are to be retained.

- 2.2. Access to the site from Lutterworth Road is to the side of 135 Lutterworth Road. Amended plans have been received removing the secondary access to the north west of the site. Amended plans also show the footway extended at the front of the site. The proposed access width is 4.8 metres.
- 2.3. The application is accompanied by a Design and Access Statement.
- 2.4. The application has been deferred from a previous committee for a site visit to take place.

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

- 3.1. The application site consists of a parcel of relatively flat land located to the rear of numbers 125 to 135 Lutterworth Road. Three new dwellings have been constructed on Lutterworth Road to the south west of the site. A large majority of the site is located adjacent to, but outside of the settlement boundary of, Burbage and as such, within land designated as countryside. To the north of the site is a single storey building recently approved for conversion to residential (19/00573/FUL). To the north west of the site is a single track private road serving a number of dwellings and accessed off Lutterworth Road. This track is no longer part of this application. To the rear of the site and to the south and east beyond mature hedgerows is open countryside. The site area is 0.28 hectares.

### **4. Relevant Planning History**

|              |  |           |            |
|--------------|--|-----------|------------|
| 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 |
| 19/00573/FUL | Conversion of existing building to residential (C3) use and single storey extension to side                | Permitted | 21.08.2019 |

### **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. As a result of the public consultation for both the original and amended plans, responses from 7 different addresses have been received on the following grounds:

- 1) If the application were to be approved it would represent another nail in the coffin of the little remaining green space in Burbage
- 2) Additional traffic using the privately owned access
- 3) There is no need for an additional access
- 4) Located outside the settlement boundary and part of Burbage's highly valuable countryside
- 5) No indication of the scale of the development
- 6) It will set a precedent for building in the open countryside



## **6. Consultation**

- 6.1. No objection has been received from:  
LCC Highways  
LCC Archaeology  
LCC Ecology  
Environmental Health (Drainage)  
Waste Street Scene Services
- 6.2. Burbage Parish Council objects to the application as it is outside of the settlement boundary.

## **7. Policy**

- 7.1. Emerging Burbage Parish Neighbourhood Plan (BNP)
- Policy 1: Settlement Boundary
  - Policy 3: Design and Layout
  - Policy 4: Parking
  - Policy 9: Biodiversity
- 7.2. Core Strategy (2009)
- Policy 4: Development in Burbage
  - Policy 16: Housing Density, Mix and Design
  - Policy 19: Green Space and Play Provision
- 7.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM3: Infrastructure and Delivery
  - Policy DM4: Safeguarding the Countryside and Settlement Separation
  - Policy DM6: Enhancement of Biodiversity and Geological Interest
  - Policy DM7: Preventing Pollution and Flooding
  - Policy DM10: Development and Design
  - Policy DM13: Preserving the Borough's Archaeology
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
  - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
  - National Design Guide (2019)
  - Leicestershire Highways Design Guide
  - Landscape Character Assessment (2017)
  - Open Space and Recreation Study (2016)

## **8. Appraisal**

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

- Infrastructure Contributions
- Planning Balance

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework February 2019 (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with up-to-date development plan permission should not usually be granted unless other material considerations indicate otherwise. The development plan in this instance consists of the Core Strategy (2009) and Site Allocations and Development Management Policies (SADMP).
- 8.3. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.4. Core Strategy Policy 4 provides the policy framework for development in Burbage, which seeks the provision of a minimum of 295 new homes. It identifies Burbage as a key urban centre which supports growth.
- 8.5. 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. 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.
- 8.6. The Borough Council is actively promoting the preparation of Neighbourhood Development Plans and is keen to see communities strongly involved in the planning and future growth of villages. Currently the Burbage Neighbourhood Plan (BNP) has been published Under Regulation 18, and although it is not fully adopted it can be now afforded substantial weight.
- 8.7. Policy 1 of the Burbage Neighbourhood Plan (BNP) sets out a presumption in favour of residential development adjacent to the defined settlement boundary within the BNP as long as it accords with other plan policies. The development lies adjacent to the settlement boundary and therefore is acceptable in principle subject to it complying with other policies within the plan.
- 8.8. Paragraph 14 of the NPPF, states that in situations where the presumption at 11d applies, the adverse impact of allowing development that conflicts with the Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits. However, in this instance the proposal does not conflict with the BNP Policies.
- 8.9. 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 states that the countryside will first and foremost be

safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:

- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- d) It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
- e) It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.

and

- i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
- ii) It does not undermine the physical and perceived separation and open character between settlements; and
- iii) It does not create or exacerbate ribbon development;

8.10. The site does not fall under any of the categories identified in DM4 as sustainable development and so there conflict between the proposed development and the policy. The harm arising from this conflict must be weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.

8.11. The proposed development accords with Policy 1 of the BNP, being adjacent to the settlement boundary. Therefore, notwithstanding the above conflict with Policy DM4 of the SADMP, Policy 1 of the BNP is the more recently examined policy whereby the examiners intention is clear that residential development adjacent to the settlement boundary is acceptable in principle. This has substantial weight in the planning balance.

#### Design and impact upon the character of the area

8.12. Policy DM4 of the 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.

8.13. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally.

8.14. Policy 3 of the emerging Burbage Neighbourhood Plan advocates residential development which respects its surroundings in terms of design and layout.

8.15. The Good Design Guide SPD outlines that building plots should be a similar size, footprint and position to the wider context and the layout should not adversely impact upon the prevailing grain of development. Built form should be of a similar scale, mass and roof form. The proposal will be required to demonstrate that it would not result in the over densification of the land, leading to a loss of character. The use of existing accesses to serve new development is encouraged to avoid unnecessarily puncturing the character of the street scene and allowing highways to dominate.

