

Date: 29 March 2010

**To: All Members of the Planning Committee**

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

Copy to all other Members of the Council

(other recipients for information)

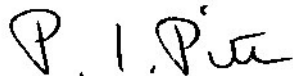
Dear Councillor

There will be a meeting of the **PLANNING COMMITTEE** in the Council Chamber, Council Offices, Hinckley on **TUESDAY, 13 APRIL 2010** 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**

**13 APRIL 2010**

**A G E N D A**

1. APOLOGIES AND SUBSTITUTIONS

RESOLVED

2. MINUTES

To confirm the minutes of the meeting held on 16 March attached marked 'P66'.

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 'P67' (pages 1 – 48).

8. MARKFIELD, EARL SHILTON AND DESFORD CONSERVATION AREA STATEMENTS & MANAGEMENT PLANS

Report of the Deputy Chief Executive (Community Direction) attached marked 'P68' (pages 49 - 58).

Please refer to your agenda for the previous meeting (16 March) or the Council's website for further appendices to this document or contact the report author.

- RESOLVED 9. APPEALS LODGED AND DETERMINED
- Report of the Director of Community and Planning Services attached marked 'P69' (pages 59 – 67).
- RESOLVED 10. APPEALS PROGRESS
- Report of the Director of Community and Planning Services attached marked 'P70' (pages 68 – 70).
- RESOLVED 11. 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**

**16 MARCH 2010 AT 6.34 PM**

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

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

In accordance with Council Procedure Rule 4.4 Mr DC Bill, Mr SL Bray, Mr MR Lay and Mrs S Sprason also attended the meeting

Officers in attendance: Mr B Cullen, Ms C Horton, Ms S Humphries, Ms T Miller, Miss R Owen, Mr M Rice and Mr S Wood.

459 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Mr WJ Crooks with the substitution of Dr Moore for Mr Crooks authorised in accordance with Council Procedure Rule 4.3.

460 **MINUTES (P59)**

On the motion of Mr Bown, seconded by Mrs Hall, it was

**RESOLVED** – the minutes of the meeting held on 16 February 2010 be confirmed and signed by the Chairman.

461 **DECLARATIONS OF INTEREST**

Mr Mayne declared a personal and prejudicial interest in application 09/00915/OUT.

Mr Bown declared a personal and prejudicial interest in application 10/00040/FUL.

Mr and Mrs Hall declared a personal interest in application 10/00062/FUL. Mr Bill suggested that all Liberal Democrat Members should declare an interest in this application but was advised that this was not necessary depending on the level of close association individual Members considered themselves to have with the applicant.

Mrs Aldridge arrived at 6.40pm.

462 DECISIONS DELEGATED AT PREVIOUS MEETING

The Director of Community and Planning Services reported on the following applications which had been delegated at the meeting on 16 February:

- (i) 09/00797/FUL – it was reported that the decision had been issued;
- (ii) 09/00934/FUL – it was reported that issues had been resolved by the set date and the decision had been issued;
- (iii) 09/00950/FUL – it was reported that the issues had been resolved by the set date and the decision had been issued;
- (iv) 09/00873/FUL (19 January) – it was reported that the agreement had now been completed and issued.

463 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P60)

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) 09/00810/FUL – Mixed use development including retention, refurbishment and extension to existing buildings and demolition of factory buildings to create 50 dwellings and 6 apartments with associated parking, Flude House, Rugby Road, Hinckley – MRP Hinckley No.1 LP

On the motion of Mr Bown, seconded by Mr O'Shea, it was

RESOLVED – subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision and maintenance of public play and open space facilities, education, library facilities, civic amenity facilities, healthcare provision and town centre infrastructure improvements by 6 April 2010, the Director of Community and Planning Services be granted powers to issue full planning permission subject to the conditions contained in the officer's report and late items. Failure to do so by 6 April 2010 might result in the application being refused.

Having declared a prejudicial interest in the following application, Mr Mayne left the meeting at 7.02pm and Mr Inman took the Chair at that point.

Mr Bill left the meeting at 7.02pm.

- (b) 09/00915/OUT – Erection of 62 dwellings and associated access, Land south of 26 to 28 Britannia Road, Burbage – Mr John Knapp

Mr Lay left the meeting and Mr Bill returned to the meeting at 7.11pm.

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

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

Mr Mayne returned to the meeting at 7.13pm and resumed the Chair. Mr Bray left the meeting and Mr Lay returned at 7.13pm.

- (c) 09/00987/FUL – Installation of a Multi Use Games Area (MUGA) and associated works, Recreational Ground, Main Street, Thornton – Bagworth & Thornton Parish Council

Mr Bray returned at 7.16pm.

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

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

- (d) 09/01009/OUT – Residential development (outline) with access, Land off London Road, Markfield – Jelson Limited

On the motion of Mr O'Shea, seconded by Mr Boothby, it was

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

Mrs Sprason and Mr Lay left the meeting at 7.35pm.

- (e) 10/00020/FUL – Erection of 8 dwellings and associated works, Land to the rear of 75 Station Road, Earl Shilton – Mr Robert Maloy

Some Members felt that this development would have a detrimental impact on neighbouring properties and it was moved by Mr Bown and seconded by Mr Hall that the application be refused. It was requested that voting on this motion be recorded, which was taken as follows:

Mr Bown, Dr Moore, Mrs Hall and Mr Hall voted FOR the motion (4);

Mr Inman, Mr Bannister, Mr Boothby, Mr Gould, Mr Joyce, Mr Morrell, Mr Ward and Ms Witherford voted AGAINST the motion (8);

Mr Mayne, Mrs Aldridge, Mr O'Shea and Mr Sutton abstained from voting.

The motion was therefore declared LOST.

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

RESOLVED – the Director of Community & Planning Services be granted delegated powers to issue planning permission subject to no significant additional objections being received before the end of the consultation period expiring on 22 March 2010 and the conditions contained in the officer's report and late items.

Having declared a prejudicial interest in the following application, Mr Bown left the meeting at 8.02pm.

- (f) 10/00040/FUL – Installation of a carbonaceous live fire training unit, Caterpillar UK Ltd, Peckleton Lane, Desford – Mr Dave Clayton

On the motion of Mrs Hall, seconded by Mr Gould, it was

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

Mr Bown returned at 8.33pm.

- (g) 09/01007/FUL – Residential Development for 84 dwellings including provision of open space, new access arrangements and other associated works, Greyhound Stadium, Nutts Lane, Hinckley – Crest Nicholson Operations Ltd

It was agreed that a condition be added with regard to code 3 for sustainable homes.

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

RESOLVED – subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision of affordable housing, the provision and maintenance of public play and open space facilities, education, library facilities, civic amenity facilities, health facilities, highway infrastructure and policing requirements by 8 April 2010, the Director of Community and Planning Services be granted powers to issue full planning permission subject to the conditions contained in the officer's addendum report, late items and the abovementioned additional condition (re sustainable homes). Failure to do so by 8 April 2010 might result in the application being refused.

Referring to the previous application on this site, Members asked that a letter of complaint be sent to the Highways Authority to express Members' disappointment in the inconsistent advice received. It was agreed that this would be sent in the name of the Chairman.

The Solicitor to the Committee stated he required authority to formally withdraw the reasons for refusal of the previous application.

RESOLVED –

- (i) a letter be sent to the Highways Authority to outline Members' concerns;
  - (ii) the reasons for refusal of the previous application be withdrawn.
- (h) 09/00358/FUL – Redevelopment of existing derelict site into a 2.5 storey 38 bed residential care home, 29 Moore Road, Barwell – Riverstone Estates

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

RESOLVED – subject to the signing an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972, the Director of Community and Planning Services be granted delegated powers to issue planning permission subject to the conditions contained in the officer's report. Failure to resolve the issue by 25 March 2010 might result in the application being refused.

Messrs Bill and Bray left the meeting at 8.50pm.

- (i) 09/00884/FUL – Demolition of existing garage buildings, construction of 25 new houses and 12 apartments with parking, 39 Derby Road, Hinckley – Westleigh Developments Limited

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

RESOLVED – subject to no significant material observations being received by the end of the consultation period expiring on 19 March 2010, the Director of Community and Planning Services be granted delegated powers to grant planning permission for the development subject to the conditions set out in the officer's report and late items and subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision and maintenance of public play and open space facilities, education, library facilities, highways improvements, civic amenity facilities, healthcare provision and town centre infrastructure improvements by 22 March 2010. Failure to do so by 22 March 2010 might result in the application being refused.



- (j) 09/00922/FUL – Demolition of care/nursing home and proposed redevelopment of residential / nursing home and eight residential units, Moat House, New Road, Burbage – Adept Care Ltd

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

RESOLVED – subject to the resolution of the landscaping issues and the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision and maintenance of public play and open space facilities, library facilities, highways and health facilities, the Director of Community and Planning Services be granted powers to issue full planning permission subject to the conditions contained in the officer's report and late items. Failure to do so by 16 April 2010 might result in the application being refused.

- (k) 09/00923/CON – Demolition of existing residential care / nursing home, Moat House, New Road, Burbage – Adept Care Ltd

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

RESOLVED - subject to the resolution of ecological and landscaping issues and the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision and maintenance of public play and open space facilities, library facilities, highways and health facilities as required by application 09/00922/FUL, the Director of Community and Planning Services be granted powers to issue full planning permission subject to the conditions contained in the officer's report. Failure to do so by 16 April 2010 might result in the application being refused.

- (l) 10/00043/DEEM – Erection of one dwelling (outline with all matters reserved), Land adjacent 147 Wykin Road, Hinckley – Hinckley & Bosworth Borough Council

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

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

- (m) 10/00062/FUL – Extensions and alterations to dwelling, 12 Salisbury Road, Burbage – Mr Keith Lynch

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.

- (n) 09/00607/COU – Change of use from residential to the storage and reconditioning of portable buildings (retrospective), 20 Shaw Lane, Markfield – Mr Howard Statham

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

RESOLVED – the application be refused and enforcement proceedings be commenced for the reasons stated in the officer's report and late items.

- (o) 10/00019/FUL – Demolition of garage and erection of one new dwelling, 6 The Ridgeway, Burbage – Mr A West

On the motion of Mr O'Shea, seconded by Mr Morrell, it was

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

- (p) 10/00060/ADV – Erection of seven poster signs and 1 banner sign, Richard Roberts Dyers Ltd, Southfield Road, Hinckley – Hinckley & Bosworth Borough Council

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

RESOLVED – the application be approved.

- (q) 10/00103/FUL – Extensions and alterations to dwelling, Holly House Farm, Brascote Lane, Newbold Verdon – Martyn Smith

Attention was drawn to the amended recommendation in the late items. On the motion of Mrs Aldridge, seconded by Mr Bown, it was

RESOLVED – the application be approved subject to the conditions contained in the late items.

- (r) 10/00101/FUL – Alterations to cottages to form one dwelling, Holly House Farm, Brascote Lane, Newbold Verdon – Martyn Smith

Attention was drawn to the amended recommendation in the late items. It was moved by Mr Sutton, seconded by Mr O'Shea and

RESOLVED – the application be approved subject to the conditions contained in the late items.

- (s) 10/00123/FUL – Replacement of existing close boarded fence with brick wall, 30 Chapel Hill, Groby – Mr Martin Conroy

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

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

464 DEVELOPMENT MANAGEMENT: PROACTIVE PLANNING FROM PRE-APPLICATION TO DELIVERY (P61)

Members were advised of the consultation and draft response on the draft Planning Policy Statement on development management issued by the Department of Communities and Local Government in December 2009.

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

RESOLVED –

- (i) the report be noted;
- (ii) the consultation response be agreed.

465 MARKFIELD, EARL SHILTON AND DESFORD CONSERVATION AREA STATEMENTS & MANAGEMENT PLANS (P62)

RESOLVED – this item be deferred to the next meeting of the Committee.

466 APPEALS LODGED AND DETERMINED (P63)

A summary was submitted of appeals lodged and determined since the last meeting. It was moved by Mr O'Shea, seconded by Mrs Aldridge and

RESOLVED – the report be noted.

467 APPEALS – PROGRESS (P64)

A schedule was submitted indicating the stages that various appeals against planning decisions had reached. It was

RESOLVED – the report be noted.

468 PLANNING ENFORCEMENT ACTION (P65)

RESOLVED – this item be deferred to the next meeting of the Committee.

(The meeting closed at 9.20pm)

**PLANNING COMMITTEE AGENDA - 13 April 2010 - NUMERIC INDEX**

<b>REF. NO.</b>	<b>APPLICANT</b>	<b>SITE</b>	<b>ITEM</b>	<b>PAGE</b>
10/00051/REM	Invista Foundation (Hinckley) Ltd	Jarvis Porter Coventry Road Hinckley	01	01
10/00102/FUL	Cawrey Limited	Land Adjacent M1 Ferndale Drive Ratby	02	09
10/00140/TEMP	Groby Fishery Ltd	Land Off Newtown Linford Lane Groby	03	14
10/00141/FUL	Groby Fishery Ltd	Land Off Newtown Linford Lane Groby	04	20
10/00148/FUL	Martin Morris	Land Adjacent New House Farm Stapleton Lane Dadlington	05	25
10/00153/FUL	Miss A Dowdeswell	Lidl 25 Hawley Road Hinckley	06	34
10/00200/EXT	Hinckley & Bosworth Borough Council	Northfield Bagworth	07	45

**REPORT 67**

**PLANNING COMMITTEE**

**13 April 2010**

**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:** 10/00051/REM

**Applicant:** Invista Foundation (Hinckley) Ltd

**Location:** Jarvis Porter Coventry Road Hinckley

**Proposal:** APPROVAL OF RESERVED MATTERS OF 07/00231/OUT FOR A MIXED USE DEVELOPMENT COMPRISING WAREHOUSE/ STORAGE UNITS (USE CLASS B8), RETAIL WAREHOUSING (USE CLASS A1) AND DRIVE-THRU RESTAURANT (USE CLASS A3/A5) WITH ASSOCIATED PARKING AND ACCESS

**Introduction:-**

This application is the reserved matters submission for the development of a mixed use scheme comprising warehouse/storage units, retail warehouse and drive thru restaurant with associated parking and access at the former Jarvis Porter factory site at Coventry Road in Hinckley. This reserved matters application seeks approval for appearance and scale only.

The approved outline scheme provides for 8 retail units ranging in size from 617.5 to 1971 square metres (some of which include mezzanine floors) ten warehouse/storage units ranging in size from 111 to 223 square metres and a drive thru restaurant of 232 square metres.

The outline consent provided approval of the layout, access and landscaping and required the reserved matters application for the appearance and scale to include the following details as well:

- i) The external building materials
- ii) The method of disposal of surface and foul water drainage, which shall be on separate systems
- iii) The provision to be made for screening by walls and fences
- iv) The phasing of the development
- v) The floor levels of the proposed units in relation to the existing ground level and the finished levels of the site.
- vi) The provision to be made for the storage of refuse and/or recycling facilities

The application site measures 3.7 hectares, is vacant and has been cleared recently. The concrete hard standing to the former buildings remain on site. The site is relatively flat but sits lower than Coventry Road.

The application site is located close to the town centre to the west and is accessed directly off Coventry Road. Immediately adjacent on the south west and north east are buildings occupied by National Grid. To the north west is Clarendon Park and to the south east is primarily residential.

The application is accompanied by a design and access statement, drainage scheme, drainage strategy and details of the sites levels. The design and access statement gives overall design consideration and objectives. These include: creating an attractive place with its own identity; an attractive external realm; a scheme where the scale and size of buildings relate to each other and their surroundings; regard for the use of appropriate materials for the

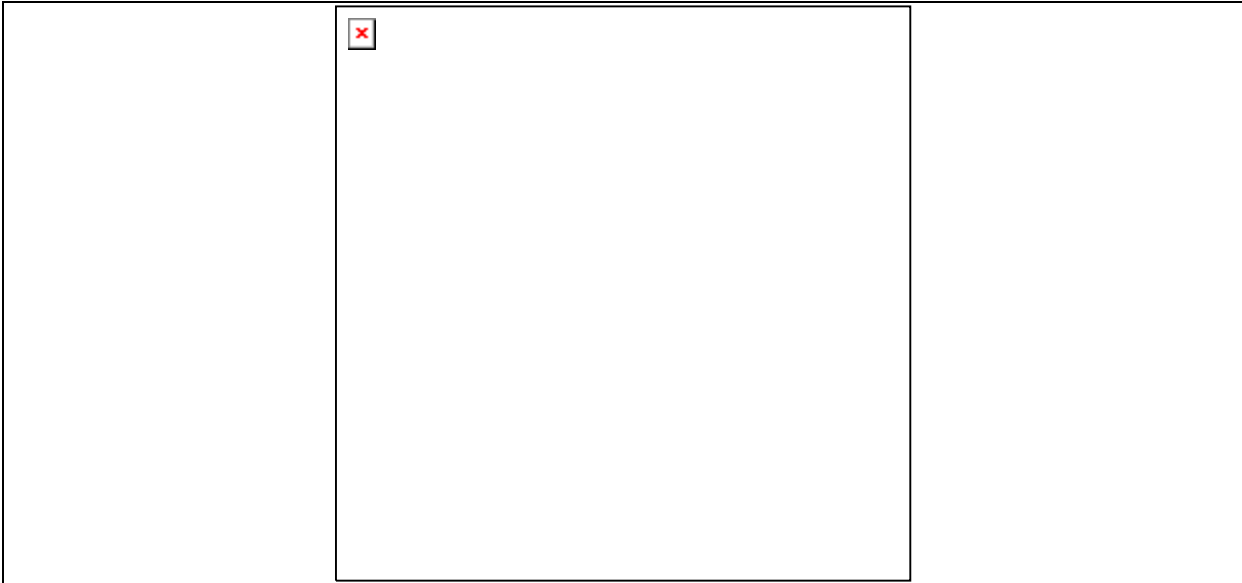
area and a development that meets the expectations and requirements of retail operators and their customers.

