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Hinckley & Bosworth
Borough Council

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

Date: 27 December 2019

To: Members of the Planning Committee

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

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite - Hub on **TUESDAY, 7 JANUARY 2020 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen
Democratic Services Manager

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- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
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- **Do not** use the lifts.
- **Do not** stop to collect belongings.

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Thank you

PLANNING COMMITTEE - 7 JANUARY 2020

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 2)

To confirm the minutes of the meeting held on 12 November 2019.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 12.

6. DECISIONS DELEGATED AT PREVIOUS MEETING

To report progress on any decisions delegated at the previous meeting.

7. 19/01011/OUT - LAND SOUTH OF CUNNERY CLOSE, BARLESTONE (Pages 3 - 40)

Application for residential development for up to 176 dwellings with public open space, landscaping and sustainable drainage systems (SuDS) (Outline - access only).

8. 19/00496/FUL - 75A NEWBOLD ROAD, BARLESTONE (Pages 41 - 56)

Application for erection of 8 dwellings and associated access.

9. 19/01013/FUL - LAND SOUTH OF PINWOOD DRIVE, MARKFIELD (Pages 57 - 70)

Application for erection of ten bungalows (extension to Markfield Court Retirement Village).

10. 19/01212/OUT - LAND REAR OF 237 MAIN STREET, THORNTON (Pages 71 - 80)

Application for erection of one dwelling (outline - all matters reserved).

11. 19/00674/FUL - LAND TO THE WEST OF HEATH LANE SOUTH, EARL SHILTON (Pages 81 - 92)

Application for erection of 4 flats (resubmission of 18/00618/FUL).

12. 19/00714/FUL - FORGE BUNGALOW, MAIN STREET, CADEBY (Pages 93 - 114)

Application for demolition of existing bungalow and erection of 2 no dwellings.

13. 19/01103/HOU - 32 NORTHUMBERLAND AVENUE, MARKET BOSWORTH, NUNEATON (Pages 115 - 122)

Application for single storey side extension, and front porch extension.

14. 19/01111/HOU - 35 ARNOLDS CRESCENT, NEWBOLD VERDON (Pages 123 - 128)

Application for two storey side and front extension with single storey side extension.

15. 19/00742/FUL - 42 STATION ROAD, EARL SHILTON (Pages 129 - 140)

Application for erection of four apartments.

16. 19/01190/HOU - 1A STRETTON CLOSE, BURBAGE (Pages 141 - 146)

Application for extensions and alterations to dwelling comprising single-storey side extension, front porch and replacement detached garage.

17. MAJOR PROJECTS UPDATE (Pages 147 - 152)

To provide an update on various major schemes in the Borough.

18. PLANNING ENFORCEMENT UPDATE (Pages 153 - 158)

To provide an update on the number of active and closed enforcement cases within the Borough.

19. APPEALS PROGRESS (Pages 159 - 164)

To report on progress relating to various appeals.

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

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

12 NOVEMBER 2019 AT 6.30 PM

PRESENT: Mrs MJ Crooks - Chairman
Mr DJ Findlay – Vice-Chairman
Mr MB Cartwright, Mr DS Cope, Mr REH Flemming, Mr A Furlong, Mr SM Gibbens,
Mrs LJ Mullaney, Mr RB Roberts, Mrs H Smith, Mr BR Walker and Mr HG Williams (for
Mrs CM Allen)

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

215 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors C Allen, R Allen, Boothby, W Crooks, Hollick and Lynch, with the substitution of Councillor H Williams for Councillor C Allen authorised in accordance with council procedure rule 10.

216 MINUTES

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

RESOLVED – the minutes of the meeting held on 15 October be confirmed and signed by the chairman.

217 DECLARATIONS OF INTEREST

No interests were declared.

218 DECISIONS DELEGATED AT PREVIOUS MEETING

It was noted that all decisions had been issued with the exception of application 19/00607/FUL which was subject to a legal agreement.

219 19/01035/FUL - LAND ADJACENT TO 1 BACK LANE, MARKET BOSWORTH

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

220 19/00901/FUL - THE RETREAT FARM, WHITTINGTON LANE, THORNTON

Application for installation of 19 lamp posts along driveway (retrospective).

It was moved by Councillor Gibbons and seconded by Councillor Walker that permission be granted. Councillor Findlay, seconded by Councillor Cartwright, proposed that a condition be added to require warm white bulb (with a yellow glow, rather than bright white) to be used. The mover and seconder of the original motion accepted the amendment. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be granted subject to the conditions contained in the officer's report and the abovementioned additional condition to require use of warm white bulbs in the 19 lamps that were the subject of the planning application.

221 APPEALS PROGRESS

Members were provided with an update on progress in relation to various appeals. It was also noted that the Government used quarterly statistics as a measure to assess performance and that an authority was designated as under-performing if 10% of its total number of decisions on applications were overturned at appeal. There were separate measures for major and minor/other applications. It was agreed that a column would be added into the report to show the total number of applications processed to be read in conjunction with the figure for the number of decisions overturned at appeal.

(The Meeting closed at 7.29 pm)

CHAIRMAN

Planning Committee 7 January 2020
Report of the Planning Manager

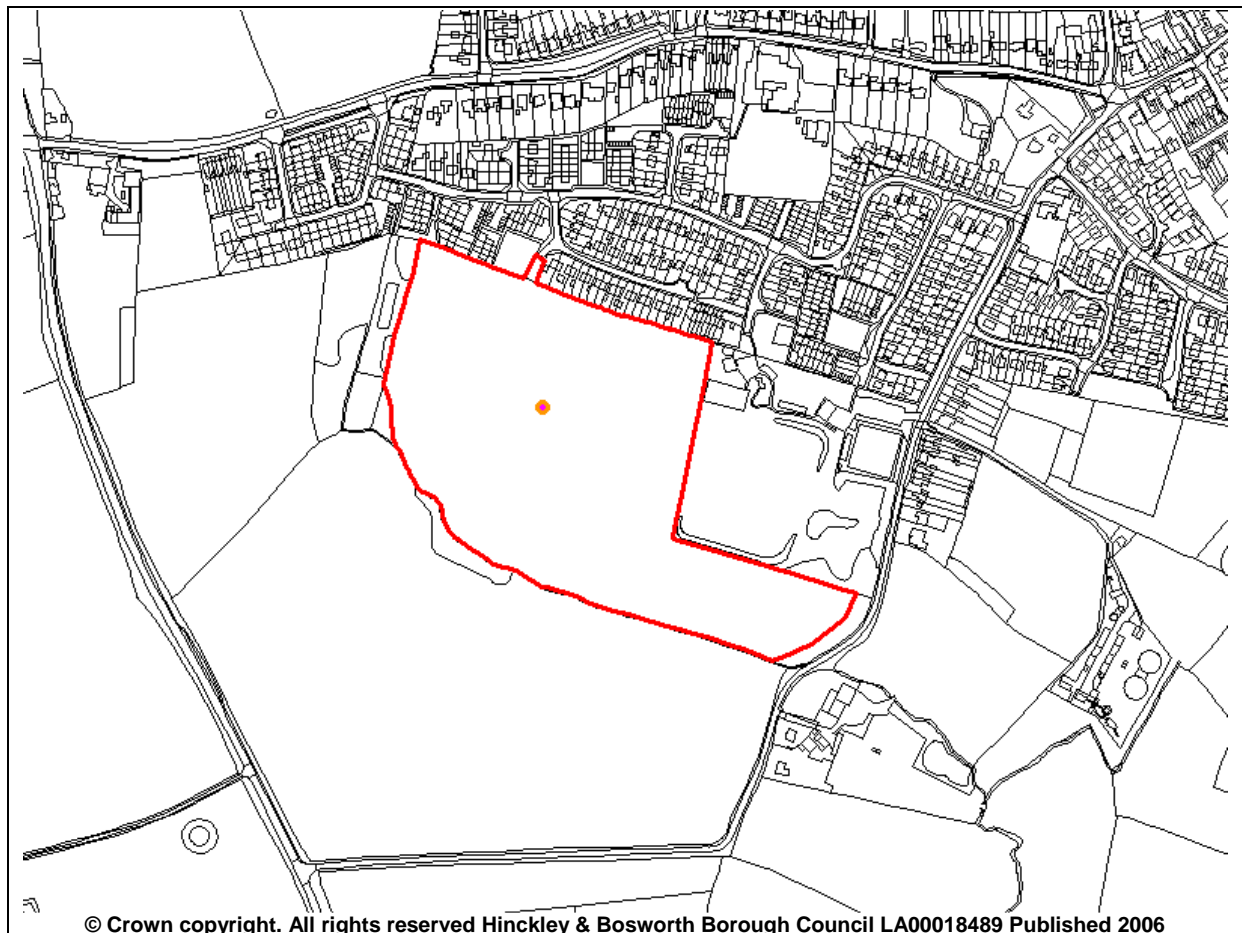
Planning Ref: 19/01011/OUT
Applicant: Gladman
Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: Land South Of Cunnery Close Barlestone

Proposal: Residential development for up to 176 dwellings with public open space, landscaping and sustainable drainage systems (SuDS)
(Outline - access only)



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 40% Affordable Housing, 75% affordable rented and 25% shared ownership
 - £603,423.17 Play and Open Space
 - 0.16ha Local Area of Play LAP
 - Travel packs (£52.85 per pack)
 - Bus Passes (£360.00 per pass)
 - £6000 Sustainable Travel monitoring fee

- £1,408,133.34 Education
 - £5,310 Libraries
 - £8,717.00 Civic Amenities
 - £89,127.72 Health Care Provision (GP Practices)
 - Planning conditions outlined at the end of this report.
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
 - 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This application seeks outline planning permission for up to 176 dwellings with associated public open space, landscaping and infrastructure. All detailed matters are reserved for later determination, except access.
- 2.2. As the application is outline the proposed housing mix is unknown. However, the applicant has identified that 40% of the housing to be provided would be affordable housing, if 176 dwellings were to be provided this would result in 105 market dwellings of which 71 dwellings would be affordable with a mix of 53 dwellings for social rent and 18 intermediate dwellings for shared ownership.
- 2.3. An indicative development framework has been provided showing how the site could accommodate a development of up to 176 dwellings and shows access position, areas of infrastructure, build development and open space.
- 2.4. The proposed access would be via a new junction with Cunnery Close, and would incorporate vehicular and pedestrian access.
- 2.5. The proposal includes a large area of informal open space in excess of 2ha and a Local Area of Play (LAP) 0.16ha in area. The informal open space includes planting, pedestrian links and footpaths around the edge of the site connecting into existing footpaths and potentially the adjoining parish playing fields. The proposed LAP is shown on the development framework central to the site, with the public open space following the south and west edge with a larger open area to the east, south of the existing Bosworth Road playing fields.
- 2.6. The following documents have been submitted in support of the application; Planning Statement, Design and Access Statement, Statement of Community Involvement, Landscape and Visual Impact Appraisal, Transport Assessment and Travel Plan, Flood Risk Assessment, Foul Drainage, Ecological Appraisal, Bat Survey, Arboricultural Assessment, Noise Assessment, Air Quality Assessment, Heritage Assessment and a Socio-Economic Sustainability Statement.

3. Description of the Site and Surrounding Area

- 3.1. The site is located on the south western edge of Barlestone and comprises a single arable field parcel. It is 7.5ha in size with Cunnery Close located immediately to the north and Bosworth Road located to the east.
- 3.2. The site is defined by properties on Cunnery Close to the north, the rear boundary treatments of which bound the site. There is a small area of woodland to the west and a hedgerow and hedgerow trees to the south with further arable farmland beyond. Playing fields and a play ground form part of a recreation ground known as Bosworth Road Park to the immediate east, separated from the site by a row of mature trees and to the south east, Bosworth Road is located approximately 10m from the edge of the site.

- 3.3. The site is not currently publicly accessible and there are no Public Rights of Way running through the site or along its boundaries. Albeit, there appears to be informal use of the field boundaries as there is visible evidence of people walking here, there is a pedestrian access through to houses off Manor Road.
- 3.4. Barlestone village is elevated from the site, with the site itself sloping in a south easterly direction, where it meets a water course at the low point. The land outside of the site boundary then slopes back up to the west where it meets the A447, a view of the site and properties on Cunnery Close can be taken here.

4. Relevant Planning History

15/00772/OUT	Residential mixed use development comprising of up to 450 dwellings (use class C3), employment (use class B1), retail (use class A1 to A5), a childrens day nursery and medical centre (use class D1) and associated works (outline - access only)	Refused	13.04.16
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5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 105 Letters of objection have been received from 82 separate addresses; the comments are summarised below:
- 1) Drainage is inadequate, sewerage plant can not cope;
 - 2) Flooding will increase;
 - 3) Population increase of existing village by 1/8th too many houses for the size of the village;
 - 4) Access off Cunnery Close is not adequate, exiting here is already dangerous, road is not wide enough;
 - 5) Only one point of access and exit, concerns for access by emergency vehicles;
 - 6) Present highway safety issues;
 - 7) On street parking is an issue on Manor Road and Cunnery Close;
 - 8) There are insufficient services in the village, including doctors and school;
 - 9) Bus services in being reduced ;
 - 10) Mess and noise during construction;
 - 11) Increase of traffic through the village would be too great ;
 - 12) Additional open space would be a burden on Parish Council ;
 - 13) The loss of the turning head will mean vehicles reversing out on to Manor Road;
 - 14) Air noise, dust and light pollution;
 - 15) Loss of agricultural land;
 - 16) Bus stops are too far away;
 - 17) No local jobs therefore required to rely on car;

- 18) Barlestone already has approved planning applications that have not been built;
- 19) Planning permission has already been refused on this site, which is a material consideration;
- 20) The site does not fall under the definitions of DM4 and there is clear conflict;
- 21) Contrary to Policy DM4 and Core Strategy Policy 11, there is conflict with the spatial policies of the plan;
- 22) The application does not enhance the green infrastructure or improve connectivity in any way;
- 23) Economic benefits of scheme are immaterial given the level of services available in the village;
- 24) Loss of privacy from overlooking;
- 25) Devaluation of property;
- 26) Roads not suitable for construction traffic;
- 27) Lots of children use these roads to access the park and school;
- 28) Already a good mix of property types in village;
- 29) Homes for sale in village sat on the market;
- 30) Cemetery is almost full;
- 31) Neighbourhood Plan is being progressed that only identifies a need for 59 houses;
- 32) There are populations of bats in the area, next to the site;
- 33) Impact on wildlife/ biodiversity;
- 34) Minerals Survey needs to be done;
- 35) Loss of green space for access is contrary to Policy DM8;
- 36) Development will lead to heavier or more frequent flooding;
- 37) Should be an emergency access for this many houses;
- 38) Pumping station is proposed, which are unreliable and lead to flooding
- 39) Impact on climate change;

5.3. One letter of support from 1 address raising the following points:

- 1) I would be interested in buying one of these houses and support the development;

5.4. One petition has been received containing 15 signatures requesting that the Parish Council hold a planning meeting specifically to discuss planning application 19/01011/OUT.

6. Consultation

6.1. No objection, some subject to conditions and/or obligations have been received from:

The Coal Authority
 HBBC Drainage
 HBBC Environmental Health
 HBBC Street Scene Services
 HBBC Affordable Housing
 HBBC Compliance and Monitoring
 HBBC Conservation Officer
 HBBC Planning Policy
 LCC Ecology
 Lead Local Flood Authority
 LCC Highways
 LCC Minerals Planning
 LLC Archaeology
 Natural England
 Severn Trent Water

6.2. No response received from;

Ramblers Association
Leicestershire Police
HBBC Green Spaces
HBBC Tree Officer

6.3. Barlestone Parish Council object to the proposals for the following reasons:

- 1) The development by virtue of its scale and location would result in an incongruous and disproportionate amount of growth in an unsustainable location. It would have a detrimental impact upon the character of the countryside and surrounding landscape. The infrastructure in the village is unable to cope with this large increase in traffic movement.
- 2) The access proposed is unacceptable, the surrounding roads are congested with on street parking which is a danger to current residents. The amount of traffic the development would bring is unacceptable.
- 3) There is no room for emergency vehicles to exit Cunnery Close, which will become worse.
- 4) The village only has one convenience store with no car park and the roads around it are already congested.
- 5) Severn Trent Water remove waste from the sewage works by tanker, everyday. This already causes problems on narrow stretch of road (Bosworth Road).

7. Policy

7.1. Core Strategy (2009)

- Policy 11: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- 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)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

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

- National Design Guide (2019)
- 7.4. Other relevant guidance
- Landscape Character Assessment (2017)
 - Landscape Sensitivity Assessment (2017)
 - Open Space and Recreation Study (2016)
 - Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA)
 - Affordable Housing SPD (2011)
 - Leicestershire Highways Design Guide

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- impact upon the character of the countryside and character of the area
- Affordable Housing and Housing Mix and Density
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Flooding and Drainage
- Ecology
- Pollution
- Archaeology
- Infrastructure Contributions
- Other Matters

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. The 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. Barlestone is identified as a Key Rural Centre stand alone within Policy 7 and 11 of the Core Strategy. To support its role as a Key Rural Centre focus is given to limited development in these areas that provides housing development within settlement boundaries that delivers a mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17.

- 8.5. Policy 11 provides the policy framework for each Key Rural Centre that Stands Alone (away from Leicester and outside of the National Forest). The first criterion for Barlestone seeks the provision of a minimum of 40 new homes. Since the adoption of the Site Allocations and Development Management Policies (2016) DPD which allocated sites in Barlestone in accordance with the Core Strategy only BARL03 has been delivered, providing 8 dwellings, no other allocations have come forward. Barlestone has seen little growth, with only 17 dwellings being completed since the adoption of the Core Strategy.
- 8.6. However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure, in addition the Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by Ministry Housing Communities and Local Government (MHCLG). Therefore, the application should be determined in accordance with Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.7. The consideration under Paragraph 11 (d) is weighed in the balance of the merits of any application and considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework.
- 8.8. This site lies outside of the settlement boundary of Barlestone 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.
- 8.9. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- 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
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:**
- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development;
- 8.10. The site does not fall under any of the categories identified in DM4 as sustainable development and so there 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.

- 8.11. The proposed access is situated across open space allocated as BARL04 Cunnery Close amenity Space. This is a small incidental green space, which is not equipped.
- 8.12. Policy DM8: Safeguarding Open Space, Sport and Recreational Facilities, of the SADMP seeks to resist the loss of land in recreation use and open space as identified in the Open Space Facilities Study, such as this one, except where:
- a) A replacement of an equivalent typology is provided, as defined by the most recent Open Space, Sport and Recreational Facilities Study, in an appropriate location serving the local community; or
 - b) It is demonstrated that there is a surplus of recreational land, facilities or open space of the same typology exceeding the needs of the local community; or
 - c) The development of a small part of a larger site in recreational use would result in the enhancement of recreational facilities on the remainder of the site, or on a nearby site serving the same community.
- 8.13. Albeit that the access is within land allocated within the SADMP, the parcel of land incorporated within the site to provide access is not within the ownership of the parish forming the land they own for use by residents as incidental open space. Notwithstanding that, the proposed development provides for 0.16ha of incidental open space within the development, as well as over 2ha of informal semi-natural open space around the site. Therefore, it is considered that the proposal meets the criteria as set out by Policy DM8 as an equivalent typology is provided in an appropriate location which would still serve the needs of the community. Further to this, the developer will be obligated to enter in to a s.106 agreement to provide contributions towards the enhancement of nearby existing recreational facilities.
- 8.14. The Borough Council is actively promoting the preparation of Neighbourhood Development Plans and is keen to see communities strongly involved in the planning and future growth of villages. A Neighbourhood Plan is currently being prepared for the Parish of Barlestone. The Neighbourhood group have recently completed an informal consultation with site representors to gain further information on sites which could be allocated for residential development. At present there is no draft document produced or indication of a preferred site. A Pre-Submission Version of the Neighbourhood Plan is due to be consulted on in February 2020. Given the preparation stage that the plan is at, it currently holds very limited weight in the planning balance.
- 8.15. In 2016 the Council refused an application for up to 450 dwellings off Cunnery Close, on a site that incorporated the application site. The proposed access is in the same location, however this proposal covers a much smaller site area. This is a material consideration in the determination of this application. The application was refused for the following reason;

The development, by virtue of its scale and location would result in an incongruous and disproportionate amount of growth in an unsustainable location. The development would have a detrimental impact on the character of the countryside and surrounding landscape. The proposal would be contrary to the Council's spatial vision and directions for growth. The development is therefore contrary to Policies 7 and 11 of the Core Strategy, Policy NE5 of the Local Plan, Policy DM4 of the emerging Site Allocations and Development Management Policies Development Plan Document and Paragraphs 7, 14 and 109 of the National Planning Policy Framework 2012.

- 8.16. The site is grade 3 agricultural land the loss of this should be weighed in the balance of the merits of the scheme.
- 8.17. This application is for the development of housing outside the settlement of Barlestone within the countryside it is contrary to Policy 7 and 11 of the Core Strategy and Policy DM4 of the SADMP. Therefore there is a conflict with the spatial policies of the development plan. However, paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must take into account all material considerations and any harm which is identified. All material considerations must be assessed to allow this balance to be made.

Impact upon the character of the countryside and character of the area

- 8.18. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.19. 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. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, any harm to the intrinsic value, beauty, open character and landscape character of the countryside would therefore be unjustified.
- 8.20. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should also ensure the significance of a conservation area is preserved and enhanced.

Landscape and visual impact

- 8.21. The Borough's Landscape Character Assessment (2017) identifies the site within Landscape Character Area B- Charnwood Fringe Settled Forest Hills. This is characterised by gently undulating landform, contrast between areas that are visually open and enclosed depending on their elevation and presence of woodland vegetation, fields enclosed by hedgerows, dispersed pattern of settlements following a liner pattern on ridgetops, the landscape is influenced by urban features.
- 8.22. The application site is typical of the Landscape Character Area, with an undulating open rural landform, hedgerow field boundaries, adjacent wooded areas and the settlement edge situated on the plateaued ridgetop. However, that being said, the site is not a 'valued landscape' for the purposes of Paragraph 170 of the NPPF. Nor has the site got any national or local designations and is not unique or remarkable for any landscape purposes.
- 8.23. The key sensitivities of this rural landscape character are considered to be woodlands, copses, trees, hedgerows and river corridors which are valuable for their recreational and ecological value as well as reinforcing historic character of irregular field patterns. The landscape strategies for this area are to support the National Forest Strategy, ensure developments are integrated within the wooded landscape and conserve the historic features of the landscape.
- 8.24. An assessment is made of the landscape value within the submitted LVIA and it is concluded that the site has an overall medium landscape value taking in to account

matters such as scenic quality, rarity, conservation interest, recreational value and landscape quality. There is no reason to disagree with this overall judgement, however, the assessment with regards to recreational value states that there is no public access or recreational uses on the site and although it is agreed there is no designated Public Right of Way there is evidence that the site is accessed by the public and used for walking, this route is also identified on OS maps. However, the access rights over this are unknown and this does not alter the overall landscape value given.

- 8.25. The landscape harm identified to the local landscape area is moderate adverse at year 15. However, the impacts on the wider landscape character area are identified as minor adverse. This is attributed to the development being contained within the retained and strengthened landscape framework and with a layout designed to reflect the Barlestone settlement character. The LVIA also argues that the topography of the site is largely unaltered, the existing hedgerows and trees are retained and reinforced and new planting would provide high quality landscaping which would also incorporate increased connectivity through the formalisation of footpath networks and links around the site to the wider area resulting in negligible effects on the landscape character features of the area and providing a development that has taken in to account the key sensitivities of the LCA.
- 8.26. However the LVIA fails to take account of the impact upon the fact settlements within this landscape character area sit on the ridge, which this proposal would alter. Extending the settlement edge here would weaken this character feature given that the site slopes down to the south away from the higher ground. Further to this, the LVIA does not take in to account the use of the informal footpath and the impact upon this. However, the green infrastructure provided by the proposal would still allow this route to be used and it remains in situ, although given its unknown status it would not likely lead to significant adverse harm.
- 8.27. With regard to visual impact, the LVIA states that there would be negligible effects on visual impact on surrounding public rights of way networks, with no routes traversing the site itself and views from nearby routes being filtered by topography and vegetation. No assessment is made of the informal route that follows the boundary along the watercourse, however as above, given its unknown status and its retention and improvement would mean there is unlikely to be significant adverse harm. The sensitive receptors in close proximity to the site are residential, the visual impact upon these is recorded as moderate adverse to those on Cunners Close and minor adverse to others located further away. However, it is not considered that this impact is of detriment to residential amenity. Views of the site can be gained from the highway network, however roads are considered to have low susceptibility to change, the development would be viewed from Bosworth Road this is mid range views beyond the open space and although development would project beyond the existing landscaping the impact is considered to be minor adverse. From the A447 a relatively open view is achieved of the site, within its context which would be moderate adverse when the landscaping has matured. The proposed development will be adjacent to Bosworth Road Playing Fields, the view is currently filtered by mature tree planting, however, in winter months the site is more visible. However, the impact on the recreation ground is considered by the LVIA to be minor adverse at year 15.
- 8.28. The LVIA concludes that there will be some adverse landscape and visual effects, however, these are localised and limited in their extent. Overall, the harm to landscape character of the local area is considered to be moderate, given the change from open agricultural field to housing. However, the impact upon the wider

landscape character is minor. The visual impacts of the development overall are considered to be minor.

- 8.29. The proposal would extend development beyond the settlement boundary of Barlestone and it is considered that the proposal would result in some harm to the character and appearance of the area and would therefore conflict with Policy DM4 and DM10 of the SADMP DPD.

Urban Character

- 8.30. Barlestone is a village located on the fringes of the Charnwood forest. Originally developing as an agricultural settlement, the village has lost much of its historic form due to substantial twentieth century infilling, replacement, and expansion. The Urban form is made up of a mixture of cottages, terraces and modern buildings with larger detached properties interspersed ranging from single storey to two and three storey. The Local vernacular is red brick occasionally covered by modern render, pitched slate and clay tile roofs and red brick chimney stacks are common features in the core of the settlement, with buildings that front onto the street. As the application has been submitted in Outline with matters of scale, layout and appearance reserved no assessment of the proposal in relation to the urban character is made. However, it is not considered that there is any reason that the proposal could not respond well to the features and characteristics of Barlestone and there is recognition of this within the submitted Design and Access Statement.

Historic Environment

- 8.31. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.32. Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 193).
- 8.33. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.34. A heritage desk-based assessment and a landscape and visual impact appraisal have been completed and submitted as part of the application. In determining applications, paragraph 189 of the National Planning Policy Framework (NPPF) requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Following the submission of these documents Leicestershire County Council Planning Archaeology has recommended that some further work is required to ensure satisfactory archaeological investigation and recording, this can be secured by a pre-commencement planning condition.
- 8.35. The heritage desk-based assessment includes a limited assessment on the direct physical and visual impact on heritage assets and their settings however the level of detail submitted as part of this application is proportionate and meets the requirements of paragraph 189. Paragraph 190 of the NPPF also requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the

setting of a heritage asset). That required assessment is below and is in part informed by the submitted heritage desk-based assessment.

- 8.36. The Historic Environment Record (HER) for Leicestershire confirms that there are no designated or non-designated heritage assets located within the application site. There are four grade II listed buildings located within Barlestone (The Manor House, The White House, Church Farmhouse and the Church of St Giles), the closest of those being the Manor House which is located approximately 350m north of the eastern boundary of the application site. There are two listed buildings located to the south within the Osbaston Conservation Area which covers the historic core of the village. The grade II* listed Osbaston Hall is approximately 600m from the application site, with the grade II listed stable block and cottage at the Hall being located further to the south. There are also limited views from the centre of the site of the upper parts of the church spire of the grade II* listed Church of St Peter at Market Bosworth, circa 2.5km south-west of the application site.
- 8.37. As identified above there are designated heritage assets located within a proportionate search area around the application site, therefore it must be assessed if the site falls within the setting of these assets. The NPPF (Annex 2) defines the setting of a heritage asset as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.” Historic England provide advice on the setting of heritage assets in their Good Practice in Planning Note 3 (2015), this identifies that the surroundings in which an asset is experienced may be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way which we experience an asset in its setting is also influenced by other factors such as noise, dust and vibrations from other land uses in the vicinity, and by our understanding of the historic relationship between places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance.
- 8.38. Historic England recommends undertaking a five step approach to assessing change in the setting of heritage assets. The first step is to identify which heritage assets and their settings are affected by the proposal. There is intervening built form between the application site and the grade II listed buildings in Barlestone, so these buildings are not visible from within the site nor is there any known key historic or other association. Views toward Osbaston from within the site are screened by a rise in slope which leads up towards Hut Spinney. There is no visual relationship or any known key historic or other association between the application site and the Osbaston Conservation Area and the two listed buildings located within it. There are also limited views from the centre of the site of the upper parts of the church spire of the grade II* listed Church of St Peter at Market Bosworth. As a result it is considered that the application site is located within the setting of the church and consequently the development proposal will affect this heritage asset only.
- 8.39. Step 2 is to assess the degree to which these settings make a contribution to the significance of the heritage asset or allow significance to be appreciated. The exterior of the Church of St. Peter largely dates from the early-14th century but with some earlier internal features. It has a west tower and recessed spire and is constructed of coursed and squared limestone with ashlar dressings. The overall significance of the church is principally derived from the architectural and historic

interest of the asset, which is embodied within the fabric of the church both internally and externally. The building demonstrates a high level of illustrative value, with the architecture demonstrating church building techniques and styles from the 14th century onwards. The clear aesthetic value of the church is apparent from both immediately adjacent within the church yard, but also within the wider landscape. This, in particular, contributes to its significance, with the scale, architectural features and materials all contributing to its aesthetics. There is also communal value which contributes to the overall significance of the church, derived from the role that the church has continuously played as a religious centre for the community from at least the 14th century through to the present day.

- 8.40. The immediate setting of the church is made up of the moderately sized church yard which surrounds it. The extended setting is relatively wide owing to the tall and visually prominent tower and spire and its ridge top location with the church spire being noticeable on the skyline from points within the surrounding landscape. This demonstrates the importance and influence of the church and therefore contributes to its value. The application site falls within the wider setting of the church. The relevant assessments provide evidence that the application site has been in agricultural use since the Early Medieval period so there is no apparent direct functional or historic connection between the site and the church. As identified above, however, due to the topography of the land and the scale of the church building with prominent spire, there is a limited visual connection between the church and the application site with the upper parts of the spire being visible when looking south-westwards from within and over the site. This glimpse demonstrates the importance of the church within the wider landscape, although due to the limited extent of the view the significance of the church can barely be appreciated. The application site is therefore only considered to allow for a negligible appreciation of the significance of the Church of St Peter. In addition the application site only form a small part of the wider landscape which surrounds the church, with this landscape allowing for views and an appreciation of the significance of the church from numerous vantage points.
- 8.41. Step 3 is to assess the effects of the proposed development, whether beneficial or harmful, on the significance of the church or on the ability to appreciate that significance. Access is the only matter for consideration as part of this application with all other matters reserved (appearance, landscaping, layout and scale). Details on these reserved matters are yet to be provided but it is likely that any current glimpses of the spire would be partially or completely lost by the proposed development. However, given that the application site only allows for a negligible appreciation of the significance of the church it is not considered that any reduction in these views from the site as a result of the proposed development would have an adverse impact on the church's significance.
- 8.42. The application site is considered to be located within the setting of the grade II* Church of St Peter in Market Bosworth only. Any reduction of views from the site to the church caused by the proposed development would not have an adverse impact on the significance of the church and the current negligible appreciation of its significance offered by the undeveloped nature of the application site. Therefore the proposal would be compatible with the significance of the listed building and its setting so it would comply with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 8.43. Step 4 in the Historic England assessment approach is to explore ways to maximise enhancement and avoid or minimise harm. Currently it is considered that the proposal will have no adverse impact on the significance of the church but at

reserved matters stage the applicant could give consideration to maintaining long distance views of the church from the application site by virtue of an appropriate layout. Step 5 relates to making and documenting the decision and monitoring outcomes. Such recommended good practice has been achieved by setting out the assessment stage of the decision-making process in an accessible way in the body of this report.

- 8.44. The proposal would therefore have a neutral impact upon the historic environment of Barlestone and therefore accords with DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and paragraphs 189 and 190 of the NPPF.

Affordable Housing, Housing Mix and Density

- 8.45. Policy 15 of the Core Strategy requires residential development in rural areas to provide 40% Affordable Housing with a tenure split of 75% affordable rented and 25% intermediate housing. The details submitted with this application would suggest that based upon the delivery of 176 dwellings were to be provided this would result in 105 market dwellings and 71 dwellings would be affordable, with a mix of 53 dwellings for social rent and 18 intermediate dwellings for shared ownership.
- 8.46. Policy 16 of the Core Strategy states that proposals for new residential development will be required to meet a minimum net density of a least 30 dwellings per hectare within key rural centres such as Barlestone. The Design and Access Statement confirms that the density of the housing contained within the development framework parameters is on average 35 dwellings per hectare. However, lower densities will occur on the edges, of the site, whilst higher densities will be located along the primary vehicular route and towards the existing settlement edge. This is considered an acceptable design approach to achieve a balance between efficient use of land, whilst assimilating with the character of the area.
- 8.47. The density of the site area overall would see a net density much lower than the anticipated 35dpa. However, this is considered acceptable, when the site provides for an extensive amount of accessible informal open space to the edges of the site, and also offsets the boundaries of the development from the surrounding hedgerows, hedgerow trees and surrounding countryside. The density of the area identified for built development is policy compliant.
- 8.48. Currently there are approximately 120 units of social rented housing in Barlestone, 63 of which belong to Hinckley and Bosworth Borough Council. These units consist of:
- 17 x 2 bedroomed bungalows
 - 4 x 1 bedroomed bungalows
 - 36 x 2 bedroomed houses
 - 35 x 3 bedroomed houses
 - 2 x 4 bedroomed houses and
 - 26 units of warden assisted accommodation.
- 8.49. On 3.10.19 the Council's Housing Register has 1088 applicants for Barlestone for the following property sizes:
- For 1 bedroomed properties 491 applicants
 - For 2 bedroomed properties 383 applicants
 - For 3 bedroomed properties 168 applicants
 - For 4 or more bedroomed properties 46 applicants.