- 8.16. The site falls within Landscape Character Area (LCA) F; Burbage Common Rolling Farmland identified by the Borough Council's Landscape Character Assessment (2017) although it is situated very close to Urban Character Area 1 (Burbage). The key characteristics of this LCA are large scale, gently rolling arable and pasture farmland and medium to large scale rectilinear field pattern bounded by low hedgerows and post and wire fencing.
- 8.17. The key sensitivities of this landscape area are a generally rural character with undeveloped landscape, low hedgerows & trees reflecting the parliamentary enclosure field pattern and isolated farmsteads scattered through the farmland landscape. The area to the south and east of Burbage provides a rural setting.
- 8.18. The LCA links into the Landscape Sensitivity Study Area 8 (Burbage South and East). The separate criteria predominantly scored a low to medium rating in terms of sensitivity for the area in the study. The study recommends retaining the pattern of trees and hedgerows and incorporating a further buffer planting to major transport corridors. It also recommends promoting opportunities to maintain and promote an integrated green infrastructure network around the Burbage, Earl Shilton, Hinckley and Barwell urban edge.
- 8.19. The site is surrounded on two sides by open countryside and bound from these fields by mature hedgerows, subdividing it from the agricultural fields beyond. The site is currently rough grass enclosed by mature hedgerows. The proposed development will therefore introduce built form into an otherwise semi-rural edge of settlement location. The proposed access and part of the site are already hardstanding along the side of existing residential development. The site is situated to the rear of a row of houses forming a ribbon development along Lutterworth Road. The site is not clearly visible from Lutterworth Road, although it would be partly viewed when approaching Burbage from the south east beyond the boundary hedge. Nonetheless the site would retain a strong sense of enclosure through the retention of hedgerow planting. Landscaping details at reserved matters stage can ensure an appropriate landscape boundary with the open countryside beyond the site. Given the contained nature of the site provided by the existing boundaries and dwellings to the front, the impact on the wider countryside is limited and can be further mitigated by consideration of the landscaping treatments, scale and appearance of the proposed dwellings at the reserved matters stage. Therefore, notwithstanding the introduction of built development, that harm arising from this is localised with minimum impacts upon the wider landscape character.
- 8.20. The properties along this part of Lutterworth Road are generally characterised as relatively large detached properties on generous plots. There are some instances of development at depth in the area for example the properties to the north east of the site. However, these properties front out on to an historic public right of way and have a distinctive character which is different from the surrounding dwellings.
- 8.21. Initial concerns were raised that the size of the site was constrained and that it was not large enough to accommodate a development that creates a strong sense of place or character or one that is connected to the wider area. The indicative layout provides a density and size of plot that is similar to the surrounding properties, and providing evidence that the site could accommodate a development that would not be detrimental to the character of the area. The layout would provide suitable amenity space and areas for parking within the curtilage which is acceptable.
- 8.22. Core Strategy Policy 16 recommends a density of 40 dwellings per hectare in and adjoining Burbage. The likely density of the development although lower than this, provides for a scheme compatible with the surrounding properties and its edge of settlement location. The lower density is therefore considered appropriate. In

accordance with Policy 16 lower densities may be acceptable where site context requires it. This is considered relevant in this instance.

- 8.23. It is considered that the proposal would not have a detrimental impact on the character of the street scene or the edge of settlement location. Neither would the proposal have a significant adverse impact upon the character of the countryside and would therefore be in accordance with policies DM4 and DM10 of the SADMP, policy 3 of the BNP and the Good Design Guide SPD.

Impact upon residential amenity

- 8.24. Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.25. The Good Design Guide SPD outlines that backland development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise. Habitable rooms within a rear elevation should ideally not be less than 8 metres from the blank side of a single storey neighbouring property, rising to 12 metres for a two storey property. Habitable rooms within rear elevations of neighbouring properties should never be less than 21 metres apart.
- 8.26. As this is an outline application with only means of access for approval now the adherence of the layout with the Good Design Guide will be dealt with at Reserved Matters Stage.
- 8.27. The separation distance from the rear of the dwellings at 133 and 135 Lutterworth Road to properties within the development could be achieved in line with the Good Design Guide.
- 8.28. The removal of the secondary access to the north east of the site would reduce the noise and disturbance from vehicular movements to those properties that are served by that access. The site is approximately 45 metres from the closest of these neighbouring properties which is considered a reasonable separation distance to not impact upon their residential amenity.
- 8.29. The impact of the access drive on the currently unoccupied property has also been assessed. There are no principle window, located at ground floor level adjacent to the access road. It is also considered that boundary treatment which can be secured via condition along the access road can mitigate any noise or disturbance from vehicles travelling along the private drive.
- 8.30. The plot sizes on the indicative layout are reasonable and would provide in excess of the minimum 80 square metres of amenity space for each dwelling which is considered acceptable and in compliance with the Good Design Guide SPD.
- 8.31. The proposal is not considered to adversely affect the amenities of surrounding residents and provides acceptable residential amenity for future occupiers subject to acceptable details at the reserved matters stage. The proposal would therefore be in accordance with Policy DM10 of the SADMP and the Good Design Guide SPD.

Impact upon highway safety and parking

- 8.32. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.

