

Date: 21 September 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	Ms BM Witherford
Mr JC Bown	Mr K Morrell	

Copy to all other Members of the Council

(other recipients for information)

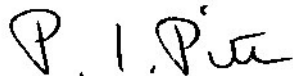
Dear Councillor

There will be a meeting of the **PLANNING COMMITTEE** in the Council Chamber, Council Offices, Hinckley on **TUESDAY, 29 SEPTEMBER 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**  
**29 SEPTEMBER 2009**  
**A G E N D A**

1. APOLOGIES AND SUBSTITUTIONS

RESOLVED

2. MINUTES

To confirm the minutes of the meeting held on 1 September 2009 attached marked 'P23'.

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 'P24' (pages 1 – 55).

RESOLVED

8. GOVERNMENT CONSULTATION ON PUBLICITY FOR PLANNING APPLICATIONS

Report of the Director of Community & Planning Services attached marked 'P25' (pages 56 - 60).

RESOLVED

9. GOVERNMENT CONSULTATION ON STREAMLINING INFORMATION REQUIREMENTS FOR PLANNING APPLICATIONS

Report of the Director of Community & Planning Services attached marked 'P26' (pages 61 - 66).

- RESOLVED 10. GOVERNMENT CONSULTATION ON IMPROVEMENTS TO PERMITTED DEVELOPMENT
- Report of the Director of Community & Planning Services attached marked 'P27' (pages 67 – 74).
- RESOLVED 11. THE CONSULTATION DRAFT PLANNING POLICY STATEMENT 15 (PPS15) ENTITLED "PLANNING FOR THE HISTORIC ENVIRONMENT"
- Report of the Director of Community & Planning Services attached marked 'P28' (pages 75 – 82).
- RESOLVED 12. APPEALS LODGED AND DETERMINED
- Report of the Director of Community and Planning Services attached marked 'P29' (pages 83 – 84).
- RESOLVED 13. APPEALS PROGRESS
- Report of the Director of Community and Planning Services attached marked 'P30' (pages 85 – 87).
- RESOLVED 14. 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**

**1 SEPTEMBER 2009 AT 6.30 PM**

**PRESENT:** MR R MAYNE - CHAIRMAN  
MR DW INMAN - VICE-CHAIRMAN

Mrs M Aldridge, Mr JG Bannister, Mr CW Boothby, Mr JC Bown, Mr WJ Crooks, Mr DM Gould, Mrs A Hall, Mr P Hall, Mr CG Joyce, Mr K Morrell, Mr O O'Shea, Mr BE Sutton, Mr R Ward and Ms BM Witherford.

In accordance with Council Procedure Rule 4.4 Mr AJ Smith also attended the meeting.

Officers in attendance: Ms C Horton, Mr J Hicks, Miss R Owen, Mr TM Prowse and Mr M Rice.

167 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Mr K Nichols and the substitution of Mr Gould for Mr Nichols authorised in accordance with Council Procedure Rule 4.3.

168 **MINUTES (P16)**

On the motion of Mrs Aldridge, seconded by Mrs Hall, it was

**RESOLVED** – the minutes of the meeting held on 4 August 2009 be confirmed and signed by the Chairman.

169 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

170 **DECISIONS DELEGATED AT PREVIOUS MEETING**

The Director of Community and Planning Services reported on the following decisions which had been delegated at the previous meeting:

- 09/00141/DEEM: the Legal Agreement had now been finalised;

171 **TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P17)**

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) 09/00592/C – Creation of Composting Site (County Council Number 2009/C103/04), Land South of Lindley Wood, Fenn Lanes, Fenny Drayton – Mr Zeeshan Aslam

Notwithstanding the officer's recommendation to support the application, Members felt that there was a lack of information with regard to highways and pollution matters. It was proposed by Mr Sutton, seconded by Mr Crooks and

RESOLVED – due to the lack of information with regard to highways and pollution matters, the Planning Committee feels it cannot support the application.

- (b) 09/00311/FUL – Conversion of public house into five apartments and associated car parking, King William IV, 35 Station Road, Market Bosworth – Mr N Smart

On the motion of Mr Crooks, seconded by Mr Bannister it was

RESOLVED – the application be permitted subject to the conditions contained in the officer's report.

- (c) 09/00483/FUL – Erection of agricultural building to house dairy cattle, Hill Farm, Bagworth Road, Barlestone – Mr David Crane

It was moved by Mr Sutton, seconded by Mr O'Shea and

RESOLVED – the application be approved subject to the conditions contained in the officer's report.

- (d) 09/00506/FUL – Erection of three dwellings with associated garages and access, Land rear of 333 and 335 Rugby Road, Burbage – Mr Byron Pountney

It was moved by Mr O'Shea, seconded by Mr Sutton and

RESOLVED – the application be approved subject to the conditions contained within the officer's report and late items.

Mr Smith left the meeting at 7.25pm.

172 THE BOROUGH OF HINCKLEY AND BOSWORTH (LAND AT 5 BACK LANE, MARKET BOSWORTH) TREE PRESERVATION ORDER 2009 (P18)

Members received a report which provided details of a proposed Tree Preservation Order. On the motion of Mr Bown, seconded by Mr O'Shea it was

RESOLVED – the Order be confirmed as made.

173 APPEALS LODGED AND DETERMINED (P19)

A summary was submitted of appeals lodged and determined since the last meeting.

Mr Bown left the meeting at 7.40pm and returned at 7.42pm.

Some Members expressed concern that the Inspector's decision with regard to Common Farm, Barton Road, Carlton may set a precedent. However, in response it was stated that the Inspector had confirmed that this was a unique situation and that the policy with regard to the principle of new homes in the open countryside was not questioned.

Officers agreed to bring a report with regard to costs to a future meeting.

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

RESOLVED – the report be noted.

174 APPEALS – PROGRESS (P20)

A schedule was submitted indicating the stages that various appeals against planning decisions had reached. It was moved by Mr O'Shea, seconded by Mr Crooks and

RESOLVED – the report be noted.

175 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Mr Sutton, seconded by Mrs Aldridge, it was

RESOLVED - in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the undermentioned items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraphs of Part I of Schedule 12A of that Act indicated alongside each item.

176 DEED OF VARIATION (P21) (exempt in accordance with paragraphs 3 and 10)

Members gave consideration to a proposal to vary the terms of a Section 106 Agreement. Notwithstanding the recommendation of the Director of Community and Planning Services that the request to vary the terms of the Section 106 be agreed, Members felt that this may set a precedent and would also take money away from facilities for people of the Borough. Members did not feel fully able to make a decision on this until the protocol for renegotiation of Section 106 agreements had been prepared and agreed by Council.

It was moved by Mr Sutton, seconded by Mr O'Shea and

RESOLVED – the request to vary the Section 106 agreement be refused.

177 PLANNING ENFORCEMENT ACTION (P22) (exempt in accordance with paragraphs 2 and 10)

Members were provided with a periodic report on planning enforcement actions taken.

Messrs Boothby and O'Shea left the meeting at 8.15pm.

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

RESOLVED – the report be noted.

(The meeting closed at 8.27pm)

**PLANNING COMMITTEE AGENDA - 29 September 2009 - NUMERIC INDEX**

<b>REF. NO.</b>	<b>APPLICANT</b>	<b>SITE</b>	<b>ITEM</b>	<b>PAGE</b>
09/00587/DEEM	Hinckley & Bosworth Borough council	Land Adj 7 Alexander Gardens Hinckley	01	01
09/00581/DEEM	Hinckley & Bosworth Borough council	Land Adj H L P Warehouse Bridge Road Burbage	02	08
09/00583/DEEM	Hinckley & Bosworth Borough council	Land Adj 16 Elwell Avenue Barwell	03	15
09/00551/FUL	Mr Mike Hurst	Land Rear Of 106 Main Street Markfield	04	22
09/00596/FUL	Mr & Mrs Calcott	Elmsdale 23 Ratcliffe Lane Sheepy Magna	05	28
09/00597/FUL	Mr M Hillard	131 Station Road Ratby	06	33
09/00599/FUL	Mr William Upton	Oak Farm Garland Lane Barlestone Coalville	07	39
09/00613/C	Children & Young Peoples Service	Richmond County Primary School Stoke Road Hinckley	08	45
09/00642/COU	Mr Stephen Havers	Jubilee Playing Fields Altar Stones Lane Markfield	09	48



**REPORT P24**

**PLANNING COMMITTEE**

**29 September 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:** 09/00587/DEEM  
**Applicant:** Hinckley & Bosworth Borough Council  
**Location:** Land Adj 7 Alexander Gardens Hinckley Leicestershire  
**Proposal:** RESIDENTIAL DEVELOPMENT (OUTLINE - ALL MATTERS RESERVED)

**Introduction:-**

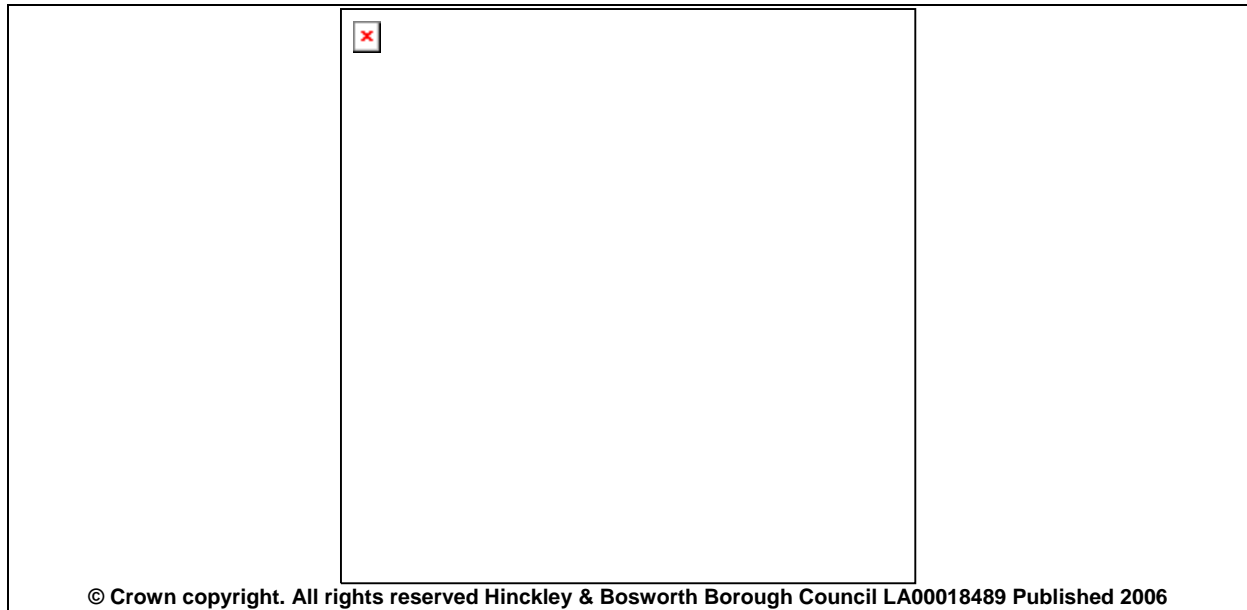
This is a deemed application made under Regulation 3 of the Town and Country Planning General Regulations (1992). The application seeks outline planning permission, with all matters reserved, for residential development located on land between 6 and 7 Alexander Gardens, Hinckley. The land is currently in the ownership of the Borough Council, who are the applicants and was until recently heavily overgrown and inaccessible. However, the site was cleared to enable a site assessment to take place.

The site is surrounded by residential properties with the rear gardens of 76 and 78 Burleigh Road adjoining the site's rear boundary and the rear gardens of 33, 35 and 39 King Richard Road adjoining the southern boundary. 7 Alexander Gardens shares the site's northern boundary and 6 Alexander Gardens shares its eastern boundary. A 4-metre-wide access runs between the two properties on Alexander Gardens spanning 12.5 metres before opening up into the site. The properties on Alexander Gardens are 1950s, two-storey, hipped-roof, semi-detached and terraced properties set back from the road.

Whilst all matters are reserved, the design and access statement submitted in support of the application gives details of the site appraisal which identified how the site can accommodate a pair of two-storey, semi-detached properties of a similar design and materials with eaves and ridge heights as surrounding properties in the cul-de-sac. An indicative plan has been submitted showing siting including access and parking.

**History:-**

None applicable.



### Consultations:-

3 letters of objection have been received from neighbouring properties on the grounds;-

- detrimental to wildlife
- impact the view
- noise and light pollution
- garden land with a limited access
- the land is too small to build anything on
- works to trees
- inadequate parking
- inadequate drainage proposals.

No objection subject to conditions has been received from:-

Severn Trent Water  
Head of Community Services (Land drainage)  
Director of Highways, Transportation and Waste Management (Highways).

Head of Business Development and Street Scene Services (Waste) has made the following comments;-

- the submitted application does not include a waste storage and collection section
- the access width would not allow vehicle access at the same time as providing space to display the various refuse containers on the boundary with the public highway
- development should not take place until a scheme making provision for waste and recycling storage has been submitted to and agreed upon by the local planning authority.

Director of Community Services (Ecology) recommends advice is forwarded to the applicant regarding bird and bat protection and the timings of works.

At the time of writing this report no comments have been received from the Environment Agency.

## **Policy:-**

### Central Government Guidance

Planning Policy Statement 1- Sustainable Development and Climate Change, outlines the government's objectives for the land use planning system with a focus on protecting the environment.

Planning Policy Statement 3- Housing explains how the government's objectives on housing such as providing housing in suitable locations which offer a good range of community facilities with access to jobs and key services can be delivered through the planning system. Planning Policy Statement 3 states this can be achieved through the effective use of land which includes the opportunity for housing provision on surplus public sector land. It states priority for development should be given to previously developed land, in particular vacant and derelict sites.

### Local Plan Policy

The site lies within the Hinckley settlement boundary as defined within the adopted Hinckley and Bosworth Local Plan.

Policy RES5 relates to residential development on unallocated sites and supports the principle of development providing the site is within the settlement boundary and complies with other policies of the Local Plan.

Policy BE1 requires the design and siting of new development to be of a high standard of design, incorporate a high quality landscaping scheme, have regard to highway safety and the amenities of neighbouring residents.

Policy IMP1 requires new developments to contribute towards infrastructure and facilities to serve the development commensurate with the scale and nature of the proposal.

Policy REC3 ensures that there is an adequate standard of play and open space to serve new residential development.

Policy T5 requires new development to apply the highway design standards as published by Leicestershire County Council.

### Supplementary Planning Guidance/Documents

Supplementary Planning Guidance relating to new residential developments gives guidance on the design of new residential development and the separation distances that are required to ensure privacy and adequate amenity spaces for the new dwellings.

The Play and Open Space Supplementary Planning Document sets out the Council's Play and Open Space strategy and justification from policy and government guidance.

Supplementary Planning Document on Sustainable Design aims to promote sustainable developments within the Borough.

## **Appraisal:-**

The main considerations with regards to this application are the principle of a dwelling in the proposed location, the impact on the street scene and amenities of neighbouring residents and the impact on highway safety.

### Principle of Development

The site is located within the settlement boundary of Hinckley within an existing residential area. Policy RES5 allows new residential development on unallocated sites within the settlement boundary providing the design, mass and siting of the proposal comply with other policies within the adopted Hinckley and Bosworth Local Plan. In addition the application site is an unused, derelict piece of Local Authority owned land and Planning Policy Statement 3 states consideration should be given to housing development on surplus public sector land and in particular vacant and derelict sites. The principle of housing development is therefore considered acceptable.

Whilst the application site has no relevant planning history a similar-sized corner plot situated between 10 and 11 Alexander Gardens was initially given planning permission for the erection of a pair of semi-detached dwellings in 2004. This permission was not implemented but the site was later granted full planning permission for the erection of three terraced dwellings in 2009. The principle of this type of development in Alexander Gardens has therefore been established.

### Impact on the Street scene

The application site was an overgrown, derelict area of land in the corner of this residential cul-de-sac accessed via a gated track between 6 and 7 Alexander Gardens. The site has now been cleared and consists of waste ground bounded by hedges on all sides interspersed with trees. A sycamore and three apple trees stand toward the northern boundary and north eastern corner. However, these are not visible from the cul-de-sac. The indicative plan illustrates the siting of the dwellings as set back into the site. If the dwelling's eaves and ridge height do not exceed that of surrounding properties as stated in the Design and Access Statement, the dwellings are unlikely to be visible from the street scene. The development of this site will bring it into use, having minimal impact on the street scene if sited and designed satisfactorily.

### Residential Amenity

The indicative plan illustrates the position on the front elevation of the dwellings to be set back 5 metres behind the rear of 7 Alexander Gardens. However, the rear of this property is at an angle to the front windows reducing any potential privacy concerns. A suitable landscaping scheme and the positioning of windows at the Reserved Matters stage could also overcome any privacy concerns to this adjacent property. The proposed dwellings, illustrated on the indicative plan, will face onto the side boundary of No.6. This boundary is heavily screened and a detached garage stands between the side elevation of No.6 and its side boundary, therefore overlooking and privacy are not a concern. The indicative plan also shows minimum separation distances of 20.5 metres between the proposed dwellings and those on Burleigh Road and King Richard Road but due to the relationship of these properties to the site no windows will directly face onto one another.

It is considered that, given the relationship between the surrounding dwellings, two dwellings could be accommodated within the site without significantly impacting upon the privacy currently enjoyed by neighbouring residents subject to careful design.

### Highway Safety

The Director of Highways, Transportation and Waste Management does not object to the development in principle but has recommended a number of standard highway related conditions. However, the application is for outline residential development only with all

matters reserved and therefore the layout, access, hard landscaping, car parking provision, visibility splays etc. would be submitted for approval as part of any subsequent reserved matters application. Details of layout, access arrangements and hard landscaping are required by condition 2 of the recommendation. Details of parking provision, drainage, finished floor and ground levels and boundary treatments are required by condition 3 of the recommendation.

### Ecology

The site is not a designated ecology site and consists of predominantly overgrown weeds and nettles with little ecological value. The removal of the apple trees is unlikely to have an impact on the areas visual amenity. The boundary vegetation should be maintained to enhance screening from neighbouring properties however this will be addressed through a landscaping scheme with the reserved matters application.

### Other issues

The application site is located within 400m of Richmond Park and the proposed development does not include any on-site play and open space provision. Richmond Park is identified as an area of formal open space. Due the size of the development, contributions will be sought toward improvements for informal children's play space under Local Plan Policy REC3. This can be requested by planning condition.

The comments from the Head of Business Development and Street Scene Services (Waste) regarding the storage of waste will be addressed through the reserved matters application.

The neighbours' objection relating to an impact on their view is not a material consideration for this application. The site size with an area of approximately 560m<sup>2</sup> would be more than adequate to accommodate two dwellings. This has been demonstrated through the application for three dwellings on a similarly sized plot on the opposite corner of the cul-de-sac. The erection of residential properties on this site within an existing residential area is unlikely to materially increase noise and light pollution in the area with the exception of the initial construction phase although this is for a limited time period.

### Conclusion

The principle of new residential dwellings on the site is considered acceptable. The relationship between surrounding dwellings is such that a two storey dwelling with adequate off street parking could be accommodated on the site without adversely affecting the amenities of neighbouring residents or highway safety.

**RECOMMENDATION:- That Committee, pursuant to the powers set out in Regulation 3 of the Town and Country Planning General Regulations 1992, grant planning permission for the development 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 would be acceptable in principle and would not adverse impact upon the street scene, neighbours amenity or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, IMP1, REC3 and T5

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun no later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
  - i) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development
  - ii) The scale of each building proposed in relation to its surroundings
  - iii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes
  - iv) The access arrangements to and within the site for vehicles, cycles and pedestrians
  - v) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 3 The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.
  - i) The external building materials
  - ii) The provision to be made for vehicle parking on the site
  - iii) The existing trees and hedges on the site, which are to be retained
  - iv) The provision to be made for screening by walls and fences
  - v) The floor levels of the proposed dwelling in relation to the existing ground level and the finished levels of the site.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 4 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policies IMP1 and REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.

- 5 The ridge height of the proposed dwelling shall not exceed that of the neighbouring property of 7 Alexander Gardens.

**Reasons:-**

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

- 3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 4 To ensure the provision of adequate play and open space within the vicinity of the site in accordance with Policies IMP1 and REC3 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure the development has a satisfactory external appearance in accordance with Policy BE1 of the Hinckley and Bosworth adopted 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. 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 (0116 3052202).
4. The indicative layout with regard to the position of the dwellings and access should be followed within the reserved matters application.
5. 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.
6. List of plans used in the determination of this application:-  
Indicative site layout and Block plan
  
7. Condition 4 refers to play and open space requirements. In this instance a contribution of £1250.80 is required towards the provision of off-site public open space. This can be provided by a one off payment or secured by the completion of a legal Agreement under Section 106 of the Town and Country Planning Act 1990.

