

Date: 28 June 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, 6 JULY 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

6 JULY 2010

### A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

RESOLVED

2. MINUTES

To confirm the minutes of the meeting held on 8 June attached marked 'P5'.

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 'P6' (pages 1 – 31).

8. COALITION GOVERNMENT ANNOUNCEMENTS

Report of the Deputy Chief Executive (Community Direction) attached marked 'P7' (pages 32 - 36).

RESOLVED

9. APPEALS LODGED AND DETERMINED

Report of the Director of Community and Planning Services attached marked 'P8' (pages 37 – 38).

RESOLVED 10. APPEALS PROGRESS

Report of the Director of Community and Planning Services attached marked 'P9' (pages 39 – 42).

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**

**8 JUNE 2010 AT 6.30 PM**

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

Mr JC Bown, Mr MB Cartwright, Mr WJ Crooks, Mr DM Gould, Mrs A Hall, Mr P Hall, Mr K Morrell, Mr LJP O'Shea, Mr BE Sutton and Ms BM Witherford.

Officers in attendance: Mr J Hicks, Ms T Miller, Miss R Owen, Mr M Rice and Mr S Wood.

42 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Mr Boothby, Mr Joyce, Mr Nichols and Mr Ward with the substitution of Mr Cartwright for Mr Boothby authorised in accordance with Council Procedure Rule 4.3.

43 **MINUTES (P1)**

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

**RESOLVED** – the minutes of the meeting held on 11 May 2010 be confirmed and signed by the Chairman.

44 **ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES**

It was reported that the Chairman had agreed to receive an urgent item "Comments on letter dated 27 May 2010 from Eric Pickles, Secretary of State for Communities and Local Government" which would be taken after item 6 on the agenda. This was considered urgent due to the implications of the points raised in the letter.

45 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

46 **DECISIONS DELEGATED AT PREVIOUS MEETING**

The Head of Planning reported on the following applications which had been delegated at the meeting on 11 May:

- (i) 09/00940/FUL – it was reported that the decision had been issued on 1 June;
- (ii) 09/00901/OUT – it was reported that the decision had been issued on 24 May;

- (iii) 10/00213/FUL – it was reported that the decision had been issued on 13 May;
- (iv) 10/00214/LBC – it was reported that the decision had been issued on 13 May.

47 COMMENTS ON LETTER DATED 27 MAY 2010 FROM ERIC PICKLES, SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

Reference was made to this urgent item which was contained within the late items. The letter stated the Government's intention to abolish Regional Spatial Strategies.

Discussion ensued with regard to possible implications for the Core Strategy, housing numbers, five year housing land supply, the Regional Spatial Strategy and site allocations. Little clarification or guidance had been received as to the impact of the letter which was to be regarded as a material planning consideration.

It was agreed that Members would be kept informed of information as it is received and advice given on the implications of such information would be given.

48 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P2)

The Committee considered a schedule of planning applications, together with a list of late items, and the recommendations of the Deputy Chief Executive (Community Direction).

- (a) 10/00247/FUL – Erection of one new dwelling with detached garage, Land adjacent to 19 Summers Close, Kirkby Mallory – Mr Mitchell Green

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

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

- (b) 10/00162/FUL – Substitution of house types for plots 8-10 and 13-21, Breconshire Hosiery, Rossendale Road, Earl Shilton – Redrow Homes (Midlands) Ltd

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

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

- (c) 10/00207/FUL – Extensions and alterations to dwelling, 20 Hilary Crescent, Groby – Mr Gary Hawkins

Members were reminded that this had been deferred at the last

meeting for a site visit.

Some Members felt that the proposed extension was out of keeping with the surrounding area, had a detrimental impact on the street scene and constituted over-development. It was moved by Mr Cartwright and seconded by Mr Morrell that the application be refused on these grounds.

It was requested that voting be recorded on this motion.

Mr Cartwright, Mr Crooks and Mr Morrell voted FOR the motion (3);

Mr Inman, Mr Bown, Mr Gould, Mrs Hall, Mr Hall and Ms Witherford voted AGAINST the motion (6);

Mr Mayne, Mr O'Shea and Mr Sutton abstained from voting (3).

The motion was therefore declared LOST.

It was then moved by Mr Bown, seconded by Mr Hall and

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

- (d) 10/00221/CONDIT – Variation of Condition no.24 of Planning Permission 09/00141/DEEM to allow a wind turbine on the roof of the building, Land adj Goddard Building, Lower Bond Street, Hinckley – North Warwickshire and Hinckley College

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

RESOLVED – subject to no significant material observations being received by the end of the consultation period expiring on 10 June 2010, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant planning permission subject to the conditions contained in the officer's report and late items.

- (e) 10/00271/DEEM – Variation of condition no.2 of Planning Permission 09/00141/DEEM to allow minor alterations, Goddard Building, Lower Bond Street, Hinckley – NWHC and HBBC

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

- (f) 10/00375/OUT – Construction of seven detached dwellings (amended scheme), 30A Barton Road, Barlestone – Rellum Estates LLP

Some Members felt that affordable housing should be provided on this site and it was moved by Mr Morrell and seconded by Mr Hall that the application be refused on these grounds.

It was requested that voting be recorded on this motion.

Mr Cartwright, Mr Bown, Mr Crooks, Mr Hall and Mr Morrell voted FOR the motion (5);

Mr Mayne, Mr Inman, Mr Gould, Mrs Hall and Ms Witherford voted AGAINST the motion (5);

Mr O'Shea and Mr Sutton abstained from voting.

Having recorded an equal number of votes for and against the motion, the Chairman exercised his right to have a casting vote and voted AGAINST the motion. The motion was therefore declared LOST.

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

RESOLVED – subject to no significant material observations being received by the end of the consultation period expiring on 10 June 2010, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant outline planning permission for the development subject to the conditions contained in the officer's report and late items and the execution of an agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972 towards the provision and maintenance of public play and open space facilities and healthcare contributions. Failure to do so by 8 July 2010 might result in the application being refused.

49 APPEALS LODGED AND DETERMINED (P3)

A summary was submitted of appeals lodged and determined since the last meeting. It was reported that the appeal with regard to Stretton House had been withdrawn. It was

RESOLVED – the report be noted.

50 APPEALS – PROGRESS (P4)

A schedule was submitted indicating the stages that various appeals against planning decisions had reached. It was reported that the appeal with regard to Stretton House had been withdrawn. It was

RESOLVED – the report be noted.

(The meeting closed at 8.20pm)

**PLANNING COMMITTEE AGENDA - 6 July 2010 - NUMERIC INDEX**

<b>REF. NO.</b>	<b>APPLICANT</b>	<b>SITE</b>	<b>ITEM</b>	<b>PAGE</b>
10/00129/FUL	Jelson Limited	Land Outlands Drive Hinckley	01	
10/00133/FUL	The Crown Estate	1 Burton Road Twycross	02	
10/00418/FUL	Mr Paul Sidwell	2 Hamilton Close Hinckley	03	
10/00424/DEEM	Hinckley & Bosworth BC	Former Council Depot Wheatfield Way Hinckley	04	
10/00441/DEEM	Hinckley And Bosworth Borough Council	Former Council Depot Wheatfield Way Hinckley	05	



**REPORT P6**

**PLANNING COMMITTEE**

**6 July 2010**

**RECOMMENDATIONS OF DEPUTY CHIEF EXECUTIVE  
(COMMUNITY DIRECTION)**

**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:** 10/00129/FUL  
**Applicant:** Jelson Limited  
**Location:** Land Outlands Drive Hinckley Leicestershire  
**Proposal:** ERECTION OF 8 DWELLINGS (AMENDMENT OF PLANNING PERMISSION 08/00717/REM)  
**Target Date:** 19 July 2010

### **Introduction:-**

This full application is an amended scheme for the erection of eight dwellings on land off Outlands Drive, Hinckley. The application relates to the western most parcel of land of the previous approved scheme within site B of the larger site. The site as a whole benefits from outline and reserved matters approvals and this application is submitted because the application site has since been found to be smaller than originally surveyed and the previously approved scheme of 11 dwellings could not therefore be constructed. The application refers to the site of approved plots 119-129.

The scheme proposes the erection 4 no. 2 bed and 4 no. 3 bed terraced dwellings. This is a reduction in a total of three units (1no. 3bed and 2no. 2bed) over the previously approved scheme.

The application site is currently cleared and comprises a working construction site.

The application is accompanied by a design and access statement, landscaping scheme and legal agreement.

The design and access statement details the design concept applicable to the scheme and seeks to demonstrate that the re-development of this part of the site is in conformity with the wider character and design of this residential development.

The landscaping scheme details landscaping provisions for the development.

The legal agreement seeks to bind this application to the requirements of the earlier outline application at the site.

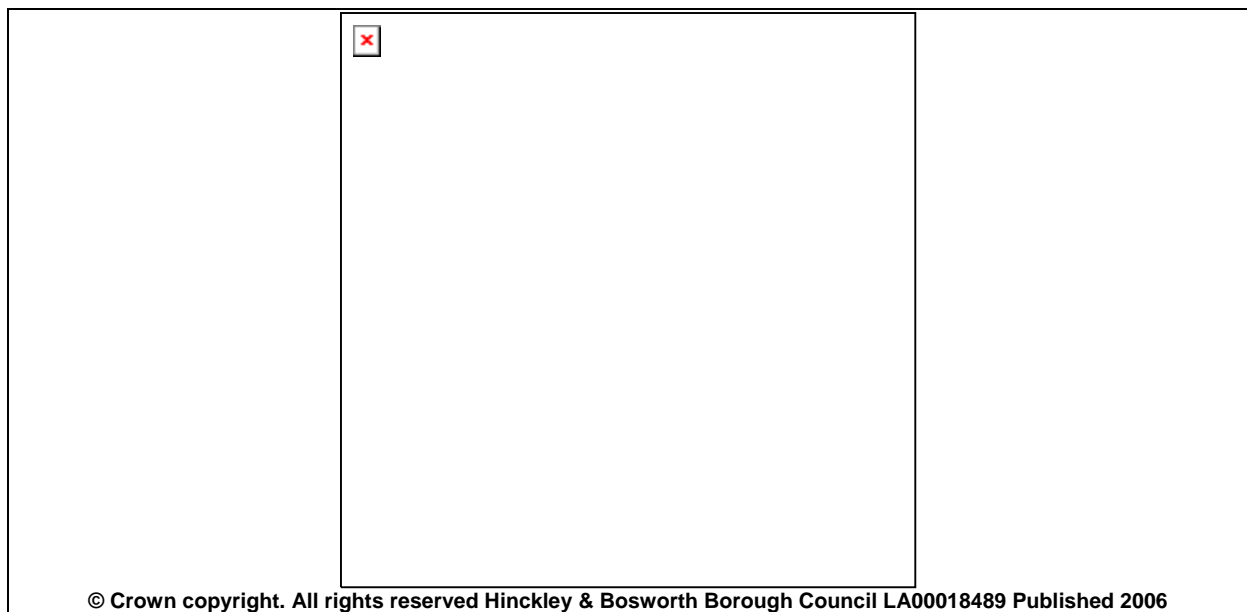
Amended plans have been submitted following concerns raised by officers in respect of the design and layout of the scheme.

