

Date: 10 February 2009

To: All Members of the Planning Committee

Mr R Mayne (Chairman)	Mr WJ Crooks	Mr K Nichols
Mr DW Inman (Vice-Chairman)	Mrs A Hall	Mr LJP O'Shea
Mrs M Aldridge	Mr P Hall	Mr BE Sutton
Mr JG Bannister	Mr CG Joyce	Mr R Ward
Mr CW Boothby	Dr JR Moore	Mrs BM Witherford
Mr JC Bown	Mr K Morrell	

Copy to all other Members of the Council

(other recipients for information)

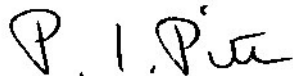
Dear Councillor

There will be a meeting of the **PLANNING COMMITTEE** in the Council Chamber, Council Offices, Hinckley on **TUESDAY, 10 FEBRUARY 2009** at **6.30pm**, and your attendance is required.

The agenda for the meeting is set out overleaf.

There will be a pre-meeting at 6.00pm in the Members' Room (Annexe) to inform Members of any late items.

Yours sincerely



Pat Pitt (Mrs)
Corporate Governance Officer

PLANNING COMMITTEE
10 FEBRUARY 2009
A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

RESOLVED

2. MINUTES

To confirm the minutes of the meeting held on 13 January 2009 attached marked 'P50'.

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 AND PETITIONS

To hear any questions and to receive any petitions in accordance with Council Procedure Rules 10 and 11.

6. DECISIONS DELEGATED AT PREVIOUS MEETING

Director of Community and Planning Services to report on any decisions delegated at the previous meeting which had now been issued.

RESOLVED

7. TOWN & COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED

Schedule of planning applications attached marked 'P51' (pages 1 – 36).

RESOLVED

8. ORTON ON THE HILL AND OSBASTON CONSERVATION AREA STATEMENTS & MANAGEMENT PLANS

Report of the Director of Community and Planning Services attached marked 'P52' (pages 37 - 59).

RESOLVED

9. APPEALS PROGRESS

Report of the Director of Community and Planning Services attached marked 'P53' (pages 60 – 61).

RESOLVED

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

NOTE: AGENDA ITEMS AGAINST WHICH THE WORD "RESOLVED" APPEARS ARE MATTERS WHICH ARE DELEGATED TO THE COMMITTEE FOR A DECISION. OTHER MATTERS ON THIS AGENDA WILL BE THE SUBJECT OF RECOMMENDATIONS TO COUNCIL.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
PLANNING COMMITTEE
13 JANUARY 2009 AT 6.30 PM

PRESENT: MR R MAYNE – CHAIRMAN
MR D W INMAN – VICE-CHAIRMAN

Mrs M Aldridge, Mr C W Boothby, Mr J C Bown, Mr D M Gould,
Mrs A Hall, Mr P A S Hall, Mr C G Joyce, Mr K Morrell, Mr K
Nichols, Mr L J P O'Shea, Mr B E Sutton, Mr R Ward.

In accordance with Council Procedure Rule 4.4 Mr A J Smith also attended the meeting

Officers in attendance: Mrs T Darke, Mrs P I Pitt, Mr T M Prowse, Mr M Rice and Mr R Wright

356 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Mr J G Bannister, Mr W J Crooks and Ms B M Witherford and the substitution by Mr Gould for the latter authorised in accordance with Council Procedure Rule 4.3.

357 MINUTES (P43)

On the motion of Mr Bown, seconded by Mr Nichols it was

RESOLVED – the minutes of the meeting held on 16 December 2008 be confirmed and signed by Chairman;

358 DECLARATIONS OF INTEREST

Interests were declared as follows:-

Mrs Aldridge – prejudicial interest in planning application no. 08/01031/FUL
Mr and Mrs Hall – personal interest in planning application no. 08/01102/FUL
Mr Ward – personal interest in planning application no. 08/01117/FUL

359 DECISIONS DELEGATED AT PREVIOUS MEETING

The Director of Community and Planning Services reported the following three decisions:-

1. Planning application no. 08/00815/FUL – approval had now been issued.
2. Planning application no. 08/00965/FUL – approval had now been issued.
3. Planning application no. 08/01035/GDOT – Notice of Refusal sent.

360 TOWN AND COUNTRY PLANNING ACT 1990 – APPLICATIONS TO BE DETERMINED

The Committee considered a schedule of planning applications, together with a list of late items, and the recommendations of the Director of Community and Planning Services.

- (a) 08/00977/FUL – Proposed substitution of house types to plots 6 – 18 and 23 – 26 and associated works, land rear of 41 – 65 The Common, Barwell – David Wilson Homes, East Midlands.

It was moved by Mr Morrell, seconded by Mrs Aldridge and

RESOLVED – subject to the execution of an appropriate supplementary legal agreement under Section 106 of the Town & Country Planning Act 1990 and section 111 of the Government Act 1972 before 21 January 2009 to secure developer contributions towards affordable housing, public play and open space, health facilities, library facilities, waste management and highway improvement work in accordance with the existing Section 106 agreement for the overall site, the Director of Community and Planning Services be granted powers to issue planning permission subject to the conditions outlined in the report. Failure to execute a legal agreement by 21 January 2009 may result in the application being refused.

- (b) 08/0103/FUL – Erection of fishery manager’s dwelling – The Glebe Field, Peckleton Common, Peckleton – Mr Roy Marlow.

Mrs Aldridge, having declared a prejudicial interest in the following item left the meeting at 6:40 pm whilst this was considered.

Having been assured by officers that a condition had been included that the occupation of the dwelling should be limited to a person solely employed in the operation of the Glebe Field Fishery complex it was moved by Mr Morrell, seconded by Mr Bown and

RESOLVED – the application be approved subject to the conditions outlined in the officer’s report and late items.

Mrs Aldridge returned to the meeting at 6:45 pm.

- (c) 08/01057/FUL – Erection of 5 No. dwellings, A Stathams Builders Yard, Cuthbert’s Yard, Newbold Road, Barlestone – Marbles Homes (Leicester) Limited.

It was moved by Mr Nichols, seconded by Mr Bown and

RESOLVED – the application be approved subject to the conditions outlined in the officer’s report and late items.

(d) 08/01102/FUL – Erection of one detached dwelling, land rear of 60 Lychgate Lane, Burbage – Mr Richard Timson

Concerns being raised with regard to drainage issues, access, proximity to other dwellings and the proposal being out of keeping with adjacent properties, it was moved as an amendment by Mr Morrell and seconded by Mr Inman that notwithstanding the officer's recommendations for approval, this application be refused. At this juncture the Director of Community and Planning Services requested that voting be recorded on this item. The vote was recorded as follows:-

For the amendment – Messrs. Inman, Morrell, Sutton and Ward (4)
Against the amendment – Messrs. Bown and Gould (2)
Abstentions – Mrs Aldridge, Mr Boothby, Mrs Hall, Mr Hall, Mr Joyce, Mr Mayne, Mr Nichols and Mr O'Shea (8)

The amendment was therefore carried and thereupon

RESOLVED – the application be refused for the following reasons:-

In the opinion of the Local Planning Authority, the proposed dwelling by virtue of its size, scale and location represents over development of the plot and would result in an unacceptable, incongruous form of development, out of keeping with the character of the streetscene and resulting in loss of amenity for the existing surrounding residents by virtue of its proximity. The proposed development is therefore contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

(e) 08/01117/FUL – Erection of new pavilion, playing fields, Barton Road, Market Bosworth – The Dixie Grammar School

Car parking provision having been outlined to Members, it was moved by Mr O'Shea, seconded by Mrs Aldridge and

RESOLVED – the application be approved subject the conditions contained in the Officer's report and late items.

(f) 08/01136/COU – Change of use of building to Muslim prayer room (D1 use category), land rear of 11 Lower Bond Street, Hinckley – Mr Maruf Miah.

Members requested that a note to applicant include the erection of a sign at the entrance to the site indicating the lack of on-site car parking. It was then moved by Mr O'Shea, seconded by Mrs Hall and

RESOLVED – the application be approved subject to the conditions contained within the Officer's report and late items and the above note to the applicant.

361 HOUSING TYPE AND SIZE ON REDEVELOPMENT SITES (P45)

Further to minute no. 129 of 5 August 2008 the Development Services and Policy Manager indicated that a response had been received from the Department for Communities and Local Government re-emphasising the importance of Planning Policy Statement 3 and the need to provide a wide choice of high quality homes in suitable locations to address the housing requirements of the community.

Mr Bown left the meeting at 7:27 pm, returning at 7:29 pm.

On the motion of Mr Sutton, seconded by Mr Nichols it was

RESOLVED – the following be agreed:

- (i) decisions on planning applications for flats and apartments will be made on the basis of central government advice in Planning Policy Statement 3 (PPS3), “Housing” and policies set out in the Regional Spatial Strategy as well as the Core Strategy and Site Allocations Document on Housing forming part of the Local Development Plan Document, as informed by Strategic Housing Market Assessments; and
- (ii) the requirement for parking levels will be based on the appropriate Development Plan Document of the Local Development Framework as informed by the adopted County Council’s Highways, Transport and Development (HtD) document as well as central government’s “Manual for Streets” and Planning Policy Guidance 13 “Transport” (PPG13).

362 THE BOROUGH OF HINCKLEY & BOSWORTH (LAND AT 17 LAUNDON CLOSE) GROBY (P46) AND THE BOROUGH OF HINCKLEY & BOSWORTH (LAND AT BOWLING CLUB, RECTORY LANE), MARKET BOSWORTH (P47) TREE PRESERVATION ORDERS 2008

These had both been brought before the Committee in consequence of objections from local residents.

Following advice from the Committee’s legal adviser as to the respective responsibilities of the owners of trees which are the subject of a Tree Preservation Order and the Council, it was moved by Mrs Aldridge, seconded by Mr O’Shea and

RESOLVED – these two Orders be confirmed as made.

363 APPEALS LODGED AND DETERMINED SINCE THE LAST MEETING (P48)

Members having noted that the appeal in respect of The Gatehouse, Cadeby has been withdrawn it was moved by Mr Boothby, seconded by Mr O’Shea and

RESOLVED – the report of the Director of Community and Planning Services be noted.

364 APPEALS – PROGRESS (P49)

A schedule was submitted indicating the stages that various appeals against planning decisions had reached, following which it was moved by Mr Morrell, seconded by Mr Boothby and

RESOLVED – the report of the Director of Community and Planning Services be noted.

(The meeting closed at 7.37 pm)

PLANNING COMMITTEE AGENDA - 10 February 2009 - NUMERIC INDEX

REF. NO.	APPLICANT	SITE	ITEM	PAGE
08/00553/FUL	Mr And Mrs Trivett	Land At Junction Of Wellsborough Road And Congerstone Lane Market Bosworth	01	01
08/01146/FUL	Mr G Preston	Forest Hill Farm Leicester Lane Desford	02	16
08/01149/FUL	Mr FOS Wynne	Hall Farm Main Street Sutton Cheney	03	20
08/01166/FUL	William Bradford Community College	William Bradford Community College Heath Lane Earl Shilton	04	26
09/00003/LBC	Archial	Atkins Bros Ltd Lower Bond Street Hinckley	05	31

REPORT P51

PLANNING COMMITTEE

10 February 2009

**RECOMMENDATIONS OF DIRECTOR OF COMMUNITY AND PLANNING
SERVICES**

ON APPLICATIONS FOR DETERMINATION BY

THE PLANNING COMMITTEE

BACKGROUND PAPERS

Background papers used in the preparation of these reports are filed in the relevant application files, unless otherwise stated

Item: 01

Reference: 08/00553/FUL

Applicant: Mr And Mrs Trivett

**Location: Land At Junction Of Wellsborough Road And Congerstone Lane
Market Bosworth Leicestershire**

**Proposal: CREATION OF CANAL BOAT MARINA WITH ASSOCIATED CAR
PARKING, LANDSCAPING AND AQUATIC WILDLIFE AREA**

Introduction:-

This is a full application for the construction of a 150 berth, leisure marina development with boatyard and associated services, on a 7.3 hectare site at the corner of Wellsborough Road and Carlton Road, Market Bosworth. The site is located to the west of the Market Bosworth settlement and is currently agricultural fields. The Ashby Canal and its towpath form the eastern boundary which is approximately 285 metres in length. There are fields to the north. Wellsborough Road and Carlton Road form the southern and western boundaries. There are a pair of semi detached cottages (Friezeland Cottages) adjacent to the south west corner of the site and a new, predominantly residential development is located on the opposite side of the canal to the east.

