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Hinckley & Bosworth
Borough Council

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

Date: 28 August 2020

To: **Members of the Planning Committee**

Cllr MJ Crooks (Chairman)	Cllr A Furlong
Cllr DJ Findlay (Vice-Chairman)	Cllr SM Gibbens
Cllr CM Allen	Cllr E Hollick
Cllr RG Allen	Cllr KWP Lynch
Cllr CW Boothby	Cllr LJ Mullaney
Cllr SL Bray	Cllr RB Roberts
Cllr DS Cope	Cllr H Smith
Cllr WJ Crooks	Cllr BR Walker
Cllr 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 a virtual meeting via Zoom on **TUESDAY, 8 SEPTEMBER 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 'Rebecca Owen'.

Rebecca Owen
Democratic Services Manager

PLANNING COMMITTEE - 8 SEPTEMBER 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 18 August 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. 20/00444/FUL - LAND SOUTH OF POPLAR TERRACE, CONGESTONE (Pages 5 - 20)

Application for erection of five dwellings (2 x 3no bed and 3 x 5no bed) with public open space provision, landscaping and associated infrastructure and access from Dovecote Close.

8. 20/00421/FUL – WINDHOVER HOUSE, 69 MAIN STREET, CARLTON (Pages 21 - 32)

Application for subdivision of existing single dwelling to provide additional four-bed dwelling, detached garage and new vehicular access.

9. 20/00588/FUL - THE BARN, SUTTON LANE, MARKET BOSWORTH (Pages 33 - 50)

Application for conversion of agricultural building to 3 bedroom dwelling including basement accommodation.

10. APPEALS PROGRESS (Pages 51 - 56)

To report on progress relating to various appeals.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

18 AUGUST 2020 AT 6.30 PM

PRESENT: Mrs MJ Crooks - Chairman

Mr DJ Findlay – Vice-Chairman

Mr RG Allen, Mr CW Boothby, Mr SL Bray, Mrs MA Cook (for Mrs CM Allen), Mr DS Cope, Mr WJ Crooks, Mr REH Flemming, Mr A Furlong, Mr SM Gibbens, Mr E Hollick, Mr KWP Lynch, Mrs LJ Mullaney, Mr RB Roberts, Mrs H Smith and Mr BR Walker

Also in attendance: Councillor DC Bill MBE, Councillor LJP O'Shea JP, Councillor MC Sheppard-Bools and Councillor R Webber-Jones

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

426 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor C Allen, with the substitution of Councillor Cook authorised in accordance with council procedure rule 10.

427 MINUTES

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

RESOLVED – the minutes of the meeting held on 28 July be confirmed and signed by the chairman.

428 DECLARATIONS OF INTEREST

No interests were declared at this stage.

429 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all delegated decisions had been issued.

430 20/00472/FUL - THE SWAN, 22 MAIN STREET, NEWBOLD VERDON

Change of use / conversion of public house (use class A4) to one dwelling (use class C3) including part demolition of existing structures and extensions and alterations.

Councillor Smith entered the meeting at 7pm.

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

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

431 20/00030/OUT - ROOKERY FARM, 6 CHURCH LANE, FENNY DRAYTON

Application for demolition of agricultural buildings and erection of three dwellings with associated garaging (outline – all matters reserved except access, landscaping and layout).

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

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

432 20/00353/FUL - RESERVOIR INN, MAIN STREET, THORNTON

Application for change of use of public house (class A4) to five self contained flats (class C3), alterations.

Notwithstanding the officer's recommendation that permission be granted, Councillor Boothby, seconded by Councillor Allen, proposed that the application be refused.

Councillor J Crooks, seconded by Councillor Bray, proposed that the item be deferred to allow time to contact the parish council and the community to gauge interest in taking the building on as a community asset.

Councillors Boothby and Allen withdrew their motion in light of the second motion proposed, therefore Councillor Crook's motion was put to the vote and subsequently

RESOLVED – the application be deferred to the meeting on 29 September.

433 20/00336/FUL - HALL FARM, 10 THE GREEN, ORTON ON THE HILL

Application for conversion of buildings to provide two dwelling houses and an ancillary annex.

It was moved by Councillor Bray, seconded by Councillor Gibbens and

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

434 20/00141/HOU - 32 NORTHUMBERLAND AVENUE, MARKET BOSWORTH

Application for single storey rear extension and front canopy extension.

It was moved by Councillor Bray and seconded by Councillor Lynch that permission be granted.

Councillor Allen moved that permission be refused. In the absence of a seconder and there being a valid motion already on the table, the motion fell.

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

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

435 APPEALS PROGRESS

An update on progress in relation to various appeals was received and noted.

(The Meeting closed at 8.30 pm)

CHAIRMAN

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Planning Committee 8 September 2020
Report of the Planning Manager

Planning Ref: 20/00444/FUL

Applicant: c/o agent

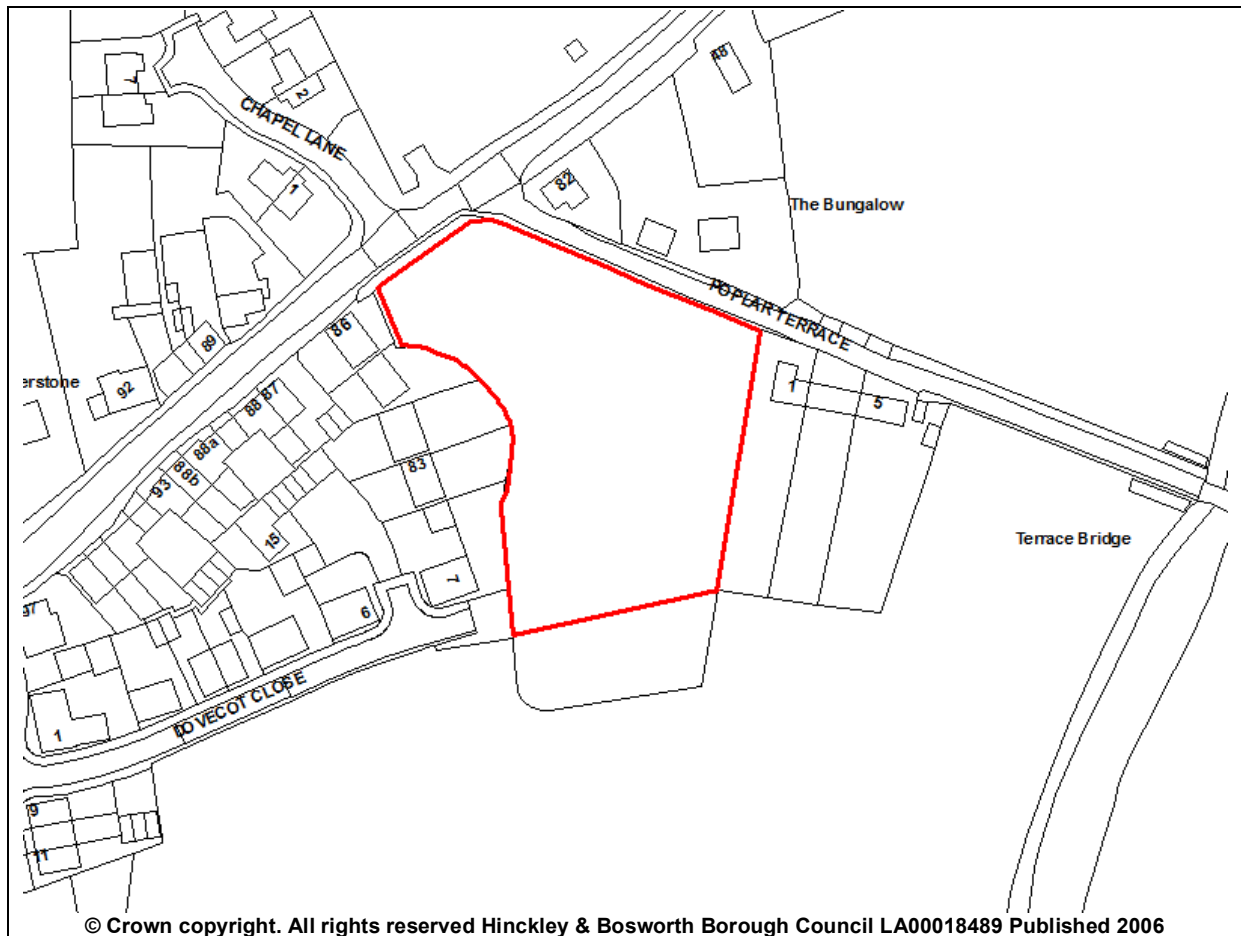
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: Land South Of Poplar Terrace Congerstone

Proposal: Erection of five dwellings (2 x 3no bed and 3 x 5no bed) with public open space provision, landscaping and associated infrastructure and access from Dovecot Close



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application seeks planning permission for the erection of 5 dwellings comprising 3 x detached dwellings and a pair of semi-detached dwellings and includes an area of on-site open space. Vehicular access to the dwellings would be from Dovecot Close.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located outside and adjacent to the settlement boundary of Congerstone on the eastern side of the village. The site is bound to the west by a modern residential development with four dwellings fronting onto the application site. To the north and east of the site are some dispersed residential units fronting Barton Lane, Barton Road and Poplar Terrace with agricultural land surrounding. To the south of the site are agricultural fields.
- 3.2. Beyond the dwellings to the east of the site is the Ashby de la Zouch canal which is designated as a conservation area. The Congerstone conservation area is located to the west of the application site.
- 3.3. The site comprises a parcel of land which is overgrown. The site is bounded by a substantial hedgerow along Barton Road and Poplar Terrace which is identified within the ecology surveying of the site as a Potential Local Wildlife Site. The remaining boundary treatments comprise timber post and rail fencing and low hedgerow.