The application is only being presented before Planning Committee because it is subject to a legal agreement.

### **History:-**

08/00717/REM	Erection of 63 No. dwellings Including diversion of footpath	Approved	01.10.08
08/00360/REM	Erection of 72 No. dwellings	Withdrawn	12.06.08

08/00030/REM	Three storey block (plots 17-19) with revised roofline and window detail	Approved	28.05.08
08/00002/TPO	Works to trees	Approved	22.01.08
07/00441/FUL	Substitution of House Types (plots 17-19)	Approved	18.07.07
06/00473/REM	Erection of 53 Dwellings	Approved	18.07.06
05/00335/OUT	Erection of 375 dwellings and estate roads, footpaths and cycle routes and landscaping	Permitted	29.03.06
05/00336/FUL	Erection of fifty six dwellings	Withdrawn	25.04.06
05/00011/OUT	Erection of 375 dwellings and estate roads, footpaths and cycle routes and landscaping	Withdrawn	04.05.06
03/00346/OUT	Residential Development	Refused	25.06.03
01/00338/OUT	Residential development	Dismissed Appeal	09.05.04



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## **Consultations:-**

No objection has been received from:-

The Director of Environment and Transport (Rights of Way)  
The Head of Community Services (Land Drainage).

Head of Community Services (Pollution) raises no objection but confirms that updated gas protection measures will remain necessary due to the proximity of the dwellings to the former landfill site.

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)  
Directorate of Chief Executive (Ecology)  
Environment Agency  
The Ramblers Association  
Severn Trent Water  
Head of Corporate and Scrutiny Services (Green Spaces)  
Neighbours.

## **Policy:-**

### Central Government Guidance

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

Planning Policy Statement 3 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. The PPS also details that Local Planning Authorities should maintain a 5 year land supply in housing delivery figures. PPS3 has very recently been updated to specifically refer to garden land not being brownfield land and the policy in relation to a minimum housing density figure has now been amended to allow local planning authorities to develop their own range of policies whilst having regard to the continued need to develop land in the most efficient manner.

### Regional Policy

The East Midlands Regional Plan (adopted March 2009) provides the development strategy for the East Midlands up to 2026. Whilst recent instruction by the Secretary of State for the Department of Communities and Local Government confirms the commitment by the Coalition Government to abolish Regional Plans. Whilst Regional Plans are still in place they need to be a material consideration as does the letter from the Secretary of State and decisions need to be made having regard to both.

Policy 1 seeks to secure the delivery of sustainable development. Policy 2 promotes better design. Policy 3 directs development towards urban areas with Hinckley being defined as a Sub-Regional Centre and the main focus for development at the local level. Policy 3 also states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations, contributing to the regional target of 60% of additional dwellings on previously developed land. Policy 13a sets out targets for housing provision (2006 - 2026). Policy 14 sets out the regional priorities for affordable housing in line with Housing Market Assessment for the area.

Policy 43 sets out regional transport objectives across the region. Policy SRS3 states that new housing provision in Hinckley and Bosworth will be made at the level of 450 dwellings per annum and be located mainly at Hinckley.

#### Local Development Framework Core Strategy (2009)

Policy 1 seeks to ensure that all new development supports Hinckley's role as a sub regional centre through, the delivery of, inter alia, a minimum of 1120 new homes and land for employment uses.

Policy 5 seeks to ensure that appropriate transport infrastructure is provided within the Hinckley sub regional centre.

Policy 15 seeks to deliver 20% affordable housing provision in Hinckley on sites of 15 dwellings or more or sites of 0.5ha or more.

Policy 16 seeks to ensure that all new residential developments provide a mix of types and tenures appropriate to the applicable household type projections.

Policy 19 seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.

Policy 20 seeks to achieve the implementation of the green infrastructure network applicable to Hinckley town centre.

Policy 24 seeks to ensure that all new homes in Hinckley are built to Code For Sustainable Homes Level 3 at the current time.

#### Adopted Hinckley and Bosworth Local Plan (2001)

The site is within the settlement boundary of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan and is a designated site for residential development in accordance with Saved Policy RES1(m).

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

RES1 states that planning permission will be developed for the site to the north of Outlands Drive subject to access are from Outlands Drive, inclusion of pedestrian links and the safeguarding of the sites TPOS trees.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Development should ensure adequate highway visibility for road users and adequate provision for on and off street parking for residents and visitors together with turning facilities and should not adversely affect the occupiers of neighbouring properties.

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

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

#### Supplementary Planning Guidance/Documents

Supplementary Planning Guidance: New Residential Development provides a series of standards that new residential development should achieve in respect of design, layout, impact on neighbours and amenity space.

Supplementary Planning Document: Play and Open Space provides a framework for the provision of play and open space and financial contributions to support the requirements of Policy REC3.

Supplementary Planning Document: Affordable Housing provides the background and approach to the Borough Councils delivery of affordable housing.

#### **Appraisal:-**

The principle of the development of this site is well established within the Saved Policies of the Adopted Local Plan and furthermore through the previous grants of planning permission on the site. Accordingly, the key issues for consideration in the determination of this application are the design and siting of the revised scheme, highways and the associated implications on the reduction of three dwellings on the previously signed legal agreements relating to this development.

#### Siting and Design

The layout of the site remains principally unaltered from that of the approved scheme for the site, however the application omits the garage building sited on the south side of the site adjacent to the access road. The omission of the garage building does leave a large open space between the rear elevations of the two terraces of dwellings, however the applicant now proposes the a 1.8 metre brick wall to denote the side boundaries of the plots and to screen roadside views into the parking court.

The issue of the loss of the garage buildings has been discussed with the applicant, however the applicant is no longer willing to provide these structures. The screen wall will provide the necessary screening of the parking area and subject to its design being agreed, will provide an attractive boundary treatment in the street scene. A landscaping scheme has been submitted with the application however at the time of writing it has not been updated to correspond with the amended site layout. It is important that the landscaping provides the necessary softening to the proposed boundary wall and amended scheme has been requested and reported as a late item.

The dwellings are standard house types used on the earlier phases of the development and are considered to be in accordance with the design code of the reserved matters approval. The house types proposed are the same as those originally approved for this area on the previous scheme, accordingly there is no change in the mix of house types and therefore no objection to the design of the dwellings.

## Highways

The scheme fails to provide two off street car parking spaces per dwelling line with the approved details of the earlier reserved matters approval. An additional space has been requested and an amended layout showing its position will be reported as a late item.

## Implications on the Outline and Reserved Matters Approvals

The earlier outline planning permission is subject to a legal agreement, however as this application is a revised scheme it is not bound by the legal agreement. The applicant has submitted a new agreement to tie this application to the requirements of the earlier agreement to ensure that the necessary planning obligations are still secured.

## Other Matters

The site is adjacent to a former landfill site and gas protection measures remain necessary due to the proximity of the dwellings to the former site. This matter is not controlled through the planning process but through the Building Regulations.

## Conclusion

The reduction in the site area that has naturally led to the need for the re-submission of this part of the scheme is unfortunate but is beyond the control of the Local Planning Authority and therefore the application must be determined on its own merits.

The scheme will complement the character of the existing phases of the development and the surrounding area without resulting in any material detriment to others or highway safety.

**RECOMMENDATION:- That subject to the signing of a Legal Agreement binding this permission to the Outline Planning Permission ref: 05/00346/OUT, the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission for the development subject to the following conditions. Failure to do so by 19 July 2010 may result in the application being refused.**

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

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

Hinckley & Bosworth Borough Council Local Plan (2001) :- IMP1, RES5, RES1, BE1, T5, REC2.

Hinckley & Bosworth Borough Council Core Strategy (2010):- Policies 1, 5, 15, 16, 19, 20, 24.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The dwellings hereby approved shall be constructed from the materials specified on ref:700/7B unless agreed otherwise in writing by the Local Planning Authority.
- 3 No development shall commence until details (including materials of construction) of the proposed brick wall between the parking court area and rear gardens of plots 119

and 123, and the access road has been submitted to and agreed in writing by the Local Planning Authority. The wall shall then be constructed in accordance with the approved details before the first occupation of any dwelling hereby approved.

- 4 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 700.7B, 788.7D, OD/60, OD/73B.

**Reasons:-**

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2&3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 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 This grant of planning permission is subject to a legal agreement.
- 6 Your attention drawn to the need for gas protection measures in the construction of these dwellings as the application site is located within 50 metres of a former landfill site. Further advice can be obtained from The Head of Community Services (Pollution) on 01455 255641.

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



**Item:** 02

**Reference:** 10/00133/FUL

**Applicant:** The Crown Estate C/o

**Location:** 1 Burton Road Twycross Atherstone Leicestershire CV9 3PR

**Proposal:** DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF FOUR NEW DWELLINGS.

**Target Date:** 15 July 2010

**Introduction:-**

This application is a revised scheme seeking full planning permission for the demolition of nos.1 and 3 Burton Road and the construction of a terrace of four two-storey dwellings with car parking to the rear. The scheme is principally the same as that considered by Members of Planning Committee on 2 June 2009 however it has come to light that there was an error in the site survey and the application site frontage is shorter in the north-south direction.