The submitted plans denote warden's accommodation, toilet facilities, food shop, boathouse and chandlery but these are only indicative at this stage and are proposed to be the subject of future planning applications.

The design of the scheme provides a marina with an 'L' shaped water basin. This proposal differs from the previously approved scheme with an enlarged mooring basin, the fishing lake has been omitted with the wetland area redesigned to accommodate a sustainable drainage system and wildlife habitats. Access is from Carlton Road. The access will be provided with a barrier and will be hard surfaced at the entrance leading onto gravel driveways into the site. The access arrangement, pedestrian access, bus lay-by and improvements to the junction are generally in the form previously approved. Car parking areas are provided throughout and there is to be 2.3 hectares of aquatic wildlife areas. There will also be significant amounts of inert material brought onto the site to raise levels and this is detailed later in this report but it is less in volume than for the previously approved scheme due to the basin of this proposal being extended.

An Environmental Impact Assessment (EIA) has been submitted with the application. The EIA identifies key impacts (scoping) and examines their effects on the site and surrounding area both during construction and where applicable, in the future. It indicates what mitigation measures are to be taken. When the project is operational, long term management proposals will be identified to protect the environment in and adjacent to the site. The information within the EIA includes a Transport Assessment, Flood Risk Assessment, Business Plan and Biodiversity reports which have been forwarded to the relevant bodies for consideration. The information submitted refers to other moorings and marinas within the area and that there is a waiting list at all marinas. It also states that the revised layout of the site contained in this application has been designed to be viable as well as optimise conservation benefits.

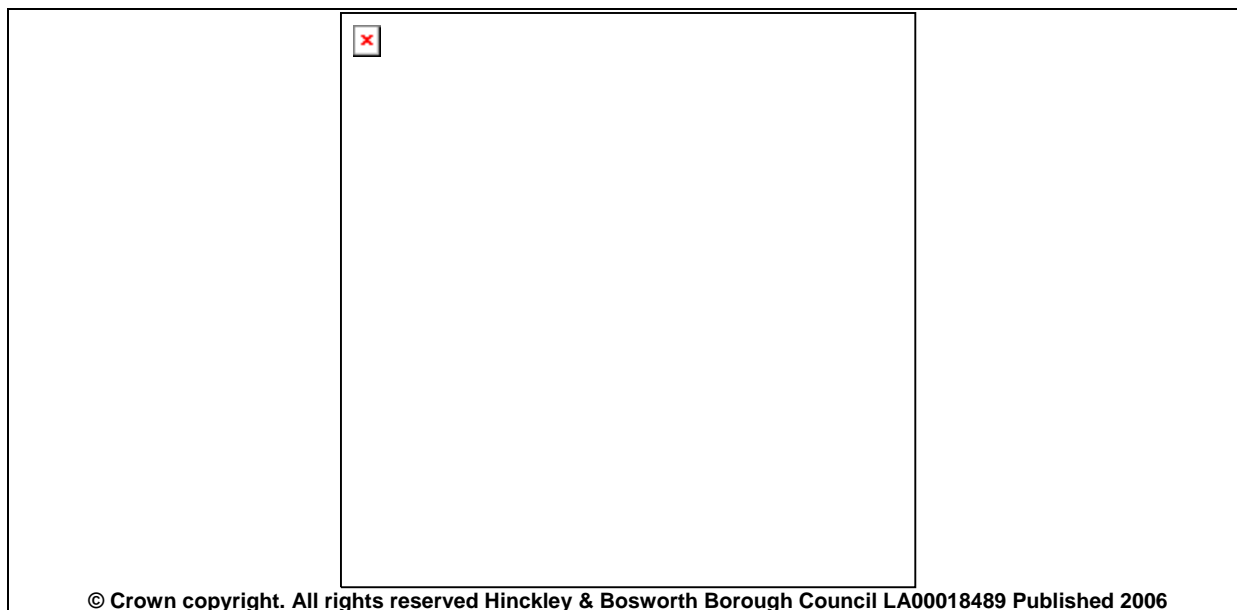
The Design and Access Statement states that British Waterways and other agencies have been involved in the design and development of the proposal. The applicant advises that the original approved scheme was too limited to be a viable economic proposition and in order to receive British Waterways support, it was necessary to increase the marina to provide approximately 150 berths of 12 metre average length. It is not proposed to provide residential moorings.

History:

07/01056/COU	Creation of canal boat marina and associated landscaping	Refused	28.01.08
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94/00760/FUL	Formation of a marina and fishing lake	Approved	24.04.02
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Application 94/00760/FUL was originally considered by the Planning Committee in 1995 when it was resolved to grant planning permission following the completion of a Section 278 Agreement with the Highway Authority in order to ensure the provisions of the off-site highway improvements and the routing of HGV traffic to the site during construction of the development. In December 2000, the application was reported back to committee with the recommendation of refusal because despite progress that the applicants and the agents had made to resolve technical problems for the highway works, a considerable length of time had elapsed since the original consideration of the scheme. Also concerns had been raised by English Nature regarding the potential impact on the Site of Special Scientific Interest (SSSI) nearby. The application was deferred to give more time to resolve the issues and was reported back to the Planning Committee on 2nd January 2002 when it was approved subject to conditions. Of particular interest, it was conditioned that there should be no gates to the access, no boats for hire, that the routing of construction traffic needed to be agreed and a scheme for signage for guidance to marina users needed to be agreed. This planning permission has now lapsed.



Consultations:-

No objection received from:-

Director of Community Services (Archaeology)
Central Networks
Head of Community Services(Pollution).

No objections subject to conditions have been received from:-

Director of Community Services (Ecology)
British Waterways (condition requiring further details of the footbridge and towpath layout)
Severn Trent Water Limited.
Head of Community Services (Land Drainage).

Market Bosworth Parish Council supports the construction of the marina because it will complement other visitor attractions in the locality and have unrestricted public access. It welcomes the bus turning and parking bay and the improvements to the junction and safe accesses. It does not object to the increase in capacity of the marina so long as it is recommended by British Waterways in order to ensure that the venture is viable. The Parish Council suspects that the attraction will be very popular with locals and visitors and that the privacy of the adjacent cottages should be ensured, together with security for the moorings, parked vehicles, site buildings, disturbance to wildlife management and maintenance. The Parish Council request conditions in relation to no residential boats be allowed and that all building and imported materials be routed to the site from the A444 by way of Wellsborough Road and that no HGV traffic whatsoever access the site through Market Bosworth, Carlton or Congerstone to protect local amenity. The Parish Council would also like further information on the intended food outlet as they would not like it to affect business in Market Bosworth's town centre. It further suggests that the 30 mph speed limit be extended from Station Road to a safe distance beyond the entrance to the proposed marina to ensure safety of pedestrians and cyclists.

Carlton Parish Council support the construction of the marina for similar reasons to those given by Market Bosworth PC but also raise concerns regarding:

- a) boats in marinas being permanently occupied having an impact on local services and infrastructure
- b) potential damage to SSSI by increased boat traffic
- c) privacy issues at cottages/warden's accommodation
- d) Import/export of materials via A444 only during construction of marina

Market Bosworth Society object to the proposal on the following grounds;

- a) increase in scale from the previous application
- b) environmental impact in the countryside
- c) may result in pressure on local services and infrastructure
- d) concern regarding construction traffic, detrimental to the amenities of the town
- e) likely pressure for further industrial and commercial development with increased traffic
- f) detrimental effect on the conservation area and not in line with conservation area appraisal.

Campaign for Rural England expresses concern regarding the scale of the proposal and implications for flora and fauna.

Cyclist Touring Club considers that the proposals contained within the Transport Statement could benefit both cyclists and pedestrians but that works to the western verge are required to make crossing of the lane safer.

Natural England recommend refusal of the proposal unless the applicant submits adequate information to demonstrate that Great Crested Newts as well as other species protected by law would not be affected or that potential effects would be avoided or satisfactorily mitigated. They also seek a report on the likely impact that the development and the ensuing future activities from the marina would have on the nearby Ashby canal SSSI, together with the measures that would be put in place to mitigate these effects.

The Director of Highways, Transportation and Waste Management (Highways) have provided an initial response that raises questions and concerns about the management of the site and the need to demonstrate that there will be no overspill of parking onto the public highway. The response requests financial contributions for off-site works as follows:-

- a) bus shelter including seats and a timetable case at the bus lay-by on Carlton Lane (£3,890).
- b) Star Trak real time information pole at the bus lay-by on Carlton Lane (£3,500).
- c) raised kerbs at the existing bus stop on Station Road (£3,210).

Ashby Canal Society comment that the levels on the drawings do not accord with the contour level and feel that there is a discrepancy. They also have concerns that the visitor moorings, located near to the road bridge will not be lost to boatyard use or boats waiting to enter the marina.

Site notice and Press notice were displayed and neighbours notified.

Five letters of objection have been received on the following grounds;

- a) inadequate footpath access from Market Bosworth and along canal side
- b) noise and dirt during construction and no timeframe for works to be carried out
- c) noise and smell during normal day to day activity from diesel and wood burners on narrow boats
- d) noise at night from development
- e) increased traffic and access
- f) no information on how the development will impact on existing infrastructure
- g) no public transport to the site on Sundays
- h) loss of view
- i) inadequate screening from the Persimmon development
- j) no details of buildings submitted with this application although proposed siting is a concern for the residents of the Persimmon site
- k) concern regarding impact of proposed boat repairs and future development on site on nearby dwellings
- l) concern regarding potential lighting scheme for the site
- m) concern regarding the need for security fencing in future
- n) concern that parking within the site is sufficient
- o) concern regarding potential subsidence of nearby properties
- p) impact of food shop on Market Bosworth centre
- q) residential moorings would increase pressure on local services
- r) limited creation of jobs
- s) greenfield site
- t) concern regarding wildlife on the site
- u) other similar facility at Stoke Golding
- v) Contrary to policy - being out of scale with surrounding rural area, expand town, encroach on rural landscape and damage conservation area
- w) Would lead to an over supply of moorings and marinas and detract from the canals rural character.

Policy:-

National Planning Policy

The Good Practice Guide on Planning for Tourism produced by the Department for Communities and Local Government in May 2006 outlines the importance of tourism and suggests that it is crucial that the planning system takes a pro-active approach in facilitating and promoting good quality development, thereby maximising valuable economic, social and environmental benefits. It goes on to state that these benefits should be achieved in the most sustainable manner possible.

Planning Policy Statement 1 Delivering Sustainable Development sets the Government's target for sustainable development and that it sees the planning system being at the forefront of this in terms of its position to guide and deliver the right development in the right location in a sustainable manner. In a hierarchy of land use, previously developed land should be developed before all other options.

Planning Policy Statement 7 Sustainable Development in Rural Areas identifies the Government's objectives for rural areas and seeks to raise the quality of life and environment in such areas, and promotes more sustainable patterns of development. All development within rural areas should be well designed, in keeping and scale with its location and sensitive to the character of the countryside. This guidance recognises the pressures facing the rural economy and seeks to encourage sustainable rural diversification without harming the character of the countryside. The PPS is generally supportive of leisure uses within the countryside.

Planning Policy Statement 9: Biodiversity and Geological Conservation states that local planning authorities should adhere to the key principles, use up-to-date information about the environmental characteristics including the relevant biodiversity and geological resources of the area. Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests and should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species. Plan policies should take a strategic approach to conservation, enhancement and restoration and recognise the contributions that sites, areas and features, both individually and in combination, make to conserving these resources. Development proposals where the principal objective is to conserve or enhance biodiversity and geological conservation interests should be permitted. The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests and the local planning authorities need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, adequate mitigation measures need to be put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented or mitigated, planning permission should be refused.

Planning Policy Guidance 13 sets out the objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices for carrying people and moving freight, to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and reduce the need to travel, especially by car.

Planning Policy Guidance 17 sets out the Government's commitment to the need for sport and recreation development and seeks to deliver rural renewal, social and community inclusion, health and well-being and promotes sustainable development. The PPG encourages development for sport and recreation in appropriate locations.

Planning Policy Statement 25: Development and Flood Risk (PPS25) advises that all forms of flooding and their impact on the natural and built environment are material planning considerations. The aims of planning policy on development and flood risk are to ensure that flood risk is taken into account to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Flood risk should be considered alongside other spatial planning issues such as transport, housing, economic growth, natural resources, regeneration, biodiversity, the historic environment and the management of other hazards. Policies should recognise the positive contribution that avoidance and management of flood risk can make to the development of sustainable communities, including improved local amenities and better overall quality of life.

Regional Spatial Plan

The Regional Spatial Strategy 8 (RSS8) seeks to protect the open countryside and ensure that the development is sustainable. Underpinning the RSS and at the heart of the Strategy is the sequential approach to development form, with an overarching framework for the location of future development in the region. Policy 2 refers to a sequential approach to selecting land for development in recognition of the need to make the best use of land. Policy 3 refers to the sustainability criteria which should be used in applying the approach and assessing site suitability. Suitable sites outside urban areas may need to be found which satisfy Policy 3 for some uses. Account should also be taken of the need for development of an appropriate scale and character to meet the local needs of rural communities. Policy 24 considers the need to promote the continued diversification and further development of the rural economy, where this is consistent with a sustainable pattern of development and the environmentally sound management of the countryside. Areas of potential for tourism growth which maximise economic benefit whilst minimising adverse impact on the environment and local amenity should be identified. Measures should include the provision for additional tourist facilities including accommodation close to popular destinations that have adequate environmental and infrastructure capacity, improvements in the quality of existing facilities and services, and improvements to accessibility by public transport and other non-car modes. Policies 27 and 28 deal with protecting and enhancing the Region's natural and cultural assets.

Local Plan Policies

The site is located outside of the settlement boundary of Market Bosworth in the countryside as identified in the adopted Hinckley & Bosworth Local Plan.

Policy REC 7 states that planning permission for marinas and other commercial developments adjacent to the canal will be granted in appropriate locations on the Ashby Canal provided they are not detrimental to the canal's conservation area and is sympathetic to the rural character, do not affect nature conservation interest, do not lead to an over intensification of marina developments along the Ashby Canal, any new developments relate directly to boating activities and conform with highway and environmental policy, and has adequate parking and access arrangements.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is either: important to the local economy, and cannot be provided within or adjacent to an existing settlement; for the change of use, re-use or extension of existing buildings or for sport or recreation purposes, and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features; avoids the loss of open spaces, important gaps in development and features which contribute to the quality of the local environment; has regard to the safety and security of individuals and property; incorporates landscaping to a high standard where this would add to the quality of the design and siting; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties.

Policy IMP1 required contributions towards the provision of necessary on-site and off-site infrastructure and facilities to serve the development.

Policy BE7 relates to development in conservation areas and is primarily concerned with the preservation or enhancement of their special character or appearance. Planning permission for proposals which would harm that special character or appearance will not be granted. In and adjoining conservation areas, the siting and design of new development and the scale and use of appropriate materials will be required to respect the special character and appearance of the area.

Policy NE6 states that planning permission will not be granted where the proposals will damage a SSSI unless it can be demonstrated that no other suitable site is available for development and that the development is of such significance that it exceeds the level of importance for nature conservation or geological interest.

Policy NE7 states that development which would damage sites significant at county or district level for their flora, fauna or geological features, or sites of natural history or scientific interest significance will not be permitted unless an overriding national or local need is identified for which no other alternative site is available. Where development on such sites is permitted, the local planning authority will impose conditions and if necessary seek to enter into planning agreements in order to minimize disturbance to conserve its features of nature conservation or ecological interest, and to provide new ecological sites where damage is unavoidable.

Policy NE12 requires development to take into account the existing landscaping features of the site and make provision for further landscaping where appropriate.

Policy NE13 relates to the effect of development on the natural watercourse system. Planning permission will not be granted for development which would inhibit or damage the drainage functions of the natural watercourse system, unless adequate protection, alleviation or mitigation works are undertaken.

Policy NE15 seeks to protect river or other watercourse corridors particularly in connection with its land drainage function or in a loss of recreational amenity and nature conservation value.

Policy REC4 seeks to ensure that new recreational facilities are sited in appropriate locations and this policy encompasses the requirements of the individual policies NE5 and BE1.

Policy REC 6 states that the Ashby Canal Corridor will be protected to provide a recreational and wildlife corridor. Public Access to the canal corridor and in particular, access for disabled people will be improved wherever appropriate. Planning permission will only be granted within the corridor if it is in connection with the use of the canal for quiet informal recreation or is essential to the operational requirements of the canal, is of a high quality of design and in keeping with the character of the canal, is not detrimental to nature conservation and it allows for public access along the Ashby Canal.

Policy REC 9 seeks to ensure access to the countryside including access for vulnerable groups, such as disabled people. It promotes walking, cycling and horse riding as safe and convenient means of access to the countryside. It seeks to safeguard existing rights of way or to ensure that adequate alternatives are provided where appropriate.

Policy REC26 relates to new visitor attractions, particularly those which have a special affinity with the physical and historic character of the area, unless the proposed development will be contrary to other policies within the local plan, particular regard will be given to environmental and highway considerations.

Policy T5 seeks to apply the County Council highway standards and parking targets when considering new development.

Appraisal:-

The main considerations with regard to this application are the principle, impact on the countryside and ecology, design and layout, construction, pollution, flood risk, landscaping, impact on neighbours, highway implications, internal road layout and parking provision and the impact on the neighbouring settlements.

Principle

The principle of the development of a marina on this site was previously considered in 2002 when planning permission was granted for a smaller scheme. Although this planning permission has now lapsed adopted policies have not altered significantly since 2002 and the principle of providing a marina at this location remains acceptable.

Impact on Countryside and Ecology

The site is situated in an area where the countryside is protected for its own sake as designated within the adopted Hinckley and Bosworth Local Plan. Whilst the proposal involves considerable development where currently there are open fields, the scheme includes substantial re-profiling of the landform and extensive areas of planting providing improved wildlife habitat.

Protected species surveys have been undertaken in 2000, and in April and July 2008. Information contained therein states that the nearest evidence of Water Voles was 300 metres from the site and that there was no evidence of Great Crested Newts on site however, there were ponds in the vicinity and therefore a specialist newt survey off site was undertaken. Most of the hedges forming the boundaries to the site are to be retained. There was evidence of Giant Hogweed on site which needs to be removed during the construction phase. The last survey was to identify whether there were Great Crested Newts on the site, it found that at least one pond off site contained a colony of Great Crested Newts. Mitigation measures include a pond which will provide a breeding ground for Great Crested Newts, and retention of the trees to the north of the site in case they are used as bat roosts. During construction, areas of vegetation in the ditch which crosses the site will be kept short to discourage Water Voles from taking up residence. The report goes on to say that once completed, the development will provide potential Water Vole habitat.

The County Ecology report notes the information contained in the EIA. It suggests the imposition of a condition requiring further update surveys on all protected species if the development does not commence until after April 2010, and suggests that annual surveys be carried out until the development commences. Any further mitigation required from the results of the survey(s) must be completed. County Ecology are in agreement with the recommendations with regard to keeping the trees with bat roost potential, the Great Crested Newts and Water Vole habitat. They have commented that the application provides a net gain in wildlife habitat and suggest further conditions regarding production and approval of a management plan and further landscaping and habitat creation plans.

The SSSI is located approximately 1 mile away, to the north of the site and contains a form of rare pond weed. Natural England are concerned that increased boat movements may threaten its existence. The application proposes a redesign of the wetland area and pond within the site to provide a possible alternative habitat. Further ecological information is required.

Design and Layout

The design of the marina scheme has been developed in conjunction with British Waterways. It is proposed to provide a basin with surface water area of 16,350 square metres, the previous application had a surface water area of approximately 8,750 square metres. The entrance to the basin is situated in the same location as on the previously approved scheme, opposite the existing winding hole of the canal and will have a stop lock and a footbridge over to link with the existing towpath.

With regard to the increased size of the proposal from the previously approved scheme, British Waterways have ascertained that there are 340 marina spaces on the Ashby canal and that all the marinas are full, with waiting lists of over 200 boaters. This excludes on line moorings which they are working actively to reduce.

British Waterways will not issue licences to boaters who do not have a home mooring so there is a latent demand for boats which may not bother to register. Their national figures show that the demand for moorings is growing at the rate of 2.6% nationally. However, in areas where the canal is proposed to be extended the demand is greater. Further information may be available by the date of the committee meeting and if available will be reported to the Committee as a late item.

The layout of the site has almost one third dedicated to wildlife areas with a low nutrient conservation pond, wetland treatment areas and copse/woodland. The information provided states that the three areas will complement each other and are likely to contribute to greater biodiversity than presently on the site.

Buildings are indicated for further development in a roughly central area of the site, the applicant has provided an indicative drawing and stated that any buildings are likely to be constructed of timber but no further details have been submitted at this stage. It is understood that a chandlery, retail food shop, boathouse toilet facilities and warden's dwelling for the site manager are intended to be submitted as further applications. These are

likely to be for use of boaters and their guests and unlikely to be used by the general public. Other facilities will include visitor mooring refuelling bays, main services and a waste disposal area to be provided once the marina is operational. The jetties are to be constructed of steel with timber decking.

Construction

It is necessary to import material to raise the ground level in some areas as the site falls away from the water level of the canal towards Carlton Road. It is estimated that 35,000 cubic metres of imported material will be required. To provide these quantities it is anticipated that 3,500 loads (eight wheeled lorries) over a maximum period of two years will be necessary. This would equate to 35 loads or 70 movements per week spread over 5.5 working days. The applicant accepts that all construction traffic visiting the site should be routed via the B585 to the A444 and away from the local settlements. Whilst the previous decision contained a condition in connection with traffic routing latest guidance and the opinions are that it is not appropriate for the Council to consider imposing a condition to control vehicle routing but where it is essential to prevent traffic from using particular routes, the correct mechanism for doing so is an Order under either section 1 or section 6 (as appropriate) of the Road Traffic Regulation Act 1984. It is understood that County Highways can include routing of vehicles within the Section 278 Agreement.

The works will require a licence from the Environment Agency. Once the filling operation has been completed, the perimeter of the basin will be sheet piled. The piles are likely to be 3 metre galvanised sheet piles, with tie backs into the surrounding fill every 2 to 3 metres and a reinforced capping beam. The overfilled areas of the basin will then be excavated back to the face of the sheet piles to complete the formation of the basin.

The floor of the basin will be waterproofed with a layer of puddle clay. The specification for the clay layer will be determined by further investigation of the existing clay sub soils underlying the site, and to British Waterways specification. If the underlying clay is unsuitable, clay will be imported for the purpose. The construction of the basin and method of connection to the canal must be agreed in detail with British Waterways prior to the commencement of works on site.

Pollution

The methods for controlling pollution of the canal and surrounding area are dealt with in the EIA which states that the use of the proposed marina generally poses a low risk of runoff pollution. The runoff from the parking and access road will be collected in swales; the runoff from the boatyard will pass through an interceptor before entering the swales. Water collected in the swales will filter and clean in a two treatment stage before it flows into the 'low nutrient' lake. The SUDS system will remove incidental contamination before it reaches the lake. The lake is isolated from the watercourse that could introduce intermittent pollution from upstream sources or high nutrient runoff from the adjacent development. The lake will be designed to develop suitable conditions for locally rare plants, particularly the rare pondweed (Grass-wrack pondweed) and wetland animals once initial nutrient loads have reduced. The lake will also be designed to accept exceptional storm volumes with simple grass overflow weirs. Final details of pollution control measures need to be agreed with the Environment Agency.

Flood Risk

A Flood Risk Assessment was required by the Environment Agency which has been carried out. It states that the development of the site will not have an impact on external areas as flow rates have been maintained at or below existing runoff levels. There is no risk of river flooding, the canal should not pose a risk as its level is independently maintained and the sustainable drainage proposals will control runoff. The actual drainage works are required to be approved by the Environment Agency. Information submitted by the applicant shows that the marina will be constructed at or above the level of the existing canal. Friezeland cottages will be protected from flood risk by the ground form that direct flows towards the outfall and the Sustainable Drainage scheme. All runoff from the new development is designed to be stored and released slowly to limit flow into existing drainage. The SUDS management will consist of a simple grass cutting and wetland maintenance regime augmented with regular road sweeping and the checking of inlets and outlets. A management plan will be provided as part of the detailed design. The Environment Agency considers that the flood risk information is currently unacceptable for their purposes. The agent has contacted the Environment Agency as they consider that not all the submitted information has been taken into account. Any further information will be reported to the meeting as a late item.

Landscaping

The layout drawings indicate the general principles of hard and soft landscaping for the site. The existing hedges to the south and the canal boundary are proposed to be retained. Block planting, specimen trees and mounding is proposed to provide a visual barrier to the adjacent highways, Friezeland cottages and most of the boundary adjacent to the Pipestrelle Way (Persimmon) development. This is considered to be generally acceptable subject to full details of the planting being provided by way of condition.