- 8.33. Policy 4 of the emerging Burbage Neighbourhood Plan outlines that at least two off-street car parking spaces shall be provided within the curtilage for each new dwelling developed.
- 8.34. Access is a matter for consideration. Some of the objections raised relate to the suitability of the access. The Local Highway Authority has been consulted on the application. They initially raised concern over the secondary point of access to the north of the site as it is undesirable in highway terms for a development proposal of this scale to be served by two points of access onto the highway network. In addition this access is poorly surfaced and would not have been best served by additional vehicles. An amended plan has been received removing the red line around the access to the north of the site thereby now only providing one point of access, which is an improvement in highway terms.
- 8.35. The revised access plan includes an extension of the adjacent footway to the northwest of the access to tie in with the existing provision along Lutterworth Road.
- 8.36. The Local Highway Authority is satisfied with the revised access arrangements subject to conditions with the access providing suitable visibility splays to serve the site. They consider that the impacts of the development on highway safety would not be unacceptable.
- 8.37. Overall the revised proposal would not have a significant impact on parking and highway safety in compliance with policies DM17 and DM18 of the SADMP and policy 4 of the emerging Burbage Neighbourhood Plan.

#### Drainage

- 8.38. Policy DM7 of the adopted SADMP requires that development does not create or exacerbate flooding.
- 8.39. The site is located within flood zone 1 indicating therefore is a low risk of surface water flooding. The Borough Councils Drainage Officer has no objection to the proposal subject to a condition for surface water drainage details incorporating sustainable drainage principles (SUDS). It is considered this condition is reasonable to reduced flood risk on the site in compliance with policy DM7 of the SADMP.

#### Infrastructure Contributions

- 8.40. 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 Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements. However, the PPG is clear that obligations for affordable housing should not be sought from applications of 10 or less residential units or where a site area does not exceed 0.5ha. The site could not accommodate 10 dwellings and is less than 0.5ha and therefore no contributions can be sought
- 8.41. 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.
- 8.42. The site is not within 400 metres of any play or open space provision. Notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the Core Strategy no contribution has been pursued in this case due to the scale of the development and that the development is not within close proximity to any play or

open space. It is not therefore considered that any obligations are required to make the development acceptable in planning terms.

#### Planning Balance

- 8.43. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.44. The site is predominantly located outside the settlement boundary for Burbage and is therefore within the countryside where Policy DM4 applies. The proposal would be in conflict with Policy DM4 as residential development is not considered to be sustainable in the countryside. This policy is in accordance with the Framework and has significant weight.
- 8.45. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the 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. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any benefits.
- 8.46. Burbage is an identified Neighbourhood Plan Area, which has reached Regulation 18 stage and can now be afforded substantial weight in the planning balance. Policy 1 of the Burbage Neighbourhood Plan identifies that residential development on land within or adjacent to the settlement boundary, will be supported, subject to complying with other development plan policy.
- 8.47. The proposal, whilst involving development on open land, has not been found to have substantial harm to the landscape character, as such there is limited conflict with Policy DM4 and DM10 of the SADMP. Notwithstanding the above conflict with Policy DM4 of the SADMP Policy 1 is the more recently examined policy whereby the examiners' intention is clear that residential development adjacent to the settlement boundary is acceptable in principle. This has substantial weight.
- 8.48. Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of market housing which weighs in favour of the application. However, the number of units is unknown at this stage and therefore, this has some weight in the planning balance as the scheme would provide only a small contribution to the overall housing supply within the Borough.
- 8.49. The proposal would result in economic benefits through the construction of the scheme, creation of jobs and construction spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services. However, given the scale of the proposal this benefit has limited weight.
- 8.50. There are no known environmental benefits from the proposed development.
- 8.51. Whilst there is conflict with the strategic policies of the Development Plan no significant landscape harm has been identified, it is considered on balance that the limited harm does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole.

Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.

#### Other matters

- 8.52. The collection point for domestic refuse, recycling and garden waste is from the adopted highway boundary. Provision needs to be made to provide a suitable and adequate collection point at the highway boundary. It will be the responsibility of the occupiers to bring the containers to the collection point.
- 8.53. The County Council Ecologist has been consulted on the application. They do not raise any objections to the proposal and they consider that it does not meet the trigger for an Ecology Survey.
- 8.54. The County Council Archaeologist has been consulted on the application. Given the location of the application area outside the historic settlement core of Burbage, the relatively small scale of the development site and the extent of previous ground disturbance, as shown through aerial photographs, the proposal will not result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. They therefore advise that the application warrants no further archaeological action.

### **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 proposal, whilst involving development on open land, has not been found to have substantial harm to the landscape character, as such there is limited conflict with Policy DM4 and DM10 of the SADMP. Notwithstanding this identified conflict with Policy DM4 of the SADMP Policy 1 of the Burbage Neighbourhood Development Plan is the more recently examined policy whereby the examiners intention is clear that residential development adjacent to the settlement boundary



is acceptable in principle. This has substantial weight and is a material consideration in the determination of the application. The conflict with Policy DM4 from new residential development in the countryside would not significantly and demonstrably outweigh the identified benefits of the scheme. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan.

- 10.2. The indicative layout of the scheme is acceptable, and the development is of a scale and density that is appropriate for the area. The proposal would therefore maintain the character of the area and would not significantly harm the intrinsic value, beauty and open character of the countryside in accordance with policies DM4 and DM10 of the SADMP.
- 10.3. The indicative layout demonstrates that the development would not have an adverse impact on the residential amenity of neighbouring properties whilst providing a suitable living environment for future residents. A suitable access from the highway is provided which has satisfactory visibility. Suitable parking and turning facilities are provided within the site. The proposal is therefore considered to comply with Core Strategy policy 4 and Site Allocations Management and Development DPD policies DM1, DM4, DM6, DM7, DM10, DM13, DM17 and DM18.