**Contact Officer:-** David Kiernan Ext 5898

**Item:** 02

**Reference:** 09/00581/DEEM



**Applicant:** Hinckley & Bosworth Borough Council  
**Location:** Land Adj H L P Warehouse Bridge Road Burbage Leicestershire  
**Proposal:** RESIDENTIAL DEVELOPMENT (OUTLINE - ALL MATTERS RESERVED)

**Introduction:-**

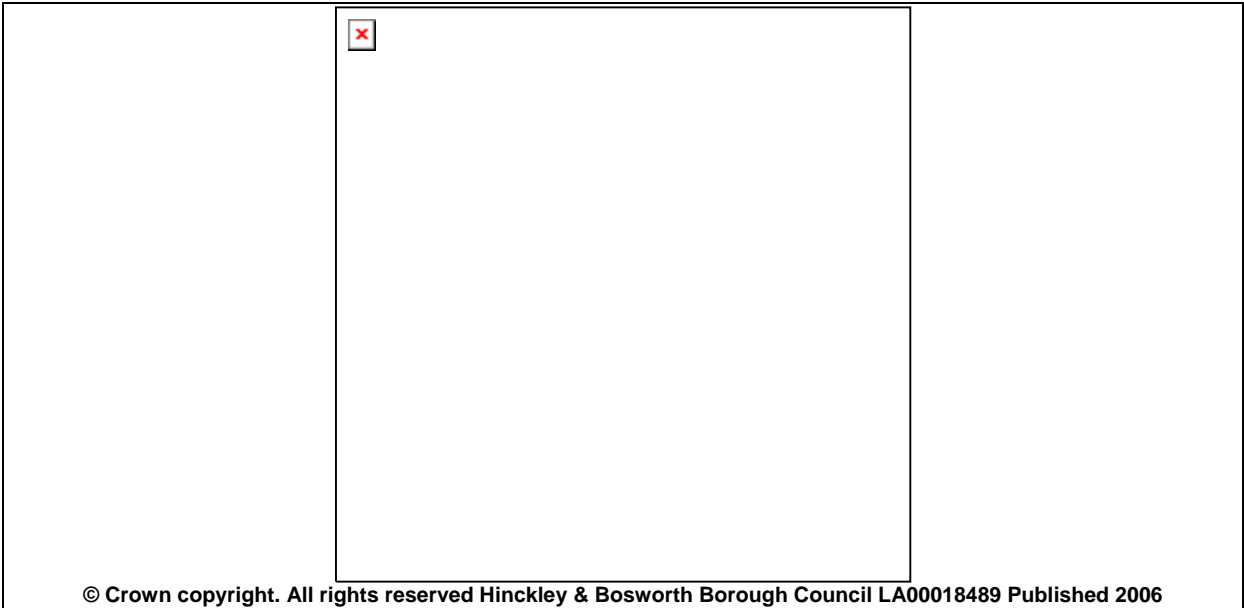
This is a deemed application made under Regulation 3 of the Town and Country Planning General Regulations (1992), The Borough Council seeks outline planning permission for residential development with all matters reserved for residential development of a vacant plot of land off Bridge Road to the rear of 39 - 47 Brookside, Burbage. An indicative layout has been submitted with the application that proposes a single detached dwelling with garage set back from the highway to allow for a driveway and front garden to the fore and a staggered rear garden.

The site is located within a mixed use area that includes both residential and commercial premises. It is located between a commercial storage building to the south and an electricity substation to the north. There are extensive private gardens to the rear (east) and a recreation ground to the fore (west). The site measures 0.028 hectares with a frontage of 9 metres. The site is currently overgrown with vegetation. Whilst there are no trees on the part of the site fronting Bridge Road, there are some trees and a hedge worthy of retention to provide valuable green cover in the area to the rear of 47 Brookside.

A Design and Access Statement has been submitted in support of the application. This states that the shape and size of the plot has determined the indicative design solution for a single detached dwelling. It is envisaged that it would be of traditional design and constructed of materials that are sympathetic with and complimentary to the existing surrounding built development. The dwelling would be located to allow for adequate driveway length to the fore and adequate private garden to the rear. Direct access would be available from the public highway to the site frontage.

**History:-**

The site has no previous planning history.



## **Consultations:-**

No objection has been received from:-

Director of Community Services (Ecology)  
Central Networks  
Burbage Parish Council  
Head of Community Services (Land Drainage).

No objections have been received subject to conditions from Severn Trent Water Limited.

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

Director of Highways, Transportation and Waste Management (Highways)  
Director of Community Services (Rights Of Way)  
Ramblers Association  
Site Notice  
Neighbours.

## **Policy:-**

### Central Government Guidance

Planning Policy Statement 1 'Delivering Sustainable Development' promotes sustainable and inclusive patterns of urban development and the more efficient use of land.

Planning Policy Statement 3 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 10 states that the planning system should deliver housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. Paragraph 14 promotes designs and layouts that make efficient use of land. Paragraph 16 lists matters to be considered when assessing design quality, which includes assessing the extent to which the proposed development is well integrated with and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Paragraph 47 sets out 30 dwellings per hectare as the national indicative minimum density.

### Local Plan Policies

The site is within the settlement boundary of Burbage as defined in the adopted Hinckley and Bosworth Local Plan.

Policy RES5 states that on sites that are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

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 with regard to scale, layout, density, mass, design, materials and architectural features. Development should ensure adequate highway visibility for road users and adequate provision for on and off street parking for residents and visitors together with turning facilities and should not adversely affect the occupiers of neighbouring properties.

Policy NE14 requires satisfactory arrangements to be made for the disposal of surface water and foul sewage to protect surface water and ground water quality.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments. Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance and parking targets.

Policy REC3 requires the appropriate level of informal public open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area. The Play and Open Space Supplementary Planning Document provides further guidance to developers in respect of the different types of open space and the level of financial contributions required.

The Borough Council's Supplementary Planning Guidance on New Residential Development provides further guidance for developers on density, design, layout, space between buildings and landscaping/boundary treatments along with highways and parking. The main aims of the guidance are to ensure that new developments are well integrated into their surroundings and offer a good standard of security and amenity to future residents whilst protecting the amenity of existing occupiers. Housing developments should make efficient use of land and be of appropriate density taking into account the general character of the surrounding area.

### **Appraisal:-**

The main considerations with regards to this application are the principle of residential development and its impact on the character and appearance of the area, the amenities of the occupiers of neighbouring properties and highway safety.

#### Principle of Development

The site is within the settlement boundary and adjacent to existing residential properties in a sustainable urban location. Residential development of the site is therefore considered acceptable in principle, subject to the layout, density, design and scale being satisfactory.

#### Indicative Density and Layout

Although all matters are reserved at this stage, the indicative layout suggests a single detached dwelling with garage on this 0.028 hectare site and would provide a density of 35 dwellings per hectare. This would be within government guidelines and would be appropriate in this location. The indicative layout demonstrates that the footprint of the proposed dwelling could be located to respect the existing building lines of the existing buildings either side of the plot, providing adequate frontage amenity and driveway and adequate private rear garden area within the curtilage together with pedestrian access to the rear garden to enable storage of refuse and recycling containers.

#### Impact

The indicative layout demonstrates that residential development of the site would not be detrimental to the character or appearance of the area or to the amenities of the occupiers of adjacent properties. A separation distance of approximately 17 metres is indicated from the proposed dwelling to the windows of the flats above the commercial premises to the south. As the windows are at first floor the relationship is comparable to a single storey development situation where a minimum separation distance of 12 metres would be considered acceptable to meet Supplementary Planning Guidance on New Residential

Development. The degree to which the development integrates into its surroundings will ultimately depend upon the details of the density, design, scale and appearance that would be approved as reserved matters should this application be approved.

### Highway Issues

The site has direct access to the public highway to enable vehicular access to be provided and is located on a section of Bridge Road where adequate visibility should be achievable to the site frontage. There is an existing parking restriction sign at the front of the site that would need to be relocated but this would be unlikely to prevent development of the site. At the time of writing this report the comments of the Director of Highways, Transportation and Waste Management had not been received and will be reported as a late item to the main agenda.

### Developer Contributions

A financial contribution towards the provision and maintenance of informal public open space would be required to comply with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Document on Play and Open Space, together with the objectives of the Green Space Strategy and the Public Open Space Quantity/Accessibility Audit 2005. In this case a financial contribution of £1250.80 per dwelling would be required in lieu of on-site provision for use at Bridge Road local open space.

### Other Issues

Adequate surface and foul water drainage of the site would be required to comply with current Building Control legislation.

### Conclusion

The site is within the settlement boundary of Burbage in a sustainable location where the principle of residential development would be acceptable. Residential development would be in keeping with the character of the surrounding area and the development could be achieved without being unduly detrimental to the amenities of the occupiers of neighbouring properties or highway safety. An appropriate contribution towards the provision or maintenance of public play and open space to mitigate the impact of the development on these facilities could be secured by condition should the application be approved. The application is therefore recommended for approval subject to conditions.

**RECOMMENDATION:- That Committee, pursuant to the powers set out in Regulation 3 of the Town and Country Planning General Regulations 1992, grant planning permission for the development 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 as the site is within the settlement boundary of Burbage where residential development is acceptable in principle.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, RES5, T5 and REC3

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:-
  - i) The layout of the site including the way in which buildings are provided and their relationship to buildings outside the development.
  - ii) The scale of each building proposed in relation to its surroundings.
  - iii) The appearance of the development including the aspects of a building that determine the visual impression it makes.
  - iv) The access arrangements to and within the site for vehicles and pedestrians.
  - v) The landscaping of the site to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 3 The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.
  - i) The external building materials
  - ii) The provision to be made for vehicle parking on the site
  - iii) The method of disposal of surface and foul water drainage, which shall be on separate systems
  - iv) The existing trees and hedges on the site, which are to be retained
  - v) The provision to be made for screening by walls and fences
  - vi) The floor levels of the proposed buildings in relation to the existing ground level and the finished levels of the site.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 4 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.

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

- 6 There are public sewers crossing and adjacent to the site. No building shall be erected or trees planted within 3 metres of the 300mm sewers crossing the site or within 5 metres of the 900mm sewer adjacent to the site. The applicant may wish to apply to Severn Trent Water to divert the sewers in accordance with section 185 of the Water Industry Act 1991.

**Reasons:-**

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 4 To ensure the adequate provision and maintenance of public play and open space within the vicinity of the site to accord with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Play and Open Space Guide.
- 5 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 6 To maintain essential access for maintenance, repair, renewal and to protect the structural integrity of the public sewerage system to accord with policy NE14 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 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](http://www.planningportal.gov.uk).
4. 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 (0116 3052202).
- 5 The applicant is advised that Central Networks has electrical and other network within close proximity to the site. Please contact Aim Bureau Services at Toll End Road, Tipton, DY4 0HH to obtain copies of our mains records. There may be a charge levied for this service. For new developments and ground works you can contact Central Networks New Connections at Toll End Road, Tipton, DY4 0HH. For information regarding the safety of working around our networks, please contact our Cablesafe Team on 0800 015 0921 or on <http://www.eon-uk.com/distribution/cablesafe.aspx>.

There is an electricity substation within close proximity of the development. A substation is a potential source of noise, therefore the developer should adopt measures to ensure that acceptable noise levels are maintained for future residents.

We must emphasise that any alteration, building or ground works proposed in the vicinity of our cables that may or may not directly affect our cables, must be notified in detail to Central Networks. For further information please contact me at Central Networks, Pegasus Business Park, Castle Donington, Derbyshire DE74 2TU or email [centralsupportteam@central-networks.co.uk](mailto:centralsupportteam@central-networks.co.uk).

- 6 As there are trees within the site, the applicant is advised that it is a criminal offence to damage or destroy a bat roost. Therefore, if any trees are to be removed that are mature and have hollow cavities and / or are covered with ivy, or have suitable places in which bats might roost, it is recommended that they be surveyed for bats before any work is carried out to the trees. All birds, their nests and eggs are protected by the Wildlife and Countryside Act. It is recommended that work to trees is done outside the bird-nesting season - i.e between the end of August and beginning March. If work to trees is to be undertaken during the bird breeding season, it is recommended that a suitably qualified ecologist surveys the trees for nesting birds. If nesting birds are present, work must be postponed until the young have left the nest.
- 7 It is the responsibility of the applicant to obtain the necessary approvals and defray the expenses of the appropriate authorities in connection with the removal of any street lamps, signs, posts or bus stops within the highway boundary which may be required.
- 8 This permission does not grant or imply consent for the details shown on the plans accompanying the application which are for illustrative purposes only.
- 9 Surface water should be discharged to a soakaway subject to satisfactory permeable ground strata. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability.

**Contact Officer:-** Richard Wright Ext 5894

**Item:** 03

**Reference:** 09/00583/DEEM

**Applicant:** Hinckley & Bosworth Borough Council

**Location:** Land Adj 16 Elwell Avenue Barwell Leicestershire

**Proposal:** RESIDENTIAL DEVELOPMENT (OUTLINE - ALL MATTERS RESERVED)

**Introduction:-**

This is a deemed application made under Regulation 3 of the Town and Country Planning General Regulations (1992) by the Borough Council for outline planning permission for residential development with all matters reserved. An indicative layout proposes the erection

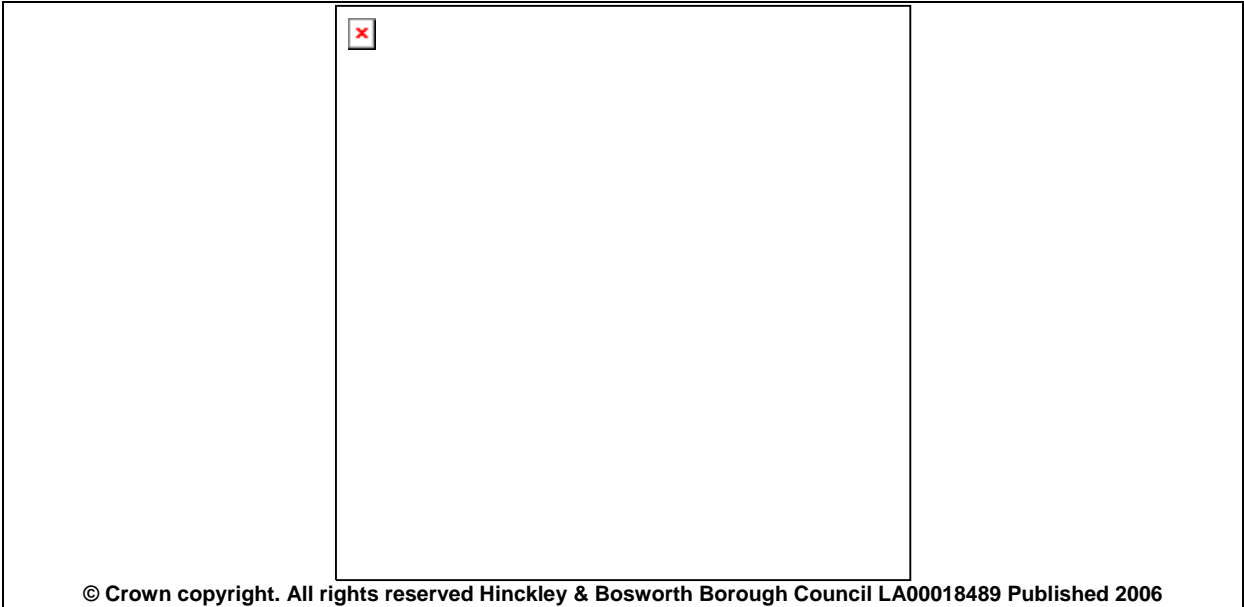
of a pair of semi detached houses that would be set back from the highway on a slightly stepped building line with the existing dwellings either side to allow for frontage car parking and private rear gardens.

The site is within a residential area characterised by pairs of traditionally styled, two-storey semi-detached houses with rendered panels, brick detailing and hipped roof form. The site is a vacant plot of land measuring approximately 0.05 hectares. The site frontage measures 13 metres and is currently enclosed by a 1.8 metres high timber fence and a mature hedge. The remainder of the site is bounded by a mix of various types and styles of fencing and hedges. There are extensive gardens to the rear of the site beyond the rear boundary.

A Design and Access Statement has been submitted in support of the application. This states that the shape and size of the plot together with the character of adjacent property types has determined the indicative design solution for a pair of semi-detached two-storey houses. It is envisaged that they would be of traditional design and constructed of materials that are sympathetic with and complimentary to the existing surrounding built development. The properties would be located to allow for adequate driveway length to the fore and private gardens to the rear of each plot. Direct access to private driveways would be available from the public highway by extending dropped kerbs across the site frontage.

**History:-**

The site has no previous planning history.



**Consultations:-**

No objection has been received from:-

Director of Community Services (Ecology)  
Head of Community Services (Land Drainage).

No objection has been received subject to conditions from Director of Highways, Transportation and Waste Management (Highways).

Neighbours notified, one letter received raising concern of loss of privacy to the garden of a house on Bardon Road and stating that the rear boundary hedge and trees should be



retained and suitably maintained for the benefit of privacy and wildlife. One letter received supporting the development of the site with semi-detached houses in principle and suggesting reinforcement of boundaries where necessary to maintain security and privacy.

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

Severn Trent Water Limited  
Barwell Parish Council  
Head of Corporate and Scrutiny Services (Green Spaces).

### **Policy:-**

#### Central Government Guidance

Planning Policy Statement 1 'Delivering Sustainable Development' promotes sustainable and inclusive patterns of urban development and the more efficient use of land.

Planning Policy Statement 3 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 10 states that the planning system should deliver housing in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. Paragraph 14 promotes designs and layouts that make efficient use of land. Paragraph 16 lists matters to be considered when assessing design quality, which includes assessing the extent to which the proposed development is well integrated with and compliments, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Paragraph 47 sets out 30 dwellings per hectare as the national indicative minimum density.

#### Local Plan Policies

The site is within the settlement boundary of Barwell as defined in the adopted Hinckley and Bosworth Local Plan.

Policy RES5 states that on sites that are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

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 with regard to scale, layout, density, mass, design, materials and architectural features. Development should ensure adequate highway visibility for road users and adequate provision for on and off street parking for residents and visitors together with turning facilities and should not adversely affect the occupiers of neighbouring properties.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments. Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance and parking targets.

Policy REC3 requires the appropriate level of informal public open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area. The Play and Open Space Supplementary

Planning Document provides further guidance to developers in respect of the different types of open space and the level of financial contributions required.

The Borough Council's Supplementary Planning Guidance on New Residential Development provides further guidance for developers on density, design, layout, space between buildings and landscaping/boundary treatments along with highways and parking. The main aims of the guidance are to ensure that new developments are well integrated into their surroundings and offer a good standard of security and amenity to future residents whilst protecting the amenity of existing occupiers. Housing developments should make efficient use of land and be of appropriate density taking into account the general character of the surrounding area.

### **Appraisal:-**

The main considerations with regards to this application are the principle of residential development and its impact on the character and appearance of the area, the amenities of the occupiers of neighbouring properties and highway safety.

#### Principle of Development

The site is within the settlement boundary and adjacent to existing residential properties in a sustainable urban location. Residential development of the site is therefore considered acceptable in principle, subject to the layout, density, design and scale being satisfactory.

#### Indicative Density and Layout

Although all matters are reserved at this stage, the indicative layout suggests two dwellings on this 0.05 hectares site and would provide a density of 40 dwellings per hectare. This would be within government guidelines and would be appropriate in this location. The indicative layout also demonstrates that the footprint of the proposed dwellings could be located to respect the building lines of the existing dwellings either side of the plot, providing adequate frontage parking space and adequate private rear garden areas within the curtilage of each dwelling together with pedestrian access to rear gardens to enable storage of refuse and recycling containers. Whilst frontage parking would not generally be encouraged, in this case it would not be out of character with the existing street scene.