4. Relevant Planning History

15/00207/FUL

- Erection of 10 dwellings with public open space provision, landscaping and associated infrastructure
- Refuse
- 03.07.2015

16/00610/FUL

- Erection of 10 dwellings with public open space provision, landscaping and associated infrastructure (revised scheme)
- Refuse
- 25.11.2016

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 have been 12 third party representations from 9 different addresses. There are 11 objections and one of support. The objections are as follows:
- 1) Proposed access from Dovecot Close is very narrow and children play in it
 - 2) Site is outside village boundary and is a greenfield site in open countryside
 - 3) Rare natural habitat and feeding ground for bats, badgers and newts
 - 4) Congerstone has fulfilled its housing allocations
 - 5) The application does not incorporate any locally distinctive features
 - 6) There is insufficient parking for local residents already
 - 7) Visibility issues from Barton Road into Dovecot Close which will be made worse by the development
 - 8) Loss or privacy to adjacent properties from first floor windows of the new dwellings
 - 9) Concerns regarding the hedge and its potential for reduction in height causing loss of privacy
 - 10) Concern that if the application is approved there will be subsequent applications for more housing within the site
 - 11) The site is overgrown and should be maintained by the current owner

- 12) Parts of the land adjacent to the proposed access have been maintained by local residents and children play there
- 13) The local school is already over subscribed and the development will place additional pressure on the current situation
- 14) Concerns over LPG gas supply which if the developer is to utilise the below tanks in Barton Road this will limit the supply to the remainder of the Barton Gate properties and will increase refill visits which damage the footpath in front of no's 83-86 Barton Road
- 15) Light pollution from additional street lights and from the houses which may impact on no's 83-86 Barton Road
- 16) Dirt and dust will have a great impact on neighbouring properties and roads – the developer should pay for window cleaning and road cleaning for properties that are affected whilst construction work is carried out

6. Consultation

6.1. The following consultees have no objections, some subject to conditions, to the proposal:

- LCC Ecology
- LCC Highways
- LCC Archaeology
- LCC Drainage
- LCC Minerals
- HBBC Conservation
- HBBC Waste
- HBBC Environmental Services (Pollution)
- Canals and River Trust;
- Inland Waterways Association

6.2 Shackerstone Parish Council have made no representations

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages
- Policy 14: Rural Areas: Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

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

- DM1: Presumption in Favour of Sustainable Development
- DM3: Infrastructure and Delivery
- DM4: Safeguarding the Countryside and Settlement Separation
- DM6: Enhancement of Biodiversity and Geological Interest
- DM7: Preventing Pollution and Flooding
- DM10: Development and Design
- DM11: Protecting and Enhancing the Historic Environment
- DM12: Heritage Assets
- DM17: Highways and Transportation
- 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

- Good Design Guide (2020)
- National Design Guide (2019)

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 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.

8.3. The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). 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. Congerstone is identified as a rural Village within Policy 12 of the Core Strategy. Rural villages are identified as having limited services, the policy focuses of limited development to support existing services. Policy 12 supports housing development within settlement boundaries and allocates a minimum of 10 new homes in Congerstone.

8.4. Since the adoption of the Site Allocations and Development Management Policies (2016) DPD which allocated sites in Congerstone in accordance with the Core Strategy only CON03PP has been delivered, providing 6 dwellings, no other allocations have come forward. However since the adoption of the Core Strategy, Congerstone has delivered an additional 4 dwellings and has therefore met its minimum housing need for the current plan period.

8.5. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years of deliverable housing at 1st April 2020. However, due to the change in the housing figures required for the borough since the adoption of the Core Strategy, paragraph 11d of the NPPF is triggered, 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.

- 8.6. 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. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.7. This site lies outside of the settlement boundary of Congerstone and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.
- 8.8. 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;
- 8.9. The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.

Design and impact upon the character of the conservation area

- 8.10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.11. 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.

- 8.12. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.13. The Ashby Canal Conservation Area is located approximately 80m east of the application site. Due to the distance between the site and the conservation it is considered that the proposal will have no impact upon the setting of this conservation area.
- 8.14. The Congerstone Conservation Area is located opposite and slightly to the north-west of the pedestrian access to the site from Barton Road. The existing mature hedgerow that bounds the site along Barton Road and Poplar Terrace is a key landscape feature that channels views along Barton Road on this eastern approach to the village core and the conservation area. The dwellings proposed are sensitively sited well away from the northern boundary of the site and the hedgerow is proposed to be retained. The design of a dwelling follows a simple cottage form, so even with the limited visibility of the development from the edge of the conservation area on Barton Road, due to their appearance it is considered the dwellings will reflect the surrounding built form. Therefore due to the siting and design of the dwellings and the retention of the boundary hedgerow it is considered that the proposal will preserve the significance of the Congerstone Conservation Area, by virtue of it being an appropriate development located within the setting of this designated heritage asset.
- 8.15. For the above the reasons the proposed development is considered to be in accordance with Policies DM11 and DM12 of the SADMP and Section 16 of the NPPF.

Design and impact upon the character of the area

- 8.16. The site is located within the countryside and therefore Policy DM4 of the SADMP should be considered. The policy states that 'to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.' Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. The Good Design Guide SPD sets out the overarching principles of design for all new development within the Borough.
- 8.17. The Landscape Character Assessment (2017) gives detailed information on each character area. Congerstone falls within Landscape Character Area i: Gopsall Parkland. The LCA lists the key characteristics and the key sensitivities and values that apply to this area of the borough. The LCA also highlights recommended landscape strategies for new developments to consider within their proposals, as below:
 - 1) Encourage the use of traditional 'Midlands style' hedge laying to manage hedgerows, improving their structure and biodiversity value and strengthening landscape character.
 - 2) Conserve areas of rural character, tranquillity and dark night skies.
 - 3) Respect and enhance the strong character of the villages, ensuring new development complements existing context with regards to scale, form, materials and boundary features.
 - 4) Maintain and enhance the recreational assets including rights of way network and canal. Maintain positive management of the Ashby Canal and seek opportunities to extend and enhance areas of wetland habitat.
 - 5) Protect and enhance views to key landmarks such as churches and buildings.

- 6) Opportunity for future restoration and reinforcement of the parkland landscape
 - 7) Promote the cultural associations with Handel and the Gopsall estate for example through promoted walks and in combination with landscape restoration.
 - 8) Retain existing woodland and promote further woodland planting to reinforce the historic pattern.
- 8.18. The proposal, outside of the settlement boundary although resulting in the loss of an area of countryside which extends as a green finger between the urbanised area and rural setting of the village this localised harm would not undermine the physical and perceived separation and open character between settlements nor create or exacerbate ribbon development.
- 8.19. The development although extending the built form along Barton Road would not front the road but be separated by the existing hedgerow. The hedgerow is an important rural feature of the eastern edge of the village and although it is proposed for a 2 metre gap to be created to allow for a pedestrian access, the hedgerow would be enhanced to both strengthen and fill existing gaps to complement this important boundary and further minimise any potential visual impact of the site. An area of open space between the dwellings and Barton Road is also to be provided and supplementary wildflower planting is also proposed along the western boundary fronting the existing dwellings 83-86 Barton Road. The proposed enhancements to the hedge and the site in general are considered to improve the biodiversity value of the site and will make a positive addition to the landscape character.
- 8.20. In terms of design, the proposed dwellings reflect varying designs and styles in the surrounding area with materials proposed that would be sympathetic to the existing vernacular. The SPD provides guidance on acceptable standards for garden sizes. It prescribes a minimum garden depth of 7m; 80 sqm for three bedroom houses; 60sqm for a two bedroom house. Across the site, each plot either exceeds or meet the guidance.
- 8.21. The dwellings are proposed in an 'open-plan' setting accessed from the private drive leading from Dovecot Close. Post and rail fencing along the southern boundary similar to that in situ alongside the southern boundary of Dovecot Close will ensure that when viewed from the south of the village the site would not appear enclosed or cut off from the surrounding countryside setting.
- 8.22. In terms of its impact on its setting, the proposal is considered to be in-keeping with its surroundings in scale, design and materials with landscaping and improvements to the benefit of the surroundings and is acceptable under Policy DM10 of the SADMP and the principles of good design within the SPD.
- Impact upon residential amenity
- 8.23. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.24. Although there have been some concerns raised in relation to the impact the new dwellings may have on existing residential amenity in regard to distances between the new dwellings and existing, the SPD sets out that ensuring adequate space between and around buildings is recognised as a core component of residential amenity. For example habitable rooms within rear elevations of neighbouring properties should never be less than 21m apart. A habitable room within a rear

elevation should ideally not be less than 8m from the blank side of a single storey neighbouring property, rising to 12m for a two storey property, and 15m for a three storey property. Across the proposed site the layout accords with the above standards, and it is therefore considered that the proposed layout provides adequate levels of amenity for future occupiers and protects residential amenity for existing surrounding residential properties. .

- 8.25. Therefore the proposal is considered to be in accordance with Policy DM10 as the amenity of neighbouring occupiers of the proposed development and potential future residents would not be adversely affected.

Impact upon highway safety

- 8.26. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.27. Vehicular access to the site is proposed via the turning head at Dovecot Close to the south-west of the site with a pedestrian footpath leading from Barton Road through the area of open space connecting with the private driveway.
- 8.28. Dovecot Close is an unclassified road subject to a 30mph speed limit. Although there have been concerns raised by residents relating to the narrowness of the road, the applicant has provided a swept path diagram which demonstrates how vehicles including larger service vehicles are able to access the site via Dovecot Close without hindrance. Although no pedestrian or vehicular visibility has been demonstrated on any submitted drawings the LCC Highways have noted the specific site location and are satisfied that sufficient forward visibility can be achieved at the site.
- 8.29. LCC Highways have confirmed that the design and location of both the vehicular and the pedestrian access is acceptable and is in accordance with the Leicestershire Highways Design Guide.
- 8.30. The parking spaces, the internal measurements of the double garages and the number of parking spaces per plot satisfy the requirements as detailed within part 3 of the Leicestershire Highways Design Guide.
- 8.31. Overall, the proposal accords with Policies DM17 and DM18 of the SADMP and paragraph 109 of the NPPF in regard to all highway matters.