## **11. Recommendation**

### **11.1. Grant outline planning permission** subject to:

- Planning conditions outlined at the end of this report.

### **11.2. Conditions and Reasons**

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

**Reason:** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
  - a) Appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
  - b) Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce and retain the existing landscaping at the site edges
  - c) Layout of the site including the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes.
  - d) Scale of each building proposed in relation to its surroundings

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:  
Site location plan ref no. 4626/01 Rev A received 12 November 2020  
Proposed access layout ref no. 4626/02 Rev A received 12 November 2020

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

4. 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on 4626/02 Rev. A have been implemented in full.

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

6. 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 adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. No part of the development hereby permitted shall be occupied until such time as 2.0metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

**Reason:** In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies

DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

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

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

9. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 108 and 110 of the National Planning Policy Framework (2019).

10. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

**Reason:** To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

11. Prior to the first occupation of any dwelling on the site details of the boundary treatment along the access road and turning areas and the surrounding existing properties shall be submitted to and approved in writing. Once approved the boundary treatment shall be constructed prior to the first occupation of any dwelling and retained in perpetuity.

**Reason:** In the interests of residential amenity and to ensure a satisfactory form of development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. 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

12.1. **Notes to Applicant**

1. This application has been determined in accordance with the following submitted details;  
  
Indicative layout plan 4626/02 Rev B received 14 April 2020.
2. 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. Where soakaway drainage 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 submitted to the LPA and 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 before this condition can be discharged.
5. The collection point for domestic recycling, garden waste and refuse will be from the adopted highway boundary and so provision needs to be made on site for the storage of containers.

**Planning Committee 28 July 2020  
Report of the Planning Manager**

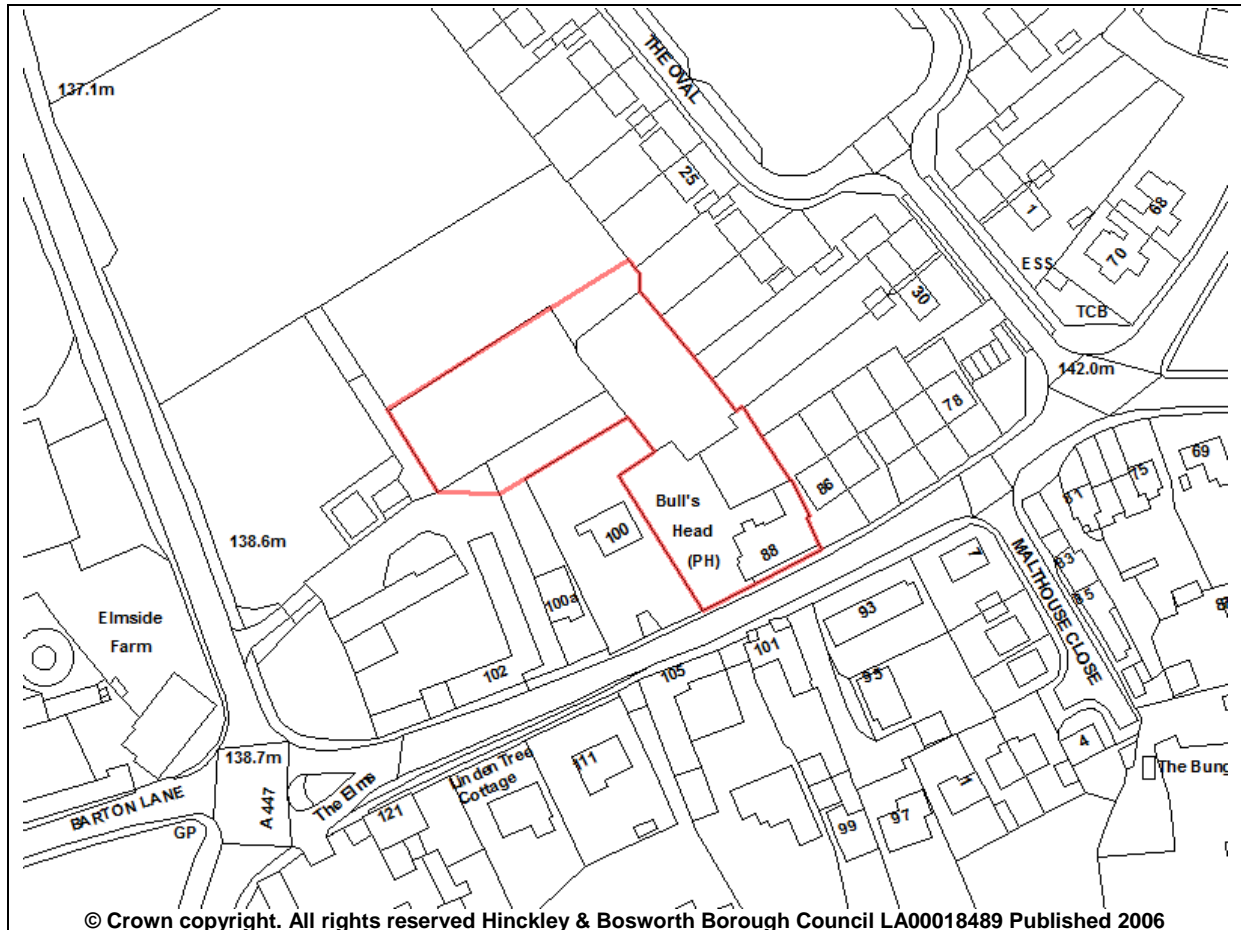
**Planning Ref:** 18/01288/FUL  
**Applicant:** Mr Andrew Lloyd  
**Ward:** Barlestone Nailstone And Osbaston



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. This application was taken to a previous Planning Committee on the 7 July 2020. The Officer report is attached to this report as Appendix A.
2. At that Committee the item was deferred for more information from LCC Highways, with regards to the withdrawal of the obligation to provide traffic calming measures via a legal agreement.
3. The previously resolved decision to include a S.106 agreement required traffic calming measures to be delivered to the entrance to the site, within the adopted highway. It contained no other obligations of the developer.
4. However, during negotiations regarding the wording of the appropriate section 106 agreement LCC Highways informed the Council that they no longer sought any highway mitigation from this development and therefore the obligation in the legal agreement was not required. LCC Highways do not wish to enter into any legal agreement requiring these works.

