

Date: 22 November 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, 30 NOVEMBER 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
30 NOVEMBER 2010
A G E N D A

1. APOLOGIES AND SUBSTITUTIONS
- RESOLVED 2. MINUTES

To confirm the minutes of the meeting held on 2 November attached marked 'P30'.
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

To hear any questions in accordance with Council Procedure Rule 10.
6. DECISIONS DELEGATED AT PREVIOUS MEETING

Deputy Chief Executive (Community Direction) 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 'P31' (pages 1 – 132).
- RESOLVED 8. PLANNING FOR SCHOOLS DEVELOPMENT: CONSULTATION

Report of the Deputy Chief Executive (Community Direction) attached marked 'P32' (pages 133 - 140).
- RESOLVED 9. CERTIFICATES OF LAWFUL USE AND DELEGATION SCHEME

Report of the Deputy Chief Executive (Community Direction) attached marked 'P33' (pages 141 - 143).

10. LOCAL DEVELOPMENT FRAMEWORK: EARL SHILTON & BARWELL AREA ACTION PLAN PREFERRED OPTIONS – CONSULTATION

Report of the Deputy Chief Executive (Community Direction) attached marked 'P34' (pages 144 - 147).

The appendices to this report are available in the Members' Room, on the Council's website, or by contacting the report author.

RESOLVED 11. APPEALS LODGED AND DETERMINED

Report of the Deputy Chief Executive (Community Direction) attached marked 'P35' (pages 148 – 149).

RESOLVED 12. APPEALS PROGRESS

Report of the Deputy Chief Executive (Community Direction) attached marked 'P36' (pages 150 – 152).

RESOLVED 13. 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.

PLEASE NOTE THAT THE MEETING MAY BE RECORDED.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

2 NOVEMBER 2010 AT 6.34 PM

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

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

In accordance with Council Procedure Rule 4.4 Mr DC Bill, Ms WA Moore and Mr DO Wright also attended the meeting.

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

288 **MINUTES (P24)**

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

RESOLVED – the minutes of the meeting held on 28 September 2010 be confirmed and signed by the Chairman.

289 **DECLARATIONS OF INTEREST**

Mrs Aldridge, Mr Boothby, Mr Morrell, Mr O'Shea, Mr Sutton and Mr Ward declared a personal interest in application 10/00661/OUT as the main objector was Chairman of the Conservative Association.

290 **DECISIONS DELEGATED AT PREVIOUS MEETING**

The Head of Planning reported on the following applications which had been delegated at the meeting on 28 September:

- (i) 10/00505/OUT – it was reported that the decision had been issued on 20 October 2010;
- (ii) 10/00642/OUT – it was reported that the decision had been issued on 1 October 2010;
- (iii) 10/00254/FUL – it was reported that the decision had been issued on 1 October 2010;
- (iv) 10/00465/OUT – it was reported that the decision had been issued on 12 October 2010;

291 BARWELL CONSERVATION AREA STATEMENTS & MANAGEMENT PLANS (P26)

The Committee received a report about the adoption of the Conservation Area Statements and Management Plans for the two conservation areas in Barwell.

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

RESOLVED – the Conservation Area Statements and Management Plans for Barwell be adopted as Planning Guidance.

292 FIVE YEAR LAND SUPPLY – OCTOBER 2010 UPDATE

At this juncture, the Head of Planning provided an update on the situation with regard to the five year land supply, stating that from the latest trajectory there was a shortfall of 477 dwellings which equated to four years' supply. This was an increase on the trajectory produced in April which gave a shortfall of 303 dwellings, or four years and four months' supply. Members expressed concern with regard to this.

293 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P25)

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) 10/00518/OUT – Mixed use development comprising up to 375 dwellings, employment (use classes B1a, B1c, B2 and B8), Local centre (use classes A1-A5 and D1), live-work units, works to Sketchley Brook Corridor, remodelling of lake and associated open space, parking and accesses (outline – access only), Land Bounded by the Ashby Canal, railway line and Bridge Street, incorporating the former Johnsons Factory, Burbage – Goodman Real Estate (UK) Ltd

It was noted that this item had been withdrawn from the agenda.

- (b) 10/00665/ADV – Erection of non illuminated signage, Atkins Building, Lower Bond Street, Hinckley – Hinckley & Bosworth Borough Council

It was noted that this item had been withdrawn from the agenda.

- (c) 10/00666/LBC – Erection of non illuminated signage, Atkins Building, Lower Bond Street, Hinckley – Hinckley & Bosworth Borough Council

It was noted that this item had been withdrawn from the agenda.

- (d) 10/00661/OUT – Residential Development (outline – access only), Land adjacent Hinckley Golf Club, Leicester Road, Hinckley – Flude Family Settlement 2004

Mr Sutton left the meeting at 7.42pm and returned at 7.45pm.

Notwithstanding the officer's recommendation to approve the application, it was moved by Mr O'Shea and seconded by Mr Boothby that the application be refused on the grounds that the development was not acceptable in the Green Wedge (Policy 6 refers). Mr Nichols proposed an amendment that Policy NE5 also be given as a reason for refusal due to the need to protect the countryside, which was agreed by Messrs O'Shea and Boothby.

Upon being put to the vote, the motion was CARRIED. It was therefore

RESOLVED – the application be refused on the grounds that

- (i) it would be contrary to the provisions of Policy 6 of the Core Strategy and would damage the function of the Hinckley / Barwell / Earl Shilton / Burbage Green Wedge as set out in Policy 6;
- (ii) it would be contrary to the provisions of Policy NE5 of the Adopted Local Plan which protects the countryside for its own sake and does not fall within any of the exceptions to this overriding principle.

Mr Gould, Ms Moore and Mr Wright left the meeting at 8.15pm.

- (e) 10/00695/FUL – Erection of a single storey “drive-through” A3/A5 restaurant, including details of parking, hard landscaping and external amenity area, Plot E, Maple Drive, Hinckley – Tungsten Properties Ltd & SME Plc

Mr Gould returned to the meeting at 8.17pm. Mr O'Shea and Mrs Aldridge left the meeting at 8.17pm returning at 8.20pm and 8.26pm respectively.

It was moved by Mr Joyce that the application be refused due to its design not being in keeping with the character of the area, traffic issues and hours of opening. In the absence of a seconder, the motion was not put to the vote.

It was requested that a condition be added to suggest relocation of the seating area away from the canal side.

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

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

Messrs Bill and Gould left the meeting at 8.50pm.

- (f) 10/00640/OUT – Mixed use development comprising up to 68 dwellings and employment (outline – access only), Dunlop Limited, Station Road, Bagworth – Johal and Kler Partnership

Notwithstanding the officer's recommendation that the application be refused, it was moved by Mr Boothby and seconded by Mr Sutton that the application be approved. There was, however, some concern with regard to the loss of a protected employment site, and after further discussion Messrs Boothby and Sutton withdrew their motion and requested that the application be deferred to the next meeting to await amended plans. It was agreed with the representative of the applicant that a plan be received in time for the re-consultation period to be done in advance of the next meeting showing that 30% of the site area would be retained for employment use, that there be no viability issues arising from that change and that the Section 106 be agreed and drafted in principle prior to the meeting. It was

RESOLVED – the application be deferred to the next meeting.

- (g) 10/00453/FUL – Erection of six dwellings, Land rear of 38 Station Road, Ratby – Mr Paul Cresswell

Notwithstanding the officer's recommendation that the application be approved, it was moved by Mr O'Shea and seconded by Mr Boothby that the application be refused due to the site being outside of the settlement boundary. The Head of Planning requested that voting on this item be recorded, which was taken as follows:

Mrs Aldridge, Mr Boothby, Mr Morrell, Mr O'Shea, Mr Sutton and Mr Ward voted FOR the motion (6);

Mr Inman, Mr Bannister, Mr Bown, Mr Crooks, Mrs Hall, Mr Hall, Mr Joyce and Ms Witherford voted AGAINST the motion (8);

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

The motion was therefore declared LOST.

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

RESOLVED – 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 and the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision of two affordable homes. Failure to do so by 10 November 2010 might result in the application being refused.

At this juncture, it being 9.27pm, it was moved by Mr Bannister, seconded by Mr Nichols and

RESOLVED – the meeting be permitted to continue to 10pm to allow for consideration of the remaining items of business.

- (h) 10/00588/EXT – Extension of time for planning permission 07/00055/FUL (demolition of existing factory and redevelopment to form 13 flats), 1 Trinity Vicarage Road, Hinckley – SS and RK Sadhra

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

RESOLVED – the Deputy Chief Executive (Community Direction) be granted delegated powers to grant planning permission subject to the conditions contained in the officer's report and the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision and maintenance of public play and open space facilities. Failure to do so by 12 November 2010 might result in the application being refused.

- (i) 10/00684/FUL – Part demolition of existing agricultural buildings and renovation including pitched roof, Higham Fields, Basin Bridge Lane, Stoke Golding – Mrs Anne Morris

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

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

- (j) 10/00687/FUL – Erection of a detached farm building (retrospective), Fields Farm, Lutterworth Road, Burbage – Mr D Fox

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

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

- (k) 10/00708/FUL – Demolition of existing dwelling and erection of one new dwelling, 324 Station Road, Bagworth – Mr James Connor

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

RESOLVED – subject to no significant material observations being received prior to the expiry of the consultation period on 2 November 2010 the application be permitted subject to the conditions contained within the officer's report and late items.

- (l) 10/00729/FUL – Extensions and alterations to dwelling, 3-4 Crown Cottages, Newton Lane, Odstone – Mr & Mrs G Davenport

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

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

294 APPEALS LODGED AND DETERMINED (P27)

A summary was submitted of appeals lodged and determined since the last meeting. It was highlighted that of the five appeals reported, all but one had been dismissed. It was moved by Mr Bown, seconded by Mr Nichols and

RESOLVED – the report be noted.

295 APPEALS – PROGRESS (P28)

A schedule was submitted indicating the stages that various appeals against planning decisions had reached. It was reported that the appeal with regard to Britannia Road would now be a Public Inquiry. It was moved by Mr Crooks, seconded by Mr O'Shea and

RESOLVED – the report be noted.

296 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

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

RESOLVED - in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the undermentioned item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 2 and 10 of Part I of Schedule 12A of that Act.

297 PLANNING ENFORCEMENT ACTION (P29)

Members were provided with a periodic report on planning enforcement actions taken and were updated as to the progress in working through the backlog of cases and reducing the list of active enforcement issues. It was highlighted that the number of open cases had halved compared to the previous enforcement report to the Planning Committee. It was

RESOLVED – the report be noted.

(The meeting closed at 9.50pm)

REPORT P31

PLANNING COMMITTEE

30 November 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

PLANNING COMMITTEE AGENDA - 30 November 2010 - NUMERIC INDEX

REF. NO.	APPLICANT	SITE	ITEM	PAGE
10/00743/OUT	The Tin Hat Regeneration Partnership LLP	Bus Station Lancaster Road Hinckley	01	2
10/00590/FUL	Mr Michael Akins	Land At The Rear Of 34 Fern Crescent Groby	02	37
10/00640/OUT	Johal And Kler Partnership	Dunlop Limited Station Road Bagworth	03	46
10/00665/ADV	Hinckley And Bosworth Borough Council	Atkins Building Lower Bond Street Hinckley	04	64
10/00666/LBC	Hinckley And Bosworth Borough Council	Atkins Building Lower Bond Street Hinckley	05	70
10/00727/TEMP	Mr Lyons	Land At Cloverfield Watery Lane Sheepy Magna	06	76
10/00757/FUL	Mr J Dawson	Yew Tree Farm Occupation Road Nailstone	07	82
10/00760/COU	Mr Steven Havers	Jubilee Playing Fields Altar Stones Lane Markfield	08	94
10/00783/FUL	FP McCann	FP McCann Brascote Lane Cadeby	09	102
10/00793/FUL	Mr L Ward	59 Butt Lane Hinckley	10	109
10/00816/FUL	Mr Martin Morris	Land Adjacent New House Farm Stapleton Lane Dadlington	11	117
10/00827/FUL	Mr Gary Hawkins	20 Hilary Crescent Groby	12	127

Item: 01

Reference: 10/00743/OUT

Applicant: The Tin Hat Regeneration Partnership LLP

Location: Bus Station Lancaster Road Hinckley

Proposal: **OUTLINE APPLICATION INCLUDING ACCESS, LAYOUT AND SCALE, FOR THE ERECTION OF A MIXED-USE DEVELOPMENT COMPRISING RETAIL (A1-A3 USES), LEISURE (D2 USES) AND OFFICES (B1A USES), TOGETHER WITH ALL ASSOCIATED INFRASTRUCTURE AND PLANT, PUBLIC REALM, LANDSCAPING AND SERVICING. WORKS TO INCLUDE THE PROVISION OF A PART UNDERCROFT/PART SURFACE PUBLIC CAR PARKING AREA AND A NEW BUS STATION**

Target Date: 6 January 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major development.

Application Proposal

This is an outline application and includes details of access, layout and scale. The scheme comprises a mixed use development including retail (A1, A2 and A3 uses); leisure (D2 uses); offices (B1a uses); associated infrastructure and plant; public realm; servicing, a new public car park and a new bus station. Illustrative details of appearance and landscaping have been provided however full details of these elements are to be submitted as reserved matters.

The proposals are presented as a comprehensive development scheme for the site identified as the 'Bus Station site' in the Council's Development Brief 2007, the Core Strategy 2009 and the submitted Hinckley Town Centre Area Action Plan 2010. The includes the following:-

- The demolition of the town's existing Bus Station, and clearance of the whole site
- The stopping up of Brunel Road
- A 9,397m² supermarket with service yard
- 546 space undercroft car park featuring 'park mark standard' security and lighting
- A 5 screen cinema
- A 12 lane bowling alley
- Family cafes and restaurants totalling 1514m²
- Retail units totalling 10,041m²
- Office space totalling 706m²
- A new 5 stop Bus Station on Waterloo Road (plus one lay over bay)
- Highway improvements
- Improved site access points for pedestrians, cycles, customers, public transport vehicles and delivery vehicles
- Public Realm improvements
- Opportunity to improve links with the town centre.

The concept for the scheme was the result of a competition by Hinckley and Bosworth Borough Council to determine their preferred development partner for the comprehensive site in July 2008. Since this time there have been a number of consultation events involving the key stakeholders and public that has helped shape and refine the scheme.

The scheme, known as The Crescent, is anchored by the new foodstore and undercroft parking to the west and the cinema over the retail units to the east. The route between the anchors is formed with retail units to the south and café/restaurant uses to the north in a crescent shape. A break in the crescent provides a link through to the new bus station. Servicing for the business uses on site is provided to the south accessed off Rugby Road; to the east off Station Road and to the north off Lancaster Road and Waterloo Road. Parking is provided for the public and staff, with 10 additional spaces allocated for residents parking associated with Clarendon Road.

The scheme is comprehensive development essentially provided in 3 inter related blocks with the largest being located along the southern boundary of the site to the rear of properties along Clarendon Road. At ground floor this block (block A) accommodates the foodstore to the west and 9 retail units, at first floor the bowling alley sits above 3 of the retail units. To the east of this block there is a 2 storey office unit. Undercroft car parking is provided under the foodstore and extends under 3 of the retail units, this car park makes use of the change in levels across the site so the retail units are all at the same level within the scheme. The foodstore forms the largest unit in this block and would be a maximum height of 12.6 metres above ground level (only a small element is this high), the majority of the unit measures 11.25 metres above ground level (including undercroft) and sits at a distance of 22.5 metres from the rear boundary of the site. The rear elevation of the foodstore is between 37 and 46 metres from the rear elevations of properties in Clarendon Road. The 3 retail units adjacent to the foodstore also located above the car park are 13.25 metres above ground level but sit 60 metres from the rear elevation of properties in Clarendon Road. The bowling alley above the retail units sits at a maximum of 15.75 metres above ground level, and at it's highest is 50 metres from rear elevations of properties in Clarendon Road, at this point the properties along Clarendon Road sit 1.5 – 2 metres higher than the ground level on site. The 2 storey office is a maximum of 12.1 metres above ground level fronting a public square on Station Road. When viewed from Rugby Road the foodstore will be a maximum height of 8.9 metres above ground level opposite the residential properties and will sit 23 metres at its closest from the front elevation of the residential properties across Rugby Road. The highest element of the foodstore faces the junction with Trinity Lane and is a maximum of 11.6 metres above ground level.

The second block (block B) forms a crescent shape and comprises 5 units for café/restaurant use. This block sits to the north of the site wrapping round the Bus Station on Waterloo Road and providing the built form on the north side of the scheme. These units are low level with a maximum height of 9.25 metres above ground level (bus station side) this decreases towards Lancaster Road due to levels differences across the site. The third block (block C) sits in the north-east corner of the development and comprises 6 retail units facing into the scheme and 3 smaller retail units facing Station Road all at ground floor, the Cinema entrance and atrium is located on the south of this block at ground floor level leading up to the cinema provided above. The cinema does not entirely cover the ground floor with it not extending over the northern most retail unit. The maximum height of the cinema is 16.25 metres above ground level (Lancaster Road) and 15.2 metres above ground level (Station Road). The details show a raised feature (indicative only) on the retail unit at the corner of Lancaster Road and Station Road however it is not indicated that this is as high as the cinema.

Due to the level difference across the site the scheme provides steps and ramps at both the east and west of the development. The new Bus Station will have wheelchair access to both the development and the town centre and new shelters for each bus stand. Waterloo Road will be reconfigured to provide 'saw tooth' design bus lay-bys and buses will be re-routed in a

clockwise direction to enable passenger pick up and drop off from the retail side of the development. The cinema and bowling alley are provided at first floor level, both accessible from street level from within the scheme.

Whilst the application includes layout and scale, the scheme builds in tolerances both vertically and horizontally, and the height measurements provided above are the maximum. Horizontal deviations are proposed to enable architectural expression. However there are elevations where no tolerance has been proposed, these elevations include the southern elevation of Block A facing Clarendon Road and the east elevation of Block C facing Station Road. Tolerances are provided along other elevations, these vary between 0.5 metres and 3 metres.

The application gives an indication of appearance; however this is a reserved matter. It has been indicated that the scheme will be modern, contemporary in expression but one that will blend in with the surroundings by use of a limited pallet of traditional materials and textures. Illustrations show a mix of materials including brick, cladding and glazing. Again landscaping is a reserved matter however a Landscape Design Philosophy has been developed, which creates a distinctive, well defined series of spaces within the public realm. This Philosophy looks at town centre linkages, existing landscaping, a planting strategy, and a paving strategy. It seeks to create an attractive public realm with outdoor seating areas and details how the larger areas of public realm at each entrance of the site could function.

The Site and Surrounding Area

The site is located to the south and immediately adjacent to the existing retail area linked to Castle Street via Station Road with the commercial area to the north, predominantly residential to the south and west and a mixed area to the east. It forms a gateway entrance to the town centre from both Rugby Road and Station Road.

The application site is approximately 4 hectares and currently comprises a mix of uses including the Bus Station, a car dealership, employment, retail, community, leisure and surface car parking. The buildings on site are varied in both design and scale; of prominence is a projecting chimney from a 20th century building fronting Station Road and a chimney on the old Benco Works building on the west of the site. The levels across the site vary considerably with the highest point being to the east on Station Road at 114.75m and the lowest point being to the west on Rugby Road at 107.35m. There are also 2m level changes from north to south. The site currently comprises little landscaping and a mix of surface areas. Built form exists mainly fronting Station Road, Lancaster Road, Brunel Road and Rugby Road, with large areas of surface car parking to the south of Brunel Road and centrally within the site.

The surrounding area comprises a wide variety of architectural styles. The character of the residential streets either side of the site vary with properties along Rugby Road being Victorian style terraces with horizontal proportions whilst properties along Station Road comprise 2/3 storey semi-detached Edwardian houses with bay fronts. Properties in Clarendon Road are a mix of both these styles with larger town houses at either end. The commercial area to the north comprises some original old buildings often set between modern buildings. The market square located to the north along Station Road boasts 7 listed buildings. There are examples of 19th century architecture, early 20th century architecture with Art Deco influences, and more recent 20th century architecture in the surrounding area.

Technical Documents submitted with application

The application submission included a comprehensive suite of technical documents for consideration with the proposal these include:-

Environmental Statement

This reports on the findings of an Environmental Impact Assessment that identifies and assesses the environmental effects of the proposed development. It includes assessment of a number of topics including:-

- Socio-Economic – the assessment identifies the potential employment opportunities as a result of the development, it finds that the development will generate an estimated 609 gross additional jobs with the Borough; new employment opportunities within an area of the Borough with the highest concentrations of deprivation; and in excess of £20million net additional GVA (gross value added) within the Borough per annum.
- Air Quality and Odour – the assessment identifies potential air quality and odour impacts as a result of the development. It identifies principal pollutants of concern from vehicle exhausts and the biomass boiler, finding that the concentrations of all pollutants are predicted to remain below the relevant objectives and therefore judged ‘not significant’. It identifies odour emissions from food outlets that could have potential to impact residential properties, but finds that, providing appropriate measures are adopted during the design of the ventilation system, the impact would be low adverse and therefore judged ‘not significant’. It further identifies that during the construction phase residential and commercial properties in close proximity to the site may potentially be impacted upon by elevated levels of dust. Nonetheless it finds that impacts will be temporary and will only arise during dry weather conditions with the wind blowing towards a property. With the recommended mitigation measures in place the impacts are considered to be low adverse and therefore judged ‘not significant’.
- Transport – the assessment takes into account the overall strategy of the Supplementary Planning Document, Hinckley Town Centre Strategic Transport Development Contributions. It identifies that Hinckley has a comprehensive network of bus services linking the town centre to the outer residential areas and to other major conurbations and that whilst the bus station has a convenient and strategic location in relation to the rest of the town it is not attractive to passengers due to its present condition. It recognises the scheme seeks to provide a more modern and attractive bus station adjacent to improved facilities for bus users and with direct pedestrian links to the retail site and the town centre. It provides for a 2 year construction programme with HGV access to the site via Rugby Road with working hours anticipated to be from 07:30-18:00 Monday to Friday and 07:30-13:00 Saturday. It finds that the number of construction vehicles accessing the site, relative to the volume of vehicular traffic on the surrounding highway network to have a short term negligible but adverse impact. It also finds that the development itself will have impacts on drivers, pedestrians, and cyclists particularly due to the closure of Brunel Road and the use of roads and junctions that already carry significant volumes of traffic, however it concludes that with the mitigation measures proposed the overall impact is one of long-term beneficial.
- Archaeology and Cultural Heritage – the assessment includes a desk study review of all known historic assets within the site and surrounding area supported by historic map regression, a desk top review of surrounding designated heritage assets and a site visit. It finds that the site generally has low potential for past periods of human activity; has some buildings with limited local interest but are not considered to be of a significance worthy of statutory protection and that views from heritage assets will change as a result of the development but that the changes are not considered to give rise to significant harmful effects on any asset.
- Ecological – the assessment identifies that the site has limited potential to support protected or notable species, it has negligible to low potential for roosting, foraging and commuting bats but pre-construction surveys are required. In addition it identifies that bird species present will be tolerant of disturbance and habituated to noise. Overall it finds the effects on ecology from the development are negligible, but benefits may be derived through the use of species with wildlife value in landscaping and bird/bat bricks.

- Noise and Vibration – the assessment considers noise and vibration generated both during construction and long-term operation. It finds that there is likely to be moderate adverse impacts during construction but the short term nature of construction activities and the use of best practice will mitigate these effects. The assessment also considers road traffic noise and confirms that impacts will be negligible at sensitive locations along each of the roads considered. The assessment also considers noise from building services plant and the service yard, it finds that compliance with noise limits will ensure building services plant does not adversely impact and that the likely impact predicted from the service yard will be no worse than a minor impact with a slight noise increase (+1dB) that would not be perceptible to the majority of the population.
- Drainage and Flood Risk – the assessment considers issues associated with drainage and flood risk, it identifies the site as Flood Zone 1 meaning the development has no significant risk of flooding from rivers or seas, additionally it is not considered to be at risk from groundwater flooding. It finds that as the site already comprises hardstanding surfaces with no significant vegetation or permeable landscaping there is not expected to be an increase in surface water runoff. However, it has been identified that there is a risk of sewer flooding downstream of the site during wet weather conditions, as such the development will be designed to discharge up to 20% less surface water runoff during a 1 in 10 year rainfall event in line with the requirements of Severn Trent Water.
- Lighting – this assessment describes potential lighting issues and identifies that existing lighting on the site creates a high level of light trespass onto nearby residential dwellings in Rugby Road as well as a large amount of sky glow around the site. It is proposed to replace inefficient lighting to not only be more aesthetically pleasing and manageable but to enable a greater level of control to limit light pollution.
- Visual – the assessment identifies that the proposed development offers a contemporary response to its historic setting, it presents a significant opportunity to improve the overall appearance of the town centre enhancing the local appearance and character. The visual appraisal finds that the impact would be local. No long distance views have been identified and any close range views that change would be mitigated by good quality design and landscaping proposals. A number of mitigating principles have been proposed such as the undercroft parking to reduce overall massing, creating high quality spaces enhancing the local appearance and permeability of the site and connectivity to the town centre, and creating new views. It concludes that the proposals as a whole will be a substantial beneficial impact.
- Geo-Environmental – the assessment identifies the site as comprising Made Ground overlying drift deposits of Sand and Gravel overlying Clay. Potential sources of contamination have been identified and critical receptors indicated as groundwater, construction workers and future site users. The intrusive investigations identified low concentrations of contaminants at the site. Proposed mitigation will ensure there is no significant impact from the development.

The Environmental Statement concludes that the socio-economic and visual impacts will produce significantly beneficial results for Hinckley and its community. Whilst potential adverse environmental effects have been identified proposed mitigation measures will minimise the magnitude of such impacts to negligible making them insignificant.

Planning Statement

This considers the application site and surroundings and the proposed development in the context of national and local policy. It finds that the scheme will deliver social, environmental and economic benefits to the town and represents a sustainable economic development, improving and expanding the overall town centre offer bolstering Hinckley's role as a defined Sub-Regional Centre, thereby reducing the need for residents to travel to more distant locations, in addition the scheme will enhance the character and appearance of the area

making provision for a new bus station facility. It outlines benefits of the scheme and concludes that the scheme is in accordance with National, Regional and Local Policy.

Design and Access Statement

This considers the site context identifying site history, constraints and opportunities and the design parameters; it identifies the design vision and how the scheme has evolved since 2008 before assessing the approach taken to the layout, land use, density, scale and appearance. The Statement considers the overall approach taken with respect of the landscape and public realm and considers how the scheme has been designed to ensure access for everyone throughout. It states that the scheme aims for a minimum BREEAM rating of 'very good' incorporating measures of energy performance, daylight and lighting, natural ventilation, materials, ecology enhancements, sustainable construction, and transport. It concludes that "the proposed development represents an efficient use and sustainable redevelopment of an under-used brownfield site". It goes on to state that "the streetscape will be enhanced by the contemporary design of the buildings, the articulation of the building facades and the careful mix and use of high quality materials applied to the buildings". It identifies the main strengths and ambitions are to achieve a mix of uses; a new food store; enhanced permeability, public realm and linkages to the town centre; secure consolidated car parking; new contemporary bus station facility; BREEAM very good rating; secure by design; and a modern retail and leisure offer giving greater choice and employment opportunities. Finally, it details that the scheme has been developed over a considerable period incorporating consultation with key stakeholders and the public.

Statement of Community Involvement

The report details the pre-application public consultation undertaken by Tin Hat Regeneration Partnership, the consultation methodology and feedback mechanism. It identifies that both the local community and the local stakeholders had the opportunity to view and comment on the proposed development at an early stage and have helped shape the development.

Energy Statement

The report details the results of the energy and carbon impact assessment and proposes an optimised carbon reduction strategy. It identifies potential options for renewable energy integration but the final solution will depend upon the most appropriate technologies at the time of construction. It concludes that for the purposes of the outline application the developer is committed to meeting 10% carbon reduction beyond Building Regulations Part L 2010 and BREEAM Retail 2008 targets.

Retail Statement

The report focuses on the retails and other town centre uses proposed within the scheme. It considers whether there are any potential sequentially preferable sites for major retail led development and demonstrates that the proposed scheme will not result in any unacceptable impacts on Hinckley Town Centre, or any other defined centre. It summarises the findings identifying the Bus Station site as an appropriate location for a substantial retail led development delivering a range of economic and employment benefits, as the most sequentially preferable opportunity to accommodate the proposed scheme; and as having a positive impact on the vitality and viability of Hinckley Town Centre improving consumer choice, addressing deficiencies in existing offer and improving the range and quality of the food, non-food and commercial leisure sectors. It finds the scheme is of an appropriate scale and will function as an integral part of the town centre.

Flood Risk Assessment

This report informs the findings of the Environmental Statement, considering both flood risk and a drainage strategy for the site during construction and upon completion.

Geo-Environmental Reports

These reports inform the findings of the Environmental Statement and details the findings of Phase 1 and 2 assessments.

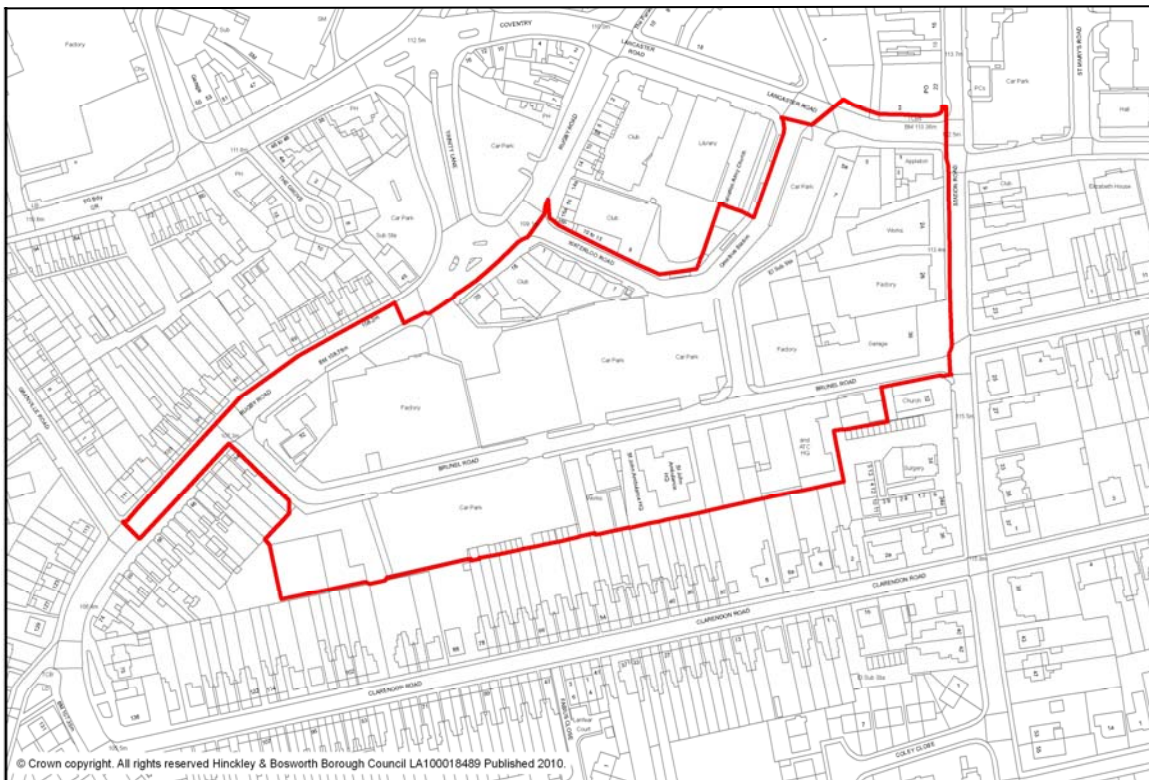
Proposal for Improved Pedestrian Movement between the Crescent and the Market Place

As part of the initial competition submission the Tin Hat Regeneration Partnership offered a financial contribution of £300,000 towards the improvement of links and public realm between the site and the Market Place. This contribution will be secured by way of a variation to the Developer Agreement between the application and the Local Authority. The developer has submitted a scheme that identifies 2 options as to how the link can be improved. Option 1 suggests creating a ramped speed table/shared surface as a crossing point for Lancaster Road extending from George Street to Station Road; and repaving the west side of Station Road in high quality paving slabs and blocks to match the palette used in the Crescent. Option 2 includes the option 1 suggestions and further suggests removing parking and extending paving along Station Road, retaining occasional loading requirement on a pedestrian friendly blockwork surface; providing additional shared surfaces at each end of Station Road connecting to the east side footway; and repaving of the east side footway in Station Road.

History:-

There have been numerous applications for individual properties within the site for adverts, changes of use, and extensions. Of particular note are the following:

05/00950/OUT	Residential Development	Refused	07.11.05
01/00944/FUL	Demolition of Existing Buildings and Erection of Superstore, Retail and Leisure Units, Offices, Restaurant, Bus Station Car Park Facilities and Highway Improvements	Withdrawn	21.07.05



Consultations:-

No objection subject to conditions has been received from:-

Severn Trent Water
Environment Agency
Directorate of Chief Executive (Ecology)
Head of Community Services (Land Drainage).

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

- a) Directorate of Chief Executive (Ecology) – No contribution is requested
- b) Director of Children and young Peoples Services (Education) – No contribution is requested
- c) Director of Environment and Transport (Civic Amenity) – No contribution is requested
- d) Director of Adults and Communities (Libraries) – No contribution is requested
- e) Director of Environment and Transport (Highways) – All required highway works will be requested by condition and therefore no transport financial contributions are requested.

The Highway Agency comments that it is not expected that the development will have a material impact on the A5 and therefore raises no objection.

The Director of Environment and Transport (Highways) raises no objection subject to conditions but comprehensively assesses the information submitted and comments as follows:-

- a) the traffic survey data is considered robust
- b) the peak hours used in the Transport Assessment (TA) were agreed prior to use with the Local Highway Authority (LHA)
- c) the existing trip generation used in the TA was agreed prior to use with the LHA
- d) the TA includes an analysis of accident data for a 5 year period
- e) the TA floor areas differ from those on the application form however these have been explained as follows:-
 - Retail floor space - difference is the atrium and pedestrian access areas to carpark;
 - Leisure floor space – if taking highest figure the trips generated would be increased at peak times by 7 on a Friday and 9 on a Saturday, this is considered minimal
 - Café/Restaurant floor space – this is considered an ancillary use not generating trips in its own right and therefore the difference is irrelevant
- f) pedestrians have been provided for within the site, a new signalised crossing facility is to be provided at the site access, and visibility for pedestrians at the Coventry Road / Trinity Road junction is to be improved
- g) cycle provision on site exceeds the LHA requirements
- h) advanced cycle stop lines are to be provided at the site access
- i) Waterloo Road to remain private and managed and maintained by Tin Hat. As such no Traffic Regulation Order will be in place to restrict access – signage and lining is proposed to provided
- j) provision of 5 bus stands, raised kerbs, real time information and bus shelters is included in the proposal'
- k) Waterloo Road to be used by buses and service vehicles as such a management plan is required
- l) taxi pick up and drop off is provided on Rugby Road

- m) the service provision assessment demonstrates that the proposed servicing for the development is adequate:-
- Service vehicles to use new access off Rugby Road for majority of development, the service yard will accommodate 8 articulated and 6 rigid service vehicles with adequate turning facilities
 - Servicing provided on Station Road in lay-by can accommodate 2 articulated vehicles
 - Servicing provided at Lancaster Road and Waterloo Road lay-bys can accommodate 1 articulated or 2 rigid service vehicles
- n) based on Htd, the development requires 1388 parking spaces however this is a maximum figure and does not take into consideration town centre locations or linked trips. The TA robustly assesses parking requirements and demonstrates that parking can be provided within the site – all short term
- o) adequate parking for disabled, parent/child and powered 2 wheelers is provided
- p) loss of 13 garages on site belonging to local residents: 3 are not currently in use therefore loss of 10 spaces – these are to be provided within the site
- q) closure of Brunel Road may result in traffic displacement – this is to be monitored and mitigation provided if necessary
- r) access to properties on Rugby Road is to be maintained
- s) highway Impact Assessment – projected data for 2015 used in TA as agreed with LHA. Traffic flow projections have shown growth to 2015 as agreed with LHA and committed developments are included (Atkins, Fludes, Jarvis Porter)
- t) TRICS database used which is considered robust
- u) agree restaurants/cafes are ancillary therefore have no trip generation in their own right
- v) trip generation will increase by 544 (Friday peak) and 655 (Saturday peak) compared to existing
- w) trip distribution data used was agreed with LHA
- x) junction Capacity Assessments have been undertaken and reports as follows:-
- Coventry Road / Trinity Road signalised junction – introduction of left filter arrow from Coventry Road (west) and alterations to road markings. Small reduction in reserve capacity and increase in maximum queue lengths but not significant enough to sustain a reason for refusal
 - Trinity Lane / Rugby Road signalised junction – reserve capacity reduced and increase in maximum queue lengths but junction will continue to operate within capacity therefore refusal reason could not be sustained
 - Station Road / Mount Road / Brunel Road priority junction – small increase in capacity following stopping up of Brunel Road
 - Station Road / Hawley Road priority junction – over capacity but when taking existing signalised pedestrian crossing into account capacity is improved therefore a reason for refusal could not be sustained
 - Rugby Road / Hawley Road roundabout junction – will operate over capacity with maximum queue lengths of 11 (Friday peak) and 9 (Saturday peak) but could not sustain a reason for refusal as the junction is still predicted to operate within its theoretical capacity
 - Rugby Road / Site Access signalised junction – junction will form part of SCOOT network. Proposal is subject to Stage 1 Safety Audit and the LHA are satisfied that a safe and appropriate junction can be delivered
- y) a travel plan has been submitted.

The Leicestershire Constabulary Crime Reduction Officer comments on the proposals requesting a range of measures to address crime and terrorism, including strengthened building structure, toughened glazing, traffic management and CCTV, delivery/service yard management strategy, hostile vehicle mitigation measures to public plazas, management plan for completed development and suitable lighting.

Directorate of Chief Executive (Archaeology) requests that a Historic Building Photo Survey of James' Bennett's Benco works is required and therefore recommends conditions and notes to applicant.

Central Networks raise no objection but comment that they have a network in the site which requires 24 hour access. Any alteration, building, or ground works in the vicinity of cables must be notified in detail to Central Networks. (NTA)

National Grid comment that the works will adversely impact the safety and integrity of National Grid apparatus. Should development go ahead technical advice and guidance can be provided.

Head of Business Development and Street Scene Services notes that there is a proposed area for recycling on the exit loop to the car park. This is a suitable location for recycling banks providing there is sufficient area to provide up to 8 different types of banks, offloading area for vehicles with safe pedestrian areas and also for the collection vehicles to safely park to empty banks. The collection vehicles will require height clearance for the lifting mechanism. Further details and bank specifications are available on request.

Head of Community Services (Pollution) comments on aspects of pollution: lighting; contaminated land, air quality and odour, and noise and vibration and considers the scheme acceptable subject to further information regarding noise pollution and the rear service yard but makes the following comments:-

- a) Lighting: There is a potential for lighting to impact on neighbouring residents and the area generally therefore conditions are recommended requiring full lighting details to be submitted for approval prior to development commencing
- b) Contaminated Land: Phase 1 and 2 investigations show a number of potential sources of contamination due to inaccessible areas therefore further investigation is required which can be covered by conditions
- c) Air Quality and Odour: Dust – further details are required of the assessment criteria, the meaning of significant dust soiling, and an alternative approach to dust control should be considered; Air Quality – assessment based on traffic flows therefore dependent upon Highway Authority agreeing predicted traffic flows, further information required on bio-mass boiler. All required details can be requested through conditions
- d) Noise: Recycling centre not included in assessment, recommend revising hours of construction work, further details of construction plant required, further details of figures used for levels of vibration – these can all be requested through conditions. Concern over the noise level assessment in the service yard is expressed. Following the receipt of further information a further condition is suggested for sound insulation for the boundary and loading bay.

Site notice and Press notice were displayed and neighbours notified.

13 letters have been received from local residents, businesses and consultants on behalf of local businesses raising the following concerns/issues:-

- a) overshadowing due to building height (2)
- b) disturbance from service road: noise, pollution and lighting (7)
- c) increase in parking on Clarendon Road, suggestion of residents parking scheme (5)
- d) noise from construction (3)
- e) more traffic along Clarendon Road (2)
- f) impact on dangerous Rugby Road / Clarendon Road junction (2)
- g) restrictions on deliveries required (4)
- h) sound proofing needed to rear of Clarendon Road –earth mound with trees (3)

- i) vehicular access should be provided to residents of Clarendon Road to the rear (3)
- j) exacerbated traffic congestion (3)
- k) impact on vitality of town centre – the development will not increase the number of people walking to Castle Street (1)
- l) overlooking resulting in lost privacy and property value (1)
- m) compensation from disturbance should be paid (1)
- n) residents parking will incur annual service charge – what alternatives have been considered
- o) victorian culverts in gardens cause vibration and noise problems currently – undercroft parking could exacerbate problems – sound proofing required (1)
- p) car park use restriction to reduce disturbance (1)
- q) underground streams have caused flooding historically (1)
- r) location of transformer, pump house and sprinkler tank will add to noise (1)
- s) Bus Station site not sequentially preferable – Britannia Centre is suitable and has not been explored sufficiently in order to satisfy Sequential Test criteria (1)
- t) Environmental Statement is flawed as it does not cover all elements set out in Schedule 4 of the regulations – it doesn't justify the eradication of Brunel Road and units in the area, and does not assess alternative forms of development (1)
- u) CABEs comments have not been considered or addressed (1)
- v) Hinckley and Bosworth does not have retail capacity for proposed store thereby impacting upon existing retailers (2)
- x) scheme replaces 2 food stores with 1 – impacting upon consumer choice (1)
- y) negative impact upon regeneration and does not meet the wider objectives of the emerging plan it will damage potential to regenerate the Britannia Centre site (1)
- z) impact on quality of life (1)
- aa) what is the height of boundary fence; what are landscaping proposals and a diesel filter should be provided (1)
- ab) lack of cycle parking including safe lock up facilities (1)
- ac) bus shelters should be well lit, using solar power (1)
- ad) what are the detailed eco credentials of the scheme? (1)
- ae) what type of bus information will be available on site? (1)
- af) flaws in Transport Assessment regarding car parking, junction capacity and servicing. A holistic approach to transport should be taken for development to ensure traffic impacts can be properly assessed and mitigated against. The submitted TA does not consider the Sketchley Brook application. Consideration of sites in isolation and the lack of a comprehensive transport solution significantly prejudices the future growth in Hinckley and in particular the Tesco site. Tesco have offered to work with both the developers of The Crescent and Sketchley Brook to get a comprehensive solution (1)

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

Nuneaton and Bedworth District Council
 Cycling Touring Club
 Leicestershire Fire and Rescue.

Policy:-

Central Government Guidance

Planning Policy Statement 1: Delivering Sustainable Development sets out the Government's objectives for the planning system and the delivery of sustainable development. 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 4: Planning for Sustainable Economic Growth sets out the Government’s national policies for economic development which includes employment, retail and community development but not residential development. The Statement sets out the overarching objective of securing sustainable economic growth. Policies EC4 and EC5 are of key relevance to this application, EC4 encourages LPAs to promote competitive town centre environments and enhance consumer choice. EC4.1b continues by advising LPAs to plan for a strong retail mix so that the quality of the comparison and convenience retail offer meets the local catchment area requirements. Cinemas, restaurants and cafes are encouraged in town centre locations at EC4.2a. Policy EC5 requires LPAs to identify sites to accommodate identified needs in accordance with the sequential test approach. Policy EC10 sets out that “Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.” Policy EC10.1 supports applications which secure sustainable economic growth and Policy EC10.2 sets out 5 impact considerations which all applications for economic development have to be assessed against. Policy EC14 requires applications to be accompanied by an impact assessment where they are not in a centre and not in accordance with an up-to-date development plan and Policy EC16 provides the 6 impacts that should be assessed. Finally the statement makes provision at Policy EC17 for proposals which are likely to lead to significant adverse impacts advising that such applications should be refused.

Planning Policy Statement 5: Planning for the Historic Environment sets out how applications affecting heritage assets should be determined, it requires LPAs to assess impacts on the historic environment and advises on the use of appropriate planning conditions or obligations.

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. It seeks to provide sustainable transport choice, improve accessibility and reduce the need to travel by car. Local Planning Authority’s are encouraged to maximise the use of accessible sites that are either in town centres or close to transport interchanges. The guidance advises on retail and leisure developments suggesting that such development should be concentrated in centres. 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 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 Guidance

The decision of the Secretary of State for Communities and Local Government ("SoS") on 6 July 2010 to revoke Regional Strategies using powers in section 79 of The Local Democracy, Economic Development and Construction Act 2009 was successfully challenged in the High Court and was quashed in a judgment handed down on 10 November 2010. Following the decision, the SoS has written to local planning authorities stating that the government will introduce the Localism Bill in November containing proposals to abolish Regional Strategies. The government's Chief Planning Officer has also written advising that local planning authorities should still have regard to the SoS's letter of 27 May 2010 and that it should still be regarded as a material consideration. However, these two letters and the SoS's letter of 27 May 2010 need to be considered against the judgment handed down and it is clear from the judgement that the High Court has reinforced the primacy and significance of Regional Strategies in the current planning system. The Court held that if changes are to be made to the status of Regional Strategies then those changes will need to come in the form of primary legislation. Changes cannot be made in the manner proposed by the SoS and it is also reasonable on the basis of the judgment to conclude that the letters of 27 May and the two letters sent following the judgment, whilst they may be regarded as material considerations, have to be weighed against the clarity and force of the judgement and the current legislative position, and in your officers' opinion should not be given any weight.

Regional Spatial Strategy for the East Midlands provides a broad development strategy for the East Midlands. Policy 3 identifies Hinckley as a Sub-Regional Centre and sets out how development and economic activity should be distributed regionally. Policy 22 sets out priorities for town centres and retail development and encourages LPAs to bring forward retail, leisure, office and residential development based on identified need as set out in PPS6. Policy 43 sets out the regional transport objectives, supports the regions regeneration priorities and seeks to improve safety and reduce congestion.

Local Development Framework Core Strategy 2009

Strategic Objective 2: Regeneration of Urban Centres identifies the need to deliver the regeneration of Hinckley town centre to provide opportunities for retail, leisure and commercial activity to increase the vibrancy of the centre.

Policy 1: Development in Hinckley supports Hinckley's role as a sub-regional centre and sets out the criteria to achieve this. It specifically allocates land for office space within or adjoining the Hinckley Town Centre Area Action Plan boundary and supports the development of approximately 21,100 sqm (net) of new comparison sector sales floorspace (13,100sqm to 2011 and 8,000 sqm from 2021-2026), primarily located in a redeveloped Britannia Centre and on the bus station redevelopment site and the development of an additional 5,300 sqm (net) up to 2021 convenience floorspace, primarily located on the bus station redevelopment site. To do this the policy suggests the Borough Council will improve cycle routes, require new developments to respect the character and appearance of the Hinckley conservation areas, require new development to enhance poor public realm within the town centre and to be of the highest standards in line with Policy 24.

Policy 5: Transport infrastructure in the sub-regional centre sets out transport interventions which are proposed to support additional development in and around Hinckley. This includes improvements to the provision and management of car parking and public transport to increase the increased use of Hinckley town centre.

Policy 20: Green Infrastructure is a key priority of the Council and seeks to mitigate against the urban 'heat island' effect by increasing the number of street trees to provide shade, cooling and air quality improvements.

Policy 24: Sustainable Design and Technology sets the criteria for residential homes and office development.

Hinckley and Bosworth Local Plan 2001

The site lies within the settlement boundary of Hinckley as defined in the adopted Hinckley and Bosworth Local Plan and within the overall Town Centre boundary.

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 EMP1: Existing Employment Sites identifies parts of the application site as category b employment sites where although employment is a suitable use it can be considered for alternative uses.

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 the comprehensive development of a larger area of land of which the development forms part.

Policies BE13 to BE16 concern archaeology and make provision for the assessment of sites of archaeological interest and potential, field evaluation, preservation of remains, and investigation and recording. The policies provide protection for archaeological remains and ensure archaeological matters are fully considered.

BE26: Light Pollution seeks to ensure that developments do not create nuisance through glare, create light spillage or affect the character or appearance of the area.

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 NE12: Landscaping Schemes states that development proposals should make provision for further landscaping where appropriate.

Policy NE14: Protection of surface waters and groundwater quality protects the water environment.

Policy T3: New development and public transport states that where planning permission is granted for major new development provision will be made for bus access and appropriate supporting infrastructure.

Policy T4: Retention of car parking facilities provides that development of existing off street car parking will be granted where there is either an over provision or alternative parking provision is proposed.

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 T11: Traffic impact assessment requires developers to provide a traffic impact assessment for development likely to generate significant traffic flows.

Policy Retail 1: General retail strategy provides that new retail development should be provided within Hinckley town centre.

Supplementary Planning Guidance / Documents

The Borough Council's Supplementary Planning Document: Hinckley Town Centre Strategic Transport Development Contributions provides guidance on infrastructure requirements.

Other Material Guidance

The Hinckley Town Centre Renaissance Masterplan (Area 8) identifies the site for potential mixed use development incorporating residential, office, retail, consolidated car park, cinema, supermarket and community/conference use.

The Submitted Hinckley Town Centre Area Action Plan Document sets out the key aspirations for the sites redevelopment which include an enhanced bus station, an exciting landmark development, a mixed use scheme anchored by a superstore, a cinema and other leisure uses, high quality public realm improvements including improved pedestrian connectivity to the town centre, improved links to Hinckley railway station and a consolidated car park of approximately 560 spaces. Chapter 9 of the Area Action Plan identifies the potential level of land uses that could be delivered on these sites and it is considered that the proposed uses are broadly in accordance with those within the Area Action Plan. The Area Action Plan has been approved by the Council following the required consultation and it is going to public examination in December 2010.

Other policies within the Area Action Plan which would apply to this site are:-

Policy 11: Public Realm Improvements – this policy is considered to be satisfied due to the proposed introduction of improved pedestrian movement and landscaping in the area.

Policy 17: Transport Infrastructure Delivery and Developer Contributions – it is acknowledged that the developers intend to make direct provision of required transport infrastructure and therefore satisfy this policy

Policy 19: Cycle Facilities – through the provision of 100 secure cycle places on the site, the scheme satisfies this policy.

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

The Employment Land and Premises Study 2010 identifies the employment sites within the application area as suitable for 100% other uses.

The Hinckley Bus Station Development Brief sought a flagship, comprehensive proposal for the re-development of the bus station site comprising convenience and comparison retail development, residential uses, multi-screen cinema, and other leisure uses. It requires the creation of a landmark development, with high quality public realm improvements.

Appraisal:-

The main considerations with regards to this application are the principle of development; layout, design, scale and appearance; regeneration and employment, retail impact; highway impact; impact upon neighbours; sustainability, crime and terrorism and other issues.

Principle of Development

The application site is located within the settlement boundary for Hinckley as defined on the Local Plan Proposals Map and therefore the principle of developing the site is acceptable subject to the relevant policies of the development plan. The site sits within the Area Action Plan boundary and the Town Centre boundary as defined on the proposals map of the emerging Hinckley Town Centre Area Action Plan, it also sits immediately to the south of the Town Centre Conservation Area.

The site forms a number of existing uses including employment and car parking, policy EMP1 provides protection to identified employment sites, but categorises the employment sites within the application area as category b sites where employment is an acceptable use but alternative uses will be considered on their merits and in light of other development plan policies. The up to date Employment Land and Premises Study has reviewed all employment sites in the borough and identifies the employment areas on this site as suitable for 100% other uses. The Core Strategy at Policy 1 provides guidance for the development of sites in Hinckley and provides that the bus station site can be redeveloped accommodating retail uses. The Hinckley Town Centre Renaissance Plan sought to guide the regeneration of key sites across in Hinckley, the application site was identified as one of those key regeneration sites and proposed a mixed use development encouraging residential, office, retail, car parking, cinema and supermarket. The aims of the Renaissance Plan have been brought forward in the emerging Hinckley Town Centre Area Action Plan which sets out the key aspirations for regeneration sites in Hinckley. The Hinckley Town Centre Area Action Plan identifies 9 Strategic Development Areas which through their redevelopment would contribute significantly to the Council's vision and primary spatial objectives. The Bus Station site forms one of these key sites which is seen as bringing wide ranging regeneration benefits to Hinckley Town Centre and the Borough as a whole. The Area Action Plan also confirms the importance of masterplanning for these key sites and the need to avoid piecemeal developments. For the application site it seeks redevelopment of the site including a landmark mixed use development including a superstore, cinema, other leisure uses, an enhance bus station, high quality public realm, consolidated car park and improved pedestrian connectivity with the town centre and the railway station.

It is considered that the scheme as submitted complies with the thrust of the policy guidance within the adopted development plan and emerging area action plan and therefore the principle of the development is acceptable.

Layout/Scale/Appearance

As stated in the introduction to this report the application includes details of layout and scale for determination. Details of appearance are a reserved matter; however indicative details have been submitted for consideration.

The scheme has evolved from a European competition where the Borough Council sought development partners to bring the site forward for regeneration. Key elements of the schemes layout are the anchor units either end of the Crescent form which comprises a mix of retail and café/restaurant uses. The Crescent's inner arc provides the boundary and interaction with the new re-developed bus station, whilst the outer arc provides interaction with the retail and leisure development. The layout has been designed to make efficient use

of land to provide an interesting development with distinctive character, legibility and interaction with existing streets whilst also being informed by the 'designing out crime' agenda ensuring there are no hiding places or areas tucked away that could provide for anti-social behaviour. Public spaces have been incorporated into the scheme within the site and at each pedestrian entrance into the site. These spaces, subject to the more detailed design, will further enhance the schemes attractiveness adding to the vitality and promoting pedestrian movement both throughout the scheme and with the existing retail area. The proposed layout includes variances to the building line to provide flexibility for architectural expression and to end users. These variances are between 0.5 metres and 3 metres and are only proposed on elevations where the impact of the variance will be minimal, for example the rear elevation adjacent to Clarendon Road residents has no variance proposed as it would make the impact upon residents difficult to fully assess. The full details of building lines will be assessed further at reserved matter stage, however these will be within the variances within this application.

The application proposes details of scale, however due to the outline nature of the application the scheme builds in flexibility by providing minimum and maximum heights, this again allows for architectural expression and also the needs of end users. When considering the impact of the development the maximum measurements have been used. Full details of building heights will be assessed further at reserved matter stage. The current site comprises a mix of building heights and a variety of roof forms. The proposed development varies in scale across the site however it is predominantly single storey retail buildings with mezzanine capabilities, only where the cinema and bowling alley is located are there 2 storey buildings proposed. The highest elements of the scheme are provided centrally to limit the impact upon the character of the surrounding area. The development lowers at the edges to provide the transition to existing built form on the edge of the development. Use of the site levels has enabled the undercroft car parking to be provided without significantly increasing the height of the proposed development. The cinema and office uses are provided to the east side of the development where adjacent development is a mix of 2/3 storey. The bowling alley has been located centrally away from the sites edges to aid assimilation with the surrounding area. The policy requires a landmark development. This doesn't necessarily mean a tall development, a landmark development can be achieved through the quality of the layout and design to create a destination that complements the existing retail centre. It is important that the development is in scale with the surrounding area.

As reported in the introduction to this report, the foodstore forms the largest unit in this block and would be a maximum height of 12.6 metres above ground level (only a small element is this high), the majority of the unit measures 11.25 metres above ground level (including undercroft) and sits at a distance of 22.5 metres from the rear boundary of the site. The rear elevation of the foodstore is between 37 and 46 metres from the rear elevations of properties in Clarendon Road. The 3 retail units adjacent the foodstore also above the car park are 13.25 metres above ground level but sit 60 metres from the rear elevation of properties in Clarendon Road. The bowling alley above retail units sits at a maximum of 15.75 metres above ground level, and at it's highest is 50 metres from rear elevations of properties in Clarendon Road, at this point the properties along Clarendon Road sit 1.5 – 2 metres higher than the ground level on site. The 2 storey office is a maximum of 12.1 metres above ground level fronting a public square on Station Road. When viewed from Rugby Road the foodstore will be a maximum height of 8.9 metres above ground level opposite the residential properties and will sit 23 metres at its closest from the front elevation of the residential properties across Rugby Road. The highest element of the foodstore faces the junction with Trinity Lane and is a maximum of 11.6 metres above ground level.

The second block (block B) forms a crescent shape and comprises 5 units for café/restaurant use. These units are low level with a maximum height of 9.25 metres above ground level

(bus station side) this decreases towards Lancaster Road due to levels differences across the site. The third block (block C) sits in the north-east corner of the development and comprises 6 retail units facing into the scheme and 3 small retail units facing Station Road all at ground floor, with the cinema above. The cinema does not entirely cover the ground floor with it not extending over the northern most retail unit. The maximum height of the cinema is 16.25 metres above ground level (Lancaster Road) and 15.2 metres above ground level (Station Road). The details show a raised feature (indicative only) on the retail unit at the corner of Lancaster Road and Station Road however it is not indicated that this is as high as the cinema.

Whilst appearance is not for full consideration, details have been submitted which indicate a contemporary modern form of development using a mix of modern and traditional building materials. The surrounding area currently comprises built form incorporating a mix of materials but red brick is predominant, the proposed illustrative details incorporates cladding with architectural feature fins and glazing at upper level, with the use of traditional brick at ground floor / lower levels surrounding glazed shop fronts and windows. Whilst these illustrative details appear acceptable, full consideration will be given to appearance and materials at reserved matters stage. It will be imperative to ensure that the appearance not only respects the character of the existing area but also creates a distinctive character to make this a landmark development and that each element of the scheme is detailed carefully to ensure a co-ordinated and cohesive appearance throughout.

The site sits alongside the Hinckley Town Centre Conservation Area, it is therefore paramount that the development of the site both complements and enhances the Conservation Area through careful design. It is considered that this is both a constraint and opportunity and that the scheme has evolved taking this into consideration. The proposed development will dramatically improve the quality of the environment on the site and will provide an attractive development that through careful use of materials will, it is considered, respect and complement the conservation area.

In summary, it is considered that the layout of the scheme is well thought out, provides permeability routes for shoppers and pedestrians between the scheme and the existing shopping area of the Town, will add interest to the existing town centre and will make good use of the site. The scheme has been designed to complement the existing scale in the surrounding area so that the development does not appear out of scale or discordant with its surroundings.

Regeneration and Employment

The scheme proposes the comprehensive development of the site which will significantly improve not only the appearance of the area but also the retail offer in the town centre as such it is considered to contribute towards the overall regeneration aims of adopted Core Strategy. The site is in a prominent location and therefore such regeneration of this site is paramount to improve the attractiveness of the town as a place to invest, live, work and visit.

The scheme submitted indicates an estimated 609 gross additional jobs within the Borough. This, it is considered, will further enhance the success of the centre and will provide new employment opportunities within the Borough. To ensure that the scheme benefits local people a condition is proposed requiring a scheme to be submitted that targets and utilises local people for construction and post construction employment.

In summary it is considered that the scheme will bring wide ranging regeneration benefits to the town and will increase employment opportunities.

Retail Impact

The key national policy statement relating to this application is Planning Policy Statement 4: Planning for Sustainable Economic Growth. The applicants have supplied a retail assessment which addresses the required sequential site assessment and retail impact assessment to be undertaken on an application of this size. The sequential assessment undertaken acknowledges that there may be a sequentially preferable site to accommodate some of the comparison retail units proposed as part of this application. This however, would require the removal of one part of the scheme undermining its comprehensive nature and placing the viability of the rest of the development at risk. It is therefore considered unfeasible for this to be an option for the developer.

In terms of impact, the retail assessment provided by the applicant has acknowledged that the convenience retail part of the scheme would have the most impact on supermarkets on the outskirts of Hinckley although not a big enough impact to threaten their viability. As the assessment points out, the application site is more sequentially preferable to the other locations so it is not considered that this is an area for concern. The impact of the comparison retail element of the scheme is of slightly more concern than the convenience retail as this would have a direct impact on Hinckley Town Centre's existing Primary Retail Frontage which is acknowledged by the supplied retail impact assessment. It is however stated that the impact would not be so severe that it would jeopardise the vitality or viability of the shops in this location. In fact, the assessment considers that the new scheme would begin to 'claw-back' some of the business that is currently leaking to areas such as Fosse Park, Leicester, Coventry and Nuneaton. In addition, paragraph 6.20 of the assessment states that 'the development may also have an indirect positive impact on investment in the town centre. Indeed, the delivery of a high quality mixed-used scheme, which will increase footfall within the town centre, is likely to bolster investor confidence and may encourage further public and private sector investment in other parts of Hinckley Town Centre.' The assessment therefore concludes that the scheme is likely to have spin-off benefits for the existing retail areas of Hinckley and investment for future investment in Hinckley as a whole.

The assessment also considers the potential impact on future retail sites within the town centre. The main area of consideration is the impact this development could have on any future development of the Britannia Centre on Castle Street which lies within the existing Primary Retail Frontage. The 2007 retail capacity assessment produced by Roger Tym and Partners on behalf of the Local Authority recommended against allowing substantial levels of comparison retail development at the Bus Station until a comparison retail scheme had been committed (and preferably implemented) at the more central Britannia Centre. The updated retail assessment, submitted with the application, considers this and believes that the original retail capacity assumptions may have been conservative and that there will still be enough residual comparison retail capacity to sustain a redeveloped Britannia Centre in the future.

Concerns have been expressed by objectors that the scheme will impact upon the vitality of the town centre. However it is considered that there is retail capacity for the development and that the development of this site as proposed could act as a catalyst and encourage further investment in the area benefiting the existing retail centre, in addition it will increase retail offer thereby reducing the major leakage of retail spend that Hinckley Town Centre currently suffers. Whilst outside the planning process monies have been agreed to go towards improvements to pedestrian links with the Market Square which aid visual association of the proposed scheme and existing centre but also encourage the use of the route. Such an increase in footfall along existing secondary shopping areas will add to the vitality and vibrancy of the area thereby increasing the potential for additional trade. An objector has also stated that the application site is not sequentially preferable, as stated above the sequential assessment undertaken acknowledges this but recognises that the removal of part of the scheme to a more sequentially preferable site puts the development at

risk due to viability, in addition it should also be noted that the site is located in the town centre as identified on the Local Plan proposals map and in the emerging Hinckley Town Centre Area Action Plan. Furthermore the adopted Core Strategy supports development of the site for both comparison and convenience retail floorspace. Concerns have been expressed over the loss of 2 smaller foodstores and replacement with 1 affecting consumer choice however the scheme provides a diverse range of uses which will appeal to a wide range of age and social groups thereby enhancing consumer choice in line with national policy.

In summary it is considered that the application will not negatively impact upon the existing town centre but instead will complement and enhance acting as a catalyst to encourage investment in the town centre which should result in less leakage of retail expenditure to areas such as Nuneaton, Coventry and Fosse Park. The scheme is considered to comply with both national and local retail policies.

Access and Highway Impact

The application proposes a 546 space car park, the stopping up of Brunel Road, the creation of a new access into the development, junction improvements, servicing for the development and a re-designed bus station. The site access to the site is off Rugby Road, at the same location as the Brunel Road junction, this will access the undercroft car park and the service areas to the foodstore and retail shops. This access is proposed to be traffic signal controlled and will provide safe cycle movements at the front of the queue and there are pedestrian phases across both Rugby Road and the site access. The car park / service road access will be one lane entry and two lanes egress and will widen to two lanes in each direction at the barriers to the car park. A car park management agreement has been submitted with the Transport Assessment, this provides measures for operation, car parking charges, enforcement, review, opening hours, and standard of maintenance. It should be noted that it requires car park charges to be reviewed annually to maintain alignment with local car parks. A condition has been suggested to ensure the development is carried out in accordance with the information submitted with the application, this includes the submitted car park management agreement.

Waterloo Road, which is private, operates as both the bus station and the bus only access from Rugby Road to Lancaster Road. As part of the application, access will be changed to direct vehicles from Lancaster Road to Rugby Road; this change has been agreed with the Quality Bus Partnership and the local bus operators. Waterloo Road is also proposed to provide access for loading and unloading to the restaurant/café uses. The delivery hours will be controlled by the applicant to avoid peak bus arrival periods and to minimise disruption outside these periods, the hours proposed are between 10:00 and 12:00; 14:00 and 16:00 and 18:00 and 08:00. Waterloo Road will not be adopted by the LHA therefore the applicants have agreed to retain responsibility and undertake cleaning, maintenance, traffic management and overall management of the road and bus station as part of the development proposals.

The scheme makes provision for safe movement for pedestrians throughout the site, there are direct pedestrian links from the bus station to the retail area and to the rest of the town centre which all comply with the DDA. The new site access will incorporate controlled pedestrian crossing facilities to provide a safer crossing of Rugby Road. The scheme also makes provision for cycle parking for up to 100 bikes, which exceeds the LHA requirements. These will be provided in the form of Sheffield Cycle Stands most of which will be in a secure covered cycle shelter adjacent to the main entrance of the foodstore, other locations for cycle parking are provided adjacent to the offices and the cinema. Cycle signing to the development will be provided to direct cyclists via the proposed traffic signal controlled access.

The scheme provides for the replacement of the run-down existing bus station with a high specification bus station for 5 buses plus 1 lay over space. The development will incorporate a real time information system both at the station and within the mixed retail development. The café/restaurant uses lie immediately adjacent to the bus station providing refreshment opportunities to users.

Servicing for the foodstore and main non food retail block (block A) is provided via the main access off Rugby Road, the service area provides for 8 articulated and 6 rigid service vehicles. Service access to the non food retail units fronting Station Road (block C) will be provided by a lay-by for 2 articulated vehicles off Station Road. Servicing for the five café/restaurant units will be from the service bay on Lancaster Road which can accommodate 1 articulated vehicle and 1 rigid vehicle and Waterloo Road which provides for 1 articulated vehicle. Overall there is provision for 12 articulated vehicles and 7 rigid vehicles. The LHA have confirmed that this provision is adequate for the proposed development.

The scheme proposes an undercroft public car park providing 546 spaces (including 28 disabled, 20 parent/child, 34 staff and 16 powered two wheelers), an assessment of the parking demand has been undertaken which demonstrates that there is enough parking proposed for the scheme. The LHA have commented that the HtD would require the development to provide 1388 parking spaces however this is a maximum figure and does not taken into consideration town centre locations or linked trips. The LHA considers the TA robustly assesses car parking requirement and demonstrates that parking can be provided adequately within the site. It should also be noted that PPG13 states that Local Authorities should not require developers to provide more spaces than they themselves wish and that reducing the amount of parking in a new development is essential as part of a package of planning and transport measures to promote sustainable travel choices.

The development of the site will require the loss of 13 garages to the south of Brunel Road at the rear of properties along Clarendon Road. Access to these garages is currently gained from Brunel Road via the long stay car park. An assessment of these garages by the applicant has demonstrated that only 4 are in regular use with the remainder in poor condition. Concerns that the loss of these garages could lead to on street parking issues has resulted in 10 additional parking spaces within the application site being dedicated for resident parking. In addition, 8 properties on Rugby Road have access to the rear of their properties via Brunel Road, the access to these properties is proposed to be maintained.

The closure of Brunel Road could result in some traffic impact along Clarendon Road although the level of change is difficult to predict at this stage, therefore the applicants have agreed that the traffic situation along Clarendon Road will be monitored both before and after the closure of the road. A suitably worded condition will secure this and ensure that any appropriate mitigation measures are secured.

Following assessment of junction capacity in the area it is proposed to make improvements to the Trinity Lane/Coventry Road junction to increase capacity of the junction and improve safety providing a longer and wider visibility splay for pedestrians.

The Local Highway Authority has robustly assessed the submitted application and TA and has recommended that the scheme is acceptable subject to conditions.

Concerns have been raised by an objector that the TA is flawed as a holistic approach to transport has not been taken to ensure impacts are properly addressed. He considers that the TA does not assess the Sketchley Brook application currently under consideration. It is considered that as Sketchley Brook is not a committed development it does not need to be assessed within the TA. At the time of writing this report a response is awaited from the

applicant regarding the objection, once this information is received it will be considered by the Local Highway Authority and reported as a late item.

Further objections received regarding impact on highway network and safety comprise:-

- a) increased parking along Clarendon Road and the consideration of a residents parking scheme – the scheme makes adequate provision for parking within the site and the Local Planning Authority cannot control on-street parking
- b) impact upon Rugby Road/Clarendon Road junction – the capacity and use of junctions in the surrounding area has been assessed and mitigation proposed where necessary. The use of Clarendon Road is to be assessed before and after the closure of Brunel Road to ascertain if there is detrimental impact, any mitigation required can be requested through the imposition of a condition if the application is approved
- c) vehicular access should be provided to residents of Clarendon Road – those residents that have garages and access currently are being provided for, the matter of access across the site is not a material planning consideration however it is understood that the developers are working with local residents to resolve these matters
- d) exacerbated traffic congestion – the impact of the development has been robustly assessed and the LHA considers the development acceptable in highway terms subject to conditions.

In summary, it is considered that the scheme assesses access and highway impact robustly and subject to conditions, mitigation as detailed above and further comments from the LHA regarding the outstanding objection the scheme is considered acceptable in highway terms.

Impact upon Neighbours

The application site is located adjacent to residential property. The scheme therefore requires sensitive design to avoid any adverse impact upon the amenity of adjoining landowners by virtue of overshadowing; overbearing impact; loss of privacy; noise; light pollution; vibration; air quality.

The application has been assessed in respect of these issues, the outcomes of which can be reported as follows:-

- a) Overshadowing – as discussed above the scheme has been designed to be in scale with the surrounding areas and is sited a considerable distance from neighbouring residential properties. The scheme sits directly to the north of properties on Clarendon Road and therefore would not, due to the distance from the properties and the sun orientation, result in overshadowing. It is located to the east of Rugby Road properties and is again at a distance that would not result in overshadowing occurring to the detriment of residential amenity
- b) Overbearing impact – such impact is caused through the siting of development too close to an adjoining neighbour. The proposed development is bound by roads on all sides except the south, where it abuts both residential and commercial uses. It is considered that the scale and location of the built form will ensure there is no overbearing impact with the highest part of the development being 50 metres from the nearest property
- c) Loss of privacy – such impact results from overlooking, whilst the details of appearance are not included within the scheme to enable overlooking from the built form to be assessed it is considered that due to location and scale of the built form that overlooking will not occur. Suitable boundary treatment to the southern boundary of the site will ensure the privacy of Clarendon Road residents is retained
- d) Noise – concerns over noise from construction, service road and use of car park has been raised. A detailed noise assessment has been submitted with the application. Construction work will be controlled to ensure impact upon neighbours is kept to a

minimum. It is proposed to limit hours of construction to 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 Saturdays. It is proposed that the car park will be open 365 days a year between the hours of 06:00 to 01:30 Sunday to Thursday; and 06:00 to 02:30 Friday and Saturday and Sundays before bank holidays. The car park will also have on-site security to monitor the use of the area and CCTV linked with the main town centre system. The proposed hours of use along with the security will ensure the use of the car park does not become a noise nuisance to neighbouring properties. A suitably worded condition requiring details of the routing of construction traffic is proposed to ensure there will be minimal impact upon residents, along with a condition for sound insulation for the boundary and loading bay

- e) Light Pollution – full details of the proposed lighting are as yet unknown, conditions have been recommended by Head of Community Services requiring details of the external lighting to the site, including intensity of illumination of any sign forming part of the development and lighting during construction works. Such conditions will enable full consideration and ensure there is no adverse impact
- f) Vibration – such impact normally occurs through the construction phase of development; the potential vibration from the development has been assessed and has led to the recommendation of the construction hours of work. In addition the Head of Community Services has recommended conditions requiring a scheme for the management of vibration during site preparation and construction works to ensure there is no adverse impact
- g) Air quality – such impact is normally caused by dust and emissions. The Air Quality and Odour Assessment considers such impact and the Head of Community Services has recommended conditions to enable the assessment of any bio-mass boiler and for mitigation measures to manage the air quality during construction. The assessment relating to traffic sources demonstrates that the Air Quality Objectives will not be exceeded.

In summary, it is considered that the scheme addresses its surrounding neighbours sensitively and will not cause harm through loss of amenity.

Sustainability

The scheme aims to achieve a minimum BREEAM rating of 'very good', the approach to sustainability has been a holistic one, considering the impact on the wider neighbourhood in economic, social and environmental terms. The following measures have been incorporated into the development proposals:-

- a) Energy performance – the development standard will be to ensure the Building Emission Rate achieves a minimum of 10% betterment beyond Building Regulations Part L; carbon reduction across the development is predicted at 35% beyond the current 2006 Part L Building Regulations including passive and energy efficiency, decentralised low carbon energy and renewable energy generation
- b) Daylight and Lighting – maximising the use of passive energy through orientation and design of façade treatment; and designing open public spaces utilising sunlight and natural ventilation. The foodstore roof will incorporate sunpipes allowing natural daylight to penetrate through to the sales area. Energy consumption will be reduced through a hybrid system using natural daylight, dimming control systems and energy efficient lighting
- c) Natural Ventilation – natural ventilation will be provided where possible through the use of opening windows. The undercroft car park will have the provision of well distributed permanent natural ventilation
- d) Materials – chosen to ensure long term maintenance and sympathetic repair. Where possible they will be sourced locally, the use of steel within the structure and envelope of

the building is also ultimately recyclable. It is proposed that suitable demolition waste will be crushed on site and recycled for use as aggregate on the new development

- e) Ecology Enhancements – landscaping proposals will incorporate the planting of native trees and shrubs
- f) Sustainable Construction – the applicants are committed to building stores that have low impact on their environment through intelligent design, sustainable sourcing of materials, efficient use of energy and resources and implementing a site waste reduction programme
- g) Transport – Encourage more cycling by providing secure sheltered cycle storage; encourage walking through well designed and improved public realm and encourage use of public transport through the new bus station.

In summary, it is considered that the applicant has considered the sustainability of the scheme and proposed good measures that seek to address the impact in economic, social and environmental terms.

Security and Crime Measures

The Police Architectural Liaison Officer has requested that the development incorporates a number of mitigation measures to address crime and terrorism. These measures comprise:-

- a) providing a strengthened building structure above the undercroft car park
- b) clear car park management with security, CCTV, good lighting
- c) clear management strategy for the delivery areas / service yards including hostile vehicle measures, vehicle checking at delivery zone, CCTV
- d) hostile vehicle measures to public areas such as bollards
- e) location of ATMs in prominent locations and covered by CCTV
- f) antiglare lighting
- g) anti-vandal street furniture
- h) CCTV should be linked in with Town Centre system.

Discussions have taken place with the applicants regarding these matters and it has been agreed that these measures can be incorporated into the scheme, it is considered appropriate to do this by way of a suitably worded condition.

In summary it is considered that the scheme is capable of incorporating measures that will address the crime and terrorism agenda.

Other issues

As part of the consultation other matters have been raised these are assessed below:-

- a) Compensation for disturbance and loss of property value – this is not a material planning consideration
- b) Flooding – based on the information submitted the Environment Agency raises no objection but recommends the imposition of conditions that seek to ensure detailed drainage and flood related issues are considered prior to the commencement of any development
- c) Boundary treatment – the submitted details indicate that boundary treatment will be provided however such details are matters to be considered at detailed stage along with the full landscaping proposals. CABEs comments have not been addressed – the scheme was considered by CABE and following receipt of the comments the developers assessed the comments and sought to alter the scheme where appropriate. Not all of CABEs recommendations could be met due to the evolution of the scheme through an extensive consultation process. The Local Planning Authority have assessed both

CABEs comments and the scheme and are happy that from an urban design point of view the scheme responds well to its context and seeks to provide a well designed, well thought out development that will complement and enhance the existing retail centre and the surrounding area

- d) Relocation of Existing Users – whilst not a matter for consideration for the planning determination of this application, it should be acknowledged that discussions have been underway with existing landowners with regards to relocating to alternative sites. The Local Authority has been involved with this process in that their knowledge of available alternative sites has been shared and advice given regarding potential planning applications for redevelopment or change of use. It should also be noted that the Local Authority has given a commitment that in order to ensure this development is brought forward to enable the regeneration of this key town centre site Compulsory Purchase Powers will be used where necessary

Conclusion

This is a key regeneration scheme for Hinckley Town Centre which will secure major improvements in the retail, leisure offer for local residents and visitors complimenting existing town centre shopping facilities. It will also significantly improve public transport provision in the form of the new bus station.

The application site is located in the town centre of Hinckley where development is considered acceptable in principle, development plan policy in the form of the adopted Local Plan; the adopted Core Strategy and the emerging Hinckley Town Centre Area Action Plan along with other technical documents support the development of this site with a comprehensive mixed use scheme comprising leisure and retail. The layout of the scheme has evolved over a significant period of time and has been subject to numerous consultation events, it is considered that the scheme is well thought out and will add interest to the existing grain of the town centre and the surrounding area.

The application has been supported with an Environmental Impact Assessment that assesses the impact the scheme will have on the environment and provides mitigation where required. The retail impact of the scheme has been assessed and it is considered that the scheme will complement and enhance the retail offer of the town and will act as a catalyst to encourage investment into the town and will lessen the leakage of retail expenditure to other retail centres such as Nuneaton, Coventry and Fosse Park. The impact of the development upon the highway network has been robustly assessed and challenged and measures have been proposed to mitigate against any impact demonstrated. Concerns that there will be significant impact upon junctions in the surrounding area has been assessed and the Local Highway Authority accept that the scheme will not impact to the detriment of highway safety.

The application site is located close residential properties and concerns have been raised by a small number of local residents that the scheme will give rise to impact upon residential amenity. All aspects of impact upon amenity have been considered and assessed, it is concluded that the scheme will not cause detriment to residential amenity.

Finally, the scheme as submitted has good measures of sustainability proposed which will assist in achieving a BREEAM rating of very good.

Based on the above the application is considered acceptable and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- That subject to the completion of a variation to the development agreement, the Deputy Chief Executive shall be granted delegated powers to grant planning permission for the development subject to the following conditions.

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

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission the proposed development would be in accordance with the development plan as: it is a sustainable site within the Hinckley Town Centre; would meet an identified need for retail and leisure development in Hinckley; would enhance the character and appearance of the area and would not be detrimental to the occupiers of neighbouring properties; and includes measures to mitigate its impact on the highway network and is not considered detrimental to highway safety.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policies 1, 5, 20 and 24.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies IMP1, EMP1, BE1, BE13, BE14, BE15, BE16, BE26, NE2, NE12, NE14, T3, T4, T5, T9, T11, and Retail 1.

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

Reason: To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).

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

- a) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
- b) The landscaping of the site including the 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.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

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

- a) The provision to be made for screening by walls and fences
- b) Landscaping implementation programme
- c) The final siting and layout of each unit in accordance with the horizontal deviation plan.

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.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

- 4 The development shall be carried out only in accordance with the details and specifications included in the submitted application, as follows:-

Drawing Nos: SK01; P001; P002; P003; P004; P005; P006; P007; P009; P010; P011; P012; P013; P014; P020; P021; P022; P023; P030; P031; P032; P040; P041; P042; P050; and the technical documents: Environmental Statement and Appendices; Energy Statement; Statement of Community Involvement; Planning Statement; Design and Access Statement; Retail Statement; Retail Statement Appendices; Flood Risk Assessment and Phase 1 and 2 Geoenvironmental Investigation received 16 September 2010 and additional information as follows: Stage One Road Safety Audit – Designers Response received 7 October 2010; Ecology Report received 20 October 2010; and Acoustic Measures received on 17 November 2010.

Reason: For the avoidance of doubt and in the interests of proper planning.

Prior to commencement conditions:

- 5 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.

Reason: In the interests of visual amenity and to safeguard the character of the area, to accord with policy (s) BE1 of the adopted Hinckley and Bosworth Local Plan.

- 6 The development hereby permitted shall not be commenced until such time as a scheme to manage surface water run-off, silt and where necessary ground water during the demolition and construction phases has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water, silt and where necessary ground water from the site, during the demolition and construction phases to accord with Planning Policy Statement 25: Development and Flood Risk and Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

- 7 Prior to the commencement of development a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:-

- a) limiting surface water run-off during all rainfall events up to the 100 year critical rain storm, including an allowance for climate change.
- b) provision of surface water run-off attenuation to accommodate the difference between the allowable discharge rate and all rainfall events up to the 100 year critical rain storm, including an allowance for climate change.
- c) details of how the scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, to improve and protect water

quality, and ensure future maintenance of the surface water drainage system to accord with Planning Policy Statement 25: Development and Flood Risk and Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

- 8 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), 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:-
- a) 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.
 - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) The site investigation results and the detailed risk assessment (b) 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.
 - d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) 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 as approved.

Reason: To prevent the pollution of controlled waters, notably the Sketchley Brook and the wider alluvial aquifer to accord with Planning Policy Statement 25: Development and Flood Risk and Policies NE2 and NE14 of the adopted Hinckley and Bosworth Local Plan.

- 9 The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the water environment to comply with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

- 10 Prior to the commencement of development a scheme for any bunded tanks that may be installed should be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

Reason: To protect the water environment to comply with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

- 11 No development shall commence until full details of the bus station has been submitted to and approved in writing by the Local Planning Authority. The details shall include

surfacing, level access kerbs, real time information, bus shelters. The development shall thereafter be completed in accordance with the approved details.

Reason: In the general interests of Highway safety to comply with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

- 12 Prior to the stopping up of Brunel Road the applicant shall carry out monitoring of through traffic on Clarendon Road on dates and times previously agreed in writing with the Local Planning Authority. The monitoring results shall then be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 13 Prior to commencement of development details of the routing of construction traffic shall be submitted to and approved in writing by the Local Planning Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

Reason: To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 14 No development shall take place within the application area until the applicant has secured the implementation of an appropriate programme of archaeological work (in this instance historic building recording) in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken only in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of historic building recording to accord with policy BE16 of the adopted Hinckley and Bosworth Local Plan.

- 15 No development approved by this permission shall be commenced until details of site lighting during the construction works on the site has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To protect the appearance of the area, the environment and local residents from impact from artificial light to accord with Policies NE2 and BE26 of the adopted Hinckley and Bosworth Local Plan.

- 16 No development shall take place until full details of any biomass boiler that may be installed, building services and ventilation of the premises, which shall include installation method, maintenance and management has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details before the premises are first brought into use for the development hereby approved and maintained in use thereafter.

Reason. To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of odour, air quality and noise to accord with Policies NE2 and BE1 of the adopted Hinckley and Bosworth Local Plan.

- 17 No development approved by this permission shall be commenced until a scheme for the management of air quality during the construction works on the site has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the safe development of the site and to protect amenities of future occupiers of the development to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan.

- 18 Notwithstanding the recommendations of the noise and vibration section of the Environmental Statement, development shall not begin until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before the permitted development first comes into use.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- 19 No development approved by this permission shall be commenced until a scheme for the management of noise and vibration during the site preparation and construction works has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policies NE2 and BE1 of the adopted Local Plan.

- 20 Prior to commencement of development hereby permitted (including demolition) the recommendations in Ecology Survey at paragraph 5.7 and 5.8 shall be carried out and further survey work shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development does not have an adverse impact on protected species to accord with Planning Policy Statement 9: Biodiversity and Geological Conservation.

- 21 Prior to commencement of the development hereby permitted full details of measures to address crime and terrorism, including CCTV, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the development provides a safe and secure to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- 22 Prior to commencement of development a scheme of sound insulation for the boundary and loading bay shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policies NE2 and BE1 of the adopted Local Plan.

- 23 Prior to commencement of development a construction management plan, including vehicle wheel cleansing facilities, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To protect the amenities of surrounding properties and in the interest of highway safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

- 24 No development shall take place until a scheme for targeting and utilising local people for construction and post construction employment shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the benefits of the development to the local area can be maximised to accord with Planning Policy Statement 4.

Prior to Occupation Conditions:

- 25 Prior to occupation of any Unit in block C (Unit C1 to C10) the service loading bay on Station Road as shown on drawing E1012 P 021 shall be provided and made available for use. This shall thereafter remain available for use at all times.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 26 Prior to occupation of any Unit in block B (Units B1 to B5) the service loading bays on Lancaster Road and Waterloo Road as shown on drawing E1012 P 021 shall be provided and made available for use. These shall thereafter remain available for use at all times.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 27 Prior to occupation of any Unit in block A (Units A1 to A11) the rear service yard accessed from Rugby Road on drawing E1012 P 021 shall be provided and made available for use. The service yard, including turning provision, shall thereafter remain available for use at all times.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 28 Prior to occupation of any unit hereby approved the scheme of mitigation at Coventry Road / Trinity Lane signalised junction as shown drawing no A054156-35-18-083 shall be provided and available for use.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 29 Prior to the occupation of any unit hereby approved, car parking provision shall be made within the development site as shown on drawing E1012 P 021. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

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 to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 30 Prior to the occupation of any unit hereby approved, the proposed signalised access to the car park and rear service yard shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the Highway boundary and shall be so maintained at all times.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 31 Prior to the occupation of any unit hereby approved, full details of traffic management for Waterloo Road has been submitted to and approved in writing by the Local Planning Authority. The details shall include signage, lining, bus operation hours, delivery and service vehicle operation hours, management and maintenance and implementation programme. The development shall thereafter be completed in accordance with the approved details.

Reason: In the general interests of Highway safety to comply with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.

- 32 Prior to occupation of any unit hereby approved the proposed signalised access to the car park and rear service yard as shown on drawing no A054156-35-18-037 shall be constructed and available for use.

Reason: In the general interests of Highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 33 Prior to occupation of any unit hereby approved details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details thereafter.

Reason: To protect the appearance of the area, the environment and local residents from impact from artificial light to accord with policies NE2 and BE26 of the adopted Hinckley and Bosworth Local Plan.

- 34 Prior to occupation of any unit hereby approved full details of the proposed recycling facilities shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the types of banks to be provided, provision of an off loading area for vehicles with safe pedestrian areas, and provision for collection vehicles to park to empty the banks. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the development provides sufficient recycling facilities that can be accessed in a safe manner to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Other conditions:

- 35 Between 6 and 12 months after the opening of the food store the applicant shall carry out monitoring of through traffic on Clarendon Road on dates and times previously agreed in writing with the Local Planning Authority. The monitoring results shall then be submitted to and agreed in writing with the Local Planning Authority. If these results show a 5% or greater increase in through traffic in comparison to the survey carried out under condition 12 a scheme of mitigation and implementation shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall thereafter be implemented in accordance with the approved details.

Reason: In the general interests of Highway safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 36 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected at the proposed signalised access to the car park and rear service yard they shall be set back a minimum distance of 15 metres behind the Highway boundary and shall be hung so as to open inwards only.

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to comply with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 37 The gradient of the proposed signalised access to the car park and rear service yard shall not exceed 1:12 for the first 15 metres behind the Highway boundary.

Reason: 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.

- 38 All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the Local Planning Authority before development commences.

Reason: To ensure a satisfactory form of development and in the interests of Highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 39 No part of the development, its supports or foundations shall be positioned in, on, over, upon, or within any part of the public highway.

Reason: In the general interests of Highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 40 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.

Reason: 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 to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

41 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated June 2010, Ref: XL00722/R3 undertaken by Clarke Bond and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by all rainfall events up to the 100 year critical storm, including an allowance for climate change, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

Reason: To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water from the site to accord with Planning Policy Statement 25: Development and Flood Risk and Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

42 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, analysis, report writing and archive deposition, as detailed in the approved scheme. The report and archive shall be prepared and deposited no later than 6 months after the commencement of fieldwork.

Reason: To ensure satisfactory archaeological investigation and recording to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan.

43 The intensity of the illumination of any illuminated sign forming part of the development shall be within that recommended by the Institution of Lighting Engineers in their Technical Report Number 5 (3rd Edition) for a sign within zone E3.

Reason: To protect the appearance of the area, the environment and local residents from impact from artificial light to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan.

44 Upon completion of the development, a statement of a suitably qualified contractor shall be submitted stating that any lighting installation to which the above condition applies is fully compliant with the Institution of Lighting Engineers Technical Report Number 5 (3rd Edition) for a sign within zone E3.

Reason: To protect the appearance of the area, the environment and local residents from impact from artificial light to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan.

45 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.

Reason: To ensure the protection of controlled waters to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

46 Construction hours shall be limited to 07:30-18:00hrs Monday to Friday and 08:00-13:00hrs Saturdays with no working on Sundays or Bank Holidays.

Reason: To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 of the adopted Local Plan.

- 47 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.

Reason: To enhance the appearance of the development 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 6 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 trees to be retained on the site should be protected following recommendations outlined in the British Standard: Trees in relation to Construction BS5838:2005.
- 6 Demolition work or works to trees/shrubs should be undertaken outside of the bird breeding season. If this is not convenient, areas should be checked by a suitably experienced individual prior to works. If nesting birds are present, work must cease in the area until the young have left the nest.
- 7 In relation to condition 6 particular attention must be given to the safe routing of flood water arising from storm events exceeding the design limit for runoff attenuation. In particular, residential property in Clarendon road must not be exposed to an increased risk of flooding as a result of the development.
- 8 In relation to condition 14 the Written Scheme of Investigation must be prepared by an archaeological contractor acceptable to the Local Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
- 9 The Historic and Natural Environment Team, as advisors to the Local Planning Authority will monitor the archaeological work to ensure that the necessary programme of historic building recording is undertaken to the satisfaction of the Local Planning Authority.

- 10 The applicant should note that Central Networks has Network within the proposed site, and requires 24 hour access to this network. Copies of the mains records can be obtained from Aim Bureau Services, Toll End Road, Tipton, DY4 0HH. For new developments, diversions and ground works contact Central Networks, CAT Team, Toll End Road, Tipton, DY4 0HH. For information regarding the safety of working around networks contact Cablesafe Team on 0800 0150 927 or on <http://www.eon-uk.com/distribution/>.
- 11 The applicant's attention is drawn to the response from National Grid dated 7 October 2010.
- 12 In relation to condition 14 advice from Environmental Health is attached to this decision notice, which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
- 13 A section S61 agreement under the Control of pollution Act 1974 should be considered.

Contact Officer:- Tracy Miller Ext 5809

Item: 02

Reference: 10/00590/FUL

Applicant: Mr Michael Akins

Location: Land At The Rear Of 34 Fern Crescent Groby

Proposal: CREATION OF NEW ACCESS,FORMATION OF NEW MENAGE, REPLACEMENT STABLE BLOCK AND ERECTION OF GARAGE FOR HORSE TRAILER BOX

Target Date: 6 December 2010

Introduction:-

This application is to be considered at Planning Committee at the request of the local ward Member.

Application Proposal

This application seeks full planning permission for the erection of 9 stables including a tack room and area for the farrier; a new ménage of international standard measuring 60m by 22m; a garage block consisting of three garages to house a horsebox and two trailers, and a new access with associated hard standing. The stables would have a depth of 4.4m and total length of 46m. The height to the ridge would be 3.7m. The garages have a floor area of 7.5m by 9.0m, the central portion proposed to house a horse box would have a height to the ridge of 5m with the two garages either side a lower ridge height of 4.2m.

Following discussions with the applicants, revised plans have been requested reducing the number of proposed stables by two and designating another of the remaining stables as a foaling box. This will reduce the number of proposed stables to 7.

The Site and Surrounding Area

The site is located to the south of Markfield Road and north of Fern Crescent, Groby. The site slopes down from Fern Crescent to the A50 in various gradients and consists in part of paddock land, an existing stable block constructed of block work and containing 4 stables, an existing open hay barn/ storage and associated hard surfacing. Outside the red line, but within the control of the applicant there is a further stable block with a storage container close to the existing access of the site, and a ménage with flood lighting. The applicant seeks to consolidate the facilities on the site by siting the development in a group.

To the west of the site there is an existing commercial depot, to the east the site abuts the recreation ground and playing fields attached to Martinshaw School.

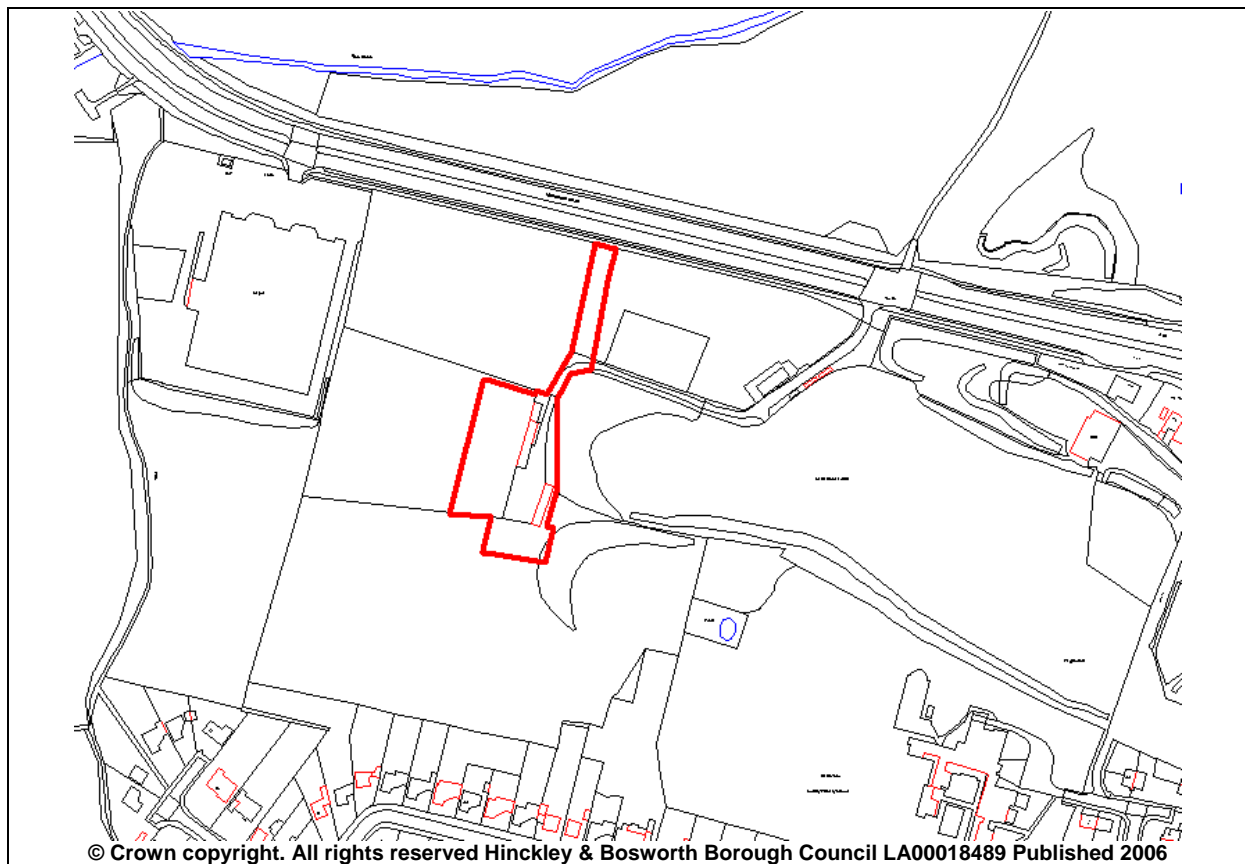
Technical Documents submitted with application

The application is supported by an access and design statement which analyses the site, proposed use, layout and scale, provides details of proposed landscaping and the appearance of the stables. It states that the site has a history of riding and horse grazing and the proposal is to form a concentrated centre of development on the site. The profile of the buildings has been designed to minimise the impact and by using the same materials on all the structures a consistent appearance will be achieved.

Further information has been submitted by the applicant clarifying how they intend to use the site. The stables are required for personal use only as the applicants daughter competes in dressage and is on the fringes of the International team. The applicant owns 8 horses, which are currently stabled off the site. It is his intention to graze them on the site, close to the house, and the proposed development would allow this to occur.

History:-.

10/00737/FUL	Extensions and alterations to dwelling	Pending consideration	
89/01218/4	Replacement stables and creation of exercising area for horses	Approved	21.11.89
82/00648/4	Provision of five loose boxes, tack room and hay store	Approved	24.08.82
75/00740/4	Retention of shed for housing greyhounds	Refused	24.06.75
74/00899/4	Retention of dog kennels	Permitted	29.10.74



Consultations:-

No objection has been received from:-

Directorate of Chief Executive (Archaeology)
 Environment Agency
 Head of Community Services (Land Drainage).

No objection subject to conditions have been received from:-

Director of Environment and Transport (Highways)
 Directorate of Chief Executive (Ecology)
 Head of Community Services (Pollution).

Groby Parish Council has objected to the application on the following grounds:-

- a) the new access would significantly add to highway dangers on busy A50 dual carriageway
- b) preventing vehicles turning right out of the site may result in Lena and Wallace Drive becoming rat runs with people turning around
- c) applicant intends to create commercial business and the number of proposed stables supports this
- d) the number of stables proposed would be too much for one person to muck out, and therefore staff would be employed
- e) commercial nature of the venture would result in staff possibly being accommodated on the site
- f) conditions of previous applications required the use of the site to be stopped once the temporary permission had expired. There was no further planning permission granted

- g) the Hinckley and Bosworth Local Development Framework site allocations and Generic Development Control Policies document, appendix 6 states within the SHLAA the site is of ecological interest and there is a need to avoid development in or adjacent to these sites
- h) any planning condition to restrict the use of the site could not be enforced due to enforcement resources and the burden of the proof required.

Site notice was displayed and neighbours notified.

Two letters of objection have been received against the extensions and alterations to the residential property however the issues raised relate to the application for stables and four further additional objections in relation to the application for the stables which raise the following concerns:-

- a) no application for change of use from residential to business has been received
- b) nor provision has been included at the dwelling to provide parking, the stables will result in a large number of visitors
- c) if the access onto the A50 is granted, parking could be sited next to the stables.
- d) objects to the proposed access onto the A50 as it is on a dangerous section subject to national speed limit
- e) Fern Crescent is not wide enough for any extra car parking
- f) what will happen to the manure? Will tractors be trying to get along Fern Crescent?
- g) deeds state that a business cannot be run from this property is it the same for the application site?
- h) traffic stopped from turning right that want to go towards Leicester will likely use Lena Drive and Wallace Drive as a rat run to turn around
- i) Lena and Wallace Drive are very narrow and not suitable for horse boxes
- j) the proposal can not be considered as private domestic equestrian as what family would want 13 stables and an international size ménage?
- k) residents off Lena and Wallace Drive should be consulted as the proposal will affect them
- l) the Highways Department have stated that there should be no new accesses off the A50 due to concerns about traffic issues.

The consultation period remains open at the time of writing and closes on 18 November 2010. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

Local Development Framework Core Strategy 2009

- Policy 21- National Forest
- Policy 22- Charnwood Forest

Hinckley and Bosworth Local Plan 2001

The site falls outside the Groby Settlement Boundary as defined by the adopted Hinckley and Bosworth Local Plan. Within the blue edge of the application site there is a designated SINC site. The application site also falls within the National and Charnwood Forest Boundaries.

- Policy BE1 - The design and siting of development
- Policy NE2 - Pollution
- Policy NE4 - Areas of separation, restricts uses within designated areas to those associated with agriculture, horticulture, community, sport and recreational uses.

Policy NE5 - Development in the Countryside, protects the countryside for its own sake whilst allowing development for, amongst other things, sport and recreational purposes.
Policy NE7 - Sites of County and local nature conservation significance.
Policy NE12 - Landscaping schemes
Policy NE14 - Protection of surface waters and ground water quality.

Appraisal:-

The main considerations with regards to this application are the impact of the stables and ménage on the countryside and area of separation, the amenities of nearby residents and highway safety.

Policy NE5 allows development in the Countryside for, amongst other things, sport and recreational uses. Equestrian use of paddocks and erection of stabling and other ancillary structures for the welfare of horses are therefore considered appropriate in the countryside. The principle of the application is therefore considered acceptable.

Amount

The applicant owns 7 horses including a Shetland pony, the majority of which are at livery yards off the site. There are also an existing 5 stables closer to the access that the applicants intend to remove. The applicant proposes to consolidate the equestrian facilities on the site, making it easier to maintain, manage and for security purposes. Therefore once constructed it is proposed to remove the existing exercise arena, stables and storage containers located to the north of the site.

Revised plans have been requested that will show two of the stables changed to a store and feed room which were omitted from the initial submission. A third stable will be designated as a foaling stable, as it is the intention of the applicant to breed horses. The application is therefore for 7 proposed stables, one to be a dedicated foaling stable, resulting in a total of 11 on the site and a net gain of 2.

The applicant's daughter competes in dressage competitions to a high standard and requires the international sized arena to enable meaningful training. It is not uncommon for people taking part in this level of competition to own a number of horses to enable them to compete even if one is injured. It is not the role of the planning system to dictate how many horses or facilities individuals should have, but to assess the impacts of the proposal on the area. It is considered in this instance the number of stables proposed is not considered to be excessive and subject to a condition preventing the use of the site for a commercial business, it is considered that the amount proposed is acceptable.

Planning History

The planning history and existing structures indicate that the site has been granted planning permission and used for equestrian uses over a number of years, however all applications have been subject to conditions preventing commercial use including liveries due to the poor access off the A50. The applicants have indicated that they would be happy with a condition preventing the commercial use of the site. Groby Parish Council has indicated that the consent in 1982 was a temporary permission and the structures should have been removed once the application ceased. Whilst this is the case, no enforcement action was taken and due to the length of time the stables were there they would now be exempt from enforcement action.

Siting and design

The proposed stables would be erected on the foundations of previous stables, located centrally in the site where the land has already been levelled by previous developments. The proposed stables, garage structures and ménage would be located over 100m from the nearest residential properties on Fern Crescent and due to the gradient, the majority of the development proposed would be screened from view. Likewise from the A50 to the north of the site, the proposed development would be located at significant distance so as not to impose on the character of the area. This can be further assisted by a landscaping scheme the applicant has stated they are willing to undertake, the detail of which can be controlled by a condition.

The design is functional and typical of other stable buildings. The proposed use of cedar boarding on all proposed buildings is considered acceptable and will reflect the countryside location in which the proposal sits.

The site suffers from graffiti and it is considered reasonable for structures to be proposed to house vehicles required in connection with the use of the site. The three garage structures have been designed to meet the specific needs of the vehicles they have been designed to accommodate. The front gable and change in roof height breaks up the mass of the proposal and adds interest. The design and appearance of this element is considered acceptable.

Ecology

Part of the land edged blue is designated as a Local Wildlife site, however this falls outside the red edge of the application area. Directorate of Chief Executive (Ecology) visited the site last November and evaluated it as still being important due to the number of species present. Concerns have been raised regarding the impact of the development on this area and it is recommended that this be fenced off whilst building works are carried out and no spoil should be dumped within the area. This can be dealt with by a condition. The Directorate of Chief Executive (Ecology) makes further recommendations regarding the management of the land to ensure the mix of species remain. It is accepted that the sensible grazing of horses on the land will not harm the ecological importance of the area and therefore no objection to the application is made.

Impact on the Highway

The application includes a proposal to relocate the existing access from the A50 to the west, and removing it from opposite an existing refuge. This will have the result that all traffic entering the site will have to come from the east and exit the site to the west, preventing crossing of both carriageways, and improving the visibility to the east.

No objection has been raised by the Director of Environment and Transport (Highways), subject to a condition restricting the use of the site for private use only and that the existing access is closed. The improvements in highway safety this would result in is considered to outweigh the general presumption against new accesses on this stretch of highway. It is noted that objections have been received regarding the access and possible potential impact this could have on the residents of Wallace and Lena Drives. As stated above any approval will be subject to a condition restricting the use and preventing a commercial enterprise, which will limit the number of movements to and from the site and therefore it is not considered that there will be an adverse impact on the properties within Lena and Wallace Drives.

No parking or access to the site, apart from the residential dwelling where the owners live, is proposed on Fern Crescent. It is not considered that the proposal would result in a detrimental impact in parking and highway safety on this public highway.

Conclusion

The site is located within the countryside where equestrian related uses, including stables are considered acceptable. Consideration has been given to the planning history of the site and the constraints evolving from the access on to the A50 and ecology of part of the site. The applicant has demonstrated why the amount of development is required and the rationale behind it. The impact of the proposal on the surrounding countryside and local residents has been carefully considered along with points raised within the consultation responses. It is therefore considered that the proposal complies with Policies BE1, NE5, NE7 and T5 of the adopted Hinckley and Bosworth Local Plan and is therefore 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 siting, location, scale and proposed use the proposal would not result in a detrimental effect on the character or appearance of the area, the amenities of nearby residents or highway safety and therefore would be in accordance with the development plan.

Hinckley and Bosworth Core Strategy DPD- Policy 21, Policy 22

Hinckley & Bosworth Borough Council Local Plan (2001):- Policy BE1, Policy NE2, Policy NE4, Policy NE7, Policy NE12, Policy NE14

- 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 stables and garages 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) means of enclosure
 - iii) detail of treatment of the existing access to prevent it being used by a vehicle to access the site.
 - iv) hard surfacing materials
 - v) planting plans
 - vi) written specifications
 - vii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - viii) implementation programme.

- 4 The proposed stables shall be used only in connection with the Applicant's own livestock and no livery/riding school nor other business nor commercial use is permitted.
- 5 No horse manure or other waste materials shall be burnt on the site at any time.
- 6 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 10 metres behind the Highway boundary and shall be hung so as to open inwards only.
- 7 Notwithstanding the approved layout plan details of the turning facilities, access widths, and visibility splays shall be submitted for approval by the Local Planning Authority. The details should comply with the design standards of the Leicestershire County Council as contained within the current design standards document.
- 8 The gradient of the access drive shall not exceed 1:12 for the first 10 metres behind the highway boundary.
- 9 The existing vehicle access shall be closed permanently within one week of the new access being brought into use.
- 10 Before the first use of the proposed access hereby permitted the vehicular access to the site shall be provided with 10 metre control radii on both sides of the access.
- 11 Within three months of the stables and ménage hereby approved being first brought into use the existing stables and exercise arena shown to be removed on drawing number 2017/1 shall be demolished and all debris and material removed from the site. The land shall be reinstated to grassed paddock unless otherwise agreed in writing with the Local Planning Authority.
- 12 No development shall take place until fencing has been erected around the designated local wildlife site. The fencing shall be retained for the duration of the works and no spoil shall be dumped within this area or heavy machinery operated.

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 In the interest of appearance of the site and to ensure tree planting as the site is within the National and Charnwood forests in accordance with Policies 21 and 22 of the adopted Core Strategy and Policy NE12 of the adopted Hinckley and Bosworth Local Plan.
- 4 In the interests of highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 To protect the air quality in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 6 To enable a vehicle to pull clear of the highway in accordance with highway safety and Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 7 To ensure a satisfactory form of development and in the interest of Highway Safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.
- 9 To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public Highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 11 In the interests of highway safety and visual amenity in accordance with Policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 12 To protect the designated local wildlife site in accordance with policy NE7 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 6 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 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 (Telephone 0116 3052202).
- 6 The highway boundary is the fence fronting the site and not the edge of the carriageway/road.
- 7 Animal waste and surface water contaminated by animal waste must not be discharged to ditches, watercourses or soakaway. Slurry, contaminated runoff - including wash water- and leachate from stockpiles 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, ditches or watercourses.
- 8 You are advised that the areas designated as a local wildlife site within land owned by the application should be managed in a way to ensure the number of species remain. this can be achieved by not overgrazing, not enriching or spraying the soil and

removing any self set trees from the area. No additional trees should be planted within this area.

- 9 Any street furniture or lighting that requires relocation or alteration shall be carried out entirely at the expense of the applicant who shall first obtain the separate consent of the highway authority.

Contact Officer:- Sarah Fryer Ext 5680

Item: 03

Reference: 10/00640/OUT

Applicant: Johal And Kler Partnership

Location: Dunlop Limited Station Road Bagworth

Proposal: MIXED USE DEVELOPMENT COMPRISING UP TO 68 DWELLINGS AND EMPLOYMENT (USE CLASSES B1c and B2) (OUTLINE - ACCESS ONLY).

Target Date: 2 December 2010

Introduction:-

Update following deferral of Item 06 from planning committee held 2 November 2010 for Mixed use development comprising up to 68 dwellings and employment (Outline- Access only)

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major development.

Members will recall this outline application was brought before the planning committee held on 2 November 2010 where the decision was deferred to allow the applicant time to submit an amended plan increasing the proportion of employment use of the site to 30%. The purpose of this report is to update Members of progress since the last committee. The previous report is attached at the end of this update for the information of Members.

The applicant has submitted a revised layout increasing the amount of employment use to the north of the proposed employment area. This has reduced the number of residential units shown on the indicative layout to 60. The layout shows additional car parking for the additional employment area. A landscaping buffer is still shown between the proposed employment area and the residential properties. There are no proposed changes to either the proposed access serving the residential element of the proposal nor the employment element. The indicative layout now shows a 70/30, residential/ employment split in terms of the application site area. This is in accordance with wishes expressed by Members at the last committee.

Consultations:-

No further comments have been received since the previous report went before Members.

The consultation period on the amended plan remains open at the time of writing and closes on 27 November 2010. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

Regional Policy

The decision of the Secretary of State for Communities and Local Government ("SoS") on 6 July 2010 to revoke Regional Strategies using powers in section 79 of The Local Democracy, Economic Development and Construction Act 2009 was successfully challenged in the High Court and was quashed in a judgment handed down on 10 November 2010. Following the decision, the SoS has written to local planning authorities stating that the government will introduce the Localism Bill in November containing proposals to abolish Regional Strategies. The Government's Chief Planning Officer has also written advising that local planning authorities should still have regard to the SoS's letter of 27 May 2010 and that it should still be regarded as a material consideration. However, these two letters and the SoS's letter of 27 May 2010 need to be considered against the judgment handed down and it is clear from the judgement that the High Court has reinforced the primacy and significance of Regional Strategies in the current planning system. The Court held that if changes are to be made to the status of Regional Strategies then those changes will need to come in the form of primary legislation. Changes cannot be made in the manner proposed by the SoS and it is also reasonable on the basis of the judgment to conclude that the letters of 27 May and the two letters sent following the judgment, whilst they may be regarded as material considerations, have to be weighed against the clarity and force of the judgement and the current legislative position, and in your officers' opinion should not be given any weight.

East Midlands Regional Plan

Policy 1 outlines the regional core objectives, including to protect and enhance the environment and improve employment opportunities.

Policy 2 promotes better design, including seeking design that reduces CO² emissions.

Policy 15 seeks affordable housing in rural areas that provides appropriate levels of housing in suitable locations.

Policy 20 lists the regional priorities for employment land.

Appraisal:-

The inclusion of regional policy does not materially change the contents or conclusions of the appraisal that Members previously considered.

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, affordable housing, the provision and maintenance of public play and

open space facilities. Failure to do so by 2 December 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 maintain provision of employment land within Bagworth whilst improving the appearance of a derelict site, without detrimentally affecting the amenities of existing residents or highway safety. The proposal is therefore considered to accord with the development plan.

Hinckley and Bosworth Core Strategy DPD (2010):- Policy 7, Policy 10, Policy 15 and Policy 16.

Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, EMP1b, REC2, REC3, RES5, T5, T9, NE2 and IMP1.

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions:-

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
 - i) The layout of the site including the way in which buildings, 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.

3. The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.
 - i) The external building materials
 - ii) The provision to be made for vehicle parking on the site
 - iii) The provision to be made for vehicle turning within the site
 - iv) The provision to be made for loading and unloading within the site
 - v) The method of disposal of surface and foul water drainage, which shall be on separate systems
 - vi) The existing trees and hedges on the site, which are to be retained

- vii) The provision to be made for screening by walls and fences
- viii) The phasing of the development, if appropriate
- ix) The floor levels of the proposed dwellings and employment premises in relation to the existing ground level and the finished levels of the site.
- x) The provision to be made for the storage of refuse and/or recycling facilities
- xi) Details of external lighting on the employment premises.

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

4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:-

B5217 (PL) 03 A received 16 August 2010,
 B5217 (PL) 01 A received 15 August 2010, and
 B5217 (PL) 02 D received 17 November 2010

5. Prior to the commencement of the development hereby permitted, the applicant shall submit for approval in writing form the Local Planning Authority details for the design of a pedestrian crossing on Station Road, in proximity to the site frontage. Prior to the occupation of the 26th dwelling the highway works shall be completed to the satisfaction of the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority.
6. Before first occupation of any dwelling hereby permitted, the access to serve the dwellings shall be provided in accordance with the details shown generally on drawing No. B5217 (PL) 02 Rev. C. The access drive once provided shall be so maintained at all times.
7. 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.
8. Before the development commences, details of satisfactory pedestrian visibility splays at each access shall be submitted to the LPA for approval in writing. The approved pedestrian visibility splays shall be provided with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.
9. Before first use of the development hereby permitted, the vehicular access to the employment element as shown on drawing number B5217 (PL) 02 D received 17 November 2010 shall be provided with 8 metre control radii on both sides of the access.
10. Development shall not commence until a surface water drainage limitation 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 subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:-

- Details of how the scheme shall be maintained and managed after completion

- Sustainable drainage techniques or SuDS incorporated into the design
 - Details to show the outflow from the site is limited to the maximum allowable rate.
 - That the surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100-year flood) event, including a allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. MicroDrainage or similar sewer modelling package calculations which include the necessary attenuation volume)
 - Detailed design details of the proposed balancing pond, including cross-sections and plans.
11. The development hereby permitted shall not be commenced until such time as a scheme to install an oil interceptor to serve the Industrial units has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
 12. The development hereby permitted shall not be commenced until such time as a scheme to install trapped gullies to serve the residential area has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
 13. Before the commencement of development a scheme to protect the neighbouring premises from dust during construction shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
 14. Notwithstanding the conclusions of the NVC Noise Impact Assessment ref. no. R10.1772/DRK; development shall not commence until a scheme for protecting existing nearby and proposed dwellings from noise from existing and proposed commercial operations has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of either the employment or residential element of the site, whichever the sooner.
 15. Notwithstanding the conclusions of the RSK Site Investigation Report 300098-2 (01) July 2001, no development shall commence 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. The scheme shall include details of the any contamination found shall be dealt with and the approved scheme shall be implemented in accordance with the agreed details and any remedial works required shall be carried out prior to the occupation of the site.
 16. 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.
 17. 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.

The reasons for the conditions are:-

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2&3 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
4. For the avoidance of doubt and in the interests of proper planning.
5. In the interest of pedestrian and cyclist safety, and the sustainability of the development which is in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
6. In the interests of general highway safety and to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
7. 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 to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
8. In the interests of pedestrian safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
9. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
10. To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the drainage system in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 11&12 To protect the water environment in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
13. To prevent pollution during the construction in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
14. To protect the amenities of existing and future occupiers in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
15. To prevent contamination of land to be used as residential in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
16. To protect the amenities of future occupiers of the site in accordance with Policies BE1 and NE2 of the adopted Hinckley and Bosworth Local Plan.
17. To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant :-

1. Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
2. This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
3. As from 6 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. As part of the Agency's objective to further the sustainable use of our water resources we are promoting the adoption of water conservation measures in new developments. Such measures can make a major contribution to conserving existing water supplies.

The Agency recommends the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended.

For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

Contact Officer:- Sarah Fryer Ext 5680

The following extract is from the 2 November 2010 committee report

Introduction:-

This is an outline application for a mixed use development of up to 68 dwellings and employment units at land to the east of Station Road, Bagworth. Access is the only matter for determination at this stage with all other matters reserved.

The application site extends to just over two hectares and currently consists of derelict buildings previously used by Dunlop to the north and a further industrial area to the south currently occupied by RSL who manufacture recycling plant equipment. The site forms an irregular site as a further building occupied by Presscut Components forms part of this industrial area but does not form part of the application site.

The former Dunlop site consists of a range of industrial buildings of various ages, styles and sizes and areas of hardstanding. The only planting within the site consists of a tree lined hedge to Station Road. The site is bounded by residential properties to the south and west

facing Station Road. To the north and east are fields, outside of the settlement boundary, with some tree planting beyond the eastern boundary.

Two accesses are proposed to the site, firstly, the existing access to the south of the site which serves RSL is proposed to be retained to serve the industrial units, while to the north of the site an existing access is proposed to be altered to provide access to the residential element. Both accesses are from Station Road.

An indicative layout has been provided which shows 68 dwellings as a mix of detached, semi-detached and terraced properties of 2, 3 and 4 bedrooms. 40% of the development (27 dwellings) are indicated as affordable housing. The southern part of the site is shown to accommodate a single employment building in the south-eastern corner with an extensive parking and manoeuvring area.

The application is supported by a Design and Access Statement, Planning Statement, Transport Statement, Site Investigation Report, Ecological Appraisal, Flood Risk Assessment, Noise Impact Assessment, an Initial Site Appraisal of Archaeological Risk and a Heads of Terms Document.

The Design and Access Statement states that the proposal seeks to address through form, mass and elevational design a residential and industrial development which will positively interact with the local context, which uses quality materials that are fitting to the local vernacular, utilise an architectural style that is sensitive to the residential context, and provide accessibility to the entirety of the development for all users.

The Planning Statement sets out the characteristics of the site, the details of the proposed redevelopment, the planning history and planning policy. It sets out that the timing of the application is acceptable as the Core Strategy is now adopted and the housing requirement for Bagworth is within the development plan. It suggests that a 5-year supply cannot be demonstrated and that the proposals are in accordance with the development plan except for one out-dated policy. An assessment of alternative sites has been undertaken which shows the application site as the most appropriate.

The Transport Statement provides a comparison of the trip rates generated by the proposed uses and the existing employment uses and concludes that the proposed development will have a negligible traffic impact on the local highway network.

The Site Investigation Report provides a risk assessment to human health and controlled waters from the clearance and redevelopment of the site. It sets out conclusions and recommendations based on this risk assessment and a geotechnical assessment for the site. A further Preliminary Risk Assessment has also been submitted.

The Ecological Appraisal concludes that habitats on site were of very limited value to wildlife and that surveys for bats found no evidence that the site currently supports a population of bats. No evidence of or potential for other protected species was observed.

The Flood Risk Assessment sets out that the site is not at quantifiable risk of flooding from existing sources and should be classified as flood zone 1 as defined in PPS25. The site is unsuitable for infiltration style drainage systems, flow attenuation is proposed with surface water draining to an existing minor watercourse to the north-east of the site.

The Noise Impact Assessment sets out a series of recommendations for the layout and construction of the proposals and states that the resultant noise levels within the property and garden areas would meet appropriate and reasonable guidance and noise criteria and

would therefore provide an adequate level of protection against noise for potential occupants of the dwellings.

The Initial Site Appraisal of Archaeological Risk indicates that there is a low risk of archaeological remains existing within the site and a medium likelihood of significant previous disturbance.

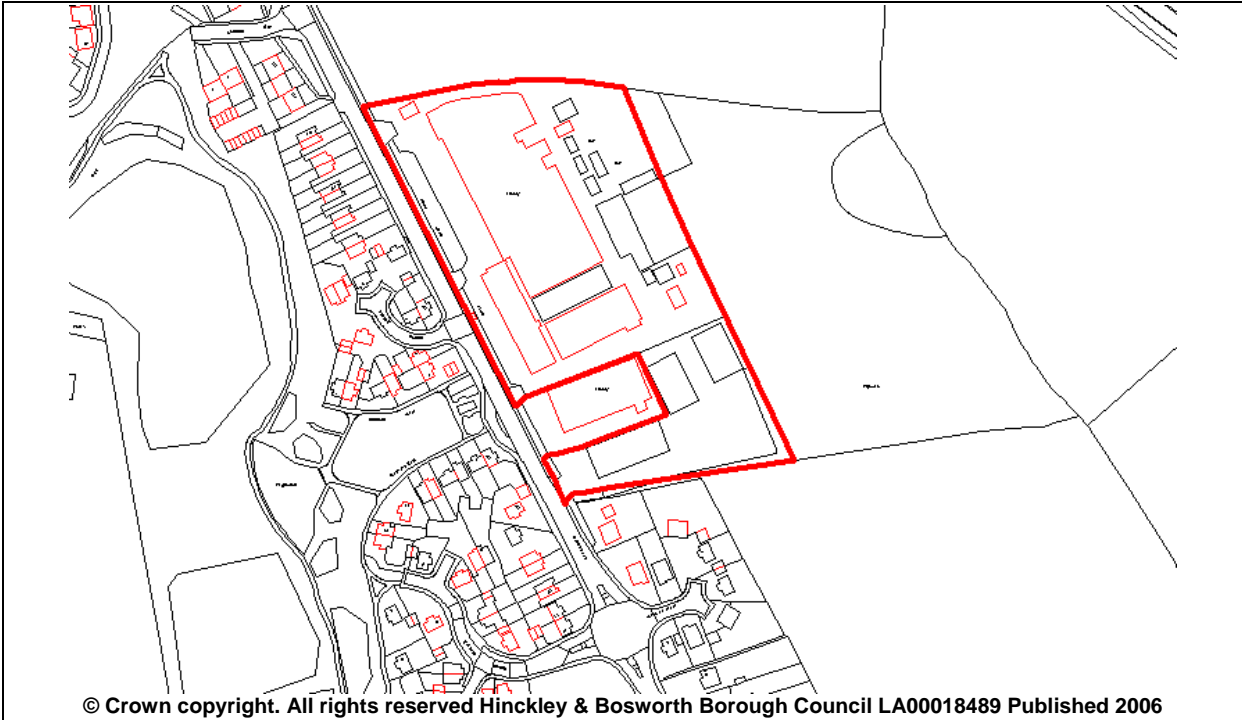
The Heads of Terms propose a full complement of Section 106 contributions including affordable housing at 40%.

History:-

08/00215/FUL	Demolition of existing factory and erection of 68 dwellings with associated access and parking	Refused	06.06.08
05/01047/OUT	Redevelopment of site for residential use	Refused	05.12.05

The application site has been subject to two previous similar proposals as set out above. Firstly, application 05/01047/OUT proposed residential development of the southern part of the site. This was refused on the loss of employment land, impact of noise on future occupiers, land contamination and lack of contributions. The decision was upheld at appeal where the Inspector considered employment land supply and concluded that the buildings contribute to meeting an identified demand. It should be noted that this application concerned only the southern part of the site and that these buildings have since been occupied by RSL.

A subsequent application, 08/00215/FUL, concerned the Dunlop part of the application site and proposed its demolition and the erection of 68 dwellings. This application was refused on the loss of employment land and the subsequent impact on the sustainability of Bagworth, that this is not a sustainable location for residential development, design and layout and pollution from adjacent commercial operations. The refusal was not challenged at appeal.



Consultations:-

No objection subject to conditions have been received from:-

Severn Trent Water Ltd
The Head of Community Services (Land Drainage).

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

- a) Director of Community Services (Ecology) – Make no request.
- b) Director of Children and Young People's Service (Education) – Make no request as there is sufficient surplus capacity at all levels of education provision.
- c) Head of Commercial and Support Services (Libraries)– Request £54.35 per 2 bedroom property and £63.41 per 3/4/5 bedroom dwelling as the nearest Library in Coalville is currently below the current size standards. The additional users would create a need for 1600 additional items of stock to mitigate the impacts of the development on the service.
- d) Director of Highways, Transportation and Waste Management (Civic Amenity) – request £34.48 per dwelling to make improvements and increase capacity of the Coalville civic amenity site.

The Leicestershire Constabulary Crime Reduction Officer raised concerns regarding the security of the indicative layout. A contribution request of £606 per dwelling is requested as buildings are at capacity and cannot accommodate further staff therefore capital facilities are required which cannot be funded through council tax. This includes new or supplementary buildings to house resources, extending communication infrastructures, providing additional vehicles and increased efficiencies associated with patrol, detection and prevention of crime.

The Environment Agency object to the proposals and recommend refusal as the submitted Flood Risk Assessment does not provide a suitable basis for assessment to be made of flood risks arising from the proposed development. The Flood Risk Assessment fails to provide a SUDS scheme within the application boundary of the development.

The National Forest raises no comments on the broad planning merits of this proposal but requests that the development is subject to the National Forest planting guidelines. This would require 20% of the site area being set aside for tree planting and green space provision.

Bagworth and Thornton Parish Council comment that the Dunlop site has been virtually derelict for several years and a sympathetic residential development in keeping with the ambiance of a village would be preferable to an old industrial site falling into disrepair. They highlight the opportunities for industrial development and expansion in the vicinity of the village and that heavy goods vehicles are banned from travelling through Bagworth because the roads are unsuitable for the weights involved. The comments also state that Section 106 contributions should be designated for developing Bagworth Community Centre.

The Head of Business Development and Street Scene Services does not object to the proposal but requests further consultation at the reserved matters stage.

The Head of Community Services (Pollution) raises no objection subject to conditions regarding noise and land contamination however they do request further information and clarification on points raised in the reports.

Site notice and Press notice were displayed and neighbours notified.

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

- a) lack of parking for houses
- b) parking on Station Road causing obstruction for pedestrians and traffic
- c) loss of hedgerow.

One letter of support has been received stating that the site attracts vandals and a police presence has been required to maintain order. That the site is an eyesore and the development will increase property values for the immediate vicinity.

One further letter has been received questioning the retention of bollards on Station Road.

Presscut Components, the neighbouring industrial use, objects on the grounds that houses are proposed in close proximity to their business. They state that they would welcome industrial units that they can rent for possible expansion. They state that they have tried to rent space on the site but have been unable to get a response from the agent.

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

Director of Community Services (Archaeology)
Director of Highways, Transportation and Waste Management (Highways)
The Primary Care Trust
Cyclists Touring Club.

The consultation period remains open at the time of writing and closes on the 3 November 2010. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy

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.

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.

Paragraph 40, under the title of effective use of land, states that "a key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has previously been developed". Paragraph 41 sets out the national target to provide 60% of all housing on previously developed land. The paragraph continues to state that there is no presumption that land that is previously developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.

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.

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.

Local Policy

Local Development Framework Core Strategy 2009

Policy 7 – Key Rural Centres states that to support the Key Rural Centres and ensure they can provide key services to their rural hinterland, the council will: support housing development within settlement boundaries that provides a mix of housing types and tenures, and ensure there is a range of employment opportunities. The policy states that to support this, the enhancement of allocated employment sites will be supported.

Policy 10 – Key Rural Centres within the National Forest states that land will be allocated for the development of a minimum of 60 new homes in Bagworth. Additional employment provision to meet local needs in line with Policy 7 will be supported and the provision of small industrial work units (including social enterprises and craft workshops) in Bagworth for rent or to buy as supported by the Bagworth Parish Plan.

Policy 15 seeks the provision of Affordable Housing on residential proposals within rural areas at the rate of 40% 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 Hinckley.

Paragraph 4.2 sets out a target of 40% of development on previously developed land.

Hinckley and Bosworth Local Plan 2001

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

Policy BE1: Design and Siting of Development 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 the comprehensive development of a larger area of land of which the development forms part.

Policy EMP1b refers to existing employment sites and states that the council will support proposals for other employment activities, or alternative uses of the sites on their merits in the context of the appropriate design policies of the plan. These sites are considered to be acceptable employment locations.

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 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 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 27 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. The Development Plan therefore now consists of the Core Strategy and saved policies from the Local Plan.

The Employment Land and Premises Study (May 2010) provides an update to the assessment of existing employment sites within Local Plan Policy EMP1. The application site is described as a medium sized industrial complex with limited other employment space in the settlement. The document states that the complex is marketed by King Sturge and Innes England and has the potential for a small industrial estate subdividing larger buildings which may not find single occupiers. It states that employment uses should be maintained, but the site is slightly too large for the area unless major occupiers come forward. The report recommends that the site should be retained as category B and 75% of the site retained for employment with 25% other uses allowed.

Appraisal:-

The main considerations with regards to this application are: the principle of development; loss of employment land; 5-year housing supply; access and impact on the highway network; developer contributions and affordable housing and other matters.

Principle of Development

The application site is within the settlement boundary of Bagworth where a presumption in favour of development exists. However the site is designated under Local Plan Policy EMP1 as a category B employment site where proposals for other employment activities, or alternative uses of the sites are considered on their merits in the context of the appropriate design policies of the plan. The policy states that these sites are considered to be acceptable employment locations.

As set out above, the 2010 Employment Land and Premises Study, considers that the site should be retained for employment purposes but that the site is slightly too large for the area unless a major occupier comes forward. It recommends that 25% of the site should be made available for other uses with 75% retained as employment.

The application is in outline form for a mix of housing and employment uses which would be acceptable in principle dependent on the proportion of these two uses.

Loss of Employment Land

While the application site does not extend to the whole employment site, it is considered that the split of housing and employment on the application site should reflect the 75% / 25% distribution required in the Employment Land and Premises Study. This would allow the remainder of the site to come forward at a later date and redevelop in a similar manner.

The application proposes that the existing vacant former Dunlop buildings are redeveloped for housing with the remainder of the site currently occupied by RSL be redeveloped to form a single building that could be split into smaller units depending on demand. The indicative layout shows a scheme with 75% of the site proposed as housing and 25% as employment.

The need to protect employment land in Bagworth is set out in Core Strategy Policy 7 which seeks to ensure there is a range of employment opportunities and Policy 10 which states that additional employment provision will be supported and the provision of small industrial work units. The Employment Land and Premises Study at Table 66 provides an assessment of employment land in the Key Rural Centres. For Bagworth this sets out that there are two small employment areas in the town which can feasibly be retained. It states that the former Dunlop complex is vacant and that if it were subdivided for small SME units it is likely there would be demand.

Bagworth has limited employment opportunities beyond the application site and the recent extensive housing development has created additional demand. The spatial strategy for key rural centres sets out that they should provide a localised provision of facilities to those living in the centre and the villages and hamlets surrounding the centre to address the need to travel long distances to urban areas for services. It is therefore considered necessary to retain the employment provision within Bagworth for the settlement to provide the facilities expected of a Key Rural Centre and ensure the settlement remains sustainable.

The application has been supported by a Planning Statement which makes reference to the current state of the buildings which have been subject to vandalism and theft and the fact that they are no longer secure. It cites the range of other employment sites within the vicinity at Interlink Park and Merrylees which could accommodate any need that does exist locally. However, while to-let boards are still on the site, no information has been provided relating to the marketing of the land for employment use nor the responses that this has generated. There is anecdotal evidence from a neighbouring business that the site has not been marketed actively.

Amended plans have been submitted which show that the proposed new employment building could accommodate the existing employment use on site. However, there is not more formal commitment either from the applicant or the current occupier that they will be accommodated in the scheme. This raises further concern that the scheme may lead to the loss of the existing employment use on the site.

While the Employment Land and Premises study would support the partial redevelopment of the site it is considered that the proposed loss of three quarters of the site to housing is beyond that envisaged by the Study. No additional information to support the applicant's case by way of a clear marketing history of the site demonstrating the lack of employment need has been submitted and the potential loss of the current occupiers has not been adequately addressed. It is considered that the acceptance of the proposals would lead to a lack of employment opportunities in the village contrary to Core Strategy Policies 1 and 10.

Meetings have taken place with the applicant to discuss amending the scheme to a more acceptable split but no movement from the position contained within the application has been offered by the applicant. As the application is in outline form it is possible to control through condition the split of the two uses, however as the description of development proposes up to 68 dwellings control by condition to achieve a 25% housing split would result in an unacceptably dense housing development.

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. The lack of five-year supply therefore needs to be given considerable weight.

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.

The quality and mix of housing would be addressed through the details submitted at reserved matters stage. The site is suitable for development in principle as it falls within the settlement boundary and is accessible. However, the protected employment status of the land would suggest that the land is not suitable for housing redevelopment in its entirety. The application does reflect the need and demand for housing in the area in broad terms as up to 68 units are proposed which would address the requirement within the Core Strategy for 60 dwellings within Bagworth. However, as set out above the spatial vision for the area, describes Key Rural Centres as being able to provide a level of local services and facilities to meet the demand of the settlement and the surrounding area. It is considered that the loss of the majority of this site to housing would not reflect that vision and therefore the proposals are contrary to 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.

Access and impact on the highway network

At the time of writing this report comments from Director of Highways, Transportation and Waste Management (Highways) are still awaited, these will be presented as a late item. The indicative scheme proposes separate accesses for the residential and employment activities which is supported.

Objections have been raised regarding the potential for increased parking on Station Road however it is considered that this could be addressed at reserved matters stage by a design which provides access to the front of those properties facing Station Road from the internal road network.

The 2008 application was refused on the grounds that this is not a sustainable location for housing development as residents would have to rely on the private car. It is considered that as the Core Strategy has now been adopted which allocated 60 residential units to the settlement the principle of residential development in Bagworth is acceptable from a sustainable travel point of view until this allocation is met.

Developer Contributions and Affordable Housing

The application proposes 40% affordable housing which is in accordance with Core Strategy policy. The indicative layout shows the distribution of 27 affordable units which would address part of the current waiting list for Bagworth which stands at 32.

Contribution requests have been received, as set out above, from the Police of £606 per dwelling and from Leicestershire County Council towards civic amenity and libraries at a rate dependent on the final dwelling mix. No contribution is required towards education. The submitted Planning Statement sets out a commitment to make these contributions however inline with previous committee reports and recent appeal decisions the acceptability of these requests needs to be considered in light of the Community Infrastructure Levy Regulations (CIL) 2010.

CIL confirms 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 such cases, and where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what

is to be the balance of contributions made by developers and by the public sector infrastructure providers in its area supported.

It is considered that the contributions requested by the Police, and Leicestershire County Council towards Civic Amenity and Libraries fail to demonstrate the impact of the development on their services and how this justifies the need for the contribution and the value of it. Therefore these requests are not currently supported and will not be sought.

The site is located within 400 m of open space adjacent to the community centre on Station Road. The residential element of the development triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policies REC2 and 3 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 -0.03 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.

As no open space is proposed on site it is considered that off-site contributions to the provision of maintenance of open space are justified and that in this instance a requirement of £1,837.60 per dwelling consisting of £1,140.60 provision and £697 maintenance can be requested.

Other matters

While no objection has been raised by the Head of Community Services (Pollution) with regards to contaminated land or noise impact further information has been requested. This has been provided by the applicant and is being assessed by Environmental Health. Their updated comments will be reported as a late item.

The objection raised by the Environment Agency concerns the position of an attenuation basin which is outside of the development site. They object as if this basin is not provided acceptable discharge rates will not be achieved. Amended plans have been submitted which demonstrate that this falls within blue land and is therefore under the control of the applicant and can be delivered. While updated comments are awaited from the Environment Agency, it is considered that the amended plan will address their concerns.

Severn Trent Water raise no objection to the proposal but have asked for a condition 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 and by Severn Trent Water (as the service provider) 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, drainage details should no longer 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.

The request for 20% of the site to be made available for planting is being discussed between the developer and the National Forest. It is understood that land adjacent to the site has been suggested as suitable for this planting. The outcome of these discussions will be reported as a late item.

The design and layout of the development and any overlooking or loss of amenity to neighbouring residents created would be assessed at the reserved matters stage.

Conclusions

The site is a protected employment site within the Local Plan and this has been reaffirmed in the Employment Land and Premises Study undertaken earlier this year. While the redevelopment of part of the site would be supported the proposal would result in the loss of the majority of the employment land which would have a detrimental impact on the sustainability of the settlement and the ability of this Key Rural Centre to provide the functions and services expected in the Core Strategy.

While the Borough cannot currently demonstrate a 5-year supply of housing it is considered that the proposal is contrary to the spatial vision for Bagworth as set out in the Core Strategy as the development would detrimentally affect the settlements ability to provide localised provision of facilities to reduce the need to travel. The proposal therefore does not meet the criteria of PPS3 paragraph 69 and therefore does not need to be 'considered favourably.'

The proposal is therefore considered contrary to Local Plan Policy EMP1b and Core Strategy policies 7 and 10. While appropriate affordable housing provision and other contributions are proposed as the application is recommended for refusal this will form additional reasons.

RECOMMENDATION: - That delegated authority be granted to the Deputy Chief Executive (Community Direction) to refuse the application on the following grounds following the expiry of the current consultation period on the 3 November 2010.

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

Reasons:-

- 1 In the opinion of the Local Planning Authority, the proposed development would lead to the unjustified loss of a protected employment site which would adversely impact on the sustainability of Bagworth and its ability to sustain its function as a Key Rural Centre as set out in the adopted Core Strategy (2009). The proposal is therefore contrary to Core Strategy Policies 7 and 10 and Local Plan Policy EMP1b.
- 2 In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that sufficient suitable affordable housing would be provided contrary to Planning Policy Statement 3 and Policy 15 of the Core Strategy.
- 3 In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on play and open space facilities of the local area by the proposed development would not accord with Circular 5/05, Policies REC2, REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Document on Play and Open Space 2008.

Item: 04
Reference: 10/00665/ADV
Applicant: Hinckley And Bosworth Borough Council
Location: Atkins Building Lower Bond Street Hinckley
Proposal: ERECTION OF NON ILLUMINATED SIGNAGE
Target Date: 15 November 2010

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application has been submitted by the Council for its own development.

Application Proposal

Advertisement Consent is sought for the display of signage at the Atkins Building. The signage is proposed to be erected on the northern elevation of the building.

Initially the proposal included external illumination. However, following concerns that this would have a detrimental impact upon the character and appearance of the Listed Building, amended plans have been received showing the removal of the external illumination. Furthermore, concerns expressed over the scale of the signage were also received and subsequently amended plans were received showing a reduction in the overall scale of the signage by a third. Re consultation has been undertaken in both instances.

The signage would be positioned on the northern elevation, 5697mm above the footway, above a new entrance opening and adjacent to 2 no. existing windows. The proposed signage effectively comprises two elements; the Atkins logo with the Atkins name positioned below. The logo now measures 2836 mm in height and maximum of 1794 mm in length, with the name measuring 792 mm in height by 1794 mm in length. In accumulation the proposed sign will measure 1794 mm in length by 3790 mm in height and will project a maximum of 130 mm from the elevation. The materials proposed are aluminium powder coated in white.

The Site and Surrounding Area

Atkins Brothers (Hosiery) Factory also known as the Goddard Building is a Grade II Listed Building. The site previously consisted of a range of buildings used in the hosiery industry. The site is bounded by three roads; its principal frontage to Lower Bond Street, Baines Lane and Druid Street, with a public footpath linking Lower Bond Street to Druid Street. A mix of uses surround the site, of particular note adjacent to the site to the south east is the Unitarian Great Meeting Chapel, Grade II* listed; the Hollybush Public House to the north east, Grade II; the Museum, Grade II; and the Leicestershire County Council Social Services building to the north. The frameknitters cottages have been recognised as a nationally important building by English Heritage and has been listed Grade II.

The signage would be visible from the area to the Northern part of Lower Bond Street which comprises the area in the immediately vicinity of the junction of Lower Bond Street, Hollycroft and Upper Bond Street.

The site is located within the settlement boundary of Hinckley and located within Hinckley Town Centres Conservation Area, and is also located within an employment site, as defined by Hinckley and Bosworth's Local Plan (2001).

Technical Documents Submitted with application

The application is accompanied by a heritage statement, design and access statement and lighting statement which suggest that the design of the signage has been chosen to enhance the original features of the building using metal to reflect the buildings history within industry.

A technical specifications report outlining the installation method has been submitted during the determination of the application. The report states that the drilling into the mortar line and installing hardened threaded studs by way of setting them in using chemical fixing resin will be the method employed to affix the signage.

An application for Listed Building Consent (ref: 10/00666/LBC) has also recently been submitted for the display of signage and this application is subject to a separate report also on this committee agenda.

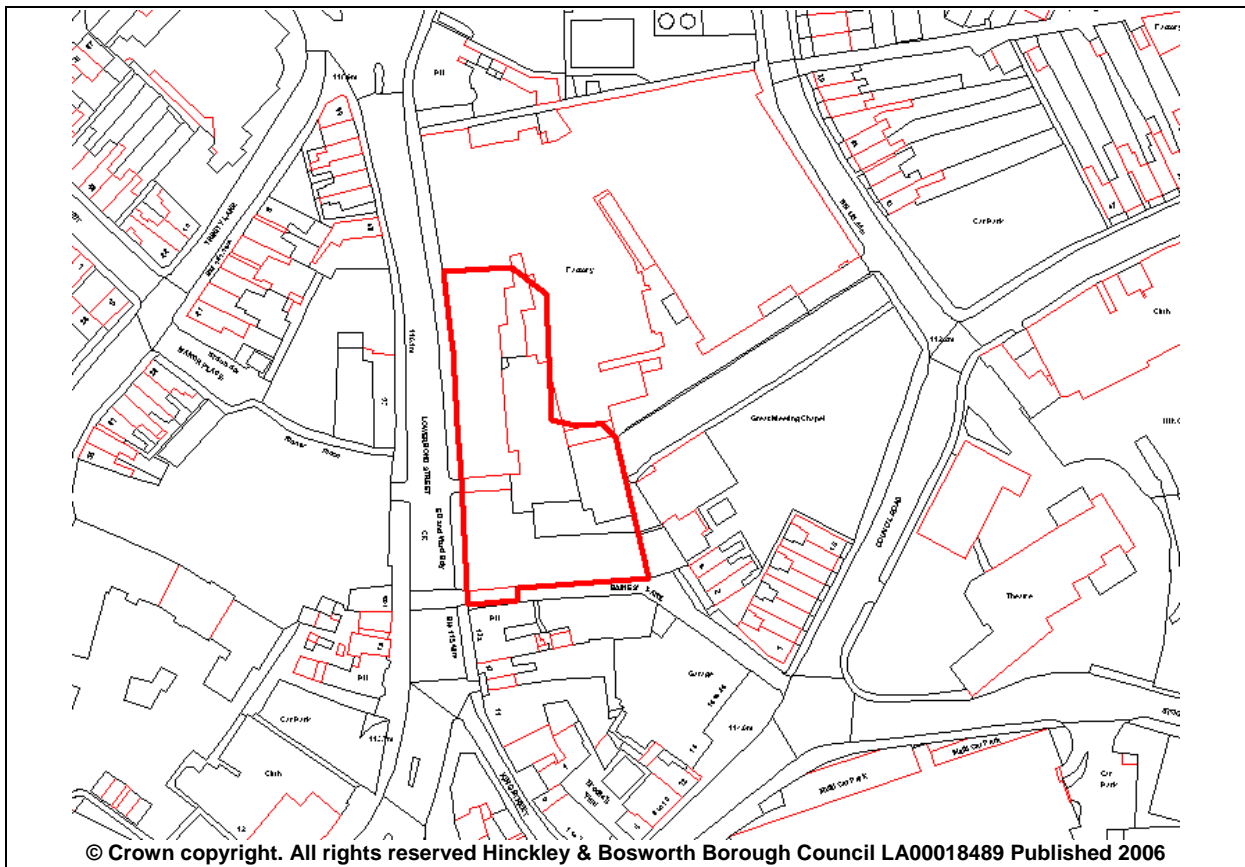
History:-

Listed Building Consent (ref: 07/01218/LBC) was granted by the Government Office for the East Midlands on 25 January 2008 for the demolition of the vacant post 1920's buildings. Those buildings have since been demolished. Subsequent permission has been granted (ref: 09/00141/DEEM) for the re-development of a new college building and the change of use and conversion (ref: 09/00142/LBC) of the existing Grade II Listed Goddard Building to facilitate use as a creative industries centre. The college building is currently under construction.

For a full history:-

10/00450/LBC	Amendments to Listed Building Consent 09/00142/LBC	Permitted	15.11.10
10/00271/DEEM	Variation of condition No.2 of Planning Permission 09/00141/DEEM to allow minor material alterations	Permitted	11.06.10
10/00264/DEEM	Variation of condition No.2 of Listed Building Consent 09/00142/LBC to allow external alterations	Withdrawn	26.05.10
10/00221/CONDIT	Variation of condition No.24 of Planning Permission 09/00141/DEEM to allow a wind turbine on the roof of the building	Permitted	18.06.10
09/00142/LBC	Conversion and adaptation of the existing Grade II Listed Goddard building to facilitate use as a creative industries centre	Permitted	12.05.09

09/00141/DEEM	Re-development of the former Atkins factory site for a mixed use development comprising of a new college building and the change of use and conversion of the existing Goddard building for use as a creative industries centre, including associated car parking and public realm improvement	Permitted	04.09.09
09/00003/LBC	Works to windows/openings (including replacement), flat roof covering upgrade, lightning protection, brickwork and timber cleaning and removal of redundant building services	Permitted	30.03.09



Consultations:-

No objection has been received from:-

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

The Director of Chief Executive (Archaeology) states that no archaeological work is required and given the small scale of the proposed works considers that there would be limited impact on the historic aspect of the building.

Leicestershire County Council Principal Historic Buildings Officer understands that both the Borough Council's Conservation Officer and English Heritage have been actively engaged with this application and as such trust that their expert opinion has been taken into consideration in the determination of this application.

Site notice and Press notice were displayed and neighbours notified.

The consultation period remains open at the time of writing and does not close until the 24 November 2010. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

Central Government Guidance

Planning Policy Guidance Note 19 - Outdoor Advertisement Control indicates that in relation to outdoor advertisements due regard should be had to interests of amenity and public safety. PPG19 also acknowledges that it is reasonable for more exacting standards to apply in relation to historic environments.

Circular 03/2007 - Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties.

Policy BE7: Development Within Conservation Areas states that primary planning policy will be the preservation or enhancement of their special character. Planning permission for proposals which would harm their special character or appearance will not be granted

Policy BE11: Advertisements in Conservation Areas seeks that where existing advertisements, signs and fascias make a positive contribution to the character of a conservation area, they should be retained. Replacement advertisements, signs, and fascias should be traditionally styled and carefully detailed.

Supplementary Planning Guidance/Documents

Shopping and Shop Fronts Supplementary Planning Document (2007)

Shopping and Shop Fronts SPD sets out the desired design principles of replacement and new shop fronts and signs.

Appraisal:-

The main considerations in the determination of this application relate to visual amenity and highway safety and impact upon the Setting of the Listed Building and Conservation Area

Visual Amenity

It is considered that the proposals affect upon the overall character of the building has been significantly reduced following the submission of an amended plan to show the reduction in scale of the signage. The scale of the signage in comparison to the scale of the northern elevation on which it will be positioned, in addition to the backdrop of the western elevation ensures that the signage appears subservient and does not appear out of scale.

Traditional materials such as timber are usually sought for signage with Conservation Areas. The proposed sign is, however, of a modern design using modern materials. It is considered that the intention is to create a contrast in appearance between the old and new, using metal which would reflect the buildings history within industry.

In terms of wider visual impacts, the amended plans show a reduction in the overall scale and also a re-positioning upon the Northern elevation which is lower than that of before. As such, it is considered that the signage is less prominent and is unlikely to be visible from further than that of the immediate area.

By reason of design, scale, positioning and appearance, whilst the signage will stand out it is not considered visually prominent within the locality to detract from the character and appearance of the building or surrounding area. It is considered that the signage represents a modern addition, using modern materials which relate to the historic fabric of the Grade II Listed Building.

Highway Safety

Whilst the signage will be located in a prominent location within Hinckley Town Centre and be visible from the junction to the North of Lower Bond Street, it is now considered that the removal of the illumination would alleviate any concerns over the potential of the sign causing highway distractions.

In terms of pedestrian safety, the Highway Authority seek that signs (or part thereof) over a footway must have at least 2.4 metres clearance above the level of footway and 0.5 metres clearance from the edge of the carriage way. The proposed sign would be positioned at a height well above that of the height sought, and as such there are no impacts upon pedestrian safety.

The Director of Environment and Transport (Highways) has no comment and as such it is concluded that the impact upon highway safety are negligible.

It is considered that by reason of scale and positioning and that the proposed signage would not significantly impact upon highway safety.

Impact upon the Setting of the Listed Building and Conservation Area

It is important to protect the architectural integrity of the building in which the signage will be displayed. It is considered that amended plans received to show the reduction in overall scale and height has alleviated concerns raised in relation to the level of dominance exerted by the signage upon the Northern elevation of the building. By reason of scale and appearance it is not considered the signage will have a significant detrimental visual impact on the character of the building itself or surrounding area. In addition, the Atkins building has undergone numerous modern alterations and as such the proposed signage would not adversely impact upon the Grade II building over and above that of previous additions. In relation to the Hinckley Town Centre Conservation Area, whilst traditional materials are

usually sought it is considered that the contrast of modern materials upon the traditional building would not be harmful to the character and appearance of the Conservation Area.

Conclusion

Although the proposed sign is not of a traditional design using traditional materials it is not considered that the proposed signage would not detract from the historic nature of the building itself, or be harmful to the character and appearance of the Conservation Area or surrounding area. It is considered that proposal is acceptable in terms of visual amenity and highway safety. Accordingly, it is recommended that application be granted advertisement consent, subject to conditions.

Recommendation:- Subject to no significant material observations being received by the end of the consultation period expiring on the 24 November 2010, the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant consent to display advertisement for the development subject to the following conditions:-

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

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as the signage would not be harmful to visual amenity, public safety or impact adversely upon the setting of the Listed Building and Conservation Area.

Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, BE7 and BE11

- 1 The advertisement hereby granted consent shall be displayed solely in accordance with the details and specifications shown on the submitted drawings details: No.18305, (Revision C) entitled 'Main elevations final dimensions (PROPOSED)' received by the Local Planning Authority on 2 November 2010.
- 2 Notwithstanding the information submitted and shown on the section plans the advertisement hereby permitted does not include illumination.
- 3 Any fixings to secure the signage shall be carried out in strict accordance with the details shown on the submitted drawings details Section (Revision B) received by the Local Planning Authority on 15 November 2010 and the technical specifications report amended on 15 November 2010 to the Local Planning Authority.
- 4 The signage shall be Ral colour 9006 aluminium white as indicated on the submitted details unless otherwise agreed in writing by the Local Planning Authority and thereafter maintained as such.

Reasons:-

- 1&2 For the avoidance of doubt and in the interests of proper planning.
- 3&4 To enable the Local Planning Authority to retain control over this important detail in the interests of preserving the historic character of the building to accord with Policy BE1 and BE7 of the Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 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).
- 2 You are reminded to comply with the conditions of Listed Building Consent ref: 10/00666/LBC.

Contact Officer:- Ebony Mattley Ext 5691

Item: 05

Reference: 10/00666/LBC

Applicant: Hinckley And Bosworth Borough Council

Location: Atkins Building Lower Bond Street Hinckley

Proposal: ERECTION OF NON ILLUMINATED SIGNAGE

Target Date: 15 November 2010

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application has been submitted by the Council for its own development.

Application Proposal

Listed Building Consent is sought for display of signage at the Atkins Building. The signage is proposed to be erected on the northern elevation.

Initially the proposal included external illumination. However, following concerns that this would have a detrimental impact upon the character and appearance of the Listed Building, amended plans have been received showing the removal of the external illumination. Furthermore, concerns expressed over the scale of the signage were also received and subsequently amended plans were received showing a reduction in the overall scale of the signage by a third. Re consultation has been undertaken in both instances.

The signage would be positioned on the northern elevation, 5697mm above the footway, above a new entrance opening and adjacent to 2 no. existing windows. The proposed signage effectively comprises two elements; the Atkins logo with the Atkins name positioned below. The logo now measures 2836 mm in height and maximum of 1794 mm in length, with the name measuring 792 mm in height by 1794 mm in length. In accumulation the proposed sign will measure 1794 mm in length by 3790 mm in height and will project a maximum of 130 mm from the elevation. The materials proposed are aluminium powder coated in white.

The Site and Surrounding Area

Atkins Brothers (Hosiery) Factory also known as the Goddard Building is a Grade II Listed Building. The site previously consisted of a range of buildings used in the hosiery industry. The Goddard building is considered an outstandingly large factory for Hinckley and of pivotal importance in Hinckley's hosiery business and townscape. Their obvious industrial

appearance is a reminder of the town's industrial past, this appearance has been preserved and enhanced through the recent works to utilise the building as a creative industry centre. The site is bounded by three roads: Lower Bond Street, Baines Lane and Druid Street, a public footpath links Lower Bond Street to Druid Street. Its principal frontage is to Lower Bond Street. A mix of uses surround the site, of particular note adjacent the site to the south east is the Unitarian Great Meeting Chapel, Grade II* listed; the Hollybush Public House to the north east, Grade II; the Museum, Grade II; and the Leicestershire County Council Social Services building to the north. The frameknitters cottages have been recognised as a nationally important building by English Heritage and have been listed Grade II.

The site is located within the settlement boundary of Hinckley and located within Hinckley Town Centres Conservation Area, and is also located within an employment site, as defined by Hinckley and Bosworth's Local Plan (2001).

Technical Documents Submitted with application

The application is accompanied by a heritage statement, design and access statement and lighting statement which suggest that the design of the signage has been chosen to enhance the original features of the building using metal to reflect the buildings history within industry.

A technical specifications report outlining the installation method has been submitted during the determination of the application. The report states that the drilling into the mortar line and installing hardened threaded studs by way of setting them in using chemical fixing resin will be the method employed to affix the signage.

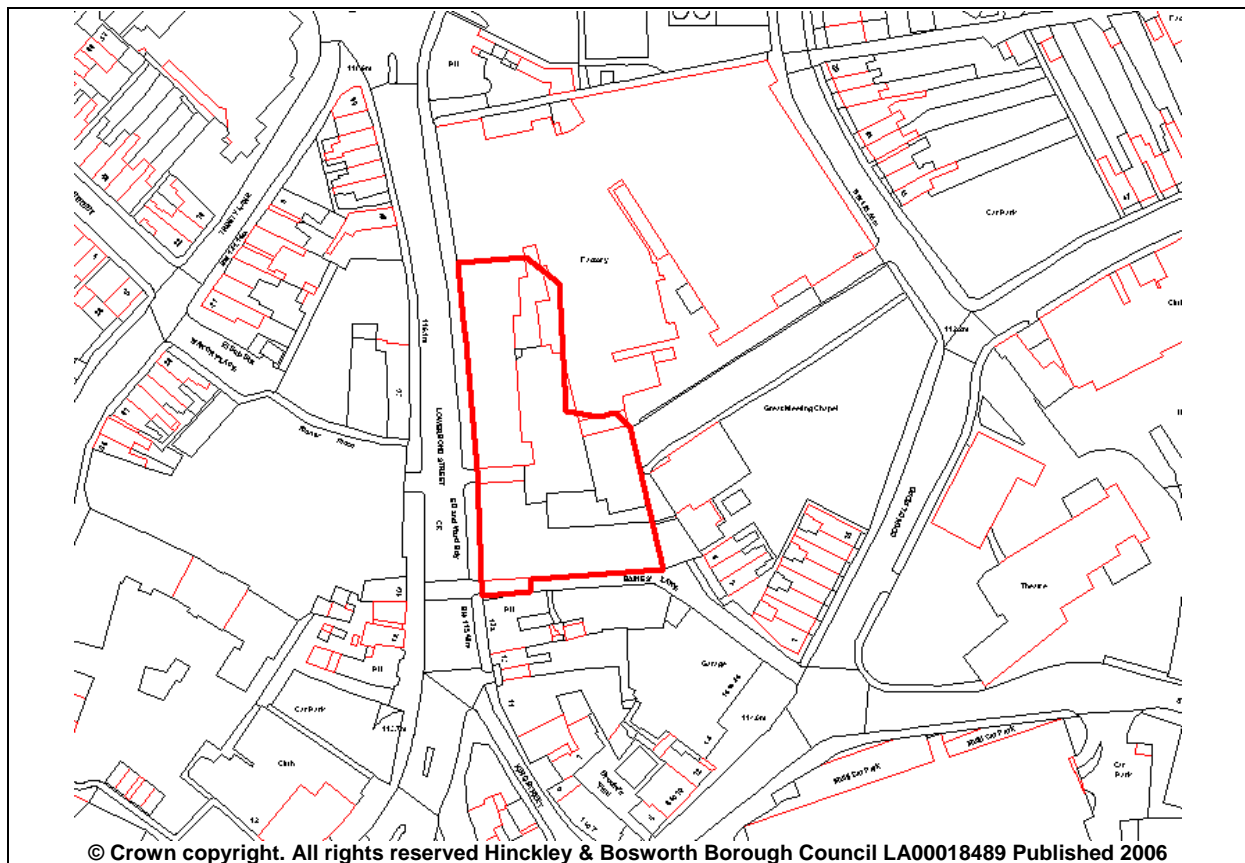
An application for Advertisement Consent (ref 10/00665/ADV) has also recently been submitted for the display of signage and this application is subject to a separate report also on this committee agenda.

History:-

Listed Building Consent (ref 07/01218/LBC) was granted by the Government Office for the East Midlands on 25 January 2008 for the demolition of the vacant post 1920's buildings. Those buildings have since been demolished. Subsequent permission has been granted (ref 09/00141/DEEM) for the re-development of a new college building and the change of use and conversion (ref 09/00142/LBC) of the existing Grade II Listed Goddard Building to facilitate use as a creative industries centre.

10/00450/LBC	Amendments to Listed Building Consent 09/00142/LBC	Permitted	15.11.10
10/00271/DEEM	Variation of condition No.2 of Planning Permission 09/00141/DEEM to allow minor material alterations	Permitted	11.06.10
10/00264/DEEM	Variation of condition No.2 of Listed Building Consent 09/00142/LBC to allow external alterations	Withdrawn	26.05.10
10/00221/CONDIT	Variation of condition No.24 of Planning Permission 09/00141/DEEM to allow a wind turbine on the roof of the building	Permitted	18.06.10

09/00142/LBC	Conversion and adaptation of the existing Grade II Listed Goddard building to facilitate use as a creative industries centre	Permitted	12.05.09
09/00141/DEEM	Re-development of the former Atkins factory site for a mixed use development comprising of a new college building and the change of use and conversion of the existing Goddard building for use as a creative industries centre, including associated car parking and public realm improvement	Permitted	04.09.09
09/00003/LBC	Works to windows/openings (including replacement), flat roof covering upgrade, lightning protection, brickwork and timber cleaning and removal of redundant building services	Permitted	30.03.09



Consultations:-

No objection has been received from the Director of Environment and Transport (Highways), the Head of Community Services (Land Drainage).

English Heritage are satisfied that the amended proposals adequately address the recommendations and concerns expressed within their previous letter.

The Director of Chief Executive (Archaeology) states that no archaeological work is required and given the small scale of the proposed works considers that there would be limited impact on the historic aspect of the building.

Leicestershire County Council Principal Historic Buildings Officer understands that both the Borough Council's Conservation Officer and English Heritage have been actively engaged with this application and as such trust that their expert opinion has been taken into consideration in the determination of this application.

Site notice and Press notice were displayed and neighbours notified.

The consultation period remains open at the time of writing and does not close until the 24 November 2010. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

Central Government Guidance

Planning Policy Statement 5 (PPS5) - Planning for the Historic Environment (2010) indicates that local planning authorities should consider the impact of any proposal on any heritage asset and that there should be a presumption in favour of the conservation of designated heritage assets. Heritage assets include Listed Buildings and Conservation Areas, including their setting.

Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 provides that where an area is designated as a conservation area "...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" in the exercise of any of the provisions of the Planning Acts. This includes the control of outdoor advertisements.

Special care is essential to ensure that any advertisement displayed on, or close to, a listed building or scheduled monument does not detract from the integrity of the building's design, historical character or structure, and does not spoil or compromise its setting.

Local Development Framework Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

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

Policy BE5: The Setting of a Listed Building states that setting of a listed building will be preserved and enhanced by appropriate control through the design of new development in the vicinity, having regard to the scale, form, siting and design of the proposal in relation to the listed building and its setting

Appraisal:-

The main considerations in the determination of this application relate to the impact of the proposal on the character and integrity of the Grade II Listed Building.

Impact on Listed Building

Lower Bond Street is a major entry route into the town centre from the north. The Atkins building is considered an outstandingly large factory for Hinckley and of pivotal importance in Hinckley's hosiery business and townscape. The group of surrounding buildings form a significant local heritage landmark which is visible from several points in the area.

It is considered important to protect the architectural integrity of the building in which the signage will be displayed. It is considered that amended plans received to show the reduction in overall scale has alleviated concerns raised in relation to the level of dominance exerted by the signage upon the Northern elevation of the building. It is considered that the proposals affect upon the overall character of the Listed Building has been significantly reduced. The proposed signage would not affect any of the original features of the Grade II Listed Building; its intention is to create a modern contrast against a traditional backdrop. It is considered that the proposed signage would not have a detrimental impact on the character and appearance of the Grade II Listed Building.

With regard to the fixtures and fittings, the main fixings will be in alignment with and into building mortar lines, as such the impact upon the brickwork will be reduced. In addition, the Council's Conservation Officer is happy with the details submitted as part of the technical specifications report and this concludes that the impacts upon the historic fabric of the Listed Building to be negligible.

Conclusion

Resultant of the scale and design, it is not considered that the proposed signage would detract from the historic nature of the Grade II Listed Building. Whilst the northern elevation of Lower Bond Street occupies a prominent location on the entrance to Hinckley town centre, it is not considered that the proposal would adversely impact upon the setting and character of the Listed Building. In conclusion this application is considered acceptable.

Section 82 of the Act and Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that applications by a Local Planning Authority on its own land for Listed Building consent are to be made to the Secretary of State following the committee resolution.

RECOMMENDATION: - That 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 24 November 2010 and resolution of matters that may arise, in accordance with Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990.

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

Having regard to the historic fabric, character and setting of the Grade II Listed Building, designs and uses of materials, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed works would be in accordance with the development plan as resultant of scale and design, it is not considered that the proposed signage would detract from the historic nature of the Grade II Listed building itself.

Hinckley & Bosworth Borough Council Local Plan (2001):- BE4, BE5.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The advertisement hereby granted consent shall be displayed solely in accordance with the details and specifications shown on the submitted drawings details: No.18305, (Revision C) entitled 'Main elevations final dimensions (PROPOSED)' received by the Local Planning Authority on 2 November 2010.
- 3 Notwithstanding the information submitted and shown on the section plans the advertisement hereby permitted does not include illumination.
- 4 Any fixings to secure the signage shall be carried out in strict accordance with the details shown on the submitted drawings details Section (Revision B) received by the Local Planning Authority on 15th November 2010 and the technical specifications report amended on 15 November 2010 to the Local Planning Authority.
- 5 The signage shall be Ral colour 9006 aluminium white as indicated on the submitted details unless otherwise agreed in writing by the Local Planning Authority and thereafter maintained as such.

Reasons:-

- 1 To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2&3 For the avoidance of doubt; to ensure the works are commensurate to the historic environments.
- 4&5 To enable the Local Planning Authority to retain control over this important detail in the interests of preserving the historic character of the building to accord with Policy BE4 and BE5 of the Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 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).
- 2 You are reminded to comply with the conditions of Advertisement Consent ref: 10/00665/ADV.

Contact Officer:- Ebony Mattley Ext 5691

Item: 06
Reference: 10/00727/TEMP
Applicant: Mr Lyons
Location: Land At Cloverfield Watery Lane Sheepy Magna
Proposal: ERECTION OF A LOG CABIN FOR USE AS A TEMPORARY AGRICULTURAL DWELLING FOR THE PERIOD OF 3 YEARS
Target Date: 13 December 2010

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is for a temporary dwelling in the countryside accompanied by an agricultural appraisal.

Application Proposal

This application seeks planning permission for a temporary period of three years for a log cabin for use as a temporary dwelling. The applicant owns 1.96ha of land on which they have 50 hens, 9 alpacas and 3 beehives. The applicants currently live in Nottingham resulting in a 70 mile round trip, making it increasingly difficult to operate the business. This application seeks temporary planning permission for a period of three years for a log cabin measuring 5.7m by 9.6m and with a height of 3m to the ridge. The proposed temporary dwelling would be located to the south of the site adjacent to an existing barn.

The Site and Surrounding Area

The application site is located to the north of the village of Sheepy Magna, to the east of Watery Lane. The site consists of paddock land surrounded by other agricultural and paddock land with isolated dwellings. The site is separated from Watery Lane by a mature hedgerow, and from a complex of farm buildings to the north by post and wire fencing. There is an existing barn to the south of the site.

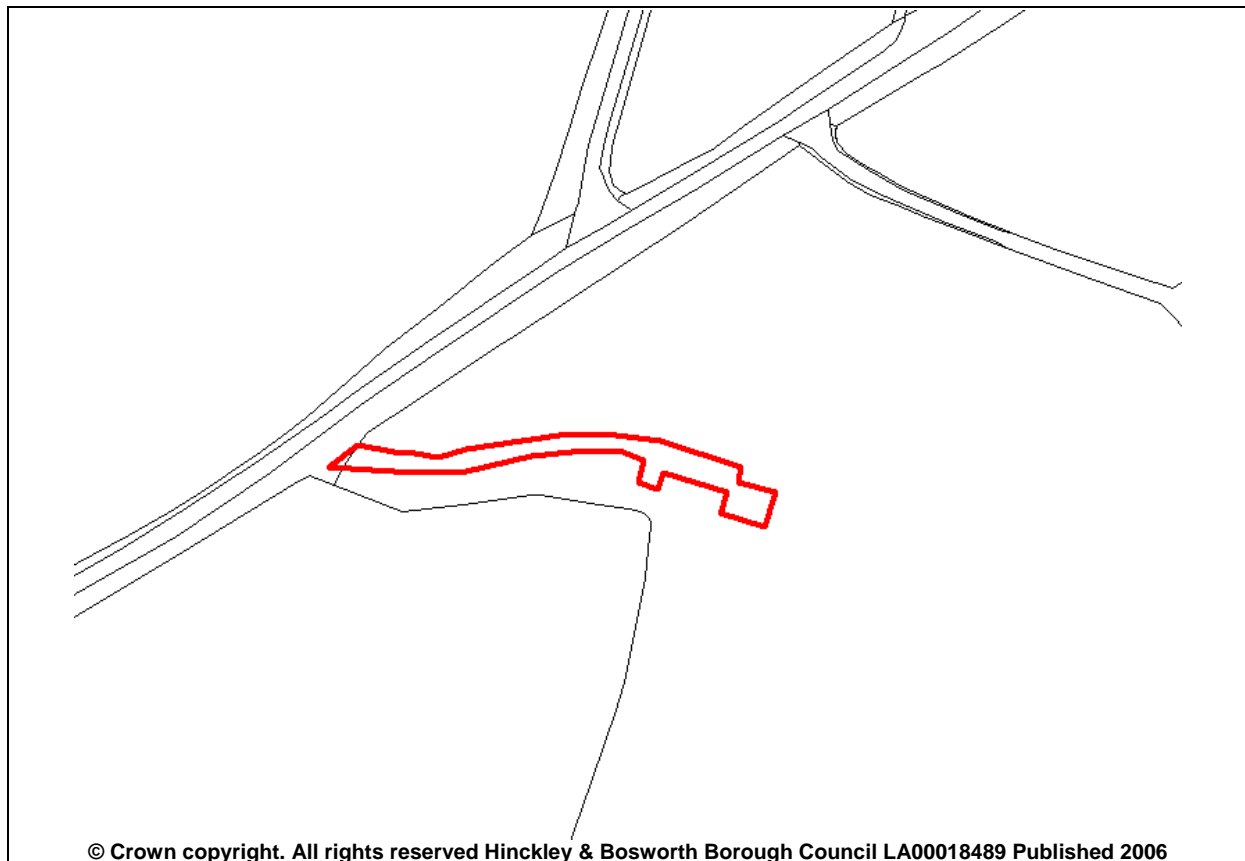
Technical Documents submitted with application

The application has been submitted with the support of a technical statement that provides details of the proposal, a summary of relevant planning policy at both national and local level, and why the applicants meet the policy requirements. The statement provides a business plan demonstrating how the applicant plans to expand the business over the next few years. The design and access statement justifies the siting of the proposed log cabin adjacent to the existing barn on the site and its scale and impact on the countryside in which it sits.

An ecological statement has also been submitted which appraises the siting of the building and how the proposed works would effect the ecological value of the site. It concludes that the proposal would result in no risk to habitats or species. The report recommends that a watching brief be maintained by all workers and contractors on the site and careful consideration should be given to the drainage to prevent the River Sence corridor.

History:-

08/00971/FUL	Erection of hay and tractor store	Approved	24.11.08
03/00945/FUL	Erection of stables with associated store and access	Approved	16.02.04



Consultations:-

No objection has been received from Head of Community Services (Pollution) and Directorate of Chief Executive (Ecology).

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

Parish Council- have reservations regarding a precedent being set.

The Borough Council's Agricultural Appraisal Consultant- has objected to the proposal as it fails to demonstrate that there is a need for one full time worker and therefore fails the functional need test laid out in PPS 7.

Site notice and Press notice were displayed and neighbours notified.

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

- a) field is too small to sustain a viable farming business
- b) figures do not provide enough profit to sustain the two workers and is lacking in relevant detail

- c) there is no essential need to be on the site 24/7 therefore failing the functional test
- d) no comment on the impact on the local residents
- e) problem with deliveries and lorries backing onto the lane
- f) grant of permission will create a dangerous precedent
- g) the application does not comply with national planning policy guidance.

At the time of writing the report comments have not been received from Head of Community Services (Land Drainage).

The consultation period remains open at the time of writing and closes on 19th November 2010. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

Central Government Guidance

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Statement 4: Planning for sustainable economic growth

Planning Policy Statement 7: Rural Areas acknowledges that for the purposes of agriculture, forestry and other rural businesses there is often the need for employees to live adjacent to their place of work and where a need can be justified and the business is financially sound, occupational dwellings in the countryside may be considered acceptable.

Local Development Framework Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy RES12- New agricultural dwellings

Policy BE1- Design and siting of development

Policy RES5- residential development on unallocated sites

Policy T5- Highway design and vehicle parking standards.

Appraisal:-

The main considerations with regards to this application are whether it can be demonstrated that there is a functional need for a dwelling in connection with the keeping of alpaca; if the alpaca business is financially viable and therefore able to support a dwelling; the siting of the temporary structure is appropriate; highway safety; and the character and appearance of the countryside.

As there are no neighbouring properties within close proximity of the site, there is not considered to be any effect on the amenities of neighbouring residents resulting from the proposal and therefore this is not considered to be a material consideration in this instance.

Principle of an agricultural workers dwelling

The relevant guidance is contained within annex A of PPS 7, paragraph 2 states that 'It is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly with the aim of detecting attempts to abuse the concession that the planning system makes for such dwellings'. Paragraph 15 of PPS7 acknowledges that other rural based enterprises other than agricultural and forestry may

provide special justification for planning permission to be granted for a dwelling to provide accommodation on the site for a full time worker associated with the enterprise. In these cases the statement requires the same stringent assessment criteria to be applied as any other agricultural workers dwelling. It is considered therefore that an alpaca business could provide that special justification for a single dwelling in the countryside and should be considered against annex A of PPS7.

The applicants have submitted a technical statement in which they state that they currently have approximately 50 hens, a herd of 9 alpacas and 3 beehives. The applicants believe that there is a requirement for two people to be available at all times to care for the animals. The statement claims this is necessary so as to be on site round the clock to care for the animals, especially during breeding and pregnancy, as alpacas are prone to miscarriage and during the first couple of months of life there is a high mortality rate which requires regular monitoring. The applicants claim that they have to be on site to feed the chickens at 5:30 am and let them out of the coops and lock them in to roost at dusk. They also have to be on the site to replace frozen water for the alpacas every couple of hours during winter months.

PPS 7, annex A states that where a dwelling is essential to support a new farming activity, a temporary structure that can easily be removed should first be considered. Applications like the one now under consideration, should be able to demonstrate:-

- i) a firm intention and ability to develop the enterprise
- ii) the functional need including where animals or agricultural processes require essential care at short notice and to enable emergencies to be dealt with quickly
- iii) evidence the enterprise has been planned on a sound financial basis
- iv) the functional need can not be fulfilled by any other existing dwelling in the area which is suitable
- v) any other planning requirements are satisfied. These will be discussed later in the report.

A firm intention and ability to develop the site

- i) The applicants claim that recent investment in a hay barn, new machinery and 2 alpacas demonstrates a firm intention to develop the site. However the holding is limited by the size and therefore will only be suitable for a finite number of alpacas. No evidence apart from the financial projections has been submitted demonstrating how the proposed business will develop and expand.

Functional need

- ii) The applicants have claimed that they have established that two workers are needed to meet the functional requirement of the business (supporting statement paragraph 3.4.20) however no information has been submitted demonstrating how this figure was arrived at. Annex A of PPS7, states that 'isolated residential development may be justified ...when accommodation is required to enable agricultural, forestry and certain other full time workers to live at ...their place of work'. The Councils Agricultural Consultant using standard man-day figures and assuming that all 9 alpacas were breeding females and therefore requiring the maximum care, calculated that the holding has an existing labour requirement for approximately 0.1 of a full time person. The holding at present requires a part time worker and as no further information regarding stocking has been given there is no evidence put forward to demonstrate that the labour requirement will increase significantly. It is not therefore considered that the holding meets the functional test contained within paragraph 12 (ii) of PPS7.

Sound financial basis

- iii) Financial projections over a period of 5 years have been submitted in support of the application. The proposal for a temporary agricultural dwelling for three years, after which the proposed enterprise should be able to sustain a permanent agricultural dwelling and in accordance with guidance within annex A of PPS7, the Borough Councils Agricultural Consultant considers that only the first 3 years should be taken into account. The surplus after year three (2012/13- £4,623) does not include the cost of a full time worker and this in the opinion of the Borough Councils Agricultural Consultant should have been done. The current minimum wage of an agricultural worker is currently £15,186 per annum demonstrating that the enterprise is currently unable to pay one wage, even after 3 years of operation. The figures do not take into account the cost of a permanent dwelling and it is therefore concluded that there is no clear evidence that the proposed enterprise has been planned on a sound financial basis. The proposal is not considered to comply with criteria in paragraph (iii) of Annex A of PPS7.

No other suitable dwelling

- iv) The applicants have provided information from Rightmove of a 3 mile radius of the site to demonstrate that there are no suitable properties within close proximity of the site. This found 2 properties. By increasing in search area to 5 miles, the number of properties increase to 138. This demonstrates there are available properties in closer proximity to the site than Nottingham. Given that the functional or financial test has not been demonstrated it is considered that there are available properties nearby to fulfil the current part time needs of the site.

Siting and design

The proposed temporary dwelling would be located to the east of the existing barn on the site. This is considered appropriate and in accordance with Policy RES12 that seeks to group buildings together. The proposed dwelling would be shielded from the highway, by the existing buildings and existing hedgerow.

The proposed siting of the log cabin is considered acceptable.

Ecology

An ecological statement has been submitted in support of the application. This concludes that there would be no risk to habitats or species from development in the open areas of the application site. The report recommends that care should be taken over drainage issues to protect the habitat of the River Sence corridor. No objection has been received from Directorate of Chief Executive (Ecology).

Highways

The proposal uses the existing highway access, with a gate set back from the edge of the highway, allowing a vehicle to pull off Watery Lane whilst the gate is opened. The Director of Environment and Transport (Highways) has not objected to the development subject to conditions being imposed.

Conclusion

It is considered that the applicant has failed to demonstrate:-

- a) that the enterprise requires a full time worker to be on site all of the time, and therefore the functional need is not demonstrated; and
- b) that the proposal is based upon a sound financial basis: and
- c) that there is no alternative accommodation available within the vicinity of the site.

The proposal fails therefore to meet the tests contained within Annex A of PPS 7 and represents a new isolated dwelling in the countryside, contrary to PPS3, PPS7, policies RES5, RES12 and NE5 of the adopted Hinckley and Bosworth Local Plan

RECOMMENDATION :- REFUSE, for the following reasons:-

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

Reasons:-

- 1 In the opinion of the Local Planning Authority, from the information provided, the applicant has failed to demonstrate the proposed temporary dwelling meets the functional and financial tests set out in Paragraphs 4, 12, 13 and 15 of Annex A to Planning Policy Statement 7. It is also considered that on the information received there are additional suitable properties available within the vicinity of the site. The proposal therefore represents an unwarranted and unacceptable intrusion of residential development in an unsustainable location in the countryside to the detriment of the character and appearance of the landscape and visual amenity. The proposal is therefore contrary to policies BE1, RES12 and NE5 of the adopted Hinckley & Bosworth Local Plan and to Central Government Guidance in Planning Policy Statement 1 'Delivering Sustainable Development', Planning Policy Statement 3: 'Housing' and Planning Policy Statement 7 'Sustainable Development in Rural Areas'.

Contact Officer:- Sarah Fryer Ext 5680

Item: 07

Reference: 10/00757/FUL

Applicant: Mr J Dawson

Location: Yew Tree Farm Occupation Road Nailstone

Proposal: CONVERSION OF FARM BUILDINGS INTO DWELLING AND ERECTION OF TWO NEW DWELLINGS

Target Date: 17 November 2010

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it involves the conversion of a rural building.

Application Proposal

This is an application for the conversion of a barn to form a new dwelling and erection of two new dwellings to form an enclosed courtyard, together with a detached wooden garage structure, for use by the existing farmhouse at Yew Tree Farm, Occupation Road, Nailstone.

The existing calf barn is to be retained and converted to a dwelling. The existing cow shed and link to the calf barn are to be demolished and rebuilt to form two new dwellings of traditional 'barn type' design to match calf barn conversion. The remaining existing cow sheds, hay barn and outbuildings serving the farmhouse are to be demolished.

A scheme which would have resulted in a net gain of four dwellings which included the conversion of the existing farmhouse to two dwellings, was approved by the Planning Committee held on 28 August 2007. This planning permission has now expired. The current scheme provides the same design and layout for the barn conversion, new dwellings and garage as previously approved.

The Site and Surrounding Area

The site is 0.26 hectares and is located to the west of Occupation Road. To the east and south are residential properties and to the north and west of the site lies countryside. The farmyard comprises single storey buildings set around an internal courtyard. The building along the north and east of the yard is an original red brick building with a pitched tiled roof. Buildings along the western edge and south-west corner of the yard have a more modern 'farm building' appearance, forming larger barns constructed from sheet metal. The farmhouse and garden are situated to the south of the site within the settlement boundary of Nailstone, the farm buildings in the northern part of the site are located within the countryside.

Technical Documents submitted with application

The application is supported by a design and access statement which states that the layout and siting of the new development demonstrates that the occupiers of neighbouring dwellings will not be adversely affected. It goes on to say that in terms of the effect of the development on the character and appearance of the area, the site is a working farm with a

number of buildings and open storage. It currently has a number of silage areas, as well as a slurry pit. Whilst the character of the area would be changed, this would be for the good. The statement goes on to say that the proposed development will deliver an attractive residential development that will enhance the character of the area.

The statement refers to the requirement to consider alternative uses for rural buildings in preference to residential conversion. Whilst the development proposed is residential (as opposed to an employment generating commercial scheme), it will make a valuable contribution to the economy in terms of employment of skilled and unskilled workers from the local area and the supply of locally sourced materials.

The application is supported by a Protected Species Survey which concludes that there was no evidence of protected species on the site.

Updated information in relation to the structural integrity of the barns has been provided, the surveyor concludes that the recommendations contained within the survey conducted 3 years ago are still applicable. Information from The Coal Authority dated April 2007 has also been submitted with the application which states that the property is not within the likely zone for underground coal workings.

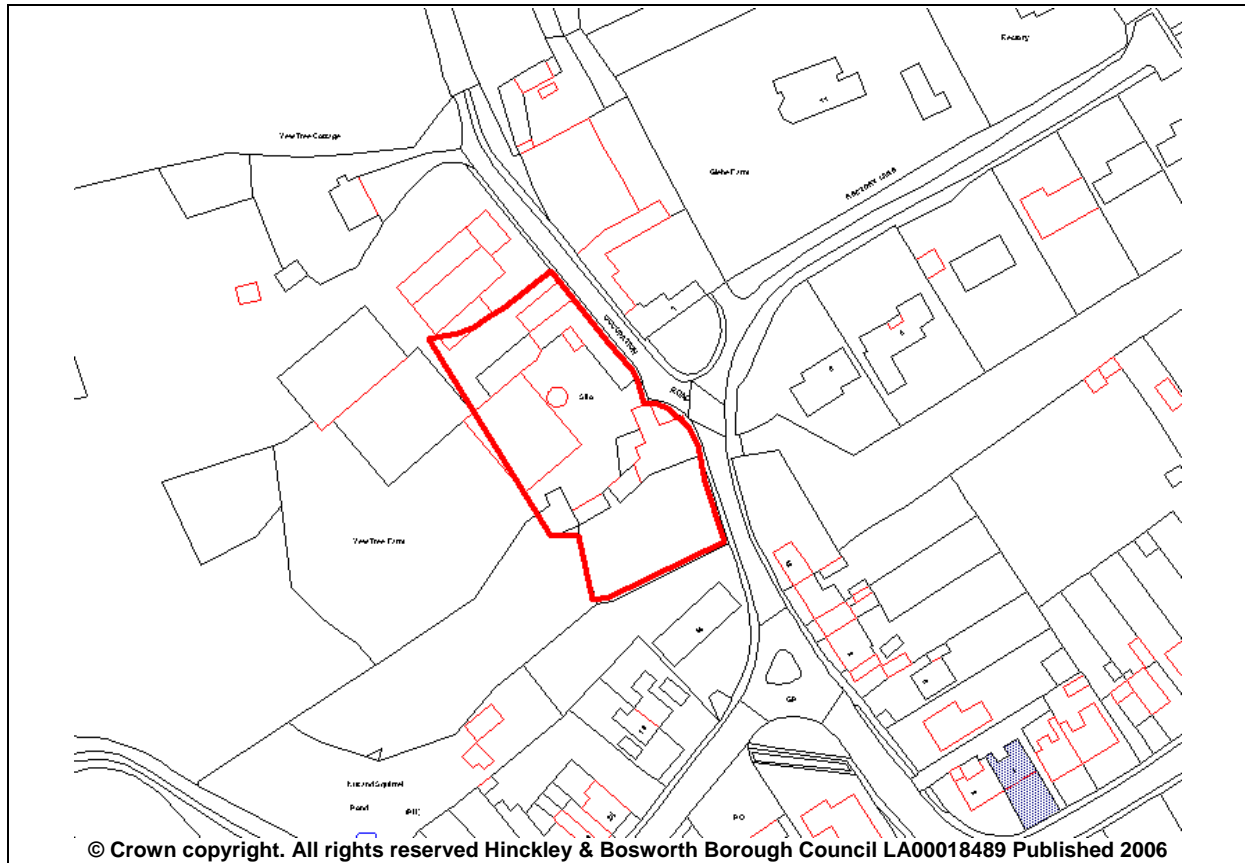
An updated Tree Report has been submitted which states that the trees on site have been inspected and it has been concluded that the recommendations in the previously submitted report are still relevant.

A desk top study on ground investigation and contaminated land has been submitted dated April 2007. The report considers that the farm has been in use since the 1880's and there is generally a low potential for the site to adversely and significantly impact on either the occupiers and/or the ground water environment. The report recommends further investigations prior to commencement of development works.

History:-

10/00435/EXT	Extension of permission 07/00747/FUL for the conversion of farmhouse and farmbuildings to 3 dwellings and erection of two new dwellings	Withdrawn	
10/00654/EXT	Extension of permission 07/00747/FUL for the conversion of farmhouse and farmbuildings to 3 dwellings and erection of two new dwellings	Withdrawn	
07/00747/FUL	Conversion of farmhouse and farm buildings into three dwellings and erection of two new dwellings	Approved	30.08.07
94/00576/FUL	Agricultural Building	Approved	31.08.94

The applications to extend the previous planning permission were withdrawn because they raised viability issues in terms of the affordable housing provision requirement for rural areas within the adopted Hinckley and Bosworth Local Development Core Strategy Policy 15.



Consultations:-

No objections received from:-

The Environment Agency comment that contaminated land should be dealt with in accordance with PPS23.

The Director of Environment and Transport (Highways) recommends that the application is considered under the standing advice procedure and refers to the advice given in the previous application 07/00747/FUL.

The Directorate of the Chief Executive (Archaeology) recommends conditions in relation to archaeological recording.

The Directorate of the Chief Executive (Ecology) is satisfied with the submitted ecology report but recommends that the applicant's attention is drawn to the recommendation it contains in relation to nesting birds.

Severn Trent Water Limited has requested a condition in relation to the submission of drainage plans.

The Head of Community Services (Pollution) recommends conditions and note to applicant in relation to land contamination.

The Head of Community Services (Land Drainage) recommends notes to applicant on surface water and access drives.

The Manager of Business, Contract and Streetscene Services suggests a condition to show refuse and recycling facilities within the site.

Site notice displayed and neighbours notified.

Policy:-

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.

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. Paragraph 29 allows local planning authorities to set an overall affordable housing target within LDF documents it includes provision for an approach to seeking developer contributions and if justified the provision of a financial contribution in lieu of on-site provision, such contribution should be of broadly equivalent value.

Planning Policy Statement 7 supports the reuse of appropriately located and suitably constructed existing buildings in the countryside. The countryside should be protected and where possible, enhanced. Farm diversification should not result in excessive expansion and encroachment of buildings into the countryside.

Planning Policy Statement 23 - Planning and Pollution Control

The Community Infrastructure Levy (CIL) Regulations 2010. The request for any developer to make contributions towards infrastructure 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 (122) 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.

Local Plan Policy

Local Development Framework Core Strategy 2009

Policy 12 defines Nailstone as a 'Rural Village'.

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

Policy 24: Sustainable Design and Technology expects residential developments in Key Rural Centres and Rural Villages to meet the sustainability targets set out in Building a Greener Future.

Hinckley and Bosworth Local Plan 2001

The site is located mainly outside the settlement boundary of Nailstone.

Policy NE5 stipulates that the countryside will be protected for its own sake; however, it also states that the re-use of existing buildings within the countryside may be acceptable in principle, subject to there being no adverse affect on the appearance or character of the landscape and it is effectively screened by landscaping or other methods.

Policy NE10 provides that any permitted development within local landscape improvement areas shall include comprehensive landscaping proposals to enhance the landscape of these areas.

Policy BE1 reiterates of the above criteria, whilst policy T5 seeks to apply the County Council highway standards and parking targets when considering new development. This states that adequate justification is required for a non-commercial conversion of rural buildings.

Policy BE20 focuses on the re-use and adaptation of rural buildings, including those for residential purposes. It states that such proposals will be granted provided there is no adverse effect on the landscape, highway safety, protected wildlife habitats, or to the design, character and appearance and setting of the building; the building should be capable of conversion without significant alterations, extensions or rebuilding; and the amenities of nearby residents not adversely affected.

Policy RES5 of the adopted Hinckley and Bosworth Local Plan relates to residential proposals on unallocated sites. It is stated that on those sites, which are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if: the site lies within the settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

Policy REC3 of the adopted Local Plan requires an 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 IMP1 of the adopted Local Plan seeks to ensure contributions towards infrastructure and facilities commensurate with the scale and nature of the development proposed.

Policy T5 of the adopted Local Plan refers to the application of highway design and vehicle parking standards.

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance on Conversion of Rural Buildings
Supplementary Planning Guidance for Residential Development
Supplementary Planning Documents concerning Play and Open Space and Sustainable Design
Landscape Character Appraisal.

Appraisal:-

The main consideration in determining this application are the principle of development and its impact on the character of the area, design and layout, impact on amenity, highway safety and other issues.

Principle of Development

The majority of the site lies outside of the settlement boundary of Nailstone as defined by the Local Plan proposals map and is therefore within the countryside. Policy NE5 seeks to protect 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.

In accordance with Policies NE5 and RES5, residential development is not supported outside the settlement boundary. The new build part of the application is therefore contrary to policy NE5, unless there are material planning considerations that indicate otherwise.

Local Plan Policy seeks to encourage either employment, recreation or tourism uses in the first instance, and only if it proves that there is no interest in the barn for these uses then residential may be looked upon favourably. The application was considered to be justified in policy terms during consideration of the application in 2007, there has been no change to policy in respect of this issue since the last application was approved. Both Policy BE20 and the adopted Supplementary Planning Guidance on conversion of rural buildings state that planning permission will only be granted for the re-use and adaptation of a rural building if it can be converted without significant extensions that alter the form of the building so as to detract from its existing character and appearance.

The original scheme which also included the conversion of the farmhouse to two dwellings, was granted on 30 August 2007, this permission has now expired. The principle of residential development of the site of the same design, layout and footprint in relation to the provision of three dwellings and garage now proposed was established by the granting of planning permission in 2007, the reason for the permission being granted contrary to policy NE5, being that the proposal will remove the farmyard from near to the centre of the village and will re-establish the traditional courtyard of the farm which had previously been lost through demolition and replacement by more modern farm buildings. The application was also considered to provide a high quality development in terms of design.

Whilst the proposal is contrary to policy NE5, the principle was established previously and the scheme is considered to be acceptable providing there is an improvement to the current situation in terms of effect on the adjacent village and the countryside. Since the proposal relates to an existing farmyard, whilst technically this is a greenfield site, there are no green fields lost by the proposal.

Design and Character of the Area

The design and layout of the garage/carport, barn conversion and the erection of the two dwellings are identical to the previously approved scheme. The barn conversion consists of minor alterations to the barn building. The information in relation to the structural integrity of the barn to be retained has been checked and is considered to be acceptable. The new build part of the development is against adopted policy NE5 but in this instance the development is acceptable as it is returning the courtyard appearance to the site. The calf barn will be linked to the new buildings via a car port, the new buildings are in keeping with the surroundings buildings and will enhance the character and appearance of the area. The ridge height of the new buildings will not be higher than the existing barn, also the ridge line is stepped, thus providing a visual break between the new buildings.

The proposed courtyard appearance of the development is of significant importance and this proposal will reinstate the historical characteristic of the farm. The new buildings proposed have been designed to a high quality, which will contribute to the visual amenities of the area.

Impact on Open Countryside

The site partially lies within the open countryside where policy seeks to protect the countryside for its own sake. The policy allows for the change of use, reuse and extension of existing buildings providing the development would not have an adverse effect on the appearance or character of the landscape and it is in keeping with the scale and character of existing buildings and the general surroundings. Furthermore, the Supplementary Planning

Guidance pays particular regard to the setting of converted buildings, requiring the appearance to retain their rural character and for the domestic appearance to be concealed from general view.

It is considered that this site is not very prominent, even though the buildings can be viewed from the adjacent fields. The proposal would not have an adverse effect on the appearance of the landscape.

The existing buildings to be demolished are modern farm buildings, are extensive and of poor quality, their demolition will provide an improvement to the character and appearance of this part of the countryside.

The original scheme was recommended for approval subject to conditions in relation to submission of sample materials, removal of permitted development rights, landscaping, door and window details, boundary treatment, and no fencing within courtyard. It is considered that these conditions are still relevant.

Highways

The development makes use of the existing accesses to the site. The Director of Environment and Transport (Highways) recommends that the application is considered under the standing advice procedure and refers to the advice given in the previous application 07/00747/FUL.

Other Issues

Play and Open Space: The application site is within 400m of the Neighbourhood Park at Church Road, Nailstone and in accordance with Policy REC3 the developer contribution is sought in respect of the ongoing development and maintenance of these facilities, inline with the guidance of the Supplementary Planning Document on Play and Open Space. 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 and the Quality and Accessibility Audit of 2007, the Church Road Neighbourhood Park was awarded 56.4% score suggesting that additional works are required to improve the quality of the space. The documents makes recommendations to what works are required to improve the quality of the provision within Nailstone, and provide a cost. With regard to the provision for children and young people, these include the provision of new equipment and upgrading existing equipment. The estimated cost of these works is given as £60,000. To maintain and improve the quality of existing amenity green space is given as £15,000.

As the scheme results in a gain of 3 new dwellings a contribution is required towards the maintenance and provision of additional facilities based upon the figures and formulae within the adopted Play and Open Space SPD. In this case, and in accordance with the SPD, it is appropriate to request contributions towards a 10 year maintenance period, totalling £1,299. Likewise using the relevant formula the cost required towards provision totals £2,453.40 with the total contribution required equating to £3,752.40.

Neighbours: The nearest neighbours to the site are the adjacent farmhouse and the property located on the opposite side of Occupation Road. It is considered that the relationship between the proposal and existing dwellings is unlikely to have any significant effect on neighbours amenity.

Recycling and Waste Collection: The consideration of the provision of recycling facilities is a material consideration in the determination of applications for new dwellings. Given that this application proposes dwellings with substantial residential curtilage there is likely to be plenty of space within the curtilage for the storage of waste and recycling containers and no conditional control is required.

Drainage: Severn Trent Water raise no objection to the proposal but has requested that the previous condition be imposed 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 and by Severn Trent Water (as the service provider) 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, drainage details should no longer 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.

Trees: The trees on site are situated in the garden area to the farmhouse. The only development likely to have any effect on one of the trees is the proposed wooden garage/carport. No conditions were imposed on the previous scheme in relation to the protection of trees on site.

Ecology: The Directorate of the Chief Executive (Ecology) suggests a note to applicant with regarding to the potential for nesting birds on the site.

Other Conditions: The Directorate of the Chief Executive (Archaeology) and The Head of Community Services (Pollution Control) recommends conditions similar to those imposed on the 2007 decision.

Sustainability: The site is located part within and part outside the village of Nailstone where the Core Strategy seeks to deliver housing within the settlement boundary. Nailstone has limited services to support a growing residential population, however, it is hoped that over the Core Strategy period the growth of residential development within the village will bolster the population, viability and sustainability of the village. Inline with Policy 24 of the Adopted Core Strategy, the residential dwelling to be constructed on this site will need to be constructed in accordance with the sustainability targets set out in Building a Greener Future. This standard is inline with Building Regulations and therefore the development will automatically be constructed to this continually evolving standard. As such, the proposal is in accordance with Policy 24 of the Core Strategy.

Conclusion

The principle of residential development on the site of the same design, scale, layout and orientation has been established by the previous planning permission in 2007. Whilst the application fails to meet Policy NE5, the development is located on the edge of the settlement boundary, it does not result in the loss of greenfields and will re- establish the historic character of the farm with buildings of a sympathetic design and remove more unsightly modern buildings which are detrimental to the countryside location.

RECOMMENDATION :- Permit subject to the following conditions:-

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

Having regard to the pattern of 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 general accordance with the development plan as the proposal will provide a suitable form of development within the countryside location, would not be detrimental to visual or residential amenity or highway safety.

Hinckley & Bosworth Borough Core strategy:- Policies 12, 19 and 24

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE20, IMP1, NE5, NE10, REC3, RES5 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:
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A - H shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 4 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and parking structures shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 No development 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 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.
- 7 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.
- 8 Notification of the commencement of development should be given in writing not less than 14 days before development commences.
- 9 No horse manure or other waste materials shall be burnt on the site at any time.
- 10 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- i) proposed finished levels or contours
 - ii) means of enclosure
 - iii) car parking layouts
 - iv) other vehicle and pedestrian access and circulation areas.
 - v) hard surfacing materials
 - vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
 - vii) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc).
 - viii) retained historic landscape features and proposals for restoration, where relevant planting plans
 - ix) written specifications
 - x) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - xi) implementation programme.
- 11 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.
- 12 Development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording. This work shall be conducted in accordance with a written scheme of investigation, which has been submitted and approved by the Local Planning Authority.
- 13 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.
- 14 No walls, fences or other such structures shall be erected in the courtyard area other than those shown on the approved plan unless agreed in writing by the Local Planning Authority.
- 15 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
- 16 Before first occupation of the dwellings hereby approved turning facilities shall be provided within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall be available for use at all times.
- 17 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.
- 18 Prior to commencement of development a detailed scheme for the boundary treatment of the site and the amenity spaces of the dwellings shall be submitted for

approval by the Local Planning Authority. The approved scheme shall be implemented before the dwellings are occupied.

- 19 The existing buildings to the North West boundary of the site (as shown in yellow in the drawing 'relationship between existing farm & proposal received on 22 September 2010) shall be demolished prior to first occupation of the new dwellings.

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 safeguard amenities of neighbouring properties and the countryside to accord with policies BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 To safeguard the health of future occupiers of the residential properties to accord with BE1 of the Hinckley and Bosworth Local Plan
- 6 To ensure that the site is not contaminated and to safeguard the health of future occupiers to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 7 To safeguard the health of future occupiers of the residential properties to accord with BE1 of the Hinckley and Bosworth Local Plan.
- 8 To safeguard the amenities of the future occupants of the dwelling to accord with policy BE20 of the adopted Hinckley and Bosworth Local Plan.
- 9 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 10 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 11 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.
- 12 To ensure satisfactory archaeological investigation and recording in line with Policy HE12 of PPS5: Planning for the Historic Environment.
- 13 To ensure the provision of Play and Open Space to accord with policies REC3 of the adopted Hinckley and Bosworth Local Plan.
- 14 To safeguard the visual amenities of the proposed dwellings and the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 15&16 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

- 17 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, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 18 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 19 To safeguard amenities of neighbouring properties 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 6 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 suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
- 6 In relation to condition advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
- 7 Condition 13 refers to public open space. In accordance with the adopted Hinckley and Bosworth Local Plan and the approved Play and Open Space Guide public open space should be provided either on site, or a contribution made towards off-site provision. In this instance a contribution of £3,752.40 is required towards the provision of off-site public open space. (£1, 250.80 per dwelling (£817.80 provision £433 maintenance)). This can be provided by a one off payment or secured by the completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.
- 8 The applicant is advised that this permission relates to residential conversion of the existing calf barn and in no way implies permission for any demolition and rebuilding of the existing structure. Care should therefore be taken when carrying out the conversion works.

Contact Officer:- Louise Forman Ext 5682

Item: 08

Reference: 10/00760/COU

Applicant: Mr Steven Havers

Location: Jubilee Playing Fields Altar Stones Lane Markfield

Proposal: CHANGE OF USE FROM RECREATIONAL FIELDS TO MIXED USE TO RECREATIONAL FIELDS AND DOG TRAINING CLASSES

Target Date: 26 November 2010

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as objections have been received from more than five addresses.

Application Proposal

This application seeks full planning permission for the change of use of a recreation ground to a mixed use to include privately operated dog training classes. The location of these classes within the overall site would differ depending upon other usage and involve the erection of temporary training/agility equipment in the form of jumps etc. that would be removed after each session. The existing vehicular access from Altar Stones Lane and the two car parking areas within the application site will be used by those who travel by car to attend the dog training classes. The application as submitted included the siting of a metal container for use for the storage of equipment related to the dog training classes. However, this has now been withdrawn from the scheme and alternative arrangements for the storage of the equipment will be arranged.

Members may recall a similar application (reference 09/00642/COU) being granted a temporary planning permission until 1 October 2010 in order to allow further assessment of the impact of the proposal on the other uses and users of the site. This application now seeks a permanent permission for the change of use.

The Site and Surrounding Area

The application site measures approximately 3.2 hectares, is owned by Markfield Parish Council and is located in the countryside adjacent to the north west corner of Markfield with vehicular access off Altar Stones Lane which runs along the north boundary. The application site comprises a pavilion/changing room facility of brick and tile construction, a storage building of concrete panel and tiled roof construction, two informal car parking areas, a football pitch and a cricket field that are cut into the site to provide relatively flat playing surfaces. There is also a temporary metal storage container that is required to be removed from the site. There are mature trees and hedge boundaries around the site providing screening. The ground level rises to the north beyond Altar Stones Lane and falls to the west and south.

To the north of the site lies Altar Stones Nature Reserve, to the south of the site is a nature area that has previously been evaluated as being of parish-level ecological importance. There are open fields to the west and an established industrial estate to the east. The

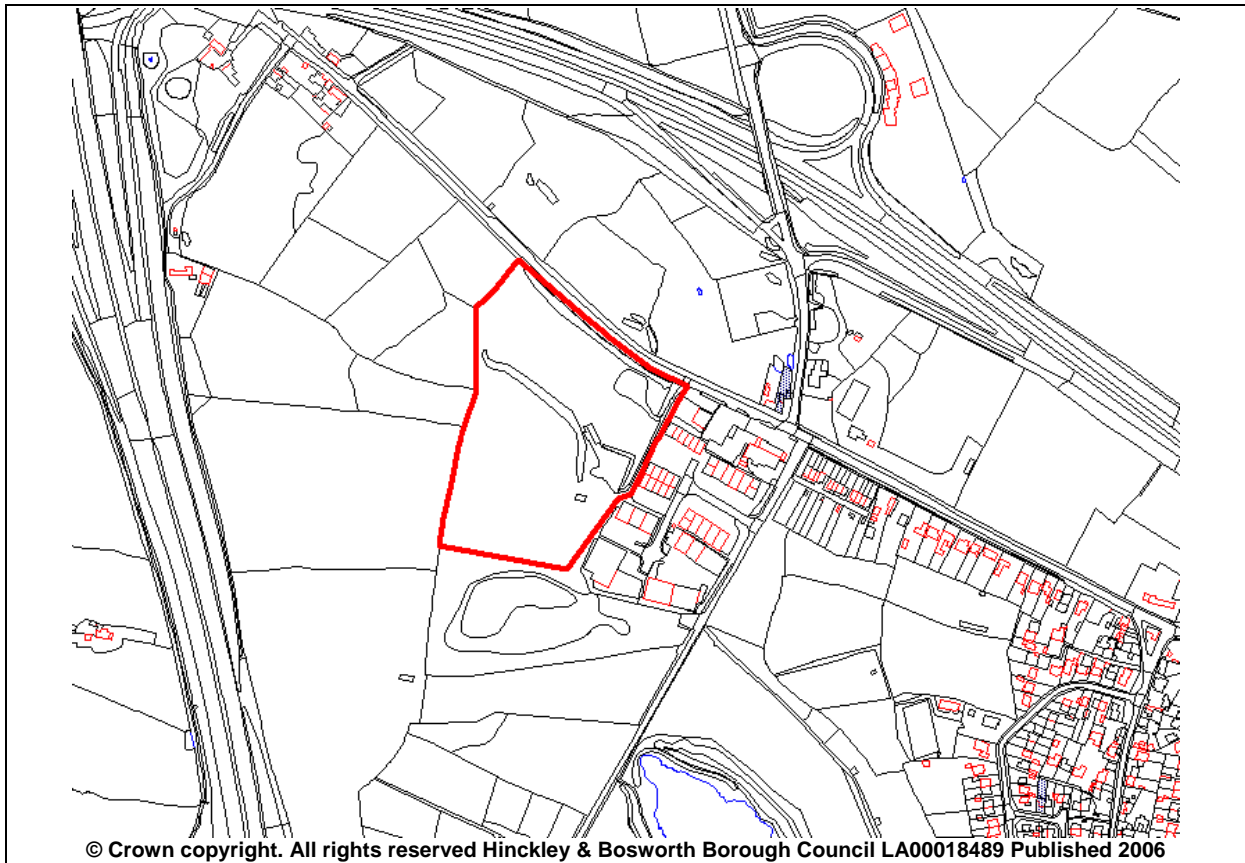
nearest residential properties are located on the corner of Altar Stones Lane and Ashby Road approximately 80 metres to the east of the site access.

Technical Documents submitted with the Application

A Design and Access Statement has been submitted in support of the application. This states that neither the Parish Council nor Borough Council have received complaints in respect of the dog training class use since approval on 30 September 2009. It states that the proposed hours of use will not conflict with the peak times of the existing recreational uses, there is ample car parking provision within the site to serve the existing and proposed uses and no changes are proposed to the existing access. It suggests that numbers would be limited to 12 dogs at any one time and that the sessions would be limited to specific hours that vary from day to day, reflecting the intention that the classes would operate around, rather than interfere with, the existing recreational uses of the overall site. The statement also suggests that whilst the proposed use has the potential to generate noise from barking dogs during the course of the training classes, any nuisance that this may cause would be negligible as class sizes would be limited, the location of the site is adjacent to an industrial estate, the area to be used for dog training purposes is in excess of 150 metres from the nearest dwellings and the site is separated from its surroundings by a barrier of mature trees and hedges.

History:-.

09/00942/COU	Change of Use of Playing Field from recreational to mixed use to include dog training classes and siting of metal storage container	Approved	30.09.09
00/00004/FUL	Erection of Sports Pavilion (Amended Scheme)	Approved	09.02.00
99/00011/COU	Part change of use of playing field for storage of agricultural and contractors equipment	Refused	31.03.99
95/00650/FUL	Erection of Sports Pavilion	Approved	18.10.95
83/00720/4	Erection of two storage container units for storage purposes	Approved	27.09.83



Consultations:-

No objection has been received from:-

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

No objection subject to conditions has been received from:-

Director of Environment and Transport (Highways)
Chief Executive, Leicestershire County Council (Ecology)
Leicestershire and Rutland Wildlife Trust
Head of Community Services (Pollution).

Site notice was displayed and neighbours notified, eight letters have been received raising the following objections/concerns:-

- a) health and safety of other users of the site, including children, from disease (zoonosis) as a result of additional dog fouling within the site and from being bitten by dogs being trained
- b) this is a public recreation area being used by a private business and undermines other similar businesses in the area who pay business rates/insurances
- c) increase in traffic as a result of the dog training classes detrimental to road safety
- d) inadequate parking for additional use of the site detrimental to road safety
- e) the siting of a container may set a precedent and if it is to remain on site it should be subject to a landscaping condition.

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

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

Policy:-

National Planning Guidance

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

Local Policy

Local Development Framework Core Strategy 2009

Policy 8: 'Key Rural Centres relating to Leicester' seeks to support local services in Markfield.

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

Policy 21: 'National Forest' supports development proposals: where the siting and scale is appropriately related to its setting within the forest; that respect the character and appearance of the wider countryside; and that do not adversely affect existing facilities.

Policy 22: 'Charnwood Forest' supports proposals that retain local character and compliment the local landscape.

Hinckley and Bosworth Local Plan 2001

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

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

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

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for change of use or recreation purposes where the development does not have an adverse effect on the appearance or character of the landscape, is be in

keeping with the character of the general surroundings, will not generate traffic likely to impair road safety and is effectively screened by landscaping.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified. Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance.

Appraisal:-

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

Principle of Development

The site is designated as a recreation site in the adopted Hinckley and Bosworth Local Plan. Letters have been received from third parties during the consultation process raising concerns in respect of the use of a public recreation facility by a private business, however, the dog training classes provide a local service to the community and operate on only a small part of the overall site at any one time, dependant upon other authorised recreational uses and do not prevent other users from accessing the site. The dog training classes have operated successfully since temporary permission was approved on 30 September 2009 and notwithstanding the letters received as a result of public consultation on this application, neither Markfield Parish Council nor the Head of Community Services (Pollution) report receipt of complaints in relation to the operation of the classes. However, the Head of Community Services (Pollution) suggests that informal monitoring of the area for dog fouling will be undertaken as a result of the letters received during the consultation process.

On balance, the principle of a mixed use of the site to include dog training classes is considered to be acceptable in this case. It is understood that alternatives to the temporary metal container for the storage of associated equipment are now being considered and that it will be removed from the site in the near future. The use of the facility for dog training classes generates a small income used to fund repairs, general maintenance and improvements to enhance the existing recreational facility. The proposal is considered to meet the criteria of policies BE1 and REC1 of the adopted Local Plan and as a small scale service to the community would accord with adopted Core Strategy policy 8 and government advice in PPS7.

Impact upon the Character and Appearance of the Landscape

The use of the site for dog training classes complements the existing recreational uses of the site and involves the use of temporary small scale equipment (e.g. jumps etc) that are set up before the sessions and removed afterwards. This arrangement ensures that any impact on the character and appearance of the site is minimised. It is understood that alternatives to the temporary metal container for the storage of associated equipment are now being considered and that it will be removed from the site in the near future as it is not in keeping with the character or appearance of the rural setting.

There will be no other visual changes to the site and it is well screened by mature trees and hedges, therefore, the proposals are not considered to result in any significant detrimental impact upon the character or appearance of the site or the visual amenity of the wider countryside including the National and Charnwood Forests. The proposal is therefore considered to meet the criteria contained in policies BE1 and NE5 of the adopted Local Plan,

and accord with policies 21 and 22 of the adopted Core Strategy and government advice in PPS7.

Impact on Neighbours

The site is located adjacent to the western boundary of Hill Lane Close industrial estate with open landscape to the other three sides and is well screened by existing mature trees and hedges. The nearest residential property is approximately 80 metres from the access to the site and the main areas used for the dog training classes are in excess of 150 metres away. The proposed use has the potential to generate noise from barking dogs and additional comings and goings related to the classes. However, given the separation distances involved, any noise generated by the dog training classes is considered unlikely to be detrimental to the amenities of the occupiers of any residential properties, particularly given the small scale nature of the development and taking into account the existing uses of the site. Similarly, any additional comings and goings as a result of the development are unlikely to be of a scale that would be unduly detrimental to the amenities of the occupiers of neighbouring residential properties taking into account the wider uses of the site. The Head of Community Services (Pollution) does not object to the proposal but recommends that, as with the previous temporary permission, the hours of use and the size of the classes should be limited by condition. There is further comfort in respect of any future nuisance issues arising in that the site is in the ownership of Markfield Parish Council who therefore retain a measure of control over its use. The proposal is considered to meet the criteria contained in policy BE1 of the adopted Local Plan.

Highway Safety and Parking

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

Ecology

The Chief Executive, Leicestershire County Council (Ecology) advises that the area to the south of the site has previously been identified as being of parish level ecological importance and may still contain important species. However, subject to there being no impact by the development on the management/mowing routine of this area which has been removed from the application site, no objection is raised.

The Leicestershire and Rutland Wildlife Trust advise that the area to the north of the application site across Altar Stones Lane is Altar Stones Nature Reserve and comment that if attendees of the training classes use the reserve to exercise dogs before or after the classes that they be responsible in respect of dog fouling and dog control, particularly during times when livestock is present.

Health and Safety

Concerns have been raised by third parties in respect of the potential for risk to the health and safety of other users of the site, including children, from diseases (e.g. zoonosis) associated with dog fouling and from being bitten by dogs attending the training classes. The site is currently used for dog walking and therefore other users of the site are already

exposed to such risks, albeit on an informal basis. Zoonotic organisms have been linked to dog faeces and therefore, if it was not picked up, there would be a potential risk of coming into contact with faeces as is currently the case with the informal use of the site for dog walking. Legislation in the Clean Neighbourhoods and Environment Act 2005 empowers the Borough and Parish Councils to make dog control orders dealing with fouling by dogs and the control of dogs and makes it an offence to contravene the provisions of such orders. There is no evidence to suggest that the use of the site for dog training purposes is of any additional detriment to the existing situation. It is considered that owners who are responsible enough to go to the effort of training their dogs are also likely to be responsible enough to pick up after them.

Other Issues

Chief Executive, Leicestershire County Council (Archaeology) advises that there is no requirement for any archaeological works to be undertaken, as the proposals do not involve any sub-surface impact.

Conclusion

The proposed development is small scale and complements existing recreational uses on the site providing a community service and some funding to improve and enhance existing recreation facilities within the site and is therefore considered to be acceptable in principle. It is considered that the development will not have a detrimental impact on: the character or appearance of the site, the wider landscape or the National or Charnwood Forests; the amenities of the occupiers of residential properties, highway safety, ecology, or the health or safety of other users of the site. The application is therefore recommended for approval subject to similar conditions to those on the previous temporary permission in order to control aspects of the use of the site for dog training classes in the interests of protecting other users, neighbouring properties and visual amenity.

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 would complement existing recreation uses on the site and would not have an adverse impact on: the character or appearance of the site or the wider landscape; the amenities of the occupiers of residential properties; highway safety; ecology; health and safety or archaeology.

Hinckley & Bosworth Local Development Framework: Core Strategy (2009):- policies 8, 19, 21 and 22

Hinckley & Bosworth Borough Council Local Plan (2001):- policies REC1, 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 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Amended Site Location Plan Drawing No. 10 100 01 B received by the local planning authority on 20 October 2010.

- 3 The dog training classes hereby permitted shall only be carried out between the hours of 7.00 pm to 9.15 pm on Mondays and Tuesdays, 1.30 pm to 3.00 pm and 7 pm to 8 pm on Wednesdays, 1.30 pm to 3.00 pm on Thursdays, 9.00 am to 4.15 pm on Saturdays and 11.30 am to 5.00 pm on Sundays and at no other times.
- 4 The dog training classes hereby permitted shall be limited to a maximum of 12 dogs at any one time.
- 5 Any equipment used in connection with the dog training classes hereby permitted shall be erected immediately prior to the start of each dog training session and removed from the open areas of the site immediately following the end of each dog training session.

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 site and ensure that the use does not become a source of annoyance to neighbouring properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the use does not become a source of annoyance to nearby residents or become detrimental to highway safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 In the interests of visual amenity and to ensure that the site does not deteriorate into an untidy condition to accord with policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 As from 6 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.
- 3 The applicant is reminded to ensure that all dogs are kept under proper control and do not cause fear or apprehension to other users of the site. Failure to pick up after a dog fouls on the field is an offence under the Dogs (Fouling of Land) Act 1996, which is punishable by fixed penalty notice or prosecution. Should issues arise and complaints be made then monitoring would be undertaken by Environmental Health and Neighbourhood Wardens.
- 4 This permission relates solely to the change of use of the site to a mixed use to include dog training classes and does not give planning permission for the siting of any storage containers within the site.

Contact Officer:- Richard Wright Ext 5894

Item: 09

Reference: 10/00783/FUL

Applicant: FP McCann

Location: FP McCann Brascote Lane Cadeby

Proposal: EXTENSION TO PRODUCTION BUILDING AND ALTERATIONS TO AGGREGATE BAY AREA (RETROSPECTIVE)

Target Date: 3 January 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major development.

Application Proposal

This application seeks retrospective full planning permission for extensions and alterations to a production building and aggregate storage bay area within a site used for the manufacture of pre-cast concrete products. The application has been submitted following planning enforcement enquiries and the development includes two extensions and alterations to the production building. The extension to the south west elevation has already been completed and provides a covered loading/unloading bay area measuring approximately 33 metres x 13.4 metres (443 square metres) and includes a high level crane and track within the building. The extension to the north east elevation is also under construction and provides cover to the existing aggregate storage bay area measuring approximately 26 metres x 10 metres (260 square metres) and additional covered storage for aggregates measuring approximately 32.9 metres x 9.2 metres (303 square metres). The extensions are constructed of steel frames with green corrugated steel sheets to match the existing production building.

The Site and Surrounding Area

The site measures approximately 0.45 hectares and is located in the countryside off Brascote Lane to the east of Cadeby and the A447. The site comprises of a number of large scale commercial buildings, associated workshops and offices together with extensive external storage areas and parking. There are agricultural fields to the west and south of the site, a quarry to the east and a sand extraction area to the north. There are also isolated dwellings within the surrounding landscape.

Technical Documents submitted with the application

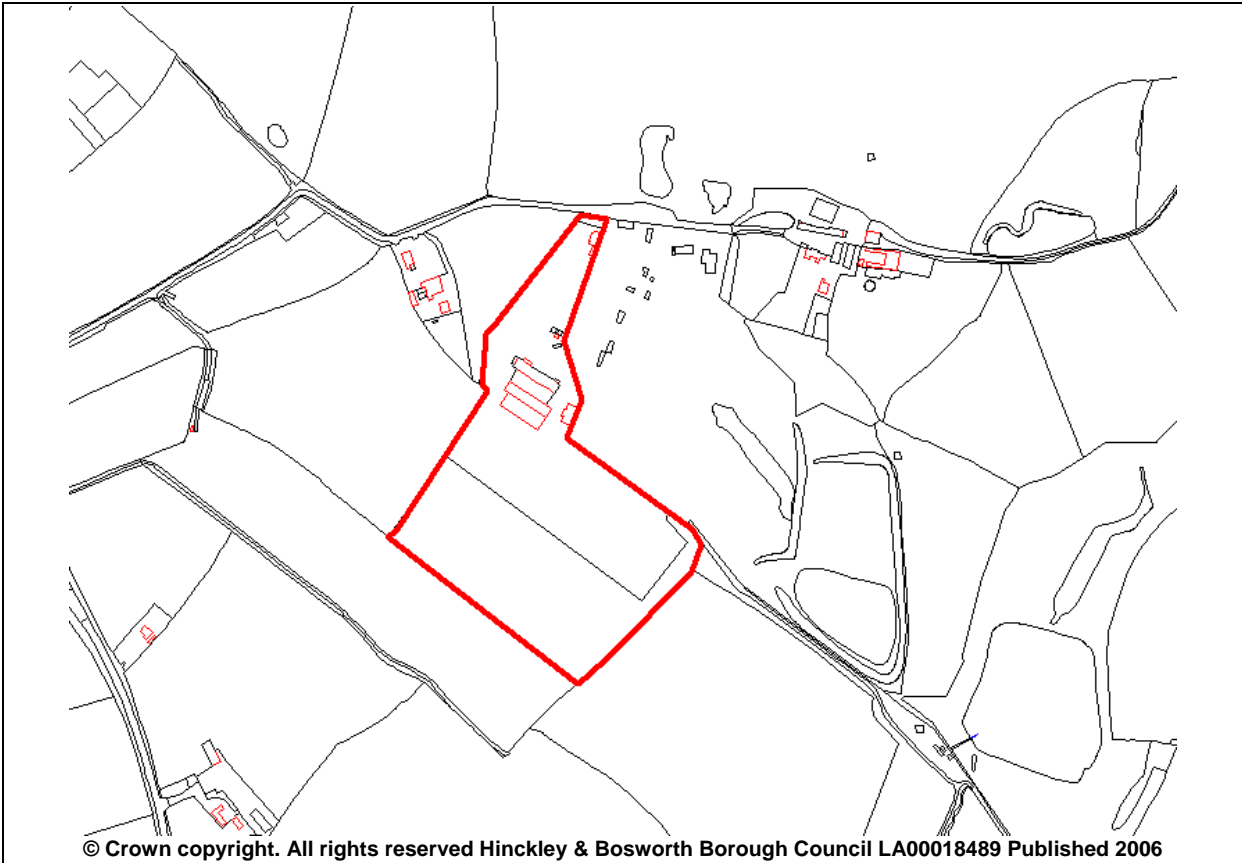
A Design and Access Statement has been submitted with the application. This states that the extensions and alterations have a functional design, are constructed of materials to match the existing building and viewed against the existing buildings thereby minimising any impact on the surrounding landscape. It further states that the extensions are ancillary to the long established uses on the site and will secure operational efficiencies, the protection of raw materials and an environmental gain in terms of noise reduction from movements associated

with current loading operations and reduced external storage. The statement also confirms that current access, parking and vehicle movements, including HGV, will remain unchanged.

History:-

There is an extensive planning history on the site, the most recent being:-

09/00118/FUL	Erection of Parts Store	Approved	07.04.09
07/00403/FUL	Erection of Industrial Building	Approved	30.05.07
07/00094/FUL	Erection of New Office Building	Approved	23.04.07



Consultations:-

No objection has been received from:-

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

Cadeby Parish Council object to the application as proposed. The main concern is the design of the extension to the south west elevation which is considered to have a significant visual impact as a consequence of the height of the building and the single reverse pitch roof design which results in a high ridge line to the outside of the building and gives the appearance of being only half-constructed. It is suggested that an alternative roof design which results in a lower ridge would reduce the visual impact substantially and the fact the

building has already been erected should not detract from seeking improvement to the design. In addition, it is suggested that the erection of much taller buildings on this site over recent years has significantly increased the visual impact of this development on the surrounding countryside, being much more visible within the landscape. Concern is raised regarding the continued enlargement of the premises and the potential for alternative general industrial uses on this unrestricted site that could have significant adverse impact on nearby residential properties from disturbance from noise, increased traffic etc. should the existing occupier vacate the site. The opportunity to restrict the use of the site by conditions should be taken when available. Further issues are raised in respect of conditions attached to a previous planning permission and the extension of an office building close to the Brascote Lane entrance.

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

Leicestershire County Council (Planning and Transportation - Developer Contributions)
Severn Trent Water Limited
The Leicestershire Constabulary Crime Reduction Officer
Newbold Verdon Parish Council
Head of Business Development and Street Scene Services (Waste Minimisation)
Press Notice
Site Notice
Neighbours.

Policy:-

National Planning Guidance

Planning Policy Statement 1: 'Delivering Sustainable Development' states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development whilst 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 reflects the different location requirements of businesses. 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. 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, including the expansion of business premises to facilitate healthy and diverse economic activity in rural areas. Paragraph 16 states that when determining planning applications for development in the countryside, local planning authorities should support countryside based enterprises which contribute to rural economies.

Planning Policy Guidance 13: 'Transport' 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.

Regional Planning Policy

The decision of the Secretary of State for Communities and Local Government ("SoS") on 6 July 2010 to revoke Regional Strategies using powers in section 79 of The Local Democracy, Economic Development and Construction Act 2009 was successfully challenged in the High Court and was quashed in a judgment handed down on 10 November 2010. Following the decision, the SoS has written to local planning authorities stating that the government will introduce the Localism Bill in November containing proposals to abolish Regional Strategies. The government's Chief Planning Officer has also written advising that local planning authorities should still have regard to the SoS's letter of 27 May 2010 and that it should still be regarded as a material consideration. However, these two letters and the SoS's letter of 27 May 2010 need to be considered against the judgment handed down and it is clear from the judgement that the High Court has reinforced the primacy and significance of Regional Strategies in the current planning system. The Court held that if changes are to be made to the status of Regional Strategies then those changes will need to come in the form of primary legislation. Changes cannot be made in the manner proposed by the SoS and it is also reasonable on the basis of the judgment to conclude that the letters of 27 May and the two letters sent following the judgment, whilst they may be regarded as material considerations, have to be weighed against the clarity and force of the judgement and the current legislative position, and in your officers' opinion should not be given any weight.

East Midlands Regional Plan (2009)

Policy 1 seeks to improve economic prosperity, employment opportunities and regional competitiveness. Policy 2 promotes better design. Policy 24 promotes diversification and development of rural economies.

Local Policy

Local Development Framework: Core Strategy 2009

Spatial Objective 3: 'Strong and Vibrant Rural Communities' seeks to ensure that such communities have access to a range of facilities and employment opportunities to support, enhance and improve the sustainability, vibrancy and vitality of rural areas.

Policy 13: 'Rural Hamlets' supports small scale developments that comply with Policy 17 and transport improvements 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.

Policy 17: 'Rural Needs' supports small scale developments that meet a local need.

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' states that 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; ensures adequate provision for off street parking together with manoeuvring facilities; and does not adversely affect the occupiers of neighbouring properties.

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 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 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 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.

Other Policy Documents

The Employment Land and Premises Study undertaken in May 2010 on behalf of the Council describes the site as being of low prominence and recommends that it be classified as a category 'B' site (generally considered to be an acceptable employment location) and retained for 100% employment use.

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; layout and design; and impact on the surrounding countryside, neighbouring properties, highway safety and ecology.

Principle of Development

The development is ancillary to the long standing uses on the site and the supporting information advises that it is required to improve the operational processes of the business by providing protection of raw materials used in the concrete production processes to control moisture content and also to improve the efficiency of the loading/unloading and storage procedures within the site. National planning guidance in Planning Policy Statements 4 and 7 and local policies NE5 and EMP2 support the extension of existing buildings and the expansion of existing employment uses in rural areas that contribute to the rural economy, subject to other criteria being met. In this case, given the existing uses of the site and the buildings therein, the development is considered to comply with national and local policy and, therefore, considered to be acceptable in principle.

Layout & Design

Notwithstanding the objection raised by Cadeby Parish Council, the extensions and alterations have a functional design and are considered to be generally in keeping with the character and appearance of the existing production buildings within the site. They are subordinate in scale to the main production building and constructed of similar materials to

provide a uniform overall appearance. Whilst the single reverse pitch roof design of the extension on the south west elevation is not considered to be ideal, given the scale of the main production building against which it is located, it is considered that the design of this extension does not have a significant visual impact that would warrant or provide a sustainable reason to refuse the application in this case. On balance, the layout and design is considered to be acceptable in respect of policies NE5, EMP2 and BE1 of the adopted Local Plan.

Impact on the Surrounding Area

The site contains a number of large scale commercial buildings located in the central areas of the overall site. Whilst Cadeby Parish Council comment that the more recently constructed taller buildings within the site have significantly increased the visual impact of the site within the surrounding countryside, this application must be assessed on its own merits and the existing site characteristics. The extensions will be seen from the surrounding landscape but they are well related to, and to a degree are viewed against, the existing buildings. As such it is considered that they will not have significant additional or adverse impact on the character or appearance of the surrounding countryside or the amenities of neighbouring residential properties (the nearest being in excess of 90 metres from the proposed extensions).

Although no measured evidence is provided, the supporting information suggests that the development will also provide environmental gain from a reduction in noise from the site as a result of the enclosure of loading/unloading operations and a reduction in the movements of fork lift trucks to and from the external storage areas with the provision of the crane within the loading/unloading area allowing direct transfer.

Other Issues

The site is located within the countryside and not well related to existing settlement centres, however, it is an established employment site of long standing and the Employment Land and Premises Study (May 2010) recommends that it be retained for employment purposes. As such, whilst the site is in a relatively unsustainable location, it is considered that this does not form a sustainable reason to refuse the application, particularly as the development will contribute to the efficient operation of this rural business.

The development does not involve the creation of additional production floor area but provides a formalised and protected loading/unloading area and aggregate storage area that improve the operation of the production process and the efficiency of the business. As such, it cannot be demonstrated that the development is likely to result in significant additional traffic movements to and from the site that would have an adverse impact on highway safety or the amenities of residential properties.

The extensions and alterations subject to this application are clearly ancillary to the main production building and no additional restrictive conditions are considered to be reasonable or necessary in this case.

Given the hard surfaced nature of the site and the uses therein, it is considered unlikely that the development will have an adverse impact on protected species.

Conclusion

The extension and alteration of the existing commercial building is considered to be acceptable in principle on this established employment site. The layout, design and appearance of the extensions and alterations are considered to be in keeping with the character and appearance of the existing buildings and do not have significant additional or adverse impact on the character or appearance of the surrounding countryside, the

amenities of neighbouring residential properties, highway safety or ecology. 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 relates to the extension and alteration of an existing building on an established employment site for economic development purposes; is in keeping with the character and appearance of existing buildings within the site and would not have an adverse impact on the character or appearance of the surrounding countryside, the amenities of residential properties, highway safety or ecology.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, EMP2, NE5 and T5.

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Rev A at 1:2500 scale and Block Plan Rev A at 1:1250 scale received by the local planning authority on 22 October 2010; Proposed Site Plan Drawing No. CA/SITE/02 received by the local planning authority on 30 September 2010 and Proposed Elevations and Plans Revision A received by the local planning authority on 1 October 2010.
- 2 The materials to be used on the external elevations of the extensions and alterations hereby approved shall match the corresponding materials of the existing production building unless previously agreed in writing with the local planning authority.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 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 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.
- 2 As from 6 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.
- 3 The applicant is advised that the erection of unauthorised buildings or structures within the site without consent is unacceptable and that in future planning permission must be obtained prior to commencement of any further development.

Contact Officer:- Richard Wright Ext 5894

Item: 10
Reference: 10/00793/FUL
Applicant: Mr L Ward
Location: 59 Butt Lane Hinckley
Proposal: ERECTION OF A BUNGALOW (REVISED SCHEME)
Target Date: 7 December 2010

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as four neighbour objections have been received and the consultation period has not expired.

Application Proposal

This application seeks full planning permission for the erection of a single storey detached dwelling and attached carport with associated parking and access within the north western part of the rear garden of 59 Butt Lane, Hinckley. Planning permission has previously been granted for the erection of a two bedroomed, hip roofed bungalow with attached garage on this site (07/00726/FUL), this permission has recently been extended by virtue of planning permission 10/00222/EXT. This application is a variation of the previous permission.

The Site and Surrounding Area

The site comprises a vacant plot of land measuring approximately 375 sq metres, located within an established residential area of Hinckley and is surrounded by residential gardens to three sides. Whilst the site is located to the rear of 59 Butt Lane, Hinckley it is accessed off a private road (which forms the fourth boundary) linking Eastwoods Road and Trafford Road. The private access is approximately 2.5 metres wide.

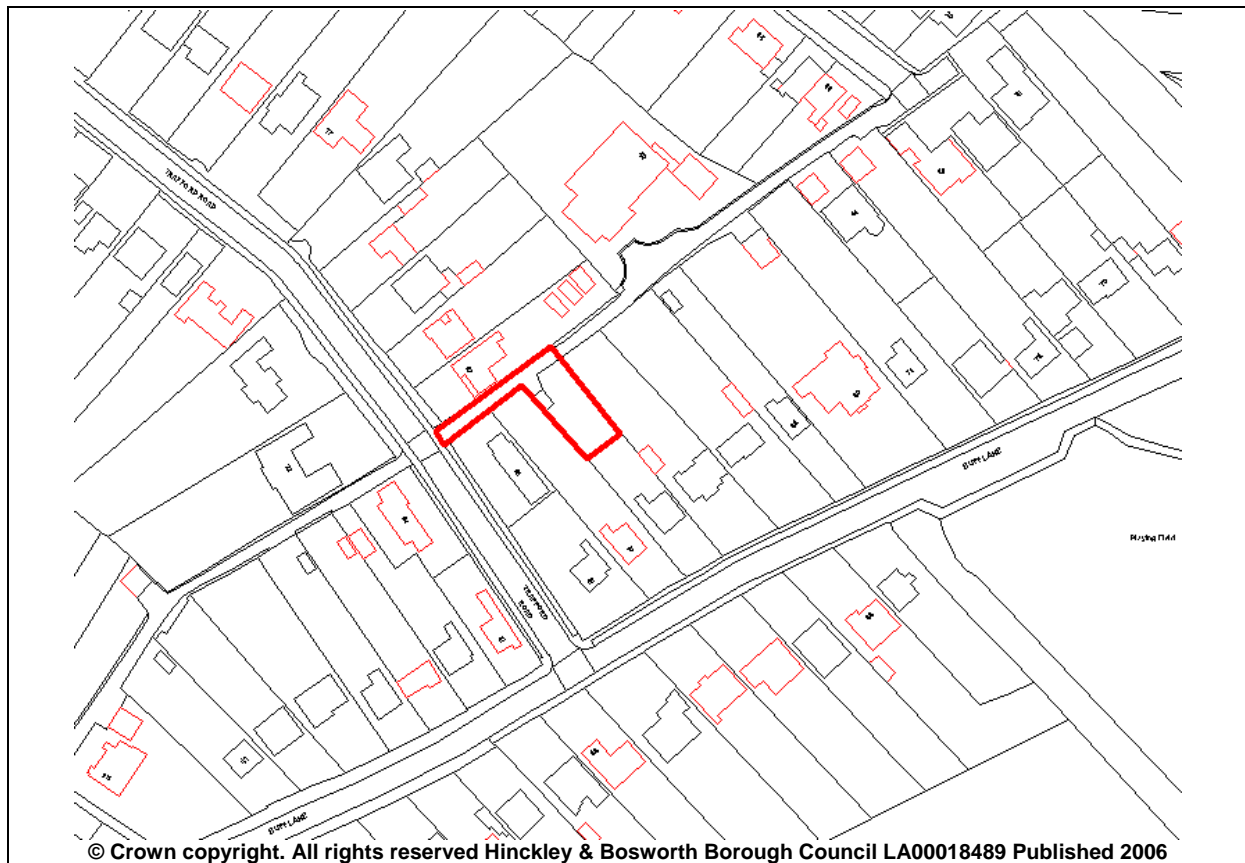
The area is characterised by dwellings of various scale, designs and styles including single storey and two storey dwellings. There are other infill developments in the immediate vicinity.

Technical Documents submitted with application

The Design and Access Statement submitted to support the application concludes that the proposal has been designed to reflect the nature of the approved dwelling but the removal of the garage and replacement with a car port allows additional space for the third bedroom.

History:-

10/00222/EXT	Extension of time for the erection of a bungalow	Approved	09.06.10
07/00726/FUL	Erection of a bungalow	Approved	06.08.07
07/00489/FUL	Erection of bungalow	Withdrawn	18.06.07

**Consultations:-**

No objections received from:-

The Head of Community Services (Pollution)
The Manager of Streetscene Services (Waste Management).

The Director of Environment and Transport (Highways) refers to previous comments for consultation response and therefore suggests conditions for on-site parking and improvements to the private track.

The Directorate of the Chief Executive (Ecology) raise no objections but suggests any shrub clearance is carried out outside of the bird nesting season.

The Head of Community Services (Land Drainage) suggests note to applicant on ground strata.

Site notice displayed and neighbours notified.

Four neighbour objections received on the grounds of:-

- a) height, mass and design of the new roof
- b) proposal will fill plot
- c) poor access
- d) narrowness of lane/no passing available
- e) difficulty for vehicles turning

- f) intensified use of access track
- g) Trafford Road is busy
- h) additional refuse will be left in Trafford Road
- i) upheaval during development
- j) noise and disturbance
- k) overshadowing of neighbours garden
- l) contrary to PPS3.

The consultation period remains open at the time of writing and closes on 22 November 2010. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

National Planning 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.

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.

Local Policy

Local Development Framework Core Strategy 2009

Policy 1 'Development in Hinckley' sets the development intentions for Hinckley, which includes the Allocation of land for the development of a minimum of 1120 new residential dwellings.

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

Policy 24: 'Sustainable Design and Technology' requires new development in key rural centres to meet sustainability targets set out in 'Building a Greener Future'

Hinckley and Bosworth Local Plan 2001

Policy RES5: 'Residential Proposals on Unallocated Sites' 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: '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 with regard to scale, layout, density, design, materials and architectural features; ensure adequate highway visibility and parking standards and manoeuvring facilities and do not adversely affect the amenities of neighbouring properties.

Policy T5: 'Highway Design and Vehicle Parking Standards' 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 REC3: 'New Residential Development Outdoor Play Space for Children' requires the appropriate level of children's play space to be provided within development sites.

Alternatively, a financial contribution can be negotiated towards the provision and maintenance of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Other Documents

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

The Supplementary Planning Guidance (SPG) on New Residential Development provides further guidance for developers on density, design, layout, space between buildings and highways and parking.

Appraisal:-

The main considerations with regards to this application are the principle of development and its impact on the character of the area; design and layout; impact on the amenity of the occupiers of neighbouring properties; highway safety issues; and other issues.

Principle of Development

The site is located within the settlement boundary of Hinckley as defined by the adopted Hinckley and Bosworth Local Plan. The principle of residential development of the site for a detached dwelling has been established by the previous planning permission issued in 2007 and renewed earlier this year. However, since that permission was granted there have been some changes in planning policy at both national and local level that require further assessment. PPS3 was revised in June 2010 to exclude private residential gardens from the definition of 'previously developed land'. The interpretation of this change is that it does not seek to prevent all infill development within settlement boundaries but is primarily to ensure that new development respects and does not harm the character of the area in which it is located, for example by overdevelopment. In this instance, there are a number of similar infill developments in the vicinity of the site to the north east, on similar building lines and orientation and with access off the private road. It is therefore considered that the proposed development will not harm the character of the area in this case. The proposals are also considered to meet the aims of policy 1 of the adopted Core Strategy which seeks to allocate land for 1120 new dwellings in the Hinckley area.

Design and Layout

The site is currently garden land to the rear of 59 Butt Lane. The proposal is for a single storey dwelling with gabled roof design to the front and rear. The previously approved scheme had a hipped roof design and was sited approximately 0.5 metres further into the site, the attached garage has been replaced by an attached car port.

This proposal is a simple design which has an eaves height of 2.4 metres and ridge height of 5.3 metres, the previously approved scheme had a ridge height of 5 metres. Whilst the design has a slightly higher roof than the previously approved scheme, it is considered to be acceptable and in keeping with other similar dwellings approved in the vicinity. The design does not include a feature chimney which is characteristic of older dwellings within the area, however, the bungalow fronting Trafford Road does not have such features and neither did the previously approved design. Whilst desirable this is not considered to be critical in this case, particularly given its less than prominent location. The layout provides private amenity space of approximately 72 square metres which is slightly less than recommended within the guidance contained within the SPG on New Residential Development (80 square metres for a three bedroomed property). Due to the constraints of the site, it is considered that

'permitted development rights' should be removed in order to control any proposed extensions to the dwelling which may result in a cramped form of development (permitted development rights were removed on the previously approved scheme). Two off street car parking spaces are proposed within the curtilage which meets current parking standards.

Policy 24 of the adopted Core Strategy requires new residential units within Hinckley to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. No details of the scheme's compliance with this standard have been submitted with the application, therefore, such details will be subject to a condition requiring them to be submitted prior to commencement on site.

Impact on Neighbours

The proposed dwelling would be sited in a similar position to the previously approved dwelling, but it would occupy a slightly larger footprint within the plot. Neighbours have raised concerns in terms of design of the proposal.

In terms of the bungalow (No 27 Trafford Road) located to the south west of the site, the elevation of the proposal is the same length and is sited in the same location to the previously approved scheme. The distance from the rear of the bungalow located at No 27 and the proposal is 11.5 metres which is 0.5 metres below the guidance contained within the SPG. The altered roof design will be more visible from the rear facing windows and the garden of No 27 than the previous hipped scheme. However, given the north eastern orientation of the proposal site, it is considered that it would not have such a significant impact as to adversely affect the amenities of the occupiers of the adjacent dwelling in terms of having an overbearing impact or unacceptable relationship.

The location of the windows on the front and rear elevations would not result in any significant or additional overlooking or loss of privacy to neighbouring properties.

Highway Issues

Neighbours have raised concerns in terms of highway safety issues. The Director of Environment and Transport (Highways) raises no objections to the proposal but suggests that conditions should be imposed. A condition is requested in relation to improvements to the private access track, however, this was not required as part of the previously approved scheme, in the circumstances it is considered that such a condition would be onerous and should not be required at this juncture.

Other Issues

The site is in a sustainable location within a short walking distance of the town centre and the services it provides existing roads and footpaths allow for easy pedestrian or cycle access.

There are no trees or vegetation of any significance within or adjacent to the site and no indication of the presence of any protected species. A note to applicant requiring shrub clearance to be carried out outside of the bird nesting season is included in the recommendation in line with comments received from the Chief Executive, Leicestershire County Council (Ecology).

As the development relates to a single dwelling, there is no requirement for developer contributions towards infrastructure services other than towards public play and open space as required by policy REC3 of the adopted Local Plan and policy 19 of the adopted Core Strategy. However, in this case the application site is in excess of 400m away from any existing informal public open space and therefore does not meet the criteria for the

requirement of financial contributions towards the provision or maintenance of public informal children's play space as laid out in the Council's adopted Play and Open Space Supplementary Planning Guidance.

Conclusion

The principle of residential development on the site of a single detached dwelling has previously been established. Given the scale and siting of the proposed dwelling and the separation distances and orientation to existing dwellings, it is considered that the proposals will not have an adverse effect on neighbouring properties in terms of an overbearing nature. The proposal is therefore considered acceptable and 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 is within the settlement boundary of Hinckley, would have a satisfactory design and layout and would not have an adverse effect on the character of the area, the amenities of neighbouring properties or highway safety.

Hinckley & Bosworth Local Development Framework Core Strategy (2009):- Policies 1 and 24

Hinckley & Bosworth Local Plan (2001):- Policies BE1, RES5 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 dwelling shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials
- 3 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.
- 4 Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment demonstrating that the dwelling hereby approved can be constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority. In addition, prior to the first occupation of the dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.
- 5 No gates shall be erected to the vehicular access.
- 6 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 - C shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

- 7 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - i) means of enclosure
 - ii) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc).
 - iii) planting plans
 - iv) written specifications
 - v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - vi) implementation programme.
- 8 The approved landscaping scheme shall be carried out during the first appropriate planting season following the date when the proposed dwelling is 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 that die or are damaged or seriously diseased shall be replaced by trees or shrubs of a similar size or species to those originally planted.
- 9 No development shall take place until details and an implementation schedule of boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 10 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Location plan and block plan received 5 October 2010, Drawing 05/82 18 received 12 October 2010.
- 11 Before the first occupation of the dwelling, car parking provision shall be made within the curtilage of the dwelling for 2 cars as shown on Drawing No 18. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 In the interests of sustainable development to accord with policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.
- 5 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

- 6 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 7 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 8 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.
- 9 To safeguard amenities of neighbouring properties to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 10 For the avoidance of doubt and in the interests of proper planning.
- 11 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, to accord with 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 6 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 suitability of the ground strata for soakaway drainage should be ascertained by means of the test 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, by use of one of the 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. It is particularly important to discharge surface water to the ground strata in this locality because surface water in the combined sewer system is causing flooding in Island Close, and cumulative backland development will exacerbate the problem.
- 6 The applicant is advised that the private track to the front of the site does not form part of the public highway and that the Borough Council's domestic waste and recycling collection service is from the kerbside highway boundary. Further refuse and recycling service information is available on the Council's website.

- 7 Nesting birds are protected. Any clearance of the site should pay due regard to the potential for nesting birds, and should be carried out outside of the bird nesting season.

Contact Officer:- Louise Forman Ext 5682

Item: 11

Reference: 10/00816/FUL

Applicant: Mr Martin Morris

Location: Land Adjacent New House Farm Stapleton Lane Dadlington

Proposal: AGRICULTURAL WORKERS DWELLING WITH ASSOCIATED GARAGE AND ACCESS

Target Date: 22 December 2010

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is for an agricultural workers dwelling and an agricultural appraisal is required.

Application Proposal

This is the resubmission of application 10/00148/FUL for the erection of a two storey, permanent agricultural workers dwelling and detached garage on land at New House Farm, Stapleton Lane, Dadlington. The previous application was considered by this Committee on 13 April 2010 and was refused because the agricultural appraisal information was not supported by the Borough Council's Agricultural Appraisal Consultant. The design and siting is the same as proposed in the previous refused application. The proposal would provide a three bedroomed dwelling with detached double garage to the front of the site. The proposed materials are facing brick, timber boarding and clay tiles.

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

The Site and Surrounding Area

The site is located within the countryside between the settlements of Stapleton and Dadlington. The site is well screened by mature hedging to the road frontage. The application site measures 1010 square metres and is currently comprises an agricultural field. There is other agricultural land within the applicant's ownership which surrounds the site and contains existing farm buildings. The nearest neighbours to the site are the

occupants of the original New House Farmhouse which is in separate ownership and is located on the opposite side of the farm track to the site (to the west). The area is mainly countryside with a small number of isolated dwellings along this stretch of the lane. There is a public footpath (T65) that runs adjacent to the application site.

Technical Documents submitted with application

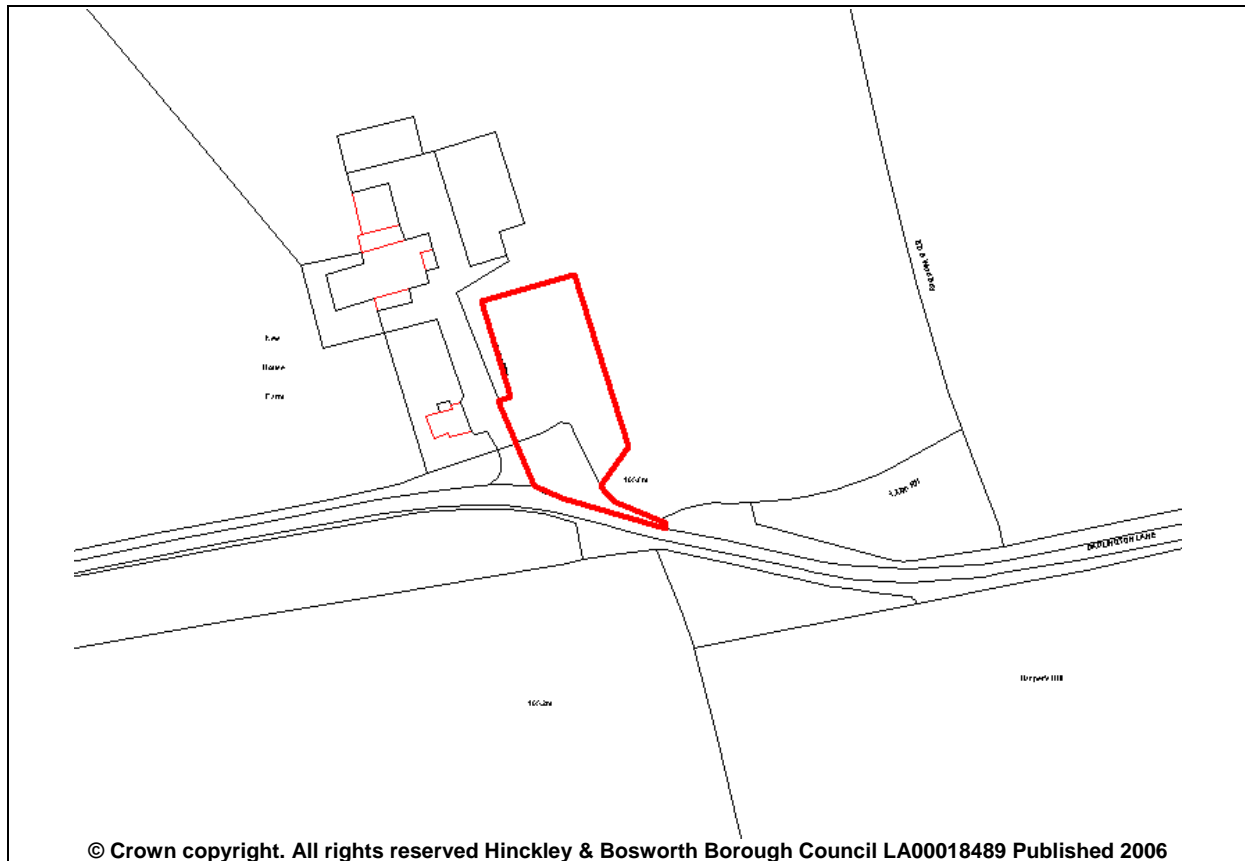
The application is supported by a Design and Access Statement which states that Public footpath T65 is the subject of a diversion order which will come into effect as soon as the new structures serving the footpath have been constructed. The statement goes on to say that the applicant and employees currently visit the site on a daily basis, the proposed new dwelling will allow an agricultural worker to live on site facilitating better day to day management of it. The new dwelling is proposed to be of traditional construction with traditional detailing and materials. The siting of the proposed dwelling is dictated by the need to provide surveillance of the adjacent land and farm buildings.

An Agricultural Appraisal has been submitted with the application which states that the farm business is based at three sites, Mulberry Farm, Stoke Golding; Brook Farm, Stoke Road Wykin; and New House Farm, Dadlington. The appraisal states that the spread of the enterprises over the three sites presents some difficulties in the operation of the farm business. Mulberry Farm is the principal site, but the land holding associated with it is limited which necessitates movements of large numbers of stock from Mulberry Farm to New House Farm which causes problems due to the poor access from Mulberry Farm onto High Street, Stoke Golding. Furthermore, despite the extensive range of buildings and stock held at New House Farm, it is not served by a dwelling. The farm business currently comprises 820 ewe flock, 20 suckler cows, 80 sows, 700 store and fat cattle, 5,000 seasonal turkeys, 2,500 seasonal cockerels and 1,000 laying flock of hens. The holding has 40.46 hectares of owned land with a further 2.02 hectares owned by one partner. Rented land equates to 84.6 hectares and 121.41 hectares of annual grass keep. The labour for the holding consists of two full time partners, a full time farm worker and casual seasonal workers as required. The appraisal goes on to say that 'Because of all the difficulties arising from the use of Mulberry Farm as the principal site for the farm business the applicant is in the process of relocating several of the enterprises to New House Farm. New House Farm has a good range of farm buildings. Permission was granted in 2008 for a new stock building and this has now been erected for the lambing ewes. In addition, a further new stock building has been applied for which will be utilised for the seasonal rearing of turkeys. Part of the laying flock of hens is also to be relocated to New House Farm, and it is envisaged that bucket reared calves will be reared within two of the existing buildings there. This relocation of enterprises will relieve the pressure on Mulberry Farm which is a restricted and inefficient site for the farm business. Stock will continue to be housed at Mulberry Farm, but at a level suitable to the site's capacity and its restricted village situation.'

History:-

10/00623/FUL	New agricultural building	Approved	15.11.10
10/00594/GDO	Portal framed livestock/ poultry building	Application returned	17.08.10
10/00148/FUL	Erection of agricultural dwelling with double garage	Refused	14.04.10
09/00791/FUL	Erection of agricultural dwelling with double garage	Withdrawn	24.11.09

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



Consultations:-

No objection has been received from:-

- The Directorate of the Chief Executive (Archaeology)
- The Directorate of the Chief Executive (Ecology)
- The Director of Environment and Transport (Highways)
- The Environment Agency.

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

No objection subject to notes to applicant have been received from:-

- The Director of Environment and Transport (Footpaths)
- The Head of Community Services (Land Drainage)
- E-ON Central Networks.

Site notice displayed and neighbours notified.

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

The Council's Agricultural Appraisal Consultant
The Ramblers Association
Sutton Cheney Parish Council.

The consultation period remains open at the time of writing this report, it closes on 26 November 2010. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

Central Government Guidance

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

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

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

Local Development Framework Core Strategy 2009

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

Hinckley and Bosworth Local Plan 2001

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

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

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

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping. Policy NE12 states that proposals for development should make provision for further landscaping where appropriate. Policy NE14 requires satisfactory arrangements to be made for the disposal of foul sewage and surface water. Policy NE12 seeks to ensure that development proposals take into account the existing features of the site and make provision for further landscaping where appropriate.

Supplementary Planning Guidance/Documents

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

Appraisal:-

The main considerations with regards to this application are the principle of residential development in the countryside, the layout and design of the dwelling, impact on the amenity of the occupiers of the neighbouring property and its impact on the character and appearance of the surrounding landscape and highway safety.

Principle of Development

One of the few circumstances in which isolated residential development may be justified in the countryside is when accommodation is essential to enable a full-time agricultural worker to live at their place of work and special justification can be provided in both functional and financial terms. An agricultural dwelling has previously been approved for this site but planning permission has now expired, and up to date information has been required to justify the current application. The Borough Council's Agricultural Appraisal Consultant has requested additional financial information before providing a formal response on this

application, his response will be reported as a late item. It is noted that as part of the approval of the 2003 outline application, a condition was imposed to ensure that the occupation of Brook Farm remained as an agricultural dwelling and was not sold separately on the open market as it could give rise to pressure for an application for an additional dwelling within the countryside. Information contained within the current agricultural appraisal refers to a dwelling at Brook Farm and states that it is soon to be occupied by the retired partner to the business.

Layout, Design and Impact on the Countryside

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

This current proposal, as submitted, is calculated to provide a two storey dwelling of approximately 148.5 square metres floorspace which appears to be reasonable in terms of scale but this will need to be verified within the response of the Agricultural Appraisal Consultant. The design proposed incorporates features often found on converted barns and similar to the design approved in 2006. The dwelling is now proposed to face the farm track rather than Stapleton Lane which results in a lesser mass facing the lane. The main part of the dwelling will be facing brick with a clay tiled roof and wooden windows. The northern elevation consists of a timber clad element at first floor level which contains a small balcony to a bedroom. The overhang which this element will create provides a covered porch area over the utility room door. The east elevation incorporates a full height glazed screen.

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

Neighbours Amenity

The nearest adjacent dwelling to the proposal is the original New House Farmhouse which is in separate ownership and is located to the west of the site and beyond the farm track. There is a mature hedge to the property's eastern garden boundary. This hedge, the farm track and proposed siting will ensure that the proposal does not result in any significant impact on the neighbouring amenity. The proposal is considered to be acceptable.

Highway Safety

The Director of Environment and Transport (Highways) has referred to standing advice and conditions have been included which ensure that adequate parking and surfacing is provided within the site and that the existing access is improved to ensure that it meets current highway safety standards.

Other Considerations

The previous issues in respect of the diversion of footpath T65 have now been resolved in that a Diversion Order has been made and will be implemented in the near future. The Director of Environment and Transport (Footpaths) has suggested notes to the applicant to ensure that no damage or obstruction is caused to the public footpath.

There are no objections or issues raised in connection archaeology or ecology in relation to this proposal. The Head of Community Services (Land Drainage) and E-ON Central Networks have suggested notes to applicants which have been included.

Conclusion

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

RECOMMENDATION:- Permit subject to a satisfactory outcome of the agricultural appraisal in line with the requirements contained within PPS7 being received and the following conditions:-

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

Having regard to the pattern of existing development in the area, representations received and relevant provisions of government guidance and the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it passes the functional and financial tests of Annex A of Planning Policy Statement 7 and given the design and layout would not have an adverse impact upon the character or appearance of the countryside.

Local Development Framework - Core Strategy:- 13

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry or a widow or widower of such a person, and to any resident dependants.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment)(No.2)(England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A to C and E inclusive shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 4 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling

and garage shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - i) proposed finished levels or contours
 - ii) means of enclosure
 - iii) car parking layouts
 - iv) hard surfacing materials
 - v) planting plans
 - vi) written specifications
 - vii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - viii) implementation programme.
- 6 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 7 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drawings 08/106 04P, 06C and 08A received on 13 October 2010, 08/106 05K received on 18 October 2010.
- 8 Before the first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
- 9 Notwithstanding the submitted plans, the vehicular access serving the development hereby approved, shall be a minimum of 6.0 metres wide for at least the first 5 metres behind the highway boundary and have 10 metres controlled radii at its junction with the adopted road carriageway. The access drive shall be provided prior to first occupation of the dwelling hereby approved and shall be so maintained at all times thereafter. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.
- 10 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.
- 11 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

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

Reasons:-

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

- 11&12 To ensure safe development of the site and to protect the amenities of future occupiers of the site to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 13 To ensure that the site is not contaminated and to safeguard the health of future occupiers to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 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 suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively, assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
- 6 Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.
- 7 The sewage treatment plant proposal will require the consent of the Environment Agency and must comply with the Agency's conditions.
- 8 In relation to Condition 11 advice from Environmental Health (Pollution Control) is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
- 9 Central Networks has Network within close proximity to the proposed site
 - Please contact Aim Bureau Services at Toll End Road, Tipton, DY4 0HH to obtain copies of our mains records. There may be a charge levied for this service.
 - For new developments, diversions and ground works you can contact Central Networks CAT Team at Toll End Road, Tipton, DY4 0HH.

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

Any alteration, building or ground works proposed in the vicinity of cables that may or may not directly affect Central Network cables, must be notified in detail to Central Networks. For further information please contact Central Networks, Pegasus Business Park, Castle Donnington, Derbyshire DE74 2TU or email customerworks@central-networks.co.uk.

- 10 The applicant should be aware that there is no entitlement to carry out any works directly affecting the existing route of footpath T65. In addition, the applicant will be responsible for ensuring that free access can be exercised safely by pedestrians at all times along the existing path. If it is necessary for works to be carried out within the confines of the existing footpath, the County Council's consent to these should be obtained before they are commenced. The applicant should contact the Rights of Way Inspector for the area, Mr. A. Perry, who is based at the County Council's Area Highways Office, Mountsorrel and can be contacted on 0116 305 0001. Any damage that may be caused to the surface of the existing footpath prior to the confirmation of the Diversion Order will be the responsibility of the applicant to repair at their expense to the satisfaction of the Highway Authority. The applicant will be responsible for ensuring that no additional structures are installed either on a temporary or a permanent basis across the existing footpath without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised by the Authority, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to seek its immediate removal.

Contact Officer:- Louise Forman Ext 5682

Item: 12

Reference: 10/00827/FUL

Applicant: Mr Gary Hawkins

Location: 20 Hilary Crescent Groby

Proposal: EXTENSIONS AND ALTERATIONS TO DWELLING

Target Date: 27 December 2010

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as over five neighbour objections have been received.

Application Proposal

This application is an amendment to planning permission 10/00207/FUL which was approved by the Planning Committee held on 8 June 2010. Members also undertook a site visit on 7 June 2010. Members will recall that the previous application involved the erection of a pair of pitched roofed dormers to the front and a 1 ½ storey extension and dormer window to the

rear of this property. The scheme also proposed a hard surface on the front garden to provide an additional parking space.

Following approval of the previous application, development on site commenced and an enforcement complaint was received. The enforcement investigation revealed that the works were not strictly in accordance with the approved plans and the owner was served with a Temporary Stop Notice on 29 September (which expired on 27 October). This application has been received in an attempt to regularise the development taking place.

The Site and Surrounding Area

The application property comprises a semi-detached rendered bungalow. This is situated at the end of a cul-de-sac. To the front, the property is set back from the highway by approximately 8 metres, with this land being sub-divided into garden and a driveway. To the eastern side of the property is a walkway which leads to the rear garden.

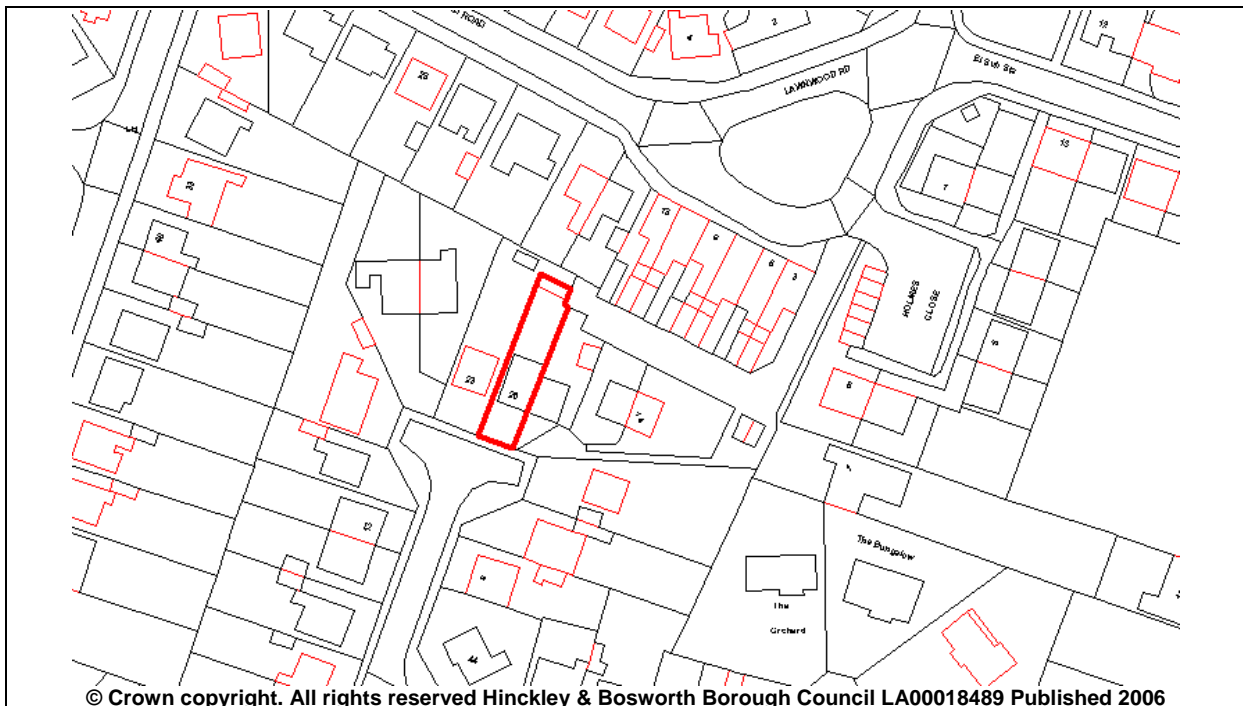
Surrounding properties are predominantly bungalows, some detached and some semi-detached. The adjoining semi (No 18) has been extended to the rear; this extension projects approximately 2.5 metres along the common boundary. The property to the west (No 23) comprises a detached hipped roofed bungalow, which has also been extended to the rear. This property is set off the common boundary by 1.5 metres. Properties to the rear of the site comprise both flats and houses, but are separated from the application site via the private driveway.

Technical Documents submitted with application

None

History:-

10/00207/FUL	Extensions and alterations to dwelling	Approved	10.06.10
10/00047/FUL	Extensions and alterations to dwelling	Withdrawn	



Consultations:-

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

No objection, subject to a condition has been received from The Director of Environment and Transport in relation to the requirement for two parking spaces to be provided within the front garden area.

Neighbours notified.

Six letters of objections received raising the following concerns:-

- a) increase in size of front dormers
- b) out of proportion with existing bungalow and surrounding properties
- c) poor quality over development
- d) eyesore
- e) Hilary Crescent is generally occupied by senior citizens
- f) lack of parking
- g) damage to neighbouring property
- h) should be required to adhere to original plans.

A letter has been received from Stephen Dorrell MP on behalf of a constituent and stating that the development is out of keeping with the street and that the guttering is discharging to the neighbours property.

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

The consultation period remains open at the time of writing and closes on 3 December 2010. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

Local Development Framework Core Strategy 2009

No relevant policy

Hinckley and Bosworth Local Plan 2001

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 with regard to scale, layout, design and materials; ensure adequate highway visibility and parking standards; do not adversely affect the amenities of neighbouring properties; incorporate landscaping to a high standard.

Policy T5: Parking and Highways 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.

The adopted Supplementary Planning Document on House Extensions offers guidance on the design of extensions, to ensure they have no adverse impacts on the amenity of surrounding residents, on the character of the street scene and on highway safety, among

other things. The guidance also contains specific criteria concerning the scale and size of side and rear extensions.

Appraisal:-

The main consideration with regard to this application is the impacts of the changes to the proposal from the previously approved scheme.

Design, Street Scene and Residential Amenity

The footprint of the ground floor extensions is unchanged from the previously approved scheme, the ground floor windows to the rear of the proposal are amended from the previous approval but are considered acceptable and unlikely to have any significant affect on neighbours amenity. This proposal omits one first floor and one ground floor window from the western elevation of the dwelling as extended.

The proposed front facing dormers are larger in width than those previously approved but have shallower pitched roofs and are situated below the height of the main ridge. In terms of design and position, the dormers to the front of the property are considered in keeping and are comparable to those found on other properties within the vicinity. Their impact within the street scene is not considered to be significantly different to the previously approved scheme.

As no properties directly face the application property to the front, the proposed dormers will have no impacts in terms of overlooking.

The dormer to the rear of the dwelling is shallower but wider by 0.6 metre than the previously approved scheme and is set off the common boundary by 1 metre. In terms of impact, the alteration is not considered to have a significant impact above that of the previously approved scheme. In terms of overlooking, the window serving the bedroom to the rear of the property is not considered to result in any more material impact on the privacy of surrounding properties, than the previously approved scheme.

Parking

The parking proposal for three on site spaces was shown on the previously approved scheme (one within the existing garage and two to the front of the site). The Director of Environment and Transport (Highways) has requested that a condition be imposed in relation to the provision of parking to the front of the site.

Neighbour Issues

In other respects, the application is the same as submitted in the previously approved scheme. Neighbours concerns have been raised regarding the design and scale of the proposal and parking which are addressed above. Damage to the neighbours property is a civil matter and not grounds to refuse an application.

Conclusion

Having regard to the previous scheme approved, the proposal currently for determination is not considered to have any significant impacts that would warrant refusal. Furthermore, had this scheme been submitted originally, it would have been likely to have been recommended for approval.

RECOMMENDATION:- That subject to no significant additional objections being received before the end of the consultation period expiring on 3 December 2010, the Deputy Chief Executive (Community Direction) be granted delegated powers to issue planning permission subject to the conditions below.

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

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. Resultant of the design, layout and scale of the proposal there are considered no material impacts in terms of either visual or residential amenity, or on highway safety. Therefore the proposal is considered acceptable.

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

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site location plan and block plan received on 19 October 2010. Drawings 10/028/01/1 and 10/028/02/2 received on 2 November 2010.
- 2 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.
- 3 Before the development hereby permitted is first used, car parking provision within the front garden area of the dwelling for two vehicles shall be provided and shall thereafter be not obstructed and permanently remain available for car parking.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 To 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, 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 6 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 does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

Contact Officer:- Louise Forman Ext 5682

PLANNING COMMITTEE – 30 NOVEMBER 2010

REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES

RE: PLANNING FOR SCHOOLS DEVELOPMENT: CONSULTATION

1. PURPOSE OF REPORT

To advise Members of, and to seek Members agreement on, the appended consultation response on proposed changes to the General Permitted Development Order in relation to schools development, to complement the Government's 'free schools' policy, issued by the Department of Communities and Local Government in October 2010.

2. RECOMMENDATION

That Members:

- (i) Note the content
- (ii) Agree the appended consultation response

3. BACKGROUND TO THE REPORT

The consultation document sets out proposed changes to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) by granting permitted development rights for the change of use of certain categories of buildings to use as schools. The main purpose of the proposals set out in the document is to support the Department for Education's policy on new free schools.

The consultation document considers whether classes of development within the Town and Country Planning (Use Classes) Order 1987 (as amended) should be given permitted development rights to change their use to a school; and if so, which classes should have that right attached to them. It is noted the government is particularly seeking views as to whether the scope of the proposals should be restricted to mitigate adverse impacts.

The current Use Classes Order places non-residential education and training centres within the D1 class alongside a number of other non-residential institutional uses. There is no permitted change either to or from class D1 to another class. The Use Classes Order is concerned about land use impacts. As such, these proposals relate to all changes of use to a school and not simply those buildings to be used for new free schools.

It is important to note that the changes proposed in this consultation document relate to the change of use of a building only and so, they will affect only those developments that involve purely converting non-school buildings for school use. Where a schools development requires any additional work to

an existing building or is a new build development, planning permission will be required in the normal way.

The new free schools programme

The Department for Education (DfE) describes new free schools as state-funded schools set up by either groups of parents, charities and/or teachers in response to parental demand. In order to get as many new schools operational for the start of the next school year (Sept. 2011) the Government wants to make it easier for promoters of new schools to find existing buildings that can be easily adapted for school use.

The key matters for consideration can be summarised as follows:

- The government is keen to free up the planning system and devolve power to local people
- Local people will be responsible for choosing suitable locations
- The government also recognises the important role of the planning system in terms of delivering development in suitable locations, mitigating adverse impacts and allowing community participation
- The government does however want to remove any unnecessary or bureaucratic regulation that could hold back local ambitions

The Government is aware that by granting a permitted development right, a number of issues will not be routinely considered within the planning framework, which could affect a range of planning matters as summarised below.

The following problems are foreseen:

- Impact on neighbours amenities and the surrounding area, for example, noise, parking and littering problems, especially where the impacts of the existing use of the building are very different to those of a school
- Implications for local public transport services, parking provision or issues of access and road safety (Permitted development can remove the obligation to prepare a travel plan)
- Noise pollution is likely to be generated by the schools development, for instance through sports or music lessons, car parking or playground activities; it could affect existing sensitive premises such as nearby housing, particularly where there might be any increase in noise from the previous use

The consultation options

The consultation document provides four options for consideration and comment, they are as follows:

Option 1: Retain the current planning framework and make no changes to the planning system. There is already a good stock of buildings, categorised alongside schools within the D1 use class, that could become schools without the need to apply for planning permission.

Option 2: Give permitted development rights for *some* uses to convert to school use. There are a number of other uses that could be seen to have similar impacts upon a local area as a school because they: generate a certain amount of daytime activity; run the risk of additional traffic and pressure on local parking; and create associated impacts relating to noise, litter and the need for public transport.

Under this option the following uses would be given permitted development rights to convert to a school use:

- A1 – shops
- A2 – financial and professional services
- B1 – business
- B8 – storage or distribution
- C1 – hotels
- C2 – residential institutions
- C2A – secure residential institutions
- D2 – assembly and leisure

Option 3: Give permitted development rights for *all* uses to convert to a school use. The Government recognises that the impacts of a school on a neighbourhood may differ from those of other uses but wishes to create the freedom for innovative and creative schools development and to that end, is seeking to broaden the potential stock of available accommodation for schools as far as possible. This option would achieve that objective by extending the permitted development rights for school use to all uses.

Under this option the following uses will be given a permitted development right to convert to a school use:

- A1 – shops
- A2 – financial and professional services
- B1 – business
- B8 – storage or distribution
- C1 – hotels
- C2 – residential institutions
- C2A – secure residential institutions
- D2 – assembly and leisure
- A3 – restaurants and cafés
- A4 – drinking establishments
- A5 – hot food takeaways
- B2 – general industrial
- C3 – dwellinghouses
- C4 – houses in multiple occupation
- Sui generis uses

Option 4: Give permitted development rights, with attached conditions, to *all* uses to convert to a school use. This option seeks to offer the same freedoms to school providers as option 3, by extending the permitted development right to all uses (including sui generis uses), but would in addition provide

safeguards within the planning system against any adverse impacts that might result from transport impacts. However, this option could result in an inbuilt delay – while the travel assessment is considered - which could impede school development.

4. **FINANCIAL IMPLICATIONS [CB]**

None arising directly from this report.

5. **LEGAL IMPLICATIONS [MR]**

Set out in the report.

6. **CORPORATE PLAN IMPLICATIONS**

This document contributes to Strategic Aim 4 of the Corporate Plan:

- Strong and distinctive communities

7. **CONSULTATION**

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

8. **RISK IMPLICATIONS**

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

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

The proposed changes aim to give more power to local people and communities to set up new free schools in response to community demand for all abilities.

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 |

Background papers: Consultation document 'Planning for schools development'

Appendix 1: Proposed consultation response

Contact Officer: Kevin Roeton Graduate Planning Officer 255919

To: Sharmila Meadows
 Schools Team
 Department for Communities and Local Government
 Planning Development Management Division, Zone 1/J3, Eland House,
 Bressenden Place
 London
 SW1E 5DU

schools@communities.gsi.gov.uk

Hinckley & Bosworth
Borough Council
A Borough to be proud of



The response of:

Consultation Response

Consultation questions	Y	N	Comments
1. Do you think that the uses listed under option 2 should be given a permitted development right to convert to a school?			<p>The option does not consider potential impacts on town centre locations in terms of vitality and viability.</p> <p>School development may compromise the retail vitality of a town centre. Introduction of non-retail uses into a primary shopping frontage area in town centres could result in the interruption of the shopping frontages, to the detriment of the area as a whole in terms of its attractiveness to shopping and the maintenance of existing pedestrian flows.</p> <p>The loss of key town centre uses and functions in particular D2 Leisure and Assembly. It is considered that cinemas, bingo halls, concert halls and dance halls bring variety as well as vitality to town centres.</p>
2. Do you think that the further uses listed under options 3 and 4 should be given a permitted development right to convert to a school?		N	<p>Schools could be developed in sporadic and ad hoc locations. Compatibility with neighbouring uses, i.e. are industrial estates really appropriate locations for school development? Lack of appropriate</p>

		<p>space for schools to function properly and the impacts this will have on the surrounding area. Highway considerations would not be thoughtfully considered - the suitability of site access resulting from a different use that generates more traffic.</p> <p>Impact on neighbours amenities in residential areas. Parking problems, providing sufficient amount of off-street parking and the potential problems with regards to inappropriate on-street parking. Noise, litter, traffic and potential disturbance from the comings and goings.</p>
3. Would allowing the following uses to convert to a school use without the need to apply for planning permission have any unintended consequences?	Y	<p>Without a professional approach and advice to identify the potential locations of schools there is a real possibility that it may result in school development in unsustainable and unsuitable locations. Despite some options focusing on land use impacts there is no consideration given to appropriate locations. What about town centre impacts? The sustainability of certain locations? Should PD rights be applicable outside rural settlement boundaries or within designated town centre locations? It is considered that including additional location factors may cause more confusion to an already complicated PD assessment.</p>
4. Should a use converting to a school for a temporary period retain the right to revert to the previous use if it does so within five years?	Y	<p>Yes, should the school fail this should help prevent dereliction/abandonment and retain options for further use.</p>
5. Should the local planning authority have to approve a transport assessment before the permitted development right can be activated for changes from some or all non D1 uses?	Y	<p>Yes for changes from some D1 uses. The transport assessment should consider whether certain locations are appropriate and sustainable.</p>
6. Do you think that there are any other matters that the conditions should address?	Y	<p>Off street parking in relation to school capacity. The council supports the suggested conditions under option 4 as stated in the consultation document.</p>

7. Should the compensation provisions contained in section 189 of the Planning Act 2008 be applied to change of use to a school, if a permitted development right is given?		No comment.
8. The Government would like to permit schools to co-exist with certain dual uses, but not with others. Do you have views about whether and how this could be achieved?	Y	Co-existence could reduce costs and bring community benefits as a result of the sharing of facilities. There would need to be compatibility having regard to the nature of the school use and potential shared uses.
9. Which is your preferred option and why?		Option 2 on the basis that these uses can be seen to have similar impacts upon a local area as a school. However, there is concern on the loss of A1 Shops and D2 Leisure and Assembly uses within town centre locations and the suitability/appropriateness of certain locations.
10. Do you think these proposals should be applied solely to new free schools or to all schools? Why?		No comment.
11. Are there any further comments or suggestions you wish to make?	Y	<p>There is concern on the appropriateness of certain locations and not just differing land use impacts.</p> <p>Option 3 is a blanket, broad brush; anything goes approach that will fail to consider important planning matters such as land use impacts, as already mentioned in the consultation document.</p>

PLANNING COMMITTEE 30 NOVEMBER 2010

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)
RE: CERTIFICATES OF LAWFUL USE AND DELEGATION SCHEME

1. PURPOSE OF REPORT

To seek members` approval to a proposed course of action in relation to a specific application for a certificate of lawful proposed use and generally in relation to delegated decisions and certificates of lawful use.

2. RECOMMENDATION

2.1 That the Committee note the provisions of the Order and the circumstances relating to the particular application under consideration in the report and authorise the Deputy Chief Executive (Community Direction) to grant a certificate of lawful proposed use.

2.2 That the Council be recommended to amend the Constitution to authorise the Deputy Chief Executive (Community Direction) to consider and grant or refuse applications for certificates of lawful existing or proposed use in all cases notwithstanding that there are more than 5 objections.

3. BACKGROUND TO THE REPORT

Lawful Development Certificates

3.1 The advice given in `Circular 10/97: Enforcing Planning Control` is that the Council as the Local Planning Authority (LPA) should proceed on the basis that the planning merits of the use or activity are not relevant to the consideration of the purely legal issues which are involved in determining an application for a certificate of lawful existing or proposed use.

3.2 The purpose of the provisions is to enable owners to ascertain whether specific uses are or would be lawful. They are not about making a planning judgment on the merits of the use or proposed use.

The Council`s Constitution

3.3 Page 49 of the August 2010 Edition sets down the delegation of planning functions

3.4 The determination of certificates of lawful existing or proposed use is delegated to the Deputy Chief Executive (Community Direction) with the exception of, amongst other matters, where objections have been received from more than 5 addresses.

Certificates

- 3.5 The matter which has been brought before committee is 10/00750/CLU which is an application for a certificate of lawful proposed use for the proposed installation of 9 pieces of outdoor gym equipment at Brookside Park Recreation Ground.
- 3.6 As members are aware, the Town and Country Planning General Permitted Development Order 1995 (as amended) grants planning permission for the classes of development set out in the Order.
- 3.7 Schedule 2 of Part 12 of the Order relates to development by local authorities (which includes a parish council).
- 3.8 The relevant permitted development is the erection or construction by a local authority of equipment on land belonging to them required for the purpose of any function carried on by them.
- 3.9 The erection of the outdoor gym equipment is within the functions of a parish council and the land in question is owned by them.
- 3.10 The only qualification as to whether the equipment in question is permitted development under the Order is that it must not exceed 4 metres in height or 200 cubic metres in capacity.
- 3.11 None of the pieces of proposed equipment exceeds 4 metres and the combined cubic content does not exceed 200 cubic metres so by virtue of the provisions of the Order permission is granted.

Conclusion

- 3.12 The Committee is requested to note the provisions of the Order and the circumstances in relation to the particular application under consideration in the report and to authorise the Deputy Chief Executive (Community Direction) to grant a certificate of proposed lawful use.
- 3.13 The Committee is requested to recommend to Council that the Constitution be amended to make provision for the delegation to the Deputy Chief Executive (Community Direction) of authority to consider and grant or refuse certificates of lawful existing or proposed use in all cases notwithstanding that there are more than 5 objections.

(Members are asked to note that the application for such a certificate has to be placed on the Planning Register although there is no requirement to consult and the determination is a matter of fact and law and does not involve a planning judgment on the merits of the application).

4. FINANCIAL IMPLICATIONS

To be reported at the meeting.

5. **LEGAL IMPLICATIONS [MR]**

As set out in the Report.

6. **CORPORATE PLAN IMPLICATIONS**

None

7. **CONSULTATION**

None

8. **RISK IMPLICATIONS**

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

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

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:

- Planning Implications

Background papers: Constitution/Circular 10/97/application 10/00750/CLU

Contact Officer: Mike Rice 5831

PLANNING COMMITTEE - 30 NOVEMBER 2010

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)
RE: LOCAL DEVELOPMENT FRAMEWORK: EARL SHILTON AND BARWELL
AREA ACTION PLAN PREFERRED OPTIONS – CONSULTATION

1. PURPOSE OF THE REPORT

- 1.1 To advise Members of the need to consult upon the Earl Shilton and Barwell Area Action Plan Preferred Option Document, in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended by the Town and Country Planning (Local Development) (England) (amendment) Regulations 2008) and the Local Development Scheme. The Earl Shilton and Barwell Area Action Plan Preferred Option Document paper is available in the Members Room, on the internet and upon request from the Planning Policy Team.

2. RECOMMENDATION

- 2.1 That Members endorse the Preferred Option document for the Earl Shilton and Barwell Area Action Plan DPD and associated Sustainability Appraisal for the purpose of undertaking a six-week period of consultation from Friday 7 January 2011 until Friday 18 February 2011 inclusive.

3. BACKGROUND

- 3.1 The Planning and Compulsory Purchase Act 2004 requires all Local Authorities to produce a Local Development Framework (LDF). The Council has focussed on a number of key development plan documents (DPDs):
- The Core Strategy;
 - Site Allocations and Generic Development Control Policies;
 - Hinckley Town Centre Area Action Plan;
 - Earl Shilton and Barwell Area Action Plan; and
 - Gypsy and Traveller Allocations Development Plan Document.
- 3.2 The centrepiece of the LDF is the Core Strategy DPD, which was adopted by Hinckley and Bosworth Borough Council in December 2009. This sets out the spatial objectives, directions for growth and strategic core policies for Hinckley and Bosworth and forms the basis for all subsequent DPDs produced by the Borough Council, including the Earl Shilton and Barwell Area Action Plan.
- 3.3 All draft DPDs are subject to public consultation in accordance with Planning Policy Statement 12 and the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended 2008). These consultations should also follow the procedures set out in the Borough Council's Statement of Community Involvement. All Draft DPDs are also subject to Sustainability Appraisal (SA) which must also be consulted upon.

Earl Shilton and Barwell Area Action Plan DPD

- 3.4 The Earl Shilton and Barwell Area Action Plan DPD forms an integral part of the Local Development Framework. It will support policies set out in the Core Strategy to allocate land for specific uses (including two sustainable urban extensions) and set out relevant development control policies for use in decision making on planning applications in Earl Shilton and Barwell.
- 3.5 Any changes suggested through the consultation period will be assessed and considered, as appropriate, in the drafting of a submission version of the document. Following this, it is anticipated that a six week consultation on the submission version of the document will be held in August and September 2011, with submission to the Secretary of State in November 2011. An independent inspector will then test the 'soundness' of the document at a public examination. It is anticipated that the document will be adopted in July 2012, in accordance with the Council's current Local Development Scheme (LDS).
- 3.6 The Earl Shilton and Barwell Area Action Plan preferred option document contains draft policies relating to Earl Shilton and Barwell, including:
- the allocation of land for the proposed Barwell Sustainable Urban Extension
 - The Barwell Sustainable Urban Extension Masterplan
 - the allocation of land for the proposed Earl Shilton Sustainable Urban Extension
 - The Earl Shilton Sustainable Urban Extension Masterplan
 - settlement centres
 - the existing urban area of Barwell and Earl Shilton

4. FINANCIAL IMPLICATIONS (DB)

- 4.1 The total cost of public consultation associated with this report is estimated to be £15,000. This figure includes the costs associated with associated advertising, workshops and the preparation of presentation materials. It is intended that this expenditure be met by a supplementary budget funded from the Local Plan Reserve.

5. LEGAL IMPLICATIONS (AB)

- 5.1 As stated in the report there is a statutory duty on the Council to consult in respect of all draft Local Development Framework documents
- 5.2 It is also a requirement of the Town and Country Planning Regulations (Local Development) (England) 2004 (as amended 2008) be submitted to the Secretary of State for approval.

6. CORPORATE PLAN IMPLICATIONS

- 6.1 The Earl Shilton and Barwell Area Action Plan supports the following aims of the Corporate Plan 2009 - 2014
- Cleaner & greener neighbourhoods

- Thriving economy
- Safer and healthier borough
- Strong and distinctive communities
- Decent, well managed & affordable housing

7. **CONSULTATION**

- 7.1 The production of the Area Action Plan Preferred Options document has been informed by the development of a Masterplan for the Earl Shilton and Barwell sustainable urban extensions and their main settlement centres. Consultation began in advance of the commencement of the Masterplanning process and is summarised in a 'Pre-Masterplan Public Engagement Report', which was published by Lanarca in October 2008. In addition, an 'Earl Shilton and Barwell Area Action Plan Consultation Strategy' was prepared in November 2009. This sets out the approach that is being taken to consultation during the preparation of the Area Action Plan. This document is also supported by the 'Earl Shilton and Barwell Area Action Plan: Consultation Summary' November 2010, which summarises feedback received from consultation exercises that have been carried out whilst the Masterplans have been in development.
- 7.2 In summary, the following stages of consultation have been carried out in the preparation of the Masterplan preferred options:
- The Area Action Plan Options for Earl Shilton and Barwell settlement centres and sustainable urban extensions were presented at a series of public exhibitions in Barwell on the 4th and 5th of December 2009 and in Earl Shilton on the 11th and 12th December 2009. The exhibition material was then displayed at the Borough Council Offices until 8th January 2010. Feedback was requested during these sessions and was taken into account when refining the Masterplan Options.
 - Stakeholder Design Workshops were held on 2nd and 3rd March 2010. The purpose of these events was to bring key stakeholders together and engage them in the design process through a series of interrelated masterplanning exercises in order to inform the preparation of the preferred option for each masterplan.
 - The Area Action Plan Preferred Options for Earl Shilton and Barwell settlement centres and sustainable urban extensions were presented at a series of public exhibitions in Barwell on 8th and 9th October 2010 and at Earl Shilton on 15th and 16th October 2010. Feedback was requested during these sessions and is being taken into account in the development of the Area Action Plan.
- 7.3 The Earl Shilton and Barwell Area Action Plan Preferred Options Document was presented to the Local Development Framework Working Party on 25th November 2010.
- 7.4 Further consultation will be carried out to inform the development of the Area Action Plan, as set out in Section 3 above.

8. **RISK IMPLICATIONS**

- 8.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision/project have been identified, assessed and that controls are in place to manage them effectively.

Management of Significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Members do not accept the recommendations within this report, leading to a delay to the progress of the AAP and the potential to miss deadlines set out in the Local Development Scheme.	Proceed with the programme outlined in the Local Development Scheme.	Head of Planning
Risk of further planning applications on this site before the SUE's have been properly planned and an infrastructure plan has been progressed.	Proceed with the programme outlined in the Local Development Scheme.	Head of Planning

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

- 9.1 The Earl Shilton and Barwell Area Action Plan Preferred Options document proposes the allocation of land adjoining Earl Shilton and Barwell for the development of two mixed use sustainable urban extensions. The current land use in these locations is largely agricultural. The allocations are proposed to support the delivery of requirements set out in policies 2 and 3 of the adopted Core Strategy.

10. **CORPORATE IMPLICATIONS**

- 10.1 By submitting this report, the author has taken the following into account:
- Community Safety Implications - the Area Action Plan aims to improve community safety.
 - Environmental implications – the Area Action Plan aims to minimise the environmental impact of development and make development more sustainable.
 - ICT Implications – None
 - Asset Management Implications - The Estates and Asset Manager has been involved in the Masterplanning process
 - Human Resources Implications – None
 - Planning Implications – Contained within the report

Contact Officer: Richard Crosthwaite – Principal Planning Officer (Policy) (x5695)

Appendices: Earl Shilton and Barwell Area Action Plan Preferred Option Document text and associated figures.

Earl Shilton and Barwell Area Action Plan – Preferred Options for Consultation (text version*)

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*** The text version of this document contains references to figures that can be found in the accompanying Figures List document.**

SECTION 1: INTRODUCTION

BACKGROUND

There is a widespread need for additional homes in the Hinckley area. The Council has been discussing the possible location for these homes over the last few years. When working on the Hinckley and Bosworth “Core Strategy” in 2006, the Council found there was general support for concentrating the majority of development in the Hinckley Urban Core. In the following year a technical assessment of different “Directions for Growth” concluded that Land South of Earl Shilton and Land West of Barwell were considered to be the most appropriate location for mixed use urban extensions.

The Hinckley and Bosworth Core Strategy was adopted in 2010 following an independent public examination and confirmed that urban extensions to the south of Earl Shilton and west Barwell should be allocated through the means of an Area Action Plan. Critically, the Core Strategy proposes that the additional homes should be linked to a strategy of regeneration of the existing settlements, especially their centres.

AREA ACTION PLAN

An Area Action Plan (AAP) is a statutory development plan for a part of a borough where either planned growth is to take place, or regeneration, or action required to protect areas sensitive to change. It is part of the Local Development Framework (LDF) for Hinckley and Bosworth, and sits under the Core Strategy. There are other elements in the LDF which cover nearby areas (such as Hinckley Town Centre) or themes (such as Sustainable Construction). The AAP covers the whole of the existing areas of Earl Shilton and Barwell, and the areas proposed for urban extensions. The AAP Boundary is illustrated on Figure 1.

The AAP is a masterplan that will be used to guide the Council, developers and others investing in the future of Earl Shilton and Barwell in the period to 2026. It is not a finalised masterplan, and will be followed by planning applications made by developers of the various parts. However, it will have the force of a statutory plan when adopted, and future planning applications will need to follow it closely. It is particularly important in addressing the challenges of providing the additional infrastructure and regeneration the settlements need, which are matters of greater scale than individual sites.

This document sets out what the Council considers, following careful consideration of the physical evidence and also the results of consultation exercises, should be the preferred way forward or “option” for Earl Shilton and Barwell. There is now an opportunity between Friday 7 January and Friday 18 February 2011 to let us have any further views you may have on this plan. Any comments received during this consultation will be considered when the Council is writing its final plan for submission to the Government in September 2011. The process and timescale for adoption of the final AAP by the Council is illustrated in Figure 2.

SITE ALLOCATIONS DOCUMENT

The Council is working on a detailed plan for the parts of the Borough outside Hinckley Town Centre and Earl Shilton and Barwell. This is called a *Site Allocations Development Plan Document*. A draft document was produced in early 2009 which at that time included coverage of Earl Shilton and Barwell. The public responded with comments on that document. Having taken account of those comments, the Council has now included the detailed sites within Earl Shilton and Barwell in this AAP.

CONSULTATION

Earl Shilton and Barwell Forward (ESBF) have acted as the Project Board on behalf of the Council during the masterplanning process undertaken to prepare this AAP, notably auditing and reviewing the process and outputs. ESBF reflect a wide range of interests in both settlements and key stakeholders, and include representatives of the following bodies:

- Hinckley and Bosworth Borough Council;
- Leicestershire County Council;
- Earl Shilton Town Council;
- Barwell Parish Council;
- Primary Care Trust;
- Leicestershire Constabulary;
- Earl Shilton Town Centre Partnership; and
- Voluntary Action Hinckley and Bosworth.

In recognition of the central role that the landowners and developers of the urban extensions will have in their delivery, a Forum was established to ensure that they are informed of the project's progress and allow them to input into and comment on the emerging Masterplan proposals at key stages.

The AAP Masterplan Options for Earl Shilton and Barwell settlement centres and the proposed sustainable urban extensions were presented in manned public exhibitions held in Barwell on the 4th and 5th December and in Earl Shilton on the 11th and 12th of December 2009. The events were well publicised, and the exhibitions were very well attended, with 148 people signing in over the 2 days at Barwell, and 78 signing in over the 2 days at Earl Shilton.

The exhibition material presented the collated site and project information and Masterplan option concepts. The concepts sought to highlight how distinctly different approaches can be taken to the proposed development, particularly in terms of the location of the employment development, community facilities and recreation provision. Attendees were asked to express their views on the pros and cons of the option concepts, and identify potential changes or variations via a feedback form.

A masterplanning game was also provided, where attendees were asked to build a sustainable urban extension based on a minimum number of new dwellings, employment areas, schools and community facilities, and recreation space. The key elements of the proposed development were represented by playing pieces which were placed onto a map of the area. Once all of the playing pieces had been placed the final 'masterplan' was photographed for record. The exhibition material was also posted on the Borough Council's website with a feedback form, and subsequently displayed at the Borough Council offices until the 8th January 2010

A stakeholder consultation event followed on the 2nd and 3rd March 2010. The event related primarily to the masterplanning of the proposed sustainable urban extensions. The purpose of the event was to bring key stakeholders together (landowners, developers, Borough Council members and officers, local community representatives, and key infrastructure and environment bodies including the Environment Agency, Severn Trent and County Council Transport Team) and engage them in the design process through a series of interrelated masterplanning exercises, in order to inform the preparation of a preferred option for each sustainable urban extension that responded to the emerging evidence base and the views expressed in the public consultation exercise.

The outputs of the workshop have been developed by the Council into the preferred Masterplan that forms this AAP. The preferred option has already been the subject of early public consultation, via a manned exhibition held on the 8th and 9th October 2010 in Barwell and 15th and 16th October 2010 in Earl Shilton. These events were again well publicised and well attended with 99 people signing in over the 2 days at Barwell, and 51 signing in over the 2 days at Earl Shilton. Attendees were asked to express their views on the preferred Masterplan via a feedback form.

SUSTAINABILITY APPRAISAL

The Council has carried out a Sustainability Appraisal (SA) of the preferred option for the AAP. This shows how the plan performs in terms of the economy, the environment, and social issues. An early version of the SA showed how the different Masterplan options for the urban extensions and town and village centres performed, as compared to each other and as compared to a "do nothing" scenario.

SECTION 2: EARL SHILTON AND BARWELL: THE PLACES

Earl Shilton and Barwell are two settlements in the south west part of Leicestershire, lying between Hinckley and Leicester (refer to Figure 3). Earl Shilton is the larger of the two centres, with around 9,250 people, located on top of a low ridge. Barwell is slightly the smaller of the two settlements with around 8,750 people.

Earl Shilton has a rich industrial history and was a prosperous village, accommodating a number of shoe, hosiery and knitwear factories in the 18th and 19th centuries. Barwell also saw considerable growth during this period, principally as a result of the shoe trade associated with the industrial revolution. From the 1970s the local shoe and hosiery trade encountered strong foreign competition, which led to the departure of many of the traditional manufacturing companies from the area.

Earl Shilton town centre is largely a traditional linear High Street with buildings predominantly arranged in terraces along both sides of Wood Street, Station Road, the Hollow and High Street. Barwell village centre is the meeting point of five routes which radiate out from all directions. Its range of shopping is rather smaller than Earl Shilton's. The main routes through Barwell are the High Street, Stapleton Lane, Shilton Road, Chapel Street and Kirkby Road. Where these routes meet they are generally well defined by buildings, although these vary in size, scale and architectural style.

However both Earl Shilton and Barwell contain pockets of significant deprivation, particularly relating to income, education skills and training, employment and health, and both centres are in need of regeneration. The most deprived parts of the two settlements are among the most deprived neighbourhoods in Leicestershire. The areas experiencing multiple deprivation are designated Local Strategic Partnership 'priority neighbourhoods' with targeted actions to improve these areas.

SECTION 3: VISION AND OBJECTIVES

THE VISION OF EARL SHILTON AND BARWELL IN 2026

The overall vision for the Earl Shilton and Barwell Area Action Plan is :

The development of sustainable communities, with distinct identities and character, providing attractive and accessible living and working environments, with thriving urban centres, supported by infrastructure that encourages green living, and well connected to Hinckley and the surrounding countryside.

This was developed through extensive stakeholder and community consultation carried out by Hinckley and Bosworth Borough Council. The vision has been drawn from some key aims:

- The settlements of Earl Shilton and Barwell will be thriving communities with their own sense of identity and character, providing attractive environments and opportunities for residents to live and work in, and centres that meet the day-to-day needs of residents and workers alike. Hinckley Town Centre will remain the focal point of the area for comparison shopping, leisure provision and higher education, and so pedestrian and cycling routes and public transport provision will be improved between the settlements, to offer a realistic alternative to car travel. Green infrastructure, notably parks and green links to the surrounding countryside, will be key features of the settlements.
- In this context, the planned urban extensions to Earl Shilton and Barwell will act as a catalyst for their regeneration, notably through the enhancement of the existing centres, improvement of the existing facilities, and provision of new facilities to assist the integration of the existing and new communities.
- The urban extensions themselves will be attractive new places where people will want to live and work. They will be an integral part of the settlements to which they are connected. Residents and occupiers will have attractive, efficient and safe access to the settlement centres, particularly through excellent walking and cycling routes and public transport. The developments will reflect and build upon the distinctiveness and sense of place enjoyed by Earl Shilton and Barwell to form organic extensions to the places, while being memorable in their own right, and as such will be exemplars in sustainable design and development.
- They will contain a range of housing types and tenures to meet local needs, as well as the necessary community infrastructure to support the day-to-day needs of residents, including neighbourhood shops, primary schools and health facilities located within a community hub. They will also accommodate high quality employment provision to enable residents to work close to home should they choose to, while providing new employment opportunities for the wider population of both settlements. Green infrastructure, in terms of new parks and green links, will be a strong feature of these new communities, with a focus on links to existing networks in Earl Shilton and Barwell, and their rural hinterlands.

To ensure the vision is achieved, the following spatial objectives have been identified.

SPATIAL OBJECTIVES

1. To provide thriving communities in Earl Shilton and Barwell that have their own sense of identity and character, recognising their unique identity.
2. To integrate the Urban Extensions with the existing communities and provide an inclusive, attractive and vibrant environment with a high quality of life for all residents.
3. To deliver high quality new homes which are supported by further high quality community, health and educational facilities through the upgrading of existing facilities or the provision, where appropriate, of new facilities.
4. To retain and enhance employment opportunities in Earl Shilton and Barwell through protection of existing employment sources and through the provision of new and diverse opportunities in the development of the Sustainable Urban Extensions.
5. To increase and improve the range of retail provision in Earl Shilton and Barwell and to ensure the centres continue to support the role of Hinckley as the sub regional centre.
6. To increase and improve the levels of accessibility and transport choice, principally focusing on sustainable methods of transport, in and around Earl Shilton and Barwell, the proposed Urban Extensions, Hinckley Town Centre and the surrounding countryside.
7. To contribute to the enhancement of the public realm and appearance of the centres of Earl Shilton and Barwell, providing more attractive places for users and investors.
8. To provide green infrastructure which forms the heart of new communities with well designed green spaces and links to the surrounding countryside and supports sustainable, healthy and active lifestyles for residents.
9. To enable the achievement of sustainable lifestyles which involve a reduction in energy use in the areas of home occupation and travel.

SECTION 4: POLICY CONTEXT

The Barwell and Earl Shilton Area Action Plan seeks to guide the future development of Barwell and Earl Shilton and in doing so needs to reflect and build upon policy and guidance at national, regional and local level.

In particular the Barwell and Earl Shilton Area Action Plan must reflect national policy guidance, Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing and Planning Policy Statement 4: Planning for Sustainable Growth, and local planning guidance in the Local Plan and Core Strategy.

NATIONAL POLICY

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 1 provides a framework of the elements that need to be taken into consideration in delivering sustainable communities. It sets out the key principles which should be applied to ensure that development plans contribute to the delivery of sustainable development.

Planning Policy Statement 3: Housing (June 2010)

Planning Policy Statement 3 provides the national framework for the delivery of the governments housing objectives and should also be read in conjunction with Planning Policy Statement 1. It seeks to achieve high quality housing with a variety of market and affordable housing which contribute to the creation of sustainable, mixed communities.

Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)

Planning Policy Statement 4: Planning for Sustainable Economic Growth sets out planning policies for economic developments, set within the governments overarching objective for sustainable economic growth. It recognises the importance of promoting the vitality and viability of town centres and other centres as important places for communities, promotes regeneration, and aims to tackle deprivation.

In addition to the above, this Area Action Plan has also had regard to other Planning Policy Statements where appropriate, including: Planning Policy Statement 5: Planning for the Historic Environment, Planning Policy Statement 9: Biodiversity and Geological Conservation and Planning Policy Statement 25: Development and Flood Risk.

LOCAL PLANNING POLICY:

Hinckley & Bosworth Core Strategy (2009)

The Core Strategy was adopted by the Borough Council in December 2009 and provides strategic guidance for the development of Hinckley & Bosworth up to the year 2026. The key Core Strategy policies which inform the Barwell and Earl Shilton Area Action Plan are:

- **Policy 2: Development in Earl Shilton & Policy 3: Development in Barwell** seeks to allocate land for mixed use sustainable urban extensions to the south of Earl Shilton and west of Barwell. In Earl Shilton this includes 2000 new homes, 10 hectares of employment and in Barwell this includes 2500 new homes, 15 hectares of employment. In addition the policy seeks green space provision, neighbourhood shops, primary school and children's centre, GP's and neighbourhood policing. The policy seeks to diversify existing house stock within the settlements, provide a range of employment opportunities, regenerate the existing local centre and public realm, require transport improvements and support the development of the tourism industry of both the settlements.

The broader aims for the development of Barwell and Earl Shilton are reinforced with further requirements set out in other Core Strategy policies, including;

- **Policy 5: Transport Infrastructure** in the Sub regional Centre seeks transport interventions to, in part, support the urban extensions. It seeks new public transport linkages, pedestrian and cycle linkages and traffic calming measures.
- **Policy 15: Affordable Housing** assigns the level, target and tenure split for affordable housing within the urban extension.
- **Policy 16: Housing Density, Mix and Design** requires a mix of housing types taking into account the type of provision likely to be required as informed by the most up to date housing market assessment and other evidence based documents. This policy also assigns a minimum net density of 40 dwellings per hectare for the SUE.
- **Policy 19: Green Space and Play Provision** provides the expected standards in the quantity and accessibility of green space and play provision within the Borough.
- **Policy 20: Green Infrastructure** provides strategic interventions to support the implementation of the Green Infrastructure Network including those which run through the Barwell and Earl Shilton Urban Extension.
- **Policy 24: Sustainable Design and Technology** sets the requirements for development to reach the applicable level for the Code for Sustainable Homes and BREEAM.

The Area Action Plan will expand on the above policies within the Core Strategy, providing more detailed policy and guidance on future development within Barwell and Earl Shilton.

Detailed guidance on affordable housing provision is provided in the emerging Affordable Housing Supplementary Planning Document (SPD), which is due to be adopted in April 2011. This SPD will support Core Strategy policies 15, 16,17 and 18 and seek to optimise affordable housing provision as part of new housing developments and encourage the timely delivery of affordable housing.

Hinckley & Bosworth Local Plan (2001)

The Local Plan is gradually being replaced by Development Plan Documents which form part of the Local Development Framework. The Hinckley and Bosworth Borough Local Plan had an original end date of 2006; however, under the provisions of the 2004 Planning Act, a number of Local Plan policies are now saved until they are replaced by policies in Development Plan Documents.

There are a series of saved Local Plan policies that will remain applicable to development in Barwell and Earl Shilton.

OTHER STRATEGIES

A series of other local strategies, guidance and evidence base documents were considered, both on a strategic and area based level, to ensure that the Area Action Plan takes into account the spatial implications of relevant documents. These are summarised in Appendix 1.

Leicestershire Sustainable Community Strategy (2008)

The Leicestershire Community Strategy sets out priority outcomes for Leicestershire from 2008 to 2013. It has been developed by Leicestershire Together, which is the Local Strategic Partnership for Leicestershire and includes all of the organisations and partnerships that deliver public services in the County. The aim of Leicestershire Together is to improve the quality of life for the people of Leicestershire and make Leicestershire the best possible place to live and work for everyone.

Hinckley & Bosworth Borough Community Plan (2010-2015)

Hinckley and Bosworth's second Community Plan sets out the priorities for improvement over a five year period, but puts this into the context of a longer term vision for the type of place the borough should be in 2026.

In addition to the above documents, the Masterplan Options: Earl Shilton & Barwell Area Action Plan and Public Realm Improvement Study: Earl Shilton & Barwell have been developed specifically for the development of the Barwell and Earl Shilton Area Action Plan.

Public Realm Improvement Study: Earl Shilton & Barwell

The Public Realm Improvement Study analyses Barwell and Earl Shilton's town centres to identify and understand the issues that need to be overcome and what opportunities for improvement are present.

The study identifies a series of public realm improvements which seek to reduce vehicular dominance, enhance the experience of residents and visitors and strengthen investor confidence. In addition the study proposes a series of improvements that will create a unique character and identity for the two centres, which encompasses the old and the new, and responds to local distinctiveness.

SECTION 5: SETTLEMENT STRATEGY

PROPOSED SUSTAINABLE URBAN EXTENSIONS

It is proposed to extend Earl Shilton and Barwell to provide for the long term housing needs of the wider Hinckley area, and the local needs of the two settlements themselves, together with the provision of complementary employment development.

These additional homes and employment development are a key part of the strategy to address issues of deprivation and regeneration in Earl Shilton and Barwell, as illustrated in Figure 4. This figure provides a simple illustrative overview of the beneficial consequences of the increased population associated with the urban extensions. Ensuring the existing town centres are maintained and ensuring the investment in the urban extensions maintains the existing settlement hierarchy, the positive impact of the increased population and activity should be apparent.

Policy 1: Settlement Boundary

The settlement boundary of Earl Shilton and Barwell is defined on the Proposals Map (Figure 5).

The settlement boundary of Earl Shilton and Barwell as identified on the Proposals Map (Figure 5) is contiguous with the coverage of this Area Action Plan.

Policy 2: Sustainable Urban Extensions

Land to the south east of Earl Shilton and west of Barwell is allocated on the Proposals Map (Figure 5) for development of sustainable urban extensions comprising residential, employment and community uses. This land must be developed in accordance with the other Policies in this Area Action Plan and Policies 5, 15, 16 19, 20, and 24 in the Core Strategy for transport, green and other infrastructure requirements.

Land is allocated to the south east of Earl Shilton and to the west of Barwell for sustainable urban extensions (see Figure 5). The land chosen is immediately adjacent to the existing built up area of each settlement. This is:

- to ensure the greatest benefit to the settlement centres of Earl Shilton and Barwell;
- to facilitate ease of access between the new homes and Hinckley itself, with its services and employment opportunities;
- to maximise the opportunity for joint public transport servicing of the existing and new housing areas, and to make viable routes within new developments.

The land south of Earl Shilton and west of Barwell was chosen over the alternatives (north of Earl Shilton and south of Barwell) during the preparation of the Core Strategy, because they are affected by fewer constraints (Directions for Growth HBBC 2007). Alternatives were more affected by:

- power and gas lines;
- wildlife sites;
- a certain amount of floodplain;

- land currently reserved as a “green wedge” to separate Barwell from Hinckley; and
- land at higher elevation therefore causing more visual impact.

In addition the alternatives did not have the advantages of roads acting as natural barriers to further expansion in the way that the allocated sites have.

The strategy for the settlements is for the urban extensions to be truly sustainable solutions. Therefore the developments need to include a variety of land uses. This mix includes provision of industrial and warehousing development and open space.

The urban extension proposals are linked to the provision of additional investment in community facilities for Earl Shilton and Barwell, including retailing, education, health, recreation and facilities for meeting. The provision of these will be undertaken in terms of the future enlarged settlements as a whole, with planning for existing and new populations taking place together. This will result in some additional facilities within the urban extensions and some provided within the centres.

The maximum opportunities for choosing walking, cycling and public transport as options will be realised by the creation of public transport loops through the urban extensions, connecting to the settlement centres, key community facilities and employment areas.

The expanded populations of the settlements will help to support their settlements centres, breaking the current cycle of decline through increased spending and the attraction of additional investment. To help facilitate this, funding from the developments will also be sought for the environmental enhancement of the settlements centres, notably through the implementation of the public realm strategies included in this AAP.

STRATEGIC TRANSPORT REQUIREMENTS

The Core Strategy proposes that the four settlements of Hinckley, Burbage, Earl Shilton and Barwell act together as an ‘urban area’, with clear linkages between them, and all four settlements playing a critical role in supporting Hinckley town centre in its role as a sub regional centre.

Core Strategy Policy 5 sets out transport improvements in the wider urban area, which are needed to support overall growth, much of which is represented by the urban extensions in this AAP. Owing to the close proximity of the two settlements, the transport impact of each urban extension falls on the same elements of the strategic highway network, and the solutions necessary to mitigate the impact and to encourage sustainable travel choices need to be considered all together. The improvements in Policy 5 which affect the two urban extensions together are:

- Improvements to the A47/A5 ‘The Long Shoot’ junction to provide for additional public transport priority measures.
- Links to existing urban area for buses (particularly the railway station), walking, cycling, and local traffic. Cycle routes to be implemented are identified in the Council’s Hinckley Cycle Network Plan. Priority will be given to those strategic routes which connect Hinckley, Burbage, Barwell and Earl Shilton urban areas.
- Improvements to the A47 (Hinckley Northern Perimeter Road and Earl Shilton by-pass) and A447 to facilitate improved public transport movement along those corridors.

- New public transport linkages from proposed developments to Barwell and Earl Shilton, and improved public transport linkages between Barwell, Earl Shilton, Hinckley town centre and Hinckley Northern Perimeter Road employment areas.
- New pedestrian and cycle linkages from proposed developments into Barwell and Earl Shilton.
- Traffic calming measures in Barwell and Earl Shilton, e.g. along The Common and routes through Earl Shilton / Barwell.
- Improvements to the provision and management of car parking and public transport to support the increased use of Hinckley town centre.

The Highway Network

Further strategic transport assessment work is being undertaken to support the preparation of this AAP and confirm the likely highway infrastructure improvements required to ensure that the planned development does not unacceptably impact upon the area's highway network capacity and safe operation. The Infrastructure Plan that will accompany this AAP will be derived from this analysis

Policy 3a: Highway Requirements

Development of the two Sustainable Urban Extensions shall provide jointly for required improvements to the highway network identified in the AAP Infrastructure Plan, and confirmed through detailed Transport Assessments that take account of all of the development proposed in the AAP area in the plan period.

The Strategic Transport Assessment will identify key transport infrastructure requirements over the period of the plan. These key requirements will be derived using Paramics modelling in association with the forecast background traffic growth up to 2026. The initial modelling results indicate that there will be congestion on the highway network within the study area during peak periods in 2026, particularly within Hinckley and Nuneaton and at key junctions along the A5 corridor, both with and without the development of the urban extensions. The A5 junctions at Dodwells and Longshoot are key 'hot-spots' within the modelled network. Whilst the net impact of urban extension generated traffic at these locations is relatively small in comparison to overall flows at the junctions (less than 5%), mitigation will be required commensurate with the scale of the impacts. More significant impacts are forecast at the A47 Normandy Way junction with the A447 Ashby Road, where the urban extension generated traffic accounts for approximately 20% of all traffic using the junction during peak periods. The suggested improvements to be set out in the Infrastructure Plan will be derived from the final analysis, and are intended to provide a suitable, safe and less congested highway network within the study area.

Developers will be required to contribute towards the implementation of these off-site works through developer contributions where they meet the tests set out in the Community Infrastructure Levy Regulations 2010.

The Cycle and Pedestrian Network

There are a number of existing cycle and pedestrian links within and between Earl Shilton and Barwell, and the urban areas of Hinckley and Burbage. Further cycle routes to be implemented are

identified in the Hinckley & Bosworth Borough Council's Hinckley Cycle Network Plan. These should be tied in with the cycleway/footway linkages required to integrate the urban extension developments, and maximise the opportunity for sustainable travel.

Policy 3b: Pedestrian and Cycle Requirements

Development of the two Sustainable Urban Extensions shall provide jointly for high quality cycle and pedestrian linkages from the developments to Barwell and Earl Shilton settlement centre and improved linkages between Barwell, Earl Shilton and Hinckley town centre and key community and recreation facilities.

Developers will be required to contribute towards the implementation of these works through developer contributions where they meet the tests set out in the Community Infrastructure Levy Regulations 2010.

Public Transport Provision

In order to establish the maximum opportunity for sustainable travel choices to be made early in the development of the Sustainable Urban Extensions, and to provide accessibility to those without use of cars, it is important that bus services are available from the earliest phases of the development of the urban extensions. These need to provide links to key employment, education and leisure destinations in the wider area (see Figures 6 and 7), and it will be most practical for them to be planned for both urban extensions together.

Public transport studies have indicated that it may be possible to arrange for the diversion of existing Hinckley – Leicester buses through the urban extensions and for the extension of existing Hinckley – Barwell and Earl Shilton services to the urban extensions. Should this arrangement prove satisfactory, it would provide a more sustainable service in the longer term than the approach of introducing dedicated services for the urban extension developments alone. It would mean that existing service patronage would be upheld and increased, and there would be customers for the diverted services from their inception. However, there would need to be safeguards to ensure that journey times for existing users are not unduly adversely affected, that the capacity of buses is sufficient at peak times and that capacity for the full growth of the urban extensions is provided.

Policy 3c: Public Transport Requirements

Development of the two Sustainable Urban Extensions shall provide jointly for high quality bus linkages from new developments to Barwell and Earl Shilton and improved bus linkages between Barwell, Earl Shilton, Hinckley town centre.

Developers will be required to contribute towards the implementation of these services through developer contributions where they meet the tests set out in the Community Infrastructure Levy Regulations 2010.

UTILITY PROVISION

Policy 4: Overall Utilities Requirements

Development of the two Sustainable Urban Extensions shall provide for the following (as set out in the Infrastructure Plan):

- **Reinforcement of the Avon - Soar Link Water Main and new water distribution mains to the urban extensions**
- **Adequate reinforcement of sewerage system and water treatment works**
- **Reinforcement of the 33kV electricity distribution system between Hinckley and Middlefield Substations**
- **Extension of capacity of Barwell Substation**

Water supply to the urban extensions would need to be taken from the Avon – Soar Link Main which crosses the Barwell urban extension site from east to west. Discussions with Severn Trent Water have suggested that this Water Main would need duplication in certain sections.

Initial proposals for providing sewerage treatment to the developments are for both urban extensions to have their sewerage taken to and treated at Earl Shilton Sewage Treatment Works.

Earl Shilton Sewage Treatment Works does not have capacity to accept the flows generated by the urban extensions. Severn Trent has explained that to accommodate existing expected growth within Earl Shilton and Barwell area, plans are in place to increase the capacity and improve the quality of effluent discharged from the Sewage Treatment Works. These proposals form part of the forthcoming asset improvements plan which runs between 2010 and 2015. It is understood that funding in the order of £5million has been secured to implement the scheme through the approval of Severn Trent's asset management plan for 2010-15 by OFWAT.

An alternative proposal for treating sewerage from the settlements would be to upgrade Hinckley sewage treatment works and centralise treatment from Hinckley including Earl Shilton and Barwell. This would enable closure of the Earl Shilton Sewage Treatment Works and provide more land for urban uses within the Earl Shilton urban extension. At present a decision has not yet been made regarding which option for sewage treatment should be pursued.

Electricity for both urban extensions could be sourced from the national grid via Hinckley substation and Barwell substation. For this to happen the 33kV lower voltage distribution system between Hinckley Substation and Middlefield Substation will need reinforcement and also the capacity of Barwell substation itself.

The same 33kV electricity distribution system that extends to the Barwell primary substation runs east/west across the Barwell development area and poses a constraint to development. This however is regarded as a matter pertinent to the Barwell urban extension in particular.

National Grid Gas has confirmed that its long term strategy has capacity to cater for growth such as the Earl Shilton and Barwell urban extensions.

GREEN INFRASTRUCTURE & RECREATION PROVISION

Policy 5: Overall Green Infrastructure Requirements

Development of the two Sustainable Urban Extensions shall provide jointly for contributions to the following elements of the Borough's Green Infrastructure Network:

- **Increase the size of Burbage Common and Woods to raise both the community value and biodiversity holding capacity and improve access to the site, particularly for pedestrians and cyclists.**
- **Protect existing access from Earl Shilton to Burbage Common and provide a recreational corridor to Burbage Common and beyond.**

Green infrastructure is a network of multi-functional green spaces. This network of both public and privately owned land and water supports native species, maintains natural and ecological processes, protects and enhances the historic environment and landscape character, sustains air and water resources, and contributes to the health and quality of life of people and communities.

A Green Infrastructure Strategy for Hinckley & Bosworth has been prepared (2008). This strategy examines existing green infrastructure resources and assets, and key issues which could affect the provision, protection or delivery of green infrastructure in the Borough. A public benefit assessment was then undertaken to identify where green infrastructure could deliver the greatest public benefit. From this, a borough wide strategic green infrastructure plan was developed to provide the overall spatial framework for green infrastructure in the Hinckley & Bosworth, along with the definition of green infrastructure zones which address the particular needs, characteristics and functions of three distinct areas of the borough in detail. The wider policy for green infrastructure zones is in the Core Strategy (Policy 20).

The growth proposed in Hinckley & Bosworth provides an opportunity to plan for the strategic green infrastructure network, serving the needs of both rural and urban communities and strengthening the links between them. It must link in with the wider green infrastructure framework for the Leicestershire region and will provide important green corridors to enable wildlife migration and protection and enhancement of biodiversity.

Developers will be required to contribute towards the enhancements of the strategic green infrastructure network through developer contributions where they meet the tests set out in the Community Infrastructure Levy Regulations 2010.

Policy 6: Overall Sports and Leisure Facilities

Development of the two Sustainable Urban Extensions shall provide jointly for a contribution towards the construction of a new sport and leisure hub on land off the A47 in the vicinity of Hinckley United FC.

The existing Hinckley Leisure Centre is inadequate for current needs and the costs involved to undertake the required improvements do not provide value for money and would result in the loss of the facility for a significant length of time. The Borough's Cultural Strategy (2007-2012) proposes the concept of a sporting hub, which is considered to provide a number of benefits including developing a clear sporting focus for future sporting provision for the Borough, as well as providing

an opportunity to increase commercial viability and thereby improving the range of sporting activities available for public consumption.

The Core Strategy makes reference in Policy 2: Development in Earl Shilton and Policy 3: Development in Barwell in support of the development of new leisure facilities and sporting hub on land off the A47 in the vicinity of Hinckley United Football Club. The sporting hub location is proposed to support the linkages between the settlements identified as part of the Hinckley urban area. This sporting hub would include the provision of a new and improved leisure centre, which would be supported by sustainable transport links and enhanced walking and cycling connections from Barwell, Earl Shilton, Hinckley and Burbage. Due to the level of growth planned in the urban area (particularly in Barwell and Earl Shilton), the Council believe that a sporting hub central to these main settlements would be best placed to provide a top class and accessible facility for all residents.

Developers will be required to contribute towards the development of these facilities through developer contributions where they meet the tests set out in the Community Infrastructure Levy Regulations 2010.

OTHER REGENERATION BENEFITS

Policy 7: Skills Development

Within the development of the two Sustainable Urban Extensions, the Council will seek to negotiate commitments and contributions to provide employment and training opportunities within construction for local people.

The economy within the Borough has historically been highly reliant on manufacturing employment and significant job losses have occurred in the more traditional industries such as hosiery, textiles and boot and shoe industries. Deprivation within Hinckley and Bosworth is most prevalent in relation to education, skills, training, income, environment, health, crime and employment. Earl Shilton and Barwell are within the 10 most deprived areas in Leicestershire on the Index of Multiple Deprivation. Earl Shilton ward has a significantly higher percentage (45.5%) of population with no or unknown qualifications compared to the national average (35.8%). The percentage of those without qualifications that are not in employment is even more apparently disparate compared to the national average. 57.1% of those out of work within the Earl Shilton ward are unqualified/unknown qualifications in comparison to the national average 38.4%, further justifying the need for commitments to training within the AAP. The figures for Barwell are slightly less pronounced with 43.3% of the total population having no or unknown qualifications, while 45.0% of those who are unemployed have no or unknown qualifications (Figures from Office of National Statistics). Policy 7 seeks to take advantage of the major developments planned at the settlements that are likely to continue over a period of approximately 15 years. It seeks to address educational and skills shortage within the locality and provide a foundation of skills for future growth within Hinckley and Bosworth while diversifying from the traditional manufacturing based skill supply.

SECTION 6: SETTLEMENT CENTRES

This section sets out policy and guidance to act as a catalyst in the regeneration of Earl Shilton and Barwell settlement centres. The centres have a critical socio-economic role to play in ensuring the long term development of sustainable communities.

The overall aim of the AAP is to improve environmental quality, reinforce character and identity, and improve the retail offer in the settlement centres; enhancing the appeal of Earl Shilton and Barwell to both new and existing residents.

A principal feature of this regeneration will be a series of phased improvements to the public realm and the identification of a number of related 'opportunity sites'. Development on these sites will be encouraged where it is in compliance with the policy and guidance set out here. However, its eventual realisation will remain subject to the usual processes involved in gaining planning consent.

IDENTIFIED ISSUES

The following key issue in each centre have been identified during the masterplanning process:

Earl Shilton (refer to Figure 8)

- The centre is a "stretched" traditional high street, with a wide retail offer;
- There are some attractive buildings, but also some poor quality shop fronts;
- There are some longer term development opportunities;
- Whilst the amount of traffic has recently reduced, a more pedestrian friendly centre has not yet been created;
- Public spaces are of poor quality, but there is the potential to expand and improve them, and connect to the Community Park; and
- Travel to the town centre on foot and by bicycle should be encouraged, but car access and parking is also required to encourage future trade.

Barwell (refer to Figure 9)

- It has a weak retail offer, with a number of vacant shops and too many takeaways;
- Part of the centre is a conservation area and there are some attractive buildings, but there are also many poor quality shop fronts;
- There are some development opportunities that can be used to strengthen the centre's role;
- Public spaces are of poor quality, but there is the potential to expand and improve them;
- The new community centre is not well connected to the village centre;
- Travel to the town centre on foot and by bicycle should be encouraged, but car access is also required to encourage future trade; and

- Car parking provision is very limited and needs to be increased.

A FRAMEWORK OF OPPORTUNITIES

Policy 8: District Centres

The Council invites proposals which realise the development opportunities for the regeneration of the centres of Earl Shilton or Barwell highlighted in Figures 10 and 12, and will permit them subject to having regard to other policies in this Area Action Plan and in the Core Strategy. Proposals should follow the design principles set out at Appendix 2. They should feature public realm improvements as set out in Figures 11 and 13, which will in part be financed by the respective urban extension developments.

The opportunity sites have been identified through the masterplanning process and were subject to extensive consultation at options and preferred option stage. Reasons for their identification are:

- Potential to improve character and identity in key locations;
- Locations where new development has the ability to define and enclose key routes;
- Relationship to public realm improvement proposals and the ability to improve pedestrian circulation;
- Ability to provide car parking in close proximity to shops and other services; and
- Creation of public space with surrounding activity that could be used to host street markets or other events.

The eventual realisation of these opportunities will depend on the desire of their current owners and / or others to bring them forward for development. This section of the AAP demonstrates ways in which that could happen and that would be successful in urban design terms. This is primarily through appropriate physical responses to existing context and the creation of new route and spaces. Land-use (resulting in increased levels of activity) is suggested, but the aim should be to create buildings which can adapt to changing uses over time.

Earl Shilton

The framework of opportunities for Earl Shilton is presented in Figure 10. Development opportunity sites in Earl Shilton are principally associated with Wood Street; between Land Society Way and Station Road. Other proposals in related areas – such as The Hollow – will be encouraged if they are in keeping with the spirit of the overarching design principles and the policy set out here.

The opportunity sites in Earl Shilton and the primary reasons for their identification are summarised below:

Site	Reasons for Identification	Suggested Development
1. 68 Wood Street – Hardy and Draper	Single storey building with flat roof does not define the street; is not in keeping with the scale and form of adjacent buildings or the general character of Wood Street. Storage building to the rear does not present an active facade to Wood Street community park or the adjacent public car park.	New building with ground floor retail and residential upper floor uses (up to 2 storeys in height with potential for accommodation in the roof space). Large site would continue to facilitate parking / delivery access and potential development of storage building adjacent to Wood Street community park.
2. 62-34 Wood Street and Quality Hotel	Two storey building (facing Wood Street) with flat roof does not define the street; is not in keeping with the form of adjacent buildings or the general character of Wood Street. Hotel presents section of blank facade to King's Walk with narrow footway. Poor access to Wood Street Community Park / public car park.	New group of buildings with ground floor retail uses and upper floor residential uses (up to 2 storeys in height with accommodation in the roof space). Creation of new pedestrian access to public car park and Wood Street Community Park. Present more active facade to King's Walk and widen footway. Potential to widen pavement and create space for street market on Wood Street.
3. 30 Wood Street – Stride Furniture showroom	Single storey building with flat roof in important corner location does not define the street; is not in keeping with the scale and form of adjacent buildings or the general character of Wood Street. Presents blank facade to King's Walk.	New building with ground floor retail and residential upper floor uses (up to 2 storeys in height with accommodation in the roof space). Present more active facade to King's Walk. Parking / service access to rear.
4. Earl Shilton Library	The public realm associated with the library, the Methodist Church and the Church Hall is not of a standard that would be expected of this important 'civic' location. The Library itself does not conform to the general character of Earl Shilton.	Improve public realm along Wood Street in front of the Library, Methodist Church and Church Hall. Consider redevelopment / new library in the future.
5. Methodist Church Hall	The public realm associated with the library, the Methodist Church and the Church Hall is not of a standard that would be expected of this important 'civic' location. The Church Hall itself does not conform to the general character of Earl Shilton.	Improve public realm along Wood Street in front of the Library, Methodist Church and Church Hall. Consider redevelopment / new Church Hall in the future. New building should turn the corner on the Wood Street / Co-op access road.
6. Co-op and adjacent businesses (The Motorist Centre, Dawaat, Hollywood Nail Care, Swinton Insurance)	The large area of car parking associated with the Co-op has resulted in a lack of definition and activity on Wood Street. There is potential to redevelop this site and adjacent land (see below) to create more development frontage to Wood Street – increasing activity, defining the street and improving the character and appearance of Earl Shilton in this important location.	A new food store / collection of smaller shops / residential development could be built with frontage to Wood Street and car parking to the rear. This would include buildings up to 2 storeys in height (on the Wood Street facade) with potential for accommodation in the roof space.
7. Existing employment site on the corner of Wood Street and Land Society Lane	This collection of buildings surrounding a car park / delivery area presents a blank facade to Wood Street / Land Society Lane – reducing activity and architectural quality. It is a single storey in height which creates a lack of definition to the street and fails to provide a landmark of any note in this important location at the gateway to the main shopping street.	A new retail / residential development could be built with frontage to Wood Street / Land Society Lane. This would include buildings up to 2 storeys in height with potential for accommodation in the roof space. This could be explored in tandem with the opportunity identified above (Co-op and adjacent businesses) or independently.

Barwell

The framework of opportunities for Barwell is presented in Figure 12 and set out below.

Site	Reasons for Identification	Suggested Development
1. Constitutional Club	This is a large site in the centre of Barwell adjacent to the newly built George Ward Centre and existing public car park accessed from Stanley Street. The main building presents a blank gable / side elevation to Chapel Street (in tandem with vacant site) and the modern addition to the facade is not in keeping with the traditional character of Barwell.	Has the potential to provide new retail premises and / or residential development / health care facilities that would enclose the existing perimeter block (to the west) and create new public routes from the existing public car park / community centre to the village centre. Development (architecture and land-use) should complement the newly built George Ward Centre.
2. Top Range Motors	A small to medium sized site situated in a prominent location when travelling towards the village centre along Kirby Road / Stapleton Lane. Currently vacant and comprised of areas of hard standing and 2 storey workshop. Fails to provide appropriate landmark in key gateway location, does not define the street or provide active facade.	Has the potential to provide new retail premises and / or residential development or become a surface car park to facilitate better access to existing businesses in the village centre. If developed this could include buildings up to 2 storeys in height with potential for accommodation in the roof space. New development would need to ensure an adequate footway is created on Stapleton Lane. If utilised as surface car park then surface treatments and boundaries should accord with public realm strategy.
3. The Co-op	Whilst the ground floor is well utilised and provides a valuable amenity to Barwell residents, the upper floors are inactive and their appearance is not in keeping with the more traditional architectural characteristics seen elsewhere in the village centre.	Redevelop entire building or remodel upper floors, retaining retail use on ground floor. Upper floors could be utilised for a range of uses including residential, commercial or health care – e.g. doctors surgery or dental practice.
4. Malt Mill Bank	The existing library is relocating and will leave a vacant retail unit. A large car park exists to the rear of buildings on Malt Mill Bank and taken as whole, this site presents a key opportunity in a prominent location in Barwell village centre.	New retail and / or financial and professional services based development with apartments on upper floors.
5. 6-12 High Street	Under used retail premises close to Barwell village centre in good quality building.	Locate new retail / leisure uses or health care related activities on ground and potentially upper floors.
6. Bank Terrace	Employment uses located in predominantly residential areas close to the village centre.	Appropriate for private residential development or 'extra care' type development.

Policy 9: Earl Shilton and Barwell District Centres - Protection of Existing Uses

The District Centres of Earl Shilton and Barwell are defined on the Proposals Map (Figure 5). Within the District Centres proposals for change of use or redevelopment which would result in the loss of ground floor retail premises, pubs, or community facilities will only be permitted if:

- a) There is a satisfactory presence of other services and facilities which provide an alternative to the lost use within the District Centre
- b) Efforts to market the premises for the established use have been made for a minimum of 12 months at a realistic price

New retail development will not normally be permitted outside the District Centres or the Neighbourhood and Local Centres in Policy 34.

Policy 10: Earl Shilton and Barwell District Centres – Hot Food Takeaways

Planning permission for redevelopment or change of use to hot food takeaway (A5) uses will only be permitted if the number of hot food takeaway uses is not greater than 10% of the units in the Centre.

Earl Shilton District Centre has a total of 88 units (Summer 2010). It has a wide range of retail services, including household-goods stores such as carpet, curtain and electrical appliance stores, sports clothing and jewellers. This is in addition to a range of non-retail services, such as five hot food takeaways, two cafés and a series of financial services providers. This centre also has a wide selection of community facilities including a health centre, church, dentist and library.

Barwell District Centre provides a range of retail and non-retail services, including a bridal wear shop, discount and convenience store, flower shop, five hot food takeaways and financial services, but excludes a bank. Barwell has a large convenience store with planning permission for a supermarket under reference 08/01022/FUL.

In Barwell there are 43 retail frontages, of which seven were vacant in summer 2010. The hot food offer in five of the units means that during the daytime this is also effectively dead frontage. The vacant units coupled with the number of food/hot food units means that the Centre looks closed. A restriction on any further hot food units may bring back more mainstream retailing.

SECTION 7: EARL SHILTON SUSTAINABLE URBAN EXTENSIONS

The section below sets out overarching policy and guidance for development of the urban extension to Earl Shilton. It covers:

- The general arrangement of development and the location of key elements;
- Land-use and development capacity; and
- Access.

In addition, more specific 'themed' design guidance is provided in Appendix 3, to reinforce the broader layout requirements.

ISSUES

The constraints and opportunities for development in Earl Shilton, and particularly the urban extension site, has been identified through a series of focussed site assessments. The principal matters that will directly influence the masterplanning of the proposed growth and development are illustrated in Figure 14 and summarised below.

- Limited existing vehicular access;
- Limited road connections to the town centre from the site;
- Presence of the waste water treatment works and sewers;
- Visually sensitive land to the north;
- Contains important landscape and ecological features including watercourse/bodies, grasslands, trees, hedgerows and wildlife
- A stream (with a flood area) runs through the site;
- Public footpaths cross the site; and
- Noise from traffic on the bypass.

DEVELOPMENT FRAMEWORK

The Earl Shilton Sustainable Urban Extension will be developed on land to the east of the existing town. It will extend as far as the A47 'Clickers Way' and be bounded to the north by Thurlaston Lane and to the south by Breach Lane. Principal features of the development will be:

- Provision of a range of houses to meet local needs;
- Allocation of land for employment uses;
- The creation of a large central open space for the purposes of formal and informal recreation;

- Provision of a main route through the site that can accommodate public transport (buses) cyclists and private vehicles;
- Access to the development from the A47 via the existing Fox Meadows development and a new junction to be created at Mill Lane;
- Community facilities provided in a central location to include a primary school, a community centre / sports pavilion and small convenience store;
- Provision of children’s play areas throughout the development;
- Accessible natural green space, including attenuation as part of a sustainable urban drainage system, and retention of watercourses, trees, hedgerows and public rights of way; and
- An extension to the existing cemetery.

The provision of new homes, community facilities and open space is the primary driver of development within the Earl Shilton urban extension. These elements should be arranged to respect existing landscape features and make best use of the sites natural assets. The new community will be well related to Earl Shilton through the creation of new connections to the existing settlement and the settlement centre.

Policy 11: Earl Shilton Urban Extension

Development of the urban extension will be required to generally follow the disposition of land uses within the Development Framework at Figure 15. Deviation from the Development Framework will only be permitted where the applicant(s) can demonstrate that there would be no prejudice to the achievement of the overall requirements of the other Policies in this Area Action Plan. Proposals should also respond to the design principles set out in Appendix 3.

The Development Framework sets out a clear spatial vision for the urban extension that, if necessary, can accommodate a degree of change over time, to reflect detailed assessment and design work undertaken in the preparation of the planning application for the urban extension.

The exact amount of land to be developed for new homes, employment uses and open space is variable. Variation is primarily dependent upon the decision taken with regard to the retention or relocation of the Waste Water Treatment Works (WWTW). However, key features such as the general location of the main access points and the location of the primary open spaces and the local centre are fixed. They are situated in locations that will allow residential and employment development to take place around them with some flexibility.

Residential Development

Policy 12: Housing in Earl Shilton Urban Extension

A minimum of 1400 sustainable homes should be provided within the Earl Shilton urban extension if the Waste Water Treatment Works remain in-situ, and a minimum 1600 sustainable homes provided if it is relocated off site.

Residential development will be located throughout the whole site in 4 main areas:

- To the north of Breach Lane and west of the central open space;

- To the east of the central open space, bordered by an existing watercourse to the north and the A47 to the south;
- To the south of the existing Montgomery Gardens development;
- Either side of Mill Lane, as far north as Thurlaston Lane and as far south as the WWTW; and
- The WWTW may be developed for residential use.

The Core Strategy set out a requirement for 2000 dwellings to be provided within the Earl Shilton urban extension at a density of 40 dwellings per hectare (dph). Following extensive stakeholder and public consultation, it was determined that an average density of 40dph would not provide the right mix of housing or allow enough variation in development character to create successful places. Therefore, development should provide a range of dwelling types at an average density of approximately 35dph.

Given the site constraints and requirement to provide significant open spaces and employment development, the maximum amount of residential development deemed possible would be approximately 46ha if the WWTW is developed for residential uses. The minimum amount of land that could be developed is approximately 40ha if the WWTW remains in situ within the urban extension area. The land allocated at Earl Shilton can, therefore, accommodate between approximately 1400 and 1600 sustainable homes at an average density of 35dph.

The Council will expect compliance with Core Strategy Policy 16 on Housing Density, Mix and Design (except in respect of the density requirement, which will reflect the latest PPS3 requirements).

Affordable Housing

The Council will expect compliance with Core Strategy Policy 15 on Affordable Housing. In line with this policy, the Council will further explore the potential to accept commuted sums and alternative delivery strategies in lieu of on-site affordable housing for development proposals within the SUE, to contribute towards affordable housing schemes within the wider urban area. Any approach of this nature would have to demonstrate conformity with national policy, including the Planning Obligations Circular 05/2005 and the Community Infrastructure Levy Regulations 2010.

Employment Development

Policy 13: Employment in Earl Shilton Urban Extension

The development will provide a minimum of 4.5ha of land for industrial and warehousing use within B2 and B8 use classes. The development should primarily support local employment opportunities, including starter and grow-on units, and should aim to achieve zero-carbon development. A buffer must be provided between the employment area and any surrounding land allocated for residential use to protect their amenity.

Employment land should be provided within the urban extension in order to give the opportunity for some additional employment close to the new homes and to contribute to the overall needs of the area's economy. In accordance with Policy 2 of the Core Strategy, the employment land shall provide for industrial (B2) and warehousing (B8) development so that there is not competition with the focus on office development within Hinckley town centre. Similarly, to reflect anticipated demand, the employment units provided should range from 100 to 1500m².

The Core Strategy set out a requirement to provide a maximum of 10ha of land for employment purposes. However, following further study and consultation, it was established that the full extent of this area will not be required. As such, the minimum amount of land that should be developed for employment uses is 4.5ha.

Employment uses are to be located to the east of the urban extension area, next to the A47, and north of the existing watercourse. They would be accessed via a new junction close to Mill Lane.

A buffer shall be provided between the employment land and surrounding residential development to ensure a high level of amenity is secured for future residents.

Community Hub

Policy 14: Community Hub in Earl Shilton Urban Extension

A Community Hub will be provided at the heart of the urban extension at the confluence of the principal routes bisecting the site. The Community Hub will provide:

- **New primary school and children’s centre;**
- **Limited local convenience retail provision;**
- **Recreation facilities; and**
- **Facilities for neighbourhood policing.**

The Community Hub will be situated in a central location on the main public transport route. It will be sited around an important junction, where a new vehicular route to Earl Shilton town centre (using the existing road network to the north of the urban extension site) is proposed.

The Community Hub will provide a new primary school, limited retail provision and recreation facilities in accordance with Policy 2 of the Core Strategy. Retail provision shall remain limited to ensure the viability or retail attractiveness of Earl Shilton settlement centre is not compromised. However, it would also be desirable to include a public house or equivalent. Nursery provision may also be appropriate. Health provision was also referred to in Policy 2, but consultation with the Primary Care Trust has highlighted that it would be more appropriate to meet the new residents needs through a extension to the existing facilities in the town centre. This is included within the Infrastructure Plan.

The Development Framework allocates approximately 2.5ha of land to the Community Hub, including approximately 2ha for the 2 form entry primary school. Efficient use of land and facilities in the Community Hub shall be encouraged, including formalised community use of the school premises in / out of school hours.

Open Space and Green Infrastructure

Policy 15: Green Infrastructure in Earl Shilton Urban Extension

The development of the urban extension will include provision for a variety of open spaces within an over-arching green infrastructure network, as indicated on the Development Framework, providing recreation opportunities, sustainable drainage systems, biodiversity enhancement and a

strong landscape framework. The development will retain key landscape features and strategic footpaths that cross through the site, to ensure access from Earl Shilton to the open countryside.

Development will be required to comply with Core Strategy Policy 19 on Open Space. In order to create a truly sustainable community, the new homes in the urban extension need to be close to a variety of green spaces. The provision of some green infrastructure requirements off site may be acceptable, providing that satisfactory means of walking and cycling access is made to the area of provision.

The urban extension is being introduced into a mature countryside landscape. In order to maximise the value of these countryside assets and to ensure that mature landscaping is available to the first residents, it is essential that existing landscape features are retained and enhanced.

Outdoor Sports Provision

Sports provision should be situated in a central location, in part as an extension to the existing Weavers Recreation Ground. It should extend east and south towards the A47 and incorporate the existing public rights of way. Other types of public open space and children's play areas will also be sited in this area to create a large, multi-functional space, with varying landscape character.

The amount of sports provision will vary in accordance with the eventual amount of residential development that comes forward. As a minimum this would be 4.67ha, in addition to 0.71ha that might be shared with the primary school. As a maximum this would be 5.55ha, in addition to 0.71ha that might be shared with the primary school.

Accessible Natural Green Space

Accessible Natural Green Space should be provided in three main areas:

- Following the alignment of an existing water course which runs in an east-west direction across the centre of the site;
- Surrounding an existing water body to the south-west; and
- Wrapping around the north eastern edge of the site next to the A47 and Thurlaston Lane.

In addition, if the WWTW is retained, an area of Accessible Natural Green Space should be provided to the north-west of this facility, which would fall within the cordon sanitaire – an area where residential development would not be permitted.

The Accessible Natural Green Space following the existing watercourse will contain a mix of wet and dry attenuation basins / ponds to be created as part of a sustainable urban drainage system. The exact size of these will be determined following a more detailed design exercise.

Accessible Natural Green Space to the north east of the site should contain woodland planting to mitigate the visual impact of development on surrounding areas. Accessible Natural Green Space surrounding the existing water body should retain as much of the existing natural habitats as possible.

The amount of Accessible Natural Green Space to be provided will vary in accordance with the eventual amount of residential development that comes forward and is a requirement of the Core Strategy. In addition, the amount of open space to be provided will be affected by the retention or

relocation of the WWTW. If the WWTW is retained, a cordon sanitaire will need to be provided, which will increase the amount of Accessible Natural Green Space within the urban extension. The area within the cordon cannot be used for residential development or formal open space provision.

If the WWTW is retained, 9.93ha of Accessible Natural Green Space will result from the amount of residential development that can be delivered and the requirement for the cordon sanitaire. If the WWTW is developed for residential uses, 7.82ha of Accessible Natural Green Space is required as a result of the amount of land available for residential development.

Equipped Children's Play Space

The provision of Equipped Children's Play Space should meet Fields in Trust (formerly National Playing Fields Association) guidance with regard to the distance of dwellings to play areas and the type of play areas to be provided – Locally Equipped Areas of Plan (LEAPs) and Neighbourhood Equipped Areas of Play (NEAPs). These areas are located throughout the residential development and within the central open space. The Core Strategy sets out policy on the amount of space required for these areas. Developers must balance policy requirements against FIT guidance and also consider the amount of Casual / Informal Play space to be provided. The area of Equipped Children's Play Space to be provided is dependent on the amount of residential development that comes forward.

Casual / Informal Play Space

These areas should surround the children's play areas and provide space for more informal types of play which does not involve equipment. They will be provided throughout residential development and distributed according to FIT guidance and the guidance above. The area of Casual / Informal Play Space to be provided is dependent on the amount of residential development that comes forward and is a requirement of the Core Strategy.

Infrastructure

Policy 16: General Highways Provision for Earl Shilton Urban Extension

Development should provide:

- **A new access point to former Mill Lane junction and the use of improved access through Fox Meadows.**
- **Improved connections to Earl Shilton Town centre via local links through Astley Road and the use of Mill Lane. No increased use of Breach Lane for general vehicular traffic will be permitted.**
- **A spine road through the urban extension connecting all residential, employment, community hub uses and suitable for bus use.**

Improvements to transport and accessibility shall be made in connection with the development of the Earl Shilton urban extension. Focus shall be concentrated on public transport, cycling and pedestrian links, with strong emphasis on connections between the urban extension and existing settlement, and on fostering better links with Barwell and Hinckley. Increased provision of sustainable transport links and methods will be encouraged.

Car parking provision in the urban extension should accord with Policy 29.

Policy 17: Walking and Cycling in Earl Shilton Urban Extension

Development should provide for direct, safe and attractive walking and cycling routes which achieve:

- **Access between the urban extension and Earl Shilton town centre.**
- **Access between the existing residential and the new employment areas in the urban extension.**
- **Access between the new residential and the existing employment areas (including, for cycling, employment areas in Barwell and Hinckley).**
- **Access between the new and existing residential and recreational facilities (including, for cycling, facilities in and near Hinckley).**
- **Relocation and enhancement of existing Public Rights of Way.**
- **Access over the A47 to open countryside.**
- **Overall permeability of the urban extension for walking and cycling.**

The development framework indicates seven pedestrian access points into and out of the development, which link towards the existing settlement centre. These points are located along the north-western boundary of the urban extension. Other opportunities for pedestrian access may exist along the existing settlement edge and should be explored further at the planning application stage. Two further access points for pedestrians are available via the proposed cycleway connections to Thurlaston Lane in the north and Astley Road at the centre of the urban extension.

Three of the proposed pedestrian access points are located along the perimeter of the recent Montgomery Gardens development. These extend up to the edge of the Montgomery Gardens site and will simply need to be extended into the urban extension. The remaining four access points are located at Mill Lane, The Leecrofts, Meadow Court Road and Breach Lane.

The current pedestrian permeability of Earl Shilton is very good; there are a number of direct pedestrian routes along existing quiet residential streets, which provide good natural surveillance and benefit from existing street lighting. There is, however, some scope for improvement in terms of signage, improved lighting and improved crossing facilities. There are a number of junctions along Astley Road, Meadow Court Road and Alexander Avenue with partial or no dropped kerb crossings or tactile paving. These junctions will need to be improved to facilitate and encourage pedestrian movements between the urban extension and the town centre. It is also proposed that the existing uncontrolled pedestrian crossing of the High Street, at the junction with Alexander Avenue, is upgraded to a signalised (pelican) crossing. A further pedestrian crossing is proposed on Station Road, immediately to the north of Equity East Road. The details of these improvements will need to be examined more fully at the planning application stage.

Earl Shilton benefits from direct access to the newly constructed, high quality cycle route alongside the A47 bypass (Clickers Way). This forms part of the longer distance cycle route between Hinckley (4 miles to the west) and Leicester (11 miles to the north).

The Earl Shilton Development Framework proposes four dedicated cycle access points onto the bypass. These comprise three existing connections at Thurlaston Lane, Mill Lane and Breach Lane, plus a new connection mid-way between Breach Lane and Mill Lane.

Cycle access between Thurlaston Lane and Clickers Way is available via the new zig-zag ramp constructed as part of the bypass scheme. Connections at Mill Lane and Breach Lane are at grade. Both lanes have been stopped-up to vehicular traffic where they meet the bypass, thus removing through traffic and enhancing the environment for cyclists and pedestrians. The proposed new connection to Clickers Way is approximately 500m north-east of Breach Lane and is also at grade with the bypass. This location also provides access to the existing public bridleway, which runs to the north of the bypass between Breach Lane and Mill Lane. Other bridleways exist to the south of the bypass, linked to the north via grade separated crossings and providing opportunities for off-road recreational cycling.

Four connection points for cycling are proposed between the urban extension and the existing Earl Shilton settlement centre. These are located in the south at Breach Lane, centrally via Astley Road / Alexander Avenue and in the north via Mill Lane and Thurlaston Lane. These on-road, lightly trafficked routes provide convenient access to a wide range of retail, employment, education and community services available in Earl Shilton within 1km to 1.5km. The routes utilise existing residential streets, which provide good natural surveillance and benefit from existing street lighting. Additional signage for cyclists and additional cycle parking facilities within the town centre should be provided, for example adjacent to the Post Office.

The Development Framework indicates a number of cycleways running through the Earl Shilton urban extension. It should be noted that these are not the only places that cyclists will be encouraged to ride. The whole urban extension will be fully permeable for cyclists and through the road hierarchy strategy and use of Home Zone principles, an environment will be created which actively promotes cycling as a mode choice.

Earl Shilton urban extension will also be required to provide improved links to Burbage Common (see Policy 5).

Policy 18: Utilities in Earl Shilton Urban Extension

Development must make provision for water, waste water, electricity and gas infrastructure to serve the urban extension.

In Section 5 the overall shared utilities requirements for Earl Shilton and Barwell were set out. However, there will also be a need to provide utilities infrastructure specifically for the Earl Shilton site, in order for its development to proceed satisfactorily.

SECTION 8: BARWELL SUSTAINABLE URBAN EXTENSION

INTRODUCTION

The section below sets out overarching policy and guidance for development of the urban extension to Barwell. It covers:

- The general arrangement of development and the location of key elements;
- Land-use and development capacity; and
- Access

In addition, more specific ‘themed’ design guidance is provided in Appendix 4 to reinforce the broader layout requirements set out above.

ISSUES

The constraints and opportunities for development in Barwell, and particularly the urban extension site, have been identified through a series of focussed site assessments. The principal matters that will directly influence the masterplanning of the proposed growth and development are illustrated in Figure 16 and summarised below.

- The A447 is rural in nature;
- There is a local wildlife site within the site;
- The River Tweed and its flood area runs through the site;
- It contains important landscape and ecological features, including watercourse/bodies, grasslands, trees, hedgerows and wildlife
- There are historic features of interest including Barwell Farm Farmhouse (listed) nearby;
- Visually sensitive land to the north-east and south-west;
- There are existing residences and businesses / commercial operations within and adjacent to the site;
- Existing power lines, water main and sewers cross the site;
- Public footpaths cross the site; and
- Restored landfill site now used as a public park, but there may still be contamination issues to address.

DEVELOPMENT FRAMEWORK

The Barwell Sustainable Urban Extension will be developed on land to the west of the existing village – to the north and south of Stapleton Lane. It will extend as far west as the A447 ‘Ashby Road’ and will be bounded to the south by Barwell House Farm and Hinckley Road. To the north, development

will extend approximately as far as public footpath T97. Principal features of the urban extension will be:

- Provision of a range of houses to meet local needs;
- Allocation of land for employment uses;
- The creation of several open spaces throughout the urban extension for the purposes of formal and informal recreation;
- Provision of a main route through the site that can accommodate public transport (buses), cyclists and private vehicles;
- Access to the development from the Ashby Road and Stapleton Lane at four new junctions;
- Community facilities provided in a central location to the south of Stapleton Lane, with the potential to include a primary school, children's centre, shops, nursery and a pub / restaurant;
- Provision of children's play areas throughout the development;
- Retention of Little Fields Farm Meadow (Local Wildlife Site); and
- Accessible natural green space, including attenuation as part of a sustainable urban drainage system, and retention of watercourses, trees, hedgerows and public rights of way.

The provision of new homes, employment opportunities, community facilities and open space is the primary driver of development within the Barwell urban extension. These elements should be arranged to respect existing landscape features and make best use of the sites natural assets. The new community will be well related to Barwell through the creation of new connections to the existing settlement (footpaths and cycleways) and the Village Centre – principally via Stapleton Lane.

Policy 19: Barwell Urban Extension

Development of the urban extension will be required to generally follow the disposition of land uses within the Development Framework at Figure 17. Deviation from the Development Framework will only be permitted where the applicant(s) can prove that there would be no prejudice to the achievement of the overall requirements of the other Policies in this Area Action Plan. Proposals should follow the design principles set out in Appendix 4.

The Development Framework sets out a clear spatial vision for the urban extension that, if necessary, can accommodate a degree of change over time, to reflect detailed assessment and design work undertaken in the preparation of the planning application for the urban extension.

Key features such as the general location of the main access points and the location of the primary open spaces, and the local centre are fixed. They are situated in locations that will allow residential and employment development to take place around them with some flexibility.

Residential Development

Policy 20: Housing in Barwell Urban Extension

A total of 2500 sustainable homes will be provided within the Barwell Urban Extension.

Residential development will be located throughout the whole site in 3 main areas:

- To the north of Stapleton Lane;
- To the south of Stapleton Lane, surrounding the Local Centre and extending as far as the existing River Tweed; and
- To the east of the Ashby Road, extending as far north as the River Tweed and as far south as the location of a new area designated for employment uses.

The Core Strategy set out a requirement for 2500 dwellings to be provided within the Barwell urban extension at a density of 40 dwellings per hectare (dph). Following extensive stakeholder and public consultation, it was determined that an average density of 40dph would not provide the right mix of housing or allow enough variation in development character to create successful places. Therefore, development should provide a range of dwelling types at an average density of between 30 and 35dph.

Given the amount of land available for development and the potential for varying the Barwell urban extension boundary, it is expected that all 2500 houses can be accommodated within the allocation site. The Development Framework at Figure 17 illustrates the development of approximately 79ha of land at an average density of 32dph.

The Council will expect compliance with Core Strategy Policy 16 on Housing Density, Mix and Design (except in respect of the density requirement).

Affordable Housing

The Council will expect compliance with Core Strategy Policy 15 on Affordable Housing. In line with this policy, the Council will further explore the potential to accept commuted sums and alternative delivery strategies in lieu of on-site affordable housing for development proposals within the SUE, to contribute towards affordable housing schemes within the wider urban area. Any approach of this nature would have to demonstrate conformity with national policy, including the Planning Obligations Circular 05/2005 and the Community Infrastructure Levy Regulations 2010.

Employment Development

Policy 21: Employment in Barwell Urban Extension

The development will provide a minimum of 6.2ha of land for industrial and warehousing use within B2 and B8 use classes. The development should primarily support local employment opportunities, including starter and grow-on units, and should aim to achieve zero-carbon development. A buffer must be provided between the employment area and any surrounding land allocated for residential use to protect their amenity. In any event a landscape buffer shall be maintained between the residential development on the north side of Hinckley Road and the

allocated employment land in the southern part of the urban extension, as indicated on the Development Framework.

Employment land should be provided within the urban extension in order to give the opportunity for some additional employment close to the new homes and to contribute to the overall needs of the area's economy. In accordance with Policy 2 of the Core Strategy, the employment land shall provide for industrial (B2) and warehousing (B8) development so that there is not competition with the focus on office development within Hinckley town centre. Similarly, to reflect anticipated demand, the employment units provided should range from 100 to 1500m².

The Core Strategy set out a requirement to provide a maximum of 15ha of land for employment purposes. However, following further study and consultation, it was established that the full extent of this area will not be required. As such, the minimum amount of land that should be developed for employment uses is 6.2ha

Employment uses are to be located in the southern part of the urban extension area between the Ashby Road and the existing Moat Way industrial estate, close to the proposed access from the A447.

A buffer shall be provided between the employment land and surrounding residential development to ensure a high level of amenity is secured for existing and future residents.

Community Hub

Policy 22: Community Hub in Barwell Urban Extension

A Community Hub will be provided to the west of the crossing of the urban extension spine road and Stapleton Lane. The Community Hub will provide:

- **New primary school and children's centre;**
- **Limited local convenience retail provision;**
- **Recreation facilities;**
- **Health facilities (if a location in or close to Barwell cannot be secured); and**
- **Facilities for neighbourhood policing.**

The Community Hub should be situated in a central location to the south of Stapleton Lane. It will be sited around an important junction where a new route through the urban extension (running north-south and accommodating public transport) will meet Stapleton Lane.

The Community Hub will provide a new primary school, limited retail provision and recreation facilities in accordance with Policy 2 of the Core Strategy. Retail provision shall remain limited to ensure the viability or retail attractiveness of Barwell settlement centre is not compromised. However, it would also be desirable to include a public house or equivalent. Nursery provision may also be appropriate. Health provision may also be required if an appropriate site for the new health centre cannot be secured in or close to Barwell District Centre. These requirements are included in the Infrastructure Plan.

The Development Framework allocates approximately 3ha of land to the Community Hub, including approximately 2ha for the 2 form entry primary school. Efficient use of land and facilities in the Community Hub shall be encouraged, including formalised community use of the school premises out of school hours.

Open Space and Green Infrastructure

Policy 23: Green Infrastructure in Barwell Urban Extension

The development of the urban extension will include provision for a variety of open spaces within an over-arching green infrastructure network, as indicated on the Development Framework, providing recreation opportunities, sustainable drainage systems, biodiversity enhancement and a strong landscape framework. The development will retain key landscape features and strategic footpaths (including the Leicestershire Round) that cross through the site, to ensure access from Barwell to the open countryside,

The urban extension is being introduced into a mature countryside landscape. In order to maximise the value of these countryside assets and to ensure that mature landscaping is available to the first residents, it is essential that existing landscape features are retained and enhanced.

Development will be required to comply with Core Strategy Policy 19 on Open Space. In order to create a truly sustainable community, the new homes in the urban extension need to be close to a variety of green spaces, some close to homes, and larger spaces for more informal use further away.

Outdoor Sports Provision

The majority of the Sports Provision within the Barwell urban extension is to be located to the north of Stapleton Lane – to the west of Kirkby Road and the Berrywell Drive development. A smaller area should also be provided to the south of Stapleton Lane, complementing the existing Boston Way recreation ground.

The use of the area near the Boston Way recreation ground for sports pitches is subject to more detailed design exercises and study with regard to flood risk and drainage. In a scenario where the amount of employment land to be provided is reduced, this area may be moved to a location to the south of the urban extension.

For the 2500 dwellings provided, a total area of 9.6ha is required for outdoor sports provision. Barwell Park – on the site of the former tip to the east of the urban extension – will be retained in all development scenarios.

Accessible Natural Green Space

Accessible Natural Green Space should be provided in four main areas:

- A linear 'corridor' following the alignment of the Ashby Road – to the south of Stapleton Lane;
- An area to the south of the urban extension, to the rear of existing properties on Hinckley Road;
- A linear 'corridor' following the alignment of the River Tweed – both east-west and north-south; and
- The western and northern edges of the urban extension to the north of Stapleton Lane.

In addition, Accessible Natural Green Space will be provided in smaller areas throughout the urban extension, associated with retained hedgerows and public rights of way.

Accessible Natural Green Space close to the River Tweed will contain a mix of wet and dry attenuation basins / ponds, to be created as part of a sustainable urban drainage system. The exact size of these will be determined following a more detailed design exercise.

Along the western and northern edges of the urban extension, Accessible Natural Green Space will be used to mitigate the visual impact of development on surrounding areas. Native woodland planting should be used in these locations to facilitate this.

Equipped Children's Play Space

The provision of Equipped Children's Play Space should meet Fields in Trust (formerly National Playing Fields Association) guidance with regard to the distance of dwellings to play areas and the type of play areas to be provided – Locally Equipped Areas of Play (LEAPs) and Neighbourhood Equipped Areas of Play (NEAPs). These areas should therefore be located throughout the residential development. In addition, Equipped Children's Play Space should be provided in two specific locations; to the north of Stapleton Lane and to the east of the Ashby Road – refer to Creating Open Spaces below.

The Core Strategy sets out policy on the amount of space required for these areas. Developers must balance policy requirements against FIT guidance and also consider the amount of Casual / Informal Play space to be provided – see below. The precise area of Equipped Children's Play Space to be provided is dependent on the amount of residential development that comes forward.

Casual / Informal Play Space

These areas should surround Equipped Children's Play Space (see above) and provide areas for more informal types of play that does not involve equipment. They will be provided throughout residential development and distributed according to FIT guidance and the location of Equipped Children's Play Space – see below. The precise area of Casual / Informal Play Space to be provided is dependent on the amount of residential development that comes forward and is a requirement of the Core Strategy.

Infrastructure

Policy 24: General Highways Provision for Barwell Urban Extension

The urban extension will provide:

- **Two new access points onto the A447**
- **General highway improvements to Stapleton Lane, public footpaths and the Leicestershire Round long distance path**
- **A spine road through the urban extension connecting all residential, employment and Community Hub uses, and suitable for bus operation**
- **Connection of spine road with Stapleton lane, providing key access point to Barwell Town Centre**

Improvements to transport and accessibility shall be made in connection with the development of the Barwell urban extension. Focus shall be concentrated on public transport, cycling and pedestrian links with strong emphasis on connections between the urban extension and existing settlement and on fostering better links with Earl Shilton and Hinckley. Increased provision of sustainable transport links and methods will be encouraged.

Car parking provision in the urban extension should accord with Policy 29.

Policy 25: Walking and Cycling in Barwell Urban Extension

Development should provide for direct, safe and attractive walking and cycling routes which achieve:

- **Access between the urban extension and Barwell District Centre**
- **Access between the existing residential and the new employment areas in the urban extension**
- **Access between the new residential and the existing employment areas (including, for cycling, employment areas in Earl Shilton and Hinckley)**
- **Access between the new and existing residential and recreational facilities (including, for cycling, facilities in and near Hinckley)**
- **Relocation and enhancement of existing Public Rights of Way**
- **Access over the A447 to open countryside**
- **Overall permeability of the urban extension for walking and cycling.**

There are a number of existing public footpaths crossing the site of the urban extension, which are to be retained and enhanced to serve the development. There is also good permeability for pedestrians within Barwell, with links connecting to the town centre via existing lightly traffic streets and existing public footpaths. The Development Framework for Barwell urban extension shows seven pedestrian links between the urban extension and the existing village of Barwell. Other opportunities for pedestrian access may exist along the existing settlement edge and should be explored further at the planning application stage. The southernmost access point gives direct access into the Moat Way Industrial Estate. This is proposed to operate as a shared cycle/footway. Also at the southern edge of the site, the opportunity exists to divert part of the Leicestershire Round through the urban extension.

Between Moat Close and Stapleton Lane, three further pedestrian access points are proposed to serve the southern area of the urban extension. These connect with existing footways and footpaths in Boston Way, Hereford Close and Galloway Close, as indicated on the proposed Masterplan. To the north of Stapleton Lane, three more pedestrian access points are proposed to serve the northern area of the urban extension. These are positioned where existing public footpaths join Harvey Close and Kirkby Road. From this northern area of the urban extension, pedestrians also have access to existing footways along Stapleton Lane and Kirkby Road.

Permeability within the existing settlement of Barwell is good with a number of direct pedestrian routes between the urban extension and centre utilising either off-road footpaths or footways alongside existing residential streets. The former offer a quiet, traffic-free environment, but do not

enjoy the levels of natural surveillance or street lighting available along the public highways. All these routes will need to be upgraded in terms of new signage, enhanced street lighting (where practicable) and improved crossing facilities. There are a number of junctions along Hereford Close, Galloway Close, Fairacre Road, Stapleton Lane and Kirkby Road with partial or no dropped kerb crossings or tactile paving that will need to be improved to facilitate and encourage pedestrian movements between the urban extension and the town centre. In addition, a new signal controlled (pelican) crossing should be provided on Kirkby Road just to the south of Charnwood Road. The details of these improvements will need to be examined more fully at the planning application stage.

To maximise connectivity for cyclists between the urban extension and surrounding networks, a number of access points are proposed in the Development Framework. This includes two cycleway connections westwards onto the A447 Ashby Road and five connections eastwards linking to Barwell. The southernmost connection to Ashby Road is proposed just north of Barwell House Farm and will run alongside the main public transport and vehicle access route travelling through the centre of the urban extension. A second cycleway connection to Ashby Road is proposed 600m further north, approximately mid-way along the Ashby Road frontage. Stapleton Lane will also provide an additional cycle route through the proposed Barwell urban extension, connecting to Ashby Road in the north-west and Barwell in the south-east.

Additional cycling connections to the existing Barwell settlement centre are proposed at Kirkby Road in the north, Moat Close in the south and two central connections at Stapleton Lane and Hereford Close. The Kirkby Road access is located adjacent to Charnwood Road and will provide a key access route between the urban extension and existing secondary school facilities, as well as other facilities within the Earl Shilton settlement centre. Stapleton Lane provides direct access into central Barwell. The connection via Hereford Close (and Galloway Close) utilises existing lightly trafficked streets to provide access to existing facilities within Barwell. Finally, the connection to Moat Close provides direct access to employment opportunities within the existing industrial estate, as well as southern areas of the existing settlement.

All local facilities and services within Barwell are within 1km to 1.5km of the urban extension, thereby providing excellent opportunities for many local journeys to be undertaken by bicycle. The urban extension will, however, be required to provide additional signage for cyclists and additional cycle parking facilities within the town centre, for example within The Square. In addition, the section of existing footpath between Jersey Way and The Barracks should be converted to a cycleway, to facilitate cycle access to the southern area of the urban extension (via Galloway Close and Hereford Close). Details of these improvements will need to be examined more fully at the planning application stage.

Within the urban extension a number of dedicated cycle routes are suggested as indicated on the Development Framework. These include a cycleway along the main vehicular / public transport route passing through the centre of the urban extension. This route will also provide direct cycle access into the proposed residential and employment areas, as well as other cycle routes running through the urban extension. The whole urban extension will be fully permeable for cyclists and, through the road hierarchy strategy and use of Home Zone principles, an environment will be created which actively promotes cycling as a mode choice.

Policy 26: Utilities in Barwell Urban Extension

Development must make provision for water, waste water, electricity and gas infrastructure to serve the urban extension.

In Section 5 the overall shared utilities requirements for Earl Shilton and Barwell were set out. However, there will also be a need to provide utilities infrastructure specifically for the Earl Shilton site, in order for its development to proceed satisfactorily.

Policy 27: Carousel Park

Land is allocated on the Proposals Map for the existing travelling show people's ground plus an extension of three pitches.

Mitigation measures will be required as part of the urban extension proposals to protect the amenity of the development's residents and the security of the park.

There is a need for adequate provision for travelling showmen, especially in the winter season when fairs are not happening. There is an identified need for an additional three pitches by 2016 within Hinckley and Bosworth (Leicestershire, Leicester & Rutland Gypsies' And Travellers' Accommodation Needs Assessment 2006-2016, Curs, 2007). Carousel Park is a successful existing travelling show peoples' site. The site currently comprises six plots for use by travelling show people. It is considered that a three plot extension could be sympathetically assimilated into the surrounding area. This site is considered to accord with Planning Circular 04/07: Planning for Travelling Show people, as existing local community facilities, infrastructure and facilities are accessible at this location.

The development of the Barwell urban extension in accordance with Policy 19 and as indicated in the Development Framework (Figure 17) will result in the development of residential properties immediately to the north and east of Carousel Park. Given the occasional noise generated by existing operations on the park, appropriate mitigation (e.g. a landscape buffer) will be required to protect the amenity of residents. Measures may also be required to ensure the security of the park.

SECTION 9: WIDER SETTLEMENT POLICES AND ALLOCATIONS

The Core Strategy identifies the principle that sustainable urban extensions will support regeneration and reinvigorate the important urban areas of Earl Shilton and Barwell. It is therefore important that this Area Action Plan considers the future development needs of the two settlements in their entirety. This section, together with the earlier Section 6: Settlement Centres are therefore required to provide a focus on the existing urban areas. The purpose of this section is to set out details of preferred approach to development management and site allocations within Earl Shilton and Barwell, outside of the areas defined on the proposals map for the development of sustainable urban extensions.

CONTRIBUTIONS TOWARDS SUSTAINABLE DEVELOPMENT

The vision for the Hinckley and Bosworth Borough, as detailed in Chapter 3 of the Core Strategy (November 2008), is one of quality and attractive built and natural environments, services, facilities and infrastructure to suit the need of the workers, visitors and residents of the Borough, thus leading to thriving communities. The successful achievement of this vision will, in part, depend upon the ability to ensure that new development does not place an undue burden on the Borough's infrastructure. This can be mitigated through appropriate planning conditions and where required, the collection and implementation of planning obligations in line with national policy, currently the Planning Obligations Circular 05/2005 and the Community Infrastructure Levy Regulations 2010.

Earlier sections of this AAP consider planning obligations relating to development within the SUEs. In addition to this, it is also important to mitigate any additional demand placed on local infrastructure from development taking place elsewhere within Earl Shilton and Barwell.

Policy 28: Developer Contributions

Planning permission will only be granted where the developer can demonstrate that the necessary infrastructure, services, facilities and amenities to support the development are in place, or will be provided when needed. The provision of infrastructure should derive from the development, whether physically provided on site on an acceptable off-site location or through financial contributions. It is expected that contributions would reflect the need for new infrastructure to mitigate the impact of the new development. As there may be a cumulative impact locally, or an impact on services delivered from a different location but that relate to the development, contributions for off-site provision may be pooled.

DESIGN AND CONSTRUCTION

The built environment can contribute to the well-being of communities and individuals in a variety of ways including socially, economically, psychologically and physically. The Council will therefore seek the delivery of good quality design through this Area Action Plan, in order to support the wider regeneration of Earl Shilton and Barwell.

A number of policies on design for new development can be found within the Core Strategy, including Policy 16: Housing Density, Mix and Design; and, Policy 24: Sustainable Design and Technology (December 2009). In addition, Core Strategy Policies 2 and 3 include provisions that expect development to respect the character and appearance of the Conservation Areas within Earl Shilton and Barwell, and the industrial heritage of the settlements. Further details relating to the

Conservation Areas are available in Conservation Area Appraisals and associated Management Plans. For reference purposes, Conservation Area boundaries are included on the Proposals Map. It is intended that this Area Action Plan will build upon the fundamental design principles that have been established through the Hinckley & Bosworth Core Strategy (December 2009). The Council will also take account of relevant national practice guidance on design, including: Manual for Streets and Building for Life.

The following policy is proposed to ensure that appropriate design quality is achieved within all developments across the settlements of Earl Shilton and Barwell:

Policy 29: Design

Developments will be permitted where the following requirements have been considered and met where applicable:

- **Development respects the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, smell, noise and visual intrusion;**
- **There is no unacceptable loss of parking or garden amenity areas;**
- **There is no detriment to the character or appearance of the dwelling or the surrounding area;**
- **The siting and density of the proposal is respectful of the area's character and layout;**
- **The proposal positively compliments the local distinctiveness of existing buildings and landscape settings;**
- **The design positively compliments the scale, proportions and height of the existing building and neighbouring structures;**
- **The use and application of building materials compliments and respects those of adjoining/neighbouring buildings and the local area;**
- **The landscaping and planting of the scheme is complimentary to the development and its surrounds;**
- **The access needs of the developments end users have been addressed, particularly in developments to which there will be public access; and**
- **Development maximises the opportunities for conservation of energy and resources through design, layout, orientation and construction.**
- **The development meets highway design standards set out in the most up to date edition of the Leicestershire County Council's 'Highways, Transportation and Development' (Htd) document.**
- **The development meets all car and cycling parking standards and requirements set out in the most up to date edition of Leicestershire County Council's 'Highways, Transportation and Development' (Htd) document.**

EMPLOYMENT AREAS

It is important that the supply of employment land allocated in the Area Action Plan is adequate to meet needs within Barwell and Earl Shilton. The Core Strategy includes the requirement to ensure that a range of employment opportunities are available within Earl Shilton and Barwell (Policies 2 and 3). In addition to the new employment land allocations being proposed within the sustainable urban extensions, it is also necessary to consider the future of existing employment sites within the settlements. The Hinckley & Bosworth Employment Land and Premises Study Review (May 2010) provides an appraisal of existing employment sites across the Borough, including sites within Earl Shilton and Barwell. Appendix I of that document provides site specific employment land assessments, setting out evidence to support decision making in relation to future employment land allocations. This provides specific recommendations in relation to existing employment sites, categorising them under the headings contained in the table below:

Category	Policy
A	Key/flagship employment areas to retain
B	Fit-for-purpose employment areas. Regeneration policy may mean that alternative development is appropriate, but to be resisted if possible
C	Lower quality employment areas – part/whole redevelopment appropriate. Regeneration policy may require all/part of area to be retained for employment uses.

Taking the findings of the Employment Land and Premises Study Review into account, the following policy and site allocations are proposed:

Policy 30: Existing Employment Areas

Locations for the development and protection of land for employment uses within Barwell and Earl Shilton are defined on the proposals map. Within these locations, the Council will:

- **Retain and protect the following sites identified as key employment areas:**

Proposals Map ID	Site	Settlement
1b	Industrial Estate, Mill Street Industrial site	Barwell
15e	Oaks Industrial Estate, Station Road	Earl Shilton

- **Consider proposals for alternative employment, or other uses on their individual merits, within the following areas. These sites are identified as fit-for-purpose employment areas:**

Proposals Map ID	Site	Settlement
2b	Factories Dawson Lane	Barwell
6b	Works South of Stapleton Lane	Barwell
7b	Barwell Business Centre, Kingsfield Rd	Barwell
8b	Land fronting High St to the rear of Mill St Industrial Estate	Barwell
10b	Works off Bank Terrace (south)	Barwell
11b	Works West of Hill St	Barwell

18e	Factory Units Wood St	Earl Shilton
20e	Factory West of Hill Top	Earl Shilton

- **Actively consider proposals for appropriate alternative uses within the following employment areas:**

Proposals Map ID	Site	Settlement
3b	Workshop Units, Arthur Street	Barwell
4b	Factory, Friswell Lane	Barwell
5b	Konfidence Works, Arthur Street	Barwell
9b	Works, off Bank Terrace (north)	Barwell
12b	Factory, Arthur Street	Barwell
13b	Factory, off the Barracks	Barwell
14b	Workshop Units, George Street	Barwell
16e	Factory/Works, Rossendale Road	Earl Shilton
17e	Workshop Units, High Street	Earl Shilton
19e	Factory, Church Street	Earl Shilton
21e	Works. South of West Street	Earl Shilton
22e	Churchill Works, Highfield Street	Earl Shilton
23e	Factory, Keats Lane	Earl Shilton
24e	Warwick Building, Rossendale Road	Earl Shilton
25e	Factory, West Street	Earl Shilton

RESIDENTIAL DEVELOPMENT

The Core Strategy sets out a requirement for the Council to support development to deliver the following minimum numbers of residential dwellings within existing settlement boundaries to meet local needs up to 2026:

- Earl Shilton- 10
- Barwell- 45

These figures were originally set in March 2008. Therefore, In order to establish the minimum requirements for the remainder of the plan period (to 2026), account needs to be taken of planning permissions that have been granted, or that have expired, between April 2008 and September 2010. In Earl Shilton, there have been 46 additional commitments during this period, meaning that the minimum requirement has now been met. In Barwell, there has been an overall reduction of 7 commitments during this period, meaning that the minimum figure that the Council will seek to support will be revised to 52.

The preferred approach will be for the Borough to support the regeneration of Earl Shilton and Barwell, by considering proposals for residential development on brownfield sites within the existing settlements on their individual merits. This will correspond closely with Policy 32: Existing Employment Areas, which sets the principle for alternative development on a number of employment areas where it is deemed appropriate for regeneration purposes. The availability of

developable and deliverable sites for housing will be monitored as part of the Strategic Housing Land Availability Assessment Process.

Policies specifically relating to requirements for 'Affordable Housing' , 'Housing Density, Mix and Design' and 'Sustainable Design and Technology' are contained in the Core Strategy (Policies 15, 16 and 24).

Policy 31: Residential Development

The Council will support proposals for residential development on brownfield land, where appropriate, within the settlement boundaries of Earl Shilton and Barwell.

COMMUNITY FACILITY PROTECTION

The provision and protection of facilities that meet local needs within settlements is an important factor in sustaining local economic activity and community life. It provides the opportunity for services to be accessed locally, which can reduce the need to travel, encourage linked trips and contribute towards improving the vitality and viability of the local area.

Educational facilities can provide a significant contribution within the community, often encouraging social interaction amongst students and parents who reside in and around the catchment area. As a result development proposals which involve the conversion or redevelopment of land or buildings currently in use for educational and community purposes, will be considered against the criteria set out in the following policy.

Policy 32: Existing Educational and Community Sites

Planning permission for development other than for educational or community purposes on playing fields and ancillary open space, or on land in existing education or community use within settlement boundaries, will not be granted unless:

- **The developer provides an equivalent range of replacement facilities in an appropriate location serving the local community; or**
- **The developer provides evidence that there is a surplus of educational and/or community facilities; or**
- **The development of a small part of a larger site in educational or community use would result in the enhancement of facilities on the remainder of the site.**

The following Community Facilities are identified on the proposals map:

Earl Shilton Community Facilities		
Ref:	Location:	Use:
EAR19	William Bradford College	Community Facility
EAR20	Heathfield High School	Community Facility
EAR21	Townlands Church of England Primary School	Community Facility
EAR22	Weavers Close Primary School	Community Facility
EAR23	St Peters Primary School	Community Facility

Barwell Community Facilities		
BARW27	Barwell Church of England School	Community Facility
BARW28	Barwell Newlands Primary School	Community Facility

GREEN SPACE, RECREATION AND ALLOTMENT USES

Open space and green infrastructure provide multiple benefits, including community well-being, biodiversity and environmental health. There is a requirement to protect and where appropriate enhance existing spaces within Earl Shilton and Barwell to meet the current and future needs of the community.

Planning Policy Guidance Note 17 paragraph 10 states that, *'Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements.'*

The Open Space, Sport and Recreation Study (2010) (PPG17 Study) indicates that sites under 0.2 ha should not be allocated, unless they are related to a larger site. For example, Kirkby Road MUGA (0.09 ha) forms an element of Kirkby Road Park (1.45 ha).

Policy 33: Green Space, Recreation and Allotment Uses

Planning Permission will not be granted for proposals that would result in the loss of land or buildings providing for open space, recreation or allotment use, as allocated on the proposals map, except where:

- **The developer provides an equivalent range of replacement facilities in an appropriate location to serve the local community;**
- **The developer provides adequate proof that there is a surplus of land and/or facilities beyond the needs of the local community; and**
- **The development of a small part of a larger site would result in the enhancement of facilities on the remainder of the site.**

The above policy relates to the following locations, which are referenced on the proposals map as indicated below:

Earl Shilton

Earl Shilton Open Space, Recreation and Allotment Uses		
Proposals Map Reference:	Location:	Primary Purpose:
5	Wood Street Community Park	Formal Park
903	Wood Street Community Park Play Area	Children
904	Wood Street Community Park MUGA	Young People
905	Wood Street Community Park Youth Shelter	Young People
906	Wood Street Community Park BMX Track	Young People
907	Wood Street Community Park Basketball Hoop	Young People
6	Hall Fields	Formal Park
908	Hall Fields Play Area	Children
153	King Richard's Hill	Amenity Green Space
152	Alexander Avenue	Amenity Green Space
301	Mill Lane Cemetery	Cemeteries and Churchyards
222	Borrowdale Close	Amenity Green Space
240	Astley Road	Amenity Green Space
360	Weaver Springs Recreational Ground	Formal Park
415	Stoneycroft Sports and Social Club	Outdoor Sports Facilities
146	Oakdale Road	Amenity Green Space
444	Maple Way Play Area	Children
1030	Maple Way Basketball Court	Young People
1031	Maple Way	Amenity Green Space
268	Heath Court	Allotments
294	Breach Lane Allotments	Allotments
286	United Reform Church Allotments	Allotments
300	St Simon and St Judes	Cemeteries and Churchyards
329	United Reformed Church	Cemeteries and Churchyards

Barwell

Barwell Open Space, Recreation and Allotment Uses		
Ref:	Location:	Primary Purpose:
4	Barwell Park	Formal Park
712	Barwell Park Skate Park	Young People
725	Barwell Park Play Area	Children
147	Stapleton Lane Flood Retention Basin	Amenity Green Space
2	Kirkby Road	Formal Park
351	Barwell Sports and Social Club	Outdoor Sports Facilities
144	Willowtree Close	Amenity Green Space
225	Newlands Road	Amenity Green Space
443	Radford Park (Masefield Cl)	Amenity Green Space
718	Radford Park Play Area (Masefield Cl)	Young People
719	Radford Park MUGA (Masefield Cl)	Young People
185	Hastings Drive	Amenity Green Space
445	Boston Way	Amenity Green Space
709	Boston Way Play Area	Children
446	Waterfall Way	Children
307	St Mary's Church	Cemeteries and Churchyards
288	Kirkby Road Allotments	Allotments
299	Barwell Cemetery	Cemeteries and Churchyards

A number of additional locations outside of the AAP boundary are also recognised as providing green space amenity to the residents of Earl Shilton and Barwell (for example, The Common). Any Green Space designations outside of the AAP boundary will be considered in due course through the Site Allocations and Generic Development Control Policies DPD.

Policy 34: Local and Neighbourhood Centres in Earl Shilton and Barwell

Local and Neighbourhood Centres are defined on the Proposals Map. Within the Centres proposals for change of use or redevelopment which would result in the loss of ground floor retail premises, pubs, or community facilities will only permitted if:

- **There is a satisfactory presence of other services and facilities which provide an alternative to the lost use**
- **Efforts to market the premises for the established use have been made for a minimum of 12 months at a realistic price**

Neighbourhood centres typically comprise a small parade of shops or equivalent offer, not necessarily providing a fuller range of facilities. Two areas within Earl Shilton and Barwell are defined in this category.

The provision of local facilities to meet local community needs is an important factor in sustaining community life, particularly in villages and is especially important for those with limited access to transport. It also provides the opportunity for services to be accessed locally, reducing the need for travel. New local facilities should be considered positively, provided that they are suitably located and are aimed at meeting local needs.

SECTION 10: IMPLEMENTATION PLAN

PLANNING APPLICATIONS

The Council has set out the requirements of the urban extensions of Earl Shilton and Barwell in this Area Action Plan. These comprise both requirements specific to each urban extension (in Sections 7 and 8) and joint requirements (Section 5). The Council considers, in line with Policies 2 and 3 of the Core Strategy, that the best way in which these requirements can be satisfied is for a single outline application to be made for each urban extension. Such outline applications will need coordination in order to be able to meet the “joint” requirements covering both Earl Shilton and Barwell.

Developers should contact the Council at the earliest opportunity for advice in respect of the nature and scope of the planning applications and the submission requirements. The National and Local Requirements Checklist should also be considered. The full list can be viewed on the Hinckley and Bosworth Borough Council website via the following link:

http://www.hinckley-bosworth.gov.uk/downloads/608/development_control

Public Consultation

The Council’s consultants have undertaken several stages of public consultation in Earl Shilton and Barwell regarding the urban extensions and the regeneration of the centres. However, developers will be expected to consult on applications before they are submitted. They should consider the various consultation methods advocated in the Council’s Statement of Community Involvement (2006). See especially Table 2 on page 10.

Design and Access Statement

Proposals must be accompanied by a Design and Access Statement that clearly demonstrates how the principles outlined in this AAP are reflected in the more detailed masterplanning required to support the planning applications and how the proposals comply with the relevant policies of both the Core Strategy and the AAP.

Environmental Impact Assessment, Flood Risk Assessment & Transport Assessment

Without prejudice to the Council adopting a screening and/or scoping opinion through The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, it is expected that the application submissions for the both urban extensions will need to include an Environmental Statement, to include a Transport Assessment and Flood Risk Assessment.

During the preparation of the AAP, the following specific issues have been identified as requiring further detailed assessment during the planning application process (note that this is not an exhaustive list):

Ecology

Consultation with the County Council highlighted that there are no statutory designated wildlife sites within the urban extension sites, but Little Fields Farm Meadow in the Barwell urban extension site is designated as a Local Wildlife site. The existing ecological information available suggested that there may well be other features and species of interest within the site and, therefore, the landowners and developers have undertaken Phase 1 habitat surveys to identify habitats and species

of interest. These have indicated that future specific surveys undertaken in the appropriate season will be required.

Archaeology

Consultation with the County Council highlighted that whilst there are no Scheduled Monuments, Registered Parks and Gardens or Registered Battlefields recorded within the urban extension sites, there are features of interest in the area that suggests an assessment of the archaeological potential of all of the land proposed for development will be required.

Flooding

The Tweed River runs along the eastern edge and through the Barwell urban extension site. Similarly a watercourse runs through the Earl Shilton urban extension site. Both watercourses have associated flood plains and detailed modelling is required to confirm their extent, whilst accounting for climate change (20% increase in peak river flows), prior to submitting detailed masterplans. The potential for surface water flooding to occur in both urban extension sites also requires assessment.

Surface Water Drainage

Strategic area-wide surface water drainage assessments have been made for both urban extensions, based on a worst case scenario. To ensure that the urban extensions do not increase the risk of flooding elsewhere, an initial assessment of the surface water retention areas has been defined on a sub catchment basis. At the planning application stage, drainage strategies will need to be prepared in conjunction with the flood risk assessments to ensure that run-off does not increase over levels that presently exist. These strategies would need to demonstrate how sustainable drainage systems can be employed that reflect underlying ground conditions.

Noise and Air Quality

The recent opening of the Earl Shilton Bypass may have implications for the proposed development, notably in terms of noise and air quality. Whilst those matters were considered in the 2003 Environmental Statement relating to the Bypass, they did not include the traffic generated by the development now proposed. Any future assessments should therefore be based on detailed traffic modelling of the proposed development, and identify what mitigation measures might be required.

Consultation with the Environmental Health Department has also highlighted that the relationship between the proposed employment areas and existing and proposed residential areas needs to be carefully considered in terms of the potential noise impact. Similarly in the Barwell urban extension site, the relationship of the proposed residential development to Carousel Park needs to take account of the occasional noise generated.

Contamination

Consultation with the Environmental Health Department has highlighted that the large public open space immediately adjacent to the Barwell urban extension is a restored landfill. An assessment is required to determine whether there are any landfill gas and leachate issues that have implications for the location of sensitive land uses close to it.

Minerals

The Leicestershire Minerals and Waste Core Strategy and Development Control Policies Development Plan Document includes Policies MCS10 and MCD8 that seek to protect minerals from sterilisation, and consultation with the County Council has highlighted that both urban extensions lie within Sand and Gravel Mineral Consultation Areas. The County Council's Resources Map indicates the potential presence of pockets of glacial sand and gravel deposits within both sites. Therefore, further detailed assessments are required to consider this matter.

IMPLEMENTATION AND DELIVERY PLAN

Phasing and Trajectory

The Council are currently working with the landowners and developers of the urban extension sites to determine the likely phasing and timing of delivery of the urban extensions.

Infrastructure Plan

Prospect Leicestershire are currently co-ordinating the preparation of an Infrastructure Plan that will underpin the proposals in this AAP. The plan will identify the specific infrastructure required as a result of the planned growth of Earl Shilton and Barwell. It will:

- Confirm the infrastructure requirements arising from specific schemes, or where the infrastructure requirement may be shared;
- Identify the roles and responsibilities of the lead agencies and stakeholders;
- Outline the likely delivery mechanisms; and
- Encourage the required public and private funding to be made available at the earliest opportunity.

This will provide the required certainty for developers and infrastructure providers to plan effectively, optimising both private and public investment as it becomes available, and ensure expeditious procurement and implementation.

MONITORING

When it is put into action, the Area Action Plan will need to have a monitoring framework. The Council will in the publication version of the AAP set out how it intends to monitor the Spatial Objectives in Section 3. This will be carried out in conjunction with the monitoring of the wider Core Strategy so as to minimise work, and the results will be published in the Council's Annual Monitoring Report each December.

APPENDIX 1: SUMMARY OF OVERARCHING STRATEGIES, POLICY DOCUMENTS AND EVIDENCE BASE

STRATEGIC

Community

Green Infrastructure Study (October 2008)

The Green Infrastructure Strategy looks at the network of green spaces, pathways, bridleways and wildlife corridors, how they link our towns and villages and how we can improve these connections for the benefit of wildlife and recreation.

Green Space Strategy 2005- 2010 and Green Space Strategy Audits of Provision 2007 Update

These two studies provide the Council's strategy for the achievement of measureable improvements in the quality and accessibility of green space provision within the borough. The Strategy seeks to address shortfalls in the quantity, quality and accessibility of provision of green space and recommends a clear plan for the improvement of these spaces.

Open Space Quality Audit (2004)

The Open Space Quality Audit is an evidenced based document which has undertaken a robust assessment and audit of existing areas of open space, considering both quantitative and qualitative aspects. This audit provides the evidence in which the green space strategy is based. This document is currently being updated by the Open Space, Sport and Recreation Study based upon Planning Policy Guidance 17.

Economy

Hinckley & Bosworth Economic Regeneration Strategy (2008-2012)

Hinckley & Bosworth Economic Regeneration Strategy establishes key economic objectives for the anticipated employment development elements at Earl Shilton and Barwell.

Employment Land and Premises Study (May 2010)

The Employment Land and Premises Study assesses the supply, need and demand for employment and premises within the borough. This study provides the evidence base to underpin and inform the amount, location and type of employment land and premises required in Barwell and Earl Shilton.

Hinckley & Bosworth Borough Council District, Local and Neighbourhood Centre Review (June 2010)

This review identifies the location and hierarchy of district, local and neighbourhood centres within the borough and identifies the number and type of premises within these centres.

Leicester and Leicestershire Housing Market Area Employment Land Study (2008)

This study reviewed the existing supply and demand forecasts, estimates the gap between supply and demand, reviews the existing allocations and advises on delivery of employment provision in the borough.

Environment

Biodiversity Assessment (2009)

The Biodiversity Assessment describes all habitats and species found across the borough and outlines the biodiversity requirements against which potential new or re-development will be assessed.

Hinckley and Bosworth Borough Landscape Character Assessment (July 2006)

The Landscape Character Assessment is an evidenced based document which identifies the features that give a locality its 'sense of place' and pinpoints what makes it different from neighbouring areas. The assessment identifies ten different landscape character areas in the borough and defines their characteristics, capacity and sensitivities, and proposes landscape strategies.

Joint Strategic Flood Risk Assessment (Nov 2007)

The Joint Strategic Flood Risk Assessment is a jointly prepared evidenced based document with Hinckley & Bosworth, Blaby and Oadby & Wigston Borough Councils. This assessment identifies those areas within the borough that are subject to risk of flood and used as a planning tool to assist in directing development to the most sustainable and suitable locations.

Areas of Special Character Review (Nov 2010)

This review assesses the areas of special character identified in the local plan, to ascertain their contribution and importance to the character of settlements in the Borough. In addition these areas are also assessed in relation to other possible designations and statutory mechanisms of protection.

Sustainability

Sustainable Design Supplementary Planning Document (SPD) (April 2008)

The Sustainable Design SPD promotes sustainable development and provides guidance on a series of sustainable measures. This SPD aims to guide developers in the design process to enable them to achieve the requirements set out in Core Strategy Policy 24 and the overarching sustainability objectives of the urban extension.

Infrastructure

Hinckley Core Strategy Transport Review (2007)

The Hinckley Core Strategy Transport Review examines the assessment of highways and transportation implications of the development of the proposed Barwell and Earl Shilton urban

extensions, considering how their impact can be mitigated through public transport and encouraging walking and cycling.

Hinckley Area Cycling Network Plan (1999)

The Cycling Network Plan aims to secure the provision and promotion of cycling infrastructure. It focuses upon safe cycle routes to schools, radial routes leading and linking the settlement centres, cycle routes to employment, residential and community areas and public transport interchanges.

Leicester & Leicestershire HMA Authorities: Growth Infrastructure Assessment (2009)

The Growth Infrastructure Assessment examines the primary infrastructure implications of the housing and jobs growth proposed in the area to the period to 2026. The study provides a useful starting point for considering the infrastructure requirements of the anticipated Barwell and Earl Shilton Sustainable Urban Extensions.

Housing

Strategic Land Availability Assessment Review (2009)

The Strategic Land Availability Assessment provides the background evidence on the potential supply of housing land in the Borough and identifies potential deliverable and developable sites for residential development. The Strategic Land Availability Assessment is reviewed annually taking account of updated information, policy changes and changing market conditions.

Leicester and Leicestershire Strategic Housing Market Assessment (2007/2008)

The Strategic Housing Market Assessment identifies housing need within the county. It also makes recommendations in terms of the level of affordable housing provision that should be sought, the tenure split and the types and sizes of housing required to meet the identified need. This document is currently in the process of being updated.

AREA-BASED STUDIES

Site Analysis and Contextual Appraisal (2009)

This appraisal provides a townscape and landscape character and visual assessment of the settlements, urban extension sites and surrounding countryside.

Masterplan Brief: Earl Shilton & Barwell Area Action Plan (November 2009)

The Masterplan Brief draws together the key drivers for future development in Earl Shilton and Barwell taking into account overarching socio-economic strategies which apply to the areas, planning policy requirements and the community vision. This brief forms a key document in informing the Masterplan Options stage of the process.

Masterplan Options: Earl Shilton & Barwell Area Action Plan (November 2009)

The Masterplan Options is a report which documents the preparation of a series of 'spatial options' for the regeneration of Earl Shilton and Barwell. These options serve to highlight the pros and cons of particular approaches to development, based on the opportunities and constraints of each site.

Employment and Retail Report (November 2009)

The Employment and Retail Report provides recommendations relating to the employment and retail provision in Barwell and Earl Shilton and informs an important part of the Masterplan. It seeks to ensure that masterplanning delivers the correct type, quality and size of premises in the right locations, to provide the optimal response to identified economic priorities. It also advises on the commercial opportunities in the settlement centres such as the potential expansion of the retail offer.

Sustainability Appraisal Scoping Report: Earl Shilton & Barwell Sustainable Urban Extensions Area Action Plan (November 2009)

The Sustainability Appraisal Scoping Report sets out the objectives against which the Masterplan Options would be appraised and describes the existing environmental and socio-economic baseline conditions prevailing across Earl Shilton and Barwell. This report also incorporates the requirements of the Strategic Environmental Assessment (SEA). The scoping report presents the findings of the first stage of the Sustainability appraisal, forming a consultation document designed to enable statutory consultees with environmental responsibilities in England to comment on the scope of the SA and SEA.

Sustainability Appraisal: Earl Shilton & Barwell Sustainable Urban Extensions Area Action Plan (June 2010)

The Sustainability Appraisal follows the production of the Scoping Report and provides an interim appraisal of the emerging Masterplan Options. This report identifies the positive and negative aspects of each proposed Masterplan option, as measured against indicators and sustainability appraisal objectives, to assist the development of a preferred Masterplan option that complies with the principles of sustainable development.

Strategic Transport Assessment (2010)

This assessment considers the highways implications of the proposed development and establishes an access and movement strategy for all modes of transport.

Utility Infrastructure and Drainage Appraisal (2009)

This appraisal identifies the presence and capacity of existing utility infrastructure in the area and a strategy for meeting the needs of the development. Within this the implications of the presence of the Waste Water Treatment Works in Earl Shilton is also examined. The study also advances the strategic flood risk assessment and identifies an appropriate drainage strategy. A detailed Flood Risk Assessment will, however, be required at the planning application stage.

Sustainability Assessment (2009)

This study provides a framework for the development of the Masterplans and Area Action Plan which maximises opportunities for achieving and embedding environmental sustainability.

Barwell Conservation Area Appraisal (Sept 2010) & Earl Shilton Conservation Area Appraisal (Feb 2010)

The Barwell & Earl Shilton Conservation Area Appraisals define and record the special architectural and historic interest of these Conservation Areas. In Barwell the specific focus is on High Street and Arthur Street. In addition, they define the boundaries of the Conservation Areas and identify problems and pressures affecting the areas, as well as highlighting opportunities for preservation and enhancement.

Consultation Summary (2010)

This reports summarises the consultation undertaken during the preparation of the Masterplan and Area Action Plan for the Earl Shilton and Barwell and its outcomes.

APPENDIX 2: SETTLEMENT CENTRE DESIGN GUIDANCE

The design principles set out below apply to new development proposals in Earl Shilton and Barwell District Centres. There are overarching design principles that apply to all future development and site specific design principles which apply to the framework of opportunities identified above.

Illustrations of how the proposals would appear in the settlement centres are provided in Figures A & B respectively.

OVERARCHING DESIGN PRINCIPLES

Character – A place with its own identity

New development should respect the existing characteristics of Earl Shilton and Barwell, whilst seeking to establish new architectural identities and create distinctive places.

Traditional development forms are appropriate in both Earl Shilton and Barwell. More contemporary development forms will be acceptable where designs can demonstrate inspiration and progression from their context. Building materials in Earl Shilton and Barwell are predominantly red brick, slate roofs and cement render in white and off-white shades.

Continuity and enclosure – A place where public and private spaces are clearly distinguished

New development should follow or establish a common building line along streets to create a continuity of built form.

Existing set back distances should be respected. Where the objective is to create a new public space or increase pedestrian space, then departures from this will be acceptable. Property boundaries should be clearly delineated by physical means or surface treatments.

Quality of the public realm – A place with attractive and successful outdoor areas

New development should be accompanied by associated public realm improvements that accord with the guidance set out in the public realm strategy.

Design concepts have been prepared for both Earl Shilton and Barwell and are supported by strategy plans and materials palettes. This should be the starting point for public realm improvement proposals.

Ease of movement – A place that is easy to get to and move through

Existing movement patterns should be respected and where new ones are created they should be well planned and designed to integrate with existing routes and spaces.

Pedestrians and cyclists should be prioritised first in the movement hierarchy. New routes or improvements to existing routes should result in direct, well overlooked routes and spaces.

Legibility – A place that has a clear image and is easy to understand

New development should provide landmarks in appropriate locations that signify importance, function and choice of movement.

Buildings in important locations should be distinct from neighbouring development through variation in scale, materials and design. These will typically be associated with major junctions and key public spaces.

Adaptability – A place that can change easily

New development should be capable of adapting to changing uses over time, particularly in core retail locations.

Along primary streets and in buildings defining public spaces this requires sufficient room for mechanical and electrical services to be incorporated beneath floors and within ceilings – resulting in taller floor to ceiling heights. Ground floors should have level threshold access or access that complies with building regulations. Upper floors should be able to accommodate residential and / or other uses.

Diversity – A place with variety and choice

A mix of uses is encouraged, both horizontally – along streets – and vertically – within buildings. This will encourage more activity throughout the day, leading to vibrant streets and spaces.

The settlement centres should remain the focus of commercial and retail activity helping to maintain their current role. A broad mix of uses in buildings that have frequent entrances ‘on the street’ will be a key component of this.

SITE SPECIFIC DESIGN PRINCIPLES

Earl Shilton

68 Wood Street – Hardy and Draper

- Ground floor of Wood Street frontage to retain retail / commercial function;
- Wood Street frontage to be at least two storeys in height, with the potential for additional residential accommodation within the roof space;
- New development to respect the amenity of adjacent residential dwellings on Mountfield Road;
- Development facing Wood Street Community Park and public car park to rear of 62-34 Wood Street and Quality Hotel to have ‘active’ ground floor; and
- In addition, development in the above location should be at least two storeys in height, with the potential for additional residential accommodation within the roof space.

62-34 Wood Street and Quality Hotel

- Buildings to be arranged to create a public space on Wood Street that has active edges – retail / commercial – and capable of hosting a ‘street market’ and other small, public events;
- New route to be created between public car park / Wood Street Community Park and Wood Street, to be defined by development with active ground floors;

- Development to be at least two storeys in height, with the potential for additional residential accommodation within the roof space;
- Development overlooking public car park to have minimal inactive facades and operational activities such as service access; and
- Bin storage should be within buildings, with designated collection points provided in the car park.

30 Wood Street – Stride Furniture showroom

- Building designed to ‘turn’ the corner on Wood Street / Kings Walk;
- Ground floor should retain a retail / commercial function;
- Scale to be two storeys in height, with potential for residential accommodation within the roof space; and
- Existing tree adjacent to this site on Kings Walk to be retained.

Earl Shilton Library, Methodist Church and Church Hall

- Public realm improvements to be implemented in line with public realm strategy; and
- Future redevelopment of Library and Church Hall sites to allow the Methodist Church to remain the dominant building on this site.

Co-op and adjacent business’s (The Motorist Centre, Dawaat, Hollywood Nail Care, Swinton Insurance)

- Development to face Wood Street and create internal ‘streets’ that are overlooked by development with ‘active’ frontages;
- Opportunity for ‘landmark’ development;
- Two to three storey development appropriate on the Wood Street frontage to accommodate change in level between existing pavement and car park;
- New development to respect the amenity of adjacent residential dwellings on Oaks Way / Station Road;
- Development proposals must have regard to adjacent proposals to the west of this site;
- Existing pedestrian route between Wood Street and Oaks Way retained and enhanced; and
- Provision of car parking must continue to serve Earl Shilton town centre in addition to Co-op store / new development.

Existing employment site on the corner of Wood Street and Land Society Lane

- Development to turn corner on Land Society Way / Wood Street and create active frontage;

- Potential for 'landmark' building on Land Society Way / Wood Street corner;
- Two storey development with potential for residential accommodation in the roof space is appropriate;
- New development to respect the amenity of adjacent residential dwellings on Land Society Way; and
- Existing pedestrian route between Wood Street and Oaks Way retained and enhanced.

Barwell

Constitutional Club

- Development to complete existing perimeter block formed by buildings on Chapel Street / High Street / Stanley Street;
- New development forming the eastern edge of the perimeter block should overlook a new public route, which links Stanley Street and Chapel Street and the existing Stanley Street public car park;
- New buildings should be well related to the George Ward centre and existing dwellings on Chapel Street / Stanley Street; and
- Vehicular access (if required) should continue to be achieved via Chapel Street.

Top Range Motors

- If developed, a two storey building with a ground floor retail / commercial unit with upper floor residential uses and potential for accommodation in the roof space is appropriate;
- Development must respect the amenity of existing dwellings on Kirkby Road;
- Development must also define Stapleton Lane and provide an adequate pedestrian footway;
- If utilised as car park, access should be from Kirkby Road;
- Car parking spaces should be orientated perpendicular to Stapleton Lane and set back behind an adequate pedestrian footway; and
- A landscape scheme should include tree planting along Stapleton Lane and ornamental shrub planting, with surface treatments to match the wider public realm improvement strategy.

The Co-op

- Ground floor retail use should be retained;
- Where new uses can be found for upper floors, they should be remodelled in an architectural style that is more characteristic of Barwell and suited to this landmark location; and

- Public realm improvements will be carried out to the space in front of the Co-op in accordance with the Public Realm strategy.

Malt Mill Bank

- If developed comprehensively, a new building or collection of buildings should broadly maintain the existing building line and continue to define Malt Mill Bank;
- Development of single plots should also conform to the existing building line and the scale and proportion of adjacent buildings;
- Development up to two storeys in height, with the potential for accommodation in the roof space is appropriate; and
- Development must respect the amenity of existing dwellings on Shilton Road and East Green.

6-12 High Street

- Where new uses are planned for this building, the existing facade should be retained and enhanced;
- Signage and shop fronts should not dominate the existing facade; and
- The addition of upper floors is not permitted.

Bank Terrace

- Where existing employment sites are redeveloped for residential use, their form and scale should respect existing adjacent residential development;
- Two storey dwellings with accommodation in the roof space are appropriate; and
- Development must respect the amenity of existing dwellings on Bank Terrace, Stafford Street and Fairacre Road.

PUBLIC REALM STRATEGY

The public realm strategy has been formulated following an extensive analysis of the existing settlement centres. This identified a number of key issues that need to be addressed and what opportunities are available for improvement. The strategy outlines a number of strategic initiatives which will be undertaken as and when funding becomes available.

Public realm improvements are designed to reduce vehicular dominance, enhance the experience of all users and strengthen investor confidence. In addition, they will create a unique character and identity for the two centres, which encompasses the old and the new, and enhances local distinctiveness.

A summary of the key objectives and design principles from the strategy is set out below and in Figures 11 and 13 for Earl Shilton and Barwell respectively and Figure C:

Earl Shilton

The design concept aims to build upon Earl Shilton's existing character by using high quality, formal design to enhance its image. A primary objective is to reclaim the public realm from vehicles, which currently dominate and break up the linearity of Wood Street.

The concept proposes a partly shared space, using modern street furniture that relies on the language of materials, rather than traditional highway traffic calming measures, to increase the legibility of the public realm.

A long term aspiration is to transform the town centre into a viable and sustainable place for living and working. As a response to the towns manufacturing heritage, the concept incorporates a 'thread and stitch' which runs along the extent of Wood Street as a unifying element and creates pockets of interest in key locations.

There are opportunities for the 'thread and stitch' concept to be interpreted as a striking public art element, using contrasting bands/strips of contemporary materials and LED coloured lighting. It could also be used to position and structure the location of street furniture items – bollards, seating, trees, bins.

Using the principles of formality, unity, legibility and simplicity, the existing character of the town centre will be enhanced and its 'modern' landscape qualities emphasised; and an identity and structure for Earl Shilton will be created.

Design principles are communicated through 'raw materials', 'colour' and 'character and identity':

Raw Materials

Stainless steel, timber, contemporary lighting, specimen trees with an architectural and upright form.

Colour

Vibrant, bold, simple and coordinated colour palette.

Character and Identity

'High Street' with linear character used as an important pedestrian thoroughfare where people trade and goods and services are exchanged.

Contemporary, simple, bold, formal, pedestrian friendly, flexible.

Barwell

Barwell village centre has the feeling of a historic village. The diverse, predominantly small scale architecture spans several design ages, and the central area, from which main routes radiate out, is still the village heart.

This traditional and historic character is a reflection of the appearance of the rural landscape that surrounds the village. The scale, proportion and patterns found in the adjacent fields, hedgerows,

paths and streams are evident in the urban form and materials used throughout the village. These elements have clearly been instrumental in the evolution of the village to date.

In developing proposals for improving Barwell village centre's public realm, the local landscape character should be exploited; emphasising and capturing the 'historic' landscape qualities. Field patterns, colours and materials found locally within the surrounding area should be used to give the centre identity and structure.

Design principles are communicated through 'raw materials', 'colour' and 'character & identity':

Raw Materials

Rustic timber and stone, native specimen tree planting.

Colour

Natural, bold, diverse, local.

Character and Identity

Ordered, proportional, pattern like, formal (radial), grounded.

APPENDIX 3: EARL SHILTON URBAN EXTENSION DESIGN GUIDANCE

Themed design guidance for the development of the Earl Shilton Urban Extension proposals is set out below set out below. Illustrations of how the guidance might be applied is provided in Figure D, E, H & I.

MAKING KEY CONNECTIONS

Guidance on the provision of key movement routes through the urban extension and how they should connect with existing routes in the surrounding area is set out below. It demonstrates how a legible network of streets and other routes could be created within the urban extension, without necessarily fixing their geographic location. It also discusses how existing routes can be retained and where minor diversions may be required.

Primary Access and Circulation

Main access to the urban extension (accommodating public transport, private vehicles, cyclists and pedestrians) is to be achieved from three points; two on the A47 (one of which exists) and one via the existing street network to the north of the site. These are:

- From the A47 via the existing access to the Fox Meadows residential development, crossing Breach Lane;
- From a new four arm roundabout on the A47, designed to achieve access into the site and maintain access to Mill Lane to the east of the A47; and
- From a new route that will cross the existing Weavers Recreation Ground and join Astley Road.

The junctions on the A47 will be the main point of access for buses and should be designed to accommodate these vehicles.

The main public transport route through the urban extension should be between Mill Lane and Masefield Drive. It must pass through the employment area and provide a bus stop within it (whatever its eventual size). Its alignment must also ensure that all residents are within 400m (5 minute walk) of a bus stop. Bus stops should be provided in the Local Centre. The public transport route should connect with Mill Lane to the north and could potentially connect with Breach Lane to the south or pass through the Fox Meadows development and connect with the A47.

Vehicular access to existing properties (and properties being constructed) on Breach Lane should be maintained. Pedestrian and cycle access should be maintained and enhanced. Vehicular access to existing properties on Mill Lane should be maintained. Pedestrian and cycle access should be maintained and enhanced.

Public Rights of Way and Pedestrian Routes

There are three existing public footpaths that cross the urban extension site and one public bridleway. The strategy for their inclusion within the urban extension is set out below:

- Public Footpath T90 should be retained on its current alignment for the majority of its length. If a children's play area is built in the location shown on the development framework, a minor diversion may be necessary. It should continue to link Breach Lane with Meadow Court Road;

- Public Footpath T89 should be diverted to pass through the central open space and the local centre. It should continue to link the A47 – and Breach Lane to the south – with Ronald Toon Road;
- Public Footpath U17/19 should be retained on its current alignment and will be combined with a diverted Public Bridleway U16 – see below. It should continue to link the Montgomery Gardens development with Bridleway U105 which runs alongside Clickers Way; and
- Public Bridleway U16 should be diverted to run along the western side of the cemetery on the alignment of an existing route. It should join Public Footpath U17/19 as described above. It should continue to link Mill Lane with Bridleway U105 which runs alongside Clickers Way.

Other dedicated pedestrian / cycle routes should be created throughout the urban extension, primarily within public open spaces. As with the routes described above, they should have appropriate surface treatments, be overlooked by development and be lit where necessary. The location of other key routes to be created is set out below:

- Along the alignment of the existing watercourse in an east-west direction;
- Continuing the north-south alignment of Public Footpath U17/19 to follow an existing hedgerow towards the A47 clickers way; and
- To connect the northern part of the development with Thurlaston Lane.

Residential Streets

The design of residential streets should accord with Leicestershire County Council guidance 'Highways, Transportation and Development' (August 2010), the Manual for Streets (DfT, CLG, March 2007) and Manual for Street 2 (CIHT September 2010). Streets should form a well connected, permeable network of routes. These routes should be legible and well defined by development that reinforces their intended character. The aim should be to create a hierarchy of streets, based on their importance and (in part) on their vehicular capacity.

The exact nature and location of these streets will be determined in the planning application process following more detailed design exercises. A hierarchy of streets is suggested below to guide future development. It is related to the section on 'Establishing Character and Identity', which also discusses the nature of built form that will define these routes.

Avenue

Avenues are the main routes through development, accommodating public transport. These routes should include tree planting on both sides of the street, grass verges and footways delineated by kerbs. Non-allocated on-street parking bays should be provided close to the local centre. Direct access to the carriageway from individual dwellings should be permitted, but in some locations parking will need to be provided in semi-private rear courtyards. The carriageway will be wide enough to accommodate buses and cycleways (combined footway / cycleways could be provided off street as an alternative) along with private vehicles.

The design should seek to provide a unhindered route for buses at all times, bus stops positioned in logical locations.

Surface treatments will commonly be asphalt for the carriageway and footways, although alternatives such as block paving could be used in locations such as the local centre. Where these routes pass through the local centre traffic speeds should be reduced through horizontal or vertical shift.

Streets

Streets are the secondary level of circulation within residential development. They will typically consist of a carriageway with a footway on both sides of the street – delineated by a kerb – although this could be provided on a single side only in some locations. Surface treatments will commonly be asphalt for the carriageway and footways, although alternatives such as block paving could be used in some locations. Direct access to the carriageway from individual dwellings should be permitted on all streets. Occasional visitor parking spaces should be provided. Forward visibility should be restricted and horizontal shift introduced to reduce traffic speeds.

Lanes

Lanes are more informal vehicular routes, where the space between buildings can be shared by pedestrians and vehicular users. There will be less delineation between carriageway and footway and the use of kerbs will be reduced – although they may be used in some locations. Alternative surface treatments to asphalt, such as block paving and setts, will be more common. Direct access to the carriageway from individual dwellings should be permitted on all streets. Occasional visitor parking spaces should be provided. Forward visibility should be restricted and horizontal shift introduced to reduce traffic speeds.

Mews

Mews are shared spaces for pedestrians and vehicular users. There will be no kerbs and the space between buildings will be at a single 'grade' creating a level, 'shared surface' for all users. Alternative surface treatments to asphalt, such as block paving and setts, should be used in these spaces. Direct access to the carriageway from dwellings will be possible and there will be frequent on street parking bays. Access to garages and parking courtyards will also be common.

Parking Courtyards

Parking courtyards to the rear of houses or apartments forming perimeter blocks will be acceptable within the urban extension. Although most dwellings should be provided with on plot parking spaces to the front or side, parking courtyards will be required in some areas where direct access to dwellings from the carriageway cannot be achieved. These areas should be designed as spaces in their own right and should not just be thought of as car parks. They should benefit from passive surveillance from surrounding properties and potentially dwellings within the courtyard itself – e.g. coach houses or flats over garages.

A maximum number of 10 surface car parking spaces is recommended within parking courtyards. A variety of surface treatments should be used to delineate parking bays, vehicular circulation and private residential areas. These areas should be similar to 'Mews' and employ shared surfaces for vehicular and pedestrian circulation. Pedestrian access to dwellings or the street should be secured with gates.

Street Trees

Whilst the planting of street trees on the avenue is a requirement, the use of street trees throughout the urban extension on all routes is also expected although in less frequent quantities. Trees can be used to add visual interest and amenity, create character, calm traffic and define boundaries such as pedestrian spaces in the local centre, or larger, public open spaces. Native species appropriate to their location should be chosen.

Quality

The quality of the space between buildings is a critical component in the creation of successful places. Good quality, robust materials should be used in the public realm, particularly in locations that will be used by most people such as the local centre. Materials from local, sustainable sources should be utilised wherever possible.

The design of the public realm should help to reinforce local distinctiveness and ensure that the Earl Shilton urban extension has its own identity. The use of surface treatments, street furniture, lighting, tree planting and other elements should echo the public realm strategy for the town centre. This will help to create a recognisable character for the entire Earl Shilton Development.

INTEGRATING COMMUNITIES

The principal means by which development will be integrated with the existing community are:

- Through the provision of a large, central open space containing extensive recreation facilities;
- The creation of new public transport connections; and
- Enhancing and creating new pedestrian / cycle routes.

Development will also enhance the viability of existing businesses and community facilities in and around the settlement centre. This will include a public realm improvement scheme, the nature of which is detailed in the Public Realm Improvement Strategy.

The central open space is envisaged as a ‘giant village green’ at the centre of the existing and proposed community. It will be a shared resource where people can engage in formal and informal recreation activities; enhancing health and wellbeing. It will be an extension to the existing Weavers Recreation Ground – which could also be improved – and has the potential to provide a variety of formal sports pitches that could include:

- Football pitches;
- A cricket pitch;
- Tennis courts;
- Rugby pitches;
- Equipped Children’s Play Space; and

- Accessible Natural Green Space associated with an existing water body and the existing watercourse.

A 'sports pavilion' / community centre containing changing rooms and space for indoor sports should also be provided. This should have its own dedicated car park accessed from the main route through development.

Public transport routes will be provided through the urban extension, and will connect back into the existing road network. This will enable existing residents to benefit from their provision and connections to Earl Shilton settlement centre, Hinckley and beyond. Development should enable an increase in the frequency of buses generally and additional destinations being added to the route network.

New pedestrian / cycle routes should be created throughout the urban extension site, linking open spaces and providing opportunities for informal recreation. These routes will connect back into the existing pedestrian network that surrounds the site and offer enhanced connections to and from Earl Shilton.

New development will be located next to the existing community in some locations. This will occur to the rear of houses on East Equity Road, Meadow Court Road, Astley Road, Weaver Road, Montgomery Road and King Richards Hill. Care must be taken to respect the existing amenity and security of residents in these locations. As a general rule, new development should back onto existing back gardens and face dwellings that look out towards the site. The scale and massing of new development should be in keeping with the existing character of dwellings on these site boundaries.

CREATING OPEN SPACES

The creation of a 'Green Infrastructure' within the urban extension is a key requirement of the Core Strategy. The Core Strategy defines the spaces to be provided as:

- Accessible Natural Green Space;
- Outdoor Sports Provision;
- Casual / Informal Play Space; and
- Equipped Children's Play Space

The development framework shows how these areas could be provided in spaces that will have varied landscape characters and functions. These are:

- The Central Open Space – primarily fulfilling the requirements for outdoor sports provision (formal recreation), but also containing Accessible Natural Green Space, casual / informal play space and children's play. This space would be classified as a large Neighbourhood Park;
- The Watercourse Corridor – primarily fulfilling the requirements for Accessible Natural Green Space (informal landscapes enhancing natural habitats) and including wet and dry attenuation basins as part of a sustainable urban drainage system; and

- Local Parks – these combine the requirements for Casual / Informal Play Space and Equipped Children’s Play Areas and will be distributed throughout the residential development.

Existing hedgerows should also be retained wherever possible within residential development. Key locations where this is important are where they are associated with public rights of way, on the boundaries of the site and where residential development will border of areas such as employment.

An additional open space may be created as a result of the retention of the waste water treatment works (WWTW) and the requirement for a cordon sanitaire. This would be located to the west of the WWTW and should have the characteristic of an Accessible Natural Green Space.

Central Open Space

The Central Open Space should have formal characteristics associated with recreation uses. It will consist primarily of large flat areas of grassed sports pitches and is likely to require some embankments between pitches to create level playing areas. The embankments would provide informal spectator seating around some pitches. The potential also exists for artificial pitches to be created for all year round use and activities such as tennis.

Well defined footpaths with appropriate surface treatments should be provided to enable pedestrian circulation throughout the area. Trees could be used to define areas for different activities and with varying character, e.g. children’s play areas.

An area of Accessible Natural Green Space should be created around the existing water body within this space. This area should have more informal characteristics, including retained trees and hedgerows, meadow / rough grassland, native shrub planting and informal footpaths.

The Watercourse Corridor

This area should follow the alignment of the existing watercourse that crosses the urban extension site and will be retained. It has been designated to make use of the existing topography, which is well suited to the provision of attenuation basins – which could be wet or dry – and should be used to create an informal ‘wetland’ landscape character. A key objective will be to enhance biodiversity in this area through the creation or enhancement of wildlife habitats.

The existing watercourse should be utilised as a feature within this space, remaining open and visible. Opportunities for people to get close to the water should be available providing they are safe and well designed.

Local Parks

Local Parks should have a semi-formal character and provide both informal play areas (grass) and play equipment in designated, safe areas. They will be well defined and overlooked by development, which will provide passive surveillance over them – increasing safety and security. These parks should be distinctive in their own right and will become the focus for residents who will live nearby. Each park should have a recognisable feature or design theme, to differentiate them from one another.

The distribution of these spaces within the urban extension should ensure that all children live within the recommended distances by the Fields in Trust (FIT) from the play areas – Local Equipped Areas for Play (LEAPs) and Neighbourhood Equipped Areas for Play (NEAPs). The locations shown on the development framework have been chosen to reflect FIT guidance, to make best use of existing

landscape features and locations that are easily accessible. They should be the starting point for future provision of children's play within the urban extension.

Retaining Existing Landscape Features

Existing trees and hedgerows that are assessed to be of strategic value in the creation of green infrastructure are shown on the development framework. These landscape features should be assessed in more detail (surveyed) to determine their quality and potential for retention within development. They are felt to be particularly important where they are associated with existing public rights of way.

Some removal of trees and hedgerows is expected to facilitate access and development, but this should be minimised wherever possible. Layouts should be designed to avoid the loss of good quality trees and hedgerows.

ESTABLISHING CHARACTER AND IDENTITY

The creation of well designed, distinctive places should be the aim of all new development. This is particularly true in Earl Shilton and Barwell, where there is a desire to differentiate the urban extension's from one another. There is also a requirement to consider the existing character and context of the urban extension sites, and how new development will relate to this.

The Site Analysis and Contextual Appraisal considered the existing character of Earl Shilton. Although it concluded that there was an eclectic mix of built form present in the town, it identified the following key characteristics:

- A proliferation of workers terraces and factories are found in older parts of the town;
- Red brick is a common building material;
- The use of white or off-white cement render – through colour or painted – is also prevalent;
- 'Traditional' built forms are common – e.g. buildings with rectangular or square footprints and pitched roofs where the ridgeline follows the alignment of the street;
- Slates or plain tiles are common roof coverings;
- Some areas lacked a legible street hierarchy, despite a consistent use of building materials and built form; and
- Successful places resulted from a complementary mix of built form, building materials and landscaping – achieving the right balance of consistency and variety to create legible character and avoid monotony.

Future designers should draw upon the most successful places that are found in Earl Shilton for inspiration. The aim should not be to copy or recreate the past, but to consider how it could influence future development. Although there is very little contemporary development evident in Earl Shilton this does not mean it would be unacceptable. New forms would help to create distinctiveness and legibility within the urban extension site and would be emblems for change.

The approach to character should either be through the creation of distinct areas – where a consistent theme is applied throughout – or by applying themes and styles to streets, resulting in a

legible street hierarchy. A combination of these approaches can often be successful. Where a street based character hierarchy is employed it should relate to the movement framework – refer to ‘Making Key Connections’. The Avenue, Street, Lane and Mews typologies discussed above would be a good starting point for this.

In Earl Shilton, where a maximum of around 1600 houses will be built, it is not felt that the creation of a large number of character areas would be successful. A street based hierarchy, with specific responses to key areas such open spaces would be a more successful response. Developers should explain their approach in Design and Access Statements that accompany applications for development.

Successful development will be a product of a number of interrelated factors. Guidance on a number of these is set out below.

Building Materials

Good quality, robust building materials should be used throughout the development. As a starting point, the following materials are considered to be acceptable. Other materials may also be suitable.

- Red Brick in a variety of autumnal shades, from reds and dark browns through to more orange hues;
- Yellow / buff brick as a contrasting material;
- Through colour cement render in varied off-white shades;
- Timber cladding (or similar approved material) in varied natural shades; and
- Slate and plain tiles (or similar approved materials).

Scale

Residential development should be predominantly 2-3 storeys in height. Increases in height are generally desirable around important junctions, at key gateways and in the Local Centre. ‘Landmark’ buildings should stand out from their neighbours and increased scale is one way in which this can be achieved.

Consistency in scale should be evident in the street hierarchy, resulting in streets which, for the most part, are defined by buildings of the same height. Variety should be introduced at corners and key junctions. Where development is planned close to existing dwellings on the edge of the urban extension, its scale should be appropriate to these locations.

Continuity of Built Form

All streets within the urban extension should be well defined by development. This can be achieved in different ways, which will result in varying degrees of continuity. Streets and other spaces that are well defined and overlooked by development benefit from passive surveillance, which is important in fostering safe and secure places. It is also important to create active streets and, in the main, dwellings should have their main entrance facing the street.

A good measure of the continuity of built form on a street is the ratio of dwellings to 'gaps' along it. The term 'gaps' includes driveways, stand alone garages, rear gardens, access to rear parking courtyards or gardens and other streets. When creating the street hierarchy – see above – designers should be mindful of the character they wish to create and how the continuity of built form will affect this. A high ratio of dwellings to gaps (e.g. terraces) will create more formal character. A lower ratio will result in more informal, 'looser' development.

As a guide, a ratio of 80% dwellings to 20% gaps is appropriate for more formal streets. A ratio of 50% dwellings to 50% gaps is suitable for more informal streets or the edges of some open spaces and should be the minimum ratio of dwellings to gaps throughout the urban extension.

Corners

It is important that development on corners addresses both sides of the street. Blank gables will not be acceptable and nor will elevations with only token gestures such as small windows. Buildings on corners should help to signify choices in direction and are important way markers within the street hierarchy. A variety of ways that corners can be turned successfully are set out below:

- Increasing scale and creating distinctive rooflines;
- Using 'angled' dwellings to create chamfered corners;
- Ensuring that right angled dwellings have windows that face both streets;
- Including bay windows at ground floor level or first floor level – e.g. 'Oreil' type;
- Turning the main elevation of a terrace through 90 degrees on the end of a row; and
- Arranging dwellings to avoid excessive rear gardens along one street.

The Local Centre

Development in the local centre should be the most distinctive within the urban extension. Here, a greater variety of built form and building materials should be used, to ensure that buildings stand out from their surroundings and create 'landmarks'. The design of schools and community facilities are the best opportunities for this.

Buildings should be arranged to create well defined urban spaces at the heart of the community in the local centres. The orientation of these spaces should be considered; e.g. to make best use of existing routes and features, and / or to benefit from solar orientation.

Although there should be space to park cars, it should be well designed as part of a 'place' and not just a 'car park'. Vehicular circulation and the location of important functional areas, such as bus stops and delivery bays, should all be designed into the 'place' and should not be a product of engineering constraints.

APPENDIX 4: BARWELL URBAN EXTENSION DESIGN GUIDANCE

Themed design guidance for the development of the Barwell Urban Extension proposals is set out below set out below. Illustrations of how the guidance might be applied is provided in Figure F, G, H & I.

MAKING KEY CONNECTIONS

Guidance on the provision of key movement routes through the urban extension and how they should connect with existing routes in the surrounding area is set out below. It demonstrates how a legible network of streets and other routes could be created within the urban extension, without necessarily fixing their geographic location.

Primary Access and Circulation

Main access to the urban extension (accommodating public transport, private vehicles, cyclists and pedestrians) is to be achieved from four points; two on the Ashby Road and two on Stapleton Lane. These are:

- From the Ashby Road, between the northern boundary of Barwell House Farm and the existing access to Bosworth House Farm;
- From the Ashby Road, between the access to Brook Hill Farm and Abrahams Bridge (River Tweed Crossing);
- From Stapleton Lane, at a point approximately midway between the access to White House Farm and Carousel Park, to coincide with the location of a strategic water main; and
- From Stapleton Lane, at a point approximately 100m west of the existing access to the Household Waste Recycling Centre;

The junctions on the Ashby Road and Stapleton Lane will be the main point of access for buses and should be designed to accommodate these vehicles.

The main public transport route through the urban extension will serve development to the north and the south of Stapleton Lane. It must pass through both employment areas and provide bus stops within them or close to them (whatever their eventual size). Its alignment must also ensure that all residents are within 400m (5 minute walk) of a bus stop. Bus stops should also be provided in the Local Centre.

The public transport route will form a 'loop' to the north of Stapleton Lane. It is suggested that that this will follow the alignment of the strategic water main for some of its length (from the junction close to the local centre), making efficient use of land. The loop should pass a new open space to the north of Stapleton Lane and will rejoin Stapleton Lane via an area allocated for employment uses.

To the south of Stapleton Lane, the public transport route will link Stapleton Lane with Ashby Road at two locations. As above, it is suggested that it will follow the alignment of the strategic water main for some of its length (e.g. from Stapleton Lane in a southerly direction through the local centre). A new vehicular crossing over the River Tweed will also be required. The route should pass a new open space – see below – and the southern employment area.

Outside of the urban extension, the public transport route will utilise the existing Ashby Road and Stapleton Lane to reach Barwell Village Centre and surrounding settlements.

Public Rights of Way and Pedestrian Routes

There are six existing Public Footpaths that cross the urban extension site, one of which (U36) is a National Trail – the ‘Leicestershire Round’. The strategy for their inclusion within the urban extension is set out below:

- Public Footpath U36 – the ‘Leicestershire Round’ – should be diverted to pass through a new open space to the south of the urban extension. This space will separate an employment area from existing development on Hinckley road. The route should also be diverted away from Moat Way and enter the new space via a vacant plot on Hinckley Road. This would enable a more direct connection to Footpath U44 to the south – which is the continuation of the Leicestershire Round and leads to Burbage Common;
- Public Footpath T99 should be diverted to follow the alignment of an existing hedgerow (which should be retained) to its immediate north. This will create an attractive route through development and enable more efficient use of land within areas allocated for residential development;
- Public Footpath T58 should be retained broadly on its current alignment, which follows the River Tweed and the northern boundary of Barwell Park / recycling centre. This will be a key route through Accessible Natural Green Space. The route should be enhanced on the boundary with the recycling centre – possibly through a minor diversion into retained open space to the north;
- Public Footpath U35 should be retained on its current alignment, which follows a track and an associated hedgerow. It should pass through a new open space to be created to the north of Stapleton Lane. From here, it should continue north through residential development (along a ‘street’) and potentially lead into an Equipped Children’s Play Space;
- Public Footpath U33 should be retained on its current alignment (associated with an existing hedgerow) from White House Farm to the junction with Footpath U33. From here, it should pass through residential development (along a ‘street’) and into an area allocated to Outdoor Sports Provision, eventually connecting back into the existing settlement to the east of the urban extension; and
- Public Footpath T97 should be retained on its current alignment along the northern edge of the urban extension – which it will define for part of its length. Between the northern edge of the urban extension and Kirkby Road, Footpath T97 will pass through residential development (along a ‘street’) and an area allocated to Outdoor Sports Provision.

Other dedicated pedestrian / cycle routes should be created throughout the urban extension, primarily within public open spaces. As with the routes described above, they should have appropriate surface treatments, be overlooked by development and be lit where necessary. The location of other key routes to be created is set out below:

- Within the open space corridor to be created alongside the Ashby Road;

- Within the open space corridor to be created between the eastern edge of the urban extension and the existing settlement – this will extend from Hinckley Road in the south to Charnwood Road in the north, crossing Stapleton Lane; and
- A route that will connect Barwell Park with the urban extension to the west of Barwell Park.

Residential Streets

The design of residential streets should accord with Leicestershire County Council guidance ‘Highways, Transportation and Development’ (August 2010), the Manual for Streets (DfT, CLG, March 2007) and Manual for Street 2 (CIHT September 2010). Streets should form a well connected, permeable network of routes. These routes should be legible and well defined by development that reinforces their intended character. The aim should be to create a hierarchy of streets based on their importance and, in part, on their vehicular capacity.

The exact nature and location of these streets will be determined by others following more detailed design exercises. A hierarchy of streets is suggested below to guide future development. It is related to the section on ‘Establishing Character and Identity’, which also discusses the nature of built form that will define these routes.

Avenue

Avenues are main routes through development, accommodating public transport. These routes should include tree planting on both sides of the street, grass verges and footways delineated by kerbs. Non-allocated on-street parking bays should be provided close to the local centre. Direct access to the carriageway from individual dwellings should be permitted, but in some locations parking will need to be provided in semi-private rear courtyards. The carriageway will be wide enough to accommodate buses and cycleways (combined footway / cycleways could be provided off street as an alternative) along with private vehicles.

The design should seek to provide a unhindered route for buses at all times, bus stops positioned in logical locations.

Surface treatments will commonly be asphalt for the carriageway and footways, although alternatives such as block paving could be used in locations such as the local centre. Where these routes pass through the local centre traffic speeds should be reduced through horizontal or vertical shift.

Streets

Streets are the secondary level of circulation within residential development. They will typically consist of a carriageway with a footway on both sides of the street – delineated by a kerb – although this could be provided on a single side only in some locations. Surface treatments will commonly be asphalt for the carriageway and footways, although alternatives such as block paving could be used in some locations. Direct access to the carriageway from individual dwellings should be permitted on all streets. Occasional visitor parking spaces should be provided. Forward visibility should be restricted and horizontal shift introduced to reduce traffic speeds.

Lanes

Lanes are more informal vehicular routes, where the space between buildings can be shared by pedestrians and vehicular users. There will be less delineation between carriageway and footway

and the use of kerbs will be reduced – although they may be used in some locations. Alternative surface treatments to asphalt, such as block paving and setts, will be more common. Direct access to the carriageway from individual dwellings should be permitted on all streets. Occasional visitor parking spaces should be provided. Forward visibility should be restricted and horizontal shift introduced to reduce traffic speeds.

Mews

Mews are shared spaces for pedestrians and vehicular users. There will be no kerbs and the space between buildings will be at a single 'grade' creating a level, 'shared surface' for all users. Alternative surface treatments to asphalt, such as block paving and setts, should be used in these spaces. Direct access to the carriageway from dwellings will be possible and there will be frequent on street parking bays. Access to garages and parking courtyards will also be common.

Parking Courtyards

Parking courtyards to the rear of houses or apartments forming perimeter blocks will be acceptable within the urban extension. Although most dwellings should be provided with on plot parking spaces to the front or side, parking courtyards will be required in some areas where direct access to dwellings from the carriageway cannot be achieved. These areas should be designed as spaces in their own right and should not just be thought of as car parks. They should benefit from passive surveillance from surrounding properties and potentially dwellings within the courtyard itself – e.g. coach houses or flats over garages.

A maximum number of 10 surface car parking spaces is recommended within parking courtyards. A variety of surface treatments should be used to delineate parking bays, vehicular circulation and private residential areas. These areas should be similar to 'Mews' and employ shared surfaces for vehicular and pedestrian circulation. Pedestrian access to dwellings or the street should be secured with gates.

Street Trees

Whilst the planting of street trees on the avenue is a requirement, the use of street trees throughout the urban extension on all routes is also expected although in less frequent quantities. Trees can be used to add visual interest and amenity, create character, calm traffic and define boundaries such as pedestrian spaces in the local centre, or larger, public open spaces. Native species appropriate to their location should be chosen.

Quality

The quality of the space between buildings is a critical component in the creation of successful places. Good quality, robust materials should be used in the public realm, particularly in locations that will be used by most people such as the local centre. Materials from local, sustainable sources should be utilised wherever possible.

The design of the public realm should help to reinforce local distinctiveness and ensure that the Earl Shilton urban extension has its own identity. The use of surface treatments, street furniture, lighting, tree planting and other elements should echo the public realm strategy for the town centre. This will help to create a recognisable character for the entire Earl Shilton Development.

INTEGRATING COMMUNITIES

The principal means by which development will be integrated with the existing community are:

- The provision of an extensive network of Accessible Natural Green Space;
- The creation of new areas for Outdoor Sports;
- The creation of new public transport connections;
- By locating a new 'community focus' in a central location on Stapleton Lane; and
- By enhancing and creating new pedestrian / cycle routes – including an improved 'Leicestershire Round'.

Development will also enhance the viability of existing businesses and community facilities in and around the Village Centre. This will include a public realm improvement scheme, the nature of which is detailed in the Public Realm Improvement Strategy.

The principal area allocated for Outdoor Sports will be located to the north east of the site close to Kirkby Road. It will be a shared resource where people can engage in formal recreation activities, enhancing health and wellbeing. It has the potential to provide a variety of formal sports pitches which could include:

- Football pitches;
- A Cricket pitch;
- A Running Track;
- Rugby pitches; and
- An Equipped Children's Play Space.

Public transport routes will be provided through the urban extension and will connect back into the existing road network. This will enable existing residents to benefit from their provision and connections to Barwell Village Centre, Hinckley and beyond. Development should enable an increase in the frequency of buses generally and additional destinations being added to the route network.

New pedestrian / cycle routes should be created throughout the urban extension site, linking open spaces and providing opportunities for informal recreation. These routes will connect back into the existing pedestrian network that surrounds the site and offer enhanced connections to and from Barwell. In particular, the Leicestershire Round National Trail should be provided with an enhanced route to the south of the Barwell urban extension.

The Barwell urban extension has an extensive boundary with the existing community. There are a number of small existing 'green' spaces on the western edge of Barwell (e.g. Boston Way recreation ground) and a large open space in the form of Barwell Park. In addition, the River Tweed is located close to the existing edge of Barwell. For these reasons, and when taking other constraints into account, the decision has been taken to retain a green 'corridor' between existing and proposed

development. New pedestrian connections between existing and proposed development will be created within this space. Key locations for this will be:

- Boston Way recreation ground;
- Hereford Close – two points;
- Harvey Close / Berrywell Drive; and
- Kirkby Road.

This open space corridor and the pedestrian connections across it will help to integrate existing and proposed communities. Care must be taken to respect the existing amenity and security of residents whose dwellings are close to the open space. As a general rule, new development should face onto the space, providing passive surveillance. The scale and massing of new development should be in keeping with the existing character of dwellings on these site boundaries.

CREATING OPEN SPACES

The creation of a 'Green Infrastructure' within the is a key requirement of the Core Strategy. The core strategy defines the spaces to be provided as:

- Accessible Natural Green Space;
- Outdoor Sports Provision;
- Casual / Informal Play Space; and
- Equipped Children's Play Space

The development framework shows how these areas could be provided in spaces that will have varied landscape characters and functions. These are:

- The Northern Open Space – fulfilling the requirements for Casual / Informal Play Space and Equipped Children's Play Space in a central location to the north of Stapleton Lane. This space would also act as a collection point for a number of public rights of way to create a small Neighbourhood Park;
- Kirkby Road Sports Pitches – primarily fulfilling the requirements for Outdoor Sports Provision (formal recreation), but also including an Equipped Children's Play Space and providing pedestrian / cycle routes between the existing community and the urban extension;
- The Tweed Vale – fulfilling the requirements for Accessible Natural Green Space by retaining and enhancing important natural habitats (including Little Fields Farm Meadow), and including wet and dry attenuation basins as part of a sustainable urban drainage system;
- The Ashby Road Corridor – fulfilling the requirements for Accessible Natural Green Space and Casual / Informal Play Space, this linear space will be created on the eastern side of Ashby Road. It will stretch from Stapleton Lane to Barwell House Farm and provide an offset between development and the surrounding landscape to the west;

- The Southern Open Space – fulfilling the requirements for Casual / Informal Play Space and Equipped Children’s Play Space in a central location to the east of the Ashby Road. This space would create a small Neighbourhood Park in a location benefitting from existing mature vegetation;
- The Leicestershire Round Corridor – an area of Accessible Natural Green Space on the southern edge of the containing the re-routed Leicestershire Round. Would also create an offset between existing development on Hinckley Road and new development – employment / residential – with the; and
- Local Parks – these combine the requirements for Casual / Informal Play Space and Equipped Children’s Play Areas and will be distributed throughout the residential development.

Existing hedgerows should also be retained wherever possible within residential development. Key locations where this is important is where they are associated with public rights of way, on the boundaries of the site and where residential development will border areas such as employment.

Northern Open Space

The northern open space should have semi-formal characteristics and become a focal point for the community to the north of Stapleton Lane. It will include two Equipped Children’s Play Spaces – a LEAP and a NEAP to cater for children of all ages – which will be surrounded by Casual / Informal Play Space in the form of grassed areas. Retained trees and hedgerows will be a key element of its landscape character and will help to create a mature, leafy setting. These features should be augmented with new planting in appropriate locations, e.g. to define routes and divide the space into smaller areas.

The space should be well defined by development of varied character that will surround it on all sides. Some of its boundaries should be physically defined by railings, fencing, hedgerows and / or trees. Internally, it will be divided into several smaller areas with different landscape characters by footpaths – some of which will be retained public rights of way. Adequate provision should be made for pedestrians to cross surrounding roads easily, directly and safely to access this space. The ‘Avenue’ should pass close to, or define the edge of this space and therefore it would be an ideal location for a bus stop.

Kirkby Road Sports Pitches

This area will have formal landscape characteristics associated with recreation uses. It will consist primarily of large flat areas of grassed sports pitches and may require subtle earthworks between pitches to create level playing areas. These could provide informal spectator seating around some pitches. The potential also exists for artificial pitches to be created for all year round use.

Well defined footpaths with appropriate surface treatments should be provided to enable pedestrian / cycle circulation across this space. Trees could be used to define areas for different activities and with varying character, e.g. Equipped Children’s Play Space.

The Tweed Vale

This space should have an informal landscape character and retain many of its existing natural features. It will follow the River Tweed from the Ashby Road to the boundary of Barwell Park and around the northern edge of this space to Stapleton Lane. The existing Little Fields Farm Meadow will form part of this area, although access to it will be restricted. Principal landscape features within the Tweed Vale will be meadow / rough grassland, existing trees and hedgerows and wetland habitats (wet and dry attenuation basins) associated with a sustainable urban drainage system.

A new vehicular crossing will need to be created over the River Tweed between Little Fields Farm Meadow and the Ashby Road. This route will connect development to the north and south of Stapleton Lane and the local centre. This should be achieved in a manner as sympathetic as possible to its rural setting and avoid heavily engineered highway designs. New pedestrian / cycle routes will also be created within this space and should employ surface treatments and lighting solutions (where necessary) that are sensitive to their surroundings.

The Ashby Road Corridor

This space is located on the eastern side of the Ashby Road and will follow its alignment from Barwell House Farm to Stapleton Lane. Existing landscape features within it should be retained and enhanced with new planting to create a landscape with an informal character. The objective is to offset development from the Ashby Road – and surrounding landscape to the west – to maintain the rural aspect of the Ashby Road along much of the boundary – accepting points of access. This linear strip should vary in width, but should not be less than 40m wide and could be wider than this in places.

New pedestrian / cycle routes will be created within the Ashby Road Corridor to allow safe pedestrian movement away from the Road. They should employ surface treatments and lighting solutions (where necessary) that are sensitive to their surroundings. Residential development within the area will define the eastern edge of this space and should be similarly in keeping with its rural aspect, resulting in lower density, less formal development forms.

The Southern Open Space

This space should be located on the northern side of an existing hedgerow which crosses the site in an east-west direction. This is a double hedgerow containing trees and is a significant landscape feature that should be retained within the wider residential development. The space should have semi-formal characteristics and become a focal point for the community to the east of Ashby Road. It will include two Equipped Children's Play Spaces – a LEAP and a NEAP to cater for children of all ages – which will be surrounded by Casual / Informal Play Space in the form of grassed areas. The retained hedgerow will be a key element of its landscape character and will help to create a mature, leafy setting. A retained public right of way should also follow the alignment of the hedgerow on the southern edge of this space.

To the north and east, the space should be well defined by residential development. The 'Avenue' should also define it to the east. In addition to the existing hedgerow, some of its boundaries should be physically defined by railings or fencing – especially close to the 'Avenue'. Adequate provision should be made for pedestrians to cross surrounding roads easily, directly and safely to access this space.

The Leicestershire Round Corridor

This space should have informal landscape characteristics, principally in the form of retained natural habitats, trees and hedgerows. The Leicestershire Round should be diverted (from Moat Way) to pass through this space, giving it a role and function beyond that which it has now. An existing watercourse that crosses the space should be retained and a new pond could be created within it as part of a sustainable urban drainage system. This could lead to the creation and enhancement of existing wetland habitats.

Barwell House Farm is currently visible from within this space (to the west) and will become an important landmark to those following the Leicestershire Round Strategic Footpath. The design of the space, including any landscape enhancements, should ensure that this situation is maintained. The provision of access to this space via a gap in the residential frontage on Hinckley Road – a re-routed Leicestershire Round – should be an objective of development. The surface treatment for the Leicestershire Round should be in keeping with the informal characteristics of the space. To the west, this space will connect with the Ashby Road Corridor and provision will need to be made for the Leicestershire Round to cross the Ashby Road.

Local Parks

Local Parks should have a semi-formal character and provide both informal play areas (grass) and play equipment in designated, safe areas. They will be well defined and overlooked by development which will provide passive surveillance over them – increasing safety and security. These parks should be distinctive in their own right and will become the focus for residents who will live nearby. Each park should have a recognisable feature or design theme, to differentiate them from one another.

The distribution of these spaces within the urban extension should ensure that all children live within the recommended distances by the Fields in Trust (FIT) from the play areas – Local Equipped Areas for Play (LEAPs) and Neighbourhood Equipped Areas for Play (NEAPs). The locations shown on the development framework have been chosen to reflect FIT guidance, to make best use of existing landscape features and locations that are easily accessible. They should be the starting point for future provision of children's play within the urban extension.

Retaining Existing Landscape Features

Existing trees and hedgerows that are assessed to be of strategic value in the creation of a green infrastructure are shown on the Development Framework. These landscape features should be assessed in more detail (surveyed) to determine their quality and potential for retention within development. They are felt to be particularly important where they are associated with existing public rights of way.

Some removal of trees and hedgerows is expected to facilitate access and development, but this should be minimised wherever possible. Layouts should be designed to avoid the loss of good quality trees and hedgerows.

ESTABLISHING CHARACTER AND IDENTITY

The creation of well designed, distinctive places should be the aim of all new development. This is particularly true in Earl Shilton and Barwell, where there is a desire to differentiate the urban extensions from one another. There is also a requirement to consider the existing character and context of the urban extension sites, and how new development will relate to this.

The Site Analysis and Contextual Appraisal considered the existing character of Barwell. Although it concluded that there was an eclectic mix of built form present in the village, it identified the following key characteristics:

- Barwell is structured around a number of routes which meet at its centre, as opposed to Earl Shilton which is more of a linear corridor;
- Workers terraces are found close to the village centre, notably on High Street and Chapel Street;
- Red brick is a common building material;
- The use of white or off-white cement render – through colour or painted – is also prevalent;
- ‘Traditional’ built forms are common – e.g. buildings with rectangular or square footprints and pitched roofs where the ridgeline follows the alignment of the street;
- Slates or plain tiles are common roof coverings;
- There are more areas of industrial development in Barwell than in Earl Shilton; and
- Successful places resulted from a complementary mix of built form, building materials and landscaping – achieving the right balance of consistency and variety to create legible character and avoid monotony.

Future designers should draw upon the most successful places that are found in Barwell for inspiration. The aim should not be to copy or recreate the past, but to consider how it could influence future development. Although there is very little contemporary development evident in Barwell, this does not mean it would be unacceptable. New forms would help to create distinctiveness and legibility within the urban extension site, and would be emblems for change.

The approach to character should either be through the creation of distinct areas – where a consistent theme is applied throughout – or by applying themes and styles to streets, resulting in a legible street hierarchy. A combination of these approaches can often be successful. Where a street based character hierarchy is employed it should relate to the movement framework – refer to ‘Making Key Connections’. The Avenue, Street, Lane and Mews typologies discussed above would be a good starting point for this.

In Barwell, where a maximum of around 2500 houses will be built in three main areas, it is felt that the creation of ‘character areas’ could be successful. These could be defined broadly as Land to the north of Stapleton Lane, land between Stapleton Lane and the Rived Tweed – around the local centre – and land to the south of the River Tweed, east of the Ashby Road. These areas could be differentiated from one another through the use of varied building materials, and / or varying

architectural styles or forms – potentially resulting in more contemporary development in some areas.

A street based hierarchy, with specific responses to key areas such open spaces should also be created within these larger ‘character areas’. Developers should explain their approach in Design and Access Statements that accompany applications for development.

Successful development will be a product of a number of interrelated factors. Guidance on a number of these is set out below.

Building Materials

Good quality, robust building materials should be used throughout the development. As a starting point, the following materials are considered to be acceptable. Other materials may also be suitable.

- Red Brick in a variety of autumnal shades, from reds and dark browns through to more orange hues;
- Yellow / buff brick as a contrasting material;
- Through colour cement render in varied off-white shades;
- Timber cladding (or similar approved material) in varied natural shades; and
- Slate and plain tiles (or similar approved materials)

Scale

Residential development should be predominantly 2-3 storeys in height. Increases in height are generally desirable around important junctions, at key gateways and in the Local Centre. ‘Landmark’ buildings should stand out from their neighbours and increased scale is one way in which this can be achieved.

Consistency in scale should be evident in the street hierarchy, resulting in streets which, for the most part, are defined by buildings of the same height. Variety should be introduced at corners and key junctions. Where development is planned close to existing dwellings on the edge of the urban extension, its scale should be appropriate to these locations.

Continuity of Built Form

All streets within the urban extension should be well defined by development. This can be achieved in different ways, which will result in varying degrees of continuity. Streets and other spaces that are well defined and overlooked by development benefit from passive surveillance, which is important in fostering safe and secure places. It is also important to create active streets and, in the main, dwellings should have their main entrance facing the street.

A good measure of the continuity of built form on a street is the ratio of dwellings to ‘gaps’ along it. The term ‘gaps’ includes driveways, stand alone garages, rear gardens, access to rear parking courtyards or gardens and other streets. When creating the street hierarchy – see above – designers should be mindful of the character they wish to create and how the continuity of built form will

affect this. A high ratio of dwellings to gaps (e.g. terraces) will create more formal character. A lower ratio will result in more informal, 'looser' development.

As a guide, a ratio of 80% dwellings to 20% gaps is appropriate for more formal streets. A ratio of 50% dwellings to 50% gaps is suitable for more informal streets or the edges of some open spaces and should be the minimum ratio of dwellings to gaps throughout the urban extension.

Corners

It is important that development on corners addresses both sides of the street. Blank gables will not be acceptable and nor will elevations with only token gestures such as small windows. Buildings on corners should help to signify choices in direction and are important way markers within the street hierarchy. A variety of ways that corners can be turned successfully are set out below:

- Increasing scale and creating distinctive rooflines;
- Using 'angled' dwellings to create chamfered corners;
- Ensuring that right angled dwellings have windows that face both streets;
- Including bay windows at ground floor level or first floor level – e.g. 'Oreil' type;
- Turning the main elevation of a terrace through 90 degrees on the end of a row; and
- Arranging dwellings to avoid excessive rear gardens along one street.

The Local Centre

Development in the local centre should be the most distinctive within the urban extension. Here, a greater variety of built form and building materials should be used, to ensure that buildings stand out from their surroundings and create 'landmarks'. The design of the school and children's centre would be the best opportunities for this. Shops with apartments above, and a pub / restaurant will also help to establish an identity for the Barwell urban extension and create activity in the local centre.

These buildings should be arranged to create a well defined urban square at the heart of the community. The orientation of the space should be considered; e.g. to make best use of existing routes and features, and / or to benefit from solar orientation. The alignment of a strategic water main will need to be accommodated within the Barwell local centre.

Although there should be space to park cars in the local centre, it should be well designed as a 'place' and not just a 'car park'. Vehicular circulation and the location of important functional areas, such as bus stops and delivery bays, should all be designed into the 'place' and should not be a product of engineering constraints.