Impact on Neighbours

Neighbours have raised concern about the development particularly during the construction phase. Some issues have been addressed earlier in the appraisal. With regard to pollution control during construction, the application provides information which states that all machinery will be accurately suppressed to ensure current noise regulations are complied with and that water bowsers will be provided to suppress dust. Wheel washing facilities will be provided for vehicles leaving the site to ensure that no mud or debris is deposited on the road, and road sweeping will take place as and when necessary.

Once operational, low level lighting is proposed around the waters edge as part of this application. Details of the lighting will need to be submitted and approved by the Local Planning Authority by way of a suitable condition in order to ensure it does not have a significant impact on neighbours or the surrounding countryside area.

Highway Implications

Access to the site will be provided from Carlton Road. It is proposed that access to the moorings and the site facilities will be restricted to marina users. It is intended to provide security barriers at the junction with the access of the highway controlling vehicle access.

Traffic data has been provided which indicates figures of 15.5 vehicles movements per hour during weekday morning and evening peak and 46 movements per hours on Sunday afternoon peak, for the proposed size of marina.

Highway improvements to the Carlton Road/Wellsborough Road junction together with a bus lay-by, a turning area off Carlton Road are all included within the proposal.

The original application had a Section 278 Agreement to secure off-site highway works; a further agreement, for works within the highway, will be required with the Highway Authority but can be completed before commencement on site. There is also a requirement to provide a financial contribution towards a bus shelter, real time information pole and improvements to the existing bus stop on Station Road, together with the provision of a footpath linking to the adjacent water park. The applicants have confirmed their willingness to make contributions but questions the need to pay a contribution towards the bus stop on Station Road when a new bus stop adjacent to the site is proposed.

Furthermore, the applicant considers that the construction of a footpath link to adoptable standard is unreasonable and has offered to construct a hardened verge footway with wooden edging for the stretch required. The applicant has stated that the marina is unlikely to attract members of the public at the first phase of development and that future planning applications will address any additional parking need as may be required. The application states that there will be three full time employees once the site is operational, this low number is due to the lack of facilities being provided during the first phase of the development.

Pedestrian access is gained from a footpath adjacent to Bosworth Wharf Bridge and will be provided at the same level as the existing road footpath. From this embankment, ramps down into the marina and to the canal towpath are proposed. All footpaths will be a minimum of 1.2 metres wide including the footbridge to ensure equality of access. The footbridge over the marina entrance is being designed in conjunction with British Waterway's requirements and will allow maintenance machinery etc. to access the towpath. A condition will be imposed to require the barrier and footbridge details to be submitted and approved prior to commencement.

Internal Road Layout and Parking Provision

The internal road layout is proposed to circumvent the marina basin. The pedestrian access from Wellsborough Road into the site and onto the towpath has been designed to allow wheelchair access. A series of internal footpaths will link the facilities within the site. The application provides 100 car parking spaces, 3 spaces for light goods vehicles, 10 disabled spaces and 10 cycle spaces within the site for the first phase of development and a further 46 spaces if required.

County Highways have been requested to provide further comments on the information submitted with regard to the level of contributions and the footpath link detail. Further information will be reported to the Committee as a late item.

Impact on Neighbouring Settlements

The marina will have traffic implications as dealt with above. There will be no significant impact on Market Bosworth's centre in relation to effect on existing local businesses from the implementation of this proposal.

Conclusion

The proposed development is acceptable in principle and meets the relevant national and local policy criteria. The proposal is acceptable in terms of design. At the time of writing the report there are still issues to be resolved with the Environment Agency, County Highways and Natural England. Additional information has been provided and forwarded to each of the bodies; any further responses will be reported to the Committee as a late item. Subject to satisfactory resolution of these issues, the application is recommended for approval.

RECOMMENDATION:- That subject to the objection from the Environment Agency and Natural England being withdrawn and the highway issues being resolved, the Director of Community and Planning Services be granted powers to issue planning permission subject to the conditions below. Failure to remove the objections and resolve the highway issues by 3 March 2009 the may result in the application being refused.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as the proposal will not be unduly detrimental to the amenities of the occupiers of neighbouring dwellings, the ecology of the countryside area and highways safety.

Hinckley & Bosworth Borough Council Local Plan (2001) :- REC7, NE5, BE1, IMP1, BE7, NE6, NE7, NE12, NE13, NE15, REC4, REC6, REC9, REC26 and T5.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 This permission relates to the application as revised by additional plans IP04_002_16g, IP04_002_17D and IP04_002_01_44 received by the Local Planning Authority on 27 January 2009 and IP04_002_01_458 received on 26 January 2009.
- 3 No development shall commence until the junction improvements, footpath improvements and bus turning area as shown on drawings IP04_002_01/03 Rev E, IP04_002_01_458 and IP04_002_01_004 Rev E, have been commenced and the marina shall not be brought into use until all of the highway works have been completed.
- 4 Vehicular access to the proposed development shall be from Carlton Road only and no vehicular access shall be obtained from Wellsborough Road
- 5 Notwithstanding the submitted details, the warden's accommodation, toilet facilities, food shop, boathouse and chandlery shown are not approved by virtue of this planning permission.
- 6 Notwithstanding the submitted plans, no development shall take place until full details of both hard and soft landscape works proposed for the whole site, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - (i) means of enclosure
 - (i) car parking layouts
 - (ii) other vehicle and pedestrian access and circulation areas
 - (iii) hard surfacing materials
 - (iv) proposed and existing functional services above and below ground (including e.g. drainage, manholes, refuelling bays, mains services, lighting, waste disposal area, jetties etc.)
 - (v) planting and habitat creation plans

- (vi) written specifications
 - (vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - (vii) implementation programme.
- 7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. 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.
 - 8 The gradient of the access for the first five metres from the highway boundary shall not exceed 1 in 20 unless otherwise agreed in writing with the Local Planning Authority.
 - 9 Nothing shall be placed, constructed or allowed to grow above 0.9 m above the level of the adjacent carriageway within the visibility splays to the approved access on Carlton Road.
 - 10 For the duration of construction of the development hereby approved, wheel washing facilities will be provided for vehicles leaving the site.
 - 11 There shall be no occupation of boats on a permanent residential mooring basis within the site.
 - 12 There shall be no storage of materials, or waste materials of any description on the site, unless otherwise indicated on the approved plan, once the marina is open and available for use.
 - 13 The development hereby approved shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is brought into use.
 - 14 Prior to commencement of the development hereby approved, details of the design, materials and construction of the tow path footbridge and access barrier shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall be implemented in accordance with the approved details prior to construction of the marina.
 - 15 Before development commences on site, an Ecology Management Plan detailing the protection of the site and surrounding area during construction of the development, on-going management of the marina and new habitats shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved plan.
 - 16 If the development does not commence until after 1st April 2010, a further protected species survey should be completed at the optimum time of year. After that date, surveys shall be completed annually until the development commences. Any further mitigation that is required from the results of the survey must be carried out in accordance with recommendations.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.

- 3 In the interests of road safety to accord with policy T5 of adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.
- 4 In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.
- 5 For the avoidance of doubt.
- 6 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 8 In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.
- 9 In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.
- 10 To ensure that no mud or debris is deposited onto the highway in the interests of highway safety, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.
- 11 To ensure that residential use within the site is controlled in this countryside location which could have a detrimental impact on local services, to accord with policies NE5 and BE1 of the adopted Hinckley and Bosworth Local Plan.
- 12 To ensure a satisfactory form and appearance of development in this countryside location to accord with policies BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 13 To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, to accord with policy BE1 and NE17 of the adopted Hinckley and Bosworth Local Plan
- 14 To ensure a satisfactory form and appearance of development within the conservation area, to accord with policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.
- 15 To ensure that proper protection is afforded to the wildlife environment and protected species in the local area, to accord with Planning Policy Statement 9 :Biodiversity and Geological Conservation
- 16 To ensure that protected species that are mobile but may be present on site in future are protected to accord with Planning Policy Statement 9 :Biodiversity and Geological Conservation

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 List of plans used in the determination of this application;
Site location plan, IP04_002_01/03 Rev E, IP04_002_01_004 Rev E, IP04_002_01/35, IP04_002_0/36, IP04_002_01/45 Rev A, IP04_002_16g, IP04_002_17D, IP04_002_01_44, IP04_002_01_458
- 5 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager.
- 6 During the construction phase surface water run-off and sediment will have to be managed in order to avoid any increase in flood risk to adjacent land and dwellings and in order to prevent any pollution incidents. Works should be undertaken in accordance with the Environment Agency's Pollution Prevention Guidelines PPG5 and PPG6, copies of these can be obtained from their web site.
- 7 If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

The Duty of Care Regulations for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations.

Applicants should be aware that if any controlled waste is to be used on the site the operator will need to obtain the appropriate authorisation or exemption from us. The Environment Agency are unable at this time to specify what exactly would be required due to the limited amount of information provided. Included in the EIA, there was a certificate for a paragraph 19 exemption, however this was registered on 28.06.07, and registration only lasts a year. Please ensure if this exemption is still required that it is renewed.

If the operator wishes more specific advice they will need to contact the Lichfield and Tamworth Environment Management Team at our Fradley Office on 08708 506506 or look at available guidance on the website <http://www.environment-agency.gov.uk/subjects/waste>.

Due to the size of the car park, an oil interceptor may be required.

Any above ground oil or fuel storage tanks will require bunding.

- 8 The Giant Hogweed should be disposed of in accordance the recommendations contained in the ecology report and with the guidelines outlined at <http://www.netregs.gov.uk/netregs/63095.aspx>.

- 9 In accordance with the recommendations outlined in Section 6 of the Great Crested Newt Protected Species Survey (July 2008) a European Species Licence it will be necessary to apply for and the mitigation measures recommended shall be completed prior to development commencing on site.
- 10 Notwithstanding the outline of the buildings shown on the submitted plans, the applicant is reminded that when submitting any future applications for buildings on the site, the proposals will need to comply in terms of size, mass, materials and use to the correspond with the use of the site as a marina located within an area where countryside policy NE5 applies.

Contact Officer:- Louise Forman Ext 5682

Item: 02

Reference: 08/01146/FUL

Applicant: Mr G Preston

Location: Forest Hill Farm Leicester Lane Desford Leicester Leicestershire

Proposal: ERECTION AGRICULTURAL BUILDING.

Introduction:-

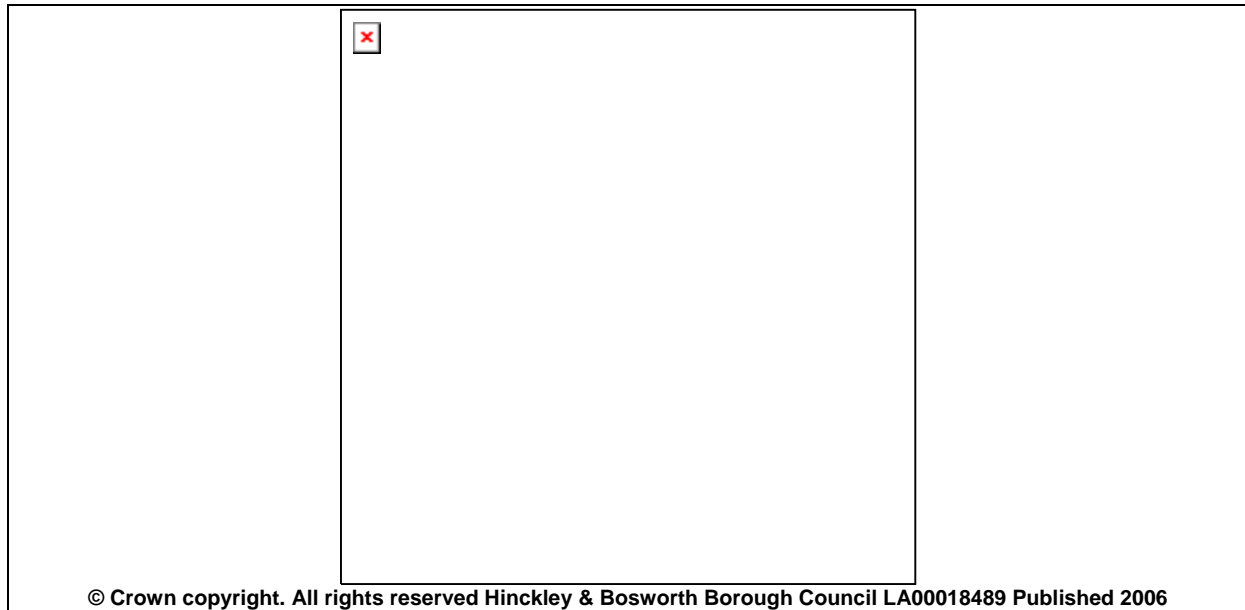
This application seeks full planning permission for the erection of an agricultural building for the farm livestock incorporating a milking parlour and dairy. The building would measure 27.43m by 24.38m with the dairy projecting from one corner by a further 4.4m.

Forest Hill Farm, located on the north of Leicester Lane, in Desford, is a livestock farm with a herd of 300 dairy cattle, a number which has been increasing over the last 18 months. The farm complex comprises a modern farm house, a range of traditional brick farm buildings and three modern steel portal frame agricultural buildings, which are either clad with steel sheeting or timber boarding. The proposed building would be located to the west of one of the modern buildings in an area currently used for external storage of farm machinery. The agricultural holding covers an area of 265.47ha in and around Desford.

This application is accompanied by a design and access statement which explains the choice regarding the position of development with regard to other buildings and access. It states that the design, size and mass is comparable to the size of other milking parlours and modern agricultural buildings.

History:-

07/00568/FUL	Demolition of existing two storey Dwelling and construction of replacement Bungalow and garage in new location.	Approved	01.08.07
03/00522/FUL	Extensions to agricultural building	Approved	08.07.03
01/01036/FUL	Excavation of an agricultural fertilizer storage lagoon	Withdrawn	02.11.01
91/00535/4	Retention of parking area for one tractor unit, and two trailers	Approved	30.07.91
89/00449/4	Parking for one tractor unit, one tipping trailer and one flat trailer	Approved	23.05.89
86/01156/4	Proposed farmhouse (reserve matters)	Approved	18.12.86
86/00484/4	Erection of agricultural dwelling house	Approved	29.07.86



Consultations:-

No objection has been received from :-

Director of Highways, Transportation and Waste Management (Highways)
Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

At the time of writing the report comments have not been received from:-

Parish Council
Neighbours
Site notice.

Policy:-

National Policy

Planning Policy Statement (PPS) 7 Sustainable Development in Rural Areas, seeks to raise the quality of the living and working environment by supporting sustainable development whilst protecting the countryside.

Local Plan Policy

The site is outside the settlement boundary within the countryside as defined within the Hinckley and Bosworth Local Plan.

Policy BE1 seeks to ensure that the design and siting of new development safeguards the existing environment by having regard to the character of the surrounding area, landscaping, and amenities of neighbouring residents.

Policy NE5 seeks to protect the countryside for its own sake, but looks favourably on development in the open countryside where it is important for the local economy, the building would not have an adverse impact on the appearance or character of the landscape, is in keeping with the character of surrounding development and would not adversely affect highway safety.

Supplementary Planning Guidance / Documents

Supplementary Planning Guidance (SPG) on Design of Farm Buildings, seeks to ensure that farm buildings are located sympathetically within the landscape.

Appraisal:-

The main considerations with regards to this application are the impact of the proposed development on the appearance or character of the landscape and the amenities of nearby residents.

Principle of Development

The proposed structure is required in connection with a working farm and therefore would contribute towards the local countryside economy. The principle of an additional agricultural structure is therefore acceptable in this location.

Appearance and Character

The proposed building would be sited to the west of the existing complex of farm buildings within an area that currently forms part of the existing farm yard. The siting of the agricultural building within close proximity to existing buildings limits the impact of the structure on the open countryside as it would be seen against, or behind existing buildings on the site. The

proposed building would have the appearance of many modern agricultural buildings in the area, including those already on the site. It is considered that the proposal would not be out of character with development in the area and due to its siting would not harm the appearance or character of the countryside, therefore complying with Policy NE5 of the local plan and SPG.

Amenities of Nearby Properties

The nearest residential properties are located 200m away from the proposed building. Potential odours from the housing of livestock is a material consideration. However, this is an existing farm with livestock already present on the site. It is not therefore considered that this application would result in a significant nuisance being created to the detriment of the amenities of the neighbouring residents, to warrant a refusal of planning permission.

Conclusion

The proposed building is required in connection with the established farming enterprise. The building is considered to be appropriately sited with regard to other buildings and would not have a detrimental impact on the amenities of neighbouring properties. The proposed agricultural building is therefore considered acceptable.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development by virtue of its location and massing with regard to other development would not harm the character or appearance of the countryside or the amenities of neighbouring properties and would therefore be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5

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

- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed agricultural building shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 List of plans used in the determination of this application:-
Site location plan 1:5000, Site plan 1:1250, LPA-01. LPA-02
- 5 Animal waste and surface water contaminated by animal waste must not be discharged to ditches, watercourses or soakaways. Slurry, contaminated runoff - including wash water - and leachate from stockpiled manure, must be collected in tanks (or lagoons) complying with the standards laid down in the 'Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991'. Clean roof water should be discharged to soakaways (subject to suitable ground strata), ditches or watercourses.

Contact Officer:- Sarah Humphries Ext 5680

Item: 03
Reference: 08/01149/FUL
Applicant: Mr FOS Wynne
Location: Hall Farm Main Street Sutton Cheney Nuneaton Leicestershire
Proposal: ERECTION OF GRAIN STORE

Introduction:-

This is a full application seeking planning permission for the erection of an agricultural building with a floor area of 857.6m² to form a new grain store at the farmstead Hall Farm, Main Street, Sutton Cheney.

The proposed grain store measures 30.7 metres long, 26.8 metres wide with a ridge height of 10 metres and includes a fan room on the southern elevation which measures 6.5 metres by 6.5 metres with a mono-pitched roof reaching a height of 5.9 metres.

The proposed grain store would be of a similar style to most modern agricultural buildings constructed with concrete wall panels on the lower sections, topped with steel profile sheets and a grey fibre cement shallow pitched roof. The development includes two large roller shutter doors with four louvred vents above on the north west elevation facing toward the farmyard. The attached fan room includes a small door on the south east elevation and a large louvred panel on the north east elevation. The development also includes a temporary 7 metre high straw bale bund in an L shape 1-2 metres south of the proposed fan room to mitigate noise generated by the fan.

The proposed grain store would be located to the south east of the current farmyard but would appear as one of a group of agricultural buildings. Residential properties lie between 50-60 metres to the north of site with their rear gardens facing the north western elevation and a detached dwelling lies approximately 45 metres to the south. The site is partially screened from these properties by vegetation and hedgerows and these will be maintained as part of the proposal. An existing Western Red Cedar hedge currently stands on the proposed site which will require removal as part of this proposal. Additional screening is proposed along the north eastern elevation and southern boundary hedge to screen the grain store and farmyard from the open countryside and partially screen the adjacent residential properties.

The Design and Access Statement states the proposed grain store will provide replacement storage and drying facilities to provide facilities which comply with current food and safety and storage regulations, avoid forced sales and maximise the value of produce grown. The statement adds that the development is a long term investment to maintain the financial viability of this 1,200 acre arable farm.

The Statement highlights the development will utilise the existing access roads to the farmyard with no additional traffic movements generated. The grain store has been positioned adjacent to the existing farmyard to allow for adequate turning facilities, which will be provided on a concrete hard standing in front of the store. No parking is required as part of the scheme but the configuration of the grain store provides room for farm traffic and heavy goods. Noise generated by the fan has also been addressed in the Design and Access Statement, which notes the fan will produce a noise level of 99dB(A) at a distance of 1 metre from the fan house. The fan house will attenuate this noise by 16 dB(A) with the temporary bund providing an additional noise mitigation measure.

The Arboricultural Survey Report submitted with the application assessed vegetation on site with a focus on the Western Red Cedar conifer hedge, which is to be removed as part of this proposal. The report identified the trees as young, in a fair condition with a life expectancy of more than 40 years. The report also identified the trees as low quality and value, which

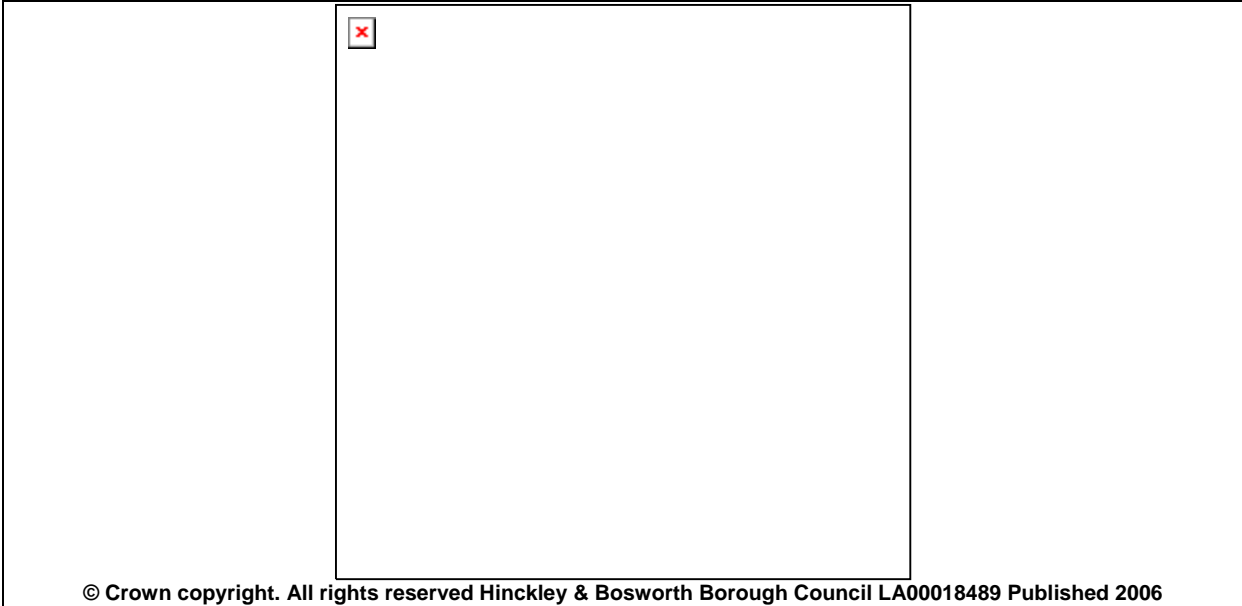
included visual amenity and advised their retention should not impose a constraint on development.

The Ecology Report submitted with this application was undertaken on 2nd December 2008, which is out of the bird-nesting season and at a time of year when amphibians aren't active. The report identified no old nests were present on site, however the report recommends the removal of trees should be undertaken outside the bird-nesting season (March- August). There was no evidence of protected species, amphibian or reptile habitats on site. An active badge set was identified 60 metres east of the proposed site with a trail 5 metres to the south but no trails crossed over the site. The report concludes that the badger set is more than 30 metres from the proposal and far enough from the site to not be affected by the development.

The report also highlighted the presence of a pond within 500 metres of the site. The report noted however that the proposed site was too dry and lacked any refugia, which provide good refuge sites for newts, and that proposed works would be of low impact. Although the presence of Great Crested Newts on site is unlikely, the report advises the proposed works should begin before April 2009 when newts become active and the site should be checked for these and other amphibians as work progresses.

History:-

No relevant planning history.



Consultations:-

No objection has been received from:-

Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

No objections subject to conditions have been received from Director of Community Services (Ecology).

Site notice was displayed and neighbours notified.

At the time of writing this report, comments have not been received from:-

Borough Council Arboricultural Officer
Parish Council
Neighbours.

Policy:-

Central Government Guidance

Planning Policy Statement 7: Sustainable Development in Rural Areas sets out the Government's planning policies for rural areas and seeks to raise the quality of life and the environment in such areas and promote more sustainable patterns of development. Paragraph 1 requires decisions on development proposals to provide effective protection and enhancement of the environment whilst maintaining economic growth and employment. All development in rural areas should be well designed, in keeping and scale with its location and sensitive to the character of the countryside. Paragraph 5 requires planning authorities to support a wide range of economic activity in rural areas to facilitate healthy and diverse economic activity. Paragraph 27 supports proposals that enable farmers to be competitive, sustainable and environmentally friendly; adapt to new and changing markets and broaden their operations to 'add value' to their primary produce.

Local Plan Policy

The site is outside the settlement boundary and within the countryside as defined by the Hinckley and Bosworth Local Plan.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area and incorporate landscaping to a high standard.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided the proposal is important to the local economy and cannot be provided within or adjacent to an existing settlement. The development would only be acceptable where it does not have an adverse impact on the appearance or character of the landscape; is of a scale and character in keeping with existing buildings and general surroundings; is effectively screened and would not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy NE12 states proposals for development should take account of existing landscape features and make provision for further landscaping where appropriate. When existing landscaping features can not be retained the scheme should replace or reinstate the nature conservation value of features to be lost.

The Council's Supplementary Planning Guidance (SPG) on the 'Design of Farm Buildings' provides guidance on the design, siting and landscaping of new agricultural buildings to ensure development is of a sympathetic design which respects its surroundings.

Appraisal:-

The main considerations with regard to this application are the principle of the development, the scale and design of the proposed building, its impact on the character of the landscape and adjacent Conservation Area, ecology, pollution and neighbours amenity.

Principle of Development

The proposed structure is required in connection with a working farm with the proposed grain store enabling the farm to adapt to changing markets, add value to their produce and generally be more competitive. This will aid in the future success of the farm and help ensure continued employment on site and would therefore contribute towards the local economy. The principle of an agricultural structure is therefore acceptable in this countryside location.

Layout

The proposed building will be located south east of the existing farmyard in close proximity to existing agricultural buildings. The location of the building and distance from adjacent agricultural buildings will provide adequate room for pedestrian and vehicle movement. The location of the roller shutter doors on the north western elevation facing toward Main Street would also aid in the ease of movement around the farmyard. Therefore the proposal has an acceptable layout for this site.

Accessibility

Access is currently provided to the farmyard entrance from Main Street, which is the central road running through the village and off Twenty Acre Lane running to the west of the site. Access to the grain store will be gained through the farmyard using existing accesses. Although the proposed grain store is relatively large the scheme is designed to replace existing outdated agricultural buildings, additional traffic generation is unlikely. Two areas of hard standing adjacent the north and south western elevations with floor areas of 495m² and 156m² respectively provide adequate space for the turning and manoeuvring of agricultural vehicles.

Parking provision is unnecessary for this proposal because of its agricultural use, the proposed hard standings and the limited amount of expected traffic.

Ecology

The submitted ecology report states no bird nests were found in the cedar hedge but that the inspection was undertaken outside the bird-nesting season and as such the Director of Community Services (Ecology) advises the removal of these trees should be undertaken outside the months of March to August.

Due to the distance of the pond to the site and the development falling under 1000m² the Director of Community Services (Ecology) advises no survey or mitigation works are required however it is recommended that a watching brief be maintained for Great Crested Newts throughout the period of development.

No badgers were found on the proposed site of the grain store but a badger sett was identified 60 metres east of the site with a trail 5 metres to the south. The Director of Community Services advises that because the sett is more than 30 metres from the site development can commence without any mitigation measures.

If the development was conditioned with the requirement for a watching brief for Great Crested Newts and the removal of the cedar hedge outside the months of March to August, it would be acceptable in terms of ecological impact.

Landscape

The proposed grain store is located on a generally flat site and can view from the open countryside to the south and east of site and by the rear of properties to the north. The development proposes to remove the existing cedar hedgerow which currently provides screening to the northern section of the farmyard. The proposal includes the planting of native shrubs and trees 6 metres in width parallel with the north eastern elevation of the proposed grain store to soften the appearance of the building. Agricultural buildings are common structures in the countryside and whilst this development will have an impact on the local landscape this will be reduced through the design of the building which will appear agricultural in nature and part of the overall farmyard.

Pollution- Noise

Levels of noise will be increased as part of this development due to the fan for drying grain located on the south eastern elevation. However the level of noise will be reduced by the fan housing. A further reduction in noise will be implemented in the form of a temporary straw bund. Whilst levels of noise will be increased despite mitigation measures the fan will not be

running continuously, although the amount of use can not be defined because it is dependent on the moisture content of the crop when harvested. The Director of Community Services (Pollution) has no objection to the proposal on the condition that a temporary barrier is in place in front of the fan each time the drier is used. Therefore the development is acceptable in terms of noise pollution.

Impact on neighbours

The proposal involves the planting of some screening parallel to the north eastern elevation but the proposed grain store will stand 10 metres in height. As a result the grain store would only be partially screened from adjacent properties by this planting and existing hedgerows and vegetation. Although visible the development would be of similar form and appearance as adjacent agricultural buildings and appear in keeping with the farmyard setting. This combined with the long distances between the proposed grain store and the rear elevations of adjacent properties would not result in significant adverse impacts to neighbours visual amenity or in the reduction of levels of light received to these properties or their gardens.

The proposed fan will generate additional noise but the more than adequate distances between the fan housing and nearby residential properties and the mitigation measures proposed would not result in an adverse impact significant enough for a refusal on this basis.

Impact on the character of the area and Conservation Area

The proposal is an agricultural building, grouped with buildings of similar function and design. Agricultural buildings are an integral part of the rural character and although the scheme is larger than existing buildings on site it would appear as part of the farmstead and would not adversely impact on the rural character of the area.

The proposed grain store will be partially visible between existing agricultural buildings near the site entrance from Main Street which is within the Conservation Area. The character of the conservation area is unlikely to be adversely affected by these partial views of a section of the proposed agricultural building.

Conclusion

It is considered the proposal does not create a detrimental impact on the amenity of neighbouring properties due to their distance from the site and proposed landscaping which will help screen the development from their properties. The design of the proposal to mirror existing agricultural buildings and their grouping within an existing working farmyard would not detract from the rural character or landscape value of the area. This combined with only limited visibility from the Conservation Area would create a development which would be acceptable in terms of design and impact on the landscape and Conservation Area. Subject to conditions the proposal is also acceptable in terms of Ecology and noise pollution.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan and would not harm the character or appearance of the area, the amenity of neighbouring occupiers, local ecology or create unacceptable levels of noise pollution.

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1 and NE5 and NE12 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - (i) planting plans
 - (ii) written specifications
 - (iii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - (iv) implementation programme.
- 3 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. 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.
- 4 No development shall commence until such a time as details (including dimensions, materials of construction, section through and details of the siting) of the noise attenuation bund associated with the noise from the fan house, have been submitted to and approved in writing by the local planning authority and the grain drier hereby permitted shall only be used when the noise attenuation bund is erected, in accordance with the requirements of this condition.
- 5 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed grain store shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.
- 3 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 5 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 List of plans used in the determination of this application:-
Plan numbers 1, 2, 3 and 4 and Drawing numbers 08/51/01/A and 08/41-08-01
- 5 The site is located within close proximity of a large pond and it is possible that great crested newts are present within the pond and in the areas surrounding it. Great crested newts are a rare and declining species, hence they are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats & Countryside.) Regulations 1994 making it an offence to intentionally or recklessly kill or injure or disturb these species whilst in a place of shelter or protection. If great crested newts are discovered during work on the development, the relevant work should be halted immediately and Natural England should be notified and further advice sought. Failure to comply with this may result in prosecution.
- 6 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.

Contact Officer:- David Kiernan Ext 5898

Item: 04

Reference: 08/01166/FUL

Applicant: William Bradford Community College

Location: William Bradford Community College Heath Lane Earl Shilton
Leicestershire

Proposal: ERECTION OF 5KW ISKRA AT5-1 WIND TURBINE

Introduction:-

This application seeks full planning permission for the erection of a 5kW turbine mounted on a 15 metre steel mast with a 2.5 square metre concrete foundation at William Bradford Community College, Earl Shilton. The turbine is a three blade propeller design with a rotor diameter of 5.4 metres.

It is proposed that the turbine would be located adjacent to the northern boundary of the playing field located approximately 80m east of the hard surfaced tennis/ basketball court area. To the north of the site is arable agricultural land separated from the school playing field by a watercourse lined with vegetation including a few single trees. The nearest residential properties are located 240 metres due south of the site. A single isolated farm house is situated 260m to the north west.

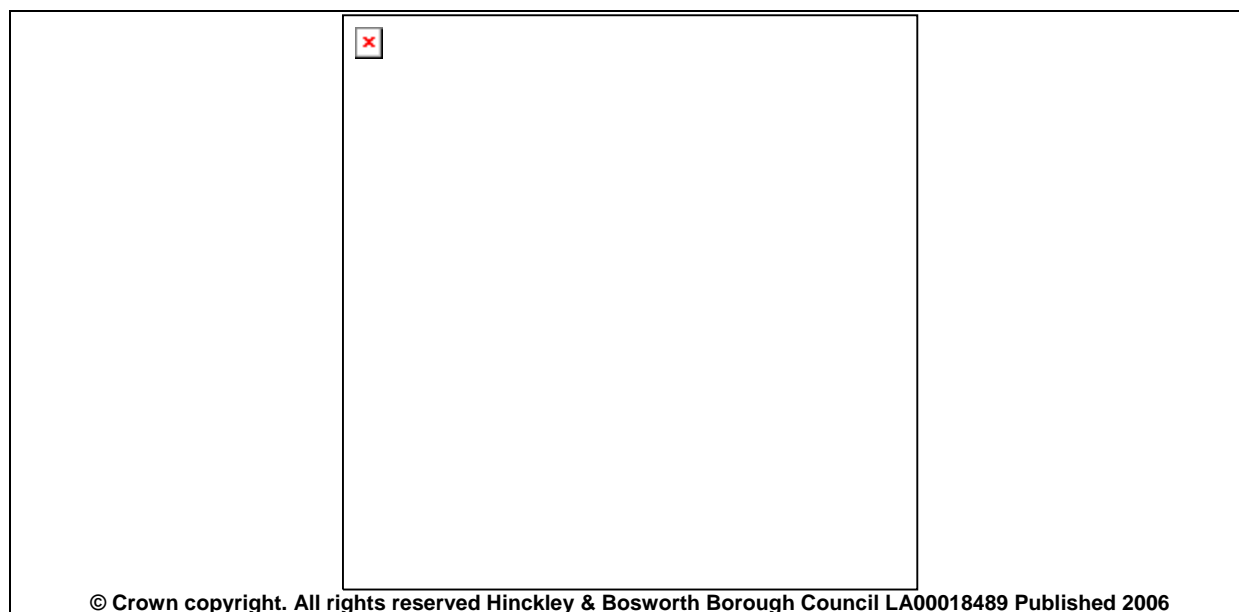
A Design and Access Statement and Environmental Impact Noise Assessment has been submitted in support of the application.

The Design and Access Statement states that the proposed turbine will off-set some of the electricity bills generated by the school and be an educational tool for the school and the wider community. The statement examines relevant policy at both national and local level and examines the possible negative impact of the proposal and mitigation measures proposed to overcome these issues.

The Environmental Noise Impact Assessment considers the sources of noise generated by wind turbines and assesses noise data collected from a comparable wind turbine installation. This data is then used as an indication of noise be expected from the proposal.

History:-

01/01146/C	Replacement of car park lighting columns and floodlights	Approved	28.11.01
93/00848/4	Continued use of all weather sports facilities without compliance with condition 7 consent no 82/1053/4 and erection of improved lighting	Approved	10.11.93
82/10155/4	Provision of all weather hard porous pitch and associated floodlighting	Approved	09.02.83



Consultations:-

No objection has been received from:-

Director of Highways, Transportation and Waste Management (Highways)
Director of Community Services (Ecology)
Earl Shilton Town Council
Head of Community Services (Pollution).

Site notice was displayed and neighbours notified.

38 letters of objection have been received raising the following concerns:-

- a) It will be an eyesore
- b) It will create noise
- c) It will reduce property values in its vicinity
- d) The supposed savings can be made by better management of existing power consumers e.g. floodlights, replacing heating system etc
- e) The supposed energy and CO2 savings are unproven
- f) The £22,000 cost could be better spent, i.e. solar panels
- g) Concern that the foundations would be located on the edge of made up ground and the weight of the turbine and stress of the wind would cause the land to shift
- h) Health and safety issues from ice throw and flicker

- i) Disturbance to wildlife including Muntjac deer, badger, foxes and birds of prey.

Policy:-

Central Government Guidance

Planning Policy Statement (PPS) 22- Renewable Energy, lays out the Government's Policy with regard to renewable energies and how Local Authorities should approach the way policies are written and guidance on what weight to give to material considerations.

Local Policy

The site is located outside the settlement boundary. However, it is shown as a community facility within the adopted Hinckley and Bosworth Local Plan.

Policy BE27 Wind Power Supports development for wind farms and individual turbines where amongst other things, the proposal is capable of supporting the generation of wind power, its visual impact is kept to a minimum, and would not detrimentally affect surrounding properties in terms of noise and other forms of disturbance.

Policy NE5 Development in the Countryside- seeks to protect the countryside for its own sake, but looks favourably on development in the countryside, where it is important for the local economy, there is no adverse impact on the appearance or character of the landscape, it's in keeping with the character of surrounding development and would not adversely affect highway safety.

Policy CF2B - Alternative use of existing educational and community sites- restricts development on these sites to that required for educational or community purpose.

Supplementary Planning Document (SPD)- Sustainable Design- provides guidance and advice on how sustainable forms of construction and design can help achieve the Governments aim to reduce carbon emissions.

Appraisal:-

The main considerations with regards to this application are the effect of the proposed turbine on the character and appearance of the area, amenities of nearby residents and the principle of the development with regard to objectives on sustainable development.

Principle

The proposal would occupy a small portion of the edge of the complex. It is not considered that the proposal would reduce the amount of recreational space to the detriment of the facility.

Government Guidance supported by Local Plan Policy and Supplementary Planning Guidance supports the use of sustainable energy developments. Representations have been received questioning the benefit of the turbine given what is seen as a limited energy production of 6900 kWh per annum (for comparison an average house consumes 4700 kWh). PPS22 states 'Small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy' and therefore Local Authorities 'should not reject planning applications simply because the level of output is small.' In view of this guidance it is not considered that the application can be refused on this ground.

The College proposes to use the turbine as a tool to raise the awareness of renewable energy sources with the students and wider community. The amount of energy produced is therefore not the only benefit from the proposal.

It is considered that the proposal is acceptable in principle.

Character and Appearance

Wind turbines have to be tall structures to be effective and located away from features which could interfere with the wind speed and flow across the site. This often results in them being prominent within the landscape. The proposed mast and turbine would reach a height of 17.95 metres and would be located adjacent to the north boundary of the playing field, 240 metres distance from the nearest residential property. The site is screened from nearby public highways by existing built form. Views of the structure are therefore only available from the college, private residential properties and surrounding farm land. The school grounds contain tall structures such as rugby posts and floodlight columns to the astro turf pitch with isolated trees located within the farm land to the north of the site. Given that the skyline is interspersed by tall structures, it is not considered that the introduction of a wind turbine would be so prominent within this landscape to warrant refusal of planning permission on visual amenity grounds.

Noise and other disturbance

Objections have been received stating that the proposal would create an unacceptable level of noise. A Environmental Noise Impact Assessment has been submitted in support of the application, stating that the proposal would not detrimentally affect the amenities of surrounding residents. This has been supported by the Councils Environmental Health Officer who considers that due to the distance to the nearest residential property, it is not anticipated that the proposal would result in sufficient noise to cause disturbance to nearby residents to warrant refusal of planning permission.

Ecology

Leicestershire Ecology have not objected to the proposal as their field by field data indicates that the proposed development would not have an impact on any known sites of ecological importance and there is no evidence to indicate that a turbine of this size would have any impact on ground dwelling animals. However, Leicestershire County Council does not have information regarding flight paths of birds, bats and insects and the onus is on the developer to create their own data sets that support their predictions of minimal impact. Within the submitted design and access statement the agent sought advice from the Royal Society for the Protection of Birds (RSPB). In view of this, it was considered that the single installation and proposed height would not be significant enough development to alter the flight paths or migration patterns of birds.

Other considerations

The issues raised by residents regarding the loss of value to their property is not a material planning consideration.

Representations received regarding the astro turf pitch being floodlit when not in use were brought to the attention of the school. The school has agreed to investigate this and formulate a procedure that addresses this and ensures better and more effective management of the existing resources. However, this is a separate issue outside planning control.

With regard to the likely ice throw and flicker, it is considered that the distance between the turbine and the residential properties are too great for these issues to be a health and safety issue that would warrant refusal of planning permission.

Conclusion

Government Guidance, that is amplified by the adopted Hinckley and Bosworth Local Plan, supports the principle of small scale renewable energy production. It is considered that the proposed mast would not detrimentally affect the visual characteristics of the area, nor the amenities of nearby residents. It is therefore considered that the proposal complies with the

requirements of the Hinckley and Bosworth Local Plan in particularly, Policies BE27, NE5 and CF2B.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan by virtue of its siting and distance from residential properties, the development would not be visually intrusive to the open countryside and would comprise development for the production of a sustainable form of energy.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE27, NE5 and CF2B

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 If the wind turbine hereby permitted ceases to operate for a continuous period of 6 months then unless otherwise agreed in writing by the Local Planning Authority, a scheme for the decommissioning and removal of the turbine and any other ancillary equipment and structures shall be submitted to and agreed in writing by the Local Planning Authority within one month of the end of cessation period and shall include details for the restoration of the site which shall be implemented within 3 months of the date of its agreement with the Local Planning Authority.
- 3 The turbine hereby approved shall be finished in 'dark squirrel grey' as specified within the submitted design and access statement.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the land returns to a satisfactory standard, should the turbine be decommissioned, in accordance with Policy NE5 of the adopted Hinckley and Bosworth Local Plan.
- 3 To minimise the visual impact of the structure in accordance with policy NE5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 List of plans used in the determination of this application:-
Site location plan (LPA-001), BL3-SW1, DIP 073/01,

Contact Officer:- Sarah Humphries Ext 5680

Item: 05

Reference: 09/00003/LBC

Applicant: Hinckley And Bosworth Borough Council

Location: Atkins Bros Ltd Lower Bond Street Hinckley Leicestershire LE10 1QU

Proposal: WORKS TO WINDOWS/OPENINGS (INCLUDING REPLACEMENT),
FLAT ROOF COVERING UPGRADE, LIGHTNING PROTECTION,
BRICKWORK AND TIMBER CLEANING AND REMOVAL OF
REDUNDANT BUILDING SERVICES

Introduction:-

This application proposes works to window/door openings (including replacement), installation of thermal insulation to the flat, asphalted roofs and lightning protection, the cleaning of selected areas of brickwork (internal and external), exposed timber roof trusses, rafters, sarking boards, timber floor beams, joists and floor boards, and the removal of redundant building services identified as having no historical value.

This is an intermediate application to enable works which are critical to the programme, to be undertaken prior to the main application for development on the site, being submitted.

The building is Grade II Listed, it fronts Lower Bond Street and Baines Lane and occupies a prominent location on the entrance to Hinckley Town Centre. A variety of uses and buildings including residential, commercial, and the chapel bound the site.

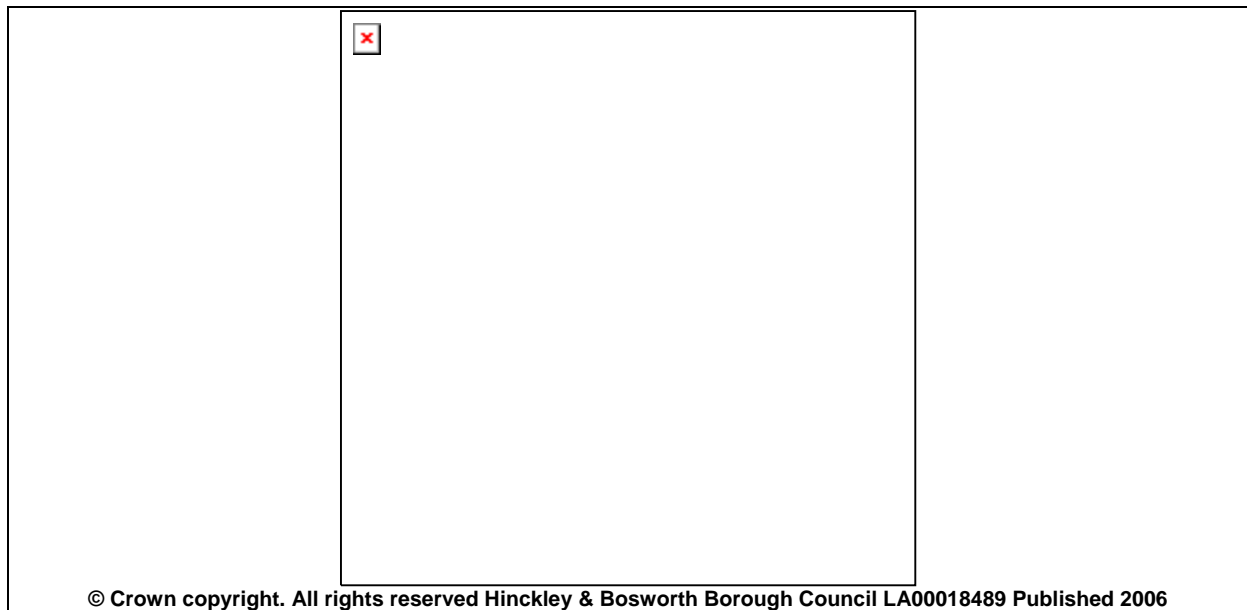
A Design and Access Statement and Heritage Statement were submitted with the application.

The Design and Access Statement provides detailed information on the works involved for each element of the proposal. In particular it states that a "survey of the windows has identified obsolete profiles amongst the several different sections of the steel window types. The design of the new replacement windows has been developed to ensure that both internally and externally the appearance will virtually match the original. Furthermore it provides a justification stating that "economic viability of this project is not only deeply rooted in the sound condition of the building fabric, but also in the manageable revenue costs for large Grade II Listed premises where, in the worthy interests of the local heritage, opportunities to improve the thermal performance are strictly limited".

The Heritage Statement explores each element of the proposal in detail, and concludes "the proposal is a sympathetic programme which facilitates the survival and maintenance of the building long term through its conversion for new uses, whilst maintaining those elements that define its historic and architectural character."

History:-

08/01169/LBC	Installation of CCTV cameras, including an anti theft guard	Withdrawn	28.01.09
08/01168/FUL	Installation of CCTV cameras, including an anti theft guard	Withdrawn	28.01.09
08/00959/LBC	Alterations to roof and replace gutter pipe	Approved	25.11.08
08/00691/ADV	Erection of signage	Approved	01.08.08
07/01218/LBC	Demolition of buildings	Approved	28.01.08
05/01112/CON	Demolition of existing building	Refused	11.01.06
05/01111/FUL	Mixed use development of dwelling and Work units with garages, landscaping and roads	Refused	11.01.06
86/01000/4	Change of use from hosiery factory to gymnasium health club	Approved	28.10.86



Consultations:-

Borough Council's Conservation Officer supports the application and suggests conditions to control working methods.

At the time of writing the report comments have not been received from:-

English Heritage

Ancient Monuments
Society for the Protection of Ancient Buildings
Georgian Group
The Victorian Society
Council for British Archaeology

Leicestershire Archaeological and Historical Society
Director of Community Services (Archaeology)
The Twentieth Century Society
Site Notice
Press Notice
Neighbours.

Policy:-

National Guidance

Planning Policy Guidance Note 15 - Planning and the Historic Environment provides a full statement of Government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. Paragraph 3.4 of PPG15 states that applicants applying for listed building consent must be able to justify their proposal. They will need to show why works which affect the character of a listed building are desirable or necessary.

Hinckley and Bosworth Local Plan

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment.

Policy BE4 states that planning permission will be granted for alterations and additions to listed buildings only if it can be demonstrated that the proposal would not detract from the architectural or historical character of the building.

Appraisal:-

The main consideration with regard to this application is the impact of the proposed works on the setting and character of the listed building.

The Setting and Character

Atkins Brothers (Hosiery) Factory also known as the Goddard Building is a Grade II Listed Building. The Goddard Building was built in two stages: 1875 -1878 and consists of an L-shaped block. The site previously consisted of a range of buildings used in the hosiery industry. Listed Building Consent (07/01218/LBC) was granted on 25 January 2008 for the demolition of the vacant post 1920's buildings. Those buildings have been demolished and the site cleared in preparation for the next phase of development which proposes a new college building and the change of use of the Goddard Building into mixed use, including creative industry. That application is currently being prepared for submission. A mix of uses surround the site, of particular note adjacent the site to the south east is the Unitarian Great Meeting Chapel, Grade II* listed; the Hollybush Public House to the north east, Grade II Listed; the Museum, Grade II Listed; and the Leicestershire County Council Social Services building to the north.

The areas of work under consideration with this application are:-

The windows: Hosiery factories generally have very plain elevations and the main features which give character to the buildings, are the windows. It is important that any work proposed to the windows is fully justified and very carefully considered to avoid changing the appearance.

This building has a mixture of cast iron, steel and timber windows. Along the Lower Bond Street frontage, the principle levels have large timber sash frames, some of which, in the recent past, have been modified to allow the bottom sash to tilt. On this elevation, only the top floor and lower ground level, where the windows are currently concealed externally by rendered brickwork, are of metal construction. On the Baines Lane frontage and the rear elevations, most windows are of cast iron or steel.

A detailed survey of the metal windows has been jointly carried out by a metal window specialist, the architect and the Conservation Officer. This established the condition of each window, considered alternative solutions and identified treatment. The window specialist is known to the Conservation Officer and has successfully completed metal frame repair contracts on other heritage buildings which have been grant aided by English Heritage.

The metal windows are generally in good condition and in most instances will be refurbished by cleaning off paint films, and easing hinges and catches. A few frames have sustained mechanical damage or damage due to sills rusting which is preventing opening lights from opening. Where possible, these windows will be repaired by cutting out the affected section and inserting a replacement. Where windows are damaged beyond repair, the metal sections will be carefully salvaged and used to repair other less damaged frames, or to make up replacement windows. Where this is not possible, closely matching new metal sections will be introduced. New windows will be inserted only where it is considered that they are essential to introduce natural light into important areas or to replace a component, which before the demolition works linked to another building. In all cases a brick lintel provides evidence that a window previously existed in the same location. New windows will also be fitted into openings formed in the northern gable wall on Upper Bond Street. Here, evidence of brick lintels in the gable and a historic photograph which predates the construction of the factory extension which adjoined this gable, has confirmed these windows previously existed.

The timber sash windows are generally in good condition and where repairs are necessary such as replacement part sills; this will be done in matching sections and timber. The repair will be carried out ensuring minimal loss of historic fabric. In all cases the bottom sash will be secured closed because of the potential danger to users due to their low sills. A removable clear film will also be added to the glass for additional security. The top sash will be refurbished to ensure it opens easily on its original weights and chains which in all cases, are believed to be still in position.

Where the glazing is sound, it will be retained. Only where it is damaged will it be replaced with a similar thickness. The ironmongery in most cases remains in place and will be refurbished. Where it is broken or missing it will be replaced with a similar fitting.

The internal finishes: Historically the interior, both walls, and the roof trusses and boarding in the older wings, had a painted finish, probably distemper which has been over painted. It is generally sound. On the upper levels these surfaces will be carefully cleaned off to remove loose material. The walls will be painted with a breathable paint. Only where it has been damaged by water penetration, or where it is flaking, will be carefully removed down to the brick face and repainted. The roof boarding and trusses will be cleaned of paint, sealed and left. In the public areas at upper ground and lower ground levels, the existing plaster finish will be carefully removed and the brickwork left exposed. Historically, although this treatment of the brickwork was never intended, commercial advice has indicated that it is required for the proposed use of these areas as a gallery, cafe and retail space.

The external wall finishes: On the exterior only the plastered or painted areas remaining where buildings (now demolished) were linked to the Goddard building will be carefully removed. The pointing is generally in good condition.

Lightning protection: This building is the tallest structure in the immediate area and although historically it has never been provided with protection, commercial advice is that it is required. Alternative methods of protection have been examined. With the exception the one proposed for adoption, all recognised systems require several down tapes. The system proposed requires only one roof mounted pole and two tapes to be fitted on the central chimney. The route suggested will enable the tapes to be concealed beneath the roof covering and behind down pipes is the least obtrusive.

Insulation to flat roof areas: Consent has previously been granted for recovering the pitch roofs and introducing a thin insulation material. This will improve energy conservation with minimal impact on the external appearance of the building. The current proposal seeks to

insulate the remaining roof areas which are small flat roofs over existing staircases and toilets. The existing asphalt will be removed. A vapour barrier, the insulation and a new covering of asphalt will be added. Again the impact on the external appearance will be minimal.

Redundant services: In all cases, the existing services in the factory do not meet modern standards or regulations. These include the lifts, the lighting system, the electrics, the sprinkler system, the heating system etc. The building was designed and used as a factory and although some services were updated around the 1960's, they are not compatible with the building's proposed new uses must be carefully removed. Some features, however, are important to character of the building and its former use and can, relatively easily, be retained. These include the distribution pipework and main risers of the sprinkler system, the bakelite socket outlets, some compressed air fittings, the sliding fire doors, the concertina lift front doors and call buttons, the line shaft bearing boxes and early wall tiling in the central toilets. Other features, such as the light fittings, can also inform the design, layout and location of their replacements.

Conclusion

It is considered that the submitted scheme secures the sympathetic and effective restoration of this Grade II Listed Building which would not have a detrimental impact on its character and appearance nor on the historic fabric of the building as such it is considered that the proposed works should be supported.

Section 82 of the Act and Regulation 13 of the Regulations requires that applications by a Local Planning Authority on its own land for Listed Building consent are to be made to the Secretary of State following this committee resolution.

RECOMMENDATION:- That powers be delegated to the Director of Community and Planning Services to refer the application to the Secretary of State following the expiry of the consultation period and resolution of matters that may arise, in accordance with Regulation 11 of The Town and Country Planning General Regulations 1992 (1492).

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the historic fabric, character and setting of the Grade II Listed Building, designs and uses of materials, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1 and BE4.

- 1 The works to which this consent relates must be begun not later than the expiration of three years beginning with the date of this consent.
- 2 Prior to the commencement of works a method statement for the refurbishment of timber windows and the removal of plaster and paint from surfaces shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with those details.
- 3 Prior to the commencement of works a detailed schedule, including samples, of all new finishes and fixings shall be submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with those details.
- 4 Notwithstanding the details submitted, details of the lightning pole, tape, fixings and route (including below ground) shall be submitted to and approved in writing by the local planning authority before the development is commenced. The works shall be implemented in accordance with those details.

- 5 Notwithstanding the details submitted, detailed sections through the flat roof, abutments and edgings, outlets, gutters and surface treatment shall be submitted to and agreed in writing by the local planning authority before the commencement of development. The works shall be implemented in accordance with those details.
- 6 Notwithstanding the details submitted, a schedule (including location plans) of features and redundant services to be retained shall be submitted to and approved in writing by the local planning authority before works commence. The works shall be implemented in accordance with those details.

Reasons:-

- 1 To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 To enable the local planning authority to retain control over this important detail in the interests of preserving the historic character of the building to accord with policy BE4 of the Hinckley and Bosworth Local Plan.
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Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 With regard to condition no. 3 above, sample submission shall include:-
 - ironmongery replacement
 - glass replacement
 - metal window replacement
 - paint colours
 - section of jamb, head and sill
 - insulation.

Contact Officer:- Cathy Horton Ext 5605

PLANNING COMMITTEE – 10 FEBRUARY 2009

REPORT OF DIRECTOR OF COMMUNITY AND PLANNING SERVICES
RE: ORTON ON THE HILL AND OSBASTON CONSERVATION AREA STATEMENTS
& MANAGEMENT PLANS

1. PURPOSE OF REPORT

- 1.1 To seek Members' approval to adopt the Conservation Area Statements and Management Plans for the conservation areas in the villages of Orton on the Hill and Osbaston.

2. RECOMMENDATION

It is recommended that Members:

- (i) Consider the Conservation Area Statements and Management Plans for the villages of Orton on the Hill and Osbaston as Planning Guidance.
- (ii) Recommend to Full Council that they are adopted as Planning Guidance.

3. BACKGROUND TO THE REPORT

- 3.1 The conservation area in Orton was declared in August 1997 and Osbaston in October 1992. Conservation Area leaflets were produced at that time which set out the extent of the Conservation Areas, and gave brief information about the impact of designation on property owners in the area. The information provided in the leaflets is similar to that provided for all Conservation Areas in the Borough.
- 3.2 As reported to the Planning Committee on 2nd February 2007, it is intended to review all Conservation Areas in the Borough and issue a Conservation Area Statement and Management Plan for each area. The statement will assess the significance of the designated area and analyse how that significance is vulnerable to change. Its aim is to preserve and enhance the character of the area and to provide a basis for making sustainable decisions about its future through the development of management proposals. The documents will provide a description of the historical development of the settlement, set out the important features of the conservation area which should be protected and indicate the planning guidance and policies which apply to new development in the area.
- 3.3 The benefits of a comprehensive appraisal of a conservation area are that it will provide a sound basis for development control decisions, for protecting local heritage, for developing initiatives to improve the area and as an educational and informative document for the local community.
- 3.4 The Management Plan for the Conservation Area will take the form of a mid to long term strategy for preserving and enhancing the conservation area. It will address the issues and make recommendations for action arising from the statement and identify any further detailed work needed for their implementation. It will also set out specific enhancement schemes for the public realm and aim to secure the

repair of important heritage features and buildings in the area. The plan will also include a photographic survey, which will be used as a mechanism for monitoring future change in the designated area.

- 3.5.1 The Conservation Statement and Management Plan for both Orton and Osbaston has recently been completed by officers of the Council. A public meeting was held at the church in Orton and The Hall in Osbaston which were very well attended by local residents and Parish and the Borough Councillors.

4.0 **FINANCIAL IMPLICATIONS** (IB)

None arising directly from this report.

5.0 **LEGAL IMPLICATIONS**

- 5.1.1 Under section 71 Planning (Listed Buildings and Conservation Areas) Act 1990 there is a duty on a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of their conservation areas, to submit these for consideration to a public meeting in the area to which they relate, and to have regard to any views concerning the proposals expressed by persons attending the meeting.

6.0 **COMMUNITY PLAN IMPLICATIONS**

- 6.1 The new Conservation Area Statements will further protect the Borough's Heritage. (chapter 5 of the Community Plan).

7.0 **CORPORATE PLAN IMPLICATIONS**

The preparation of the Conservation Area Statements and Management Plans both meet Strategic Objective 7 of the Corporate Plan.

8.0 **CONSULTATION**

- 8.1 At Orton, an exhibition was held at St Edith's Church on 14th January 2009. The display included the study findings and future management recommendations illustrated by photographs, drawings and maps.
- 8.2.1 The exhibition generated a lot of public interest and 39 people attended. The displays also gave the opportunity to provide additional information about the purpose of Conservation Area designation, the impact of the additional controls over land and property, and guidance regarding the type of development that is acceptable.
- 8.3 At Osbaston a public exhibition was held in the entrance hall at Osbaston Hall on Wednesday 21st January. The exhibition was attended by 42 residents, the Borough Councillor and a Parish Councillor, all of whom fully supported the conservation proposals.
- 8.4 The consultation proposals have also been placed on the Council's web site.

8.5 The responses of the public are noted in appendix A and B. Any further public comments will be reported to Planning Committee as a late item.

9.0. **RISK IMPLICATIONS**

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

9.2 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.

Management of Significant (Net Red) Risks		
Risk Description	Mitigating Actions	Owner
Not achieving performance targets	Maintaining programme of Appraisals	Richard Palmer

9.3 The key risks of not endorsing and implementing the Conservation Area Statement and Management Plan are not meeting government performance targets, the Council not being recognised for the good achievements of its Conservation Service and not protecting our local heritage.

10. **RURAL IMPLICATIONS**

10.1 The villages of Orton and Osbaston are both within the rural area of the Borough.

11. **CORPORATE IMPLICATIONS**

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

- Community Safety Implications - None
- Environmental implications – Included in the report.
- ICT Implications – None
- Asset Management Implications - None
- Human Resources Implications – None
- Planning Implications – Contained within the report

12 **FUTURE PROGRAMME**

To meet government targets, three further Conservation Area Statements and Master Plans should be adopted by 31 March 2007. Consequently it is recommended that Full Council delegates the adoption of these documents to the Planning Committee to be held on 10th March.

Background Papers: Conservation Area Appraisal, Appraisal Plan, Long Term Strategy Management Plan, Public Comments on Orton and Osbaston Conservation Areas.

Contact Officer: Barry Whirrity, ext 5619

PLANNING COMMITTEE - 10 FEBRUARY 2009

REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES

RE: APPEALS PROGRESS

1. PURPOSE OF REPORT

- 1.1 To inform Members of the progress on appeals - details of which are attached.

2. RECOMMENDATION

- 2.1 The report be noted.

3. FINANCIAL IMPLICATIONS

- 3.1 None

Background Papers:

Contact Officer: Tracy Darke, extension 5692

PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 30.01.09

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
08/00020/PP	SH	08/00963/FUL	WR	Mr Matthew Scott	21 Adrian Drive Barwell	Start Date Comments	08.12.08 09.02.09
08/00018/TREE	DB	08/00613/TPO	WR	Mr D A Simpson	19 Farm Road Barwell	Start Date Awaiting decision	29.09.08
08/00015/PP	JH	07/00157/COU	IH	Ms Lynn Bailey	Amblyn Stud Farm Hinckley Road Cadeby	Start Date Hearing Date	18.07.08 03.02.09

PLEASE NOTE: ALL LOCAL INQUIRIES MUST BE ARRANGED WITH DOE THROUGH THIS OFFICE

DECISIONS RECEIVED FOR THE FOLLOWING APPEALS

08/00019/PP	SH	08/00657/FUL	WR	Perfect Pizza	7 Lawnwood Road Groby	DISMISSED	27.01.09
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Rolling April - January 2008/09

Planning

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision		
					Allow	Spt	Dis	Allow	Spt	Dis
18	3	12	1	2	1	1	11	2		1

Enforcement

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
4		3	1	1