Drainage, land contamination and light pollution

- 8.32. Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding by being located away from areas of flood risk unless adequate mitigation is provided in accordance with National Policy. Policy DM7 also relates to land contamination and also seeks appropriate remediation of contaminated land in line with minimum national standards. Light Pollution is also covered through DM7 which seeks to ensure the abatement of sky glow, glare and light intrusion.
- 8.33. A Phase 1 Site Appraisal accompanies the application which identified the site as having formed part of the Dawkins Abattoir site. The report concludes that site should be suitable for the proposed development, assuming compliance with all the

recommendations contained within this report. Environmental Health (Pollution) has been consulted and raised no objection subject to further intrusive works in accordance with the originally submitted report.

- 8.34. The Environment Agency flood maps identify the site as being located within Flood Zone 1 and at very low risk of fluvial and pluvial flooding. The County Council as local Lead Flood Authority have offered Standing Advice on the application and a condition requiring a drainage scheme for both surface and foul water is to be imposed to ensure that the proposal would not lead to or exacerbate flooding.
- 8.35. It is anticipated that the proposal would be lit by street lights in order to provide safety and security. Street lighting in such a small development is not considered to cause significant sky glow, glare or light intrusion and in this regard the proposal is not considered to cause excessive levels of light pollution.
- 8.36. Overall, it is considered that the proposed development would not exacerbate or create flooding issues subject to a suitable drainage scheme being put into place. Additionally, the site would be suitable for the proposed use should potential contamination be suitably mitigated by way of planning conditions. The proposal is not considered to cause harm through light pollution and in regard to all of the above matters it is considered to accord with Policy DM7.

Ecology and Arboriculture

- 8.37. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.38. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.39. The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions. The Ecology Appraisal confirms that the site does not fall within any statutory designation for ecological importance or any local designations. No evidence of protected species was noted on site but the hedgerows were found to be used by foraging bats. The site was generally considered to have a low potential to support protected species, other than the hedgerow and trees which have the potential to support foraging and are to be retained (other than site access). No badger sett has been identified. No amphibians including Great Crested Newts were found on the site or evidence of them using the site for foraging/nesting purposes.
- 8.40. The Ecology Appraisal has been found to be satisfactory by LCC (Ecology) subject to further clarification on matters relating to the hedgerow retention, an update on the badger survey and additional information on the wildflower grassland. The additional information provided has satisfied the Ecology unit subject to landscape management conditions and it is considered that the proposal meets the requirements of Policy DM6 of the SADMP and Paragraph 170 of the NPPF.

Other matters

- 8.41. Neighbours have raised concerns relating to other matters that have not been discussed elsewhere. The issue relating to the school already being oversubscribed

is not a planning matter that is addressed here. The development is below the threshold of 10 dwellings which would require an Education contribution secured via a Section 106 Agreement. The matter of school places is dealt with via Leicestershire County Council as the Education Authority.

- 8.42. The matter relating to the deliveries of LPG gas is not a planning matter. Any additional deliveries or damage caused by delivery vehicles would be a private matter or one dealt with through Leicestershire County Council as Highways Authority if damage is caused to the highway.
- 8.43. With regard to comments relating to dust and dirt, such issues would normally be expected during the construction phase of any development. The mitigation of such would be likely to be included within a construction management plan should levels be expected to need to be appropriately managed.
- 8.44. It is acknowledged that the site currently is overgrown but once development commences this would no longer be the 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 including Planning Balance

- 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 NPPF is a material consideration in determining applications. Paragraph 11 of the NPPF identifies that plans and decisions should apply a presumption in favour of sustainable development, and for decision taking this means approving development proposals that accord with an up to date development plan.
- 10.3. Policy DM4 is considered to be out of date as the settlement boundary is drawn using a focus on delivery of a lower housing requirement than required by the up-to-

date figure. Notwithstanding this, this policy is afforded significant weight as it is found to be consistent with the overarching principles of the Framework.

- 10.4. The 'tilted' balance in paragraph 11(d) of the Framework applies where permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 10.5. Paragraph 8 of the NPPF states that sustainable development has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The assessment of the three dimensions relative to this proposal are as follows:
- 10.6. Economic: The proposal would result in economic benefits through the construction of the scheme through creation of jobs and construction spends, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services although these are limited. The weight to be attributed to these benefits is limited given the small scale of the proposal.
- 10.7. Social: Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the NPPF. The proposal would result in the delivery of 5 market dwellings. These additional houses have weight in the planning balance as they would assist in addressing the current housing requirements within the borough and is a social benefit. However, the weight to be given to this is reduced given the Council's 5 year land supply position.
- 10.8. Environmental: Some environmental benefits would be provided such as additional planting through landscaping. Additionally there would be some benefit for biodiversity associated with the reinforcement of the existing hedgerow and the formation of an area of public open space.
- 10.9. Whilst there is conflict with the strategic policies of the Development Plan only localised landscape harm and limited wider harm has been identified it is considered on balance that the harm identified to the character and appearance of the countryside from new residential development 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. The application is therefore recommended for approval subject to conditions and planning obligations.
- 10.10. The proposal, subject to conditions, is in accordance with Core Strategy Policy 15, and Policies, DM1, DM6, DM7, DM10, DM17 and DM18 of the SADMP.

11. Recommendation

11.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

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

Reason: To comply with the requirements of Section 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:

Location Plan, Drg no: EMS 2559 001D
Elevations and Floor plans House Type Pack, Drg no 2559
Received by the Local Planning Authority on 13 May 2020

Site Layout Plan, Drg no EMS-2559-008 rev H1
Swept Path Diagram, Drg no ADC-2224-FR-052-P1
Received by the local Planning Authority on 24 June 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).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

4. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored.

The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

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

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

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

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

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

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

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4, DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, including the retention and height maintenance of the hedges fronting Barton Road and Poplar Terrace, other than small privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as per the approved details.

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. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Pegasus Design drawing number EMS-2559-008 Rev H received by the Local Planning Authority on 24 June 2020 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).

10. The development hereby permitted shall not be occupied until such time as car parking provision (with turning facilities) has been provided and hard surfaced in accordance with implemented in accordance with Pegasus Design drawing number EMS-2559-008 Rev H received by the Local Planning Authority on 24 June 2020. Thereafter the onsite parking and turning 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).

11. 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 5 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).

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

13. Prior to the commencement of development full details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and the infrastructure fully available prior to the occupation of each dwelling/unit on the site.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the National Planning Policy Framework (2019).

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

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

15. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-C 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 amenities of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. In relation to conditions 5 and 6 advice from Health and Environment Services can be viewed via the following web address:- https://www.hinckley-bosworth.gov.uk/info/200075/pollution/177/contaminated_land site which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
3. The applicant is advised that owls and bats are protected species under the Wildlife and Countryside Act 1981 and should work proceed and any of the above species be discovered, the applicant should contact Natural England immediately.
4. This site may be an established habitat for badgers who are protected by the Protection of Badgers Act 1992 under which any deliberate action resulting in the disturbance or destruction of their place of shelter is illegal. If this species is found on this site you should contact English Nature: Telephone 01476 68431.
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. 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.
6. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be

erected within the site at the access advising people that the road is a private road with no highway rights over it.

Planning Committee 8 September 2020
Report of the Planning Manager

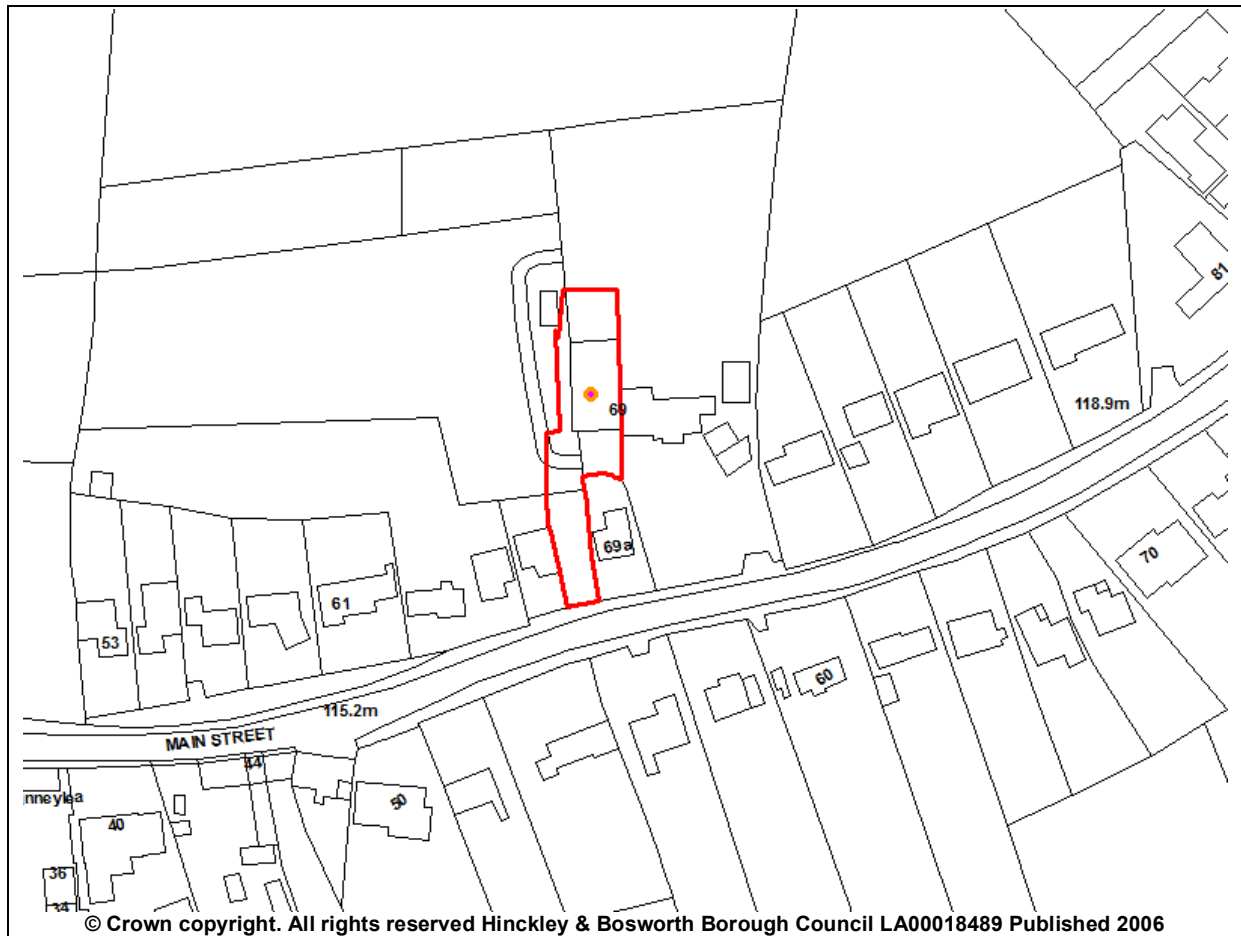
Planning Ref: 20/00421/FUL
Applicant: Mr & Mrs K Salisbury
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: Windhover House 69 Main Street Carlton

Proposal: Subdivision of existing single dwelling to provide additional four-bed dwelling, detached garage and new vehicular access



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning application description

- 2.1. This application seeks planning permission for the subdivision of 69 Main Street, Carlton to provide an additional dwelling, associated detached garage and the creation of a new vehicular access off Main Street, Carlton, between nos.67 and 69A.