- 8.50. There are 32 applicants on the housing register who indicate they have a connection to the parish of Barlestone. Of this number, 18 are waiting for 1 bed properties, 10 for 2 beds, and 4 for 3 beds. A housing mix condition shall be applied to the proposal so that the mix proposed at Reserved Matters is in accordance with the most up to date housing need assessment. The affordable housing should be spread evenly throughout the site in small clusters as set out in Key Policy Principle AH 3: Design and Layout in the Affordable Housing Supplementary Planning Document.
- 8.51. As this site is in the rural area, the section 106 agreement should contain a requirement for applicants in the first instance to have a local connection to Barlestone, with a cascade in the second instance for a connection to the Borough of Hinckley and Bosworth.
- 8.52. Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.

Impact upon neighbouring residential amenity

- 8.53. 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.
- 8.54. Objections have been received from local residents with regard to residential amenity by way of additional noise and traffic as well as loss of privacy and a view. The loss of view is not a material planning consideration, unless this amounts to visual harm that is of a magnitude warranting public rather than personal interest. However, in this instances it is not considered that this is likely, subject to appropriate scale and layout, this is also the case with regards to loss or privacy. Harm arising from pollution (including noise, dust and air quality is considered separately further in the report).
- 8.55. By virtue of the size of the site and subject to satisfactory layout, scale, design and landscaping which are matters reserved for future consideration, the indicative layout submitted demonstrates that the site could be developed for up to 176 dwellings with satisfactory separation distances without resulting in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring properties. Residential amenity for the future occupiers of the development is a matter that will be established through the submission of detail, however, there is no reason that this can not be achieved.
- 8.56. The proposal is therefore considered to be in accordance with Policy DM10 as the amenity of neighbouring occupiers of the proposed development would not be adversely affected to warrant refusal of the application.

Impact upon highway safety

- 8.57. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.58. Access is a matter for determination by this application and a detailed access plan has been provided. In addition to this, the proposal has been supported by the

submission of a Transport Assessment and Travel Plan that conclude the proposal would not have adverse impact upon the safe operation of the local highway network.

- 8.59. The detailed access plan illustrates a 5.5m carriageway extending into the site and that the existing 2m wide footway on the eastern side of Cunnery Close, to the northeast of the proposed access, will extend into the site to allow for pedestrian access. At its junction with Cunnery Close, an uncontrolled crossing, comprising dropped kerbs and tactile paving, will be provided. The access plan illustrates visibility splays of 2.4m x 43m, these being compliant with LHDG standards.
- 8.60. The dimensions suggested for the site access also ensure an allowance is made for the largest vehicles expected to regularly access the site, such as refuse collection vehicles, to do so in a safe manner without disruption to other road users and without over-designing. A swept path analysis has been carried out of the site access and is provided and an appendix to the Transport Assessment. LCC Highways have confirmed that they are satisfied with the design of the proposed access, including the footways, visibility splays and the demonstrated swept paths for larger vehicles.
- 8.61. Reserved Matters applications will specify sufficient parking, both in terms of numbers and dimensions, to comply with the relevant standards at the time of submission, as will the internal road layout.
- 8.62. A number of off-site highway improvements are detailed on a plan including additional parking spaces, formalisation of parking lay-bys, junction and footway protection and parking restrictions. These off site works were formed from discussions with the Parish Council. However, LCC Highways advise that it can only consider measures that are considered necessary to mitigate the direct impact of the development and that it cannot accept measures aimed at resolving existing or perceived situations within the village.

Transport Assessment

- 8.63. The submitted transport Assessment sets out that traffic counts were undertaken between 07:00 and 10:00 and 15:30 and 18:30 to ensure peak periods were observed, a survey of queue lengths at identified junctions was also undertaken. These surveys are used to ascertain the capacity of the access and surrounding junctions. Speed surveys were also undertaken, with the average speed along Cunnery Close found to be 21mph.
- 8.64. Accident Data was purchased from LCC for a 5km study area for a period of five years in total there were 17 accidents within the study area, 12 of which were slight injury accidents, 3 of which were serious and 2 fatal. The two fatal accidents occurring on the A447. LCC Highways have reviewed this data and would not seek to resist the proposals on the grounds of highway safety.
- 8.65. The Transport Assessment uses the TRICS database to determine traffic generation from the proposed development. The assessment identifies 91 trips in the AM peak and 96 trips in the PM peak. The trips have also been considered in a distribution summary, of how these will be distributed across the local highway network, considering the most likely trip destinations using previous census data. The greatest impact identified with regards to additional trips is upon the Cunnery Close/ Manor Road junction, with a 113.8% increase in trips in the am peak. Despite this increase, the junction capacity assessments with this trip generation considered show that the junction with development will still operate with a considerable amount of remaining capacity.

- 8.66. The most notable impact on capacity is upon the Barton Road arm of the A447/Barton Road/Lount Road junction, during the AM peak. LCC has noted however that the applicant has modelled Barton and Lount Roads as a single lane, but in reality there is a short flare which could accommodate at least one vehicle. When considering this in the modelling, the LHA consider that the junction would be operating within its capacity. As such, the LHA consider it could not justify requesting mitigation measures for this junction. All other junctions continue to operate with spare capacity. Therefore it is considered that the proposal would have a negligible impact upon the capacity of the local highway network and LCC are satisfied with the Applicant's junction capacity assessments and that junctions within the vicinity of the site will not be severely affected by the additional development traffic in accordance with National Planning Policy Framework (NPPF).
- 8.67. The Transport Assessment takes in to account the preferred maximum walking distances to services of 1200m, table 5.2 of the assessment shows that the site is within the maximum walking distance of most of the services available in Barlestone, including bus stops meaning walking is a realistic method of traveling indicating the sties location is accessible via this sustainable mode. The assessment also takes account of acceptable cycle distances and the services that are available within those distances. It is demonstrated that there are a number of areas accessible by bike providing additional services, including Market Bosworth and Ibstock.
- 8.68. The 153 and 159 bus services both provide an hourly service from Monday to Saturday and enable passengers to commute to and from various destinations including Leicester, Hinckley, Barwell, Market Bosworth, Coalville, Ellistown and Desford. The first services to Leicester which takes 45mins, leaves Barlestone at 06:08am, the first service to Hinckley which takes 35mins leaves at 6:45.

Travel Plan

- 8.69. A Travel Plan has been submitted with the application that Sets targets for the reduction of car or van driver trips by between 5 and 10%, Indicates potential measures that can be implemented to achieve these targets; and provides details of how the TP will be managed, monitored and reviewed, LCC confirm that the Travel Plan is acceptable.
- 8.70. Therefore, the Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with Policy DM17 of the SADMP or paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and planning obligations outlined in this report.

Flooding and Drainage

- 8.71. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. A Flood Risk Assessment has been submitted with the application in accordance with paragraph 163 of the NPPF.
- 8.72. The site is located within Flood Zone 1 being at low risk of fluvial flooding and therefore passes the Sequential Test and does not require the Exception Test to be undertaken. However, the western and eastern parts of the site are at low risk of surface water flooding, there is a watercourse along this boundary, this watercourse flows from north-west to south-east, it is culverted under Bosworth Road. The

watercourse is not designated as an Environment Agency Main River and so is classified as an Ordinary Watercourse.

- 8.73. A number of objections note that some surface water flooding occurs around once a year along Bosworth Road. The FRA notes this area of pluvial flooding located along the eastern boundary of the site, stating that this flow path originates on site and as such any precipitation falling on the development area will be captured and managed within the surface water drainage system as to not exacerbate this issue. However, the FRA also notes that water is stagnated in this area and that it may be that the culvert is blocked.
- 8.74. The SuDS strategy proposed for this site includes the use of an attenuation basin to which surface water runoff from the site will be conveyed towards in surface water pipes and swales. This strategy shows feasibility that the site can be drained; however, at detailed design, inclusion of further SuDS elements could be considered. Albeit, underlying geology has been shown to not be suitable for a drainage strategy based solely on infiltration based SuDS. Discharge from the site is proposed to be restricted to pre-development Greenfield runoff rates as not to increase the flood risk to the surrounding area or to exacerbate flooding downstream from the development. Discharge will be into an existing ditch along the southern boundary ditch to provide connectivity to the watercourse to the south of the site. This is considered as the most appropriate surface water drainage solution.
- 8.75. The Lead Local Flood Authority notes that the Indicative Surface Water Drainage Strategy drawing shows the proposed attenuation basin to be within close proximity to the assumed line of a Severn Trent Water surface water sewer. The LLFA raise no objection to the proposal subject to conditions requiring the submission of a surface water drainage strategy which will require full construction detail. It is recommended in the FRA that finished floor levels should be set at or above the existing ground levels to not increase the risk of flooding to the properties. This can be conditioned.
- 8.76. Severn Trent Water commented on the proposal with regards to the proposed strategy for dealing with foul water. The proposal is a pumped solution which STW suggested would need a modelling assessment to determine the impact of flows from the site on the network. However, they have suggested a note to applicant is sufficient as the developer is required under separate legislation to provide suitable connections for foul water. Severn Trent Water has no comment to make on the discharge of surface water to the water course.
- 8.77. The Lead Local Flood Authority and HBBC Drainage have no objection to the proposals put forward for dealing with surface water drainage, subject to conditions. Therefore the proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk.

Ecology

- 8.78. 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.
- 8.79. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.

- 8.80. 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.
- 8.81. An Ecology Appraisal (FPCR, June 2019) was submitted in support of the application and was found to be satisfactory by LCC (Ecology). The site itself is of low ecological value being an arable field with no evidence of protected species noted on site and the site was generally considered to have a low potential to support protected species. However it was noted that some of the boundary trees and hedgerows are of more interest and had the potential for bat roosting, therefore a Bat Survey was submitted in support of the application. LCC Ecology, recommend that the development is carried out in accordance with the recommendations contained within the survey and lighting conditions will be added to minimise disruption to foraging areas. Further to this ponds are present nearby that could be potential habitat for Great Crested Newts, although these were not surveyed a working methodology was provided within the ecological report at section 5.45 to 5.56 to minimise any potential impact upon GCN, compliance with this working method should be conditioned. LCC Ecology also requests a buffer between the existing ecological features, including the hedgerows woodland and stream and the proposed development in the interest of ecological preservation.
- 8.82. The proposal does include areas of opportunity for net gain in biodiversity, of particular note is the SUDs features that should be designed for biodiversity and there is opportunity to the south of the site for species-rich grassland to be created. It should also be noted that only native species should be used in the landscaping scheme.
- 8.83. The tree survey and retention plan provided with the application show that the existing hedgerows and trees are to be retained.
- 8.84. Overall, the impact of the proposed development on protected species is accordance with Policy DM6 of the SADMP DPD and the general principles of the NPPF.

Pollution

- 8.85. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.86. An air quality Assessment was provided with the application, this was based on the figures from the Transport Assessment. These figures were amended at the request of LCC Highways. The Air Quality Assessment was not amended, however, given the overall air quality found in the area, the changes were not so significant that this is considered necessary. There are not necessary air quality conditions or mitigation required.
- 8.87. Given the previous agricultural use of the land contaminated land conditions are suggested by HBBC EHO, it is considered that these conditions meet the six tests and are therefore appropriate.
- 8.88. The initial noise survey that was submitted did not take in to account the impact upon No.2 Cunnery Close, the closest neighbour to the proposed access. Further to this, concern was raised for both the internal and external noise levels and it was suggested that if this was not demonstrated mitigation via condition would be required, such as the use of mechanical ventilation. The noise consultant prepared

a response to EHO, providing further detail. This set out that impact upon No.2 was taken in to account and noise exposure to this property from road traffic noise (resulting from additional traffic generated by the development) met British Standards and overall noise impacts are not overly onerous and mitigation is not likely to therefore be required. However, the response confirms that as the final layout is unknown it can not be demonstrated that internal and external 'desirable' noise levels are achieved to all plots. Thus a condition will be required that further noise surveys are submitted with the layout reserved matters application. HBBC EHO do not object to this approach and suggested relevant conditions that are considered to meet the six tests of conditions.

- 8.89. A number of objections raised noise, dust and vibration concerns for during the construction phase. However, HBBC EHO have requested a condition to control the hours of construction to hours that are considered acceptable and the external noise levels that shall not be exceeded during those hours. Further to this a construction environmental plan is requested to detail how impact from dust, odour, noise, smoke, light and land contamination will be managed during the construction phase.

Archaeology

- 8.90. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.91. LCC (Archaeology) state that the Leicestershire and Rutland Historic Environment Record indicate that the proposed developed site has a potential for the presence of archaeological remains. A desk based assessment has been submitted with the application, however, the conclusions are not supported by LCC. The preliminary methodology is agreed to however further trial trenching is required. The low level of trial trenching carried out in relation to previous schemes is not a satisfactory assessment of the archaeological potential of the development area proposed. Therefore, a condition is required to ensure satisfactory investigation is carried out.
- 8.92. The Geophysical survey failed to pick up a number of modern feature on the site, it is therefore highly unlikely to have picked up shallow features of geological interest. Trial trenching previously conducted around the site (for previous applications) found additional remains not picked up by the survey completed at that time, and subsequently re-submitted with this application.
- 8.93. The pre-commencement conditions are therefore considered to meet the six tests of conditions and should be applied as requested. With the application of such conditions it is considered that the proposal would comply with the requirements of DM13 of the SADMP.

Infrastructure Contributions

- 8.94. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.95. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (As Amended) (CIL) and paragraph 56 of the Framework. The CIL Regulations and NPPF confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Affordable Housing

- 8.96. The developer will be obligated to provide 40% affordable housing, with a tenure split of 75% affordable rented and 25% intermediate (shared ownership).
- 8.97. This obligation is considered necessary as the provision of affordable housing is required for compliance with Policy 15 of the Core Strategy. This policy is consistent with Section 5 of the NPPF which seeks to deliver a sufficient supply of homes, to meet the needs of different groups within the community including those requiring affordable housing. Policy 15 seeks to provide affordable housing as a percentage of dwellings provided on site, therefore the obligation directly relates to the proposed development. The level of affordable housing represents the policy compliant position. The required (by condition) affordable housing mix is based on the most recent housing need assessment for Barlestone, and will be required to be delivered on a cascade approach with residents with a connection to Barlestone. Therefore the obligation is directly related to the proposed development. The extent of the affordable housing obligation is directly related in scale and kind to the development as it represents a policy compliant position, expected by all development of this typology. No issues of viability have been raised with this scheme.

Play and Open Space

- 8.98. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In line with the up to date standards identified in the 2016 study the table below identified the requirements for open space, which is provided on site and what would be the requirements off site.

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 176 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Equipped Children's Play Space	3.6	633.6	0	633.6
Casual/Informal Play Spaces	16.8	2956.8	24,400	0
Outdoor Sports Provision	38.4	6758.4	0	6758.4
Accessibility Natural Green Space	40	7040	0	7040

- 8.99. The nearest existing off site public open space is located off Bosworth Road BARL10 with a quality score of 78% and Cunnery Close BARL04 with a score of 69%. Bosworth Road Park provides Children's play equipment, Outdoor Sport Facilities and provisions for young people. The open space off Cunnery Close is

incidental amenity green space, providing no formal equipment or provision, it is laid to grass.

- 8.100. In accordance with the Open Space and Recreation Study (2016) the number of dwellings proposed requires a Local Area of Play (LAP) to be provided on site. The submitted Development Framework indicates the provision of a LAP centrally located within the site, this has been confirmed as being 0.16ha in size, which is appropriate for a LAP, however a 5m buffer to residential properties will be required. The study also requires the provision of a Locally Equipped Area for Play (LEAP) on site, however, given the proximity of the development to BARL10, it is not considered appropriate or necessary to provide more equipped play on site. However, a contribution towards this POS will be requested to address the quality score deficit of this open space, the target for which is 80%. Furthermore, the recommended walking distances from dwellings to LEAPs is 400m, which all of the proposed dwellings would be within of BARL10. However, not all of the properties, specifically those within the south west corner will be within 100m of a LAP, therefore the proposal on site is acceptable in addressing the local needs of the area.
- 8.101. The site is providing substantially more casual informal play space around the edges of the site and to the east, than is required by policy. This provision contains a footpath network connecting to existing footpath routes and potentially through to the adjacent playing fields off Bosworth Road. The area to the east does also include a SUDs feature, although despite this, there is still a large amount of accessible usable space.
- 8.102. To ensure this development provides sufficient open space in accordance with Policy 19 of the Core Strategy this contribution is considered necessary and directly related and fairly and reasonably related in scale and kind to the development proposed and therefore meets the CIL tests. The monetary contributions are set out below.

	On site maintenance (20 years)	Off site provision	Off site maintenance (10 years)	Total
Equipped Children's Play Space	/	£115,270.85	£55,630.08	£170,900.93
Casual/Informal Play Spaces	£263,520.00	/	/	£263,520.00
Outdoor Sports Provision	/	£61,163.52	£29,061.12	£90,224.64
Accessibility Natural Green Space	/	£28,793.60	£49,984.00	£78,777.6
			Overall Total	£603,423.17

- 8.103. As the application is submitted in outline format the formula in The Open Space and Recreation Study (2016) can be used to calculate the contribution required as a percentage for each unit provided.
- 8.104. The developer will also be obligated to provide and then transfer the on-site open space area to a management company, together with a maintenance contribution or, in the alternative, requesting that either the Borough Council or the Parish Council maintain it. In the latter eventuality, the open space area would be transferred to the relevant authority together with a maintenance contribution.

- 8.105. The provision of Play and Open Space is required for compliance with Policies 11 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core Strategy Policy 11 requires development in Barlestone to address existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces. The indicative only layout of the proposed development suggests the provision of open space around the site to include a LAP and informal space. Using the adopted Open Space and Recreation Study (2016) the closest public open spaces to the proposed site fall below the quality scores set by the Open Space and Recreation Study and therefore the obligations and contributions directly relate to the proposed development. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

Highways

- 8.106. LCC (Highways) have requested a number of contributions to promote and encourage sustainable travel these include; Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. These can be provided through Leicestershire County Council at a cost of £52.85 per pack. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass. It is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate. A sustainable transport scheme monitoring fee of £6,000.
- 8.107. There are services in Barlestone creating a sustainable community such as early years provision, primary school, shop, doctors, post office, community centre, public house and sports pitches and play areas which are within walking distance of the proposal and do meet the day to day needs of residents. However, given the lack of employment, secondary school, library and other services residents are likely to access (supermarket etc.) it is considered the bus pass and travel pack contributions are necessary. The bus passes and travel packs will be provided to the residents of the development and therefore they directly relate to the mitigating impact of new residents. The travel pack contribution covers the cost of the preparation and distribution of the packs and the buss pass is an optional service that there may not be a 100% take up of, therefore the contributions are reasonable and fair in scale and kind. The changes to the CIL regulations in 2019 provide for monitoring fees under regulation 122(a) as long as it reasonably relates in scale and kind, the sum of £6,000 is considered reasonable to monitor the sustainable transport scheme for the lifetime of the development, given the scale of the development it is reasonable to expect monitoring of this to expand over a number of years.

NHS West Leicestershire CCG - Health Care

- 8.108. The West Leicestershire CCG has requested a contribution of £89,127.72 towards addressing the deficiencies in services at Newbold and Desford Surgeries, which are the closest available GP practices to the development. The practices have seen significant growth due to housing development within their practice areas over the past 5 years, which is impacting on their capacity and resilience. An increase of 426 patients will significantly impact on patient demand in the area.
- 8.109. The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgeries, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local Desford and Newbold Surgeries, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity or otherwise of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore the contribution fairly relates in scale and kinds to the development proposed.
- 8.110. This request was considered by an inspector at inquiry APP/K2420/W/19/3235401, where it was found that there was insufficient evidence to support the contributions being sought.

Education

- 8.111. LCC Children and Family Services have requested a contribution towards education, based on a formula using the average cost per pupil place, against the anticipated likely generation of additional school places from the proposed development. Capacity at the nearest schools to the proposal for each sector of education (early years, primary, secondary and SEN) is then considered and it is determined whether the proposal would create demands upon these services. The total contribution is £1,408,133.34.
- 8.112. The contribution towards addressing the impact of the development upon education is required for compliance with Policy DM3 of the adopted SADMP and addressed the impacts of the development on essential infrastructure within the local area. This helps to meet the overarching social objectives within the NPPF helping to contribute to sustainable development, thus is necessary. The contribution is calculated by attributing a monetary value to the number of additional pupil places generated directly from the development and then requesting the money towards each sector of the education sector where there is an identified deficit of places, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to all developments of this typology across the county and has only been requested where there is an identified deficit of places. Therefore the contribution relates fairly and reasonably in scale and kind.

Civic Amenity

- 8.113. LCC Waste Management requested a contribution of £8,717.00 towards Barwell Household Waste Recycling Centre. It is calculated that the proposed development would generate an additional 1.054 tonnes per annum of waste and the contribution

is to maintain level of services and capacity for the residents of the proposed development.

- 8.114. This contribution is necessary in meeting Policy DM3 of the SADMP and achieving the environmental objectives of the Framework in ensuring this facility can continue to efficiently and sustainably manage waste. The contribution directly relates the proposal as the contribution is calculated from the tonnage of waste the development is likely to generate and is directed towards the nearest facility to the proposal. The contribution fairly relates in scale and kind as the contribution is requested using a formula applied to developments of the scale and typology across the County.

Libraries

- 8.115. LCC Library services have requested a sum of £5,310 towards provision of additional recourses at Market Bosworth and Newbold Verdon Libraries, which are the nearest libraries to the development. However, there is question over the use of Market Bosworth library which is located within the grounds of a school. Newbold Verdon Library is a purpose built library and therefore it is considered that residents of the development are more likely to access this service, especially given its proximity to Barlestone. Therefore the s.106 should direct the contribution towards this service.

University Hospital Leicester (UHL)

- 8.116. UHL have requested a contribution to address NHS revenue shortfalls for acute and planned treatment. This is by way of a monetary contribution of £62,483.00 towards the 12 month gap in the funding in respect of A &E and planned care at the University Hospital, Leicester.
- 8.117. It is not considered that the payments to make up funding which is intended to be provided through national taxation can lawfully be made subject to a valid S106 obligation, and such payments must serve a planning purpose and have a substantial connection to the development and not be merely marginal or trivial. Notwithstanding the above, the legal requirements of reg. 122(2) of the CIL Regulations 2010 (as amended) are also not satisfied due to the quality of information submitted by UHL to date. The contribution is not necessary, when funding for this type of NHS care is intended to be provided through national taxation. UHL is unable to demonstrate that the burden on services arises directly from the development proposed, opposed to a failure in the funding mechanisms for care and treatment. The request made is to meet a funding gap over the forthcoming 12 month period and is requested on commencement of development, consideration should be given as to whether it is likely that this development is likely to be built out and occupied by residents from outside of the existing trust area within 12 months, and therefore be the source of burden on services as calculated. UHL has not demonstrated through evidence that the burden on services arises fairly from the assessment of genuine new residents likely to occupy the dwellings. Further to this there are issues with the data and methodology used by UHL for example the inflated population projections compared to those used by Leicestershire Authorities when calculating housing need, or the failure to address funding needs from housing projections set out in the Joint Strategic Needs Assessment and Joint Health Wellbeing Strategy referred to in their request, therefor it has not been demonstrated that the request fairly and reasonable relates in scale and kind to the development proposed.
- 8.118. This request is therefore not considered to meet the test of the CIL Regulations.

Other Matters

- 8.119. Some of the objections raise concern with a lack of minerals survey of the site. However, LCC (Minerals) have confirmed that they do not object to the proposal and a minerals assessment is not required.
- 8.120. HBBC (Street Scene Services) have requested a condition to detail the waste collection and recycling strategy of the site, it is considered that this is an appropriate condition that meets the tests.
- 8.121. There are no formal Public Rights of Way that require diversion as a result of the proposed development.
- 8.122. The site does not fall within a development high risk reporting zone and therefore a coal mining report is not required.

9. Planning Balance

- 9.1 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.
- 9.2. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 9.3. The proposal would be in conflict with Core Strategy Policy 7 and 11 and Policy DM4 and DM10 of the SADMP. These policies are consistent with the Framework and are afforded significant weight. The proposal, whilst involving development on open land, has been found to have a moderate impact on the landscape character of the area and minor impact on the wider landscape character. There are also some minor adverse visual impacts identified, so there is some conflict with Policy DM4 and DM10 of the SADMP.
- 9.4 Weighed against this conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 176 houses (including up to 71 affordable homes). These additional houses and affordable houses have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area.
- 9.5 The proposal would result in the loss of agricultural land, using mapping available the land is identified as grade 3 Best and Most Versatile Land. Therefore, this does add to the value of the landscape, although given that the land is grade 3 and not 2 or greater and there is other agricultural land around Barlestone, it is not considered this has significant weight in the planning balance.
- 9.6 Barlestone is an identified Neighbourhood Plan Area; however, given the early stages that the preparation of the plan is at, this has very limited weight in the planning balance.
- 9.7 There is a previous refusal of planning permission issued by the Council that incorporates the application site. The reason for refusal identified conflict with the strategic development plan policies Core Strategy 7 and 11 and SADMP Policy DM4. Conflict with the spatial distribution of growth has been identified with this

current application. Further to this, harm has also been identified to the character of the countryside, consistent with the previous reason for refusal. However, unlike the previous refusal, this application is being considered under a tilted balance, and regard is given to the fact the Council can not currently demonstrate a 5 year land supply. This is a material consideration that tilts the balance with regards to the presumption in favour of development. In addition to this, the development parameters have been significantly reduced from those previously considered.

- 9.8 Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably out weigh the benefits of the scheme. It is therefore important to identify any further benefits. Following the three strands of sustainability the benefits are broken down into economic, social and environmental.
- 9.9 The proposal would result in economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 9.10 As discussed the proposal could deliver up to 176 dwellings, of which 40% would be affordable. This would result in a significant social benefit to the area and also to the borough. The proposal would also involve the provision of an area of public open space (POS), which is greater in size than the policy compliant position. The POS would be connected to existing pedestrian footpaths and potentially the adjacent playing fields, providing a benefit to the wider area.
- 9.11 Some environmental benefits would be provided such as additional planting through landscaping in the provision of open space. Additionally there would be some benefit for biodiversity associated with the reinforcement and new planting of hedgerow and trees around the site and the provision of SUDS which can be designed to include benefits to biodiversity, secured via condition.
- 9.12 It has been concluded that there would be minor to moderate harm to the character of the area caused by the landscape and visual impact built development in this location would have on the open character of the countryside which provides a rural setting to Barlestone. The proposal would extend development beyond the settlement boundary of Barlestone and it is considered that the proposal would result in harm to the character and appearance of the area in conflict with Policy DM4 and DM10 of the SADMP DPD.
- 9.13 Whilst there is conflict with the strategic policies of the Development Plan only moderate localised landscape harm has been identified, it is considered on balance that the harm does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.

10. Equality Implications

- 10.1. 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.
- 10.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 10.3. There are no known equality implications arising directly from this development.
- 10.4. 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).
- 11. Conclusion**
- 11.1. 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.
- 11.2. The proposal, subject to conditions, is in accordance with Core Strategy Policies 15, 16 and 19 and Policies DM3, DM6, DM7, DM13, DM17 and DM18 of the SADMP.
- 11.3. An assessment against the historic assets within the vicinity finds that the proposal would have a neutral impact upon the historic environment of Barlestone and therefore accords with DM11 and DM12 of the SADMP and paragraphs 189 and 190 of the NPPF.
- 11.4. The housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date and the Council cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.5. The proposal would be in conflict with Policy 7 and 11 of the Core Strategy, DM4 and DM10 of the SADMP. These policies are in accordance with the Framework and have significant weight. The proposal, whilst involving development on open land, has been found to have a moderate adverse localised impact on the character of the area and so there is some conflict with Policy DM4 and DM10 of the SADMP.
- 11.6. Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 176 houses (including up to 70 affordable homes). These additional houses and affordable housing have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area.
- 11.7. As such, although there is clear conflict with strategic Policies 7 and 11 of the Core Strategy and DM4 and DM10 of the adopted SADMP, there has only been moderate harm found.
- 11.8. On balance it is considered 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 when assessed against the Framework as a whole. 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 the conditions and planning obligations listed above.

12. Recommendation

12.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 40% Affordable Housing, 75% affordable rented and 25% shared ownership
 - £603,423.17 Play and Open Space
 - 0.16ha Local Area of Play
 - Travel packs (£52.85 per pack)
 - Bus Passes (£360.00 per pass)
 - £6000 Sustainable Travel monitoring fee
 - £1,408,133.34 Education
 - £5,310 Libraries
 - £8,717.00 Civic Amenities
 - £89,127.72 Health Care Provision (GP Practices)
- Planning conditions outlined at the end of this report.

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

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

12.4. Conditions and Reasons

1. Application for the approval of reserved matters shall be made within 18 months from the date of this permission and the development shall be begun not later than one year from the date of approval of the last of the reserved matters to be approved.

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

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

d) scale of each building proposed in relation to its surroundings

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

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

3. Prior to the commencement of development a scheme which details the proposed market housing mix for the development, this should be in accordance with the Council's adopted Development Plan. The development shall then be completed in accordance with the approved details.

Reason: To ensure an appropriate housing mix to meet the housing needs of the locality is provided in accordance with Policy 16 of the Core Strategy 2009.

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

a) Site Location Plan 8867-L-01 received 10 September 2019

b) Proposed Access Strategy P19021-001B received 10 September 2019

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

5. The development hereby permitted shall be implemented in general accordance with the Development Framework Plan 8867-L-03G received by the Council 10th September 2019.

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

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Prime drawing number P19021-001B 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 the National Planning Policy Framework (2019).

7. The Travel Plan reference P19021 shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework and Policy DM17 of the SADMP

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

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

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

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

10. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

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

11. Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the guideline values for indoor ambient noise levels identified by BS 8233 2014 – Guidance on Sound insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority.

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

12. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. 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 ensure that the proposed use does not become a course of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016)

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

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

14. No development shall take place until details on an acoustic fence to the boundary of the access and No.2 Cunnery Close, on land within the application boundary, has been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved shall be occupied until the acoustic fence has been erected in accordance with the approved details.

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

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

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

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

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

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

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

18. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

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

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

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

20. No development shall take place/commence until a programme of archaeological work, comprising further post-determination trial trenching, specific metal-detecting and as necessary targeted archaeological investigation. The full programme and timetable will be detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site survey, investigation and recording (including assessment of results and preparation of an appropriate mitigation scheme)
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis, interpretation and presentation of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works, with particular reference to the metal detecting survey, as set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the Written Scheme of Investigation approved through condition.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

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

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

22. 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).

23. All landscape planting used within the informal/semi-natural open space and adjacent to the boundaries of the site shall be locally native species only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory landscaping scheme in the interests of Ecology in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

24. The layout submitted at Reserved Matters shall provide a natural vegetation buffer zone of at least 5m alongside all retained hedgerows and at least 10m alongside the woodland and stream adjacent to the side boundaries.

Reason: To ensure that the development has a satisfactory landscaping scheme in the interests of Ecology in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

25. No development shall commence on site until a Biodiversity Management Plan for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed, has been submitted to the local planning authority for their approval in writing. The submitted plan shall include all retained and created habitats including SUDs and all landscaping to informal play space and natural open space should be comprised of native species wildflower grassland. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the SADMP

26. Prior to the commencement of development details of external lighting shall be 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). Light spill onto retained hedgerows and the brook corridor shall be minimised to a value of 1lux or lower at the edge of habitats. 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, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

27. The development shall be carried out in full accordance with the working methodology, specified in the ecological appraisal (FPCR, June 2019) received 10 September 2019.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

28. Upon occupation of each individual residential property on the development, residents shall be provided with a 'Waste Minimisation and Recycling Pack'. The details of this Pack shall be first agreed in writing by the Local Planning Authority (in consultation with Leicestershire County Council) and shall provide information to residents about sustainable waste management behaviours. As a minimum, the Pack shall contain the following:

- Measures to prevent waste generation
- Information on local services in relation to the reuse of domestic items
- Information on home composting, incentivising the use of a compost bin and/or food waste digester
- Household Waste Recycling Centre location, opening hours and facilities available
- Collection days for recycling services
- Information on items that can be recycled

Reason: In accordance with the National Planning Policy for Waste (2014).

12.5. Notes to Applicant

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to

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

2. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
3. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
4. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
5. In relation to condition 16 and 17; 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.
6. With reference to condition 18 The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pervious paving details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
7. With reference to condition 19 Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
8. With reference to condition 20 details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be

adopted by a third party and will remain outside of individual householder ownership.

9. With reference to condition 21 the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

10. Attention is drawn to the contents of the attached advice note provided by The Coal Authority.
11. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not built close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. Should you require any further information please contact us on 02477716843 or Planning.APEast@severntrent.co.uk.
12. It is necessary, when carrying out works to tree(s) to be aware of the Wildlife and Countryside Act, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.