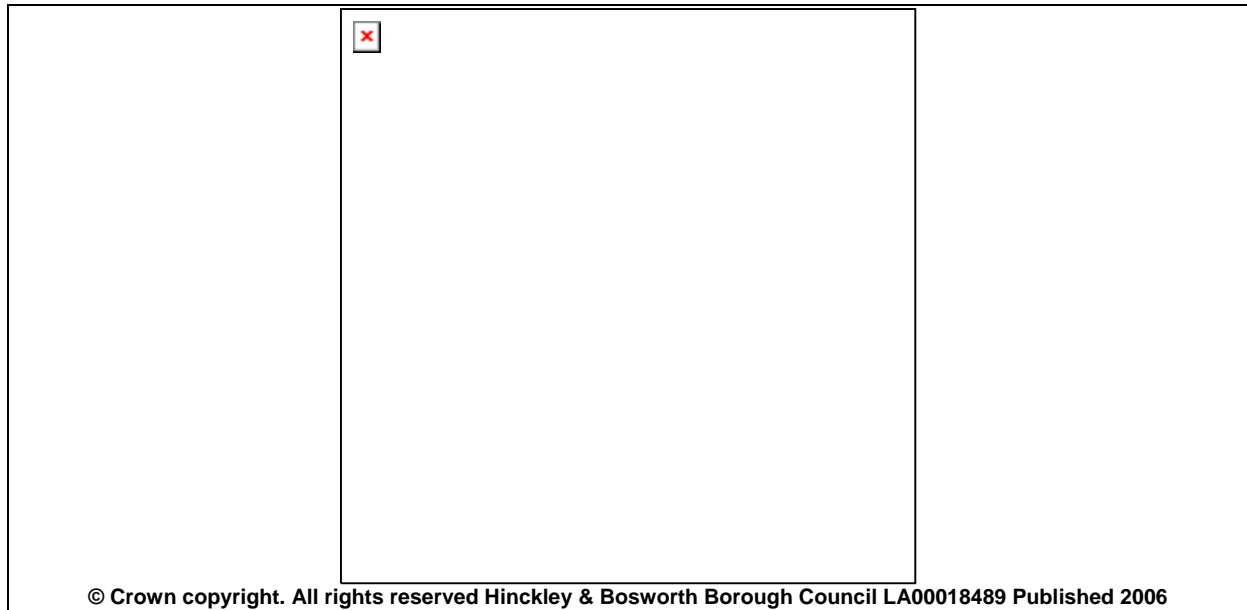
Nos.1 and 3 are a pair of semi detached 1 1/2 storey cottages that were originally 17th Century workers' cottages. However they have been altered significantly in the 19th and 20th Centuries. Both properties are currently unoccupied and have been boarded up for some time. The cottages are screened from Burton Road by a mature deciduous hedge and vehicle access is obtained from the open area to the front of the village hall.

The replacement dwellings are of conventional 2 storey design of brick and tile construction with prominent gables and elevational detailing.

A design and access statement detailing the design influences relevant to the proposal, a historic building survey and phase 1 habitat survey accompanies the application. The historic building survey confirms that the existing cottages are of a significant age. However through a series of modifications the historic fabric has been extensively removed or damaged. The habitat survey confirms that there are no protected species identified.

**History:-**

09/00300/FUL	Demolition of nos.1and 3 Burton Road and erection of four terraced houses with parking and amenity space	Approved	10.06.09
08/00900/FUL	Demolition of nos. 1 and 3 Burton Road and erection of four terraced houses with Parking and amenity space	Withdrawn	28.11.08



### **Consultations:-**

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

The Directorate of Chief Executive, LCC (Ecology) raises no objection subject to a timing condition.

The Director of Environment and Transport (Highways) objects to the retention of the pedestrian access to Burton Road because its may lead to occupiers parking in Burton Road rather than in the parking area.

Site notice and Press notice were displayed and neighbours notified.

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

The Directorate of Chief Executive, LCC (Ecology)  
Twycross Parish Council  
Severn Trent Water  
Head of Community Services (Pollution).

### **Policy:-**

#### Central Government Guidance

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

Planning Policy Statement 3 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. The PPS also details that Local Planning Authorities should maintain a 5 year land supply in housing delivery figures. PPS3 has very recently been updated to specifically refer to garden land not being brownfield land and the policy in relation to a minimum housing density figure has now been amended to allow local planning authorities to develop their own range of policies whilst having regard to the continued need to develop land in the most efficient manner.

#### Regional Policy

The East Midlands Regional Plan (adopted March 2009) provides the development strategy for the East Midlands up to 2026. Whilst recent instruction by the Secretary of State for the Department of Communities and Local Government confirms the commitment by the Coalition Government to abolish Regional Plans. Whilst Regional Plans are still in place they need to be a material consideration as does the letter from the Secretary of State and decisions need to be made having regard to both.

Policy 1 seeks to secure the delivery of sustainable development. Policy 2 promotes better design. Policy 3 directs development towards urban areas with Hinckley being defined as a Sub-Regional Centre and the main focus for development at the local level. Policy 3 also states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations, contributing to the regional target of 60% of additional dwellings on previously developed land. Policy 13a sets out targets for housing provision (2006 - 2026). Policy 14 sets out the regional priorities for affordable housing in line with Housing Market Assessment for the area. Policy 43 sets out regional transport objectives across the region. Policy SRS3 states that new housing provision in Hinckley and Bosworth will be made at the level of 450 dwellings per annum and be located mainly at Hinckley.

#### Local Development Framework Core Strategy (2009)

Policy 12 requires inter alia, a minimum of 20 new homes in Twycross and all new development to respect the character and appearance of the Conservation Area.

Policy 15 requires all new development of 4 dwellings or more in Twycross to deliver 40% affordable housing.

Policy 16 seeks to ensure that all new residential developments provide a mix of types and tenures appropriate to the applicable household type projections.

Policy 19 seeks to ensure that all residents have access to sufficient, high quality and accessible green spaces and play areas.

Policy 24 seeks to ensure that all new homes in Twycross will be constructed in accordance with the Building a Greener Future. This standard is inline with Building Regulations and therefore the development will automatically be constructed to this continually evolving standard.

#### Adopted Hinckley and Bosworth Local Plan (2001)

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

Policy IMP1 requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

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

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

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

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

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

#### Supplementary Planning Guidance /Documents

Supplementary Planning Guidance: New Residential Development provides a series of standards that new residential development should achieve in respect of design, layout, impact on neighbours and amenity space.

Supplementary Planning Document: Play and Open Space provides a framework for the provision of play and open space and financial contributions to support the requirements of Policy REC3.

Supplementary Planning Document: Affordable Housing provides the background and approach to the Borough Councils delivery of affordable housing.

#### **Appraisal:-**

The main considerations with regards to this application are the principle for the demolition of the existing cottages and their replacement, the siting and design of the replacement dwellings, the access arrangements and highway safety and the impact on residential amenity of nearby dwellings.

#### The Principle of Development

The recent revised version of PPS3 now confirms that garden land is no longer defined as brownfield land. Whilst this new definition is a material consideration in the determination of this application, the fact remains that the application site remains within the defined settlement boundary for Twycross where development is considered favourably subject to all other matters being adequately addressed. The current condition of the dwellings on the application site are poor and are well below current standards and given the period of time they have been in this condition it is reasonable to conclude that the chances of them being refurbished is very slim, particularly given that the Council has previously approved a scheme for their replacement.

It is considered that given the condition of the existing dwellings and the character of this edge of settlement location that this is no material harm arising from the redevelopment of this site to a greater density than existing, as previously approved.

The historic nature of the existing dwellings on the application site was the subject of significant discussion in the determination of the earlier application. The accompanying historic building survey confirms that the existing dwellings have been so severely altered

previously that there is little special historic fabric remaining. The survey's findings have been subject to pre-application discussion with the Conservation Officer.

Whilst the loss of any historic building is a material planning consideration, the only option available to the Local Planning Authority is to consider whether the building is worthy of putting forward for listing. In considering the information in the survey, there is no sound planning justification to seek to retain these dwellings. The fact remains however, that any replacement should be of a high quality that maintains the character of the village and the pattern of development in the locality.

### Siting and Design

The scheme proposed in this application is identical in terms of overall form and appearance as that previously approved in the 2009 application. The application site frontage to Burton Road has been reduced in length from 32 metres to 29.5 metres. The reduction in the size of the application site has meant that the development has been reduced in its width to fit the site, being generally in accordance with that relationship approved in the 2009 scheme.

The terraced arrangement of the proposed dwellings does not reinstate the siting or form of the existing cottages but does provide a form of development that is evident elsewhere in the village. The set-back terraced arrangement allows for the roadside hedgerow to be retained and the dwellings to create their own character and setting beyond this. The set back naturally allows for a sensible degree of separation from Burton Road (A444) which is a busy road. The orientation of the terrace and its staggered form is such that it will be clearly visible from Burton Road when both entering and leaving the village and forms a line of development that naturally links with the line of the existing buildings within the street.

The shape, mass, form and overall design of the dwellings have been created to reflect the character of Twycross. The use of steep roof pitches, dominant gables, ridge and elevation detailing, substantial chimney stacks and strong fenestration detailing, creates a recognisable design style that results in an attractive development compatible with the overall character of the wider village.

The proposed access driveway, car parking spaces and garaging is all located to the rear of the site. This prevents the creation of a car-dominated frontage and scores highly in urban design terms. Furthermore, it means there will be no need for the removal of the roadside hedgerow, which defines the site's frontage and softens the appearance of the development.

### Access and Highway Safety

The access position proposed in the current application remains in the same position as that of the previous 2009 scheme where vehicular access was taken from the area of land in front of the village hall. This arrangement is to the satisfaction of the Director of Environment and Transport (Highways).

The applicant does not own the piece of land in front of the village hall and the land is not registered with the Land Registry, but the applicant does have a historic legal right of access across it for the existing cottages. The application is accompanied by a notice served under Article 6 to address this matter. For the avoidance of doubt the fact that the applicant does not own this land is not material in the determination of this application. It is the responsibility of the applicant and any subsequent owner that they are satisfied that access to the highway exists thereafter. The creation of the access will be subject to a planning condition, requiring it to be in place before the first occupation of any dwelling.

The scheme does propose the creation of a pedestrian access to Burton Road to which the Director of Environment and Transport (Highways) objects because it will encourage the occupants of the dwellings to park within Burton Road to access their dwellings. This arrangement was included in the earlier approved scheme.

Pedestrian accesses to the front elevations of dwellings are a characteristic feature of Twycross and in urban design terms it is necessary that any new dwellings should provide such access in an attempt to maintain that character, even though it would be rarely used. It is, in this instance, considered to be acceptable notwithstanding the views of the Highways Authority.

The scheme provides two off street parking spaces per dwelling in a shared parking area to the rear where all dwellings have access through their rear gardens. It is considered that this ample provision of car parking and a useable means of access will allow for useable and easy access to the dwellings which would be more desirable than parking within Burton Road. On this basis it is considered there is no real time highway safety implication arising from retaining the pedestrian access.

The car parking area and access is located within close proximity to the adjacent dwellings in Hallfield Close and the use of these areas may give rise to some disturbance to the occupiers of these properties. The applicant is aware of this concern and constraint on the development and is proposing to erect an acoustic fence and additional landscaping along the sites boundary that will mitigate the transfer of noise and light from cars headlights. The surfacing of the driveway and parking spaces will be controlled by condition to ensure a quiet surface is used.

#### Impact on Neighbours

The proposed dwellings are sited to ensure there is adequate privacy between them and adjacent dwellings.

The separation distances between the development and adjacent dwellings remain principally unaltered, other than for that distance between the north end elevation of the proposed dwellings and the side elevation of no.5 Burton Road. Here the separation distance has been reduced from 4.5 metres to 4 metres. This minor reduction in distance is not considered to result in any further material impact upon the amenities currently enjoyed by the occupants of no.5 Burton Road. This opinion is further supported by the presence of mature landscaping along this boundary which already acts as a buffer between the two sites and would be retained as part of the development.

The position of the access driveway and parking spaces to the rear are sited within close proximity to the neighbouring dwellings on Hallfield Close, however the vehicular access point into the site is in the same position as the existing vehicular access to the cottages. The applicants have already confirmed their intention to appropriately surface the driveway and manoeuvring spaces to cut down on any unnecessary noise. A mature native hedge and a number of native trees currently define the sites southwest boundary. The application confirms that this hedgerow will be retained to maintain the existing arrangement; however it may be necessary to erect a close-boarded fence within the application site to provide adequate privacy during the winter period.

The section through the site demonstrates that the finished floor level of the proposed dwellings will be 0.77 metres lower than the adjacent properties in Hallfield Close and this further demonstrates that the proposal will not appear over dominant in relation to the adjacent dwellings. The fact that the finished floor level of the proposed dwellings is lower

than that of the existing cottages, further mitigates any perceived impact on the amenities of the adjacent occupiers.

### Affordable Housing

Core Strategy Policy 15 requires all new residential development of 4 or more dwellings in Twycross to provide 40% affordable housing. In the case of this application, whilst the scheme proposes four dwellings, the development will only result in a net gain of two dwellings due to the fact that two dwellings exist on site at present. Accordingly, no affordable housing is gained from this development.

### Sustainability

The site is located within the village of Twycross where the Core Strategy seeks to deliver 20 new homes. Twycross has limited services to support a growing residential population but does retain a public house, village hall, school, garden centre providing ancillary general store services. It is hoped that over the Core Strategy period the growth of residential development within the village will bolster the population, viability and sustainability of the village.

In line with Policy 24 of the Adopted Core Strategy, the residential units to be constructed on this site will need to be constructed in accordance with the Building a Greener Future. This standard is in line with Building Regulations and therefore the development will automatically be constructed to this continually evolving standard.

### Play and Open Space

The site lies within 400 metres of the Orton Lane playing field and therefore the sum of £1250.80 for each net dwelling gained (2 dwellings) is requested for the ongoing provision and maintenance of the facility in line with the increase pressures this development will place upon it, in accordance with the requirements of Saved Policy REC3 of the Local Plan.

### Security

The Crime and Disorder Act 1998 requires local authorities to facilitate the reduction in crime and disorder in all that they do. However, when it comes to the determination of planning applications, planning legislation makes it very clear that any application 'should be determined in accordance with the development plan unless material considerations indicate otherwise'. Accordingly, consideration should be given to whether The Crime and Disorder Act is a material consideration.

Any new development should not increase crime or disorder but the extent to which they either do or don't is subjective. In the case of this proposal, the applicant has confirmed that the site will be secure, particularly the vehicle access and parking areas to the south, through the use of effective boundary fencing, gates accesses and lighting. In such a case and given the sites constraints, particularly in respect of access and parking, the proposal is considered to be suitably designed to not result in crime or disorder and be a high quality and safe development. Additionally, the existing unsecured, unoccupied and heavily overgrown nature of the site must be considered. The redevelopment of the site will undoubtedly improve the security of the adjacent neighbour's properties.

### Ecology

The accompanying habitat survey confirms that there is no presence of bats or nesting birds within the existing dwellings or the application site. The survey does suggest that any

demolition should be carried out at particular times of the year in case of future occupation by bats or birds. This approach, whilst being best practice, is not considered to be appropriate to be controlled by a planning condition. The protection of such protected species is covered by primary legislation which requires a duty of care by any site owner or contractor should any be identified on site.

### Conclusion

This application proposes the erection of four high quality and well designed dwellings in place of two existing historic but somewhat altered and poor quality cottages. The loss of the existing cottages is unfortunate; however there is no formal basis under which the retention would be successful. The replacement dwellings are well sited to not result in an adverse impact on the amenities experienced by others and will be a prominent and attractive development that will complement the entrance to the village.

**RECOMMENDATION:- That subject to no significant material observations being received by the end of the consultation period expiring on 5 July 2010, the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission for the development subject to the following conditions. Failure to do so by 15 July 2010 may result in the application being refused.**

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

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

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, RES5, T5 and SPG on New Residential Development.

Hinckley & Bosworth Borough Council Core Strategy (2009):- Policy 12, 15, 16, 19, 24.

- 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 submitted application details, as follows: 1:1250 Site Location Plan, 5656.SS, 5656.02I and 5656.03D.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development (including any site clearance works) 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) means of enclosure and boundary treatments
  - ii) car parking layouts
  - iii) other vehicle and pedestrian accesses
  - iv) hard surfacing materials (inc vehicular access, turning and parking areas)
  - v) all existing trees and hedgerows to be retained and proposals for restoration



- vi) planting plans
  - vii) written specifications
  - viii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
  - ix) implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
  - 6 No development shall commence until details (including construction methods, materials and technologies to mitigate any impact) of the construction of the driveway adjacent to the tree shown to be retained in the approved plan have been submitted to an approved in writing by the Local Planning Authority. The development shall then proceed in accordance with the approved details only.
  - 7 Before any development is commenced on the site, including site works of any description, the hedgerows to the sites north and west boundaries and the trees on the site's southern boundary, as shown to be retained on the approved plan, shall be securely fenced off by protective fencing on a scaffolding framework in accordance with B. S. 5837 for the duration of all work on site.
  - 8 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Supplementary Planning Document has been secured in such a manner as is approved in writing by the Local Planning Authority.
  - 9 Before the first occupation of any dwelling hereby permitted the vehicular access, turning and parking areas as shown on the approved plan shall be laid out and made available for use and remain available for the respective use thereafter.
  - 10 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, B, C, D and E shall not be carried out unless planning permission for such development has first been granted 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 ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4-7 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure the adequate provision of public play and open space within the vicinity of the site to accord with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the Adopted Supplementary Planning Document on Play and Open Space.
- 9 To ensure that vehicles may enter and leave the site in a forward direction, turn and park clear of the public highway, in the interests of road safety to accord with policies BE1 and T5 of the Hinckley and Bosworth Local Plan.
- 10 To safeguard the amenities of adjacent occupiers and the character of the area, in accordance with the requirements of 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 contribution required by condition no.8 is currently £2501.60.

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

**Item: 03**  
**Reference: 10/00418/FUL**  
**Applicant: Mr Paul Sidwell**  
**Location: 2 Hamilton Close Hinckley Leicestershire LE10 0TS**  
**Proposal: ERECTION OF A ONE METRE FENCE**  
**Target Date: 23 July 2010**

**Introduction:-**

This is a resubmission of a planning application for the erection of a one metre high fence to be affixed above a one metre high side boundary wall at 2 Hamilton Close, Hinckley.

The one metre high boundary wall on which the fence is to be erected is considered at present to be unauthorised as it is situated upon public amenity land. This land has been enclosed within the applicant's garden without planning permission. As this land is not considered residential, it cannot benefit from permitted development rights. As the erection of the wall is considered ancillary to the enclosure of the land, and the development has been established for less than 10 years; both the wall and the change of use of the land are considered to be unauthorised and are therefore liable to possible enforcement action. This matter has been drawn to the applicants' attention.

The application property comprises a semi-detached house situated on a corner plot at the junction of Hamilton Close and Dunblane Way. The residential estate is of typical 1970's design, originally characterised by open frontages, side gardens and wide verges. Dunblane Way slopes down in a southerly direction.

Along the inside of the unauthorised 1m high wall is a row of conifers, approximately two metres in height. The front elevations of 10-24 Dunblane Way face the unauthorised boundary wall and the garage of 58 Seaforth Drive stands to the rear of the site.

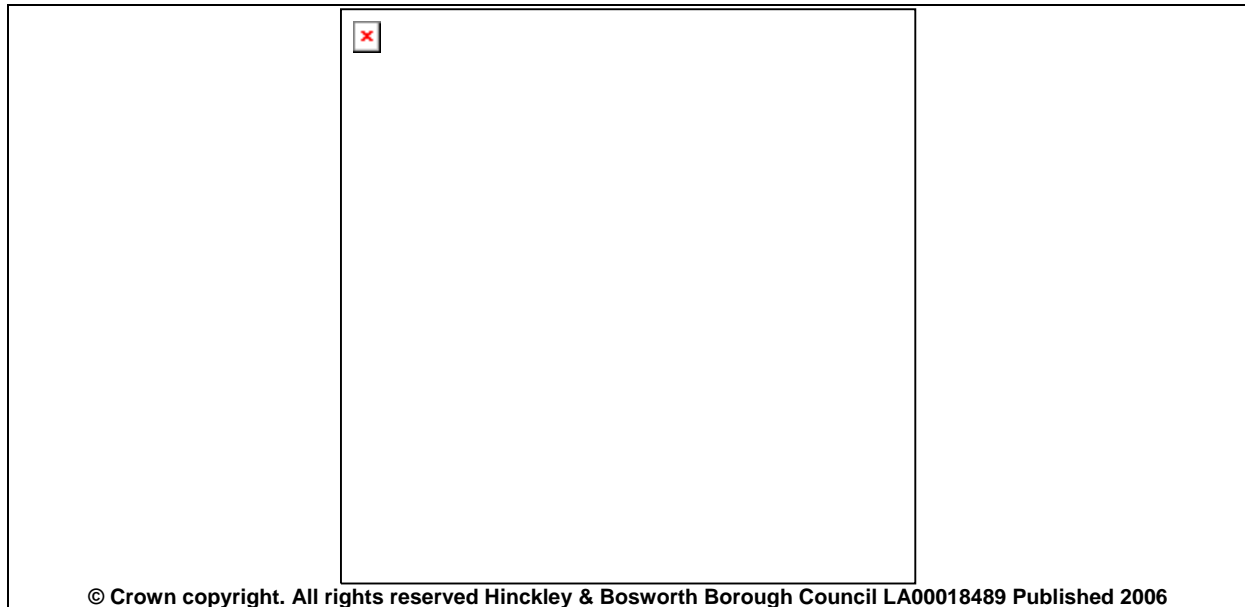
Surrounding properties are of similar design, situated on uniform building lines and standard plot sizes. The majority of front and side boundaries are open. Where properties accommodate a corner plot, their boundaries are enclosed by vegetation, solid walls or close boarded fences.

The application proposes to remove the existing two metre high conifer hedge and affix a 1m high close boarded timber fence above the unauthorised 1m high brick wall. This will span a length of 22.5m and will be staggered to reflect the gradient of the land.

Members will note the previous application was refused on the basis of its impact on visual amenity and the character of the area. This application has not changed but has been re-submitted and called to Committee to allow Members to consider the issues.

**History:-**

09/00730/FUL	Erection of Timber Fence	Refused	08.02.10
01/00219/FUL	Re-siting of boundary wall	Withdrawn	06.07.01

**Consultations:-**

Head of Community Services (drainage) has no objection to the application.

Director of Environment and Transport (Highways) refers to Standing Advice.

Cllr Keith Nichols and Ward Cllr David Cope have requested that this application be brought before the next available Planning Committee meeting, as they are of the view that the application raises issues in respect of the security, privacy and well-being of the occupiers of the house and the impact of the development on the character and appearance of the area that should be considered by Members.

**Policy:-**Local Plan Policy

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Development should ensure adequate highway visibility for road users and adequate provision for on and off street parking for residents and visitors together with turning facilities and should not adversely affect the occupiers of neighbouring properties.

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

## **Appraisal:-**

The main considerations for the determination of this application are the principle of the development, design and siting of the fence and its impact on the character of the area, neighbours amenity and highway safety.

### Principle

As the application is solely for the erection of the one-metre-high fence above the existing unauthorised wall, there would be difficulties in implementing the scheme if Members resolve to grant planning permission. The wall and the enclosure of the amenity space will remain unauthorised and will be liable to possible enforcement action.

### Neighbours amenity

The proposed boundary treatment at a maximum height of two metres will face toward the front elevations of 16-22 Dunblane Drive separated by the roadway and a distance of 14 metres. As a result of the separation distance and minor nature of the development, the scheme is not expected to impact on the amenity of these properties either through being overbearing or through loss of light.

### Design and impact on the character of the area

This residential estate was constructed with an open plan design, giving the estate a characteristic open feel, with open front and side gardens and wide verges. This is visible on the opposing residential properties and strips of green verges adjacent to public footpaths, such as at 58 Seaforth Drive. The application property has constructed a one metre high wall, which encloses the grass verge abutting the footpath along Dunblane Way. A two metre high conifer hedge has been grown on the inside of this to enclose the side area further, which has been converted into garden space. Whilst the enclosure of this space is not desirable and not in keeping with the character of the estate, conifers above the solid wall provide a softening to the boundary treatment and add to the visual amenity of the area. It should be noted that hedges do not fall within the scope of control by planning legislation. The replacement of these trees with a solid timber fence culminating in a total height of two metres spanning a distance of 22.5 metres would not only detract from the area's visual amenity but would fail to complement or enhance the open character of the surrounding area. This impact is further reinforced by the prominent location of the site at the junction with Hamilton Close and Dunblane Way, juxtaposed with the adjacent open front and side gardens.

It is worth noting that whilst there are examples of two-metre-high fencing abutting the footway on properties within the surrounding area, they have been constructed without the required consent from the local planning authority and are now exempt from enforcement action. In addition these boundary treatments have a minimal span compared to the proposed scheme. Although these are evident on the estate they are not numerous enough to consider that the open character of the surrounding area has been fundamentally changed as a result.

### Highway safety

58 Seaforth Drive has a detached garage which stands between this property's rear boundary and that of the applicants. This garage is set back from the highway and existing 1 metre high wall by six metres. This wall and adjacent conifers currently restricts pedestrian visibility from this garage. The erection of a solid boundary treatment, reaching a similar height as existing is also likely to restrict pedestrian visibility however the impact is not expected to be significantly worse than existing.

### Other issues

The applicant has indicated the proposed scheme has resulted from a need to increase security to the property and reduce maintenance of the existing trees. Safety and security to individuals and property is a consideration of local plan policy BE1. These concerns could however be addressed via other means and this consideration is not considered to outweigh the impact of the scheme on the areas open character and visual amenity.

### Conclusion

It is considered that the replacement of existing conifer trees with a one metre high timber fence spanning a distance of 22.5 metres and abutting a footpath would detract from the areas visual amenity. In addition the proposal would fail to complement the open character of the surrounding area and would therefore be contrary to Local Plan Policy BE1 and the application is recommended for refusal.

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

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

#### **Reasons:-**

- 1 In the opinion of the Local Planning Authority, the proposed development by virtue of the introduction of a 2 metre high solid boundary treatment would result in a detrimental impact on the visual amenity of the area and would harm the open character of the surrounding area. The development is therefore, contrary to Local Plan Policy BE1.

#### **Notes to Applicant:-**

- 1 The applicant is advised that the 1 meter high brick wall and the enclosure of the amenity land constitutes unauthorised development. In order to progress the situation, either an application can be made for the change of use of the amenity land to residential land, and the erection of a 1m high brick wall, for which there is a fee of £335, or the wall can be removed and the land reinstated to its original form. Failure to authorise the development will render you liable to enforcement action.
- 2 List of plans used in the determination of this application:- Drg Nos 1 and 2, OS Sitemap scale 1:1250

**Contact Officer:-** Eleanor Shaw Ext 5691

**Item:** 04

**Reference:** 10/00424/DEEM

**Applicant:** Hinckley & Bosworth BC

**Location:** Former Council Depot Wheatfield Way Hinckley Leicestershire LE10 1PJ

**Proposal:** VARIATION OF CONDITION NO. 12 OF PLANNING PERMISSION 07/00431/DEEM RELATING TO THE PROVISION OF A CYCLE ROUTE

**Target Date:** 31 August 2010

**Introduction:-**

Planning permission 07/00431/DEEM was granted on 12 July 2007, for the demolition of the existing depot building and construction of 2,137 square metres of industrial space and 1,609 square metres of industrial and office space together with associated works, on the former Council Depot site off Wheatfield Way, Hinckley. Once developed, the site is to be known as 'Greenfields Business Park'.

The original application was approved with various conditions attached. This application seeks to vary Condition 12 which required a cycleway entrance to be provided to the west of the site accessed from an un-adopted track which runs along the north western boundary of the allotment site to connect with Middlefield Lane. The alteration is sought to relocate the cycleway entrance to the south east of the application site adjacent to the pumping station. The proposed access will be available from the part of Middlefield Lane which is owned by this Council, which runs along the south eastern boundary of the allotment site between the retained Council depot to the east and the part of Middlefield Lane to the west, which is adopted highway.

The condition was originally imposed to ensure that a link is provided through the development from Cycleway point 6 at Tudor Road/Middlefield Lane to Cycleway point 131 on Normandy Way. This proposal will fulfil this aim.

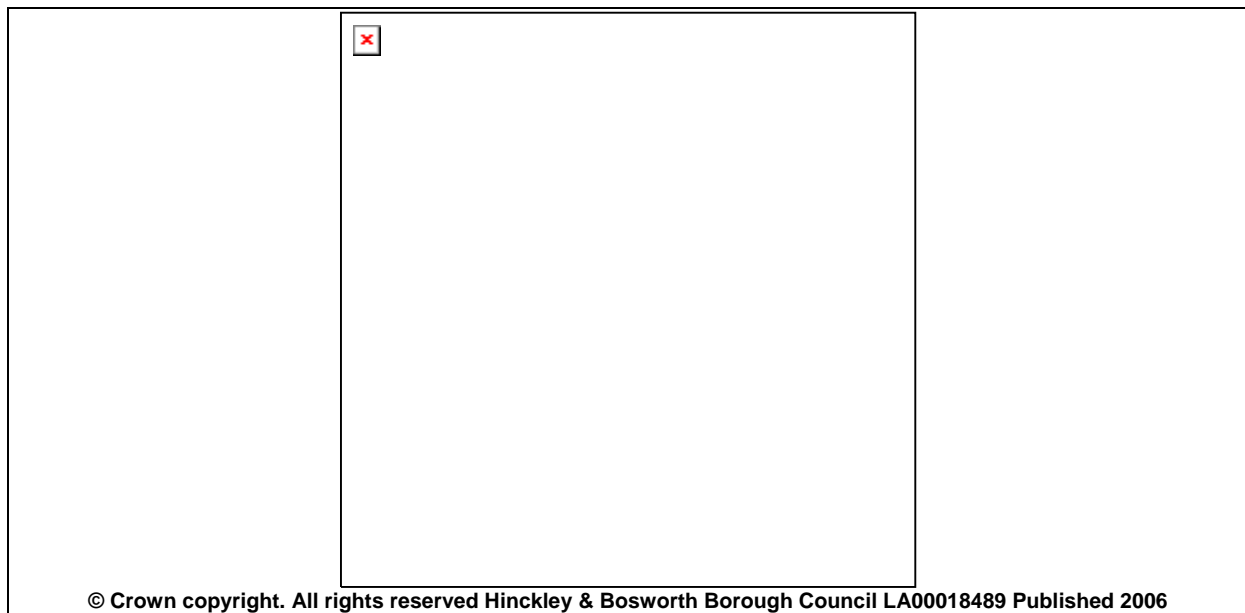
All other aspects of the proposed development remain as previously approved.

The application site measures approximately 1.4 hectares in area and is accessed off Wheatfield Way through the existing industrial development. The site is relatively flat and is bounded to the north-east by a stream and residential properties; to the south east by the retained Council depot and pumping station; to the south by residential properties; to the south west by allotments; and to the west and northwest by industrial development. Development of the site has commenced.

A Design and Access Statement has been submitted with the application which states that the site is in a private un-adopted area with controlled access to vehicles using rising and falling bollards. These will be opening during normal working hours and controlled access outside these hours. Access by pedestrians will be restricted to the footpath from Wheatfield Way and the new cycle access off Middlefield Lane; elsewhere access will be prevented by a suitable security fence. Cycling will be provided for in two ways, by the provision of a secure stand within each unit and by the cycleway which will be brought into the south east corner of the site off Middlefield Lane adjacent to the pumping station.

## History:-

10/00441/DEEM	Non Material amendment to planning permission 07/00431/DEEM to amend the position of the wind turbines	Pending Consideration	
07/00431/DEEM	Demolition of the existing depot building and construction of 2,137 square metres of industrial space and 1,609 square metres of industrial and office space together with associated works.	Approved	12.07.07



## Consultations:-

No objections have been received from:-

The Environment Agency  
The Head of Community Services (Land Drainage).

Directorate of Chief Executive (Ecology) has advised that the works to remove any hedgerow should be carried out outside of the bird nesting season and the hedge should be checked by a suitably experienced ecologist prior to removal.

The Director of Environment and Transport (Highways) has commented that the application site does not have a direct boundary with the highway and has requested further information to be provided on why the proposal is required to be amended.

Site notice and Press notice were displayed and neighbours notified.  
Two letters of objection have been received raising the following concerns:-

- a) already a footpath on the lane to industrial site
- b) already a cycleway on Middlefield Lane
- c) will increase parking problems on Middlefield Lane
- d) provide a cut through for criminals.



One letter received stating no objections.

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

The Cyclists Touring Club  
Severn Trent Limited  
The Manager of Business, Contract and Streetscene Services (Green Spaces).

## **Policy:-**

### Central Government Guidance

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development refers to the delivery of sustainable development through the planning system. It promotes the more efficient use of land through higher density, mixed use development, and the re-use of suitably located previously developed land and buildings.

Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth sets out the Government's aims for prosperous economies. It promotes delivery of sustainable patterns of development and the reduction in the need to travel to respond to climate change.

Planning Policy Guidance 13 (PPG13): Transport promotes more sustainable transport choices both for carrying people and for moving freight.

### Hinckley & Bosworth Local Development Framework: Core Strategy (2009)

Policy 1: Development in Hinckley sets out policies specifically relevant to Hinckley including the requirement to ensure that there is a range of employment opportunities, that development is of high environment standards and for transport improvements.

Policy 5: Transport Infrastructure in the Sub-regional Centre refers to links to existing urban area for buses, walking, cycling and local traffic. Cycle routes to be implemented are identified in the Council's Hinckley Cycle Network Plan.

### Hinckley Bosworth Local Plan 2001

Policy EMP1 relates to existing employment sites. The application site is listed as a category (b) site which provides that the local planning authority will consider proposals for other employment activities, or alternative uses of the sites identified on their merits in the context of the appropriate design policies of the plan. These sites are generally considered to be acceptable employment locations and are indicated on the proposals map.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and enhance the existing environment. In addition, it requires developments to complement or enhance the surrounding area; incorporate design features which reduce energy consumption and minimise the impact on the local environment; have no adverse affects the occupiers of neighbouring properties; and have no adverse affects on the highway network.

Policy T5 requires the local authority to apply the current highway design standards for all new developments, which involve new accesses, new highways and other works.

Policy T9 encourages the provision of facilities for cyclists and pedestrians.

### Other material considerations

## Middlefield Lane Planning Brief - January 2002

This planning brief provides planning guidance for land at Middlefield Lane; included within this brief is the Council Depot site. It is recommended that the area of land affected by this planning application should be retained for employment purposes, accessed from the existing industrial estate road. It provides that where redevelopment of the site for employment purposes is proposed it should be demonstrated that it would not be to the detriment of the amenities of new and existing residents.

## Employment Land and Premises Study Review - May 2010

This report assesses the supply, need and demand for employment land. The report has been commissioned to provide robust evidence to underpin and inform the Local Development Framework (LDF). The report makes reference to national regional policy and various studies. The key aims of the study are to consider the supply and future need for employment land, assess the viability and future of employment areas, review the impact of small and medium enterprises, consider land and property market supply and demand, consider the needs of the ten key rural centres identified in the Core Strategy DPD and analyse the new employment allocations identified in the development plan documents.

### **Appraisal:-**

The principle of development has already been established by the granting of planning permission 07/00431/DEEM, and the requirement for a cycleway link established by the imposition of Condition 12. The main issue in respect of this application is whether or not the variation to the scheme has impacts on the amenities of neighbouring properties or the cycleway route.

### Amenity of Neighbouring Properties

Whilst neighbours have raised concerns regarding the cycle route passing by properties located on the part of Middlefield Lane which provides access to the depot, there will be no physical changes to the road by the proposal. It is envisaged that there may be an increase in cyclists using the link but this is in line with the aims of adopted policy and it is not considered that it is likely to give rise to any significant adverse effects on the amenity of the occupants of nearby properties.

With regard to parking issues, users of the proposed cycleway are unlikely to be car bound, therefore the proposal is unlikely to cause any significant changes to the parking situation which currently exists.

### Impact on the Cycleway

Condition 12 was originally imposed to ensure that a link is provided through the development from Cycleway 6 from Middlefield Lane to Cycleway 131 on Normandy Way. The alteration to the route is not considered to have any significant effect on this aspiration. The formal comments of The Cyclists Touring Club have not been received, however, initial discussions suggest that they are unlikely to raise any objections. Any response will be reported as a late item.

### Other Issues

The comments of The Director of Environment and Transport (Highways) relate to the part of Middlefield Lane which is the access to the depot, not being within the control of the highway

authority. The land is however, in the control of this Council. An additional plan which shows the status has been provided and any further comments of The Director of Environment and Transport (Highways) will be reported.

The Director of Environment and Transport (Ecology) has commented that the works to remove any hedgerow should be carried out outside of the bird nesting season and the hedge should be checked by a suitably experienced ecologist prior to removal. This can be dealt with as a note to applicant.

### Conclusion

It is considered that the submitted scheme will have no significant effect on neighbours amenity or the aspiration to provide a cycleway link between Middlefield Lane and Normandy Way, as such it is considered that the modifications to the approved scheme are considered acceptable.

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

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

Having regard to the original grant of planning permission, with no other material considerations having changed significantly since, representations received and the relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy:- Policies 1 and 5

Hinckley & Bosworth Borough Council Local Plan (2001) :- EMP1, BE1, T5, T9.

- 1 This permission relates to the original application plans E9328(LP)01A received by the Local Planning Authority on 20th April 2007 and E9328(D)09 received by the Local Planning Authority on 10th May 2007 and revised plans, drawing no: LL01A received by the Local Planning Authority on 23rd May 2007; drawing nos: E9328(D)03B, E9328(D)08B received by the Local Planning Authority on 15th June 2007; and drawing no: E9328(D)01E received by the Local Planning Authority on 22nd June 2007.

Together with the Revised Drawing SK039 Rev B received on 1 June 2010.

- 2 This permission shall relate to the variation of Condition 12 of permission 07/00431/DEEM dated 12 July 2007 only. All other conditions of the original permission remain, unless subsequent variations have been made.
- 3 No part of the development shall be brought into use until a cycleway has been provided to the south east of the site alongside the allotments linking to Cycle Route 131-6.

#### **Reasons:-**

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 For the avoidance of doubt and to ensure a satisfactory form of development, to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- 3 In the interests of the sustainability of the development and to encourage alternative transport choice 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 applicant is advised that works to remove any hedgerow should be carried out outside of the bird nesting season and the hedge should be checked by a suitably experienced ecologist prior to removal.

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

**Item:** 05

**Reference:** 10/00441/DEEM

**Applicant:** Hinckley And Bosworth Borough Council

**Location:** Former Council Depot Wheatfield Way Hinckley Leicestershire LE10 1PJ

**Proposal:** NON MATERIAL AMENDMENT TO PLANNING PERMISSION 07/00431/DEEM TO AMEND THE POSITION OF THE WIND TURBINES

**Target Date:** 10 September 2010

**Introduction:-**

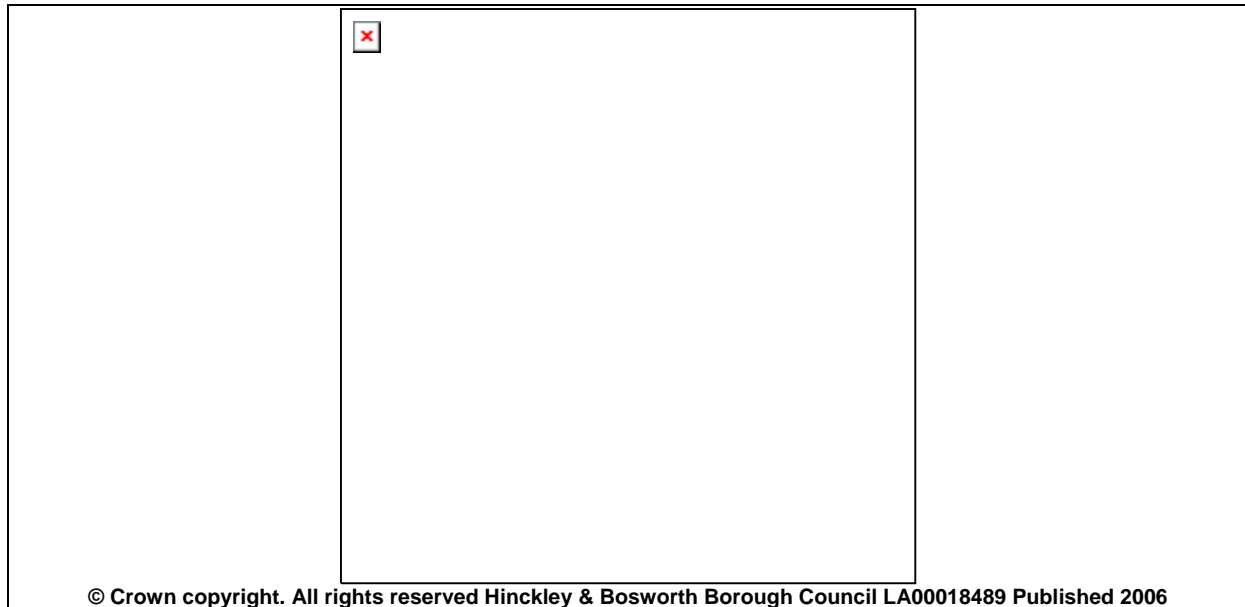
This is an application for non - material amendment to planning permission 07/00431/DEEM for the demolition of existing depot building and construction of 2,137 square metres of industrial space and 1,609 square metres of industrial and office space together with associated works. This application seeks permission to change how and where the wind turbines approved under the previous application are fixed to the building.

The site is located to the south west of Nelson Drive, and north east of Middlefield Lane. It forms the former site of the Council Depot. To the north, south and west the site is boarded by other commercial and industrial premises, with residential development to the east.

The proposal involves a change in the siting of the wind turbines proposed to units 2 and 7. Under the approved scheme the wind turbine was sited on top of the barrel rooflight running the length of the building, fixed and supported on a tripod mechanism. This application seeks approval to site the turbines to one side of the projecting roof light, allowing the wind turbine to be fixed in several places to the side of the rooflight structure. The number of wind turbines remains the same.

**History:-**

10/00424/DEEM	Variation of condition No. 12 of planning permission 07/00431/DEEM relating to the provision of a cycle route.	Pending consideration
07/00431/DEEM	Demolition of existing depot building and construction of 2137 square metres of industrial space and 1609 square metres of industrial and office space together with associated works.	Approved 12.07.07



### **Consultations:-**

There are no statutory consultations on this type of application.

### **Policy:-**

#### Local Development Framework Core Strategy 2009

Policy 24 Sustainable Design and Technology requires all development in Hinckley to meet the relevant targets for delivering sustainable technologies. For office development this is a minimum BREEAM (or equivalent) assessment rating of 'very good'.

#### Hinckley and Bosworth Local Plan 2001

Policy EMP1 relates to existing employment sites. The application site is listed as a category b site which provides that the local planning authority will consider proposals for other employment activities, or alternative uses of the sites identified on their merits in the context of the appropriate design policies of the plan. These sites are generally considered to be acceptable employment locations and are indicated on the proposals map.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and enhance the existing environment. In addition, it requires developments to complement or enhance the surrounding area; incorporate design features which reduce energy consumption and minimise the impact on the local environment; have no adverse affects the occupiers of neighbouring properties; and have no adverse affects on the highway network.

Policy BE26 requires new developments to incorporate a lighting scheme that does not have an adverse impact on the environment, character of the area, and nearby residents.

Policy BE27 provides that permission will be granted for individual wind turbines provided the proposal is capable of supporting the generation of wind power; the development is located sensitively so its visual impact is minimised; and would not have a detrimental impact on surrounding properties through noise and other forms of nuisance.

Policy NE2 provides that planning permission will not be granted for development which would be likely to cause harm through pollution of air or soil.

Policy REC1 protects recreation site and provides that alternative uses will not be granted for the development of land currently used for recreation unless one of three criteria can be met, these include: the developer providing an equivalent range of replacement facilities in an appropriate location serving the local community; the developer provides adequate proof that there is a surplus of recreational land beyond the needs of the local community; and the development of a small part of a larger site in recreational use would result in the enhancement of facilities on the remainder of the site.

Policy T5 requires the local authority to apply the current highway design standards for all new developments, which involve new accesses, new highways and other works.

Policy T11 provides for the requirement of Traffic Impact Assessments where proposals for development are likely to generate significant traffic flows, especially heavy goods vehicles.

#### Other material considerations

##### Middlefield Lane Planning Brief - January 2002

This planning brief provides planning guidance for land at Middlefield Lane; included within this brief is the Council Depot site. It is recommended that the area of land affected by this planning application should be retained for employment purposes, accessed from the existing industrial estate road. It provides that where redevelopment of the site for employment purposes is proposed it should be demonstrated that it would not be to the detriment of the amenities of new and existing residents.

##### Employment Land and Premises Study Review - May 2010

This report assesses the supply, need and demand for employment land. The report has been commissioned to provide robust evidence to underpin and inform the Local Development Framework (LDF). The report makes reference to national and regional policy. The key aims of the study are to consider the supply and future need for employment land, assess the viability and future of employment areas, review the impact of small and medium enterprises, consider land and property market supply and demand, consider the needs of the ten key rural centres identified in the Core Strategy DPD and analyse the new employment allocations identified in the development plan documents.

#### **Appraisal:-**

The main issues for consideration are whether the alterations to the siting and fixings of the wind turbines on units 2 and 7 can be considered as a non - material minor amendment to application number 07/00431/DEEM.

The number of wind turbines and their approximate position on the building have not changed. The siting has shifted by 1.5m to the side of the high barrel roof light that runs down the centre of the proposed buildings. The change in siting, by virtue of their lower position on the roof, marginally reduces their visual impact. This revised arrangement is not to the detriment of the amenities of nearby residential properties. Therefore were the turbines to have been initially sited in the positions now shown it would not have affected the determination of the application.

Since the application was granted the Council have adopted the Core Strategy; However, this , however this requires development to be more sustainable. Therefore there are no new

planning policy considerations that would have affected the determination of the original application.

It is therefore considered that the re-siting of the wind turbines on buildings can be considered as a non-material amendment to planning permission 07/00431/DEEM.

**Recommendation:- The proposed works are considered to be minor amendments to the original planning permission and is therefore acceptable subject to the following condition:-**

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:  
202 D, and 207 D received 07.06.10

**Reasons :-**

- 1 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).

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



**PLANNING COMMITTEE – 6 JULY 2010**

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

**RE: COALITION GOVERNMENT ANNOUNCEMENTS**

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**1. PURPOSE OF REPORT**

- 1.1 To inform Members of the recent announcements by the Coalition Government in relation to planning, and advise Members on the approach which should be adopted to assist decision making in relation to planning applications and the implications for the LDF process.

**2. RECOMMENDATION**

- 2.1 It is recommended that Members

- i) note the key changes in the Planning system announced by the Coalition Government recently;
- ii) continue to consider the implications of the Coalition Government changes as they emerge.

**3. BACKGROUND TO THE REPORT**

Introduction

- 3.1 There have been a series of announcements since late May 2010 relating to changes to the existing planning system. These emphasise a commitment to local determination and the adoption of a robust and sensible approach to the planning framework at the local level. Outlined below are the current headlines of the changes which have either emerged or are intended. This is followed by the approach which the borough is advised to adopt and the justification for this approach.

Announcements

- 3.2 The Secretary of State for Communities and Local Government (SoS) announced by way of a letter to Chief Executives and Chief Planning Officers on the 27 May 2010 that Regional Spatial Strategies would be abolished (at the time of writing this report the formal abolition has not taken place). A note was presented by the Head of Planning to Planning Committee on 8 June 2010 on the contents of the letter and the implications for decision making on planning applications.
- 3.3 On 9 June 2010 Government amended Planning Policy Statement 3: Housing (PPS3). This was confirmed on the 15 June when Local Authorities received a letter from Steve Quartermain the Chief Planning Officer for Local Planning Authorities in England. The following changes have been made to PPS3:

- private residential gardens are now excluded from the definition of previously developed land in Annex B of PPS3, and
- the national indicative minimum density of 30 dwellings per hectare has been deleted from paragraph 47

The letter from Steve Quartermain goes on to say that;

*“Together these changes emphasise that it is for local authorities and communities to take the decisions that are best for them, and decide for themselves the best locations and types of development in their areas.*

*The amended policy document sets out the Secretary of State’s policy on previously developed land and housing density. Local Planning Authorities and the Planning Inspectorate are expected to have regard to this new policy position in preparing development plans and, where relevant, to take it into account as a material consideration when determining planning applications.”*

#### Advised Approach and Justification

- 3.3 The RSS covers many subject areas such as the Charnwood Forest, green wedge, housing etc and all those topics are embedded within the boroughs adopted Core Strategy. The policies within the Core Strategy were supported by a sound evidence base which was not only tested through the East Midlands Regional Plan Examination but also by the Core Strategy Inspector at a local level. Whilst the East Midlands Regional Plan is soon to be abolished the evidence bases upon which it is based are still relevant and current.
- 3.4 As background to the housing provision put forward by the Borough to the ‘Review of the East Midlands Regional Plan to 2026: Options for Change Consultation Paper’ the Borough Council formally approved Option 2B which was for trend based population growth with urban concentration plus regeneration and amounted to the provision of 430 dwellings per annum within the borough. The final figure, which was contained within the East Midlands Regional Plan (RSS) adopted in March 2009 for Hinckley and Bosworth Borough, was 450 dwellings per annum, which is a difference of 400 additional dwellings over the plan period 2006 to 2026. The housing figures used were based on the population trend of the borough put forward through the Service Level Agreement with the County Council.
- 3.5 Option 2B was selected by the Borough as it would allow sustainable growth within the borough up to 2026. This approach was seen as the most balanced in terms of providing adequate affordable housing and appropriate development in urban areas. If lower growth was adopted this would result in artificially suppressing housing supply which would in turn inflate house prices as demand would be greater than supply. In addition the level of affordable housing required to meet the need would also not be able to be met.
- 3.6 With reference to housing density, the revised PPS3 states that Local Planning Authorities may wish to set out a range of densities across the plan area rather than one broad range. The adopted Core Strategy Policy 16 does specify different densities for urban and rural areas, however the policy is flexible in its approach to dealing with local circumstances, see extract below;

*“Proposals for new residential development will be required to meet a minimum density of:*

- *At least 40 dwellings per hectare within and adjoining Hinckley, Burbage, Barwell and Earl Shilton*
- *At least 30 dwellings per hectare within and adjoining the Key Rural Centres, Rural Villages and Rural Hamlets*

*In exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable.”*

3.7 The other amendment to PPS 3 was in relation to ‘garden grabbing’ which is not dealt with in ‘local’ planning policy, however if a garden is within the settlement boundary it would be considered deliverable and developable within the Strategic Housing Land Availability Assessment despite being classed as Greenfield land. It is recommended that this issue be dealt with on a case by case basis having regard to policy and the impact of development upon the character of an area. This latter point was the rationale behind the change of definition within PPS3.

3.8 The amendments to PPS3 did not include the removal of the requirement to maintain a 5 year housing land supply, therefore the LDF documents such as the Barwell and Earl Shilton Area Action Plan and the Site Allocations Development Plan Document must progress in order to secure the supply, as these documents will dramatically improve this position. The resources to deliver the LDF have been aligned.

#### Retaining the Core Strategy

3.9 By retaining the Core Strategy and pursuing the more local Development Plan Documents which are currently underway, the following can be secured;

- 5 year housing land supply which is still a requirement within PPS3
- The regeneration aims throughout the borough
- Delivery of essential infrastructure to support rural and urban areas.
- Additional affordable housing to meet the identified needs of the borough
- Employment opportunities as the framework is in place to deliver employment on a strategic level as the infrastructure required to attract businesses to the borough has been put in place through the Core Strategy.
- A strategic approach to development to avoid speculative development which could miss out on the benefits it could have otherwise delivered if the policy framework were in place.

#### 4. **FINANCIAL IMPLICATIONS [DB]**

4.1 There are none arising directly from this report.

#### 5. **LEGAL IMPLICATIONS [AB]**

5.1 At present there have been only minor changes made to PPS3 and the RSS has not been abolished, although this is clearly the intention of Central Government. It is therefore considered that at present and until new primary

legislation is in place it remains legally sound to retain the Core Strategy and give it the appropriate weight in planning decisions.

## 6. **CORPORATE PLAN IMPLICATIONS**

6.1 The report has implications on the following corporate aims:

- Thriving economy
- Strong and distinctive communities
- Decent, well managed and affordable housing.

## 7. **CONSULTATION**

7.1 The Government Office for the East Midlands has been contacted during the preparation of this report.

## 8. **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 decision/project have been identified, assessed and that controls are in place to manage them effectively.

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

<b>Management of Significant (Net Red) Risks</b>		
<b>Risk Description</b>	<b>Mitigating actions</b>	<b>Owner</b>
Not endorsing the Adopted Core Strategy would result in a policy void and subsequent appeals which could put a strain on resources.	Endorse the Core Strategy	Head of Planning & Strategy and Regeneration Manager
Developers will decide where development is delivered (speculative applications) if the Core Strategy is not upheld. And the benefits to the community of new development will not be realised.	Endorse the Core Strategy	Head of Planning & Strategy and Regeneration Manager
Cost of reviewing the Core Strategy.	Endorse the Core Strategy	Head of Planning & Strategy and Regeneration Manager
Reviewing the Core Strategy could result in higher housing figures as they can go up as well as down and they have to be evidence based. This approach could also be very costly to the Council. It will have an impact on the 5 year housing land supply.	Endorse the Core Strategy	Head of Planning & Strategy and Regeneration Manager

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

9.1 This document has borough wide implications.

10. **CORPORATE IMPLICATIONS**

- |                                 |                                     |
|---------------------------------|-------------------------------------|
| • Community Safety Implications | None relating to this document      |
| • Environmental Implications    | None relating to this document      |
| • ICT Implications              | None relating to this document      |
| • Asset Management Implications | None relating to this document      |
| • Human Resources Implications  | None relating to this document      |
| • Planning Implications         | Have been considered in this report |
| • Voluntary Sector [VAHB]       | None relating to this document      |

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Background papers: Mr Pickles Letter dated 27<sup>th</sup> May 2010  
Steve Quartermain Letter dated 15<sup>th</sup> June 2010  
Head of Planning Note to Planning Committee dated 8<sup>th</sup> June 2010

Contact Officer: Sally Smith x5792

**PLANNING COMMITTEE – 6 JULY 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 J Knapp against the refusal of outline planning permission for the erection of 62 dwellings and associated access (09/00915/OUT) at land south of 26 to 28 Britannia Road, Burbage (Written Representation)

3.1.2 Appeal by Mr G Stripp against the refusal of planning permission for the erection of double garage and conversion of existing integral garage at 15 Shenton Lane, Dadlington. (Written Representation)

3.1.3 Appeal by Mr Roger Neep against the refusal of planning permission for alterations to change of use of redundant agricultural buildings to class B1/class B8 use at Forest View Farm, Peckleton Lane, Desford (Written Representations).

3.2 **Appeals Determined**

3.2.1 Appeal by Mr N Dham against the refusal of permission for the change of use of existing dwelling house to place of worship and teaching, day centre, living accommodation and formation of parking area at Stretton House, Watling Street, Burbage has been withdrawn.

4. **FINANCIAL IMPLICATIONS (AB)**

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

5. **LEGAL IMPLICATIONS (MR)**

5.1.1 None

6. **CORPORATE PLAN IMPLICATIONS**

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

- Safer and Healthier Borough.

7. **CONSULTATION**

None

8. **RISK IMPLICATIONS**

None

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

None

10. **CORPORATE IMPLICATIONS**

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

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

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Background papers: Appeal Decisions

Contact Officer: Sarah Fryer ext 5680

**PLANNING COMMITTEE - 6 JULY 2010**

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

**RE: APPEALS PROGRESS**

---

**1. PURPOSE OF REPORT**

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

**2. RECOMMENDATION**

- 2.1 The report be noted.

**3. FINANCIAL IMPLICATIONS**

- 3.1 None

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Background Papers:

Contact Officer: Simon Wood, extension 5692



	A	B	C	D	E	F	G	H
1	<b>PLANNING APPEAL PROGRESS REPORT</b>							
2								
3	<b>SITUATION AS AT: 25.06.10</b>							
4								
5	<b>WR - WRITTEN REPRESENTATIONS</b>			<b>IH - INFORMAL HEARING</b>			<b>PI - PUBLIC INQUIRY</b>	
6								
9	FILE REF	CASE	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
10	10/00015/PP	RW	09/00841/OUT	WR	Mr Stephen Goodman	Land at Merrylees Road Newbold Heath Newbold Verdon	<i>Start Date</i> Questionnaire 3rd Party Notification Statement of Case Final Comments	23.06.10 07.07.10 07.07.10 04.08.10 25.08.10
11	10/00013/PP	RW/NC	10/00149/FUL	WR	Mr Roger Neep	Forest View Farm Peckleton Lane Desford	<i>Start Date</i> Questionnaire Statement of case Final Comments	15.06.10 29.06.10 27.07.10 17.08.10
12	10/00014/PP	SF	09/00798/FUL	PI	JS Bloor	Land East of Groby Cemetery Groby Road Ratby	<i>Start Date</i> Questionnaire 3rd Party Notification Rule 6 Final Comments Proof of Evidence Public Inquiry Date (3/5 days) tbc	21.06.10 05.07.10 05.07.10 02.08.10 23.08.10 30.08.10 11-15.10.10
13	10/00012/FTPP	LF	10/00204/FUL	WR	Mr G Stripp	15 Shenton Lane Dadlington	<i>Start Date</i> Awaiting Decision	01.06.10
14	10/00011/PP	RW/NC	09/00915/OUT	WR	Mr John Knapp	26/28 Britannia Road Burbage	<i>Start Date</i> Statement of Case	01.06.10 13.07.10
15	10/00009/PP	DK	09/00713/FUL	WR	Mr EE Thompson	Adj 30 Main Road Bilstone	<i>Start Date</i> Final Comments	14.05.10 16.07.10
16	10/00008/PP	JH	09/00432/OUT	WR	Carl Davey	30a Barton Road Barlestone	<i>Start Date</i> Statement of Case	10.05.10 21.06.10

	A	B	C	D	E	F	G	H
17	10/00007/COND	LF	09/00735/CONDIT	WR	Mr H Altı	7 The Horsefair Hinckley	<i>Start Date</i> Awaiting Decision	07.05.10
18	10/00006/PP	DP	09/00963/TPO	WR	Mr Kite	The Court Yard Higham Lane Stoke Golding	<i>Start Date</i> Awaiting Decision	26.04.10
19	10/00005/PP	SH	09/01009/OUT	PI	Mr T McGreal (Jelson Ltd)	Land off London Road Markfield	<i>Start Date</i> Proof of Evidence Inquiry Date (3 days)	09.04.10 29.06.10 27.07.10
20	10/00003/PP	SH	09/00995/COU	IH	Mr P Finney	Land Heath Road Bagworth	<i>Start date</i> Hearing Date	16.03.10 07.07.10
21	10/00004/PP	LF	09/00997/FUL	WR	Timothy Payne	7 Stockwell Head Hinckley	<i>Start Date</i> Awaiting Decision	17.03.10
22	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
23	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
24								
25	10/00010/PP	RW	09/00767/COU	PI	Schakhand Nanak Dham	Stretton House Watling Street Burbage	<b>WITHDRAWN</b>	<b>28.05.10</b>
26	<b>PLEASE NOTE:</b> ALL LOCAL INQUIRIES MUST BE ARRANGED WITH DOE THROUGH THIS OFFICE							
27								
28	<b>Rolling 1 April 2010 to 25 June 2010</b>							
29								

	A	B	C	D	E	F	G	H	
30	<b>Planning</b>								
31									
32	<b>No of Appeal Decisions</b>	<b>Allowed</b>	<b>Dismissed</b>	<b>Split</b>	<b>Withdrawn</b>	<b>Officer Decision</b>		<b>Councillor Decision</b>	
33	4	2		1	1	Allow	Spt	Dis	Allow Spt Dis
34						1	1		1
35	<b>Enforcement</b>								
36									
37	<b>No of Appeal Decisions</b>	<b>Allowed</b>	<b>Dismissed</b>	<b>Split</b>	<b>Withdrawn</b>				
38									