5. At the previous Committee it was reported that LCC as the Highway Authority confirmed that the traffic calming measures are not necessary or justified the reasons given for this are as follows;
  - a) The additional vehicle movements is insignificant compared to those of the public house
  - b) The speed readings are not significantly high
  - c) The location of the cushions is likely to be objected as they clash with private accesses
  - d) The highest speed reading is in the SW direction and the cushions are SW of the site, which doesn't mitigate the impact of the site
6. Further discussions have taken place with LCC Highways who have since confirmed that the above comments have not changed from those reported at the previous Committee. The most recent speed surveys show that traffic travelling along here is below the 30mph speed limit and therefore no traffic calming measures are necessary and it would not be reasonable to require this proposal to provide any.
7. LCC Highways also confirmed that this is inclusive of speed signs, including Vehicle Activated Signs (VAS) (such as the one provided by the Nailstone Colliery development). A VAS cannot be justified as a consequence of this application given the measured speeds.
8. 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.
9. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (As Amended) (CIL) and paragraph 56 of the Framework. The CIL Regulations and NPPF 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.
10. The Local Highway Authority have stated that the contributions sought are not necessary to make the development acceptable in highway terms and are not fairly and reasonably related in scale to the development proposed. The contributions sought therefore no longer meet the requirements of the CIL Regulations and should be removed.
11. 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 20 August 2019  
Report of the Planning Manager

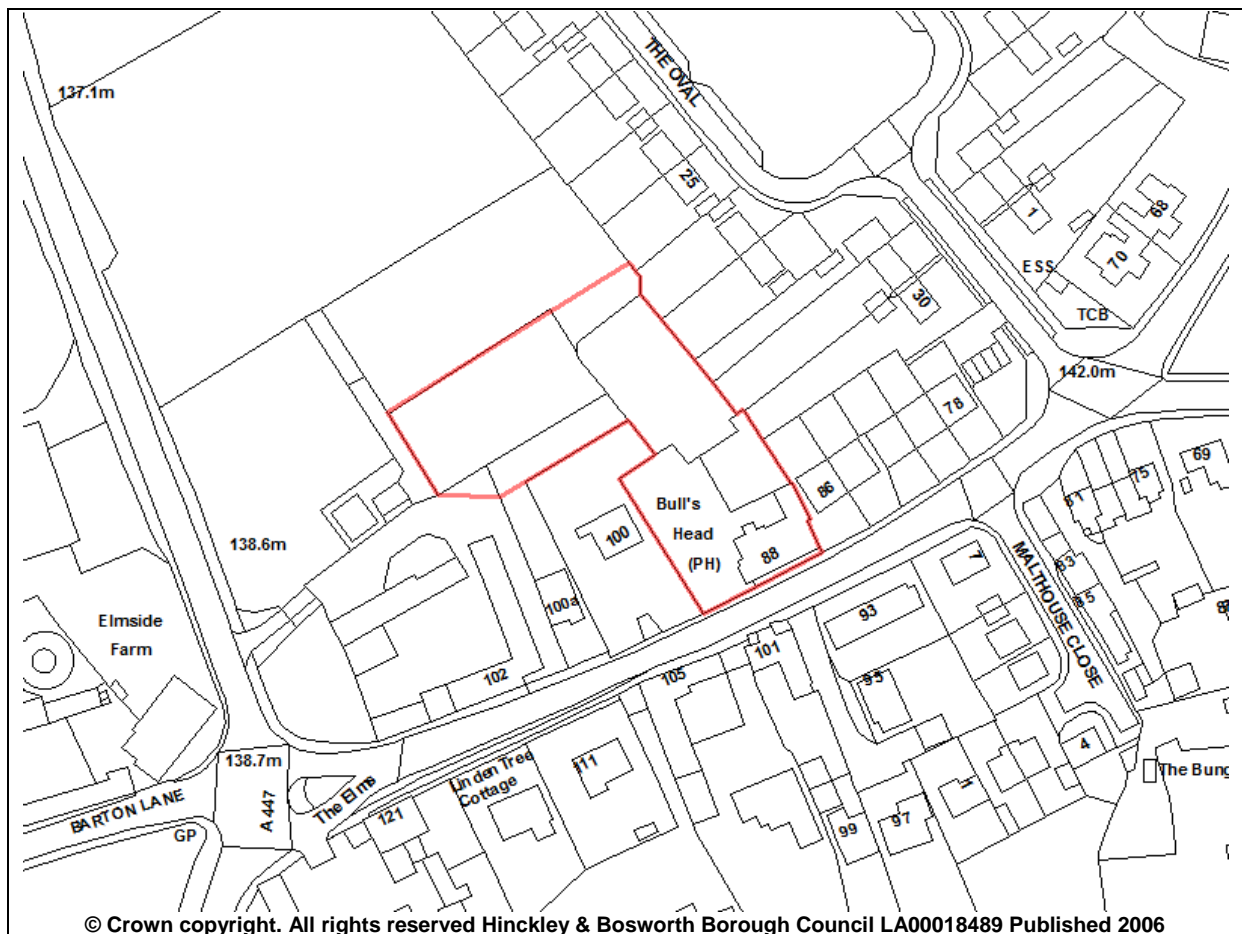
Planning Ref: 18/01288/FUL  
Applicant: Mr Andrew Lloyd  
Ward: Barlestone Nailstone And Osbaston