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**Planning Committee 7 January 2020
Report of the Planning Manager**

Planning Ref: 19/00496/FUL

Applicant: Mr J Singh

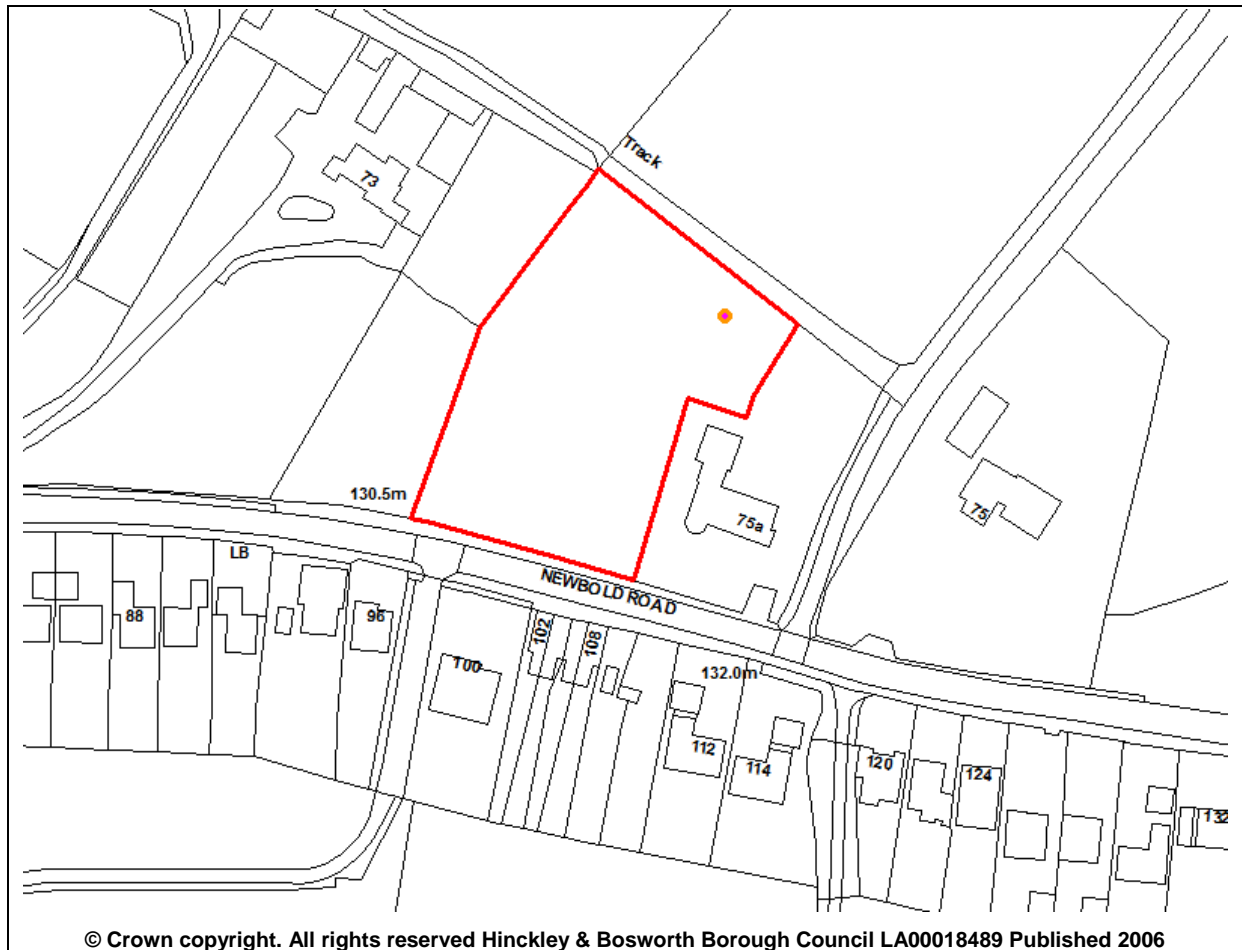
Ward: Barlestone Nailstone And Osbaston

Site: 75A Newbold Road Barlestone

Proposal: Erection of 8 dwellings and associated access



Hinckley & Bosworth
Borough Council



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

2.1. This application seeks full planning permission for the erection of 8, two storey detached dwellings each with 4 bedrooms.

2.2. There is a single proposed access point from Newbold Road, between two mature TPO trees, which are to be retained. Each property benefits from off street parking, garaging and front and rear gardens. The layout is formed of 3 properties fronting Newbold Road, Plot 1-3, which are slightly set back from the street, with plot 4 set

beyond this, central to the site facing west on to the internal road that returns back in to the site providing a frontage to 4 dwellings, plot 5-8, situated along the northern boundary. A turning head is provided to the end of the cul-de-sac.

- 2.3. The application is supported by a Landscape Plan an Arboricultural Impact Statement and a Hard Surface Method Statement to demonstrate that the access into the site will allow for the retention of trees along the boundary. An Ecological Assessment (including Protected Species) has been undertaken to identify any potential ecological constraints.

3. Description of the Site and Surrounding Area

- 3.1. The site is 0.41ha, located on the north side of Newbold Road within the settlement boundary of Barlestone. The site currently forms part of 75A Newbold Road which is a detached bungalow situated to the east of a primarily soft landscaped garden with a central pond area and mature tree planting. There are no buildings/structures on site.
- 3.2. The boundary adjacent to the highway is defined by hedgerows sat behind timber rail fencing with a belt of mature trees, which are protected by a County Tree Preservation Order (73/00001/TPORD).
- 3.3. Along Newbold Road, in the immediate area, there are residential properties with varied architectural style. This ranges from a row of Victorian terraced properties, modern built detached and semi-detached houses and some bungalows. Newbold Road is defined by ribbon development and tree lined road, leading to the centre of the village.
- 3.4. There are no properties within the immediate area that are listed buildings nor is the site within or near a conservation area.

4. Relevant Planning History

00/00632/FUL	Erection of three bungalows	Refused	11.10.2000
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5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. 12 letters of objection have been received from 12 separate addresses, the comments are summarised below:
- 1) Access on to main road would be unsafe, Newbold Road already experiences speeding;
 - 2) Parked cars on road opposite proposed access already cause an obstruction;
 - 3) There is no pavement on this side of the road, which would be a hazard for residents. Footpath on opposite side of the road is steep and dangerous;
 - 4) Loss of trees would affect drainage;
 - 5) Cottages opposite have flooded in the past;
 - 6) No demand for this type of housing in the village;
 - 7) Out of character with the area and site is over developed;
 - 8) Permission for housing already granted further up the road, which has a negative impact upon neighbours;
 - 9) Permission for three bungalows has already been refused on the site;
 - 10) TPO trees at risk of damage;
 - 11) Likely increase in parking on main road and lack of parking for visitors, garages would not be used for parking;

- 12) No SUDs have been proposed, the existing pond is not lined and its removal would cause flooding issues;
- 13) Sewers can not cope with additional run off;
- 14) Previously found unsuitable for allocation in the SHLAA;
- 15) Boundary treatments are already being erected and trees already removed;
- 16) There are two commercial small holdings less than 30m from the site;
- 17) There have been accidents outside of the planned properties, including a fatality;
- 18) The access is not wide enough for a bin lorry to enter and turn;
- 19) Landscaped area to front would be used for parking, which would lead to damage of the TPO trees;
- 20) Barlestone's housing allocation has already been met;

6. Consultation

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

- HBBC (Pollution)
- HBBC (Waste)
- HBBC (Drainage)
- LCC (Archaeology)
- LCC (Ecology)
- Severn Trent Water
- LCC (Tree Officer)
- Lead Local Flood Authority

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- Policy 15: Affordable Housing
- Policy 16: Housing Density, mix and design

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

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

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)
- 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 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 states that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.3. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Barlestone is identified as a Key Rural Centre within Policy 7 and 11 of the Core Strategy. To support Barlestone's role as a Key Rural Centre, Policy 11 allocated a minimum of 40 new homes in Barlestone.
- 8.4. Since the adoption of the Site Allocations and Development Management Policies (2016) DPD which allocated sites in Barlestone in accordance with the Core Strategy only BARL03 has been delivered, providing 8 dwellings, no other allocations have come forward. Barlestone has seen little growth, with only 17 dwellings being completed since the adoption of the Core Strategy and has not yet met its housing need for the current plan period.
- 8.5. In addition to the above, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure and the Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by MHCLG. Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.6. Given that the proposal is within the settlement boundary of Barlestone, a Key Rural Centre, and the housing allocation is expressed as a minimum, the proposal is in principle acceptable, subject to all other material considerations being satisfactorily addressed.
- 8.7. Barlestone is designated as a Neighbourhood Area, however it is yet to submit a Neighbourhood Development Plan to the Council, therefore this currently holds very limited weight in the decision making process.

Affordable Housing, Housing Mix and Density

- 8.8. Policy 15 of the Core Strategy requires residential development in rural areas to provide 40% Affordable Housing on developments of 4 or more dwellings, with a tenure split of 75% affordable rented and 25% intermediate.
- 8.9. Policy 16 of the Core Strategy states that proposals for new residential development will be required to meet a minimum net density of a least 30 dwellings per hectare within key rural centres such as Barlestone. However, this policy also sets out where individual site characteristic dictate and are justified, a lower density may be acceptable. Policy 16 also requires a mix of house types and tenure on developments of more than 10.
- 8.10. The application proposes 8 large 4 bedroom detached properties. The density requirements set out in Policy 16 would require 14 dwellings to be provided on a

site of this size. Clearly the proposal is in conflict with this policy as the site provides 8 dwellings. However, Policy 16 does state that a lower density may be acceptable where individual site characteristics dictate. In this instance the site is on the edge of Barlestone, in an area characterised by ribbon development creating a transition between the built up area and the wider countryside. This side of Newbold Road is characterised by a lower density built development, some of which is set back from the highway and screened by mature planting. This site is situated between the existing bungalow on the site and No.73 which is set much further back from the highway, both of these dwellings are set within large plots. It is considered that a lower density in this instance is acceptable and would better reflect the character of the immediate area rather than a dense proposal. Further to this, the requirement of this policy to provide a mix of house types and tenures is not triggered as the proposal is for 8 units, not exceeding the 10 set out in the policy, therefore the 8, 4 bedroom detached properties is acceptable in this regard.

- 8.11. The Core Strategy requires development in the rural area of 4 or more dwellings to provide 40% affordable housing, this has been superseded by the provisions of the Planning Practice Guidance which states that Authorities should only seek affordable housing contributions for residential developments which are major developments, defined in the NPPF as developments where 10 or more homes will be provided or the site has an area of 0.5 hectares or more. Neither of these criteria applies in this case and no affordable housing contribution is therefore required.
- 8.12. It is considered that the proposal provides for an acceptable housing mix and density and is not required to provide any affordable housing in accordance with Policies 15 and 16 of the Core Strategy (2009).

Design and impact upon the character of the area

- 8.13. 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.
- 8.14. Development on this side of the road is more sporadic than the other side of the road, the layout of the proposal and the screening provided by mature trees to the front of the site, would mean that from the street scene 3 large plots would be visible, with the development in depth not being overtly present. There are other examples along Newbold Road of large modern detached properties set back from the adopted highway by a shared access. Plots 2 and 3 are handed to one another, as are 5 and 6, 7 and 8, therefore adding interest to the street scene. Plot 4 is set on the return, not fronting Newbold Road, although plot 4 appears isolated in plan form, the dual frontage of plot 3 gives an active frontage to this return, therefore plot 4 would not appear isolated from within the development and would maintain an active street scene that would form a strong character. Plot 4 also prevents the access that runs along this site boundary from being characterised by an expanse of boundary treatments and offers a more attractive development that maximises natural surveillance. Overall it is considered the layout and density would not adversely impact the character of the surrounding area.
- 8.15. Each of the 8 dwellings is similarly designed, they are all two storey in scale with a ridge height of around 8.2m from ground level. Each of the dwellings proposes a dual gable frontage with a pitched roof, attached single storey garage, single height bay window and recessed porch with a mono-pitch roof above. Each dwelling has front and rear amenity space and off street parking. The proposed materials are facing brick and tiled roofs, the details of which should be agreed by condition. Overall, the design and scale of the dwellings responds to the character of the area.

- 8.16. A landscaping plan has been provided with the application which details the proposed soft landscaping scheme. Plots 1 to 3 are set back from the highway, with the proposed shared access severing the front amenity areas from some further grass and bulb planting, a plan has been provided indicating the residents of those fronting plots would be responsible for the corresponding landscaping to the front boundary. This landscaping is set behind a retained hedgerow and mature trees, which are protected by a LCC Tree Preservation Order fronting Newbold Road. The access to the western boundary is flanked by turf and shrub planting as well as additional tree planting. The soft landscaping scheme is consistent throughout the site and runs round to the front of plots 5-8 (inclusive). There were a large number of trees contained within the site, especially to the North West corner, these were not protected and have since been removed. It is considered that subject to a condition requiring maintenance of the proposed landscaping, the proposed scheme would add to the overall development quality and would maintain the verdant character of the area.
- 8.17. The proposed access point and shared driveway runs through the Root Protection Areas of the large mature trees to the front of the site, which are covered by a TPO. Therefore a plan has been provided to indicate the extent of the RPA and confirmation that a no-dig driveway construction would be used in these areas. This is considered acceptable by HBBC Tree Officer and LCC Tree Officer, subject to conditions requiring details of the construction method and protection of the trees through the construction phase. The access was initially proposed to be position to the south west corner of the site. However, this was arranged following discussions with LCC Tree Officer and HBBC Tree officer who sought to move the access to a position which would have the least impact upon the RPA's of the TPO trees. The proposed location of the access is the furthest point from any of the trunks of the protected trees.
- 8.18. For the reasons set out above, the proposed development is in accordance with Policy DM10 of the Site Allocations and Development Management.
- 8.19. Impact upon neighbouring residential amenity
- 8.20. 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.
- 8.21. No.75A Newbold Road is the existing bungalow that the site relates to. This bungalow would become severed from the application site and a 1.8m close boarded fence has already been erected along the assumed new boundary line. 75a is currently set within a very large plot, with the application site taking up the garden area to the west of the bungalow. However, there is still a large amount of open amenity space available to the north east of the bungalow that would provide adequate amenity space for any occupiers. Plot 8 of the proposed development would sit closest to the rear elevation of no.75a and would flank the rear amenity space of this existing dwelling. Plot 8 is set off the boundary with the rear garden by 2.2m-3m and is single storey at this point for a width of 3m; therefore, the two storey element of this plot is set some 5-6m away from this boundary. There are no side facing windows proposed on this elevation that could cause concern for overlooking to this private amenity space and the separation distance and size of the garden area to this dwelling would mean that adequate levels of residential amenity would be retained. The front of plot 8 is set at an angle to the rear of No.75A and so does not directly overlook the rear of the dwelling, anyhow this is the

location of the garage to this bungalow and so there would be limited over looking or loss of privacy.

- 8.22. No.73 is the neighbouring dwelling to the west; this is set back from Newbold Road by a long private driveway, with the buildings being set towards to the northern boundary. The site is surrounded by mature tree planting and is not highly visible from Newbold Road. There is an area of open grass land and a row of mature tree planting to the front of No.73 that divides this property from the application site at the southern portion of the site, this part of the site is also served by a separate access. Plots 3 and 4 are located closest to this part of the site; however, they are set off from the boundary between 8-13m. Plot 4 does face this amenity space, however, is set furthest in to the site at around 13m; therefore it is considered that this would not create undue overlooking or loss of privacy. Plot 3 has a dual frontage and so does have windows facing this amenity area, set at around 8m from this neighbouring amenity area. There is one first floor bedroom window facing this space, however, it is considered this is a sufficient separation distance. In addition to this, this is not the main area of amenity space that relates to the residential property and there are other more private areas that are also closest to the house. To the northern boundary No.73 has an enclosed space with a number of green houses and brick built ancillary garden buildings and appears more as the used amenity space, plot 5 is the closest proposed dwelling and is set against the boundary, although off set by around 1m. This proposed dwelling has no side facing windows that could create an overlooking or loss of privacy to this amenity space. Albeit this property is set close to the boundary with this garden area which is also set at a lower land level, the amenity space is expansive, with open countryside to the north and views either side of the proposed plot; therefore it is not considered to cause adverse enclosure to this space that would warrant refusal of the application. Furthermore, there are other landscaped areas of private amenity space immediately adjacent to No.73. This property also has an A1 element to it (shoe shop), which is located in the two storey building to the rear of No.73.
- 8.23. There are residential properties to the south of the application site, set to the other side of Newbold Road. There is a row of terrace properties opposite the proposed access point, the separation distance from these dwellings to plots 1-3 which are facing is extensive and ensures adequate levels of privacy are maintained. In addition, this separation distance means that these properties would not become enclosed by the proposal. The existing hedgerow and mature trees are to be maintained which would screen the proposal from these dwellings. The proposed access is opposite these dwellings, however, given that the access would serve only 8 dwellings, it is unlikely that use of this access would cause undue noise or disturbance to these neighbouring residential dwellings. No.100 Newbold Road is set back from the highway and so any potential impacts are further reduced, there is also an existing farm entrance opposite the south west corner of the site. The proposed access is staggered from this, minimising conflict.
- 8.24. Each of the proposed dwellings has a rear private amenity space that range is size from 115sqm to 190sqm, all of which are deemed to be adequate to serve a 4 bedroom dwelling. Plot 3 has rear facing habitable room windows that face on to the blank side elevation of plot 4, the ground floor has an open plan kitchen and family area with several windows serving this one large room some of these windows are 9m from plot 4, this is not a generous separation. However, given the position of the windows, quantum and relationship between the two plots adequate amenity levels are still achieved. The first floor windows are 11m from the side elevation, again adequate amenity is achieved. Plot 1 and 2 overlook plot 4 rear amenity space, however, the depth of the rear amenity space means that adequate levels of privacy

are achieved. Plot 5-8 all overlook the shared access providing natural surveillance to the site, there are no concerns of overlooking or enclosure to these plots.

- 8.25. The proposal is therefore considered to be in accordance with Policy DM10 as the amenity of neighbouring occupiers of the proposed development would not be adversely affected to warrant refusal of the application.

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 Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.27. There has been a large amount of concern raised by local residents with regards to the speed of traffic travelling along Newbold Road and safety issues that this poses. However, LCC Highways comment that the impact of the development on highway safety would not be unacceptable and impacts upon the road network would not be severe. This proposed development can not be responsible for the behaviour of other drivers. The proposed site access achieves adequate visibility splays, there is a telegraph pole that will require re-locating however, this would be at the expense of the developer.
- 8.28. A number of objections have raised concerns with the lack of public footpath on this side of Newbold Road. However, amended plans have been received that show there is adequate space at the access for a pedestrian refuge that would allow pedestrians to wait at the access and cross to the footpath.
- 8.29. Each of the dwellings proposed two off street parking spaces to the front, plus one additional space in a single attached garage. This is in accordance with LCC Highways Design Guides.
- 8.30. Therefore, the proposed development is in accordance with Policy DM17 and DM18 of the SADMP DPD (2016) and the guidance contained within the NPPF (2019).

Drainage

- 8.31. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.32. A Flood Risk Assessment (FRA) has not been submitted with the application in accordance with paragraph 163 of the NPPF. The application site does not exceed the thresholds requiring a site specific FRA and is not in an area identified as being a critical drainage area. However, the Environment Agencies Flood Risk Maps do identify that the site is at high risk from surface water flooding as a surface water flow route travels through the centre of the site from north east to south west. The Lead Local Flood Authority has responded stating that standing advice should be followed. LLFA standing advice states that flow routes should be avoided for buildings, however the proposal does show dwellings to be positioned in this current surface water flow route. The LLFA state that the finished floor level of the buildings should be 300mm above ground level to address this.
- 8.33. Therefore, the applicant has provided a drainage report to demonstrate that the site can accommodate built development and would not exacerbate nor create surface water flooding issues. The report sets out that all post development run-off from the site will be limited to 5 litres/second in accordance with best practice. Attenuation and reduced discharge will be provided for all storm events up to and including the

1 in 100-year storm plus 40% allowance for climate change. Sustainable Drainage Systems (SuDS) shall be used, including an area of tanked permeable paving for surface water attenuation and silt traps, however other infiltration strategies have been deemed not to be acceptable for this site. New sewer connections are proposed to Barlestone Road (both surface and foul) connecting to the existing combined sewer, there are no suitable existing surface water bodies for the site to discharge to. An additional 10% allowance for urban creep has been included in the sizing of attenuation. The existing flow routes are maintained through the site using the proposed roadways. The submitted strategy also takes account of the strategy for managing surface water drainage during construction.

- 8.34. Severn Trent Water commented on the proposal they do not object to the application, however, require a condition for a surface and foul drainage strategy to first be submitted and approved. This is deemed to meet the tests, being a reasonable condition.
- 8.35. Therefore, subject to conditions the application is considered to be acceptable in accordance with Policy DM7 of the SADMP.

Ecology

- 8.36. 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.
- 8.37. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.38. An ecology appraisal was submitted in support of the application and found no evidence of protected species on site, the appraisal was found to be satisfactory by LCC (Ecology). LCC Ecology, suggest that the recommendations as set out in the report are followed by the developer.
- 8.39. It is acknowledged that the proposal includes the loss of pond, however, this is not of such value that its loss warrants refusal of the application or mitigation. The proposed site is not of a size that would require open space to be provided on site.

Archaeology

- 8.40. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.41. The Leicestershire and Rutland Historic Environment Record (HER) identifies that the proposal lies within an area of archaeological interest to the north of the site, where Roman pottery and coins were found (HER ref: MLE10258). As the proposal would include works such as foundations, services and landscaping, it is likely to result in an impact. LCC (Archaeology) have requested conditions requiring a Written Scheme of Investigation which is deemed to be justified based on other archaeological finds in the area. Subject to the inclusion of this condition the development would accord with Policy DM13 of the SADMP.

Infrastructure Contributions

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

- 8.43. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.44. In this instance the proposed site area and number of dwellings do not exceed the thresholds for requiring the delivery of affordable housing or on site play and open space. Any requested infrastructure contribution for public play and open space off facilities off site would need to be necessary to make the development acceptable in planning terms and therefore CIL compliant. However, in this case, the proposal would not result in any significant impact on existing play and open space facilities given that the site is in excess of the recommended distances to play and open space facilities that means it is not reasonable to expect the proposed development would cause significant pressures on facilities that would warrant a contribution being sought.
- 8.45. Further to this, as the proposal is for 8 dwellings, it is not expected that the proposal would have an adverse impact on other infrastructure services and facilities within the village that would require mitigating. The development is considered to be acceptable in planning terms without any contribution and therefore the contribution would not be CIL compliant in this case. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued.

Other Matters

- 8.46. Some of the objectors refer to a previous planning application at the site, ref: 00/00632/FUL, which was refused as it was considered to be out of keeping with the character of the area and the access was not deemed to be suitable. However, this application was limited to a piece of land to the rear of the existing bungalow, using a different access point to the one proposed. Therefore, there are substantial differences between the two schemes and a passage of time where policy has changed, which means it is logical for the Council to be able to reach an alternative recommendation.
- 8.47. The application falls within the coal mining reporting area, this means that an informative should be added to any decision notice making the applicant aware. This is not the development high risk area, where a coal mining risk assessment would be required.
- 8.48. There are no Public Rights of Way affected by the proposal.
- 8.49. HBBC (Waste) has recommended a condition requiring adequate provision for waste and recycling storage and collection. An amended plan has been received that confirms bin collection from the highway edge.

9. Planning Balance

- 9.1. 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.
- 9.2. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted

unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 9.3. The proposal is located within the settlement boundary of Barlestone where development inside the settlement boundary is considered to be sustainable. In addition to this the proposal would result in the delivery of 8 houses. These additional houses have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area.
- 9.4. The proposed housing would be lower density than required by Policy 16 of the Core Strategy. However, it is considered in this instance this is acceptable in achieving a well designed development that sits well within the edge of settlement location.
- 9.5. Paragraph 11 (d) of the NPPF states that any harm identified should be significant and demonstrably out weigh the benefits of the scheme. It is therefore important to identify the benefits of the scheme. Following the three strands of sustainability the benefits are broken down into economic, social and environmental.
- 9.6. 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 such as the shop, public house and sports facilities.
- 9.7. The proposal would result in some social benefit through contributing to the delivery of housing within the Borough and some minor environmental benefits through additional landscaping.
- 9.8. There has been no conflict identified with the strategic policies of the Development Plan and very limited harm through not achieving the density as set out in Policy 16 of the Core Strategy, it is considered on balance that the very limited harm does not significantly and demonstrably outweigh the identified benefits of the scheme. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan.

10. Equality Implications

- 10.1. 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.
- 10.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 10.3. There are no known equality implications arising directly from this development.

- 10.4. 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).

11. Conclusion

- 11.1. 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.
- 11.2. The housing policies in the adopted Core Strategy and the adopted SADMP are out of date and the Council cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3. Weighed against any conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of 8 dwellings. These additional houses have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area.
- 11.4. The proposal, subject to conditions, is in accordance with Core Strategy Policy 7 and 11, and Policies DM3, DM6, DM7, DM10, DM13, DM17 and DM18 of the SADMP there has only been minor conflict found with Policy 16 of the Core Strategy.
- 11.5. On balance it is considered that the harm identified from a low density development, contrary to the desired policy position, in a relatively open area, within the settlement boundary, would not significantly and demonstrably outweigh the identified benefits of the scheme. Therefore, the presumption in favour of sustainable development applies in this case and the application is therefore recommended for approval subject to the conditions and planning obligations listed above.

12. Recommendation

- 12.1. **Grant planning permission** subject to
- Planning conditions outlined at the end of this report.
- 12.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 12.3. **Conditions and Reasons**
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan HGD18-119-1.6 received 16 May 2019
 Proposed Street Scene HGD18-119-1.8 received 16 May 2019
 Proposed Ground and First Floor Plans and Elevations Plot 3 HGD18 119-1.2 F received 16 May 2019
 Proposed Ground and First Floor Plans and Elevations Plot 1, 2, 4-8 (inc.) HGD18-119-1.1 D received 16 May 2019
 Landscaping Plan DWG No. EML MH 1095 01 Rev A received 15 July 2019
 Proposed Site Plan Drawing- Tree Protection Fence HGD18-119-1.3 S received 24 October 2019
 Proposed Site Plan Drawing HGD18-119-1.4 G received 24 October 2019

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

3. 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. Notwithstanding the submitted plans, the proposed access shall have a width of a minimum of 5.8 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 Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2019).

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

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD, the National Planning Policy Framework (2019).

6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with HG Design Ltd. drawing number HGD18-119-1.4. 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 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2019).

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

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2019)

8. No development shall not take place until a hard landscaping scheme including details of boundary treatments and hard surfacing details and an implementation scheme for soft and hard landscaping, has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved details prior to first occupation of any dwelling hereby approved. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

9. Before Development Commences a Tree Protection Fence shall be erected in accordance with the details on plan Proposed Site Plan Drawing HGD18-119-1.3 S received 24th October 2019. Any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policies DM10 and DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

10. No works or development shall take place within the site until a site specific no-dig access drive construction method statement has been submitted to and approved in writing by the local planning authority that demonstrates that no-dig surfacing and construction is fit for purpose within an identified Root Protection Area (RPA). The construction method statement shall also include a phasing strategy demonstrating how the RPA will be observed during construction of the approved dwellings and access. The development shall then be implemented in accordance with the approved scheme.

Reason: To ensure that works within a root protection area are carried out in accordance with BS5837:2010 S.7.4. and the interests of protecting the TPO trees in accordance with DM10 and DM6 of the Site Allocations and Development Management Policies (2016) DPD.

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

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

12. No development shall take place/commence until a programme of archaeological work, comprising further post-determination trial trenching, specific metal-detecting and as necessary targeted archaeological investigation. The full programme and timetable will be detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site survey, investigation and recording (including assessment of results and preparation of an appropriate mitigation scheme)
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis, interpretation and presentation of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works, with particular reference to the metal detecting survey, as set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the Written Scheme of Investigation approved through condition.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

13. No part of the development hereby permitted shall be occupied until such time as the drainage strategy has been carried out in accordance with the submitted Wallace Engineering Drainage Report; Report number 1784/01 dated October 2019. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policies DM7 and DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 108 and 110 of the National Planning Policy Framework (2019).

14. 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).

12.4. Notes to Applicant

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
2. 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.
3. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protect both the public sewer and the building. Should you require any further information please contact Severn Trent on Planning.APEast@severntrent.co.uk.

Planning Committee 7 January 2020
Report of the Planning Manager

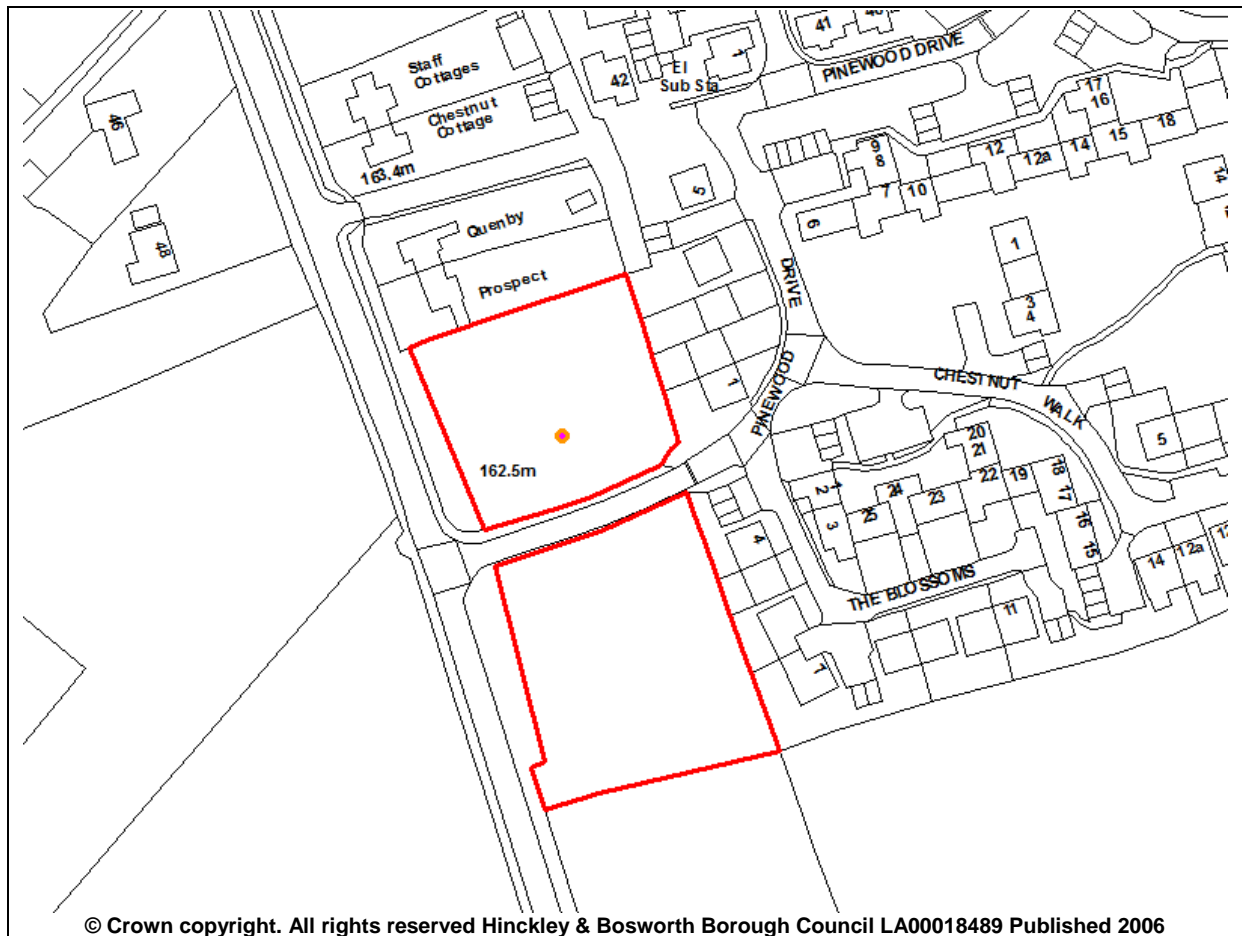
Planning Ref: 19/01013/FUL
Applicant: Markfield Court Village
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: Land South Of Pinewood Drive Markfield

Proposal: Erection of ten bungalows (extension to Markfield Court Retirement Village)



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 40% of the total number of the bungalows shall be affordable units and shall be delivered on-site with a mix of 75% social or affordable rent and 25% intermediate tenure. The bungalows shall be 2 bed 4 person units.
 - Contribution towards library services of £300.
- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This application seeks full planning permission for the construction of 10 detached bungalows. Three types of bungalow are proposed. The pitch height of the bungalows would vary between 4.66 – 4.75 metres and all of the bungalows would have two bedrooms and an attached single garage.
- 2.2. Two vehicular accesses would be constructed from Pinewood Drive with four bungalows sited to the north of the drive and six bungalows to the south. The two access roads would be staggered and would be set back a minimum of 24 metres from Ratby Lane. Visibility splays are proposed to be formed through the pruning and trimming of hedgerows either side of the proposed site accesses. The existing trees and hedgerows along Ratby Lane would remain in situ.

3. Description of the Site and Surrounding Area

- 3.1. The application site consists of two plots of land located either side of Pinewood Drive and to the southwest of Markfield retirement village. Both of the sites are overgrown scrub land containing self set trees, brambles and other shrubs with the boundary defined by a post and rail fence.
- 3.2. The site abuts properties within Markfield Court to the east. These are single storey dwellings with small gardens separated from the application site by a hedgerow interspersed with trees. To the north of the application site lie 4 properties which form a ribbon development facing Ratby Lane beyond which is countryside. A maintained hedgerow forms this northern boundary. To the east and south of the application site lies open countryside. The site is located outside of the settlement boundary of Markfield which lies to the north-east. However, Markfield retirement village to the east of the site (which is shown on the Borough Wide Policies Map as a housing site with planning permission and a community facility) and the housing to the north give the area its semi-rural character.

4. Relevant Planning History

98/00216/OUT	Residential development (outline)	Refused	29.04.1998
12/00380/OUT	Erection of 13no. bungalows (extension to Markfield retirement village)	Refused	22.08.2012
13/00559/OUT	Erection of 11 dwellings (outline - access only)	Refused	13.11.2013

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. Four letters of objection have been received during the consultation period from four separate addresses raising the following issues:
- 1) The site lies outside of the settlement boundary and on vacant land that was not part of the original Markfield hospital;
 - 2) The existing bungalows on the retirement complex are clearly visible from Ratby Lane;

- 3) The tree survey is inadequate and fails to mention any of the mature trees and hedging surrounding the site and does not provide any root protection zones;
 - 4) The trees along the road should be protected by a Tree Preservation Order;
 - 5) The landscaping scheme should include native countryside species;
 - 6) Previous planning applications on this site have been refused;
 - 7) The settlement of Markfield has already had significant amounts of housing development;
 - 8) The bus service through the Retirement Village has been revised and reduced and will be reviewed in 5 years time;
 - 9) Development of this site would have a detrimental impact on the character of this rural area and would set a precedent for other similar developments;
 - 10) Ratby Lane is a busy road where cars are travelling 60mph;
- 5.3. Two letters of support have been received during the consultation period for the following reasons:
- 1) The proposed development would enhance the Retirement Village for landscape reasons;
 - 2) The new residents would use the community facility within the Village;
 - 3) This housing for over 55's would allow people to retain an independent lifestyle for as long as possible;

6. Consultation

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

National Forest

HBBC Affordable Housing Officer – subject to a legal agreement

Section 106 Monitoring Officer

Leicestershire Police

Environmental Services (Pollution)

LCC as Lead Flood Authority – subject to pre-commencement conditions

- 6.2. LCC as Highway Authority has confirmed that they have no objections provided a revised layout is submitted showing the two roads staggered.