A package of facing materials has been submitted with the application. These include the use of architectural concrete block work, steel cladding systems with coloured detailing and profiled steel cladding.

Following ongoing discussion between the applicant and the future site occupiers, amended plans have been submitted. Plans initially proposed reducing the footprint of the retail buildings, increasing their height and altering the palette of materials used on the elevations, however the proposal has gone full circle, with the scheme now being considered being based on the originally proposed footprint but incorporating increased height and alternative materials. Reconsultation has taken place on these amended plans.

**History:-**

97/00639/FUL	Erection of warehouse with office accommodation	Approved	17.09.97
06/01369/OUT	Erection of warehouse/ storage units, retail warehousing, drive-thru restaurant and associated parking	Withdrawn	12.06.06
06/00850/OUT	Erection of warehouse/ storage units, retail warehousing, drive-thru restaurant and associated parking	Refused	11.01.07
07/00231/OUT	Erection of warehouse/ storage units, retail warehousing, drive-thru restaurant and associated parking	Approved	23.05.07



**Consultations:-**

No objection has been received from:

Director of Chief Executive (Archaeology)  
Director of Environment and Transport (Ecology)  
The Leicestershire Constabulary Crime Reduction Officer  
Head of Community Services (Pollution)

No objection subject to conditions have been received from:

Severn Trent Water  
Head of Community Services (Land Drainage)

The Environment Agency confirms that it is not in a position to approve the drainage scheme submitted because it fails to provide any calculations in respect of the drainage likely to arise from the development.

Site notice and Press notice were displayed and neighbours notified.

One letter of objection has been received objecting to the drive thru unit due to the anti social behaviour and litter it will bring.

At the time of writing the report the Director of Environment and Transport (Highways) has not provided a comprehensive response.

## **Policy:-**

### Central Government Guidance

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

### Hinckley and Bosworth Local Plan 2001

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Proposals are to be assessed against the criteria within the policy.

Policy BE26 seeks to protect the environment and visual amenity through the reduction of light pollution.

## **Appraisal:-**

The main considerations with regards to this application are those of scale and appearance, and the matters specifically detailed (as detailed in the introduction to this report) as needing to be submitted with the reserved matters application. The principle for this development has been previously considered and established through the grant of outline planning permission in 2007, this included a legal agreement that secured £32,500 of landscaping to Clarendon Park, highway improvements including the provision of a right turn lane and contributions towards town centre parking.



For the avoidance of doubt, the proposed layout associated with this application for scale and appearance is in conformity with the approved layout considered under the terms of outline application. However, the retail floor space has been redistributed to provide 8 retail units instead of the 5 initially shown in the outline application. This gross floor space now proposed does not exceed that subject to a condition attached to the outline approval and therefore is considered to be in conformity with the outline approval.

#### Scale (including finished floor levels)

The application seeks approval for a range of buildings similar to others that are found in out of town retail parks. The development is predominately of portal frame buildings, of two storey scale, with low pitch hip roofs. The drive thru restaurant building is of single storey bespoke design with large glass elevations, whilst the industrial/warehouse buildings are simplistic portal frame industrial buildings. The two storey retail buildings represent the buildings of the greatest scale on the site and have an eaves height of 8.2 metres and a ridge height of 10 metres.

The site is bound to the northeast and southwest by commercial buildings (National Grid Offices and British Gas Office) of a significant scale. Both of these existing buildings dominate the urban town centre landscape and the existing site currently provides an uncharacteristic large open space between these buildings which is to the detriment of the visual amenity of the area.

The site is relatively flat and sits lower than Coventry Road. The site has two predominate ground levels, that of the main site where the retail units are proposed this has a typical level of 105.6 metres and the area to the rear of the British Gas building which has a typical level of around 102 metres.

The application provides details of the proposed ground levels and to avoid the need for expensive ground works the development is proposed at very similar ground levels. The retail units have a common finished floor level of 105.7 metres and the industrial/warehouse with an average of 102.83 metres. The drive thru has a finished floor level of 106.125 metres. Some minor ground level changes may well be necessary however these are not significant and will not alter the effect of the scale of the buildings.

The proposed two storey scale of the retail buildings, when considered alongside the proposed ground levels and the existing buildings in the locality, is considered acceptable and will result in a built form that generally respects the scale and character of the locality.

#### Appearance (including the materials of construction)

It is considered that the drive thru building by virtue of its size and its position lower than Coventry Road will not have a significant impact within the wider streetscene. It is inevitable that it will be seen within the street but this will be against the backdrop of the end elevation of the retail building to the rear. The buildings small size, predominately glazed design and siting set back from Coventry Road results in a non-dominating form that is considered acceptable. It is likely that upon letting/sale of this unit a new planning application will be submitted to alter this building further inline with the corporate image of the proposed occupier. This is beyond the control of the planning authority at this time but a building of a high design quality, that respects the character of the locality will be necessary.

The retail buildings are typical in appearance to many other large out of town retail stores. They are to have a buff finish architectural concrete block work to a height of 3 metres, with overhanging pearlescent grey coloured steel cladding above to eaves level with a decorative

detailing band in anthracite colour at the low level and eaves detail in pearlescent dark grey colour. The roofs are proposed in conventional box profile cladding.

The end elevation of the building that fronts Coventry Road by virtue of its scale will be particularly prominent within the streetscene and the proposed materials will create a large expanse of elevation that lacks visual interest and would lend itself to the future siting of corporate and seasonal advertisements for future occupiers.

The matters has been discussed with the applicant's agent and the project architect and there is an informal agreement that the end elevation will be subject to an alternative facing material that will create a unique and attractive feature of this prominent elevation or a piece of public art. Due to the complexities of designing such a feature the agent has suggested that the matter be subject to a condition. There is no objection to making such a matter the subject to a planning condition and provisional discussion is underway in respect of facing materials, textures and appearance. If the matter is adequately addressed in time it will be dealt with as a late item to avoid unnecessary conditions.

In considering the scale, form and materials proposed and the commitment to alter the end elevation, the development will create an attractive collection of buildings, of a crisp and contemporary appearance, that will create their own identity within the varied streetscene.

The industrial/warehouse buildings to be sited to the rear of the site maintain the simple portal frame appearance of the retail units. However, the buildings are somewhat more functional and utilitarian in their appearance and this reflects their functional use. The applicant proposes that these buildings be completely steel clad structures with large roller shutter doors to provide for the necessary access by tenants.

Given the buildings end use and their position to the rear of the site and whilst being clearly seen from Clarendon Park, when considered against the other commercial buildings in the locality they do not result in any harm to the wider character of the site and the area and are therefore considered acceptable.

### Other Matters

#### Drainage

In accordance with the conditions of the outline, the application is accompanied by a comprehensive drainage scheme. The Environment Agency is not in a position to confirm that the scheme is acceptable due to it lacking the necessary calculations that have led to its design. The calculations have been requested and the observations of the Environment Agency will be reported as a late item.

#### Screen Walls and Fences

The application is accompanied by details of all boundary treatments and retaining walls (where applicable). All perimeter site boundaries will be treated with 2 metre high anti-climb mesh fencing in dark green colour. The secure compound to the rear of Unit A is to be treated with a combination of 4 metre high anti-climb mesh fencing in dark green colour and a section of similar 4 metre high mesh fencing with a further 2 metre high mesh/net above. This fencing is appropriate to define the sites boundaries and provides the necessary security such a development requires. The appearance of the fencing is appropriate in its appearance and will not be harmful to the overall design concept of the scheme and the character of the immediate area.

Due to the change in the site levels, a retaining wall is necessary adjacent to the sites southwest boundary with the British Gas office. A similar wall exists on site at the current

time, however the proposal is that this wall will be removed and the new wall is to be constructed from the same buff architectural block work as that used on the elevations of the retail units. A galvanised guardrail is proposed to the top of the wall for safety reasons. The use of the same architectural block work facing material as that on the buildings will provide coherence within the development and its light colour will create a necessary retaining structure that is not harmful to the user of the sites amenity and the wider character. The light buff colour of the material is also very similar to the palette of the materials at the adjacent British Gas office.

### Phasing of the Development

The application is accompanied by a phasing plan that details that the development will be constructed in three phases. Phase one proposes the construction of units A, B, C and J, the parking forward of these units and a temporary access road allow delivery access to the rear of the units, Phase two proposes the construction of the industrial/warehouse units and the parking associated with it. Phase three proposes the construction of the remaining retail units (D, E, F, G, and H), the associated parking and the removal of the temporary access road.

In the current economic climate it is necessary for local planning authorities to consider and where possible, adopt a flexible approach to the delivery of development. The proposed phasing of this development seeks to deliver the development in three phases, providing a balance in the provision of the permitted uses. It is not considered to result in any detriment to the visual amenity or the safe and functional use of the site. The Director of Highways has confirmed that each phase provides an appropriate degree of parking and therefore no objection is raised.

### Storage of Refuse/Recycling Facilities

The amended layout plan provides details of bin store enclosures to all units. The details provided include the provision of screen enclosures to the all storage areas and are considered to be acceptable.

### Additional Landscaping

A landscaping scheme was approved under the terms of the outline permission and this secured £32,500 of off site landscaping at Clarendon Park, however an additional area of landscaping is now proposed adjacent to the outside storage compound area of unit A. This area does not affect the site layout or the parking provision and will help to screen the compound area from view from Derby Road. The landscaping of this area will be subject to a condition.

### Conclusion

The scale of the buildings proposed is considered to be typical of and acceptable to this out of town mixed use development and site. The buildings will create an attractive mixed use development that compliments the surrounding area and provides an attractive and vibrant development on one of the key access routes into the town centre. The scale of the buildings is such that it will be compatible with the overall scale of the neighbouring buildings and will not be to the detriment of visual amenity.

The proposal seeks to create a unique and attractive feature of the side elevation of the retail development fronting Coventry Road which will further add to the attractiveness and vibrancy of the development whilst providing its own identity.

**Recommendation:- Permit subject to the following conditions:-**

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

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan and would not be to the detriment of visual or residential amenity or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE26.

- 1 The development hereby permitted shall be constructed in accordance with the details as shown on the material sample board submitted with the application as amended by the submission of anthracite colour detailing, unless otherwise agreed in writing by the Local Planning Authority.
- 2 The retaining walls hereby permitted shall be constructed in Buff coloured architectural block work as detailed on plan ref: 10392/TP/109 Rev C, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The boundary treatments shall be erected in accordance with the details shown plan 10392/TP/109 Rev C before the first use of the appropriate phase of the development hereby approved. The boundary treatments shall remain in position as approved thereafter.
- 4 Before the first use of units D, E, F, G, H proposed as phase three of the development hereby permitted, the temporary access road detailed as part of phases one and two shall be removed and the car parking as shown on the approved layout plan shall be laid out and made available for use for the parking of vehicles and remain this way thereafter.
- 5 The bin stores shall be provided before the first use of the respective units and remain available for the storage of bins and recycling containers thereafter.
- 6 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 103/92/TP: 100/Rev C, 101/Rev A, 102/Rev A, 103/Rev A, 104/Rev A, 105/Rev A, 106, 107/Rev A, 109/Rev C, 110/Rev A.
- 7 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) planting plans
  - (ii) written specifications
  - (iii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - (iv) implementation programme
- 8 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.

**Reasons:-**

- 1-3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6 For the avoidance of doubt and in the interests of proper planning.
- 7 - 8 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

**Notes to Applicant:-**

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site [www.planningportal.gov.uk](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 outline planning permission to which this reserved matters application is associated with is subject to a legal agreement, the terms of which remain applicable and need to be met through the implementation of the planning permissions.

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

**Item:** 02

**Reference:** 10/00102/FUL

**Applicant:** Cawrey Limited

**Location:** Land Adjacent M1 Ferndale Drive Ratby

**Proposal:** FORMATION OF TEMPORARY STORAGE COMPOUND AND VEHICULAR ACCESS.

**Introduction:-**

This is a full application for the creation of a temporary storage compound and vehicle access on land to the south east of Groby Road, Ratby, it seeks to regularise unauthorised development that has taken place on the site. The application includes the provision of a 5.5m wide tarmacdam access road, with drainage, and a domed storage building measuring 10m by 20m with a maximum height of 5.2m from the base, set within a storage compound consisting of a hardcore base and surrounded by a solid sheet profile fence to the eastern and northern boundaries, with chain link fencing to the west and open steel fencing to the southern boundary. The fencing will be 1.8m in height.

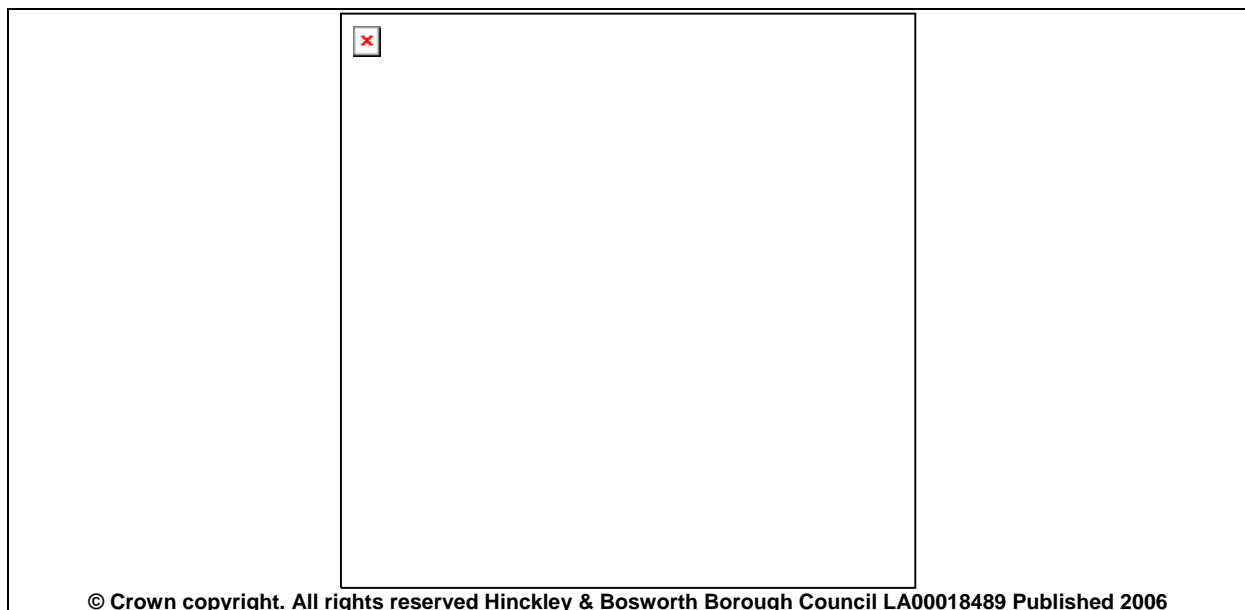
The site consists of an agricultural field sandwiched between the development site for 50 dwellings granted planning permission under reference number 09/00211/FUL to the south-east, the M1 motorway to the north-east, Cottage Close, a 1980's residential development to the south and south-west and dwellings on Groby Road to the north-west. The land is generally flat apart from man made bunds that are conditions of previous applications around the site.

The development has been partially commenced with the road and drainage already laid, although missing kerbstones, and top soil scraped back from the area that would be occupied by the compound.

A design and access statement has been submitted in support of the application stating that the compound is to securely store valuable machinery and materials required in association with the adjoining development. The access from Groby Road will enable deliveries of material to the site without large vehicles and trucks driving through the existing residential estate.

**History:-**

09/00211/FUL	Erection of 36 no dwellings and 14 no apartments	Approved	30.06.09
08/00722/FUL	Erection of 36 no dwellings and 20 no apartments	Withdrawn	12.06.08



## **Consultations:-**

No objection has been received from:

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

Site notice and Press notice were displayed and neighbours notified.

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

Director of Environment and Transport (Highways)  
Parish Council  
Neighbours

## **Policy:-**

### Local Development Framework Core Strategy 2009

Policy 9 considers development within the Rothley Brook Meadows Green Wedge, and seeks to provide appropriate recreational facilities within easy reach of urban residents and considers the following land uses acceptable: agricultural, outdoor recreation, forestry, footpaths and cycle ways, and burial grounds.

### Hinckley and Bosworth Local Plan 2001

The site falls outside the Groby settlement boundary as defined within the adopted Hinckley and Bosworth Local Plan.

Policy NE5 considers development within the countryside and seeks to protect the countryside for its own sake, restricting development to that which is important to the local economy, change of use or extensions to existing buildings and for sport or recreation purposes.

Policy T5 considers highway design and vehicle parking standards and will apply the design standards as set out within the current edition of the County Council's design standards.

The Site Allocations Preferred Options Document has recently been out for public consultation. This highlights the application site as a preferred option for future residential development. However, this document does not carry significant weight as it is only part way through the adoption process with a draft version for submission expected to be issued later this year with an examination next year.

## **Appraisal:-**

The main considerations with regards to this application are the impact on highway safety and the impact on the character and appearance of the countryside.

### Highway Safety

The Director of Environment and Transport (Highways) has indicated verbally that he will not be objecting to the application, the formal comments will be reported as a late item. It is considered that the access has sufficient visibility to the north east and south west. Groby Road has a 30mph speed restriction at this point, with traffic calming measures to the south

west. The proposal utilises an existing field access, and is adjacent to residential accesses. This stretch of Groby Road, has a variety of turning traffic, and therefore, given the visibility, it is not considered that the proposed access would cause a danger to other users of the highway.

One of the justifications for the access and the location of the storage compound as proposed is to prevent goods vehicles, delivering materials to the construction site, travelling through residential estate roads that not designed to take the size of vehicle likely. Large construction vehicles create noise, vibration and disturbance to local residents and whilst there is no planning objection to vehicles using the route through the existing residential estate to the site, there will be an amenity gain for residents on Dane Hill, Ferndale Drive and the recent development off Fielding Lane. The applicant has a health and safety duty to new occupiers on Fielding Lane, and diverting the larger vehicles to the proposed access would assist the developer to meet this requirement. It is therefore considered that the proposal would reduce potential disturbance and nuisance to local residents.

### Character and appearance of the countryside

The site is sandwiched between the M1 motorway which forms a physical barrier to the north with residential development to the south, east and west. The proposed site is rough pasture land that is encroached by bunds required as noise barriers to shield previous development from the noise of the motorway.

The site is within the Rothley Brook Meadows Green Wedge, the purpose of which is to keep separate the built up areas of Groby, Ratby and Leicester, providing recreational facilities within easy reach of urban residents. Development has already extended to the motorway to the east of the site and it is considered that this site adds little value to the objectives of the Green Wedge.

Given that the site is enclosed by development, and there are limited public views into the area, it is not considered that the proposal would significantly detrimentally affect the character of the countryside. Policy NE5, is in accordance with other government policy that seeks to protect the countryside for its own sake recognising it as a valuable resource. However given the enclosed nature of this site, the limited views into and out of it, it is not considered that the proposal will significantly detrimentally affect the character of the countryside to justify refusal of this application.

### Other Issues

The site is being considered as part of the site allocations development plan document as a proposed residential site to provide land for the dwellings allocated to Ratby within the adopted Core Strategy. Whilst the site allocations document is not adopted and carries little weight at this time, the allocations within it should be given consideration.

The construction of the access road, incorporating kerbstones and drains does not have the appearance of a temporary roadway. The applicant has justified the proposed construction due to the size of vehicles expecting to use the access stating that they would cut up and destroy the access road if not hard surfaced. The applicant understands that, if granted, this permission would only be for a temporary period and the roadway laid would have to be removed upon completion of the adjacent development. As such it is considered the imposition of a condition requiring the removal of the access road and associated works after 2 years, by which time the adjacent residential development should be complete. If at the expiry of the temporary period the residential development is not complete the applicant would need to apply to extend the period. Should an application for development be submitted within the intervening period, the layout of the application would be judged on its



own merits and the present siting of the access road would not pre-determine the form of future development on the site.

### Conclusion

The application site is a parcel of land surrounded by development and a motorway to the north. Its value as an open space to provide recreational facilities or amenity as part of the wider countryside is severely limited by the surrounding constraints. It is therefore considered that this proposal would have limited harm to the character of the countryside. There is no objection to the proposal on highway safety grounds and therefore it is considered the application is acceptable.

### **RECOMMENDATION :- Permit subject to the following conditions :-**

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

**Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development by virtue of the limited value of the land to the Green Wedge and countryside, the temporary nature and associated benefits the development would bring to residents the proposal would not result in a danger to users of the highway, or detrimentally affect the amenities of neighbouring residents and would be in accordance with the development plan.**

Local Development Framework- Core Strategy Policy 9.

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

- 1 The building, compound, access road and other associated works hereby permitted shall be removed from the site to leave a bare subsoil surface and the land shall then be ripped, subsoiled and topsoiled with suitable non-contaminated materials to match surrounding ground levels restoring it to its former condition on or before 15th April 2012.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:  
AA15- Compound received 12.03.10  
07037-126 and 07037-125 received 04.03.10  
Proposed Temporary Plant Storage Building received 24.02.10  
Design and access statement received 08.02.10

#### **Reasons:-**

- 1 To ensure the temporary buildings and associated works are removed from the site and the land returned to its former use in accordance with Policy NE5 of the adopted Hinckley and Bosworth Local Plan.
- 2 For the avoidance of doubt and in the interests of proper planning.

#### **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 position of the temporary road hereby approved shall not dictate the layout of any future application on this site. Any future application would be assessed on its own merits.

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

**Item:** 03

**Reference:** 10/00140/TEMP

**Applicant:** Groby Fishery Limited

**Location:** Land Off Newtown Linford Lane Groby

**Proposal:** ERECTION OF A LOG CABIN FOR A PERIOD OF THREE YEARS FOR OCCUPATION BY FISHERY MANAGER AND HERDSMAN

**Introduction:-**

This application seeks temporary permission for a dwelling to accommodate a fisheries manager and herdsman on the Groby Old Hall Fisheries. This is a site located to the north of Groby and is separated by the A50. Access to the site is off Newtown Linford Lane.

The site consists of agricultural fields with two fishing lakes to the south, separated by a ditch and hedgerow, and a larger lake located to the north. The dwelling would be in the form of a log cabin, measuring 13.55m by 6.4m and with a ridge height of 3.4m. The accommodation would have an internal area of 74.1 m<sup>2</sup> providing accommodation for three bedrooms, a bathroom, open plan lounge, dining and kitchen area. The log cabin design features an external veranda and will be of pile constructed and not a large concrete slab.

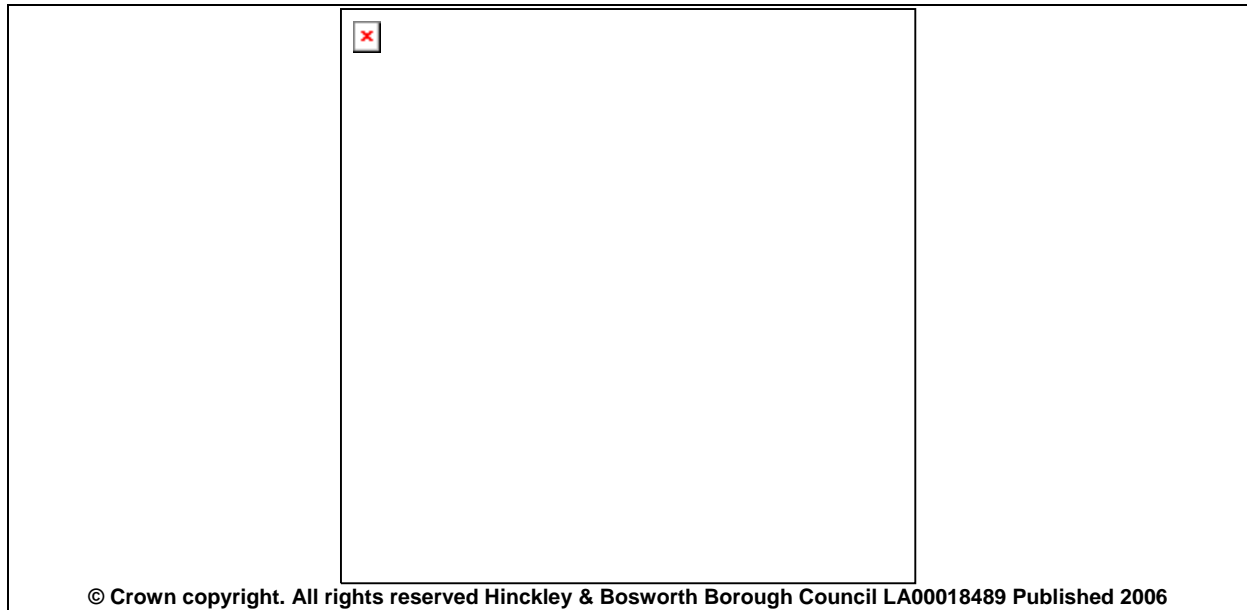
The applicants have submitted a design and access statement and an essential needs appraisal.

The design and access statement considers the siting and location of the proposal in terms of the visual effect on the surrounding area and the appearance influenced by the choice of materials.

The essential needs appraisal gives details of the businesses on the site, namely the fisheries and the keeping and breeding of dexter cattle for market. The assessment states that it is the intention of the owners to improve the fishing in the lake, however to do this lakes need to be better stocked and the oxygen levels monitored. The report explains how climatic conditions can effect the oxygen levels within the water and hence the number of fish the lakes can support. It continues that the value of the stock and equipment required to measure and re-oxygenate the water levels further justifies the need to have a full time member of staff living on site. A financial breakdown and several appeal decisions are provided as appendices to the assessment.

### History:-

08/00411/COU	Change of use and extension of former pick your own building to facilities building with associated car parking in connection with fisheries enterprise.	Approved	11.06.08
07/01455/FUL	Proposed farm and fisheries storage and workshop barns	Approved	06.02.08
07/01376/FUL	Erection of livestock shelter	Approved	11.02.08
96/00863/FUL	Creation of conservation and amenity lake	Approved	05.01.97
95/00117/TEMP	Retention of sales office, store and ice crème sales building	Approved	31.03.95
90/00208/4	Retention of sales office and store and ice crème sales building	Approved	20.03.90
85/00190/4	Extensions to sales office	Approved	23.04.85
83/00450/4	Erection of play equipment	Approved	21.06.83
82/00196/4	Erection of sales office, store and toilets and change of use of agricultural building to sales area for ice crème and crème.	Approved	27.04.82
78/00582/4	Formation of car park in connection with the use of use as adjacent fields for the picking of agricultural produce	Approved	27.06.78



**Consultations:-**

No objection has been received from:

- Director of Environment and Transport (Highways)
- Director of Environment and Transport (Rights of Way)
- Director of Environment and Transport (Ecology)
- Head of Community Services (Pollution)

No objection subject to conditions have been received from Head of Community Services (Land Drainage)

Groby Parish Council state that a mobile home may be more acceptable, however as this is seen as a agricultural application there is no objection from the Parish providing it is not used to develop the site for residential use.

Site notice and Press notice were displayed and neighbours notified.

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

- Director of Chief Executive (Archaeology)
- The Borough Council's Agricultural Appraisal Consultant
- Neighbours

**Policy:-**

Central Government Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' sets out the overarching planning policies on the delivery of sustainable development through the planning system. Paragraph 5 states that planning should facilitate and promote sustainable

and inclusive patterns of rural development by protecting and enhancing the natural environment and the quality and the character of the countryside.

Planning Policy Statement 3 (PPS3): Housing sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 10 seeks to ensure that housing developments are in suitable locations.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's planning policies for rural areas. Paragraph 1 advises that new building development in the open countryside outside existing settlements should be strictly controlled in order to protect the countryside for its intrinsic beauty. Paragraph 10 makes it clear that isolated new dwellings in the countryside require special justification for planning permission to be granted. Further advice is provided in Annex A to PPS7 which states that one of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural and certain other full time workers to live at, or in the immediate vicinity of, their place of work. In assessing planning applications for new dwellings in the countryside Annex A requires a functional and financial test to be applied in order to give consideration to: the nature of the holding and the functional need/necessity for the person to live on site, having regard to the security and efficient operation of the holding, (e.g. if a worker is needed day and night to provide essential care at short notice and deal quickly with emergencies that could otherwise cause serious loss); the financial viability of the holding to sustain the worker in full time employment; the availability of suitable existing accommodation nearby. In addition, the dwelling should be of a size commensurate with the established functional requirement and be well related to existing buildings. Dwellings that are unusually large in relation to the needs of the unit or expensive to construct in terms of the income it can sustain in the long term should not be permitted. It is the requirements of the enterprise not those of the owner or occupier that is relevant in determining the size of the dwelling that is appropriate.

#### Local Development Framework Core Strategy 2009

Policy 9 considers development within the Rothley Brook Meadows Green Wedge that seeks to provide appropriate recreational facilities and lists acceptable uses within the Green Wedge including outdoor recreation. Applications should retain the open and undeveloped character of the Green Wedge, retain and create green networks and retain public access to the Green Wedge.

#### Hinckley and Bosworth Local Plan 2001

The site is located outside Groby Settlement Boundary as defined within the adopted Hinckley and Bosworth Local Plan.

Policy NE5 considers one of the appropriate reasons for development within the Countryside to be for the purposes of sport or recreation providing the development does not adversely effect the appearance or character of the landscape, it is in keeping with the scale and character of existing buildings, where necessary it is screened by appropriate landscaping and would not generate traffic likely to exceed the capacity of the highway.

Policy BE1 considers the design and siting of development ensure that new development respects the character of the surrounding area.

Policy RES12 states that in assessing planning applications for dwellings required to accommodate a person employed in agriculture, consideration will be given to: the nature of the holding and the necessity for the person to live on site, having regard to the security and efficient operation of the holding; the viability of the holding to sustain the worker in full time

employment; the availability of suitable alternative accommodation in the local housing market.

### **Appraisal:-**

The main considerations with regards to this application are the principle of development and whether it can be demonstrated that there is a functional and financial need for a dwelling in connection with the fisheries business and beef herd on the site; and the effect of the proposal on the countryside in terms of siting and design.

As there are no neighbouring properties within close proximity of the site, the proposal will not have and adverse impact on neighbouring amenity.

### Principle of Development

PPS7, annex A states that where a dwelling is essential to support a farming activity, a temporary structure that can easily be removed should first be considered. Applications like the one now under consideration should be able to demonstrate:

- i) a firm intention and ability to develop the enterprise
- ii) the functional need
- iii) evidence the enterprise has been planned on a sound financial basis
- iv) the functional need cannot be fulfilled by any other existing dwelling in the area which is suitable.
- v) any other planning requirements are satisfied

#### i) Intention to develop the enterprise

The applicant has submitted a separate application for a building to house fry tanks to enable the hatching and rearing of fry, this is being considered along side this application and is also reported on the agenda. The applicants have also submitted an application to discharge conditions on a previous consent. It is considered that both of these actions demonstrate the intention to develop the enterprise.

#### ii) Functional need

The relevant guidance is contained within annex A of PPS7. Paragraph 15 of this document acknowledges that other rural based enterprises other than agricultural and forestry may provide special justification for planning permission to be granted for a dwelling to provide accommodation on the site for a full time worker associated with the enterprise. In these cases the statement requires the same stringent assessment criteria to be applied as any other agricultural workers dwelling. It is considered therefore that a fisheries business could provide that special justification for a single dwelling in the countryside and should be considered against annex A of PPS7.

The onus is on the applicant to provide evidence as to the functional need as stated within Paragraph 4 of annex A, a dwelling can be considered necessary where:

- i) Animals or agricultural processes require essential care at short notice, or
- ii) To deal quickly with emergencies that could otherwise cause serious loss of crops or products

The applicants have submitted an essential needs appraisal that states that the three lakes currently provide 104 pegs which are under utilised and it is the intention of the applicants to

expand the business, fully utilising the facilities on site. The appraisal considers more pegs will be sold if better fishing can be provided. It is one of the intentions of the applicants to breed fish to stock the lake. A separate application on the agenda considers a building to house fry tanks. The applicants state that the fry will be hatched in the tanks where the conditions, especially oxygen levels, can be carefully managed. Fish are currently imported increasing the risk of infections and diseases being introduced to existing healthy stocks. By increasing stock within the lakes and to maximise and care for the fish fry the lakes and tanks would have to be aerated to ensure that oxygen levels are maintained. The appraisal details the conditions and speed of which oxygen levels within the water can fall and the speed of which this has to be addressed. A manger is required on site to reduce the risk of loss of valuable stock through climatic change and rapid de-oxygenation of the lakes.

### iii) Sound financial basis

Details of the turnover and profit of the business have been submitted to demonstrate that the fisheries and farming business can support a full time employee. This is currently being considered by the Councils Agricultural Consultant and his findings will be reported to the committee as a late item.

### iv) Other suitable existing dwelling

The application site is located within 500m of the edge of Groby, a large village with ample facilities. The submitted essential needs appraisal states that there are no suitable dwellings close enough to respond quickly enough to any emergencies on the site. Advice is awaited from the Borough Councils Agricultural Consultant as to whether this is correct.

### v) Other planning requirements: Siting and Appearance and effect on the Countryside

The proposed dwelling is a three bedrooled, log cabin that would be sited upon pillars to the west of the proposed building to house the fry tanks. The building will be timber framed and clad with horizontal timber under a tiled rood, doors and windows are wooden framed, it has been designed with a low roof pitch. It is considered that the design and appearance of the dwelling is acceptable and due to its construction could easily be removed, and is therefore a suitable temporary building.

There is one existing building on the site and two that have planning permission that has not yet been implemented. The existing building is sited to the south of the access road, adjacent to a field boundary. The permitted livestock building, not yet implemented is located to the east and a permitted farm and fisheries storage building and workshop is located to the north of the access, also not yet implemented.

The siting of the dwelling to the west of the proposed fry tanks has no relationship to any of the other buildings existing or benefiting from planning permission already on the site. Policy 9 of the Core Strategy seeks to protect the open nature of the Green Belt, Policy NE5 of the local plan and seeks to retain the open nature of the countryside. No justification for the proposed siting has been provided and it is considered that the proposed siting away from the existing building or other buildings with planning permission, could lead to a proliferation of buildings thus having an adverse impact upon the character of the countryside and the green wedge.

### Conclusion

It is considered that the fisheries business falls under the special justification required by PPS7 hence Annex A is relevant. Whilst guidance is still awaited from the Borough Councils Agricultural Consultant regarding the functional and financial tests it is considered that the

applicants have not provided any justification for the siting of the proposed temporary dwelling. It is considered that the siting of the proposal is unacceptable and would result in harm to the character of the countryside and green wedge contrary to the objectives of Policy 9 of the adopted Core Strategy and NE5 of the Hinckley and Bosworth Local Plan and is therefore contrary to PPS7.

**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 siting of the proposed temporary dwelling, will result in a proliferation of buildings across the site, without justification, thereby eroding the open character of the area to the detriment of the Rothley Brook Green Wedge and countryside. As such the proposal is contrary to Planning Policy Statement 7; Policy 9 of the adopted Local Development Framework Core Strategy and Policies NE5 and BE1 of the adopted Hinckley and Bosworth Local Plan.

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

**Item: 04**

**Reference: 10/00141/FUL**

**Applicant: Groby Fishery Limited**

**Location: Land Off Newtown Linford Lane Groby**

**Proposal: ERECTION OF BUILDING FOR HOUSING FRY TANKS**

**Introduction:-**

This application seeks full planning permission for the erection of an open sided building for the housing of fry tanks. The proposed structure would measure 5m by 12m and have a pitched roof with a central ridge with a height of 4m. Three sides of the structure would be covered with dark green corrugated profile metal sheeting with the northern elevation open.

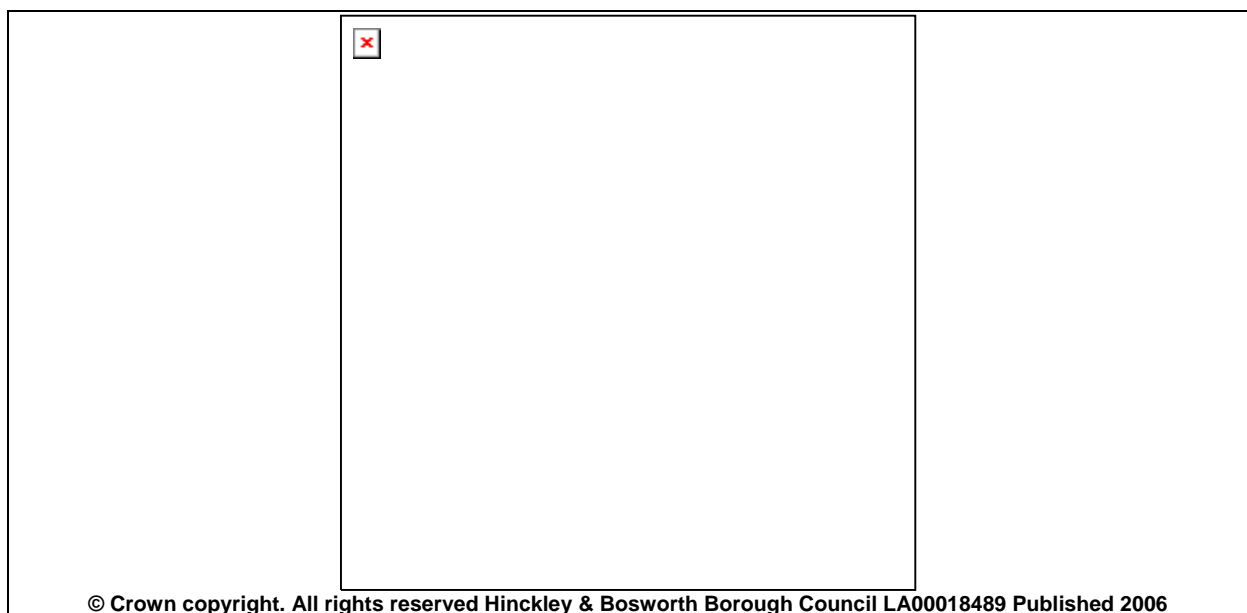
The Groby Fishery, is located to the north of Groby and is separated by the A50. The site is accessed off Newtown Linford Lane and is currently comprises the fisheries and pastured farm land, which is used for the grazing of cattle and growing hay for fodder and silage. There are three lakes on the site two located to the south of the site, and one at the northern end of the site. It is proposed to locate the proposed building within the field to the north of the two lakes, and the southern boundary of the field.

A design and access statement has been submitted with the application, giving details of the use of the building, its siting, dimensions and appearance. The building will be used to house tanks for the rearing of fish fry prior to release into rearing tanks. It states that the building has been located between the fisheries 3 lakes and close to the rearing tanks.

**History:-**



08/00411/COU	Change of use and extension of former pick your own building to facilities building with associated car parking in connection with fisheries enterprise.	Approved	11.06.08
07/01455/FUL	Proposed farm and fisheries storage and workshop barns	Approved	06.02.08
07/01376/FUL	Erection of livestock shelter	Approved	11.02.08
96/00863/FUL	Creation of conservation and amenity lake	Approved	05.01.97
95/00117/TEMP	Retention of sales office, store and ice crème sales building	Approved	31.03.95
90/00208/4	Retention of sales office and store and ice crème sales building	Approved	20.03.90
85/00190/4	Extensions to sales office	Approved	23.04.85
83/00450/4	Erection of play equipment	Approved	21.06.83
82/00196/4	Erection of sales office, store and toilets and change of use of agricultural building to sales area for ice crème and crème.	Approved	27.04.82
78/00582/4	Formation of car park in connection with the use of use as adjacent fields for the picking of agricultural produce	Approved	27.06.78



**Consultations:-**

No objection has been received from:

Director of Environment and Transport (Highways)  
Director of Environment and Transport (Rights of Way)  
Director of Environment and Transport (Ecology)  
Head of Community Services (Pollution)

No objection subject to conditions have been received from Head of Community Services (Land Drainage).

Site notice and Press notice were displayed and neighbours notified.

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

The Borough Council's Agricultural Appraisal Consultant  
Groby Parish Council  
Neighbours

**Policy:-**

Local Development Framework Core Strategy 2009

Policy 9 considers development within the Rothley Brook Meadows Green Wedge and seeks to provide appropriate recreational facilities and lists acceptable uses within the Green Wedge including outdoor recreation. It requires that proposals should retain the open and undeveloped character of the Green Wedge, retain and create green networks and retain public access to the Green Wedge.

Hinckley and Bosworth Local Plan 2001

The site is located outside Groby Settlement Boundary as defined within the adopted Hinckley and Bosworth Local Plan.

Policy NE5 considers one of the appropriate reasons for development within the Countryside to be for the purposes of sport or recreation providing the development does not adversely effect the appearance or character of the landscape, it is in keeping with the scale and character of existing buildings, where necessary it is screened by appropriate landscaping and would not generate traffic likely to exceed the capacity of the highway.

Policy BE1 considers the design and siting of development and requires new development to respect the character of the surrounding area.

Supplementary Planning Guidance / Documents

Supplementary Planning Guidance - Design of Farm Buildings provides best practice advice relating to the design and siting of farm buildings.

**Appraisal:-**

The main considerations with regards to this application are the principle of development and the effect on the character and appearance of the countryside.

Principle of Development

The proposed building is to be used as a cover to house fry tanks required in association with the fisheries business that already operates from the site. The proposal will enable the applicants to breed and stock the lakes without having to import fish. A fishery, is defined as a recreational facility and is therefore considered an appropriate use within the Green Wedge

and countryside. It is therefore considered that development to support this use is acceptable in principle.

### Appearance and Siting

The siting of the proposed building within the site and against an existing hedgerow, limits the views of the building from long public views. Whilst a public footpath crosses the site the use of dark green metal sheeting will assist in reducing the impact of the building. The building has been designed to provide a simplistic building pitched roof construction with colours to aid assimilation therefore the appearance is considered to be acceptable.

However the site already benefits from planning permission for buildings, namely a livestock shelter (07/01376/FUL) and farm and fisheries storage and workshop barns (07/01455/FUL), that have not yet been implemented and are both extant until February 2011. One single storey pitched roof building located adjacent to the field boundary running south of and parallel to the access road into the site already exists within the site. The livestock shelter has planning permission to be sited to the west of this building with the storage building proposed to the north of the entrance.

Planning policy seeks to protect the countryside for its own sake, and whilst accepting that some form of development is required to support acceptable uses, this should be kept to a minimum, the need should be properly justified, and existing buildings considered as part of this process. Whilst the authority may accept the need for the building, the lack of information demonstrating that the other buildings, or permissions on the site have been considered is not considered acceptable.

The applicants within their design and access statement state their intention to develop the business to maximise the potential of the site, and an application for discharge of conditions has been received in connection with the second application (07/01455/FUL).

If the extant permissions are implemented and this application approved, it would result in a number of isolated buildings spread out on the site. Policy 9 of the Core Strategy, accepts that outdoor recreational uses are acceptable in the green wedge providing the open and undeveloped character is retained. The proliferation of buildings that this application could result in would be eroding the open character that Policy 9 seeks to maintain. A group of appropriately sited buildings would prevent the sprawl and limit development to one location within the site. This is supported within the adopted Supplementary Planning Guidance on Design of Farm Buildings which suggests that new buildings should generally form part of a group to restrict the impact on the countryside. This is considered relevant in this case as whilst the use is not agricultural the same principles apply. Therefore it is considered that the proposed building for housing fry tanks should be located adjacent to the existing amenities building and proposed livestock shed.

### Conclusion

The applicants have not provided any justification for the proposed siting of the building for the fry tanks, or why existing buildings, or buildings benefiting from planning permission cannot be utilised. It is therefore considered that the siting of the proposal is unacceptable and would result in harm to the character of the countryside and green wedge contrary to the objectives of Policy 9 of the adopted Core Strategy and NE5 of the 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 applicant has failed to demonstrate that in considering the siting and location of the proposed building, no other buildings either existing or benefiting from planning permission and not yet implemented on the site would be suitable to house the fry tanks, resulting in additional buildings on a site within the designated Rothley Brook Meadows green wedge and countryside where development should be limited to maintain the open character. The proposal is therefore contrary to Policy 9 of the adopted Local Development Framework Core Strategy and Policy EN5 of the adopted Hinckley and Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority, the siting of the proposed building to house fry tanks, will result in a proliferation of buildings across the site, without justification, thereby eroding the open character of the area to the detriment of the Rothley Brook Green Wedge and countryside. As such the proposal is contrary to Policy 9 of the adopted Local Development Framework Core Strategy and Policies NE5 and BE1 of the adopted Hinckley and Bosworth Local Plan.

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

**Item:** 05

**Reference:** 10/00148/FUL

**Applicant:** Martin Morris

**Location:** Land Adjacent New House Farm Stapleton Lane Dadlington

**Proposal:** AGRICULTURAL WORKERS DWELLING WITH ASSOCIATED GARAGE AND ACCESS

**Introduction:-**

This application seeks full planning permission for the erection of a two storey permanent agricultural workers dwelling and detached garage on land at New House Farm, Stapleton Lane, Dadlington. The site is located within the countryside between the settlements of Stapleton and Dadlington. The proposal site measures 1010 square metres and is currently comprised of an agricultural field. There is other agricultural land within the applicant's ownership which surrounds the site and contains existing farm buildings. The nearest neighbours to the site are the occupants of the original New House Farmhouse which is in separate ownership and is located on the opposite side of the farm track to the site (to the west). The area is mainly countryside with a small number of isolated dwellings along this stretch of the lane.

An outline application for an agricultural workers dwelling on the site was approved in 2003 and the reserved matters application was approved in 2007. These applications have now expired. Two further applications were submitted in 2009 but both were withdrawn as the agricultural appraisal information was not supported by the Borough Council's Agricultural Appraisal Consultant and he considered that there was no agricultural support for the proposed dwelling and the enterprise failed the financial test as there may be other dwellings owned and occupied by partners within the village of Stoke Golding which were able to fulfil the functional needs of the unit.

Although the design of the proposed dwelling is similar to that proposed in the withdrawn applications, the curtilage now proposed is larger. The proposal would provide a three bedroomed dwelling with detached double garage to the front of the site. The proposed materials are facing brick, timber boarding and clay tiles. The site is well screened by mature hedging to the road frontage.

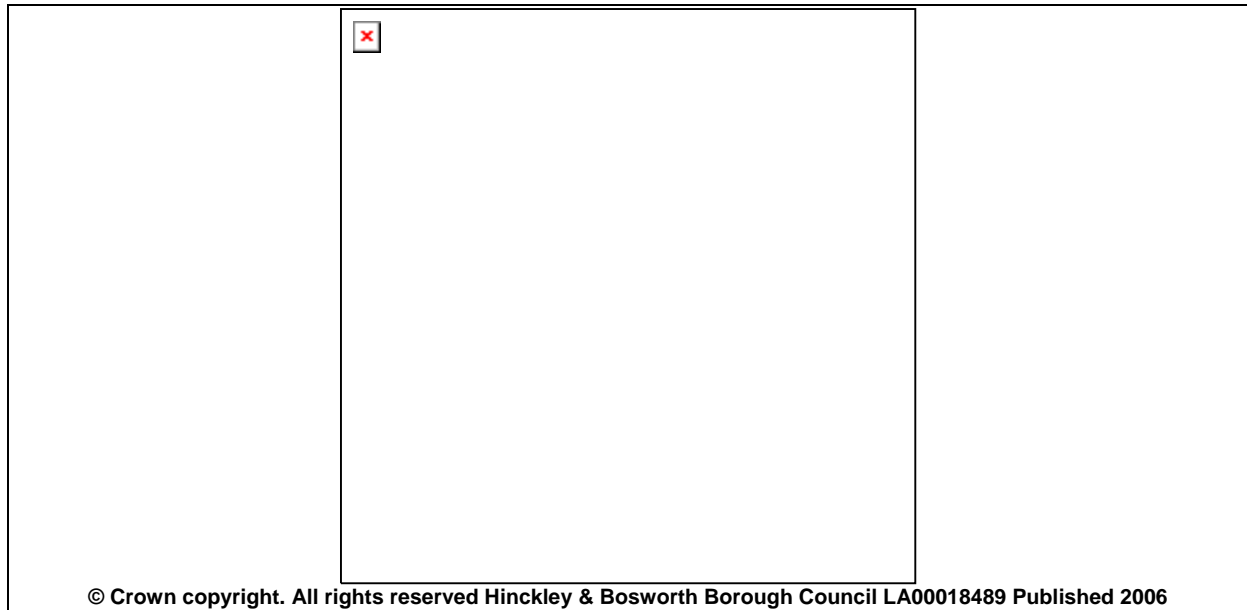
The Agricultural Appraisal submitted with this application (22nd February 2010) states that there are currently two dwellings associated with the holding which are located at Mulberry Farm, Stoke Golding and Roseway, Stoke Golding. At present the applicants are farming a total of 127.08 hectares and have 121.4 hectares of annual grasskeep. Their current livestock comprises 700 head of cattle, 2070 sheep, 80 pigs, 2500 cockerels, 5000 turkeys and 1000 chickens. The total labour requirement for the business is calculated at 6.95 employees to operate and maintain the farming enterprise at its current level. The agricultural appraisal submitted with the previous application referred to the need for 8 full time workers.

The Design and Access Statement submitted with the application states that the dwelling will serve the agricultural land and buildings to the north and east. The existing site access, off Stapleton Lane will remain and no additional access will be created as a result of the development. The public footpath T65 has been the subject of a recent diversion order and will come into effect as soon as the new structures (stiles etc.) serving the footpath have been constructed. The proposed new dwelling will allow an agricultural worker to live on the farm facilitating its day to day management. The applicant is currently able to fund the construction the new dwelling, providing a period of employment for a contractor. There will be no increase in traffic to and from the site. It is possible that vehicle movements may be reduced as a consequence of living adjacent to the farm. There is no intention to change the use of the site as a consequence of the development.

Amended plans have been received which reduce the size of the proposed site and also amend the proposed position of the dwelling and garage building.

#### **History:-**

09/00791/FUL	Erection of Agricultural Dwelling with double garage	Withdrawn	24.11.09
09/00456/FUL	Erection of Agricultural Dwelling with double garage	Withdrawn	27.07.09
08/00943/GDO	Extension to agricultural building	Approved	04.11.08
06/01311/REM	Erection of farmhouse and detached garage	Approved	06.01.07
03/00316/OUT	Agricultural workers dwelling	Approved	03.12.03



### **Consultations:-**

No objections received from:

E-On Central Networks  
The Director of Chief Executive (Archaeology)

The Head of Community Services (Land Drainage) recommends notes on soakaways, permeable paving and sewage treatment.

Site notice displayed and neighbours notified.

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

The Director of Environment and Transport (Highways)  
The Ramblers Association  
Parish Council  
The Borough Council's Agricultural Appraisal Consultant  
The Head of Community Services (Pollution)

### **Policy:-**

#### Central Government Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' sets out the overarching planning policies on the delivery of sustainable development through the planning system. Paragraph 5 states that planning should facilitate and promote sustainable and inclusive patterns of rural development by protecting and enhancing the natural environment and the quality and the character of the countryside.

Planning Policy Statement 3 (PPS3): Housing sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 10 seeks to ensure that housing developments are in suitable locations.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's planning policies for rural areas. Paragraph 1 advises that new building development in the open countryside outside existing settlements should be strictly controlled in order to protect the countryside for its intrinsic beauty. Paragraph 10 makes it clear that isolated new dwellings in the countryside require special justification for planning permission to be granted. Further advice is provided in Annex A to PPS7 which states that one of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural and certain other full time workers to live at, or in the immediate vicinity of, their place of work. In assessing planning applications for new dwellings in the countryside Annex A requires a functional and financial test to be applied in order to give consideration to: the nature of the holding and the functional need/necessity for the person to live on site, having regard to the security and efficient operation of the holding, (e.g. if a worker is needed day and night to provide essential care at short notice and deal quickly with emergencies that could otherwise cause serious loss); the financial viability of the holding to sustain the worker in full time employment; the availability of suitable existing accommodation nearby. In addition, the agricultural dwelling should be of a size commensurate with the established functional requirement and be well related to existing farm buildings. Dwellings that are unusually large in relation to the needs of the unit or expensive to construct in terms of the income it can sustain in the long term should not be permitted. It is the requirements of the enterprise not those of the owner or occupier that is relevant in determining the size of the dwelling that is appropriate.

#### Local Development Framework - Adopted Core Strategy 2009

Spatial Objective 13: Transportation and Need to Travel seeks to reduce high reliance on car travel within the borough.

#### Hinckley and Bosworth Local Plan 2001

Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development:- complements or enhances the character of the surrounding area with regard to scale, layout, mass, design and materials; 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; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties and incorporates landscaping to a high standard.

Policy RES12 states that in assessing planning applications for dwellings required to accommodate a person employed in agriculture, consideration will be given to: the nature of the holding and the necessity for the person to live on site, having regard to the security and efficient operation of the holding; the viability of the holding to sustain the worker in full time employment; the availability of suitable alternative accommodation in the local housing market.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new development.

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 important to the local economy and cannot be provided within or adjacent to an existing settlement and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway

network or impair road safety and is effectively screened by landscaping. Policy NE12 states that proposals for development should make provision for further landscaping where appropriate. Policy NE14 requires satisfactory arrangements to be made for the disposal of foul sewage and surface water. Policy NE12 seeks to ensure that development proposals take into account the existing features of the site and make provision for further landscaping where appropriate.

### Supplementary Planning Guidance / Documents

The Council's Supplementary Planning Guidance on New Residential Development provides further advice in respect of layout, design etc.

### **Appraisal:-**

One of the few circumstances in which isolated residential development may be justified in the countryside is when accommodation is essential to enable a full-time agricultural worker to live at their place of work and special justification can be provided in both functional and financial terms. An agricultural dwelling has previously been approved for this site but planning permission has now expired, and up to date information has been required to justify the current application. The response of the Borough Council's Agricultural Appraisal Consultant has not been received at the time of writing this report, his response will be reported as a late item. It is noted that as part of the approval of the 2003 outline application, a condition was imposed to ensure that the occupation of Brook Farm remained as an agricultural dwelling and was not sold separately on the open market as it could give rise to pressure for an application for an additional dwelling within the countryside. This application does not refer to a dwelling at Brook Farm being part of the farming business, further information in respect of this has been requested and will be reported as a late item.

### Design, Scale and Layout

The site is located within the countryside with isolated dwellings in the vicinity. The agricultural storage complex associated with the proposal is located to the north of the proposed site. The dwelling is to be sited in close proximity to the existing agricultural buildings. The wider surrounding area is that of a predominately flat rural landscape bound by mature hedgerows and trees. Due to the mature hedgerows surrounding the site, views of the application site are obscured and therefore the proposal will not be particularly prominent within the rural landscape.

This current proposal, as submitted, is calculated to provide a two storey dwelling of approximately 148.5 square metres floorspace which appears to be reasonable in terms of scale but this will need to be verified within the response of the Agricultural Appraisal Consultant. The design proposed incorporates features often found on converted barns and similar to the design approved in 2006. The dwelling is now proposed to face the farm track rather than Stapleton Lane which results in a lesser mass facing the lane. The main part of the dwelling will be facing brick with a clay tiled roof and wooden windows. The northern elevation consists of a timber clad element at first floor level which contains a small balcony to a bedroom. The overhang which this element will create provides a covered porch area over the utility room door. The east elevation incorporates a full height glazed screen. The nearest adjacent dwelling to the proposal is the original New House Farmhouse which is in separate ownership and is located to the west of the site and beyond the farm track. There is a mature hedge to the property's eastern garden boundary, This hedge, the farm track and proposed siting will ensure that the proposal does not result in any significant impact on the neighbouring amenity.



Amended plans have been received which show the total area of the proposal site as 1010 square metres, this is larger than in the previous applications but includes an area of land to the front of the site which will allow visibility splays to be provided in accordance with highway requirements and the side boundary to the east has been angled slightly. The proposal is considered to be acceptable.

The size and design of the proposed detached double garage is the same as approved in the 2006 application. It is a simple pitched roof construction with access in the gable end. It is located to the front of the site in a similar position to that previously approved and is screened by mature hedges.

#### Other Considerations

The previous issues in respect of the diversion of footpath T65 have now been resolved in that a Diversion Order has been made and will be implemented in the near future.

#### Conclusion

The Council's Agricultural Appraisal Consultant response is awaited to confirm that the evidence submitted is sufficient and that the new agricultural workers dwelling in this location satisfies the tests of PPS7 and local plan policy RES12. Subject to the agricultural information being satisfactory, the design of the dwelling is considered appropriate to this sensitive countryside location and as such the application is considered to be acceptable. It is proposed to control the occupation and further expansion of the dwelling by way of conditions on any planning permission to ensure that the dwelling remains necessary for agriculture and of a size that is commensurate with the agricultural unit. In the absence of consultation responses, at the time of writing the report, conditions are suggested which reflect consultation responses from previous applications for the site.

#### **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 government guidance and 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 passes the functional and financial tests of Annex A of Planning Policy Statement 7 and given the design and layout would not have an adverse impact upon the character or appearance of the countryside.**

Local Development Framework - Core Strategy:- Spatial Objective 13

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5, NE12, NE14, RES12 and T5.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry or a widow or widower of such a person, and to any resident dependants.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment)(No.2)(England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A to E inclusive shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 4 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling 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.
- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - (i) proposed finished levels or contours
  - (ii) means of enclosure
  - (iii) car parking layouts
  - (iv) hard surfacing materials
  - (v) planting plans
  - (vi) written specifications
  - (vii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - (viii) implementation programme.
- 6 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.
- 7 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drawings 08/106 04M and 08A received on 25 February 2010, 08/106 02G, 05J and 06C received on 5th March 2010.
- 8 Before the first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
- 9 Notwithstanding the submitted plans, the vehicular access serving the development hereby approved, shall be a minimum of 6.0 metres wide for at least the first 5 metres behind the highway boundary and have 10 metres controlled radii at its junction with the adopted road carriageway. The access drive shall be provided prior to first occupation of the dwelling hereby approved and shall be so maintained at all times thereafter. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.
- 10 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.

- 11 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 12 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 13 Notification of the commencement of development should be given in writing not less than 14 days before development commences.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The site lies within an area of countryside where the Local Planning Authority would not normally grant permission for residential development. And, to ensure that the existing dwellings associated with the farm holding are used for agricultural purposes, to avoid the proliferation of new agricultural dwellings to accord with Planning Policy Statement 7 and policies RES12 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 3 The site lies within an area where the Local Planning Authority would not normally grant permission for residential development. The dwelling hereby permitted has been justified by the agricultural needs of the applicant and the dwelling is proportionate to the needs of the applicant and the agricultural unit. Further extensions would create a disproportionate dwelling and would be unacceptable in terms of Planning Policy Statement 7 and policy RES12 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 7 For the avoidance of doubt and in the interests of proper planning.
- 8 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.

- 9 To ensure that vehicle entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'
- 10 To ensure that the site is not contaminated and to safeguard the health of future occupiers to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 11-12 To ensure safe development of the site and to protect the amenities of future occupiers of the site to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan
- 13 To ensure that the site is not contaminated and to safeguard the health of future occupiers to accord with policy BE1 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 suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively, assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
- 6 Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.
- 7 The sewage treatment plant proposal will require the consent of the Environment Agency and must comply with the Agency's conditions.
- 8 Central Networks has Network within close proximity to the proposed 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, diversions and ground works you can contact Central Networks CAT Team at Toll End Road, Tipton, DY4 0HH.

For information regarding the safety of working around our networks, please contact our Cablesafe Team on 0800 0150 927 or on <http://www.eon-uk.com/distribution/1701.aspx>

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

**Item: 06**  
**Reference: 10/00153/FUL**  
**Applicant: Miss Amanda Dowdeswell**  
**Location: Lidl 25 Hawley Road Hinckley**  
**Proposal: EXTENSION TO EXISTING FOODSTORE**

**Introduction:-**

This application seeks full planning permission for the erection of a 323 square metre extension to the Lidl food store in Hawley Road Hinckley. The extension results in an additional 253 square metres of retail floor space.

The existing food store is currently 1137 square metres in size and includes 872 square metres of retail floor space. The building is a single storey structure, of grey and white render finish with a prominent pitched roof mass of brown concrete tiles. The building is set back from Hawley Road behind the car park, which provides 105 car parking spaces.

To the north is the currently vacant Flude factory site that members recently resolved to grant permission for a mixed use development. To the east is the Arc automated car wash and an unsightly cleared site beyond, where there is currently a large amount of crushed aggregate material being stored. The railway line lies to the south on top of an embankment, with the former Johnsons site (now also cleared) beyond. To the west are the nearest residential properties with a wider predominantly residential area sited between Rugby Road and Coventry Road.

The application is accompanied by a series of additional documents:

A landscaping scheme that proposes a degree of low level landscaping to the sites Hawley Road and Rugby Road frontages.

A design and access statement that confirms that the proposed extensions are to enhance the shopping experience for customers, to allow the business to operate more efficiently and to allow for cost savings that can be passed to the customer. The statement further explains that the form of the extension maintains that of the existing building and will be finished to a high quality

A retail impact assessment seeks to provide necessary justification for the development in light of the advice contained within Planning Policy Statement 4 (PPS4) and concludes that the development will have no impact on the retail in the area.

A bat survey concludes that there is no evidence of bat roosts present within the building. A Geo-Environmental Ground Investigation Report also accompanies the application.

The application is accompanied by indicative signage details however a separate application will be necessary for approval under the Advertisement Regulations for the display of new signs at the site.

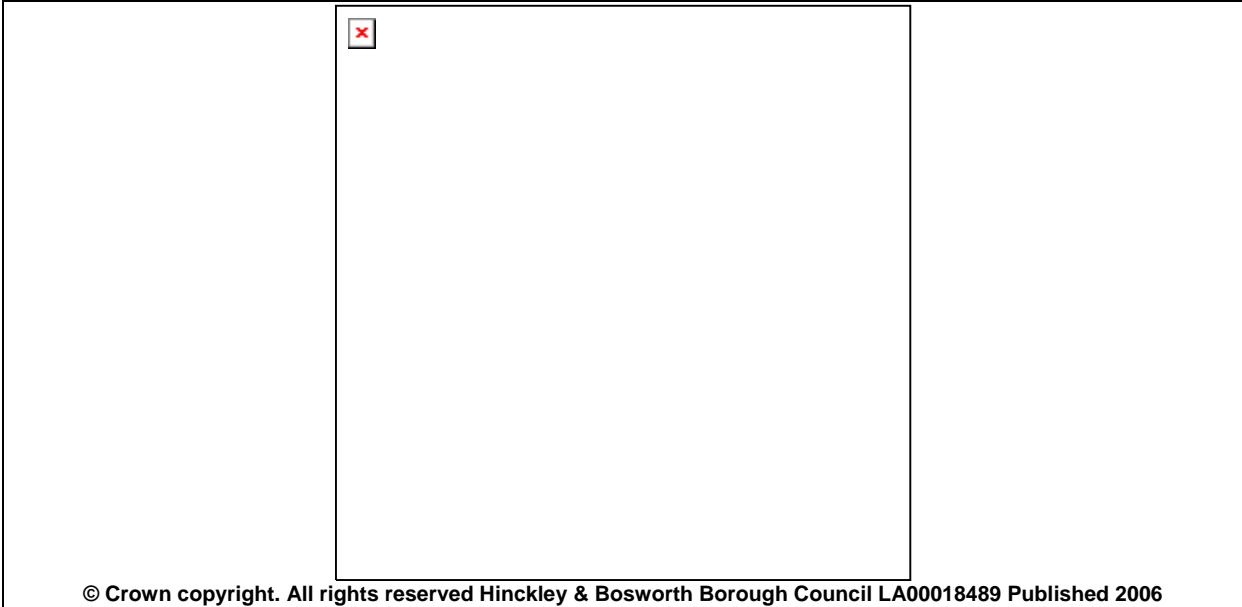
Amended plans have been received showing the removal of two supporting columns to the entrance canopy. This change is considered to be very minor and does not affect the appearance of the development there no re-consultation has taken place.

**History:-**

09/00451/CONDIT	Removal of Condition 8 on 93/00935/FUL to allow deliveries between 0900 and 1600 on Sundays	Approved	17.08.09
09/00330/CONDIT	Removal of Condition 8 on 93/00935/FUL to allow deliveries within restricted	Withdrawn	15.06.09
95/00781/CONDIT	Variation of condition 9 on application 09/00335/FUL (Opening hours)	Approved	28.11.95
93/00935/FUL	Erection of food retail unit and associated works	Approved	24.05.95

There is a complex planning history of applications for advertisements at this site, however none are directly relevant to this application.

There is an enforcement history to the unauthorised display of advertisement within the sites former landscaping areas, however all matters are now resolved.



**Consultations:-**

No objection has been received from:

- Central Networks
- Head of Community Services (Land Drainage)
- Head of Business Development and Street Scene Services

The Head of Corporate and Scrutiny Services (Green Spaces) has advised that the proposed landscaping scheme is inadequate and has provided guidance of how it should be improved.

Site notice displayed and neighbours notified.

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

Director of Environment and Transport (Highways)  
Head of Community Services (Pollution)

### **Policy:-**

#### Central Government Guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 4: Planning for Sustainable Economic Growth confirms that to help achieve sustainable economic growth, the Government's objectives for planning are to:

- i) Build prosperous communities by improving the economic performance of cities, towns, regions, sub-regions and local areas, both urban and rural Reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation
- ii) Deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change
- iii) Promote the vitality and viability of town and other centres as important places for communities.

The PPS sets out a suite of development management policies that should be considered in making decisions on economic development.

#### East Midlands Regional Plan

Policy 22 Regional Priorities for Town Centres and Retail Development: confirms that: Local Planning Authorities should within town centres bring forward retail, office, residential and leisure development opportunities, and any other town centre functions as set out in PPS6, based on identified need and prevent the development or expansion of additional regional scale out-of-town retail and leisure floor space.



### Local Development Framework Core Strategy 2009

Policy 1: Development in Hinckley confirms that to support Hinckley's role as a sub-regional centre the council will inter alia, support the development of an additional 5,300 square metres (net) of convenience floor space, primarily located on the bus station redevelopment site.

### Hinckley and Bosworth Local Plan 2001

Policy BE1 relates to the design and siting of development. It seeks a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. It requires developments to: complement or enhance the character of the surrounding area; incorporate landscaping to a high standard; ensure that there is adequate highway visibility for road users and adequate provision for on and off street parking; and not adversely affect the occupiers of neighbouring properties.

Policy T5 requires development to comply with the Highway Design Standards.

Policy Retail 1 states that proposals for major retail development outside of Hinckley Town Centre will not be granted unless:

- i) There is a demonstrable need
- ii) There are no suitable sites in the town centre or edge of town centre
- iii) There is no detrimental impact on the vitality and viability of the town centre
- iv) It can be served by public transport and maximises opportunities for access by foot and bicycle.

### **Appraisal:-**

The main considerations with regards to this application are the principle of development, siting and design, impact on neighbours and highways.

### Principle of Development

The existing store is not considered to be within the town centre as defined by PPS4 but is in an edge-of-centre development and possibly out of centre given its urban location. The site is not an allocated retail site and has no formal policy designation under the Adopted Local Plan.

In considering the principle of development, it is important to fully understand the nature of Lidl's retail trading. The company's retail strategy includes the provision of small neighbourhood food stores, serving local needs in convenient locations close to residential areas. The retail operation is based upon that of a traditional supermarket but with a deeply discounted pricing strategy, retailing a limited range of mostly own brand goods. A typical store stocks around 1500 lines. Lidl considers that by way of the limited number of stocked lines, they provide a complementary role and have sought to demonstrate this through the submission of a series of appeal decision references where Inspectors have considered this to be the case. On the basis of this information there is no reason to dispute Lidl's position within the wider food retail structure.

The principle of a retail development such as this is assessed by its compliance with policies contained within PPS4, Policy 1 of the Adopted Core Strategy and Policy Retail 1 of the Adopted Local Plan.

However, it is considered that the requirements of Policy Retail 1 of the Adopted Local Plan, by virtue of its age, is outdated and has been superseded by the new development management policies contained within PPS4. For the purposes of the determination of this application the requirements of Retail 1 will be given limited weight in light of the newer and comprehensive guidance in PPS4.

The proposal is assessed against the relevant Policy tests set down in PPS4 as detailed below:

Policy EC10 requires all planning applications for economic development should be assessed against the following impact considerations:

- a) whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change.

Details contained within the design and access statement suggest that the development is sustainable, however at the current time the delivery of sustainable design on such a development falls under the building regulations.

- b) The accessibility of the proposal by a choice of means of transport including by walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured.

Due to the site's edge of town centre location and the likely response of no objection from the Director of Environment and Transport (Highways) the site and the proposal is considered to satisfy this requirement. In addition the site is accessible by public transport with it being on a bus route and within walking distance of the train station and therefore benefits from alternative transport choices making the site accessible to all.

- c) Whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions.

This matter is dealt with under the Siting and Design section of this report.

- d) The impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives.

By virtue of the discounted food and household lines of the Lidl business it is considered that the proposed extension and the better use of the store by the customer will attain to achieve these requirements by providing for the need of all. Furthermore the site is located in an area where there are many run down vacant sites on a prominent gateway into the town centre, further investment in this area may act as a catalyst for additional much needed regeneration and investment. The proposals include landscaping to both the Hawley Road and Rugby Road frontage which will lift the area visually improving this gateway entrance. It is therefore considered that the scheme would meet this criteria.

e) The impact on local employment

The submitted retail assessment confirms that upon completion of the extension there will be a need for 6 additional members of staff at the store, therefore making a positive impact on employment provision in Hinckley.

Under Policy EC15 of PPS4 a sequential assessment is required for planning applications for main town centres uses that are not in an existing centre, this requirement applies to extensions to retail uses only where the gross floor space of the proposed extension exceeds 200 square metres. In considering the sequential assessment local planning authorities should:

- a) ensure that sites are assessed for their availability, suitability and viability.
- b) ensure that all in-centre options have been thoroughly assessed before less central sites are considered.
- c) ensure that where it has been demonstrated that there are no town centre sites to accommodate a proposed development, preference is given to edge of centre locations which are well connected to the centre by means of easy pedestrian access.
- d) ensure that in considering sites in or on the edge of existing centres, developers and operators have demonstrated flexibility in terms of:
  - i) scale: reducing the floorspace of their development;
  - ii) format: more innovative site layouts and store configurations such as multi-storey developments with smaller footprints;
  - ii) car parking provision; reduced or reconfigured car parking areas; and
  - iv) the scope for disaggregating specific parts of a retail or leisure development, including those which are part of a group of retail or leisure units, onto separate, sequentially preferable, sites. However, local planning authorities should not seek arbitrary sub-division of proposals.

The applicant has provided information within their Retail Assessment in respect of the sequential assessment however it is unclear whether all matters have been considered. Further information and clarification has been requested from the applicant and will be reported as a late item.

Policy EC16 requires an assessment addressing the impacts for retail developments below 2,500 square metres gross floorspace not in an existing centre where development plans have not been revised to reflect the PPS. The policy requires assessment against the following criteria:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer
- c) the impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan

- d) in the context of a retail or leisure proposal, the impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made, and, where applicable, on the rural economy
- e) if located in or on the edge of a town centre, whether the proposal is of an appropriate scale (in terms of gross floorspace) in relation to the size of the centre and its role in the hierarchy of centres
- f) any locally important impacts on centres under policy EC3.1.

The retail assessment submitted addresses the criteria as follows:

- a) The only planned development the scheme could be considered to impact upon is that proposed at the Bus Station. The assessment recognises that this scheme whilst being detailed in the Core Strategy is not yet subject to a formal planning application but does recognise that the planned development is of a completely different magnitude and therefore no assimilation and impacts can be drawn.
- b) The marginal size of the extension, the unique Lidl business model and the fact that the extension is proposed to improve operation efficiency rather than turn over, means that the development will not have any adverse impact on the vitality and viability of Hinckley.
- c) There are no planned out of town retail developments within Hinckley that the proposal would impact upon.
- d) Due to the limited size of proposal and the fact that it is not proposed to result in any significant additional turnover, only operational efficiency and customer experience, there is no retail trade diversion issue for consideration.
- e) Consideration of this point is related to the sequential assessment and until such time as further details are submitted no judgement of the proposals compatibility against this requirement can be made. However, it is accepted that the extension proposed is relatively small in scale and therefore likely to be considered an appropriate scale.
- f) Consideration of this point is related to the sequential assessment and until such time as further details are submitted no judgement of the proposals compatibility against this requirement can be made.

Policy EC17 requires applicants to demonstrate compliance with the requirements of the sequential approach and to provide evidence that the proposal is not likely to lead to significant adverse impacts. Where no significant adverse impacts have been identified under policy EC10.2 (detailed above) applications should be determined taking into account:

- a) the positive and negative impacts of the proposal in terms of policies EC10.2 and any other material considerations; and
- b) the likely cumulative effect of recent permissions, developments under construction and completed developments

Considerations of the requirements of EC10.2 have been previously discussed in this report and the other material considerations relevant to the proposal follow in this report.

In dealing with the matter of cumulative effect of planning permissions and developments under construction, the only other retail site that benefits from permission in the locality is

retail and B2/B8 development of the former Jarvis Porter site on Coventry Road, the reserved matters of which are also for consideration on this agenda. Whilst there is a strong indication that the Jarvis Porter site will be commenced this year, the site does not include permission for the retail of foods and therefore there is no cumulative effect and likely impact of the Lidl proposal on this site.

Policy 1 of the Adopted Core Strategy allows for retail development in Hinckley and supports the development of an additional 5,300 square metres (net) of convenience floor space, primarily located on the bus station redevelopment site. Whilst the policy specifically details the provision at the Bus Station site, it does use the word primarily and therefore does allow for retail provision elsewhere.

The proposed extension to the Lidl food store by virtue of its size and the Lidl business model of retailing discounted lines, is not considered to impact upon the viability of the Bus Station site and the wider retail function of the town.

### Siting and Design

The site is a relatively open in physical character and sits at the corner of Hawley Road and Rugby Road, backing onto the railway line. The existing food store is set back from the Hawley Road frontage behind the store's car park; however the end elevation of the building is close to the sites boundary with Rugby Road. The building is predominately of rectangular form.

The proposed extension is to the front of the existing building and is along the buildings full length, in effect bringing the store into the car park and closer to Hawley Road. The extension is 6.6 metres deep for the full length of the building and includes a section of flat roof and a further 4 metre gable projection that creates a covered entrance canopy, new trolley store and cycle racks.

The marginal size of the extension and the fact that it is across the full width of the buildings, means it has very little impact upon the character of the existing building and its setting within the site and therefore there are no issues arising from the siting of the extension. The expansion into the existing car park area is considered later in this report.

The existing building is a rather simple pitched roof building typical of other Lidl stores. The building has a steep tiled pitched roof and white and grey rendered elevations. The building is characterised by the gabled design of the projecting entrance canopy.

The proposed extension whilst maintaining the existing form, eaves height and ridge height does seek to create a wider and more dominating entrance feature and area of flat roof. The entrance feature will create key design feature of the extension and through the use of contemporary zinc cladding will result in a crisp attractive detail to what is a simple building. The proposed area of flat roof is to be finished in the same zinc roof cladding and is set back behind the projecting gable feature and therefore not a prominent element of the resultant building. The form, mass and appearance of the extension maintains the character of the existing building and therefore complies with the requirements of Policy BE1 of the Adopted Local Plan.

### Impact on Neighbours

By way of the existing buildings position within the site and the predominant commercial uses in the immediate locality, the only residential properties that could be affected by the proposal are nos.175 and 177 Rugby Road. Both of these dwellings front Rugby Road and look toward the side elevation of the building.

The proposal is unlikely to result in any material impact upon the amenities experienced by the occupiers of these dwellings. The extensions position, its 6.6 metre forward projection and its flat roof design is not considered to overshadow or be overbearing upon the dwellings. The redesigned gable entrance feature is on the east side of the building and given the dwellings position to the west and on the west side of Hawley Road, no impact will arise from this.

The possibility of the increased use of the store following the completion of the extension is not considered significant when considered alongside the Retail Impact Assessment, given the extension is proposed for store and trading efficiency rather than increasing the range of products or customers. Any additional trade is unlikely to be significant and therefore is not considered to impact upon neighbouring amenity.

At the time of writing the report the consultation period is still open and no response had been received from the occupiers of either property. Any comments received will be reported as a late item.

### Highways

The site has an existing access to Hawley Road that benefits from a right turn lane. This access serves both the existing food store and the adjacent car wash. The site currently has 105 car parking spaces.

Given the resultant total retail floor space at the site following the extension the store would need to provide at least 80 car parking spaces in total. The revised layout of the car park now provides 85 car parking spaces and therefore exceeds the standard requirement. Accordingly, the site is deemed to have sufficient car parking and therefore it is considered there is no issue in this respect.

At the time of writing the report the formal observations of the Director of Environment and Transport (Highways) has not been received, however discussions have taken place with the Engineer responsible for providing comments and it has been confirmed that upon the basis that the scheme provides car parking in accordance with the approved standard, there is unlikely to be any objection to the principle of the development. The full observations of the Director of Environment and Transport (Highways) will be reported and appraised as a late item.

### Other Matters

#### Landscaping

The accompanying landscaping scheme proposes details of planting to the treatment of the sites frontages to Hawley Road and Coventry Road. In considering the acceptability of this scheme it should be noted that the existing landscaping the site benefitted from has all been removed and the sites landscape areas are now just areas of bark mulch with no planting. The removal of the landscaping means the site is very open and the expanse of the car park dominates the frontages. It is therefore considered important that the new landscaping proposed is of high quality and adds to the visual amenity of the area reducing the stark appearance and openness of the site.

The observations of the Head of Corporate and Scrutiny Services (Green Spaces) have been passed to the applicant and a revised landscaping scheme is expected to be submitted. The revised scheme will be appraised and reported as a late item.

## Protected Species

The application is accompanied by a bat survey that confirms that the existing buildings have been inspected and there is no evidence of bats within the structure. Accordingly, the presence of likely protected species has been duly considered and can be reported as not being a material consideration in this case.

## Conclusion

It is considered that the proposed development makes a positive contribution to economic growth and may act as a catalyst for further development in this area. Given the size of the proposed extension, it is generally considered that it does not constitute a significant expansion which would undermine town centre facilities and the wider retail function, however the outstanding details in respect of the sequential assessment will confirm this

The design of the proposed extension is considered to be compatible with the existing building and the character of the area. Any perceived visual impact of the extension will be further mitigated by the provision of a comprehensive landscaping scheme, as proposed by the applicant.

**RECOMMENDATION :- Permit subject to the following conditions :-**

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

**Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan and would not be to the detriment of visual or residential amenity, highway safety or the retail function of Hinckley.**

Hinckley & Bosworth Borough Council Local Plan (2001) :- Retail1, BE1, T5  
Core Strategy (2009) :- Policy1

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The total amount of A1 floorspace (net sales area) shall not exceed 253 square metres.
- 3 The extension hereby approved shall be constructed in accordance with the details specified in section 10 of the submitted application form, unless agreed otherwise in writing by the Local Planning Authority.
- 4 The soft landscaping scheme shall be carried out within 12 months of the completion of the development hereby approved. The soft landscaping scheme shall be maintained thereafter from the date of planting. 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.
- 5 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 931/00 Rev A,

931/01, 931/02 Rev A, 931/03 Rev B, 931/04 Rev H, 931/05 Rev J, 931/06 Rev H, 931/08 Rev D, 931/09 Rev E.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure the extension and resultant retail net sales floorspace remains commensurate with the submitted Retail Impact Assessment and the requirement of Policy 1 of the Adopted Hinckley and Bosworth Core Strategy and the guidance contained with Planning Policy Statement 4.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 For the avoidance of doubt and in the interests of proper planning.

**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 For the avoidance of doubt this permission does not grant Advertisement Consent for the display of any advertisement.

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



**Item:** 07  
**Reference:** 10/00200/EXT  
**Applicant:** Hinckley And Bosworth Borough Council  
**Location:** Northfield Bagworth  
**Proposal:** EXTENSION OF TIME OF PLANNING PERMISSION 07/00062/DEEM FOR REMOVAL OF GRASSED AREA AND CONSTRUCTION OF PARKING AREA.

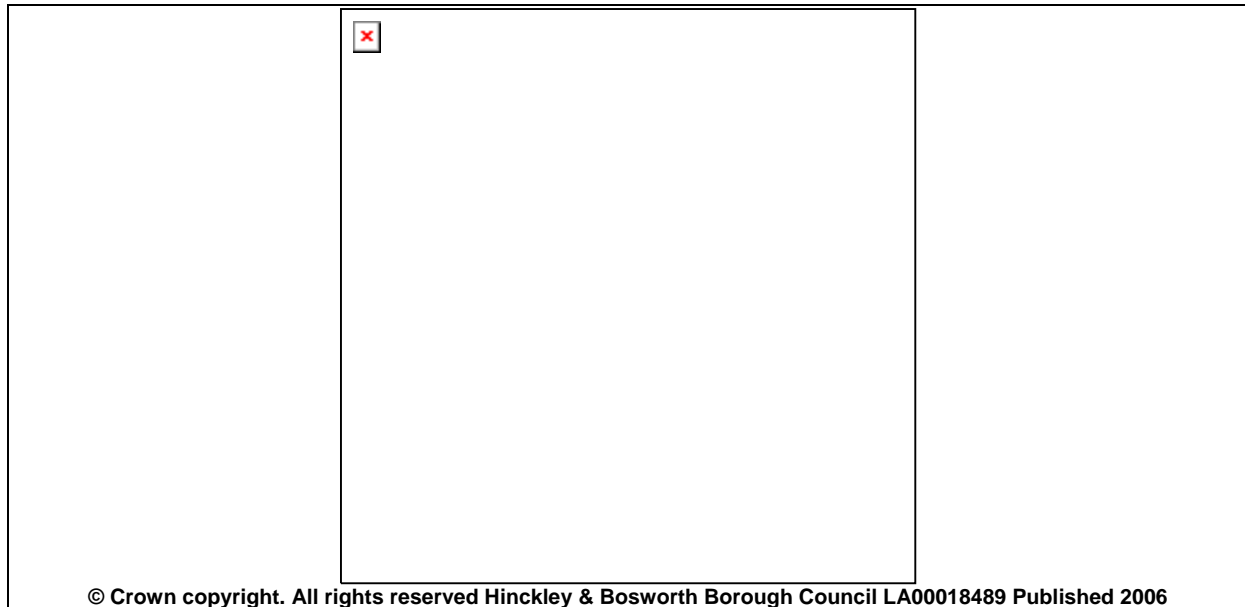
**Introduction:-**

This application site was subject to a deemed planning application submitted by the Borough Council's Housing Operations under the Town and Country Planning General Regulations 1992 for the removal of a grassed area and construction of a parking area (Ref. No. 07/00062/FUL) which was granted planning permission on 13th March 2007. The permission was due to expire on the 13th March 2010. This application was submitted prior to the expiry date and seeks to extend that period of time for a further three years through a new type of application (which came into force on the 1st October 2009) formally known as an 'extension of time for the implementation of a planning permission by grant of a new permission for the development authorised by the original permission'.

There are currently 10 car parking spaces to serve the existing 15 dwellings at Northfield some of which are still in Council ownership and some privately owned. The application proposes the removal of a large part of the centrally located communal grassed area between the dwellings and its replacement with a further 7 car parking spaces i.e. providing a total of 17 spaces. A pedestrian footway will be retained around the outside of the parking area together with a smaller triangular grassed area in the southern corner. The development will also involve the relocation of a lamppost to the far end of the parking area to the fore of Nos. 8 and 9 Northfield. Fold down key operated security posts are proposed for each of the parking bays. It is envisaged that these will be numbered and allocated to individual users. A smaller area of grass will be retained for visual amenity purposes.

**History: -**

07/00062/DEEM	Removal of Grassed Area & Construction of Parking Area	Approved	13.03.10
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### **Consultations:-**

No response has been received at the time of writing this report from:

Director of Environment and Transport (Highways)  
Bagworth and Thornton Parish Council  
Head of Community Services (Land Drainage)  
Neighbours

### **Policy:-**

Hinckley and Bosworth Local Development Framework: Core Strategy (2009)

Policy 10: 'Key Rural Centres within the National Forest' outlines development objectives for the settlements of Bagworth and Thornton.

Policy 19: 'Green Space and Play Provision' seeks to ensure that all residents have access to sufficient, high quality, accessible green spaces and play areas.

Hinckley and Bosworth Local Plan (2001)

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

Policy BE1: 'Design and Siting of Development' seeks to ensure a high standard of design and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area, avoid the loss of open spaces and features that contribute to the quality of the local environment, not adversely affect the occupiers of neighbouring properties, ensure adequate highway visibility for road users and adequate provision for off-street parking together with manoeuvring facilities and ensure an adequate degree of amenity and privacy is provided.

Policy T5: 'Highway Design and Vehicle Parking Standards' states that the Local Planning Authority will apply current highway design standards and parking targets unless a different level of provision can be justified. Further highway design guidance is provided in the Leicestershire County Council's document 'Highways, transportation and development'.

## Other Documents

The guidance document Greater Flexibility for Planning Permissions published in November 2009 states that in determining applications to extend the time limit for implementing planning permissions "Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date". The guidance continues "Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission".

### **Appraisal:-**

The principle of development together with the layout and details of the parking area were considered to be acceptable at the time that the original application was approved. The main considerations in determining this application are, therefore, whether any development plan policies or other material considerations have changed significantly since the grant of the previous planning permission which may lead to a different conclusion on the acceptability of the proposed development at this time.

## Development Plan Policies

The scheme was considered against the same current adopted Local Plan Policies BE1, and T5 which have been 'saved' by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

In addition, since 2007, the Hinckley and Bosworth Local Development Framework: Core Strategy DPD (2009) has been adopted. Policy 10: 'Key Rural Centre in the National Forest' seeks to create a sense of place and improve the provision of local services and Policy 19 seeks to address existing deficiencies in the quality, quantity and accessibility of green space and play provision in Bagworth.

It is considered that the scheme would be in accordance with these adopted Core Strategy policies as the provision of additional car parking to ease the pressure on the existing spaces is considered to outweigh the loss of the grassed area in terms of the limited visual amenity and play potential that it currently provides or any additional impact from traffic on the amenities of the occupiers of existing dwellings. Therefore, whilst additional local policies have been adopted since the original decision was reached it would not lead to a different conclusion on the acceptability of the proposed development in this case.

## Other Material Considerations

The application site is within a residential estate therefore the proposals are in keeping with the surrounding land use. No subsequent planning applications have been identified that may have affected consideration of the original application.

In addition to the standard time condition attached to the original planning permission, condition 3 required the car parking to be surfaced and marked out in accordance with the submitted plans. It is considered that these conditions remain relevant, reasonable and necessary to ensure satisfactory development of the site and, therefore, these should be carried forward to this permission. Following changes in procedural planning legislation, an approved plans condition has been attached to the recommendation to tie the permission to the previously approved plans.

## Conclusion

It is considered that there have been no significant changes in either development plan policies or other material considerations which would alter the original determination of the scheme for the removal of the grassed area and the construction of parking area. It is also considered that the conditions previously imposed are still relevant, reasonable and necessary in order to ensure a satisfactory development. As such it is considered that the extension of time for the development is acceptable and the application is therefore recommended for approval subject to similar conditions to the original planning permission for a further 3 year period.

**RECOMMENDATION :- That Committee agree to the development being carried out under Regulation 3 of the Town and Country Planning General Regulations 1992 and 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 it would enhance parking provision within the residential area and would not have an adverse effect on the character of the area, highway safety or the amenities of neighbouring properties.**

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policies 10 and 19

Hinckley & Bosworth Borough Council Local Plan (2001):- Policy BE1 and T5.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the application details submitted in respect of the original application (reference no 07/00062/DEEM) as follows: Site Location Plan No. P.G.10/01-01; Existing Block Plan No. P.G.10/01-01 received by the Local Planning Authority on 17th January 2007 and Amended Proposed Site Plan No. Revision A received by the Local Planning Authority on 2nd March 2007.
- 3 Before first use of the development hereby permitted, the car park area should be surfaced with tarmacadam or hard bound porous materials and marked out as per the approved plans and once provided shall be so maintained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

### **Reasons:-**

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

- 3 To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety to accord with policy T5 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).

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

**PLANNING COMMITTEE – 13 APRIL 2010**

**REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)**

**RE: MARKFIELD, EARL SHILTON AND DESFORD CONSERVATION AREA STATEMENTS & MANAGEMENT PLANS**

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**1. PURPOSE OF REPORT**

- 1.1 To seek Members' approval to adopt the Conservation Area Statements and Management Plans for the conservation areas in Markfield, Earl Shilton and Desford.

**2. RECOMMENDATION**

That Members adopt the Conservation Area Statements and Management plans for Markfield, Earl Shilton and Desford as Planning Guidance.

**3. BACKGROUND TO THE REPORT**

- 3.1 The conservation area in Markfield was declared in January 1979, Earl Shilton in March 2002 and Desford in January 1981. Conservation Area leaflets were produced at that time which set out the extent of the Conservation Areas, and gave brief information about the impact of designation on property owners in the area. The information provided in the leaflets is similar to that provided for all Conservation Areas in the Borough.
- 3.2 As reported to the Planning Committee on 2<sup>nd</sup> February 2007, it is intended to review all Conservation Areas in the Borough and issue a Conservation Area Statement and Management Plan for each area. The statement will assess the significance of the designated area and analyse how that significance is vulnerable to change. Its aim is to preserve and enhance the character of the area and to provide a basis for making sustainable decisions about its future through the development of management proposals. The documents will provide a description of the historical development of the settlement, set out the important features of the conservation area which should be protected and indicate the planning guidance and policies which apply to new development in the area.
- 3.3 The benefits of a comprehensive appraisal of a conservation area are that it will provide a sound basis for development control decisions, for protecting our local heritage, for developing initiatives to improve the area and as an educational and informative document for the local community.
- 3.4 The Management Plan for the conservation Area will take the form of a mid to long term strategy for preserving and enhancing the conservation area. It will address the issues and make recommendations for action arising from the statement and identify any further detailed work needed for their implementation. It will also set out specific enhancement schemes for the

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

- 3.5 The Conservation Statement and Management Plan for Markfield, Earl Shilton and Desford have recently been completed by officers of the Council. A public meeting was held at the Methodist Chapel in Markfield, the Public Libraries in Earl Shilton and Desford which were very well attended by local residents and Parish Councillors. The documents were also made available on the Council's Web Site.

#### 4.0 **FINANCIAL IMPLICATIONS**

- 4.1 There are none arising directly from this report. Any costs involved in the preparation and adoption of the Statement and Plan will be met from existing resources.

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

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

#### 6.0 **CORPORATE PLAN IMPLICATIONS** (MB)

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

#### 7.0 **CONSULTATION**

- 7.1 At Markfield, the exhibition was held at the Trinity Methodist Chapel on 4<sup>th</sup> February. The display included the study findings and future management recommendations illustrated by photographs, drawings and maps.
- 7.2 The exhibition generated a lot of public interest. The displays also gave the opportunity to provide additional information about the purpose of Conservation Area designation, the impact of the additional controls over land and property, and guidance regarding the type of development that is acceptable.
- 7.3 At Earl Shilton the public exhibition was held at the library on 9<sup>th</sup> February. The exhibition was extremely well received by residents, all of whom fully supported the conservation proposals.

Over 65 residents of Desford attended the exhibition in the library at Desford and the conservation area documents and proposals received wholehearted support.

7.4 The written responses of the public together with officer responses are included in appendices A, B and C. The applicable comments were incorporated into the revised documents. Any further responses received will be reported to Committee as a late item.

#### 8.0. **RISK IMPLICATIONS**

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

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

8.3 The ability to fund the improvements identified in the Management Plan depends on adequate Council funding being available which in the current economic climate is unlikely. This will have an impact on residents' aspirations for the quality of the environment in the conservation area.

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

#### 9.0 **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

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

9.2 The villages of Markfield and Desford are both within the rural area of the Borough. The documents concerning these villages are only relevant to the Parishes of Markfield and Desford and will help the parish councils and development control officers when commenting on planning applications.

9.3 The Earl Shilton Appraisal and Management Plan will be of similar use to the Earl Shilton Town Council.

#### 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 – Contained within the report.



Background Papers: Conservation Area Appraisal, Appraisal Plan, Long Term Strategy Management Plan, Public Comments on Markfield, Earl Shilton and Desford Conservation Areas available in the members room and can be viewed on the Council's web site.

Contact Officer: Barry Whirrity, ext 5619

## **APPENDIX A**

### **MARKFIELD CONSERVATION AREA EXHIBITION**

#### **SUMMARY OF CONSULTATION RESPONSES**

The following issues were raised:

- 1 Concern was expressed over the unnecessary clutter of street signs displayed in the conservation area. *This has been identified in the appraisal as having a detrimental visual impact on the conservation area. A significant number of signs are highway signs. Leicestershire County Council will be consulted on this matter.*
- 2 In any conservation plan, it should be made clear to developers that minimum standards will be enforced. *Developers are aware that when development proposals are processed, the Borough Council has regard to its development control policies.*
- 3 Will the Borough Council offer partial funding towards correcting detrimental features identified in the conservation area. *The Borough Council has an environmental Improvement budget that now concentrates on funding schemes identified in its Conservation Area Management Plans. Small grants are sometimes given to the re-building / provision of new stone walls / railings, the re-roofing of properties in traditional materials and reinstatement of chimney stacks and pots.*
- 4 It was pointed out that a war memorial cannot be built on the green fronting the church for legal reasons. St Michael's Church is a closed churchyard maintained by the Borough Council and no costings or other relevant details have been put forward to carryout the project. There are already war memorials in the Parish and Methodist churches. *The project to provide a war memorial in the village is a local issue. The Borough Council will consider any proposals put forward having regard to its development control policies.*
- 5 One resident agreed with the Borough Council's strategy to enhance the conservation area but queried how residents would be able to pay for the work. *It is accepted that many of the proposals put forward in the appraisal will not happen in the near future. It is hoped the when alterations are made in the future or windows / roofs have to be replaced, consideration will be given to the use of natural materials. The Borough Council with its Environmental Improvement Budget can sometimes offer small grants as an inducement to use natural materials.*
- 6 Markfield is an attractive village that has been spoilt by insensitive developments in the past; however, proposals over the last 10 years have generally helped to improve the area. *Nationally, greater emphasise is being given to the protection and enhancement of conservation areas and this is being reflected in some of the more recent developments in the conservation area.*
- 7 One resident questioned whether permission has been obtained to carry out the modernisation of properties and if not, what the Borough Council was going to do about it. *Greater consideration is given to the design and choice of materials of developments in the conservation areas. Unfortunately, for none listed buildings*

*in conservation areas, the Borough Council has currently no powers to stop residents modernising their properties when using plastic windows, or the removal of chimneys and the re-surfacing of front drives in concrete pavements. It is hoped that with the help of the conservation appraisals and exhibitions, residents' attention can be drawn to the special qualities of conservation areas that enhance their character.*

- 8 One resident supported the proposal to re-build his front wall in stone on Main Street and stated he would consider doing so.
- 9 Support was given to the proposal to improve the frontage of 173 Main Street that would help enhance that part of Main Street.
- 10 Factual information has been forwarded to the Borough Council concerning the properties, 116/118, 111/113 and 120 Main Street. *It is proposed to place the information in the Conservation Area's Photographic Appraisal.*
- 11 Generally, enthusiastic support was given by residents who attended the exhibition to the proposals in the Management Plan and Conservation Area Statement. Residents wanted the conservation area to be protected and enhanced.

## **APPENDIX B**

### **EARL SHILTON CONSERVATION AREA EXHIBITION**

#### **SUMMARY OF CONSULTATION RESPONSES**

It was difficult to ascertain exact numbers who came to the exhibition due to it being located in the entrance of Earl Shilton Library which was open for general use at the time. All comments received about the exhibition were positive and supported the appraisal and management plan.

## **APPENDIX C**

### **DESFORD CONSERVATION AREA EXHIBITION**

#### **SUMMARY OF CONSULTATION RESPONSES**

The exhibition was held at Desford library and very well attended with approximately 65 residents taking the opportunity to turn up over the 4 hours the exhibition was held.

The following issues were raised:

- 1 The imposition of a hot food takeaway shop on High Street close to the listed Old Manor House is a disgrace. Does the shop have planning permission to sell hot food. A large number of Bosworth College students use the shop which often results in litter being dropped on High Street and Forest Way. Vehicles also tend to park half on the highway and footpath to service the shop resulting in traffic congestion on what is a narrow busy road. *The question of whether the shop has planning permission to sell hot food is currently being dealt with by the Enforcement Section of the Planning Department. Problems associated with the parking problem will be raised with the County Council.*
- 2 Will the Borough Council offer financial aid to residents to carry out the proposals put forward in the Management Plan. *The Borough Council has an environmental Improvement budget that now concentrates on funding schemes identified in its Conservation Area Management Plans. Small grants are sometimes given as an inducement to the re-building / provision of new stone walls and railings, the re-roofing of properties in traditional materials and reinstatement of chimney stacks and pots. Schemes are looked at on their merits.*
- 3 It is fine to try and retain the character of the conservation area but there is a need for easily accessible shops and people's actual needs. *The control of shops in the conservation area is a Development Control issue.*
- 4 Criticism was levelled at the planning system in allowing housing development in the conservation area and the village as a whole since 1981. *Conservation Area status does not prevent development but tries to ensure it is in keeping with the character of the area.*
- 5 One resident considered that the proposed heritage street nameplates are too fancy and need to be rectangular with simple lettering. If street nameplates are to be replaced, could they also include the original names of the streets. *A considerable number of residents supported the Parish Council's initiative to replace the street nameplates in the conservation area with the Borough Council's heritage nameplate. The heritage nameplate is only large enough to take the name of the street.*
- 6 The Management Plan is a positive way forward; however, criticism was levelled at previous decisions taken allowing the felling of trees and approval of flat roof extensions in the conservation area. *The Planning Department and Tree Officer give very careful consideration to applications to fell trees in conservation areas and flat roofs are not acceptable.*

- 7 Criticism was levelled against the Borough Council in allowing the large housing development on fields to the rear of Forest Way and the Old Manor Farm, situated just outside the conservation area boundary, and the fire testing unit at Caterpillar. *Both proposals are not within the conservation area.*
- 8 Support was given to the proposal to protect views looking out of the conservation area but consideration should also be given to protecting attractive views looking into the settlement. *Important views into the conservation area have been identified on the conservation plan.*
- 9 An exhibition concerning the carbonaceous fire unit proposed at Caterpillar would be far more useful and relevant to Desford residents.
- 10 It is almost 30 years since the Desford Conservation Area was designated and as such a review should have been undertaken much sooner than now. This could have saved the frontage to 80 High Street that has been ruined since 1981. *English Heritage has only comparatively recently issued advice on conservation area assessments and it is only six months since they identified the conservation areas they consider to be at risk nationally. The list does not include Desford.*
- 11 The Bulls Head has been a public House since the 17<sup>th</sup> century and should be protected. *The Bulls Head pub has recently received planning permission for conversion to a dwelling. The demolition of any building sited in a conservation area over 115 cubic metres requires planning permission.*
- 12 Ivy House has a regency front elevation. The rear elevation, that is partially timbered, is believed to be 16<sup>th</sup> century. *The appraisal will be amended to reflect this.*
- 13 The roof to 23 Main Street is tiled with Staffordshire Blues. *The appraisal will be amended to reflect this.*
- 14 The rear of the Old Rectory is the original part of the dwelling that is rendered with lime and granite chips and was originally thatched. *The appraisal will be amended to reflect this.*
- 15 The doorway shown on the photograph of Desford Hall is actually the doorway to Desford Grange. *The appraisal will be amended to reflect this.*
- 16 The dwelling identified in the photographic appraisal as 11 Cottage Lane is actually 9 Cottage Lane. *The appraisal will be amended to reflect this.*
- 17 An improved street cleaning service would help enhance the conservation area. *The Borough Council's street cleaning section has been informed.*
- 18 Residents who have unkempt properties and gardens should be advised to maintain them. *The Planning Enforcement Section has very limited control over untidy gardens unless it becomes a major issue.*

- 19 The use of traditional materials in the conservation area has been a policy for many years but appears not to have been adhered to. *Natural materials should be used in conservation areas.*
- 20 The proposals need more bite and a bigger investment of officer time and investment. *Officer time and Council funds are a limited resource which has to be stretch across all of the conservation areas in the Borough.*
- 21 Consideration needs to be give to the choice of street furniture so that it helps reflect the traditional character of the conservation area. *It is understood that the Parish Council is currently replacing several of its litter bins in the conservation area with cast iron bins.*
- 22 The southern end of Church Lane is too narrow to take vehicular traffic. There was a proposal put forward in the 1980's to close the road's junction with High Street with bollards. Could all vehicular traffic be made to access Church Lane from Main Street. *It is understood that this proposal was not proceeded with as there were objections from local residents and the Parish Council.*
- 23 The barn sited at the junction of Church Lane and High Street was probably built about the same time as Old Manor Farm. It still has late mediaeval arched foundations that seem to correspond with agricultural buildings of that period. The building was once listed as it was sited within the cartilage of the adjacent listed property. This important building should be included in the photographic appraisal. *A photograph and its history will be included in the photographic appraisal.*
- 24 Will Council funding be available towards replacing close boarded fencing where it fronts onto the jitties. *The Borough Council's Environmental Improvement Budget concentrates on funding schemes identified in the Conservation Area Management Plans. Small grants can sometimes be given towards replacing inappropriate boundary treatments with traditional materials such as stone or brickwork.*
- 25 While support was expressed for the protection of historic buildings in the conservation area, there needs to be more provision for parking, pubs should not be lost, jitties need to be lit and pavements need to be better maintained, *The provision of parking and the change of use of public houses are development control issues. The Borough Council is working closely with the parish council to provide better street lighting which is in character with the conservation area. The County Council's Highways Department will be informed about the concern expressed about the condition of pavements*
- 26 Photographs used in the exhibition, which highlighted best practice examples of buildings, should have been anonymous. *Officers believe that it is better to identify where modern buildings have been designed in keeping with the traditional character of the conservation area. Where modern buildings are not in character, they were normally constructed before the conservation area was designated.*

**PLANNING COMMITTEE – 13 APRIL 2010**

**REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)**

**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**

3.1.1 Appeal by Mr P Finney against the refusal of Planning Permission for the Change of Use of land to private Gypsy site for four caravans (09/00995/COU) at Finney Hill, Heath Road, Bagworth (Informal Hearing).

3.2 **Appeals Determined**

3.2.1 Appeal by Mr Robert Hodgetts (Senior) against an enforcement notice issued by Hinckley and Bosworth Borough Council. The breach of planning control as alleged in the notice was without planning permission the change of use of land from use for stabling horses to a use as a residential caravan site, on land to the north of Bagworth Road, Nailstone, Leicestershire.

3.2.2 The requirements of the notice are (1) Cease using the land as a caravan site; (2) Remove from the land all caravans, associated structures including latrines and all motor vehicles associated with the use of the land as a residential caravan site; (3) remove all hardstanding from the land; and (4) reinstate the land to its condition before the unauthorised development took place including grass seeding and topsoil.

3.2.3 The appeal was considered on the grounds set out in section 174 (2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

3.2.4 Planning policy relating to the provision for gypsies, travellers and travelling show people was considered. The Regional Spatial Strategy identifies that, for Hinckley and Bosworth, the minimum requirement is 26 additional residential pitches during the period 2007 to 2012. Beyond 2012, provision should be made based on 3% compound growth per year for household formation.



- 3.2.5 Hinckley and Bosworth's Core Strategy, Policy 18 relates specifically to the provision of sites for gypsies, travellers and travelling show people. This policy supersedes Policy RES13 of the Hinckley and Bosworth Local Plan, which formed part of the development plan when the enforcement notice was issued. Policy 18 stipulates that the Council will allocate land for 42 residential pitches, of which 6 pitches should be socially rented. It goes on that specific sites will be identified within a Site Allocations Development Plan Document.
- 3.2.6 Local Policies were considered next. As the site falls within the National Forest, Core Strategy policy 21 was considered. Hinckley and Bosworth Local Plan Policies NE5, which seeks to protect the countryside for its own sake; Policy NE10 that requires any development permitted within a Local Landscape Improvement Area to include landscaping proposals; and Policy T5 relates to highways considerations, and applies the current County Council's Highway Design Standards set out in the Leicestershire County Council's 'Highway Requirements for Development' were then identified.
- 3.2.7 The Inspector considered the main issues to be: highway safety; the character and appearance of the area; the need for and provision for gypsy and traveller sites; and the site occupiers' need for a site and availability of alternative sites.
- 3.2.8 A description of the site was provided:- the site comprises a rectangular parcel of land extending to 0.82 hectares, the long side of which is parallel to the road. The site has been subdivided into 10 pitches either side of an internal access road. A post and rail fence subdivides the pitches and denotes the site boundary. Originally the site sloped away from the road; the site has now been levelled.
- 3.2.9 The Inspector next considered each issue. In respect of Highway Safety the Inspector referred to the new Highways, Transport and Development (Htd), which supersedes the Highway Requirements for Development document. Paragraph 1.29 of this document identifies restrictions to be placed on new accesses for vehicles onto A and B classified roads, which have a speed limit over 40mph or where measured speeds are in excess of 40 mph and on roads without street lighting. Bagworth Road has a speed limit of 60mph and is an unlit, single carriageway rural lane, thus restrictions would normally apply.
- 3.2.10 The Inspector considered it overly simplistic to apply standard restrictions to each site, and sited Circular 01/2006 which accepts the principal of gypsy sites in rural areas, some of which will require access onto an unlit rural roads. Despite this, matters of highway safety were considered paramount.
- 3.2.11 The sites existing permission for stables and a tack room, which utilised the access in question was then considered. The Inspector considered that due to the granting of this permission, the principal of the access for stables had been deemed acceptable in principal.

- 3.2.12 The inspector did not agree with the appellant's Highways expert, who suggested that the stables use would result in 24 vehicle movements per day, but did consider that the care and exercise of the horses would involve more than 1 person per day, and that the number of vehicle trips were more likely to be in the region of between 8 and 12 per day, based on two or three people caring for the horses.
- 3.2.13 The appeal (APP/K2420/A/08/205755) at Wood Road was referred to (this related to a smaller gypsy site). This site is situated in a location where similar restrictions would apply. However due to this site's more isolated position, a residential access was considered less favourable in this location. This, combined with the lack of street lighting was considered to contribute to a considerable hazard in terms of highway safety. In comparison with the location of the application site, the traffic speeds and number of encounters with HGVs were sufficiently higher within the vicinity of the Wood Road site. The Inspector's observations were supported by evidence submitted to the Inquiry comparing traffic flows and speeds along Wood Road. The Inspector concluded that the two roads differed in their characteristics and highway functions.
- 3.2.14 The Inspector went on to identify that the access to the appeal is situated within close proximity to the junction with Bagworth Road to Barlestone and Barlestone Road and Garland Lane, and thus drivers will already be mindful of traffic negotiating these junctions. Although it was identified that there are not many residential accesses within the vicinity of the appeal site, the Inspector considered that this would not be totally unexpected in this location. Unlike the Wood Lane site, the inspector pointed out that access to the appeal site is existing, is already considered suitable to serve 6 stables and has been widened and improved.
- 3.2.15 It was concluded that the use of the access in this location to serve 10 pitches would not unduly prejudice the free flow of traffic or compromise highway safety. In respect of the sustainability of the site, the Inspector considered that it would not be unreasonable for residents of the site to walk or cycle to surrounding settlements. Accordingly the development was not considered to conflict with Policy T5 of the adopted Hinckley and Bosworth Local Plan, or Core Strategy Policy 18.
- 3.2.16 The second issue was the Character and Appearance of the Surrounding Area. Circular 01/2006 accepts the principle of gypsy sites in rural areas, and suggests that these should not be 'hidden' from public view. However their specific impacts on the character and appearance of the countryside must be considered and weighed up.
- 3.2.17 The Inspector identified that the site was relatively well screened from Bagworth Road, but is clearly visible from parts of Barlestone Road. It was also identified that close boarded fences had been erected around some pitches, which the inspector identified as more characteristic of a suburban area, as opposed to a countryside location. The Inspector considered that the extent of hardsurfacing, combined with the stark appearance of the caravans and associated paraphernalia resulted in a harsh and alien form of development that unacceptably harms the character and appearance of the area.

- 3.2.18 The appellant referred to other gypsy sites within close proximity of the site, in particular Costalot, a large site off Barlestone Road, which extends into the open countryside and has a range of boundary treatments around its perimeter. The Inspector considered that this site did not sit comfortably within its surrounds, and suggested that although sites should not be hidden, their impact on the countryside remains a material consideration. The Inspector suggested that when viewed from Barlestone Road, the gap between the two sites became discernable, thus rendering their cumulative impact greater, and therefore of significant detriment to the appearance of the surrounding area.
- 3.2.19 The Inspector considered the impacts of the site against Policy 18 of the Core Strategy, and Circular 01/2006, which require sites to be capable of assimilation into their surrounds. Methods to achieve acceptable assimilation were considered, including suitable boundary treatment and removal of the close boarded fences. However, the Inspector considered that resultant of the extensive hard surfacing, landscaping could only be required around the perimeter of the site, which would appear regimented and incongruous. Accordingly an alternative scheme incorporating supplemental planting and grassed areas, to break up the expanse of hardstanding was suggested.
- 3.2.20 In respect of the planting already carried out around the raised edge, the Inspector shared reservations expressed by the Council's Planning witness, that any future planting is unlikely to establish given the quality of material imported onto the site. Accordingly, in respect of the above, the Inspector was not satisfied that the site could be satisfactorily assimilated into its surroundings, or that the concerns could be overcome by the imposition of landscaping. Thus there is conflict with Core Strategy Policy 18.
- 3.2.21 The third issue for consideration was that of need and provision of gypsy and traveller sites. Circular 01/2006 provides updated guidance on the planning aspects of finding sites for gypsies and travellers. The provision required within Hinckley and Bosworth is identified within the Core Strategy as 42 residential pitches, 26 of which shall be provided by 2012 and 16 between 2012 and 2017. The Inspector considered there to be an immediate need for pitches and gave this issue considerable weight.
- 3.2.22 The inspector identified that although the Council is in the process of identifying sites to meet the required gypsy provision, it could be a further 12 months before the identified sites are implemented and available for occupation.
- 3.2.23 The Inspector identified that a primary objective of Circular 01/2006 is to significantly increase the number of gypsy and traveller sites in appropriate locations. In addition, Planning Policy Statement 3 'Housing' also requires the provision of gypsy sites. In relation to provision the Inspector identified that the Council is moving forward with identifying gypsy and traveller sites, but that the need for additional pitches remains immediate and pressing.

- 3.2.24 The Inspector identified that the appeal site provides 10 generously sized pitches, some occupied by more than one family, and that if the appeal failed, the families would need to relocate and may require more than 10 standard sized pitches to accommodate them. The Inspector considered the Council's reference to existing sites, which may have capacity to accommodate families on the appeal site. However despite being directed to empty sites by the Council, the Inspector was not satisfied that these sites are available at the current time and went on that if the above mentioned sites are empty because they are no longer available; need for additional sites may be greater than currently identified.
- 3.2.25 Based on the evidence provided, the Inspector was not persuaded that the sites identified in Appendix 12 of the planning witnesses proof were suitable and available for residents currently occupying the appeal site. The Inspector identified a need for suitable sites for the current occupiers of the appeal site, and suggested that if the notice was upheld it may be a roadside existence for many of the occupiers of the site. This would be disruptive for the schooling of the children of the site, and for those requiring on-going medical treatment. To conclude, the Inspector considered there to be a need for sites both generally, and for the individuals concerned. This consideration was attributed significant weight.
- 3.2.26 Finally the Inspector turned to matters raised by other interested parties. Occupation of the site without first obtaining planning permission was discussed. The Inspector considered that whilst this often harms relations between the settled community and occupants of the site, one of the aims of Circular 01/2006 is to reduce the number of unauthorised encampments. It was identified that the serving of an enforcement notice should not be issued solely to remedy the absence of a valid planning application, and that local opposition is not by itself reasonable grounds for refusing a planning application.
- 3.2.27 The issue of unsociable behaviour and crime was also raised. For the fear of crime to be material, there needs to be an evidential basis for this fear, with the weighting attached to this fear, dependant upon the quality of evidence provided. Unless substantial evidence is provided, fear is not considered grounds on which to withhold planning permission. The Inspector considered that the fear in this case may be associated with some occupiers of nearby Costalot. Accordingly in the absence of sufficient evidence, the Inspector considered that fear associated with the occupation of the appeal site was unjustified, and motivated by prejudice which, it has been confirmed in the courts, can never be a material consideration.

- 3.2.28 The Inspector noted concerns over the proliferation of sites within the vicinity. However notwithstanding her concerns about the cumulative visual impact of the Costalot, and the appeal site, the Inspector considered that the sites were not so close together, or of a scale that they would dominate surrounding settlements, or place undue pressure on existing services or infrastructure. The Inspector cited that the majority of the children are already in school, and residents are already registered with a local GP, that the site does not fall within a flood risk zone, and that surface and foul water drainage can be agreed by way of condition. The sites physical capacity was recognised as greater than the current density of occupation, but that conditions could control numbers of caravans that could occupy the site.
- 3.2.29 In conclusion the Inspector did find conflict with the development plan in respect of harm caused to the character and appearance of the countryside, and considered that this issue could not be overcome through the provision of additional landscaping, given the material which has been imported onto the site. The Inspector considered the unmet and immediate need for additional pitches does not outweigh the permanent harm that would persist.
- 3.2.30 In respect of the granting of temporary permission, the Inspector gave substantial weight to the need for additional pitches. It was identified that there is a reasonable expectation that new sites are likely to become available following the adoption of the Development Plan Document, however the Inspector considered that the need for additional sites clearly outweighs the harm to the countryside if it would only be sustained for a temporary period. Thus the Inspector granted a temporary planning permission for a period of 3 years.
- 3.2.31 The Inspector recognised that the granting of a temporary permission would interfere with the home and family life of the occupants; however this was weighed against the wider public interest. Based on the above, the Inspector was satisfied that the legitimate aim of ensuring the site does not unacceptably harm the character and appearance of the surrounding area and is satisfactorily assimilated with its surroundings, can only be adequately safeguarded by the refusal of a permanent permission. In the case of a temporary permission, the harmful visual impact would only be for the duration of the temporary permission, which is considered a proportionate response.
- 3.2.32 For the reasons given it was concluded that the appeal should succeed on ground (a) and that temporary planning permission will be granted. The appeal on ground (g) does not therefore need to be considered. Various conditions were attached to the decision.
- 3.2.33 The appellant submitted for a partial or full award of costs against Hinckley and Bosworth Borough Council. The appellant suggested that it was not expedient for the Council to issue an enforcement notice.
- 3.2.34 The appellant claimed that the report taken to committee failed to assess the impact of the application on the character and appearance of the area in accordance with Circular 01/2006, and that the far more restrictive policy, NE5 was applied. It was argued that the Council did not adopt a flexible approach in this respect. In relation to highway concerns, the Committee report failed to

advise of advice set out in paragraph 66 of Circular 01/2006 or how the adopted Htd relates to this. Further, it was claimed that no reference was made to paragraphs 45 and 46 of Circular 01/2006 in relation to circumstances when a temporary permission should be considered. This was considered a fundamental error. There is no evidence to suggest that the officer considered the above issues properly and that it was therefore expedient to issue an enforcement notice. It was considered by the appellant that it may not have been necessary to appeal had these matters been sufficiently considered.

3.2.35 The appellant went on that if the Inspector is against the full award of costs, a partial award of costs is sought in respect of the preparation and presentation of highways evidence on the basis that the Council failed to give any proper consideration to paragraph 66 of Circular 01/2006.

3.2.36 The Council's response is as follows: planning permission was refused and the subsequent enforcement notice served, not due to the sites location within the open countryside per se, but because of its prominent and elevated position in this predominantly undeveloped rural landscape, which is a consideration referred to in paragraphs 54 and 58 of Circular 01/2006.

3.2.37 The Council exercised their professional judgement in respect of the impact on the character and visual amenity of the countryside; and whether the inspector agrees or disagrees with the judgement made this is no grounds for the award of costs. Paragraph B18 of the Costs Circular advises that where the outcome of an appeal relates to a matter of judgement, in this case concerning impacts on the countryside, it is unlikely that costs will be awarded if realistic and specific evidence was provided about the consequences of the proposed development. It was considered that these circumstances were adopted. The adoption of the Core Strategy altered the test to be applied, in this case, to one of whether the development was capable of sympathetic assimilation into the surrounds. It was considered that Mr Hicks was clear that such an assessment has to be informed by impact.

3.2.38 Although no reference was made to paragraph 66 in respect of highway safety, it is not considered reasonable to say, that had such a reference been made, the inquiry would have been avoided. It is the highways responsibility to make recommendations in relation to development proposals, and the planning authority's responsibility, having regard to such recommendations to determine whether or not to approve or reject proposals. When cross examined, it was clear that the highways witness was aware of the content of Circular 01/2006.

3.2.39 It was the Council's opinion that the proposal would generate additional traffic movements from the site, and although it was accepted that the impact on Bagworth Road would not be significant, it was not accepted that this was a minor road. It was further argued that the highway objection raised at the inquiry falls outside the parameters of paragraph 66 of Circular 01/2006.

- 3.2.40 It was argued that the Council's reference to Htd was entirely justified and worthy of significant weight and that the Council's position on Htd is supported in previous appeal decisions which are material to the determination of this appeal. Thus the Council's reliance on Htd cannot be considered as unreasonable.
- 3.2.41 In relation to the consideration for temporary permission, it was considered that based on the highway safety concerns it would have been highly unlikely that temporary planning permission would have been granted. As the highway safety issue is assigned equal weight in respect of full or temporary permissions.
- 3.2.42 Based on the above it was considered that the Council had not acted unreasonably, and even if there had been any unreasonable behaviour, this would not have caused the appellant to incur unnecessary or wasted expense.
- 3.2.43 The Inspector concluded that Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably, and thereby caused another party to incur waste or expense unnecessarily. The Inspector was satisfied that the Council's evidence in relation to the impact on the countryside was realistic and sufficiently precise, and that a consistence approach was taken in respect of the policy change which occurred resultant of the adoption of the Core Strategy, and the introduction of Policy 18. Thus the Inspector did not feel that the appeal would have been avoided in this regard.
- 3.2.44 In respect of the highways issues, the Inspector affirmed the duty of the planning authority to decide whether or not to approve or reject such proposals, having regard to the development plan and any other material considerations. The Inspector did not consider the Council's reliance on Policy T5 and the Htd as unreasonable, and despite reaching a different conclusion, is satisfied that the Council provided clear evidence to support its case.
- 3.2.45 In respect of consideration of a temporary permission, the Inspector considered that as the Council applies equal weight to highways concerns irrespective of whether an application is temporary or permanent, that the decision would have remained the same if a temporary application was made, and thus did not consider that the Council acted unreasonably in failing to consider a temporary permission.
- 3.2.46 Finally, in respect of the lack of reference to Circular 01/2006 in the report to committee, the inspector did not consider that the decision would have changed if reference was made, or that the appellant incurred unnecessary expense in having to pursue the matter at appeal.

### **3.2.47 INSPECTORS DECISION**

#### **Appeal Allowed (Public Inquiry)**

**Costs Decision – Full and partial award of costs, failed.**

4. **FINANCIAL IMPLICATIONS (AB)**

4.1 The costs incurred by the Council for legal support for the Public inquiry will be met from existing revenue budgets. No costs have been awarded against the Council.

5. **LEGAL IMPLICATIONS (MR)**

5.1 The implications for development control in relation to gypsy and traveller sites within the Council's area need to be assessed in light of this decision, and it is proposed that a further report be brought to the next meeting of this committee.

6. **CORPORATE PLAN IMPLICATIONS**

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

- Safer and Healthier Borough.

7. **CONSULTATION**

7.1 None

8. **RISK IMPLICATIONS**

8.1 None

9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

9.1 None

10. **CORPORATE IMPLICATIONS**

10.1 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: Eleanor Shaw ext 5691



**PLANNING COMMITTEE - 13 APRIL 2010**

**REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)**

**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: Simon Wood, extension 5692

## PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 26.03.10

### WR - WRITTEN REPRESENTATIONS

### IH - INFORMAL HEARING

### PI - PUBLIC INQUIRY

FILE REF	CASE	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
10/00003/PP	SH	09/00995/COU	IH	Mr P Finney	Finney Hill Heath Road	<i>Start date</i> Statement of Case Comments due	16.03.10 27.04.2010 18.05.2010
10/00004/PP	LF	09/00997/FUL	WR	Timothy Payne	7 Stockwell Head Hinckley	<i>Start Date</i> Statement of Case Comments due	17.03.10 28.04.2010 19.05.2010
10/00002/TREE	NC	09/00758/TPO	WR	Mr Gill	Rotherwood, Station Road, Desford	<i>Start Date</i>	04.02.10
10/00001/PP	LF	09/00703/FUL	WR	Mr T Barton	23 Cherry Orchard Estate Higham on the Hill	<i>Start Date</i> Awaiting Decision	11.01.10
09/00024/PP	RW	09/00660/FUL	PI	Crest Nicholson (Midlands) Ltd	Former Greyhound Stadium Nutts Lane Hinckley	<i>Start Date</i> Inquiry Date (2 days)	23.12.09 13&14.04.10
09/00023/CLD	DK	09/00802/CLU	WR	Mr & Mrs Davies	49 Wykin Road Hinckley	<i>Start Date</i> Awaiting Decision	27.11.09
09/00017/ENF	JC/ES	07/00031/BOC	PI	Mr P Godden	Land at Upper Grange Farm Ratby Lane Markfield	<i>Start Date</i> Statement of Case Public Inquiry (4 days) Temporarily Suspended	06.11.09 18.12.09 09-12.03.10

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

09/00013/ENF	JH	09/00159/UNBLD	PI	Mr Robert Hodgetts	Land to the north of Bagworth Road Nailstone	<b>ALLOWED</b> (Temporary permission for 3 years)	19.03.10
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**Rolling 1 April / 26 March**

**Planning**

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision		
					Allow	Spt	Dis	Allow	Spt	Dis
20	9	7	3	1	8	3	7	1		

**Enforcement**

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
2	1	1		