3. Description of the site and surrounding area

- 3.1. The application site comprises a large detached two storey dwelling in the settlement boundary of Carlton. The property sits on a large plot, distinct in this respect from its

surrounding neighbouring and other dwellings along Main Street. It features a gable roof design across all two storey and single storey elements and is finished in a pale brick, brown roof tiles and white UPVC windows and doors. The property benefits from ample outdoor residential amenity space, with open countryside views beyond. To the front of the property is a sizeable area of off-street parking space, including two garages. The property is enclosed to its front by a brick wall and two entrance gates. Land levels slope slight towards the north (rear) and west. Under 10/00374/FUL 69A Main Street, a detached two storey dwelling, has been erected in the south west corner of what was previously the residential curtilage of 69 Main Street Carlton. Planning permission has also been granted for a detached dwelling in the south east corner of 69 Main Street under 19/00773/FUL.

3.2. Main Street is characterised by varied street scene

4. Relevant planning history

09/00455/OUT

- Erection of two dwellings with creation of access and parking, extension and alterations to existing dwelling and garage
- Approved
- 06.08.2009

10/00374/FUL

- Erection of new dwelling
- Approved
- 04.08.2010

14/01219/FUL

- Erection of dwelling, modification to existing access and proposed new access
- Approved
- 16.02.2015

18/00800/CONDIT

- Variation of Condition 2 of planning permission reference 14/01219/FUL to enable the development for the erection of one dwelling, modification to existing access and proposed new access to be implemented in accordance with amended plans
- Approved
- 08.10.2018

19/00773/FUL

- Part Demolition of existing garage, Erection of 1.5 storey dwelling and proposed boundary walls
- Approved
- 06.09.2019

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.

5.2. Objections from five separate addresses have been received raising the following concerns:

- 1) Using agricultural land for a domestic access
- 2) Proposed development partially outside of the Carlton settlement boundary
- 3) No landscaping details
- 4) Loss of no.67's garden area as a result of the proposed access would increase on-street parking
- 5) New access would have poor visibility
- 6) Only a small area of front garden proposed for the subdivided new dwelling
- 7) Existing access into no.69 would be suitable to accommodate the new development, rather than creating a new one
- 8) Access alongside no.67 will harm the character and appearance of no.67 in the surrounding street scene

5.3. One letter neither objecting nor supporting the proposed development has been received, requesting that the garage is built at the same type as the proposed subdivision and access works, and querying whether a rear garden fence will be reinstated around no.67.

6. Consultation

6.1. No objections have been received from:

- HBBC Environmental Health (Pollution)
- HBBC Environmental Health (Drainage) (note to applicant)
- LCC Highways
- HBBC Waste (subject to pre-commencement condition)

6.2. Carlton Parish Council have objected to the proposed scheme on the following grounds:

- 1) Impact upon the private residential amenity of no.67
- 2) A cramped appearance proposed with harmful impact upon the surrounding street scene
- 3) Proposed access will have poor visibility
- 4) No.67's reduced rear garden would not meet design standards
- 5) The access would result in unacceptable encroachment into the open countryside
- 6) The existing access into no.69 would be acceptable
- 7) Proposed access should be finished in hard bound materials and any gates should be set 5 metres back from the highway

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

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

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

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

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. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). 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.
- 8.2. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Policy 13 of the Core Strategy identifies Carlton as a rural hamlet. The policy supports housing development within the settlement boundary that provides for a mix of housing types and tenures as detailed in Policy 15 and Policy 16. Rural hamlets have limited services, relying on key rural centres for education, employment, goods and services. Development in rural hamlets is therefore confined to infill housing development and conversions. The creation of a new dwelling in this application makes use of existing residential footprint by subdividing the existing dwelling on site. It is thus considered to comply with Policy 13 of the Core Strategy in this regard, making use of existing development within the settlement boundary to provide additional housing.
- 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. This is weighed in the balance of the merits of the application when considered against the policies in

the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

- 8.4 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. Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.5. The application site is located partially outside of the defined settlement boundary of Carlton. Policy DM4 of the SADMP is therefore applicable and 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 of 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;
- 8.5 The proposed subdivision of the existing dwelling and associated garage would be located within the settlement boundary of Carlton and thus this part of the proposed development is considered to be sustainable in principle. However, the narrow strip of land along the side of the existing host dwelling to be incorporated into the proposal and the portion of access drive proposed beyond the rear of no.67 Main Street would be outside of the Carlton settlement boundary which would therefore be contrary to Policy DM4.
- 8.6 The consideration under Paragraph 11 (d) is weighed in the balance of the merits of any application and considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which is attributed significant weight as they are consistent with the Framework. The subdivision of an existing property, it is considered to be sustainable in principle, subject to satisfying the sub-criteria of Policy DM4 assessed in the following section.
- 8.7 However, the additional development proposed within the countryside, should be weighed in the planning balance against the Policies of the Development Plan and the Policies of the NPPF when taken as a whole.

Design and impact upon the character of the area

- 8.8 Policy DM4 of the SADMP allows for sustainable development in the countryside where it meets specific criteria. Although established as sustainable in principle, the proposal must still be acceptable according to 5 sub-criteria being met, of which criterion i) is most relevant. Criterion i) requires development to have no significant adverse effect upon the beauty, open character and landscape character of the countryside.
- 8.9 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.10 This application seeks permission to subdivide the existing attached pool house at no.69 Main Street into a separate residential planning unit. Externally, the only change to be made to the existing single storey projection along the west side of the host dwelling would be the addition of a window along the front elevation. The proposed subdivision would retain and make use of all other existing opening. In this regard, the subdivision itself would not have any material impact upon the character and appearance of the existing host dwelling.
- 8.11 The proposed subdivision would also include a detached double garage forward of its front elevation. The garage would be connected to the front elevation of the new dwelling created by an open flat roof canopy with roof light. The garage would be finished in matching materials and a hipped roof. Albeit to the front of the new dwelling, it would be subordinate in scale and footprint. Although hipped roofs are not characteristic of the existing dwelling, they are characteristic of the surrounding street scene and as such this would be an acceptable introduction into the surrounding area with no adverse impacts upon visual amenity. Views of the flat roof canopy would be limited within the street scene, and would be set down from the ridge of the proposed garage. Overall, a view of this aspect of the proposed development would be limited from within the street scene, by virtue being set behind no.69A. The area immediately in front of the single storey projection to be subdivided is already restricted by virtue of the brick boundary wall of no.69A that encloses it. It is therefore not considered that the proposed detached garage would have any detrimental impact upon the spaciousness of the existing site.
- 8.12 To access the proposed dwelling and detached garage, the application also proposes the creation of a new access off Main Road, between nos. 67 and 69A which the host dwelling sits behind. The access would run through part of no.67's outdoor residential amenity space. The applicant owns this property. Viewing from the street scene, the proposed access would result in the loss of an area of shrubbery at no.67. The point at which vehicles would enter onto the access is already finished in block paving, currently serving off-street parking for no.67. Main Street is the main thoroughfare through Carlton whereby vehicular accesses off are common place. It is therefore not considered that creating an additional access off this residential road would not be uncharacteristic or detrimental to the appearance of the street scene.
- 8.13 Extending from Main Road to the entrance of the proposed new dwelling and associated garage, a marginal portion of the proposed access driveway would be located within the countryside. There would also be a narrow strip of land along the side elevation of the existing pool house, again outside of the settlement boundary, that would serve as an access into the rear residential amenity space marked out for the proposed new dwelling. This strip would be approximately 2.5 metres in width. 87 square metres of countryside would be used as part of the proposed access, to allow vehicles to manoeuvre safely in and out of the site. These two pieces of land would be adjacent to the settlement boundary, which runs along the back of no.67 and along the side elevation of the host dwelling's pool house. Bearing this in mind, along

with the built up vicinity and the limited extent to which the proposed development would encroach into the countryside, it is not considered that this aspect of the proposed development would have a detrimental impact upon character of the immediately surrounding countryside which forms a backdrop behind the existing street scene. However this would need to be subject to careful landscaping proposals and sensitive boundary treatments to ensure this rural relationship is maintained. The proposed encroachment into the countryside would not impact its value, beauty and open character above and beyond that already caused by the existing built up surrounding area.