7. Policy

- 7.1. Core Strategy (2009)

- Policy 21: National Forest
- Policy 22: Charnwood Forest

- 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 DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Hinckley and Bosworth Borough Landscape Character Assessment
- Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA)

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
- Infrastructure Contributions and Affordable Housing

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3. Paragraph 11 of the NPPF and Policy DM1 of the SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise.
- 8.4. The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.5. The application site lies within the boundaries of the National Forest and the Charnwood Forest where Policies 21 and 22 of the adopted Core Strategy are applicable. However, by virtue of the site being located within a cluster of existing established residential development, the proposal would not have any significant adverse impacts on either of these designated areas. The National Forest Strategy contains a planting schedule for development which exceeds certain thresholds which in this case would be residential development on sites which exceed 0.5 hectares in size. In this instance though the application site does not exceed the thresholds set in the Strategy for on-site green infrastructure. The National Forest has been consulted on this proposal and have no comments to make.
- 8.6. The site also lies outside of any settlement boundary and is therefore within the designated countryside where Policy DM4 of the adopted SADMP is applicable. Policy DM4 of the adopted SADMP seeks to protect the open character and landscape character of the countryside from unsustainable development and to prevent ribbon development between settlements. New residential development is not a form of development that the policy considers to be sustainable in countryside locations.
- 8.7. As such there is clear conflict between the proposed development and the policy. Indeed, similar proposals on the site have previously been refused as being contrary to the settlement hierarchy. This issue will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.

Design and impact upon the character of the area

- 8.8. Policy DM4 of the adopted SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and does not create or exacerbate ribbon development.
- 8.9. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally, with the intention of preventing development that is out of keeping with the character of the surrounding area.
- 8.10. Paragraphs 124 and 127 of the NPPF state that good design is a key aspect of sustainable development and planning decisions should ensure that developments: will function well, are visually attractive as a result of good architecture and layout and create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users.
- 8.11. Objections to the application have been received on the grounds that the proposal would be detrimental to the character of the countryside. A Planning Statement and Design and Access Statement have been submitted to support the scheme.
- 8.12. The site lies within the Charnwood Forest Settled Forest Hills as defined in the Landscape Character Assessment and in Policy 21 of the SADMP. The key characteristics of this area as related to the site are the small to medium scale field pattern interspersed with large areas of woodland cover and the large clustered villages with strong suburban influences. The application site comprises of two undeveloped small paddocks. Although located within the countryside, to the north and east of the application site are existing residential dwellings. The dwellings to the east are located within the Markfield Retirement Complex and this proposal would form an extension to this Complex. Plans have been submitted with the application to show that the application site did form part of the former hospital site at Markfield and so it is argued by the applicant that the land constitutes 'previously developed land.'
- 8.13. Open agricultural fields lie to the south and west of the site. However, Ratby Lane forms a physical barrier to the land to the west and the extent of the built form of the Retirement Complex dictates a barrier to the land to the south. However, the site does contribute to the open character and appearance of the surrounding countryside.
- 8.14. The site is situated within a prominent position along Ratby Lane. Located to the front of a Retirement Complex, through the completion of a landscaping scheme the proposal would form the gateway into this Complex. Indeed, the presence of the residential properties on two sides of the site and a main road on one side do shield views of the site from the countryside to the south east of the site. A planning condition can be imposed to ensure that the additional planting as shown in the landscaping plan is undertaken in this area in accordance with the requirements of Policy DM4 of the SADMP.
- 8.15. The proposed dwellings would be limited in height to a maximum of 4.75 metres to their pitch. Being part of a retirement complex the residential curtilages of each plot would not be defined but instead the land around the bungalows would be left open similar to the other bungalows in the retirement complex. As such, the development of these plots of land would have limited impact on the open character of the countryside in this location and the positioning of the built features around the

boundary of the site in this instance ensures that the perceived separation between the built development and the wider countryside is observed and maintained.

- 8.16. The design of the proposal being constructed from brick and tiles would be in keeping with the character and appearance of the adjoining properties. The design and layout of the scheme also reflects the needs of the future occupants and supporting staff. The single storey bungalows reflect the scale of the existing bungalows within the Retirement Complex and would be similarly set back from the site frontage. The proposed bungalows have a simple plain fronted design with pitched tiled roofs.
- 8.17. Therefore, the proposal would not have a significant adverse impact on the open character and landscape character of this area of countryside, having regard to the wider pattern of development. As such although the proposal would extend built form in an area outside of a settlement boundary and previous proposals have been refused, it is not considered to cause significant harm for the reasons set out above and therefore the proposal is in accordance with Policy DM4 of the SADMP. The design and scale of the properties proposed would not unacceptably harm the character or appearance of the area and would accord with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.18. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.19. Concerns have been raised about potential overlooking and loss of privacy into the neighbouring property along Ratby Lane. The proposed properties would be single storey in height. Secondary windows serving lounge areas would be located on the side elevation facing this northern boundary. These windows would be screened from views into the neighbouring property by the retention of the existing boundary hedgerow. In view of the low level height of the bungalows proposed, the existing bedroom window on the side elevation of this property would look over the roofs of the bungalows and so there would not be any overlooking or loss of privacy caused to the occupiers of this neighbouring property.
- 8.20. Concerns have also been raised about potential overlooking and loss of light to the properties in Pinewood Drive and The Blossoms. By virtue of the single storey scale of the bungalows, the separation distance of a minimum of some 14 metres to the rear boundary with the nearest neighbouring dwelling to the north-east and the retention of the existing high mature hedgerow, the proposal would not result in any significant adverse overbearing or overshadowing impacts or loss of privacy from overlooking to any neighbouring residential properties.
- 8.21. The imposition of a condition to retain the existing boundary hedgerows can be imposed to further address the concerns raised above. Subject to such measures being implemented, the scheme would be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.22. Policy DM17 of the SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision. Paragraph 109 of the NPPF states that a safe and suitable access to sites should be achieved and

that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

- 8.23. The proposal relates to the construction of two private access roads off Pinewood Drive which is an adopted highway up to the eastern boundary of the application site. An existing footway exists along one side of Pinewood Drive which leads from Ratby Lane into the Retirement Complex. Following concerns raised by the Highway Authority an amended plan has been submitted showing the proposed access roads being staggered so that a crossroads is not created from Pinewood Drive.
- 8.24. The submitted details and amended access proposals have been assessed by Leicestershire County Council (Highways) who consider that the proposal would generate a low level of traffic intensification where there are no recorded collisions. By virtue of the scale and nature of the development, the proposed access arrangements and site specific circumstances, the local highway authority consider that the proposal would not result in any significant adverse impacts on highway safety and the residual cumulative impacts on the transport network would not be severe. Therefore the local highway authority raises no objection to the scheme subject to the imposition of a number of highway related conditions to ensure safe development. The conditions are considered to be reasonable and necessary in the interests of highway safety. The proposal would therefore be in accordance with Policy DM17 of the adopted SADMP.
- 8.25. At least two car parking spaces have been provided for each of the properties proposed. As such the parking provision is considered adequate to serve the total development of 10 dwellings in accordance with Policy DM18 of the adopted SADMP.

Drainage

- 8.26. Policy DM7 of the adopted SADMP requires that development proposals demonstrate that they would not create or exacerbate flooding.
- 8.27. LCC as the Local Lead Flood Authority has assessed the application. Although the site is located within Flood Zone 1 it would involve a total of 0.184 hectares of greenfield land to be impermeable. A detailed design of the surface water drainage scheme has been submitted with the planning application which incorporates sustainable drainage principles. The Lead Flood Authority also requires that the submitted scheme should also incorporate the use of pervious paving. Pre-commencement conditions are requested to ensure that this scheme is submitted and agreed prior to completion of the development. However, as a drainage strategy has been submitted it is considered that these conditions should be pre-occupation conditions. The conditions would be reasonable and necessary to demonstrate that the development would not create or exacerbate flooding in accordance with Policy DM7 of the adopted SADMP.

Infrastructure Contributions and Affordable Housing

- 8.28. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.29. The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Library Facilities

- 8.30. The Library Services – Locality Manager North requests a contribution of £300 towards the delivery of library services and facilities at Markfield Library to mitigate the impact of additional users from the development on the facility. The estimated impact is small in scale and reasonable. In this instance the contribution is considered to be CIL compliant and therefore should be requested from the developer.

Affordable Housing

- 8.31. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. Policy 15 seeks the provision of 40% affordable housing on all sites in rural areas with a tenure split of 75% for social rent and 25% for intermediate tenure.
- 8.32. The submitted Heads of Terms document includes the provision of 40% affordable housing units (4 units) in accordance with the requirements of Policy 15 of the adopted Core Strategy. The provision could be secured through the completion of a suitable planning obligation.

Whether on balance the development would be sustainable

- 8.33. 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. The policies relating to the supply of housing are now considered out of date and the Council cannot demonstrate a five year supply of deliverable housing. Therefore the presumption in favour of sustainable development within paragraph 11 (d) of the NPPF is triggered which provides that where policies are out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 8.34. 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:
- 8.35. Economic – The scheme would provide some benefits to the local economy through the creation of jobs and demand for services and materials for the construction of the development itself and from the future occupation of the development supporting businesses in the wider rural area as well as supporting the community facility at the Retirement Complex which is an allocated Community Site in the SADMP.
- 8.36. Social – The scheme would provide a contribution to the overall housing supply within the Borough through the provision of 10 dwellings which is a material consideration of significant weight. In addition to this, four of these dwellings would be affordable units. These units would meet the demands of providing affordable bungalows in the Markfield area as there are 15 people on the Council's housing register who are over 60 and have a local connection with Markfield. The proposal would also provide adapted residential units exclusively for the over 55's within an existing retirement complex and a planning condition could be imposed on any consent granted to ensure that occupiers meet this criteria. This type of housing would have significant social benefits through the provision of specialist supported living accommodation for which there is an identified need for such accommodation

in the Housing and Economic Development Needs Assessment (2017) for Leicestershire in this location.

- 8.37. Environmental - Although the proposal is situated outside the settlement boundary, it is not in an isolated position, with development positioned on two boundaries. The development would be within a safe walking distance of the local services of Markfield and there is a public transport link which travels along Pinewood Drive and into the Retirement Complex. Given the positioning of the site in relation to the wider area the proposal would not result in a significant adverse impact upon the countryside.
- 8.38. Therefore, it is concluded that the proposed development would not result in any adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the NPPF. In addition to this there would be significant social benefits from providing specialist supported living accommodation for which there is an identified need for such accommodation in the Housing and Economic Development Needs Assessment (2017) for Leicestershire in this location.

9. Equality Implications

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

10. Conclusion

- 10.1. The proposal seeks development of the existing land for the erection of ten detached bungalows. The site is currently two grassed paddock areas, and situated outside the defined settlement boundary of Markfield.
- 10.2. However, although the application site is located outside of the settlement boundary, given the surrounding development and the character of the area, the land is not in an area of physical and perceived separation. Therefore, having regard to the NPPF and the fact that policies relating to the supply of housing are now out of date, paragraph 11(d) of the NPPF and the presumption in favour of sustainable development is triggered. In this instance the siting, layout, scale, design and appearance of the bungalows proposed along with landscaping would

complement the character and appearance of the surrounding area rather than result in any significant adverse impacts on the countryside. In addition, the scheme relates to the provision of specialist supported living accommodation for which there is an identified need in the Housing and Economic Development Needs Assessment (2017) for Leicestershire.

- 10.3. The proposal would also not have any significant adverse impacts upon residential amenity, or on vehicular or pedestrian safety, and subject to conditions would not result in any adverse impact on drainage. It is considered that the proposed development would be in accordance with Policies DM7, DM10, DM17 and DM18 of the SADMP and paragraph 11 of the NPPF.
- 10.4. Policy DM1 of the adopted SADMP and the NPPF in paragraph 11 provides a presumption in favour of sustainable development which comprises three overarching objectives. The proposed scheme would contribute to the economic objective of sustainable development through the investment in developing the site, the resulting job creation and occupation. The proposal would contribute to the social objective through the provision of specialist accommodation to support communities' health and social well being and through contributing towards the housing supply in particular affordable housing for the over 55's. The proposal would not result in any significant environmental impacts.
- 10.5. Therefore, notwithstanding the countryside location of the site, by virtue of the specialist nature of the accommodation being proposed and the lack of any significant identified harm, in this case the scheme is considered to be a sustainable development in general accordance with Policies 21 and 22 of the adopted Core Strategy, Policies DM1, DM4, DM7, DM10, DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF (2019) and is therefore recommended for approval subject to conditions.

11. Recommendation

11.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 40% of the total number of the bungalows shall be affordable units and shall be delivered on-site with a mix of 75% social or affordable rent (3 units) and 25% intermediate tenure (1 unit). The bungalows shall be 2 bed 4 person units.
- Contribution towards library services of £300.
- 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: Site Location Plan, Drg No. M01 Rev A, Drg No. M03 Rev A and Drg No. EWE/2467/01 Rev A received by the local planning authority on 12 September 2019 and Drg No. M04a Rev B received by the local planning authority on 19 November 2019.

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

3. The development hereby permitted shall be utilised solely for the purposes of providing specialist independent residential accommodation for persons aged 55 or over only.

Reason: To define the permission and in recognition of the special circumstances of the case to accord with Policies DM4, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. No development above foundation level of the dwellings hereby approved shall take place until samples of the materials to be used in the construction of the external facing materials have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved sample details.

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

5. No development above foundation level of the dwellings hereby approved shall take place until the drainage layout as approved on Drg no. EWE/2467/01 has included the incorporation of the use of pervious paving for the prior approval in writing by the local planning authority. The approved details shall then be implemented on site prior to any of the dwellings being occupied.

Reason: To ensure a satisfactory drainage scheme is constructed in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. No part of the development hereby approved shall be occupied until the access, footpaths, parking, turning area and layout arrangements as shown on approved drawing no: M04a Rev B received by the local planning authority on 19 November 2019 has been implemented in full. For the avoidance of doubt, the footpath links into Pinewood Drive shall have dropped pedestrian access kerbs. Thereafter, the onsite parking provision shall be maintained for such use at all times.

Reason: In the interests of highway safety to accord with Policy DM17 in the SADMP.

7. No part of the development hereby approved shall be occupied until such time as the access drives and turning space has been surfaced with tarmacadam or similar hard bound material (not loose aggregate) and, once provided, shall be maintained as such in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway and in the interests of highway safety to accord with Policy DM17 in SADMP.

8. No site clearance, preparatory work or construction of the foundations of the dwellinghouse hereby approved shall take place until a scheme for the protection of the retained trees and hedgerows as shown on approved Drg no. M04a Rev B has been submitted and approved in writing by the local planning authority. The approved scheme shall be carried out as approved.

Reason: In the interests of preserving the character and appearance of the area in accordance with Policies DM4 and DM10 of the SADMP.

9. Prior to the construction above foundation level of the dwelling houses hereby approved, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the protection of the existing trees and hedgerows, planting plans for the landscaping shown on Drawing No: M04a Rev B, hard surfacing materials, boundary treatments, fencing specifications, plant species, plant sizes and proposed numbers and densities.

Reason: In the interests of preserving the character and appearance of the area in accordance with Policies DM4 and DM10 of the SADMP.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first dwelling house and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of preserving the character and appearance of the area.

11. Notwithstanding the provisions of Article 3, Schedule 2 Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revoking and re-enacting that Order, no gates, walls, fences or other means of enclosure (except for those approved by this permission) shall be erected within the application site unless planning permission has first been granted by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11.3. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. The site drainage scheme shall be constructed so that no surface water drains onto the public highway. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability.
3. Planning permission does not give approval to work on the public highway. Therefore, prior to carrying out works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. If the ground strata prove unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.

5. The collection point for domestic recycling, garden waste and refuse will be from the adopted highway boundary and so provision needs to be made on site for the storage of containers.

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**Planning Committee 7 January 2020
Report of the Planning Manager**

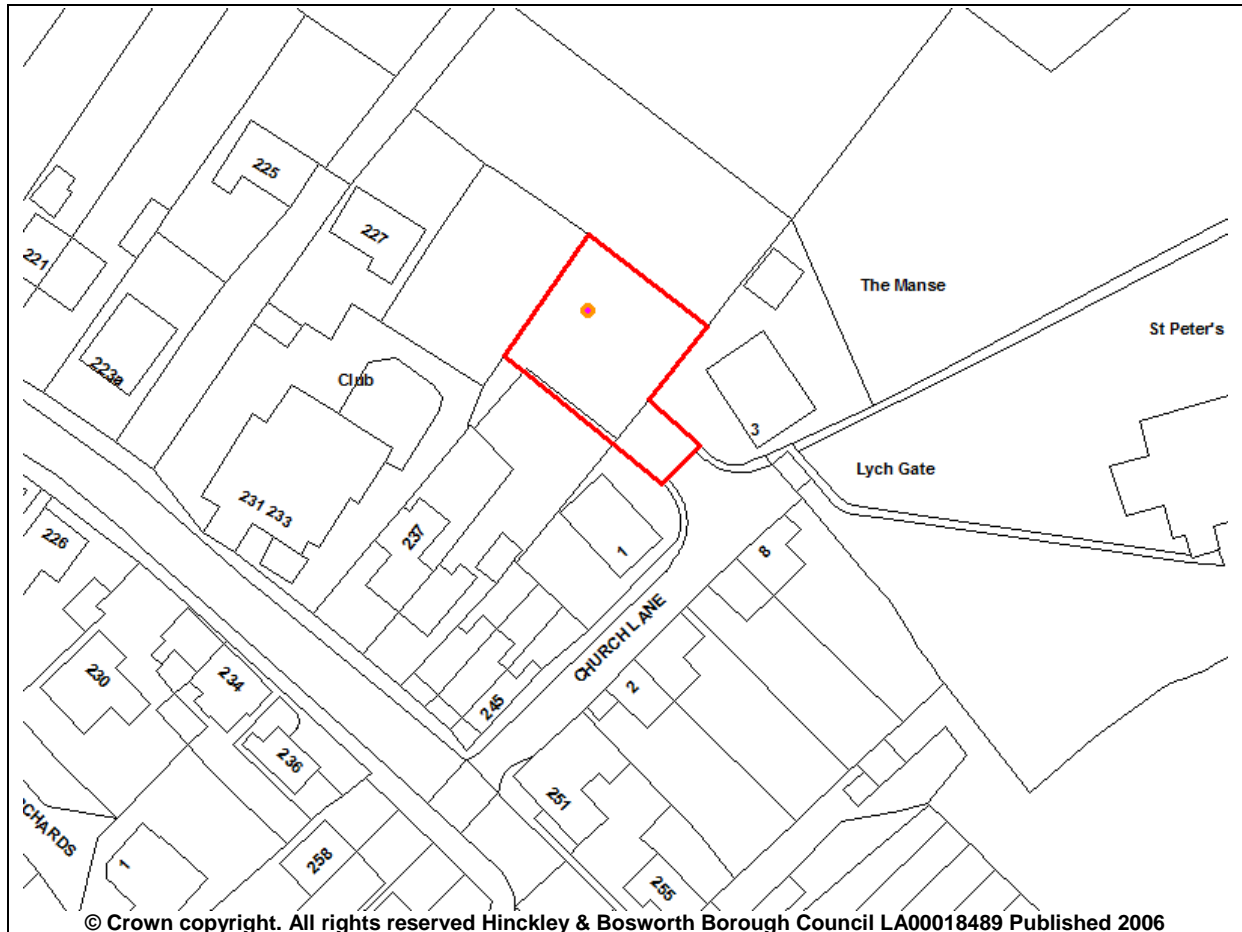
Planning Ref: 19/01212/OUT
Applicant: Mr Roger Petty
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Land Rear Of 237 Main Street Thornton

Proposal: Erection of one dwelling (outline - all matters reserved)



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 outline planning permission for the erection of a single detached dwelling. Outline permission is sought with all matters reserved.
- 2.2. Outline planning permission was previously granted under 17/00010/OUT for a similar scheme, with all matters reserved. Access into the site is still indicated via the turning head at the bottom of Church Lane, via the shared access currently used by The Manse and Lychgate Cottage.
- 2.3. The only difference between the previously approved and the current outline application is the red line. The red line in the current application has been squared

off on the south west side, removing the small strip of land that was previously included in 17/00010/OUT

3. Description of the Site and Surrounding Area

- 3.1. The application site is located on the edge of Thornton's settlement boundary. The area is characterised by primarily residential development of varying size and design which is located to the east, south and west of the application site. To the east of the application site is the Grade I listed St Peter's Church. To the north of the application site is an area of woodland planting. Immediately adjacent to the west of the application site is a parcel of land which has been hard landscaped but has no authorised use.
- 3.2. The application site comprises a piece of land currently forming the extended garden area to the rear of no. 237 Main Street. The area has been left to become overgrown.
- 3.3. There is a public right of way running along Church Lane and the edge of St Peter's Church yard leading down to Thornton Reservoir.
- 3.4. Thornton is located within the National Forest.

4. Relevant Planning History

17/00010/OUT	Erection of detached dwelling (Outline - all matters reserved)	Outline approval	30.03.2017
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5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Five letters of objection from five separate addressed have been received, raising the following points:
- 1) Development would bring increased traffic to an already congested area;
 - 2) Proposed access should be via Main Street along the side of no.237;
 - 3) Construction vehicles may block entrance into the church;

6. Consultation

- 6.1. No objections, come subject to conditions, have been received from the following:
- HBBC Waste
HBBC Environmental Services – Pollution
LCC Highways
HBBC Environmental Services – Drainage
HBBC Conservation Officer
- 6.2. No comments have been received from:
- National Forest Company
Bagworth and Thornton Parish Council
Severn Trent Water

7. Policy

- 7.1. Core Strategy (2009)
- Policy 7: Key Rural Centres
 - Policy 10: Key Rural Centres within the National Forest
 - Policy 21: National Forest

- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy 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)

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and states that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.3. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Thornton is identified by Policy 7 and Policy 10 of the Core Strategy as a Key Rural Centre in the National Forest, with new housing development supported when in the settlement boundary.
- 8.4. The housing policies in the development plan are considered to be out-of-date as they focus on delivering a lower housing requirement than required by the up-to-date figure. The Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by MHCLG. Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.5. Given that the application site is located within the settlement boundary of Thornton, which has good access to facilities, services, employment and sustainable modes of transport, new residential development is supported by Policy 7 and 10 of the Core Strategy and is acceptable in-principle, subject to satisfying all other relevant policies and material planning considerations. Notwithstanding the housing policies being out of date, the remaining policies in the Site Allocations and Development

Policies DPD and the Core Strategy are attributed significant weight as they are consistent with the Framework.

Design and impact upon the character of the area

- 8.6. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.7. The application site is located on land to the rear of No. 237 Main Street and has indicated access from Church Lane. The location of a new dwelling to the rear of No. 237 would constitute backland development. Church Lane itself comprises two storey cottages abutting the road on its eastern side, with two large detached dwellings on the western side (Lychgate Cottage and The Manse). Similarly, Lychgate Cottage and The Manse which sit north west of the application site are built at the back of no.231 and 223a Main Street. Set within the turning head at the end of Church Lane, the two properties front a shared driveway which would be shared with the application site.
- 8.8. Due to the existing detached dwellings set back from Main Street, located behind those fronting the main thoroughfare, it is considered that a dwelling on the application site could complement the prevailing character of the surrounding area.
- 8.9. Layout, landscaping, scale and appearance are reserved matters. Nevertheless, it is considered that a development can be provided which complements the high quality visual appearance of the existing built form along Church Lane. The proposed dwelling should be orientated to face the turning head and shared access, with an active frontage to complement the layouts of The Manse and Lychgate Cottage. The design should incorporate high quality building materials and architectural features similar to those on immediately surrounding properties. Landscaping would be expected to enhance the end of the turning head, and the scale of the dwelling should be two storey to complement those which surround. Both The Manse and Lychgate Cottage are of fairly large massing, and therefore subject to an appropriate layout, the mass of the proposed dwelling is likely to complement these neighbouring properties by virtue of it accommodating for 4+ bedrooms.
- 8.10. It is considered that a dwelling could be provided on the application site which is in accordance with Policy DM10 of the SADMP.
- 8.11. Policy 21 of the Core Strategy seeks to support the implementation of the National Forest and support proposals that contribute positively to the delivery provided that the siting and scale of the proposed development is appropriately related to its setting within the Forest, respects the character and appearance of the wider countryside and does not adversely affect the existing facilities and working landscape. The application site is located on the edge of the Thornton settlement boundary and would respect the urbanised character of the location within the Forest. There is an area of woodland to the north of the site which would mitigate any visual impacts on the surrounding countryside. The proposed development is in accordance with Policy 21 of the Core Strategy.

Impact upon heritage assets

- 8.12. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses.

- 8.13. Section 12 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.14. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) DPD seek to protect and enhance the historic environment. Development proposals which affect the setting of a listed building will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.15. The proposal is located within the vicinity of the church of St Peter, a Grade I listed building of national importance. The immediate setting which is confined to the church yard allows a full appreciation of the significance of the building. The church and church yard is visible from various locations within Thornton and the surrounding countryside, allowing for some appreciation of the significance of the building from a wider setting. The application site appears to have some historical use as an orchard. Nevertheless, it is separate from the defined curtilage of the church yard, and has no direct relationship with the church. As such, the application site is not considered to make any contribution to the significance of the listed building.
- 8.16. Although scale is a reserved matter, a two storey dwelling located at the front of the proposed plot would not have any impact upon the wider setting of the listed building. Development of this sort would be compatible with the significance of St Peter's Church and its setting, complying with Policies DM11 and DM12 of the SADMP, section 12 of the NPPF and the statutory duty of section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.17. Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties and the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.18. The application site is located north west of The Manse and Lychgate Cottage and to the rear of nos. 237 and 239 Main Street.
- 8.19. According to their orientation, there are no windows serving habitable rooms at The Manse and Lychgate Cottage which would face the application site. Additionally, the site would not be adjacent to the private residential amenity spaces of either dwelling. Any dwelling on site would be set back from the north west elevations of The Manse and Lychgate Cottage. It is therefore not considered that a dwelling on the proposed site would have any adverse impact upon the amenity of those occupying these neighbouring properties, in terms of overlooking or overbearing impact.
- 8.20. The south west boundary of the application site would be located approximately 21 metres from the rear elevations of Nos. 237 and 239 Main Street. According to this separation distance, it is not considered that a dwelling on the application site would have any adverse impact upon the amenity of those occupying these dwellings.
- 8.21. The amenity of the occupiers of No. 227 Main Street to the north west of the application site would not be adversely impacted by a dwelling on the application site due to the separation distance and orientation of the existing dwelling.

- 8.22. The application site measures approximately 420m². The size of the site is considered sufficient to accommodate a dwelling and associated external amenity spaces for any future occupier.
- 8.23. It is considered that a dwelling could be provided on the application site which would not adversely impact the private residential amenity of neighbouring properties and would provide sufficient amenity space for any future occupier in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.24. 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.
- 8.25. Access is a reserved matter and does not form part of the consideration of this application. However, under Part 3 Paragraph 5(3) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 the applicant is required to state where access points to the development proposed will be situated. The applicant has indicated that the site will be accessed across the shared driveway between The Manse and Lychgate Cottage, at the end of the turning head in Church Lane.
- 8.26. Leicestershire County Council (Highways) has considered the application and has referred the assessment of the application to their standing advice. The proposed access point already serves as an access on to the public highway for two dwellings and it is considered that one additional dwelling using this access would not significantly intensify its use to the detriment of highways safety. Church Lane adjoins Main Street where there are substandard visibility splays to join on to a thoroughfare with a 30mph speed limit. This is due to surrounding buildings and on-street car parking. Nevertheless, the junction is well used because of customers to the retail unit on the south east corner of Church Lane. Again, it is not considered that the vehicular movements associated with one additional dwelling would materially impact highways safety at this junction which would lead to a severe impact.
- 8.27. There is a public right of way running along Church Lane and the churchyard leading down to the reservoir. The proposed dwelling would have no impact upon this public right of way.
- 8.28. Layout is a reserved matter and thus detail of off-street parking provision on site has not been provided. Nevertheless, it is considered that the site is of a size sufficient to accommodate off-street car parking to serve the occupiers of the proposed dwelling in accordance with Policy DM18 of the SADMP.

Drainage

- 8.29. Policy DM7 seeks to ensure developments do not create or exacerbate flooding.
- 8.30. HBBC Environmental Health (Drainage) has raised no objections to the principal of a dwelling on the application site. It is considered that drainage can be provided for the dwelling without creating or exacerbating flooding in accordance with Policy DM7 of the SADMP.

Other matters

- 8.31. Concerns have been raised for the congestion caused by construction traffic at the end of Church Lane. Despite this concern not being a material planning consideration, there is a secondary access into the site along the north west elevation of no.237 and thus any potential built up of congestion would not be severe.

9. Equality Implications

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

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

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

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

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

9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

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

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

10. Conclusion

10.1. The application site is located within the settlement boundary of Thornton where new residential development is considered acceptable in accordance with Policy 7 and Policy 10 of the Core Strategy.

10.2. Given the application site's location within the settlement boundary, along with its relationship and proximity to nearby dwellings, it is considered that the proposed site could accommodate a dwelling which would complement the character and appearance of the area, would not impact on the setting of the nearby listed church and church yard and would not adversely impact on the amenity of the occupiers of surrounding dwellings. The existing access to be used off Church Lane would not significantly impact upon highways safety and the site could accommodate a sufficient level of off-street car parking. The principle of a dwelling on the proposed site is considered to be in accordance with Policies 7, 10 and 21 of the Core Strategy and DM1, DM7, DM10, DM11, DM12, 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. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

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

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) access
 - b) appearance
 - c) landscaping
 - d) layout
 - e) scale

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

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

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

Site Location Plan Drg No: ED273 - loc (1:1250 scale) received by the Local Planning Authority on 25 October 2019

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

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

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

5. 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).

11.3. Notes to Applicant

1. The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.

2. Any access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

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**Planning Committee 7 January 2020
Report of the Planning Manager**

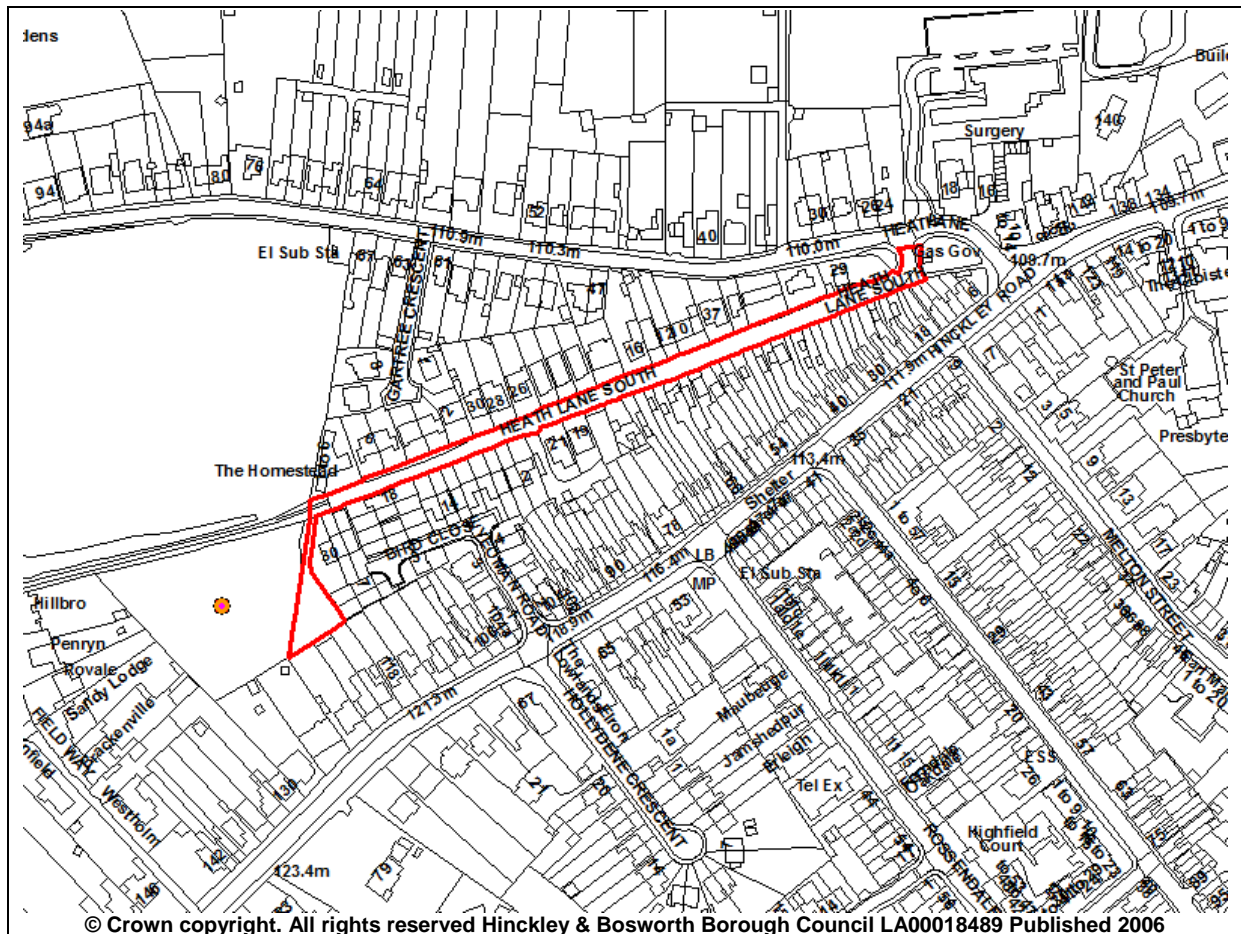
Planning Ref: 19/00674/FUL
Applicant: Mr S Hollows
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Land To The West Of Heath Lane South Earl Shilton

Proposal: Erection of 4 flats (resubmission of 18/00618/FUL)



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 four flats at land to the west of Heath Lane South, Earl Shilton.
- 2.2. This application is a resubmission of a previously refused application for the erection of four flats (reference: 18/00618/FUL). This application was refused due to the introduction of an uncharacteristic, fragmented and incongruous form of development and the lack of a badger survey as the site has the potential to support badgers.

- 2.3. The proposed block of flats would be sited approximately 43 metres from the unadopted highway of Heath Lane South. It would be approximately 4.9 metres to the eaves and 7.15 to the ridge with a footprint of approximately 102 square metres. To overcome the reasons for refusal of the previous application a badger survey has been submitted in support of this application and the design of the proposal has been altered slightly.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located to the rear of no. 120 Hinckley Road and at the end of Heath Lane South, an un-adopted, private road. Access would be from Heath Lane South where it meets the public highway, Heath Lane. The land was previously covered in dense trees and hedges but at the time of submission of this application the land had been cleared and loose gravel laid. Residential properties are located to the east and south with dense woodland located further west.