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 19<sup>th</sup> 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 19<sup>th</sup> 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](mailto: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 APPEAL PROGRESS REPORT

SITUATION AS AT: 17.07.20

**WR - WRITTEN REPRESENTATIONS**

**IH - INFORMAL HEARING**

**PI - PUBLIC INQUIRY**

| FILE REF | CASE OFFICER | APPLICATION NO                     | TYPE | APPELLANT  | DEVELOPMENT  | Appeal Valid  | DATES |
|----------|--------------|------------------------------------|------|--|--|---|-------|
|          | RW           | 19/01304/OUT<br>(PINS Ref 3255456) | WR   | Ms Caroline Dixie<br>18 Main Street<br>Nailstone         | Land off Veros Lane<br>Nailstone<br>(Erection of Two Dwellings (Outline all matters reserved))   | Awaiting Start Date   |       |
|          | JB           | 19/01324/OUT                       | PI   | Davidsons Developments Ltd                               | Land At<br>Wykin Lane<br>Stoke Golding<br>(Residential development of up to 55 dwellings (Outline - access only))  | Notification of intention to submit an appeal<br>(Likely submission date of the appeal July 2020) |       |
|          | JB           | 19/00947/OUT                       | PI   | Barwood Development Securities Ltd                       | Land Off<br>Sketchley Lane<br>Burbage<br>(Development comprising of up to 140 dwellings and extension of Sketchley Meadows Business Park for up to 30,000 sq m (322,920 sq ft) gross external floor space for Class B2 General Industrial/Class B8 Warehousing and Distribution use with associated means of access from Watling Drive and Sketchley Lane, associated internal estate roads, parking, landscaping, open space and sustainable drainage (Outline - including access)) | Notification of intention to submit an appeal<br>(Likely submission date of appeal 13.07.20)      |       |
|          | RW           | 19/01234/OUT<br>(PINS Ref 3254458) | WR   | Ms Jenny Longwill<br>Ivy House Farm Hall Lane<br>Odstone | Ivy House Farm<br>Hall Lane<br>Odstone<br>(Erection of two dwellings (Outline - access only))  | Awaiting Start Date   |       |

|               |    |                                    |    |  |  |   |                                  |
|---------------|----|------------------------------------|----|--|--|---|----------------------------------|
| 20/00020/FTCO | OP | 20/00208/ADV<br>(PINS Ref 3253543) | WR | Mr Andrew Foster<br>Space Outdoor Ltd<br>Swan House Main Street<br>Hickling<br>Melton Mowbray        | The Holywell Inn<br>56A London Road<br>Hinckley<br>(Installation of one freestanding internally illuminated advertising sign)<br>Installation of one freestanding internally illuminated advertising sign) | Start Date<br>Awaiting Decision                   | 02.07.20                         |
| 20/00021/PP   | OP | 20/00300/OUT<br>(PINS Ref 3253082) | WR | Mrs Barbara Denton<br>Walsgrove House<br>Sheepy Road<br>Sibson                                       | Village Farm House<br>Sheepy Road<br>Sibson<br>(Demolition of buildings; Residential development for four dwellings (Outline-access and layout only))  | Start Date<br>Statement of Case<br>Final Comments | 03.07.20<br>07.08.20<br>21.08.20 |
| 20/00019/PP   | SW | 19/00892/OUT<br>(PINS Ref 3252017) | WR | Mr Gareth Xifaras<br>Animal Pub Compamny Ltd<br>147 Station Lane<br>Lapworth<br>Warwickshire         | The Prince Of Wales Inn<br>52 Coventry Road<br>Hinckley<br>(Demolition of public house and erection of 12 apartments (outline - access, layout and scale))   | Start Date<br><b>Final Comments</b>               | 04.06.20<br><b>23.07.20</b>      |
| 20/00018/PP   | GS | 19/01411/FUL<br>(PINS Ref 3251812) | WR | Mr G & S Warren<br>Invicta Universal Ltd<br>Engine Block Unit 1<br>The Sidings, Merrylees<br>Desford | 39 Station Road<br>Desford<br>(Sub-division of and extensions to existing dwellinghouse to form 5 apartments, erection of 4 dwellinghouses and alterations to existing access)                             | Start Date<br><b>Final Comments</b>               | 04.06.20<br><b>23.07.20</b>      |
| 20/00016/PP   | OP | 20/00140/OUT<br>(PINS Ref 3250796) | WR | Mr Steve Walters<br>129 Leicester Road<br>Glen Parva   | 2 Preston Drive<br>Newbold Verdon<br>Leicester<br>(Residential development for one dwelling (Outline- all matters reserved))   | Start Date<br><b>Final Comments</b>               | 03.06.20<br><b>22.07.20</b>      |
| 20/00017/PP   | OP | 19/01438/OUT<br>(PINS Ref 3250575) | WR | Mr Stephen Hill<br>159 Coventry Road<br>Burbage  | 159 Coventry Road<br>Burbage<br>(Residential development for one dwelling (Outline- access, layout and scale only))  | Start Date<br><b>Final Comments</b>               | 04.06.20<br><b>23.07.20</b>      |
| 20/00013/PP   | SW | 20/00004/FUL<br>(PINS Ref 3250144) | WR | Mr Harjeeve Bath<br>14 Station Road<br>Ratby<br>LE6 0JN  | 14 Station Road<br>Ratby<br>(Demolition of an existing garage and installation of 2 new residential dwellings in the rear garden of 14 Station Road, Ratby)  | Start Date<br>Awaiting Decision                   | 28.05.20                         |

|               |    |                                       |    |  |   |   |          |
|---------------|----|---------------------------------------|----|--|---|---|----------|
| 20/00012/ENF  | WH | 19/00004/UNBLDS<br>(PINS Ref 3247752) | WR | Mr & Mrs Marcus & Gill<br>O'Sullivan<br>122 Ashby Road<br>Hinckley | 122 Ashby Road<br>Hinckley<br>(Erection of a car port)  | Start Date<br>Awaiting Decision   | 13.05.20 |
| 20/00010/PP   | GS | 19/00833/OUT<br>(PINS Ref 3246720)    | WR | Mr Christie Glenn<br>18a Coventry Road<br>Burbage                  | 20 Coventry Road<br>Burbage<br>(Erection of one dwelling (outline -<br>access and layout only))   | Start Date<br>Awaiting Decision   | 11.03.20 |
|               | RH | 19/01011/OUT                          | PI | Gladman Developments Ltd<br>Gladman House<br>Alexandria Way        | Land South Of<br>Cunnery Close<br>Barlestone<br>(Residential development for up to 176<br>dwellings with public open space,<br>landscaping and sustainable drainage<br>systems (SuDS) (Outline - access<br>only)) | Notification of intention to<br>submit the appeal<br>(Likely submission date of<br>appeal 31.01.20) | 17.01.20 |
| 20/00007/VCON | OP | 19/01079/CONDIT<br>(PINS Ref 3244583) | WR | Mr Ricky Child<br>89 Hinckley Road<br>Burbage                      | 339 Hinckley Road<br>Burbage<br>(Removal of condition 9 (removal of<br>permitted development rights) of<br>planning permission 19/00413/FUL)  | Start Date<br>Awaiting Decision   | 18.02.20 |
|               | CG | 19/01164/CLUE<br>(PINS Ref 3246256)   | IH | George Denny<br>Old House Farm<br>Sutton Lane<br>Cadeby            | The Old House Farm<br>Sutton Lane<br>Cadeby<br>(Certificate of lawful use for the change<br>of use from agricultural land to<br>residential curtilage)  | Appeal Valid<br>Awaiting Start Date   | 05.02.20 |
|               | CG | 19/00391/CLUE<br>(PINS Ref 3238743)   | IH | George Denny<br>Old House Farm<br>Sutton Lane<br>Cadeby            | The Old House Farm<br>Sutton Lane<br>Cadeby<br>(Certificate of lawful use for the change<br>of use from agricultural land to<br>residential curtilage)  | Appeal Valid<br>Awaiting Start Date   | 29.10.19 |
|               | CG | 18/01255/CLUE<br>(PINS Ref 3238520)   | IH | George Denny<br>Old House Farm<br>Sutton Lane<br>Cadeby            | The Old House Farm<br>Sutton Lane<br>Cadeby<br>(Certificate of lawful use for the change<br>of use from agricultural land to<br>residential curtilage)  | Appeal Valid<br>Awaiting Start Date   | 29.10.19 |

|                 |    |                                       |    |  |  |                       |                                 |
|-----------------|----|---------------------------------------|----|--|--|-----------------------|---------------------------------|
| 20/00003/NONDET | RW | 19/00253/CONDIT<br>(PINS Ref 3236523) | IH | Mr Gerry Loughran<br>Poundstretcher Limited<br>c/o Landmark Planning Ltd | Crown Crest PLC<br>Desford Lane<br>Kirby Muxloe<br>Leicester<br>(Variation of Condition 11 of planning permission 10/00332/FUL and planning permission 12/00313/CONDIT to extend the permitted days and hours during which deliveries can be taken at, or dispatched from, the site to: Mondays to Fridays (including Bank Holidays) 06.00 to 23.00; Saturdays 08.00 to 18.00 and Sundays 09.00 to 13.00.) | Start Date<br>Hearing | 03.02.20<br>Date to be arranged |
|-----------------|----|---------------------------------------|----|--|--|-----------------------|---------------------------------|

**Decisions Received**

|                |    |                                      |    |   |  |                  |                 |
|----------------|----|--------------------------------------|----|---|--|------------------|-----------------|
| 20/00009/PP    | EC | 19/01145/HOU<br>(PINS Ref 3245403)   | WR | Mr York<br>14 Almond Way<br>Earl Shilton<br>LE9 7HZ               | Thirlmere<br>42 Far Lash<br>Burbage<br>(Raising of ridge height and loft conversion to create a 1.5 storey dwelling, side extension and external alterations to the dwelling)  | <b>ALLOWED</b>   | <b>26.06.20</b> |
| 20/00015/F TPP | JF | 20/00041/HHGDO<br>(PINS Ref 3251699) | WR | Ms Joanne Haddon<br>Fairway Cottage<br>Leicester Road<br>Hinckley | Fairways Cottage<br>Leicester Road<br>Hinckley<br>(Rear extension measuring 8 metres in depth; 4 metres in height to the ridge; and 4 metres to the eaves)   | <b>ALLOWED</b>   | <b>29.06.20</b> |
| 20/00014/F TPP | CG | 19/01414/HOU<br>(PINS Ref 3251309)   | WR | Mr Ryan Jones<br>3 Grey Close<br>Groby                            | 3 Grey Close<br>Groby<br>(Re-modelling of existing dwelling including partial demolition, construction of a first floor to create an additional storey with rear dormer and rear single storey extension. Extension to existing garage to create a quadruple garage including the raising of the roof with 1 dormer windows to create a first floor to be used as an office/ annexe) | <b>DISMISSED</b> | <b>01.07.20</b> |