#### Impact

The indicative layout also demonstrates that residential development of the site could be well integrated with neighbouring dwellings and the wider local area and be achieved without being detrimental to the character or appearance of the area or to the amenities of the occupiers of adjacent properties. There is a ground floor window that does not appear to be to a habitable room and a first floor window that appears to be to a landing on the side elevation of 16 Elwell Avenue facing the site. There are no windows on the side elevation of 18a Elwell Avenue facing the site. To the rear of the site are the long gardens to dwellings fronting Bardon Road and Bradgate Road. The degree to which the development integrates with the existing street scene will ultimately depend upon the details of the density, design, scale and appearance that would be approved as reserved matters should this application be approved. Landscaping and boundary treatments would be assessed as part of any subsequent reserved matters application should this application be approved.

#### Highway Issues

The site has direct access to the public highway to enable vehicular access to be provided and is located on a straight section of Elwell Avenue, almost midway between two road junctions, where adequate forward visibility should be achievable. There is an existing bus

stop at the front of the site that may require to be relocated but this would be unlikely to prevent development of the site. The Director of Highways, Transportation and Waste Management (Highways) does not object to the development in principle but has recommended a number of standard highway related conditions. However, the application is for outline residential development only with all matters reserved and therefore the layout, access, hard landscaping, car parking provision, visibility splays etc. would be submitted for approval as part of any subsequent reserved matters application. Details of layout, access arrangements and hard landscaping are required by condition 2 in the recommendation. Details of parking provision, drainage, finished floor and ground levels and boundary treatments are required by condition 3 in the recommendation.

### Developer Contributions

A financial contribution towards the provision and maintenance of informal public open space would be required to comply with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Document on Play and Open Space, together with the objectives of the Green Space Strategy and the Parish Public Open Space Quantity/Accessibility Audit 2007. In this case a financial contribution of £1250.80 per dwelling would be required in lieu of on-site provision for Howards Close informal local open space. Condition 4 of the recommendation requires payment to be made prior to commencement of any development.

### Other Issues

Adequate surface and foul water drainage of the site would be required to comply with current Building Control legislation.

### Conclusion

The site is within the settlement boundary of Barwell in a sustainable location where the principle of residential development would be acceptable. Residential development would be in keeping with the character of the surrounding area and the development could be achieved without being detrimental to the amenities of the occupiers of neighbouring properties or highway safety. An appropriate contribution towards the provision and maintenance of public play and open space to mitigate the impact of the development on these facilities could be secured by condition should the application be approved. The application is therefore recommended for approval subject to conditions.

**RECOMMENDATION:- That Committee, pursuant to the powers set out in Regulation 3 of the Town and Country Planning General Regulations 1992, grant planning permission for the development 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 as the site is within the settlement boundary of Barwell where residential development is acceptable in principle.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, RES5, T5 and REC3

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

2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:

- i) The layout of the site including the way in which buildings are provided and their relationship to buildings outside the development.
- ii) The scale of each building proposed in relation to its surroundings.
- iii) The appearance of the development including the aspects of a building that determine the visual impression it makes.
- iv) The access arrangements to and within the site for vehicles and pedestrians.
- v) The landscaping of the site to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

3 The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.

- i) The external building materials
- ii) The provision to be made for vehicle parking on the site
- iii) The method of disposal of surface and foul water drainage, which shall be on separate systems
- iv) The existing trees and hedges on the site, which are to be retained
- v) The provision to be made for screening by walls and fences
- vi) The floor levels of the proposed buildings in relation to the existing ground level and the finished levels of the site.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.

4 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.

**Reasons:-**

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 4 To ensure the adequate provision and maintenance of public play and open space within the vicinity of the site to accord with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Play and Open Space Guide.

## 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](http://www.planningportal.gov.uk).
4. 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 (0116 3052202).
- 5 Surface water should be discharged to a soakaway subject to satisfactory permeable ground strata. Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability.
- 6 It is the responsibility of the applicant to obtain the necessary approvals and defray the expenses of the appropriate authorities in connection with the removal of the bus stop within the highway boundary at the front of the site prior to commencement of any development. The applicant is advised to contact the Public Transport Department at Leicestershire County Council on (0116) 3050001 to agree the removal and relocation of the bus stop as necessary.
- 7 This permission does not grant or imply consent for the details shown on the plans accompanying the application which are for illustrative purposes only.
- 8 Bats have been recorded in the vicinity of the site. Bats, nesting birds, great crested newts and certain other species are protected by law. A watching brief (maintained by the applicant and all workers on site) for all protected species should be maintained throughout the development. If any mature trees that have hollows or are covered in ivy are to be removed it is recommended that they first be checked for the presence of roosting bats by a licensed bat ecologist. Vegetation should be removed outside of the bird breeding season to ensure that no nesting birds are disturbed. 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.

**Contact Officer:-** Richard Wright Ext 5894

**Item:** 04

**Reference:** 09/00551/FUL

**Applicant:** Mr Mike Hurst

**Location:** Land Rear Of 106 Main Street Markfield Leicestershire

**Proposal:** ERECTION OF FOUR FLATS WITH ASSOCIATED PARKING AND ACCESS.

**Introduction:-**

This application seeks full planning permission for the erection of four residential apartments on land to the rear of 104 to 106 Main Street, Markfield with access off The Nook. The proposed development would use the change in levels on the site by partially submerging the lower ground floor. The proposed building would have a ridge height of 8.7m and height to eaves of 5m on the south eastern elevation, and 7.8m and 4.1m height to the north western elevation. The proposal would cover an area of 90 sq.m. and provide one parking space per dwelling and two visitor spaces. Four parking spaces would be provided for the commercial units and residential accommodation on Main Street providing a total of 10 off street parking spaces.

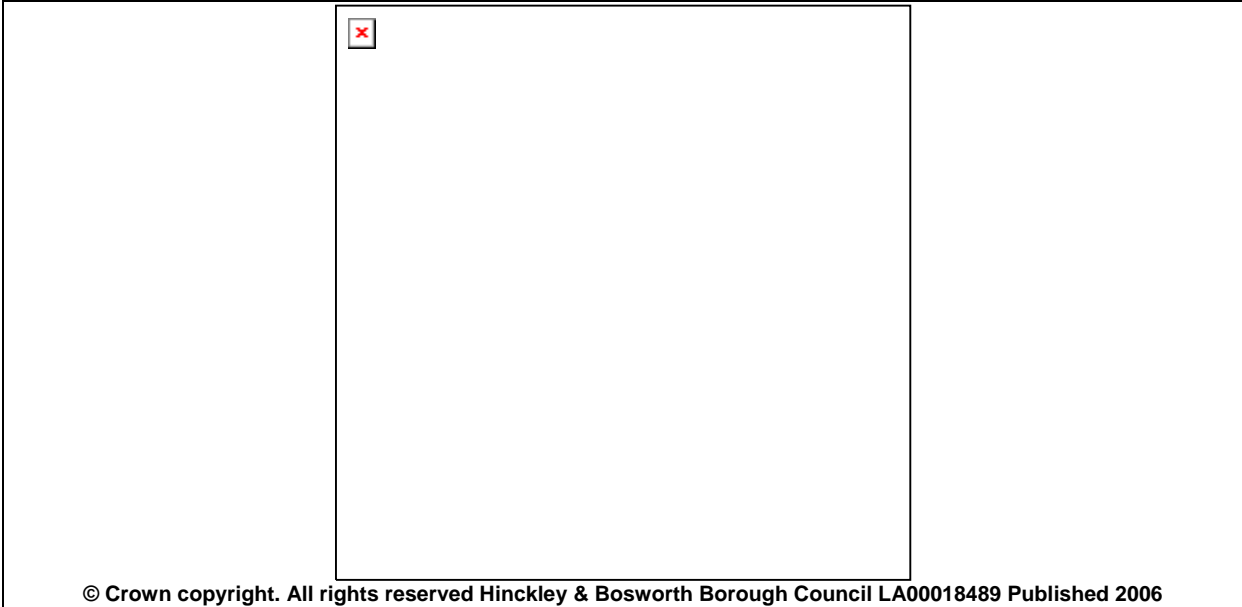
The application site comprises land to the rear of a number of properties to Main Street. The Nook narrows from a wide junction with Main Street to a single track lane constrained by development on the back edge of the highway on the eastern side and a high granite stone wall to the western side. This forms part of a series of high stone walls around the site, which also forms the eastern boundary of the application site. The wall is currently only broken by the existing access into the application site. The Nook slopes down from towards number 19. A public footpath gives pedestrian access from Main Street through The Nook to Rectory Road. The application site follows this trend resulting in the rear of the properties to Main Street being located significantly above the properties at the southern end of The Nook.

The site comprises a parking area serving the commercial units on Main Street, the rear garden to the residential unit of 108 Main Street and a walled rear area to the Methodist chapel, at 104 Main Street, a very important landmark building in the conservation area which is currently overgrown with self set trees and shrubs.

A design and access statement was submitted in support of the application. This document considers the constraints of the site, the sustainability due to the proximity to local services and how that is supported by national policy. The statement also explains how the height of the development takes into account the topography of the area and reflects the scale of other buildings in the area.

**History:-**

89/00981/4	Erection of one dwelling (outline)	Refused	26.09.89
86/00493/4	Residential Development one or two houses (outline)	Refused (Dismissed at appeal)	01.07.86
83/00779/4	Erection of a bungalow and garage and formation of an access (outline)	Refused (Dismissed at appeal)	25.10.83



**Consultations:-**

No objection has been received from:-

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

Markfield Parish Council have objected on the grounds that:-

- a) The development is in the Conservation Area and the removal of the granite wall will remove part of the original character
- b) The proposal is overdevelopment of the site resulting in overbearing and visually intrusive impact on adjacent properties to the detriment of the amenities of the residents
- c) Adverse impact on the appearance and character of the landscape
- d) Unacceptable level of traffic turning onto an extremely narrow highway to the detriment of highway safety.

Head of Business Development and Street Scene Services:-

Access to the site is unsuitable for refuse collection vehicles and the size of the proposed bin storage area is inadequate.

Head of Community Services (Land Drainage):- has requested that the developer use sustainable drainage methods where possible.

Parish Councillor has objected to the proposal on the following grounds:-

- a) Proposal is out of keeping with Markfield Conservation Area as it is out of scale, does not use local building materials and removes part of the granite wall
- b) The Nook is a single track road which cannot be widened and therefore unable to cater for the expected increase in the volume of traffic caused by the development.

Markfield Congregational Church has objected to the proposal on the grounds that the site boundary is incorrect, and the development is out of keeping with the National Forest and Conservation Area.

Site notice and Press notice were displayed and neighbours notified.

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

- a) proposal undermines the unique character of The Nook
- b) over development of the site due to the height of the proposal
- c) the removal of the granite stone wall is detrimental to the character of this section of the conservation area
- d) the increase in trips caused by the additional dwelling on a narrow highway would be detrimental to highway safety
- e) the difference in heights means that the development overlooks existing properties
- f) development would exacerbate existing foul and surface drainage problems within the area.

At the time of writing the report comments have not been received from Head of Corporate and Scrutiny Services (Green Spaces), Director of Community Services (Ecology) and Director of Highways, Transportation and Waste Management (Highways).

## **Policy:-**

### Central Government Guidance

Planning Policy Statement 1 Delivering Sustainable Development (PPS1) sets out the Government's general objectives for the planning system and how it can contribute to the overall sustainable agenda. The statement refers to design and the role it can play in delivering other Government objectives, including good design and safe homes for everybody.

Planning Policy Statement 3 Housing (PPS3) sets out the Government's national planning framework to deliver its housing objectives. This refers to the reason for a supply of housing, where the Government wishes to see new residential developments and how housing can contribute to the sustainable agenda.

### Regional Policy



East Midlands Regional Plan (Regional Spatial Strategy 8) (March 2009) provides a broad development strategy for the region including protecting and enhancing the environmental quality of urban and rural settlements through promoting high quality design and the protection enhancement and sensitive use of the regions historical assets.

### Local Plan Policy

The site is located within the Markfield settlement boundary, Conservation area and National and Charnwood Forests as defined within the adopted Hinckley and Bosworth Local Development Plan.

Policy IMP1 requires the appropriate financial contributions towards the provision of infrastructure and facilities.

Policy RES5 allows residential developments on unallocated land, providing it is within the settlement boundary and complies with other policies within the local plan, especially with regard to the design, siting and appearance.

Policy BE1 considers the design and siting of development to ensure that the proposed development safeguards or enhances the existing environment and complements the existing character, avoids the loss of open spaces, incorporates landscaping and would not adversely affect the occupiers of neighbouring properties.

Policy BE7 considers proposed developments within conservation areas and seeks to protect or enhance the special character including the form of new developments, being sympathetic to those of existing buildings and by retaining features of characteristic value to the area.

Policy T5 requires that new development shall be designed in accordance with the current addition of the Leicestershire County Highways 'Highways, Transportation and Development' Document to ensure developments would not compromise highway safety.

Policy REC3 requires provision of play and open space to be provided in all residential developments either through the provision of on site facilities or an appropriate alternative.

### Supplementary Planning Guidance / Documents

The New Residential Development SPG gives further advice and guidance for new residential developments in terms of the siting and design of proposals.

The Play and Open Space Guide SPD demonstrates how relevant policies and standards will be applied to the provision of new and improved play and open space opportunities.

### **Appraisal:-**

The main considerations with regards to this application are the principle of development, the amenities of neighbouring residents, the mass, scale, siting and appearance of development, the effect on the character and appearance of the conservation area and highway safety.

### Principle of Development

The site lies within the Markfield Settlement Boundary where Policy RES5 allows residential development on unallocated sites providing the scale, design and layout of the proposal does not conflict with other policies within the Local Plan. The principle of development is therefore considered acceptable.

#### Amenities of neighbouring residents

Supplementary Planning Guidance advises that there should be a minimum distance of 25m between facing habitable room windows. The proposal would have the greatest impact on the amenities of properties to the south the closest being No's 17 and 19 The Nook. Between the fronts of these properties and the proposal is a distance of 17m over the public highway. The privacy to these properties is compromised by the public highway, and therefore the proposal is not considered to detrimentally affect the privacy of existing properties to warrant a refusal of planning permission.

Objections have been received stating that the proposal is over development and would result in an overbearing building detrimentally affecting the amenities of neighbouring residents. The proposal would be sited to the north west of the nearest properties, No's 17 and 19 The Nook at a distance of 17m and offset from these properties. The section indicates that to the south of the proposed building the land would be excavated reducing the ground level with No's 17 and 19 The Nook. The ridge height of 8.7m is not inappropriate for a two storey dwelling with a steeply pitched roof, similar to many traditional properties within the Conservation area. It is therefore considered that the proposed development would not over dominate surrounding properties.

#### Mass, siting, appearance and impact on the conservation area

The proposed structure has a steeply pitched roof, providing the height required for living accommodation within the roof. Two flat roofed dormer windows are proposed to the north-western elevation with a catslide style roof situated between them. The catslide roof extends over a projecting central element to the building.

Part of the character of Markfield Conservation Area derives from buildings having a direct relationship with the highway. Where gables do face on to the highway they are feature buildings within the area. The proposal does not respect these characteristics. It's siting within the plot with the plain gable facing The Nook, is out of character with the rest of the properties within the lane, which are sited broadside to the Highway. This would be most apparent when travelling down The Nook from the north, at which point the front elevation would be visibly sited at 90 degrees to the highway resulting in an incongruous form of development that significantly harms the character of The Nook and consequentially the designated Conservation Area.

The relationship of the proposed building to the ground is also out of character with traditional buildings in the Conservation Area. Properties throughout the designated area have ground floors close to or at ground level. Steeply falling sites have traditionally been accommodated by stepping blocks. This has produced simple uncomplicated buildings with flat frontages which are an important part of the character of the area and particularly in The Nook. The proposed development ignores all these features. The design has produced an alien form which would have a major detrimental impact on this important street in the Conservation Area.

The Nook is a narrow cul-de-sac within the Conservation Area. A significant part of its character is derived from the narrowness and enclosed nature of the road, created by the siting of properties on the back edge of the highway. The stone wall adds to this narrow enclosed feeling and forms a strong feature within The Nook itself. The relocation of the wall,

and its reduced height as proposed by the application, would severely harm the special character of The Nook by opening up the highway and reducing the dominance of this feature. Policy BE7 of the adopted Local Plan, seeks to preserve the special character of the Conservation Area and the alterations to the wall would be contrary to this objective.

The proposal introduces dormer windows, and a catslide roof that break the roof line and are alien features within the Conservation Area. The raised platform proposed to provide access to the maisonettes adds clutter to what would be a prominent elevation, not in keeping with other developments within the Conservation Area, and contributing to the incongruous nature of the proposal within the area.

#### Highway safety

The Nook narrows significantly from the bell mouth junction with Main Street, constrained by buildings and the stone wall. These reduce the width to approximately 3m at its narrowest point and presently serves 6 properties. In the 1980's and early 90's there were a number of planning applications for one or two dwellings which were refused due to the ability of The Nook to cater for the traffic generated by the development. Several were defended successfully at appeal.

The Director of Highways, Transportation and Waste Management (Highways) have not, at this stage, formally objected to the proposal. However, on the basis of the site history further investigation and a formal response is required which will be reported as a late item.

#### Other considerations

Objections have been raised bringing existing drainage problems in the area to light. However, the proposal cannot be relied on to rectify existing problems. Concerns have been raised that the introduction of flats in the area is not in keeping with the character of the area. There are flats above some of the commercial properties within the area and therefore the type of accommodation is not considered out of character.

#### Conclusion

The proposed development of four flats, including the relocation of the granite boundary wall is considered to significantly harm the character of the Markfield Conservation Area. The orientation and siting of the development would result in a prominent building that has no relationship to the pattern of surrounding development and therefore would look incongruous within its setting. The proposal also proposes design features that further accentuate the inappropriate siting and design of the proposal. The application is therefore considered to be contrary to Policies BE1 and BE7 of the adopted Hinckley and Bosworth Local Plan.

**RECOMMENDATION :- REFUSE, for the following reasons :-**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

**Reasons:-**

- 1 In the opinion of the Local Planning Authority the proposed development due to its siting, orientation and design would introduce an incongruous form of development to the detriment of the character and appearance of the Markfield Conservation Area contrary to Policies 1 and 2 of the East Midlands Regional Plan and Policy BE1 and BE7 of the Hinckley and Bosworth Local Plan.

- 2 In the opinion of the Local Planning Authority, the relocation and remodelling of the high granite stone wall to provide access into the site would remove an important historical boundary feature and widen The Nook to the detriment of the character and appearance of the Conservation Area, contrary to Policies 1 and 2 of the East Midlands Regional Plan and Policy BE7 of the adopted Hinckley and Bosworth Local Plan.

**Contact Officer:-** Sarah Humphries Ext 5680

**Item:** 05  
**Reference:** 09/00596/FUL  
**Applicant:** Mr & Mrs Calcott  
**Location:** Elmsdale 23 Ratcliffe Lane Sheepy Magna Atherstone Leicestershire  
**Proposal:** ERECTION OF AN AGRICULTURAL BUILDING WITH ACCESS AND TURNING SPACE, ALTERATION OF EXISTING ACCESS ERECTION OF GATES AND CREATION OF NEW TRACK, TURNING SPACE AND PARKING.

**Introduction:-**

This is a revised application following the refusal of application 08/01144/FUL by this Committee in March this year. The application is partly retrospective and partly new development and relates to Elmsdale, 23 Ratcliffe Lane, Sheepy Magna. The new access drive with brick pillars and gates, track, parking for the cattery and landscaping are under construction. The application also proposes an agricultural building of 18 metre x 10 metre dimensions and 4 metres maximum height, located beyond the existing cattery building and regularisation of a track and formation of a 7 metre wide turning area to serve this building, which will be accessed by an existing access from Main Road.

Elmsdale is utilised as the farmhouse to Elms Farm following the sale of the original farmhouse and barns. It is located within an area of countryside and is surrounded by fields. The site is screened from the road by a mature hedge. There are residential properties on the opposite side of Ratcliffe Lane.

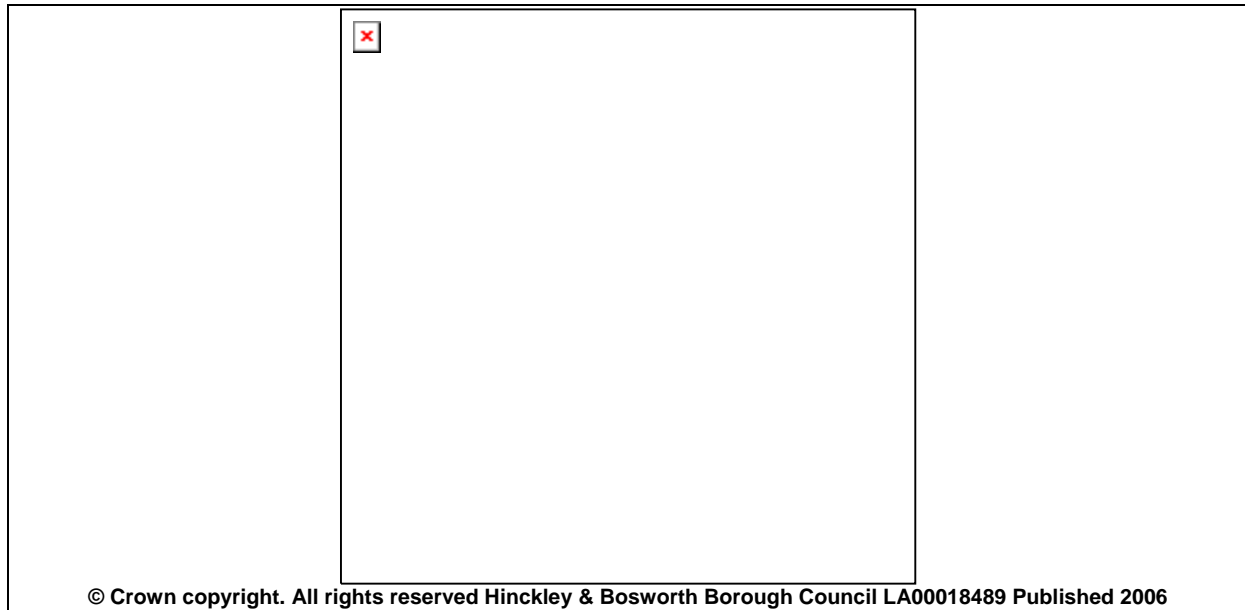
The Design and Access Statement states that the intention is to use the access off Ratcliffe Lane for domestic and light commercial vehicles only. Agricultural vehicles will use the existing access off Main Road and there will be no through access between the agricultural building and the access onto Ratcliffe Lane. The height of the proposed farm building has been reduced by 0.3 metres to 4 metres maximum height and will provide a secure storage area which is visible from the dwelling, it will have a turning area to the front and three bays with roller shutter doors. The development will be delineated from the countryside by post and rail and hedging along the new field boundary which will screen the development.

**History:-**

08/01144/FUL	New vehicle access with track,	Refused	11.03.09
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garage/store building, parking and turning area

08/00579/FUL	Access, track and turning area	Withdrawn	30.07.08
07/01321/FUL	Erection of buildings for boarding cattery	Approved	19.12.07
07/00772/COU	Erection of two buildings for Cattery	Withdrawn	16.08.07



### **Consultations:-**

At the time of writing the report, no response had been received from:-

Director of Highways Transportation and Waste Management  
Head of Community Services (Land Drainage)  
Parish Council  
Neighbours  
Site notice.

### **Policy:-**

#### Government Policy

Planning Policy Statement 7 (Sustainable development in rural areas) evaluates uses in the open countryside, and seeks to ensure that development within the Countryside is sustainable and does not harm the character and appearance of rural landscapes.

#### Regional Spatial Plan

The Regional Spatial Strategy (RSS8) seeks to protect the open countryside and ensure that the development is sustainable.

#### Local Plan

The site is located within the countryside as identified in the adopted Hinckley & Bosworth Local Plan.

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 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 of the Local Plan states that planning permission for development proposals will be granted where they complement or enhance the character of the surrounding area; where they comply with appropriate design, layout, highways and parking standards to ensure that it does not detract from the general character of the area or the amenities of adjoining residents; and incorporate landscaping to a high standard.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified.

Leicestershire County Council's 'Highways, Transportation and Development' document provides highway design guidance and parking standards.

#### **Appraisal:-**

The main issues to consider are the principle of such development, the impact on neighbours, effect on the character and setting of the countryside and traffic movements to and from the site.

#### Principle

Consideration needs to be given to whether the development is acceptable in planning terms and does not have an unduly adverse effect on the character of the rural location. In principle a building and track required for agricultural purposes may be acceptable. The cattery building was approved in 2007 on agricultural land, with the customer parking approved within the residential curtilage for Elmsdale. This proposal involves a track, a small parking area and landscaping beyond the residential curtilage and within the countryside, however the proposal could be acceptable in terms of policy subject to scale and its effect on the countryside being mitigated.

#### Main changes to the previously refused application

The access track in connection with the cattery business does encroach onto land which is/was an agricultural field. The previously proposed track was 8 metres wide. In the current proposal, the access track has been reduced in width to 3.5 metres and is for domestic/cattery vehicle use. The new field boundary is proposed to be delineated by post and rail fencing.

With regard to the agricultural building, the previous proposal was for a building which incorporated domestic garaging as well as agricultural storage. The building is now proposed for agricultural purposes only and is only accessible from Main Road. During consideration of the previous application, officers felt that any new agricultural building should be located within the existing farm buildings complex. The agent has justified its location in terms of the need to provide a secure storage area in view of the dwelling. The other farm buildings are some considerable distance away from the dwelling and are less

secure due to a public footpath which runs across the site between the application site and the farm complex.

#### Impact on neighbours

The mature hedging to the road frontage assists in screening the development from the residential properties which exist on the opposite side of Ratcliffe Lane. Whilst the proposed building will be screened from Ratcliffe Lane to some extent by the adjacent existing cattery building, it is 2 metres higher than the cattery pens. The building is proposed to be located 73 metres from Ratcliffe Lane and is to be timber clad with roller shutter doors. The agent has been requested to submit amended drawings showing more traditional timber doors. Any further information will be submitted to the Committee as a late item.

#### Impact on the Countryside

The site is situated in an area of countryside which is protected for its own sake as designated within the adopted Hinckley & Bosworth Local Plan. The proposed development will encroach and have some impact on the surrounding countryside. However, this application contains amendments to the previous scheme which considerably help to reduce this impact. The position of the landscaping proposed helps to overcome the impact the development will have in this countryside location, (although further detailed information is required) and a hedge of native species planted along the line of the post and rail fencing would significantly help to assimilate the development within the countryside location.

The access track has been reduced in width from the previous scheme, which when considered with the proposed landscaping in this position, reduces the impact on the countryside of this part of the scheme.

#### Highways

The Director of Highways, Transportation and Waste Management (Highways) had no objections to the previous application subject to the conditions imposed on the planning permission for the cattery being complied with.

#### Conclusion

In conclusion it is considered that the proposal, whilst having some impact and encroachment on this part of the countryside, is a significant improvement on the previous scheme. The proposal is now considered to be acceptable subject to conditions regarding landscaping and materials.

**RECOMMENDATION:- That subject to no further significant additional objections being raised by the end of the consultation period, the Director of Community and Planning Services be granted powers to issue Planning Permission subject to the conditions below.**

#### **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 it would be for agricultural and farm diversification use and as a result of the design, layout and additional landscaping would not have an unduly detrimental effect on the character or appearance of the surrounding landscape, the amenities of the occupiers of neighbouring properties or

highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5 and T5

- 1 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.
- 2 Notwithstanding the submitted landscaping scheme, within six weeks of the date of this planning permission, full details of the soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the current planting season. These details shall include:
  - (i) existing planting
  - (ii) replacement trees and hedging
  - (iii) planting plans
  - (vi) written specifications
  - (v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- 3 The approved 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.

**Reasons:-**

- 1 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 2 To enhance the appearance of the development to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.
- 3 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.

**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](http://www.planningportal.gov.uk).

4. 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 (0116 3052202).
5. List of plans used in the determination of this application:-  
Site location plan, Drawing 11167.1 A, 11167.2A, 11167.3A

**Contact Officer:-** Louise Forman Ext 5682

**Item:** 06

**Reference:** 09/00597/FUL

**Applicant:** Mr M Hillard

**Location:** 131 Station Road Ratby Leicester Leicestershire LE6 0JR

**Proposal:** ERECTION OF TWO DWELLINGS WITH ASSOCIATED PARKING.

**Introduction:-**

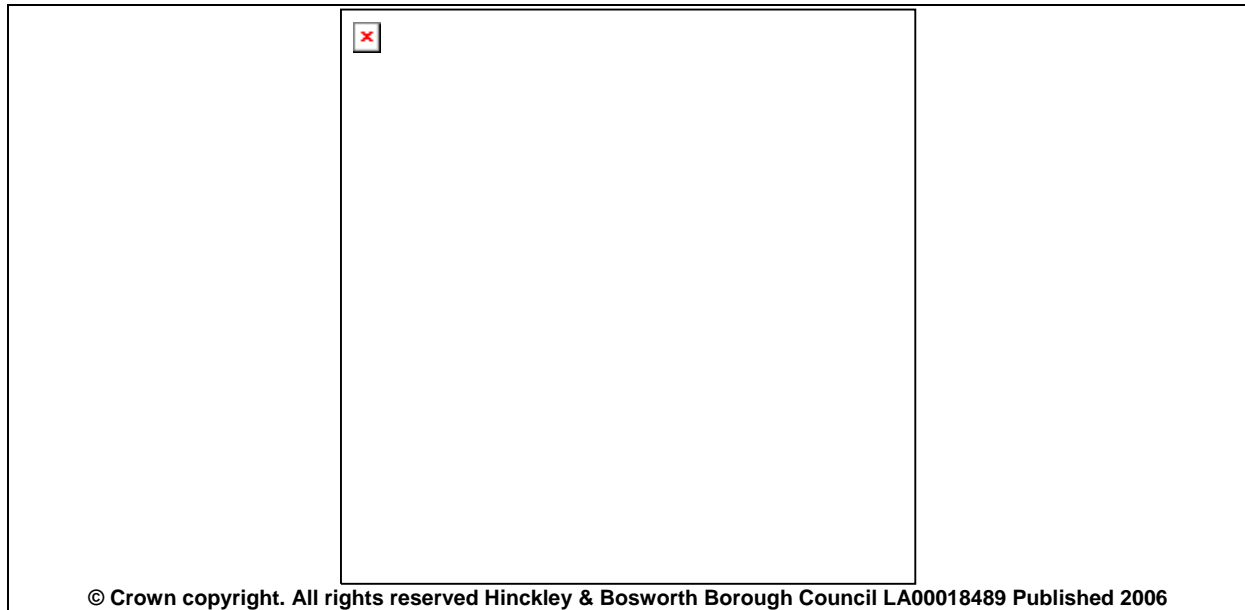
This application seeks full planning permission for two semi-detached bungalows on land to the rear of 131 Station Road, Ratby. The site lies to the north west of the access road into Centurion Court (a Council-owned sheltered housing complex), to the south of Cufflin Close, and to the north east of 131 Station Road. The site originally formed the rear garden to 131 Station Road, which has now been converted into flats.

It is proposed to erect a single storey building measuring 10.5m by 13m, with a height of 2.4 metres to the eaves and 5 metres to the ridge containing 2 two-bedroom bungalows. The development comprises a single rectangular building with a pitched roof running south-west to north-east. Each unit would have a small private garden with two parking spaces per dwelling to the south west of the building.

A design and access statement has been submitted in support of the application which sets the site within the context of the area, its planning history and discusses the merits of the scheme in terms of layout, scale, use, landscape and appearance.

**History:-**

01/01221/FUL	Erection of 2 semi-detached houses	Refused	04.02.02
02/00516/FUL	Erection of one pair of semi-detached dwellings	Refused	19.08.02
03/00596/FUL	Erection of one pair of semi-detached dwellings (re-submitted scheme)	Refused	16.07.03
04/00553/FUL	Erection of detached dwelling	Withdrawn	04.10.04

**Consultations:-**

No objection has been received from Head of Community Services (Pollution).

No objection subject to conditions has been received from the Director of Highways, Transportation and Waste Management (Highways).

Ratby Parish Council have raised concern about the conflict between the extra traffic created by the development and the elderly residents of Centurion Court.

Site notice and Press notice were displayed and neighbours notified.

1 letter of objection and one letter containing 6 signatures from the residents of Centurion Court have been received raising the following concerns:-

- a) the scheme results in over development of a small site
- b) the submitted drawings do not show sufficient information
- c) development will overlook properties on Cufflin Close
- d) there is an existing drainage problem in the areas which the development will exacerbate
- e) that the access to Centurion Court including the footpath be kept clear and open at all times.

**Policy:-**Central Government Guidance

Planning Policy Statement 1 Delivering Sustainable Development (PPS1) sets out the Government's general objectives for the planning system and how it can contribute to the

overall sustainable agenda. The statement discusses design and the role it can play in delivering other Government objectives, including good design and safe homes for everybody.

Planning Policy Statement 3 Housing (PPS3) sets out the Government's national planning framework to deliver its housing objectives. This discusses how and why there should be a supply of housing, where the Government wishes to see new residential developments and how housing can contribute to the sustainable agenda.

### Local Plan Policy

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

Policy RES5 allows residential developments on unallocated land, providing it is within the settlement boundary and complies with other policies within the Local Plan, especially with regard to the design, siting and appearance.

Policy BE1 considers the design and siting of development to ensure that the proposed development safeguards or enhances the existing environment and complements the existing character, avoids the loss of open spaces and would not adversely affect the occupiers of neighbouring properties.

Policy T5 requires that new development shall be designed in accordance with the current edition of the Leicestershire County Highways 'Highways, Transportation and Development' Document to ensure developments would not compromise highway safety.

Policy IMP1 requires the appropriate financial contributions towards the provision of infrastructure and facilities.

Policy REC3 requires provision of play and open space to be provided in all residential developments either through the provision of on site facilities or an appropriate alternative.

### Supplementary Planning Guidance / Documents

The New Residential Development SPG gives further advice and guidance for new residential developments in terms of the siting and design of proposals.

The Play and Open Space Guide SPD demonstrates how relevant policies and standards will be applied to the provision of new and improved play and open space opportunities.

### **Appraisal:-**

The main considerations with regards to this application are the principle of development, appearance of the property within the streetscene, highway safety and the amenities of neighbouring properties.

### Principle of Development

The site is located within the Ratby settlement boundary, the principle of residential development is therefore considered acceptable.

Schemes for the erection of 2 semi-detached houses have previously been refused on the grounds of overdevelopment, in that there was insufficient amenity space remaining for 131 Station Road, adverse impact on residential amenity, in terms of privacy on surrounding properties, and on highways grounds. All reasons for refusal were addressed in the submission of the scheme for the erection of a detached two storey dwelling granted planning permission in 2007 and the principles of the approved scheme used in the submission of this application.

### Layout, Design and Appearance

The Council's Supplementary Guidance for New Residential Development seeks to achieve rear gardens of 12.5 metres in depth unless material considerations indicate otherwise. The rear garden area to the proposed development is splayed which results in a minimum depth of 6 metres to a maximum depth of 10 metres. Given the type of accommodation being provided and the number of bedrooms within each unit which consists a one bedroom unit and a two bedroom unit, together with the orientation of the properties it is considered that the garden areas proposed are considered acceptable in this instance.

The application proposes a simple rectangular form of building with brickwork detail to the eaves line and window surrounds. The footprint sits well within the site and being single storey reduces the mass of the building.

Whilst the application would be visible from Station Road, being single storey would result in the structure not being dominant within the streetscene.

### Residential amenities

Concerns have been raised regarding the distance of the proposed dwellings from the existing properties on Cufflin Close. The shortest distance between the properties on Cufflin Close and the proposed bungalow is 14m, increasing to approximately 24m with the dwellings not being sited parallel to each other. With the tops of the windows located 2m above the ground level the fence would prevent all but the very tops of the windows being visible from properties on Cufflin Close. Whilst a 1.8m high boundary fence is proposed the applicant has stated that he is happy to erect a 2m high fence which will mitigate any further overlooking issues. It is therefore considered that the proposal would not detrimentally affect the amenities of neighbouring residents.

There is an existing permission for a two storey dwelling on the site. Whilst the current proposal is for an additional unit and has a larger footprint, it is considered that the single storey nature of the proposed development, and the reduced impact that this has, offsets the impact that the increased footprint and the impact two units would have.

### Highway Safety

Concerns have been raised regarding the possible conflict between the pedestrians using the footpath to the south east boundary of the site with the vehicular traffic accessing the new development. The proposal would utilise an existing access. The existing permission was for a three bedroom house also utilising this access. It is considered that the additional dwelling would not significantly increase traffic movements to detrimentally affect pedestrian safety. This is supported by County Highways who have not objected to the scheme. It is considered that there is enough off street parking provided for the development, relevant visibility splays can be provided and there is not a significant slope that would render the access unsafe. Accordingly the application is considered acceptable on highway grounds.

### Play and Open Space

The site is located within 400m of Ferndale Park, Ratby and therefore a contribution toward the maintenance of this area of play and open space is required in accordance with Policy IMP1, REC3 and supplementary planning document 'Play and Open Space Guide'.

#### Other Issues

Areas for storage of refuse containers are labelled on the plans. Comments from the Head of Business Development and Street Scene Services indicated that residents will be expected to present their bins for collection on Station Road. Station Road is located 30m away from the furthest gate and not a significant distance to transport refuse containers for collection. Areas for bin storage are proposed on the drawings.

Objections have been received raising concerns about the development exacerbating existing drainage problems in the area. No objections have been raised by Severn Trent Water and the drainage of the site will be controlled under the Building Regulations.

#### Conclusion

Given the existing planning permission on this site, the single storey nature of the proposed development, distances between windows and the proposed boundary treatments it is considered that the development of two bungalows is acceptable and in accordance with Policy BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan.

#### **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 the massing, height and relationship with surrounding developments would not detrimentally affect the streetscene nor the amenities of neighbouring properties, and therefore would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- IMP1, BE1, RES5, REC3, and T5.

- 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 dwellings 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.
- 3 Notwithstanding the submitted drawings the boundary fencing to the northeast and northwest boundaries as shown on plan number 29027-PL01 shall be 2 metres in height.
- 4 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.

- 5 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.
- 6 Prior to the first occupation of the dwellings hereby permitted the parking and turning areas shall be laid out in accordance with the plan number 29027-PL01 and made available for the occupiers of the dwellings and maintained as such.

**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 of the adopted Hinckley & Bosworth Local Plan.
- 3 To protect the amenities of neighbouring residents in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure the provision of adequate play and open space within the vicinity of the site in accordance with Policy REC3 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained, in the interests of visual amenity of the site in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that there is adequate off street parking in accordance with Policy T5 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 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](http://www.planningportal.gov.uk).
4. 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 (0116 3052202).
- 5 Condition 4 of the application refers to play and open space contribution. In this instance a contribution of £1250.80 per dwelling, £2501.60 in total, is required towards the provision and maintenance of off-site play and open space.

- 6 List of plans used in the determination of this application:-  
Location plan, 29027-PL01.

**Contact Officer:-** Sarah Humphries Ext 5680

**Item:** 07

**Reference:** 09/00599/FUL

**Applicant:** Mr William Upton

**Location:** Oak Farm Garland Lane Barlestone Coalville Leicestershire

**Proposal:** ERECTION OF BARN, FORMATION OF NEW VEHICULAR ACCESS AND VISITOR PARKING AREA. RE-USE OF EXISTING BUILDINGS AND LAND IN CONNECTION WITH THE USE OF OAK FARM AS A FAMILY FARM PARK.

#### **Introduction:-**

This application proposes the creation of a family farm park and includes the erection a portal frame building, payment hut, car park and new access to Heath Road. The portal frame building is to be used for an indoor play and shelter area with canteen facilities.