- 8.14 By virtue of its scale, mass, siting and appearance, the proposed development would result in only limited conflict with Policy DM4 and Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.15 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.16 According to the minor changes proposed to the existing site, the proposed development would not have any significant overlooking, overbearing or overshadowing impacts upon the occupants of the existing host dwelling, subject to the use of appropriate boundary treatments which could be secured by condition.
- 8.17 The proposed garage would be located behind a high brick wall that marks the rear boundary of no.69A. Bearing this in mind, along with the single storey nature of the proposed development, the proposal would not have any significant overbearing, overlooking or overshadowing impacts upon the residential amenity of no.69A Main Street.
- 8.18 The proposed new dwelling and detached garage would be located behind no.67, set away to the north east. The separation distance between no.67 and the host dwelling would be maintained by the proposed development. The proposed development would therefore not cause any adverse overbearing, overlooking or overshadowing impacts upon no.67 in this regard.
- 8.19 At its narrowest point, the proposed access would be set off the western boundary of no.69A by approximately 1.5 metres. Albeit in close proximity, this neighbouring dwelling is bounded by a high brick boundary wall to its west side. The quantum of residential development proposed would also mean that the creation of an access along the side of no.69A would not result in a significant amount of vehicular traffic and activity. It is therefore not considered that the proposed access would result in any significant disturbance to the enjoyment of no.69A's private residential amenity. The same conclusion is also reached in relation to no.67, subject to appropriate boundary treatments being erected along its side and rear boundary. Although the proposed access would result in the partial loss of no.67's existing off-street parking provision and rear residential amenity space, it is considered that ample on-street parking availability in vicinity would accommodate for potential for one or two additional cars. The reduced private residential amenity space created for no.67 would still satisfy the Council's Good Design Guidance for acceptable garden proportions.
- 8.20 On a similar note, the private residential amenity space provided for the proposed dwelling would also be adequate in accommodating for future occupants.
- 8.21 The proposed development would therefore satisfy Policy DM10 in this regard.

Impact upon highways safety

- 8.22 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.
- 8.23 According to the information submitted as part of the current planning application, the local planning authority is satisfied that the proposed new access would achieve vehicular and pedestrian visibility splays in accordance with LCC Highways design guidance. The proposed access would also be bounded on both side by brick walls. The proposal takes this into account and the width of the proposed access would again satisfy LCC Highways design guidance according to the quantum and type of development the access would serve.
- 8.24 According to the proposed floor plan, the proposed dwelling would accommodate for three bedrooms. According to LCC design guidance, this requires off-street parking provision for a minimum of two vehicles. The proposed double garage would adequately accommodate for this and the site would also provide sufficient turning space. The proposed access would requires some additional kerbs to be dropped along the highway which LCC Highways is satisfied would be appropriate.
- 8.25 The proposed development would therefore cause no adverse impacts upon highways safety in accordance with Policy DM17 and DM18 of the SADMP.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 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. Planning Balance and 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. 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. According to its location, the subdivision of the existing property is considered to be acceptable in principle subject to all other planning matters being satisfactorily addressed. By virtue of the layout, scale, design and subject to satisfactory boundary treatments the proposed scheme would complement the character and appearance of the surrounding area and would not result in any significant adverse impacts on the privacy or amenity of any neighbouring properties, highways safety, or the intrinsic character of the wider countryside. The proposed scheme would be in accordance with Policy 13 of the adopted Core Strategy and Policies DM1, DM10, DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF (2019).
- 10.4. Paragraph 11d of the NPPF states that that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. Given that limited 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 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:

Existing Site Local Plan and Proposed Block Plan Drg No: 4654/01
(1:500/1:1250 scale)

General Arrangement - Existing and Proposed Drg No: 4654/02 Rev: A
(1:100/1:200 scale)

Both received by the Local Planning Authority on 1 May 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).

3. The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling.

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

4. 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 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. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Existing Site Local Plan and Proposed Block Plan Drg No: 4654/01 (1:500/1:1250 scale) received by the Local Planning Authority on 01 May 2020 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 1 metre by 1 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 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).

7. The development hereby permitted shall not be occupied until such time as off street car parking provision with turning facilities has been provided and hard surfaced in accordance with Existing Site Local Plan and Proposed Block Plan Drg No: 4654/01 (1:500/1:1250 scale) received by the Local Planning Authority on 01 May 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).

8. 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 5 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).

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

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

10. Prior to the commencement of development full details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and the infrastructure fully available prior to the occupation of each dwelling/unit on the site.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the National Planning Policy Framework (2019).

11.3 Notes to applicant

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

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Planning Committee 8 September 2020
Report of the Planning Manager

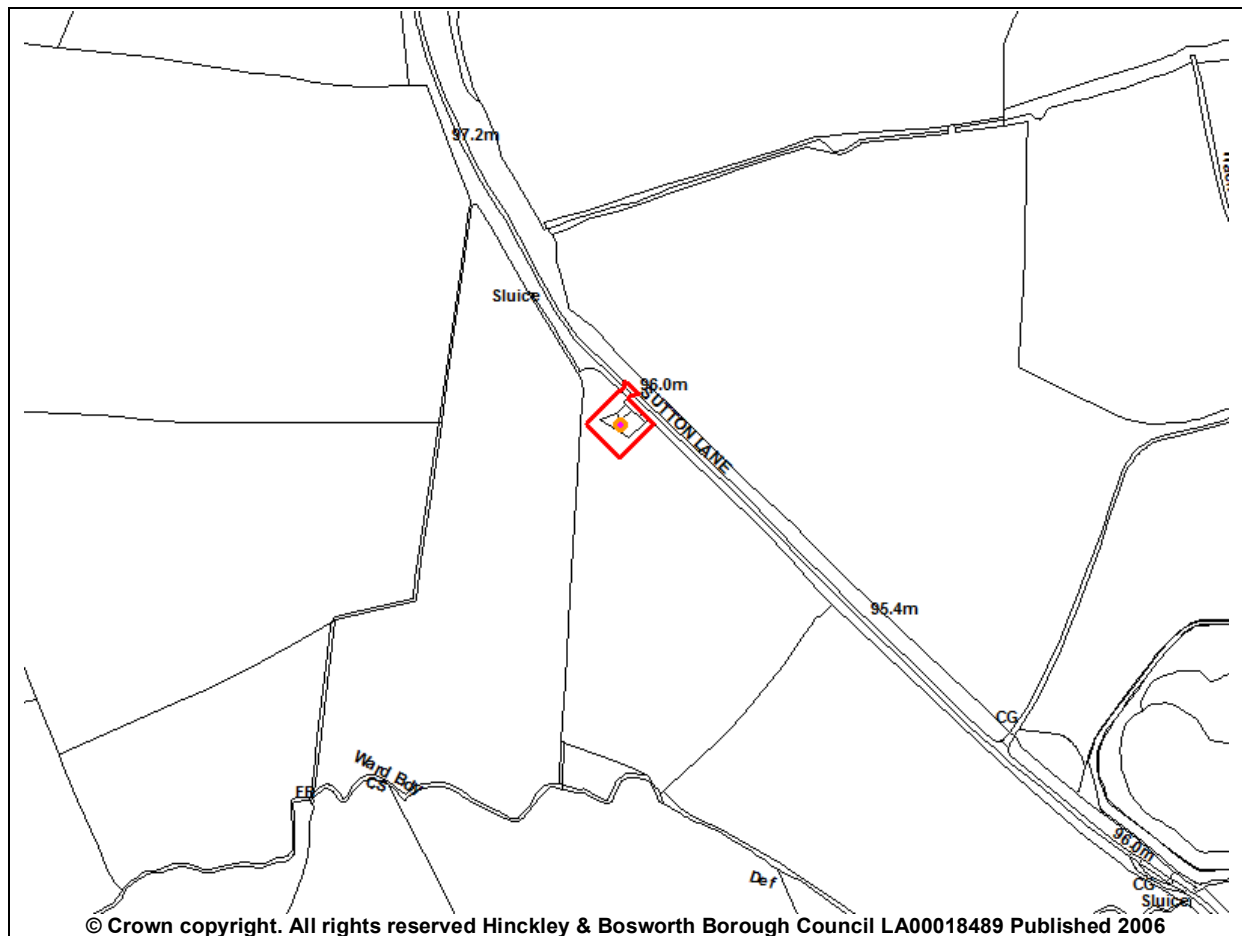
Planning Ref: 20/00588/FUL
Applicant: Mr Adam Tarver
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: The Barn Sutton Lane Market Bosworth

Proposal: Conversion of agricultural building to 3 bedroom dwelling including basement accommodation



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 proposal seeks to create a three bedroom dwelling through the conversion of the existing redundant rural building.
- 2.2. The proposal includes the retention, conversion and repairing of the original brick built barn, retaining and recladding the majority of the functional extensions on their existing footprint and installing a glazed link between each extension and the original building. A new single storey extension is proposed to south-western extension. A subterranean basement floor is to be created to the south and west of the original

building, sat below the south-western extensions with access to a sunken courtyard. The existing vehicular access is retained with parking spaces for two cars in a car lift down to the basement level. The fencing providing the existing tightly drawn curtilage serving the barn is to be removed with amenity for future residents provided in the courtyard, meadow planting/green roof above the car lift and the wider field to the south in which the application is sited.

3. Description of the site and surrounding area

- 3.1. The Barn is a collection of isolated former cow-sheds located on the western side of Sutton lane which is a designated Green Space within the Market Bosworth Neighbourhood Plan. The site is outside of any settlement boundary and within the countryside.
- 3.2. Sutton Lane is to the south of Market Bosworth and is a gated road. It is of agrarian character and makes a positive contribution to the local rural character. It is included on the Leicestershire Historic Environment Record (MLE24718) which describes the complex as a T-shaped arrangement of farm buildings. They were part of the holding of South Farm. The oldest section (of possible mid-19th century date), parallel to the road, has an open fronted section of two bays to the right and an enclosed section to the left. A further open two bay section with galvanised roof extends to the south-east, and a later building at 90 degrees to the old barn has a corrugated iron roof and gable end. The old section is of brick and has a fishscale tile roof, with hay racks inside the open bays.
- 3.3. The wide grass verges adjacent to Sutton lane are a designated green space within the Market Bosworth Neighbourhood Plan.

4. Relevant planning history

17/00773/CQGDO

- Prior approval for a proposed change of use of an agricultural building to one dwelling (C3) and associated operational development
- Prior Approval Given
- 23.10.2017

19/00582/DISCON

- Application to discharge condition 3 attached to planning permission 17/00773/CQGDO
- Approved
- 21.06.2019

19/01217/CQGDO

- Prior approval for the change of use of an agricultural building to one dwelling (C3) and associated operational development
- Prior Approval Given
- 19.12.2019

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.