|                |    |                                    |    |   |  |                  |                 |
|----------------|----|------------------------------------|----|---|--|------------------|-----------------|
| 20/00011/F TPP | HW | 19/01374/HOU<br>(PINS Ref 3247571) | WR | Mr Paul Hodgson<br>24 Winchester Drive<br>Burbage               | 24 Winchester Drive<br>Burbage<br>(Pitched roof to flat roof side extension)   | <b>ALLOWED</b>   | <b>13.07.20</b> |
| 20/00002/PP    | GS | 19/01049/FUL<br>(PINS ref 3243667) | WR | Mrs Susan Birch<br>Wrask Farm<br>Desford Road<br>Newbold Verdon | Land West Of<br>Wrask Farm<br>Desford Road<br>(Erection of one dwelling)   | <b>DISMISSED</b> | <b>13.07.20</b> |
| 20/00004/PP    | SW | 19/00934/OUT<br>(PINS Ref 3244630) | WR | Ms J Cookes<br>2A Drayton Lane<br>Fenny Drayton                 | 2A Drayton Lane<br>Fenny Drayton<br>Nuneaton<br>(Erection of one dwelling (Outline with<br>layout to be considered)) | <b>ALLOWED</b>   | <b>16.07.20</b> |

**Designation Period 1 April 2019 - 31 March 2021**

**Appeal Decisions - 1 April 2019 - 30 June 2020 (Rolling)**

**Major Applications**

| No of Appeal Decisions | Allowed | Dismissed | Split | Withdrawn | Officer Decision |     |     | Councillor Decision |     |     | Non Determination |     |     |
|------------------------|---------|-----------|-------|-----------|------------------|-----|-----|---------------------|-----|-----|-------------------|-----|-----|
|                        |         |           |       |           | Allow            | Spt | Dis | Allow               | Spt | Dis | Allow             | Spt | Dis |
| 8                      | 5       | 3         | 0     | 0         | 1                | 0   | 2   | 3                   | 0   | 0   | 1                 | 0   | 1   |

May - Total No of all Major decision made 47/Total No of appeals allowed 3 = 6.38%

June - Total No of all Major decisions made 55/Total No of appeals allowed 3 = 5.45%

**Minor/Other Applications**

| No of Appeal Decisions | Allowed | Dismissed | Split | Withdrawn | Officer Decision |     |     | Councillor Decision |     |     | Non Determination |     |     |
|------------------------|---------|-----------|-------|-----------|------------------|-----|-----|---------------------|-----|-----|-------------------|-----|-----|
|                        |         |           |       |           | Allow            | Spt | Dis | Allow               | Spt | Dis | Allow             | Spt | Dis |
| 37                     | 11      | 26        | 0     | 0         | 8                | 0   | 23  | 3                   | 0   | 2   | 0                 | 0   | 1   |

May - Total No of Minor/Other decisions made 910/Total No of appeals allowed 13 = 1.42%

June - Total No of Minor/Other decisions made 957/Total No of appeals allowed 15 = 1.58%

**Enforcement Appeal Decisions**

| No of Appeal Decisions | Allowed | Dismissed | Split | Withdrawn |
|------------------------|---------|-----------|-------|-----------|
| 5                      | 0       | 5         | 0     | 0         |

**Designation Period 1 April 2018 - 31 March 2020**

**Appeal Decisions - 1 April 2018 - 31 March 2020 (Rolling)**

**Major Applications**

| No of Appeal Decisions | Allowed | Dismissed | Split | Withdrawn | Officer Decision |     |     | Councillor Decision |     |     | Non Determination |     |     |
|------------------------|---------|-----------|-------|-----------|------------------|-----|-----|---------------------|-----|-----|-------------------|-----|-----|
|                        |         |           |       |           | Allow            | Spt | Dis | Allow               | Spt | Dis | Allow             | Spt | Dis |
| 11                     | 7       | 4         | 0     | 0         | 2                | 0   | 4   | 4                   | 0   | 0   | 1                 | 0   | 0   |

May - Total No of all Major decisions made 82/Total No of appeals allowed 5 = 6.1%  
 June - Total No of all Major decisions made 82/Total No of appeals allowed 5 = 6.1%

**Minor/Other Applications**

| No of Appeal Decisions | Allowed | Dismissed | Split | Withdrawn | Officer Decision |     |     | Councillor Decision |     |     | Non Determination |     |     |
|------------------------|---------|-----------|-------|-----------|------------------|-----|-----|---------------------|-----|-----|-------------------|-----|-----|
|                        |         |           |       |           | Allow            | Spt | Dis | Allow               | Spt | Dis | Allow             | Spt | Dis |
| 69                     | 16      | 52        | 1     | 0         | 15               | 1   | 47  | 1                   | 0   | 4   | 0                 | 0   | 1   |

May - Total No of Minor/Other decisions made 1455/Total No of appeals allowed 13 = 0.83%  
 June - Total No of Minor/Other decisions made 1566/Total No of appeals allowed = 15 = 0.95%

**Enforcement Appeal Decisions**

| No of Appeal Decisions | Allowed | Dismissed | Split | Withdrawn |
|------------------------|---------|-----------|-------|-----------|
| 5                      | 0       | 5         | 0     | 0         |