4. Relevant Planning History

19/00611/HOU	Detached garage	Permission	30.07.2019
19/01040/DISCON	Application to discharge condition 3 (levels) attached to planning permission 19/00611/HOU	Not Discharged	15.10.2019
18/00618/FUL	Erection of four flats	Refused	15.08.2018

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. 34 letters of objection have been received from 18 separate addresses raising the following concerns:
- 1) Poor Condition of access road (Heath Lane South);
 - 2) Extra traffic will make condition of road worse;
 - 3) Greater danger to pedestrian safety (public footpath runs along Health Lane South);
 - 4) Out of character development;
 - 5) Inadequate access;
 - 6) Inadequate parking provision;
 - 7) Potential noise disturbance considering how the site has been used in the past (historical disruption);
 - 8) Impact on the badgers on the neighbouring site;
 - 9) Structural damage to existing buildings/boundary treatments at a lower level to the application site;
 - 10) Dust regenerated from Health Lane South is detrimental to residents health;
 - 11) Will set a precedent for adjacent land to be developed;
 - 12) Noise from extra traffic;
 - 13) Back land development;
 - 14) No evidence of whether the artificial badger sett is active or of its distance; from the proposed development;

6. Consultation

6.1. No objections subject to conditions/notes to applicant:

HBBC Drainage
HBBC Waste
LCC Ecology
LCC Highways
HBBC Pollution
HBBC Conservation Officer

6.2. Earl Shilton Town Council have provided no comments

7. Policy

7.1. Core Strategy (2009)

- Policy 2: Development in Earl Shilton
- Policy 19: Green space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. Earl Shilton and Barwell Area Action Plan (2014)

- Policy 22: Development and Design

7.4. National Planning Policies and Guidance

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

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity and future occupiers
- Impact upon highway safety
- Impact upon ecology
- Drainage and Pollution
- Obligations
- Other matters

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009), Earl Shilton and Barwell Area Action Plan (2014) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.5. 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.
- 8.6. However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure and the Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by Ministry Housing Communities and Local Government (MHCLG). Therefore paragraph 11 of the NPPF is triggered and the application should be determined in accordance with Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.7. A recent appeal decision at Crabtree Farm, Hinckley Road, Barwell (appeal reference APP/K2420/W/19/3222850) determined that substantial weight should be given to the provision of new housing. This along with the consideration under paragraph 11(d) 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.
- 8.8. The application site is located within the settlement boundary of Earl Shilton. Policy 2 of the adopted Core Strategy supports development within the settlement boundary of Earl Shilton. Earl Shilton has good access to facilities, services, employment and sustainable modes of transport. The Council will support housing developments within settlement boundaries that provides a mix of housing types and tenures as detailed in Policy 15 and Policy 16.
- 8.9. By virtue of its location, the proposal would not result in any conflict with Policy 2 of the Core Strategy, it is therefore considered acceptable in principle, unless other material considerations indicate otherwise.

Design and impact upon the character of the area

- 8.10. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.11. Policy 22 of the adopted Earl Shilton and Barwell Area Action Plan seeks to permit development that does not adversely impact the character or appearance of the host building or the surrounding area.

- 8.12. The application comprises a parcel of land located to the west of no. 30 Bird Close and north of no. 120 Hinckley Road. The site was previously covered in dense trees and hedges but has recently been cleared.
- 8.13. The proposal would result in the development of a two storey building comprising 4 flats located immediately on the rear boundary of properties on Hinckley Road. The application site would be located at the end of Heath Lane South with access via a single width track. The surrounding built form comprises predominantly two storey dwellings and subsequently the two storey building would not be out of character.
- 8.14. This application is a resubmission of an application which was previously refused for introducing an uncharacteristic, fragmented and incongruous form of development.
- 8.15. There is an existing line of built development spreading from Heath Lane along the side boundaries of no. 67 Heath Lane, no. 8 and 7 Gartree Crescent, The Homestead flats development and no. 30 Bird Close through to no. 118 Hinckley Road. The land to the west of this existing built development is currently open/verdant in nature by way of a playing field and dense woodland.
- 8.16. However, the application site is no longer green and is not very open. The proposed residential development would be set back from Heath Lane South and the existing building line however it would not be overly prominent within the street scene. Also there are other examples of infill/back land development between Heath Lane South and Hinckley Road (i.e. Bird Close).
- 8.17. As Hinckley and Bosworth Borough Council cannot demonstrate a five year land supply at the current time, on balance the need for housing would outweigh any harm in terms of the impact upon the character of the area (which is seen to be minor in this instance for the above reasons) and as such the proposal would therefore comply with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity and future occupiers

- 8.18. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.19. Policy 22 of the adopted ESBAAP seeks to permit development that does not adversely affect the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.20. The proposed apartment block would be sited approximately 16.5 metres from the rear elevation of no. 5 and 7 Bird Close and approximately 23 metres from the rear elevations of the properties on Hinckley Road. Although the proposal would be sited approximately 1 metre away from the rear boundaries of the properties on Hinckley Road, given the significant distance and orientation of the sun, it is not considered that the proposal would result in significant overbearing impacts on any residential properties. Even though there are significant separation distances between the proposed flats and neighbouring properties it would be considered necessary for condition to be imposed, that any first floor windows on the rear elevation would be obscurely glazed to prevent overlooking. It should be noted that there are no proposed windows first floor level on the proposed eastern side elevation and as such would not result in any additional overlooking.
- 8.21. Landscaping is also proposed to the front of the proposed building to create a buffer/screen between the parking and the ground floor windows on the front elevation. Some of these windows are primary windows to habitable rooms and therefore this would protect the residential amenity of any future occupiers from any light pollution from car headlights.

- 8.22. It is therefore considered that the proposed development would not result in any significant adverse impacts upon the residential amenity of any adjacent properties, in accordance with this criterion of Policy DM10 of the SADMP.

Impact upon highway safety

- 8.23. 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.
- 8.24. Six parking spaces have been provided within the site, one for each one-bedroomed flat and two for each two-bedroomed flat. A turning space has also been provided to allow vehicles to manoeuvre and leave the site in a forward gear. This is considered to be in accordance with the Leicestershire Highway Design Guide.
- 8.25. Access to the site would be from Heath lane South, which is a private un-adopted road and is not publicly maintained. All disputes between rights of access along this road is a civil matter between the applicant and the owners of the road.
- 8.26. Given the extensive number of existing properties and associated vehicle movements using Heath Lane South, it is not considered that this development of four flats would result in a significant intensification of vehicle movements along this private road to the detriment of the maintenance of the road or any resulting dust or drainage issues. It is therefore considered that the proposed development would not have a severe impact upon highway safety in this regard.
- 8.27. Leicestershire County Council Highways department have commented on the proposal and have no objections subject to conditions.
- 8.28. Heath Lane South is also a footpath (U74). LCC Public Rights of Way have been consulted on the proposal and they are satisfied that the proposed development can be accommodated without detrimental impact to highway safety. It is also noted that due to the condition of the surface along Heath Lane South, speeds are lower. Adequate parking and turning provision has been provided within the site to enable vehicles to enter and exit the development site in a forward gear.
- 8.29. The proposal would therefore be in accordance with Policy DM17 and DM18 of the SADMP.

Impact upon ecology

- 8.30. Policy DM6 of the SADMP seeks to ensure that development proposals demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management. The removal or damage of such features shall only be acceptable where it can be demonstrated that the proposal would result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 8.31. The proposed development is immediately adjacent to an area of rough grassland/scrub which has potential to support badgers. It is therefore likely that badger setts are present in the adjacent land and have the potential to be impacted by the development. This is supported by a large number of neighbouring letters received that make note of a badger sett in the vicinity of the site.
- 8.32. A badger survey has been submitted that states that there is knowledge of an adjacent artificial badger sett however no evidence of a badger sett within the application site or the adjacent site was found.
- 8.33. LCC Ecology has stated that the sett could no longer be very active. The actual application site is clear and unsuitable for badgers. LCC Ecology therefore recommends approval of the application subject to a condition being imposed that

requires the applicant/developer to follow the working methodology within section 5 of the submitted report.

- 8.34. Additionally, due to the history of the site, a condition will be imposed requiring an updated survey to be submitted no more than 2 months prior to the commencement of the development.
- 8.35. The other reason for refusal of the 2018 application was the limited information submitted in regards to badgers. This application has overcome this reason for refusal by having all the relevant information submitted and having no objections from LCC Ecology.
- 8.36. Overall, it is considered that the development would not result in harm to protected species, therefore it complies with Policy DM6 of the SADMP.

Drainage and Pollution

- 8.37. Policy DM7 of the adopted SADMP seeks to ensure that adverse impacts from pollution and/or flooding will be prevented.
- 8.38. The proposed development is located within flood zone 1 and is not identified as being in an area at risk from surface water flooding. To ensure the proposed development does not exacerbate or create flood risk elsewhere, a number of notes to applicant would be provided should the application be recommended for approval.
- 8.39. Concerns have been raised in regards to potential noise disturbance considering the historical disruption at the site. The existing use of the site and associated noise and burning of bonfires are currently being investigated by the relevant Enforcement and Environmental Health Teams.
- 8.40. Concerns have also been raised in regards to noise from the extra traffic and dust generated from Heath Lane South impacting resident's health.
- 8.41. HBBC Pollution has raised no objection but recommends conditions to be imposed due to the site being directly adjacent to a former landfill site which is thought to have received builders waste and industrial waste. As such, conditions would be considered necessary and reasonable to ensure the investigation of land contamination on the site prior to commencement of development, to accord with Policy DM7 of the SADMP.

Obligations

- 8.42. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.43. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.44. The nearest public amenity space to the application site is Wood Street Community Park (reference EAR35) which has a quality score of 78% in the Open Space and Recreation Study (2016) which is close to the target quality score of 80%.

- 8.45. Any requested infrastructure contribution for public play and open space facilities would need to be necessary to make the development acceptable in planning terms and therefore CIL compliant.
- 8.46. However, in this case, the proposal is for only four additional dwellings which would not have any significant impact on existing play and open space facilities. The development is considered to be acceptable in planning terms without any contribution and therefore the contribution would not be CIL compliant in this case. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

Other matters

- 8.47. Concerns have been received regarding the setting of a precedent and the potential development of the land further to the west of the application. Each application is however considered on their own merits taking into account the individual characteristics of the site.
- 8.48. Concerns have been raised in regards to structural damage to existing buildings/boundary treatments at a lower level to the application site. This would be a civil matter and is not a material planning consideration.

9. Equality Implications

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

10. Conclusion

- 10.1. By virtue of the proposed siting, layout, scale, design, appearance and existing and proposed landscaping, the proposed scheme would complement the character and appearance of neighbouring development and would not have any significant adverse impacts on the character or appearance of the surrounding area, the amenities of any neighbouring properties, highway safety, or biodiversity and conditions have been imposed to ensure that the development would not result in any significant adverse impacts from flooding or pollution. The proposal would

therefore be in accordance with Policies DM1, DM3, DM6, DM7, DM10, DM17 and DM18 of the adopted SADMP, Policies 2 and 19 of the adopted Core Strategy and Policy 22 of the adopted ESBAPP. The application is therefore recommended for approval subject to conditions.

11. Recommendation

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

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

Reason: To comply with the requirements of Section 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:

Block Plan Drg No: 1378/Rev- A Sheet 2
Floor Plans, Elevations Drg No: 1378/Rev-A Sheet 1
received by the Local Planning authority on 10 October 2019
Site Location Plan
received by the Local Planning authority on 13 June 2019

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

3. 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. 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 approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the

agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

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

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

7. Prior to commencement of development a scheme for the monitoring of landfill gas on the site shall be submitted to and in writing by the Local Planning Authority which shall include details of how any landfill gas 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: As the site lies within 250 metres of a known landfill/made up ground site and in the absence of detailed information which demonstrates that the site does not have ground gas egress, in order to safeguard human health and to ensure that the necessary measures are taken to avoid any risk to public safety, in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No works shall take place on the site other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and not at any time on Sundays and Bank Holidays unless other agreed in writing. No waste materials shall be burnt on the site at any time.

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

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

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

10. No development shall commence until a survey to confirm (or otherwise) the presence of badgers; on the site has been submitted to and approved in

writing by the Local Planning Authority. If badgers are present the survey shall be accompanied by a scheme of appropriate mitigation measures (including precise details of the timing and method of protection). No development shall be undertaken except in accordance with the approved scheme of mitigation.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11. The development shall be carried out in full accordance with the mitigation strategy, specified in section 5 the ecological appraisal received 24th October 2019.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Block Plan Drawing No. 1378/REV-A Sheet No 2 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 the National Planning Policy Framework (2019).

13. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Block Plan Drawing No. 1378/REV-A Sheet No 2. 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 the National Planning Policy Framework (2019).

14. The windows at first floor level on the rear elevation shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale, top-hung and inward opening only. Once so provided the windows shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

15. No development shall commence on site until a scheme of hard and soft landscaping works, including boundary treatments, for the site has been submitted to and approved in writing. The scheme shall be carried out in full accordance with the approved landscaping scheme prior to the first occupation of any dwelling. The soft landscaping scheme shall be maintained for a period of 5 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 which shall be specified in writing by the Local Planning Authority.

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

16. Development shall not begin on site until surface water drainage details and calculations, incorporating sustainable drainage principles (SUDs) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the full details prior to the completion of the development.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management Policies 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. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>.
3. In relation to condition 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.
4. Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, previous paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
5. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment guidance on the permeable surfacing of front gardens).

**Planning Committee 7 January 2020
Report of the Planning Manager**

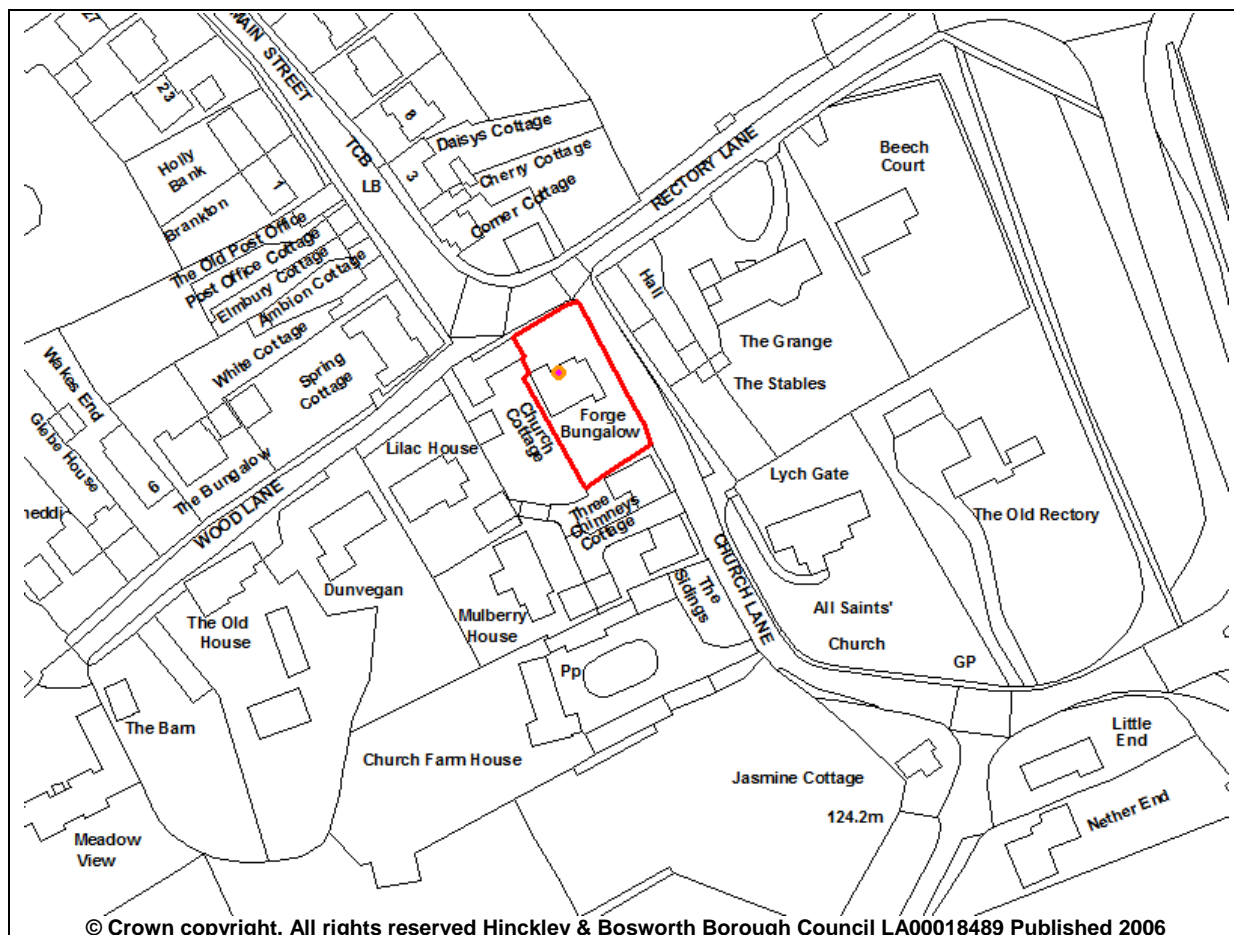
Planning Ref: 19/00714/FUL
Applicant: Mr K Baxter
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: Forge Bungalow Main Street Cadeby

Proposal: Demolition of existing bungalow and erection of 2 no dwellings



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. The application seeks permission for the demolition of the existing dwelling and the erection of 2 two-storey detached dwellings.
- 2.2. Dwelling 1 would face Main Street approximately 4 metres from the side elevation of Church Cottage (which is a Grade II Listed Building). The ridge height is similar at approximately 7 metres with a slightly higher eaves height of 3.9 metres (opposed to Church Cottage whose eaves are approximately 3.6 metres in height).
- 2.3. Dwelling 2 would face Church Lane adjacent to Three Chimneys Cottage. The character and appearance of dwelling 2 would be similar to both Three Chimneys

Cottage and The Sidings. The ridge height would be approximately 8.8 metres with an eaves height of 5 metres.

- 2.4. Both dwellings would be 4 bedrooms with on-site parking. The parking for dwelling 1 would be accessed via Church lane and provides a turning area and 3 parking spaces. Dwelling 1 also benefits from a rear garden of approximately 82 square metres and a side garden of 28 square metres.
- 2.5. Dwelling 2 benefits from 2 parking spaces accessed via Church Lane with a rear garden of approximately 152 square metres.
- 2.6. During the course of the application, amended plans have been received with the following revisions;

Reduction in size, including height of both dwellings;

Relocation within the plot of both dwellings;

Design elements including the eyebrow dormers on dwelling 1 and the inclusion of a chimney on dwelling 2 to reflect design elements on adjacent properties;

Revisions to car parking layouts;

Root Protection Zone included in regard to the Walnut tree.

The application has been re-consulted on 3 times.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located at the junction of Church Lane and Main Street and is within the core of the Cadeby Conservation Area. There are three listed buildings within the vicinity of the site, Church Cottage is Grade II listed and is located immediately to the west of the site, Church Farmhouse is Grade II listed and is located approximately 50m to the south of the site, and the Church of All Saints is Grade II* listed and is located approximately 50m to the south-east of the site.
- 3.2. The existing property - Forge Bungalow - was built circa 1950 and is set back from both Church Lane and Main Street. There is an open frontage to Church Lane with a path and area laid to lawn for the front garden. The eastern boundary of the site currently comprises a section of hedgerow and conifer trees, whilst the southern end of this boundary is open to a rear garden. The gable end to Church Cottage and its associated garden form the western boundary of the site. To the south is Three Chimneys Cottage, this being a development constructed approximately 5 years ago. Forge Bungalow has a dual pitched roof with projecting gables to the front elevation. It is constructed of a mellow red brick with concrete roof tiles and large window openings.
- 3.3. There is a Walnut tree situated within the rear garden of Church Cottage adjacent to the boundary. This tree has recently been made the subject of a Tree Preservation Order.

4. Relevant Planning History

None

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. There have been 21 objections from seven separate addresses. The application has been subject to several revisions and the amount of letters received reflects the re-consultation process on each revision. The objections are as follows:

- 1) Over-development of the site;
- 2) Proximity, scale and design of dwellings not in keeping with the village;
- 3) Erosion of the historical heart of the village/conservation area;
- 4) Loss of views from Main Street to All Saints church;
- 5) Highway hazard due to proximity to junction of Rectory Lane/Church lane;
- 6) Dwelling1 will over dominate this junction;
- 7) Dwelling 2 will over dominate Three Chimneys Cottage and cause loss of light;
- 8) Two 4 bed houses will put a strain on village services;
- 9) Dwelling 2 will have a detrimental impact on TPO tree;
- 10) Fumes from car parking for Dwelling 1 will impact on the residential amenity of the occupiers of Church Cottage as adjacent to their patio;
- 11) A single-dwelling would be more appropriate;
- 12) Applicant is seeking financial gain and doesn't have the interests of the village at heart;
- 13) Council should be opposed to the demolition of an existing property which is perfectly habitable;
- 14) Lack of information in the Heritage Statement fails to describe the significance of the historical assets of the adjacent Listed Buildings and Conservation Area;
- 15) Proximity to the Village hall will have a negative impact on future occupiers through noise and disturbance;
- 16) Does not comply with local plan Policies;

6. Consultation

- 6.1. The following consultees have no objection to the scheme – as revised - subject to Conditions;

HBBC Waste Services
 LCC Archaeology
 LCC Highways
 HBBC Drainage
 HBBC Arboricultural Services
 HBBC Conservation Officer

- 6.2. Cadeby Parish council object to the scheme on the following grounds:

- 1) Negative impacts to Heritage assets and Conservation Area;
- 2) Negative impacts on Neighbourhood amenity;
- 3) Highway concerns;
- 4) Negative Impact on the TPO Walnut tree;

- 6.3. County Councillor objects to the principle of infill development which fundamentally changes the character of the village and concurs with the views already presented by local residents and the Village Trust.

- 6.4. Cllr Maureen Cook originally called-in the application on the grounds of over-development and has requested a site visit.

- 6.5. English Heritage has reviewed the application (on being alerted to the scheme by a local resident) and have responded in that they would not have to be formally consulted on this matter and defer to the LPA to make the relevant appraisals.

7. Policy

- 7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets
- Policy 19: Green Space and Play Provision

- 7.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.4 Any other guidance
 - Cadeby Conservation Area Appraisal (CCAA) (2007)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the Heritage Assets
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact on TPO tree
- Drainage
- Obligations

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.5. 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 Cadeby as a rural hamlet which supports housing development with settlement boundaries whilst respecting

the character and appearance of the Conservation Area by incorporating locally distinctive features of the CA into the development, which will be considered further in the report.

- 8.6. 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 identified in the Governments Housing Delivery Test and the Council is unable to demonstrate a 5 year housing land supply. Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.7. The proposal for residential development within the settlement boundary is acceptable in principle subject to any material considerations that are considered elsewhere within this Report.

Design and impact upon the character of the conservation area and heritage assets

- 8.8. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD (SADMP) seek to protect and enhance the historic environment and heritage assets. Policy DM13 seeks to protect the Borough's Archaeology. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate:
- a) An understanding of the significance of the heritage asset and its setting, and
 - b) the impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
 - c) How the benefits of the proposal will outweigh any harm caused
 - d) Any impact on archaeology in line with Policy DM13.
- 8.9. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features (as identified in Conservation Area Appraisals and Management Plans).
- 8.10. Policy DM13 states that where development has the potential to impact a site of archaeological interest then appropriate desk-based assessments should be carried out, and where applicable, the results of a field evaluation detailing the significance of any affected asset. The site lies within an area of archaeological interest and consequently there is a likelihood that buried archaeological remains may be affected by the development.
- 8.11. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.12. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment.
- 8.13. In determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance (paragraph 189). Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 190).
- 8.14. Paragraph 192 states that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.15. Paragraph 193 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.
- 8.16. Local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (paragraph 200).
- 8.17. The Cadeby Conservation Area Appraisal (CCAA) (2007) identifies that the character of Cadeby Village is primarily derived from its agricultural origins. This can be identified from a number of former and existing farm buildings including Church Farm. The settlement is fortunate in having retained several medieval timber framed buildings (including Church Farm and Church Cottage) which help to give the village its unique character. The intersection of Main Street and Wood Lane (formerly Duck Paddle Lane) is considered to mark the heart of the conservation area where uniquely in the village, traditional house in the main, sit against metalled pavements with kerb stones to form the edges of a tightly enclosed space. Here Church Cottage displays a fine medieval cruck timber frame gable and eyebrow windows. These factors listed above contribute positively to the character and appearance and thus significance of the conservation area.
- 8.18. The CCAA identifies that within the conservation area without exception traditional buildings are two storeys in height and set at or near the back edge of the pavement. Decorative chimneys feature prominently throughout the settlement often grouped in twos or fours. Blue clay roof tiles with plain ridges are the predominant roof material. Elevations are plain and simple with occasional gables fronting the road. Window openings are either vertically proportioned for sliding sashes or sit beneath segmental arches. Projecting brick cills and string courses also feature. The widespread use of red bricks of various tones has continued during more recent developments broken only occasionally by render, giving a continuity of appearance through the village. Fine high brick and stone walls topped

with saddle-back copings, agricultural fencing and hedges are commonly used to define boundaries within the settlement. These channel views and add interest to the edges of the area. Such building style, scale and details and boundary treatments all contribute positively to the character and appearance and thus significance of the conservation area.

- 8.19. Conversely the CCAA identifies that open frontages to dwellings are out of character. Buildings of poor visual quality within the area include pockets of post-war development that detracts from the prevailing scale, form and grain of the area. The CCAA specifically identifies Forge Bungalow as one such dwelling, and due to its uncharacteristic scale, form, siting, and open frontage the application site has a negative influence on the character of the conservation area. The fir trees along its boundary are also considered a particular incongruent feature on Church Lane. The CCAA map identifies the application site as a weak area and as a site requiring frontage improvements; therefore the application site warrants special attention for enhancement. The enhancement of the character and appearance of the conservation area can be defined as the reinforcement of the qualities providing the special interest and significance which warranted designation. The associated Cadeby Conservation Area Management Plan and Photographic Record (2007) suggests that a boundary wall built around the curtilage of Forge Bungalow would help enclose the site and screen the poor view into the rear of the property, alongside also suggesting that redevelopment of the site should be considered.
- 8.20. The application site is also visible in a number of 'views to be protected' (as identified in the CCAA) including one looking south-east down Main Street (almost directly at the site), one from directly outside the site from Main Street looking south-east towards The Grange, one directed south-west along Rectory Lane (from outside The Grange), and one adjacent to the site looking south-east down Church Lane towards the church and churchyard. The current character and appearance of the application site is considered to detract from these views for the reasons identified above. There are also further heritage assets visible in these views and other views within the vicinity of the site, more context is provided below.
- 8.21. Three listed buildings, Church Cottage, Church Farmhouse and the Church of All Saints, are all located within the vicinity of the application site. It must therefore be assessed if the site falls within the setting of these designated heritage assets. The NPPF (Annex 2) defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." Historic England provide advice on the setting of heritage assets in their Good Practice in Planning Note 3 (2015), this identifies that the surroundings in which an asset is experienced may be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way which we experience an asset in its setting is also influenced by other factors such as noise, dust and vibrations from other land uses in the vicinity, and by our understanding of the historic relationship between places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance.
- 8.22. Historic England recommends undertaking a five step approach to assessing change in the setting of heritage assets. The first step is to identify which heritage assets and their settings are affected by the proposal. Due to the tight urban grain of the village and their siting and close proximity of each other, the application site and each of the three listed buildings (Church Cottage, Church Farm and the

Church of All Saints) can be viewed from each other and are also viewed together from various points, including in some of the important views identified in the CCAA. The application site is therefore clearly located within the setting of these three designated heritage assets.

- 8.23. Step 2 is to assess the degree to which the setting makes a contribution to the significance of the heritage asset or allows its significance to be appreciated.
- 8.24. Church Cottage is grade II listed and located immediately to the west of the application site. The listing building entry identifies the building as partially dating from the early C16, the rest rather later, perhaps C17 or early C18. The earliest part is timber framed throughout with brick panel infill and a plain tiled roof replacing the original thatch. It has a main range and cross wing plan, the wing forms the earlier part of the cottage and is cruck framed. Studies listed on the HER tree-date the timbers back to 1472 (suggestions have also been made that the cruck dates back to 1363) therefore it is highly likely that the first phase of the building is older than identified in the listed building entry. The full height cruck is raised on a cobble plinth with a tie beam, collar and saddle at the apex and spurs to angle posts. There is close studding infill. Renewed casement windows have been installed within the cross wing. The main range (that being closest to the application site) consists of two units with a central doorway in a new porch and has steeply brick-arched heads to the flanking 3-light casement windows. There are two eyebrow dormers above and two axial stacks, one of which is behind the entry.
- 8.25. Church Farmhouse is grade II listed and is located approximately 50m south of the application site. The listed building entry identifies the building as a farmhouse dating from the late C16 or early C17. It is timber framed with partial brick infill and a plain tiled roof. It is two storeyed with a main range and cross wing plan. The main range consists of 6 bays framed in large square panels with some arched bracing and sections of cill visible though some of the timberwork is rendered over. The doorway is in the right hand bay. It has casement windows and two blank bays to the left. The cross wing has jowled corner posts and steep brick arched to the lower casement windows. There are gable and axial stacks. There are two perpendicular ranges of former agricultural buildings enclosing a courtyard giving the farmstead a U-shaped plan form, these ranges are listed by virtue of being in the curtilage of the farmhouse.
- 8.26. The Church of All Saints is grade II* listed and is located approximately 50m south-east of the site. The listed building entry identifies the building as a small parish church dating from the late C13 with some C15 work and later restoration. It is constructed of coursed limestone rubble with ashlar dressings and a plain tiled roof. There is a small west tower over the nave roof, a short south aisle and a chancel. The above is a short summary with further features of interest extensively identified in the listed building entry.
- 8.27. The overall significance of the each listed building is principally derived from the architectural and historic interest of the asset, which is embodied within the fabric of the each building both internally and externally. Each building demonstrates a high level of illustrative value, with the architecture demonstrating church building techniques and styles from the late C13 onwards and domestic timber frame building techniques from at least the early C16 onwards, including both the cruck frame and box frame construction methods. The clear aesthetic value and historical value (by virtue of their use as part of the development of a functional settlement) of each building is apparent for the observer when located immediately adjacent, and for Church Farmhouse and the Church of All Saints it is also apparent from within the wider landscape.

- 8.28. The application site is considered to be located within the immediate setting of Church Cottage. The historical mapping does provide evidence of the development of the village and confirms the presence of earlier buildings located in the application site prior to Forge Bungalow, with the once attached range having a functional as well as physical relationship to Church Cottage through its use as a Smithy for a period of time. However any physical and associated functional connection between the application site and Church Cottage was severed by the demolition of the buildings on the site during the mid-C20, rendering any contribution the application site makes to the significance of Church Cottage as evidential only. Since the erection of Forge Bungalow the application site and Church Cottage are clearly two separate plots with no functional relationship other than that they are both domestic buildings, as to be expected in a small residential settlement.
- 8.29. Both the application site and Church Cottage are visible in views looking south-east along Main Street and south-west along Rectory Lane. Due to the siting and footprint of Church Cottage the focus of the view from Rectory Lane is on the blank gable end of the C17/C18 main range, although the original cruck timber framed cross wing does project out beyond the main range and can be glimpsed. This view does allow for an appreciation of Church Cottage but the extent of the appreciation is due to the uncharacteristic lack of enclosure at the front of Forge Cottage and its siting back from the plot frontage. The extent of this view has also only been possible since the demolition of the attached single storey range during the mid-20C. The view from Main Street is terminated by the front elevations of both Church Cottage and Forge Bungalow. The view allows for a full appreciation of the significance of Church Cottage with all phases of construction of the cottage being visible, however in the same view the uncharacteristic scale of Forge Cottage is clear and it stands out as being incongruous. It is therefore considered that the application site detracts (to a moderate level) from the setting of Church Cottage in both of these aspects.
- 8.30. The immediate setting of Church Farm is made up of the internal courtyard and the associated paddock located immediately below the southern range. The paddock provides for an open aspect to the southern range and the Farmhouse itself at the transition of the village into open countryside further to the south and west, this being the wider setting of the heritage asset. The 1840 tithe map and subsequent Ordnance Survey maps indicate that the built form at both the Church Farm complex and upon the application site has always been confined to within defined plots, clearly separated from each other by a parcel of land likely to have been for the use of the farm. There is no apparent direct functional or historic connection between the application site and Church Farm. Three two storey dwellings have now been constructed on this parcel of land in between the application site which, due to the scale and siting of this new development, greatly limit any visibility of the Church Farmhouse (due to its scale) from the application site to an occasional glimpse. Inter-visibility from Church Farm towards the application site is even further limited. Due to such a visual relationship between Church Farm and the application site comprising of glimpses at most only, alongside any views between now being set within the context of new (but appropriate) development, the application site is considered to make a neutral contribution to the significance of Church Farm.
- 8.31. The immediate setting of the Church of All Saints is made up of the moderately sized church yard which surrounds it. It is bound by a retaining stone wall and includes only a small amount of vegetation which provides it with a largely open character and aspect to Church Lane. The wider extended setting is relatively wide to the south and west, owing to the elevated position of the church and its modest

but visually prominent tower, noticeable on the skyline from numerous points within the southern section of the village and from the surrounding landscape at this transition into the countryside. This demonstrates the importance and influence of the church and therefore contributes to its value. There is also communal value which contributes to the overall significance of the church, derived from the role it has continuously played as a religious centre for the community from the C13 through to the present day.

- 8.32. As identified above evidence confirms the presence of earlier buildings located within the application site prior to construction of Forge Bungalow, however there is no apparent direct functional or historic connection between the application site and the church. There is some inter-visibility between the church and the southern section of the application site so the application site falls within the wider setting of the church. Looking northwards along Church Lane from either the churchyard or the lychgate the rear elevation of Forge Bungalow, its open rear garden and the boundary conifer trees are all clearly visible. It is considered that the uncharacteristic scale and form of the bungalow, the lack of site enclosure and the presence of the conifers makes no contribution to the significance of the church and as all of these incongruous factors can be fully appreciated in such views the application site detracts (to a moderate level) from the setting of the church in this aspect.
- 8.33. Slightly closer to the application site from Main Street (close to its junction with Wood Lane) there is a glimpse of the upper section of the tower of the Church of All Saints when looking south-east over the application site. This glimpse is possible due to the uncharacteristic scale of Forge Bungalow, but may have been extant since at least the 1840s due to the likely single storey scale of the once attached range. As established above, the application site makes no contribution to the significance of the church, however this established (although incidental) glimpse of the church tower over the application site does allow for a minor appreciation of the significance of this listed building.
- 8.34. The content provided in the submitted Design and Access Statement is limited and does not provide a thorough description of the heritage assets affected by the proposal, including any contribution made by their setting. The local planning authority should require an applicant to provide this information to a proportionate level and be no more than is sufficient to understand the potential impact of the proposal on the significance of affected heritage assets. Due to the limited information provided there is some conflict with paragraph 189 of the NPPF and Policy DM11 of the SADMP. However, the failure of the applicant to properly assess the heritage assets affected is not a reason to invalidate or to decline to determine the planning application, because as required by the NPPF (paragraph 190) (and as informed by the Planning Practice Guide) the local planning authority should also undertake their own assessment to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.
- 8.35. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals (Planning Practice Guide - Historic Environment Section paragraph 007). The comments contained within this report have identified the particular significance of the heritage asset affected by the proposal (this includes their setting) by taking account of the available evidence, and is followed by an assessment of the impact of the proposal on the affected heritage assets. This ensures the local planning authority have fulfilled the requirements of paragraph 190 of the NPPF and Policy

DM11 of the SADMP, with no further information or evidence being required to inform this assessment.

Impact upon Cadeby Conservation Area

- 8.36. Both proposed dwellings follow many of the key characteristics of traditional buildings that contribute positively to the character and appearance of the area, as identified in the CCAA. Both dwellings are two storey in height and are located at or near the back edge of the pavement. The elevations are plain and simple and windows sit below segmental arches or the eaves. Decorative chimneys feature prominently on both gable ends in addition to decorative brick courses at the verges. Materials proposed for the construction of the dwellings are traditional and consist of a facing brick, plain clay tile roof, timber windows and doors, and metal rainwater goods. The use of a hedge to define the eastern boundary of plot 1 is also a characteristic boundary treatment further channelling views along Church Lane.
- 8.37. Increasing the number of dwellings on the site by one does increase the density of the plot but the development would closely follow the density of the recent development on the land formerly associated with Church Farm on the adjacent plot (comprising Three Chimneys Cottage, The Sidings, and Mulberry House) whilst also reflecting the higher density of development within the traditional core of the village. The design concept for both dwellings, by closely reflecting the key and quality characteristics of adjacent properties on both Church Lane and Main Street respectively, ensures that each dwelling would sit comfortably in the street scene. For this reason it is also considered that not only would the affected 'views to be protected' (identified in the CCAA) be preserved but rather it is considered they would be enhanced by the proposal.
- 8.38. The CCAA identifies that due to its uncharacteristic scale, form, siting and open frontage to around the site, Forge Bungalow has a negative influence on the character and appearance of the core of the conservation area. The fir trees along its boundary are also considered a particular incongruent feature on Church Lane. The CCAA map identifies the application site as a weak area and as a site requiring frontage improvements; therefore the application site warrants special attention for enhancement. By virtue of the demolition of the bungalow and removal of the fir trees, accompanied with the appropriate scale, siting and layout, density, mass, design and architectural features, and construction materials of the two proposed dwellings, and the incorporation of appropriate landscaping and boundary features for the wider site, it is considered that the proposal would enhance the character and appearance and the significance of the Cadeby Conservation Area and reinforce the qualities providing the special interest and significance which warranted designation.

Impact upon listed buildings

- 8.39. Step 3 of the Historic England approach to assessing change in the setting of heritage assets is to assess the effects of the proposed development, whether beneficial or harmful, on the significance of the listed buildings known as Church Cottage, Church Farm, and the Church of All Saints, or on the ability to appreciate that significance.
- 8.40. The proposal will continue the established domestic use on the application site which compliments the use of the adjacent grade II listed Church Cottage. The proposal will re-establish a strong sense of enclosure due to the siting of plot 1 in the view of Church Cottage from Rectory Lane. Although the extent of the view of the blank gable end of the C17/C18 main range will be reduced due to the siting of plot 1 being on the same building line, the depth of the proposed dwelling with its associated shallower roof pitch and the separation of the two plots will still allow for

sections of the gable end to be viewed from Rectory Lane. In addition, the siting and scale of plot 1 will have no effect on the current glimpse of the projecting cross wing with cruck frame. The view from Main Street will be terminated by the front elevations of both Church Cottage and dwelling 1 of the proposed development. Due to the appropriate scale, form and siting of dwelling 1 it is considered that the significance of Church Cottage can continue to be fully appreciated in this view. Currently the uncharacteristic scale and siting of Forge Cottage is considered to detract (to a moderate level) from the setting of Church Cottage in both of these views. By virtue of the scale, siting and form of dwelling 1 closely reflecting the key and quality characteristics of the adjacent Church Cottage, this ensures that dwelling 1 would sit comfortably in views of the application site and Church Cottage from both Rectory Lane and Main Street. For this reason it is considered that the proposal is an appropriate development within the immediate setting of the grade II listed Church Cottage and the effects of the proposed development would be beneficial to its significance.

- 8.41. Despite approximately 4m of separation between dwelling 1 and the gable end of Church Cottage there is a very limited possibility that the construction of dwelling 1 (if approved) could have an indirect physical impact upon the historic fabric of the Cottage. To ensure there is no harmful physical impact from the construction on the adjacent listed building it is requested that a condition is imposed for the submission of a Method Statement prior to the commencement of the development to determine the appropriate means of construction for dwelling 1, which is considered necessary and reasonable when having regard to the proximity of the adjacent listed building. It is anticipated that due to relationship between dwelling 1 and the listed building, the possible construction method would be the requirement for the excavation of the foundations (all or in part) for dwelling 1 to be hand dug.
- 8.42. The visual relationship between Church Farm and the application site comprises of glimpses at most and where possible such inter-visibility is set in the context that the character of the area consists of domestic buildings all of a traditional or characteristic appearance. Due to the appropriate scale, siting and form of the proposed development this context would not be altered so the change in views between Church Farm and the application site would be negligible. Again due to the appropriate nature of the development and the enhancement to the character of the area it provides the effects of the proposed development will be beneficial to the significance of the grade II listed Church Farm.
- 8.43. Currently the uncharacteristic scale and form of Forge Bungalow, the lack of site enclosure and the presence of the conifers on the site make no contribution to the significance of the Church of All Saints and as all of these incongruous factors can be fully appreciated in views northwards along Church Lane from the churchyard the application site detracts (to a moderate level) from the setting of the church in this aspect. By virtue of the scale, siting and form of dwelling 2 closely reflecting the key and quality characteristics of the adjacent Three Chimneys Cottage, this ensures that dwelling 2 would sit comfortably in views of the application site from the churchyard. The proposal would also re-establish a strong sense of enclosure to Church Lane due to the siting of dwelling 2 and the planting of a new hedgerow to bound dwelling 1 in the same view. For these reasons it is considered that the proposal is an appropriate development within the wider setting of the grade II* listed Church of All Saints and the effects of the proposed development will be beneficial to its significance.
- 8.44. Due to the appropriate increase in scale of dwelling 1 and its siting fronting Main Street the current glimpse of the tower of the Church of All Saints when looking south-east over the application site from Main Street would be lost. The extended

setting of the church is relatively wide to the south and west, owing to the elevated position of the church and its modest but visually prominent tower, noticeable on the skyline from numerous points within the southern section of the village and from the surrounding landscape at this transition into the countryside. The glimpse of the tower from Main Street is an incidental rather than planned view, and as established above the significance of the church can be appreciated from many other public vantage points within its wider setting. The effect of the loss of this incidental view is therefore considered to be negligible rather than harmful.

- 8.45. Step 4 in the Historic England assessment approach is to explore ways to maximise enhancement and avoid or minimise harm, but given that there is no harmful impact from the proposal on the significance of nearby listed buildings it is not considered that any actions to be met this aim are necessary. Step 5 relates to making and documenting the decision and monitoring outcomes. Such recommended good practice has been achieved by setting out the assessment stage of the decision-making process in an accessible way in the body of this report.
- 8.46. Finally, given that the site lies within an area of archaeological interest, and in accordance with the NPPF (section 16, Paragraph 199), to safeguard any important archaeological remains that may be present, it is recommended that a Condition be imposed requiring a Written Scheme of Investigation is prepared which would comprise the programmes/methodology of site investigation and recording to be carried out by a competent expert.
- 8.47. Overall, in regard to the impact of the proposal on the setting of adjacent listed buildings and within the Conservation Area in an area of Archaeological interest the proposal complies with Policies DM10, DM11, DM12 and DM13 of the SADMP, Section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.48. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site. Policy DM7 seeks to ensure that development proposals would not cause adverse impact from pollution and/or flooding subject to a set of criteria. Criterion F requires development to not contribute to poor air quality.
- 8.49. As a result of the public notification process, objections have been received on the grounds of loss of light due to the proximity of the development on both Three Chimneys Cottage and Church Cottage, loss of amenity for Church Cottage based on the proximity of the car parking spaces for dwelling 1, loss of privacy into the rear garden and rooms of Church Cottage and potential noise issues from the Village Hall impacting on the future amenity of the occupiers of Dwelling 1. Objections relating to the impact of the proposal on the character and appearance of the conservation area, the impact on the listed buildings and general layout of the proposed dwellings have been covered in the section above.
- 8.50. In regard to the loss of light to the landing window of Three Chimneys Cottage, Dwelling 2 has been relocated deeper into the plot allowing more space between the two properties, thus between the two flank walls is a distance of approximately 5 metres. The dwelling is to be built due north of Three Chimneys Cottage and the building would not obscure the sun path at any point during the day given this orientation. As the landing window is inserted into the north facing wall of Three Chimneys Cottage, it receives only limited direct sunlight the majority of which in the late afternoon when the sun is in the west. As Dwelling 2 does not project further

forward of the rear of Three Chimneys Cottage and due to its location to the north of the existing property, it would not cause any significant loss of sunlight. In this regard, it is not considered that the scheme would cause loss of light to the adjacent dwelling.

- 8.51. A window serving a bathroom on the first floor is proposed on the southern flank elevation of Dwelling 2. However a condition requiring this window to be obscurely glazed would render it unlikely that this would give rise to any loss of privacy either into the aforementioned landing window or into the rear garden of Three Chimneys Cottage.
- 8.52. The proposed positioning of Dwelling 2 would be approximately 20-24 metres away from the rear elevation of Church Cottage to the north-west. Due to its position, windows would be at an oblique angle to the rear of Church Cottage and would look towards the end of the rear garden. The common boundary is well screened with mature trees and shrubs and overlooking into the private patio or rear rooms of Church Cottage would be highly unlikely and limited from the first floor windows of Dwelling 2.
- 8.53. The re-positioning of Dwelling 1 by 4 metres to the east of the plot would prevent any potential overbearing impact or loss of light caused by overshadowing by this building over Church Cottage. In regard to the car parking spaces, the boundary treatment at this point is denoted by a brick wall approximately 1.8 metres in height. Cars would not be seen but there may be some minimal noise associated with car movements using the spaces. The Environmental Health officer has commented verbally that any noise or associated fumes would be negligible given the domestic nature of movements.
- 8.54. It is considered that neither proposed dwellings would cause loss of existing residential amenity by virtue of loss of light, visual impact or noise and disturbance over and above what would normally be expected and experienced through the use for residential purposes.
- 8.55. The village hall is located on the eastern side of Church Lane directly opposite the flank wall of Dwelling 1 and is run via a Community Development Trust. It is used most evenings for community projects and meetings. Concern has been raised that the noise from the village hall may disturb new occupiers of dwelling 1 due to the proximity of the village hall which has three windows along its western elevation.
- 8.56. The windows along the western elevation are top openers only and obscurely glazed. The eastern flank wall of Dwelling 1 has one window serving the kitchen area. There is a road between the side wall of dwelling 1 and the village hall which is also attached to an existing residential property (The Stables). It is not considered that noise from functions within the village hall would be so disruptive as to warrant a refusal of this application based on a potential conflicting relationship between the two uses. As it is run as a community facility then the new occupiers of both dwellings would have an opportunity to also participate in any of the functions carried out at the Hall.
- 8.57. Overall, the scheme is not considered to have any significant harmful impact on the residential amenities of the adjacent properties or on future occupiers of the two dwellings. In this regard the proposal is considered to be in accordance with Policies DM7 and DM10 of the SADMP.

Impact upon highway safety

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

development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.

- 8.59. Although it is acknowledged that there have been several strong objections to the scheme in relation to existing highways issues including the existing limited visibility at the junction of Church Lane and Rectory Lane and existing parking problems that are experienced by local residents at times, LCC Highways Authority do not seek to resist the proposal on grounds of highway safety nor do they consider that the impacts of the development on the road network would be severe. Parking, access, visibility and width of access are acceptable. Conditions would mitigate for matters that need the provision of additional information such as visibility splays, hard landscaping arrangements and drainage of surface water.
- 8.60. In this regard, the proposed scheme accords with the provisions of DM17 and DM18 of the SADMP.

Drainage

- 8.61. Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding.
- 8.62. The Environment Agency flood maps identify the site as being located within Flood Zone 1 and do not highlight any concerns relating to surface water flooding.
- 8.63. The site relates to an existing residential site with the existing dwelling connected to all Services including drainage. Although no drainage plans have been submitted, it is considered that the new dwellings would connect to the existing sewerage system. Condition requiring further information for both the disposal of foul and surface water is to be imposed.

Impact on TPO Walnut tree and landscaping

- 8.64. Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features.
- 8.65. Concerns were raised over the future of the Walnut tree located alongside the western boundary at the rear of Church Cottage and the site. A request for a TPO to be placed on the tree was appraised by the LPA and a TPO was confirmed on the tree on 7 August 2019.
- 8.66. Concerns were raised by Officers that the canopy spread had the potential to shade the rear of the Dwelling 2 to such a degree that the tree would always be under threat of over pruning or eventual removal to allow sunlight into the rear rooms of this property. To alleviate these concerns, the dwelling has been re-located deeper into the plot and the applicant has provided an updated tree survey and site plan showing the extent of the root protection zone and the spread of the canopy throughout the changing seasons.
- 8.67. The revised layout is an improvement with around one third of the garden not shaded by the tree. The tree officer is satisfied with the information provided and subject to a tree protection plan secured by a condition, it is not considered that the existence of the TPO'd tree would have such a significant impact on the future residential amenities of occupiers which may lead to a continual threat for the future of the tree. Notwithstanding this, careful management of the tree (which due to both its TPO status and its location within the Conservation Area any works would need approval from the LPA) would also ensure that the tree remained in good shape and a manageable size and would continue to enhance the public amenity of the

appearance within the Conservation Area without causing undue harm to future residential amenity.

- 8.68. Although very limited details have been provided in relation to the soft landscaping of the site, it has already been documented that the line of conifer trees along the Church Lane boundary are considered incongruous within this sensitive setting. A hedge is proposed along this boundary which would also enclose the openness of the site, which has also been documented within the Conservation Area appraisal as a weakness. The hedge would need to provide visibility adjacent to the access along Church Lane and this would form part of a visibility splay condition. The hedge should be planted with a mixture of indigenous species which would be appropriate within its setting. Notwithstanding the above, a landscaping condition requiring a landscaping plan is considered prudent given the sensitive location of the site and to accord with Policy DM6 of the SADMP.

Obligations

- 8.69. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.70. However, the proposal is one additional dwelling which would have a negligible impact on existing facilities. The development is acceptable in planning terms without any contributions and therefore contributions would not be CIL compliant in this case. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

Other matters

- 8.71. The Waste Services department have requested that adequate provision is made for the storage facilities within the site. As the scheme relates to only 2 residential dwellings it is considered that there would be sufficient space within the confines of each private garden for the storage of waste and recycling bins which would be brought out on collection day for kerb collection.

9. Equality Implications

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

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

10. Conclusion

- 10.1. The application seeks permission for the demolition of Forge Bungalow and the erection of 2 x four bedroom detached dwellings. Forge Bungalow as existing has an uncharacteristic scale, form, siting, incongruous boundary of fir trees and an open frontage which has a negative influence on the character and appearance and thus significance of the Cadeby Conservation Area. The Cadeby Conservation Area Appraisal and Management Plan identifies that the application site is a weak area in the conservation area that warrants special attention for enhancement.
- 10.2. This proposal seeks to demolish Forge Bungalow and erect two detached two-storey dwellings sited at the back edge of the pavement with their design reflecting the key and quality characteristics of adjacent properties. By virtue of the demolition of the bungalow and removal of the fir trees, accompanied with the appropriate scale, siting and layout, density, mass, design and architectural features, and construction materials of the two proposed dwellings, and the incorporation of appropriate landscaping and boundary features for the wider site, it is considered that the proposal will enhance the character and appearance and the significance of the Cadeby Conservation Area and reinforce the qualities providing the special interest and significance which warranted designation. The affected 'views to be protected' (as identified in the Cadeby Conservation Area Appraisal) will also be enhanced. In reaching this conclusion it is considered that the local planning authority have taken into account the desirability of new development making a positive contribution to local character and distinctiveness (paragraph 192 of the National Planning Policy Framework) and have sought the opportunity provided by this new development to enhance the significance of the conservation area (paragraph 200). Overall it is considered that the proposal will enhance the significance of the Cadeby Conservation Area so it complies with Policies DM11 and DM12 the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.3. The application site is located within the setting of three listed buildings, these being Church Cottage (Grade II), Church Farmhouse (Grade II) and the Church of All Saints (Grade II*). The site is considered to make an evidential contribution (due to a historic use) to the significance of Church Cottage only. Due to the uncharacteristic scale, form, siting, incongruous boundary fir trees and an open frontage Forge Bungalow is considered to detract from the setting of Church Cottage and the Church of All Saints and have a neutral effect on Church Farmhouse. By virtue of the scale, siting and form of both proposed dwellings closely reflecting the key and quality characteristics of adjacent buildings it is considered that the proposal is an appropriate development within the immediate and wider setting of these three listed buildings. For each of these listed buildings it is considered that the effects of the proposal will be beneficial to their significance. For these reasons it is considered that the proposal is compatible with the significance of these listed buildings and their setting so it complies with Policies DM11 and DM12 the SADMP, section 16 of the NPPF and the statutory duty of section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 10.4. The siting of the two dwellings within the plot will have no significant adverse impacts on the residential amenity enjoyed by adjacent occupiers in relation to loss of light/sunlight, noise and disturbance or visual intrusion and in this regard the proposal accords with Policy DM10. There would be no significant highway impacts that cannot be mitigated by conditions. The future of the Walnut tree is secure in that the TPO adds a further level of protection against inappropriate works and the revised siting of Dwelling 2 ensures that the rear rooms of the house would not be shaded to an extent where the future of the tree would be under threat. In this regard the proposal also accords with Policies 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, Dwg no 06 received by the Local Planning authority on 26 June 2019

Proposed Site layout, Dwg no 01J received by the Local Planning Authority on 17 October 2019

Plot 1, Elevations and Floor Plans, Dwg no 03G

Plot 2, Elevations and Floor Plans, Dwg no 04F

Both received by The Local Planning Authority on 12 August 2019

Street Scene, Dwg no 07B received by the Local Planning Authority on 11 November 2019

Pre-Development Tree Survey - BS5837:2012 V3

Received by the Local Planning Authority on 18 November 2019

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

3. 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 including the facing brick, roof tiles, timber windows and doors and rainwater goods) hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

4. The window within the south elevation of Dwelling 2 at first floor level serving a bathroom shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

5. No part of the development hereby permitted shall be occupied until such time as the access, parking and turning arrangements shown on Hayward Architects drawing number 01J (received by the Local Planning Authority on 17 October 2019) have been implemented in full. Visibility splays once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

6. 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 the National Planning Policy Framework (2019).

7. 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 external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

8. Prior to the commencement of the development a scheme of hard and soft landscaping works, including boundary treatments, for the site, and an implementation scheme, shall be submitted and approved by the local planning authority. It is requested that a native hedgerow species is planted along the eastern boundary to plot 1 (hawthorn, blackthorn, etc.). The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

9. Before any development commences on the site, including site works of any description, the Tree Protection Plan V3 received by the Local Planning Authority on 18 November 2019 shall be implemented in accordance with British Standard 5837:2012 (Trees in relation to design). The protection measures shall include protective barriers to form a secure construction exclusion zone and root protection area for the Walnut tree as indicated on the Haywards Drawing no 01J received by the Local Planning Authority on 17 October 2019. Any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site that are to be retained are adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

10. No works or development shall take place within the site until a construction method statement detailing how the excavations for foundations (all or part) for plot 1 has been submitted to and approved in writing by the Local Planning Authority. the statement should demonstrate that the method of excavation will ensure no damage will occur to the adjacent listed building Church Cottage. The development shall then be implemented in accordance with the approved scheme.

Reason: To ensure that excavation works to plot 1 are carried out in accordance with Policy DM11, DM12 and DM13 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and;
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

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

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

13. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, C, D, E, F and G 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 two dwellings shall be erected or carried out without the granting of planning permission by the Local Planning Authority.

Reason: To ensure the proposed development is compatible with existing development in the locality in accordance with Policy DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

14. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 Classes A and 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 minor operations (comprising the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure; and the painting of the exterior of any building) to the two dwellings shall be erected or carried out without the granting of planning permission by the Local Planning Authority.

Reason: To ensure the proposed development is compatible with existing development in the locality in accordance with Policy DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).to ensure that the character and appearance of the conservation area is preserved.

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.

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**Planning Committee 7 January 2020
Report of the Planning Manager**

Planning Ref: 19/01103/HOU
Applicant: Mr & Mrs Chenery
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: 32 Northumberland Avenue Market Bosworth

Proposal: Single storey side extension, and front porch extension



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

2.1. This application seeks permission for multiple alterations and additions to 32 Northumberland Avenue, Market Bosworth.

2.2. The proposed extensions include a single storey side extension, and a porch extension. This would also involve roof alterations from hip to half hip, and the addition of a chimney stack.

- 2.3. Amendments were sought on the original two storey extension to decrease the potential impacts in regard to light for neighbouring occupants. As a result, the proposed rear extension would be approximately 2.5m to the eaves on the northern side, and 3.4m on the southern side, and the ridge height would be approximately 6.0m above ground level. The single storey side extension has a depth of approximately 11.0m, and a depth of approximately 5.8m. The porch extension is approximately 2.4m in width and 1.3m in depth, which would match the existing eaves height and ridge height of the monopitch roof. A day consultation has been carried out following the submission of amended plans.
- 2.4. The scheme has also removed the proposed alterations to the existing garage, following officer recommendations.

3. Description of the Site and Surrounding Area

- 3.1. The application site is a detached dormer bungalow dwelling within the settlement boundary of Market Bosworth.
- 3.2. The existing property, no.32 Northumberland Avenue, is situated on a shared driveway at the head of Northumberland Avenue. The application site was built later and under separate planning permissions to the other dwellings along Northumberland Avenue. The dwelling on the application site is finished in a dark brick, brown concrete tiles, and uPVC windows and doors. As a result of the later construction, the application site does not relate well with the properties along Northumberland Avenue, but more so with properties along Shenton Lane by virtue of its design and orientation.
- 3.3. The majority of properties along Northumberland Avenue are two storey semi-detached dwellings, with one bungalow. The dwellings along Northumberland Avenue are of varying finishes of brick construction. Render can be found at neighbouring 64 Shenton Lane, as well as new build properties further along Shenton Lane.
- 3.4. There are three large protected trees affecting the setting of the application site, T1 Oak, T2 Beech, and T3 Lime. These trees are protected by the Tree Preservation Orders 86/00003/TPORD, and 84/00002/TPORD.

4. Relevant Planning History

01/00815/TPO	Works to one oak tree	Permit Tree Preservation Order Works	11.09.2001
04/01196/TPO	Works to tree	Permit Tree Preservation Order Works	10.11.2004
09/00549/TPO	Works to Oak tree (T4 on TPO)	Permit Tree Preservation Order Works	07.10.2009
15/00923/TPO	Works to Oak Tree	Permit Tree Preservation Order Works	13.10.2015

18/00211/TPO	T1 Oak - Fell and replace	Not Determined	24.05.2018
	T2 Beech - Remove 2 damaged lower limbs	Appeal Dismissed	12.04.2019
	T3 Lime - Prune encroaching canopy back by 3-4m		

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A site notice was also posted within the vicinity of the site.
- 5.3. Seven letters of objection have been received from six separate addresses, raising the following concerns:-
 - 1) Loss of privacy
 - 2) Overbearing impact
 - 3) Overshadowing impact / Loss of light
 - 4) Impact on character
 - 5) Impact on protected trees
 - 6) Overdevelopment
 - 7) Access

6. Consultation

- 6.1. Market Bosworth Parish Council: Upon re-consultation supports the objections and concerns raised by neighbours.
- 6.2. HBBC Arboricultural Officer: Concerns have been overcome through amendments to the Arboricultural Implications Assessment, and a scheduled arboricultural supervision programme by the project arboriculturalist would be required and conditioned in the standard form.
- 6.3. Market Bosworth Neighbourhood Forum: No comments received.

7. Policy

- 7.1. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM10: Development and Design
- 7.2. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. Key Issues
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon trees

Design and impact upon the character of the area

- 8.2. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

- 8.3. By virtue of the existing design of no.32 Northumberland Avenue, the elevation with the front door is to the side of the property along Northumberland Avenue, with the main architectural features facing towards Shenton Lane.
- 8.4. The proposed porch extension would be a continuation of the existing design, forming a full width Dutch gable roof design to the elevation facing the private driveway off Northumberland Avenue. This is considered to be a more cohesive design with the original side elevation of no.32 Northumberland Avenue. There is a range of roof types within the vicinity of the application site, including hipped, half-hipped, and pitched.
- 8.5. The proposed single storey side extension would not be immediately seen from the street scene of Northumberland Avenue. However, this would be a somewhat prominent addition to the property when viewed from along Shenton Lane, as this would step forward of the original dwelling by a maximum of approximately 6.2m, bringing the development to approximately 4.5m from the site boundary with Shenton Lane.
- 8.6. Although the proposed alterations are not necessarily akin to the properties along Northumberland Avenue, the proposed extensions and alterations are considered to complement the original dwelling. The application site does not relate well to the properties along Northumberland Avenue at present, due to its original design and siting. The application site is more discernible in its wider context when read from Shenton Lane as the property is readily seen and read in the context of Shenton Lane rather than from Northumberland Avenue. It is considered that the proposed extensions and alterations would complement the existing dwelling, in addition would not look out of character to the varied design and materials of properties along this southern gateway to Market Bosworth, most notably including nos. 46, 48 & 50 Shenton Lane.
- 8.7. It is considered that the proposed extensions and alterations are considered to be a complementary addition to the area. The modern materials that would be used are considered to sympathetic to the character of the surrounding area. As a result the proposal is considered to be in compliance with Policy DM10 of the SADMP, therefore is recommended for approval subject to conditions.

Impact upon neighbouring residential amenity

- 8.8. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.9. As a result of the public consultation, objections have been received on the grounds of loss of light due to the design and scale of the proposed development for neighbouring nos.30 & 28 Northumberland Avenue. During the course of the application, amendments have been received which have reduced any overbearing impact upon neighbours to what is considered not significant, when taking into account the relationship of the application dwelling to neighbouring properties and consideration of technical guidance. The rear of the proposed side extension would be hipped, sloping away from no.30 Northumberland Avenue, which would facilitate the small amount of light that currently enters the amenity space of this neighbouring dwelling from the north-east direction.
- 8.10. There would be a negligible impact on the residential amenity of the neighbouring 64 Shenton Lane as a result of the proposed extension, which would be approximately 1.0m from the boundary with this property. At present a large detached garage is situated along the boundary between the application site and no.64 Shenton Lane, with an eaves height of approximately 2.4m, and a ridge height of approximately 4.7m, Furthermore, taking the slight level change into

account between the application site and neighbour at no.64 Shenton Lane, this further lessens the visual prominence when viewed from the north to little higher than the neighbouring garage. The proposed dimensions of the proposed extension are approximately 2.5m to eaves, 5.0m ridge height when viewed from the north. As a result, it is considered that the proposed extension would not form a significant visual intrusion in terms of appearing overbearing nor significantly reduce light to this neighbouring dwelling.

- 8.11. It should be noted that the application site as originally built does infringe upon the 45 degree rule, which tries to allow good access to light. Given that a hip-to gable extension, which would be Permitted Development at the application site, which is considered to have a worse effect upon neighbouring amenity than the proposed half-hip and extensions. The proposed extensions are considered to not significantly exacerbate the moderate level of light entering the north-facing rear elevation of neighbouring no.30 Northumberland Avenue.
- 8.12. There are no proposed rear facing windows on the extensions which would overlook neighbouring no.32 Northumberland Avenue. The proposed full height window sited on the corridor section leading to the main section of the proposed extension would look northwards towards the garage and boundary fence with no.64 Shenton Lane.
- 8.13. Accordingly the proposed scheme would not result in any adverse impact upon the amenity of existing occupants and is therefore considered to accord with Policy DM10 of the SADMP.

Impact upon trees

- 8.14. Policy DM6 of the adopted SADMP seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features.
- 8.15. Concerns have been raised regarding the potential impact upon the trees protected by preservation orders that were feared could arise as a result of the proposed development. The site is affected by three trees protected by TPO, including one large Oak tree in the centre of the site, for which the root protection area covers a large area of the site. As well as two trees at 64 Shenton Lane, a Lime tree and a Beech tree which are protected by TPO.
- 8.16. An Arboricultural Impact Assessment (AIA) has been submitted with this application which specifies details to ensure the protected trees would not be damaged as a result of the proposed works, or the construction process. During the construction process it is proposed that the mortar mixing area, storage area, and site facilities would be outside the root protection area. Contractor access would be around the rear of the property along the existing access route, which would not cross the root protection area.
- 8.17. The amended massing and layout of the proposed extensions have been reduced in height and with the proposed roof layout, there would be no impact on the canopy, with the underside of the canopy at approximately 7.0m above ground level and the proposed extension approximately 5.0m in height when measured from the same ground level.
- 8.18. Consequently, the proposed extensions are considered to be compatible with the setting, and the trees can be ensured of protection through an Arboricultural Supervision Programme, and the works would be carried out in complete compliance with the AIA and Tree Protection Plan. Therefore subject to the imposition of conditions to ensure the compliance with the Tree protection plan and construction methods the proposed development would accord with Policy DM6 of the SADMP.

Other Issues

- 8.19. Access for construction traffic was raised as a concern by one neighbour given the only access to the application site for vehicles being from a narrow driveway. This driveway would be the main access route for construction work to the proposed extensions. This is in order to minimise any affect to the root protection areas of the three preserved trees which can be found under the application site.
- 8.20. The integrity of the construction has been raised as a concern due to the proposed no-dig construction methods that would be used. A no-dig method would be employed to minimise any affects to the roots of the surrounding preserved trees, in line with the Arboricultural Impact Assessment. Building standards would be to the standards of HBBC Building Control.
- 8.21. Overdevelopment was raised as a concern on the site. By virtue of the large plot size the proposed extensions would cover approximately 15% of the current garden area. This would still result in the application site retaining a relatively large garden which is considered to be in proportion with the proposed layout of the dwellinghouse and outbuilding.

9. Equality Implications

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

10. Conclusion

- 10.1. The application site is located within the settlement boundary of Market Bosworth, where the presumption in favour of sustainable development applies. This is set out in Policy DM1 of the SADMP and the wider policies of the NPPF.
- 10.2. It is considered that following significant amendments the siting, design, scale, mass, and layout of the proposed scheme would be a complementary addition to the original dwelling and the surrounding area. It would not result in a significant adverse impact on the residential amenity of neighbouring occupants, or have a detrimental impact on the protected trees on and adjacent to the application site.

The development is therefore in accordance with Policies DM1, DM6, and DM10 of the Site Allocations and Development Management Policies DPD (2016).

11. Recommendation

11.1. Grant planning permission subject to:

1. Planning conditions outlined at the end of this report.

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

11.3. Conditions and Reasons

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

Householder Application Form Received by the LPA 30 September 2019

Tree and Root Protection Plan Drawing No: 4609-PL12 Rev:B (1:100 scale)

Arboricultural Impact Assessment (Revision 1)

Received by the LPA on 20 November 2019

Block Plan Drawing No: 4609-PL11 Rev:B (1:500)

Site Location Plan Drawing No: 4609-PL05 Rev:J (1:1250 scale)

Proposed Ground Floor Plan Drawing No: 4609-PL05 Rev:J (1:100 scale)

Proposed First Floor Plan Drawing No: 4609-PL06 Rev:D (1:100 scale)

Proposed NE & SE Elevations Drawing No: 4609-PL08 Rev D (1:100 scale)

Proposed NW & SW Elevations Drawing No: 4609-PL08 Rev.F (1:100 scale)

Proposed Section 01 and Ground Beam Detail (1:50 scale) Drawing No: 4609-PL14 Rev:A

Received by the LPA on 27 November 2019

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

3. The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved Householder Application Form Proposed received by the LPA 30 September 2019, Proposed NE & SE Elevations Drawing No: 4609-PL08 Rev D (1:100 scale), Proposed NW & SW Elevations Drawing No: 4609-PL08 Rev.F (1:100 scale) received by the LPA on 27 November 2019.

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

4. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with

British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

5. No works or development shall take place within the site until a site specific no-dig access drive construction method statement has been submitted to and approved in writing by the local planning authority that demonstrates that no-dig surfacing and construction is fit for purpose. The development shall then be implemented in accordance with the approved scheme.

Reason: To ensure that works within a root protection area are carried out in accordance with BS5837:2010 S.7.4.

11.4. **Notes to Applicant**

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

**Planning Committee 7 January 2020
Report of the Planning Manager**

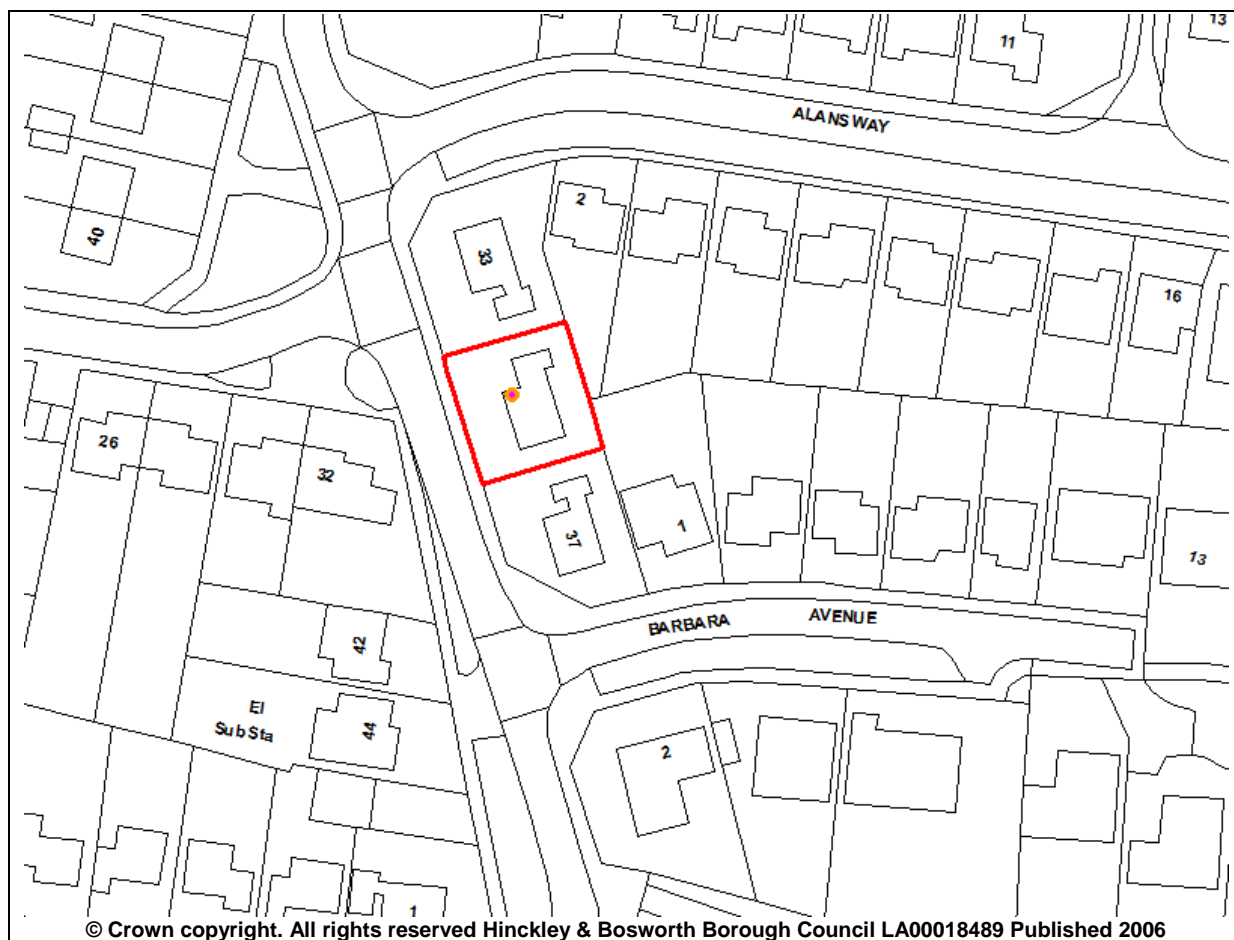
Planning Ref: 19/01111/HOU
Applicant: Mr & Mrs T Jarvis
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 35 Arnolds Crescent Newbold Verdon

Proposal: Two storey side and front extension with single storey side extension



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

2.1. This application seeks planning permission for a two storey side and front extension with a smaller single storey side extension to 35 Arnolds Crescent in Newbold Verdon.

2.2. The two storey side extension is such that it extends upon an existing flat roofed garage adjoined to the main dwelling, creating a new feature gable to the principal

elevation. Initially, the proposed extension measured approximately 5.8m in width from the existing side elevation, and included three new rear facing windows. During the course of the application, amendments were sought to reduce any overlooking or overbearing impact, and to reduce the size of the extension in order to improve the proportions with the original dwelling.

- 2.3. The proposed two storey front and side extensions would measure approximately 4.5m in width, and have a depth of approximately 7.4m. This would come forward approximately 0.9m from the existing principal elevation. The eaves would match the height of those found on the existing dwelling at approximately 5.0m, and the proposed ridge height would match that of the existing roof height at approximately 7.4m.
- 2.4. The single storey side extension would have a width of approximately 2.4m, and a depth of approximately 3.4m, bringing the existing side extension in line with the principal elevation. This would have a mono-pitched roof with an eaves height of approximately 2.5m, and a ridge height of approximately 3.6m, which would match the existing side extension.
- 2.5. The proposed materials and fenestration details would be as follows: Dark brown concrete tiles to match the existing roof tiles. Grey uPVC windows would replace the existing white uPVC. The red facing brickwork and stone cladding would be replaced with an off white smooth render to the whole of the property, except the front of the original first floor, which would be cedar vertical cladding.

3. Description of the Site and Surrounding Area

- 3.1. The application site is a two storey detached dwelling within the settlement boundary of Newbold Verdon.
- 3.2. The majority of properties in the area are similar two storey detached 1970s constructed dwellings. There are some two storey semi-detached dwellings in the surrounding area. Many of the properties in the vicinity have been subject to alterations and extensions since they were originally built, resulting in varying designs and configurations of the surrounding dwellings.
- 3.3. There is a broad palette of materials used in the area, which includes white/cream render, painted wood cladding, stone cladding, and red brick.

4. Relevant Planning History

94/00670/FUL	Extension To Dwelling	Permission	29.09.1994
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5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A site notice was also posted within the vicinity of the site.
- 5.3. Seven letters of objection were received from six separate addresses which raised the following issues:
 - 1) Loss of privacy;
 - 2) Loss of light;
 - 3) Design;
 - 4) Overbearing impact;
 - 5) Impact upon the character of the area;
 - 6) Overdevelopment on the site;

6. Consultation

- 6.1. Newbold Verdon Parish Council: No comments were received.

7. Policy

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design

7.2. National Planning Policies and Guidance

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

8. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Other issues

Design and impact upon the character of the area

8.2. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

8.3. The proposed two storey front and side extension would form a new principal elevation to the property with a feature gable end. This would be in contrast with both neighbouring dwellings along Arnolds Close, which have the gables to the side. However, many properties in the area have a stepped forward gable end, such as no.41 Arnolds Close, and 31 Gilbert's Drive among others.

8.4. The proposed extension would closely replicate an earlier extension at no.41 Arnolds Close, which saw a similar first floor extension built above the extended garage in 1984 (Reference No. 84/0993).

8.5. The proposed extension is considered to be a harmonious addition to the area by virtue of its proportionate scale, design, and materials which are considered to complement the character of the original dwelling as well bringing a more contemporary look to the surrounding area. Therefore the proposed extensions are considered to be in accordance with DM10 in terms of design and impact upon the character of the area.

Impact upon neighbouring residential amenity

8.6. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.

8.7. As a result of the layout of this part of this 1970s housing development, there is an existing overlooking impact for both the application site and adjacent properties along Alans Way and Barbara Avenue. The proposal has been designed to minimise any further overlooking impact by incorporating roof lights and obscured glass windows to elevations facing towards neighbouring private amenity space.

8.8. The potential loss of privacy had been raised as an issue by neighbours. The original design included new rear facing windows, which would have caused a significant overlooking impact on the neighbours. The amended scheme omits these windows, and now includes Velux windows on the rear roof slope, which are considered not to cause a significant amount of overlooking due to their positioning.

- 8.9. The proposed Velux windows would be positioned approximately 2.6m above first floor level; high level lights admit significantly more daylight than low level. Each of the three Velux windows would be approximately 0.55m by 0.98m, each with an effective daylight area of 0.29m². Combined with an opening obscure glass side elevation window measuring approximately 0.6m by 0.9m, with borrowed light coming from the proposed 1.2m by 1.0m obscure glazed window in the ensuite. The three Velux windows are considered to facilitate good access to daylight in this room, as well as good levels of morning sunlight.
- 8.10. The additional windows on the first floor side and rear elevations are considered not to result in a significant overlooking impact on neighbours through the use of obscured glass or roof lights to allow light into the dwelling without overlooking neighbours.
- 8.11. Loss of light has been raised as a concern for neighbours to the application site regarding the proposed extension. A sun study was conducted by the applicant and submitted as part of the application, showing the shadow that would be cast from the proposed extension. This study showed minor resultant overshadowing for neighbouring dwellings, with specific regard to no.33 Arnolds Crescent which is to the north of the application site. Given this study was carried out for the initially submitted and larger dimensions of the proposed extension, which have now been reduced through amendments. The minor resultant overshadowing effect is not considered to be significant enough to warrant refusal. Consequently, the proposal is considered to be in compliance with Policy DM10 of the SADMP in terms of access to light for nearby residents.

Highways

- 8.12. One concern raised by a neighbour was the overdevelopment of the site, this raised concern over the loss of parking and garden space at the application site as a result of the proposed development. The proposed development would increase the existing footprint of built development on site by approximately 15 meters squared in total. The parking plan supplied Drawing No: 6. Rev: B, shows adequate parking space for 3 cars at the application site, as required for a four bedroom dwelling in a suburban or rural area. This is considered not to exacerbate any on road parking issues as recommended by the standing advice in Part 3 of the Local Highway Authority Design Guide.
- 8.13. Regarding the private amenity space at the application site, this private amenity space to the rear would be approximately 60m² with a net gain in space of approximately 3m². The original layout of the housing development, notably at nos.33, 35, & 37 Arnolds Crescent results in very shallow garden depths of approximately 4 metres, which leads to overlooking. The proposed increase in parking spaces from two to three would result in the loss of some front garden space being replaced by parking space. However, many properties along Arnolds Crescent and the wider area have replaced the entirety or part of the original front garden space with gravel or hardstanding surfaces to provide space for parking.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

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

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

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

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

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

10. Conclusion

10.1. The proposal is located within the settlement boundary for Newbold Verdon and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 of the SADMP and the wider policies of the NPPF.

10.2. It is considered that the siting, design, mass and layout of the proposed scheme would complement and respect the host dwelling and surrounding area. It is considered that the proposed extensions would not result in a significant adverse impact upon the residential amenity of neighbouring occupants. The development is therefore in accordance with Policies DM1 and DM10 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:

Householder Application Form

Received by the Local Planning Authority on 1 October 2019

Site Location Plan Drg No: 4 Rev: A (1:1250 scale)

Block Plan Drg No: 5 Rev: A (1:500 scale)

Sections Drg No: 3 Rev: A (1:25 scale)

Roof Plan Drg No: 2 Rev: A (1:50/1:75 scale)

Parking Plan Drg No: 6 Rev: B (1:500 scale)

Floor Plans and Elevations Drg No: 1 Rev: B (1:50/1:100 scale)

All received by the Local Planning Authority on 31 October 2019

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

3. The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved Householder Application Form received by the Local Planning Authority on 1 October 2019, and Floor Plans and Elevations Drg No: 1 Rev: B (1:50/1:100 scale) received by the Local Planning Authority on 31 October 2019

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

4. The window(s) on the first floor side and rear elevations shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the 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.

Planning Committee 7 January 2020
Report of the Planning Manager

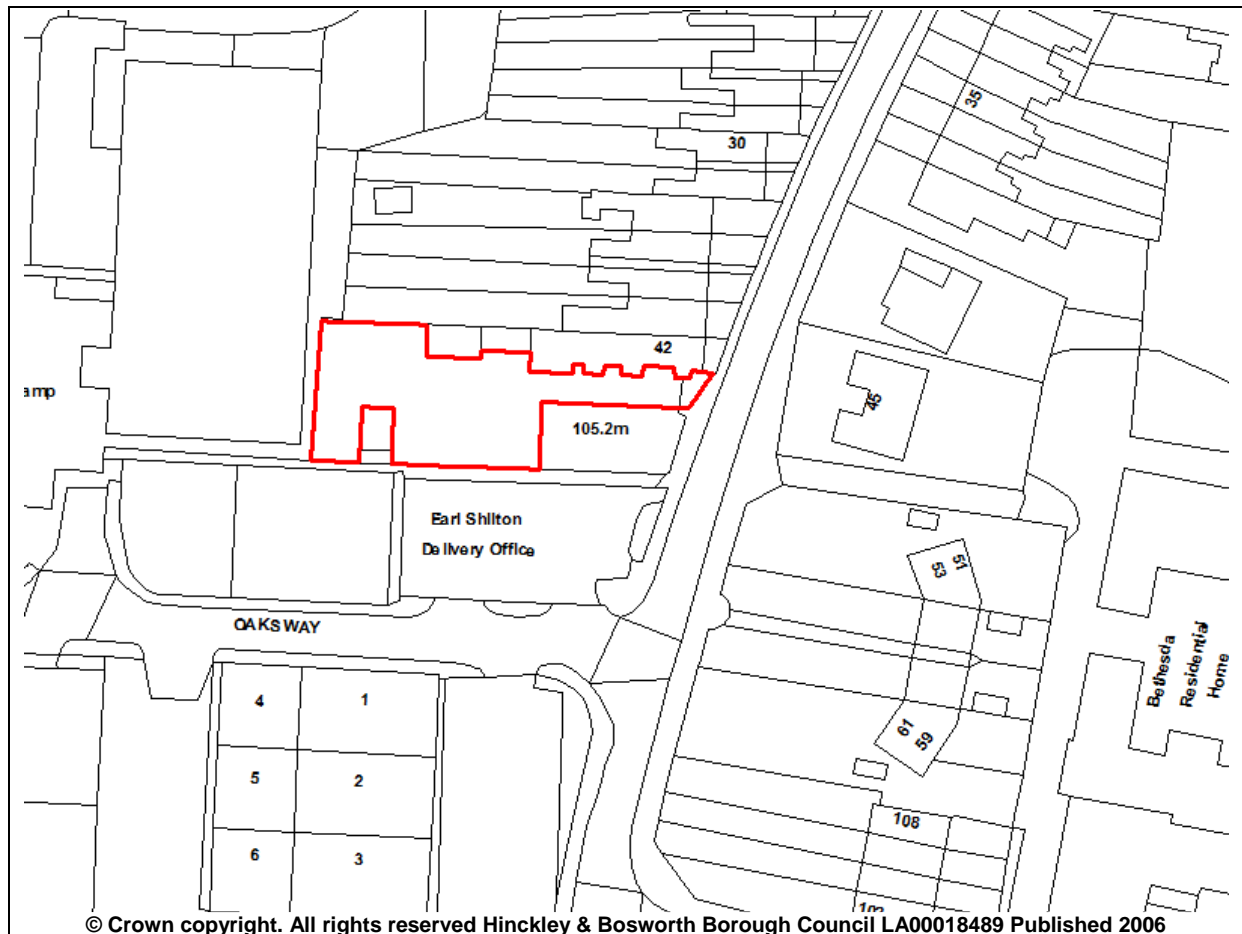
Planning Ref: 19/00742/FUL
Applicant: Mr David Cooper
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 42 Station Road Earl Shilton

Proposal: Erection of four apartments



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

2. Planning Application Description

- 2.1.** This application seeks full planning permission for the erection of four apartments in a two storey block comprising 2 x two bedroom units and 2 x one bedroom units. The block would be set well back from the highway towards the rear of the site and accessed by the existing shared drive owned by a third party. An amenity space and bin and cycle storage areas are provided within the proposed layout. Two off-street parking spaces are proposed to provide one space each for the two bedroom

units. The layout reflects the extent of the applicant's land ownership and the need to respect access to a third party owned parking space towards the rear of the site.

- 2.2. The block would be located adjacent to the south boundary of the site set back from the existing apartments within 42 Station Road. The main elevation facing the highway is designed with traditional two storey bay windows with soldier brick headers and cills and brick corbels at eaves. The scheme proposes external materials of blue brick plinth, red facing bricks at ground floor and through coloured off-white render at first floor to give a traditional appearance and concrete interlocking roof tiles and grey aluminium windows and doors.
- 2.3. A Design and Access Statement was submitted to support the application.
- 2.4. Amended plans have been received to address a number of issues raised during the course of the application and re-consultation has been undertaken.

3. Description of the Site and Surrounding Area

- 3.1. The application site lies within the settlement boundary of Earl Shilton close to the town centre on the west side of Station Road. The site measures approximately 750 square metres and comprises an unused area of land previously used as garden and hardstanding serving the original host dwelling.
- 3.2. The host dwelling, a two storey dual aspect traditionally styled end terrace house with bay windows, decorative stone headers and cills, has been subdivided and converted to two apartments. The external walls have been finished in a grey render and headers and cills painted white. It lies along the northern site boundary. The remainder of the north boundary is enclosed by a 3 to 4 metre high brick wall.
- 3.3. The host dwelling is set much further forward of the application site with only a small front garden enclosed by a metre high boundary retaining wall. A tarmac driveway to the immediate south of the host dwelling provides shared access to the site. There is a visibility splay defined by another metre high brick retaining wall and higher pillar to the south side of the access.
- 3.4. There are two storey terraced residential properties with long rear gardens and small front gardens on a staggered building line to the north of the site. Lower density dwellings in larger plots to the east of the site. A Co-op superstore building to the immediate west of the site and a commercial scale building used as a post office sorting depot and public car park on a lower ground level to the south of the site.
- 3.5. There are a number of mature/semi-mature trees along the southern boundary of the application site that are managed by the Borough Council and contribute significantly to the visual amenity of the site and the wider Station Road street scene.

4. Relevant Planning History

14/01185/OUT	Erection of two new dwellings (outline - access only)	Permitted	23.01.2015
15/00181/OUT	Erection of up to 4 dwellings (outline - access, layout and scale)	Permitted	20.11.2015
18/00710/FUL	Erection of 4 flats	Withdrawn	29.05.2019

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. Responses from six separate addresses have been received as a result of public consultation raising objections and concerns on the following grounds:-

- 1) Overdevelopment and will stretch the amenities/infrastructure of the nearby area;
- 2) Insufficient parking/adverse impact on parking availability;
- 3) Additional traffic using an access with substandard visibility on a busy road;
- 4) Narrow pathway with restricted space for bin collection and bin storage area not big enough;
- 5) Overshadowing and overlooking and loss of privacy to rear aspect and gardens;
- 6) Encroachment of third party owned land and inadequate labelling on plans;
- 7) Insufficient space available for the proposed parking and turning provision due to existing uses serving the other dwellings within the site;
- 8) Adverse impact on pedestrian safety from additional vehicular use of the access;
- 9) Loss of green space;
- 10) Negative visual impact;
- 11) Potential damage to existing dwellings, driveway and boundary walls during construction phase;

6. Consultation

6.1. No objection, subject to conditions, has been received from:

Leicestershire County Council (Highways)
Environmental Health (Pollution)
Environmental Health (Drainage)
Street Scene Services (Waste)
Arboricultural Officer

6.2. Earl Shilton Town Council are pleased to see retention of the trees to the frontage but object on the grounds of inadequate off-street parking provision and highway and pedestrian safety grounds in respect of additional ingress and egress from the existing access.

7. Policy

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

- No relevant policies

7.2. Core Strategy (2009)

- Policy 2: Development in Earl Shilton
- Policy 19: Green Space and Play Provision

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

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

7.4. National Planning Policies and Guidance

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

8. Appraisal

8.1. Key Issues

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

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009), the Earl Shilton & Barwell Area Action Plan (ES&BAAP) 2006-2026 and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.3. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. 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 identified in the Government's Housing Delivery Test and the Council is currently unable to demonstrate a 5 year housing land supply.
- 8.4. Notwithstanding this, Policy 2 of the adopted Core Strategy supports housing development within the settlement boundary of Earl Shilton. The application site is located within the settlement boundary in a sustainable urban location close to a full range of services and facilities that can be accessed by sustainable transport modes where residential development is generally acceptable in principle and supported by the overarching principles of the NPPF. The proposal would therefore be in accordance with adopted strategic planning policies, subject to all other planning matters being satisfactorily addressed. Outline planning permission for up to 4 dwellings on the site was permitted in 2015 but has now expired.

Design and impact upon the character of the area

- 8.5. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally with the intention of preventing development that is out of keeping with the character of the surrounding area.
- 8.6. An objection has been received on the grounds of negative visual impact.
- 8.7. Overall, the surrounding area has a mixed character with residential, retail and commercial/industrial buildings adjacent to the site. To the north of the application site there are two storied traditionally styled terraced houses on a staggered building line and with long rear gardens. The host dwelling has been converted to two apartments with shared amenity and parking spaces. The conversion has already changed the character of the application site from that of a private rear garden. The site is well screened to the south boundary by a line of mature trees

and a commercial scale industrial building and from the west by a Co-op superstore building.

- 8.8. The proposed apartment block would be set back much further from the Station Road highway than the host building. The siting of the block and parking spaces reflects the two separate parcels of land within the wider site owned by the applicant and the desire for a layout that enables retention of a number of mature trees along the southern boundary with the public car park that add significantly to the visual amenity of the Station Road street scene. The Borough Council's Arboricultural Officer considers that conditions could be imposed to ensure satisfactory protection of the trees during construction should the application be approved.
- 8.9. By virtue of the existing mature trees that are to be retained and the commercial scale industrial building adjacent to the south boundary, the proposed apartment block would not be overly prominent in the Station Road street scene or adversely affect the visual appearance of the surrounding area. Proposed levels information has been submitted to demonstrate that the scheme would result in a satisfactory relationship with existing neighbouring buildings. The design includes traditional architectural features and detailing such as two storey bay windows and brick corbelled eaves to reflect the traditional style of the host dwelling. Proposed materials include red facing bricks at ground floor and off-white render at first floor which also reflects a traditional appearance.
- 8.10. Notwithstanding the objection received, by virtue of existing development to the south and west of the site and retention of the mature trees, the layout, two storey scale, and traditional design and appearance of the scheme would complement the character of the surrounding area and would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.11. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings and that the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.12. Objections have been received on the grounds of overshadowing and loss of privacy from overlooking to neighbouring properties rear aspect and gardens and adverse impacts on existing residents from additional use of the vehicular access.
- 8.13. The amended scheme proposes a single two storey block of four apartments located adjacent to the southern boundary of the site and between 8 – 8.5 metres to the south of the 4 metre high north boundary wall and completely offset to the south and rear of the host building. By virtue of its siting and scale, the block would not result in any significant adverse overbearing or overshadowing impacts on any neighbouring properties. Notwithstanding that there would be windows at first floor in the north elevation facing towards residential gardens, by virtue of the separation distance to the boundary and the height of the existing boundary wall these windows would not result in any significant loss of privacy from overlooking.
- 8.14. In respect of the amenity of the future occupiers of the site, Environmental Health (Pollution) identify that there appear to be items of plant/equipment located on the roof of the adjacent commercial building in close proximity to the proposed apartments. A condition is therefore recommended for a noise impact assessment to be carried out to assess any impact on future occupiers from noise from the plant/equipment and to inform any necessary noise mitigation measures. The

condition would be reasonable and necessary to protect the amenities of any future occupiers of the development.

- 8.15. Notwithstanding the objections received, by virtue of the proposed layout, scale and design, the scheme would not result in any significant adverse impacts on the residential amenities of any neighbouring properties and subject to satisfactory noise assessment/mitigation being undertaken would provide satisfactory amenity for future residents. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.16. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision. Paragraph 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.17. Objections have been received on the grounds of adverse impacts on highway and pedestrian safety from additional use of an access with substandard visibility on a busy road and inadequate parking and turning provision within the site to serve the two existing and proposed additional dwellings. Objections have also been received on the grounds of adverse impacts on existing residents' safety from increased use of the shared access drive which runs adjacent to existing points of access/egress to the host building.
- 8.18. The vehicular access to the site currently serves the two existing apartments in the converted host building and the site provides adequate parking and turning for these dwellings which would be retained within the proposed site layout. Some of the open hard-surfaced areas within the wider site are not within the applicant's ownership and are allocated for exclusive use for existing residents of the apartments within the host dwellings for parking, turning, patios etc. The proposed development does not rely on the use of any of these third party owned areas for access, parking, turning or amenity space. An informative note could be included to define the extent of the development site.
- 8.19. The proposed layout includes two off-street parking spaces with satisfactory turning within the applicant's ownership and these would be allocated one each to the 2 x two bedroom units. No off-street vehicle parking would be provided to either of the 2 x one bedroom units. However, the site is in close proximity (90 metres) to the town centre and its full range of services and facilities by walking, secure cycle storage is to be provided to serve the development, there is a public car park (Oaks Way) adjacent to the south boundary of the site and there are on-street no parking restrictions on both sides of Station Road in the vicinity of the site. Under these circumstances, the proposed level of off-street vehicle parking provision is considered to be acceptable in this case for the scale of development proposed.
- 8.20. Leicestershire County Council (Highways) has assessed the amended scheme and considers that notwithstanding the existing restrictions to visibility, the existing access would be satisfactory to serve the quantum of development proposed without any improvements. This assessment is consistent with responses provided in respect of two previous schemes on the site for four new dwellings (references 15/00181/OUT and 18/00710/FUL). In addition, for the reasons outlined above the parking provision and internal layout is also considered to be acceptable. The local highway authority considers that subject to a condition to ensure the provision and retention of the proposed parking and turning facilities, the scheme would not result in any significant adverse impacts on highway safety or the road network.

- 8.21. For the reasons given above and notwithstanding the objections received, the proposal would not result in any significant or severe adverse impacts on highway or pedestrian safety and would therefore be satisfactory in respect of Policy DM17 of the adopted SADMP and would not be in significant conflict with Policy DM18 of the adopted SADMP in this case.

Infrastructure contributions

- 8.22. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. To support the provision of mixed, sustainable communities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.23. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.24. Any requested infrastructure contribution for public play and open space facilities would need to be necessary to make the development acceptable in planning terms and therefore CIL compliant. However, in this case, the proposal is for only four small apartments the occupation of which would not result in any significant impact on existing play and open space facilities or other infrastructure services and facilities within the town. The development is considered to be acceptable in planning terms without any contribution and therefore the contribution would not be CIL compliant in this case. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued.

Other issues

- 8.25. Objections have been received on the grounds that there is insufficient space available at the highway boundary adjacent to the access for the siting of refuse/recycling bins on collection days to serve the existing and proposed dwellings and that the use of the narrow pedestrian highway footway would therefore be compromised.
- 8.26. Street Scene Services (Waste) recommends a condition in respect of storage and collection of waste and recycling. There is adequate space provided within the bin store within the site for storage and for collection at the highway boundary therefore the recommended condition is not considered to be necessary in this case. The agent also points to existing dwellings to the north of the site presenting bins for collection at the back edge of the highway footpath.
- 8.27. Amended plans have been submitted to address the issue of encroachment on third party owned land. Land ownership is a civil matter.
- 8.28. The issue of potential damage to existing dwellings, driveway and boundary walls during construction phase is a civil matter and not a material planning consideration.

9. Equality Implications

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

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

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

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

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

9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

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

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

10. Conclusion

10.1. The site is within the settlement boundary of Earl Shilton in a sustainable urban location within close proximity to a full range of services and facilities where new residential development is generally acceptable in principle. By virtue of the siting, layout, scale, design and, subject to the use of satisfactory external materials to ensure a sympathetic appearance, the proposal would complement the mixed character and appearance of the surrounding area. Subject to conditions, the proposal would not result in any significant adverse impacts on the privacy or amenity of any neighbouring properties, the amenity of future occupiers of the development or highway or pedestrian safety. The scheme would be in accordance with Policy 2 of the adopted Core Strategy and Policies DM1, DM10 and DM17 and DM18 of the adopted SADMP. The proposal is therefore recommended for approval subject to conditions.

11. Recommendation

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

- Planning conditions outlined at the end of this report.

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

11.3. Conditions and Reasons

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan - drg. no. 31306(08)001C and Topographic Survey drg No. 18202 received by the local planning authority on 5 July 2019 and Proposed

Ground Floor Plan and Site Layout drg.no. 31306(PD-01)001L, Proposed Second Floor Plan drg.no. 31306(PD-01)002K, Proposed Roof Plan drg.no. 31306(PD-01)004K, Proposed Elevations drg.no. 31306(04)001K and Proposed Section drg.no. 31306(05)001K received by the local planning authority on 4 December 2019.

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

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

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policies DM6 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

5. No development above foundation level shall commence on site until a scheme for protecting the proposed dwellings from noise from the adjacent commercial premises has been submitted to and approved in writing by the Local Planning Authority and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To ensure that noise from the adjacent commercial premises does not become a source of annoyance to the future occupiers of the site in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

6. 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).

7. The development hereby permitted shall be implemented in accordance with the existing and proposed ground levels of the site, and proposed finished floor levels detailed on the approved Topographic Survey drg No. 18202 received by the local planning authority on 5 July 2019 and Proposed Section drg.no. 31306(05)001K received by the local planning authority on 4 December 2019.

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

8. The development hereby permitted shall not be occupied until such time as off street car parking and turning provision has been provided, hard surfaced and demarcated in accordance with Proposed Ground Floor Plan and Site Layout drg.no. 31306(PD-01)001L received by the local planning authority on 4 December 2019. The onsite parking and turning provision shall thereafter be permanently maintained.

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 Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

9. The development hereby permitted shall not be occupied until such time as covered secure cycle parking has been provided in accordance with Proposed Ground Floor Plan and Site Layout drg.no. 31306(PD-01)001L received by the local planning authority on 4 December 2019. The cycle parking shall be permanently maintained and kept available for such use at all times thereafter.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (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 the private and communal amenity areas and bin store have been provided in accordance with Proposed Ground Floor Plan and Site Layout drg.no. 31306(PD-01)001L received by the local planning authority on 4 December 2019. The amenity areas and bin store shall be permanently maintained and kept available for such use at all times thereafter.

Reason: To ensure satisfactory amenity space and bin storage to serve the development hereby permitted in the interests of residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk
3. In relation to Condition 5, the scheme should include assessment of the potential impacts of noise from the operation of the existing plant/equipment located on the roof of the adjacent commercial building on future occupiers of the site.
4. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
5. The applicant/developer is advised that, the open areas of the site outside the land ownership boundaries shown in red on the approved Ground Floor Plan Drawing No. 31306(PD-01)001L are for the exclusive use of the residents of the existing apartments and cannot be utilised by the future occupiers of the dwellings hereby permitted for any purpose whatsoever (including parking and turning) other than any legal right over the shared access drive.

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**Planning Committee 7 January 2020
Report of the Planning Manager**

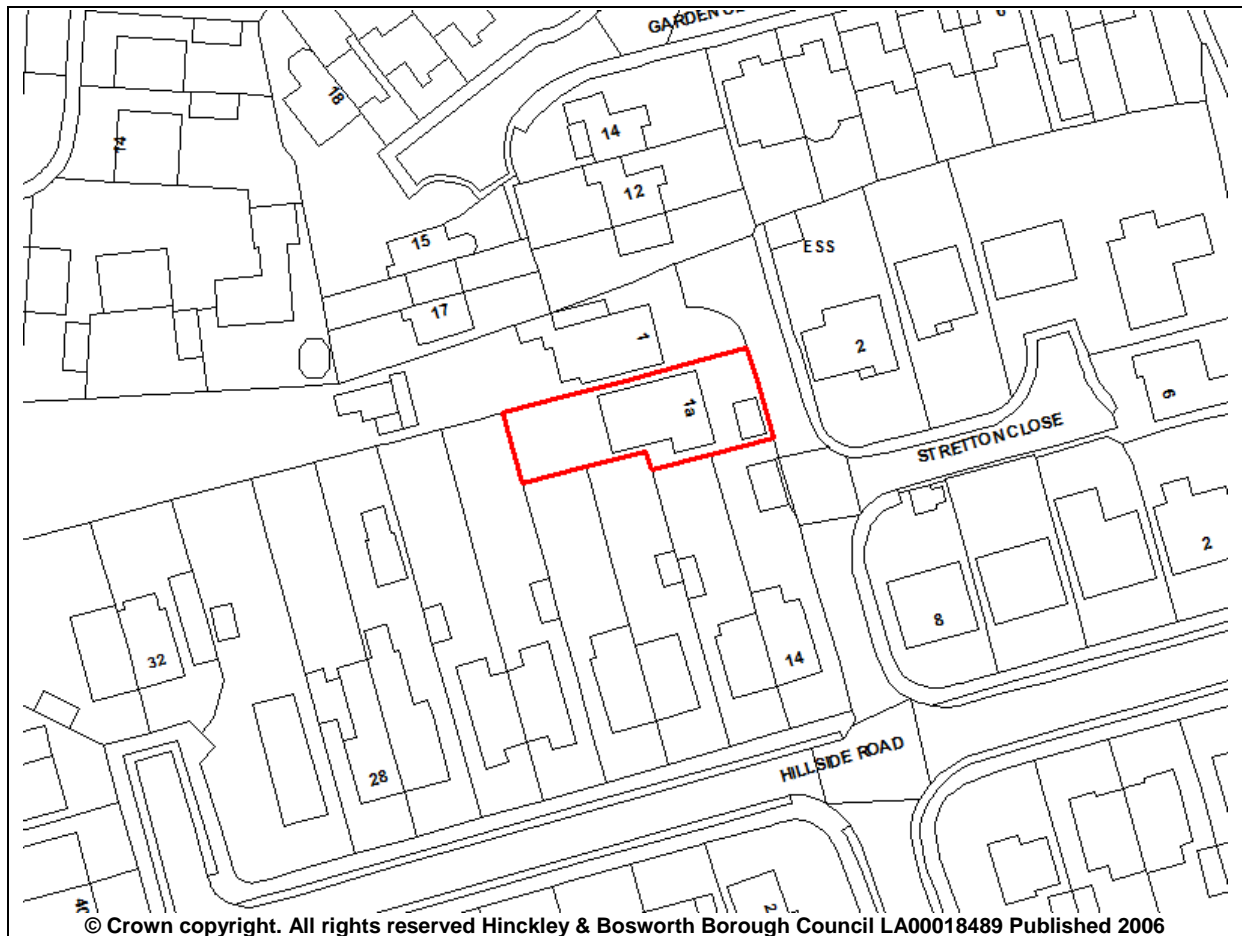
Planning Ref: 19/01190/HOU
Applicant: Mrs Janet Aldred
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 1A Stretton Close Burbage

Proposal: Extensions and alterations to dwelling comprising single-storey side extension, front porch and replacement detached garage



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1. Recommendations

1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1.** The application seeks permission for extensions and alterations to an existing bungalow. These include a front porch and a single-storey side extension. The existing garage is to be demolished and re-positioned within the front driveway. To do this, a piece of land in the ownership of no 14 Hillside is to be purchased. The correct Certificates have been signed and Notices served.
- 2.2.** The original proposal also included two side dormers. These have been removed from the proposal after concerns were raised by the Local Planning Authority. However, the fall back position is that should the dormers be reduced in size, they

could be built under Schedule 2, Part 1, Class B of The Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2015, which allows for roof additions and alterations to existing dwelling houses as long as the proposal meets the specified listed criteria. The property has not had its permitted development rights removed and therefore as long as the construction of the dormers meet the requirements of the above legislation and are carried out as a separate building operation and not in conjunction with any development that planning permission is granted for, the dormers could be built without the need for any further consents from the LPA.

3. Description of the Site and Surrounding Area

- 3.1. The site relates to a bungalow with rooms in the roof located on the west side of Stretton Close, within the settlement boundary of Burbage. The bungalow was constructed in 2003 partially within the rear gardens of 14-20 Hillside. There are covenants on the land restricting the height of the property and the insertion of additional windows but no planning conditions were imposed that removed any Permitted Development Rights to allow additional windows.
- 3.2. Properties within the area comprise mainly detached bungalows built in the mid 20th century. Some have small dormers but the majority appear 'as built'. This property was constructed within the rear sections of 14-20 Hillside and subsequently has reduced their rear gardens.

4. Relevant Planning History

07/01096/FUL	Erection of detached garage	Permitted	30.10.2007
03/01212/FUL	Erection of a new bungalow	Permitted	25.03.2004

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. There have been five letters of objections from four different addresses. The objections are mainly related to the covenants on the land (which restrict both the height of the property and the insertion of additional windows) and the loss of privacy/loss of light from the dormer windows.
- 5.3. A separate objection also relates to the loss of light to solar panels on the neighbours roof. However, this is not a planning concern and this objection is not considered in any detail within this report.

6. Consultation

- 6.1. LCC Highways comment that the dimensions of the proposed garage and its proposed position do not meet the guidance within current Design guidelines. The agent has altered the plans so that the 'garage' is annotated as an outbuilding and has verbally stated that this would be used for storage rather than for the parking of a vehicle. Sufficient parking spaces on the driveway are shown on the revised drawing.
- 6.2. Burbage Parish Council object to the scheme on design grounds in particular reference to the dormers.

7. Policy

- 7.1. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development

- Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.2. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.3. Other relevant guidance
- Emerging Burbage Neighbourhood Plan
- 8. Appraisal**
- 8.1. Key Issues
- Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
- Design and impact upon the character of the area
- 8.2. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.3. Policy 1 of the draft Burbage Neighbourhood Plan supports development proposals within the settlement boundary of Burbage provided it complies with other policies in the Neighbourhood Plan. The emerging Burbage Neighbourhood Plan (BNP) is still in development. Therefore, only very limited weight can be afforded to this document at this time.
- 8.4. The proposal is located within the settlement boundary of Burbage and therefore there is a presumption in favour of sustainable development.
- 8.5. The single-storey side extension is modest in size (approximately 8square metres) with a flat roof (height approximately 2.7m). Internally it would provide a storage area/cloakroom with a single obscurely glazed window. The extension would not be seen from any public view point, due to the siting of the proposed extension, to the rear. Although the proposed side extension would extend beyond the existing south east facing elevation, views would be obscured due to the positioning of the proposed garage, to the front, and the generally 'L' shaped site area. Given the limited height and footprint of the proposed extension, it is considered proportionate to the existing dwelling.
- 8.6. The front porch would measure approximately 3.8 square metres with a tiled ridge roof with an overall height of 3.82 metres. It is considered that the design would add character to the currently plain frontage without detracting from the character of the area.
- 8.7. The garage is to be demolished and relocated within the front driveway allowing for additional off-street parking within the front driveway of the property, the orientation of the proposed garage, would be amended in that the garage would face generally east, rather than north. The proposed garage would be set further back from the highway, reducing its overall impact upon the area. The proposed garage would be situated adjacent to an existing brick outbuilding which serves No.14 Hillside Road, and in close proximity to the highway edge. As such given the positioning of the existing garage which would be replaced and the wider street scene it is not considered that the proposed garage would have a detrimental impact upon the street scene. The garage would not be sufficient in terms of its footprint, to be

considered as a parking space in accordance with the Leicestershire County Councils 6C's Design Guidance and as such, the applicant during the course of the application has revised the plans to identify that the building to be used for storage purposes.

- 8.8. To ensure that the proposed extension and garage would have an unified appearance all of the extensions are to be built using matching materials. Overall, the revised scheme is acceptable under Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.9. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents.
- 8.10. To the north is No.1 Stretton Close, and to the south the rear gardens of No14 and 16 of Hillside back onto the application site. The rear extension is single storey and finished with a flat roof. The rear gardens of No.14 and 16 of Hillside are modest and bound by approximately 1.8 metre close boarded fencing. Therefore having regard to the relationship the proposed extension would not result in any overbearing impact to these dwellings.
- 8.11. The proposed garage would be relocated and positioned along the rear boundary of No.14. The garage would be finished with a pitched roof which would have an approximate eaves height of 2.3 metres and a ridge height of 3.7 metres. The proposed garage would pitch away from No.14 and would be similar scale of an existing garage which serves No.14. The rear garden of No.14 is approximately 18 metres in depth, therefore having regard to this, and the relationship of the neighbouring garage it is not considered that the proposed garage would result in any harm in terms of overbearing impact to this dwelling.
- 8.12. The revised scheme is modest and benefits the applicant without causing harm to the residential amenities of neighbouring occupiers.
- 8.13. Objections during the course of the application, relate to the insertion of dormer windows, however the application has been revised removing the dormers from the scheme alleviating the concerns raised by neighbours
- 8.14. The proposed scheme would not result in any adverse impact upon the amenity of existing occupants and is therefore considered to accord with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.15. Policy DM18 of the SADMP seeks an appropriate level of parking provision within sites to serve the development.
- 8.16. The revised scheme does not propose any increase in the number of bedrooms, and therefore a requirement of additional parking is not required to the provided within the site.
- 8.17. As previously mentioned the internal dimensions of the proposed garage would not be in accordance with current Leicestershire County Councils 6Cs Design Guidelines, and can therefore not be counted towards off street parking provision. However, with the relocation of this building this allows 3 parking spaces along the front of the plot thus providing sufficient on-site parking for the size of the dwelling.
- 8.18. In this regard the proposal accords with Policy DM18 of the SADMP.

Other Matters

- 8.19. As aforementioned and brought to the attention of the LPA, there are restrictive covenants on the land associated with the property. These are not planning considerations and the original planning permission for the bungalow did not include such restrictive conditions. Therefore the issues raised in relation to the covenants are not a planning consideration and are a private matter which, should the applicant be in breach of the covenants, be pursued privately.
- 8.20. The dormers have been removed from the scheme. However, Schedule 2, Part 1, Class B of The Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2015, allows for the enlargement of a dwelling house consisting of an addition or alteration to the roof which complies with a range of criteria. Should the dormers be reduced in size they could be built out under this legislation without the need for planning permission.

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

10. Conclusion

- 10.1. By virtue of the siting, subordinate scale, design and the proposed external materials, the proposal would complement the character of the surrounding area and would not result in any significant adverse impacts on the private amenity of the occupiers of any neighbouring properties. Off-street parking provision is appropriate for the proposed development. The proposal would be in accordance with Policies DM1, DM10 and DM18 of the adopted SADMP and is therefore recommended for approval subject to conditions.

11. Recommendation

- 11.1. **Grant planning permission** subject to
- Planning conditions outlined at the end of this report.

11.2. **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:

Block/Site Plan received 18th October 2019

Proposed Floor Plans, sheet number 3

Proposed Elevations, sheet number 4, both received 18 November 2019

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

3. The materials to be used on the external elevations of the proposed extensions and outbuilding 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 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. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. The outbuilding to the front of the property does not meet the guidelines within the latest Leicestershire Design Guidance for garages and should be used for storage purposes only and not for the parking of vehicles.



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

PLANNING COMMITTEE 7 January 2020

WARDS AFFECTED: All Wards

Major Projects Update

Report of the Planning Manager, Development Management Planning Manager, Regeneration

1. PURPOSE OF REPORT

- 1.1 The purpose of this Report is to provide an update to Planning Committee on a number of major schemes in the Borough that are currently being proposed or implemented.

2. RECOMMENDATION

- 2.1 That Planning Committee notes the content of this report.

3. BACKGROUND TO THE REPORT

- 3.1 This report provides an update of progress with regard to the delivery of major development projects. The following sections provide the latest update:

Strategic Planned Housing Sites

Barwell Sustainable Urban Extension (SUE)

- 3.2 The Barwell SUE is allocated in the adopted Earl Shilton and Barwell Area Action Plan (AAP) for the development of 2,500 new homes and a minimum of 6.2ha of employment land plus open space, a new primary school, shops and leisure facilities. A resolution to grant permission was made in 2013. The Section 106 to accompany the permission was agreed by all parties in January 2019 and has been circulated around the landowners and promoters for signature.
- 3.3 All Landowners have now signed the agreement as have the land promoters. The last two signatures required are Leicestershire County Council (LCC) and Hinckley

and Bosworth Borough Council (HBBC). On the signing of the agreement the outline planning permission can be issued.

- 3.4 Following the last signature of landowners in November Officers asked LCC to sign the agreement. Despite having previously agreed the S016 and agreed the manuscript changes in January 2019 they have now informed the Council that they consider the figures to be “out of date” and wish to renegotiate the S106 contributions and will not sign the agreement until these changes have been made.
 - 3.5 A report was taken to LCC Cabinet on the 16th December regarding this matter the resolution of which is that they required the S106 to be renegotiated as it is out of date.
 - 3.6 It is highly unusual for such an intervention from a County Council at such a late stage in the process when they had previously agreed the S106.
 - 3.7 HBBC has yet to receive any formal notification from LCC in relation to the planning application that the contributions needs to be revised. No details has been provided as to exactly what contributions need revising nor has any justification for these changes been provided, which is necessary to ensure that the contributions are CIL compliant.
 - 3.8 A possible renegotiation of the S106 and the delay to the delivery timetable will have a significant risk to the delivery of the Barwell SUE, the Council’s 5 Year Housing Supply and meeting the Housing Delivery Test.
- Earl Shilton Sustainable Urban Extension (SUE)
- 3.9 The Earl Shilton SUE is allocated in the adopted Earl Shilton and Barwell Area Action Plan (AAP) for the development of 1,600 new homes and a minimum of 4.5ha of employment land.
 - 3.10 The developer has, for some considerable time, advised the Council that they have prepared all necessary documents to allow a planning application to be submitted. They have advised that the application will not be submitted until they have agreed the S106 package, because they claim there are concerns about viability.
 - 3.11 In order to seek to demonstrate to the Council that the SUE can not afford to deliver policy compliant affordable housing on the site, the developer submitted a viability appraisal. The Consortium and HBBC worked with viability consultants to re-test the site’s viability with the full infrastructure package proposed. The developer then put forward a proposal but it is the Council’s view that the offer is unacceptable as it does not deliver the community benefits that the SUE set out to deliver nor does it deliver sufficient affordable housing numbers across the scheme as a whole.
 - 3.12 The consortium have been in dialogue with the council and have revised the previous offer to state that they can now deliver the full infrastructure package but with a reduced affordable housing offer. Officers have invited the consortium to submit an application however to date, neither a timetable nor a Planning Performance Agreement (PPA) has been signed and therefore we do not have a date as to when a planning application will be submitted.

Land West of Hinckley

- 3.13 The development site covers an area of 44.04 hectares. The site is allocated in the Site Allocations and Development Management Policies DPD for 850 dwellings, including 20% affordable housing, a local shop, a primary school, pedestrian access links across Normandy Way and appropriate provision of play and open space.
- 3.14 The first phase, Reserved Matters application for 260 dwellings was approved in November 2018. Additionally a temporary construction access had been approved in March 2018 to allow the development to progress whilst the highway infrastructure is constructed.
- 3.15 There has been no start on site as there are on going negotiations between landowners. Officers are in contact with Bloor Homes, the house builder, for the site who expect work to commence in 2020

Other sites

- 3.16 The following residential sites are being developed.

Site	Units	Status
Westfield Farm, Earl Shilton Avant Homes	328	Under Construction
Land at Station Road Bagworth (Dunlop Ltd)	61	Under Construction
Lutterworth Road Burbage Redrow Homes	72	Under Construction
Land surrounding Sketchley House, Watling Street, Burbage	123	Under Construction
Land Adjacent Primary School, Main Street, Stanton Under Bardon	25	Under Construction
Land South of Crimson Way, Burbage	30	Under Construction
12 Birch Close, Earl Shilton	16	Under Construction
Marune, 76 Heath Lane, Earl Shilton	23	Under Construction
Former Highway Land, Groby	30	Under Construction
20 Shaw Lane, Markfield	13	Under Construction

Other Strategic Planning and Economic Development Sites

Major Industrial Sites

Land East of Hinckley Island Hotel, Watling Street, Burbage, LE10 3JA

- 3.17 Hinckley Park, located adjacent to Junction 1 of the M69 in Hinckley, is a new strategically located business park being delivered by IM Properties Plc. Unit 1 comprises a 29,563 sqm building to be occupied by DPD. When opened in 2020 it

will be the largest automated parcel depot in Europe. The site will also be home to Hinckley '532', a 49,470 sqm speculatively built industrial/logistics facility. Planning permission was granted in June 2018 and development has started on site having discharged all pre commencement conditions. Units 1 and 2 are almost complete and occupiers will start move in during Spring 2020.

- 3.18 The above application also granted outline consent for up to 42,000 sq m of Use Class B1c, B2 and B8 floorspace. This will be provided across a range of buildings and will be subject to subsequent Reserved Matters application.

Horiba MIRA

- 3.19 MIRA provides vehicle manufacturers and major supply chain companies the opportunity for automotive research and development. The Technology Park houses an automotive technology cluster with over 35 major companies on site. There are research and development facilities including three new buildings with an automotive proving ground and 38 major testing laboratories.
- 3.20 Completed in 2018 the MIRA Technology Institute (MTI) is a 2,276 sq m centre for specialist skills and qualifications in the automotive sector. It is a partnership led by North Warwickshire and South Leicestershire College, Coventry University, Loughborough University and the University of Leicester.
- 3.21 More recently an application for the construction of an autonomous vehicle (CAV) was granted planning permission in September 2018. Site clearance work has been undertaken and further archaeological work has begun. Work has commenced on site and is due to finish in Summer / Autumn 2020

Interlink South (Formerly MIDAS 22), Nailstone Colliery.

- 3.22 Redevelopment of the former colliery site to include storage and distribution uses (Class B8), small business units (Class B1 (C), B2 and B8), a country park, landscaping open space and the formation of a new access to create 93,109 sq m of B8 and 929 sq m of SME accommodation. Outline planning permission was granted in 2006 with the approval of Reserved Matters in 2015. Work is continuing on site.

Neovia Logistics Services, Peckleton Lane, Desford

- 3.23 Storage and distribution warehouse building, unloading/loading bays, office unit, car parking, circulation, revised access, associated hard standing areas, landscaping, diversion of bridleway R119 and ancillary works to create 111,495 sq m in total with Phase 1a of 62,350 sq m of B8 space. Phase 1b of 810 sq m ancillary office space and Phase 2 of 49,145sqm of B8 space. The application has a resolution to grant planning permission however the S106 agreement remains unsigned.

Town Centre Regeneration

- 3.24 The Council set out its high level ambition for the town centres in the Town Centre Vision document in October 2015. Work continues on bringing forward sites through discussions and meetings with various interested parties. An updated Investor Prospectus has also been prepared this autumn to further promote the opportunities in the Borough.

- 3.25 At Stockwell Head, the retailer Aldi has completed its new store scheduled which opened in Autumn 2019
- 3.26 Lidl have acquired the former HJ Hall factory site at Coventry Road for construction of a foodstore and the existing building has been demolished. Work has been completed on site and the new store opened in Autumn 2019.

LEADER

- 3.27 The England's Rural Heart LEADER Programme 2015-2019 (European Union initiative for rural development) covers rural areas within the boroughs of North Warwickshire and Hinckley & Bosworth. Grants are available for small and medium sized enterprises, farming, forestry, tourism, culture and heritage and community initiatives. Its overall purpose is to benefit rural businesses and communities by stimulating economic growth, developing those businesses and creating new jobs in rural areas.
- 3.28 The call for projects has now closed as the programme is on target to spend its' allocation. The programme has commissioned £1,316,577.55 worth of projects of which the spend for projects in the Borough is likely to be in the order of £663,663.31. A programme evaluation is currently underway.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 This report will be taken in open session.

5. CORPORATE PLAN IMPLICATIONS

- 5.1 This Report provides an update on projects that will contribute to the following strategic aims of the Council:
- Creating clean attractive places to live and work
 - Encouraging growth, attracting business, improving skills and supporting regeneration

6. CONSULTATION

- 6.1 None directly required in relation to this update. Statutory consultation processes on schemes form part of the development management and local plan making processes.

7. RISK IMPLICATIONS

- 7.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 7.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

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

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to provide a five year land supply. This leads to speculative unplanned housing developments plus additional costs incurred due to planning appeal process.	Proactive work to bring forward site allocations and maintain five year land supply	KR
Non delivery of Sustainable Urban Extensions	Close working with developers and regular progress reviews.	NS

8. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 8.1 This Report provides an update on a number of schemes, several of which are the subject of separate reporting mechanisms within which equality and rural implications are considered.

9. CORPORATE IMPLICATIONS

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

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: None

Contact Officer: Nicola Smith 01455 255970
Stephen Meynell 01455 255775

Executive Member: Councillor D Bill



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

PLANNING COMMITTEE

7 January 2020

WARDS AFFECTED:

All Wards

Planning Enforcement Update

Report of Planning Manager Development Management

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

- 2.1 That the report be noted.

3. PLANNING ENFORCEMENT CASE UPDATE

Newton Linford Lane, Groby (Known as Klondyke)

- 3.1 An external specialist company has been contracted to provide support in relation to this ongoing case. This piece of work has involved visiting the site, speaking to the relevant owners/occupiers and reviewing the current uses. It has now been established what enforcement action needs to be taken at this stage, which will involve the service of enforcement notices on 2 specific areas within the site. A timeframe will be given for compliance with these notices and the recipients will also have the option to challenge them through the appeals process. Should an appeal not be forthcoming and the recipients fail to comply with the notices then the Council will consider further action, including but not limited to the removal of unauthorised development on the site.

Land at the rear of 84 Leicester Road, Hinckley

- 3.2 Prior to a proposed Court hearing the owners complied with the enforcement notice and removed the building materials from the site. They also paid the Councils legal costs in full for the intended prosecution. Following this it has been established that waste materials still remain on the land which will be subject to a Community Protection Warning Notice seek their removal.

Kirby Vale, Nock Verges

- 3.3 The site is now subject to a retrospective planning application.

Old Woodlands Farm, Ratby

- 3.4 Following a further planning refusal on the site, the owners have gained an exempt licence from Woodlands Champions Club for the camping operation of up to 10 tent pitches. This exemption takes the camping element of the unauthorised use out of the control of the local planning authority and as such any breaches of this certificate will be investigated by the exemption organisation. The only remaining breach of planning control is in relation to the storage container in which the owners store forestry equipment. After consultation with the development management team the owners have agreed to paint the container brown to address concerns in regards to its visual impact. Once this has been completed the investigation into this case will be closed, however should the exemption organisation withdraw the certificate due to non compliance with its terms, the local planning authority can re-open and reinvestigate any further breaches of planning control.

Ivy House Farm

- 3.5 This is a long standing enforcement case in regard to the storage of an excessive amount of items both on fields and within agricultural buildings. The owner has recently passed away, following which his widow and children are gradually clearing the site with a view to selling the majority of the farmstead. They have also submitted an outline planning application for the erection of two dwellings on the site so they are able to stay, with their families, within the locality.

32 Main Street, Thornton

- 3.6 This site was subject to a successful prosecution for non compliance with the Enforcement Notice. The Courts agreed with the owner of the containers to give an extension to time to remove all the containers and the site will be subject to a site visit in January 2020 to ensure this has been adhered to.

Crown Crest, Desford

- 3.7 This investigation is running parallel to the appeal for non determination of planning application 19/00253/CONDIT to extend the permitted days and hours for deliveries to and from the site. The owners are now using an existing access to facilitate these additional deliveries and this element of the case is now subject to Counsels opinion. Members will be updated in the new year following final discussions with legal.

Manor Hill Farm

- 3.8 Following the approval of various planning applications the investigation into this case has now been closed.

Dalebrook Farm

- 3.9 This site has an extant planning permission for 10 pitches for the Gypsy and Traveller community (13/00395/COU). Whilst the site has been subject to 2 sets of travellers temporarily residing on the site within the last 6 months, this has been primarily by the same family who periodically visit the site for a few weeks. Whilst it is acknowledged that some of the conditions forming part of this planning permission are yet to be complied with, the temporary nature of the caravans using the site results in any breaches ceasing once the site has been vacated. Should the current owner, or any subsequent owner, commence use of the land for the permanent occupation of the approved 10 pitches then this will form part of an investigation into non-compliance with the aforementioned conditions.

Cadeby Hall

- 3.10 Following the Planning Inspectorates dismissal of the owners appeal against the enforcement notice on the site and the recent planning refusal of 19/01001/FUL for a detached bungalow, the owners have been reminded that the Council will be seeking full compliance with the Enforcement Notice, which seeks removal of the works for the construction of a dwellinghouse and ancillary structures including walls, by 8th January 2020.

Beechwood Farm

- 3.11 This case centres on the widening of a vehicular access and new driveway, approved under 18/01061/FUL. Although the works have not been completed in strict accordance with the approved drawing, following consultation with the highway authority who determined there would be no highway safety grounds to resist the access in its current form, it was not considered expedient to pursue enforcement action. This case is now subject to possible Judicial Review proceedings from the complainants Members will be kept updated as to the outcome.

Land off Hinckley Road, Stoke Golding

- 3.12 This case is part of a joint investigation with Leicestershire County Council Highway Authority into non compliance by Morris Homes in regard to a pedestrian link and the widening of the current footway on Hinckley Road. Following a site meeting with the technical director at Morris Homes and the Highway Authority, the Highway Authority have agreed that Morris Homes can enter into an urgent s184 major works licence to facilitate the provision of the pedestrian link, whilst they work toward entering into a s278 agreement for the widening of the footway on Hinckley Road.

Untidy Sites

- 3.13 From 1 August 2019 to 31 October 2019 the Council received 5 complaints in respect to untidy land within the Borough. The planning enforcement team have successfully introduced the use of Community Protection Notices under Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 which came into effect in England and Wales on 20 October 2014, to resolve matters relating to untidy site. Before a Community Protection Notice can be issued, the subject must be given a written

warning stating that a Community Protection Notice will be issued unless their conduct ceases to have the detrimental effect.

4.0 RECENT SUCCESS STORIES

Land at Moore Road, Barwell

- 4.1 This site was subject to a longstanding historic case into its use in connection with vehicle repairs, storage and maintenance. An enforcement notice was served in October 2017 requesting cessation of the use and removal of items associated with it. It was established that the site was being informally leased by those responsible for the unauthorised use, however they remained uncooperative throughout the investigation. As such a letter was sent to the owner seeking their co-operation to resolve the matter and highlighting that as the owner they would be subject to any legal action for non-compliance with the enforcement notice. Following this letter a site meeting was arranged with the owner during which they confirmed that they would terminate the lease of the land and request the tenants to remove all the items associated with the unauthorised use, they also agreed that they would remove the fencing that had been erected to screen the unauthorised activities and the lean to which also formed part of the use. A site visit was conducted by an officer of the enforcement team on 2 October 2019 which confirmed full compliance. Pictures taken of the site during the course of the investigation and its successful conclusion are attached to this report.

5.0 WORKLOAD, STAFFING UPDATE & PERFORMANCE

- 5.1 The following tables detail the current workload that the team is managing in respect of current enforcement investigations. Table 1 demonstrates the number of cases that have been opened within a specific period and how many cases have been closed within the same period. The team ensures that enforcement cases are resolved as expediently as possible. Table 2 sets out in more detail how the cases were closed. As of the 31 October 2019 there are 128 enforcement cases pending consideration.

Table 1: Number of Enforcement cases opened and closed

Period of time	Number of cases opened	Number of cases closed
1 August 2019 – 31 October 2019	78	40
1 May 2019 – 31 July 2019	71	99
1 February 2019 – 30 April 2019	111	105

Table 2: How the enforcement cases were closed

Period of time	Total Cases closed	Case closed by resolution of breach	Case closed due to there being no breach	Case closed as not expedient to take action
1 August 2019 – 31 October 2019	40	18	15	7
1 May 2019 – 31 July 2019	99	39	48	12
1 February 2019 – 30 April 2019	105	37	51	17

- 5.2 The approach to tackling enforcement cases continues to be a collaborative one; involving joined up working with other service areas within the council. We also continue to attend the quarterly Planning Enforcement Forum Group for Leicestershire Local Authorities to share experiences and best practice.
- 5.3 Sally Hames will continue to take on the role of Planning Enforcement Team Leader until 31 March 2020, however the permanent roles of Planning Enforcement Team Leader, Senior Planning Enforcement Officer and Planning Enforcement Officer still remain vacant. With only 1 permanent member of staff within the team, the Council has employed Will Holloway as a consultant to cover the post of Senior Planning Enforcement Officer. Will has a vast amount of experience and knowledge and is employed until mid February 2020. The Council is now looking to advertise the 3 vacant posts within the team as part of a recruitment exercise to secure permanent officers with the planning service. The service has also been the subject to an audit of its processes and procedures, the results and recommendations of which will form part of the teams development within the coming year.

As always, should members have a Planning enforcement issue raised with them by a member of the public please ensure this is not reported directly to officers of the team but via the enforcement inbox which has a new email address: planningenforcement@hinckley-bosworth.gov.uk

6. CORPORATE PLAN IMPLICATIONS

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

7. CONSULTATION

None

8. RISK IMPLICATIONS

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

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

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

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

10. CORPORATE IMPLICATIONS

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

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

Contact Officer: Sally Hames Planning Enforcement Team Leader 01455 255919

Executive Member: Cllr David Bill

PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 20.12.19

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	Appeal Valid	DATES
	SW	19/00996/FUL (PINS Ref 3243353)	WR	Mr & Mrs A Sanderson Garland Gables Garlands Lane Barlestone	Garland Gables Garland Lane Barlestone (Conversion of ancillary domestic storage building to a four bed dwelling and demolition of a barn)	Awaiting Start Date	
	CG	19/00957/FUL (PINS Ref 3241551)	WR	Mr F Williams 44 Mansion Street Hinckley	44 Mansion Street Hinckley (Reduction of garage with first floor extension with alterations to existing including outdoor sitting area)	Appeal Valid Awaiting Start Date	22.11.19
	CG	19/00486/FUL (PINS Ref 3241548)	WR	Mr F Williams 44 Mansion Street Hinckley	44 Mansion Street Hinckley (Two storey and first floor extensions to existing garage/store)	Appeal Valid Awaiting Start Date	22.11.19
19/00039/PP	GS	19/00198/OUT (PINS Ref 3239130)	WR	Mrs Zoe Finlay Spring Hill Farm Wykin Road Hinckley	Land Adjacent To 29 Elizabeth Road Hinckley (Erection of one dwelling (outline - all matters reserved))	Start Date Final Comments	06.11.19 25.12.19
19/00041/FPP	GS	19/00626/HOU (PINS Ref 3238671)	WR	Miss Debra Suffolk Hawthorne Cottage Main Road Upton Nuneaton	Hawthorne Cottage Main Road Upton (Two Storey Side Extension, Alterations, Detached Garage and revised Site Entrance)	Start Date Awaiting Decision	25.11.19
19/00040/PP	CG	19/00732/FUL (PINS Ref 3238555)	WR	Mr Singh Marble Homes Ltd 27-35 Sussex Street Leicester	112 High Street Barwell (Development of two 1 bedroom flats)	Start Date Final Comments	11.11.19 30.12.19

	CG	19/00391/CLUE (PINS Ref 3238743)	IH	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	Appeal Valid Awaiting Start Date	29.10.19
	CG	18/01255/CLUE (PINS Ref 3238520)	IH	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)	Appeal Valid Awaiting Start Date	29.10.19
19/00034/FTPP	EC	19/00704/HOU (PINS Ref 3237613)	WR	Mr Paul Wragg Barn B Common Farm Barton Road Carlton	Barn B Common Farm Barton Road Carlton (Extension to existing barn conversion)	Start Date Awaiting Decision	15.10.19
19/00033/NONDET	SW	19/00772/OUT (PINS Ref 3237098)	WR	Mr Michael Hayward Lea Grange Farm Orton on the Hill Atherstone	Lea Grange Farm 11 Twycross Lane Orton On The Hill Atherstone (Demolition of agricultural building and erection of one detached dwelling (outline - access and layout only))	Start Date Awaiting Decision	07.10.19
	RW	19/00253/CONDIT (PINS Ref 3236523)	WR	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.)	Appeal Valid Awaiting Start Date	09.09.19
19/00038/RPAGDO	RH	19/00538/CQGDO (PINS Ref 3236060)	WR	Mr Rob Jones Winfrey Farm Dadlington Lane Stapleton	Winfrey Farm Dadlington Lane Stapleton (Prior notification for change of use of agricultural buildings to 5 dwellinghouses (Class C3) and for associated operational development)	Start Date Final Comments	05.11.19 24.12.19

19/00031/PP	SW	19/00093/FUL (PINS Ref 3235944)	WR	Mr David Jackson SW Jackson Manor Farm 2 Carlton Road Barton in the Beans	Manor Farm 2 Carlton Road Barton In The Beans (Demolition of existing agricultural buildings and erection of 8 dwellings with associated landscaping)	Start Date Awaiting Decision	13.09.19
19/00032/PP	CG	16/00758/FUL (PINS Ref 3234826)	WR	Mr Atul Lakhani Farland Trading Ltd 36 Thurnview Road Leicester	Land Adjacent 121 Station Road Bagworth (Erection of 10 no. dwellings and 2 no. flats (100% Affordable Scheme))	Start Date Awaiting Decision	19.09.19
19/00037/ENF	TW	18/00300/UNHOUS (PINS Ref 3234608)	WR	Mr Stuart Mallinson 34 Wendover Drive Hinckley	34 Wendover Drive Hinckley (Erection of a fence adjacent to a highway)	Start Date Awaiting Decision	24.10.19
19/00022/NONDET	RW	19/00213/CONDIT (PINS Ref 3229530)	WR	Centre Estates Limited 99 Hinckley Road Leicester	Land Off Paddock Way Hinckley (Application Reference Number: 17/00115/FUL (Appeal Reference: APP/K2420/W/17/3189810) Date of Decision: 13/09/2018 Condition Number(s): 2)	Start Date Awaiting Decision	21.06.19
19/00030/ENF	WH	18/00247/UNHOUS (PINS Ref 3225956)	WR	Miss Helen Crouch 49 Main Street, Bagworth	49 Main Street Bagworth (Creation of a balcony)	Start Date Awaiting Decision	06.09.19
19/00043/ENF	WH	18/00268/UNUSES (PINS Ref 3222721)	WR	Mr Andrew Charles Swanbourne Dawsons Lane Barwell	Land East Of The Enterprise Centre Dawsons Lane Barwell (Siting of 2 storage containers ancillary to the existing equestrian use)	Start Date Statement of Case Final Comments Site Visit	29.11.19 10.01.20 31.01.20 18.02.20
19/00042/PP	WH	18/01051/FUL (PINS Ref 3222720)	WR	Mr Andrew Charles Swanbourne Dawsons Lane Barwell	Land East Of The Enterprise Centre Dawsons Lane Barwell (Siting of 2 storage containers ancillary to the existing equestrian use)	Start Date Statement of Case Final Comments Site Visit	29.11.19 10.01.20 31.01.20 18.02.20

19/00028/FTPP	CJ	18/01151/HOU (PINS Ref 3221766)	WR	Mr Richard Seabrook 25 Warwick Gardens Hinckley	25 Warwick Gardens Hinckley (Erection of fence adjacent to highway above 1 metre)	Start Date Awaiting Decision	06.09.19
19/00029/ENF	CJ	18/00344/UNHOUS (PINS Ref 3221767)	WR	Mr Richard Seabrook 25 Warwick Gardens Hinckley	25 Warwick Gardens Hinckley (Erection of fence adjacent to highway above 1 metre)	Start Date Awaiting Decision	06.09.19

Decisions Received

19/00036/FTPP	EC	19/00726/HOU (PINS Ref 3238824)	WR	Mr M Cordingley 48 Leicester Road Hinckley	48 Leicester Road Hinckley (Two storey rear extension, hip to gable, porch, canopy porch and bay windows)	DISMISSED	11.11.19
19/00020/PP	JB	18/01104/FUL (PINS Ref 3228815)	WR	Mr Lee Brockhouse A5 Aquatics Meadowcroft Farm Watling Street Nuneaton	Land North Of Watling Street Nuneaton (Erection of dwelling, detached garage, boat house, football pitch, creation of access and associated landscaping (re- submission of 18/00207/FUL))	DISMISSED	19.11.19
19/00035/FTPP	GS	19/00328/HOU (PINS Ref 3236341)	WR	Mr Martin Allen 35 Janes Way Markfield LE67 9SW	35 Janes Way Markfield (Boundary fencing to front and side of property (retrospective))	ALLOWED	16.12.19
19/00027/PP	SW	18/01252/OUT (PINS Ref 3235401)	PI	Glenalmond Developments Limited	Land East Of Peckleton Lane Desford (Residential development up to 80 dwellings with associated works)	ALLOWED	18.12.19

Designation Period 1 April 2018 - 31 March 2020

Appeal Decisions - 1 April 2018 - 30 November 2019 (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

9	5	4	0	0	2	0	4	2	0	0	1	0	0
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November - Total No of all Major decisions made 71/Total No of appeals allowed 3 = 4.2%

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
61	15	45	1	0	14	1	41	1	0	4	0	0	0

November - Total No of all Minor/Other decisions made 1311/Total No of appeals allowed 10 = 0.76%

Enforcement Appeal Decisions

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

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