5.2. There have been 5 letters of objection, three from third parties and one each from the Market Bosworth Society and the Market Bosworth Neighbourhood Society and two letters of support from third parties.

5.3. The following concerns have been raised:

- 1) Isolated property outside of any settlement boundary
- 2) Should only be used by an Agricultural worker
- 3) It is not a dwelling; it is a tumbledown barn
- 4) It is on a public road, not a private one
- 5) Will open floodgates to allow other new dwellings in the countryside
- 6) Increase in traffic which will be hazardous for those who walk/cycle along the road
- 7) The area is designated as a local green space
- 8) It is an unsustainable development
- 9) Will have an adverse impact on the Heritage Asset which is Sutton Lane
- 10) Does not include any plans for convenient or safe access for walkers or cyclists

6. Consultation

6.1. The following consultees have no objections some subject to Conditions:

- HBBC Conservation officer
- HBBC Environmental services (Drainage)
- HBBC Environmental services(Pollution)
- HBBC Waste Services
- LCC Ecology unit
- LCC Highways
- HSE

6.2 Market Bosworth Parish Council, the Market Bosworth Society and the Market Bosworth Neighbourhood Society have sent in the following objections (NB all three letters of correspondence have the same objections):

- 1) The development will have an adverse impact on the significance of the heritage asset of Sutton Lane and its setting
- 2) The proposed development will have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and undermines the physical and perceived separation and open character between settlements
- 3) If this development is permitted it will create a precedent for any future development on Sutton Lane and it therefore negates the concept of sustainability. The only possible rationale for development on this site is under permitted development Class Q. This submission does not meet the required criteria of Class Q and therefore should not be granted. (NB officers comments – the barn has already a Class Q prior Approval so this comment is not relevant in this case)
- 4) This application would be an isolated home in an area recognised for its beauty and open character and therefore should not be granted
- 5) The development will increase road traffic on the gated road to the detriment of Bosworth residents. This will be particularly acute during the construction phase but will also add to the vehicle traffic on an extremely narrow lane often with little protection to pedestrian traffic

- 6) This is not a sustainable or energy efficient development because its occupants will rely heavily on private road transport. It will also require extensive construction works to provide any necessary utilities, including electricity, water, drainage, gas and communications
- 7) The existing buildings are not in a structurally sound condition and are not capable of conversion without significant rebuild or alteration
- 8) The proposed alterations are not proportionate to the size, scale, mass or footprint of the original building and are not situated within the original curtilage; a 20% extension proposed
- 9) Comments received from a resident who is a professional in the field of fire risk and safety, representing the industry on national advisory panels has expressed immense concern over the subterranean car park and the inherent fire risks. These would be exacerbated if an electric vehicle and/or hybrid vehicle were to be parked underground. We understand that currently a governmental review of car parking regulations including building regulations is currently in process
- 10) Any development on Sutton Lane currently does not have access to utilities and services. The application does not clearly identify how these services will be taken to the location or how these can be delivered without significant impact upon Sutton Lane and its immediate environs. Many concerns from residents have been raised regarding not only financial costs of installation but the environmental costs on the length of Sutton Lane. Concerns expressed that once such services and utilities are installed either the costs can only be met by additional development or that precedent to build elsewhere is made easier for developers as there will be services on tap

7. Policy

7.1. Market Bosworth Neighbourhood Plan 2014-2026

- Policy CE2: Local Green Space
- Policy CE3: Important Views and Vistas
- Policy CE5: Landscape of the wider Parish

7.2. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- Policy 20: Green Infrastructure

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM15: Redundant Rural Buildings
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

8. **Appraisal**

8.1. Key Issues

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

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). 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. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years of deliverable housing at 1st April 2020. Due to the change in the housing figures required for the borough paragraph 11d of the NPPF is triggered 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.
- 8.5. This site lies outside of the settlement boundary of Market Bosworth and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development.

- 8.6. Development in the countryside will be considered sustainable where:
- a) It is for outdoor sport of recreation purposes (including ancillary buildings) and it can
 - b) be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - c) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - d) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - e) It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - f) 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;
- 8.7. Policy DM15 of the SADMP goes beyond Policy DM4 and provides criteria against which proposals for development outside settlement boundaries for the re-use and/or adaption of redundant or disused rural buildings should be assessed in order to be supported. Policy DM15 states that developments will be supported where:
- a) The applicant demonstrates the building is no longer viable in its current use; and
 - b) The applicant has adequately demonstrated the building is in a structurally sound condition and is capable of conversion without significant rebuild or alteration; and
 - c) Any proposed extension(s) or alterations are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage; and
 - d) The proposed development accords with Policy DM10: Development and Design and relevant design guidance, DM11: Protecting and Enhancing the Historic Environment and DM12: Heritage Assets.
- 8.8. Market Bosworth has an adopted Neighbourhood Plan (MBNP). Policy CE5 states: in the open countryside outside the settlement boundary, new development will only be permitted
- a) Where it contributes to the local economy
 - b) For the re-use or extension of an existing building or
 - c) For sport and recreation or
 - d) For new dwelling in the circumstances identified in paragraph 55 of the Framework

In all cases development will only be permitted where it does not cause harm to the landscape or biodiversity of the countryside that cannot be effectively mitigated.

- 8.9. The application site has previously been granted a prior approval under Class Q for the conversion of the buildings to a dwelling (17/00773/CQGDO and 19/01217/CQGDO refer). It was considered on both occasions that the building although no longer viable for agricultural use was of a condition capable of conversion, as demonstrated by a supporting structural condition survey by a qualified surveyor. The latter permission remains extant and in this regard the

building can be converted to a dwelling through the Class Q conversion without the requirement of any further planning permission and is a material consideration in the assessment of this application.

- 8.10. However, despite the extant class Q approval, this application proposal seeks to convert the former agricultural building to form a residential dwelling comprising works that are not included through the Class Q approval to create a larger dwelling including the recladding of part of the original structure, the introduction of two glazed links, an extension to the rear building and a subterranean level with courtyard which also partially reuses part of the existing sluice. The proposal meets the criteria of Policy DM15 in that the building no longer has a viable agricultural use, the LPA has previously agreed that it is structurally sound
- 8.11. Therefore, subject to design and heritage consideration and there being no significant adverse effects on the open character or appearance of the surrounding countryside, the proposal would be in accordance with Policies DM1, DM4 and DM15 of the SADMP and Policy CE3 of the MBNP in that the principle of development is considered as sustainable subject to the assessment of all other material considerations.

Impact upon the local Heritage Asset

- 8.12. Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. In determining planning applications, local planning authorities should take account of (paragraph 192 of the NPPF):
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.13. Paragraph 197 states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
- 8.14. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. Policy DM12 states that “assets identified on the Locally Important Heritage Asset List should be retained and enhanced wherever possible”. The SADMP DPD also states that “development proposals should make every effort to retain the significance of locally listed heritage assets”.
- 8.15. The Borough Council are currently compiling a list of Local Heritage Assets. The List is yet to be formally ratified but formal selection criteria has been adopted (in 2017) and this forms the basis of identifying and assessing the significance of any non-designated heritage assets when considering development proposals. Local heritage assets can be identified by the local planning authority during the consideration of a development proposal, as is the case with the application property here.
- 8.16. The Good Design Guide SPD carries a complete section on the conversion of agricultural buildings. Although the conversion of such buildings poses many challenges, the most predominant of which, being the over-domestication of the building and the protection of its setting within the wider rural landscape.

- 8.17. The Barn is a collection of isolated former cow-sheds located in the northern corner of an irregular shaped agricultural field. It is included on the Leicestershire Historic Environment Record (MLE24718) which describes the complex as a T-shaped arrangement of farm buildings. They were part of the holding of South Farm. The oldest section (of possible mid-19th century date), parallel to the road, has a fully unbroken north-eastern elevation and gable ends, whilst the south-western elevation to the field has an open fronted section of two bays to the right and an enclosed section to the left. Two later and functional open bay buildings consisting of steel posts, timber rafters and corrugated sheet roofs extend from the original building to south-east and at 90 degrees to the south west. The old section is of brick and has a fish scale tile roof, with hay racks inside the open bays. For these reasons specified above the brick built mid-19th century barn has historic and aesthetic value ensuring it is of heritage interest. The building retains a level of integrity due to the retention of some original historic fabric (such as the fish scale tiles) and its location at the back edge of road marks it out as a visually prominent landmark feature along the lane between Market Bosworth and Sutton Cheney. Therefore the building is recognised as a locally important heritage asset (a non-designated heritage asset in terms of the National Planning Policy Framework), with this conclusion being based on assessing the building against the Council's adopted selection criteria for local heritage assets.
- 8.18. The local heritage asset is to be retained and repaired (including brickwork repairs) which in principle preserves its significance. The siting of the new extension and sinking of accommodation below ground level ensures the characteristic T-shaped plan form of the collection of buildings will remain discernible following the proposal and that the proposal will have an acceptable mass and scale. No alterations to the external appearance of the heritage asset are proposed from the lane with fenestration limited to aluminium framed glazing within the large open bays to the south-west elevation. The walls and roofs of the non-original extensions are to be clad in vertical treated timber with aluminium framed glazing again sited in the position of the current open bays other than for the insertion of small vertical window in the south-western gable end. Frameless glazing provides a link to the two extensions from the heritage asset. The predominantly contemporary design approach in terms of re-cladding, window materials and expanses of frameless glazing clearly distinguishes the extensions from the heritage asset whilst also reflecting the appearance and functional nature of the existing extensions, and in terms of the timber cladding, also being a material traditional to the rural context of the site in line with the guidance within the Good Design Guide SPD. However it is considered prudent to ensure a condition is attached, should be permission be granted, requiring samples of all proposed materials to be submitted to ensure that these materials will enhance the existing materials of the original barn.
- 8.19. The removal of the existing fencing defining the south-western and south-eastern boundaries of the site curtilage opens out the site to the field and maintains a functional relationship with it. The reinforcement of hedgerow planting along the boundary to Sutton Lane up to the south-eastern gable end strengthens this key historic landscape feature and maintains channelled views along the lane. No details of the replacement fencing or species to be planted within the existing hedgerow have been forthcoming and it would be considered reasonable and necessary to impose a landscaping condition, should permission be granted.
- 8.20. For the above reasons it is considered that the proposal will have a neutral impact on the character and appearance of the Barn, its associated buildings and the wider area, therefore the significance of the local heritage asset and its setting will be preserved and the proposal complies with Policies DM11 and DM12 the SADMP, section 16 of the NPPF and the guidance within the SPD.

Design

- 8.21. The site lies outside of any defined settlement boundaries and therefore within an area designated as countryside. Paragraph 17 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in the manner commensurate with the statutory status or identified quality in the development plan) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 8.22. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Policy DM15 of the SADMP seeks to ensure that any proposed extensions or alterations to the redundant buildings to be converted are proportionate to the size, scale, mass and footprint of the original building and situated within the original curtilage and that the building leads to an enhancement of the immediate setting. The Good Design Guide SPD considers the approach to the conversion of agricultural buildings acknowledging that such buildings form an important part of the wider landscape with the key objective to ensure that the surroundings are designed to be as agricultural in character as possible.
- 8.23. Policy CE2 and CE3 of the MBNP are both relevant. The wide grass verge and line of mature Oak trees alongside Sutton lane are designated as a Local Green Space within the Neighbourhood Plan and CE2 states that:
New development that is incompatible with the importance of the Local Green Space as an attractive publicly accessible area will not be allowed unless there are very special circumstances where the benefits of the development clearly outweigh any harm.
- 8.24. Policy CE3 relates to Important Views and Vistas and states that: *Development that harms important views into or vistas out of Market Bosworth will be resisted. The location and direction of these views and vistas are indicated on the Views and Vistas map and described in Section 6.1p. New development will not be supported if it has a significantly adverse impact on an important view or vista.*
- 8.25. Sutton lane is included within this Policy with the accompanying text: *This view starts on Sutton Lane (known locally as the 'Gated Road') at a point where it bends southwards. Moving uphill along the view towards the town centre and reaching the point at the field gate opposite the southern end of the newly established cemetery, the view includes the gate to the entrance to the town and the spire of St Peter's Church beyond. It is an excellent example of the sudden transition from countryside to built form which makes the setting of Market Bosworth so unique. The view is bordered on both sides by open pasture land and long established trees including oak trees. This view is important as it is an example of an approach to the town that emphasises the rural nature and hill top situation of the town and is characterised by lines of substantial oak trees.*
- 8.26. The Borough's Landscape Character Assessment (2017) identifies the site within landscape character area C- Bosworth Agricultural Parkland. A key sensitivity of this landscape character area is the rural landscape setting of fields and trees to the attractive village of Market Bosworth, as well as views to the Church Spire.
- 8.27. The application site is clearly visible as you both approach or leave the village from the south where the environment is completely rural in character. The application site adds to this rural nature of the area with its low key buildings and hard standing

area enclosed on 2 sides by the buildings. The buildings are considered to form an integral part of the landscape character in this location.

- 8.28. The proposed conversion scheme has been determined by the existing external appearance and by the existing internal configurations, along with the need to retain as much of the external façade and character as possible. Through the previous Class Q application, it was demonstrated to the LPA's satisfaction that the building was structurally sound and therefore capable of conversion. The proposal includes a modest extension to the rear and a basement level for additional living accommodation. However the majority of the living accommodation is to be accommodated within the original barns and the proposed extensions would not extend beyond the existing curtilage of the exiting barn. The proposed basement would utilise the existing sluice which once served the barns,
- 8.29. The views of the building alongside the highway are not subject to any exaggerated change or alteration. The southern most part of the building comprises a lean-to extension of poor quality and is not original to the main building. This is to be re-clad and re-roofed but will remain of a similar scale, bulk and massing to the extension it will replace. A contemporary glazed link between the southern end of the original building and the refurbished structure provides distinction between the two giving an appearance of two buildings adjacent to one another when viewed from the lane. Similarly, an additional glazed link is to be provided between the western elevation (rear) of the main building and the rear structure again giving the appearance of a separate building to the rear when viewed from the lane in both northerly and southerly directions. These frameless glazed links are not considered to adversely impact upon the fabric of the building, and due to their siting and simplistic style they are considered compatible with the existing character and appearance of the buildings.
- 8.30. The building to the west and to the rear of the original barn is to be extended by approximately 2 metres at ground floor level and timber clad to match the original building. This extension is to have a flat roof and although it would be seen from glimpses when viewed from the south it would not significantly alter the character or appearance of the buildings to their detriment. The existing ridge and eaves height would be retained and with the provision of post and rail fencing and additional landscaping along the southern boundary, the extension would not be easily apparent when viewed from the lane.
- 8.31. The subterranean level would be dug down from the existing hard standing area to the south-west of the barn and would not exceed beyond the curtilage of the barn complex. This would not be seen from any public vantage points. The basement level living accommodation would be entirely underneath the extended footprint of the barn buildings with a small courtyard area and the underground parking provision. The car parking pit area would be accessed via a car lift from the rear of the site which in turn would be accessed via the existing gate on the north side of the barn. This would visually benefit the site allowing the parking of vehicles associated with the dwelling to be parked securely and out of sight thus reducing the domesticated appearance of the buildings within the countryside location. The car lift roof is to be planted with a meadow-style planting scheme in order for it to be assimilated into the landscape surrounding the barn rendering it almost invisible when not in use.
- 8.32. Although the proposed footprint of the development, due to the inclusion and use of a basement and its former sluice is modest, the main living accommodation remains provided within the existing structure comprising the kitchen, dining room, utility room, study and living room. The three bedrooms and an additional living area are to be accommodated through the provision of the subterranean basement level which would have bi folding doors leading out into a sunken courtyard area. The proposed

extensions and alterations, when having regard to its former use and character and the relationship to the existing barn is considered to be a proportionate to the original building and are contained within its original curtilage. It is necessary to impose a condition to ensure that the curtilage serving the proposed conversion would be limited to the red line only. The views along Sutton Lane as a designated Green Space would not be significantly altered. The single-storey structures would remain as such and the refurbishment of the non-original structures with sympathetic materials would enhance the character and appearance of the buildings within the rural landscape. Longer views and vistas of the church spire of Market Bosworth would not be compromised in line with policies CE2 and CE3 of the MBNP.

It is considered that the proposals have taken into account and maintained the rural character of the landscape, without compromising any wider views or important vistas towards Market Bosworth. The conversion of the redundant rural buildings to that of a dwelling is considered to retain and secure the long term future of these agricultural buildings, providing a sustainable and viable use which would reflect the historic integrity of the buildings, enhancing the existing traditional structures and the rural context in which they form part of. The proposal is therefore considered to be in accordance with Policies DM1, DM4, DM10 and DM15 of the SADMP, Policy CE2 and CE3 of the MBNP and the overarching design principles within the SPD.

Impact upon highway safety

- 8.33. 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.
- 8.34. Leicestershire County Council as Highways Authority have no objections to the scheme deferring to standing advice on access, visibility and parking. The proposed dwelling would be served via the existing site access which is shown on the plans as being approximately 4 metres wide. There is clear visibility from the access onto Sutton lane with the grass verge approximately 4 metres deep thus allowing a car to be stationary off the highway prior to pulling out onto the carriageway.
- 8.35. Although no information has been submitted with finishes of the hard standing this can be conditioned via a landscaping plan requiring further information as to both hard and soft landscaping including boundary treatments. The access surfacing should be of a bound material for a minimum of 5 metres behind the highway boundary.
- 8.36. The conversion proposes a 3 bedroom dwelling. Two parking spaces should be provided with the underground parking a minimum of 6 x 3 metres to count as a parking space. The underground pit as shown on the drawing has an internal dimension of 11 x 4 metres and therefore, taking into account the advice within the Leicestershire Highway Design Guide this would only equate to one space. However there is ample space for the parking of vehicles to the west of the site at the side of the rear building which would also be largely hidden from public view points and in this regard the amount of parking is acceptable.

It is considered that the level of vehicle movements associated with one dwelling would not have a material impact upon highway safety for other road users including pedestrians. The proposed scheme is capable of providing sufficient parking to serve the dwellings in accordance with Highways Design Guidance, and subject to conditions, the proposed is in accordance with Policies DM17 and DM18 of the SADMP. Impact upon Ecology

- 8.37. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation.

- 8.38. A protected species survey was submitted with the application, no protected species or flora/fauna of note were identified. Leicestershire County Council (Ecology) have considered the report and have no objection to the proposed development given the findings of the survey. As such the proposed development would accord with Policy DM6 of the SADMP.

Drainage and contamination

- 8.39. Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding by being located away from areas of flood risk unless adequate mitigation is provided in accordance with National Policy. Policy DM7 also relates to land contamination and also seeks appropriate remediation of contaminated land in line with minimum national standards.
- 8.40. The site is located within Flood Zone 1 with a low risk of fluvial flooding and generally at low risk of surface water flooding. Although the Phase 1 Desk Study by GRM considers the use of soakaways, there are no drainage plans or scheme included within the submission. Therefore a condition is required to ensure the submission of surface and foul water drainage details, incorporating sustainable drainage principles are provided prior to development to ensure compliance with Policy DM7 of the adopted SADMP.
- 8.41. A Phase I contamination study has been submitted alongside the application documents. The study has been considered by Environmental Health, who have requested a condition should be imposed should contamination be found once work has commenced to ensure compliance with Policy DM7 of the SADMP.

Other matters

- 8.42. The Parish Council have raised other concerns which have not been discussed elsewhere within this report and are therefore covered here.
- 8.43. These mainly are concerns raised in regard to the provision of utilities within this remote location and a separate issue relating to fire risk from the underground car parking facility.
- 8.44. HSE were consulted on the application and had no comments to make given the proposal did not meet their parameters for consultation purposes.
- 8.45. The provision of utilities is a private matter between the provider and the applicant.

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 and Planning Balance

- 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. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years supply of deliverable housing at 1st April 2020. However, 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. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.3. The application site is located in the countryside where proposals for the change of use, re-use and/or extension of existing rural buildings to secure alternative uses is, notwithstanding the lack of any nearby services and facilities, generally considered to be sustainable and therefore supported by adopted strategic planning policies subject to all other planning matters being satisfactorily addressed.
- 10.4. The proposed conversion, extensions and alterations to form a new dwelling would secure a long term viable use for this agricultural building and by virtue of the amended elevational design and appearance, and subject to the use of sympathetic external materials, boundary treatments and landscaping the scheme would retain the rural character and appearance of the existing building, would not result in any significant adverse impacts on the rural character or appearance of the surrounding landscape and would result in the enhancement of the immediate setting. Satisfactory access and parking and turning provision would be provided such that there would be no significant adverse impacts on highway safety, or public rights of way. Satisfactory biodiversity mitigation measures and ground investigation could also be secured by conditions to ensure satisfactory development.
- 10.5. The proposal would result in some limited economic benefits from the construction of the scheme and its future occupation supporting local though somewhat distant services. The scheme would result in a limited social benefit through the provision of a dwelling but this would do little to meet the Government's commitment to significantly boosting the supply of housing. The proposal would result in an environmental benefit through the repair and re-use of the building and the enhancement to the immediate setting. Weighed against this would be the isolated and relatively unsustainable location of the site where the occupiers would rely on the use of the private car for access to a majority of everyday services and facilities.
- 10.6. Notwithstanding that the identified benefits of the scheme are limited, no adverse impacts have been identified that would significantly and demonstrably outweigh those benefits and therefore on balance the proposal is considered to be a sustainable development and in accordance with Policies DM1, DM4, DM6, DM7, DM10, DM11, DM12, DM15, DM17 and DM18 of the SADMP and Policies CE2, CE3

and CE5 of the MBNP and the overarching design principles of the SPD and the recommendation is to approve subject to conditions.

11. Recommendation

11.1 Grant planning permission subject to

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

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

Reason: To comply with the requirements of Section 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:

Existing site Plan, Drg no (02) 200
Proposed Ground Floor Plan, Drg no (02)101
Proposed Lower Ground Floor, Drg no (02) 102
Proposed Site & Roof plan, Drg no (02) 103
Proposed Elevations North West & South East, Drg no (02)110
Proposed Elevations North East & South West, Drg no (02) 111
Proposed Sectional Elevations, Drg no (02) 112

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. 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 and roofs 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 Policy DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

5. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments and the retaining wall, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping

scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

6. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 2.75 metres, a gradient of no more than 1:12 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material. The access 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 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. The development hereby permitted shall not be occupied until such time as off street car parking provision with turning facilities have been provided and agreed in writing through the submission of a parking plan showing 2 parking spaces within the site. 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).

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

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

9. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area and the natural environment 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).

10. 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).

11. The curtilage serving dwelling known as The Barn, Sutton Lane, Market Bosworth, shall be contained to the red outline as proposed on the Site Location Plan Dwg No. 340/01(02)200 Rev # received by the Local Planning Authority on the 17 June 2020.

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

12. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-E 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 historic character of the barn in accordance with Policy DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to applicant :-

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. It should be noted that when permission is granted for proposals to convert barns to residential it is based on the barn being structurally sound and therefore no need for substantial demolition or rebuilding. Should it become apparent during conversion works that demolition works are required you should contact the Local Planning Authority immediately on 01455 238141. Where demolition works take place without the permission of the Local Planning Authority, planning permission will be required for the rebuild, and as this would essentially constitute a new dwelling in the open countryside permission is likely to be refused.
3. Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.
4. The applicant is advised that owls and bats are protected species under the Wildlife and Countryside Act 1981 and should work proceed and any of the above species be discovered, the applicant should contact Natural England immediately.

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. 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.

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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 28.08.20

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	Appeal Valid	DATES
	EC	20/00152/FUL (PINS Ref 3257591)	WR	Mr William Sutton 2 Brodick Close Hinckley	2 Brodick Close Hinckley ((Erection of a boundary fence and change of use of land to residential curtilage (retrospective))	Awaiting Start Date	
	CG	20/00321/FUL (PINS Ref 3256790)	IH	Mrs Rita Morley 5 White House Close Groby	5 White House Close Groby (Part demolition of existing dwelling and erection of a detached dwelling in side garden)	Appeal Valid Awaiting Start Date	14.08.20
20/00023/PP	OP	19/01404/OUT (PINS Ref 3256614)	WR	Mr David Coley 15 Elm Tree Drive Burbage	Land South Of Bonita Bullfurlong Lane Burbage (Residential Development of 5 dwellings with vehicular access (Outline-access, layout and scale only))	Start Date Statement of Case Final Comments	10.08.20 14.09.20 28.09.20
20/00022/PP	OP	19/01035/FUL (PINS Ref 3256425)	WR	Mrs Judith Sturley C/o Agent Orpington Kent	Land Adjacent To 1 Back Lane Market Bosworth (Erection of 1 No. detached dwelling)	Start Date Statement of Case Final Comments	07.08.20 11.09.20 29.09.20
20/00024/PP	RW	19/01304/OUT (PINS Ref 3255456)	WR	Ms Caroline Dixie 18 Main Street Nailstone	Land off Veros Lane Nailstone (Erection of Two Dwellings (Outline all matters reserved))	Start Date Statement of Case Final Comments	13.08.20 17.09.20 01.10.20
	JB	19/01324/OUT	PI	Davidsons Developments Ltd	Land At Wykin Lane Stoke Golding (Residential development of up to 55 dwellings (Outline - access only))	Notification of intention to submit an appeal (Likely submission date of the appeal July 2020)	

	JB	19/00947/OUT	PI	Barwood Development Securities Ltd	Land Off Sketchley Lane Burbage (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 (Likely submission date of appeal 13.07.20)	
20/00028/PP	RW	19/01234/OUT (PINS Ref 3254458)	WR	Ms Jenny Longwill Ivy House Farm Hall Lane Odstone	Ivy House Farm Hall Lane Odstone (Erection of two dwellings (Outline - access only))	Start Date Statement of Case Final Comments	07.08.20 18.09.20 02.10.20
20/00020/FTCO	OP	20/00208/ADV (PINS Ref 3253543)	WR	Mr Andrew Foster Space Outdoor Ltd Swan House Main Street Hickling Melton Mowbray	The Holywell Inn 56A London Road Hinckley (Installation of one freestanding internally illuminated advertising sign Installation of one freestanding internally illuminated advertising sign)	Start Date Awaiting Decision	02.07.20
20/00021/PP	OP	20/00300/OUT (PINS Ref 3253082)	WR	Mrs Barbara Denton Walsgrove House Sheepy Road Sibson	Village Farm House Sheepy Road Sibson (Demolition of buildings; Residential development for four dwellings (Outline-access and layout only))	Start Date Awaiting Decision	03.07.20
20/00019/PP	SW	19/00892/OUT (PINS Ref 3252017)	WR	Mr Gareth Xifaras Animal Pub Compamny Ltd 147 Station Lane Lapworth Warwickshire	The Prince Of Wales Inn 52 Coventry Road Hinckley (Demolition of public house and erection of 12 apartments (outline - access, layout and scale))	Start Date Awaiting Decision	04.06.20

20/00018/PP	GS	19/01411/FUL (PINS Ref 3251812)	WR	Mr G & S Warren Invicta Universal Ltd Engine Block Unit 1 The Sidings, Merrylees Desford	39 Station Road Desford (Sub-division of and extensions to existing dwellinghouse to form 5 apartments, erection of 4 dwellinghouses and alterations to existing access)	Start Date Awaiting Decision	04.06.20
20/00017/PP	OP	19/01438/OUT (PINS Ref 3250575)	WR	Mr Stephen Hill 159 Coventry Road Burbage	159 Coventry Road Burbage (Residential development for one dwelling (Outline- access, layout and scale only))	Start Date Awaiting Decision	04.06.20
20/00013/PP	SW	20/00004/FUL (PINS Ref 3250144)	WR	Mr Harjeeve Bath 14 Station Road Ratby LE6 0JN	14 Station Road Ratby (Demolition of an existing garage and installation of 2 new residential dwellings in the rear garden of 14 Station Road, Ratby)	Start Date Awaiting Decision	28.05.20
20/00027/CLD	CG	19/01164/CLUE (PINS Ref 3246256)	WR	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Start Date Statement of Case Final Comments	17.08.20 28.09.20 19.10.20
20/00026/CLD	CG	19/00391/CLUE (PINS Ref 3238743)	WR	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Start Date Statement of Case Final Comments	17.08.20 28.09.20 19.10.20
20/00025/CLD	CG	18/01255/CLUE (PINS Ref 3238520)	WR	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Start Date Statement of Case Final Comments	17.08.20 28.09.20 19.10.20

20/00003/NONDET	RW	19/00253/CONDIT (PINS Ref 3236523)	IH	Mr Gerry Loughran Poundstretcher Limited c/o Landmark Planning Ltd	Crown Crest PLC Desford Lane Kirby Muxloe Leicester (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 Hearing	03.02.20 Date to be arranged
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Decisions Received

20/00016/PP	OP	20/00140/OUT (PINS Ref 3250796)	WR	Mr Steve Walters 129 Leicester Road Glen Parva	2 Preston Drive Newbold Verdon Leicester (Residential development for one dwelling (Outline- all matters reserved))	DISMISSED	20.08.20
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Designation Period 1 April 2019 - 31 March 2021

Appeal Decisions - 1 April 2019 - 31 July 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

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

July - Total No of all Major decisions made 59/Total No of appeals allowed 3 = 5.08%

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
43	14	29	0	0	11	0	26	3	0	2	0	0	1

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

July - Total No of Minor/Other decisions made 1,007/Total No of appeals allowed 17 = 1.68%

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

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