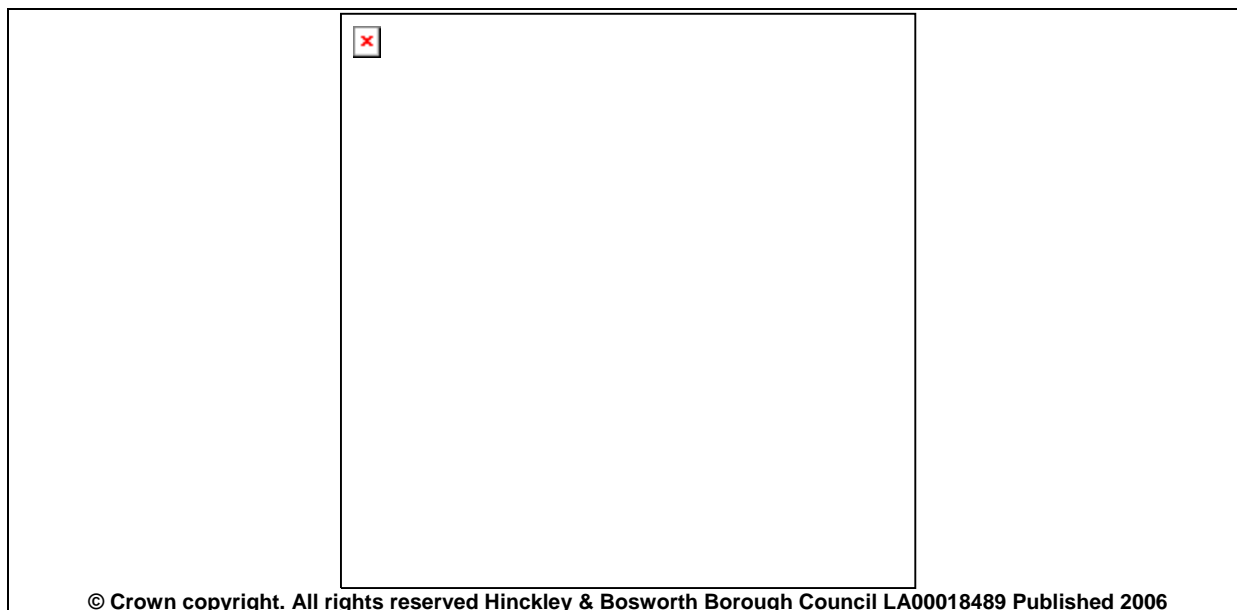
The proposal intends to create a farm park for members of the public to visit to allow them to experience and learn about farming methods and animal husbandry. The use is primarily aimed at schools, playgroups and organisations for educational purposes; however the facility will be open to families on weekends and during holiday periods to encourage interaction with nature and farming practices. The use will provide both internal (within existing agricultural buildings) and external viewing and interaction areas whereby animals and activities will be displayed. The proposed access will create an arrangement with improved highway visibility and the car park will provide the necessary car parking provision commensurate with the proposed use. Several existing buildings will be used as part of the scheme.

Oak Farm is an agricultural holding of approximately 11.5 hectares extending to the north and east from the farmhouse at the junction of Heath Road and Garlands Lane. Vehicular and pedestrian access is currently from an existing access to Heath Road close to its junction with Garlands Lane.

The application is accompanied by a design and access statement and transport assessment. Material samples for the proposed portal frame building also accompany the application. Extensive pre-application discussion has taken place on this proposal.

#### **History:-**

09/00273/COU	Erection of barn, formation of new Vehicular access and visitor parking area . Re use of existing building and land in connection with the use of Oak Farm as a family farm park	Withdrawn	14.05.09
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### **Consultations:-**

Director of Community Services (Ecology) raises no objection subject to a watching brief for protected species. Some minor alterations to the management of the land adjoining the woodland are also suggested.

Head of Community Services (Land Drainage) raise no objection subject to appropriate consideration of drainage matters and driveway/parking area surfacing.

Site notice displayed and neighbours notified.

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

Director of Highways, Transportation and Waste Management (Highways)  
Director of Community Services (Rights of Way)  
Barlestone Parish Council  
Thornton Parish Council  
National Forest Company  
Head of Community Services (Pollution).

### **Policy:-**

#### Government Guidance

PPS7 sets out the Government's position on development in rural areas. This guidance recognises the pressures facing the rural economy and seeks to encourage sustainable rural diversification without harming the character of the countryside and is generally supportive of leisure and recreational uses within the Countryside.

PPS9 sets out the Government's position on developments that may affect sites of ecological and geological interest. The PPS seeks to ensure that ecological and geological interest are protected.



PPG17 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 promoting sustainable development.

### Development Plan Policy

Policy NE5 seeks to protect the countryside for its own sake and provides. The policy confirms that sport and recreation uses are acceptable in the countryside where the policies' criteria, in terms of appearance, scale, character and highway capacity and safety, are satisfied.

Policy BE1 considers the design and siting of the development, in terms of the effect on the character of the area, amenities of neighbours and highway safety.

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

Policy REC26 encourages new visitor attractions where they have an affinity with the physical and historical character of the area and where regard is given to environmental and highways considerations.

Policy T5 requires all new development to achieve the relevant highway standards and vehicle requirements contained within the County Council's design guidance 'Highways, Transport and Development'.

### **Appraisal:-**

The main considerations with regards to this application are the principle of development, siting and design, access and parking, pollution and ecology.

### Principle of Development

The site is located within the countryside where development is strictly controlled to ensure the character and appearance of the countryside is maintained. The proposed use will allow for the continued use of the site for agricultural purposes alongside the proposed recreational use. In support of this, local plan policy does allow for development for recreational purposes where it can be demonstrated that the proposal has an affinity with the physical and historical character of the area. In this case, by way of the proposal being for a recreational use that is based upon agricultural practices, livestock and the countryside, the use is considered to satisfy the requirements of Policy REC 26 of the adopted Local Plan. Such a use would only be possible in rural locations and at existing agricultural enterprises.

The portal frame building proposed will be used to provide the ancillary accommodation that is needed to accompany the wider use of the site. The building will provide a covered area where visitors can shelter from inclement weather and where they can eat lunch. A play area within this building is also included to provide a complementary attraction to the wildlife and livestock attractions at the site. The ancillary nature of the use of this building is generally complimentary to the existing use and without it the recreational use would be unlikely to be successful.

As part of the pre-application discussions, the reuse of the existing agricultural buildings was discussed with a view to utilising an existing building rather than constructing a new building. Owing to the simple nature of the construction of the existing agricultural buildings, they would not lend themselves to conversion due to being constructed on heavy concrete bases with no services (water or electricity) installed and being of more traditional open sided

design where conversion would mean significant incongruous alterations. In considering the nature of the use and the need for additional accommodation it was apparent that a new building would be the most appropriate option.

The proposed portal frame building, whilst being a significant new build element within the countryside, will provide the necessary ancillary accommodation to complement the use and is therefore considered acceptable in principle.

### Siting and Design

The site is very well screened and cannot be easily seen from any public viewpoint. Mature roadside hedgerows and dense woodland areas surround the site. There is a public footpath adjacent to the sites northeast boundary, however due to its position to the far side of the hedgerow limited views into the site area are available. All of the existing buildings are sited within close proximity of each other to the northwest of the farmhouse forming a tight cluster of development close to Garlands Lane.

The proposed portal frame building is to be sited adjacent to the site's western boundary and adjacent to an existing agricultural building. The western boundary is denoted by a mature native hedgerow of approximately 3 metres in height.

Whilst being proposed for non-agricultural uses, the building's design reflects the simplistic appearance of the existing buildings at the site and by way of its enclosed sides, is very similar to the adjacent building abutting the boundary. The building is, by way of its design and construction, an agricultural building and in the future its use could easily be modified to house livestock or other agricultural practices. The application is accompanied by material samples of juniper green coloured steel profile sheeting for the roofing and high level elevations and timber cladding to the lower elevations of the building. Accordingly, the building's design and materials of construction are considered appropriate and compatible with the character of the existing site.

The proposed payment hut is of a simplistic timber shed type construction and by way of its position is sited in a well screened area of the site behind the existing coppice. Whilst the siting of this building is somewhat remote from the existing cluster of building, its siting is dictated by its function and need at the entrance to the site and adjacent to the car park and is therefore considered acceptable.

### Access and Parking

The proposed access to the site is from Heath Road and will allow for the closure of the existing access to the Heath Road Garland Road junction. Garland Lane and Heath Road are well used sections of road and form the HGV access route to the nearby brickworks, therefore carrying a large amount of HGV traffic. The existing access arrangement lacks any highway visibility of traffic turning into Heath Road from Garland Lane. The proposed replacement access allows for adequate visibility and will result in a benefit to all highway users, particularly existing highway users but also, the proposed users of the site and also the existing agricultural traffic associated with the holding and the agricultural enterprise.

The proposed car park will allow for an appropriate degree of off street car parking commensurate with the nature and scale of the use to be provided. The car park has been sited adjacent to the field boundary with the roadside woodland to allow for limited incursion in to the agricultural land and to benefit from screening from the adjacent woodland. As a result the car park will not have any visual impact on the character and appearance of the countryside.

The surfacing of the car park and access drive is specified to be in loose aggregate to allow for a suitable surface for both visiting cars and heavy agricultural vehicles. Such surfacing is permeable and will not result in excessive standing water; furthermore the surfacing is typical of that seen at farms and other countryside enterprises. A section of hardbound surfacing will be required adjacent to the new junction with Heath Road however.

### Pollution

At the time of writing the report no formal observations have been received.

### Ecology

The area of woodland between Heath Road and the application site is a Site of Nature Conservation (SINC) and because of possible ecological interest in the locality the Director of Community Services (Ecology) requests that the applicant carryout a watching brief for protected species and prepare a management plan for the woodland to ensure its long term development and to prevent unnecessary damage to any existing habitat.

### Conclusion

The proposal represents an appropriate use of land in this countryside location. The operational development proposed will assimilate well within the rural landscape and will compliment the existing cluster of agricultural buildings. The use will strengthen the viability of the agricultural holding and will therefore bolster the rural economy. The proposal is compliant with planning policy at both national and local levels.

**Recommendation:- Subject to no adverse comments being received from the Director of Highways, Transportation and Waste Management (Highways), permit subject to the following conditions.**

### **Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Hinckley & Bosworth Borough Council Local Plan (2001) :- NE5, BE1, REC4, REC26 and T5.

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 be to the detriment of the character and appearance of the countryside, residential amenity, highway safety or any ecological interest.

- 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 amended plan BRUN001\_02 Rev B received by the Local Planning Authority on 3 September 2009.
- 3 A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for the site and in particular the woodland area and areas abutting the woodland shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the farm park. The landscape management plan shall be carried out as approved.

### **Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To define the permission.
- 3 To ensure the site as a whole and the woodland is protected as an ecological interest, in accordance with the requirements of PPS9: 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](http://www.planningportal.gov.uk).
4. 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 (0116 3052202).
- 5 List of plans used in the determination of this application:- 50600/100 Rev B, BRUN001\_02 Rev A, BRUN001\_03 Rev A and BRUN001\_02 Rev B.
- 6 Bats, nesting birds, great crested newts and certain other species are protected by law. A watching brief (maintained by the applicant and all workers on site) for all protected species should be maintained throughout the development. 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.

**Contact Officer:-** James Hicks Ext 5762

**Item:** 08

**Reference:** 09/00613/C

**Applicant:** Children & Young Peoples Service

**Location:** Richmond County Primary School Stoke Road Hinckley  
Leicestershire LE10 3EA

**Proposal:** PROPOSED DEMOLITION OF THE MIDDLEFIELD BUILDING AT RICHMOND PRIMARY SCHOOL AND REPLACEMENT WITH A NEW PURPOSE DESIGNED SINGLE STOREY BUILDING, INCLUDING ACCOMODATION FOR A SATELLITE FACILITY FOR THE DOROTHY GOODMAN SPECIAL SCHOOL, NEW CAR PARKING AND HARD AND

## SOFT PLAY AREAS.

### Introduction:-

This application is a County Matter whereby Leicestershire County Council is the determining planning authority. The Borough Council is a consultee and the County Council requests the observations of the Borough Council on the application.

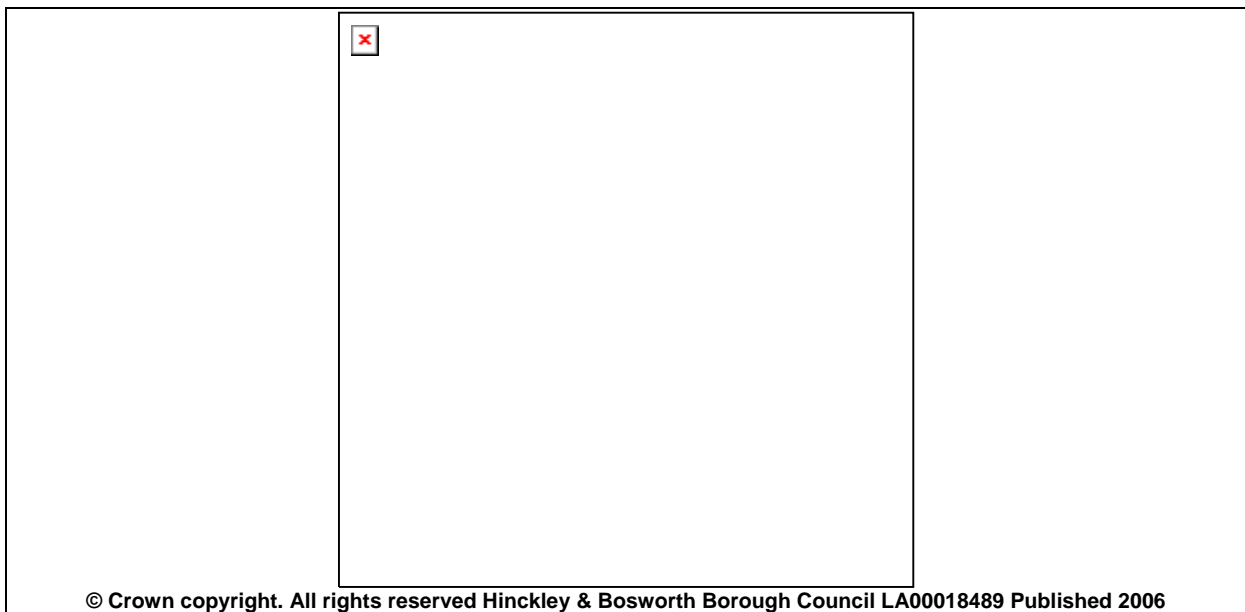
The application proposes the demolition of the existing Middlefield building at Richmond Primary School in Hinckley to provide replacement classrooms and ancillary accommodation. A series of new playgrounds and outdoor play areas are also proposed together with a new 49 space car park. The proposed building is of contemporary, single storey, predominately rectangular design with a combination of mono pitched and flat roofs.

The application is accompanied by a Tree survey, Ecological survey, Flood Risk assessment, Archaeology study and Travel plan. A detailed landscaping scheme is also proposed.

The school is situated in spacious grounds (approximately 3.3 hectares), with extensive mature landscaping providing an attractive and established setting. The mature belt of trees to the site perimeter means that the site is secluded and well screened from neighbouring properties. The southern boundary of the site is shared with the gardens of houses along Tudor Road. To the east lies Richmond Park and the site of the proposed new Hinckley Club for Young People. To the north and north-west lie the Clover Trading Estate and the Morrison's superstore. Beyond the western boundary and either side of the entrance drive, are former allotment gardens and the existing Boys Club site, which will soon be vacant with the completion of the new facility on Richmond Park.

### History:-

None.



### Consultations:-

All consultations on this application are carried out by the County Council.

## **Policy:-**

### Central Government Guidance

PPS1 Delivering Sustainable Development sets the Government's target for sustainable development and sees the planning system being at the forefront in terms of its position to guide and deliver the right development in the right location in a sustainable manner. The reuse of previously developed (brownfield) land for new development is seen as a priority over the unnecessary use of undeveloped greenfield land.

### Development Plan Policy

The site is located within the settlement boundary defined for Hinckley.

Policy BE1 considers the design and siting of the development, in terms of the effect on the character of the area, amenities of neighbours and highway safety.

Policy T5 requires all new development to achieve the relevant highway standards and vehicle requirements contained with the County Council's design guidance 'Highways, Transport and Development.'

## **Appraisal:-**

The main considerations with regard to this application are the principle of the development, the acceptability of the siting and design, the impact on neighbours and the impact on highway safety.

### The Principle

The site is an existing school facility located within the settlement boundary and therefore there is a presumption in favour of development providing all other planning matters and plan policies are adequately addressed.

As the site is a school and the proposal seeks to replace existing buildings used for educational purposes, there is no policy objection to the principle of the proposal.

### Siting and Design

The proposed replacement building is sited northwest of the existing Middlefield building, in order for the existing building to be used whilst construction takes place. A new playground and outdoor play court is proposed in place of the existing building.

The proposal seeks to create a building that is of a scale and form appropriate to its context and that can be related to by its users (children). It will be single storey with a simple, easily legible layout. The teaching accommodation is arranged in two matching wings, at right angles to allow all of the classrooms to face onto the play areas, providing ease of access and views over the grounds.

The appearance of the building will allow it to sit comfortably within its surroundings, relating well to the landscape and the retained Richmond building, as well as the wider context. External materials have been selected for their durability and appearance, and form a

restrained palette of materials that are attractive and work well together. Timber cladding, masonry and white render finish are proposed.

#### Impact on Neighbours

The nearest residential dwellings are located to the south on Tudor Road, approximately 100 metres from the replacement building. This distance is greater than the distance to the existing building which is to be replaced. The new outdoor play areas and car park will be located on the site of the existing building, where there is ample distance from the dwellings on Tudor Road not to result in any detriment to residential amenity. The site's dense and mature landscaping further helps to mitigate any perceived impact, which will be strengthened by the proposed landscaping scheme.

#### Impact on Highway Safety

Access to the site will be via the existing vehicular access from Stoke Road and the pedestrian access from Tudor Road. The site already benefits from some off street parking provision; however a new car parking area is now proposed which will provide a total of 49 car parking spaces.

Whilst the County Council will consult with Highway Officers on the highway implications associated with this development, it is apparent that as the proposal is for a replacement building which does not significantly alter the functional capacity of the school, and also proposes a new 49 space car park, the proposal results in gain in highway terms, in so far as the site will be better equipped to deal with access by private cars. It is therefore likely to gain highway support.

#### Conclusion

The proposal represents an appropriately sited and designed replacement building at this existing school facility. The building will be sited further away from the nearest residential properties, reducing any perceived amenity impact and the proposed car park will provide much need parking and vehicle provision at busy times of the school day. The proposal meets the requirements of Policy BE1 of the Adopted Local Plan.

**RECOMMENDATION :- That the Leicestershire County Council be advised that Hinckley & Bosworth Borough Council has no objection to the proposal.**

**Contact Officer:-** James Hicks Ext 5762

**Item:** 09

**Reference:** 09/00642/COU

**Applicant:** Mr Stephen Havers

**Location:** Jubilee Playing Fields Altar Stones Lane Markfield Leicestershire LE67 9PX

**Proposal:** CHANGE OF USE OF PLAYING FIELD FROM RECREATIONAL TO MIXED USE TO INCLUDE DOG TRAINING CLASSES AND SITING OF METAL STORAGE CONTAINER

## Introduction:-

This application seeks planning permission for the change of use of an existing recreation ground to a mixed use to include privately operated dog training classes together with the siting of a metal storage container in association with the dog training classes. The location of these classes within the overall site would differ depending upon other usage and involve the erection of temporary training/agility equipment in the form of jumps etc. that would be removed and placed in the storage container after each session. The existing vehicular access and two car parking areas would be used by those who travel by car to attend the classes.

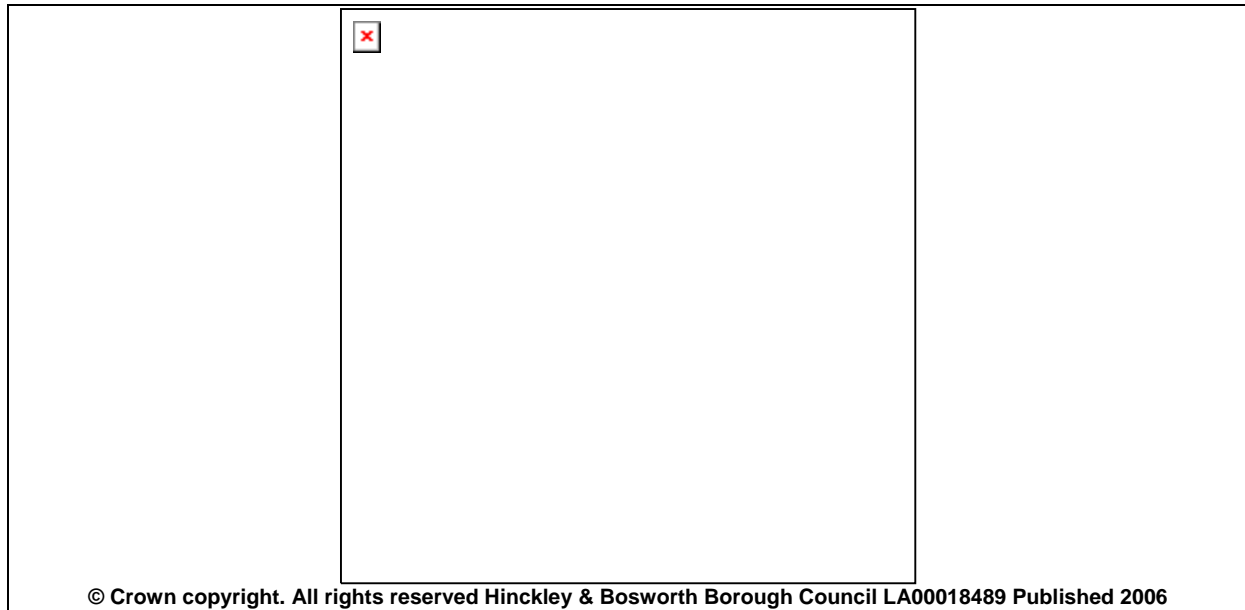
The 4.04 hectare site is owned by Markfield Parish Council and located in the countryside at the north west corner of Markfield with vehicular access off Altar Stones Lane which runs along the north boundary. There is an existing pavilion/changing room facility of brick and tile construction together with two informal car parking areas, an athletics area, a football pitch and a cricket field that are cut into the site to provide relatively flat playing surfaces. There are mature trees and hedge boundaries around the site providing screening. There are open fields to the south, west and north and an established industrial estate to the east. The nearest residential properties are located on the corner of Altar Stones Lane and Ashby Road approximately 80 metres to the east of the site access. The ground level rises to the north beyond Altar Stones Lane and falls to the west and south. The southern part of the site has previously been evaluated as being of parish-level ecological importance.

A Design and Access Statement has been submitted in support of the application and states that the proposed hours of use will not conflict with the peak times of the existing recreational uses, there is ample car parking provision within the site to serve the existing and proposed uses and no changes are proposed to the existing access. It is proposed that numbers would be limited to 12 dogs at any one time and that the sessions would be limited to specific hours that vary from day to day. This reflects the intention that the classes would operate around rather than interfere with the existing recreational uses of the overall site. Whilst the proposed use has the potential to generate noise from barking dogs during the course of the training classes, any nuisance that this may cause would be negligible as class sizes would be limited, the location of the site is adjacent to an industrial estate, the area to be used for dog training purposes is in excess of 150 metres from the nearest dwellings and the site is separated from its surroundings by a barrier of mature trees and hedges.

## History:-

00/00004/FUL	Erection of Sports Pavilion (Amended Scheme)	Approved	09.02.00
99/00011/COU	Part Change of Use of Playing Field for Storage of Agricultural and Contractors Equipment	Refused	31.03.99
95/00650/FUL	Erection of Sports Pavilion	Approved	18.10.95
83/00720/4	Erection of Two Storage Container Units for Storage Purposes	Approved	27.09.83





### **Consultations:-**

No objection has been received from Head of Community Services (Land Drainage).

Director of Highways, Transportation and Waste Management (Highways) does not object but refers to standing advice and comments that class sizes should be no greater than 12 dogs at any one time and that the existing car parking areas should remain permanently available for car parking.

Director of Community Services (Ecology) does not object subject to there being no impact upon the management/mowing routine of the southern most part of the site as this has previously been evaluated as being of parish-level ecological importance.

Jubilee Playing Fields Management Company support the application as the proposed use would generate a small income from which much needed repairs, general maintenance and improvements to the existing recreational facility could be funded.

Head of Community Services (Pollution) does not object given the location of the site but recommends that consideration be given to limiting the hours of use to those specified and to limiting the size of the classes to no more than 12 dogs at any one time and no larger scale dog shows.

Site notice posted and neighbours notified, five letters of objection have been received raising the following issues:-

- a) concern in respect of the safety of other users of the site, including children and other dogs
- b) a public recreation area does not provide a controlled environment with which to carry out the proposed activity, dogs should be able to focus on the training rather than being distracted by other users or uses
- c) the proposed activity will conflict with other uses and users of the site and other activities may cause a dog to chase, either ball or player
- d) Markfield already has a purpose built dog training facility

- e) the proposed activity will prevent public use of the site and the hours proposed are at peak times
- f) no risk assessment has been carried out for zoonosis leaving children at risk from health problems
- g) no noise assessment has been carried out in respect of barking dogs
- h) a private business should not be carried out on a public recreation area
- i) concern in relation to additional dog waste being left on the site.

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

National Forest Company  
 Markfield Parish Council  
 Head of Corporate and Scrutiny Services (Green Spaces).

**Policy:-**

Central Government Guidance

Planning Policy Statement 7 (PPS7) 'Sustainable Development in Rural Areas' states in paragraph 6 that local planning authorities should support mixed and multi-purpose uses that maintain community vitality and support the provision of small-scale local facilities to meet community needs. The facilities should be located within or adjacent to existing settlements where access can be gained by walking, cycling and public transport. Paragraph 34 advises that in areas designated for their landscape or nature conservation qualities there will be scope for leisure related developments subject to appropriate control over their number, form and location.

Local Plan Policy

The site is located outside of the settlement boundary of Markfield as defined in the adopted Hinckley and Bosworth Local Plan.

Policy REC1 states that planning permission for alternative uses will not be granted on recreation sites unless the development is of a small part of the larger site in recreational use and would result in the enhancement of facilities on the remainder of the site.

Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development: complements the character of the surrounding area; avoids the loss of open spaces which contribute to the quality of the local environment; has regard to the safety and security of individuals and property; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; does not adversely affect the occupiers of neighbouring properties.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for change of use or recreation purposes where the development does not have an adverse effect on the appearance or character of the landscape, is in keeping with the character of the general surroundings, will not generate traffic likely to impair road safety and is effectively screened by landscaping.

Policy NE19 states that planning permission will not be granted for proposals that would diminish the unique character and amenity of the Charnwood Forest.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified.

Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance.

### **Appraisal:-**

The main considerations with regards to this application are the principle of development, the impact of the development on the character and appearance of the landscape, neighbouring residential properties, highway safety and ecology.

#### Principle of Development

The site is designated as a recreation site in the adopted Hinckley and Bosworth Local Plan. The dog training classes would operate on a small part of the overall site at any one time, dependant upon the authorised recreational uses. At the present time the impact that these classes would have on the wider recreational uses of the site is unclear and therefore it is recommended that if planning permission is granted, a temporary condition should be attached in order to allow assessment to take place. In addition, the construction of the proposed metal storage container would not make it suitable for permanent planning permission. The additional use would generate a small income that would be used to fund repairs, general maintenance and improvements to enhance the existing recreational facility. The proposal therefore meets the criteria of policy REC1 of the adopted Local Plan in this respect and as a small scale service to the community would accord with government advice in PPS7.

#### Impact upon the Character and Appearance of the Landscape

The dog training classes would complement the existing recreational uses of the site and involve the use of temporary small scale equipment (e.g. jumps etc) that would be set up before the sessions and removed afterwards. There would be a need for a metal container to be placed within the site to store this equipment. An additional plan has been received to provide details of its size, appearance and siting. The container would measure 6 metres x 3 metres, be painted green and be sited on a grassed area adjacent to but not within the car park closest to the cricket field and adjacent to a line of existing trees. There would be no other visual changes to the site as a result of the development and the site is well screened by mature trees and hedges, therefore, there would be no long term detrimental impact upon the character or appearance of the site or amenity of the wider Charnwood Forest. The proposal therefore meets criteria contained in policies BE1, NE5 and NE19 of the adopted Local Plan and accord with government advice in PPS7.

#### Impact on Neighbours

The site is located adjacent to the western boundary of Hill Lane Close industrial estate with open fields to the other three sides. As previously stated it is also well screened by existing mature trees and hedges. The nearest residential property is approximately 80 metres from the access to the site and the main areas to be used for the dog training classes are in excess of 150 metres away. The proposed use has the potential to generate noise from barking dogs and additional comings and goings related to the classes. However, given the separation distances involved, any noise generated by the dog training classes is considered unlikely to be detrimental to the amenities of the occupiers of any residential properties, particularly given the small scale nature of the development and taking into account the existing uses of the site. Similarly, any additional comings and goings as a result of the development are unlikely to be of a scale that would be unduly detrimental to the amenities of the occupiers of neighbouring residential properties taking into account the wider uses of the site. The Head of Community Services (Pollution) does not object to the proposal but

recommends that the hours of use and the size of the classes should be limited by condition to those specified within the application. There is further comfort in respect of any future nuisance issues arising in that the land is owned by Markfield Parish Council who retain some measure of control over its use. The proposal therefore meets criteria contained in policy BE1 of the adopted Local Plan.

### Highway Safety and Parking

No changes are proposed to the existing access and the two existing informal car parking areas would be used to provide adequate parking for those attending the dog training classes by car. Whilst the access is not ideal in terms of its width, given the small scale of the development and existing uses of the site it would not be reasonable to require improvements in this case. The Director of Highways, Transportation and Waste Management (Highways) does not object to the proposal but recommends that class sizes should be limited to the number specified in the application. The proposal therefore meets criteria contained in policies BE1, NE5 and T5 of the adopted Local Plan.

### Ecology

The Director of Community Services (Ecology) advises that the southern most part of the site has previously been identified as being of Parish level ecological importance and may still contain important species. However, subject to there being no impact by the development on the management/mowing routine of this part of the site, no objection is raised. Verbal confirmation has been received from the Jubilee Playing Field Management Committee that the area referred to would not be used for the dog training activities to which this application relates as it is unsuitable. Any written confirmation will be reported as a late item.

### Other Issues

The site is used for dog walking and therefore other users of the site are already exposed to such activity, albeit on an informal basis. There are various pieces of legislation whose powers are available to the local authority and the police to ensure that dogs are kept under proper control and do not cause fear or apprehension to other site users. In addition, failure to pick up after a dog on the field would be an offence under the Dogs (Fouling of Land) Act 1996 which is punishable by fixed penalty notice or prosecution. Zoonotic organisms have been linked to dog faeces and therefore, if it was not picked up, there would be a potential risk of coming into contact with faeces as is currently the case with the informal use of the site for dog walking. It is considered that owners who are responsible enough to go to the effort of training their dogs are also likely to be responsible enough to pick up after them.

Whilst there is another dog training business operating within the area, the application must be assessed on its own merits in relation to development plan policies. The effectiveness of the dog training classes is not a material planning consideration.

### Conclusion

The proposed development would be small scale and complement existing recreational uses on the site providing a community service and some funding to improve and enhance existing recreation facilities on the site. It is unlikely to have a detrimental impact on the character or appearance of the landscape or the wider Charnwood Forest, nor the amenities of the occupiers of residential properties or highway safety. However, it is recommended that the development be limited to a temporary period in order to allow further assessment of the impact of the proposal on the other uses and users of the site.

**RECOMMENDATION:- That subject to no significant new objections being received by the end of the consultation period expiring on 30th September 2009, the Director of Community Planning Services be granted delegated powers to issue planning permission subject to the conditions below:-**

**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 it would complement existing recreation uses on the site, would not have an unduly detrimental impact on the character or appearance of the landscape or the wider Charnwood Forest, and is unlikely to have an adverse affect on the amenities of the occupiers of residential properties, highway safety or ecology.

Hinckley & Bosworth Borough Council Local Plan (2001) :- REC1, BE1, NE5, NE19 and T5

- 1 The dog training classes hereby permitted shall be discontinued and the storage container hereby permitted shall be removed from the site and the land restored to its former condition on or before 1st October 2010 unless in the meantime a further application has been submitted to and approved by the Local Planning Authority.
- 2 This permission relates to the application as endorsed by additional plan No.09 84 02 received by the Local Planning Authority on 14th September 2009.
- 3 The dog training classes hereby permitted shall only be carried out between the hours of 7.00pm to 9.15pm on Mondays and Tuesdays, 1.30pm to 3.00pm and 7pm to 8pm on Wednesdays, 1.30pm to 3.00pm on Thursdays, 9.00am to 4.15 pm on Saturdays and 11.30am to 5.00pm on Sundays and at no other times unless otherwise previously agreed in writing by the Local Planning Authority.
- 4 The dog training classes hereby permitted shall be limited to a maximum of 12 dogs at any one time unless otherwise previously agreed in writing by the Local Planning Authority.
- 5 Any equipment used in connection with the dog training classes hereby permitted shall be removed from the field and stored in the container approved as part of this permission at the end of each session.

**Reasons:-**

- 1 In order that the effect of the use upon the existing permitted recreational uses of the site can be assessed during this period and that any further application can be decided having regard to this assessment and the storage container is not of a suitable construction to be retained on a permanent basis.
- 2 To define the permission.
- 3 To ensure that the use remains compatible with the site and ensure that the use does not become a source of annoyance to neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- 4 To ensure that the use does not become a source of annoyance to nearby residents or become detrimental to highway safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 In the interests of visual amenity and to ensure that the site does not deteriorate into an untidy condition to accord with policies BE1 and 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 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](http://www.planningportal.gov.uk).
- 4 The applicant is reminded to ensure that all dogs are kept under proper control and do not cause fear or apprehension to other users of the site. Failure to pick up after a dog is an offence under the Dogs (Fouling of Land) Act 1996 which is punishable by fixed penalty notice or prosecution.

**Contact Officer:-** Richard Wright Ext 5894

**PLANNING COMMITTEE: 29 SEPTEMBER 2009**

**REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**  
**RE: GOVERNMENT CONSULTATION ON PUBLICITY FOR PLANNING**  
**APPLICATIONS**

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**PURPOSE OF REPORT**

To advise Members of, and to seek Members agreement on the appended consultation response on the proposed changes to the Publicity for Planning Applications consultation, issued by the Department of Communities and Local Government in July 2009.

**RECOMMENDATION**

That Members:

- i) note the content of the report, in particular the proposed changes to the publicity of planning applications
- ii) and agree the appended consultation response.

**BACKGROUND TO THE REPORT**

In 2008 a review of the opportunities for improving the planning application process for the benefit of all involved was jointly commissioned by the Communities and Local Government. The Government's response to the Killian Pretty Review Final Report, published on 5 March 2009 confirmed amongst other things that research would take place to look at how the process for minor changes to planning permissions could be streamlined.

A key area of the proposed streamlining process is giving local authorities greater flexibility to determine how best to notify the public about planning applications. This report and the consultation paper deals with this element of the proposed changes. The consultation paper contains a number of questions on which views are sought.

The Killian Pretty Review recommended that local planning authorities be given greater freedom over how they should publicise new applications, by no longer being required to publish notices in newspapers. The Review stated that removing such requirements would enable local planning authorities to take decisions on a more proportionate, effective and local approach to publicising applications. However, informing the public about new planning applications is an important part of a democratically accountable and inclusive planning process and people need to be aware of a proposed development in order to have the opportunity to express their views and influence the outcome.

Under the current arrangements provisions exist for three types of publicity for notices of planning applications: by local advertisement, site display and the serving of a notice on neighbours. No changes are proposed to arrangements for site notices or the serving of notices on neighbours, other than extending the period for site notices for listed building and conservation area consent and for development affecting the setting of a listed building or the character or appearance of a conservation area.

## The Proposed Changes

In summary, the consultation paper seeks views on three possible changes to the planning system:

- Making web publication mandatory for a period of 21 days for planning notices where there is currently a mandatory requirement to advertise in a newspaper.
- Removing statutory requirements to publicise certain applications in newspapers.
- Making the statutory period 21 days for displaying site notices for listed building and conservation area consent and for development affecting the setting of a listed building or the character or appearance of a conservation area.

## The Arising Issues

There are arguments both for and against the proposed changes to the current arrangements for newspaper advertising.

For the public, whilst there may well be an expectation that planning notices appear with a local newspaper this is only because of the historic occurrence of them as provided by the existing arrangements. The loss of the newspaper advertising may well be perceived as a loss of a key opportunity to advise the general public of planning proposals, however the true extent of the number of people that become aware of a planning proposal through the newspaper is not known.

It should also be noted that the loss of newspaper advertisement does not result in a loss of advertisement per se, as the proposed changes would be advertising the proposal on the internet. Furthermore, the existing consultation methods will remain in place and planning proposals will still be advertised by neighbour notification and a site notice.

The ever developing electronic agenda and the use of the internet for communication, delivery of news, service provision, banking and work (working from home) are changing the way we live our lives to such an extent that the internet is now considered by many to be the preferred communication method.

To the planning authority the proposed changes would make significant efficiency and cost savings. Upon validation of a planning application all necessary consultation takes place and when a press notice is required the relevant format must be prepared, authorised and order placed with the publisher for the advertisement to appear in the next edition of the publication. Depending on the location of the proposals the publication may appear in more than one publication and therefore additional work is required.

The greatest constraint of the application and process and efficiency is the delay between the placing of the order and the date of public in the press. At Hinckley and Bosworth, due to the weekly publication of most local newspapers this can be over a week since all other consultations have been sent out. The effect of this on the application process is significant and means that the statutory consultation period increases from 21 days upwards towards 28 days and possibly further, thus delay the processing of the application and the issue of a decision to the applicant.



The further use of the Council's website for the delivery of the proposed web advertisement information is not considered to result in any additional pressures on the function and operation of the web site. Some development will be required however; this is considered minimal and could be met from existing staffing and budgets.

There are significant financial costs to the planning authority with regard to press notification. In the financial year 2008-2009 the planning service spent £20,424 on newspaper advertisements for planning applications. This expenditure, whilst being necessary under the current statutory arrangements, would represent a significant cost saving to the Borough Council should the proposed changes be accepted nationally.

The proposed changes to site notices for applications for listed building consent and conservation area consent will not differ from the current arrangement at Hinckley & Bosworth and therefore will not pose any problems to efficiency and the determination of planning applications.

In summary, the proposed changes are welcomed. For officers, the changes will allow for consultations to be managed in house and be published at the same time as all other notifications, thus prevent unnecessary delays in the application process. This in turn will benefit the applicant as decisions may well be issued sooner. Whilst the loss of press advertising will not be acceptable to everyone, other well established and more effective means of notification will remain and the Governments commitment to an improved and more efficient planning system means such changes are likely to be necessary if the system is to evolve.

### **FINANCIAL IMPLICATIONS (AB)**

None arising directly from the consultation response.

### **LEGAL IMPLICATIONS (MR)**

None arising directly from the consultation response.

### **CORPORATE PLAN IMPLICATIONS**

This document contributes to Strategic Aim 2 of the Corporate Plan.

- Thriving economy.

### **CONSULTATION**

The appended response is on behalf of this Authority. Neighbouring Authorities and other agencies can respond independently should they wish.

### **RISK IMPLICATIONS**

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

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

have been identified, assessed and that controls are in place to manage them effectively.

### **RURAL IMPLICATIONS**

The proposed response has no direct impact on rural areas.

### **CORPORATE IMPLICATIONS**

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

- |                                 |                              |
|---------------------------------|------------------------------|
| • Community Safety Implications | None relating to this report |
| • Environmental Implications    | None relating to this report |
| • ICT Implications              | None relating to this report |
| • Asset Management Implications | None relating to this report |
| • Human Resources Implications  | None relating to this report |

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Background Papers: Department of Communities and Local Government  
Publicity for Planning Applications – Consultation Paper

<http://www.communities.gov.uk/publications/planningandbuilding/consultationpublicity>

A copy is available on request.

Appendix 1: Proposed Consultation Response

Contact Officer: James Hicks– Area Planning Officer 5762

**Publicity for Planning Applications Consultation**

To: Publicity Applications  
Communities and Local Government Floor 1, Zone A1 Eland  
House Bressenden Place  
London  
SW1 5DU

publicity.applications@communities.gsi.gov.uk

**The response of:**

Consultation Response:

**Hinckley & Bosworth**  
**Borough Council**  
*A Borough to be proud of*



- Q1 What are your views on making web publication mandatory for a period of 21 days for planning notices where there is currently a requirement to advertise in a newspaper? This option could be pursued whether we change the arrangements for newspaper advertisement or not.
- A1 There is no objection to this procedure. It will allow for a shorter turn around in the consultation period (i.e. avoiding the delay in publishing the notice) which will in turn allow for the faster determination of applications. This option will bring significant cost savings to the local planning authority. Guidance will need to be provided to ensure that all planning authorities are displaying notices in the way and in the same format.
- Q2 Do you think it should be mandatory for notices for all planning applications to be made available on a local authority website?
- A2 No not as a separate notice. However, through the use of online public access systems, planning applications are already available, therefore a notice already exists to a certain extent.
- Q3 The requirements to advertise in newspapers for certain types of planning applications and consents, and possible amendments to these, are identified in Table 1. What are your views on these possible amendments?
- A3 This Council is fully supportive of these proposals. However, guidance will need to be provided to ensure that all planning authorities are displaying notices in the way and in the same format.
- Q4 Do you consider that the period for publicising site notices for listed building and conservation area consent should be increased to 21 days?
- A4 This authority already allows a 21 day period for all site notices, therefore the formalisation of this change would not pose a problem. The standardisation of such notice periods will create a simpler system which would help applicants and objectors.
- Q5 Do you have any comments on the impact assessment (see Annex 1), in particular the anticipated impact on small businesses and equality issues?
- A5 No.

**PLANNING COMMITTEE: 29 SEPTEMBER 2009**

**REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**  
**RE: GOVERNMENT CONSULTATION ON STREAMLINING INFORMATION**  
**REQUIREMENTS FOR PLANNING APPLICATIONS**

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**PURPOSE OF REPORT**

To advise Members of, and to seek Members agreement on the appended consultation response on the proposed changes to the Streamlining information requirements for planning applications consultation, issued by the Department of Communities and Local Government in July 2009.

**RECOMMENDATION**

That Members

- (i) note the content of the report, in particular the proposed changes to the publicity of planning applications; and
- (ii) agree the appended consultation response.

**BACKGROUND TO THE REPORT**

The consultation paper sets out the Government's proposals for changes to the information requirements for planning applications. The paper is the Government's response to the Killian Pretty Review recommendation that there should be a more proportionate approach to information requirements.

The Killian Pretty Review found that the 'national local list' is causing difficulties for Local Planning Authorities and applicants. In practice, local variations in context mean that it is not possible to specify a single list of information requirements that is relevant, necessary and material to all parts of England. The recommended 'national local list' presented in the 2007 guidance includes some specialist items while leaving out others which are gaining emphasis at the local level (e.g. energy statements). Another difficulty, recognised in the existing guidance, is that it is impossible to specify a single list of information requirements for all types of planning applications.

One information item that attracted particular attention in the Killian Pretty Review was the design and access statement. These statements are currently required to accompany many forms of planning application. A detailed list of the contents of a Design and Access Statement is currently included in secondary legislation (the GDPO and Listed Buildings Regulations). There has been criticism that the current requirements are too onerous for small scale development, and that risk-averse planning authorities are insisting that all the requirements are covered in too much detail.

The agricultural holdings certificate was identified by the Killian Pretty Review as an additional source of delay in the validation process. All applicants are legally required to certify that any agricultural holdings tenants have been notified of the application,

or that there are no agricultural holdings tenants on the site. The agricultural holdings certificate is included on the standard application (1APP) form, but it appears that many applicants overlook this section as they may not appreciate that it applies to their scheme.

To address these issues it is proposed to revise policy, to amend legislation and to update the associated guidance which includes:

- a new policy statement on information requirements and validation forming part of the new development management framework;
- amendments to The Town and Country Planning (General Development Procedure) Order 1995 (GDPO);
- an updated guidance document;

In addition, it is also proposed to make minor changes to the standard application form.

The proposals are intended to implement one of the key recommendations of the Killian Pretty Review, that the Government should make the information requirements for all planning applications *“clearer, simpler and more proportionate, removing unnecessary requirements, particularly for small scale householder and minor development”*.

The proposals also seek to respond to the current economic downturn by reducing unnecessary administrative burdens on applicants and reducing the amount of information that local planning authorities need to review when determining a planning application.

## **KILLIAN PRETTY REVIEW RECOMMENDATIONS**

### **Information requirements and validation**

The proposed changes to the policy and guidance on information requirements and the validation of planning applications are summarised as follows:

- withdrawal of the current ‘recommended national local list’ which was intended to guide Local Planning Authorities in setting local lists of information requirements;
- introduction of a new, criteria based, national policy requirement for local planning authorities preparing local lists, to ensure they only ask for information that is relevant, necessary, proportionate and justified by national or local policy;
- a requirement for Local Planning Authorities to update their ‘local list of information requirements’ where necessary, having regard to this new policy requirement, by the end of December 2010;
- refinement and improvement of the guidance on national list items, to encourage a more proportionate approach, and to clarify validation requirements;
- a consideration of options for the external scrutiny of local lists;
- encouragement of better submissions from applicants by proposing that applications for major development should be accompanied by a concise summary document

### Design and access statement

It is proposed to amend the provisions for design and access statements in the General Development Procedure Order. This would amend article 4C of the GDPO.

Two main changes are proposed:

- to simplify the requirements for all design and access statements (DAS), by requiring a more straightforward explanation of how the context of the development influences its design; and
- to reduce the range of applications that require a DAS, by eliminating the mandatory requirement to prepare a DAS for certain small scale applications and applications to amend or remove conditions on existing permissions.

### Agricultural holdings certificate

It is proposed to retain the requirement for all applicants for planning permission to sign the agricultural holdings certificate. We propose to amend the standard application form to make this requirement clearer.

### **FINANCIAL IMPLICATIONS (IB)**

None arising directly from the response.

### **LEGAL IMPLICATIONS (MR)**

None arising directly from the response.

### **CORPORATE PLAN IMPLICATIONS**

This document contributes to Strategic Aim 2 of the Corporate Plan.

- Thriving economy.

### **CONSULTATION**

The appended response is on behalf of this Authority. Neighbouring Authorities and other agencies can respond independently should they wish.

### **RISK IMPLICATIONS**

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

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

The following significant risks associated with this report/decision were identified from this assessment:

<b>Management of Significant (Net Red) Risks</b>		
<b>Risk Description</b>	<b>Mitigating actions</b>	<b>Owner</b>
<b>None</b>		

## **RURAL IMPLICATIONS**

The proposed response has no direct impact on rural areas.

## **CORPORATE IMPLICATIONS**

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

- |                                 |                              |
|---------------------------------|------------------------------|
| • Community Safety Implications | None relating to this report |
| • Environmental Implications    | None relating to this report |
| • ICT Implications              | None relating to this report |
| • Asset Management Implications | None relating to this report |
| • Human Resources Implications  | None relating to this report |

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Background Papers: Department of Communities and Local Government  
Publicity for Planning Applications – Consultation Paper

<http://www.communities.gov.uk/publications/planningandbuilding/streamliningconsultation>

Copy available on request.

Appendix 1: Proposed Consultation Response.

Contact Officer: Cathy Horton – Area Planning Officer (Ext 5605)

**Appendix 1**  
**Streamlining information requirements for planning applications**

To: Information Requirements  
Communities and Local Government  
Floor 1, Zone A1  
Eland House  
Bressenden Place  
London SW15 5DW

[info.requirements@communities.gsi.gov.uk](mailto:info.requirements@communities.gsi.gov.uk)

**The response of:**

**Hinckley & Bosworth**  
**Borough Council**  
*A Borough to be proud of*



Consultation Response:

- Q1 Do you agree with the proposed policy principles? If not, what amendments to these principles do you suggest?
- A1 Yes. The changes will ensure a consistent approach across the country.
- Q2 Do you consider that revising local lists in this manner will encourage a more proportionate approach to information requests by LPAs?
- A2 Yes.
- Q3 Do you consider that implementation by December 2010 is a realistic timescale? If not, what would be more appropriate?
- A3 Yes, on the basis that a six month period is provided to review the existing local requirements and consult on changes.
- Q4 Do you agree that requirements for particular map scales, block plans, floor plans, site sections, floor and site levels, and roof plans should be set out by the local planning authority, using a proportionate approach?
- A4 Yes.
- Q5 Do you agree with the proposal to summarise major applications?
- A5 Yes.
- Q6 Should the proposals for a summary document apply only to applications defined as 'major development'? If not, for what types of schemes might a summary document be useful?
- A6 Yes.



- Q7 Do you agree that this approach is appropriate? Are there any other measures, apart from the consideration of validation as part of wider performance measurement, that should be taken to ensure improved local lists are developed and used?
- A7 It is considered that a local indicator would be a more appropriate method of monitoring and assessing the effectiveness of the lists.
- Q8 Do you consider that the proposals described in this section and Appendix 3 will effectively support a more proportionate approach to information requirements and validation? If not, what would you propose instead/as well?
- A8 Yes.
- Q9 Do you agree with the changes to DAS proposed here and in Appendix 2?
- A9 Yes.
- Q10 Do you agree with the range of application types and designated areas that would be exempted?
- A10 Yes.
- Q11 Do you agree that the issue of context should be discussed in relation to the scheme as a whole (rather than specifically related to the sub-headings of amount, layout, scale, landscaping or appearance)?
- Q12 Are there other exemptions/changes that we should also consider?
- A12 Whilst CABE have produced guidance on the content of DAS's, the content varies amongst submissions. In many cases they are not considered to be a useful tool in the determination of applications as applicants are reluctant to amend the document after validation to include elements that have not been omitted in its production. Consideration should be given to introducing further guidance that strengthens the requirements of the document.
- Q13 Do you have any comments on the impact assessment, in particular on the assumptions made and the anticipated impact on small businesses?
- A13 No comments.

**PLANNING COMMITTEE: 29 SEPTEMBER 2009**

**REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**  
**RE: GOVERNMENT CONSULTATION ON IMPROVEMENTS TO PERMITTED**  
**DEVELOPMENT**

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**PURPOSE OF REPORT**

To advise Members of and to seek Members agreement for the appended consultation response to the 'Improvements to Permitted Development' consultation paper issued on 30<sup>th</sup> July 2009 by Communities and Local Government. This paper seeks views on Government proposals for changes to the planning system in relation to: non-domestic permitted development rights: non domestic prior approval; the procedure by which Article 4 Directions are made by local planning authorities (LPAs); and proposed changes to the regulation of non-domestic hard-surfacing.

**RECOMMENDATION**

That Members

- (i) note the content of the report, in particular the proposed changes to the publicity of planning applications; and
- (ii) agree the appended consultation response.

**BACKGROUND TO THE REPORT**

The 'Improvements to Permitted Development' consultation paper is the Government's response to the Killian Pretty Review that highlighted how obtaining planning permission for some minor non-domestic development can place burdens on business that are out of proportion with the potential impacts. Such burdens are particularly relevant in times of economic downturn. The Review recommended that the number of minor applications that require full planning permission should be substantially reduced and that the Government should take steps to substantially increase the number of small scale commercial developments and other minor non domestic developments that are treated as permitted development. Additionally the Review recommended revising and expanding the prior approval regime so as to provide a proportionate intermediate approach (between permitted development and planning permission) for appropriate forms of non domestic development.

The paper sets out the Government's proposals for changes to the planning system in relation to: non-domestic permitted development – i.e. development that may be legitimately undertaken without the need to apply for planning permission from the LPA; non domestic prior approval – an intermediate planning tier between permitted development and planning application which requires limited information from applicants with regard to prospective developments, and where consent is deemed granted if the LPA does not object within a given time-period; the procedure by which Article 4 Directions – locally defined restrictions to national permitted development rights – are made by LPAs; and the regulation of hard-surfacing for certain non-domestic uses.

The proposals in the paper apply to England only, and would be incorporated in an amendment to the Town and Country Planning (General Permitted Development) Order 1995 (GPDO). If implemented in full, the proposals set out in the consultation paper would remove approximately 25,000 applications from the system annually in England, making a significant contribution towards the Killian Pretty target of removing 31,500 such applications.

## **PROPOSED CHANGES**

### **Non-Domestic Permitted Development**

The proposals for changes in relation to non-domestic permitted development are limited broadly to shops, offices, some institutions, industry, and warehousing and are aimed at removing the greatest number of planning applications from the system and focussed on those that would offer most benefit to business. Generally, the proposals allow for extensions to existing buildings and, in some cases the erection of new buildings within the curtilage, subject to restrictions on the total amount of new floor space created and a percentage of existing floor space with additional limitations in respect of height, proximity to the highway, proximity to the site boundary, the use of similar materials, percentage of ground coverage, no loss of manoeuvring space for vehicles and the development not being within the curtilage of a Listed Building.

In addition, the paper seeks views on whether permitted development rights should be extended to include the installation of air conditioning units on buildings being used for non-domestic purposes subject to restrictions in respect of noise levels, volume of the units, the units being attached to the rear of buildings, proximity to site boundary and not being visible from a highway in a conservation area or World Heritage Site.

### **Non-Domestic Prior Approval**

Prior approval notifications currently exist, notably for certain forms of agricultural and telecommunications development. The paper proposes that the prior approval regime should be extended to include certain other forms of non-domestic development i.e. the installation of hole-in-the-wall style automated teller machines (ATMs) and the alteration of shop fronts outside Conservation Areas and World Heritage Sites.

No change is proposed to the existing prior approval regimes, including those that apply to agriculture and telecommunications. The form of prior approval proposed would allow for deemed consent to be granted after 28 days if the LPA did not comment within this period. Applications would be made on the standard application form. There would be no requirement to consult on the grounds that in general the developments would be un-contentious. LPAs could consider the design, appearance and siting, but not the principle, of the proposed development. Consents might carry conditions. If a prior approval application were rejected, an applicant could submit an application for planning permission.

### **Article 4 Directions**

The Government's general policy is to reduce the burden of the planning system where appropriate on users and proposes changes to the process by which Article 4 Directions are made to minimise the burden of making such Directions on LPAs. The

paper therefore proposes the following changes to the process by which Article 4 Directions are made:-

- (i) remove the need for Secretary of State approval for all Directions made under the GPDO to remove permitted development rights, but retain a reserve power for the Secretary of State to revoke or revise them
- (ii) require LPAs to consult on proposals for Directions for a minimum of 21 days before confirming them. The method of consultation will be for the LPA to determine, but they should be mindful of advice available to them on good practice
- (iii) Directions will be notified by serving notice on the owner/occupier of the land to which the Direction relates. Or, where individual service is impracticable, it may give notice of the making of the Direction by site display within the specified areas of the Direction, for a period of not less than six weeks. Directions will come into effect at a date determined by the LPA. There is also a requirement to publish the Direction locally
- (iv) there will remain a provision for LPAs to act quickly, if necessary, in order to deal with a threat to the amenity of their area. The LPA will be able to make a direction removing permitted development rights immediately. Such a Direction would last six months and would expire unless confirmed by the authority following consultation.

Circular 9/95 specifies that permitted development rights should only be withdrawn in exceptional circumstances and that such action is rarely justified unless there is a real and specific threat. No changes are proposed to this test.

### Hard Surfacing

The paper proposes changes to the regulation of hard-surfacing that may be laid by certain non-domestic uses. New permitted development rights to shops, offices, and institutions are proposed to enable up to 50 square metres of permeable hard-surfacing to be laid without the need to apply for planning permission. The GPDO currently allows industry and warehousing to lay an unlimited area of hard-surfacing. The paper proposes no change to this provision, except that in future, where hard-surfacing is laid, provision should be made for drainage to a permeable surface. The permeability requirement would not, however, apply where there was a risk of contamination.

Annex A to the report provides draft Statutory Instruments, Annex B provides consultation stage impact assessments. The paper contains a number of consultation questions relating to the proposals outlined above on which views are sought. The Authority's proposed response is appended for agreement.

### **FINANCIAL IMPLICATIONS (IB)**

None arising directly from the consultation response.

### **LEGAL IMPLICATIONS (MR)**

None arising directly from the consultation response.

## **CORPORATE PLAN IMPLICATIONS**

This document contributes to Strategic Aim 2 of the Corporate Plan.

- Thriving Economy.

## **CONSULTATION**

The appended response is on behalf of this Authority. Neighbouring Authorities and other agencies can respond independently should they wish.

## **RISK IMPLICATIONS**

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

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

The following significant risks associated with this report/decision were identified from this assessment:

<b>Management of Significant (Net Red) Risks</b>		
<b>Risk Description</b>	<b>Mitigating actions</b>	<b>Owner</b>
<b>None</b>		

## **RURAL IMPLICATIONS**

The proposed response has no direct impact on rural areas.

## **CORPORATE IMPLICATIONS**

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

- Community Safety Implications      None relating to this report
- Environmental Implications      None relating to this report
- ICT Implications      None relating to this report
- Asset Management Implications      None relating to this report
- Human Resources Implications      None relating to this report

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Background Papers: Department of Communities and Local Government  
Improvements to Permitted Development – Consultation Paper.  
<http://www.communities.gov.uk/publications/planningandbuilding/improvingdevelopmentconsultation>  
Copies available on request.

Appendix 1:      Proposed Consultation Response

Contact Officer:      Richard Wright – Area Planning Officer (ext 5894)

## Appendix 1 - Improving Permitted Development Consultation Response

To: Permitted Development  
Communities and Local Government  
Floor 1, Zone A1  
Eland House  
Bressenden Place  
London SW1E 5DU

permitted.development@communities.gsi.gov.uk

The response of:

**Hinckley & Bosworth  
Borough Council**  
*A Borough to be proud of*



Consultation Response:

- Q1 What are your comments on the proposals for shops?
- A1 The maximum height limitation of 5 metres (for single storey) seems excessive for shops and may give rise to visual amenity issues. The limitation is not in line with residential limitations and shops are often located in residential areas. The limitations do not appear to address conservation area considerations. The limitations refer to the front of an existing building, but there is no clarification in respect of corner plot situations. No mention is made in the limitations in respect of loss of car parking spaces.
- Q2 What are your comments on the proposals for offices?
- A2 The maximum height limitation of 5 metres seems excessive for offices. The 5 metres height limitation to within 5 metres of a boundary may conflict with the limitation that an extension should not be visible from a highway therefore it is questionable how many planning applications will be removed from the system. The limitations do not appear to address conservation area considerations. No mention is made in the limitations in respect of loss of car parking spaces.
- Q3 What are your comments on the proposals for institutions?
- A3 Clarification is required as to whether the 100 square metres for extensions to existing buildings allows each building within the site to be extended by this amount or refers to the site as a whole. The 100 square metres of floor space limitation seems excessive as does one new building per each existing building. The limitations do not appear to address conservation area considerations. No mention is made in the limitations in respect of loss of car parking spaces or turning/manoeuvring areas.
- Q4 What are your comments on the proposals for schools?
- A4 Clarification is required as to whether the 50 square metres for extensions to existing buildings allows each building to be extended by this amount or

refers to the site as a whole. The one new building per each existing building appears excessive. The limitations do not appear to address conservation area considerations. No mention is made in the limitations in respect of loss of car parking spaces or turning/manoeuvring areas.

Q5 What are your comments on the proposals for industry and warehousing?

A5 The limitations do not appear to address conservation area considerations. No mention is made in the limitations in respect of loss of car parking spaces.

Q6 Should permitted development rights be expanded to include air conditioning units?

A6 Permitted development rights should not be expanded to include air-conditioning units as they are generally poor in visual terms and can give rise to noise pollution problems. The Government should be looking to restrict their abundance rather than encourage their installation.

Q7 Given Government objectives on climate change mitigation and adaptation, what impact do you think expanding permitted development rights to include air conditioning units would have on:

- a. the take up of air conditioning units;
- b. the energy efficiency and carbon footprints of buildings;
- c. the ability of residents and businesses to meet future carbon budgets; and
- d. the impact upon alternative means of dealing with extreme temperatures, e.g. passive cooling?

A7 The expansion of permitted development rights to include air conditioning units is likely to increase the take up of installing them as residents and businesses would be free from the burden and costs of submitting a planning application. The energy efficiency of the building on which they are installed is likely to decrease whilst the carbon footprint of the building is likely to increase and reduce the ability of residents and businesses to meet future carbon budgets. The expansion of permitted development rights to include the installation of air conditioning units is likely to have a detrimental impact on the uptake of alternative, more sustainable solutions to deal with extreme temperatures.

Q8 In the event that air-conditioning units were to be made permitted development do you agree with the limitations proposed above? If not, what would you suggest? Are there any other issues that should be considered?

A8 The noise limitation restriction is likened to that proposed for micro generation (micro wind turbines). This proposal was considered to be too difficult and impractical for residents or businesses to assess in this way therefore it is suggested that a more practical method of achieving noise limitation would be for the manufacturer of air conditioning units to apply for certification that the particular unit to be installed would meet an acceptable noise limit. The other limitations suggested appear to be reasonable but

there is no limitation on the number of units that could be installed to each building.

Q9 What are your views on the proposed prior approval regime described above?

A9 The local planning authority does not agree that shop front developments, including in some cases the installation of ATM's, are non-contentious. Further clarification is required in respect of the level of control available to the local planning authority in respect of design and appearance of shop fronts outside of conservation areas given the limited level of detail required in respect of existing prior approval notifications for agricultural buildings.

Q10 What are your comments on the proposals for shop fronts?

A10 There is concern that the prior approval proposals for shop fronts are a blanket approach and whilst in modern shopping centre situations may be acceptable, could lead to the loss of attractive shop fronts in other locations.

Q11 What are your comments on the proposals for ATM's?

A11 The prior approval proposals for ATM's are generally supported.

Q12 Do you agree that shops, offices and institutions should be allowed to lay up to 50 square metres of permeable hard surfacing as permitted development?

A12 Yes.

Q13 Do you agree that industry's current permitted development right to lay an unlimited amount of hard-surfacing should be amended so that industry should be able to lay an unlimited amount of hard-surfacing provided provision is made for surface water to drain to a permeable area (unless there is a risk of contamination, in which case hard-surfacing would have to be impermeable)?

A13 Whilst there would be no objection in principle to the amended proposals on hard surfacing, further clarification is required in respect of how the local planning authority would assess the risk of contamination in each case? In addition, the proposals may lead to enforcement difficulties.

Q14 Do you think that the proposed changes to Article 4 Directions represent a sensible balance between freeing up opportunities for low impact development and protecting areas which need special protection?

A14 Consideration should be given to providing local planning authorities time to establish Article 4 Directions where appropriate prior to the new permitted development rights being introduced.

Q15 Do you think that Section 189 of the Planning Act 2008 (which limits LPA liability to compensation to 12 months following local restriction of national permitted development rights) should apply to Article 4 Directions made in respect of non-domestic permitted development rights?



- A15 No. No additional liability for compensation should be placed on local planning authorities in respect of Article 4 Directions made in respect of non-domestic permitted development rights. The consultation process allows owners/occupiers the opportunity to raise objections.
- Q16 Do you agree that LPAs should be able to make Article 4 Directions without the approval of the Secretary of State?
- A16 Yes.
- Q17 Do you agree that LPAs should be required to consult before making Article 4 Directions?
- A17 Yes.
- Q18 Do you agree that the notification requirements are appropriate and allow owners/occupiers to be informed whilst allowing an LPA to act quickly if necessary?
- A18 Yes. However, the procedure, involving the posting of site notices and publications, appears to conflict with the proposals in the separate consultation document 'Publicity for Planning Applications' to remove similar procedures in respect of planning applications.
- Q19 Do you think that impact assessment work undertaken broadly captures the types and levels of costs associated with the policy options?
- A19 Yes.
- Q20 Do you think that impact assessment work undertaken broadly captures the type types and levels of costs associated with the policy options?
- A20 Yes.

**REPORT OF THE DIRECTOR OF COMMUNITY & PLANNING SERVICES**  
**RE: THE CONSULTATION DRAFT PLANNING POLICY STATEMENT 15 (PPS15)**  
**ENTITLED “PLANNING FOR THE HISTORIC ENVIRONMENT”**

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**1. PURPOSE OF REPORT**

- 1.1 To advise Members of the consultation on the proposed submission draft of Planning Policy Statement 15 and agree responses.

**2. RECOMMENDATION**

That Members:

- i) Acknowledge the consultation draft of Planning Policy Statement 15;
- ii) Agree the consultation response as set out in Appendix A.

**3. BACKGROUND TO THE REPORT**

Context

- 3.1 The White Paper, “Heritage Protection for the 21<sup>st</sup> Century” (March 2007) set out the government’s intentions for the future of the heritage protection system based on three central principles:

- The need to develop a unified approach to the historic environment
- Maximising opportunities for inclusion and involvement.
- Supporting sustainable communities by putting the historic environment at the heart of an effective planning system.

- 3.2 Following the analysis of the consultation responses to the White Paper, the Departments of Communities and Local Government (DCLG) and Culture, Media and Sports (DCMS) have jointly published a consultation draft Planning Policy Statement 15 (PPS 15) entitled “Planning for the Historic Environment.” It is intended that this PPS will eventually replace existing guidance in PPG15: Planning and the Historic Environment and PPG16: Archaeology and Planning, originally published in September 1994 and November 1990 respectively.

- 3.3 The objectives of the new Planning Policy Statement are:

- To apply the principles of sustainable development to proposals involving the historic environment.
- To conserve and enhance England’s heritage assets.
- To contribute to our knowledge of the past and understanding of our past by ensuring a publically accessible record of the heritage asset is retained.

- 3.4 The draft PPS is also supported by a draft historic practice guidance produced by English Heritage.

## **Key Aspects of the Consultation Draft Planning Policy 15**

This section of the report provides the key considerations raised through the consultation. A more detailed consideration of the topic areas covered is provided in Appendix A

- 3.5 The draft PPS promotes the application of a set of common policy principles to all planning decisions relating to the historic environment. The prime focus is defined as the “heritage asset”. These are those parts of the historic environment which have significance because of their historic, archaeological, architectural or artistic interest, rather than as at present, whether they are building, monuments, sites or landscape. Listed buildings, conservation areas, archaeology, designated battlefields and historic landscapes will all be classified as “heritage assets.” A “heritage asset” can also include features which are not designated under current protection legislation. The new PPS focuses on what is significant in heritage terms about a place or asset and not just protection for its own sake.
- 3.6 The new PPS does not include those elements of PPG 15 and 16 which constitute guidance as opposed to policy and therefore the document is much shorter. To support these policy principles English Heritage has prepared an initial draft of environment practice guidance to help practitioners implement the policy.
- 3.7 The draft PPS is also significant because when finally issued by DCLG and DCMS, it will be a key “material planning consideration” and therefore carry considerable weight in the determination of planning applications and future planning policy in relation to the historic environment in development plan documents.
- 3.8 Greater emphasis is placed on pre-application assessment and discussion of the significance of the heritage asset by the applicant and the planning authority.
- 3.9 The draft document also defines the historic environment in the context of the challenge of climate change
- 3.10 The document introduces new policies on setting and design. Planning authorities should assess the significance of any element of the historic environment which is affected by the development including development within the setting of an asset. New buildings should be designed to respect the asset’s setting and reinforce its distinctiveness.
- 3.11 The Leicestershire and Rutland Historic Environment Record (HER), the depository for heritage information, will be accessible on line through the Heritage Gateway portal. It is anticipated that it will not be fully accessible until 2014. Further draft guidance is expected shortly from English Heritage on the issues of enforcement and setting.

#### 4.0 **THE TIMETABLE**

Responses to the draft PPS and the impact assessment are invited by 30 October and a summary of the responses will be published by 31<sup>st</sup> January 2010 on the DCLG web site.

#### 5.0 **FINANCIAL IMPLICATION** (DB)

5.1 A consultation stage impact assessment which sets out the costs and benefits of the draft PPS is also included in the draft PPS. This indicates that the main costs to local planning authorities and developers will be those relating to the investigating and recording of heritage assets, particularly to historic buildings and to the creation and maintenance of historic environment records. At the present time it is not possible to quantify these costs for HBBC.

#### 6.0 **LEGAL IMPLICATIONS** (MR)

6.1 None at this stage

#### 7.0 **COMMUNITY PLAN IMPLICATIONS**

7.1 The proposed policies in PPS 15 will continue to protect the Borough's Heritage. (Chapter 5 of the Community Plan).

#### 8.0 **CONSULTATION**

8.1 The Borough Council's Conservation Officer has consulted heritage groups in the Borough to obtain their views on the draft PPS and their comments will be reported to the Planning Committee as a late item.

#### 9.0 **RURAL IMPLICATIONS**

9.1 The policies will apply to heritage assets in the rural area.

#### 10.0 **CORPORATE IMPLICATIONS**

10.1 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 – included in the report

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Background Papers: PPS15

Web link

<http://www.communities.gov.uk/publications/planningandbuilding/consultationpublicity>

Contact Officer: Barry Whirrity, ext 5619

Planning policy statements (PPS) set out the Government's national policies on different aspects of planning in England. This PPS sets out planning policies for the conservation and enhancement of the historic environment. These policies should be taken into account by regional planning bodies in the preparation of revisions to regional spatial strategies and by local planning authorities in the preparation of local development documents.

### **The new Plan Making Policies of PPS15**

- **Policy HE1: Urges councils to monitor all their historic assets.** Regional and local authorities will be encouraged to create publicly-accessible Historic Environment Records which developers will be expected to consult so that they can take into account the historic environment impacts of their application.
- **Policy HE2: the Regional Spatial Strategy** should pay attention to landscapes, groupings or types of heritage assets that give distinctive identity to a region or area within it and the positive contribution the historic environment can have on regeneration and tourism.
- **Policy HE3: The Local Planning Approach should ensure there is a focus on understanding what is significant about a building, site or landscape** so that it becomes easier to determine the impact of the proposed change. The historic environment should inspire new buildings of high quality design which harmonize and respect their setting. It uses the 'values' approach of English Heritage's *Conservation Principles* as an underlying philosophy to inform decision-making.
- **Policy HE4: Puts the historic environment in the context of the challenge of climate change.** Councils should weigh carefully any loss of enhancement of the asset and its setting against the benefits of the application such as increased production of energy from low or zero-carbon sources. The greater the negative impact on the significance of the asset, the greater the benefits that will be needed to justify approval.
- **Policy HE5: Article 4 Directions should be implemented by Local Authorities** to restrict permitted development rights where they are undermining the aims of conservation and enhancement set out in the PPS.
- **Policy HE6: Local Authorities should monitor the impact** of planning policies and decisions on the historic environment and where they are at risk, how they propose to respond.
- **Policy HE7: Greater emphasis on pre-application planning and discussion.** Councils and applicants should learn about the significance of affected heritage assets before designs are drawn up. The greater the understanding of the asset, the greater the chances of a successful application.
- **Policy HE8: The validation of applications for consent affecting heritage assets** should include a statement of its significance including the contribution of its setting.
- **Policy HE9: Principles guiding determination of applications** introduce new clearer policies on setting and design, issues which are frequently the source of the most contentious cases involving the historic environment. Determination should only follow expert advice on the impact of the proposal on the asset, local community consultation, and the impact on climate change.

- **Policy HE10: Provides greater clarity on key topics** e.g. archaeological interest, conservation areas and their preservation and enhancement, World Heritage Sites, conflicts with other planning priorities and recording
  - **Policy HE11: Applications for development within the setting of a heritage asset** should be treated favorably if they preserve or enhance the significance of the asset.
  - **Policy HE12: Enabling development** the criteria for determination includes impact on the asset and its setting, avoidance of asset fragmentation, and the development should be the minimum necessary to ensure long term survival of the asset.
  - **Policy HE13: A historic record is not as important as retaining the heritage asset.** However investigations and reports by developers into the significance of the asset should be publically available and lodged with the historic environment record
- 2.0 The consultation document includes a series of questions which target the key issues that the DCLG and DCMS are consulting on. These questions together with officers comments are set out as follows:
- 2.1 Does the PPS strike the right balance between advocating the conservation of what is important and enabling change?  
***Yes. This is a very significant change in approach. PPS15 will help developers submit better, more considered applications that take account of the historic environment. The document encourages developers to define and understand what is significant about an asset. They will then better be able to appreciate how their proposals will affect this significance before their proposals are designed. This will ensure that they avoid wasting time and expenditure on proposals which are unlikely to gain local authority approval. It also encourages the exploitation of the concept of heritage as an asset rather than seeing it as a potential barrier to development.***
- 2.2 By adopting a single spectrum approach to historic assets, does the PPS take proper account of any differences between types of asset? (e.g. are archaeological assets adequately covered?)  
***Yes. It will bring in a new, integrated approach to the historic environment. The new definition of 'heritage assets' will ensure conservation moves beyond the distinction between buildings and archaeology and becomes all encompassing. Listed buildings, conservation areas, archaeology, historic landscapes and other aspects of the historic environment will all be classified as a "heritage assets."***
- 2.3 In doing so does the PPS take appropriate account of the implications of the European Landscape Convention, and the cultural dimensions of landscape designated as National Parks and Areas of Outstanding Natural Beauty?  
***No comment***

- 2.4 Are the policies and principles set out in the PPS the key ones that underpin planning policy on the historic environment, or should others be included?  
***The consultation document covers all the policy ground previously addressed by the PPG15 and 16. The draft Planning Practice Guide Notes that have recently been produced by English Heritage contain the supporting guidance to the policies and good practice advice on practical conservation issues. The policies, however, do not address permitted development that can have an adverse effect, particularly on the character of conservation areas. Of special note are alterations to doors, windows and roofs. This is a general problem in conservation areas which puts their quality at risk. Although this issue can be tackled through article 4 directions, it would be better to restrict permitted development rights in conservation areas***
- 2.5 Do you agree that it is in the “significance” of a historic asset that we are trying to conserve?  
***Yes. Designated buildings often have features which have limited or no historical interest but which, by being an integral part of the historic asset, are considered to be part of the listing and cannot be changed. The new approach encourages a more flexible approach by planning authorities. The adoption of a level of significance to be applied to particular features of historic assets will vary depending on their importance to the building as a whole.***
- 2.6 Does the PPS comply with devolutionary principles with regard to what is expected at regional and local levels?  
***No comment***
- 2.7 Does the PPS strike the right balance between the objectives of conserving what is significant in the historic environment and mitigating the effects of climate change?  
***Yes, Policy H4 is welcomed. Heritage assets are often disregarded by developers as inappropriate for modern uses. However they can be well constructed and are relatively easily adapted for new uses. Subject to an acceptance of minor changes to the built fabric by planning officers which have, in most case, a limited visual impact, they can be modified to include improved insulation standards and other features which will reduce energy use.***
- 2.8 Does the PPS make it clear to decision makers what they should do, and where they have more flexibility? Are there any risks or benefits you would like to highlight for the historic sector?  
***The new document emphasizes the need to apply proportionality to the information applicants are required to submit based on the importance of the heritage asset and the scale of the works which are proposed to it or within its setting. The approach of understanding the 'significance' of***

***the heritage asset and then considering how the development proposals will affect this significance will also help developers understand how developments can more easily and successfully be achieved in the historic environment.***

- 2.9 The draft PPS highlights the importance of ensuring that adequate information and evidence bases are available, so that the historic environment and the significance of heritage assets are fully taken into account in plan making and decision taking. At the same time we are concerned to ensure that information requirements are proportionate and do not cause unnecessary delays. Are you content we have the balance right? If not how would you like to see our policy adjusted? (Policies HE8 and HE9 are particularly relevant to this question.)

***The draft PPS links as “heritage assets”, the many thousands of undesignated locally important historical sites and buildings with designated sites (scheduled ancient monuments, listed buildings and conservation areas). It states that the absence of designation does not necessarily indicate lower significance. Non-designated assets of historical or archaeological interest should be treated according to the same principles as those of listed buildings and scheduled monuments.***

***This is not supported. Further consideration should be given to the definition of a “heritage asset” in order to control its impact.***

- 2.10 In your opinion is the PPS a document that will remain relevant for at least the next 20 years? Do you see other developments on the horizon that have implications for the policies set out in the PPS?

***PPG15 and PPG16 have delivered effective advice for fifteen and nineteen years respectively. Before these documents there was no effective national guidance on conservation areas or listed buildings. Local authorities relied often on untrained officers to assess the impact of developer proposals on buildings of historical and architectural interest. Decisions were taken which would not be acceptable today. Following a thorough assessment of the consultation responses the new document will emerge and it is reasonable to anticipate that it should provide policy guidance for many years.***

- 2.11 Do you agree with the conclusions of the consultation stage impact assessment? In particular, have we correctly identified and resourced any additional burdens for local planning authorities? Is the impact on owners and developers correctly identified and proportionate to their responsibilities?

***The impact assessment assumes that the PPS will result in efficiency savings for Local Authorities in processing applications. However the definition of heritage asset has been considerably widened beyond current designation. It can be an undesignated building, monument, landscape of historic, architectural, or archaeological interest. The draft***



***PPS links as “heritage assets”, the many thousands of undesignated locally important historical sites and buildings with designated sites (scheduled ancient monuments, listed buildings and conservation areas). It states that the absence of designation does not necessarily indicate lower significance. Non-designated assets of historical or archaeological interest should be treated according to the same principles as those of listed buildings and scheduled monuments. Consequently it is anticipated that a much greater number of applications which will need to be assessed by trained staff and this will inevitably result in greater costs. Similarly although the new system will benefit developers by increasing certainty and reducing the risk of refusals on heritage grounds, the pre-application process is made more complicated and onerous because planning applicants and not the Local Authority or English Heritage, as at present, will be expected to assess the significance of heritage assets before the development is designed and an application submitted. This will increase costs for developers who will have to provide assessments for many more heritage assets.***

- 2.12 Do you think that the policy draft PPS will have a differential impact, either positive or negative, on people, because of their gender, race or disability? If so how in your view should we respond? We particularly welcome the views of organisations and individuals with specific expertise in this area.

***The consultation process adheres to the code of practice on consultation of the Department for Business, Innovation and Skills and is in line with the seven consultation criteria and in my opinion PPS15 is unlikely to be discriminatory in its impact on people because of their gender, race or disability.***

**PLANNING COMMITTEE – 29 SEPTEMBER 2009**

**REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**  
**RE: APPEALS LODGED AND DETERMINED**

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1. **PURPOSE OF REPORT**

To inform Members of appeals lodged and determined since the last report.

2. **RECOMMENDATION**

That the report be noted.

3. **BACKGROUND TO THE REPORT**

3.1 Appeals Lodged

3.1.2 Appeal by Mrs T Satchwell against the refusal of consent for tree works for the removal of 1 beech tree and works to 1 yew tree (09/00370/TPO) at 1 Grange Court, Desford. (Informal Hearing)

3.2 Appeals Determined

3.2.1 No appeals determined to report.

4. **FINANCIAL IMPLICATIONS (AB)**

4.1.1 It is anticipated that all the costs incurred and costs recovered will be met from existing revenue budgets.

5. **LEGAL IMPLICATIONS (MR)**

5.1.1 No Comments

6. **CORPORATE PLAN IMPLICATIONS**

This document contributes to Strategic Aim 3 of the Corporate Plan.

- Safer and Healthier Borough.

7. **CONSULTATION**

None

8. **RISK IMPLICATIONS**

None

9. **RURAL IMPLICATIONS**

None

10. **CORPORATE IMPLICATIONS**

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

- |                                 |                              |
|---------------------------------|------------------------------|
| - Community Safety implications | None relating to this report |
| - Environmental implications    | None relating to this report |
| - ICT implications              | None relating to this report |
| - Asset Management implications | None relating to this report |
| - Human Resources implications  | None relating to this report |
| - Voluntary Sector              | None relating to this report |

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Background papers: Appeal Decisions

Contact Officer: Sarah Humphries ext 5680

**PLANNING COMMITTEE - 29 SEPTEMBER 2009**

**REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**

**RE: APPEALS PROGRESS**

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**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

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Background Papers:

Contact Officer: Tracy Darke, extension 5692

## PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 18.09.09

### WR - WRITTEN REPRESENTATIONS

### IH - INFORMAL HEARING

### PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
Enforcement		09/00242/UNAUTH	PI	Miss Joanna Squires	Land Adjacent to Lodge Farm Wood Road	<i>Awaiting Start Date</i>	
Planning	PM	09/00343/CONDIT	PI	Crest Nicholson (Midlands) Ltd	Land Adjacent to 391 Coventry Road Hinckley	<i>Awaiting Start Date</i>	
Planning	PM	09/00340/CONDIT	PI	Crest Nicholson (Midlands) Ltd	Land Adjacent to 391 Coventry Road	<i>Awaiting Start Date</i>	
09/00016/TREE	NC	09/00370/TPO	WR	Mrs T Satchwell	1 Grange Court Desford	<i>Start Date</i> Questionnaire	25.08.09 22.09.09
09/00015/PP	SH	08/01102/FUL	WR	Richard Timson	Land Rear of 60 Lychgate Lane Burbage	<i>Start Date</i>	13.07.09
09/00014/PP	JH	09/00336/FUL	IH	Miss Joanna Squires	Land Adjacent to Lodge Farm Wood Road Nailstone	<i>Start Date</i> Hearing Date	06.07.09 01.10.09
09/00012/PP Conjoined with 09/00011/PP	LF	09/00202/FUL	WR	Mr M Ketcher	White Gate Farm Mythe Lane Witherley	<i>Start Date</i> Awaiting Decision	22.06.09
09/00011/PP	LF	08/00995/FUL	WR	Mr M Ketcher	White Gate Farm Mythe Lane Witherley	<i>Start Date</i> Awaiting Decision	18.06.09
09/00013/ENF	JH	09/00159/UNBLD	PI	Mr Robert Hodgetts	Land to the north of Bagworth Road Nailstone	<i>Start Date</i> Inquiry Date	05.06.09 26/27.01.10
09/00010/COND	CH	08/00349/FUL	WR	JS Bloor	Land at Sword Drive/Stoke Road Hinckley	<i>Start Date</i> Awaiting Decision	05.06.09

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

Rolling April - September 2009/10

**Planning**

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision		
					Allow	Spt	Dis	Allow	Spt	Dis
10	4	5	1		4	1	5			

**Enforcement**

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn