

Date: 20 August 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, 31 AUGUST 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
31 AUGUST 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 'P14'.

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 'P15' (pages 1 – 116).

RESOLVED

8. APPEALS LODGED AND DETERMINED

Report of the Director of Community and Planning Services attached marked 'P16' (pages 117 – 120).

RESOLVED

9. APPEALS PROGRESS

Report of the Director of Community and Planning Services attached marked 'P17' (pages 121 – 123).

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

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

MEMBERS OF THE PUBLIC PLEASE NOTE THAT THE MEETING MAY BE RECORDED.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

3 AUGUST 2010 AT 6.30 PM

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

Mrs M Aldridge, Mr JG Bannister, Mr CW Boothby, Mr JC Bown, Mr MB Cartwright, Mr WJ Crooks, Mr DM Gould, Mrs A Hall, Mr P Hall, Mr K Morrell, Mr K Nichols, Mr BE Sutton and Mr R Ward.

In accordance with Council Procedure Rule 4.4 Mr SL Bray also attended the meeting

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

146 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Mr Joyce, Mr O'Shea and Ms Witherford with the substitution of Mr Cartwright for Mr O'Shea authorised in accordance with Council Procedure Rule 4.3.

147 **MINUTES (P10)**

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

RESOLVED – the minutes of the meeting held on 6 July 2010 be confirmed and signed by the Chairman.

148 **DECLARATIONS OF INTEREST**

Mr and Mrs Hall declared personal interests in application 10/00454/OUT.

Mr Ward declared a personal interest in applications 10/00358/OUT and 10/00408/OUT as Chairman of Stoke Golding Parish Council.

Mr Sutton declared a personal and prejudicial interest in application 10/00504/GDO as the applicant.

149 **DECISIONS DELEGATED AT PREVIOUS MEETING**

The Head of Planning reported that the decision on application 10/00129/FUL, which had been delegated at the meeting on 6 July, had been issued on 15 July.

150 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P11)

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) 10/00358/OUT – Residential Development for up to 59 dwellings (outline – access only), St Martins Convent, Hinckley Road, Stoke Golding – Mar City Developments

Whilst in support of the recommendation, Members asked that the applicant keep the Local Planning Authority and the community advised of drainage solutions and discussions with Severn Trent Water. It was agreed that a note to applicant be added to this end.

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

RESOLVED – subject to no significant material observations being received by the end of the consultation period expiring on 11 August 2010, the provision of additional information to ensure the contribution requests from highways are in accordance with the Community Infrastructure Levy Regulations, the conditions contained in the officer's report and late items, the abovementioned note to applicant and the execution of an Agreement under Section 106 towards affordable housing, the provision and maintenance of public play and open space facilities and highways and the definition of the developable area, the Deputy Chief Executive (Community Direction) be granted delegated powers to approve the application. Failure to do so by 10 September 2010 might result in the application being refused.

- (b) 10/00408/OUT – Residential Development (outline – access only), Land off Hinckley Road, Stoke Golding – Morris Homes (East) Limited

It was moved by Mr Boothby, seconded by Mr Crooks and

RESOLVED – subject to no significant material observations being received by the end of the consultation period expiring on 11 August 2010 the Deputy Chief Executive (Community Direction) be granted delegated powers to refuse the application for the reasons contained in the officer's report and late items.

- (c) 10/00403/COU – Change of use of land to site 8 transit gypsy caravans and provision of 3 permanent gypsy pitches, The Bungalow, Hydes Lane, Hinckley – Mr Ted Sykes

Mr Crooks left the meeting at 7.54pm and returned at 7.57pm.

In introducing this application an amendment was highlighted to additional condition 11 contained in the late items to insert words as follows: "... and the erection of a retaining wall shall be carried out in accordance with...".

It was moved by Mr Boothby, seconded by Mr Cartwright and

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

Mr Bray left the meeting at 8.20pm.

- (d) 10/00427/COU – Change of use of land to a holiday park including the siting of 6 timber log cabins, West End Sewage Works, West End, Barton in the Beans – Mr Neil Bayley

Some Members felt that this development would be an asset to the area and would improve tourism and the economy and that the benefits outweighed the highways issues on which the recommendation for refusal was based.

Mr Sutton, seconded by Mr Morrell, moved that the application be permitted for the above reasons. It was requested that voting be recorded on this motion.

Mrs Aldridge, Mr Bannister, Mr Gould, Mr Hall, Mr Morrell, Mr Sutton and Mr Ward voted FOR the motion (7);

Mr Inman, Mr Boothby, Mr Crooks, Mrs Hall, Mr Nichols and Mr Cartwright voted AGAINST the motion (6);

Mr Mayne and Mr Bown abstained from voting (2).

The motion was therefore declared CARRIED.

It was requested that the drafting of conditions be delegated to officers.

RESOLVED – the application be permitted subject to the following conditions:

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: WOL/446/BAY/PP PL-02, 03 and 04.
3. No development shall commence until such time as details of the proposed log cabins (including materials of construction and floor plans) have been submitted to and agreed in writing by the Local Planning Authority. Only the approved log cabins shall be brought on to the site and should any cabin require replacement details of the replacement shall first be agreed with the Local Planning Authority.
4. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
5. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
6. Within the first planting season following the commencement of the use hereby permitted, the submitted landscaping scheme shall be fully implemented in accordance with the submitted details.
7. The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
8. The log cabins (caravans/cabins/chalets) are to be occupied for holiday purposes only and shall not be occupied as a person's sole, or main place of residence.

9. The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/log cabins/chalets on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

The reasons for the conditions are:

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. To protect the water environment in accordance with Policies NE2 and NE13 of the Hinckley and Bosworth Local Plan.
5. To protect the water environment in accordance with Policies NE2 and NE13 of the Hinckley and Bosworth Local Plan.
6. To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
7. To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
8. The development accords with Policy 24 of the Adopted Hinckley and Bosworth Core Strategy. As the development is located in the countryside where new dwellings are not normally permitted it is necessary to prevent its use as permanent residential accommodation as this would be contrary to the requirements of PPS3, and PPS7 and Policy NE5 of the Adopted Hinckley and Bosworth Local Plan.
9. To ensure that the occupiers of the accommodation can be verified and monitored. To ensure the development remains in accordance with Policy 24 of the Adopted Hinckley and Bosworth Core Strategy.

- (e) 10/00435/EXT – Extension of planning permission 07/00747/FUL for the conversion of farmhouse and farm buildings to three dwellings and erection of two new dwellings, Yew Tree Farm, Occupation Road, Nailstone – Mr Jim Dawson

Mr Ward left the meeting at 8.49pm and returned at 8.54pm. Mrs Aldridge left at 8.50pm and returned at 9.00pm.

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

RESOLVED – subject to the resolution of the economic viability issues of the scheme and if necessary the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide the contributions in connection with affordable housing and public open space, the Deputy Chief Executive (Community Direction) be granted powers to issue Planning Permission subject to the conditions contained in the officer's report and late items. Failure to resolve the issues and complete any necessary agreement by 13 August 2010 might result in the application being refused.

Mr Boothby left the meeting at 9.06pm.

- (f) 01/00454/OUT – Residential Development (outline), Land off Eastwoods Road, Hinckley – Brenmar Developments (Hinckley) Ltd

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

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

- (g) 10/00330/FUL – Proposed agricultural building for livestock, Land off Brascote Lane, Newbold Verdon – Mr J Sanders

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

RESOLVED – subject to no significant material objections being received by the end of the consultation period expiring on 6 August 2010, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant planning permission for the development subject to the conditions contained in the officer's report and late items.

- (h) 10/00386/FUL – Extension and alterations to create pharmacy and consulting rooms, Castle Mead Medical Centre, 33 Hill Street, Hinckley – Assura Properties Limited

It was reported that this item had been deferred to the next meeting.

- (i) 10/00450/LBC – Amendments to listed building consent 09/00142/LBC, Goddard Building, Lower Bond Street, Hinckley – Hinckley and Bosworth Borough Council

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

RESOLVED – powers be delegated to the Deputy Chief Executive (Community Direction) to refer the application to the Secretary of State following the expiry of the consultation period on 9 August 2010 and resolution of matters that may arise, in accordance with Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990, and subject to the conditions contained in the officer's report and late items.

- (j) 10/00451/FUL – Conversion of barn to dwelling, Vine House Farm, Shenton Lane, Upton – Mr & Mrs A Oliver

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

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

- (k) 10/00469/FUL – Siting of a mobile home, Land Congerstone Lane, Barton in the Beans – Mr Matthew Gilliver

It was reported that this application had been withdrawn.

- (l) 10/00470/FUL – Change of use of agricultural buildings to form wedding venue and bed and breakfast accommodation, Mythe Farm, Pinwall Lane, Pinwall – Mr JE Garland

It was reported that this application was deferred to the next meeting.

Having declared a personal and prejudicial interest in the following application, Mr Sutton left the meeting at 9.15pm.

- (m) 10/00504/GDO – Erection of an agricultural building, Agricultural buildings rear of Sycamore Farm, 29 Main Street, Barton in the Beans – Mr B Sutton

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

RESOLVED – it be noted that prior approval was not required.

Mr Sutton returned to the meeting at 9.17pm.

- (n) 10/00512/FUL – Erection of general purpose agricultural building, Land off Twycross Road, Sheepy Magna – Mr Jason Baxter

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

RESOLVED – subject to no significant material objections being received by the end of the consultation period expiring on 11 August 2010, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant planning permission for the development subject to the conditions contained in the officer's report.

151 APPEALS LODGED AND DETERMINED (P12)

A summary was submitted of appeals lodged and determined since the last meeting. On the motion of Mr Crooks, seconded by Mr Cartwright, it was

RESOLVED – the report be noted.

152 APPEALS – PROGRESS (P13)

A schedule was submitted indicating the stages that various appeals against planning decisions had reached. It was reported that with regard to the appeal on 26/28 Britannia Road, Burbage, this may be converted to an informal hearing. On the motion of Mrs Aldridge seconded by Mr Crooks it was

RESOLVED – the report be noted.

(The meeting closed at 9.19pm)

PLANNING COMMITTEE AGENDA - 31 August 2010 - NUMERIC INDEX

REF. NO.	APPLICANT	SITE	ITEM	PAGE
10/00332/FUL	Mr Aziz Tayub	Timken Desford Steel Limited Desford Lane Kirby Muxloe	01	1
10/00386/FUL	Assura Properties Limited	Castle Mead Medical Centre 33 Hill Street Hinckley	02	14
10/00401/FUL	Persimmon Homes North Midlands	Land Bound By Mill Lane, Thurlaston Lane And Clickers Way Earl Shilton	03	42
10/00431/FUL	Mr John Lawton	Aqueduct Farm Bosworth Road Shenton Nuneaton	04	57
10/00470/FUL	Mr J E Garland	Mythe Farm Pinwall Lane Pinwall Atherstone	05	62
10/00507/FUL	Prestons Agri Hire	Barn Adjacent Leicester Lane Desford	06	73
10/00514/OUT	Mr John Brown	Manor Farm Main Street Thornton	07	78
10/00557/FUL	Farland Trading Ltd	Land Adjacent 121 Station Road Bagworth	08	91
10/00560/FUL	Miss Leanne Orgill	School Farm Desford Road Newbold Verdon	09	101
10/00561/EXT	Farland Trading Limited	Land Adjacent 121 Station Road Bagworth	10	108

REPORT P15

PLANNING COMMITTEE

31 August 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: 10/00332/FUL

Applicant: Mr Aziz Tayub

Location: Timken Desford Steel Limited Desford Lane Kirby Muxloe Leicester Leicestershire

Proposal: ERECTION OF WAREHOUSE (B8 USE)

Target Date: 6 September 2010

Introduction:-

This application seeks full planning permission for the construction of a new warehouse and change of use of land from Class B2 (General Industry) to Class B8 (Warehouse and Distribution). The proposed building is designed with a dual gable and central valley roof profile. It would have a ridge height of approximately 16 metres, eaves height of approximately 9 metres and a gross internal floor area of approximately 43,819 square metres including service areas and substation. The proposed external wall materials are a 1 metre high red brick plinth with coated steel panels over finished in 'Olive Green' and similar coated steel roof panels containing roof lights. The proposed building would be used for the storage of dry goods and retail products prior to their distribution throughout the country. In addition to the building itself, new sprinkler tanks and pump house would be constructed along with the provision of new staff and lorry parking areas. The proposals include the provision of 28 cycle parking spaces, 124 car parking spaces including 4 disabled spaces, 9 car parking spaces for visitors including 4 disabled spaces, 10 parking spaces for articulated lorries and 28 unloading/loading spaces for articulated lorries (14 spaces located at either end of the building). The main access to the site would be via the existing main entrance with gatehouse off Desford Lane which also serves the adjacent warehouse to the east. A separate access off Desford Lane would be used to access the staff car parking area at the west end of the site and an additional existing entrance would serve the 9 visitor parking spaces to the west of the existing office buildings. A gabion retaining wall will be constructed to the west and part north boundaries of the site where it is lower than highway level (approximately 3 metres at the west end of the site and 1 metre at the east end. The existing landscaped areas to the north (fronting Desford Lane), west and south boundaries of the site are to be retained and supplemented by additional planting to further screen the site from public areas. A lighting scheme is also proposed to increase safety and security throughout the site.

The application site covers an area of approximately 6.8 hectares and is located within an allocated employment site to the south of Desford Lane in the countryside between Desford and Kirby Muxloe. Until recently, the majority of the site was occupied by a large industrial building formerly used for the production of steelworks and other associated industrial uses. This building has now been demolished to floor slab level but the site still contains smaller associated buildings used as offices, machine shop and garage. There is a large industrial building to the east used for warehouse and distribution purposes with other employment uses beyond. To the west there is a recreation ground within the applicant's ownership and an unrelated neighbouring dwelling, with a small business park beyond. To the north there is an isolated dwelling with open fields in agricultural use. To the south lie the former Desford Railway Junction and a watercourse and associated washland beyond. The site is protected by a perimeter security fence and also from CCTV coverage. There is mature planting to the

frontage of the site with Desford Lane that provides some screening although there are views into the site at various points.

A number of supporting documents have been submitted with the application. The Planning Statement concludes that the application site has been in employment use since the 1930's and forms part of a wider industrial site that is allocated for employment use in the adopted Local Plan. Until recently the site accommodated an industrial building of a similar size, scale and footprint to the proposed warehouse. The use of the site will remain in Class B employment use. It is anticipated that initially the proposal will generate 40 full time jobs, but, once fully operational this will eventually directly provide up to 60 full time equivalent employment opportunities, along with indirect employment generation for other distribution opportunities at all levels. Should the application be approved, it is likely that the existing office block would be brought back into use for sales and administration staff in connection with and ancillary to the warehouse operation, providing further employment opportunities within the site. The design of the building is synonymous with large warehouses nationwide and the proposed roof design is the most practical and economically viable option for the site and in keeping with that used on the previously existing building and the adjacent warehouse to the east. The use of green cladding panels to the roof and walls will blend the building into the surrounding landscape. Additional landscaping will add to the substantial screen planting around the boundary of the site. There will be no impact on residential amenity. Traffic related to the use of the site will be significantly lower than that related to the previous use of the site and sufficient parking is provided to serve the development. It is anticipated that there will be in the region of 20 Heavy Goods Vehicles into and out of the site per day. Environmental impact will be reduced by the reuse of a majority of the existing infrastructure and roadways within the site. The applicant also intends to refurbish the sports pavilion in the sports field to the west and let it to a local sports club.

The Transport Statement concludes that the traffic generated by the proposed development will be similar in nature to that generated by the same site during its previous use, however, the number of trips produced by the proposed use would be significantly lower (10%) than the trips attributed to this part of the whole site during its previous use. It further states that the effect of motor vehicle generated trips on the capacity of the highway network will be insignificant and that the site provides the opportunity of access by other more sustainable modes of transport such as foot, cycle and public transport. A Travel Plan has been submitted with the aim of actively promoting the reduction of motor vehicle trips to and from the site and increasing the use of other modes of transport.

The Environmental Investigation Report examines the potential environmental risks associated with land contamination at the site. The report concludes that the evidence does not suggest that there are any significant risks to human health, the environment or controlled waters, given the current site layout. However, if the site is to be redeveloped the report recommends further investigative works be undertaken to demonstrate that this would still be the case.

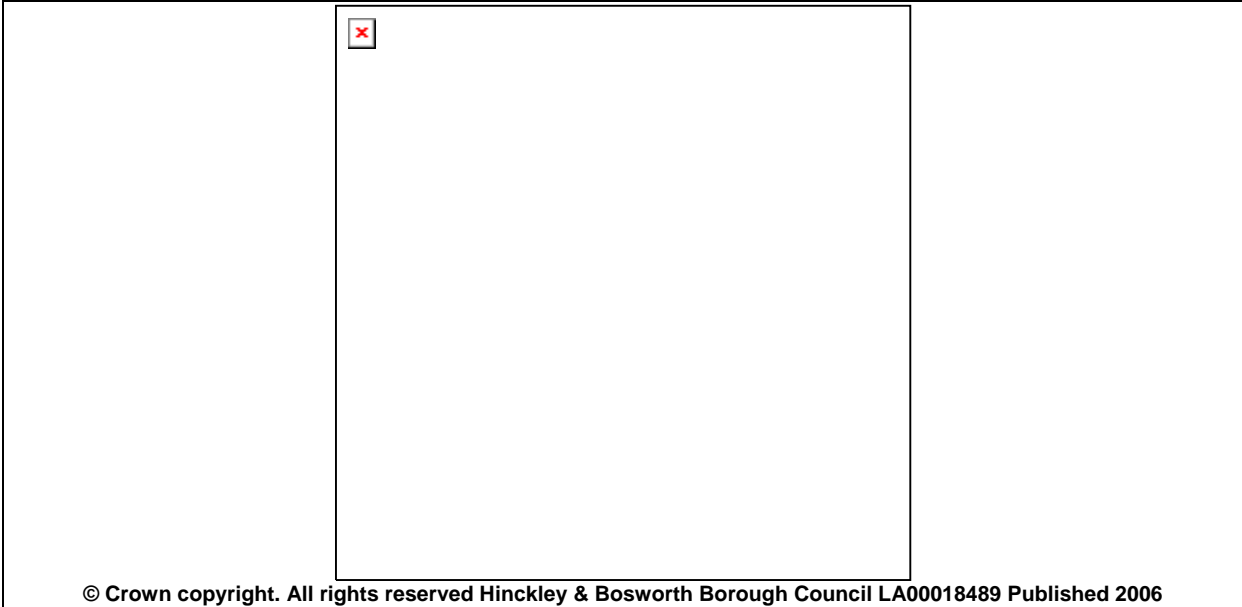
The Environmental Noise Impact Assessment assesses current noise levels in the vicinity of the site, sets noise design criteria in respect of noise from new, fixed plant installations and assesses the noise impact of activities within the warehouse itself in respect of lorry movements and servicing activity. The report concludes that noise breakout from buildings would have a negligible noise impact on nearby dwellings and that lorry noise and the servicing system of internal loading and unloading of trailers together with the augmentation of the service yard wall with a solid acoustic fence should provide excellent acoustic screening of the western yard. The noise impact of typical servicing operations has been found to be within World Health Organisation recommendations and therefore should be considered reasonable.

The Ecological Assessment, supported by a Phase I habitat survey, concludes that the site is of negligible ecological value, the habitats on site do not support protected species and they are therefore not a constraint to development.

The Flood Risk Assessment evaluates flood risk to the site and the potential impact of the development on the local hydrology. The report concludes that the development is located within Flood Zone 1 and as such has a less than 0.1% probability of flooding from rivers. There exists a significant potential for flooding from other sources (e.g. rainfall) and the site is also indicated as being of high susceptibility to groundwater flooding although there is no operational history of site inundation.

History:-

08/00187/COU	Change of use of existing factory and warehouse to warehouse and distribution.	Approved	07.05.08
07/001020/COU	Change of use of existing production/ Warehouse facility to warehouse use	Withdrawn	06.11.07



Consultations:-

No objection has been received from:-

Directorate of Chief Executive, Leicestershire County Council (Ecology)
Severn Trent Water Limited
Central Networks
Head of Business Development and Street Scene Services (Waste Minimisation).
Leicestershire Constabulary Crime Reduction Officer does not object but provides guidance in respect of potential crime and security at the site.

No objection subject to conditions has been received from:-

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

As a result of the Developer Contributions consultation, Leicestershire County Council has the following comments:-

- a) Directorate of Chief Executive, Leicestershire County Council (Ecology) requests the planting of native species in any landscaping scheme
- b) Director of Children and young Peoples Services (Education) requests no contribution
- c) Director of Environment and Transport (Civic Amenity) requests no contribution
- d) Director of Adults and Communities (Libraries) requests no contribution
- e) Director of Environment and Transport (Highways) no response received at the time of writing this report.

Desford Parish Council raise concerns over the accuracy of the predicted low level of heavy goods vehicle movements per day given the scale of the development and seeks the imposition of a heavy goods vehicle route that avoids Desford and Botcheston.

Press and site notice were displayed and neighbours notified. One letter has been received raising concerns in respect of the increase in traffic and of the speed limit along Desford Lane making it difficult to exit the driveway opposite the main entrance to site.

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

Director of Environment and Transport (Highways)
Network Rail
Blaby District Council
Kirby Muxloe Parish Council
Ratby Parish Council.

Policy:-

Central Government Guidance

Planning Policy Statement 1: 'Delivering Sustainable Development' states in paragraph 5 that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by: making suitable land available for development in line with economic, social and environmental objectives; contributing to sustainable economic development; protecting and enhancing the natural environment, the quality and character of the countryside, and existing communities; ensuring high quality development through good and inclusive design, and the efficient use of resources; and, ensuring that development contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services.

Planning Policy Statement 4: 'Planning for Sustainable Economic Growth' in policy EC2.1(d) seeks to make the most efficient and effective use of land, prioritising previously developed land which is suitable for re-use and reflects the different location requirements of businesses, such as the size of site required, site quality and access. Policy EC6.2(a) and (b) state that in rural areas, local planning authorities should: strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans identify local service centres and locate most new development in or on the edge of existing settlements where employment, housing, services and other facilities can be provided close together. Policy EC12.1 states that in determining planning applications for economic development in rural areas, local planning authorities should support development which enhances the vitality and viability of market towns and other rural service centres.

Planning Policy Statement 7: 'Sustainable Development in Rural Areas', in paragraph 5 states that planning authorities should support a wide range of economic activity in rural areas. Paragraph 19 states that the Government is supportive of the replacement of suitably located, existing buildings of permanent design and construction in the countryside for economic development purposes. The replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example, where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape.

Planning Policy Guidance 13: 'Transport' sets out national transport policy for new developments. The guidance seeks to ensure that development creating employment opportunities offers a realistic choice of access by public transport, walking, and cycling, and to reduce the need to travel especially by car although recognising that this may be less achievable in some rural areas. Paragraph 40 states that in rural areas, the objective should be to ensure that jobs and other facilities and services are primarily sited at the most accessible locations in the local area.

Planning Policy Guidance 24: 'Planning and Noise' outlines the considerations to be taken into account for those activities which will generate noise and advises on the use of conditions to minimise impact of noise.

Planning Policy Statement 25: 'Development and Flood Risk' aims to ensure that flood risk is taken into account at all stages of the planning process and to reduce flood risk to and from new development through location, layout and design incorporating sustainable drainage systems (SUDS).

Local Policy

Local Development Framework – Adopted Core Strategy (2009)

Policy 7: 'Key Rural Centres' seeks to ensure there is a range of employment opportunities within these centres and supports the enhancement of allocated employment sites in these centres. Transport improvements are required in line with policy 14.

Policy 14: 'Rural Areas: Transport' supports the delivery of viable, high quality public transport links in rural areas along with safe cycle routes.

Site Allocations and Generic Development Control Policies DPD: Consultation Draft Preferred Options Report (February 2009)

This document includes the site as an identified employment site (RAT03) within the site allocations preferred options for Ratby.

Hinckley and Bosworth Local Plan (2001)

The site is located outside of any settlement boundary and is therefore within the countryside as defined on the proposals map of the adopted Local Plan.

Policy BE1: 'Design and Siting of Development' seeks a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Planning permission will be granted where development: complements or enhances the character of the surrounding area with regard to scale, layout, mass, design and materials; has regard to the safety and security of individuals and property; incorporates design features that minimise energy consumption; incorporates landscaping to a high standard; ensures adequate highway visibility for road users and adequate provision for off street parking together with manoeuvring facilities; and does not adversely affect the occupiers of neighbouring properties.

Policy BE26 states that planning permission will be granted for development which incorporates a lighting scheme provided that it does not unacceptably create a nuisance to nearby residents and/or road users in terms of glare; create light spillage or unnecessarily high levels of light; or, affect the character or appearance of the area.

Policy EMP1: 'Existing Employment Sites' includes this site in category (a) which are those to be retained for employment purposes during the plan period. Category (a) sites were considered to be those of importance to the economy of the Borough and whose operation presented no significant environmental problems.

Policy EMP2: 'Expansion of Existing Employment Uses' states that planning permission for development involving the expansion of existing firms will be permitted subject to; a) meeting design, layout, landscaping, access, parking and highway requirements; safeguarding any amenities enjoyed by the occupants of neighbouring properties; and protecting and where possible improving the character, appearance and quality of the site and its immediate environment.

Policy NE2 'Pollution' states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution.

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

Policy NE12 'Landscaping Schemes' states that development proposals should take into account the existing features of the site and make provision for further landscaping where appropriate. Policy NE14 requires satisfactory arrangements to be made for the disposal of foul sewage and surface water.

Policy 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 T5 refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified. Policy T9 requires development proposals to encourage walking and cycling as safe and convenient means of transport. Policy T11 states that proposals likely to generate significant traffic flows should not have a detrimental effect on the local traffic situation.

Other Material Policy Documents

The Employment Land and Premises Study undertaken in May 2010 on behalf of the Council recommends that the site be changed to a Category B site which identifies the site as a fit for purpose employment area, regeneration many mean alternative development is appropriate, but should be resisted if possible. The appendix states that the site has potential for a small industrial estate unless major occupiers can be found.

Leicestershire County Council document 'Highways, transportation and development' provides further guidance to developers in respect of all highway issues and on the policies and objectives of the Highway Authority.

Appraisal:-

The main considerations with regards to this application are the principle of development; its design and layout; its impact on the character and appearance of the countryside, neighbouring properties and the highway network; other issues.

Principle of Development

Whilst the site is in a rural location and not within or immediately adjacent to a settlement, it has been used for industrial activities since the 1930's and is identified as being part of an employment allocation in both the adopted Local Plan and the Site Allocations and Generic Development Control Policies Development Plan Document: Consultation Draft Preferred Options Report. The Employment Land and Premises Study recommends changing the allocation to a 'B' category site and whilst it recognises the site could be subdivided providing for a small industrial estate it does caveat this with 'unless major occupiers can be found'. The proposal involves the re-use of a previously developed 'brownfield' site and would generate employment opportunities within the Borough. Whilst it is recognised that the former building on the site has recently been demolished, it is considered that the proposed 'replacement' building would have less impact on the wider landscape through its design and appearance. The re-use of the site for employment purposes within Class B8 (Warehouse and Distribution) use represents a less intensive activity than the previous Class B2 (General Industry) use and as it results in the use of the site by a major occupier it is considered to be acceptable in principle in this case.

Layout, Design and Impact on the Countryside

The layout of the site follows a similar pattern to the previous layout of the site and is considered to be acceptable. The applicant's have indicated that, where possible, the existing roadways and infrastructure within the site would be re-used. The proposed building occupies a majority of the site with a largely one-way circulation route around the outside of the building leading to and from the two loading/unloading areas located at either end. The proposed warehouse building would have a marginally larger footprint than the previous building but would be of a similar scale. The levels within the site are up to 3 metres lower than the highway at the west part of the site which helps to reduce the impact of the building within the street scene. Its design reflects that of both the former building and the adjacent warehouse building located to the east but with fewer, wider gables. The possibility of an improved design involving the use of barrel roof structures has been explored with the

applicant, however, due to the size of the building and the constraints of the development site, there are both viability issues and logistical problems in financing and constructing such a structure. The design of the building is similar to that of other large scale warehouses throughout the country and is still considered to be acceptable in this location.

The perimeter of the site benefits from mature landscaping, particularly to the north (Desford Lane) and west boundaries and provides significant screening from nearby public areas and neighbouring properties. Additional landscaping within the north and west boundaries would be undertaken to screen the site further where necessary. As the site sits within a wide, shallow valley, it is considered that the use of green cladding panels on the roof and external walls would help the building to blend in with the surrounding landscape when viewed from distance and would, therefore, aid assimilation and minimise its impact on the countryside. The applicant has submitted amended plans to address this issue. Whilst the new sprinkler tanks and pump house are located to the front of the site, they would be set on a lower ground level than the highway, coloured green to blend in with the proposed building and also be screened from Desford Lane with additional planting such that they would not have an adverse effect on the overall appearance of the site.

A comprehensive lighting scheme has been submitted with the application. There are concerns that this may lead to unnecessarily high levels of light spillage from the site that may have an adverse impact on the rural landscape and neighbouring residential properties. Negotiations are ongoing to address this issue, the outcome of which will be reported as a late item to the agenda.

Impact on Neighbouring Properties and Listed Building

The site has operated as part of a large steel works for a considerable number of years although this use ceased in mid 2007 and the majority of this part of site has been vacant since then with the exception of the office building and machine shop which have continued in use. It is considered that the proposed Class B8 use would result in a use that is more likely to have less of an impact on the surrounding area in terms of noise and disturbance than the previous use or other potential uses of the site. There is a similar use operating on the adjacent site immediately to the east.

The submitted details advise that loading and unloading of lorries would be carried out from inside the warehouse directly into the rear doors of the trailers using forklift trucks and that rubber curtain surrounds would be used to minimise external noise. The bays at the west side of the site would be set 1.5 metres below normal ground level with a boundary fence atop the proposed retaining wall to form an acoustic barrier in order to protect neighbouring residential properties from noise, the nearest being, The Yews, at approximately 60 metres from the boundary of the west service yard area. Although a noise impact assessment has been submitted with the application, the Head of Community Services (Pollution) has raised a number of issues in respect of the information provided and has recommended that, if the application is to be approved, a number of conditions be considered in order to adequately protect adjacent dwellings from noise generated from the site from vehicle movements, site operations and mechanical plant. These have been included in the recommendation.

The nearest residential property, The Yews, which is also a grade II listed building is located to the west of the site. As a result of the separation distance between this and the proposed warehouse building together with the proposed floor level and height of the proposed building and the landscaping between, it is considered that the development would not have an adverse impact on the setting of the listed building in this case.

Highway Issues

The proposed development would utilise three existing accesses off Desford Lane including the main entrance with gatehouse already serving the warehouse to the east, an access to the staff car parking area to the west and another access to a small visitor car park between. The proposals include parking areas for cycles, cars and articulated lorries within the site. The submitted Transport Statement suggests that the development would only generate approximately 40 vehicle movements per day which represents approximately 10% of the number of trips generated by the previous use of the site as a steelworks before its closure. This is also less than the adjacent warehouse to the east currently in operation and as a result would not have an adverse impact upon the capacity of the highway network. In addition, a Travel Plan has been proposed for the site with the aim of actively promoting the reduction of motor vehicle trips and increasing the use of other modes of transport. The consultation response from the Director of Environment and Transport (Highways) has not been received at the time of writing this report and will be reported as a late item to the agenda.

Desford Parish Council raise concerns regarding the proposed vehicle movement numbers in relation to the scale of the development. The applicant's agents have confirmed that the suggested numbers are representative and that the number of loading/unloading bays proposed is influenced by the internal logistics of the building and not the expected number of vehicles operating. The Agents state that internal operation of the building is based on linear movement and flow to ensure that different products are located/grouped with safe access to the appropriate bay position and to avoid diagonal movement that would increase risks to health and safety.

Other Issues

The Environment Agency and Head of Community Services (Pollution) recommend conditions requiring further investigations and remediation in respect of potential land contamination in relation to both ground water and human health. The Environment Agency also recommends a condition requiring the submission of a surface water drainage scheme for prior approval in relation to flood risk.

Whilst protected species have not been identified as a constraint to development in this case, the proposed additional landscaping within the boundaries of the site would enhance wildlife habitat and corridors around the site.

Conclusion

The site is within an allocated employment site and its re-use for Class B8 employment purposes is considered to be compatible with national guidance and local plan policies. As a result of the layout, design and appearance of the proposed building and associated works together with additional landscaping it is considered that it would not have an adverse visual effect on the character and appearance of the surrounding countryside or neighbouring properties. Conditions can be imposed to address concerns in respect of impact on neighbouring properties from noise generation, the environment and flood risk and additional landscaping would enhance habitats within the site. Given the previous use of the site and the vehicle movements generated by that use in the past, the current proposals which suggest significantly lower vehicle movements are considered unlikely to have an adverse effect on highway safety or the capacity of the highway network to warrant refusal of the application. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is within an allocated employment site; the layout, design and external appearance of the proposed building and associated works are acceptable; it would not have an adverse effect on the character and appearance of the surrounding countryside, neighbouring properties, highway safety, the environment, flood risk or ecology.

Hinckley and Bosworth Local Development Framework: Core Strategy (2009):- Policy 7 and 14.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, BE26, EMP1(a), NE2, NE5, NE12, T5, T9 and T11.

- 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: Existing Location Plan Drawing No. 080633/A/201 Rev A; Block Plan Drawing No. 080633/A/202 Rev A; Proposed Warehouse Plan Drawing No. 080633/A/203 Rev A and Proposed Parking Facilities Drawing No. 080633/A/206 Rev A received by the local planning authority on 30th April 2010; Storage Tanks and Pump House Drawing No. 30.870.01 received by the local planning authority on 7th June 2010 and Proposed Warehouse Elevations Drawing No. 080633/A/204 Rev B received by the local planning authority on 2nd August 2010.
- 3 The premises shall not be used other than for purposes falling within Class B8 (Storage or Distribution) of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 4 The development hereby permitted shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is completed.
- 5 Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - i) a preliminary risk assessment which has identified:- all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.

- ii) a site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) the site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented in accordance with the approved details.

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
- 7 The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators for surface water drainage from parking areas and hard standings has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented in accordance with the approved details.
- 8 Notwithstanding the submitted details and noise investigation report, the development hereby permitted shall not commence until a scheme for protecting neighbouring properties from all sources of noise from the application site has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed prior to first use of the development hereby permitted.
- 9 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 10 Notwithstanding the submitted details, before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed building shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.
- 11 No deliveries shall be taken at or dispatched from the site outside the hours of 6.00am to 7.00pm Mondays to Fridays and 8.00am to 3pm on Saturdays nor at any time on Sundays, Bank or Statutory Public Holidays.
- 12 Notwithstanding the submitted details, no development shall commence until full details of soft landscape works have been submitted to and approved in writing by the

Local Planning Authority and these works shall be carried out as approved. These details shall include:-

- (i) planting plan
 - (ii) written specifications
 - (iii) schedules of plants, noting species, plant sizes and proposed numbers
 - (iv) implementation programme.
- 13 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.
- 14 The cycle parking, car parking and lorry parking spaces indicated on approved Parking Facilities Plan Drawing No. 080633/A/206 Rev A shall be provided and marked out before the development hereby permitted is first brought into use and shall thereafter permanently remain available for such use.

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 use remains compatible with the surrounding area to accord with policies BE1 and EMP1 of the adopted Hinckley and Bosworth Local Plan.
- 4 To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these in accordance with Planning Policy Statement 25: 'Development and Flood Risk' and policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure the protection of the underlying Secondary A aquifer and Rothley Brook to accord with Planning Policy Statement 25: 'Development and Flood Risk' and policy NE2 of the adopted Hinckley and Bosworth Local Plan
- 6 To ensure the protection of controlled waters to accord with Planning Policy Statement 25: 'Development and Flood Risk' and policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 7 To prevent pollution of the water environment to accord with Planning Policy Statement 25: 'Development and Flood Risk' and policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 8 To protect the amenities of neighbouring properties and to ensure that the permitted use does not become a source of annoyance to nearby residents to accord with policies BE1 and NE2 of the Hinckley & Bosworth Local Plan.
- 9 To enable the local planning authority to fully assess the development in the light of the ground levels of the site to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- 10 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 11 To protect the amenities of neighbouring properties and to ensure that the permitted use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 12 To enhance the appearance of the development and to ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 13 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 14 To ensure that adequate off-street parking provision is made to serve the proposed development and to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
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 In relation to condition 8, it is suggested that the scheme addresses all potential noise sources from vehicles visiting the site, noise from mechanical plant, restricts the external use of forklift trucks within sensitive areas, includes the closure of loading bay doors when not in operation and provides full details of the proposed acoustic fence which should have a minimum density of 10 kilograms/square metre.
- 6 The developer's attention is drawn to the contents of the attached consultation responses from the Environment Agency, E.ON (Central Networks) and Leicestershire Constabulary Crime Reduction Officer.

Contact Officer:- Richard Wright Ext 5894

Item: 02

Reference: 10/00386/FUL

Applicant: Assura Properties Limited

Location: Castle Mead Medical Centre 33 Hill Street Hinckley Leicestershire LE10 1DS

Proposal: EXTENSION AND ALTERATIONS TO CREATE PHARMACY AND CONSULTING ROOMS

Target Date: 5 August 2010

Introduction:-

This application was deferred for consideration from the meeting of the Planning Committee on 3rd August 2010 due to uncertainties over whether all third parties had been notified of the committee meeting and the public speaking process. All parties will now be notified in accordance with the Council's procedures.

This application seeks full planning permission for extensions to the existing health centre to create three consulting rooms and a pharmacy. It is also proposed to provide a bin and condenser store and on site cycle parking. Two of the additional consulting rooms are required as replacements for those lost through the creation for the proposed pharmacy. Planning permission is sought for the pharmacy to be open between 0700-2200 hrs Monday - Saturday and 1000-2000 hrs on Sunday, and the overall increase in employees present at the site will be three full time staff.

The application is a resubmission of the same scheme considered and approved by Members in June 2008. This decision was subject to a legal challenge which resulted in the Council consenting to the quashing of the earlier planning permission. The decision was challenged because of errors on the decision notice, failure to consider an objection properly and the use of a planning condition to secure a financial contribution. The Order quashing the decision was on the basis that the decision notice did not contain reasons for the permission.

The existing medical centre building is of single-storey design with a prominent roof mass and a detail brick banding to the elevations. The front elevation of the building is dominated by the series of projecting gables that extend forward to Hill Street.

The health centre forms part of the larger Hinckley & District Hospital site, providing a mix of healthcare provision, including outpatients` services, pharmacy and small non-emergency hospital facility. Car parking is provided within the application site.

The application is accompanied by a design and access statement, ventilation statement and travel plan.

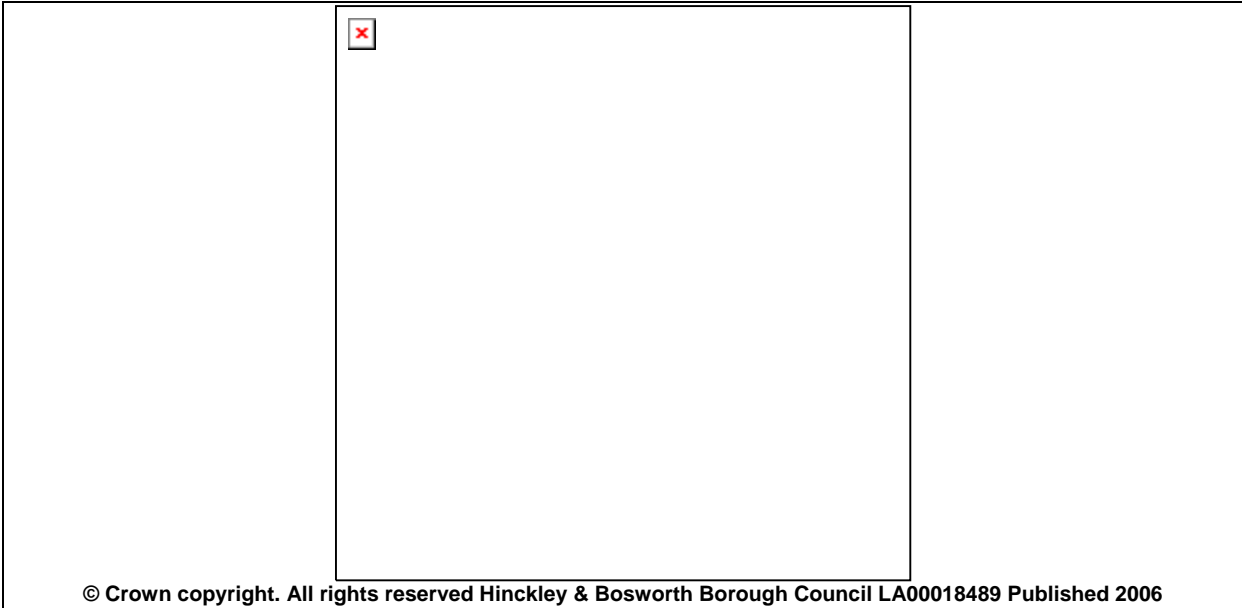
The design and access statement seeks to justify the design of the proposal and seeks to demonstrate that the scheme will result in a high quality development.

The ventilation statement confirms the proposals for the ventilation of the building and details that this will be by way of connection to the existing mechanical systems on site at present.

The travel plan sets out a framework of commitments that the applicant is offering to discourage the use of the car as a means of travel for employees. This Draft Travel Plan include initiatives that include promoting public transport, walking and cycling; managing use of the car by reducing the demand for and use of car parking spaces; encouraging car sharing and considering how employees travel on business and introducing alternative working practices, including working from home and possibly compressed working weeks.

History:-

08/00383/FUL	Extensions and Alterations to Create Pharmacy and Consulting Rooms	Approved Revoked	05.06.08 09.06.09
01/00695/FUL	Extensions to Medical Centre	Approved	07.09.01



Consultations:-

No objection has been received from:-

- Central Networks
- Head of Community Services (Land Drainage)
- Head of Community Services (Pollution).

No objection subject to conditions have been received from Director of Environment and Transport (Highways).

The Primary Care Trust (NHS Leicestershire County and Rutland Facilities Management Service) raise concern about the low level of parking available on site and the effect the extensions and new pharmacy will have on the surrounding roads and their own car parking (adjacent).

36 Neighbour letters of objection have been received raising the following issues:-

- a) loss of parking
- b) inadequate parking provision
- c) green travel plans don't work
- d) inappropriate use by drug addicts

- e) use empty shops in Castle Street
- f) impact on amenity of residents by increased use and cars.

An 860 signature petition has been received objecting to the proposal on the grounds of car parking congestion, reduced access and increased traffic movement in the area.

An accompanying transport statement and objection has been submitted. This objection has been submitted by a lawyer on behalf of a 3rd party and is attached as Appendix A. The points raised in the objection have been considered and commented on by the Director of Environment and Transport (Highways) and those comments have been referred to later in this report

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.

The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122 provides a statutory duty in respect of planning obligations and requires them to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. The Regulation does not replace Circular 05/2005 but gives it a statutory foothold in planning legislation.

Government Circular 05/2005: Sets out the Secretary of State's policy on Planning Obligations, and should be given significant weight in decision making and developer contributions.

Regional Policy

The Secretary of State has indicated his intention to abolish Regional Spatial Strategies (RSS) and laid down an order on 6th July to revoke them with immediate effect, accordingly very minimal weight should be attached to the policies of the East Midlands Regional Plan.

The East Midlands Regional Plan (adopted March 2009) provides the development strategy for the East Midlands up to 2026. 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. Policy 43 sets out regional transport objectives across the region.

Local Policy

Local Development Framework Adopted Core Strategy (2009)

Policy 1 Development in Hinckley requires inter alia, transport improvements in line with Policy 5.

Policy 5 Transport Infrastructure in the Sub Regional Centre requires inter alia, improvements to the provision and management of car parking and public transport to support the increased use of Hinckley town centre, where Developers will be required to contribute towards the implementation of these initiatives through developer contributions where they meet the tests set out in national guidance.

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.

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 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.

Supplementary Planning Documents

Supplementary Planning Document: Hinckley Town Centre Strategic Transport Development Contributions requires a developer contribution to develop the town centre transport infrastructure in line with emerging development schemes.

Appraisal:-

The previous permission has been quashed and no longer exists. The current application must be determined on its merits and in accordance with Section 38(6) of the Planning & Compulsory Purchase Act 2004, which says "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". Following the SoS's revocation of Regional Strategies the development plan will now consist only of Adopted Development Plan Documents saved policies and any old style plans which have not lapsed.

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

The Principle

The site lies within the defined town centre area and within the settlement boundary for Hinckley; there is therefore a presumption in favour of appropriate development.

Prior to the Government direction on which policies of the Adopted Local Plan can be saved, the site was recognised as one providing health care provision and policy CF3 applied. This policy was not saved as it duplicated Saved Policy BE1 of the Local Plan. Whilst the plan designation and Policy CF3 have been lost the principle for the development of the site for health care is still considered acceptable providing the requirements of Policy BE1 are met.

The site is located on the edge of the defined town centre area and therefore close to the centre of Hinckley and the wider range of services it offers. The site is located within a short walking distance of a number of public car parks and public transport connections and the proposed use of the site is considered generally compatible with that of the site at present. There is no reason to suggest the uses are inappropriately or unsustainably sited.

Design and Siting

The extensions proposed are all of single storey scale and therefore maintain the design and scale of the existing and adjacent buildings on this site. The extensions to the front elevation (facing Hill Street) will create a distinctive and legible frontage to the building with the access to the pharmacy being the design feature to the frontage. The extension to the side of the building for the consulting rooms results in a small element of infilling between the two projecting elements of the existing building. The bin/condenser store extension is so small and positioned adjacent to the access drive to the adjacent health centre that it is not prominent and therefore acceptable particularly as it will screen unsightly bins and AC condensers.

The new access arrangements will mean disabled access is available directly from the car park. The extensions are considered to complement the existing character of the site and therefore satisfy the requirements of Saved Policy BE1 of the Adopted Local Plan.

Parking Provision and Highway Safety

Two of the additional consulting rooms cause no detriment to the parking requirements of the site as they replace rooms lost through the creation of the pharmacy. There is one additional consulting room that is gained through the proposal along with the pharmacy.

The site currently benefits from 37 off street car parking spaces and following the development proposed will have 35 spaces. Therefore, the proposal will result in a loss of 2 of the existing car parking spaces. The existing disabled parking spaces are retained.

The Director of Environment and Transport (Highways) confirms that the proposed development would lead to a shortfall in 1 car parking space at the site when considered against the number required by Highways Transport and Development. Taking into consideration the accessible town centre location, the availability of nearby public car parking spaces at Hill Street, Mount Road and Trinity Vicarage Road, and on street parking bays in Hill Street and Mount Road, the presence of parking restrictions in the vicinity, that a Green Travel Plan is provided, implemented and monitored and that the proposed pharmacy will be a dispensing pharmacy and may result in shared trips the proposal is acceptable to the Highway Authority.

A number of neighbours have commented that green travel plans don't work. The intention behind a travel plan is to embed the issue of sustainable travel planning within the relevant organisation in attempt to identify and suggest alternative ways of getting to and from work. It

is open to employers to make their travel plan compulsory; however this is not enforceable by the local planning authority. Travel plans are well established within the planning system and are commonly used by Planning Inspectors to increase the knowledge and awareness of sustainable travel. In this case, whilst a travel plan has been presented, the Highway Authority have confirmed that the failure to provide such a document or framework would not be sufficient to demonstrate that the scheme is of such a detriment to highway safety that it should be refused.

In light of these comments and given that no issue is raised with vehicle movements it is concluded that that the proposal if permitted would not have a detrimental effect on highway safety in the vicinity or materially increase traffic movements on local roads. This opinion is however contrary to that shared by neighbours who believe that the proposal will result in a loss of car parking at the site which will be to the detriment of highway safety in Hill Street and residential amenity.

Highways have acknowledged that a pharmacy provided on site with other health care services is not likely to result in significant additional journeys and parking requirements due to the association of the uses, i.e. following a doctor's consultation the patient can immediately obtain any prescription or medication without needing to travel further. The use therefore contributes to a healthcare one-stop-shop.

In respect of the 3rd party highway objection, the issue for consideration is whether the information contained within the objection is material in planning terms and whether it would suggest that the development would be contrary to the requirements of Saved Policy T5 of the Adopted Hinckley and Bosworth Local Plan. The response of the Director of Environment and Transport (Highways) is attached at Appendix B.

The use of other rooms at the site for consulting proposes following the development would appear to be the subject of the objection. Whilst it may be possible for the operator to use the other rooms as further consulting rooms there is no reason to suggest this would happen. Any planning application must be determined on its own merits and in this case the application is only seeking approval for two additional consulting rooms. A planning condition could be imposed to prevent such use but this would be unreasonable in terms of the applications merits, would be difficult to enforce and would not be relevant given that planning permission is only sought for the two additional consulting rooms.

The objector seeks to demonstrate that the submitted Green Travel Plan is deficient for a number of reasons. The Director of Environment and Transport (Highways) has commented on the submitted Travel Plan and has made a series of recommendations to improve the Plan. A revised travel plan is expected and will be reported as a late item.

The concluding paragraph of the Director of Environment and Transport (Highways) revised response confirms that "when set against the background of current Government guidance in relation to reduced car parking standards and the fact that the standards contained in 'The 6Cs Design guide- Highways, transportation and development' are maximum standards, it is considered that it is unlikely that it would be possible to sustain a reason for refusal of the Applicants specific proposal on the grounds of a lack of car parking in the event of an appeal".

Impact on Neighbours

The volume of neighbour objection to this proposal is significant and issues concerning the impact of vehicle movements and the impact on residential amenity are material planning considerations. However, there is no consensus of opinion with the comments supplied by the Director of Environment and Transport (Highways) that would identify that the proposal

will result in additional journeys and therefore vehicles movements to and from the site. This does not mean that the local residents are incorrect in their opinions but does mean that their arguments may not carry significant weight because of the lack of technical evidence to support them. In this case it is considered that the perceived effect of the proposal is far greater than the resulting effect and given that a planning application must be determined on its merits unless material evidence indicates otherwise, it is clear that there is no reason for refusal that would be sustained at appeal.

The balance between the differing opinions received must be carefully evaluated and consideration must be given to the fact that the site lies within the town centre and there is easy access to public transport and alternative car parks are available. These matters weigh significantly in favour of the proposal. Additionally, consideration should be given to the fact that the proposed pharmacy is related to healthcare provision and therefore complements the other health care uses on this site. It is also reasonable to consider the success of defending a decision at appeal when there is no evidence to substantiate a reason for refusal.

On balance therefore, and given the relationship of the proposal to the provision of healthcare and to the sites town centre location, the proposal is considered to be acceptable in terms of highway safety and the requirements of Saved Policy T5 of the Adopted Local Plan.

Other Matters

A number of neighbours have commented that there are a number of empty shops within Castle Street in Hinckley that could be used for the proposed pharmacy.

The existence or non existence of alternative sites is a consideration relating to the use and development of land and the extent to which it is relevant in any case will depend on all the circumstances, particularly on the degree to which the application causes harm or conflicts with policy. It is acceptable to consider that alternative sites are not material if there is no planning objection to the proposed development on this site. If there are clear planning objections then the harm must be outweighed by the benefits of the proposal.

This is a matter of planning judgement for the committee.

The neighbour comments received about the use of the pharmacy as a methadone dispensary is not a formal planning consideration as a pharmacy (whether a methadone dispensary or not) falls with the same class of the Use Class Order. The perceived antisocial behaviour risks are a material planning consideration; however for the fear of anti social behaviour to be material, there will need to be some reasonable evidential basis for that fear. The precise weight to be afforded to such fears will be dependent on the quality of the evidence. In this case no such evidence is supplied.

Developer Contributions

The site lies within the applicable boundary of the Hinckley Town Centre Strategic Transport Development Contributions Supplementary Planning Document (SPD). This SPD seeks to develop the town centre transport infrastructure in line with emerging development schemes and the SPD requires a developer contribution for certain types of development. In this case a contribution is sought in accordance with the SPD in respect of the commercial floor space created; that is the creation of the pharmacy only, and not the creation of the consulting rooms. The contribution is £6375.

The request for any developer contribution must be considered alongside the guidance contained within Circular 05/05 and more recently in the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

In this case it is considered that the request for the developer contribution is compliant with the statutory tests of the CIL and therefore has been requested by officers. The applicant has agreed to make the requested contribution and a legal agreement is currently being drafted to secure the contribution prior to the commencement of development on site.

Ecology

The proposed development has been considered at both pre-application stage and through formal consultation by the Directorate of Chief Executive, LCC (Ecology). Ecology are satisfied that there unlikely to be any protected species within the existing site or structure and therefore no survey or mitigation works are necessary. Notwithstanding this consideration, the duty of care for any protected species lies with the applicant, owner and any contractor, and should any protected species be discovered during the development, statutory provisions exist under the control of Natural England that enable control of the development and the species.

Conclusion

The proposal seeks to provide a complementary healthcare facility at this dedicated and recognised healthcare site, to which there is no planning policy or highway safety objection. The application has been subject to a significant degree of neighbour objection on various grounds but no evidence has been supplied quantifying the objection matters. On this basis a greater weight falls with planning policy and the formal responses of Statutory Consultees and therefore it is recommended that planning permission be granted.

RECOMMENDATION:- That the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission for the development subject to the following conditions 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 Hinckley Town Centre Strategic Transport Development.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

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

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

Hinckley & Bosworth Borough Council Core Strategy (2009):- Policy 1, Policy 5

- 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: DBL309 00, 01, 02, 03 Rev G, 04 Rev C, 05, 06, 16, 17, 19.

- 3 Before the first use of either the proposed pharmacy or the consulting rooms the car park shall be laid out and car parking spaces marked in accordance with the approved plan and shall be surfaced in a hard bound material and be made available for vehicle parking. All car parking spaces shall remain available for vehicle parking thereafter at all times.
- 4 The submitted Green Travel Plan shall be fully implemented upon the commencement of the opening of the pharmacy and/or the use of the consulting rooms hereby permitted and shall remain in force thereafter.
- 5 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed pharmacy and surgery extensions shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that adequate off-street parking facilities are available to accord with Saved Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 4 To reduce the dependency on car travel to and from the site, in the interests of sustainability and highway safety and in accordance with the requirements of Saved Policy T5 of the Adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 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:- James Hicks Ext 5762

Our ref AB/NM/TKE/076261/00002
Your ref CS L MR AT PGEN 29

Mr James Hicks
Hinckley & Bosworth Borough Council
MDX 716429
Hinckley

Direct line: +44 (0)1242 246303
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Email: anne.bennett@charlesrussell.co.uk

12 July 2010

Dear Mr Hicks

Castle Mead Medical Centre - 10/00386/FUL

I refer to my recent email and now write in response to the consultation on the above Application.

I am instructed by HHCC to object to the above Application which I understand to be for the same development as was the subject of the previous Planning Permission 08/00383/FUL which permission was quashed following our client's judicial review.

Accordingly no attempt has been made to address the previous concerns raised by my client other than the submission of a draft Travel Plan and a vague proposal for a contribution secured by way of a Section 106 obligation.

I summarise below concerns which have been previously expressed by my client. These concerns are clearly shared by the many local residents who have responded to the consultation and are also reflected in the 750+ signatories to a petition against the Application. I am advised that the petition will be presented to the Council shortly.

I am attaching a copy of the report by Mr R Leonard IEng FIHE relating to the original planning application which was submitted in the course of the judicial review proceedings. This report applies equally to this current application but should be read in conjunction with the further update report which specifically explains why the Draft Travel Plan does nothing to overcome the objections to this Application.

The existing problem

Currently the parking provision for this and other nearby land uses falls short of the recommended standards.

The detailed calculation of the parking requirements are set out in Mr Leonard's reports, as is the formula for calculating parking standards by reference to the Local Plan.

The Highway Authority's consultation response to the current application persists with the miscalculation of this parking requirement and concludes that the proposed development would result in a shortfall of just one space.

However the Draft Travel Plan indicates that there are currently twenty staff employed at the site which when the correct assessment of "treatment rooms" is applied gives a requirement for forty six car parking



spaces. The Draft Travel Plan notes that there are currently thirty seven car parking spaces within the site and therefore there is an existing shortfall of nine spaces **even without any further development**.

In addition there is an existing shortfall in parking at the Maples Medical Practice and this also places pressure on adjoining on-street parking.

Proposed development

It is proposed that two car parking spaces will be lost as a result of the additional three consulting rooms.

The parking requirement for the proposal will therefore increase by eleven spaces but will be accompanied by a decrease in parking of two spaces - a worsening of the current situation by thirteen spaces.

The Applicant suggests that the new dispensing pharmacy will provide a dedicated service for patients of Castle Mead Medical Centre and also patients of nearby medical practices but that it is not anticipated that the pharmacy will attract users from further afield. My client, who owns a local pharmacy and therefore has experience in these matters, strongly refutes this. Indeed I am advised that to restrict access to its dispensing services to any particular medical practice or practices would breach the pharmacy's contract with the NHS.

Mr Leonard considers that there is no justification for the assumption that an on site pharmacy will reduce parking issues. Only a proportion of the trips will be linked. The pharmacy is likely to service patients from other medical establishments across the town and particularly as it is intended to be open for one hundred hours it is likely that it will attract a considerable number of additional trips as compared to the existing Medical Centre.

These additional trips will result in additional parking demand. It was acknowledged by the Planning Officer in connection with the previous Application that "if parking were to spill over onto the highway then this would be undesirable". The existence of on-street parking controls shows that the Highway Authority are already concerned at the implications on congestion and safety created by unrestricted on-street parking.

Our client's surveys have indicated that the majority of the available on-street parking is fully occupied and there is no further capacity to accommodate any additional on-street parking demand. This is also clearly the experience of the numerous local residents who have responded to the consultation.

My client has witnessed on several occasions the difficulties experienced by ambulances whose access is restricted by illegal parking at Castlemead Surgery due to the congestion surrounding the site. The dedicated access for ambulances is obstructed on a daily basis by 2-3 illegally parked cars.

Any additional demand for on-street parking will exacerbate the existing situation leading to congestion and additional vehicular movements to the detriment of road safety as well as the amenity of nearby residents.

The Draft Travel Plan December 2009

The status of the draft Travel Plan submitted with the Application is unclear. The enclosed update report sets out the Mr Leonard's concerns as to the effectiveness and enforceability of the draft travel plan. His conclusion is that it gives him no confidence that the highway safety issues of parking and congestion will be satisfactorily addressed.

The highway authority response does not include any comment on the draft. The condition proposed by the highway authority requires a travel plan to go much further than the developer is prepared to go in this draft. However it is clear that even with appropriate targets and penalties built in, a number of the requirements of this draft condition **cannot** be met at this site.

- The report explains why the shared access makes car parking restrictions and controls unenforceable.
- The proposed development does not provide for any on site facilities to encourage walking or cycling.



- The proposed cycle parking is inadequate for the reasons set out in the enclosed report and cannot be relocated without obstructing pedestrian/wheelchair access.

Conclusion

The existing traffic and parking problems experienced as a result of the shortfall in parking provision continue to be underestimated by the applicant and the highway authority by their incorrect assessment of "treatment rooms" which results in an incorrect calculation of parking requirements.

The proposed development results in a further loss of parking which exacerbates the existing problem. In the draft travel plan the applicant acknowledges the need to address this but the measures proposed are at best well intentioned but unenforceable. There are a number of reasons outlined above why a travel plan will not be effective even with appropriate enforcement measures and therefore even a redrafted travel plan secured by condition should not be relied upon to overcome the serious problems that will result if this development were to be permitted.

I would be grateful if you could advise me when this matter will be reported to committee and when your report will be available on the website.

I would also remind you that the Costs Order of Court in connection with the judicial review of the previous permission remains outstanding and would ask the Council to now settle this as a matter of urgency.

Yours sincerely

Anne Bennett
Solicitor
for and on behalf of Charles Russell LLP

HINCKLEY - CASTLE MEAD MEDICAL CENTRE

1. INTRODUCTION

1.1 I am Robert Ian Leonard and am a consultant advising on the highway aspect of proposed developments. Until the end of 2007 I was the Senior Development Control Officer employed in that section of the Environment and Transport Department of Suffolk County Council which deals with all development applications that the County Council is consulted upon as Highway Authority under the planning acts. I am a Fellow of the Institute of Highway Incorporated Engineers, have had over 40 years experience in Local Government Engineering and had been employed by Suffolk County Council in the Development Control section for the previous 19 years.

1.2 I have been instructed by HHCC Ltd to assess the highway aspects of the planning application for the proposed extensions for a new pharmacy and GP consulting rooms at Castle Mead Medical Centre under application reference: 08/00383/FUL. Although I am only instructed by HHCC Ltd, I understand that there is a significant level of local objection to these proposals.

2. THE SITE – AS EXISTING

2.1 Castle Mead Medical Centre shares its main vehicular access with The co-joined Maples Medical Practice. Access to the rear parking area is via a further shared access immediately to the north of the building.

2.3 The Maples Medical Practice is self contained with its own parking. There are no changes proposed for this unit or its parking provision, although it should be noted that the parking provision for this site also falls well short of the recommendations.

2.4 The Castle Mead Medical Centre currently occupies the northern part of the plot and has 13 medical treatment rooms together with offices and staff areas.

2.5 Of the 13 treatment rooms, 6 are classed as "surgery", whilst the others are attributed to other treatment rooms such as physiotherapy, nurse, blood test, etc. In my opinion as a practitioner with several years of practice, any room used regularly for examining, treating or assessing patients should be classed as a consulting room/surgery. All 13 of these would count as consulting rooms/surgery to accord with the Hinckley & Bosworth Local Plan and the Leicestershire County Council off-street parking standards.

2.6 There are also 4 separate offices as well as a reception area and dispensary.

3. PARKING STANDARDS

3.1 The Hinckley & Bosworth Local Plan at Appendix D - Vehicle Parking Guidelines (part 2) gives the following standard: -

Class D1 - Non-Residential Institutions Surgeries and Clinics (doctors, dentists, vets, etc.)
One car space per member of staff employed.
In addition two car spaces per consulting room or surgery.

3.2 The Leicestershire County Council standards for this use class are the same.

4. PARKING REQUIREMENTS & PROVISION

4.1 The current car parking requirements that should apply to the existing development should take into account all medical assessment, consulting and treatment rooms. To comply with the Local Plan policy the requirement this is: -

Consulting Room/Surgery 13 x 2	26
Staff 6 x doctors (1 per surgery) plus nurse, blood technician, physiotherapist, general staff (1 per office + 2 receptionists) plus 2 dispensary staff	17
TOTAL	43

Note, the occupancy of the offices and other staff is assumed and may vary.

4.2 The total car parking provision currently on the site is 19 spaces at the front of the building plus an addition 2 spaces reserved for people with disabilities and a further 16 at the rear, a total shortfall of 6 spaces. ~~The Design & Access Statement only refers to 19 spaces available for visitors. This must assume that the 16 spaces to the rear are reserved for staff.~~

5. THE PROPOSAL

5.1 The proposal is for the removal of 2 surgery units and the blood test technicians room and replacing these with a Pharmacy and Dispensary with its own consulting room. An additional 3 consulting rooms are to be constructed at the northern end of the site.

5.2 The existing car parking in front of the proposed pharmacy is to be moved forward to leave a 6 metres aisle between it and the opposing parking spaces. 2 spaces will be lost to the 3 new consulting rooms.

5.3 The revised Castle Mead Medical Centre will have a total of 14 medical treatment/consulting rooms (including the dedicated room in the pharmacy) together with the same offices and staff areas as existing.

5.4 The car parking requirements for the proposed building will therefore be: -

Consulting Room/Surgery 14 x 2	28
Staff 7 doctors (1 per surgery) plus nurse, blood technician, physiotherapist, general staff (1 member of staff per office + 2 receptionists) + 2 dispensary staff. Plus a minimum additional 3 staff for the new pharmacy at any one time *	21
Pharmacy Customers**	5
TOTAL	54

*There is a discrepancy between the staff figures given in the SP101 application form that shows an increase of staff from 14 to 17, and the planning committee report that states that there will be 9 additional staff. For this study, an assumption of 3 staff working in the new pharmacy/dispensary at any one time has been made. The difference being shift working across the opening hours.

**The number of pharmacy customers at any one time is based on the provision of seating provided in the waiting area. The actual number may be higher or lower than this.

5.5 The above figures show that the parking requirement for the proposal will increase by 11 spaces but accompanied by a decrease in parking of 2 spaces. A worsening of the current situation of 13 spaces. If the full 9 staff are employed in the pharmacy at the same time, then this figure would increase to 19.

5.6 It should be noted that the above staffing figures are based on assumptions and not a staffing survey. There is no information in the application that gives an indication of occupancy; the application forms refers to an equivalent number of full time employees as 17.

6 PLANNING COMMITTEE REPORT

6.1 The report to the Planning Committee states that there will be an additional 9 staff as opposed to the 4 (3 + consulting room) used in the above estimate. This will increase the parking demand to 59 spaces, however the report also states that there are 7 consulting rooms as opposed to the 14 shown on the submitted drawings. The difference being that the report only classifies the doctors' rooms as consulting without taking into consideration, nurses rooms, blood technicians, physiotherapy rooms, examination, interview and treatment rooms, all of which, as explained in 2.5 above, are used for consulting with and treating patients and should therefore should count as consulting rooms. This results in a considerable underestimation of the parking requirements.

6.2 The report then states that the vast majority of trips associated with the pharmacy will be linked to that of the surgery. My experience, together with information from another pharmacist, is that only a proportion of trips are linked, the others being repeat prescriptions and return to collect orders. My client, who owns a local pharmacy confirms this.

6.3 The site is also referred to as a Town Centre location. Whilst it is currently on the edge of the existing town centre area as shown in the Local Plan, it is a fringe site, divorced from the

main shopping areas by approximately a quarter of a mile with no direct footway or cycleway links. No evidence has been submitted showing the location, routes and frequency of public transport links except for a statement in the Design & Access statement that there are "regular scheduled stops nearby" These need to be identified and evidence submitted to suggest that public transport services will be well used.

6.4 The report continues with the statement that "If parking were to spill over onto the Highway then this would be undesirable; however the surrounding roads are all subject to comprehensive on street parking controls". ~~I carried out regular inspections of the surrounding road network over a 3 week period, and this showed that the majority of the available on street parking is fully occupied and there is no further capacity to accommodate any additional on street parking demand. Any additional demand for on-street parking will exacerbate the existing situation leading to congestion and additional vehicular movements to the detriment of road safety.~~

7 DEVELOPMENT PLAN POLICIES

7.1 Central Government Guidance.

7.1.1 In the Committee Report, the advice quoted from Manual for Streets (taken from paragraph 8.3.1) is valid but is quoted out of context and this paragraph continues to refer to the Government's general planning policy for car parking in PPG13: Transport. This part of the document is also aimed mainly at residential development supported by a Travel Plan.

7.1.2 PPG13 makes the following statements/observations: -

7.1.3 Paragraph 51.2. "does not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls;" It should be noted that there are already on-street parking controls with limited available spaces in heavy demand. ~~The existence of on-street parking controls shows that the Highway Authority are concerned at the implications on congestion and safety created by unrestricted on-street parking. The additional demand for on-street parking would exacerbate the existing situation or expand the problems to adjoining streets.~~

7.1.4 Paragraph 51.5. "require developers to provide designated parking spaces for disabled people in accordance with current good practice." The provision of only 2 dedicated spaces for disabled drivers in a medical centre where the percentage of disabled visitors is likely to be higher than the norm, is considered less than adequate. The Hinckley and Bosworth Local Plan, in appendix D states that for Public buildings and shops, the provision of parking spaces for the disabled should be: -

up to 25 car spaces	1 bay
up to 50 car spaces	3 bays
up to 100 car spaces	5 bays

In this instance, the requirement is for a minimum of 3 spaces.

7.1.5 Paragraph 51.6. "where appropriate, introduce on-street parking controls in areas adjacent to major travel generating development to minimise the potential displacement of parking where onsite parking is being limited;" There are already parking controls but no spare capacity for on street parking

7.1.6 Paragraph 51.7. "require convenient safe and secure cycle parking in development at least at levels consistent with the cycle strategy in the local transport plan;" There appears to be no dedicated cycle or motor cycle parking provision as required by the policies. Whilst condition 3 of the permission states:

3. No part of the development hereby permitted shall be occupied until a comprehensive green travel plan, including the provision of secure on-site cycle parking, has been submitted to, and approved in writing, by the Local Planning Authority. Thereafter, the plan shall be fully implemented in accordance with the approved details and maintained thereafter.

~~The applicant needs to demonstrate that the provision of cycle parking will not lead to the loss of further car parking spaces. No requirement for motor cycle parking has been identified.~~

7.1.7 Paragraph 55. "It should not be assumed that where a proposal accords with the relevant maximum parking standard it is automatically acceptable in terms of achieving the objectives of this guidance. Applicants for development with significant transport implications should show (where appropriate in the Transport Assessment) the measures they are taking to minimise the need for parking." No measures to minimise the need for parking have been submitted or approved or a Transport Assessment prepared.

7.1.8 Whilst condition 3 of the permission requires the submission of a Travel Plan, it also requires the provision of secure cycle parking. No provision for cycle parking has been shown on the submission and adequate provision could lead to the loss of parking spaces.

7.2 Local Plan Policies

7.2.1 Policy T4 allows for "the loss of off-street car parking where it can be demonstrated that alternative parking provision is proposed." No additional parking has been proposed or identified except for the requirement for a financial contribution. Policy IMP1 states **POLICY IMP1 - CONTRIBUTIONS TOWARDS THE PROVISION OF INFRASTRUCTURE AND FACILITIES PLANNING PERMISSION WILL BE GRANTED FOR NEW RESIDENTIAL, EMPLOYMENT AND OTHER DEVELOPMENT WHERE THE DEVELOPER HAS MADE OR WILL MAKE, A CONTRIBUTION TOWARDS THE PROVISION OF THE NECESSARY ON-SITE AND OFF-SITE INFRASTRUCTURE AND FACILITIES TO SERVE THE DEVELOPMENT COMMENSURATE WITH THE SCALE AND NATURE OF THE DEVELOPMENT PROPOSED. THE GRANTING OF PLANNING PERMISSION WILL BE SUBJECT TO CONDITIONS OR TO A DEVELOPER ENTERING INTO PLANNING OBLIGATIONS TO ENSURE THE PROVISION OF APPROPRIATE CONTRIBUTIONS.**

7.2.2 Neither the Local Plan nor the permission identify any facilities to specifically serve the development. The validity of this condition is therefore in doubt.

8. PLANNING REPORT APPRAISAL

8.1 The report states "that the additional consulting rooms cause no detriment to the parking requirements of the site as they replace rooms lost through the creation of the pharmacy." This is factually incorrect as they remove two of the existing parking spaces, whilst increasing the demand for parking. From my calculations at paragraphs 4.1 and 5.4 it can be demonstrated that the existing shortfall of 6 spaces increases by a minimum of 13 spaces to a shortfall of 19 spaces.

9. CONCLUSION and SUMMARY

9.1 The full effect of the proposal in terms of car parking and on street parking demand was not fully evaluated before the report to the Planning Committee was written or considered. The decision granted was on the basis of insufficient information and is therefore unsafe.

9.2 If the correct information had been submitted and the number of consulting rooms counted properly, there is a real likelihood that the Highway Officer would have identified highway safety issues that would have altered the comments/recommendation as the judgement was based on the wrong factual basis

9.3 There is an existing shortfall in parking provision on the adjacent Maples Medical Practice site and the Castle Mead Medical Centre, any further reduction in car parking, especially when accompanied with an increase in demand for car parking can only exacerbate the existing congestion and parking demand on the adjacent streets, with inherent highway safety implications. If this was re-debated by Committee, there is a real prospect that a different decision may be reached in terms of highway safety.

9.4 There are 13 treatment rooms identified on the plan attached to the planning application, although only 6 of these, the doctor's surgery rooms, have been identified in the parking provision calculations.

9.4 The current shortfall at the Castle Mead Medical Centre is 6 spaces and the alterations subject to this planning application increase the shortfall by a further 13 spaces. This will have the effect of increasing demand for on-street parking leading to congestion and highway dangers.

R Leonard IEng FIHIE
22 August 2008

HINCKLEY - CASTLE MEAD MEDICAL CENTRE

1. INTRODUCTION

1.1 I am Robert Ian Leonard and am a consultant advising on the highway aspect of proposed developments. Until the end of 2007 I was the Senior Development Control Officer employed in that section of the Environment and Transport Department of Suffolk County Council which deals with all development applications that the County Council is consulted upon as Highway Authority under the planning acts. I am a Fellow of the Institute of Highway Incorporated Engineers, have had over 40 years experience in Local Government Engineering and had been employed by Suffolk County Council in the Development Control section for the previous 19 years.

1.2 I have been instructed by HHCC Ltd to assess the highway aspects of the planning application, together with the Travel Plan for the proposed extensions for a new pharmacy and GP consulting rooms at Castle Mead Medical Centre under application reference: 10/00386/FUL, in the understanding that there is a significant level of local objection.

1.3 The following comments should be treated as an addendum to the report submitted on the 2008 application. The previous report may be amended once the Planning Officers report to Committee is published.

2. THE SITE – AS EXISTING

2.1 Castle Mead Medical Centre shares its main vehicular access with The co-joined Maples Medical Practice. Access to the rear parking area is via a further shared access immediately to the north of the building.

2.3 The Maples Medical Practice is self contained with its own parking. There are no changes proposed for this unit or its parking provision, although it should be noted that the parking provision for this site also falls well short of the recommendations.

2.4 The Castle Mead Medical Centre currently occupies the northern part of the plot and has 13 medical treatment rooms together with offices and staff areas.

2.5 Of the 13 treatment rooms, 6 are classed as "surgery", whilst the others are attributed to other treatment rooms such as physiotherapy, nurse, blood test, etc. All 13 of these would count as consulting rooms/surgery to accord with the Hinckley & Bosworth Local Plan and the Leicestershire County Council off-street parking standards.

2.6 There are also 4 separate offices as well as a reception area and dispensary.

3. PARKING STANDARDS

3.1 The Leicestershire and the Hinckley and Bosworth parking standards have not been amended since the previous submission.

4. PARKING REQUIREMENTS & PROVISION

4.1 The current car parking requirements that should apply to the existing development should take into account all medical assessment, consulting and treatment rooms. To comply with the Local Plan policy the requirement this is: -

Consulting Room/Surgery 13 * 2	26
Staff 6 * doctors (1 per surgery) plus nurse, blood technician, physiotherapist, general staff (1 per office + 2 receptionists) plus 2 dispensary staff	17
TOTAL	43

Note, the occupancy of the offices and other staff is assumed and may vary.

4.2 The total car parking provision currently on the site is 19 spaces at the front of the building plus an addition 2 spaces reserved for people with disabilities and a further 16 at the rear, a total shortfall of 6 spaces.

5. THE PROPOSAL

5.1 The proposal is for the removal of 2 surgery units and the blood test technicians room and replacing these with a Pharmacy and Dispensary with its own consulting room. An additional 3 consulting rooms are to be constructed at the northern end of the site.

5.2 Minor changes to the layout have been made to include for cycle parking. Although the proposed 6 "Sheffield" stands have been positioned for the convenience of the layout rather than close to the main entrance under natural supervision for security and convenience.

6 PLANNING COMMITTEE REPORT

6.1 The planning committee has not yet been published and further comments may be raised once this is available.

7 DRAFT TRAVEL PLAN

7.1 At the request of Leicestershire County Council as highway authority, a Draft Travel Plan has been submitted as part of the new planning application.

7.2 The Draft Travel Plan refers to and relies on a previous staff travel survey. No details of the range of the questionnaire or the detailed results of the survey have been included within the document.

7.3 It is unclear from the use of a double negative in the second paragraph of 2.2 if it is anticipated that the proposed pharmacy is likely to attract users from further afield. There is no justification in the assumption that an on-site pharmacy will reduce parking issues. Whilst in some instances combined visits to the medical facility and the pharmacy will take place, this

will still demand one parking space but for an increased time period thus reducing turnover in the car park.

7.4 There is a minor inaccuracy in paragraph 2.3.2. Whilst the bus station is 500 metres from the site this is in a straight line. The distance for walking via the public highway is over 600 metres. Admittedly still within reasonable walking distance.

7.5 The existing staff travel patterns to the site are interestingly broken down into percentages but, without details of the questionnaires and correlation between the journey origin locations and the travel patterns, these percentages are unhelpful in understanding the journey modes and the ability to influence travel patterns.

7.6 Paragraph 5.2 gives proposed targets for staff travel but no targets for patient travel. The total travel and parking demand needs to be addressed by this document.

7.7 The proposed actions refer to providing lockers, shower and changing facilities for walkers and cyclists. There is no provision shown on the submitted drawing, nor does there appear to be scope to add these facilities.

7.8 There is also reference to offering subsidised cycle purchase and public transport season tickets. These references however begin with the word "May" and offer no commitment, although this was one of the major incentives raised by staff in the travel survey.

7.9 Paragraphs 6.4.3 and 6.4.4 refer to car park management. Whilst Castle Mead Medical Centre has its own identifiable parking area, it shares an access with the adjoining Maples Medical site as well as a second shared access to spaces at the rear of the hospital. The introduction of parking control will, without co-operation of the other adjoining facilities, be difficult or impossible to achieve, police and enforce.

8. CONCLUSION

8.1 Whilst the Draft Travel Plan sets out some background information, looks at targets and monitoring, the document lacks any proposals for enforcement or penalties if the targets are not met. Without this, the document lacks the teeth to enable it to be effective.

8.2 The previous application made in 2008 under reference 08/00383/FUL was objected to by my client. One of the grounds of this objection was on the issue of parking and congestion. Except for the introduction of cycle stands, this application is identical to that previously submitted with the exception of the Draft Travel Plan. Nothing in these proposals gives me confidence that the highway safety issues of parking and congestion will be satisfactorily addressed.

R Leonard IEng FIHIE
11 July 2010

REVISED OBSERVATIONS

**Leicestershire
County Council**

**PLANNING APPLICATION CONSULTATION
RESPONSE**

Report of the Director of Environment and Transport
to the Planning Authority relating only to the Highway
aspects.

DETAILS OF APPLICATION

Planning Ref No: 2010/0386/04
CE/EN Ref: Previous on Plan-Con 2010/7005/04 2008/0383/04
Application Address: Castle Mead Medical Centre, 33 Hill Street, Hinckley,
 Leicestershire, LE10 1DS
Parish: Hinckley
Applicant: Assura Properties Limited
District Planning Case Officer: James Hicks
Brief Description of Development: EXTENSION AND ALTERATIONS TO CREATE
 PHARMACY AND CONSULTING ROOMS.

OBSERVATIONS

(a) On any Improvement lines: None
 (b) On Access Arrangements:
 New vehicular access: No **New pedestrian access:** No
 Altered vehicular access: No **Altered pedestrian access:** No
 (c) On effect on Rights of Way: Yes
 (d) On any new road proposal: No
 (e) On application in general:
 29/63 & 29/64 Hill Street - Unclass
 County Councillor Stuart Bray & Keith Lynch

RECOMMENDATIONS

Note(s) to Planning Officer

I refer to the letter from Ms A. Bennett dated 12/7/10 and enclosures, received by email by H.B.B.C and to the request from H.B.B.C. for further Highway Authority comments in connection with the planning application.

On the basis of the submitted plans, the proposed development would lead to a shortfall in 1 car parking space at the site. Taking into consideration the accessible, town centre location, the availability of car parking spaces in public car parks and in on street bays in proximity to the site, the presence of parking restrictions in the vicinity, that a Green Travel Plan will be agreed, implemented and monitored and that the proposed pharmacy will be a dispensing pharmacy and may result in shared trips the proposal will be acceptable to the Highway Authority.

A proportion of spaces to the rear of the premises should be available for the benefit of patients to ensure that a satisfactory level of parking is provided.

On the basis of the report by Mr R.I. Leonard dated 22/8/08 and quoted in the letter from Ms. A. Bennett to H.B.B.C. dated 12/7/10 there are 13 existing treatment rooms at the site, all of which "would count as consulting rooms/surgery to accord with the Hinckley & Bosworth Local Plan and the Leicestershire County Council off-street parking standards."

However, to reach a figure of 13 it is necessary to include rooms on the submitted existing layout plan labelled "nurses office", "blood test", "attached staff" and "common room", or "interview". It is reasonable to suggest that any Doctors' surgery or medical centre will have rooms the main purpose of which is not for patients to be seen by staff. On the basis of the submitted plans there are 9 patient rooms.

Similarly, the report suggests that the proposal will lead to 14 consulting rooms, but again includes the above rooms that would not appear to fit with the definition of a consulting room/surgery. On the basis of the submitted plans there will be 10 patient rooms as a result of the proposal.

It is considered that it is possible that the use of rooms such as a nurses office, blood test etc. could change to consulting rooms/surgeries following the granting of approval if no restriction is put on their use in planning terms. However, this is presumably the case with the existing rooms under the existing approvals at the site.

In this instance, the Highway Authority would accept that car parking spaces for Medical Centre staff should be on the basis of the maximum number of full time staff working in the Centre at any one time. It is reasonable to suggest that if 3 of the equivalent number of 17 full time staff work in the pharmacy, then 14 staff may be employed in the Medical Centre, leading to a demand for 14 car spaces for staff. It is likely that any part time staff will not all be present in the Medical Centre at the same time.

The report by Mr R.I. Leonard suggests that 8 car parking spaces are required for the proposed dispensing pharmacy. On the basis of the standards contained in 'The 6Cs Design guide-Highways, transportation and development' a maximum of 2 spaces are required for the pharmacy.

On the basis of the submitted plans, the proposal will lead to a total requirement for 36 parking spaces. Taking into consideration the submitted plan, 35 spaces are to be provided leading to a shortfall of 1 space.

Some of the points raised in the report by Mr R.I. Leonard appear to have been addressed by the current planning application:

The report by Mr R.I. Leonard states "the Design & Access Statement only refers to 19 spaces available for visitors. This must assume that the 16 spaces to the rear are reserved for staff." On the basis of the Design and access statement submitted as part of the planning application "There is free parking for all staff and visitors to the Medical Centre and Pharmacy, totalling 35 spaces."

The report states that "No evidence has been submitted showing the location, routes and frequency of public transport links except for a statement in the Design & Access statement that there are "regular scheduled stops nearby". However, paragraph 2.3.2. of the submitted Draft Travel Plan provides details of existing public transport facilities.

The report states that "the applicant needs to demonstrate that the provision of cycle parking will not lead to the loss of further car parking spaces". The submitted General arrangement plan shows that 6 cycle stands will be provided without any impact on car parking spaces.

The report states that "No measures to minimise the need for parking have been submitted". However, a Draft Travel Plan has been submitted as part of the planning application.

Paragraph 7.1.8 of the report states that "No provision for cycle parking has been shown on the submission". As described above, cycle parking is shown on the submitted plan.

The report states that "There are 13 treatment rooms identified on the plan attached to the planning application, although only 6 of these, the doctors surgery rooms, have been identified in the parking provision calculations". As described above, on the basis of the submitted plan it is reasonable to suggest there will be 10 Consulting rooms at the site as a result of the proposal and the Highway Authority has used this number in its calculations.

Condition 1 may be more appropriate for inclusion in a s106 agreement.

Conditions

No part of the development as approved shall be occupied until details of a Green Commuter Plan containing a travel to work and car use strategy for the site as a whole has been submitted to and agreed in writing by the LPA. The plan shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from work and during working hours. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site. The plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, timescales, phasing programmes and on-site management responsibilities. It shall be implemented and subject to regular review in accordance with the above approved details.

Reason: To ensure that adequate steps are taken to provide a choice in mode of travel to and from the site for staff.

Before the development hereby permitted is first used, off-street car parking provision shall be made within the application site generally in accordance with the details shown on the submitted plan to the satisfaction of the Local Planning Authority (recommend not less than 35 car parking spaces). The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

Before the development hereby permitted is first used, cycle parking provision for the benefit of the proposal shall be made to the satisfaction of the LPA and once provided shall be maintained and kept available for use in perpetuity.

Reason: In the interests of the sustainability of the development and to encourage alternative transport choice.

Date Received	Date Of Inspection	Inspector	Signed Off
15/06/2010		Simon Hill	28/07/2010

Appendix

Response of the Director of Environment and Transport (Highways) in respect of the submitted Green Travel Plan

Simon,

Thank you for forwarding this Plan to me for review. I regret delay responding due to office move.

First may I comment that we wouldn't normally require a Travel Plan for a business unit with so few staff (said to be 20 in para 2.1 of the Plan but shown as an increase in 'full-time equivalent' staff from 14 to 17 in the application so includes some part-time staff) but I understand that the requirement can be justified under the terms of PPG13 Para 89 bullet points 2 or 4 and that it is the number of vehicle movements and parking requirement from the business journeys of the staff and the numbers and turnover of visiting patients and potential customers of the pharmacy that gives rise to concerns, rather than simply the journeys-to-work of the staff.

Reviewing the Plan, I note:

- paras 1.2, 7.1 and 9.0 indicate that this document is NOT the finalised Travel Plan but apparently an interim basis for consultation with stakeholders.
- that the proposal would result in the gain of 6 Sheffield bike parking stands (accommodating up to 12 cycles) and loss of two car parking spaces. In my view, if there were to be no additional activity at the site, these changes could be applauded as contributing to the aim of promoting more sustainable travel options for staff and patients.
- the disingenuous assertion in para 2.2 of the Plan that "this pharmacy will not attract users from further afield and thus (will) generate little requirement for additional parking" - although how little extra is not defined - and the further unsupported assertion that the proposal to provide an on-site pharmacy "is likely to reduce traffic and parking issues...". Although the pharmacy is described as a "dedicated service" for patients of Castlemead Medical Centre it is clear from the rest of the sentence that the pharmacy will be open to customers from elsewhere and is therefore akin to any other retail pharmacy for attracting trips. While it seems to me that it will be more convenient for patients of this and 'next-door' medical centres to be able to collect prescriptions without travelling elsewhere, common sense suggests that those that have travelled to and parked at this site by car for a medical appointment will park for longer while additionally waiting for their prescription to be made up, reducing turnover and hence car park capacity. Also, those that have obtained their prescription from a medical facility elsewhere might seek to move their vehicles to this site to park while their prescription is made up, using up further car park capacity and adding to local traffic movements.

In that light I would have recommended that the Travel Plan show a particularly firm car parking management strategy and particularly robust and attractive incentives for the staff and patients of the

medical centre and the pharmacy customers to travel to the site by any means other than a vehicle to be parked at the site, however temporarily. I do not consider para 6.4.4 to be adequate for that purpose.

I have also comparing the content of this Plan to the 'typical' wording of the travel plan condition you recommended should be applied to any planning consent in your initial consultation response to H&BBC of 2nd July. That condition requires amongst other things "a car use strategy" and "proposals for car parking restrictions and controls" so I do not consider the submitted Plan to be adequate in those respects and recommend the applicant be advised to redraft the Plan in the light of these comments and re-submit.

I list some other points (by paragraph number) that the applicant might like to consider in any redraft of the Plan:

-- 1.1 I welcome this introduction and the clear nomination of a Travel Plan Co-ordinator.

-- 1.2 second sub-para (and para 5.1) - Leicestershire CC doesn't have a 'TravelWise Award Scheme' but applauds and seeks to support all employers and planning applicants who seek to implement effective Travel Plans.

-- 1.2 third sub-para - should say "Regular monitoring and review will be undertaken..."

-- 2.3.1 measured from a map, I calculate that the effective walking distance to the centre from the railway station is well over 800m uphill. I also accept that the cycle routes/network in the Hinckley area (as anywhere else) would benefit from further improvement but feel this phrasing unfairly represents the progress that has been made by the Borough and County Councils in this regard in recent years. I note with regret that the medical centre has not previously created any cycle parking facilities despite the explicit mention of these in condition 3 of its previous planning consent 08/0383/FUL of June 2008

-- 2.3.2 I measure the walking distance from Waterloo Road bus station to be well over 600m uphill.

-- 3.0 I welcome the surveys of existing staff and visitors (but note these were conducted nearly a year ago and may have been affected by subsequent staff turnover and patient churn and that the patient survey may only cover a very small, possibly unrepresentative, sample of patients). It shows a pattern not untypical of small organisations with the majority of staff and visitors travelling in peak hours by single occupancy car and regrettably few travelling by more sustainable means despite a large proportion that said (in para 3.2) they would consider other options if they were available and attractive, and substantial proportions (para 3.5 and 4.2) that said it would be easy to walk or cycle to this destination. I would suggest that it would be interesting to see, amongst these tables, some correlations of journey distance with mode of travel. I would also like to see a diagram indicating the distances the staff travel on their business journeys (i.e. from paras 3.2 and 3.3 the spread and range of destinations they visit) and from para 4.2 the spread of locations of those that said it would not be possible to travel to this medical centre by means other than the car - these could provide useful clues to further ways to minimise journeys by car.

-- 5.1 I recommend in this case another bullet point objective "to minimise parking demand" be added.

-- 5.2 Targets - In view of what has been said in the survey results it is disappointing to see such small increases in the proportions of staff proposed to be attracted to walking, cycling and public transport modes. However, the target reduction in SOV car mode proportion is welcomed, as is the increase in car-sharing. While accepting that it may be harder to influence visitor travel modes, it is disappointing to see no target at all set for this, especially in view of the fact that vehicular movements and potential parking demand of visitors to the site are perhaps the most troubling aspect of the proposed development. Also the terms 'short-', 'medium-' and 'long-term' should be defined - by when are these target modal splits expected to be achieved? I would propose within 1 year, 3 years and 5 years respectively from the completion of the development proposed in the application.

-- Section 6 - In general I welcome all the proposed initiatives but am concerned that several key ones are undermined by the tentative way they are introduced - all examples of 'could encourage', 'may consider' and 'will consider' should be replaced by firm commitments to implement them so the actual proposals of the plan are clear and monitorable. This is particularly important at para 6.4.4 where a firm parking management strategy is required.

-- 6.2.2 I welcome the provision of showers for cyclists and presume one will be available for male staff as well? I wonder why the centre could not display (or make copies available of) the published district cycle map rather than create its own? I wonder if the centre would consider purchasing a 'pool bike' (possibly a battery assisted one?) for medical staff to use for local visits and meetings so they would not need to bring their own vehicle to work for these purposes?

-- 6.4.1 I wonder if the centre could consider providing a 'pool car' for longer distance staff business journeys so that there would no longer be the need to bring their own vehicles to the site for this purpose.

-- 6.4.6 As phrased, none of the four sub-paragraphs says what this organisation will actually do under each heading - too many 'possibilities' and 'can/could do' rather than certainties and 'will do'. All of this should be firmed up. Under 'Visitors', I wonder if more emphasis could be given to the key messages that I assume a health centre would want to be broadcasting about the health benefits of 'active travel' and for the relief of stress. In relation to the 'where to find us' maps - there should be commitment to produce these with details of bus routes and cycling facilities and offered to patients/visitors at the time of making their appointments rather than after they have arrived at the site.

-- 7.0 (and 9.0) The County Council officer that deals with this is the TravelWise Advisor located in the 'Travel Choice and Access Team' in the Environment and Transport Department.

-- 7.1 The involvement of stakeholders in decisions and the range of media to be used is applauded but I wonder why this has not already been done (associated with the survey last year?), or could not be done immediately before redrafting this plan, since most of the staff involved are already in place? It should be mentioned that some of this process will be repeated at each annual re-survey and review.

-- 8.2 The method of monitoring is welcome but it should be emphasised that the purpose of monitoring is to review the plan at regular intervals to check that it will still deliver the target benefits well into the future and, if not, in liaison with the local authorities, to propose ways to bring the plan back on track. I note that no penalties or sanctions are explicitly suggested if this plan should fail to

deliver its targets and it is left implicit that, if the review negotiations fail to resolve the matter, the local authorities will use their powers should it ever be necessary and expedient to do so.

I'm sorry to be so critical but I understand there are objectors to this scheme so that it is particularly important that that an effective plan is drawn up, implemented and monitored. Having said that, there is much in the plan to be commended and I do not think the adjustments suggested above would take a willing applicant very long to achieve an acceptable Travel Plan.

Regards
Chris
14/7/2010

Chris Geere
Leicestershire TravelWise Advisor
Travel Choice & Access Team - PTU
Environment & Transport Dept
Room: Rutland 700
Extn: 58398

Item: 03

Reference: 10/00401/FUL

Applicant: Persimmon Homes North Midlands

Location: Land Bound By Mill Lane, Thurlaston Lane And Clickers Way Earl Shilton Earl Shilton Leicestershire

Proposal: ERECTION OF 200 RESIDENTIAL UNITS WITH ASSOCIATED LANDSCAPING, ACCESS AND PUBLIC OPEN SPACE

Target Date: 6 September 2010

Introduction:-

This is a full application for the erection of 200 houses at land between Mill Lane, Thurlaston Lane and Clickers Way, Earl Shilton. The application proposes the principle access from Mill Lane by way of a new roundabout and a minor access serving 12 dwellings from Thurlaston Lane. The scheme is designed around a central green with a play area. A playing field, multi use games area (MUGA) and car park for these facilities are proposed in the south-eastern corner of the site and a storm water balancing pond is proposed in the north-eastern corner.

The application site is currently used for agriculture and falls from a central east-west ridge towards Thurlaston Lane to the north and Mill Lane to the south. Two former agricultural buildings remain on site which are in a derelict state.

There are some hedgerows within the site though these no longer connect to create smaller fields. Hedgerows exist along the boundaries to Mill Lane and Thurlaston Lane. The eastern boundary is also largely defined by hedgerow though some has been replaced by fencing forming the boundary of residential properties on King Richards Hill and Mill Lane. The western boundary is formed by new planting and Clickers Way which is in a culvert at this point. Thurlaston Lane crosses Clickers Way by way of a bridge while Mill Lane now terminates at the bypass with no vehicular connection possible. Pedestrian and cycle connections to the by-pass are possible from both Mill Lane and Thurlaston Lane.

The application proposes a mix of 1-4 bedroomed dwellings predominantly as detached and semi-detached properties with some terraces. The scheme proposes 40 of the 200 properties as affordable units which equates to 20%.

Members will be aware that the site falls within the indicative Sustainable Urban Extension (SUE) to Earl Shilton as shown on the Key Diagram within the adopted Core Strategy.

While originally considered as EIA development under the Town and County Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the applicant has since sought a screening direction from the Secretary of State who has directed that while the proposals are Schedule 2 development, they are not likely to have significant effects on the environment by virtue of factors such as its nature, size or location and therefore are not 'EIA development' within the meaning of the Regulations.

The application is supported by a Design and Access Statement which incorporates a Statement of Community Involvement and Site Waste Management Plan; a Planning Statement; a Flood Risk Assessment; a Foul Drainage Statement; a Transport Assessment and Travel Plan; a Phase 1 Environmental Report; an Ecological Assessment; a Review of

the proposals in relation to the Code for Sustainable Homes Ecology Credits; an Archaeological Desk Based Assessment; a Geophysical Survey and Trial Trenching Report; a Tree Assessment Report; an Affordable Housing Statement; an Energy Statement; a Noise Impact Assessment and a Draft Section 106 Heads of Terms document.

The Design and Access Statement sets out the evolution of the design for the site and states as a vision that ‘the development off Mill Lane will create a high quality residential neighbourhood, which will help facilitate, rather than prohibit, the wider Sustainable Urban Extension of Earl Shilton. The aspiration is to develop a design which is based on a contemporary interpretation of the existing character of the town and a commitment to high quality design which it is hoped will create a distinctive new area of housing.’

The Planning Statement considers the site and surrounding area, the proposed development, relevant planning policy and considers the five-year housing land supply position, the criteria of paragraph 69 of Planning Policy Statement 3 and the Core Strategy policy for the SUE and the emerging masterplan and Area Action Plan.

The Flood Risk Assessment and Drainage Strategy states that the site falls within Flood Zone 1 and has less than 1 in 1000 annual probability of fluvial flooding in any year. Surface water flows require attenuation so they do not exceed current run-off rates and sustainable urban drainage systems are recommended.

The Foul Drainage Statement states that the immediate gravity public foul sewers surrounding the site do not have any spare capacity to serve the development discharge. The Thurlaston Lane pumping station is highlighted as the nearest available foul sewage system that can be discharged to by gravity and that additional storage here may be required.

The Transport Statement details the proposed widening and roundabout to Mill Lane and the proposed Thurlaston Lane junction. The report states that the proposals would not preclude a new junction on the by-pass at Mill Lane as part of the Urban Extension development and that the proposed development will not be harmful to the operational capacity of the existing highway network.

The Phase 1 Geo Environmental Assessment concludes that the site poses a low risk to controlled waters and a moderate/low risk to human health. The site is not considered to be in an area where subsidence is likely to occur and a Phase II survey is recommended.

The Ecological Assessment concludes that based on survey work and background data searches there is no evidence to suggest that the proposed development of the site would lead to any significant adverse effect on any known protected species or ecological features of value at the national, county or local level.

The Code for Sustainable Homes Ecological Survey states that the development will achieve net positive benefits for ecology and therefore 5 of the 7 Code for Sustainable Homes credits for Ecology could be awarded.

The Archaeological Desk Based Assessment sets out that the site is considered to have high potential for below ground archaeological remains and that further investigation is carried out by geophysical survey and trial trenching.

The Geophysical Survey Report concludes that the detailed magnetic survey has been successful in locating a number of features representing possible archaeology. The Archaeological Evaluation sets out the findings from 26 trenches, 30m long, excavated to target the geophysical anomalies and blank areas highlighted in the previous survey.

Archaeological evidence was found in 12 trenches including evidence of an Iron Age ditched enclosure and a possible medieval windmill mound.

The Tree Assessment Report highlights that as a direct result of the proposals two individual trees and a group of trees would be removed. These are all classified as Retention Category C - Low and therefore their loss does not raise any objection on arboricultural grounds.

The Affordable Housing Statement sets out that 40 of the 200 dwellings would be affordable units split 75% social rented and 25% shared ownership. The social rented properties are a mix of 1 bedroom houses, 2 bedroom flats-over-garages and 2 and 3 bedroomed houses. The shared ownership properties are proposed as 2 and 3 bedroomed houses.

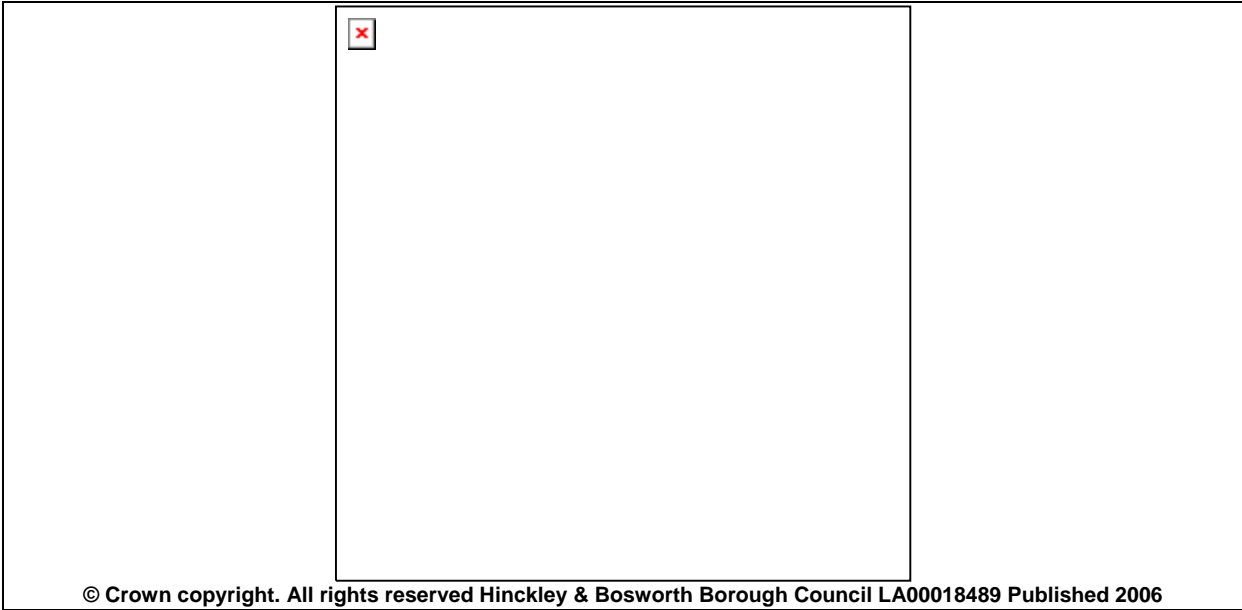
The Energy Statement sets out that the development will meet and exceed in virtually all respects those mandatory standards set out in Code Level 3. However, the proposal will not meet statutory credit SUR1 of the Code as this has been superseded by the Flooding and Surface Water Management Act 2010. As this is a statutory credit a code assessment will not be undertaken. The report states that a requirement to meet 10% of predicted energy demand can be met on site through solar thermal, photovoltaic's or air source heat pumps.

The Noise Impact Assessment details a noise survey undertaken which shows that the south-east corner and northern boundary adjacent to Thurlaston Lane fall within Category B where noise should be taken into account in determining applications. A 2.5 metre high earth bund or close boarded fence or combination of the two is suggested for the north eastern boundary corner parallel with the by-pass.

The draft Section 106 Heads of Terms document sets out that the applicant will enter into a Section 106 agreement to ensure delivery of such requirements as are reasonable and which accord with Circular 05/05 and Article 122 of the Community Infrastructure Regulations 2010.

History:-

None



Consultations:-

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

No objection subject to conditions have been received from the Chief Executive, Leicestershire County Council (Archaeology).

The Chief Executive, Leicestershire County Council (Ecology) raises no objection but notes that badgers are known to be within the vicinity though none were found on the site and request that works to hedgerows and trees are undertaken outside of the bird breeding season.

As a result of the Developer Contributions consultation, Leicestershire County Council has the following comments:-

- a) Director of Community Services (Ecology) – Request bat bricks and boxes are installed and native trees planted.
- b) Director of Children and Young People's Service (Education) – Make no request as there is surplus capacity in all local schools.
- c) Head of Commercial and Support Services (Libraries) – Request a contribution of £11,750 towards the costs of an enhanced programme of refurbishment and improvements to facilities.
- d) Director of Highways, Transportation and Waste Management (Civic Amenity) – Request £9,038 towards new or improved civic amenity site infrastructure at Barwell.

The Primary Care Trust seeks a contribution of £201,280 for improvements at the Heath Lane, Earl Shilton Practice. The comments state that the current facilities are at capacity and that the contribution would allow expansion and internal reorganisation to increase capacity. Leicestershire Constabulary Crime Reduction Officer states that there have been a very high number of crimes recorded in the vicinity. The comments suggest the use of cul-de-sacs to reduce the permeability of the site, the use of bollards to prevent vehicular access to the pedestrian and cycle links and raise concerns regarding rear access to properties. Further information on boundary treatments and lighting plans is requested to be controlled by condition. A contribution is requested for the equivalent of 1.91 members of staff, 28.06 square metres of general accommodation floor space and 2.51 square metres of custody space equating to a total contribution of £121,200.

Earl Shilton Town Council object to the application and state that the scheme is piecemeal and inappropriate in the absence of the Area Action Plan. They state that without the AAP there are insufficient measures in place to properly mitigate and sooth all of the impacts on the town.

The Environment Agency object to the proposals as the applicant has not indicated if there is sufficient capacity at Earl Shilton sewage treatment works to deal with the foul sewage from this development posing risks of pollution to water quality. Further conditions are also requested.

The Highways Agency have directed that the application is not granted until their concerns regarding the impact of the development on the A5 have been addressed. The comments state that 'in the absence of the Earl Shilton Area Action Plan (AAP) as envisaged by the Core Strategy, the appropriate level of mitigation for the development, either in terms of schemes or costs, cannot as yet be identified' and that 'while this proposal for 200 dwellings is not expected on its own to have a significant impact on the critical A5 junctions, the application as it stands does not identify a specific contribution to the wider transport impacts as required by the Core Strategy, despite constituting a tenth of the Earl Shilton SUE'.

The Cyclists Touring Club supports the cycle route through the site as being more direct than proposed in other developments.

Blaby District Council refers to the development of the Sustainable Urban Extension and states that it does not object to the principle of large scale growth in this area but highlights that this application would appear to be contrary to Policy 2 of the adopted Core Strategy. The comments state that of particular concern to Blaby District Council is that if this site comes forward prematurely in relation to the wider SUE, opportunities to develop and implement a successful package of transport improvements and measures to mitigate the additional traffic generated by the development could be missed.

The Head of Business Development and Street Scene Services does not object but highlights that containers will need to be taken to the boundary of the public highway and that parts of the scheme may need communal areas for the placement of containers on collection day.

The Head of Community Services (Pollution) raises no objection subject to conditions. Further information on noise monitoring positions has been provided to the satisfaction of Pollution.

The Director of Corporate and Scrutiny Services (Green Spaces) comments that plots need to be set further from tree T5 and tree group TG2 to accommodate the trees predicted growth and that drive construction should be outside of root protection areas.

St Peters Roman Catholic School object to the application on the following grounds:-

- a) premature to the proper planning of the area
- b) access should be from the by-pass as shown in options 1 and 2 (the masterplan options consultation)
- c) footpaths outside the school have insufficient width with on street parking reducing Mill Lane to one-way traffic which interferes with the safe and free flow of traffic.
- d) disagree with the Traffic assessment trip distributions.
- e) distance from the development to the next road access should an emergency occur.
- f) access to Thurlaston Lane is within the countryside on a derestricted and unlit road with poor visibility.
- g) will put extra pressure on local schools

David Tredinnick MP objects to the application stating that the proposals have significant difficulties relating to access and transport matters, with the main access being impractical and dangerous while the development would have a major negative impact on the road network of Earl Shilton. The development would exacerbate significant infrastructure and service provision issues from recent piecemeal development. The letter continues to state that if the Borough Council is proposing to extend the community of Earl Shilton onto local greenfields we can ill afford to lose more undeveloped land to applications such as this and that the development will have an adverse impact on wildlife and biodiversity.

Site notice and Press notice were displayed and neighbours notified.

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

- a) area serves as a buffer between local towns and villages
- b) availability of homes for sale in Earl Shilton
- c) other large development sites nearby
- d) impact on local infrastructure, schools, doctors, and police
- e) impact on Mill Lane / surrounding roads
- f) no link to by-pass proposed
- g) loss of green belt
- h) traffic congestion at local schools exacerbated
- i) existing road network constrained by on-street parking

- j) sewage depot cannot cope
- k) existing properties could be pulled down and built on
- l) no footpath adjacent to existing properties
- m) contribution to noise and air pollution from the by-pass
- n) contribution to soil / groundwater contamination from the cemetery
- o) contribution to smells from the sewage works
- p) traffic safety concerns
- q) substandard visibility on A47 junction
- r) development would be highly visible in open countryside
- s) damage to wildlife and habitat
- t) impractical and dangerous accesses
- u) more than 150 houses served from a single access point
- v) safety of school children, girl guides and horse riders with traffic increase and construction traffic
- w) loss of view, privacy and light
- x) impact on ability to sell neighbouring property
- y) community has suffered from noise and disruption from the by-pass
- z) recreational areas would be a drain on the rate payer
- aa) piecemeal approach to the SUE
- bb) evidence of bats and rare birds on the site not reflected in submitted reports
- cc) loss of trees
- dd) required contributions will increase price of houses and lead to more being unsold
- ee) housing not required following Government's removal of housing targets
- ff) not within walking distance of the town centre
- gg) lack of jobs for new residents
- hh) proposed homes not in keeping with adjacent properties
- ii) lack of provisions for family eating
- jj) football pitch too close to the by-pass
- kk) noise disturbance
- ll) loss of farm land
- mm) existing residents should be compensated for devaluation of property
- nn) consultation has not finished on Sustainable Urban Extension
- oo) more affordable housing not needed.

A petition signed by 6 residents of King Richards Hill has been received which objects to the proposals on the following grounds:-

- a) just endured the upset, noise and mess of the by-pass construction
- b) traffic will be far too much for the area
- c) access to Mill Lane is dangerous
- d) schools cannot cope with extra children
- e) medical facilities already stretched
- f) current building projects not selling in Earl Shilton
- g) green belt land should be respected.

At the time of writing this report no comments have been received from Severn Trent Water Limited

Policy:-

Central Government Guidance

Planning Policy Statement 1 - Delivering Sustainable Development sets out the Government's objectives for the planning system. The document states that high quality and inclusive design should be the aim of all those involved in the development process.

The Planning System: General Principles forms a supplement to PPS1. This states that “planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging Development Plan Documents. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached”.

Planning Policy Statement 3 - Housing sets out the national planning policy framework for delivering the Government's housing objectives. This document states at paragraph 12 that good design is fundamental to the development of high quality new housing.

The PPS states the need for Local Planning Authorities to set out policies and strategies for delivering housing provision which will enable continuous delivery of housing for at least 15 years. Further to this, sufficient specific deliverable sites to deliver housing in the first five years should be identified. Paragraph 71 of PPS3 states that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites they should consider favourably planning applications for housing having regard to the considerations in Paragraph 69.

Paragraph 69 states that Local Planning Authorities should have regard to: achieving high quality housing; ensuring developments achieve a good mix of housing; the suitability of the site for housing; using land effectively and efficiently and ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

Planning Policy Statement 7 - establishes national planning policy for rural areas. This states that to promote more sustainable patterns of development and make better use of previously developed land, the focus for most additional housing in rural areas should be on existing towns and identified service centres.

Planning Policy Statement 9 - Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Guidance Note 13 – Transport sets out national transport planning policy. With regards to parking provision this states that Local Authorities should ‘not require developers to provide more spaces than they themselves wish’ and that ‘reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices’.

Planning Policy Statement 23 – Planning and Pollution Control sets out national planning guidance on pollution of land, air and water.

Planning Policy Guidance Note 24 – Planning and Noise guides Local Authorities on the use of planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

Planning Policy Statement 25 – Development and Flood Risk aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.

Regional Policy

The Secretary of State has indicated his intention to abolish Regional Spatial Strategies (RSS) and laid down an order on 6th July to revoke them with immediate effect, accordingly very minimal weight should be attached to the policies of the East Midlands Regional Plan.

Local Policy

Local Development Framework – Adopted Core Strategy (2009)

Earl Shilton is classed as part of the sub-regional centre and the application site forms part of the indicative Sustainable Urban Extension as shown on the key diagram.

Paragraph 4.20 states that the Sustainable Urban Extensions will act as a catalyst for the regeneration of Barwell and Earl Shilton, and as such, developers will be expected to contribute to existing facilities and the local centres as appropriate.

Policy 2 – Development in Earl Shilton states that to support the regeneration of Earl Shilton the council will allocate land for the development of a mixed use Sustainable Urban Extension of 2000 homes, 10 hectares of employment, neighbourhood shops, a new primary school, GP, neighbourhood policing and green space provision. The Policy states that ‘detailed requirements for this Sustainable Urban Extension including boundaries, facilities to be provided, layout and design, will be set out in an Area Action Plan. All development must be in conformity with the Area Action Plan. No piecemeal developments will be permitted.’

Policy 5 – Transport Infrastructure in the Sub-regional Centre sets out transport interventions to support additional development in and around the sub-regional centre, particularly the urban extensions at Barwell and Earl Shilton, to promote sustainable development. The interventions include improvements to the A5 Longshoot junction, links for buses, walking, cycling and local traffic, public transport improvements to the A47 and within Earl Shilton and new pedestrian and cycle linkages into Earl Shilton. The policy states that details of the proposed schemes will be brought forward in the Barwell / Earl Shilton Area Action Plan. The Policy states that developers will be required to contribute towards the implementation of these initiatives through developer contributions and that new development that would prejudice their implementation will not be permitted.

Policy 15 seeks the provision of Affordable Housing on residential proposals within Earl Shilton and the Sustainable Urban Extensions of 20% with a tenure split of 75% social rented and 25% intermediate housing.

Policy 16 seeks residential development to provide a mix of housing types and tenures at a minimum density of 40 dwellings per hectare within the sub-regional centre apart from in exceptional circumstances where individual site characteristics dictate and are justified when a lower density may be acceptable.

Policy 20 sets out how a green infrastructure network will be achieved. With regards to the Earl Shilton SUE it states that access to Burbage Common should be protected and a recreational corridor to the common should be provided. Suitable crossing points over the bypass should be retained to maintain visual and physical links between Earl Shilton and the surrounding countryside.

Policy 24 requires new development in Earl Shilton to meet Level 3 of the Code for Sustainable Homes.

Hinckley and Bosworth Local Plan (2001)

The site is adjacent to but outside the settlement boundary of Earl Shilton as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1: Design and Siting of Development states that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high standard; and would not be prejudicial to comprehensive development of a larger area of land which the development forms part.

Policy REC2 requires all new residential development to provide outdoor play space for formal recreation.

Policy REC3 New Residential Development - Outdoor Play Space for Children requires the appropriate level of 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.

Policy RES5: Residential Proposals on Unallocated Sites refers to residential proposals on unallocated sites and states that residential proposals on such sites will be granted planning permission if they lie within the boundaries of a settlement area and the siting, design and layout does not conflict with the relevant plan policies.

Policy T5: Highway Design and Vehicle Parking Standards refers to the application of appropriate standards for highway design and parking provision for new development.

Policy T9: Facilities for Cyclists and Pedestrians encourages walking and cycling including facilities for cycle parking.

Policy NE2: Pollution states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution.

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

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

Supplementary Planning Guidance / Documents

Further guidance is provided within the Borough Council's Supplementary Planning Guidance for Residential Development and the Supplementary Planning Documents concerning Play and Open Space and Sustainable Design.

Other Material Considerations

On the 27th May 2010 the Secretary of State for Communities and Local Government issued a letter to all Local Authorities indicating the Coalition Government's commitment to abolish

the Regional Spatial Strategy and return decision making powers on housing and planning to local councils. The letter states that "decisions on housing supply (including the provision of travellers' sites) will rest with Local Planning Authorities without the framework of regional numbers and plans". The Secretary of State continues to confirm that the letter is to be considered as a material planning consideration in any decisions until a formal announcement is made on this matter.

Members will be aware that Capita Lovejoy has been appointed to develop masterplans for the proposed Urban Extensions to Earl Shilton and Barwell and assist the Borough Council with the production of the Area Action Plan. The masterplan for the Earl Shilton Sustainable Urban Extension was subject to initial public consultation in December 2009 and stakeholder workshops in March 2010. Following this a further round of public consultation is planned for October 2010. The masterplan will form part of the AAP which is proposed to be submitted to the Secretary of State in November 2011 and will then be subject to an Examination in Public following which it will be adopted and hold Development Plan Document status.

Appraisal:-

The main considerations with regards to this application are the principle of development, five year housing land supply; impact on the character and appearance of the countryside; access and impact on the highway network; impact on neighbouring properties; design and layout; developer contributions and affordable housing and other matters.

Principle of development

The site is located outside of the settlement boundary of Earl Shilton as designated in the adopted Local Plan and is therefore subject to Policy NE5 which seeks to restrict development in the countryside for its own sake and states that planning permission will only be granted for development that is important to the local economy, for the change of use of existing buildings or for sport and recreation. The proposed residential development does not meet these criteria.

The site is highlighted as part of the proposed urban extension to Earl Shilton within the Core Strategy Key Diagram. The precise boundary will be defined through the Earl Shilton and Barwell Area Action Plan (AAP) but until this is progressed the settlement boundary remains as that set in the Local Plan.

As this site is located within the proposed boundary for the Sustainable Urban Extension, the development should also be considered against Policy 2 of the Core Strategy. As set out above, Policy 2 sets out that the detailed requirements for the Urban Extension including boundaries, facilities to be provided and layout and design will be set out in an AAP and that all development must be in conformity with the AAP. While the masterplan for the urban extension has progressed the AAP is not expected to be submitted to the Secretary of State until November 2011 therefore in the absence of the AAP the proposal cannot be considered to be in conformity with Policy 2. The Policy also states that no piecemeal developments will be considered, as this application is for part of the Urban Extension site it is considered to be a piecemeal development and is therefore also contrary to Policy 2 in this regard.

Five-year housing land supply

Members will be aware of the current shortfall in housing land supply within the Borough despite recent approvals for residential development. Although recently updated, Planning

Policy Statement 3 continues to require Local Authorities to identify and maintain a rolling 5-year supply of deliverable land for housing. In particular at paragraph 71 the PPS states 'where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites ... they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in Paragraph 69'.

The most recent Annual Monitoring Report shows a 303 dwelling shortfall in supply or a provision of four years and four months within the Borough. It is considered that this lack of supply is sufficient to overcome the 'in principle' objection to development through policy NE5 subject to the key criteria set out in paragraph 69 of PPS3 being met.

As set out above, paragraph 69 states that Local Authorities should have regard to; achieving high quality housing; ensuring developments have a good mix of housing; the suitability of the site for housing, including its environmental sustainability; using land effectively and efficiently and ensuring the proposed development is in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for the area, and does not undermine wider policy objectives.

It is considered that the submission demonstrates that a high quality development could be achieved and that a sufficient mix of housing is proposed both in terms of size and style of dwelling and in tenure. While a density of 35 dwellings per hectare is proposed compared with a requirement of 40 in the Core Strategy, it is still considered that the land would be used effectively and efficiently given the character of adjacent existing development, the flexibility in the Core Strategy Policy and the recent national policy changes that have removed minimum densities from PPS3. The site is considered suitable for development in principle as it is designated as part of the Sustainable Urban Extension though a suitable access would need to be demonstrated.

However, as the site forms part of the wider SUE, and Core Strategy Policy 2 requires comprehensive development, the application should also be considered in this context. In this light, it is not possible to state that the quality, mix and density is acceptable as the AAP will look to define these features and how they will vary through the site once the distribution of land uses is agreed.

Furthermore, the final criterion of Paragraph 69 states that the proposals should be in line with planning for housing objectives reflecting the need and demand for housing in, and the spatial vision for the area, and does not undermine wider policy objectives. While the spatial vision for the area would envisage development on this site as part of the wider Sustainable Urban Extension, the detailed vision for which will be set through the AAP. The development also does not meet the 'wider policy objectives' for the area in that the aspiration for the SUE is to act as a catalyst for regeneration in the town as a whole. This cannot be achieved except through a comprehensive approach as envisioned by the Core Strategy. In this regard the application is considered not to comply with Paragraph 69 of PPS3 and therefore even though a five-year housing supply cannot be demonstrated the application should not be 'considered favourably' under paragraph 71 of PPS3.

Impact on the character and appearance of the countryside

While positioned outside of the settlement boundary of Earl Shilton, as discussed above, the site is proposed for development in the long term through the SUE. The building of the bypass has changed the character and appearance of this area and the road now provides a more appropriate boundary between development and the countryside. The Site Analysis and Contextual Appraisal undertaken for the Masterplan development highlights the area as being visually sensitive in that it can be seen from the wider area being on higher land. This would mean that the area has limited capacity to accommodate development without

mitigation measures to reduce effects and that consideration should be given to the type of development proposed. In this regard, residential development may be the most appropriate land use as this would be more visually sensitive than other land uses to be accommodated within the SUE such as employment development.

While the proposal is an incursion into the countryside, the building of the by-pass provides a more appropriate limit to development and the longer term proposal of the SUE would see development in this area therefore it is not considered that the impact on the character and appearance of the countryside is sufficiently detrimental to warrant refusal.

Access and impact on the highway network

The application proposes a principal access from a new three-arm roundabout on Mill Lane with a secondary access to serve 12 units from Thurlaston Lane. The consultation response from Director of Environment and Transport (Highways) recommends refusal of the application as the development has not been considered in the context of the wider masterplan for the SUE and that the applicant has failed to demonstrate the impact of the proposals on the surrounding highway network.

The comments state that the gathering of evidence to support the AAP is ongoing including assessing the transportation impacts of the SUE and identifying a suitable package of highway and non-highway mitigation measures to make large scale growth acceptable. Further to this the applicant has not made specific reference to any physical or financial contribution towards the wider infrastructure requirements of the SUE required through Core Strategy Policy 5. The consultation response also requests further information on the access, pedestrian and cycle routes and assumptions on traffic growth.

The Highways Agency has also issued a holding direction which states that planning permission shall not be granted until their direction is removed. Their comments make reference to Core Strategy Policy 5 and the transport infrastructure improvements required and state that in the absence of the AAP, as envisaged by the Core Strategy, the appropriate level of mitigation for the development, either in terms of schemes or costs, cannot be identified. The comments continue to state that while this proposal for 200 dwellings is not expected on its own to have a significant impact on the critical A5 junctions, the application as it stands does not identify a specific contribution to the wider transport impacts as required by the Core Strategy, despite constituting a tenth of the Earl Shilton SUE.

A reason for refusal is therefore proposed on the grounds that the proposal does not meet the infrastructure requirements of Policy 5 of the Core Strategy.

Impact on neighbouring properties

Existing properties bound the application site to the west. The proposals largely meet required separation distances of 25 metres window to window and 14 metres window to blank elevation. Some minor alterations which set plots 32 and 33 further from existing properties on King Richards Hill are required. Plots 36 and 56 should also be set further from retained trees.

Design and Layout

As discussed above, the scheme proposes a mix of housing sizes and scales centred around a green containing a play area. A circular internal road network is complimented by more direct cycle and pedestrian routes which also link Mill Lane and Thurlaston Lane. The south-eastern corner contains a playing field, MUGA and car park for these facilities while a further small area of open space is proposed adjacent to properties on King Richards Hill which face

the development site and a balancing pond and linear area of open space adjacent to Thurlaston Lane are also proposed.

The scheme could benefit from the changes with regards to separation distances from existing properties and trees as set out above, however a more detailed assessment of the acceptability of the layout, housing styles and the overall urban design of the proposal should be considered against a properly developed character area assessment for the SUE which would take into account the need to include a mix of land uses, densities and styles of development though the wider development area. Without this assessment it is not possible to state that the design and layout of the proposal is acceptable at this time.

Developer Contributions and Affordable Housing

The application proposes 20% affordable units with a 75/25% split between social rented and intermediate tenure. The social rented element is a mixture of 1, 2 and 3 bedroomed properties reflecting the need for smaller sized accommodation. The units are distributed around the site in clusters. This approach is considered in accordance with Policy 15 of the Core Strategy and therefore acceptable.

Contribution requests have been received from Leicestershire County Council as set out above of £11,750 towards libraries and £9,038 towards civic amenity. No request has been made towards education provision. Further information is awaited from the County to clarify the lack of an education request given the concerns raised by local residents, the school, pre-application comments which sought a contribution, and the requirement for a new primary school for the SUE as set out in the Core Strategy.

A contribution has also been requested by the Police of £121,200 towards staff and accommodation to meet the additional population created by the development and £201,280 has been requested by the PCT to allow extensions and internal alterations to Heath Lane Surgery.

These contributions reflect the land uses set out in Policy 2 for the Urban Extension, however, the detailed requirements of the facilities to be provided will be set out in the AAP. At this stage, the Infrastructure Schedule, which will form part of the evidence base for the AAP, has not been finalised therefore the requirements for the SUE as a whole or the contribution from any application, cannot be specified. While contribution requests have been received and the applicant has stated that they would be willing to make reasonable and justified contributions, the precise details required are not known at this stage and to accept contributions without this understanding may prejudice delivery of justified, co-ordinated and necessary infrastructure as envisioned in the Core Strategy.

The application proposes sufficient on-site public open space to meet the requirements of Local Plan policies REC2 and REC3 through the provision of the playing field, Local Equipped Area of Play, Multi Use Play Area and surrounding informal open space. However, the comments from the Head of Corporate and Scrutiny Services (Green Spaces) state that the pitch should be located with other pitches to be provided as part of the SUE to allow shared changing facilities to be available. The submitted Design and Access Statement includes an alternative layout of dwellings on the playing field with an additional Local Equipped Area of Play in the corner of the site with a contribution towards off-site provision proposed. The preferred position for formal pitch provision will not be agreed until the SUE AAP is progressed therefore at this time it is not possible to state that the proposals are acceptable in this regard. Similarly, the required interventions to achieve the green infrastructure network and connections to Burbage Common set out in Policy 20 will be detailed in the AAP and again it is not possible to consider the proposals as acceptable at this time.

The Core Strategy emphasises the aspiration for the Urban Extension to be a catalyst for regeneration of Earl Shilton and the detailed requirements for the facilities to be provided will be set out in the AAP. It is therefore considered that until the Infrastructure Schedule is sufficiently progressed to allow a proportion of the overall infrastructure to be provided by this site then an additional reason for refusal should be included, on the grounds that without these contributions the delivery of the required infrastructure may be prejudiced.

Other Matters

Concerns have been raised by the Environment Agency on the ability of the sewage network to handle the development and the subsequent impact that may have on controlled waters. The applicant is seeking to address this concern, the outcome of which will be presented as a late item.

The application does not propose to meet Code Level 3 as required by Policy 24 of the Core Strategy as mandatory credits for surface water cannot be achieved. Other aspects of the Code could be achieved and controlled by condition as could the proposal within the submission to provide 10% of energy requirements on-site. Given this, while not in conformity with Policy 24, the scheme is considered to propose sufficient measures to mitigate its impact on the environment.

Conclusion

The application site forms part of the Earl Shilton SUE. Policy 2 of the adopted Core Strategy sets out that the detailed requirements for the SUE will be set out in an Area Action Plan. While the masterplan is shortly to be issued at preferred option stage, the AAP is yet to be progressed. The Policy also states that the piecemeal development of the SUE will not be permitted. The scheme is considered to be contrary to Policy 2 in that it forms piecemeal development and in the absence of the AAP it cannot meet the detailed requirements which the AAP will set. Furthermore, the scheme is considered to be contrary to BE1 which states that the development should not be prejudicial to the comprehensive development of the larger area of land of which the development forms part.

Policy 5 sets out the transport infrastructure required to support development in the sub-regional centre. The comments from the Director of Environment and Transport (Highways) and the Highways Agency state that the application does not satisfy the requirements on this policy and that the application should not be permitted.

The conflict with Policies 2 and 5 of the adopted Core Strategy are considered to demonstrate that the scheme fails to meet paragraph 69 of PPS3 in that permitting the proposal would undermine the wider policy objectives of the SUE as a catalyst for regeneration in Earl Shilton. Therefore, notwithstanding the shortfall in five-year housing supply, the application should not be 'considered favourably' under PPS3 Paragraph 71 and the application can be recommended for refusal.

RECOMMENDATION :- REFUSE, for the following reasons :-

- 1 In the opinion of the Local Planning Authority, prior to the progression of the Barwell and Earl Shilton Area Action Plan, the proposals are considered to be piecemeal having regard to the current status of the Earl Shilton Masterplan and would create incremental development which would undermine the wider policy objectives for the Urban Extension as set out in Core Strategy Policy 2: Development in Earl Shilton, and would be prejudicial to the comprehensive development of the larger area of land

Item: 04
Reference: 10/00431/FUL
Applicant: Mr John Lawton
Location: Aqueduct Farm Bosworth Road Shenton Nuneaton Leicestershire
Proposal: EXTENSION TO AGRICULTURAL BUILDING
Target Date: 15 September 2010

Introduction:-

This is a full application for the erection of a four-bay general purpose agricultural building of 518 square metres floor space. The proposed building is to be attached to an existing barn and the proposal measures 21 metres by 24 metres, has a height to the ridge of 6.6 metres and a height to the eaves of 3.8 metres.


The proposed building is located within an existing farmyard within a complex of traditional and more modern farm buildings. It will comprise a portal frame structure, and walls clad with timber boarding and fibre cement roof. The proposed building will have two openings, one at either end. The proposal will result in a dilapidated building being removed. The agent has confirmed that the agricultural holding is approximately 60.7 hectares of arable crops and pasture land. The stocking numbers are approximately 20 Suckler Cows, 1 Stock Bull and 105 Beef Cattle.

The village of Shenton has no settlement boundary and the siting of the building is therefore within the countryside, it will also straddle the Shenton Conservation Area boundary.

The Design and Access Statement submitted with the application states that the proposal is to replace a building on the same footprint, that was destroyed by fire last year.

History:

03/00118/COU	Change of use of barn to Farm Shop	Approved	15.04.03
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Consultations:-

No objections received from The Environment Agency.

The Director of Environment and Transport (Highways) suggests the use of the standing advice procedure and recommends conditions on the use remaining for agriculture and ancillary to the farm use

The Head of Community Services (Land Drainage) has no objection subject to notes to applicant on surface water, livestock and septic tank

Site notice and Press notice were displayed and neighbours notified.

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

British Waterways
Sutton Cheney Parish Council
Neighbours.

Policy:-

Central Government Guidance

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's planning policies for rural areas. One of its objectives is to promote sustainable, diverse and adaptable agriculture sectors where farming contributes both directly and indirectly to rural economic diversity. Paragraph 1 states that new building development in the open countryside away from existing settlements should be strictly controlled to protect the countryside for the sake of its character, beauty, diversity, heritage and wildlife so it may be enjoyed by all. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. Paragraph 16 states that when determining planning applications for development in the countryside, local planning authorities should: (i) support development that delivers diverse and sustainable farming enterprises.

Local Policy

Local Development Framework – Adopted Core Strategy 2009

No policies relevant

Hinckley and Bosworth Local Plan 2001

The site lies within the countryside as defined within the adopted local plan.

Policy BE1 considers the design and siting of development, seeking a high quality of design through only allowing development that complements or enhances the character of the surrounding area.

Policy BE7 of the adopted Hinckley and Bosworth Local Plan states that the primary planning policy in conservation areas is the preservation or enhancement of their special character and appearance. Any development within conservation areas should be sympathetic to the characteristic form in the area.

Policy NE5 states that the countryside will be protected for its own sake and development only allowed to support the local economy, for the change of use, extension or reuse of existing buildings or for sport and recreational purposes.

Supplementary Planning Guidance

Supplementary Planning Guidance in relation to the Design of Farm Buildings states that the position of a new farm building or structure is usually dependant on its function and the space available. There are other factors that should be taken into account, such as the visual importance of the building, both in the wider landscape, and within the farm complex itself. The function will influence the scale and type of building and, the long term agricultural requirements of the building should be considered.

Other Material Policy Guidance

Shenton Conservation Area Appraisal refers to the Aquaduct Farmhouse as an 'Important building' within the Conservation Area.

Appraisal:-

The main issues for consideration are the principle of development, the effect of the proposal on the character and appearance of the Conservation Area and countryside, impact on neighbours and highway safety.

Principle

Development is permitted in the countryside where it is necessary for the local economy and, farm enterprises fall within this category. However, the local authority has to be certain that the proposed building is required for the agricultural practices relating to the land on which the building is sited.

The needs of the holding and agricultural operation are a material consideration in assessing such applications. The agricultural holding is 60.7 hectares. This land is currently put to arable and beef rearing. The general purpose building is required to replace an existing dilapidated building and a barn which was erected on a similar footprint but burnt down last year. The requirement for a building of the size proposed is considered justified, and therefore the principle of development is considered to be acceptable.

Character and Appearance of the Conservation Area and Countryside.

The siting of the proposal is not particularly prominent in that it is screened in all directions by existing buildings therefore, the effect on the Conservation Area and the countryside is limited to openings between buildings and the existing access. However, due to the height of the building, there will be some view of the roof, which consists of grey fibre cement roof sheets, above the traditional brick barns to the front of the site. The proposal will have the appearance of a typical, modern barn, similar to that of the existing barn to which it will be attached with timber boarded sides, which is well related to the existing farm complex and its design is not considered to cause any significant harm to the character and appearance of the conservation area or the countryside.

Impact on Neighbours

The nearest neighbours to the proposal are two dwellings located on the opposite side of Bosworth Road and a pair of dwellings to the south west of the site located along the road frontage. It is considered that the impact caused by the proposal on these dwellings will be

negligible taking into account the existing farm operation on the site and the location of the proposal well within the site.

Highway Safety

The highway authority have requested conditions that the building should not be sold or let separately to the land on which it is located, and the building should be used only for that which it is approved. It is not considered that either would comply with Circular 11/95 and therefore would not be valid conditions.

The proposal would use an existing access that serves the existing building on the site. The proposed building is required in connection with the existing use of the land and therefore it is not considered that the proposal would create significant additional turning traffic that would result in a highway danger.

Conclusion

The information provided justifies the principle of a new building of the size proposed and it is considered that the siting is acceptable because it results in a location which does not have a significant effect on the Conservation Area or the countryside. It is therefore considered that the proposal complies with policy and therefore the application is recommended for approval.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it relates to agricultural use and the design and appearance of the building would not have an adverse impact on the character or appearance of the Shenton Conservation Area, the countryside, the amenities of neighbouring properties or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, BE7, NE5 and T5.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site and Block plans received 14 July 2010. Proposed elevations received 21 July 2010.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed agricultural building shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 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, BE7 and NE5 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 Surface water should be discharged to a soakaway or natural watercourse.
- 6 If it is intended to house livestock in the proposed building, provision shall be made to ensure that animal waste and surface water contaminated by animal waste will not be discharged to ditches, watercourses or soakaways. Slurry, contaminated runoff - including wash water - and leachate from stockpiled manure, must be collected in tanks (or lagoons) complying with the standards laid down in the 'Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991'. Clean roof water should be discharged to soakaways (subject to suitable ground strata), ditches or watercourses.
- 7 If a septic tank is to be provided, it will require the consent of the Environment Agency and must comply with the Agency's conditions.

Contact Officer:- Louise Forman Ext 5682

Item: 05

Reference: 10/00470/FUL

Applicant: Mr J E Garland

Location: Mythe Farm Pinwall Lane Pinwall Atherstone Leicestershire

Proposal: CHANGE OF USE OF AGRICULTURAL BUILDINGS TO FORM WEDDING VENUE AND BED AND BREAKFAST ACCOMMODATION

Target Date: 11 August 2010

Introduction:-

This application was deferred for consideration from the meeting of the Planning Committee on 3rd August 2010 due to uncertainties over whether all third parties had been notified of the committee meeting and the public speaking process. All parties will now be notified in accordance with the Council's procedures.

This application seeks full planning permission for the change of use of a range of traditionally constructed brick and tile former agricultural buildings and an adjacent portal framed agricultural building to create a wedding venue at Mythe Farm, Pinwall Lane, Pinwall. The proposed wedding venue will cater for a maximum of 150 guests and the scheme includes the provision of 7 no. bed and breakfast units and the replacement of an existing lean-to extension with a new extension to provide accommodation for a ceremony barn. Landscaping and a parking area are also proposed. All works are proposed to achieve a 'very good' BREAAAM rating.

The buildings subject to conversion/reuse are a courtyard of red brick farm buildings of both single and two storey scale, and a modern portal frame agricultural building.

Mythe Farm is accessed from Pinwall Lane close to the junction with Ratcliffe Lane. Whilst having a postal address of Pinwall, the farm is situated midway between Pinwall, Ratcliffe Culey and Atherstone close to the boundary between Leicestershire and Warwickshire.

Mythe Farm extends to approximately 150 acres in total. The farm is a mixed unit of approximately 24 hectares of arable land currently down to wheat and approximately 26 hectares of grassland over which there are 250 breeding ewes. 8 hectares of the farm is recently planted woodland under the English Woodland Grant Scheme and a B&B is run from the farmhouse. There are 9 DIY livery stables on site and an equestrian cross country course across the grassland. Ticketed fishing is available along stretches of the Sence and Anker rivers which run through the farm.

The application is accompanied by a design and access statement, planning statement, structural survey, transport assessment and, Bat survey and Great Crested Newt survey.

The design and access statement seeks to justify the design of the proposal and seeks to demonstrate that the scheme is an appropriate mix of conservation and new building that result in a high quality development.

The planning statement seeks to justify the proposals compatibility with planning policy.

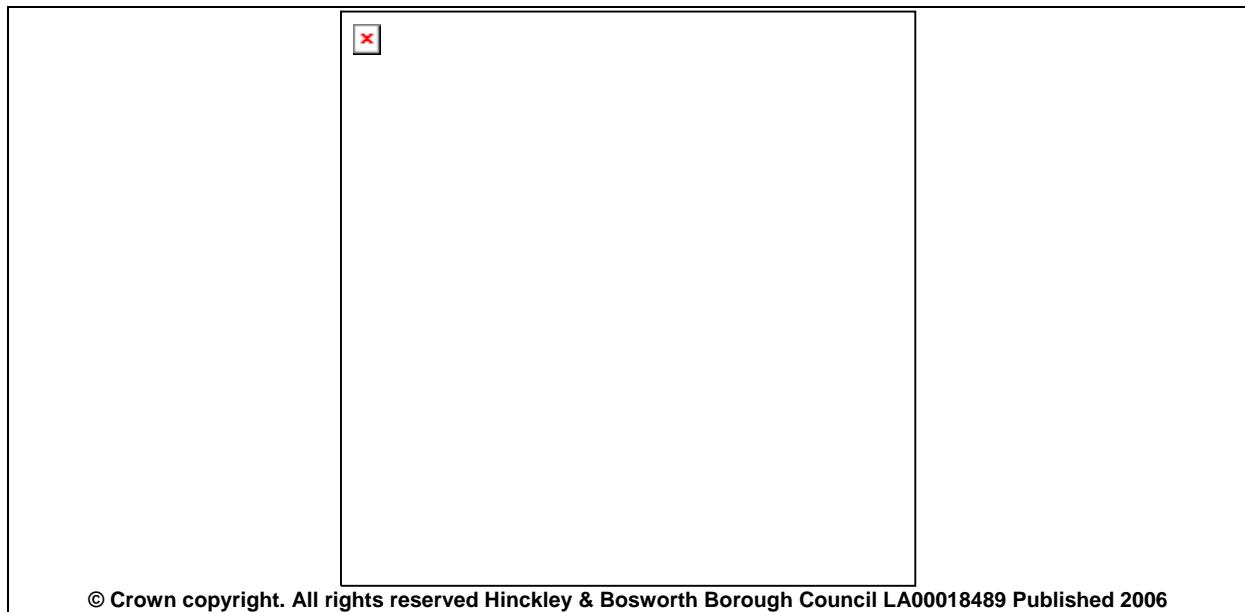
The structural survey concludes that the change of use of the buildings can be carried out without significant structural works. The report does provide a programme of works necessary to sensibly achieve the conversion.

The transport assessment studies the transport issues relevant to the proposal and concludes that improvements will need to be made to the geometry of the access junction layout to ensure that vehicles can access and egress from the site in an efficient manner and recommends that measures are put in place to ensure appropriate visibility is maintained from the access on road safety grounds.

The Bat survey demonstrates that bats have not been using the building as a roost.

The Great Crested Newt Survey identifies the presence of newts within the nearby ponds on site and proposes a mitigation strategy to protect them.

History:-

**Consultations:-**

No objection has been received from:-

Head of Community Services (Land Drainage)

Head of Business Development and Street Scene Services (Waste Minimisation).

No objection subject to conditions has been received from:-

Directorate of Chief Executive, LCC (Archaeology)

Directorate of Chief Executive, LCC (Ecology)

Head of Community Services (Pollution).

Twelve neighbour letters have been received objecting on the following grounds:-

- a) traffic
- b) inadequate parking
- c) noise
- d) impact on the rural environment
- e) job losses
- f) loss of income to local churches
- g) impact on wildlife
- h) will spoil views
- i) will devalue property
- j) a decision is being rushed
- k) lack of consultation.

Seventeen letters of support have been received based upon the benefits the proposal will bring to the rural economy.

Site notice and Press notice were displayed and neighbours notified.

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

Director of Environment and Transport (Highways)

Parish Council.

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 4 'Planning for Sustainable Economic Growth' supports the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns or villages) for economic development.

Planning Policy Statement 5 'Planning for the Historic Environment' seeks to ensure that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

Planning Policy Statement 7 'Sustainable Development in Rural Areas' recognises that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises. The PPS specifically states "local planning authorities should be supportive of well conceived farm diversification schemes for business purposes that contribute to sustainable development and help sustain the rural enterprise and are consistent in their scale with their rural location".

Planning Policy Statement 9 'Biodiversity and Geological Conservation' seeks to ensure that planning decisions should fully consider and prevent harm to biodiversity and geological conservation interests.

Regional Policy

The Secretary of State has indicated his intention to abolish Regional Spatial Strategies (RSS) and laid down an order on 6th July to revoke them with immediate effect, accordingly very minimal weight should be attached to the policies of the East Midlands Regional Plan.

The East Midlands Regional Plan (adopted March 2009) provides the development strategy for the East Midlands up to 2026. 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. Policy 43 sets out regional transport objectives across the region.

Local Policy

Local Development Framework – Adopted Core Strategy (2009)

Policy 23 Tourism Development supports the development of holiday accommodation in the Borough, where inter alia, the development can help to support existing local community services and facilities and is of a design and at a scale which is appropriate to minimise impact and assimilates well with the character of the surrounding area with acceptable landscaping.

Hinckley and Bosworth Local Plan (2001)

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. 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 BE20 looks favourably on the conversion and reuse of existing rural buildings providing they satisfy the policies detailed requirements unless inter alia, the proposed use will have an adverse effect on the rural character, the building is structurally unsound; the reuse is detrimental to the character of the buildings and involves extension that significantly alters the buildings appearance.

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

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.

Supplementary Planning Guidance: Conversion of Rural Buildings (adopted 2004) recognises (paragraph 1.9) the important role the reuse and adaptation of existing rural buildings can have in providing facilities for commercial purposes and tourism, sport and recreation uses.

Appraisal:-

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

Principle of Development

There is a consistent stream of advice within Planning Policy Statements that indicates that planning authorities should look favourably upon schemes of rural diversification, particularly those that involve the reuse of important and historic buildings, appropriately suited to the rural setting, sustainably located and bring benefits to the rural economy. The advice is also embedded within local planning policy, particularly so in Policy 23 of the Core Strategy, and Saved Policy BE20 of the Local Plan.

The use of part of this working farm for a wedding venue whilst not being a typical rural diversification enterprise will secure the reuse of the buildings without significant alteration and will benefit the rural economy. Such a use is not likely to give rise to the need for further associated diversification growth on the site and is unlikely to result in the condition of the buildings deteriorating further as might be expected with a more industrial use.

Subject to satisfying the policy controls as appraised below in this report, the wider benefits of finding a new appropriate use for these buildings and developing the rural economy are consistent with national and local planning policy. The proposed use of the buildings will require minimal physical works and the accompanying structural survey confirms that the buildings are sound and not in need of any significant repair or modification.

Design and Impact on the Rural Character

This scheme has three distinct physical elements, the reuse of the existing farm buildings to provide holiday/guest accommodation, the demolition of an inappropriately designed extension to one of the buildings and a small element of new build to create the wedding venue ceremony barn, dining room, bar and kitchen.

The accompanying structural report confirms that the buildings are structurally sound and can be converted relatively easily. The report has been robustly assessed and it is considered that it provides an accurate account of the buildings condition and the necessary works are reasonable considering the buildings age.

The existing buildings that are subject to the proposed conversion appear in a very tidy state and have not been altered significantly from their original form. They therefore provide a good example of typical 19th Century Leicestershire farm buildings. The works proposed to facilitate the conversion are very minimal and do not involve the creation of any new openings or any alterations to the form of either the elevations or the roof. The scheme proposes to retain all existing doors and windows where possible. On this basis this conversion element of the proposal is considered to be 'textbook' and will ensure that the rural character of the buildings, the setting of the farm and the wider character of the countryside are not adversely affected in this respect.

The scheme proposes the removal of a large lean to structure to the north elevation of the main two storey barn and the replacement with a new oak framed barn abutting the existing barn at 90 degrees. There is no objection to the removal of the lean-to structure as this severely compromises the appearance of the buildings from the north.

The replacement structure has two elements, an oak framed gabled structure and a glazed lean to. The oak framed structure is not a truly characteristic addition to the barn building, but it has been carefully designed to have the same roof pitch as the existing building and to not have a ridgeline higher than that of the existing building. The elevations are proposed to be of a red brick plinth design with oak boarding and glazing above. When considered alongside the backdrop of the existing building, the extension allows for a greater degree of the original building to be seen and is therefore seen itself as an addition to the building rather than a homogenous extension to the existing form. The use of oak framing reverts back to older building methods and technologies, however is highly sustainable and an appropriate material for use in a rural area.

The glazed lean-to will partially close off the existing two-storey opening to the barn building. However, its roof design is such that the top section of the glazed infill panel to the former opening remains clearly visible and forms a balcony area. This in conjunction with the totally glazed ground floor elevation will allow for views through the lean-to the original opening in the elevation of the barn below. It would be more preferable to see the opening remain unobstructed but on balance the scheme will not totally obstruct the original opening and will therefore allow the phases of development to the building to be easily recognised.

The scheme also proposes the reuse and remodelling of an existing modern portal frame building that is positioned on the northeast corner of the two storey barn. This building is currently a typical modern agricultural building with steel clad elevations and a roof with a very low pitch. Whilst the position of the building severely compromises the setting of the older red brick courtyard buildings, it is an existing building and the applicant explains that the proposal would not be viable should this building be removed.

To improve the appearance it is proposed to remodel this building with a new outer shell and new roof. The elevations will be of a red brick plinth with oak boarding above, whilst the roof will be remodelled, it will retain a metal sheeting finish. It is inevitable that this building will

remain the weak point of the development, but the presence of the building and the economic constraints on rural diversification projects have to be taken into account. On balance, the remodelling works will improve the appearance of the building greatly and will ensure it is compatible with the existing buildings but retains that more modern appearance. On this basis the building and remodelling works cannot be considered to result in a detriment to the appearance of the site or the character of the countryside. In total the scheme represents an 18% reduction in floor area of buildings at the site.

Impact on Neighbours

There is only one dwelling at Mythe Farm and this is the applicant's family home. The applicant does run a bed and breakfast service from the farmhouse; however they have explained that it is highly unlikely that they would take bed and breakfast bookings when they have a wedding event booked due to any arising conflict such an arrangement may bring.

The nearest neighbouring dwelling (Mythe Cottage Farmhouse) is located at least 450 metres away (straight line distance) from the application site. Whilst the use of the site for a wedding ceremony is unlikely to result in any impact upon their amenity, the possibility of party music in the evenings may be heard by these nearby residents.

The traffic generated by the scheme will be an increase over and above the normal levels that are currently experienced at the farm at present, however this is likely to represent sporadic increases and for short time only and therefore is not likely to cause a material detriment to nearby residents by way of people accessing and leaving the wedding venue.

By way of the proposal including the provision of a number of holiday units there will be the opportunity for guests to stay over on site following a wedding and therefore there will be less impact from guests leaving the site late at night and disturbing residents. It would not be unreasonable for the holiday units to be let to holidaying guests when weddings are not taking place and this would help bolster recreation and tourism in the Borough in line with Core Strategy Policy 23.

The Head of Community Services (Pollution) confirms that the scheme is unlikely to result in any material detriment upon the amenities currently enjoyed by nearby residents given their distance from the application site. In order to protect the amenities of the nearby residents and to provide a formal control over noise a series of conditions are proposed. Conditional control over the opening of all doors and windows when any amplified music is played is proposed, and in addition a noise limiting device be installed and set by the Head of Community Services (Pollution) to ensure noise cannot exceed a set level before the power is switched off. It is considered that these sensible and enforceable measures will ensure noise does not cause any disturbance to nearby residents.

Concern has been raised about the possible disturbance to nearby residents by visitors trying to locate the site. This matter has been discussed with the applicant's agent and it has been agreed that a scheme for improved signage be displayed at the junction of the access drive and Pinwall Lane will be submitted. Such signage would give an appropriate degree of signage that will ensure visitors are aware of the sites location and access point. The applicant is also willing to erect a polite notice asking visitors leaving the site to leave in a quiet manner and to not disturb nearby residents and to provide comprehensive directions to the site in all literature issued to perspective and booked clients.

Ecology

The accompanying Bat survey concludes that bats are not present within the buildings.

The accompanying Great Crested Newts Survey does identify the presence of newts within the ponds located within 500 metres of the application site and within the farm. The accompanying mitigation strategy provides a programme of works to ensure the population is not adversely affected by the proposal.

The observations of the Directorate of Chief Executive, LCC (Ecology) will be reported as a late item.

Highways

This site has an existing access from Pinwall Lane, which gives further access towards Ratcliffe Culey and the A444 and Sheepy Magna and the B4116 connecting to the A5 in Atherstone. The application proposes to retain the use of this access for the proposal. The accompanying transport assessment is based upon a maximum of 150 guests and up to 60 vehicles arriving on site for wedding functions equating to 120 or so movements per day. The assessment confirms that given the lightly trafficked nature of the local road network, this level of vehicular traffic would not have an adverse impact on highway capacity. The site access will cater for this level of traffic although enhancements to the specific design are recommended. The application proposes the widening of the access to 4.8 metres and the provision of 4.5 metre by 120 metre visibility spays at the junction with Pinwall Lane.

The application includes the provision of a car parking area to the north of the farm buildings. This area is proposed to be surfaced to the planning authority's specification; however regard must be had to the close proximity of the area to the ponds and the identified Great Crested Newts. The proposed car parking area is to be contained by new tree planting and this will be secured by condition and in order to reduce the visual impact of the car parking, it is not proposed to formally mark out the car park. The application confirms that this is not deemed necessary since all events at the venue will have on-site stewards directing guests to the car parking.

At the time of writing the report no response has been received from the Director of Environment and Transport (Highways).

In advance of the response of the Director of Environment and Transport (Highways) Standard highway conditions are proposed to achieve compliance with the submitted Transport Assessment.

Other Matters

The lawfulness of the other uses that are currently taking place at the site has been raised in a number of consultation responses. Whilst the Council has investigated a number of matters at the site in the past, no formal enforcement activity has ever been taken. It is considered reasonable given the amount of public concern about the activities on the site to re-investigate the other elements of farm diversification at the site. Such enforcement investigations cannot prejudice or influence the determination of this planning application.

Conclusion

The careful balance between the works to facilitate the conversion and reuse, the removal of an inappropriately designed building and the addition of a small amount of new building will result in a scheme that satisfies the above-mentioned policy requirements. Whilst the scheme will result in an increase in activity at the farm at certain times and a noticeable increase in vehicular movements for small periods of time the proposed improvements to the access will ensure a safe access arrangement is created.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development results in high quality scheme that reuses valued buildings, supports rural diversification and benefits the rural economy. This development is in accordance with the development plan and would not be to the detriment of any protected species, highway safety or the character and appearance of the countryside.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE20, T5

Hinckley & Bosworth Borough Council Core Strategy (2009):- 23

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed extensions and re-clad barn shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 3 No development shall commence until such time as details of the surfacing materials to the car park have been submitted to and agreed in writing by the Local Planning Authority. The car park shall then be surfaced in accordance with approved details prior to the first use of the wedding venue and shall be maintained thereafter.
- 4 The accommodation (overnight bed and breakfast accommodation and bridal suite) hereby approved shall not be used for any purposes other than short term holiday accommodation and shall not be occupied for a continuous period exceeding 28 days at any one time.
- 5 No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - (i) proposed finished levels or contours
 - (ii) means of enclosure
 - (iii) retained historic landscape features and proposals for restoration, where relevant.
 - (iv) planting plans
 - (v) written specifications
 - (vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - (vii) implementation programme.
- 6 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

- 7 The development hereby permitted shall be used as a wedding/ceremonial venue and holiday accommodation only, unless agreed otherwise in writing by the Local Planning Authority.
- 8 No sound production or amplification equipment shall be installed or be used in any part of any building or the application site at any time for the purposes of external use.
- 9 All doors and windows to the proposed dining room, ceremony barn, breakout area and bar as shown on the approved plan shall be closed when amplified music or speech is played.
- 10 No development shall commence until such time as details of a noise-limiting device has been submitted to and agreed in writing by the Local Planning Authority. The approved device shall then be installed, and thereafter be maintained, in full working order in accordance with the approved details.
- 11 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 2140 PL 300 rev 2, 301 rev 4, 302 rev 1, 303 rev 3, 304 rev 3, 201 rev 3, 100 rev 8, 10 rev 1 and 643 01, 02, 03, and 3635.99.
- 12 The use hereby permitted shall not commence until such time as the sites access to Pinwall Lane has been widened and visibility splays be provided in accordance with the details shown on plan 12047-02 as contained within the submitted Access Appraisal and shall be maintained this way thereafter.
- 13 There shall be no physical obstruction and nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.
- 14 Before the first use of the development hereby permitted, its access drive shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and shall be so maintained at all times.
- 15 No development shall commence until the mitigation works proposed within the submitted Great Crested Newt Report and Mitigation Strategy have been fully completed as specified. Any issues arising in respect of the survey, protected species or the proposed mitigation that require modification shall be first agreed in writing with the Local Planning Authority.
- 16 No development shall commence until a scheme of non-illuminated signage identifying Mythe Farm and to be displayed at the junction of the farm access drive and Pinwall Lane has been submitted to and agreed in writing by the Local Planning Authority. The approved signage shall then be displayed before the first use of the development hereby permitted and shall remain displayed thereafter.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy NE5 of the adopted Hinckley & Bosworth Local Plan.
- 3 The car park is located within close proximity to a population of Great Crested Newts and the surfacing material will play an important role in preventing the species from

harm, in accordance with the requirements of PPS9: Biodiversity and Geological Conservation.

- 4 The development accords with Policy 23 of the Adopted Hinckley and Bosworth Core Strategy, however as the development is located in the countryside where new dwellings are not normally permitted it is necessary to prevent its use as permanent residential accommodation as this would be contrary to the requirements of PPS3, and PPS7 and Policy NE5 of the Adopted Hinckley and Bosworth Local Plan.
- 5&6 To ensure that the development has a satisfactory external appearance to accord with policy NE5 of the adopted Hinckley & Bosworth Local Plan.
- 7 The site is located in a sensitive position in the countryside, with an access of limited capacity and ecological constraints and the use of the site for further assembly and leisure uses is not likely to be acceptable to Policies Saved Policies NE5 and T5 of the Adopted Hinckley and Bosworth Local Plan and PPS9 without careful consideration.
- 8-10 To safeguard amenities of nearby residents to accord with Saved Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 11 For the avoidance of doubt and in the interests of proper planning.
- 12 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 13&14 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 15 To ensure the population of Great Crested Newts is protected from harm in accordance with the requirements of PPS9: Biodiversity and Geological Conservation.
- 16 To ensure that the location and access to the site is clearly defined, to prevent occupiers make abortive trips in the locality looking for the site to the detriment of highway safety and residential amenity of nearby occupiers. To achieve compliance with Policies BE1 and T5 of the Adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
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 requirements of Condition 10 should include details of installation, product type, location and shut off level.

Contact Officer:- James Hicks Ext 5762

Item: 06
Reference: 10/00507/FUL
Applicant: Prestons Agri Hire
Location: Barn Adjacent Leicester Lane Desford Leicestershire
Proposal: ERECTION OF AN AGRICULTURAL BUILDING.
Target Date: 22 September 2010

Introduction:-

Full planning permission is sought for the erection of an agricultural building on land to the north east of Leicester Lane, Desford. The building proposed would measure 24.38m by 42.38m, have a height to the ridge of 7.7m and height to eaves of 4.57m. The proposed building would be located to the north east of an existing agricultural building used as a grain store. The building would be sited on land owned and farmed by the applicants consisting of 26.52 ha, and is proposed to house machinery used in connection with the farming enterprise on the land (combines, tractors, muck spreaders, plough and a drill) and bags of fertilisers that have to be kept locked away.

The applicant also runs a business hiring out the muck spreaders to other neighbouring farms, although the agent has informed the case officer that this is subservient to the main arable farming activity on the land. The muck spreaders that are hired out are also used on the land adjacent to the application site.

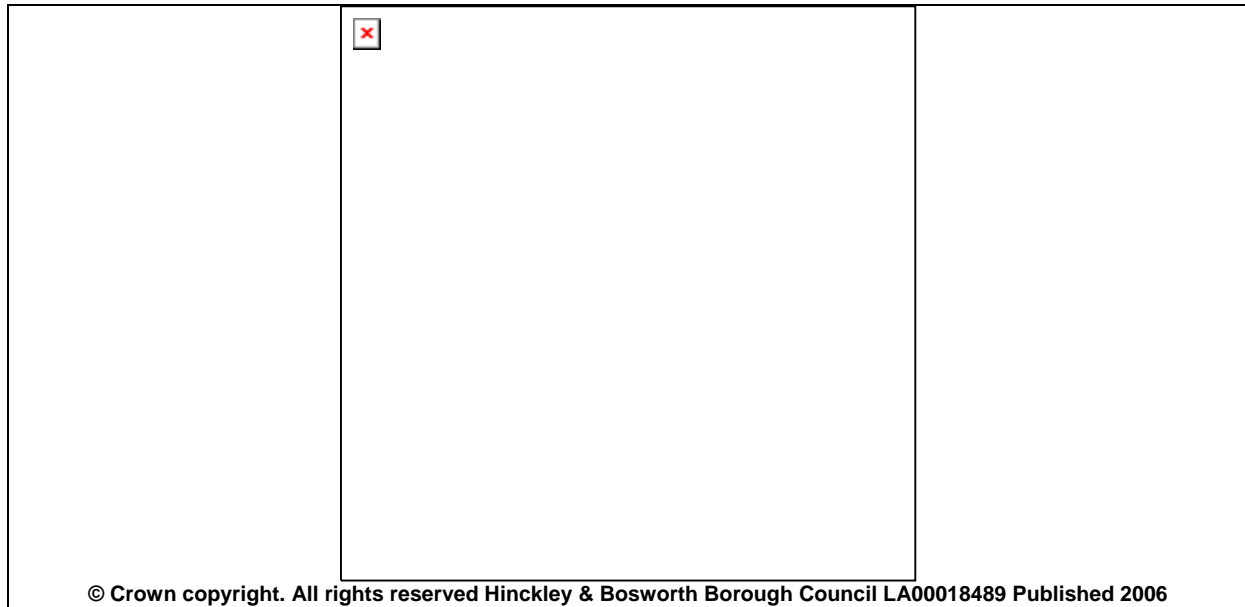
The site is located within a flat open area of the countryside, characterised by few boundary treatments resulting in the site being visually prominent from the public highway. Access is via the existing track serving the existing building on the site. The site also benefits from bunds around the existing building, with young sapling trees planted on the top.

A previous application submitted earlier this year was withdrawn as the applicants had failed to provide sufficient justification for the size of the building.

The application is supported by a design and access statement that states that the building is to be used for storage of machinery, agricultural produce and for the housing and rearing of cattle. It also provides details of the proposed design and appearance.

History:-

10/00234/FUL	Erection of an agricultural building	Withdrawn	16.06.10
02/00289/GDO	Erection of agricultural grain storage building	Approved	26.03.02



Consultations:-

No objection has been received from:-

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

No objection subject to conditions have been received from the Director of Environment and Transport (Highways).

Site notice and Press notice were displayed and neighbours notified.

At the time of writing the report comments have not been received from
Desford Parish Council
Neighbours.

Policy:-

Central Government Guidance

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's planning policies for rural areas. One of its objectives is to promote sustainable, diverse and adaptable agriculture sectors where farming contributes both directly and indirectly to rural economic diversity. Paragraph 1 states that new building development in the open countryside away from existing settlements should be strictly controlled to protect the countryside for the sake of its character, beauty, diversity, heritage and wildlife so it may be enjoyed by all. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. Paragraph 16 states that when determining planning applications for development in the countryside, local planning authorities should: (i) support development that delivers diverse and sustainable farming enterprises.

Local Policy

Local Development Framework – Adopted Core Strategy 2009

No policies relevant

Hinckley and Bosworth Local Plan 2001

The site is outside the Desford settlement boundary as defined within the adopted local plan.

Policy BE1 considers the design and siting of development, seeking a high quality of design through only allowing development that complements or enhances the character of the surrounding area.

Policy NE5 states that the countryside will be protected for its own sake and development only allowed to support the local economy, for the change of use, extension or reuse of existing buildings or for sport and recreational purposes.

Supplementary Planning Guidance

Supplementary Planning Guidance in relation to the Design of Farm Buildings states that the position of a new farm building or structure is usually dependant on its function and the space available. There are other factors that should be taken into account, such as the visual importance of the building, both in the wider landscape, and within the farm complex itself. The function will influence the scale and type of building and, the long term agricultural requirements of the building should be considered.

Appraisal:-

The main issues for consideration are the principle of development, the effect of the proposal on the character of the countryside, and highway safety.

Principle

Development is permitted in the countryside where it is necessary for the local economy and, farm enterprises fall within this category. However, the local authority has to be certain that the proposed building is required for the agricultural practices relating to the land on which the building is sited.

The applicant owns 26.52 ha on which the proposed building is stood. This land is currently arable farmed the building would provided storage for the machinery required to farm the land and store crops produced. The applicants do not own any other suitable land on which the proposed building could be located. Therefore, it is considered that there is an agricultural need for the building to be on this site.

The building is required for the storage of agricultural machinery, used to farm the surrounding land, including combine harvesters, tractors, muck spreaders and drill machines. The applicant's agent has provided information detailing why the size of the building is required by supplying a scale plan detailing what would be stored within the building. It is considered that this demonstrates the size of the building proposed is required in connection with the land on which it stands.

Design and appearance

The building would consist of 2m high concrete panels with timber space boarding above. The roof would consist of grey fibre cement roof sheets and therefore have the appearance of a modern agricultural building similar to that already on the site.

The site is located on a prominent position within countryside that is relatively flat and open with few features to screen the proposal. The existing building would screen part of the proposal and additional landscaping is proposed to help break up the mass of the two buildings and can be secured by condition. Supplementary planning guidance suggests that buildings should be grouped together to reduced their impact on the countryside. In siting the proposed structure to the rear of the existing building the application complies with this, resulting in less impact when viewed from the Leicester Lane when leaving Desford.

It is considered that subject to an appropriate landscaping scheme, to break up the mass of the proposal, the proposed agricultural building is considered not to detrimentally affect the character or appearance of the countryside and is therefore considered to comply with policies BE1 and NE5.

Highway safety

The highway authority have requested conditions that the building should not be sold or let separately to the land on which it is located, and the building should be used only for that which it is approved. It is not considered that either would comply with Circular 11/95 and therefore would not be valid conditions.

The proposal would use an existing access that serves the existing building on the site. The proposed building is required in connection with the existing use of the land and therefore it is not considered that the proposal would create significant additional turning traffic that would result in a highway danger.

Conclusion

The applicant has provided information justifying that the building is required in this position for the purposes of agriculture. They have also demonstrated that the size of the building is required for the use proposed. The site is in a prominent position however an existing building already occupies the site and a landscaping condition can mitigate this impact. It is therefore considered that the proposal complies with policy and therefore the application is recommended for approval.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development by virtue of the use, siting, design and appearance would not detrimentally affect the character and appearance of the area or highway safety and would be in accordance with the development plan.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed agricultural building shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

- 3 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - (i) proposed finished levels or contours
 - (ii) any hard surfacing materials
 - (iii) planting plans
 - (iv) written specifications
 - (v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - (vi) implementation programme.
- 4 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.
- 5 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Site Location Plan (scale 1:2500) received 28.07.10
 - Block Plan (scale 1:1250) received 15.07.10
 - Proposed elevations (scale 1:200) received 15.07.10
 - Proposed floor plan (scale 1:200) received 02.07.10

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 3 To ensure the development does not have a detrimental impact on the character and appearance of the countryside in accordance with Policy NE5 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

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

Item: 07

Reference: 10/00514/OUT

Applicant: Mr John Brown

Location: Manor Farm Main Street Thornton Leicester Leicestershire

Proposal: RESIDENTIAL DEVELOPMENT

Target Date: 2 September 2010

Introduction:-

This application seeks outline planning permission for residential development on approximately 0.24 hectares of land at Manor Farm, Main Street, Thornton. Planning permission is sought for access only at this stage with all other matters reserved, although an indicative only layout and street scene have also been submitted. The proposals include the demolition of a number of redundant agricultural buildings within the site, the construction of a new five metres wide access off Main Street to serve the development along with the creation of a 1.8 metres wide pedestrian footway across the sites frontage with Main Street and closure of the existing farm access further to the north. The indicative layout suggests a development of eight dwellings, representing a density of 33 dwellings per hectare, comprising a mix of a dwelling types creating a street frontage with one plot in depth. The indicative street scene suggests that the development would be two storeys in height with a variety of designs.

The site is located on the south west side of Main Street close to the northern end of the village of Thornton. It contains a number of redundant agricultural buildings of both traditional red brick and slate roof construction and open fronted structures of brick, timber and corrugated asbestos sheet construction, all in a poor state of repair. The site is somewhat overgrown and used for storage of various vehicles, farm machinery, building materials, tyres and other items. A farmhouse and a range of traditional red brick barns form the north west

boundary of the site, there are residential properties to the north east and south east. To the south west there are two former poultry sheds of timber construction and open fields beyond. The application site falls gently from north to south but is generally flat from east to west although levels fall significantly further to the south west of the site. The site frontage to Main Street comprises of a 1 metre high wall constructed of a mix of stone sections and red brick sections along with the wall of a red brick barn to be demolished as part of the proposed development. There are a number of semi-mature and younger trees within the site.

A number of supporting documents have been submitted with the application. The Design and Access Statement outlines the physical context of the site and local built character. In addition, it outlines planning policies that are considered to be relevant to determination of the application. It also includes an assessment of the constraints of the site and design principles and justification. It concludes that the application site is in a sustainable location within the settlement boundary of the village of Thornton which has a good range of facilities and public transport links. The proposed development would provide a distinctive, attractive, well designed scheme without harm to the visual amenity or character of the village and would enhance the site and its surroundings.

A transport consultant letter together with drawings in respect of advice on traffic and transportation issues has been submitted. These details conclude that a suitable site access arrangement could be delivered to serve the proposed development in accordance with the criteria set out within the Leicestershire County Council highway design guidance document 'Highways, transportation and development'. In addition, the development would result in highway gains from improvements to access visibility from existing dwellings and improvements for pedestrians. Given the scale of development, no further detailed assessment is considered necessary.

A Phase 1 Desk Top Study investigates the historical use and environmental status of the site in order to establish potential contamination. The study recommends that further ground investigation works and testing is undertaken along with other measures in respect of potential contaminants given the former agricultural uses on the site and the proximity of a former landfill site.

The Archaeological Desk Based Assessment concludes that although only limited archaeological evidence was identified this may reflect a lack of previous investigation and recording rather than an absence of archaeological remains. There is a low to moderate possibility that earth-fast archaeological remains will be present within the proposed development area. The buildings within the area are also of some local historical and architectural interest and are worthy of record before demolition.

The Protected Species Survey found no evidence of bats, active birds' nests or other protected species within the site but makes further recommendations in respect of protected species prior to and any during works within the site.

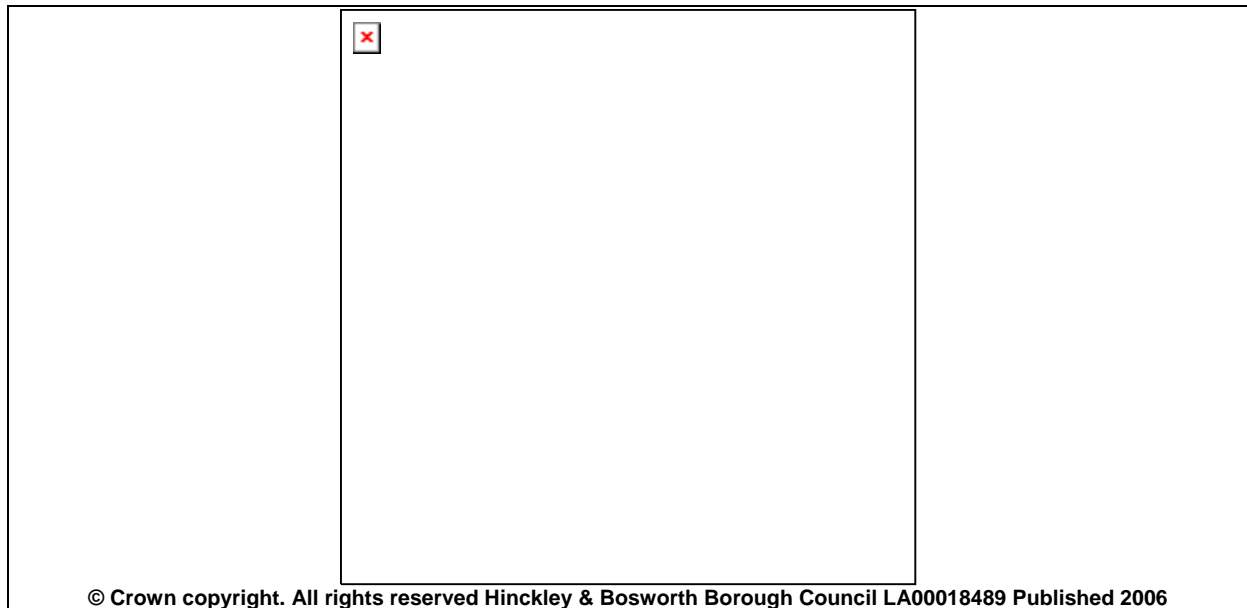
The Tree Survey identifies only two trees of note within the site and recommends their removal on the grounds that they are not worthy of retention in terms of their quality or condition.

A draft s106 Agreement has been submitted in respect of developer contributions for affordable housing and off-site public play and open space.

History:-

96/00362/TEMP Retention of Poultry Houses Approved 08.07.96

80/00973/4	Erection of a Grain Storage Silo	Approved	22.07.80
75/00870/4	Retention of Broiler Houses	Approved	28.10.75.



Consultations:-

No objections have been received from Chief Executive, Leicestershire County Council (Ecology).

No objections have been received subject to conditions from:-

Chief Executive, Leicestershire County Council (Archaeology)
 Head of Community Services (Pollution)
 Head of Community Services (Land Drainage).

Director of Environment and Transport (Highways) does not object subject to conditions and developer contributions in the form of Travel Packs and Bus Passes in the interests of encouraging sustainable travel to and from the site and reducing car use.

At the time of writing this report no response has been received from:-

Severn Trent Water Limited
 Bagworth and Thornton Parish Council
 Site notice
 Neighbours.

Policy:-

Central Government Guidance

Planning Policy Statement 1 'Delivering Sustainable Development' in paragraph 5 states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development. Paragraph 27 states that planning authorities should seek to bring forward sufficient land in appropriate locations to meet expected need for housing etc. and promote the more efficient use of land.

Planning Policy Statement 3 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. Paragraph 10 seeks to ensure that housing developments are in suitable locations, which offer a good range of community facilities, with good access to jobs, key services and infrastructure. Paragraph 16 outlines matters to consider when assessing design quality and includes: the extent to which the proposed development is easily accessible and well-connected to public transport and community facilities and services; and, is well integrated with, and compliments, the neighbouring buildings and the local area. Paragraph 36 suggests that this should be achieved by making effective use of land, prioritising that which has been previously developed and in particular vacant and derelict sites. Paragraph 71 states that where the local planning authority cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in PPS3 and considerations in paragraph 69. Paragraph 69 requires the local planning authority, amongst other things, to ensure that the proposed development is in line with planning for housing objectives, reflects the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.

Planning Policy Statement 5: 'Planning for the Historic Environment' sets out national planning policies on the conservation of the historic environment. Policy HE12 states that where the loss of heritage assets are justified, the local planning authority should require developers to record and advance understanding of the significance of the heritage asset before it is lost and that the extent of the requirement should be proportionate to the nature and level of the assets significance. Conditions should be imposed to secure such work is carried out and completed.

Planning Policy Statement 9: 'Biodiversity and Geological Conservation' includes the broad aim that development should have minimal impacts on biodiversity and enhance it where possible.

Planning Policy Guidance Note 13: 'Transport' sets out national transport planning policy. Paragraph 6 states that local planning authorities should accommodate housing principally within urban areas and promote accessibility to services by public transport, walking and cycling and reduce the need to travel. Paragraph 29 states that when thinking about new development the needs and safety of the community should be considered.

Planning Policy Statement 23: 'Planning and Pollution Control' sets out national guidance in relation to pollution and the planning system and requires local authorities to consider the quality of land, air or water and potential impacts arising from development.

Local Policy

Local Development Framework – Adopted Core Strategy (2009)

Policy 10: 'Key Rural Centres within the National Forest' relates to the settlements of Bagworth and Thornton. The policy seeks to allocate land for the development of a minimum

of 60 new dwellings in Bagworth. It also seeks to improve the quality, quantity and accessibility of green space and play provision in both settlements.

Policy 15: 'Affordable Housing' sets out the requirements for affordable housing in new development and sets the starting target of 40% affordable units on developments of 4 dwellings or 0.13 ha and over in rural areas, including Thornton.

Policy 16: 'Housing Density, Mix and Design' requires a minimum net density of 30 dwellings per hectare within and adjoining Key Rural Centres. In exceptional circumstances, where individual site characteristics dictate and are justified a lower density may be acceptable.

Policy 19: 'Green Space and Play Provision' refers to standards in relation to the provision of green space and play areas.

Policy 21: 'National Forest' requires the siting and scale of development to be appropriately related to its setting within the Forest and to contribute to the delivery of the National Forest Strategy.

Hinckley and Bosworth Local Plan (2001)

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

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

Policy BE1 states that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area; avoid the loss of open spaces and important gaps in development which contribute to the quality of the local environment; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high standard.

Policy BE14 requires that where an initial assessment indicates that archaeological remains may exist, developers will be required to arrange for an archaeological field evaluation to be carried out by a qualified person.

Policy BE16 requires satisfactory archaeological investigation and recording to be carried out before development commences in the area of archaeological interest.

Policy NE2 states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution.

Policy NE12 states that development proposals should take into account the existing features of the site and make provision for further landscaping where appropriate.

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

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

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 REC3 requires the appropriate level of open space to be provided within development sites. Alternatively, a financial contribution can 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

The Borough Council's Supplementary Planning Guidance on New Residential Development provides further guidance for developers on density, design, layout, space between buildings and landscaping/boundary treatments along with highways and parking.

The Play and Open Space Guide Supplementary Planning Document (2008) provides further guidance to developers in respect of the different types of open space and the level of financial contributions required.

Other Material Policy Guidance

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

Appraisal:-

The main considerations with regards to this application are: the principle of development; access and impact on the highway network; impact on the character of the area and neighbouring properties; developer contributions and other matters. This is an outline application for access only therefore layout, design, external appearance and landscaping do not form part of the application and will be considered at the reserved matters stage.

Principle of Development

The application site is within the settlement boundary of Thornton but not specifically allocated for housing in the adopted Local Plan. Whilst policy 10 of the adopted Core Strategy does not include a residential allocation for Thornton, policy RES5 of the adopted Local Plan provides a presumption for residential development within settlement boundaries in principle subject to acceptable siting, design and layout being achieved. The indicative layout demonstrates that the minimum density requirement for rural centres of 30 dwellings per hectare included in policy 16 of the Core Strategy can be achieved with 8 dwellings providing a density of 33 dwellings per hectare. The indicative street scene demonstrates that a housing scheme of an appropriate scale and design will integrate well with, and compliment, neighbouring buildings and the local area. Planning Policy Statement 3 seeks to ensure that housing developments are in suitable locations, which offer a good range of community facilities, with good access to jobs, key services and infrastructure. Thornton has public transport links in the form of a bus service and the village has places of worship, a primary school, a community centre, public houses and a village shop. As such it is not considered that the application site is in an unsustainable location for small scale residential development. The principle of residential development of the site is, therefore, considered to be acceptable in this case.

Access and Highway Issues

The application site currently has two access points from Main Street at either end of the site. Both currently have limited visibility in either one or both directions. The proposal will result in

the closure of the north west access adjacent to the outbuildings attached to the farmhouse and the creation of a new access to serve the development located approximately 20 metres further to the south east and, therefore, at a greater distance from the sharp bend at the end of Main Street leading into Bagworth Lane. The proposed new access will be 5 metres wide and flanked by a new pedestrian footway and with 6 metres kerbed radii. The proposed new access will provide visibility splays of 43 metres to the south-east and 33 metres to the north-west, which is an improvement to the current situation. The access at the south east end of the site will be retained to serve two existing dwellings (30 and 32 Main Street) only. The proposal to demolish the barn to the north west of this access will allow the width of this access to be increased from 3.0 metres to 4.3 metres and for pedestrian visibility splays to be provided either side of the access to improve highway and pedestrian safety. In addition to these improvements, further highway gain will be provided by the creation of a pedestrian footway across the sites frontage where none currently exists.

Overall, the proposed new access is considered to be acceptable to serve the development and the improvements to the other existing access to serve the adjacent dwellings along with the provision of a new pedestrian footway are considered to provide additional highway gain in terms of pedestrian and highway safety. Access to the farmhouse and remainder of the farm would be retained via a separate existing access adjacent to the farmhouse. The indicative layout suggests that the site can be developed to provide adequate off-street car parking provision to serve the development. The Director of Environment and Transport (Highways) does not object subject to a number of highway related conditions. Conditions in relation to any access gates, access gradient, surfacing, visibility splays, pedestrian footway, and closure of the existing access and construction vehicles have been included in the recommendation. Other recommended conditions relating to highway drainage, parking and turning provision, and access width are considered to either repeat the contents of other conditions or not meet the tests for conditions contained in Circular 11/95 and have been omitted.

Impact on the Character of the Area and Neighbouring Properties

The current appearance of the former farm site together with its use for open storage of vehicles and old farm machinery etc. is considered to have a negative impact on the character and appearance of the street scene. The proposed demolition of the redundant agricultural buildings and the residential redevelopment of the site with a high quality scheme that provides a strong street frontage and incorporates local architectural styles will enhance the character and appearance of the street scene in this part of the village. The indicative layout and street scene plans submitted suggest that this can be achieved. The indicative layout also suggests the erection of a new wall across the frontage of the site being of stone plinth and brick construction reflecting local style. This will allow for the highway and pedestrian improvements discussed earlier in this report and the replacement of the existing boundary wall which is in poor repair in parts and is considered to be detrimental to the character of the area.

The indicative layout also suggests that the site can be developed in a manner that will not have an adverse impact on any neighbouring residential properties whilst providing adequate residential amenity for the future occupiers.

Developer Contributions

The applicant has submitted a draft Section 106 agreement with the application to secure affordable housing contributions and public play and open space contributions. The overall contribution amounts will depend upon the number of dwellings to be provided within the site. Policy 15 of the adopted Core Strategy requires a minimum of 40% provision for affordable housing split between 75% for social rented and 25% for intermediate tenure. At 28th July

2010 there were 43 applicants waiting to be housed in family housing in Thornton. In this case it is recommended that a local connections policy be included in the agreement so that rented properties can be allocated to people with a connection to the Parish in the first instance.

The application site is within 400 metres of the Main Street Recreation Ground in Thornton which provides both formal and informal public play and open space facilities including children's play space. The Green Space Strategy Quantity/Accessibility Audit 2005 on open space within the Borough identifies this facility as having a quality audit score of less than 45% and recommends improvement of the quality of provision for children and young people with a cost estimate of £100,000 and to protect and improve the quality of existing amenity green space with a cost estimate of £40,000. Some improvements have been undertaken as the Audits of Provision 2007 update identifies this facility as having a quality audit score of 55.2%. Developer contributions towards the provision and maintenance of informal public play and open space are still required to improve the facility further and to comply with policy 19 of the adopted Core Strategy, policy REC3 of the adopted Local Plan and the Council's Supplementary Planning Document on Play and Open Space, together with the Green Space Strategy and Quantity/Accessibility Audit 2007. In this case the contribution required would be £1250.80 per dwelling (split between a capital sum £817.80 and a future maintenance sum £433.00).

The Director of Environment and Transport (Highways) requires developer contributions in the form of travel packs (£48.85 per pack) and 2 x 6 month bus passes (£264.50 per pass) for each dwelling to inform new residents what sustainable travel choices are available in the surrounding area and to encourage sustainable travel modes in accordance with national guidance in Planning Policy Guidance 13 and Planning Policy Statement 1.

Other Issues

The submitted Phase I Desk Top Study recommends that further ground investigation works and testing is undertaken along with other measures in respect of potential contaminants given the former agricultural uses on the site and the proximity of a former landfill site. As such the recommendation includes standard conditions to ensure that further investigation and testing is carried out prior to commencement of any development.

The submitted Archaeological Desk Based Assessment concludes that there is a low to moderate possibility that earth-fast archaeological remains will be present within the development area and that the standing buildings are of some historical and architectural interest worthy of recording before demolition. The Chief Executive, Leicestershire County Council (Archaeology) recommends a number of archaeological related conditions to secure adequate investigation and recording of the site and these have been included in the recommendation.

The submitted Protected Species Survey concludes that no protected species were present on the site at the time of the survey. The report recommends that clearance of vegetation be outside bird nesting season and that if bats are discovered during works, that works cease and Natural England be consulted for advice. The Chief Executive, Leicestershire County Council (Ecology) has no objection to the application subject to adherence to the recommendations and mitigations in the submitted protected species report. There are no trees within the site that provide any significant amenity value.

Conclusion

The site is within the settlement boundary of Thornton where residential development is generally considered to be acceptable in principle. The application site is suitable for housing

and will use derelict land effectively and efficiently to provide an appropriate contribution of affordable housing to the village and would not undermine the wider policy objectives of Policy 10 of the Core Strategy. It is considered that the proposed access is in an acceptable location and is adequate in terms of its width and geometry to serve the development of the site. The applicant has also demonstrated that an acceptable layout can be achieved that will enhance the character and appearance of the area and will not adversely affect the amenities of neighbouring properties. A legal agreement (section 106) has been submitted to secure the provision of 40% affordable housing within the development; and contributions towards the provision and maintenance of off-site public play and open space and the promotion of sustainable transport modes.

Recommendation:- That subject to no objections being raised from the outstanding consultees, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant outline planning permission subject to the following conditions 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 of affordable housing, the provision and maintenance of off-site public play and open space facilities and to promote and encourage the use of sustainable transport modes. Failure to complete the agreement by 2nd September 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 as: the site is within the settlement boundary of Thornton; satisfactory access can be achieved; residential development of the site would not have an adverse impact on the character or appearance of the area, neighbouring properties, archaeology or ecology; a legal agreement would provide appropriate developer contributions towards affordable housing and public play and open space.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policies 19, 15, 16 and 19

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, BE14, BE16, RES5, NE2, NE12, IMP1, REC3 and T5.

- 1 Application for the approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 2 The development hereby permitted shall be carried out in accordance with the approved plans: Site Location Plan at 1:1250 scale received by the Local Planning Authority on 8th July 2010 and the access details indicated on drawing number JB/MST/01 received by the local planning authority on 6th July 2010.
- 3 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:

- i) the layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
- ii) the scale of each building proposed in relation to its surroundings.
- iii) the appearance of the development including the aspects of a building or place that determine the visual impression it makes.
- iv) the landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

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

- 4 The reserved matters application shall include the following information for the prior approval by the local planning authority.

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

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the local planning authority.

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

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

- 7 No development approved by this permission shall be commenced until such time a scheme for the monitoring of landfill gas has been submitted to and agreed in writing by the local planning authority. The development and monitoring of landfill gas shall be carried out in accordance with the agreed details.

- 8 The approved landscaping scheme shall be carried out during the first planting season following the date when the proposed dwellings are first ready for occupation. The 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.

- 9 No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation, which has been submitted and approved in writing by the planning authority.
- 10 No development shall take place within the application area until the applicant has secured the implementation of an appropriate programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted to and approved by the planning authority. The development shall be undertaken only in full accordance with the approved written scheme. No variation shall take place without the prior written consent of the local planning authority.
- 11 The applicant shall notify the local planning authority of the intention to commence works (including site works of any kind) at least one week before such commencement. Thereafter, the programme of archaeological work shall be completed in accordance with the approved written scheme of investigation, including any necessary fieldwork, post-excavation analysis, report writing and archive deposition, as detailed in the approved scheme. The report and archive shall be prepared and deposited no later than six months after the commencement of fieldwork. No variation shall take place without the prior written consent of the local planning authority.
- 12 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
- 13 Notwithstanding the submitted details, before first occupation of any dwelling hereby permitted, a footway having a minimum width of 2.0 metres shall be provided across the frontage of the site to the satisfaction of the local planning authority.
- 14 Before first occupation of any dwelling hereby permitted, the access drive shall be provided in accordance with the approved plan and surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times thereafter.
- 15 Before the first occupation of any dwelling hereby approved, visibility splays in accordance with the details shown on the submitted drawing shall be provided at the junction of the access with Main Street. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in thereafter. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.
- 16 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 17 The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.

Reasons:-

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 For the avoidance of doubt and in the interests of proper planning.

- 3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 4 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 5-7 To ensure the protection of future occupiers of the development hereby approved to accord with Planning Policy Statement 23: 'Planning and Pollution Control' and policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies BE1 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 9 To ensure satisfactory historic building recording in line with policy HE12 of Planning Policy Statement 5: 'Planning for the Historic Environment' and policy BE16 of the adopted Hinckley and Bosworth Local Plan.
- 10 To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in line with policy HE12 of Planning Policy Statement 5: 'Planning for the Historic Environment' and policy BE14 of the adopted Hinckley and Bosworth Local Plan.
- 11 To ensure satisfactory archaeological investigation and recording in line with policy HE12 of Planning Policy Statement 5: 'Planning for the Historic Environment' and policy BE16 of the adopted Hinckley and Bosworth Local Plan.
- 12 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed in the interests of pedestrian and highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 13 In the interests of pedestrian safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 14 To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 15 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 16 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction in the interests of highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 17 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
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 permission is subject to a section 106 Agreement to secure the provision of affordable housing and off-site public play and open space contributions.
- 6 Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone or, if practicable, in combination with infiltration systems and/or rainwater harvesting systems.

The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending upon ground strata permeability. On low-permeability sites, water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.

- 7 In respect of Conditions 5, 6 and 7 the developer is advised that: 1) the former pond on the site should be investigated to identify, where possible, fill materials and also the presence of landfill gas; 2) general exploratory hole coverage is acceptable, but targeted sampling of areas most likely to be affected by contaminants, as identified during the survey, should also be targeted.
- 8 It is the responsibility of the developer to obtain the necessary approvals and defray the expenses of the appropriate authorities in connection with the removal of any street lamps, signs, posts, bus stops or shelters within the highway boundary which may be required.

The residential accommodation consists of two, 2-bedroomed residential maisonettes above the retail unit each with its own access. The six dwellings would all be 3-bedroomed, 4 of which are detached with 2 semi-detached. It is proposed that all dwellings would have private amenity areas and two off-street parking spaces.

The application relates to a site with an area of 0.25 ha to the west of Station Road, and South of Maynard Close, Bagworth. The site is currently waste ground with a slight dip in the centre. Residential properties surround the site to the north, east and south east with a sports ground to the south west. The north eastern corner of the site is adjacent to a roundabout marking the junction between Station Road, Maynard Drive and Warwick Close.

A Biodiversity survey, transport statement, viability assessment and design and access statement has been submitted in support of the application.

The Bio-diversity survey considered the habitat and likelihood of it housing protected species. The ground was searched for tracks, trails or signs (particularly droppings) of protected species. It concluded that the site is of limited wildlife value and no evidence of protected species was found.

The transport statement investigated the possible impact the proposed development may have on the existing highway network. It considered the existing network, previous planning permissions and public transport facilities. The report recommends that all parking and turning areas should be surfaced in hard-bound material and welcome packs containing bus and train timetables should be given to new residents to encourage sustainable transport patterns. The report concludes that the scheme results in a planning gain when compared to the approved scheme.

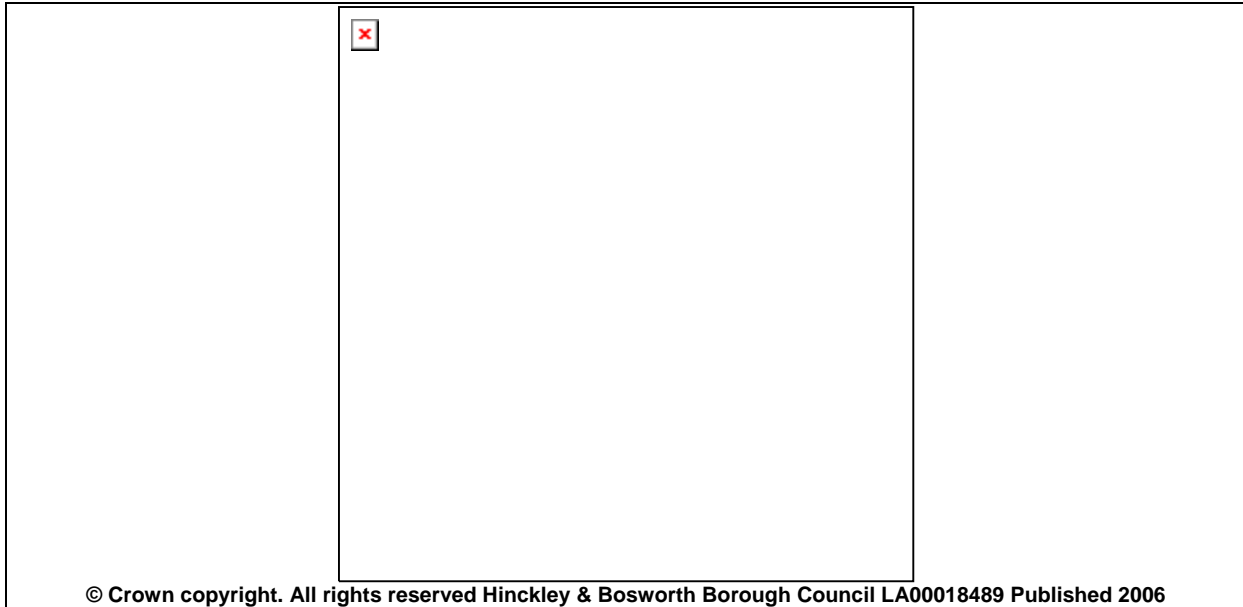
The viability assessment seeks to demonstrate that the proposed development will not return a viable profit if the policy requirement for affordable dwellings are met.

The design and access statement considers the location, surrounding area, national and local planning policy and details of the public consultation undertaken. The report continues with a description of the scheme and concludes that the design responds to the corner location and scale of surrounding developments and accords with national and local policy.

History:-

06/01114/FUL	Mixed use development comprising three retail units (Use Class A1, A3 and D1) and nine apartments with associated parking and access.	Refused (Allowed on Appeal) 09.08.07
02/00374/REM	Erection of 55 dwellings and associated works	Approved 10.10.02
02/00236/REM	Residential development and associated works for 50 dwellings	Refused 09.10.02
02/00120/REM	Residential development and associated works for 10 dwellings (amended layout) following the granting of planning permission 99/00820/OUT	Approved 17.04.02

01/01041/REM	External building materials and landscaping	Approved	7.12.01
99/00820/OUT	Residential development and associated open space including village green and play areas and provision of a local retail facility	Approved	01.05.01



Consultations:-

No objection has been received from:-

Environment Agency
 Head of Business Development and Street Scene Services.

No objection subject to conditions have been received from:-

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

The Leicestershire Constabulary Crime Reduction Officer-does not object to the proposal, however raises the following points:-

- a) rear parking courtyard does not provide surveillance opportunities for residents, however this could be rectified by the choice of rear boundary treatment.
- b) consider bollards to the front of the store to stop ram raiding.

Site notice was displayed and neighbours notified.

Four letters of objection / support have been received raising the following concerns:-

- a) Much more suitable proposal
- b) Village needs a shop
- c) Would have been good to have more green area but understands developers need to make a profit.
- d) Rumours of another proposal for 3 shops and flats which we would object to.

- e) Proposal is good for the community
- f) Supports the proposal subject to sufficient off street parking being provided.

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

Director of Environment and Transport (Highways)
Director of Environment and Transport (Ecology)
Ramblers Association
Severn Trent Water
Parish Council
Head of Community Services (Pollution).

Policy:-

Central Government Guidance

Planning Policy Statement 1- Delivering Sustainable Development provides overarching policies on delivery of sustainable development through the planning system.

Planning Policy Statement 3- Housing underpins delivery of the Government's strategic housing policy objectives and its goal to ensure everyone has the opportunity to live in a decent home.

Planning Policy Statement 4- Planning for Sustainable Economic Growth sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

Local Policy

Local Development Framework – Adopted Core Strategy 2009

Policy 7: Key Rural Centres - Supports development within key rural centres to ensure they can provide key services to their rural hinterland.

Policy 10: Key Rural Centres within the National Forest - Seeks to create a new sense of place and improve the provision of local services in Bagworth including the provision of a local shop.

Policy 15: Affordable Housing - Seeks to provide 40% affordable housing on sites in rural areas for 4 dwellings or more to contribute to the achieve the Council's target for affordable homes. The figures may be negotiated on a site by site basis taking into account local need and viability.

Policy 19: Green Space and Play Provision - Sets out standards for green space and play provision in the borough to ensure all residents have access to sufficient, high quality accessible green space.

Hinckley and Bosworth Local Plan 2001

The site lies within the Bagworth Settlement Boundary as defined within the adopted Local Plan.

Policy IMP1 seeks contributions towards the provision of the necessary on and off site infrastructure facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy RES5 supports residential proposals on sites not specifically allocated for housing providing the site lies within the rural settlement as defined on the proposals map and the siting, design and layout do not conflict with the relevant plan policies.

Policy BE1 seeks a high standard of design to enhance the existing environment. Development should, amongst other things, complement the character of the surrounding area, avoid the loss of open spaces that contribute to the quality of the local environment and have regard to the safety and security of both individuals and property.

Policy T5 states that the local planning authority will apply the design standards set out in the current edition of the Leicestershire County Council "Highway requirements for Development".

Policy RETAIL 9 safeguards land for the development of shopping facilities at land west of Station Road, Bagworth.

Policy REC3 states that the Borough Council will seek to negotiate with developers the relevant provision of informal children's play space.

Supplementary Planning Guidance / Documents

New Residential Development Supplementary Planning Guidance provides further guidance on the design and siting of development.

Play and Open Space Supplementary Planning Document provides further guidance on the provision of play space for residents of new developments.

Other Material Policy Guidance

The Green Spaces Strategy 2005-2010 and the Green Spaces Quality / Accessibility Audit 2005 looks at the current provision and supply of green space with the Borough and assess the quality and accessibility of the space. It identifies necessary improvements and sets out a plan for when improvements could be undertaken.

Appraisal:-

The main considerations with regard to this application are the principle of development, the impact of the proposal on the amenities of neighbouring residents, the impact of the design and appearance of the development on the street scene, the provision of affordable housing, and the impact on the highway and infrastructure requirements.

Principle of Development

The site is designated within the local plan to provide a site for retail facilities to serve the community of Bagworth. It is within the settlement boundary within which the principle of residential development is acceptable. It is noted that the retail unit only occupies a small portion of the site, however a previous application, (06/01114/FUL) has not been implemented due, in part, to the cost of establishing a business in a community where the shopping patterns are established. Bagworth has for a number of years required a retail facility to support the local population. The previous application was for a larger retail element however this scheme was never delivered although continually marketed. It is considered therefore that it is unlikely that Bagworth would financially justify a larger retail unit, leaving part of the site undeveloped if not permitted for residential. Therefore it is considered that the proposal to provide a retail use and residential, given the history of the site, is acceptable in principle.

Amenities of residents

It is considered that the proposal would not detrimentally affect the amenities of neighbouring residents. The properties to the north of Maynard Close have gable ends facing the development with no habitable room windows. Whilst a view from units A1 and A2 may overlook part of the rear gardens, this would be not different from other properties and not considered significant to warrant a refusal of planning permission.

To the south the gable end of 121 Station Road faces the site and again this has no windows serving habitable rooms. Units C1 and C2 are considered to be sited at a sufficient distance and at an angle resulting in no overlooking. 1 and 2 Maynard Close located to the west of the development overlook the north western corner and there is a distance of 16.8m between these properties and the corner of unit A1. Given the angles between the properties, it is not considered that there would be a loss of privacy to the residents of Station Road.

Within the site there is sufficient distance between all proposed dwellings with the appropriate level of amenity space provided. It is therefore considered that the proposal would not detrimentally affect the amenities of either the current residents around the site or the future occupiers of the properties.

Design and appearance

Retail Unit

This element of the scheme is located to the south eastern corner of the site and consists of a two-storey property with the retail element on the ground floor with maisonettes above, the second floor of which is contained within the roof space. Dormer windows are included on the rear elevation overlooking the parking areas. The entrance to the proposed shop is flanked by 2, two-storey projecting gables focusing the user to the main entrance; these serve to break up the southern and eastern elevations. It is considered that the appearance of this element is acceptable.

The height to the ridge of this element is 10.8m. The terrace properties to the south of the site have steeply pitched roofs and subsequent height to the ridge of 9.5m. The site is located between two junctions and seeks to result in a building that creates a landmark on Station Road. The additional height of 1.3m between the terrace houses and the development is therefore considered to be acceptable.

House type A

These units are located within the north-western corner of the site and consist of a pair of semi-detached properties. The properties have mirroring, projecting, two-storey gables. Integral garages are located to the centre of the block with the first floor at this point contained within the roof space with dormer windows front and back. The proposed projecting gables would be prominent in the streetscene. However, it is not considered that these would introduce an alien feature due to the smaller projecting gables and gables from the sides of surrounding properties opposite. The design, appearance and scale of house type A is considered acceptable.

House type B

These consist of two detached dwellings located in the north-eastern corner of the site. These are three storey properties with the third floor contained within the roof with 2 dormer windows to the front. On the corner of each property facing the traffic island, double-height projecting bay windows are proposed. The two dwellings face the traffic island and are

therefore located in a prominent position. The double-height bays seek to address the island creating an interesting feature on the corner. The proposed design of house type B is considered acceptable.

House type C

These are two detached properties located in the south-western corner of the site. These are three-storey three-bedroomed properties with a bay window to the front elevation and dormer windows to the front and rear roof slope. Interest and detail is provided by a chimney to one elevation. It is considered that the design is well proportioned.

In conclusion the design of the retail block and dwellings results in a cohesive development that addresses the important corners of the site. The proposal would create a development of individual design that would create a feature on a prominent site that is currently derelict and detracts from the appearance and character of the area. It is considered that the proposal would enhance the character by complementing existing development and therefore is considered to comply with Policy BE1.

Affordable Housing

Policy 15 of the Core Strategy requires residential development in rural areas, in which Bagworth falls, to provide 40% affordable housing on sites of 4 dwelling or more dwellings unless there are other factors such as viability that indicate otherwise. The applicant has provided evidence to demonstrate that the site is unviable if the affordable housing is provided which is currently being independently assessed. This will be reported as a late item.

Highway Safety

The proposal is supported by a travel statement that states that this development would have less impact on the highway network than the previously-approved 2006 application. This proposal uses the same site entrance of the previous scheme that the inspector considered acceptable on highway grounds.

Each dwelling is provided with two off-street parking spaces, the dimensions of which comply with the latest version of the County Council's Htd document. The flats have one space each with 4 spaces provided for the shop one of which is a disabled parking space. Standards within the Htd document require one space per 14 m² for food retail outlets and one space per 20m² for non food retail stores. These are maximum values and equate to 7 spaces and 5 spaces respectively. Whilst the 4 spaces proposed are below the standard, the standard is a maximum and there is no minimum. On this basis it is considered that sufficient off-street parking has been provided.

At the time of writing the report, no consultation response has been received from the Highway Authority. However a more intensive scheme was approved at appeal with the Inspector considering that the objections from the highway authority at the time could be addressed by a negatively-worded condition. There is no evidence to suppose that this would not be the case with this application, especially as this scheme has a reduced impact on the highway. Any highway comments received will be reported as late items.

Infrastructure Requirements

The site is located within 400 m of open space to the rear of the community centre Station Road, Bagworth. Due to the residential element of the development the proposal triggers a

requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD.

The request for any developer must be considered alongside the guidance contained within Circular 05/05 and more recently in the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Within the Green Space Strategy 2005-2010, Bagworth was found to have a deficiency of open space, for its population, of -0.03 when compared with the National Playing Fields Standard. The quality of the space was considered within the Quality and Accessibility Audit of 2005 which awarded the Community Centre Recreational Ground a score of 26.7% suggesting that additional works are required to improve the quality of the space. The document makes recommendations to what works are required to improve the quality and provides a cost. With regard to the provision for children and young people, these include the provision of new equipment and upgrading existing equipment, safety surfacing, dog-proof fencing and a recommendation that the needs of young people between the ages of 12 and 18 are considered. The estimated cost of these works is given as £100,000. To maintain and improve the quality of existing amenity green space is given as £45,000.

The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In this instance a contribution of £1,250.80 per dwelling is required, resulting in a total contribution of £10,006.40 with £6,542.40 towards the provision of facilities and £3,464.00 towards the maintenance.

It is considered that Bagworth has a deficiency of open space and the Community Centre Recreational Ground has shown to have a quality deficit relating to facilities. The size of units proposed would appeal to families and given the proximity of the application site to the Recreation Ground it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance.

Drainage

The Head of Community Services (Land Drainage) raises no objection to the proposal but has asked for conditions in respect of drainage details to be submitted. Whilst Severn Trent Water have not yet responded they commented on the previous application and also asked for conditions in respect of drainage. Historically the development control process has sought to control the design of drainage systems. However, in more recent years further control is now delivered through the Building Regulations, Severn Trent Water (as the service provider) and the Code for Sustainable Homes and the drainage scheme that has been approved by the planning authority is usually subject to change. In line with recent appeal decisions and Planning Inspector opinion, it has been agreed locally that drainage details will no longer be required to be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary.

Other Issues

The Leicestershire Crime Reduction Officer has commented on potential security issues with the development. However, this could be addressed with careful consideration to boundary and other landscape conditions.

Conclusion

The proposal including a corner shop for Bagworth would provide a much needed facility for the community. It has been the Council's intention to facilitate the provision of a shop for many years. Planning permission was granted at appeal in 2007 for three commercial units. This permission consisted of a single terrace building with flats above and parking to the rear. The design of the scheme now under consideration is considered to be better designed and would introduce a higher standard of design into Bagworth. Therefore subject to no objection from the Highways Authority and confirmation that the viability appraisal demonstrates the scheme cannot deliver the affordable housing and return a profit, the proposal is recommended for approval.

Recommendation: That subject to the resolution of the outstanding viability issues by 22nd October 2010, the Deputy Chief Executive (Community Direction) be granted powers to issue full planning permission subject to the conditions below. Failure to do so by 22nd October 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 by virtue of providing a retail facility to serve the local community, the siting design and appearance of the proposed buildings would not detrimentally affect the amenities, character or appearance of the area and therefore would be in accordance with the development plan.

Hinckley and Bosworth Borough council Core Strategy:- Polciy 7, Policy 10, Policy 15, and Policy 19

Hinckley & Bosworth Borough Council Local Plan (2001) :- IMP1, RES5, BE1, T5, RETAIL9, REC3

- 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 begin until a scheme showing the improvements to the junction of the access road with Station Road have been submitted to and approved in writing by the Local Planning Authority. No development hereby approved shall be occupied until the vehicular access has been improved in accordance with the approved details.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed development 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 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
 - (ii) hard surfacing materials

- (iii) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
 - (iv) planting plans
 - (v) written specifications
 - (vi) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - (vii) 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 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
L114(90)01 , (PL)01, (PL) 04, (PL) 05 received 23.07.10
Amended plans (PL) 06, (PL) 07 received 13.08.10
 - 7 No dwelling hereby approved shall be occupied until the retail unit is open and trading for business.
 - 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 Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure a safe access in the interest of highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure an adequate standard of design in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 In the interests of the appearance of the scheme in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 For the avoidance of doubt and in the interests of proper planning.
- 7 To ensure the retail element of the scheme is provided to comply with policy RET9 of the adopted Hinckley and Bosworth Local Plan.
- 8 To ensure the provision of adequate play and open space within the vicinity of the site in accordance with Policy REC3 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
4. 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 Any advertisement to the proposed corner shop may require advertisement consent and you should contact a planning officer.
- 6 Condition 8 of the application refers to play and open space contribution. In this instance a contribution of £1,250.80 per dwelling, £10,006.40 in total, is required towards the provision and maintenance of off-site play and open space.

Contact Officer:- Sarah Fryer Ext 5680

Item: 09

Reference: 10/00560/FUL

Applicant: Miss Leanne Orgill

Location: School Farm Desford Road Newbold Verdon Leicester Leicestershire

Proposal: CONVERSION OF EXISTING BARNs TO FORM RESIDENTIAL UNIT

Target Date: 15 September 2010

Introduction:-

This application seeks planning permission for the conversion of a barn, currently used as storage ancillary to the existing dwelling, School House Farm, Desford Road, Newbold Verdon. The barn is a single storey structure forming a courtyard to the north of the main dwelling, separated by a dilapidated out building and brick wall.

The application site is located to the south of Desford Road, Newbold Verdon, to the east of Peters Avenue. The site is accessed via a driveway leading from Desford Road which serves the existing dwelling. The barns and old stables forming part of this application are located in the north western corner of the complex and would share the existing driveway.

The barns consist of two attached buildings at right angles to each other. One half provides living accommodation consisting of a lounge and kitchen area, with the other half providing accommodation for three bedrooms and two bathrooms.

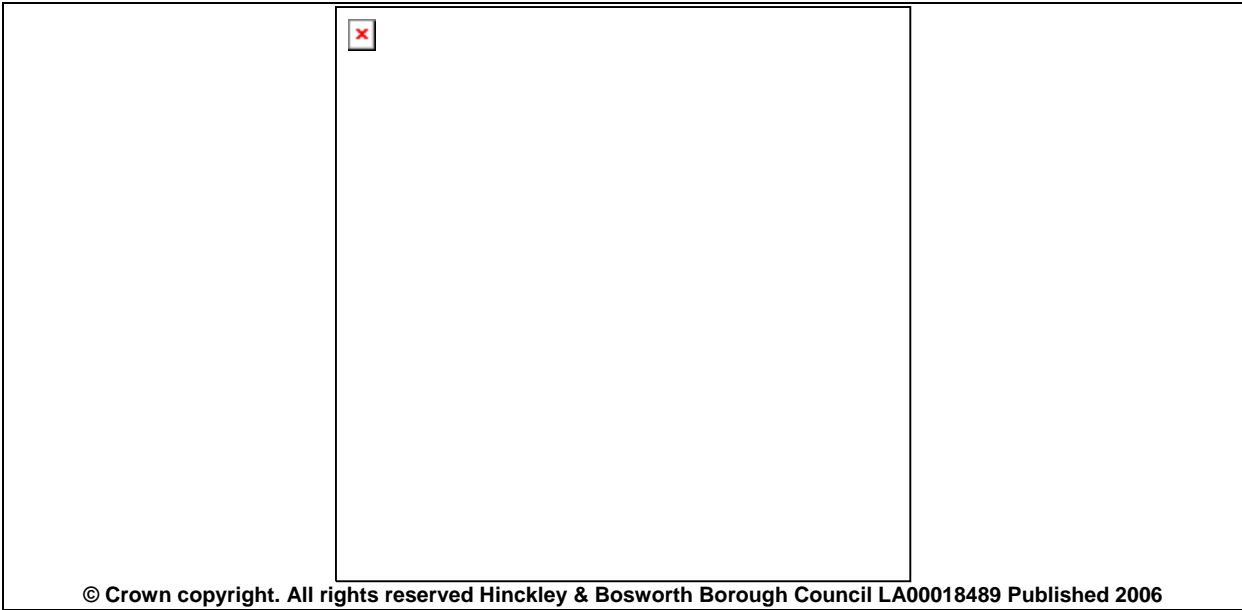
A design and access statement, ecological and structural report have been submitted with the application. The design and access statement includes information on alternative uses of the barn other than residential This includes correspondence received from County Highways indicating that they would not support commercial use of the property due to the width of the access driveway. The design and access statement considers policy, the use of the site and the design and appearance. It considers that the proposal maintains the simple architectural style of the original design.

The Ecological report surveyed the buildings particularly for bats, nesting birds and barn owls. It was concluded that whilst some bat droppings were found, these indicated that the building was used more for foraging or as an occasional night time roost. It was observed that another building unaffected by the proposals could be used by bats in a similar way. Active bird's nests were found within one building and therefore it is recommended the works are scheduled to take place outside the bird nesting season.

The structural report gives a methodology of the how the structural survey was undertaken and includes discussions regarding the results. The report highlights that the property has suffered defects mainly to the roof structure and part of the dividing walls which it is considered derives from a lack of maintenance over a period of time. The report recommends how these can be addressed to ensure the building has a long life. None of the recommendations include demolition.

History:-

05/00497/FUL	Extensions and Alterations to dwelling and erection of detached garage	Approved	11.08.05
89/01032/4	Barn conversion to form two dwellings	Approved	16.02.90
87/00052/4	Erection of one retirement bungalow outline	Refused	25.08.87
86/01042/4	Residential development 2 No houses	Refused	25.11.86



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Consultations:-

No objection has been received from:-

Director of Environment and Transport (Ecology)
Head of Community Services (Pollution).

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

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

Director of Environment and Transport (Highways)
Parish Council
Neighbours.

Policy:-

Central Government Guidance

Planning Policy Statement (PPS) 1 Sets out the Government's national policies on the delivery of sustainable development through the planning system. This considers issues of sustainability.

Planning Policy Statement (PPS) 3- Underpins the delivery of the Government's housing policy objectives including ensuring everyone has the opportunity of living in a decent home.

Planning Policy Statement (PPS) 7 sets out the Government's policies for rural areas. This includes that isolated new dwellings in the open countryside require special justification and supports the re-use of appropriately located buildings in the countryside where this would meet sustainable development objectives.

Local Policy

Local Development Framework – Adopted Core Strategy 2009

None relevant

Hinckley and Bosworth Local Plan 2001

The site lies outside the settlement boundary as defined by the adopted Hinckley and Bosworth Local Plan and therefore is considered to be in the countryside.

Policy IMP1 seeks contributions towards the provision of the necessary on and off site infrastructure facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy BE1 considers the design and siting of the development to ensure a high standard of design by seeking a development that complements or enhances the character of the surrounding area, that the development is not adversely affected by activities in the vicinity of the site and does not adversely affect the occupiers of neighbouring properties.

Policy BE20 supports the re-use and adaptation of rural building providing the building is structurally sound and capable of conversion without significant adaptation and re-building and the proposals are not detrimental to the design, character and appearance and setting of the building.

Policy NE5 supports development in the countryside provided it is important to the local economy, for the re-use of existing buildings or for sport and recreational purposes, and providing it complies with other policies within the local plan.

Policy T5 states in making decisions the Local Planning Authority will have regard to the Highway Design Standards within the current edition of the County Councils HtD document.

Policy REC3 states that the Borough Council will seek to negotiate with developers the relevant provision of informal children's play space.

Supplementary Planning Guidance / Documents

Conversion of Rural Buildings sets out the best practice design principles that should be followed when converting rural buildings.

New Residential Properties gives advice on minimal distances, minimal garden areas and design principles for new residential proposals.

Appraisal:-

The main considerations with regards to this application are if the building is structurally sound and capable of conversion, its suitability for alternative uses, the design and appearance, impact on neighbouring properties and infrastructure requirements.

Structural stability

The structural report confirms that the proposed dwelling can be converted without demolition or major alterations. The report highlights where there are problems with the building relating to the internal dividing walls and roof structure. The report explains how these can be addressed through replacing the rotten roof timbers to meet current building regulation standards, inserting various steel traps to ensure that joists and rafters are attached to the gable walls and crosswall corners. The report has been assessed and following initial comments further information has been requested relating to the depth of foundations and extent of rotten roof timbers. Following the receipt of this information it has been agreed that the building is capable of conversion without major alterations or extensions. It is therefore considered that the building complies with this criteria of Policy BE20.

Alternative uses

The applicant has considered alternative uses within the design and access statement. A commercial use was discounted due to the residential character of the area and constraints with the access. Correspondence with the Highway Authority confirmed this with the view that the access could be improved enabling it to comply with standards for a shared private driveway. However, in their opinion it would not meet standards required for industrial/commercial development that would result in a more intensive use.

Given the Highway authorities assertion that the access is not suitable for more intensive use, it is considered that there is no use other than residential that would be acceptable in planning terms. Given the location of the proposal, abutting the settlement boundary and proximity to residential properties, there would be concerns regarding the affect of a commercial use in this location and the effect upon the neighbouring properties.

The applicants have not considered a tourist use and further information has been requested to demonstrate why the building can not be utilised for this use. This will be reported as a late item.

Design, Character and Appearance

Supplementary planning guidance advises that to preserve the character and appearance of the building maximum use is made of existing openings and the number of new openings is minimised. The buildings have been used in the past as stables and various doors have already been converted to windows. It is proposed to use these openings as much as possible to provide the doors and windows required. The proposal therefore only involves the creation of one doorway and window to the rear serving the kitchen, and the introduction of six rooflights to the rear roof slope, three on each element of the building. It is proposed that a condition be imposed requiring details of the window profiles to ensure that the windows are recessed sufficiently to maintain the character and appearance of the property in accordance within the Supplementary planning guidance. It is considered that the proposed alterations comply with the guidance with the SPG and would maintain the character and appearance of the building.

The location of the building adjacent to the settlement boundary is not an isolated countryside location. It is separated from the countryside by the existing farm house and the amenity area is located to the west of the building with parking contained within the courtyard to the front. The ancillary residential garden areas to barn conversions can have a detrimental impact to the character and appearance of the countryside due to the introduction of residential paraphernalia and formalisation of the space around the property. Due to the location of the proposed residential garden area it is not considered that this

would alter the character or appearance of the countryside. It is considered that the proposal complies with Policy NE5.

Impact on amenities

The nearest properties to the site are the School Farm House located to the south of the site, properties on Peters Avenue to the west and Pine Tree Close to the north. As the building already exists, it is not considered there would be any impact from overshadowing on neighbouring properties.

The properties on Peters Avenue are located 26m from the west elevation of the proposed barn conversion. On this elevation it is proposed to insert three rooflights and a door. The rooflights would be located above eye level and therefore views of neighbouring properties would not be obtainable through these openings. The door serves a kitchen without a dining area and it is therefore considered to be a non-habitable room. Notwithstanding this there is a 1.8m close boarded fence separating the application site from the properties to the west and a distance of 26m. It is therefore considered the proposal would not detrimentally affect the amenities of the residents of these properties.

To the north no windows are proposed to the elevation however three rooflights are proposed to the roof slope, but again these would be located above eye level and therefore would not provide an opportunity for overlooking.

School House Farm house is located to the south of the site, a distance of 7m from the boundary but 21m from the south elevation of the barn building. The orientation of the farm house is east west presenting a side double gable end to the proposal. There are no habitable room windows to this elevation and it is considered that there is sufficient distance between the proposal and the existing farm house not to detrimentally affect the amenities of either the residents of the existing dwelling or future residents of the proposed barn conversion.

The proposal would use the existing access to School House Farm. This passes between 21 and 23 Desford Road; however it is not considered that the increase in traffic relating to an additional dwelling would result in significant noise and disturbance to warrant a refusal of planning permission. The access drive would be shared between the two properties, however it is not considered that this would detrimentally affect the privacy or result in additional noise and disturbance to warrant a refusal of planning permission.

It is not considered that the proposal would detrimentally affect the amenities of either occupiers of existing properties nor the future occupiers of the proposed conversion. It is therefore considered the proposal complies with Policy BE1 of the adopted Local Plan.

Infrastructural Improvements

Due to the size of the application, contributions towards play and open space can only be requested for informal children's play space. The only informal children's play space within Newbold Verdon is located at Dragons Lane; over 400m from the application site and therefore a contribution can not be requested in this instance.

Conclusion

Due to the siting, location and constrained access to the site it is not considered that the building would be suitable for commercial uses. The proposed alterations to create window and door opening have taken account of the existing openings to the building and it is considered that the alterations are minor and preserve the character and appearance of the

building. It is considered that the proposal would not result in a detrimental impact on neighbouring properties. Subject to the applicants providing adequate justification ruling out a tourism use, the proposal is considered to comply with Policies BE1, BE20 and NE5 of the adopted Hinckley and Bosworth Local Plan.

Recommendation: That subject to the resolution of the outstanding alternative use issue by 15th September 2010, the Deputy Chief Executive (Community Direction) be granted powers to issue full planning permission subject to the conditions below. Failure to do so by 15th September 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 by virtue of its location, structural soundness and relationship with other neighbouring properties, would not detrimentally impact upon the countryside or amenities of neighbouring residents, would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE20, NE5, T5, REC3

- 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:
Site location plan scale 1:2500, Block Plan scale 1:500, 979/01, /02, and /03 received 21.07.10
- 3 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing barn unless previously agreed in writing with the Local Planning Authority.
- 4 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, E and G shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 5 Before development commences a section at a scale of 1:20 showing the window reveal and cill shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 6 Prior to the commencement of development a methodology statement providing details of how the conversion shall be constructed shall be submitted to and approved in writing by the Local Planning Authority. The building shall be converted in accordance with the approved scheme.

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 and BE20 of the adopted Hinckley & Bosworth Local Plan.
- 4 To preserve the character and appearance of the building in accordance with policy BE20 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that the character of the property is retained in accordance with Policy BE20 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that the building will be converted without major demolition which then may be deemed to result in a new dwelling in the open countryside and to ensure compliance with Policy BE20 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.
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

Item: 10

Reference: 10/00561/EXT

Applicant: Farland Trading Limited

Location: Land Adjacent 121 Station Road Bagworth Leicestershire

Proposal: EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION 06/01114/FUL FOR MIXED USE DEVELOPMENT COMPRISING THREE RETAIL UNITS (USE CLASS A1, A3 AND D1) AND NINE APARTMENTS WITH ASSOCIATED PARKING AND ACCESS

Target Date: 20 October 2010

Introduction:-

This is an application to extend the period of time to implement planning permission originally granted at appeal on the 9th August 2007 for a mixed use development comprising three retail units (use class A1, A3 and D1) and nine apartments including associated parking and

access. The original scheme was refused at planning committee on 9th January 2007, however the Inspector when assessing the application considered it appropriate for the design of the scheme to be individual, and that highway safety concerns could be overcome with appropriately worded conditions.

The application relates to a site to the west of Station Road, and south of Maynard Close, Bagworth. The site is currently waste ground with a slight dip in the centre. Residential properties surround the site to the north, east and south east with a sports ground to the south west. The north eastern corner of the site is adjacent to a roundabout marking the junction between Station Road, Maynard Drive and Warwick Close.

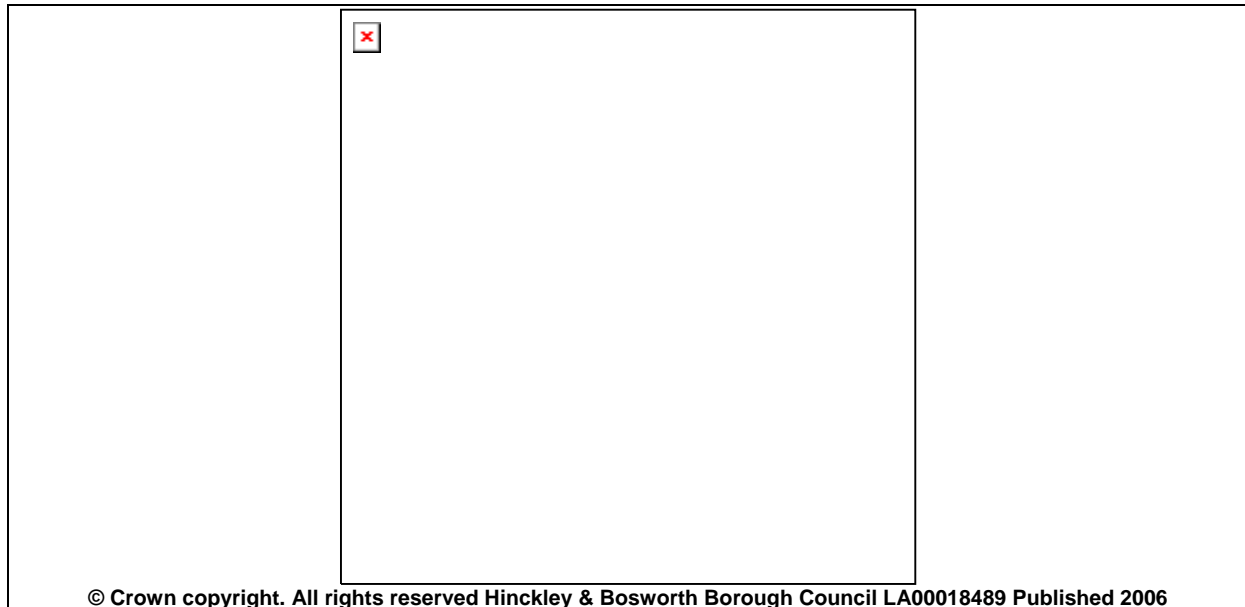
The proposal consisted of one terrace that wrapped around the corner of Station Road and Maynard Close, with the three commercial units at ground floor level with flats above. 33 parking spaces were shown to the west of the building with access from the service road to the south of the site.

The applicant has submitted an ecological statement in support of the application which concluded that the site was of limited wildlife value and contained no Great Crested Newts or no suitable breeding ponds within 100m. There was no evidence of badgers, nesting birds or any other protected species found on the site and therefore the report recommends that the proposed development is unlikely to have a negative effect on biodiversity of the area.

The applicants have submitted a revised scheme for one retail (use class A1) with two flats and six houses that is also being considered on this agenda.

History:-

10/00557/FUL	Mixed use development comprising of a retail unit (use class A1) and eight dwellings with associated parking and access.	Pending consideration	
06/01114/FUL	Mixed use development comprising three retail units (Use Class A1, A3 and D1) and nine apartments with associated parking and access.	Refused (Allowed on Appeal) 09.08.07	
02/00374/REM	Erection of 55 dwellings and associated works	Approved	10.10.02
02/00236/REM	Residential development and associated works for 50 dwellings	Refused	09.10.02
02/00120/REM	Residential development and associated works for 10 dwellings (amended layout) following the granting of planning permission 99/00820/OUT	Approved	17.04.02
01/01041/REM	External building materials and landscaping	Approved	07.12.01

**Consultations:-**

No objection has been received from:-

Environment Agency
Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage).

No objection subject to conditions have been received from:-

Severn Trent Water
Head of Community Services (Pollution).

Site notice and Press notice were displayed and neighbours notified.

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

- a) confusion as what is to be built as there are two different applications submitted for the site.
- b) one letter which objects to the proposal for 3 shops and 9 flats however supports the proposal for 1 shop, 2 flats and 6 houses.
- c) flats would not be let
- d) proposal would result in unsociable behaviour
- e) not enough parking proposed on the site resulting in on street parking
- f) unwelcome smells from the fish and chip shop
- g) building is too large and high
- h) village does not need three retail units.

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

Director of Environment and Transport (Ecology)

Parish Council.

Policy:-

Central Government Guidance

Planning Policy Statement 1 - Delivering Sustainable development provides overarching policies on delivery of sustainable development through the planning system.

Planning Policy Statement 3 - Housing underpins delivery of the governments strategic housing policy objectives and its goal to ensure everyone has the opportunity to live in a decent home.

Planning Policy Statement 4 - Planning for sustainable economic growth sets out the governments comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

Local Policy

Local Development Framework – Adopted Core Strategy 2009

Policy 7: Key Rural Centres supports development within key rural centres to ensure they can provide key services to their rural hinterland.

Policy 10: Key Rural Centres within the National Forest seeks to create a new sense of place and improve the provision of local services in Bagworth including the provision of a local shop.

Policy 15: Affordable Housing seeks to provide 40% affordable housing on sites in rural areas or 4 dwellings or more to contribute to the achieve the Councils target for affordable homes. The figures may be negotiated on a site by site basis taking into account local need and viability.

Policy 19: Green Space and Play Provision sets out standards for green space and play provision in the borough to ensure all residents have access to sufficient, high quality accessible green space.

Hinckley and Bosworth Local Plan 2001

The site lies within the Bagworth Settlement Boundary as defined within the adopted Local Plan.

IMP1: Contributions towards the provision of infrastructure and facilities seeks contributions towards his provision of the necessary on and off site infrastructure facilities to serve the development commensurate with the scale and nature of the development proposed.

RES5: Residential proposals on unallocated sites will support residential proposals on sites not specifically allocated for housing providing the site lies within the rural settlement as defined on the proposals map and the siting, design and layout do not conflict with the relevant plan policies.

BE1: Design and siting of development, seeks a high standard of design to enhance the existing environment. Development should, amongst other things, compliment the character of the surrounding area, avoid the loss of open spaces that contribute to the quality of the local environment and has regard to the safety and security if both individuals and property.

T5: Highway design and vehicle parking standards states that the local planning authority will apply the design standards set out in the current edition of the Leicestershire County Council "Highway requirements for Development".

RETAIL 9: Proposed local shopping centres safeguards land for the development of shopping facilities at land west of Station Road, Bagworth.

REC3: New Residential Development – Outdoor play space for children states that the Borough Council will seek to negotiate with developers the relevant provision of informal children's play space.

Supplementary Planning Guidance / Documents

Supplementary Planning Guidance- New Residential Development

Supplementary Planning Document- Play and Open Space guide.

Green Spaces Strategy 2005-2010

Green Spaces Quality / Accessibility Audit 2005

Appraisal:-

The main consideration with regards to this application is whether there have been any material changes in planning policy since the previous application that would affect the determination of the application and if the originally imposed conditions are still required.

Affordable Housing

Since August 2007 when the application was granted at appeal, the Council has adopted the Local Development Framework, Core Strategy. Policy 15 is relevant to this application which requires 40 percent of developments over 4 dwellings to be made available as affordable dwellings. The policy states that figures may be negotiated on a site by site basis taking into account, amongst other things viability.

The applicant has submitted information relating to the costs of the site and development to demonstrate that the site cannot return both a profit and the affordable housing. This is being independently checked and will be reported as a late item. The site has had the benefit of the planning permission and been marketed as such.

It is not considered that there are any other policies within the Core Strategy that are relevant to the application or are materially different to the policies under which the original application was determined.

Play and Open Space

The site is located within 400 m of open space to the rear of the Community Centre at Station Road, Bagworth. Due to the residential element of the development the proposal triggers a requirement for a contribution towards the maintenance and provision of play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD.

Within the Green Space Strategy 2005-2010, Bagworth was found to have a deficiency of open space, for its population, of -0.03ha when compared with the National Playing Fields

Standard. The quality of the space was considered within the Quality and Accessibility Audit of 2005 which awarded the Community Centre Recreational Ground a score of 26.7% suggesting that additional works are required to improve the quality of the space. The document makes recommendations to what works are required to improve the quality and provides a cost. With regard to the provision for children and young people, these include the provision of new equipment and upgrading existing equipment, safety surfacing, dog proof fencing and a recommendation that the needs of young people between the ages of 12 and 18 are considered. The estimated cost of these works is given as £100,000. To maintain and improve the quality of existing amenity green space is given as £45,000.

The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In this instance a contribution of £938.10 per dwelling is required for the one bedroom flats and £1250.80 for the two bedrooms, resulting in a total contribution of £10,631.80 with £6,951.30 towards the provision of facilities and £3,680.50 towards the maintenance.

It is considered that Bagworth has a deficiency of open space and the Community Centre Recreational Ground has shown to have a quality deficit relating to facilities. The size of units proposed would appeal to families and given the proximity of the application site to the Recreation Ground it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance.

Other issues

Drainage

Severn Trent Water raise no objection to the proposal but have asked for conditions in respect of drainage details to be submitted. Historically the development control process has sought to control the design of drainage systems, however in more recent years further control is now delivered through the Building Regulations, Severn Trent Water (as the service provider) and the Code for Sustainable Homes and the drainage scheme that has been approved by the planning authority is usually subject to change. In line with recent appeal decisions and Planning Inspector opinion, it has been agreed locally that drainage details will no longer be required to be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary.

Representations

Objections have been received stating local residents` confusion between the two schemes currently being considered. The applicant in submitting both is keeping their options open in case the revised scheme is refused. The Local Authority has no control over which scheme the applicants will implement.

Other objections have been received relating to the development attracting unsociable behaviour and smells from the fish and chip shop. This would have been considered during the determination of the 2007 application when the inspector determined that the scheme was acceptable. There is no evidence to suggest that the proposal would result in antisocial behaviour and therefore it would be unreasonable to refuse the application on this ground. If a problem did arise it would be addressed through other legislation. The application does not specify the proposed user of the take-away unit. Odours can be addressed through other legislation and controlled through filtering and extractor equipment.

Conditions

The original conditions imposed by the inspector and the reasoning for their imposition at the time has been considered. It is concluded that the conditions below are still considered necessary and relevant to the application. A condition requesting play and open space contribution has been imposed. This was addressed by the submission of a unilateral undertaking at the time of the appeal. It is not considered that there are additional policies that require any additional conditions to be added.

Conclusion

The previous application was granted at appeal in 2007 in accordance with the Hinckley and Bosworth Development Plan at the time. Since then some policies have been replaced by the Core Strategy adopted December 2009. The only policy that may have changed the determination relates to affordable housing and this is considered above. Therefore subject to it being demonstrated that the site is not viable if 40% of the flats are transferred to an affordable housing provider, it is recommended that the scheme be approved.

Recommendation: That subject to the resolution of the outstanding viability issues by 20th October 2010, the Deputy Chief Executive (Community Direction) be granted powers to issue full planning permission subject to the conditions below. Failure to do so by 20th October 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 by virtue of the previous application and the changes in policy since the last permission would not result in a different decision being reached and therefore would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- IMP1, RES5, BE1, T5, RETAIL9, REC3,

Hinckley and Bosworth Core Strategy (2009):- Policy 7, Policy 10, Policy 15, and Policy 19

- 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 begin until a scheme showing improvements to the junction of the access road with Station Road have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the vehicle access has been improved in accordance with the approved details.
- 3 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - (i) proposed finished levels or contours

- (ii) means of enclosure and boundary treatments
- (iii) car parking layouts
- (iv) other vehicle and pedestrian access and circulation areas.
- (v) secure cycle parking facilities
- (vi) hard surfacing materials
- (vii) minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting, etc.)
- (viii) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
- (ix) a natural wildlife habitat and management plan
- (x) planting plans
- (xi) written specifications
- (xii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- (xiii) 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 work shall be carried out on site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details to be approved by the local planning authority. Such facility shall be retained in working order and operated throughout the period of work on the site to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance or hazard on the public highway.
- 7 The development hereby permitted shall not commence before the provision and maintenance of off-site open space or facilities whether by off-site physical provision or financial contributions as required in accordance with policy REC3 of the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide has been secured in such a manner as is approved in writing by the Local Planning Authority.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure a safe highway access in accordance with T5 of the adopted Hinckley and Bosworth Local Plan.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4&5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6 In the interest of highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure the provision of adequate play and open space within the vicinity of the site in accordance with Policy REC3 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 Condition 7 of the application refers to play and open space contribution. In this instance a contribution of £10,631.80 in total, is required towards the provision and maintenance of off-site play and open space.

Contact Officer:- Sarah Fryer Ext 5680

PLANNING COMMITTEE – 31 AUGUST 2010

REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)
RE: APPEALS LODGED AND DETERMINED

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 Arragon Properties against the refusal of planning permission for the erection of 1 dwelling (09/00818/FUL) at Land at Land Adjacent to 1 Main Road Ratcliffe Culey (Written representation)

3.2 Appeals Determined

3.2.1 Appeal by Mr H Alti against the refusal of Variation of Condition 3 of planning application 02/00401/COU to amend the hours of opening for a hot food takeaway at 7 The Horsefair Hinckley.

3.2.2 Application 09/00735/CONDIT sought variation of condition 3 of planning application 02/00401/COU to amend the hours of opening. The 02 application was for a change of use of the premises to A3. Application 09/00735/CONDIT was granted subject to further conditions. Conditions 1 and 2 of application 09/00735/CONDIT are those under dispute in this appeal. Condition 1 read:- *“This permission is limited to the period expiring on 25th November 2010. Immediately on the expiry of that period the hours of opening hereby permitted shall be discontinued unless in the meantime a further planning permission has been granted.”* Condition 2 read:- *“The premises shall only be open to the public between the hours of 08:00 to 00:00 on Mondays to Wednesdays, excluding bank holidays, and 8:00 to 04:00 the following morning on Thursdays to Sundays and Bank Holidays.”*

3.2.3 Under the appeal the application sought a permanent permission that would enable opening until 01:00 hours the following morning on Mondays to Wednesdays and until 05:00 hours the following morning on Thursdays to Sundays.

3.2.4 The inspector considered that the main issues were the location of development and surrounding uses, and the impacts on the amenity of these uses in light of policy BE1 of the adopted Local Plan. Policy BE1 seeks to ensure, among other things, that developments do not adversely affect the occupants of neighboring properties.

- 3.2.5 In considering the surrounding uses the inspector felt that the occupiers most likely to be affected by noise and disturbance in the area were the occupants of Horsefair Mews (8 apartments granted planning subject to a condition requiring soundproofing). The inspector made reference to the fact that the hours sought on Thursdays to Sundays would be outside the hours approved by the Licensing Committee and also beyond the hour, (04:00) when weekend policing operations stop in the town centre. Attention was also drawn to the fact that the Elements Nightclub is open at the weekends until 04:00 hours.
- 3.2.6 In his conclusion, the inspector saw no objection to opening until 01:00 hours, but considered that opening past the closing time of the Elements nightclub and once policing operations have come to an end, could result in potential for unacceptable disturbance at weekends and Bank Holidays. Thus the inspector did not support opening beyond 04:00 hours on these days.
- 3.2.7 In respect of condition 1, which related to a "trial run", the inspector did not consider that this would be appropriate. Bearing in mind the situation in the Horsefair and nearby, it would be legitimate for Flames Grill or other A5 uses on the site to be operated within the hours detailed. Further, the objectives of the development plan would not be prejudiced and the occupiers of neighboring properties would not be adversely affected.
- 3.2.8 **APPEAL DECISION**
Appeal Allowed (Officers Decision)
- 3.3.1 Appeal by Mr P Finney against the refusal of planning permission (09/00995/COU) for the change of use of land to private gypsy site at Land at Heath Road, Bagworth Leicestershire.
- 3.3.2 The land subject of this appeal had been used as a gypsy site by the appellant since 2003, subsequent to unsuccessful planning and enforcement appeals in 2005, a temporary permission was granted in June 2006 for a 14 month period. Subsequent to this, an application for 4 gypsy caravans for a period of 3 years was refused.
- 3.3.3 The Local Planning Authority was in agreement that the appellant was a gypsy as defined in Circular 1/2006 and accepted that there was a very substantial shortfall in provision of the 26 pitches for gypsies and travellers to be provided in the District by 2012, as set out in Policy 18 of the Hinckley and Bosworth Local Development Framework Core Strategy (CS) as adopted in December 2009. The appeal site was considered as a potential allocation option for a Gypsy site in the early emergence of the site allocations, but was not considered as a preferred option owing to the perceived road safety hazard at its entrance.
- 3.3.4 The inspector considered the main issue to be whether the use of the access caused an unacceptable danger to occupiers of the site and to other road users consequent on the limited forward visibility to the south east, along Heath Road.
- 3.3.5 The inspector considered that none of the accidents reported by the HA was associated with the appeal site or were close to it, and noted that Heath Road

was a predominantly rural, unlit road, where limited turning movements would be expected. However, despite this, the inspector was of the view that the potential for driver confusion from turning movements at the site would not be great, even in the dark.

3.3.6 The inspector gave weight to the County Council's HTD document, as informing the aims behind Policy T5 and assessing the 4th proviso of CS Policy 18. However, in considering the shortfall against accepted design standards, it was not considered, in practical terms, to cause undue hazard to road users or undermine the aims behind Local Plan Policy T5.

3.3.7 A further consideration was that Policy 18 of the CS also requires that a site should be "within a reasonable distance of local services and facilities". Although the inspector noted that Bagworth itself had no shop or school and very few other facilities, in taking account of Policy 18 and Circular 01/2006 the site was considered to be within a reasonable distance of local services and facilities.

3.3.8 A further concern raised was the overconcentration of gypsies and gypsy sites within the area. In response to this, the inspector did not expect that a single family site away from other dwellings would be problematic, and in the absence of evidence supplied to illustrate a serious threat to community cohesion, did not consider this an issue.

3.3.9 Finally, the inspector considered maintenance of confidence in the planning system as important, but noted that, since the earlier appeal, some modifications to the access had been made, national guidance has evolved, and the CS had been adopted. Further, during the hearing it was disclosed and confirmed that the appellant owned the field opposite and that there was the possibility that forward visibility could be improved. Based on this (and subject to other conditions) the inspector concluded that the highway objection was not so significant to warrant dismissal of the appeal.

3.3.10 **APPEAL DECISION**

Appeal allowed subject to conditions.(Officer Decision)

4. **FINANCIAL IMPLICATIONS (CB)**

None arising directly from the report.

5. **LEGAL IMPLICATIONS (MR)**

5.1 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 |

Background papers: Appeal Decisions

Contact Officer: Eleanor Shaw ext 5691

PLANNING COMMITTEE - 31 AUGUST 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

Background Papers:

Contact Officer: Simon Wood, extension 5692

PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 20.08.10

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
	ES	10/00256/FUL	WR	Gary Dulon	1 Woodland Close Markfield	<i>Awaiting Start Date</i>	
	LF	09/00818/FUL	WR	Arragon Properties	Land Adjacent to 1 Main Road Ratcliffe Culey	<i>Awaiting Start Date</i>	
10/00016/PP	LF	10/00241/FUL	WR	Mr Jogi Singh	The Pantry 102 Rugby Road Hinckley	<i>Start Date</i> Final Comments	08.07.10 09.09.10
10/00015/PP	RW	09/00841/OUT	WR	Mr Stephen Goodman	Land at Merrylees Road Newbold Heath Newbold Verdon	<i>Start Date</i> Final Comments	23.06.10 25.08.10
10/00013/PP	RW/NC	10/00149/FUL	WR	Mr Roger Neep	Forest View Farm Peckleton Lane	<i>Start Date</i> <i>Awaiting Decision</i>	15.06.10
10/00014/PP	SF	09/00798/FUL	PI	JS Bloor	Land East of Groby Cemetery Groby Road Ratby	<i>Start Date</i> Proof of Evidence Public Inquiry Date (5 days)	21.06.10 30.08.10 12-15&19.10.10
10/00011/PP	RW/NC	09/00915/OUT	IH	Mr John Knapp	26/28 Britannia Road Burbage	<i>Start Date</i> Hearing Date	01.06.10 To be agreed
10/00009/PP	DK	09/00713/FUL	WR	Mr EE Thompson	Adj 30 Main Road Bilstone	<i>Start Date</i> Awaiting Decision	14.05.10
10/00005/PP	SH	09/01009/OUT	PI	Mr T McGreal (Jelson Ltd)	Land off London Road Markfield	<i>Start Date</i> Awaiting Decision	09.04.10
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

Decisions Received

10/0007/COND	LF	09/00735/CONDIT	WR	Mr H Alti	7 The Horsefair Hinckley	ALLOWED	23.07.10
10/0003/PP	SH	09/00995/COU	IH	Mr P Finney	Land Heath Road Bagworth	ALLOWED	11.08.10

Rolling 1 April 2010 to 20 August 2010**Planning**

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision		
					Allow	Spt	Dis	Allow	Spt	Dis
11	6	1	2	2	4	2	0	2	0	1

Enforcement

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn