

Date: 21 March 2011

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)

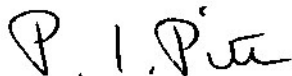
Dear Councillor

There will be a meeting of the **PLANNING COMMITTEE** in the Council Chamber, Council Offices, Hinckley on **TUESDAY, 29 MARCH 2011** at **6.30pm**, and your attendance is required.

The agenda for the meeting is set out overleaf.

There will be a pre-meeting at 6.00pm in the Members' Room (Annexe) to inform Members of any late items.

Yours sincerely



Pat Pitt (Mrs)
Corporate Governance Officer

PLANNING COMMITTEE

29 MARCH 2011

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

RESOLVED

2. MINUTES

To confirm the minutes of the meeting held on 1 March 2011, attached marked 'P55'.

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 'P56' (pages 1 – 162).

8. LOCAL REQUIREMENTS FOR VALIDATING PLANNING APPLICATIONS

Report of the Deputy Chief Executive (Community Direction) attached marked 'P57' (pages 163 - 229).

RESOLVED

9. APPEALS LODGED AND DETERMINED

Report of the Deputy Chief Executive (Community Direction) attached marked 'P58' (pages 230 – 238).

RESOLVED 10. APPEALS PROGRESS

Report of the Deputy Chief Executive (Community Direction) attached marked 'P59' (pages 239 – 241).

RESOLVED 11. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

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

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

1 MARCH 2011 AT 6.30 PM

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

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

In accordance with Council Procedure Rule 4.2, Mr Batty, Mr Bray, Ms Moore, Mr Smith and Mr Wright were also in attendance.

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

468 **MINUTES (P50)**

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

RESOLVED – the minutes of the meeting held on 1 February 2011 be confirmed and signed by the Chairman.

469 **DECLARATIONS OF INTEREST**

Mr Bannister, Mr Gould, Mrs Hall, Mr Hall, Mr Inman, Mr Mayne, Mr Nichols and Ms Witherford declared a personal interest in application 10/00032/OUT. Mr Mayne also declared a personal interest in application 10/00980/FUL and stated his intention to vacate the chair for this item.

470 **GROBY AND HOLLYCROFT CONSERVATION AREA STATEMENTS AND MANAGEMENT PLANS (P54)**

Members were presented with a report which sought approval to adopt the conservation area statements and management plans for the conservation areas in Groby and Hollycroft in Hinckley. On the motion of Mr O'Shea, seconded by Ms Witherford, it was

RESOLVED – the conservation area statements and management plans be endorsed.

471 DECISIONS DELEGATED AT PREVIOUS MEETING

The Head of Planning reported on the following applications which had been delegated at the meeting on 1 February 2011:

- (i) 10/00901/EXT– it was reported that the decision notice had not yet been issued as issues were not yet resolved;
- (ii) 10/00851/EXT – it was reported that the decision had been issued on 14 February;
- (iii) 10/00883/FUL – it was reported that the decision had been issued on 14 February;
- (iv) 10/00992/CONDIT – it was reported that the decision had been issued on 3 February.

472 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P51)

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) 11/00049/FUL – Extensions and alterations to restaurant, Woodlands Nurseries, Ashby Road, Stapleton – Woodlands Garden Centre

It was reported that this item had been deferred.

- (b) 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

Mr Batty left the meeting at 7.29pm and returned at 7.32pm.

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

RESOLVED –

- (i) subject to no new material planning considerations being identified to the Council prior to the expiry of the consultation period on 17 March 2011, the Deputy Chief Executive (Community Direction) be authorised to notify the Secretary of State for Communities and Local Government of the application due to it not being in accordance with the Development Plan and that the Council does not propose to refuse the application;

- (ii) subject to the conditions contained in the officer's report and late items and any decision by the Secretary of State pursuant to the notification to him, the Deputy Chief Executive (Community Direction) be further authorised to grant planning permission subject to the conditions set out in the committee report and the execution of an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 and section 111 of the Local Government Act 1972 containing obligations relating to the provision of affordable housing, the provision and maintenance of public play and open space facilities, highways improvements, education facilities, healthcare provisions and a movement and connections community chest.
- (c) 10/00951/COU – Change of use from A1 (retail) to A5 (hot food takeaway), 36 Wood Street, Earl Shilton – Mr David Luck

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

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

Having declared a personal interest in the following application, Mr Mayne vacated the chair. Mr Inman took the chair for the following item only.

- (d) 10/00980/FUL – Erection of five dwellings, 9 Spa Lane, Hinckley – Mr Frank Downes

Notwithstanding the officer's recommendation that the application be refused, it was proposed by Mrs Aldridge and seconded by Mr Sutton that the application be approved as the site did not contribute to the character of the area and development would not be detrimental. The Head of Planning requested that voting on this motion be recorded. The vote was taken as follows:

Mrs Aldridge, Mr Hall, Mr Mayne and Mr Sutton voted FOR the motion (4);

Mr Bannister, Mr Boothby, Mr Crooks, Mr Gould, Mrs Hall, Mr Joyce, Mr Morrell, Mr Nichols, Mr O'Shea, Mr Ward and Ms Witherford voted AGAINST the motion (11);

Mr Bown and Mr Inman abstained from voting.

The motion was therefore declared LOST.

Mr Gould, seconded by Mr Ward, moved that the application be refused for the reasons stated in the officer's report, with the removal of reason 1. Upon being put to the vote, the motion was CARRIED.

After a vote on the substantive motion, it was then CARRIED upon the casting vote of the Chairman. It was therefore

RESOLVED – the application be refused for the following reasons (as reasons 2, 3, 4 and 5 of the officer's report):

1. In the opinion of the Local Planning Authority, the proposal constitutes a scheme which overdevelops the site by virtue of the density, layout, footprint and scale. The proposal fails to respect the established character of the surrounding area and would therefore not complement or enhance the surrounding area. The development would therefore be contrary to policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, the Council's Supplementary Planning Guidance on new residential development and the guidance contained within Planning Policy Statement 3: Housing.
2. In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed development would not detrimentally affect the trees and vegetation within the site which if lost would have an adverse impact upon the character of the area, contrary to Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
3. In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed development would be built to Code Level 3 of the Code for Sustainable Homes, contrary to Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy (2009).
4. In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on the play and open space facilities of the local area by the proposed development would not accord with Government Guidance Circular 5/05, Policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Document on Play and Open Space 2008.

At this juncture, Mr Mayne took the chair.

- (e) 11/00015/FUL – Continued use and siting of a carbonaceous live fire training unit, Caterpillar UK Ltd, Peckleton Lane, Desford – Mr Dave Clayton

Members felt that the recommended 12 months temporary permission was too long and that six months would allow time for closer monitoring of the impact of the site by Environmental Health. It was moved by Mr Nichols, seconded by Mrs Hall and

RESOLVED – subject to no significant material observations being received by the end of the consultation period expiring on 4 March 2011, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant planning permission for a temporary period of six months subject to conditions contained in the officer's report as amended above.

- (f) 11/00032/OUT – Erection of two dwellings (outline – access and layout only), Land off Eastwoods Road, Hinckley – Brenmar Developments (Hinckley) Ltd

Mr Crooks left the meeting at 9.16pm and returned at 9.20pm.

Members requested further information before giving further consideration to the application. It was moved by Mr Nichols, seconded by Mr Crooks and

RESOLVED – the application be deferred.

At this juncture, having reached 9.25pm, it was moved by Mr Nichols, seconded by Mr Crooks and

RESOLVED – the meeting be allowed continue for a further 30 minutes.

- (g) 10/00779/FUL – Erection of one new industrial unit, 5 Jacknell Road, Hinckley – Printing & Packaging Co Ltd

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

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

- (h) 10/00887/CONDIT – Variation of condition 2 of planning permission 08/00720/FUL to amend the number of proposed gantries, Mira Ltd, Watling Street, Lindley, Higham on the Hill – Mr Tony Wyatt

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

RESOLVED – subject to no significant material observations being received by the end of the consultation period expiring on 2 March 2011, 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.

- (i) 10/00920/FUL – Siting of a temporary occupational dwelling (revised application), Land Congerstone Lane, Barton in the Beans – Mr Matthew Gilliver

Notwithstanding the recommendation to approve the application, some Members felt that it constituted development in the open countryside. It was moved by Mr O'Shea and seconded by Mr Boothby that the application be refused on these grounds. The Head of Planning requested that voting be recorded on this motion. The vote was taken as follows:

Mr Boothby, Mr Crooks and Mr O'Shea voted FOR the motion (3);

Mrs Aldridge, Mr Bannister, Mr Bown, Mr Gould, Mrs Hall, Mr Hall, Mr Inman, Mr Joyce, Mr Mayne, Mr Morrell and Ms Witherford voted AGAINST the motion (11);

Mr Nichols, Mr Sutton and Mr Ward abstained from voting.

The motion was therefore declared LOST.

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

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

- (j) 10/00923/FUL – Formation of a BMX track, erection of a shelter and alterations to existing car park, Castell Playing Field, Marina Drive, Groby – Mr Jack Fargher

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

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

473 APPEALS LODGED AND DETERMINED (P52)

A summary was submitted of appeals lodged and determined since the last meeting. It was moved by Mr Nichols, seconded by Mr Gould and

RESOLVED – the report be noted.

474 APPEALS – PROGRESS (P53)

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

RESOLVED – the report be noted.

(The meeting closed at 9.50pm)

REPORT P56

PLANNING COMMITTEE

29 March 2011

**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 - 29 March 2011 - NUMERIC INDEX

REF. NO.	APPLICANT	SITE	ITEM	PAGE
10/00834/EXT	Mr Roy Petty	Elm Lea Ashby Road Hinckley	01	02
10/00843/FUL	Mr Edward Cooper	287 Brookside Burbage	02	18
10/00995/COU	Miss Kerry-Anne Clarke	25 Southfield Road Hinckley	03	25
10/01007/FUL	Marston's Inns & Taverns	The Gate Inn Ashby Road Osbaston	04	30
11/00032/OUT	Brenmar Developments (Hinckley) Ltd	Land Off Eastwoods Road Hinckley	05	39
11/00049/FUL	Woodlands Garden Centre	Woodlands Nurseries Ashby Road Stapleton	06	50
10/00882/FUL	Mr Ian Osborne	Mira Ltd Watling Street Lindley Higham On The Hill	07	59
11/00063/OUT	Johal And Kler Partnership	Dunlop Limited Station Road Bagworth	08	69
11/00077/C	Trivett Family	Wellsborough Road Market Bosworth	09	85
11/00056/FUL	Mrs Jayne Barnes	6 Boyslade Road East Burbage	10	96
11/00090/FUL	Mr Toni Rennocks	Land Adjacent To 2 Croft Close Barwell	11	104
11/00095/GDOT	Vodafone Telefonica O2	Rugby Road Burbage	12	116
11/00096/GDOT	Vodafone Telefonica O2	Three Pots Road Burbage	13	125
11/00100/CONDIT	Westleigh Developments Ltd	Flude House Rugby Road Hinckley	14	133
11/00117/EXT	Mr Nick O'Donnell	Lorry Park Stokes Industrial Park Merrylees Road Desford	15	142
11/00160/GDOT	Vodafone UK Ltd	Queens Road Hinckley	16	149
11/00156/GDOT	Vodafone Uk And Telefonica O2	Adj To 1 Stoke Road Hinckley	17	156

Item: 01

Reference: 10/00834/EXT

Applicant: Mr Roy Petty

Location: Elm Lea Ashby Road Hinckley

Proposal: EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION APP/K2420/A/07/2056151 - DEMOLITION OF EXISTING HOTEL AND 2 NO FLATS AND ERECTION OF 24 NO RESIDENTIAL APARTMENTS INCLUDING VEHICULAR ACCESS AND CAR PARKING

Target Date: 18 April 2011

Introduction:-

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

Application Proposal

This is an application for the extension of time of a full application for the demolition of the existing hotel and the construction of a single block of 24 flats with associated car parking. The original application (ref: 07/00475/FUL) was refused, however the application was allowed at appeal (ref: APP/K2420/A/07/2056151). The previous application expires on the 25 April 2011; however the extension of time application has been made prior to the expiry date.

The scheme proposed the construction of a four-storey building to create 24 flats. The proposed dwellings include one studio, six 1-bedroom units, thirteen 2-bedroom units and four 3-bedroom units. In total 38 car parking spaces are proposed, some of which are in an undercroft car parking area. The proposed building is arranged in a single block, which is sited across the full width of the plot with a wing projecting to the rear of the site. The elevation to Ashby Road is 34.5 metres in width across the plot. A wing element is proposed which projects into the rear of the plot and has an element of car parking underneath. The overall height of the rear wing is 11.5 metres to ridge height with windows facing north east and south west. The elevation to Ashby Road is varying in terms of building height. At its closest point to No. 1 Ashby Road the proposed building is 9.7 metres in height with a separation distance of 9 metres. The proposed building then steps up to a three-storey element with accommodation in the roof space, being 12.2 metres to the ridge it is the same height as the existing building. At the corner of the site the building incorporates a 'turret-like' feature, which has an overall height of 13.8 metres.

The scheme proposed that the 38 car parking spaces be accessed from the rear of the site off Middlefield Lane and vehicles would be able to exit the site onto Ashby Road. The majority of the surface car parking is proposed along the north east boundary with some proposed to the front of the site. There are several large protected trees to the rear of the site, which the scheme seeks to retain.

The Site and Surrounding Area

Elm Lea is sited in a prominent location at the corner of Ashby Road and Middlefield Lane in Hinckley and is currently in use as a hotel with existing car parking to the front of the site being accessed from Ashby Road. The existing hotel building is two storeys with accommodation within the steep gables. To the rear of the site the land drops and the building is three storeys with further accommodation within the roof space. There are some single storey outbuildings on the south western boundary. To the north of the application site are 1 Ashby Road and 2 Middlefield Lane, both of which are bungalows. The majority of the surrounding properties are two storey dwellings. To the south of the application site is a garage and showroom. Within the grounds of Elm Lea there are many protected trees. The site is located within the settlement boundary of Hinckley, as defined by the adopted Hinckley and Bosworth Local Plan (2001).

Technical Documents submitted with application

The application is accompanied by a Design and Access Statement and Protected Species Survey.

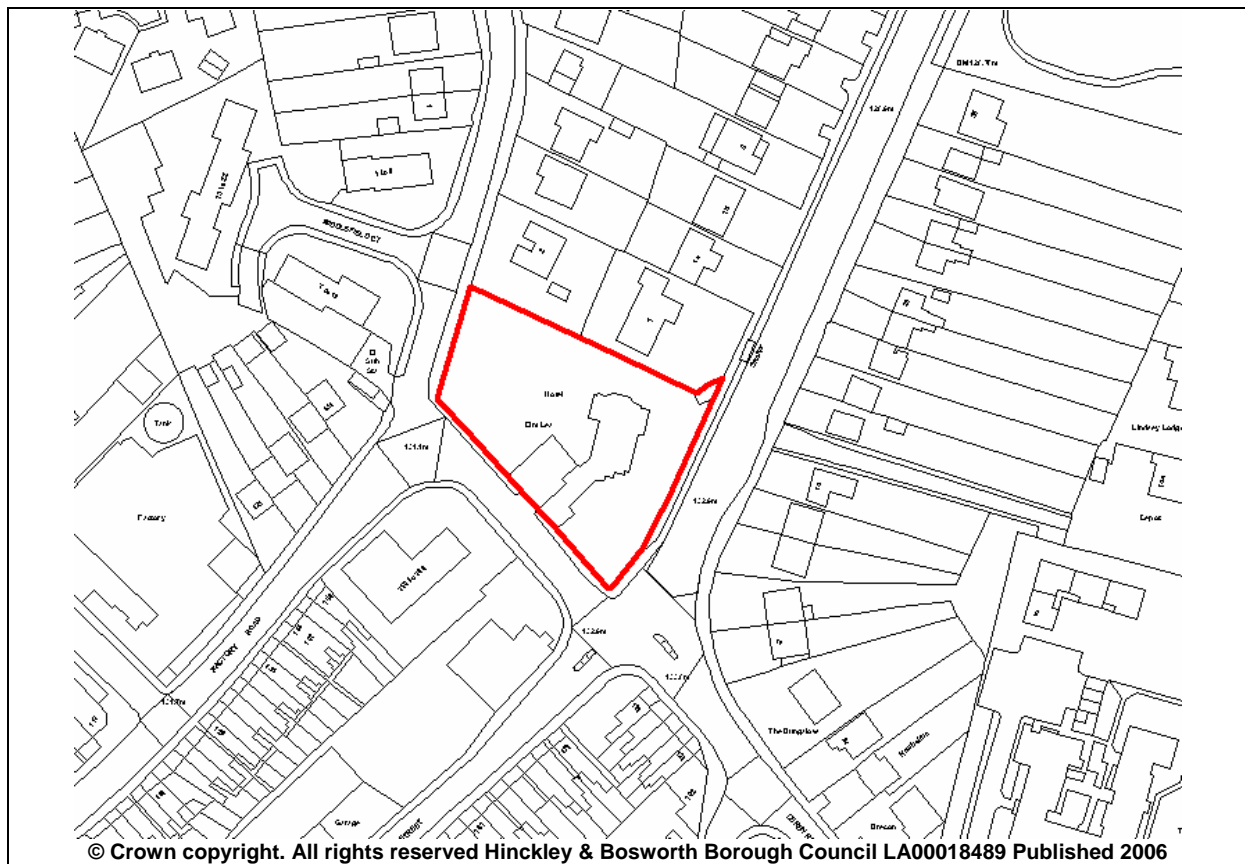
The Design and Access Statement describes the scheme in reference to national and local policy and refers to the Council's shortfall in the five year housing land supply. The statement discusses the affordable housing requirement and financial contributions but states that contributions need to be in conformity with Circular 05/2005.

The accompanying Protected Species Survey concludes that bats had not used the building to roost, but that there was potential for bat roosts sites in the building and that no active nests were present but the building has and could be used for nesting sites. The survey confirmed that there was no evidence of any other protected species on the site and that there did not appear to be any habitat suitable for other protected species.

History:-

There are several historic applications for various developments on this site with the most relevant being as follows:-

07/00620/FUL	Demolition of existing hotel and 2 No. flats and erection of 24 no. Residential apartment including vehicular access and car parking.	Refused 17.03.08 (Approved at Appeal)
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Consultations:-

No objection has been received from:-

Environment Agency
 Central Networks
 Head of Community Services (Pollution).

No objection subject to conditions have been received from:-

Severn Trent Water
 Director of Environment and Transport (Highways)
 Directorate of Chief Executive, (Ecology)
 Head of Community Services (Land Drainage)
 Head of Business Development and Street Scene Services (Waste Minimisation).

Head of Corporate and Scrutiny Services (Tree Officer) has confirmed that the previous tree survey did not include a Tree Protection Plan and that tree work recommendations made in June 2007 should be updated.

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

- a) the Director of Environment and Transport (Civic Amenity) requests a contribution of £1,085.00
- b) the Director of Adults and Communities (Libraries) requests a contribution of £1,150.00
- c) the Director of Children and Young Peoples Services (Education) does not request any contributions.

The Primary Care Trust requests a contribution of £5,510 towards health services.

The Leicestershire Constabulary Crime Reduction Officer does not request any contributions.

The Head of Corporate and Scrutiny Services (Green Spaces) has requested financial contributions for the continuous pitch improvements required to Richmond Park and for additional landscaping scheme e.g. woodland burial area for Ashby Road Cemetery.

The Head of Culture and Development (Affordable Housing) seeks four properties for social rented and one property for intermediate tenure.

Site notice and press notice were displayed and neighbours notified.

Four letters of objection has been received raising the following concerns:-

- a) objection to the demolition as important ' gateway' building
- b) association with Hinckley's hosiery industry and a building of fine architecture
- c) junction is very busy, proximity to bus stop and accidents will occur
- d) visual impact.

Policy:-

Central Government Guidance

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

Planning Policy Statement 3 (PPS3): '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 13 reflects guidance in PPS1 stating that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to improve the character and quality of an area and the way it functions, should not be accepted. Paragraph 16 lists matters to be considered when assessing design quality; this includes assessing the extent to which the proposed development is well integrated with and compliments, the neighbouring buildings and the local area more generally in terms of scale, density layout and access.

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' requires Local Authorities to fully consider the effect of planning decisions on biodiversity including protected species and biodiversity interests in the wider environment.

Planning Policy Guidance Note 13 (PPG13): 'Transport' sets out national transport planning policy to promote sustainable travel choices.

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

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

Regional Policy 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. Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS's intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration. In relation to the weight to be given to that intention as a material consideration the Court held that 'the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

East Midlands Regional Plan 2009

The Regional Spatial Strategy for the East Midlands is the East Midlands Regional Plan this provides a broad development strategy for the East Midlands. The following policies are relevant to this proposal:

Policy 1 seeks to secure the delivery of sustainable development.

Policy 2 promotes better design including highway and parking design that improves community safety.

Policy 43 seeks to improve highway safety across the region and reduce congestion.

Local Development Framework Core Strategy 2009

Policy 1: 'Development in Hinckley' sets out that land for the development of 1120 residential dwellings will be allocated with an aim to diversify the existing housing stock in the town centre to cater for a range of house types. The policy also sets out aspirations to address the existing deficiencies in the quantity, quality and accessibility of green space and play provision and that development should respect Hinckley's industrial heritage through sympathetic reuse of existing buildings unless it can be demonstrated that this is not achievable.

Policy 15: 'Affordable Housing' seeks the provision of Affordable Housing on residential proposals within urban areas at the rate of 20% with a tenure split of 75% social rented and 25% intermediate housing.

Policy 16: 'Housing Density, Mix and Design' 16 seeks residential development to provide a mix of housing types and tenures at a minimum density of 40 dwellings per hectare within Hinckley.

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' seeks to ensure that all new homes in Hinckley will be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes.

Hinckley and Bosworth Local Plan 2001

Policy IMP1: 'Contributions towards the Provision of Infrastructure and Facilities' requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy RES3: 'Provision of Affordable Housing on Sites not Specifically Allocated for Residential Purposes' states that the Borough Council will negotiate to provide an element of affordable housing. The Borough Council will seek to negotiate this provision on site.

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' seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features; have regard to the safety and security of both individuals and property; incorporate design features which reduce energy consumption; incorporate landscaping to a high standard; have regard to the needs of wheelchair users and other people with disabilities; ensure adequate highway visibility for road users and adequate provision for parking for residents and visitors together with manoeuvring facilities and should not adversely affect the occupiers 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 T9: 'Facilities for Cyclists and Pedestrians' refers to development encouraging walking and cycling as safe and convenient means of transport.

Policy REC2: New Residential Development – Outdoor Open Space for Formal Recreation' requires developers to provide suitable sites for formal recreation purposes. For developments of between 20 and 100 dwellings, pro rata provision of open space will be sought. Where land would not be of practical value as public open space for formal recreation activities, the Local Planning Authority may alternatively seek a financial contribution 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.

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.

Supplementary Planning Guidance/Documents

The Council's Supplementary Planning Guidance (SPG): 'New Residential Development' provides a series of standards that new residential development should achieve in respect of design, layout, impact on neighbours and amenity space. It specifically states that the appropriate density of the development will be determined by the general character of the surrounding area.

The Council's Supplementary Planning Document (SPD): Affordable Housing sets out the key principles for delivering the amount and tenures of affordable housing in urban and rural areas.

The Council's Supplementary Planning Document (SPD): 'Play and Open Space' provides a framework for the provision of play and open space and financial contributions to support the requirements of Policy REC2 and REC3.

The Council's Supplementary Planning Document (SPD): 'Sustainable Design' aims to support and encourage developers and applicants in delivering homes in line with national best practice guidance primarily the Code for Sustainable Homes for housing and delivery of sustainable development through the planning system.

Other Material Policy Guidance

Other Material Planning Documents

The Town Centre Area Action Plan (Proposed Submission Document) (June 2010) includes the site within the Hinckley Town Centre Area Action Plan. The site is located close to the boundary but falls outside of it. This is to be considered at committee on 21 March 2011.

The guidance document Greater Flexibility for Planning Permissions published in November 2009 states that in determining applications to extend the time limit for implementing planning permissions:

"Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date".

The guidance continues:

"Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission".

Appraisal:-

The main consideration with regards to this application is whether there have been any material changes in planning policy since the previous application that would affect the determination of the application. There are additional considerations such as if the originally imposed conditions are still required and whether additional conditions or financial contributions should be applied.

Changes to Policy

Central Government Guidance

Since 2008 National Planning Policy Statements have been both issued and amended on a number of topics. Of particular relevance to this application is Planning Policy Statement 3: Housing (PPS3).

The previous application was considered in light of Planning Policy Guidance Note 3: Housing published in March 2000. Early editions of Planning Policy Statement 3 were issued in 29 November 2006 and 19 January 2010 and have been superseded by the latest issue of PPS3 in June 2010. The particular revisions issued on 9 June 2010 were the removal of private residential gardens from the definition of previously developed land and the removal of the national indicative minimum density of 30 dwellings per hectare.

Given that the site predominantly falls within the use class C1 and not residential curtilage then the re-classification of private residential gardens does not affect the determination of this application. In respect of the density, paragraph 47 of PPS3 states that Local Planning Authorities may wish to set out a range of densities across the plan area rather than one broad density range. In this case, through the adoption of the Hinckley & Bosworth Borough Council Local Development Framework Core Strategy, Policy 16 requires residential development at a minimum density of 40 dwellings per hectare within Hinckley.

In response to these changes, the Council has considered that where development falls within a defined settlement boundary, that each case should be considered on its own merits and that character, density, mass, layout and design should be fundamental to the determination of the application alongside the development being carried out in accordance with relevant plan policies.

The latest application (ref: 07/00620/FUL) appraised the issues of density, design, layout and character and concluded that the scheme in 2007 represented a significant improvement over the previously refused proposal (ref: 06/00668/FUL) for 31 apartments and that the resulting design respected the scale and character of buildings in the immediate locality and did not have an overbearing influence within the streetscene.

In summary, it is considered that whilst amendments have been made to PPS3, they do not raise issues that would now imply that the development would be unacceptable. The development plan and other material considerations have not changed in a manner that would now lead to the application being refused.

Regional Policy

In 2008 the scheme would have also been considered against Leicester, Leicestershire and Rutland Structure Plan which has since been superseded by the Regional Spatial Strategy for the East Midlands. While this high level policy has changed it is considered that the scheme would also be in accordance with the broad policies of the RSS which still seek to direct new development to urban areas and Brownfield land. Therefore while the development plan has changed since the original decision was reached it does not lead to a different conclusion on the acceptability of the application.

Core Strategy

The Local Development Framework Core Strategy was adopted in December 2009 and of relevance to the scheme are policies 1, 15, 16, 19 and 24.

Policy 1 - Development in Hinckley is an overarching policy to guide development in Hinckley which does not raise issues that would now imply that the development would be unacceptable.

Policy 19 - Green Space and Play Provision seeks high quality and accessible green spaces and play areas, whilst Policy 1 also sets out aspirations to address the existing deficiencies in the quantity, quality and accessibility of green space and play provision. It is considered that the site is located close to Hinckley's town centre, within 1 km of Richmond Park and the original application imposed a condition – (Condition 27) for financial contributions towards play and open space facilities and as such would accord with Policies 1 and 19.

In line with Policy 24 - Sustainable Design and Technology, the residential units to be constructed on site will now need to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. It is considered necessary to attach a condition to ensure that details of the schemes compliance with this standard are submitted to and approved in writing by the Local Planning Authority.

Policy 15 – Affordable Housing which seeks a 20% affordable housing target to be split between 75% social rented and 25% intermediate housing. A request has been made to the applicant to provide four properties for social rent and one for intermediate tenure. At the time of writing the report negotiations are taking place to secure this affordable housing requirement through a legal agreement.

Also of relevance is Policy 16 - Housing Density, Mix and Design which seeks to provide a mix of housing types and tenures. Resultant of the progressions with the legal agreement, this would ensure a mix of housing tenures. The scheme also proposed one studio, six 1-bedroom units, thirteen 2-bedroom units and four 3-bedroomed units ensuring there is a mix of housing types.

In summary, since the determination of the previous application a number of policies of the Local Development Framework Core Strategy are relevant. In principle the policies do not raise further issues that would imply that the development would be unacceptable, however it is considered that an additional condition for Code Level 3 and a legal agreement to secure affordable housing and play and open space financial contributions are required in order for the scheme to be in compliance with these policies.

Local Plan Policy

The original scheme was granted on the 17 March 2008 therefore it was considered against the same Hinckley and Bosworth Local Plan (adopted 2001) policies which have been 'saved' by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004.

Following the adoption of the Local Development Framework Core Strategy the site triggered the threshold for affordable housing. As such this scheme should also be considered in light of Local Plan Policy RES3. Subject to the signing of the legal agreement to provide affordable housing on the site, the development will be in accordance with Policy RES3.

In summary, the development plan and other material considerations have not changed in a manner that would now lead to the application being refused.

Changes to Conditions

Therefore given that the development plan and other material considerations have not changed in a manner that would now lead to the application being refused the other

consideration is whether the original conditions are still relevant and whether additional conditions should be imposed.

The Planning Inspector combined and modified a number of the originally imposed condition to reduce the overall number to 16.

Removal of Conditions

The Inspector stated that whilst a list of plans formed part of the decision requiring a further condition referring to them was un-necessary. However, since the appeal decision guidance has been published and changes to the planning system made, namely 'Greater Flexibility for Planning Permissions published in November 2009' which provides a mechanism for schemes to be amended through applying to vary a 'approved plans' condition. As such it is considered that this condition should be included.

Both Severn Trent Water and the Head of Community Services (Land Drainage) raise no objections to the proposal but request that a condition in respect of drainage plans for the disposal of surface water and foul sewage and sustainable drainage principles, respectively. 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, it has been agreed locally that drainage details will no longer be required to be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary and Condition 9 is not to be carried forward to this permission.

Additional Conditions

As previously discussed since the determination of the previous application the Local Development Framework Core Strategy has been adopted (2009) and requires that all new residential development within Hinckley, Burbage, Barwell and Earl Shilton to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. As such it is considered necessary to attach an additional condition to secure this.

Retention of Conditions

Following the submission of this extension of time application, consultees have requested the retention or additional imposition of planning conditions.

The Directorate of Chief Executive, (Ecology) states that the ecological survey is insufficient because the survey was undertaken outside of the optimum time of year for bats and the surveyor recommends that a full bat survey, including emergence survey be undertaken at the appropriate time of year. As such it is recommended that Condition 15 of the appeal decision be carried over to this permission.

The Director of Environment and Transport (Highways) recommends that a condition be imposed, in the interests of Highway safety, permitting a single point of access to the site off Middlefield Lane. Condition 10 of the appeal decision ensures that the access from Middlefield Lane shall be used to enter the site only, whilst Condition 11 of the appeal decision requires existing vehicular access points to be closed permanently within 7 days of the new access arrangements being brought into use. As such it is considered Condition 10 and 11 address these concerns and should be carried over to this permission.

The Head of Corporate and Scrutiny Services (Tree Officer) recommends that the tree survey work undertaken in June 2007 should be updated and include a Tree Protection Plan. It is considered that Condition 4 of the appeal decision provides sufficient detailing to ensure trees are identified and protected during construction and as such should be carried forward to this permission.

The Head of Business Development and Street Scene Services (Waste Minimisation) has requested a condition to secure refuse and recycling storage and collection. It is considered that details regarding refuse and recycling stores are already requested through the imposition of Condition 5 of the appeal decision and as such should be retained.

It is considered that the other remaining conditions and their reasoning are valid and necessary and in compliance with the tests for conditions set out in Circular 11/95.

In summary, resultant of the Planning Inspectors decision to allow the appeal, the conditions were appraised and modified at that time, and as such it is considered necessary to impose all conditions previously listed, within the exception of drainage details and the addition of a Code for Sustainable Homes condition and an approved plans condition.

Affordable Housing Provision and Development Contributions

Affordable Housing Provision

The applicant has committed to providing 20% affordable housing with a tenure split of 75% for social rent and 25% for intermediate tenure, which is in accordance with Core Strategy Policy 15. This equates to the provision of 5 affordable homes; four for social rent and one for intermediate tenure.

There is a high demand for affordable housing in the form of family homes in Hinckley and therefore the provision proposed is welcomed.

The exact housing need for the area will be provided as a late item in order to provide evidence that the affordable housing requirement meets the requirements of CIL.

Developer Contributions

Since the determination of the previous application the Community Infrastructure Levy Regulations (CIL) 2010 has become a statutory requirement and this requires the Borough Council to ensure that requested contributions are necessary, directly related and fairly and reasonably related in scale and kind the development proposed.

The application proposes 24 residential units, and given the two existing residential units on sites results in a net gain of 22 units, which attracts infrastructure contributions.

It should be noted that recent appeal decisions of this authority have found that requests received from Leicestershire County Council in respect of libraries, civic amenity and from the Primary Care Trust and Police Architectural Liaison Officer are not being adequately quantified against the CIL regulations. On consideration of the requests received in respect of this application it is considered that they do not meet the tests as set out in the Community Infrastructure Levy 2010 and are therefore not considered appropriate.

As the site does not make any provision for onsite open space a contribution would be required to improve existing open space within the immediate locality. Such a contribution would be required to meet the CIL tests and would need to show that the financial

contribution request is necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

In terms of open space and play policies, Policies REC2 and REC3 of the Local Plan suggest that direct or indirect (financial) contributions will be expected according to the following development thresholds:-

- a) 20 dwellings or more for open space for formal recreation (REC2); and,
- b) one dwelling or more for informal play facilities (REC3).

The site is located within 400 metres of informal space Ashby Road Cemetery (other informal play types include churchyards and cemeteries). Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD.

The site is also located within 1 kilometre of formal recreation at Richmond Park (neighbourhood park used for the provision for children and young people and outdoor sports facilities). Due to the residential element of the development of over 20 dwellings, the proposal triggers a requirement for a contribution towards the provision and maintenance of formal recreation in accordance with Policy REC2 supported by the Play and Open Space SPD.

Within the Green Space Strategy 2005-2010, Hinckley was found to have a sufficiency of casual/informal play space (3.83) but deficiency of outdoor sports (-12.50) for its population when compared with the National Playing Fields Standard. The quality of Richmond Park was considered within the Quality and Accessibility Audit of 2005 which awarded it a quality score of 41.2%.

In addition, the Head of Corporate and Scrutiny Services (Green Spaces) has requested financial contributions for the continuous pitch improvements required to Richmond Park which is currently out to tenure and that Ashby Road Cemetery requires landscaping such as a woodland burial area, following recent improvements.

The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. A total of £15,363.68 is sought; £11,882.70 for Richmond Park (£6536.70 for the provision and £5,346.00 for the maintenance and £3480.98 for Ashby Road Cemetery (£1,871.10 for the provision and £1609.88 for the maintenance).

It is considered that Hinckley has a deficiency of outdoor sports and Richmond Park has shown to have a quality deficit. The size of units proposed would appeal to families and given the proximity of the application site to Richmond Park and Ashby Road Cemetery it is considered that the future occupiers would use the facilities. In the case of Richmond Park it is considered future occupiers would utilise and increase the wear and tear on the site.

It is considered that the play and open space contribution is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance. As such, it is considered necessary to secure these contributions through a legal agreement.

In summary, the contributions requested and considered CIL compliant include:-

- a) Affordable Housing (20% which equates to 5 units)
- b) Play and Open Space £15,363.68.

A Unilateral Undertaking is under negotiation to secure the financial contributions and affordable housing units.

Conclusion

The development plan and other material considerations have not changed in a manner that would now lead to a different conclusion on the acceptability of the application. It is considered that all other remaining conditions are considered necessary and that an additional condition relating to Code for Sustainable Homes and approved plans should be added. As such, the extension of the scheme for a further 3 year plan period is acceptable subject to the imposition of the previous conditions, where applicable and additional conditions as stated above.

RECOMMENDATION:- That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide affordable housing and financial contributions towards play and open space, the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission subject to the conditions below. Failure to complete the said agreement by the 14 April 2011 may result in the application being refused:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development by virtue of the previous application and the changes in policy since the last permission would not result in a different decision being reached and therefore would be in accordance with the development plan.

Hinckley & Bosworth Local Plan (2001):- Policies IMP1, RES3, RES5, BE1, T5, T9, REC2, REC3.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):
- Policies 1, 15, 16, 19, 24.

- 1 The development hereby permitted shall commence not later than three years from the date of this permission.
- 2 No development shall commence until samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3 No development shall commence until details of the windows including style, opening, reveal, cill and header treatment have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 4 No development shall commence until a plan scheme has been submitted to and approved in writing by the Local Planning Authority which identifies the trees to be retained and removed, the details of any work to be undertaken to the retained trees and the means by which they will be protected during construction. Development shall be carried out in accordance with the approved details

- 5 No development shall commence until 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 in accordance with the approved scheme. These details shall include existing and proposed finished levels or contours; means of enclosure; hard surfacing materials; planting plans including written specification, schedules of plants, species, plant sizes, numbers/densities where appropriate; refuse and recycling stores; and implementation programme.
- 6 All hard and soft landscape works shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out not later than the first planting and seeding seasons following the date of the first occupation of any dwelling hereby permitted or the final date of completion of the development, whichever is sooner; and any trees of plants which, within a period of 5 years from the dates specified above die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
- 7 No development shall commence until a scheme for the investigation of any potential land contamination on the site has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public when the site is developed. The scheme shall be implemented in accordance with the approved details. Details of any necessary remediation measures shall be submitted to and approved in writing by the Local Planning Authority and carried out as approved prior to the first occupation of any dwelling hereby permitted. Notification of the commencement date of any site investigation work relating to potential contamination in accordance with the approved scheme shall be given in writing to the Local Planning Authority not less than 14 days before such work commences.
- 8 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 has been submitted to and approved in writing by the Local Planning Authority. Any remediation work so approved shall be carried out prior to the first occupation of any dwelling hereby permitted.
- 9 Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment confirming that the dwellings hereby approved can be constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority. No dwelling hereby approved shall be occupied until a final certificate confirming that the development has been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.
- 10 No development shall commence until details of the access serving Middlefield Lane and Ashby Road and turning facilities within the site to allow vehicles to enter and leave in a forward direction have been submitted to and approved in writing by the Local Planning Authority. The access from Middlefield Lane shall only be used to enter the site. No occupation of any dwelling hereby approved shall take place until the accesses and turning facilities have been implemented as approved and retained thereafter.
- 11 Existing vehicular access points shall be closed permanently within 7 days of the new access arrangements referred to in condition 10 hereof being brought into use and

the existing vehicular crossings reinstated in accordance with details submitted to and approved in writing by the Local Planning Authority before development commences.

- 12 The off-street parking places detailed on drawing no 3598/02 Rev H received by the Local Planning Authority on 12 February 2008 shall be surfaced and marked prior to the first occupation of any dwelling hereby permitted and kept available for use by vehicles thereafter.
- 13 No development shall commence until details of cycle parking provision have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of any dwelling hereby permitted and the cycle parking provision shall be retained thereafter.
- 14 No development shall commence until details of the proposed finished floor levels have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 15 No development shall commence until a survey of the existing buildings to identify protected species has been submitted to and approved in writing by the Local Planning Authority. The survey shall include details of any necessary mitigation measures to deal with protected species and these measures shall be implemented prior to the demolition of the existing building. Notification of the commencement date of any demolition work in accordance with the approved scheme shall be given in writing to the Local Planning Authority not less than 14 days before such work commences.
- 16 For the period of the construction of the development, vehicle parking and vehicle wheel cleansing facilities shall be provided within the site until such a time as all construction has taken place. All vehicles associated with the development shall be parked within the site and shall have all tyres and wheels cleaned as may be necessary before leaving the site.
- 17 This permission relates to the application as revised by amended plan 3598/03 rev D, 3598/02 rev E, 3598/11, 3598/05 rev C, and 3598/03 rev C received by the Local Planning Authority on 6 August 2007.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2&3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4 The trees on this site are subject to a Tree Preservation Order and this condition is necessary to ensure that proper steps are taken to safeguard the trees during the course of development 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.
- 6-8 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 In the interests of sustainable development to accord with Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.
- 10-12 In the interests of road safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 13 In the interests of sustainability of the development and to encourage alternative transport choices in accordance with Policy T9 of the adopted Hinckley and Bosworth Local Plan.
- 14 To safeguard the amenities of neighbouring dwellings, to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 15 To ensure the proposed development does not have an unacceptable adverse impact on protected species and to check mitigation measures are in place to accord with guidance contained with Planning Policy Statement 9 (PPS9) 'Biodiversity and Geological Conservation.
- 16 In the interests of road safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 17 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 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).

Contact Officer:- Ebony Mattley Ext 5691

Item: 02

Reference: 10/00843/FUL

Applicant: Mr Edward Cooper

Location: 287 Brookside Burbage Hinckley

Proposal: ERECTION OF SINGLE STOREY REAR EXTENSION, DWARF WALL, REPLACEMENT PORCH AND PARTIALLY DEMOLISHED GARAGE

Target Date: Not applicable – Appeal in progress

Introduction:-

This application is to be considered at Planning Committee as it is an application which will be subsequently considered by the Planning Inspectorate following an appeal lodged for non determination.

The appeal has arisen as the applicant has considered that Hinckley and Bosworth Borough Council have acted beyond the legislative powers in requesting additional information in order to validate the application.

The Local Authority considered that the application was invalid at the time of first receipt as there was information missing, that was required by both the national and local requirements list. The applicant submitted some information over a period of time. However during the period the legislation changed and the General Development Procedure Order 1995 (GDPO) was replaced by the Development Management Procedure Order (DMPO 2010). This changed validation requirements so that the information requested was no longer required. Due to internal procedures the application was kept on hold and not returned resulting in the applicant lodging the appeal.

Application Proposal

Full planning permission is sought for the erection of a single storey rear extension, replacement porch, partially demolished garage and erection of patio and dwarf wall.

The proposed single storey rear extension would create an enlarged kitchen/diner area, en-suite and walk in wardrobe spanning the entire width of the existing bungalow and projecting from the rear wall by 4 metres in length. It would measure approximately 2.6 and 5.7 metres to the eaves and ridge, respectively.

The existing flat roof store to the rear of the dwelling would be demolished and an existing flat roof porch is set to be enlarged to the western elevation of the dwelling to incorporate a store. The new porch would measure 2.3 metres by 1.5 metres.

The existing flat roof sectional garage is located to the rear of the dwelling on the western border of the site and measures 5.35 metres in length. Resultant of the erection of the single storey rear extension, the front of the garage is set to be demolished to allow access to the rear garden. The proposed garage would measure 3.95 metres in length.

An existing dwarf wall to the rear of the dwelling is proposed to be removed for the extension and re-positioned towards the north of the site to create a patio area.

A Solar tube is also proposed through the ceiling of the bathroom and positioned on the western roof slope. The tube would also be partially visible from the front and rear elevations.

The materials are proposed to match those used in the existing dwelling; a textured red multi brick for the walls, plain clay roof tiles for the roof and white upvc window and doors.

The Site and Surrounding Area

The application dwelling is a detached bungalow located to the north of Brookside and is immediately adjoined to the east and west by detached bungalows of a similar scale and style. The site is located within the settlement boundary of Burbage, as defined by the adopted Hinckley and Bosworth Local Plan (2001).

Technical Documents submitted with application

The application is not accompanied by any technical documents.

History:-

None in relation to this specific site.



Consultations:-

Five neighbours, Burbage Parish Council, local ward members and the Head of Community Services (Land Drainage) have all been notified of the development, through the planning appeal process and have been given six weeks from the 18 February 2011 to submit their comments. At the time of writing the report comments have not been received.

Policy:-

Central Government Guidance

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

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. Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS's intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration. In relation to the weight to be given to that intention as a material consideration the Court held that 'the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:

Policy 1: seeks to secure the delivery of sustainable development.

Policy 2: promotes better design to continuously improve the level of co2 emissions and resilience to future climate change through the layout, design and construction of new development also includes highway and parking design that improves community safety.

Local Development Framework Core Strategy 2009

Policy 4: 'Development in Burbage' identifies the need to allocate land for the development of a minimum of 295 dwellings focused primarily to the north of Burbage and adjacent to the Hinckley settlement boundary to help support the Hinckley sub-regional centre and to cater for a range of house types as supported by Policy 15 and Policy 16 (where applicable).

Hinckley and Bosworth Local Plan 2001

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

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

Supplementary Planning Guidance/Documents

The Council's Supplementary Planning Guidance (SPG): 'House Extensions' refers to principles of scale, character, materials and parking for proposed extensions.

The Council's Supplementary Planning Document (SPD): 'Sustainable Design' aims to support and encourage developers and applicants in delivering homes in line with national best practice guidance primarily the Code for Sustainable Homes for housing and delivery of sustainable development through the planning system.

Other Material Policy Documents

Burbage Village Design Statement - adopted June 2006

The site is designated as the 'flowerpot estate' located with Zone 4 of the Burbage Village Design Statement which states that dwellings here consist of 2,3, and 4 bedroom detached and semi-detached houses and 2 and 3 bedroom semi-detached and detached bungalows and over the intervening years many of these have been modified or extended to suit individual owner needs. The Design Statement also describes the area as having no particularly noteworthy design features/characteristics and all the properties display the particular fashion of the day.

Burbage Village Design Statement Policy GN2: 'Design Principles' states that houses should be matched in terms of design and scale with neighbouring properties.

Appraisal:-

The main considerations with regards to this application are the principle of development, siting and design, impact upon residential amenity, highway considerations and other issues.

Principle of Development

The site is located within the settlement boundary of Burbage, as defined on the Adopted Hinckley and Bosworth Local Plan proposals map and therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

Siting and Design

Whilst the single storey rear extension projects out further from the dwelling than in the case of the two neighbouring dwellings, there is not considered a definitive or strict building line to the rear, only similar projections. As such it is not considered that the projection would be to the detriment of the character and appearance of the local area.

Immediate surrounding residential dwellings are bungalows and as such the single storey proportions proposed are considered acceptable in this setting. The single storey rear extension proposes a ridge height above that of the existing dwelling by approximately 0.45

metres. It is considered that by the very nature of this scale and its siting to the rear the extension will still appear subservient to the main dwelling and not detrimental to its character and appearance. The use of matching materials would also ensure that the extension appears subservient and in keeping with the character and appearance of the existing dwelling.

Whilst this increased height will be higher than that of the existing ridge, it will be of a similar height to the adjacent neighbouring dwelling No.289, and similar to an extension at No. 293. As such, not only would the scheme assimilate into the streetscene it would also not be considered an un-common feature within it. It is considered that the development would not be detrimental to the character and appearance of the streetscene or locality generally.

There are no significant alterations to the design of the garage and the enlargement to the porch is considered a visual improvement over that of the existing. The erection of the dwarf wall will not be visible within the streetscene.

In summary, by reason of siting, scale and design it is considered that the proposed extensions and alterations respect the scale and character of the existing dwelling and streetscene. It is therefore considered in accordance with Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Impact upon Residential Amenity

The residential dwelling's most immediately impacted upon as a result of proposal would be No. 289 located to the east and No. 285 located to the west of the application site.

The Council's SPG on House Extensions states that single storey rear extensions will not normally be permitted if they extended more than 3 metres along the common boundary with an adjoining dwelling. Whilst the proposal projects from the rear of the application dwelling by 4 metres, given that No. 289's rear wall is already sited a metre deeper, this would result in a projection of 3 metres from the rear wall of the neighbouring dwelling. In addition, the proposed extension would be set off the boundary by between 0.3 – 0.4 metres. The neighbouring No. 285's existing footprint is also 1 metre deeper than the existing dwelling and would result in the application dwelling be sited 3 metres from the rear wall of the neighbouring dwelling.

There are varying land levels within the application site and neighbouring No. 289. Whilst the area occupying the common boundary is lower on No.289's side, the actually neighbouring dwelling then steps up approximately 0.30 metres higher than the application dwelling. In addition, both curtilages slope towards the rear of the site. As such the land levels would minimise the impacts of the extension upon the neighbouring dwelling.

In respect of overlooking, overshadowing and overbearing impacts upon the neighbouring No. 289 it is not considered that there would be any significant material impacts. There are no windows proposed in the eastern side elevation of the single storey rear extension and as such no overlooking would arise. In terms of loss of light to the neighbour's rear lounge window and rear amenity space and the issues of overshadowing, given the site's positioning facing south, the orientation of the sun would only result in any potential overshadowing/loss of light in the latter part of the day. However, given the proposals single storey nature it is not considered that this loss would be significant to sustain a reason for refusal. There is a distance of approximately 1.3 metres between the neighbouring No. 289 and the application dwelling and given the projection of 3 metres, as identified above together with the single storey nature of the extension, it is not considered that there would be any significant overbearing impacts on the neighbouring dwelling.

There are two driveways - a distance of approximately 4.5 metres between No. 285 and the application dwelling and the presence of a 1.2 metre wooden boundary treatment occupying the common boundary. By reason of the single storey extension's scale and projection it is not considered that this would result in any significant overlooking, overshadowing or overbearing impacts upon the amenities of the occupiers of the neighbouring dwelling.

It is not considered that the other alterations and extensions would result in any material impacts upon residential amenity due to their relatively minor scale and distances to the neighbouring dwellings. Furthermore, it is considered that there are no other neighbouring dwellings affected as a result of the proposals.

In summary, the proposal is considered to have minimal impacts upon the amenity of neighbouring residents, it is therefore considered in accordance with Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Parking and Highway Issues

The application form states that the existing garage is no longer suitable for a normal length car and as such the application seeks to reduce the overall length of the garage. It is considered that there is already sufficient provision on site to park two vehicles.

In summary, it is considered that there is adequate provision for car parking spaces within the curtilage of the dwelling. It is therefore considered in accordance with Saved Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Conclusion

In conclusion, the siting, design and scale of the proposals are considered acceptable and no material impacts have been identified, that would indicate that the proposal is not in compliance with Policy BE1. Accordingly, it is recommended that planning permission be granted, subject to the imposition of planning conditions.

It should be noted that whilst this application has been appealed against non-determination it is usual practice to seek Members view on the proposals in order to inform the appeal process and to agree conditions that can be recommended to the Planning Inspectorate.

RECOMMENDATION: - Advise the Planning Inspectorate that the proposal is supported and would have been permitted subject to the conditions below in the absence of the appeal:-

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 resultant of the design and scale of the proposal there are considered to be no material impacts on either residential, visual amenity, or highway safety.

Hinckley & Bosworth Local Plan (2001):- Policies BE1, T5.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):
- Policy 4.

- 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 details: Site Location Plan CND/001/0; Proposed Floor Plan CND/001/5A; Proposed Elevations CND/001/7; Proposed Elevations CND/001/6; Proposed Roof Plan CND/001/11; Proposed Garage Plans and Elevations CND/001/9; Solar Tube Construction received by the Local Planning Authority on 25 October 2010; 10 November 2010 and 13 November 2010.
- 3 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.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of adopted the 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).

Contact Officer:- Ebony Mattley Ext 5691

Item: 03
Reference: 10/00995/COU
Applicant: Miss Kerry-Anne Clarke
Location: 25 Southfield Road Hinckley
Proposal: RETROSPECTIVE CHANGE OF USE FROM FURNITURE FACTORY (B2) TO TRAINING AREA D2
Target Date: 7 April 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has been submitted by an employee of the Council.

Application Proposal

This is a retrospective application for the change of use of a commercial premises, last used as a furniture factory (B2) to use for training purposes (D2 - assembly and leisure). The applicant provides 'Kick Boxing' classes from the premises which has 222 square metres floorspace. The application form and plans refers to off street parking for 5 vehicles being available within the site and an additional parking area located at 2 Southfield Road where a further 7 vehicles can be accommodated during class times. The proposal provides employment for 1 part time employee. The proposed hours of operation are 17.00 to 21.00 on Mondays to Fridays, 09:00 to 17:00 on Saturdays and 10:00 to 14:00 on Sundays. There are no proposed changes to the external appearance of the existing building.

The application has been received as a result of an on-going enforcement investigation.

The Site and Surrounding Area

The site consists of single storey buildings which were originally erected for use as a builders yard. The site is located on the southern side of Southfield Road. There is a showroom building to the frontage which is currently vacant but not part of this application. The building to the rear of the site is proposed to be used as an office in connection with the proposed use, a waiting area and kick boxing studio. The last use is understood to have been for furniture manufacturing. The yard/parking area is located centrally behind the showroom and in front of the main building to the rear of the site.

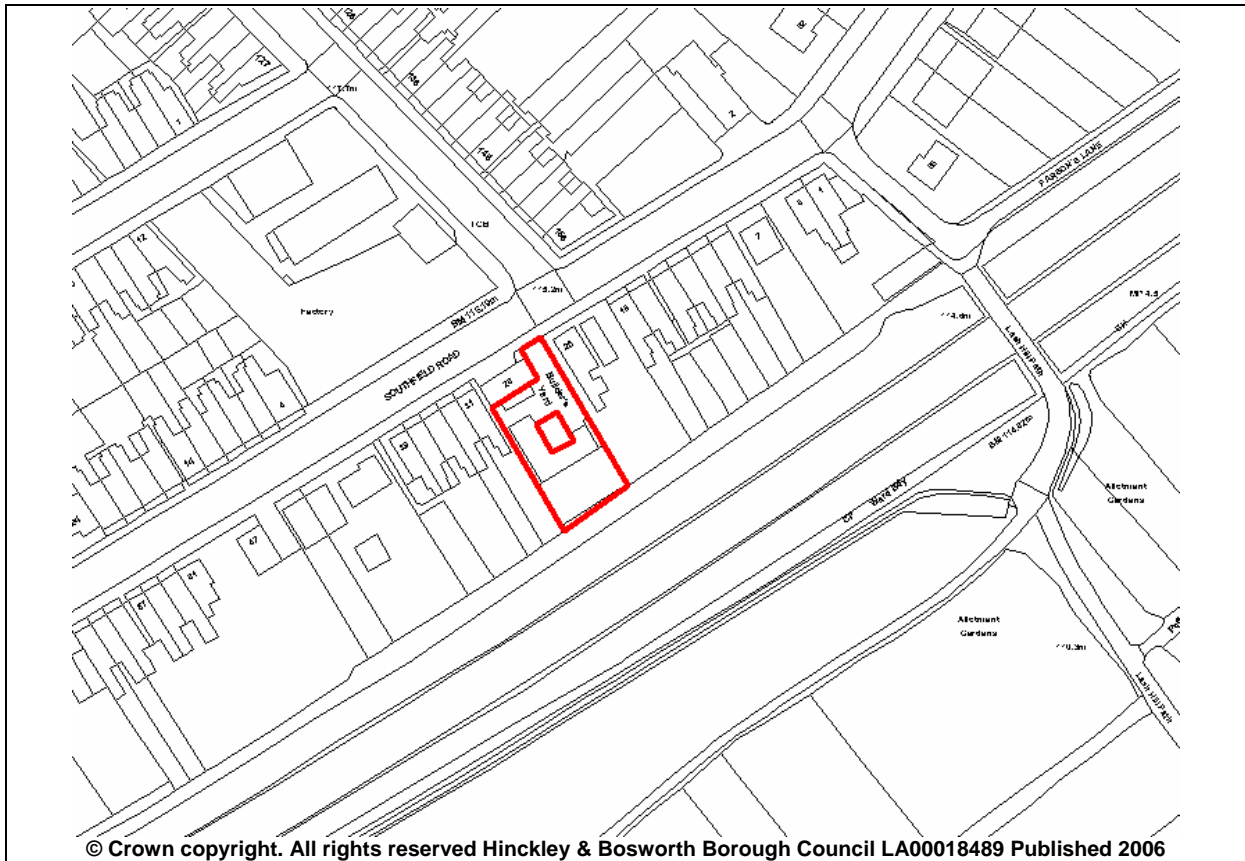
The site is located within a predominantly residential area, although there is a factory building located on the opposite side of Southfield Road. The railway line runs along the southern boundary of the site and there are residential properties to the west and eastern boundaries.

Technical Documents submitted with the application

The application has been submitted with documentation which confirms that the additional parking area shown at 2 Southfield Road will be available to students of the kick boxing classes out of normal business hours.

History:-

10/00879/COU	Retrospective change of use from furniture factory (B2) to training area (D2)	Withdrawn	16.11.10
10/00081/UNUSE	Enforcement investigation regarding change of use		On-going



Consultations:-

No objections received from:-

Network Rail
The Head of Community Services (Land Drainage).

No objection subject to condition received from:-

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

One letter of objection received on the grounds of:-

- a) potential for noise and disturbance
- b) traffic problems.

Policy:-

National Government Policy

Planning Policy Statement (PPS) 1- Sustainable Development and Climate Change. Sets out the Government's objectives for delivering sustainable development and the principles behind the planning system in seeking to provide a good quality environment for people to live in.

Local Planning Policy

Local Development Framework Core Strategy 2009

No specific policies in relation to this proposal.

Hinckley and Bosworth Local Plan 2001

The site is within the settlement area defined for Hinckley in the adopted Hinckley and Bosworth Local Plan.

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

Policy T5: of the adopted Local Plan 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.

Appraisal:-

The main considerations with regard to this application are the principle of the development, the impact of the proposal on highway safety and the amenities of the neighbouring properties.

Principle

The site is located within the settlement boundary of Hinckley, in a predominantly residential area, although there is some commercial property interspersed along its length. This part of Southfield Road has no designation identified within the adopted Hinckley and Bosworth Local Plan, although the factory to the northern side of Southfield Road is identified within Policy EMP1.

The site is currently somewhat unrestricted in planning terms and is surrounded by residential properties. The proposed change of use could be acceptable in policy terms, subject to the current use being compatible with the location.

Highway Safety

The application refers to five parking spaces being available within the site although there are double gates erected to the access, close to the highway boundary (the rear of the footway). The application also includes an area of land which, it is stated, can accommodate 7 parking spaces for students of the classes at 2 Southfield Road. The Director of Environment and Transport (Highways) has commented that 'bearing in mind the proposed

opening times which are, in the main, outside of peak hours, a reason for refusal on highway safety/parking grounds simply could not be substantiated on appeal'. He therefore recommends a condition in terms of ensuring that the parking identified is available at all times when the use is in operation.

Neighbours Amenity

The neighbouring property most affected by the proposed use is located to the east of the site at 23 Southfield Road, this property has two ground floor windows which face the site, the treatment along this part of the boundary allows a view into the yard area from this residential property. The eastern side elevation of the proposal building forms the eastern boundary of the rear garden to No 23. As the application is for change of use only, the outlook from the neighbour's windows is unchanged in terms of built development, from previous uses of the site.

The neighbour has raised concerns in terms of noise and disturbance, the use is proposed outside of normal working hours and so has the potential to cause a detrimental effect on residential amenity. The Head of Community Services (Pollution Control) has visited the site whilst classes were taking place and has recommended that a condition in terms of requiring that doors and windows are kept shut during classes is imposed. This is considered necessary to mitigate noise from inside the building whilst the classes are taking place. In terms of disturbance issues, it is likely that the previous use as a builder's yard would have the potential to cause significant noise and disturbance to neighbours albeit during the daytime. It is suggested that opening times are restricted to ensure that classes do not extend beyond the finishing times stated due to the proximity of residential dwellings.

Sustainability

The site is located on a main road, on the edge of the Hinckley Town Centre close to residential properties, in terms of sustainability, there are no issues.

Conclusion

Subject to conditions in relation to restricting hours of operation, parking and doors and windows to be kept shut, the proposed use is considered acceptable in terms of impact on character of the residential amenity. The application 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 would be in accordance with the development plan and would not have an adverse impact on neighbours amenity or highway safety.

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

- 1 The D2 use hereby permitted shall only take place between the following hours: 17:00 to 21:00 Monday to Friday, 09:00 to 17:00 Saturdays and 10:00 to 14:00 Sundays and closed on Bank Holidays and all other times.
- 2 All doors and windows within the building, the subject of this application, shall be kept shut whilst the classes hereby approved are taking place.

- 3 The proposed use shall be restricted to martial arts classes only and no public performance or other use within the use class D2 is permitted.
- 4 The parking areas shown on Drawings LPA-1 and LPA-2 shall be available for use at all times when the kick boxing classes are taking place and shall remain as such.
- 5 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: site location plan, block plan and Drawings LPA-3 and LPA-4 received on 10 February 2011.

Reasons:-

- 1 In the interests of highway safety as parking in relation to the use is limited, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan and in the interests of restricting adverse impact on neighbour amenity, to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 2 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 3 The available off street car parking provision is inadequate to cater for a more traffic intensive use. To accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that adequate off-street parking facilities are available to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 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).

Contact Officer:- Louise Forman Ext 5682

Item: 04

Reference: 10/01007/FUL

Applicant: Marston's Inns & Taverns

Location: The Gate Inn Ashby Road Osbaston

Proposal: ALTERATIONS AND REFURBISHMENT OF PREMISES AND INSTALLATION OF PREFABRICATED EXTERNAL COLD ROOMS TO ENCLOSED YARD AREA

Target Date: 22 March 2011

Introduction:-

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

Application Proposal

Full planning permission is sought for the erection of prefabricated external cold room stores and alterations and refurbishment to The Gate Inn Public House.

The new prefabricated walk in freezer and chiller store rooms would be sited on a new insulated concrete slab base within the existing yard area to the rear of the public house. Access to the walk in rooms will be via the dry goods room. The store rooms would measure approximately 2.3 metres in height, project from the rear of the existing kitchen by 5.3 metres and measure 3.2 metres in width. The store rooms would be constructed in modular panels with 80 mm insulated foam and coated steel inner/outer linings and a canvas roof. The inner steel panel is finished with 300 microns of food safe white plastic and external coated steel panel prefinished in British Steel olive green. The roof would be covered in one continuous sheet of green PVC.

The existing metal shed is to be re-positioned adjacent to the rooms within the yard area. The existing interwoven fence is set to be removed and replaced with a 2 metre high close boarded timber fence with framed, ledged and braced timber gates.

The application also involves internal alterations to the layout of the Public House including alterations internally to create a disabled toilet as well as raising a flat roof element by 200mm to provide sufficient headroom. Two designated disabled parking spaces are also proposed within the existing car park with a ramped access to the principle entrance door.

Following concerns raised by officers, additional information outlining the technical specifications of the potential noise and smells from the prefabricated cold room stores and of the proposed external extraction equipment have been received and re-consultation has been undertaken with Head of Community Services (Pollution). Further information in respect of the noise levels of external extraction equipment has been requested by the Head of Community Services (Pollution) and will be reported on as a late item.

During the course of the application (14 March 2011) a plan showing the proposed location of the extractor fan and associated equipment has then subsequently been provided. This now shows the addition of an external flue measuring 3 metres vertically which would project

1 metre past the ridge from which it will be positioned. The flue pipe has a diameter of 500 mm. Re-consultation has been undertaken with the neighbouring dwelling and Parish Council.

In addition, plans have been received confirming that the 200mm raise to the flat roof would be below the level of the existing mono pitch roof and as such would not be visible from the neighbouring dwelling. These details were provided for the objecting neighbour.

The Site and Surrounding Area

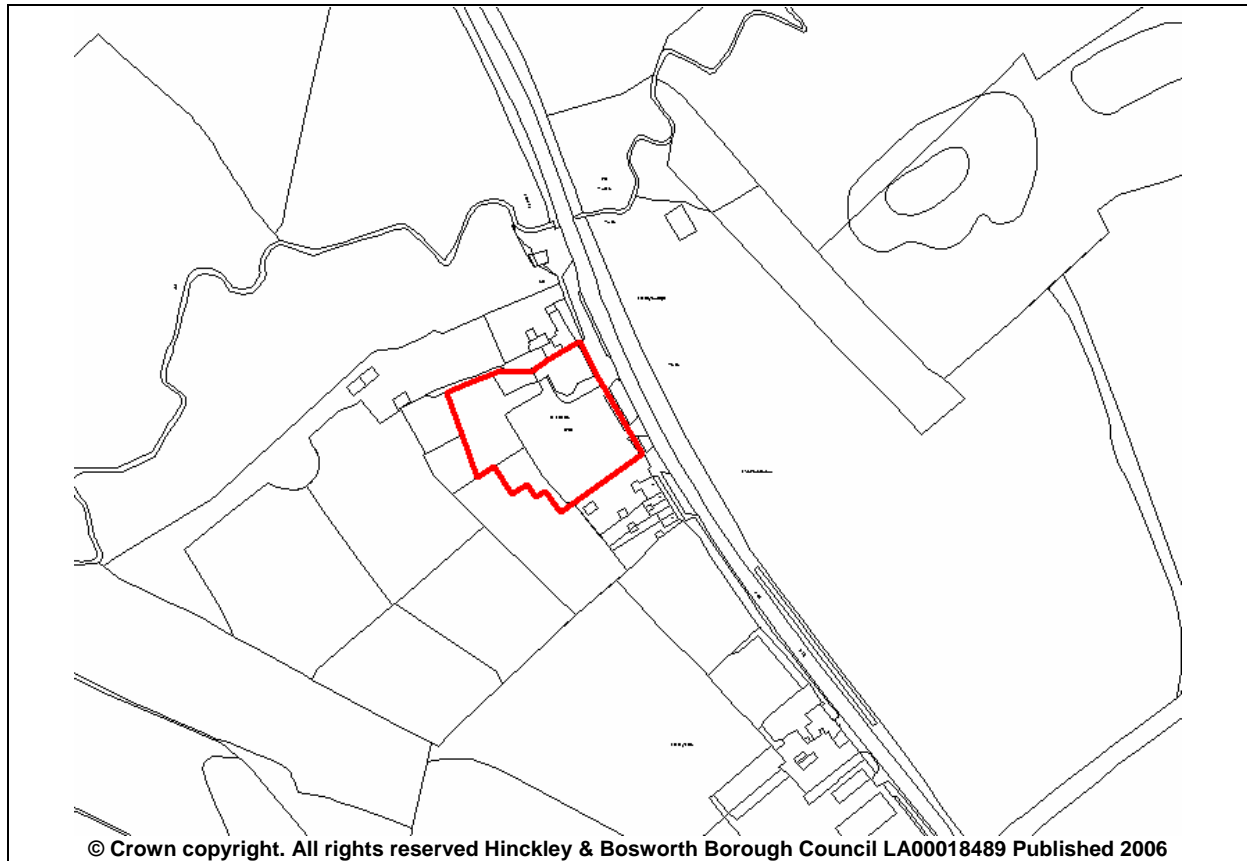
The Gate Inn is a public house that is sited within the undefined settlement known as Osbaston Toll Gate or Osbaston Hollow along the A447. The public house is immediately adjoined to the north by Gnarely Cottage and is bound to the south by residential dwellings. There is a large car park to the side and rear of the public house.

Technical Documents submitted with application

The application is accompanied by a Design and Access Statement which states that the proposal is minor in nature and is intended to release space within the kitchen presently occupied by fridge/freezers to enable new catering equipment to be installed.

History:-

10/00527/FUL	Extensions and alterations to Public House including alterations to Access	Permitted	17.09.10
09/00899/FUL	Extensions and alterations to Public House	Refused	05.03.10
96/00699/ADV	Illuminated Advertisement	Permitted	30.09.96
88/00972/4A	Advertisement Signs	Permitted	21.09.88
87/00304/4	Proposed alterations to The Gate Inn Public House	Permitted	24.11.87
87/00172/4	Proposed alteration to Public House	Refused	24.03.87



Consultations:-

No comments from:-

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

No objection subject to conditions from Head of Community Services (Pollution).

Site notice and Press notice were displayed and neighbours notified.

One letter of objection has been received raising the following concerns:-

- a) history of not complying with agreements and breach of conditions; changes to ridge levels; measures to contain noise and smells and noise abatement measures were not carried out
- b) impact upon residential amenity; noise and smells arising from extract equipment; and mechanical ventilation and air conditioning/fridge coolers particularly in the summer when windows are open but also impact upon rear garden area
- c) prefabricated buildings will be visually intrusive from the rear garden and result in a loss of light
- d) brewery may misinterpret the plan and increase the height generally or put in place a visually intrusive 'box' above the disabled toilet
- e) incompatibility between the side elevation shown on the elevations and plan relating to the disabled toilet.

Osbaston Parish Council request that adequate provision be made regarding the problem of cooking smells, noise control and extractor fans, and enforced, as part of the conditions of

this application with both higher and more modern extractor methods for both smells etc and fan noise, thus enabling the neighbours to enjoy their own property.

Following re-consultation one letter of objection has been received raising the following concerns:-

- a) noise and smells are not addressed adequately
- b) had expected that they would be extracting the air via a terminal above the level of the main ridge
- c) existing extract which is further away than the proposed gives rise to odour issues and this scheme is less effective
- d) would be visually intrusive from our rear garden and unless carefully designed noisy.
- e) want to see a pitched roof not galvanised plant and chimneys.

Policy:-

Central Government Guidance

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

Planning Policy Statement 4 (PPS4): 'Planning for Sustainable Economic Growth' in policy EC2.1(d) seeks to make the most efficient and effective use of land, prioritising previously developed land which is suitable for re-use and reflects the different location requirements of businesses, such as the size of site required, site quality and access. Policy EC6.2 (a) and (b) state that in rural areas, local planning authorities should: strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans. Policy EC10: Determining Planning Applications for Economic Development" which supports applications which secure sustainable economic growth. Policy EC10.2 sets out five impact considerations which all applications for economic development have to be assessed against;

- a) whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to climate change
- b) the accessibility of the proposal by a choice of means of transport including walking cycling, public transport and the car, the effect on local traffic levels and congestion after public transport and traffic management measures have been secured
- c) whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions
- d) the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives
- e) the impact on local employment.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas', in paragraph 5 states that planning authorities should support a wide range of economic activity in rural areas.

Planning Policy Guidance Note 24 (PPG24): '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.

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. Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS's intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration. In relation to the weight to be given to that intention as a material consideration the Court held that 'the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:

Policy 1 seeks to secure the delivery of sustainable development.

Local Development Framework: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: 'Design and Siting of Development' states that the Borough Council will seek to ensure a high standard of design in order to safeguard and enhance the existing environment and that planning permission will be granted where the development complements or enhances the character of the surrounding area with regard to design, materials and architectural features, and is not prejudicial to the comprehensive development of a larger area.

Policy NE5: 'Development in the Countryside' states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is either: important to the local economy and cannot be provided within or adjacent to an existing settlement; is for the change of use, re-use or extension of existing buildings; 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 T5: 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking provision for new development.

Appraisal:-

The main considerations with regards to this application are the principle of development, impact upon neighbours, impacts upon the character and appearance of the countryside and highway considerations.

Principle of Development

There is no defined settlement boundary for the settlement of Osbaston and therefore the site is wholly located within the countryside. Whilst both national and local planning policy, PPS7 and NE5, seeks to prevent the necessary loss of and harm to the countryside, where established uses already existing a pragmatic approach should be taken in line with planning policy objectives.

Previous planning history has confirmed that the Gate Inn is a significant employer in the area and a well used facility by both local residents and those travelling on the A447. Given that planning policy has a key role to play in strengthening economic development, particularly PPS7, in rural areas there is a need for any issues of harm to be carefully balanced against the economic benefits.

In summary, there is no in-principle objection to the proposal subject to all other planning matters being adequately addressed.

Impact upon Residential Amenity

The residential dwelling most immediately impacted upon as a result of the proposal would be Gnarley Cottage. Gnarley Cottage was previously attached to the pub; however some years ago it was detached from it following a history of problems with noise. It is considered that whether the proposals would have an adverse impact upon the amenities of the occupiers of the adjacent dwelling is a significant consideration in the determination of this application.

The proposed cold rooms and external extractor fan and vertical flue proposed could result in a degree of odour, noise and general disturbance to the neighbouring dwelling and objections have been raised in relation to this application on the basis the store rooms and external equipment will create a noise and smell disturbance to the neighbouring dwelling.

During the course of the application, a plan indicating the siting of an external extractor fan and vertical discharge flue has been submitted to the Head of Community Services (Pollution). This shows the siting of the vertical discharge flue 1 metre above the ridge level, positioned on the roof of the existing raised lounge and would be positioned approximately 9.1 metres away from the common boundary with the neighbouring dwelling. The Head of Community Services (Pollution) has confirmed that the diagram and details submitted shows that at a rate of 15 m/s and the positioning, exhaust fumes would be discharged straight up. As such, the issues of odour are not considered detrimental to the amenities of the occupiers of the neighbouring dwelling.

The Head of Community Services (Pollution) is satisfied that the noise levels produced by the vertical discharge flue and that this matter can be adequately dealt with by way of planning conditions, requiring details of the noise to be submitted in writing prior to any development commencing. Notwithstanding this point, if information is provided during the course of the application, this will be reported on as a late item and conditions amended where necessary.

The proposed prefabricated cold room stores would be sited within the existing yard area which is in close proximity to the shared boundary with Gnarely Cottage. As such the issue of noise is a material consideration given the proximity of the cold rooms to the neighbouring dwelling. Further details provided of the noise of the condensing units when installed in acoustic housing have been received and are to the satisfaction of the Head of Community Services (Pollution)

It is considered that given the access to the cold rooms, internally from the dry goods room, that this would not result in comings and goings externally to the room which would create additional general disturbance to the neighbouring dwelling.

In response to neighbouring and Parish objections, it is considered necessary to attach a number of conditions, as advised by the Head of Community Services (Pollution), to ensure that the development is carried out in a way that can minimise the noise and odour impacts to the neighbouring dwelling. Failure to carry out the development in accordance with the submitted plans and details could lead to enforcement action by the Local Planning Authority.

Following the submission of amended plans, in response to the neighbouring objection it is considered that the siting of the flue in its current position and at the specifications required would be sufficient to address the concerns of noise and odour, as advised by the Head of Community Services. There is a concern that re-siting the flue to the main ridge would result in a scheme which is more visible and visually obtrusive to the countryside location. Notwithstanding this point, negotiations are being undertaken to see whether an alternative siting can be secured which would be able mitigate against odour, noise and visual impact over and above that already secured.

There are residential properties located to the south side of the car park however it is not considered there will be any impact upon the occupier's amenities by the proposal.

Following the submission of additional plans, it is clear that the 200mm raised element to the disabled toilet would not be visible from the neighbouring dwelling and that no alterations are proposed to the brick built wall occupying the common boundary.

In summary, as the application stands, the extraction system should be sufficient to address odour issues provided that the unit is installed and managed correctly. At the time of writing the report negotiations are taking place to secure measures to mitigate against noise issues that in the interim are being dealt with by the imposition of planning conditions. Accordingly, it is considered subject to the imposition of planning conditions, that the equipment would prevent unacceptable disturbances to the neighbouring dwelling. It is therefore considered that this is in accordance with guidance within PPG24 and Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Impact upon Visual Amenity

In relation to the siting of the cold room stores, there is a brick built boundary wall with coping which occupies the common boundary which staggers in height, and measures approximately 2 metres in height at the point of the proposed siting of the stores. Given that the proposed stores would measure 2.3 metres in height, it is considered that the rooms would be significantly screened by the wall and would not result in any material impacts upon visual amenity. It is also considered that the rooms would not give rise to any overbearing impacts, loss of light or overshadowing given their relatively minor scale.

In respect of the flue and other associated equipment the flue would not be visible from Ashby Road and only 1 metre of it would be visible from the side and rear elevation. The most visible element of the flue would be the 3 metre projection above the ridge height from

which it will be positioned. However, it is considered that this is read in conjunction and against the backdrop of the other alterations and extensions to the dwelling.

In summary, it is considered that the flue would not have an unduly detrimental impact on the character of the area and would not be significantly adverse to sustain a refusal of permission on this basis. It is considered however that a condition be imposed to clarify the external details of the flue. It is therefore considered that this is in accordance with Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Impact upon the character and appearance of the countryside

The cold rooms will be enclosed within the yard area to the rear by a 2 metre brick wall to the north and a new 2 metre high close boarded fence with framed, ledged and braced timber gates to the south and west. The proposals single storey design ensures that they blend in with the backdrop of the existing public house and are well screened from the other elevations.

The siting of the flue is to the rear of the building and given the nature of the form of the landscape and the existing mature hedgerows there is no opportunity for the proposed extension to have an adverse impact on the character of the countryside.

In summary, it is considered by reason of the siting and scale of development proposed that there would not be any significant adverse impact on the character or appearance of the countryside. It is therefore considered the scheme is in accordance with Saved Policy NE5 of the adopted Hinckley and Bosworth Local Plan.

Parking and Highway Issues

The application also proposes the designation of two disabled car parking spaces. The Director of Environment and Transport (Highways) has no comments to make on this application. It is therefore considered the scheme is in accordance with Saved Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Conclusion

In conclusion, whilst located outside development limits, the site is an established public house and the alterations proposed have not given rise to any significant material impacts that would indicate that the proposal is not in compliance with Policy BE1. Residential amenity will be protected by the conditional controls that will be exercised over the extraction from the premises. Accordingly the proposal is recommended for approval subject to the imposition of relevant planning 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 the proposal is located within an established use, and is not considered detrimental to residential or visual amenity, highway safety or results in adverse impacts upon the countryside.

Hinckley & Bosworth Local Plan (2001):- Policies BE1, NE5, 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 details: Planning Site 0519-31; Planning Proposed 0519-30 received by the Local Planning Authority on 25 January 2011 and additional details: Planning Sections 0519-13 received by the Local Planning Authority on 8 March 2011 and Planning Proposed 0519-30 received by the Local Planning Authority on 14 March 2011.
- 3 The materials to be used on the external prefabricated cold rooms shall be constructed in modular panels with 80 mm insulated foam and coated steel inner/outer linings. The inner steel panel shall be finished with 300 microns of food-safe white plastic and external coated steel panel prefinished in British Steel oliver green and sealed with PVC roofing.
- 4 Notwithstanding the details submitted, no development shall take place until details of the external materials and finishing to the external flue shall be submitted to and agreed in writing with the Local Planning Authority.
- 5 The materials to be used on the external elevations of the public house shall match those corresponding materials of the existing public house unless otherwise agreed in writing with the Local Planning Authority.
- 6 No development shall take place until a scheme for ventilation of the premises, which shall include installation method, maintenance and management has been submitted to and agreed in writing with 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.
- 7 No development shall commence until details of the siting of any proposed mechanical plant including the fridge and freezer condensing units, to be sited outside of the buildings shall be submitted to and agreed in writing by the Local Planning Authority. Any air conditioning, drinks coolers or other mechanical plant shall only be sited in accordance with the approved details.

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.
- 3-5 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of adopted Hinckley and Bosworth Local Plan.
- 6&7 To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of odour and noise 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).

Contact Officer:- Ebony Mattley Ext 5691

Item: 05

Reference: 11/00032/OUT

Applicant: Brenmar Developments (Hinckley) Ltd

Location: Land Off Eastwoods Road Hinckley Leicestershire

Proposal: ERECTION OF TWO DWELLINGS (OUTLINE - ACCESS AND LAYOUT ONLY)

Target Date: 21 March 2011

Introduction:-

Members will recall that this application was deferred at the last meeting of the Planning Committee to request that the applicant consider an amendment to the scheme.

This application was originally to be considered at the Planning Committee in accordance with the Scheme of Delegation as previous applications for this site resulted in significant neighbour interest and the consultation period had not expired.

Application Proposal

This application seeks outline planning permission for two dwellings on garden land to the rear of dwellings on Butt Lane and Bradgate Road. Access is proposed from Eastwoods Road.

Permission is sought for the access and layout; all other matters are reserved for approval at a later date.

The application is a revised scheme with a reduced site area and revised layout to three previous applications determined last year and earlier this year.

The current application proposes the siting of two dwellings parallel to each other and the proposed front elevations line through with the existing dwellings at the hammerhead of Eastwoods Road. The proposal indicates an integral garage to plot 1 and a detached single garage located between the two plots, within the rear garden serving plot 2.

The Site and Surrounding Area

The site area is 1,290 square metres and is currently rear garden land to three properties; it belongs to 85 Butt Lane and 42/40 Bradgate Road. It comprises mature planting and part is overgrown. The site is accessed from Eastwoods Road across an existing right of way.

The site is located within the settlement boundary for Hinckley as defined in the adopted Hinckley & Bosworth Local Plan. It is surrounded by existing dwellings and gardens, located within an area that is predominantly residential, it is characterised by dwellings on large plots differing in architectural style and materials of construction. However, previous applications of this nature have been approved which has changed the overall pattern of development in this area. Adjacent to the application site to the west there are three detached dwellings that front the hammer head at the end of Eastwoods Road. These dwellings were constructed on the back gardens of properties in Butt Lane but have direct access off the Eastwoods Road hammer head taking on the form of an end stop development.

Technical Documents submitted with application

The application is accompanied by a Design and Access Statement which states that the site is in the ownership of three known parties. The site's current use is garden land. The site is surrounded by existing dwellings. The site is accessed from Eastwoods Road. It is anticipated that the dwellings will be traditionally constructed and have garages with two parking spaces provided in front of each garage. The new driveway to each of the properties is proposed to be constructed of a permeable surface. The approximate height of the new dwellings will be 11 metres. The design and access statement explains that enquiries conducted by solicitors have failed to reveal ownership of the right of way providing the access from Eastwood Road to the application site.

Following the last Planning Committee meeting, the applicant was requested to consider amending the siting of the proposal. The request has resulted in an amended plan being submitted which moves House 1 closer to House 2 by 1 metre, thereby moving it away from the adjoining boundary with 83 Butt Lane by the same distance.

History:-

10/00969/OUT	Residential Development (Outline)	Refused	07.01.11
		Appeal in Progress	
10/00642/OUT	Residential Development (Outline)	Approved	01.10.10
10/00454/OUT	Residential Development (Outline)	Refused	04.08.10

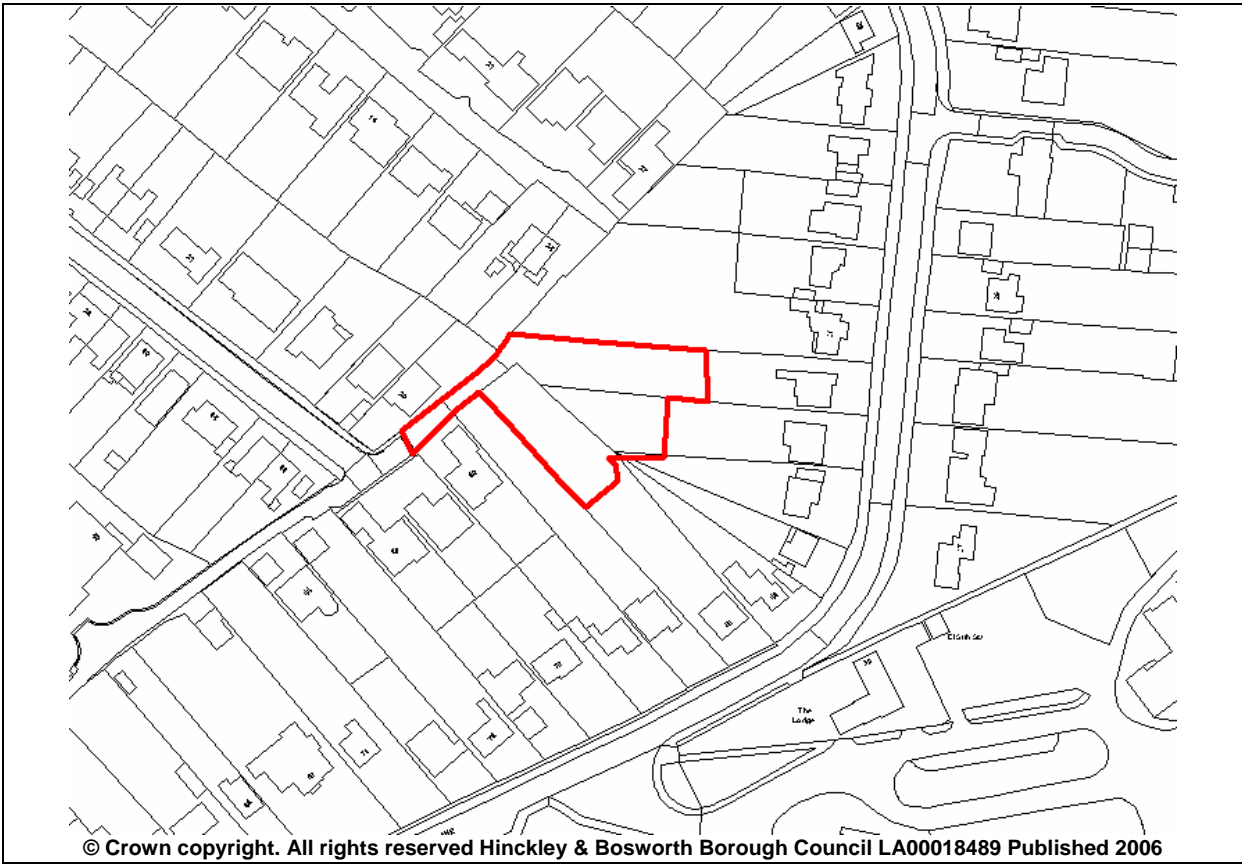
The first application (10/00454/OUT) was refused on the following grounds:-

In the opinion of the Local Planning Authority the proposed scheme has a poor layout with dwellings that do not relate well to each other or the surrounding area, as such it is considered that the scheme does not complement or enhance the character of the surrounding area. It is therefore considered contrary to Planning Policy Statement 3, Housing as revised June 2010; and Saved Policy BE1 of the Adopted Hinckley and Bosworth Local Plan supported by Supplementary Planning Guidance on new residential development.

The second application (10/00642/OUT) which related to a revised layout but the same site area to the previously refused scheme was approved, subject to conditions.

The last application for the site (10/00969/OUT) was a reduced site area but a similar layout to the first scheme and was refused on the same grounds as the first application. An appeal is currently pending.

04/01052/OUT	Renewal of outline consent one dwelling (r/o 85 Butt Lane)	Approved	06.10.04
01/00733/OUT	Renewal of outline consent one dwelling (r/o 85 Butt Lane)	Approved	13.09.01
98/00562/OUT	Erection of one dwelling (r/o 85 Butt Lane)	Approved	19.08.98



Consultations:-

No objection subject to conditions have been received from:-

Severn Trent Water Limited
The Director of Environment and Transport (Highways)
Head of Business Development and Street Scene Services (Waste Minimisation).

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

No objection subject to note to applicant received from The Head of Community Services (Land Drainage).

Five letters of objection (original scheme) received on the following grounds:-

- a) should be refused for same reasons as previous application
- b) not the most efficient and effective use of development land
- c) overdevelopment
- d) layout will prejudice development of rear garden not included with current scheme
- e) proximity to neighbours boundary will be overbearing, obtrusive and 'unneighbourly'
- f) concern that the land to the rear of no 83 could be developed independently
- g) will create tunnel effect to part of neighbours garden
- h) trees in neighbouring gardens need to be protected during development
- i) land is currently garden and is maintained (not unmaintained as stated)
- j) extra traffic
- k) inconvenience
- l) position of the garage will be visible to neighbouring properties
- m) potential for other development which could result in further plots linking with Hansom Road
- n) refers to stress and inconvenience caused in responding to applications.
- o) access is historic bridal path and therefore it would have been common land which would have been administered by the Council for local citizens, would compensation be payable?

One additional letter of objection received (amended plans) stating that all previous objections still apply and should be taken into consideration.

Policy:-

Central Government Guidance

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

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. This Statement was revised in June 2010 to include garden land as an exception to previously developed land. Ministerial advice provides clarification on this change, stating that this is to primarily prevent overdevelopment within residential areas that is out of character.

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 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

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. Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS's intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration. In relation to the weight to be given to that intention as a material consideration the Court held that the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

The East Midlands Regional Plan 2009

The East Midlands Regional Plan provides the development strategy for the East Midlands up to 2026. Policy 1 seeks to secure the delivery of sustainable development. Policy 2 promotes better design. Policy 3 directs development towards urban areas with Hinckley being defined as a Sub-Regional Centre and the main focus for development at the local level. Policy 3 also states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations. Policy 43 sets out regional transport objectives across the region.

Local Policy

Local Development Framework Core Strategy 2009

Policy 1: requires inter alia, housing development within settlement boundaries that provides a mix of housing types and tenures.

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

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

Policy 24: seeks to ensure that all new homes in Hinckley will be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes.

Hinckley and Bosworth Local Plan 2001

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

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

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

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

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

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

Supplementary Planning Guidance/Documents

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

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

Appraisal:-

The main considerations with regards to this application are the principle of development, impact upon character of the area, the acceptability of the access, the proposed layout and impact upon neighbour's amenity. All other matters are for consideration at a later date under the reserved matters.

Principle of Development

PPS3 has recently been revised (June 2010) to exclude private residential gardens from the definition of 'previously-developed' land. Paragraph 35 of PPS3 states that the priority for development should be on previously developed land. Ministerial advice provides clarification regarding what this small but significant change to National Policy seeks to achieve. It is interpreted that this is to primarily prevent over development within residential areas that is out of character.

Notwithstanding the changes to PPS3, saved policy RES5 of the adopted Hinckley Local Plan supports residential development within the settlement boundary providing the siting, design, layout and access does not conflict with other relevant policies. The principle of residential development of a larger but substantially similar site for two detached dwellings has been established by the approval of outline planning permission issued under reference 10/00642/OUT.

It is therefore considered that in order for development of this site to be considered acceptable it must be considered against saved policy BE1 of the Local Plan.

Character of the Area

Criterion A of Policy BE1 requires development to complement or enhance the character of the surrounding area. The proposed dwellings will be similar in scale and sited in line with other dwellings built 'at depth' within the rear gardens of properties on Butt Lane therefore, they will be in keeping in terms of the character and, subject to suitable detail being agreed at the reserved matters stage, the proposal will complement and enhance the surrounding area.

Acceptability of the Access

Access to the site is proposed via a right of way from Eastwoods Road. Neighbours have raised concerns regarding additional traffic. The Director of Environment and Transport (Highways) has commented in the same terms as on the previous applications for the site, that the proposed vehicular access is below the usual width required for shared access. Usual standards would be for a 5.25m wide access. The proposed access is approximately 3.8m wide and does not provide enough width to enable two vehicles to pass within its constraints. Whilst this is of concern, and could lead to occasional giving way or reversing into the highway, the Highway Authority do not recommend refusal. The Highway Authority further comments that the access is at the end of a cul-de-sac with very little traffic within the vicinity. There will be a good amount of inter-visibility between vehicles seeking to access and egress at the same time and hence there are no sustainable highway reasons for refusal of the application. The Highway Authority therefore recommends conditional control over parking, turning and surfacing in order to ensure that a useable arrangement is proposed. It is considered that parking standards for two dwellings could be achieved within the site. A development of two dwellings would not be required to provide a turning area within the site but the current proposal does provide turning which was an aspiration when the committee approved a scheme under reference 10/00642/OUT.

Layout and Impact on Neighbours

Two of the three previous applications for the site were refused on the grounds of poor layout and that the proposed dwellings did not relate well to each other or the surrounding area. In this proposal, the dwellings now occupy a common front building line and they now complement each other in terms of their siting and relationship, the scheme is now considered acceptable as it maintains the character of the surrounding area. The proposed front building line will also accord with the existing properties located on the hammerhead of Eastwoods Road.

Objections were raised to the original scheme in terms of over development, that the land to the rear of no 83 could be developed independently and potential for other development which could result in further plots linking with Hansom Road, the position of the proposed detached garage will be visible to neighbouring properties, that the proposed siting in this application would preclude the development of the land to the rear of No 83 Butt Lane and would therefore not provide an efficient and effective use of development land. Furthermore, it is stated that the proposal would provide a 'tunnel effect' to this garden as the south western elevation of the proposed dwelling for House 1 was located very close to the boundary of the neighbouring garden.

Each proposal is considered on its own merits and in this case, it is considered that the siting is acceptable in terms of the prevailing pattern of development and of providing a satisfactory

relationship with the properties located on Butt Lane and those at the hammerhead off Eastwoods Road. It is not possible to require a developer to include a particular piece of rear garden within a proposal site unless it is required to make the development acceptable in planning terms. The potential for other development which could result in further plots linking with Hansom Road would be a matter to be considered if further applications are submitted in the future. The position of the proposed garage will be visible to neighbouring properties, however, it is not considered to be unacceptable or likely to cause any significant issues to neighbouring dwellings.

Since the last meeting, an amended plan has been received which moves the proposed siting of House 1 off the neighbours boundary by 1 metre.

The original scheme considered at the last meeting was recommended for approval, because it was not considered to be overdevelopment in terms of the two dwellings proposed and the amenity space to be provided. In terms of the relationship with No 83 Butt Lane, the existing property would still have approximately 43 metres of garden before reaching the proposed new dwelling. It was therefore considered that there would be ample amenity space located to the rear of the existing dwelling which would not be affected by the proposal. Whilst the proposal was considered to have some effect on the rear part of the garden, the plot is located to the north of No 83's garden and therefore there would only be limited overshadowing, it was not considered that the proposed siting would warrant refusal on the grounds of the impact on amenity on No 83 Butt Lane.

Members felt that the relationship was unacceptable but could be improved and the application was deferred in order that the applicant consider the submission of an amendment. Amended plans have been received which move the proposed dwelling on plot 1 away from the boundary with No 83 Butt Lane by 1 metre. It is not considered that there are any additional issues caused by the amended plans and the siting is considered acceptable.

Overall it is considered that the layout of the site does not have any adverse material impact upon the amenities of adjacent neighbours, and other issues such as design and window to window distances, will be subject to further consideration under the reserved matters application when scale and appearance will be material considerations.

Other Matters

Scale: The Design and Access Statement submitted with the application indicates a proposed height of the dwellings as 11 metres. The adjacent dwellings to the hammerhead of Eastwoods Road are approximately 9 metres. Whilst this application is in outline only, it is considered that the applicant should be informed at this stage, that a streetscene drawing will be required as part of the reserved matters application and that the scale of the dwellings should accord with existing dwellings in the vicinity.

Sustainability: The site is located within a very short walking distance of the town centre and the services it provides. The area has a good range of pedestrian routes.

In line with Policy 24 of the Adopted Core Strategy, the residential units to be constructed on this site will need to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. The details of the scheme's compliance with this standard will be subject to a condition.

Drainage: Severn Trent Water Limited and the Head of Community Services (Land Drainage) raise no objection to the proposal but have requested conditions in respect of drainage details to be submitted. Historically the development control process has sought to control

the design of drainage systems. However, in more recent years, further control is now delivered through the Building Regulations 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, it has been agreed locally that drainage details will no longer be required to be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary.

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 two conventional dwellings with substantial residential curtilages 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.

Play and Open Space: The application site is more than 400m away from any existing open space and therefore this application does not meet the criteria for the requirement of financial contributions towards the provision or maintenance of informal children's play space as laid out in the Council's adopted Play and Open Space Supplementary Planning Guidance.

Neighbours have raised concerns regarding the omission of a tree survey with this application and in terms of inconvenience and stress caused in responding to applications.

Due to the changes in current local requirements it was not possible to require the submission of a tree survey with the current application. The trees on site are garden trees and are not considered to be of important amenity value within the streetscene. There was no condition imposed with regard to tree protection as part of the previous approval for the site and this current proposal will shift the siting further from the trees located within the garden at No. 83.

The inconvenience and stress caused in responding to applications is not a material planning consideration. The Local Planning Authority has a duty to determine all applications submitted and cannot prevent developers submitting applications, which have to be consulted upon in accordance with the relevant legislation.

Conclusion

It is considered that whilst there has been a change in national guidance regarding to the status of garden land, the intention of the change was to ensure development of garden land is in keeping with the character of the surrounding area and does not result in overdevelopment. As such the proposal should be assessed against Policy BE1 to ensure it complements or enhances the surrounding area. Whilst two earlier applications were considered to be unacceptable for the reasons discussed previously in this report, this proposal overcomes the issues. This revised scheme is considered to be similar to the approved scheme and is considered to be compliant with the requirements of Policy BE1 and is therefore an acceptable form of development.

RECOMMENDATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

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

detriment of the character of the area, visual or residential amenity or highway safety.

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

Hinckley & Bosworth Borough Council Core Strategy (2009):- Policy1, Policy 16, Policy 19, Policy 24.

- 1 Application for the approval of reserved matters shall be made to the Local Planning Authority 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 No development to be carried out pursuant to this permission shall be commenced until approval of the following details (hereinafter called "reserved matters") has been obtained in writing from the Local Planning Authority.
 - i) The scale of each building proposed in relation to its surroundings.
 - ii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
 - iii) 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) Details of the proposal in relation to the streetscene
 - iii) Details of boundary treatments.
 - iv) Details of existing and finished floor levels of the proposed dwellings
 - v) Details of the provision, layout and surfacing of the access, driveways, turning and parking spaces.

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 Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment demonstrating that the dwellings hereby approved can be constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority. Neither of the dwellings hereby approved shall be occupied until a final certificate demonstrating that the dwellings have been constructed to a minimum of Code Level 3 has been provided to the Local Planning Authority.
- 5 Neither dwelling hereby approved shall be occupied until the access drive, turning space and parking spaces shall be laid, surfaced and made available for vehicle use. These spaces shall remain available for vehicle use thereafter.
- 6 The proposed dwellings shall reflect the scale and height of adjacent dwellings.

- 7 The development hereby permitted shall be carried out in complete accordance with the submitted application details, as follows: Drawing 10 35 05D received on 18 January 2011. Drawing 10 35 02 ZG received on 2 March 2011.

Reasons:-

- 1&2 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 3 To ensure that there is sufficient detail submitted to enable full consideration of the proposal.
- 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 ensure a satisfactory form of development and to safeguard the residential character of the area, to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 7 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 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.
- 6 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.

Contact Officer:- Louise Forman Ext 5682

Item: 06

Reference: 11/00049/FUL

Applicant: Woodlands Garden Centre

Location: Woodlands Nurseries Ashby Road Stapleton

Proposal: EXTENSIONS AND ALTERATIONS TO RESTAURANT

Target Date: 25 March 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is an application which raises local or wider controversial issues.

This application was deferred from the Agenda for the Planning Committee on 1 March 2011 to allow the consultation period to end before being considered by committee.

Since the report was written for that meeting comments have been received from the Environment Agency, Peckleton Parish Council and 2 neighbours. Those comments have been incorporated into this report.

Also, since the report was written, an amended layout plan has been submitted, indicating the position of the two outdoor deck areas.

Application Proposal

This application seeks full planning permission for the demolition of an existing store building, the removal of two subterranean sewage treatment tanks and the erection of an extension to the existing restaurant.

The store is a steel framed building (215 square metres) situated on the eastern boundary of the site, between the garden centre and the property on Ashby Road known as The Bizzy Bee. The tanks are situated close to the northern boundary of the garden centre site, adjacent to a driveway to a neighbouring dwelling and equestrian business known as Nineacres.

The proposed restaurant extension is a single storey structure of 286 square metres. It comprises three curved roof bays attached to the rear of the existing main garden centre building. It would be linked to the existing restaurant and incorporates restaurant seating, a coffee bar and indoor children's play area. It also includes two outdoor deck areas, a pedestrian access ramp and a small bin store. It would be finished with a brick plinth, cedar shiplap boarding, powder coated aluminium door and windows and a grey clad roofing membrane. The eaves of the existing building have a height of 5.8 metres, with 7.6 metres to the apex of the roof. The extension would be 3.3 metres high at the eaves and 4.6 metres at the highest part of each of the three bays.

The central bay would extend 16 metres from the rear of the existing building, while the two bays either side are 8 metres long. The areas in front of the two shorter bays are proposed to be used as decks for outdoor seating.

The closest part of the extension would be about 5 metres from the boundary with the neighbouring dwelling.

Two subterranean sewage treatment tanks are proposed to be removed and replaced by facilities elsewhere on the site as part of the wider alterations at the garden centre.

The Site and Surrounding Area

The garden centre covers an area of approximately 6.68 hectares in total and is located on the west side of the A447 (Ashby Road) 1 mile north of Stapleton. The garden centre is surrounded by open agricultural land with occasional detached dwellings to the west, east and north. In addition to the main building (7,100 square metres) containing retail areas for a wide range of horticultural and other products, a cafe and storage area, there are outdoor sales areas (3,528 square metres) and large (non-public) horticultural glasshouses (11,750 square metres) together with service yards and staff/visitor parking areas within the overall site. There were also two detached dwellings within the site. The existing commercial buildings have grown in stages since the late 1970's and are single storey, mainly medium height, steel framed structures with a mixture of glazed and brick panel walls and pitched roof bays together with some brick built extensions with flat roofs. The parking areas are divided between formal marked tarmac areas immediately around the building together with more informal temporary hardcore areas and unmarked overspill parking in the grassed landscaped area to the south of the access. The boundaries to the site are generally hedgerows and narrow bands of perimeter tree planting.

Works have recently commenced on significant alterations to a number of the buildings on the site (see applications ref 09/00940/FUL and 10/00818/CONDIT below).

Technical Documents submitted with the application

The Planning Statement assesses the proposals and supporting information and considers that the proposals are consistent with both national and development plan policies.

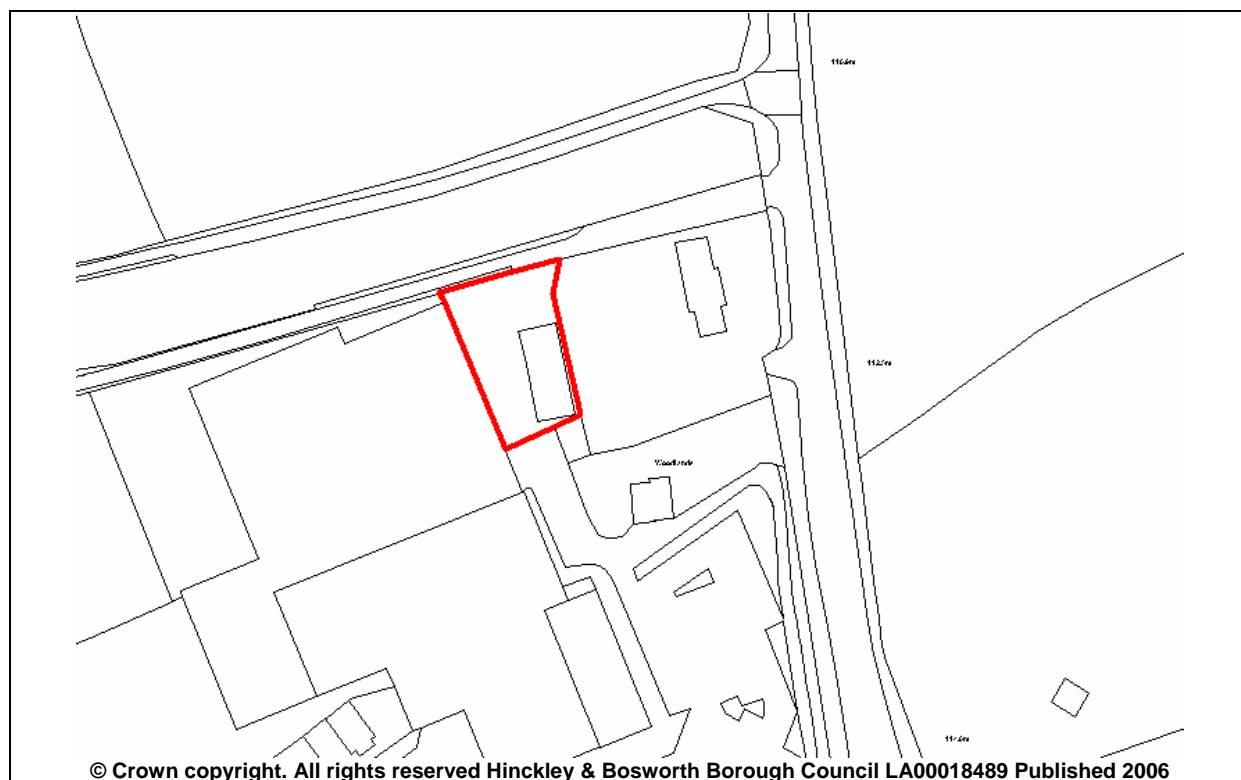
The design and access statement states that the proposal is consistent with the existing uses of the site and has been designed to enhance the appearance of this part of the building. It states that the proposed development would facilitate the provision of a modern restaurant for visitors to the garden centre of a scale and standard commensurate with the existing use. This facility will bolster the economic viability of this long-established use, helping to secure its future and the local employment opportunities it offers and provide an additional 2 full time positions.

History:-

There is an extensive planning history relating to this site, the most relevant to this application are:-

10/00818/CONDIT	Variation of condition 2 of planning permission 09/000940/FUL for minor changes to the building design and relocation of tanks	Approved	06.01.11
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09/00940/FUL	Demolition of Bungalow, Part of Glasshouse and Garden Centre Offices, Change of Use of Existing Garden Centre Warehouse to Retail Sales, Erection of Storage Building and Entrance Canopy, Relocation of Water Tanks, Fuel Tanks and Sewage Treatment Plant & Formation of Additional Car Parking and Alterations to the Open Sales Area	Approved	01.06.10
08/00141/FUL	Demolition of Existing Dwelling And Extension to Existing Garden Centre with Associated Works	Approved	12.05.08
03/00966/FUL	Extensions and Alterations to Form a Horticultural Plant Shade Open Sales Area and Vehicle Turning Area	Approved	07.10.03
02/00762/FUL	Installation of Water Treatment Tank	Approved	30.07.02



Consultations:-

No objection has been received from:-

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

No objection subject to condition for works to boundary from The Head of Community Services (Pollution).

Peckleton Parish Council has asked that the determination of the application be delayed until the consultation period has ended. They highlight that they had a similar complaint in relation to an application at this site last year. They object to the principle of further development at this out of town shopping premises. They consider that the increase in size of the restaurant is significant; the site plan is unclear and inaccurate; the design is inconsistent with other buildings on the site; landscaping is required and the plans do not clearly show the tanks. They have also requested that, like other significant sites in the Borough, Woodlands should be the subject of a local liaison group. In a second letter they reiterate these comments and also add that the use of the decked areas will have an adverse impact upon neighbours and that no details of landscaping have been submitted.

Letters of objection have been received from two neighbours raising the following concerns:-

- a) application being considered in advance of the end of the notification period
- b) support Parish Council concerns about consultation
- c) Parish Council is being ignored
- d) denied opportunity to speak at committee meeting
- e) require privacy/security on the site boundary
- f) noise and disturbance from the play area
- g) submitted plans are incomplete and out of date
- h) not possible to assess impact of development from submitted plans
- i) Highway Authority comments based upon incomplete/inaccurate information submitted by applicants
- j) no consideration given to impact upon neighbouring equestrian business which has been established for more than 30 years. Notes in particular that the Design and access statement does not address this relationship.

Policy:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' in paragraph 27, states that planning authorities should seek to focus developments that attract a large number of people, especially retail and leisure developments, in existing centres to promote their vitality and viability, reduce the need to travel and encourage the use of public transport to promote more sustainable patterns of development.

Planning Policy Statement 4 (PPS4): 'Planning for Sustainable Economic Growth' in paragraph 10 seeks to achieve sustainable economic growth by improving the economic performance of both urban and rural areas.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' in paragraph 1 advises that all development in rural areas should be well designed and inclusive, in

keeping and scale with its location and sensitive to the character of the countryside. Paragraph 5 encourages planning authorities to support a wide range of economic activities in rural areas including the expansion of business premises to facilitate healthy and diverse economic activity. Paragraph 15 encourages the support of countryside based enterprises that contribute to rural economies.

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. Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS's intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration. In relation to the weight to be given to that intention as a material consideration the Court held that 'the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

The East Midlands Regional Plan 2009

The East Midlands Regional Plan provides a broad development strategy for the East Midlands up to 2026. Policy 2 promotes better design. Policy 3 relates to the distribution of new development and recognises that the needs of rural areas should be provided for with priority given to making the best use of previously developed land in sustainable locations. Policy 22 states that local planning authorities should prevent the development or expansion of additional regional scale out-of-town retail floor space. Policy 24 promotes the continued diversification and further development of the rural economy where this is consistent with a sustainable pattern of development and the environmentally sound management of the countryside. Policy 43 seeks to reduce the need to travel and promotes a modal shift away from the private car to more sustainable means of transport.

Local Policy

Local Development Framework Core Strategy 2009

Spatial Objective 1 seeks to strengthen and diversify the economy by providing sufficient, sustainably located good quality premises to encourage appropriate sectors with growth potential. Spatial Objective 3 seeks to ensure rural communities have access to a range of shops and other facilities and services to support, enhance and improve the sustainability, vibrancy and vitality of rural areas. Spatial Objective 13 seeks to reduce the high reliance on car travel in the borough through improvements to public transport infrastructure and facilities that promote walking and cycling and the use of travel plans.

Hinckley and Bosworth Local Plan 2001

The site is located in the countryside outside any settlement boundary.

Policy BE1: seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, mass, design and materials; incorporate design features that minimise energy consumption and minimise the impact of the development on the local environment; incorporate landscaping to a high standard where this would add to the quality of the design and siting; have regard to the needs of wheelchair users; ensure adequate highway visibility for road users and adequate provision for off-street parking together with turning facilities and should 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 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 NE2: seeks to ensure that development does not cause harm through the pollution of the air or soil.

Policy NE12: requires development to take into account the existing landscaping features of the site and make provision for further landscaping where appropriate.

Policy NE14: requires satisfactory arrangements to be made for the disposal of surface water drainage.

Policy T5: refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified. Policy T11 states that proposals likely to generate significant traffic flows should not have a detrimental effect on the local traffic situation.

Appraisal:-

The main considerations with regards to this application are the principle of development in this rural location and the impact of the development on: the character and appearance of the site and surrounding countryside; neighbouring residential amenity and commercial properties and the highway network.

Principle of Development

Government guidance in PPS1 and PPS4 along with Local Plan policy RET1, seeks to focus major retail development towards existing centres in order to promote more sustainable patterns of development. However, there is also support for the expansion of existing business premises in rural areas and a positive approach to encourage proposals designed to improve the viability of existing facilities that play an important role in sustaining rural communities, particularly where this involves the use of previously developed land.

The garden centre and plant production area is an existing Class A1 (Retail) business together with a horticultural nursery covering a significant site area. It is considered to be important to the local rural economy of the area providing employment for over 120 full and part time staff in the garden centre and a further 15 persons employed in horticulture. 2 new jobs are proposed as a result of this development.

The existing restaurant is well established and is ancillary to the main use of the site. This application relates to a relatively modest addition to the overall floor area of the buildings on the site. Consequently, the proposed development is considered to be acceptable in principle in respect of national guidance and local plan policy.

Impact on the Character and Appearance of the Site and Surrounding Countryside

The proposed extension is well designed and lower than the existing building and would enhance the appearance of the site. It is considered that the addition is contemporary in appearance and would contribute positively to the site as a whole whilst not appearing out of character or context. It is proposed to use a light grey single ply membrane on the curved roof. The elevational treatment will comprise a red multistock brick plinth, a natural semi exposed timber frame with natural cedar shiplap boarding. Doors and windows are to be dark grey powder coated aluminium frames with clear glazing. It would be located close to the eastern boundary of the site and with existing and proposed landscaping the proposal would not have a significant impact upon the character and appearance of the site.

Impact on Neighbouring Properties

The issues to consider are the impact of the extension itself upon residents of two neighbouring properties and any associated noise and disturbance from the use of the two outdoor decking areas.

The proposed extension is located to the west of the nearest residential dwelling. At its closest point part of the extension would be 5 metres from the boundary of the site shared with the property known as The Bizzy Bee. This property has a mixed use of private dwelling with storage. The development would be approximately 35 metres from the rear elevation of the dwelling.

The boundary is defined by a 1.5 metre fence with some trellis and a mixture of planting of various heights including 5 metre high conifers, although these trees are not at the point where the extension would be closest to the boundary. While it is not an attractive building the existing store to be removed which is located on the boundary, does effectively screen part of the garden centre from the neighbouring residents.

The proposed extension and decking would be about 5 metres from the northern boundary of the site, the other side of which is a track leading to private house and equestrian premises, known as Nineacres. The track is used by horse riders and is separated from the application site by fencing and some landscaping.

Due to its scale and location it is not considered that the extension would have an adverse impact upon either the amenity of neighbours or horse riders using the access drive. It is considered that the design of the proposal would improve the appearance of the development. The boundaries would be landscaped to provide both immediate screening and a softening of the impact of the extension over time.

The main sources of possible disturbance are either when the doors in the restaurant are open or when the two deck areas are occupied. The restaurant operates the same hours as the garden centre, which are 9.00 – 18.00 weekdays/Saturday and 10.30 – 16.30 Sunday. There is no proposal to alter these hours.

The use of the restaurant and the indoor play area have some potential for disturbance. However, it is considered that the provision of planting and fencing on the boundaries will mitigate the effect of any noise and disturbance. The Head of Community Services (Pollution) has recommended a condition which is included in the recommendation below.

The amended plans indicate the extent of the two deck areas, which would each have an area of about 8 metres by 8 metres and could each accommodate six tables. The decks are proposed at the same level as the floor level in the restaurant, 0.54 metres above ground level and they have clearly defined boundaries demarked by railings. In the interests of the amenity of neighbours a condition is proposed to restrict outdoor activity associated with the restaurant to these two defined areas.

The condition to mitigate the impact from any noise disturbance when the restaurant doors are open would be equally effective helping to control any outdoor noise
Highway and Parking Issues

It is not considered that the proposal will have a significant impact upon existing access and parking arrangements. The Highway Authority has raised no objection to the proposal.

Conclusion

The proposal is for a relatively modest extension to the main building at this extensive site. It is considered that it is well designed and would enhance the overall appearance of the site. Subject to adequate boundary treatment it is considered that the proposal will enhance the appearance of the site and would not have an adverse impact upon neighbouring amenity that would justify refusal of the application.

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 of a restaurant, which is ancillary to an existing retail outlet; would improve and enhance the visual appearance of the site and would not have an adverse effect on the character and appearance of the surrounding landscape, the amenities of the occupiers of neighbouring properties or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, RET1, NE2, NE5, NE12, NE14, T5 and T11.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall only be carried out in accordance with the amended plan ref 2010-059-014 Rev C received by the Local Planning Authority on 8 March 2011. and plans WGC/02;2010-054-011 rev C and 2010-054-001 received by the Local Planning Authority on 25 January 2011.
- 3 No development shall take place until full details of both hard and soft landscape works for the northern and eastern boundaries of the site have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. All works which form part of the approved scheme shall be completed before the restaurant extension is first brought into use.
- 4 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs

which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

- 5 There shall be no outdoor activity associated with the restaurant except on the two deck areas shown on approved plan 2010-059-014 Rev C received by the Local Planning Authority on 8 March 2011.

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&4 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.
- 5 To ensure the proposed development does not have an adverse impact upon the amenities of the occupiers of neighbouring dwellings to accord with Policy BE1 and NE2 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).

Contact Officer:- Pat Reid Ext 5895

Item: 07

Reference: 10/00882/FUL

Applicant: Mr Ian Osborne

Location: Mira Ltd Watling Street Lindley Higham On The Hill

Proposal: CONSTRUCTION OF UNMETALLED TEST TRACK, TWO STOREY INSTRUCTION/WELFARE BUILDING, CCTV CAMERA, SECURITY AND SAFETY FENCING, BUNDING AND CONCRETE HARDSTANDINGS

Target Date: 29 April 2011

Introduction:-

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

Application Proposal

This application seeks retrospective planning permission for the construction of an unmetalled test track, access road, concrete hardstanding, safety fencing and bunding which has already been implemented. This application also seeks planning permission for the erection of a two storey welfare cabin, installation of a CCTV camera and erection of the fence and remainder of the barriers which have not yet been implemented.

The general un-metalled test area is between 4.5 to 5 metres in width and around 1.2 km in length. The majority of works to the general track are above ground with the topsoil of 150 – 250 mm removed and in filled with crushed concrete. Two areas of the track have been raised to approximately 1-2 metres above ground level by 7 metres in width to create surfaces for a test and calibration track, which measure 80 and 220 metres in length, respectively. Further to these alignments one area has been used to create a wading ditch of approximately 1 metre in depth and various sections are raised between 1-2 metres above ground level with a hill section at 2 metres in height.

Following the removal of two conifer trees a newly formed entrance has been created off the north west of the main access to the east of the site. The new access road is approximately 120 metres in length and constructed from crushed concrete. An extension to the concrete hardstanding within the test site and a spoil bund approximately 2 metres in height to the east of the track have already been implemented.

Permission is sought for the erection of a two storey flat roofed welfare cabin measuring a maximum of 6.2 metres and floor area of 110 metres squared and finished in goose wing grey sited on concrete hardstanding. The cabin would create a foyer, training room and WC facilities at ground floor with training and viewing rooms above. The application also proposes the erection of a CCTV camera adjacent to the welfare cabin and completion of a line of concrete barriers to the northern border of the site.

Following concerns raised by officers, additional information has been received confirming that the area has been in operation since mid September 2010, that the hours of operation have been from 09:00 until 18:00 and that the track has been designed primarily for vehicles of approximately 4 tonnes or less and primarily all terrain type vehicles (Land Rover size).

The Site and Surrounding Area

The site is within the north western section of the Motor Industry Research Association (MIRA) site where planning permission has been previously granted for an advanced handling circuit. The site covers approximately 3.7 hectares and the area affected by the construction covers 2.7 hectares. The site is largely bounded by tree lines or arable fields to the north, south and west.

The application site is located within the established MIRA site which is a unique and extensive motor industry testing facility. The site of MIRA and its associated grounds are located on Watling Street, between the villages of Higham on the Hill and Fenny Drayton, with the A5 running to the south. The proposed development would utilise the existing access to the MIRA site, from the A5.

The MIRA site covers almost 3 square kilometres in the countryside and there are only a small number of residential properties in close proximity to the site. The site and its employment provision are specifically recognised within the Hinckley & Bosworth Adopted Local Plan (2001).

Technical Documents submitted with application

The application is accompanied by a Design and Access Statement and Ecology Report.

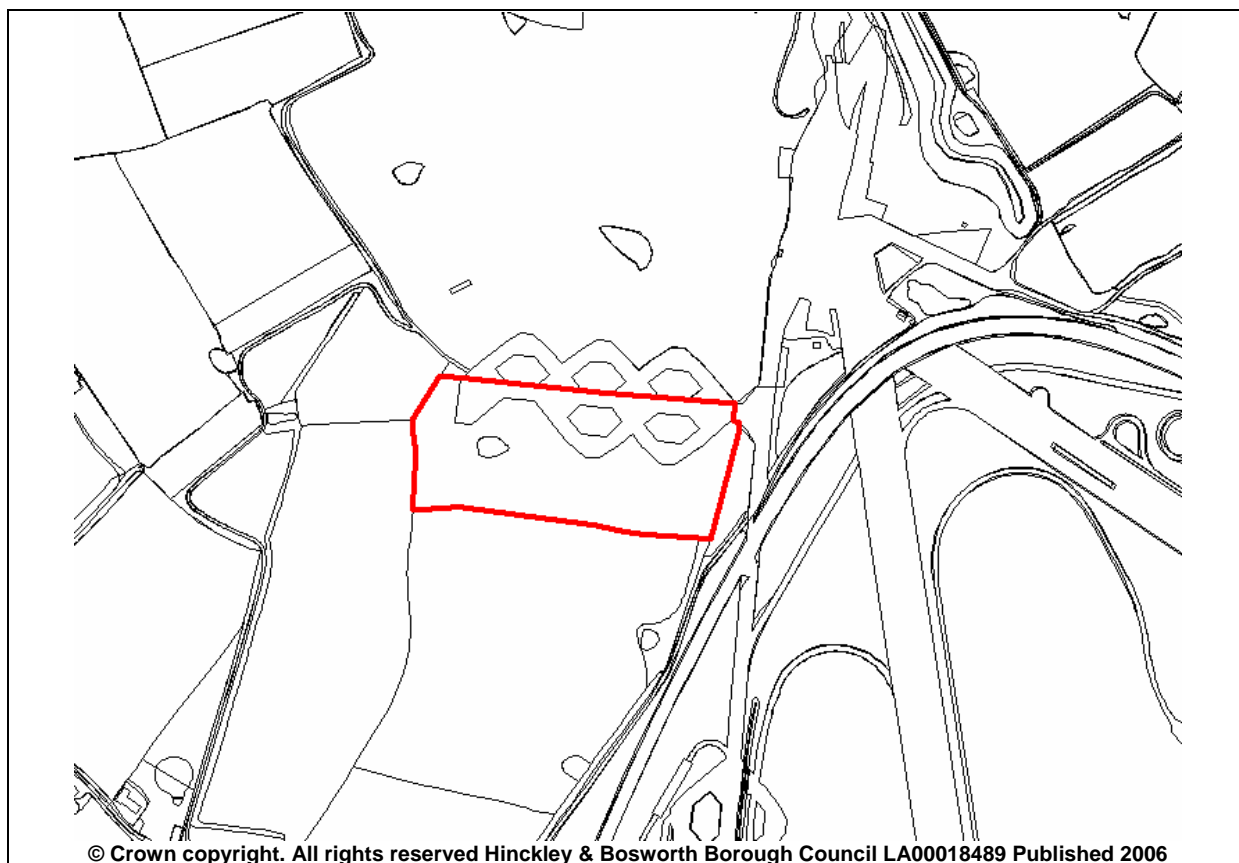
The supporting documentation has stated that the development had to be undertaken without prior planning approval due to unknown requirements at the time of the request from the Ministry of Defence to provide additional testing and training facilities for equipment, which is to be deployed in the field overseas in the very near future. The Statement goes on to state that the location of the site has been chosen for its privacy and space and that the facility has been designed to cater for up to twenty staff/visitors, all of whom are already permanent MIRA employees.

The accompanying Ecology Report states that none of the existing habitats have been affected by the development and it is anticipated that no future disturbances would take place and furthermore the type of grassland comprises relatively few species. In summary, the report states that there are considered to be no discernible ecological impacts associated with this scheme.

Planning History

There are numerous planning applications for this site, given MIRA's long and extensive history. The most relevant planning history to this particular site within MIRA is:-

05/00386/FUL	Renewal of application 99/00996/FUL for the creation of advanced handling circuit and erection of track control building	Approved	04.08.05
99/00966/FUL	Construction of advanced handling circuit and erection of track control building	Approved	26.05.00



Consultations:-

No comment has been received from:-

Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage)
Head of Business Development and Street Scene Services (Waste Minimisation).

No objection has been received from:-

Highways Agency
Higham on the Hill Parish Council
The Leicestershire Constabulary Crime Reduction Officer
Directorate of Chief Executive, LCC (Ecology)
Head of Community Services (Pollution)
Nuneaton and Bedworth Borough Council.

The Leicestershire Constabulary Crime Reduction Officer also states that the CCTV coverage should supply the relevant cover that that facility will need and that the relevant external boundary treatments are supplied, where applicable.

No objection subject to conditions have been received from Environment Agency.

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

Severn Trent Water
Historical and Natural Environment Team
Witherley Parish Council.

A letter of objection has been received raising the following concerns:-

- a) increase noise issues further.

Policy:-

Central Government Guidance

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

Planning Policy Statement 4 (PPS4): 'Planning for Sustainable Economic Growth' in policy EC2.1(d) seeks to make the most efficient and effective use of land, prioritising previously developed land which is suitable for re-use and reflects the different location requirements of businesses, such as the size of site required, site quality and access. Policy EC6.2 (a) and (b) state that in rural areas, local planning authorities should: strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans. Policy EC10: 'Determining Planning Applications for Economic Development' which supports applications which secure sustainable economic growth. Policy EC10.2 sets out five impact considerations which all applications for economic development have to be assessed against.

- a) whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to climate change;
- b) the accessibility of the proposal by a choice of means of transport including walking cycling, public transport and the car, the effect on local traffic levels and congestion after public transport and traffic management measures have been secured;
- c) whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
- d) the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives;
- e) the impact on local employment.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas', in paragraph 5 states that planning authorities should support a wide range of economic activity in rural areas. Paragraph 19 states that the Government is supportive of the replacement of suitably located, existing buildings of permanent design and construction in the countryside for economic development purposes. The replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example, where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape.

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' requires Local Authorities to fully consider the effect of planning decisions on biodiversity including protected species and biodiversity interests in the wider environment.

Planning Policy Guidance Note 13 (PPG13): 'Transport' sets out national transport planning policy. Recent amendments state that Local Authorities are responsible for setting parking standards and controls as set out in the Local Transport Plan and should complement planning policies on the location of development.

Planning Policy Statement 23 (PPS23): 'Planning and Pollution Control' sets out national planning guidance on pollution of land, air and water.

Planning Policy Statement 25 (PPS25): '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. Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS's intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration. In relation to the weight to be given to that intention as a material consideration the Court held that 'the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:

Policy 2: 'Promoting Better Design' seeks to continuously improve the level of CO2 emissions and resilience to future climate change through the layout, design and construction of new development.

Policy 18: 'Regional Priorities for the Economy' recognises the importance of raising skills, developing the service sectors and high value manufacturing and creating innovative businesses to ensure the region is better positioned to maintain economic competitiveness.

Local Development Framework Core Strategy 2009

Spatial Objective 1: 'Strong and Diverse Economy' identifies the need strengthen and diversify the economy by providing sufficient, sustainably located, good quality land and premises alongside skills training.

Hinckley and Bosworth Local Plan 2001

Policy EMP1: 'Existing Employment Sites' seeks to actively retain the Mira site for its existing employment use.

Policy EMP5: 'MIRA, Built Development for Employment Purposes' seeks to ensure that a built development within the MIRA site is not to the detriment of the appearance and

character of the area, complies with current highway standards, provides necessary landscape screening and makes provision for the storage of waste material.

Policy EMP6: 'Surface Test Facilities and Landscaping to Proving Ground' seeks to ensure that development within the MIRA site would not be detrimental to the amenities enjoyed by occupiers of nearby dwellings by reason of visual intrusion, noise and effect on the general character of the area.

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 BE16: 'Archaeological Investigation and Recording' states that the Local Planning Authority can impose conditions requiring that satisfactory archaeological investigation and recording be carried out.

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 NE10: 'Local Landscape Improvement Area' states that any development permitted should include comprehensive landscaping proposals.

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

Other Material Policy Documents

The Employment Land and Premises Study undertaken in May 2010 identifies MIRA as a key business that wants to improve its buildings to enhance its high-tech business image and recommends that the MIRA site is retained for employment uses.

Appraisal:-

The main considerations with regards to this application are the principle of development, siting and visual intrusion, impact upon residential amenity and other matters.

Principle of Development

MIRA is an established site, created following the closure of RAF Nuneaton in the late 1940s. MIRA is subject to its own planning policies in the Adopted Local Plan (2001) and the use of the site is recognised as playing an important role in the Borough's economy, particularly in terms of employment.

Policies EMP1, EMP5 and EMP6 of the Adopted Hinckley and Bosworth Local Plan generally support development within the MIRA site, with Policy EMP5c setting out the potential for additional infill development. As such, there is a presumption in favour of development

subject to all other planning matters in particular amenity, highways, visual intrusion and pollution, being appropriately addressed and controlled.

Planning permission has previously been granted for an advanced handling circuit within the same site on a large scale (ref: 05/00386/FUL) however this permission has subsequently lapsed.

In the case of this development, the relevant consultees have been consulted on the issues relating to the application and site. Subject to these responses and the matters addressed later in the report relating to siting and visual intrusion, impact upon residential amenity, access and highway considerations, drainage and flood risk, ecology and landscaping, the principle of this development is considered acceptable.

Siting and Visual Intrusion

The proposed two storey welfare cabin at 6.2 metres would be the highest development on the site whereas the test track, constructed predominantly at ground level, will not be more than 2 metres in height above ground level.

The MIRA site, because of the highly competitive and therefore confidential nature of the testing and work that takes place within the site, is already well screened from existing landscaped areas and as such there are limited views from outside of the site. There are obviously seasonal changes to the landscape cover which allow greater views into the site but generally these views are only partial glimpses of activity rather than key open views.

The site in question lies to the north western section of the MIRA site and is largely bounded by either tree lines or arable fields and the accompanying Design and Access Statement states that the location of the site has been chosen for its privacy and space.

In summary, any views into the site are likely to be partial glimpses of activity rather than key open views and as such there would not be any significant visual harm. As a result of the relatively low level works, and existing landscape areas, it is considered that the scheme is not likely to be seen from outside of the site and will therefore not adversely affect the character and appearance of the wider landscape. It is therefore considered to be in accordance with Saved Policies NE5 of the adopted Hinckley and Bosworth Local Plan.

Impact upon Residential Amenity

The closest residential dwellings are located to the west and south of the site. It is considered that together with the distance of 300 metres and presence of woodland (Rowden Gorse) to the west of the site that there would not be significant detrimental impacts to neighbouring dwellings sited to the west. Dwellings to the south are located a minimum of 450 metres away and it is again considered that this distance is sufficient to mitigate any detrimental impacts. There are other properties that border the site, however given the site area of MIRA it is considered that there would be no material impacts as a result of the development.

One letter of representation has been received during the course of the application, raising concerns of noise impacts. The proposed city test track, by nature of its design of sections ranging from a ditch 1 metre below ground level and varying ranges of inclines to a maximum of 2 metres for the use of land rover sized vehicles to imitate driving conditions in un-flat/ uneven overseas terrains is not intended to be used for high speed and therefore the speed generated is unlikely to give rise to any significant noisy driving activity.

Further information submitted during the course of the application has confirmed that the existing hours of operation are 09:00 and 18:00. On the basis of this information the Head of Community Services (Pollution) has no objection to this proposal.

The imposition of a condition restricting operating hours has been carefully considered. The advanced handling circuit permitted in 2000 (ref: 99/00966/FUL) and subsequent renewal in 2006 (ref: 05/00386/FUL) imposed time conditions, however this permission has not been implemented. Following the approval of city circuit (ref: 08/00720/FUL) the restriction of operating hours were carefully considered and it was concluded that the existing test tracks implemented on the site at that time were not subject to operating hour restrictions due to the historical evolution and development of the site. Given the issues discussed above in respect of the noise and amenity impact of the proposal, it would be unreasonable to impose a condition restricting hours of operation on the current proposal when noisier activities can take place without any restriction. On this basis, the imposition of a condition to restrict hours of operation fails the tests for conditions set out in Circular 11/95.

In summary, it is considered that the use of the test track and associated workers would not give rise to any significant material impacts upon the amenities of neighbouring occupiers. It is therefore considered to be in accordance with Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Other Issues

Access and Highway Considerations

The application does not propose any modifications to the A5 junction or to the circulation network within the MIRA are required. The Highways Agency has no objection to the proposals.

Following the removal of two conifer trees a newly formed entrance has been created off the north west of the main access to the east of the site and an additional 10 car parking spaces are to be provided. The Director of Environment and Transport (Highways) has no comments on this application.

In summary, the development has been considered by both the Highways Agency and the Director of Environment and Transport (Highways) and both parties raise no objection to the development on highway grounds. It is therefore considered to be in accordance with Saved Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Drainage and Flood Risk

The Environment Agency have requested additional details in respect of a proposed surface water drainage scheme and maintenance programme to dispose of foul drainage and details of either a septic tank or soakaway. The details will be secured through the imposition of planning conditions.

The application also proposes a cess pit in the vicinity of the welfare cabin. The Environment Agency in correspondence with the applicant strongly recommends that a septic tank is installed in preference to the cesspit on the grounds of sustainability.

In summary, whilst the Environment Agency raises no objection this is only subject to the imposition of conditions to protect the water environment and minimise the risk of flooding. It is therefore considered to be in accordance with central government guidance contained in PPS25 and Saved Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Ecology

The accompanying Ecology Report states that there are considered to be no visible ecological impacts associated with this scheme. The Directorate of Chief Executive, LCC (Ecology) has no objection to the proposal as it is felt that no significant habitats or protected species will be impacted by the works.

In summary, it can be concluded that the proposal will not have any adverse impacts upon sites of ecological importance or protected species. It is therefore considered to be in accordance with central government guidance contained in PPS9.

Landscaping

Given that the MIRA site already benefits from existing landscaping and is characterised by mature hedgerows to the west of the site, it is not considered necessary to ensure additional substantial landscaping on the site in accordance with Saved Policy NE12 of the adopted Hinckley and Bosworth Local Plan.

Conclusion

In conclusion, the development represents an acceptable form of development that conforms to the adopted planning policy for this protected employment site. The proposal represents a key addition to a unique facility at MIRA which is likely to further strengthen MIRA's position within the wider motor industry and therefore strengthen the Borough's economy and employment needs. As a result of the siting and low level design, together with the existing landscaping, it is considered that there would not be any significant material impacts upon visual or residential amenity, highway safety or protected species. Conditions can be imposed to address concerns in respect of drainage and the water environment. Accordingly, the application is recommended for approval subject to the imposition of planning 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 a development on an established employment site for economic development purposes, would not have significant material impacts upon visual or residential amenity, highway safety, flooding or ecology.

Hinckley & Bosworth Local Plan (2001):- EMP1, EMP5, EMP6, BE1, BE16, NE2, NE12, NE14, T5.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):
- Spatial Objective 1 and 12.

- 1 The development of the erection of a two storey welfare cabin, installation of a CCTV camera and erection of the fencing and barriers shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the details: Boundary Location Plan PG/060/001; Site Plan and Detail PG/060/003

Rev A and Proposed Welfare Cabin Layout PG/060/002 Rev B received by the Local Planning Authority on 28 January 2011.

- 3 No development to be carried out pursuant to this permission shall commence until 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, 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.
- 4 No development to be carried out pursuant to this permission shall commence until a scheme to dispose of foul drainage, together with a maintenance programme, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved before the development is completed.

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 prevent the increased risk of flooding to adjacent land and properties, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 4 To prevent pollution and to address issues regarding sustainability in accordance with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 In relation to Condition 4 the scheme should fully investigate and include porosity tests to determine whether a septic tank to soakaway would be feasible on this site. If it is feasible then a septic tank to soakaway should be installed. If it is determined that this is not possible and the evidence of this has been submitted to the Local Authority then the only option would be to connect to a cesspit. The cesspit would need to be sized adequately and be alarmed. A septic tank to soakaway would need to be registered as an exemption with the Environment Agency.

Contact Officer:- Ebony Mattley Ext 5691

Item: 08

Reference: 11/00063/OUT

Applicant: Johal And Kler Partnership

Location: Dunlop Limited Station Road Bagworth

Proposal: ERECTION OF UP TO 61 DWELLINGS AND 2800 SQUARE METRES OF EMPLOYMENT FLOORSPACE (CLASS B1) (OUTLINE - ACCESS AND LAYOUT ONLY)

Target Date: 2 May 2011

Introduction:-

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

Application Proposal

This is an outline application for a mixed use development of up to 61 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.

This is a resubmission of application 10/00640/OUT which was refused planning permission on 2 December 2010 because the applicant failed to complete a Section 106 Agreement.

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 61 dwellings as a mix of detached, semi-detached and terraced properties of 2, 3 and 4 bedrooms. 40% of the development (25 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 proposals indicate that 70% of the site will be residential development and 30% will comprise employment.

The Site and Surrounding Area

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 shape 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.

Technical Documents submitted with application

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%.

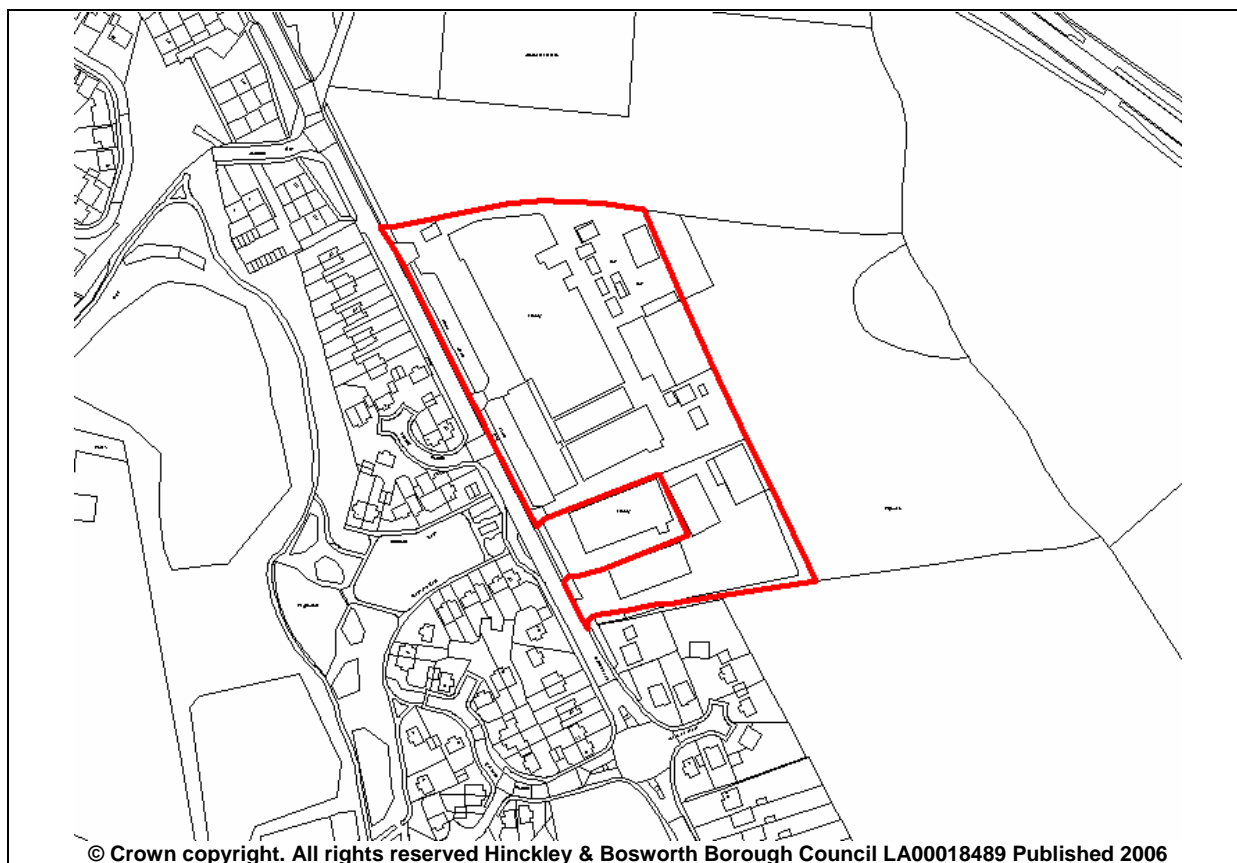
History:-

10/00640/OUT	Mixed use development comprising Up to 68 dwellings and employment (outline – access only)	Refused	02.12.10
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 three 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.

The latest application, 10/00640/OUT related to both the Dunlop part of the site and the area now occupied by RSL. It proposed demolition and the erection of 68 dwellings and an employment area. The report to the 2 November 2010 committee meeting recommended that planning permission should be refused because of the loss of employment land and the subsequent impact upon the sustainability of Bagworth, failure to demonstrate that sufficient affordable housing would be provided and the lack of measures to address the increased pressure upon play and open space in the local area. The determination of the application was deferred at that meeting to allow the scheme to be amended to retain 30% of the site for employment use, that there be no viability issues arising from that change and that the Section 106 be agreed and drafted in principle. On this basis it was resolved that the application be deferred to the next meeting. The application was reported back to the 30 November 2010 with a recommendation that planning permission should be granted subject to a legal agreement securing contributions. Planning permission was refused on 2 December 2010 because the applicants failed to complete a Section 106 Agreement by the target date for the determination of the application.



Consultations:-

No objection subject to conditions has been received from:-

The Environment Agency
Severn Trent Water Ltd
The Head of Community Services (Land Drainage).
Director of Highways, Transportation and Waste Management (Highways).

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.

Director of Highways, Transportation and Waste Management (Minerals) has noted that the site is in the Coal Authority’s (CA) consultation area and that the CA’s standing advice should be provided as advice to the applicant.

The Leicestershire Constabulary Crime Reduction Officer raised concerns regarding the security of the indicative layout which can be addressed at the Reserved Matters stage. The suggestions are that rear alleyways should have lockable gates; surveillance should be improved from habitable rooms; blank gables should be avoided where possible; boundary treatment and car parking needs careful attention and lighting details should be submitted for approval.

The National Forest 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.

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 protection for neighbours during construction and the submission of a lighting scheme.

Site notice and press notice were displayed and neighbours notified.

One letter of objection has been received raising the following concerns:-

- a) insufficient local facilities
- b) lack of educational choice in the area
- c) impact upon highway safety
- d) site is an eyesore and would prefer to see woodland, not new houses.

Presscut Components, the neighbouring industrial use, objects on the grounds that houses proposed are in close proximity to their business. They state that the mitigation measures appear unsatisfactory and that any complaints could result in Presscut having to pay for improved measures at a later date. They consider that the access road would be better located adjacent to their premises to act as a buffer between housing and industry. They note that they are a longstanding local company which doesn't want to be adversely affected by this proposal.

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

Director of Community Services (Archaeology)
The Primary Care Trust
Cyclists Touring Club
Bagworth and Thornton Parish Council.

Development Plan Policies:-

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.

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

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

Regional Policy

The 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. Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS's intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration. In relation to the weight to be given to that intention as a material consideration the Court held that 'the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

Regional Spatial Strategy for the East Midlands provides a broad development strategy for the East Midlands. 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.

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

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. It must also be noted that this authority has resolved to grant planning permission for this development (ref 10/00640/OUT).

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 majority of the existing vacant former Dunlop buildings are redeveloped for housing with the remainder of the site and that 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 70% of the site proposed as housing and 30% 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 along with 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 village 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 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.

While the Employment Land and Premises study would support the partial redevelopment of the site it is considered that the proposed loss of 70% of the site to housing is beyond that envisaged by the Study. No significant information has been submitted 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.

Notwithstanding these shortcomings the principle of 70% of the site being developed with housing was accepted by Members in 2010. This conflict with the employment land study must be weighed against the benefit in the provision of smaller industrial units sub-divided from a larger unit as recommended in Core Strategy Policy 10 and assessed against EMP1(b) which considers other employment activities and alternative uses on their merits. Members accepted this split in the uses on the site because it was considered to be unsightly and the proposed development represented a significant improvement on the current situation. It was also considered that the proposal would be an opportunity to redevelop a brownfield site and the provision of housing would meet a proven local need.

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 477 dwelling shortfall in supply or a provision of four years 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. There is a potential conflict between the strategic vision for Bagworth with the loss of a significant area of employment land. However, weight must also be given to the contribution the site would make to meeting the shortfall in the 5 year supply of housing land and the quality and size of the proposed new industrial floorspace.

Access and impact on the highway network

The Director of Highways, Transportation and Waste Management (Highways) has reiterated their reservations about the sustainability of Bagworth as a suitable location for further residential development. However, they state that because of the allocation with the Core Strategy for a minimum of 60 dwellings in the settlement they have no objection to the proposal subject to conditions.

Developer Contributions and Affordable Housing

The application proposes 40% affordable housing which is in accordance with Policy 15 of the Core Strategy. The current waiting list for Bagworth stands at 26 units. The developer has indicated that the offer of affordable housing would be for 19 three bedroom houses and 8 two bed room houses, meeting, in full, the affordable housing requirement. As the details of the need for housing is clearly identified and quantified it is considered that the requirements of CIL are met.

Contribution requests have been received, as set out above, from Leicestershire County Council towards civic amenity and libraries at a rate dependent on the final dwelling mix. No contribution is required towards education. To be consistent 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 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 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 REC3 supported by the Play and Open Space SPD. The residential element of the site is located 440m from the nearest informal play and open space. As it is more than 400m away it does not meet the requirements for Policy REC3. However, as it is within 1 km of formal open spaces within the village a contribution towards the provision and maintenance of formal open space is required providing it meets the requirement of CIL.

The contribution is calculated using the formula within the Play and Open Space SPD and is calculated at £19,690.80 towards the provision and £16,104.00 towards the maintenance.

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 and Accessibility Audit 2005 identifies 4 formal spaces: the Community Centre; the Old Quarry Playing Fields; the Old Colliery Ground; and Maynards Park. The recommendation within the document states 'Protect and improve the quality of existing outdoor sports facilities'. As it doesn't identify a specific planned project the Parish Council have been requested to identify any projects they have planned in order to assess whether a contribution can meet the tests within CIL. This will be reported as a late item.

Other matters

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 the subject of discussions 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 in 2010. 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 could 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. However, as stated above this conflict with the employment land study must be weighed against the benefit in the provision of smaller industrial units sub-divided from a larger unit as recommended in Core Strategy Policy 10 and assessed against EMP1(b) which considers other employment activities and alternative uses on their merits. The merits of this proposed mix of industrial units and the development of an unsightly site are considered to outweigh the harm of the overall loss of employment land. Small industrial units would help to meet local needs in line with Core Strategy Policy 7, as supported by the Bagworth Parish Plan.

The Borough Council cannot currently demonstrate a 5-year supply of housing. The merits of this scheme include the provision of housing which exceeds marginally the housing requirements for Bagworth set out in the Core Strategy Policy 10. The site is previously developed land and would help the authority achieve its 40% target for housing provision on previously developed land and aid in the delivery of a five year housing land supply which is currently inadequate. Consideration of the inadequate five year housing land supply in the borough should be given considerable weight and with the retention of an element of employment and the provision of affordable housing, meeting an identified need, it is considered that planning permission should be granted.

RECOMMENDATION :- That the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission for the development subject to the following conditions and the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972 towards, affordable housing, and the provision and maintenance of public play and open space facilities. Failure to do so by 2 May 2011 may result in the application being refused.

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 maintain provision of employment land within Bagworth, improve the appearance of an untidy derelict site, contribute to meeting the five year housing land supply and the identified affordable housing need. 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.

- 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) 01 received 31 January 2011, and B5217 (PL) 02 E received 31 January 2011.

- 5 Prior to the commencement of the development hereby permitted, the applicant shall submit for approval in writing from 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.E. 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 Local Planning Authority 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 thereafter maintained.
- 9 Before first use of the development hereby permitted, the vehicular access to the employment element as shown on drawing number B5217 (PL) 02 E received 31 January 2011 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 an 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.

Reasons :-

- 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:- Pat Reid Ext 5895

Item: 09

Reference: 11/00077/C

Applicant: Trivett Family

Location: Wellsborough Road Market Bosworth

Proposal: PROPOSED 150 BERTH MARINA WITH VEHICULAR AND WATERWAY ACCESS, AND ANCILLARY DEVELOPMENT INCLUDING LANDSCAPING, DRAINAGE AND CAR PARKING (County Council Identity Number 2011/C421/04)

Target Date: 24 February 2011

Introduction:-

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

It is a County Matter application which will be determined by Leicestershire County Council.

Hinckley and Bosworth Borough Council has been consulted on the application and this report makes a recommendation on the response which should be made to the County Council.

Previous applications for similar development were determined by this authority, It has now been decided that due to the nature of the development, in particular the excavation of material and associated engineering works to create the marina, the scheme is a County Matter which should be determined by Leicestershire County Council. This matter has been discussed at length with the County Council and our and their legal advisors.

Application Proposal

This is a full application for the construction of a 150 berth, leisure marina development with boatyard and associated services, on a 7.3 hectare site at the corner of Wellsborough Road and Carlton Road, Market Bosworth. The site is located to the west of the Market Bosworth settlement and is currently agricultural fields. The Ashby Canal and its towpath form the eastern boundary which is approximately 285 metres in length. There are fields to the north. Wellsborough Road and Carlton Road form the southern and western boundaries. There are a pair of semi detached cottages (Friezeland Cottages) adjacent to the south west corner of the site and a new, predominantly residential, development is located on the opposite side of the canal to the east.

The submitted plans denote warden's house/office, a boatshed, toilets and shower facilities and shop/reception and office, but these are only indicative at this stage and are proposed to be the subject of future planning applications. The proposal is similar in scale and detail to the application which was determined by this authority in 2009 (08/00552/FUL see History below).

The design of the scheme provides a marina with an 'L' shaped water basin to accommodate 150 boats. The last application (08/00552/FUL) also related to a 150 boat marina, while the scheme which was approved in 2002 (94/00760/FUL) accommodated 75 boats. The 2002 permission has lapsed.

Access is from Carlton Road. The access will be provided with a barrier and will be hard surfaced at the entrance leading onto gravel driveways into the site. The access arrangement, pedestrian access, bus lay-by and improvements to the junction are generally in the form previously approved. Car parking areas are provided throughout and there is to be 2.3 hectares of aquatic wildlife areas. There will also be significant amounts of inert material brought onto the site to raise levels and this is detailed later in this report.

Technical Documents submitted with the Application

An Environmental Impact Assessment (EIA) has been submitted with the application. The EIA identifies key impacts (scoping) and examines their effects on the site and surrounding area both during construction and where applicable, in the future. It indicates what mitigation measures are to be taken. When the project is operational, long term management proposals will be identified to protect the environment in and adjacent to the site. The information submitted refers to other moorings and marinas within the area and that there is a waiting list at all marinas. It also states that the revised layout of the site contained in this application has been designed to be viable as well as optimise conservation benefits.

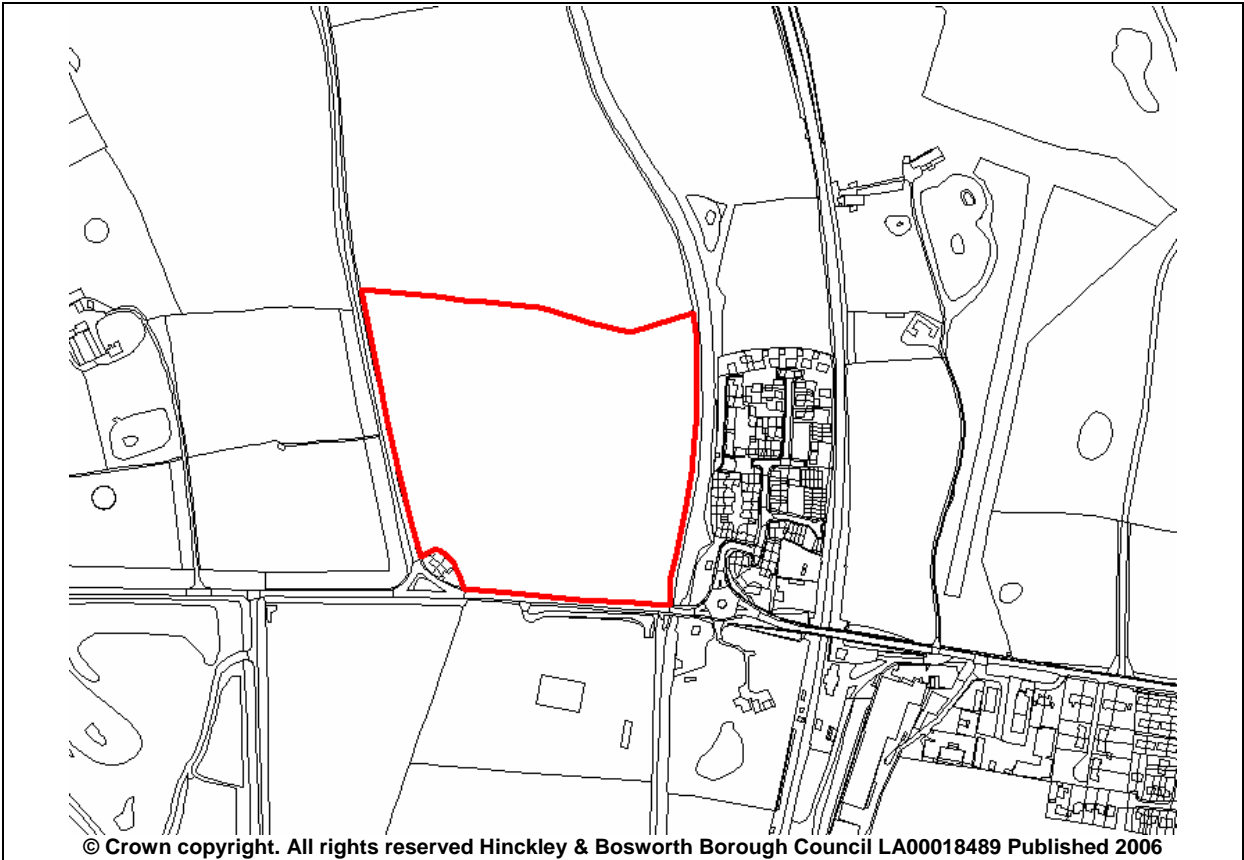
The Design and Access Statement explains how the proposed development would be phased, commencing with the marina and how it has been designed to integrate into the landscape. It is not proposed to provide residential moorings.

History:-

08/00553/FUL	Creation of canal boat marina with associated car parking, landscaping and aquatic wildlife area	Refused	03.03.09
07/01056/COU	Creation of canal boat marina and associated landscaping	Refused	28.01.08
94/00760/FUL	Formation of a marina and fishing lake	Approved	24.04.02

Application 94/00760/FUL was originally considered by the Planning Committee in 1995 when it was resolved to grant planning permission following the completion of a Section 278 Agreement with the Highway Authority in order to ensure the provisions of the off-site highway improvements and the routing of HGV traffic to the site during construction of the development. In December 2000, the application was reported back to committee with the recommendation of refusal because despite progress that the applicants and the agents had made to resolve technical problems for the highway works, a considerable length of time had elapsed since the original consideration of the scheme. Also concerns had been raised by English Nature regarding the potential impact on the Site of Special Scientific Interest (SSSI) nearby. The application was deferred to give more time to resolve the issues and was reported back to the Planning Committee on 2 January 2002 when it was approved subject to conditions. This planning permission has now lapsed.

Application 07/01056/COU was refused because the applicants failed to provide an Environmental Impact Assessment. This authority resolved to approve application 08/00553/FUL subject to the applicant overcoming concerns from Natural England about the impact of the scheme upon the SSSI. Permission was refused because the applicant did not adequately demonstrate that the proposal would not have an impact upon the SSSI.



Consultations:-

Ward Member – No comment received.

Policy:-

National Planning Policy

The Good Practice Guide on Planning for Tourism produced by the Department for Communities and Local Government in May 2006 outlines the importance of tourism and suggests that it is crucial that the planning system takes a pro-active approach in facilitating and promoting good quality development, thereby maximising valuable economic, social and environmental benefits. It goes on to state that these benefits should be achieved in the most sustainable manner possible.

Planning Policy Statement 1: Delivering Sustainable Development sets the Government's target for sustainable development and that it sees the planning system being at the forefront of this in terms of its position to guide and deliver the right development in the right location in a sustainable manner. In a hierarchy of land use, previously developed land should be developed before all other options.

Planning Policy Statement 7: Sustainable Development in Rural Areas identifies the Government's objectives for rural areas and seeks to raise the quality of life and environment in such areas, and promotes more sustainable patterns of development. All development within rural areas should be well designed, in keeping and scale with its location and sensitive to the character of the countryside. This guidance recognises the pressures facing the rural economy and seeks to encourage sustainable rural diversification without harming the character of the countryside. The PPS is generally supportive of leisure uses within the countryside.

Planning Policy Statement 9: Biodiversity and Geological Conservation states that local planning authorities should adhere to the key principles, use up-to-date information about the environmental characteristics including the relevant biodiversity and geological resources of the area. Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests and should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species. Plan policies should take a strategic approach to conservation, enhancement and restoration and recognise the contributions that sites, areas and features, both individually and in combination, make to conserving these resources. Development proposals where the principal objective is to conserve or enhance biodiversity and geological conservation interests should be permitted. The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests and the local planning authorities need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, adequate mitigation measures need to be put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented or mitigated, planning permission should be refused.

Planning Policy Guidance 13: sets out the objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices for carrying people and moving freight, to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and reduce the need to travel, especially by car.

Planning Policy Guidance 17: sets out the Government's commitment to the need for sport and recreation development and seeks to deliver rural renewal, social and community

inclusion, health and well-being and promotes sustainable development. The PPG encourages development for sport and recreation in appropriate locations.

Planning Policy Statement 25: Development and Flood Risk (PPS25) advises that all forms of flooding and their impact on the natural and built environment are material planning considerations. The aims of planning policy on development and flood risk are to ensure that flood risk is taken into account to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Flood risk should be considered alongside other spatial planning issues such as transport, housing, economic growth, natural resources, regeneration, biodiversity, the historic environment and the management of other hazards. Policies should recognise the positive contribution that avoidance and management of flood risk can make to the development of sustainable communities, including improved local amenities and better overall quality of life.

East Midlands Regional Plan 2009

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.

Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS's intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration

In relation to the weight to be given to that intention as a material consideration the Court held that the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

Policy 2: refers to a sequential approach to selecting land for development in recognition of the need to make the best use of land.

Policy 3: refers to the sustainability criteria which should be used in applying the approach and assessing site suitability. Suitable sites outside urban areas may need to be found which satisfy Policy 3 for some uses. Account should also be taken of the need for development of an appropriate scale and character to meet the local needs of rural communities.

Policy 24: considers the need to promote the continued diversification and further development of the rural economy, where this is consistent with a sustainable pattern of development and the environmentally sound management of the countryside. Areas of potential for tourism growth which maximise economic benefit whilst minimising adverse impact on the environment and local amenity should be identified. Measures should include the provision for additional tourist facilities including accommodation close to popular destinations that have adequate environmental and infrastructure capacity, improvements in

the quality of existing facilities and services, and improvements to accessibility by public transport and other non-car modes.

Policies 27 and 28 deal with protecting and enhancing the Region's natural and cultural assets.

Local Development Framework Core Strategy 2009

Policy 7: 'Key Rural Centres' seeks to ensure that key services are provided for these centres and their hinterland, including support for the development of the tourism industry in line with Policy 23.

Policy 11: 'Key Rural Centres Stand Alone' supports the role of Market Bosworth as a tourist destination in its own right.

Policy 20: 'Green Infrastructure' aims to implement the Green Infrastructure Network as outlined on the key Diagram. One of the proposals in the Western Zone is improved connections between the canal, the Water Park and Market Bosworth.

Policy 23: 'Tourism Development' encourages new visitor attractions which help support and complement existing facilities, add to local distinctiveness and add to the economic wellbeing of the area, where they are of a design and scale which is appropriate to minimise impact and assimilate well with the character and landscape of the area.

Hinckley and Bosworth Local Plan 2001

The site is located outside of the settlement boundary of Market Bosworth in the countryside as identified in the adopted Hinckley & Bosworth Local Plan.

Policy REC 7 states that planning permission for marinas and other commercial developments adjacent to the canal will be granted in appropriate locations on the Ashby Canal provided they are not detrimental to the canal's conservation area and is sympathetic to the rural character, do not affect nature conservation interest, do not lead to an over intensification of marina developments along the Ashby Canal, any new developments relate directly to boating activities and conform with highway and environmental policy, and has adequate parking and access arrangements.

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; for the change of use, re-use or extension of existing buildings or for sport or recreation purposes, 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 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, materials and architectural features; avoids the loss of open spaces, important gaps in development and features which contribute to the quality of the local environment; has regard to the safety and security of individuals and property; incorporates landscaping to a high standard where this would add to the quality of the design and siting; 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 IMP1 required contributions towards the provision of necessary on-site and off-site infrastructure and facilities to serve the development.

Policy BE7 relates to development in conservation areas and is primarily concerned with the preservation or enhancement of their special character or appearance. Planning permission for proposals which would harm that special character or appearance will not be granted. In and adjoining conservation areas, the siting and design of new development and the scale and use of appropriate materials will be required to respect the special character and appearance of the area.

Policy NE6 states that planning permission will not be granted where the proposals will damage a SSSI unless it can be demonstrated that no other suitable site is available for development and that the development is of such significance that it exceeds the level of importance for nature conservation or geological interest.

Policy NE7 states that development which would damage sites significant at county or district level for their flora, fauna or geological features, or sites of natural history or scientific interest significance will not be permitted unless an overriding national or local need is identified for which no other alternative site is available. Where development on such sites is permitted, the local planning authority will impose conditions and if necessary seek to enter into planning agreements in order to minimize disturbance to conserve its features of nature conservation or ecological interest, and to provide new ecological sites where damage is unavoidable.

Policy NE12 requires development to take into account the existing landscaping features of the site and make provision for further landscaping where appropriate.

Policy NE13 relates to the effect of development on the natural watercourse system. Planning permission will not be granted for development which would inhibit or damage the drainage functions of the natural watercourse system, unless adequate protection, alleviation or mitigation works are undertaken.

Policy NE15 seeks to protect river or other watercourse corridors particularly in connection with its land drainage function or in a loss of recreational amenity and nature conservation value.

Policy REC4 seeks to ensure that new recreational facilities are sited in appropriate locations and this policy encompasses the requirements of the individual policies NE5 and BE1.

Policy REC 6 states that the Ashby Canal Corridor will be protected to provide a recreational and wildlife corridor. Public Access to the canal corridor and in particular, access for disabled people will be improved wherever appropriate. Planning permission will only be granted within the corridor if it is in connection with the use of the canal for quiet informal recreation or is essential to the operational requirements of the canal, is of a high quality of design and in keeping with the character of the canal, is not detrimental to nature conservation and it allows for public access along the Ashby Canal.

Policy REC 9 seeks to ensure access to the countryside including access for vulnerable groups, such as disabled people. It promotes walking, cycling and horse riding as safe and convenient means of access to the countryside. It seeks to safeguard existing rights of way or to ensure that adequate alternatives are provided where appropriate.

Policy REC26 relates to new visitor attractions, particularly those which have a special affinity with the physical and historic character of the area, unless the proposed development will be contrary to other policies within the local plan, particular regard will be given to environmental and highway considerations.

Policy T5 seeks to apply the County Council highway standards and parking targets when considering new development.

Appraisal:-

The main considerations with regard to this application are the principle, impact on the countryside and ecology, impact upon the conservation area, design and layout, construction, pollution, flood risk, landscaping, impact on neighbours, highway implications, internal road layout and parking provision and the impact on the neighbouring settlements.

Principle

The principle of the development of a marina on this site was previously considered in 2002 when planning permission was granted by this authority for a smaller scheme. Although this planning permission has now lapsed the relevant adopted policies have not altered significantly since 2002 and the principle of providing a marina at this location remains acceptable. The principle was supported in 2009 when this authority resolved to grant planning permission subject to the applicants overcoming an objection from Natural England relating to ecological impact. Permission was refused because the applicants failed to adequately demonstrate that the proposal would not harm the Ashby Canal SSSI. The current application is supported by information which seeks to overcome this issue.

Impact on Countryside and Ecology

The impact of the proposal upon ecology is a significant issue. The last application was refused planning permission because insufficient ecological information was provided. The site is in an area where the landscape and natural environment are important. It is necessary to consider both the general impact of the development upon flora and fauna, as well as three detailed concerns which have been raised in the past by Natural England.

The site is situated in an area where the countryside is protected for its own sake as designated within the adopted Hinckley and Bosworth Local Plan. Whilst the proposal involves considerable development where currently there are open fields, the scheme includes substantial re-profiling of the landform and extensive areas of planting providing improved wildlife habitat. Protected species surveys have been undertaken in 2000, and in April and July 2008 and information has been provided for mitigation during the construction phase and the provision of new habitats.

The three concerns highlighted by Natural England relate to the absence of information relating to Great Crested Newts; disturbance to the Ashby Canal SSSI through increased boat activity and the impact of effluent discharge. The SSSI is located approximately 1 mile away, to the north of the site and contains a form of rare pond weed. Natural England are concerned that increased boat movements may threaten its existence. The application proposes a redesign of the wetland area and pond within the site to provide a possible alternative habitat.

In 2009 adequate information was submitted to overcome concerns about Newts and effluent. However, the applicants did not adequately demonstrate that the proposal would not have an impact upon the Ashby Canal SSSI and permission was refused for this reason. The applicants have now submitted information to overcome this objection from Natural England.

Design and Layout and Impact upon Conservation Area

The design of the marina scheme has been developed in conjunction with British Waterways. It is proposed to provide a basin with surface water area of 16,350 square metres. The entrance to the basin is situated in the same location as on the previously approved scheme, opposite the existing winding hole of the canal and will have a stop lock and a footbridge over to link with the existing towpath.

British Waterways have ascertained that there are 340 marina spaces on the Ashby canal and that all the marinas are full, with waiting lists of over 200 boaters. This excludes on line moorings which they are working actively to reduce.

British Waterways will not issue licences to boaters who do not have a home mooring so there is a latent demand for boats which may not bother to register. Their national figures show that the demand for moorings is growing at the rate of 2.6% nationally. However, in areas where the canal is proposed to be extended the demand is greater. While home or permanent moorings are not proposed to be provided this matter requires formal control.

The layout of the site has almost one third dedicated to wildlife areas with a low nutrient conservation pond, wetland treatment areas and copse/woodland. The information provided states that the three areas will complement each other and are likely to contribute to greater biodiversity than presently on the site.

Buildings are indicated for further development in a roughly central area of the site, the applicant has provided an indicative drawing and stated that any buildings are likely to be constructed of timber but no further details have been submitted at this stage. It is understood that a boatshed, toilet and shower facilities and warden's house/office are intended to be submitted as further applications. These are likely to be for use of boaters and their guests and unlikely to be used by the general public. Other facilities will include visitor mooring refuelling bays, main services and a waste disposal area to be provided once the marina is operational. The jetties are to be constructed of steel with timber decking.

A satisfactory design needs to be agreed for the proposed buildings and structures which are likely to have an impact upon the character and appearance of the Ashby Canal Conservation Area. While this is likely to be addressed in the determination of subsequent applications it should be brought to the attention of the applicant at this stage.

Construction

It is necessary to import material to raise the ground level in some areas as the site falls away from the water level of the canal towards Carlton Road. It is estimated that 35,000 cubic metres of imported material will be required. To provide these quantities it is anticipated that 3,500 loads (eight wheeled lorries) over a maximum period of two years will be necessary. This would equate to 35 loads or 70 movements per week spread over 5.5 working days. The applicant accepts that all construction traffic visiting the site should be routed via the B585 to the A444 and away from the local settlements. Due to the likely impact of construction traffic the routing of vehicles should be controlled.

The excavation and remodelling works will require a licence from the Environment Agency. Once the filling operation has been completed, the perimeter of the basin will be sheet piled. The piles are likely to be 3 metre galvanised sheet piles, with tie backs into the surrounding fill every 2 to 3 metres and a reinforced capping beam. The overfilled areas of the basin will then be excavated back to the face of the sheet piles to complete the formation of the basin.

The floor of the basin will be waterproofed with a layer of puddle clay. The specification for the clay layer will be determined by further investigation of the existing clay sub soils underlying the site, and to British Waterways specification. If the underlying clay is unsuitable, clay will be imported for the purpose. The construction of the basin and method of connection to the canal must be agreed in detail with British Waterways prior to the commencement of works on site.

Pollution

The methods for controlling pollution of the canal and surrounding area are dealt with in the EIA which states that the use of the proposed marina generally poses a low risk of runoff pollution. The runoff from the parking and access road will be collected in swales; the runoff from the boatyard will pass through an interceptor before entering the swales. Water collected in the swales will filter and clean in a two treatment stage before it flows into the 'low nutrient' lake. The SUDS system will remove incidental contamination before it reaches the lake. The lake is isolated from the watercourse that could introduce intermittent pollution from upstream sources or high nutrient runoff from the adjacent development. The lake will be designed to develop suitable conditions for locally rare plants, particularly the rare pondweed (Grass-wrack pondweed) and wetland animals once initial nutrient loads have reduced. The lake will also be designed to accept exceptional storm volumes with simple grass overflow weirs. Final details of pollution control measures would be agreed by the Environment Agency.

Flood Risk

A Flood Risk Assessment was required by the Environment Agency which has been carried out. It states that the development of the site will not have an impact on external areas as flow rates have been maintained at or below existing runoff levels. There is no risk of river flooding, the canal should not pose a risk as its level is independently maintained and the sustainable drainage proposals will control runoff. The actual drainage works are required to be approved by the Environment Agency. Information submitted by the applicant shows that the marina will be constructed at or above the level of the existing canal. Friezeland Cottages will be protected from flood risk by the ground form that direct flows towards the outfall and the Sustainable Drainage scheme. All runoff from the new development is designed to be stored and released slowly to limit flow into existing drainage. The SUDS management will consist of a simple grass cutting and wetland maintenance regime augmented with regular road sweeping and the checking of inlets and outlets. A management plan will be provided as part of the detailed design.

Landscaping

The layout drawings indicate the general principles of hard and soft landscaping for the site. The existing hedges to the south and the canal boundary are proposed to be retained. Block planting, specimen trees and mounding is proposed to provide a visual barrier to the adjacent highways, Friezeland Cottages and most of the boundary adjacent to the Pipestrelle Way (Persimmon) development. This is considered to be generally acceptable.

Impact on Neighbours

In the consideration of previous schemes neighbours have raised concern about the development particularly during the construction phase. Some issues have been addressed earlier in the appraisal. With regard to pollution control during construction, the application provides information which states that all machinery will be accurately suppressed to ensure current noise regulations are complied with and that water bowsers will be provided to suppress dust. Wheel washing facilities will be provided for vehicles leaving the site to

ensure that no mud or debris is deposited on the road, and road sweeping will take place as and when necessary.

Once operational, low level lighting is proposed around the waters edge as part of this application. Details of the lighting will need to be submitted to and approved by County Planning Authority in order to ensure it does not have a significant impact on neighbours or the surrounding countryside area.

Highway Implications

Access to the site will be provided from Carlton Road. It is proposed that access to the moorings and the site facilities will be restricted to marina users. It is intended to provide security barriers at the junction with the access of the highway controlling vehicle access.

Traffic data has been provided which indicates figures of 15.5 vehicles movements per hour during weekday morning and evening peak and 46 movements per hours on Sunday afternoon peak, for the proposed size of marina.

Highway improvements to the Carlton Road/Wellsborough Road junction together with a bus lay-by, a turning area off Carlton Road are all included within the proposal.

Previous schemes were subject to off-site highway works and requests for a financial contribution towards a bus shelter, real time information pole and improvements to the existing bus stop on Station Road, together with the provision of a footpath linking to the adjacent water park. The applicant is in discussion with the Highway Authority on these matters and an update will be provided at the committee meeting.

Pedestrian access is gained from a footpath adjacent to Bosworth Wharf Bridge and will be provided at the same level as the existing road footpath. From this embankment, ramps down into the marina and to the canal towpath are proposed. All footpaths will be a minimum of 1.2 metres wide including the footbridge to ensure equality of access. The footbridge over the marina entrance is being designed in conjunction with British Waterway's requirements and will allow maintenance machinery etc. to access the towpath.

Internal Road Layout and Parking Provision

The internal road layout is proposed to circumvent the marina basin. The pedestrian access from Wellsborough Road into the site and onto the towpath has been designed to allow wheelchair access. A series of internal footpaths will link the facilities within the site. The application provides 100 car parking spaces, 3 spaces for light goods vehicles, 10 disabled spaces and 10 cycle spaces within the site for the first phase of development and a further 46 spaces if required.

Impact on Neighbouring Settlements

The marina will have traffic implications as dealt with above. There will be no significant impact on Market Bosworth's centre in relation to effect on existing local businesses from the implementation of this proposal.

Conclusion

The proposed development is acceptable in principle and meets the relevant national and local policy criteria. The proposal is acceptable in terms of design. On this basis it is proposed that this authority does not object to the application subject to the following:-

- That Natural England have no objection to the impact of the development upon the Ashby Canal SSSI
- No development shall commence before highways improvements, including footpath works and the provision of a footpath, have been implemented
- The design of the buildings and structures should have regard to the setting of the Ashby Canal Conservation Area
- There shall be no occupation of boats on a permanent basis
- Vehicular access shall only be from Carlton Road
- Vehicle routing shall be implemented during the construction of the development
- Wheel wash facilities shall be provided during the construction of the development
- That details of external lighting are agreed
- No development commences before an ecology management plan is agreed.

RECOMMENDATION: - That Leicestershire County Council be advised that this authority has NO OBJECTION to the proposal subject to the nine points in the concluding paragraph of this report.

Contact Officer:- Pat Reid Ext 5895

Item: 10

Reference: 11/00056/FUL

Applicant: Mrs Jayne Barnes

Location: 6 Boyslade Road East Burbage Hinckley

Proposal: DEMOLITION OF EXISTING DWELLING AND GARAGE AND THE ERECTION OF NEW DWELLING WITH ASSOCIATED ACCESS AND PARKING PROVISION

Target Date: 4 April 2011

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 proposes the demolition of an existing dwelling and the erection of a replacement dwelling.

The existing dwelling has a footprint of 132 square metres and comprises a hipped roofed brick property. There is a driveway adjacent to the north eastern boundary leading to a detached flat roofed single garage and a large detached outbuilding situated in the south western corner of the site.

Since submission amended plans have been received and a further 14 day neighbour re-consultation has been conducted.

The current scheme proposes a large detached dwelling, mock Georgian in design. There is a central projecting gable to the front with a stone canopy porch. Left of the gable is an integral double garage. The fenestration comprises vertically emphasised sash windows arranged in a regular linear form with stone header and cill detail. There are two pitched roofed dormers in the front roof plane and chimney stacks at either end of the roof. There is stone detailing to the eaves and brick quoins detailing. To the rear, there are 8 velux roof lights and a range of windows and patio doors. The accommodation would be provided over three floors, with the total floor area being roughly 384 square metres. The dwelling will have a footprint of approximately 145m² and will measure 9.2m to the ridge. To the front the property will be set back from the road by 6m and there will be two off road parking spaces provided. To the rear will be a large garden with an area of 234 square metres and a depth of 13.5m. The existing vehicular access will be retained and improved. The existing front boundary hedge is to be replaced with a brick wall. A pedestrian access is proposed centrally, which will lead to the front door.

The Site and Surrounding Area

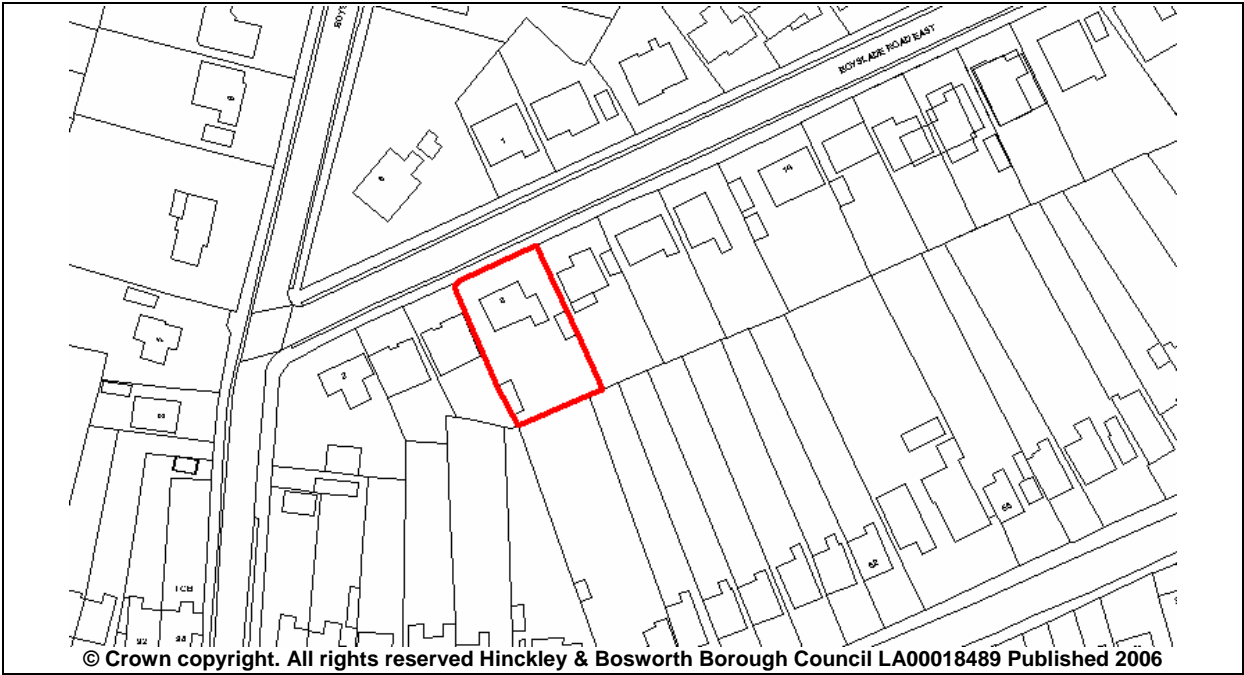
The street scene comprises predominantly large detached dwellings on large plots. The properties are situated on an established building line, but are of varying design, style and age and incorporate a range of materials. The area is residential with the plot bounding residential properties to each elevation. The street scene is well vegetated with mature trees within the highway boundary. The sites frontage is bound by a maintained hedge. The site has an area of 548 square metres.

Technical Documents submitted with the application

The application is accompanied by a design and access statement that is supportive of the design proposed and confirms how it integrates into the street scene and conforms to the character of the area. The statement also confirms the use of solar panels and rainwater harvesting.

History:-

None in relation to this specific site.



Consultations:-

No objection has been received from:-

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

Burbage Parish Council objects to the application on the grounds that it is out of keeping with the character and appearance of the area, in respect of its height, is of an unsatisfactory design and appearance and is contrary to the Burbage Village Design Statement points GN: 2.2 and 2.4 (which related to design principles).

Eight letters of neighbour objection have been received which raise the following concerns:-

- a) that the proposed dwelling is too large in terms of its mass and scale
- b) is too high
- c) is intrusive and out of keeping with the street scene and character of the area
- d) due to its gabled design will block sunlight
- e) further objections include the principal of the dwelling and inaccuracies with the plans.

The consultation period remains open at the time of writing and closes on 22 March 2011. Any consultation responses 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' refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 3 (PPS3): '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 13, reflecting policy in PPS1: states that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to improve the character and quality of an area and the way it functions, should not be accepted.

Paragraph 16 lists matters to be considered when assessing design quality; this includes assessing the extent to which the proposed development is well integrated with and compliments the neighbouring buildings and the local area more generally in terms of scale, density layout and access.

Paragraph 48: states that Local Planning Authorities should facilitate good design by identifying the distinctive features that define the character of a particular local area.

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.

Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS's intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration

In relation to the weight to be given to that intention as a material consideration the Court held that 'the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:

Policy 2: promotes better design including highway and parking design that improves community safety.

Policy 3: directs development towards urban areas with priority being given to making the best use of previously developed land.

Policy 43: seeks to improve highway safety across the region and reduce congestion.

Local Development Framework Core Strategy 2009

Policy 4: 'Development In Burbage' requires new development to respect the character and appearance of the area and ensure new development is of the highest environmental standard.

Policy 24: 'Sustainable Design and Technology' expects residential developments in Hinckley to meet a minimum Code level 3 of the Code for Sustainable Homes.

Hinckley and Bosworth Local Plan 2001

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

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

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

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance: 'New Residential Development' provides a series of standards that new residential development should achieve in respect of design, layout, impact on neighbours and amenity space. It specifically states that the appropriate density of the development will be determined by the general character of the surrounding area.

Other material guidance

Burbage Village Design Statement. adopted June 2006 specifically policy GN2 which relates to general design principles.

Appraisal:-

The main considerations in the determination of this application are the principle of development, impact on the character of the area; design, residential amenity, highway issues and other matters.

The Principle of Development

The site is located within the settlement boundary of Burbage, as defined on the Adopted Hinckley and Bosworth Local Plan Proposals Map, therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

Impact upon character of the Area: Layout and Design

Local Plan Policy BE1 seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features'. This consideration ties in with the intentions of PPS3 and RES5 for local authorities to prevent overdevelopment and development that is out of keeping with the character of the surrounding area.

The scale, massing and bulk of the proposed dwelling is large, and thus the development will appear prominent within the street scene. However, since submission the footprint has been reduced by 1m either side, the front gable has been set forward slightly, giving the property a stepped appearance and the ridge height has been reduced from 11.2m to 9.2m. Accordingly the development now appears more in keeping with the surrounding properties. Further, the dwelling will be situated on a double plot, and thus despite its size, the dwelling proposed is not considered overdevelopment. In addition, architectural features, such as pitched roofed dormers, chimney stacks and brick and fenestration detail common of the locality have been incorporated into the design, further aiding its assimilation into the street scene and

improving its appearance. The area has a very mixed residential character, incorporating detached dwellings of varying size, age and style. Accordingly, although the design proposed is not common within the locality, the lack of established character would make it hard to refuse on these grounds, and thus on balance it is not considered to have a materially detrimental impact upon the street scene or character of the area which would warrant its refusal.

Design

The front elevation of the dwelling is well proportioned, with the fenestration arrangement aligned, thus resulting in a balanced appearance. Further, the elevation is detailed and provides an interesting frontage. The appearance is further improved through the use of stone header and cill detail, brick quoins and chimneys, and the apparent massing has been reduced by the reduction in the number of dormers, (from 4 to 2) and the reduced height and width of the proposal. To the rear the design proposed is bland and there is limited architectural detail. This said, this elevation will not be visible from any public vantage points, and would not justify refusal of the application. Therefore, the design approach is considered acceptable.

Residential Amenity

There are various windows within the rear elevation serving principal rooms, including velux windows serving second floor bedrooms; however the separation distance between the proposed windows and those on the facing elevations of the dwellings to the rear are well in excess of the 25m recommended within the SPG on New Residential Development. Therefore there are considered to be no adverse impacts in terms of overlooking or on the privacy of the properties to the rear. As the rear garden depth will only be 13.5m, there will be some views over the rear gardens of the properties to the rear, however as a result of the screening along the rear boundary and the distance of the principal amenity space to the rear of these properties, the overlooking is not considered material. There is one first floor window which will face the side elevation of number 4a Boyslade Road, however this will serve an ensuite bathroom and given the nature of the use of this room, will not result in any overlooking. Based on the above the proposal complies with the guidelines stipulated within the SPG in terms of separation distances between dwellings and proposed rear garden depths.

In order to limit the likelihood of overshadowing, the Councils SPD on Extensions suggests that two storey buildings should not extend more than two meters past the rear elevations of neighbouring properties, where they are built on the common boundary line. In this case the proposed dwelling will project two meters further than the rear elevation of number 4a, but it will be situated two meters from the common boundary line. Accordingly it is not considered that the proposal will result in a material degree of overshadowing.

Given the proposed distances and the layout of the property, it is considered that there would not be any significant detrimental impacts upon residential amenity to sustain a reason for refusal on this basis.

Access and Highway Issues

Two parking spaces are to be provided to the front of the dwelling, and a further space within the garage. The existing access is to be retained. Accordingly no objections have been received from The Director of Environment and Transport (Highways) and thus there are considered to be no adverse impacts upon highway safety and the proposal is considered to comply with Policy T5 of the adopted Local Plan.

Other Matters

Sustainability

In line with Policy 24 of the Adopted Core Strategy, the residential units to be constructed on this site will need to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. The applicant intends to use a rainwater harvesting system and solar panels and thus should meet this requirement.

Play and Open Space Contributions

As the application proposes a replacement dwelling, there will be no gain in the number of dwellings and thus no Play and Open space contribution will be required.

Burbage Village Design Statement

Policy GN2 suggests that houses should be matched in terms of design and scale with neighbouring properties. In this case, although the design proposed is not common within this street scene and the proposed dwelling is taller than the adjacent properties; the area has a very mixed character, in terms of house type, and since the ridge has been reduced, the proposal is a similar height to number 4a Boyslade Road. It goes on that off the shelf suburban housing should incorporate features of the locality to aid assimilation into the area. In this case, pitched roofed dormer windows, chimneys and brick detailing have been incorporated which are characteristic of the locality.

Conclusion

In conclusion, despite the large scale and footprint of the dwelling, by virtue of its design, layout, use of materials and the mixed character of the street scene there are considered to be no material impacts in terms of visual or residential amenity or on the character of the street scene. Accordingly the proposal is considered to be in accordance with BE1 of the adopted Local Plan and with the SPG on New Residential Development

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. Resultant of the design, siting and layout of the proposal there are considered to be no material impacts on visual or residential amenity, on the character of the street scene or highway safety. Therefore the development is considered acceptable.

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

Local Development Framework Core Strategy (2009):- Policy 4, Policy 24.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 No development to be carried out pursuant to this permission shall commence until 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 The development carried out pursuant to this permission shall be carried out in complete accordance with the submitted and approved application details, as follows: Drg No:- 6415P-01D received by the Local Planning Authority on the 9 March 2011.
- 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, the dwelling hereby approved shall not be occupied until 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.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To safeguard visual amenity and the character of the street scene to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 In the interests of sustainable development to accord with policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.

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).

Contact Officer:- Eleanor Shaw Ext 5680

Item: 11
Reference: 11/00090/FUL
Applicant: Mr Toni Rennocks
Location: Land Adjacent To 2 Croft Close Barwell
Proposal: ERECTION OF ONE DWELLING
Target Date: 18 April 2011

Introduction:-

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

Application Proposal

Full planning permission is sought for the erection of one 2-storey, two-bed detached dwelling on land adjacent to No. 2 Croft Close at the junction with Dovecote Way.

The irregular shaped site measures approximately 209 square metres and will be served by a new access off Dovecote Way to the rear of the site where two car parking spaces in tandem are proposed.

The site history includes a planning permission (ref. 07/01238/FUL) for a similar detached two storey dwelling granted by a decision notice dated 16 January 2008. This decision was based on a dwelling which measured approximately a maximum of 11.3 metres in length by a maximum of 6 metres in width and was considered to project from the rear wall of the neighbouring dwelling by approximately 2.6 metres, with a 1 metre separation distance between the application and neighbouring dwelling. Notwithstanding this permission, the accompanying block plan failed to accurately depict this projection, showing just a 1 metre rearward project from the rear wall of No.2.

Since that permission was granted building works have been undertaken on the site that have resulted in a floor slab and external brick walls being constructed to damp proof course level. However, as a result of planning enforcement investigations, it is clear that the works undertaken are not in accordance with the previously approved plans for a dwelling in respect of the siting and scale of the footprint of the dwelling.

This application has therefore been submitted to obtain separate planning permission that addresses these issues and regularises the position. Following a number of inconsistencies between the plans submitted with this application, this has resulted in a confirmation from the applicant that the dwelling would measure a maximum of 11.5 metres, and measures 5.3 and 9 metres to the eaves and ridge respectively.

Due to the level of inconsistencies within both the original application and this application, a site visit has been undertaken and measurements taken to confirm the siting of the existing footings and brickwork. On site investigations have revealed that the dwelling would measure a maximum of 11.8 metres in length by a maximum of 6.2 metres in width and is considered to project from the rear wall of the neighbouring dwelling by approximately 6.7 metres, with a separation distance between the boundary of the neighbouring dwelling by a

minimum of approximately 2.15 metres and maximum of 2.83 metres and a separation distance between the dwelling and neighbouring dwelling of approximately a minimum of 3.14 metres and maximum of 3.75 metres.

In summary, on site investigations have revealed:-

- The 2007 stated that the dwelling was proposed to be set back from the road frontage by such that the single storey front entrance porch was in line with the main front wall to No.2. The dwelling has been built so that the single storey front entrance porch would be located approximately 3.1 metres behind the main wall of No.2.
- Within the 2007 application there was a distance of 1 metre between the application dwelling and No. 2. The dwelling has been built between approximately 2.15 metres and maximum of 2.83 metres between the boundary of No. 2 and there is a distance of approximately a minimum of 3.14 metres and maximum of 3.75 metres between the two dwellings.
- The dwelling has increased in overall footprint.

The Site and Surrounding Area

The adjacent dwellings on Croft Close to the west are built in two terraces of four dwellings and are staggered in siting and height as the ground rises from east to west. To the north lie the rear gardens to dwellings accessed off The Common, to the north east there is a public car park and to the south Barwell Common recreation ground.

The site is located within the settlement boundary of Barwell, as defined by the adopted Hinckley and Bosworth Local Plan (2001).

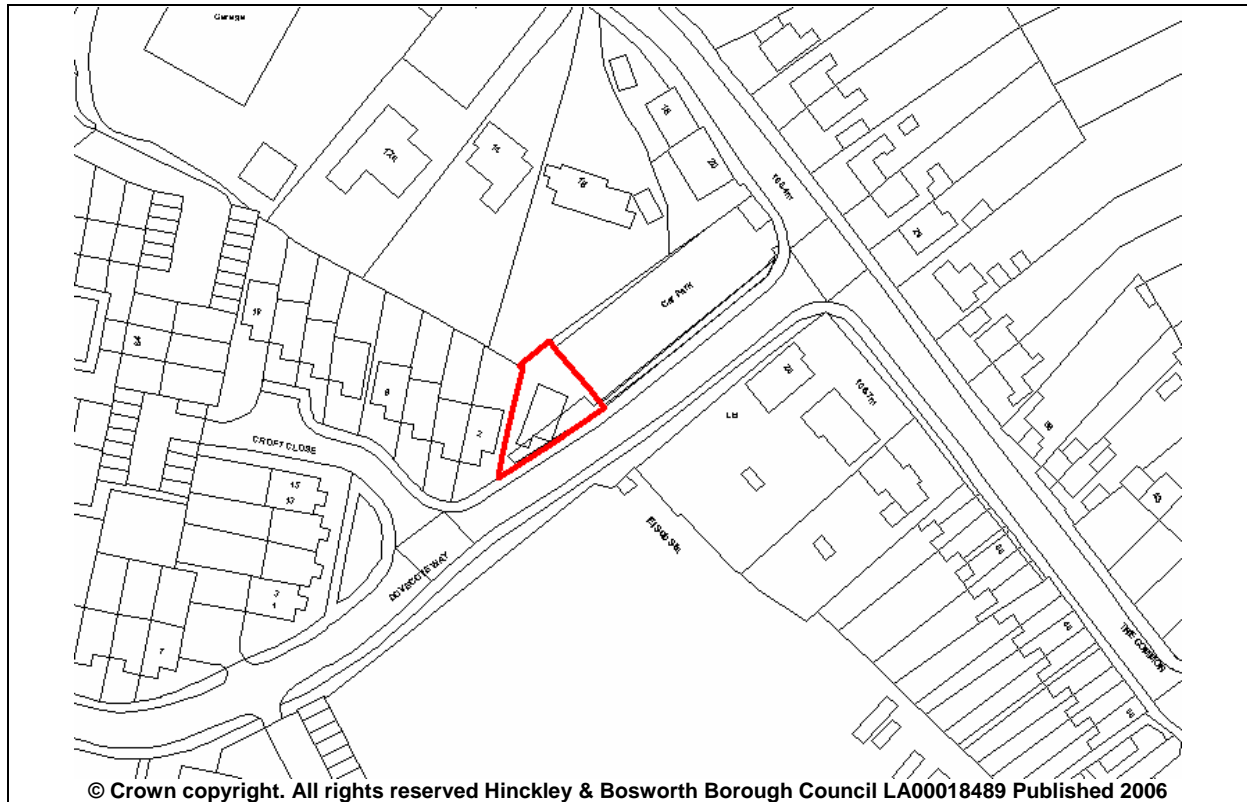
Technical Documents submitted with application

The application is accompanied by a Design and Access Statement which states that the development is in the building area of Barwell, is suitable for one/two bedroom house. The development will help clear up the area, has already been passed but the new plans are approximately 1.5 metres in a new position.

History:-

An Enforcement enquiry (ref: 09/00468/UNUSE) in relation to the development not being carried out in accordance with the approved plans attached to planning permission 10/00447/FUL in relation to the house not located in the correct position, is still pending and is dependent upon the decision of this application.

10/00447/FUL	Erection of one dwelling	Withdrawn	25.10.10
07/01238/FUL	Erection of One Dwelling	Approved	16.01.08
07/00624/OUT	Erection of One Dwelling (Outline)	Withdrawn	06.07.07



Consultations:-

No objections from:-

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

No objection subject to conditions have been received from:-

- Director of Environment and Transport (Highways)
- Head of Business Development and Street Scene Services (Waste Minimisation).

Barwell Parish Council comment that footings are already in place and that an open space contribution is requested to enhance Dovecote Way Recreation Ground.

Site notice was displayed and neighbours notified.

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

- a) footings already in place
- b) footings do not match the application
- c) does not match the streetscene
- d) open space contribution is required
- e) boundary in dispute; suggest application is refused until this is settled.
- f) land is now split into four land registry titles and part of land ownership in unknown
- g) half of our garden will be blocked of light
- h) privacy will be invaded from the side window
- i) insufficient drainage capacity
- j) access on to Dovecote was is highway safety issue.

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

Cyclists Touring Club
Head of Corporate and Scrutiny Services (Green Spaces).

The consultation period remains open at the time of writing and closes on 25 March 2011. 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' refers to the delivery of sustainable development through the planning system. It advises that planning policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 3 (PPS3): '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 13 reflecting policy in PPS1 states that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to improve the character and quality of an area and the way it functions, should not be accepted. Paragraph 16 lists matters to be considered when assessing design quality; this includes assessing the extent to which the proposed development is well integrated with and complements, the neighbouring buildings and the local area more generally in terms of scale, density layout and access.

PPS3 has very recently been updated to specifically refer to garden land not being Brownfield land and Paragraph 47 has been amended and 30 dwellings per hectare is no longer a national indicative minimum density to allow local planning authorities to develop their own range of policies whilst having regard to the continued need to develop land in the most efficient manner.

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

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

Regional Policy 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. Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS's intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration. In relation to the weight to be given to that intention as a material consideration the Court held that 'the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:

Policy 1 seeks to secure the delivery of sustainable development.

Policy 2 promotes better design including highway and parking design that improves community safety.

Local Development Framework Core Strategy 2009

Policy 3: 'Development in Barwell' seeks to deliver a minimum of 45 new residential dwellings within the settlement boundary of Barwell and address the existing deficiencies in the quality of green space and play provision in Barwell in accordance with the most up to date relevant strategy, Play strategy and standards set out in Policy 19.

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' seeks to ensure that all new homes in Hinckley will be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes.

Hinckley and Bosworth Local Plan 2001

Policy IMP1: 'Contributions Towards the Provision of Infrastructure and Facilities' requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy BE1: '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 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 T5: 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking provision for new development.

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.

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance (SPG): 'New Residential Development' provides a series of standards that new residential development should achieve in respect of density, design, layout, space between buildings and highways and parking. It specifically states that the appropriate density of the development will be determined by the general character of the surrounding area.

The Council's Supplementary Planning Document (SPD): 'Play and Open Space' provides a framework for the provision of play and open space and financial contributions to support the requirements of Policy REC3.

The Council's Supplementary Planning Document (SPD): 'Sustainable Design' aims to support and encourage developers and applicants in delivering homes in line with national best practice guidance primarily the Code for Sustainable Homes for housing and delivery of sustainable development through the planning system.

Appraisal:-

The main considerations in the determination of this application relate to the principle of development, siting and design, impact upon residential amenity, highway considerations and other matters.

Principle of Development

The site is located within the settlement boundary of Barwell, as defined on the Adopted Hinckley and Bosworth Local Plan proposals map and therefore there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

Planning Policy Statement 3 (PPS3) was revised on 9th June 2010 and removed private residential gardens from the definition of previously developed land and removed the national indicative minimum density of 30 dwellings per hectare. The subsequent letter from the Chief Planning Officer on 15th June 2010 makes clear these amendments provide Local Authorities the opportunity to prevent over development and to determine for themselves the best locations and types of development. It is also interpreted that the changes are to primarily prevent over development within residential areas that are considered out of character.

Following the changes to PPS3, the application site is considered to predominantly fall within a 'Greenfield' classification. The Council has considered that where development falls within this classification, but is within a defined settlement boundary, that character density, mass, layout and design should be fundamental to the consideration and determination of the application alongside the development being carried out in accordance with relevant plan policies.

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

Local Plan Policy BE1 seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development 'complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features'. This consideration ties in with the intention of the amendments to PPS3 for local authorities to prevent overdevelopment.

The Council currently does not have a five year housing supply and as such this is a material consideration that should be given weight in the determination of this application. This must however, as stated in Paragraph 69 of PPS3 be balanced carefully and consideration should be given to the number of dwellings proposed and the impact this will have on the housing supply and the design policy requirements discussed above.

The principle of residential development has already been established through the previous grant of planning permission (ref: 07/01238/FUL) and work has already commenced. Notwithstanding this, the permission cannot be implemented because the work that has been carried out on site is not in accordance with the approved plans, nor have a number of pre-commencement conditions been complied with the permission lapsed on 16 January 2011. Within the 2007 application the dwelling was proposed to be set back from the road frontage by such that the single storey front entrance porch was in line with the main front wall to No.2. Whilst the dwelling did not incorporate an integral garage in keeping with the remainder of the dwellings on this part of Croft Close, the design, which incorporated a flat roof forward projecting front porch and w.c sought to maintain the character of the existing dwellings and provide a development that was in keeping with the street scene and locality generally. A 1m access was proposed to be retained between No. 2 and the proposed siting of the dwelling with the dwelling set to be sited to project beyond the rear wall of No. 2 by some 2.6 metres. As a result of the siting and design the proposal was not considered to significantly impact upon the amenities of the occupiers of No. 2.

Within this application, the design of the proposed dwelling remains similar to that previously approved, however this application proposes amendments to the footprint and siting of the dwelling and layout of the site.

As such the main issues in respect of this application are the siting and layout of the development and its impact on the character and appearance of the street scene and the amenities of neighbouring properties. The fact that the application is retrospective is not a planning consideration as the application should be assessed on its own merits.

In summary, the site lies within the settlement boundary of Barwell where the erection of a new dwelling on this plot would normally be acceptable in principle, subject to satisfactory siting, design and layout, as established by the previous planning permission granted on the site.

Siting and Design

The consideration of the impact on character has always been a material consideration in the determination of planning applications, even before the revised version of PPS3 came into force, through consideration of the requirements of Policy BE1. The amendments to PPS3 further strengthen the issue of impact on character and the pattern of development.

The site is located within a prominent location to the corner of Croft Close and Dovecote Way. Croft Close is characterised by a development of 16 two storey dwellings. The dwellings to the northern side of Croft Close are sited in two blocks of four dwellings and are staggered in siting such that both the front and rear walls step back further in to the development.

The dwelling is proposed to be set back from the road frontage such that the single storey front entrance porch is set back approximately 3.1 metres from the main front wall to No. 2 and approximately 2.4 metres from the highway. However, the siting of the dwelling does not respect the building lines or orientation of existing development and results in a development that would have an adverse impact upon the character and appearance of the street scene and locality generally.

The Council's SPG on 'New Residential Development' seeks that rear gardens should be a minimum of 12.5 metres in depth and create 60 square metres of amenity space for two bedroomed dwellings. As a result of the set back of the footprint of the dwelling within the site the scheme provides an unsatisfactory private amenity space to serve the future occupiers of the dwelling.

In respect of design, whilst the dwelling does not incorporate an integral garage in keeping with the remainder of the dwellings on this part of Croft Close, the design, which incorporates a flat roof forward projecting front porch and toilet, is considered of a similar design to the existing dwellings on Croft Close, thus seeking to maintain the character of the surrounding area.

In summary, it is considered that the scheme proposes a poor siting and layout which results in a dwelling which fails to respect the staggered relationship currently existing within the neighbouring dwellings. As such, the scheme does not relate well to neighbouring development and compromises the character and appearance of the development in the surrounding area. It is therefore considered contrary to PPS3, as revised June 2010; and Saved Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan supported by SPG on New Residential Development.

Impact upon Residential Amenity

The residential dwelling most immediately impacted upon as a result of the proposal would be No. 2 Croft Close located to the west of the application site.

In accordance with on site measurements that has confirmed that the dwelling would measure a maximum of 11.8 metres in length by a maximum of 6.2 metres in width. In addition, the proposed dwelling would be sited to the east of No.2's boundary with a separation distance between the boundary of the neighbouring dwelling by a minimum of approximately 2.15 metres and maximum of 2.83 metres and a separation distance between the dwelling and neighbouring dwelling of approximately a minimum of 3.14 metres and maximum of 3.75 metres. As such, the dwelling is sited so that it projects from the rear wall of the neighbouring dwelling by approximately 6.7 metres.

It should be noted that whilst the dwelling does move further from the boundary with No. 2 than the approved scheme, the increase in depth results in impact upon the amenities of the neighbouring dwelling.

The rear garden of No. 2 is at a minimum length of 7.9 metres at its eastern boundary which extends to a maximum of 10.5 metres along the western boundary. As a result of the dwelling projecting some 6.7 metres from the rear wall of No. 2 this would result a development which adversely affects over half of the rear garden area to No. 2's eastern

boundary resulting in a significant adverse impact upon the rear amenity space of the neighbouring dwelling.

Given the siting of the development and the orientation of the sun the occupiers of the neighbouring dwelling would be overshadowed and subject to a loss of light between the rising of the sun in the east to its southern position at 12 noon. It is considered that there would be significant loss of light and overshadowing resulting in detrimental impacts on the amenities of the occupiers of the neighbouring dwelling.

It may also be worth noting that the Council's SPG on House Extensions only permits the extension of a two storey dwelling by 2 metres from the rear wall when adjoining a common boundary. As this scheme proposes a separation distance of approximately 3.14 and 3.75 metres the Council would consider an extension of more than 2 metres, providing there were no significant impacts identified. However, it is considered that the projection of approximately 6.7 metres in this case results in detrimental adverse impacts.

There is one side window proposed within the western elevation which could result in an element of overlooking across the rear gardens of adjacent dwellings, however it is considered that given the window is set to serve a landing then an appropriately worded condition requiring this window to be fitted with obscure glazing and fixed at all times could be used to address this issue. As such, it is not considered that the scheme would result in any overlooking or loss of privacy.

In response to neighbouring objections regarding the boundary, the history of the site states that the land formerly formed part of the garden area of No.2 with the remainder of the site, whilst was in the ownership of No. 2 has been identified as public highway by Leicestershire County Highway Authority. However, landownership is not a material planning consideration but appears to be an issue with neighbours in this particular case. It is considered that the Party Wall Act may apply in this case and could be included as an advice note to highlight this issue to the applicant. In addition, connection to the sewer system and drainage will be dealt with under a separate Building Regulations application.

In summary, there is a projection of approximately 5 metres at two storey height beyond the rear elevation of No 2. By virtue of the siting and layout of the proposed dwelling this would result in a relationship which is considered to have overshadowing and overbearing impacts on the neighbouring dwelling and results in a significant adverse impact on the amenities of the occupiers of that dwelling. It is therefore considered contrary to PPS3 as revised in June 2010, and Saved Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan and SPG on New Residential Development.

Highway Considerations

The proposals include a new access off Dovecote Way providing two tandem car parking spaces within the site. The Director of Environment and Transport (Highways) has no objection to the proposals subject to a number of conditions to ensure that the access is provided with adequate pedestrian visibility splays and satisfactory surfacing and that the car parking spaces to be provided have satisfactory dimensions in accordance with their current design guidance.

In summary, it is therefore considered that the scheme would be in accordance with Saved Policy T5 of the adopted Hinckley and Bosworth Local Plan supported by the SPG on New Residential Development.

Play and Open Space Contributions

The site is located within 400 metres of open space at Barwell Common (Neighbourhood Park) on Dovecote Way. Due to the residential element of the development the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD.

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

Within the Green Space Strategy 2005-2010, Barwell was found to have a deficit of outdoor sports of -6.70 for its population when compared with the National Playing Fields Standard. The quality of the spaces has been considered within the Quality and Accessibility Audit of 2005 which categorised Barwell Common as serving the provision of children and young people and outdoor sports facilities and awarded a quality score of 31%. It is considered that the space requires improvements and a recent submission for the creation of sports pitches and new changing room facilities at Barwell Common Recreation Ground has been submitted to the Local Planning Authority and is pending determination.

The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. In this instance a contribution of £1,250.80 per dwelling is required, towards the provision and maintenance of this site.

It is considered that Barwell has a deficit of outdoor sports facilities and Barwell Common has been shown to have a quality deficit. The size of the dwelling proposed would appeal to families and given the proximity of the application site to these open spaces it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance.

In summary, the application as submitted makes no reference to addressing this deficiency and there is no planning obligation submitted to secure and deliver any contribution. It is therefore considered that the proposal would be contrary to Policies 3 and 19 of the adopted Core Strategy and Saved Policies IMP1 and REC3 of the adopted Local Plan, the SPD on Play and Open Space.

Sustainability

In line with Policy 24 of the Adopted Core Strategy, the residential units to be constructed on this site will need to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. No sustainable design or energy efficiency measures have been submitted as part of the proposals and no justification has been submitted that indicates a lack of viability should such measures be incorporated.

Notwithstanding this, if the application were to be approved, this issue could be addressed by a suitably worded condition requiring details to be submitted for prior approval by the local planning authority.

In summary, it is considered that there is no information submitted with the application which has demonstrated that the dwelling would be constructed to a minimum of Code Level 3 of

the Code for Sustainable Homes. It is therefore considered contrary to PPS1, Policy 24 of the adopted Core Strategy and SPD on Sustainable Design.

Conclusion

In conclusion, as the site is within the settlement boundary of Barwell, the erection of a dwelling on this plot would be acceptable in principle, providing all planning related matters are adequately addressed.

As previously outlined the application was considered acceptable in 2007 as there was considered not to be any significant material impacts upon the character and appearance of the streetscene or residential amenity. Since that time, works have been undertaken to implement this permission which are not in accordance with the approved plans in respect of the footprint, siting of the dwelling and the layout of the site.

However, it is considered that given the applicant has undertaken works that have not been carried out in accordance with the approved plans, then this permission has subsequently lapsed on 16 January 2011.

Since the previous approval, Planning Policy Statement 3 (PPS3) was revised on 9 June 2010 and the changes were considered to primarily prevent over development within residential areas that are considered out of character. In addition, this judgement is supported locally by Saved Policies RES5 and BE1. It is considered that the current application would be in conflict with the relevant plan policies given the identified impact upon the amenities of neighbouring dwelling and detrimental impact to the character and appearance of the locality.

Whilst the design of the dwelling is in keeping with adjacent development, the siting and layout of the development is considered to be unsatisfactory as it will have significant detrimental impacts upon the character and appearance of the street scene and the amenities of neighbouring properties in terms of loss of light, overshadowing and overbearing impacts and will also provide unsatisfactory private amenity space for the future occupiers. In addition, no contribution has been provided towards the provision and maintenance of public play and open space to mitigate the additional use of such facilities and no sustainable design or energy efficiency measures have been included within the proposals to mitigate against climate change.

Given the identified harm to the amenities of the occupiers of the neighbouring dwelling, the 1 dwelling proposed provides no overriding justification in favour of the development on a 5 year land supply basis.

Accordingly, it is considered that the proposal conflicts with guidance contained within; PPS3, SPG on New Residential Development and Policy BE1 of the adopted Local Plan, which would consequentially make the scheme contrary to Policy RES5 of the adopted Local Plan. In addition the proposal conflicts with guidance contained adopted Core Strategy Policies 3 and 19 of the adopted Core Strategy and Saved Policies IMP1 and REC3 of the adopted Local Plan, the Supplementary Planning Document on Play and Open Space and also PPS1, Policy 24 of the adopted Core Strategy and Supplementary Planning Document on Sustainable Design.

RECOMMENDATION: - REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Reasons:-

- 1 In the opinion of the Local Planning Authority, the siting and layout proposed would result in a dwelling that does not relate well to neighbouring development; as such it is considered that the scheme is harmful to the character and appearance of the surrounding area. It is therefore considered contrary to Planning Policy Statement 3, Housing as revised June 2010; and Saved Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, supported by Supplementary Planning Guidance on New Residential Development.
- 2 In the opinion of the Local Planning Authority, the proposed scheme is considered to result in a development that would have a significant adverse impact on the amenities of the occupiers of neighbouring properties in terms of overshadowing, loss of light and overbearing impact resulting from the siting and layout of the proposed dwelling. It is therefore considered contrary to Planning Policy Statement 3: Housing as revised in June 2010, and Saved Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, supported by Supplementary Planning Guidance on New Residential Development.
- 3 In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed development would be built to Code Level 3 of the Code for Sustainable Homes. It is therefore considered contrary to Planning Policy 1, Delivering Sustainable Development, Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy, supported by Supplementary Planning Document on Sustainable Design.
- 4 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 3 and 19 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy, saved policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Document on Play and Open Space.

Notes to Applicant:-

- 1 This decision notice relates to Site Location Plan at 1:1250 scale on Land Registry title plan; Block Plan at 1:500 scale on Land Registry index map plan and Plans and Elevations Plan at 1:100 scale.

Contact Officer:- Ebony Mattley Ext 5691

Item: 12

Reference: 11/00095/GDOT

Applicant: Vodaphone Telefonica O2

Location: Rugby Road Burbage

Proposal: PRIORITY NOTIFICATION OF PROPOSED DEVELOPMENT BY TELECOMMUNICATIONS CODE SYSTEM OPERATORS FOR TELECOMMUNICATIONS INSTALLATION

Target Date: 7 April 2011

Introduction:-

This prior approval application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a proposed development involving a telecommunications installation.

Application Proposal

This is a prior approval application for the erection of a telecommunications installation on a grassed area between the service road and the main Rugby Road, Burbage. The installation comprises a 10.3 metre high galvanised steel pole with dual user shrouded antennas to a maximum height of 14.8 metres with an associated equipment cabinet with dimensions of 1.9 metres x 0.8 metres x 1.65 metres high, located to the south eastern side of the proposed pole. The application confirms that the finished colour is to be agreed.

This application is made under Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment)(England) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001 and in accordance with the Electronic Communications Code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003. There is a statutory period of 56 days in which to determine the application, otherwise the applicant has the right to carry out the development. When dealing with these notifications, the Local Planning Authority can consider the siting and appearance of the installation but not the principle of the development or any other related issues as this has already been agreed by national legislation.

The Site and Surrounding Area

The site comprises a grassed strip of land where the service road and main Rugby Road run parallel, located within the settlement boundary of Burbage. This part of Rugby Road is straight but has a gentle slope northwards towards Hinckley; it is a main route into Burbage and Hinckley from the M69 and A5. There are some trees situated along the length of the grassed area and residential properties are located along the eastern side of the service road and the western side of main Rugby Road.

Technical Documents submitted with the application

The application has been submitted with a Design and Access Statement which states that the scale, massing and height of the proposed development has been considered in relation

to adjoining buildings, the topography, the general pattern of heights within the area, views, vistas and landmarks. The structure has a plain and simple functional design appropriate within the highway environment. The statement goes on to say that the development needs to be of the height specified due to the effect of local tree cover. The trees also provide a back drop which mitigates visual impact but it can create problems for radio signals. It refers to the closest dwellings (332, 334 and 336 Rugby Road) with direct visibility of the proposal being at some 20 metres distance.

Information submitted on behalf of the applicant confirms that all Vodafone and Telefonía O2 UK installations are designed to be fully compliant with the public exposure guidelines established by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Certificates of ICNIRP compliance have been included with the submission.

The application confirms that the applicant has had regard to the register of existing installations. A technical specification of the proposed installation with information on the current level of (3G) coverage provided by the Universal Mobile Telecommunications Services (UMTS) within the area has been submitted along with a joint statement from Vodafone and Telefonía O2 UK with general background information on Health and Mobile Phone Base Stations and on Radio Network Development.

Information submitted with the application confirms that pre-application advice has been sought and that the Highway Authority has been notified of the application. Further documentation submitted includes three responses to a consultation undertaken prior to submission of the application and a copy of a letter sent to the Chair of the Governors of The Sketchley Hill Primary School.

The supporting information refers to three sites which have been considered as potential alternative sites as follows:-

- Sketchley Lane/Rugby Road roundabout - discounted on grounds of 'too visually prominent' and proximity to school.
- Rugby Road (between lamp posts 52 and 53) - discounted on grounds of 'too visually prominent'.
- Rugby Road (west end of Cowper Road) - discounted on grounds of 'too visually prominent'.

History:-

None in relation to this specific site although there have been other applications for telecommunications installation at other locations on Rugby Road as follows:-

05/00489/GDOT	Erection of Telecommunications Mast	Refused	17.06.05
04/01253/GDOT	(Land Adj. Cowper Road and Rugby Road) Erection of Telecommunications Monopole	Withdrawn	09.11.04

The 2005 application was refused for the following reasons.

- a) In the opinion of the Local Planning Authority, the Code System Operator has not undertaken a satisfactory investigation of other sites, which may be technically suitable and would have less impact on the surrounding area and streetscene.
- b) In the opinion of the Local Planning Authority the proposed telecommunications mast and equipment is out of character with the streetscene and due to it's location in close

proximity to trees will cause damage to the root system thereby seriously affecting the viability of the trees and therefore having an adverse impact on the visual amenity of this main route into Hinckley and the area generally. The proposed development is therefore contrary to policy BE23 of the adopted Hinckley and Bosworth Local Plan, the Supplementary Planning Policy Guidance on Telecommunications adopted May 2004 and the provisions of Planning Policy Guidance Note 8.



Consultations:-

No objection received from The Director of Environment and Transport (Highways).

The Police Architectural Liaison Officer raises concerns in terms of potential interference if the mast is within 30 metres of police electronic equipment.

A letter of objection has been received from Councillor Bray on the grounds of:-

- a) dominate the streetscene/prominent location
- b) within residential area
- c) against government advice
- d) close to schools and properties inhabited by elderly people
- e) should be located further from residential property on industrial estates or trunk roads.

Burbage Parish Council object to the application on the grounds of:-

- a) adverse impact on streetscene
- b) detrimental to visual amenity of nearby residents/residential area
- c) failed to demonstrate that mast sharing has been considered
- d) failed to demonstrate that other locations have been considered

- e) should consider a location further from dwellings
- f) concern regarding potential risk to trees.

Burbage Matters object to the application on the grounds of:-

- a) applicant has failed to provide evidence of attempts to find alternative viable site
- b) more suitable sites should be considered
- c) no consultation with residents
- d) visually intrusive, out of keeping with adjacent buildings
- e) loss of visual amenity
- f) does not accord with Burbage Village Design Statement's Streetscene policy
- g) too close to housing/flats/retirement home and school
- h) refers to government advice given in 2000 in relation to 'precautionary principles' in terms of schools and retirement homes
- i) potential health hazards referring to gaps in research and stances taken in other countries.

Site Notice displayed and neighbours notified.

27 letters of objection, together with a petition containing 68 names and petition containing 17 names received on the grounds of:-

- a) too large and obtrusive inappropriate for location
- b) will spoil pleasant outlook with flower beds and trees
- c) too close to residential property and schools
- d) bus stop in the vicinity particularly used by elderly people
- e) should not be allowed in attractive residential area
- f) inaccuracies in submitted information regarding lamp post numbering
- g) clearly visible to properties
- h) is not screened from view by the adjacent trees as claimed
- i) view of installation from dwelling
- j) blight/devaluation on local property
- k) suggest compensation should be paid if mast goes ahead
- l) potential health hazard
- m) potential damage to trees
- n) highway danger concerns
- o) service road is designated as a cyclepath
- p) lots of children are dropped off and walk to school near to the site
- q) Rugby Road main route for visitors to Hinckley
- r) structure will be far higher than other street furniture, ridge heights and most of the adjacent trees
- s) largest portion of mast would be highly visible
- t) not needed and do not want phone masts in Burbage
- u) local residents do not want this mast
- v) in 1980s the Borough Council campaigned for the removal of overhead power lines on west side of Rugby Road
- w) main route for visitors approaching Hinckley creating poor impression
- x) refers to Government advice in relation to proximity to schools
- y) refers to Stewart Report
- z) due to other similar application, their property will be located between two masts
- aa) two masts will swamp Burbage
- bb) refers to previous refusal further along Rugby Road
- cc) applicant does not have to pay to site mast on this land
- dd) suggests potential alternative sites
- ee) should consider other sites

- ff) suggest more innovative design should be considered
- gg) could interfere with fibre optic broadband installation within local area.

Policy:-

Central Government Guidance

Planning Policy Guidance Note 8- 'Telecommunications' states that it is the Governments aim to facilitate the growth of existing telecommunications systems whilst keeping the environmental impact to a minimum. This document gives guidance on how this can be achieved through the planning system.

Local Policy

Local Development Framework Core Strategy 2009

No specific policy.

Hinckley and Bosworth Local Plan 2001

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

Policy BE1 considers the siting of development with regard given to the character and features of the area and amenities of local residents.

Supplementary Planning Documents

Burbage Village Design Statement- defines the different characteristics of Burbage and provides guidance for new development. The statement describes the Rugby Road area as one of the main arteries into Burbage and Hinckley and is extremely busy. It describes the part of Rugby Road close to the proposal as follows 'Further on towards Brookside traffic lights, there are mature trees and hedges to the executive properties on the left hand side with a narrow pavement. All have large front and rear gardens. On the right hand side is a large grass verge with maturing trees planted at regular intervals and access to the service road running parallel to Rugby Road to a small number of 1970s detached bungalows and houses.' Guidance Note 3 The Street Scene (3.13) states that 'Wherever possible, an improvement in the quality and a reduction in the quantity of street furniture e.g. telecommunications terminal boxes, is encouraged throughout the village.'

Other Material Policy Guidance

Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001.

Code of Best Practice on Mobile Phone Network Development 2002 gives guidance to both Local Authorities and Code System Operators.

Electronic Communications Code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003.

Appraisal:-

The main considerations with regards to this application are whether it meets the criteria contained within Part 24, and whether the proposal is acceptable in terms of appearance and siting.

Criteria

Ground based apparatus such as a mast up to 15 metres in height above ground level (excluding any antenna) is dealt with by A.1. (a) Part 24, Schedule 2 of the General Permitted Development Order. The legislation states that radio equipment housing and ancillary works may be installed provided that it is ancillary to the telecommunications installation, not within a conservation area and the volume does not exceed 90 cubic metres (A.1.(l) ii of Part 24 of the Order.

In this case, the proposal consists of a 10.3 metre high galvanised steel monopole with dual user shrouded antennas to a maximum height of 14.8 metres. The radio equipment housing has a volume of 2.5 cubic metres. It is therefore considered that both the proposed monopole and equipment cabinet meet the criteria contained within Part 24.

As the application complies with the General Permitted Development Order, the Local Planning Authority is restricted to expressing opinions on matters of siting and appearance only.

Appearance

The matters to consider concerning the appearance of the mast and ancillary equipment include materials, colour and design. This covers the dimensions, overall shape and construction.

PPG8 states that 'in seeking to arrive at the best solution for an individual site, authorities and operators should use sympathetic design and camouflage to minimise the impact of development on the environment. Particularly in designated areas, the aim should be for apparatus to blend into the landscape'.

The pole is designed to appear functional, the top 4.5 metre section where the two shrouded antennas are located widens to approximately 0.5 metre in width. The pole is constructed of galvanised steel, however the final colour can be agreed by a condition and the agent has suggested a matt mid green colour. It is however considered that even agreeing a suitable colour which could help to assimilate the mast to some extent into its surroundings, the proposal by virtue of its functional appearance is still considered unacceptable in terms of appearance.

'Burbage Matters' have referred to the Burbage Village Design Statement and in particular, Guidance Note 3 The Street Scene (3.13) in terms of avoiding clutter and improving the streetscene. The ancillary equipment is a modest cabinet, similar in scale and design to others used by various service providers. It is considered that the appearance would be in keeping with other street furniture and would not look unduly out of place. One local resident has referred to the view of the cabinet from his front window but the cabinet is located approximately 20 metres from the nearest window, and in terms of neighbour's amenity, the relationship is considered acceptable.

Siting

The proposal is located on a strip of grass which is located between the service road and the main Rugby Road. Whilst Rugby Road is busy because it is a main route into Hinckley, the local area to the site is characterised as a pleasant, predominantly residential area, the dwellings typically have ridge heights of 7 metres. Some residents' comments refer to the proximity of the school and number of children who frequent the area, the main Sketchley Hill Primary School building is located approximately 275 metres to the south east of the application site. The strip of grass contains a line of trees which form a pleasant outlook along the length of this part of Rugby Road. The trees would provide some screening of the lower part of the mast when travelling along Ruby Road particular during summer months. However, this is only partial, and the view of the proposal above the trees and to the immediate dwellings located along the service road directly opposite the installation would be less restricted. The proposal is considered to be inappropriate within the predominantly residential area and out of scale with its environs.

Local residents have referred to inconsistencies in the information submitted regarding the nearest dwelling but, to clarify, it is considered that the information refers to the nearest dwelling as being located some 20 metres from the mast, whereas, the front boundary of the neighbours property is some 14 metres from the proposal. Local residents have raised concerns regarding the size of the proposed installation being too large and obtrusive. A number of other objections to the proposal have been received, the majority of which reflect resident's concerns regarding their well-being. The proximity of the mast to existing residential properties along with the siting of the mast in view of these properties is considered to have a significant and adverse effect on neighbouring resident's amenities.

This proposal is for a shared mast containing two antennas for Vodafone and O2. It is not clear whether there are other suitable existing masts available where mast sharing could take place. The applicant has considered alternative sites within the local area. Local residents have commented that the discounted sites are no more prominent than the current proposal and have cited cost as a potential reason for choosing the current option. The applicant has given their reasons why these options have been discounted. However, it is not clear if there are other more appropriate locations for this proposal available or that other options have been fully considered.

Health

Local residents have raised concerns regarding health matters and have referred to children and elderly living within the residential area.

PPG8 refers to this issue and states that 'health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. In the Government's view 'if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a Local Planning Authority in processing an application for planning permission or prior approval to consider further the health aspects and concerns about them'. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the Local Planning Authority) to determine what weight to attach to such considerations in any particular case.

The applicant has confirmed the development is in full compliance with the requirements of the radio frequency public exposures guidelines of ICNIRP (The International Commission on Non-Ionising Radiation Protection).

Whilst it has to be accepted that the health considerations are a material consideration, the proposal, as shown by the ICNIRP compliance certificate submitted with the application, meets the required guidelines for public exposure and should not need to be considered further unless specific justification had been made in an exceptional case.

Following the Independent Expert group on Mobile Phones (Stewart Report) published in April 2000, which advocated a precautionary approach to mobile phone masts an independent Advisory Group on Non-Ionising Radiation (AGNIR) chaired by Professor A Swerdlow reported on the 15 January 2004 and concluded that "There is no biological evidence for mutation or tumour causation by RF exposure and epidemiological studies overall do not support any associations between exposures to RF and the risk of cancer, in particular from mobile phone use". Most recently, the independent Mobile Telecommunications and Health Research programme (MTHR), established in 2001 following the Stewart Report, published a report in 2007 describing research undertaken as part of its programme into widespread use of mobile phone technology.

The weight of evidence now available does not suggest that there are health effects from exposure to RF fields below guidelines levels, but the published research on RF exposure and health has limitations, and mobile phones have only been in widespread use for a relatively short time. The possibility therefore remains open that there could be health effects from exposure to RF fields below guideline levels; hence continued research is needed".

Clearly, members will need to consider carefully the weight given to public concern on the health issues. However, bearing in mind recent emergent case law the planning system is not considered to be the appropriate forum for determining health safeguards.

Highway Safety

Local residents have raised concerns regarding highway safety in terms of the potential for a vehicle to hit the installation, however, The Director of Environment and Transport (Highways) has raised no objection to the proposal.

Impact on Trees

The trees are an important feature within the streetscene. Concerns have been raised regarding the proximity of the proposal to the existing trees and potential damage to their root systems. The information contained within the application shows that the proposals are not located under the canopy of any trees but the Borough Council's Arboricultural Consultant has been requested to comment on the proposal and his comments will be reported as a late item.

Police Equipment

Further information regarding electronic installations used by the police within the local area has been requested and Leicestershire Constabulary have confirmed that the police installations are at some distance from the proposal and therefore unlikely to interfere with their installations.

Property Prices

Local residents have raised concerns that property values in the area will decline and that if this development goes ahead, local residents should be compensated, this is not a material planning consideration when determining planning applications.

Other Neighbour Issues

Some residents have commented that they do not want phone masts within Burbage and that further masts are not required. The local planning authority is not in a position to refuse to consider such proposals within the Burbage parish boundary and must determine the proposal as set out within the application. The application has been submitted with technical documents which provides justification that their current service needs to be improved.

A concern has been raised that the proposal may affect the fibre optic broadband installation. The applicant will be requested to comment on this issue and further information will be reported to the meeting as a late item.

Conclusion

PPG8 states that in order to limit visual intrusion, the Government attaches considerable importance to keeping the numbers of radio and telecommunications masts, and of the sites for such installations, to the minimum consistent with the efficient operation of the network.

It is recognised that telecommunications improvements are of benefit to the local community and economy, subject to visual impact of the proposal being acceptable. In this case, it is considered that that the proposal meets the criteria contained within Schedule 2 of Part 24, but is unacceptable because the proposed mast is of an unacceptable design and sited in a prominent location within the streetscene in a predominantly residential area, contrary to the aims of adopted Policy BE1. Furthermore, the applicant has failed to demonstrate that the potential for mast sharing and alternative sites within the local area have been fully investigated.

RECOMMENDATION: - REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Reasons:-

- 1 The proposal would, by reason of its height, insufficient screening and poor design, result in the proposed installation being unacceptably prominent within the streetscene and, on the skyline resulting in an unsatisfactory visual impact, detrimental to the character and appearance of the area and neighbours amenity, contrary to the requirements of policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 2 Due to the lack of detail relating alternative sites and site sharing options, the applicant has failed to adequately demonstrate that he has undertaken a satisfactory investigation of other sites, which may be technically suitable and would have less impact on the surrounding area and streetscene, in accordance with the Code of Best Practice on Mobile Phone Network Development 2002.

Notes to Applicant:-

- 1 List of plans used in the determination of this application: - Drawings 100, 200, 300,400 and 500 received on 11 February 2011.

Contact Officer:- Louise Forman Ext 5682

Item: 13

Reference: 11/00096/GDOT

Applicant: Vodaphone Telefonica O2

Location: Three Pots Road Burbage

Proposal: PRIOR NOTIFICATION OF PROPOSED DEVELOPMENT BY TELECOMMUNICATIONS CODE SYSTEM OPERATORS FOR TELECOMMUNICATIONS INSTALLATION

Target Date: 7 April 2011

Introduction:-

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

Application Proposal

This is a prior approval application for the erection of a telecommunications installation at the junction of Three Pots Road and Wolvey Road, Burbage. The installation comprises a 13 metre high galvanised steel monopole with dual user shrouded antennas to a maximum height of 17.5 metres with an associated equipment cabinet with dimensions of 1.9 metres x 0.8 metres x 1.65 metres high, located to the western side of the proposed pole. The application confirms that the finished colour is to be agreed.

This application is made under Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development)(Amendment)(England) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001 and in accordance with the Electronic Communications Code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003. There is a statutory period of 56 days in which to determine the application, otherwise the applicant has the right to carry out the development. When dealing with these notifications, the Local Planning Authority can consider the siting and appearance of the installation but not the principle of the development or any other related issues as this has already been agreed by national legislation.

The Site and Surrounding Area

The site comprises a grassed verge area at the junction of Three Pots Road and Wolvey Road within the Burbage settlement boundary. To the north and west of the site there are residential properties whilst to the south is agricultural land with residential beyond.

Technical Documents submitted with the application

The application has been submitted with a Design and Access Statement which states that the scale massing and height of the proposed development has been considered in relation to that of the adjoining buildings, the topography and the general patterns of heights in the area, views, vistas and landmarks. The structure has a specific functionality as a joint use telecommunications base station. Its function reflects its plain and simple form and is therefore appropriate within the highway environment. The statement goes on to say that the development needs to be of the height specified due to the effect of local tree cover. It refers

to the closest dwellings with direct visibility of the proposal being at some 50 metres distance.

Information submitted on behalf of the applicant confirms that all Vodafone and Telefonica O2 UK installations are designed to be fully compliant with the public exposure guidelines established by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Certificates of ICNIRP compliance have been included with the submission.

The application confirms that the applicant has had regard to the register of existing installations. A technical specification of the proposed installation with information on the current level of (3G) coverage provided by the Universal Mobile Telecommunications Services (UMTS) within the area has been submitted along with a joint statement from Vodafone and Telefonica O2 UK with general background information on Health and Mobile Phone Base Stations and on Radio Network Development.

Information submitted with the application confirms that pre-application advice has been sought and that the Highway Authority has been notified of the application. Further documentation submitted includes a copy of a letter to the agent from Councillor Inman and a letter of objection from Burbage Parish Council.

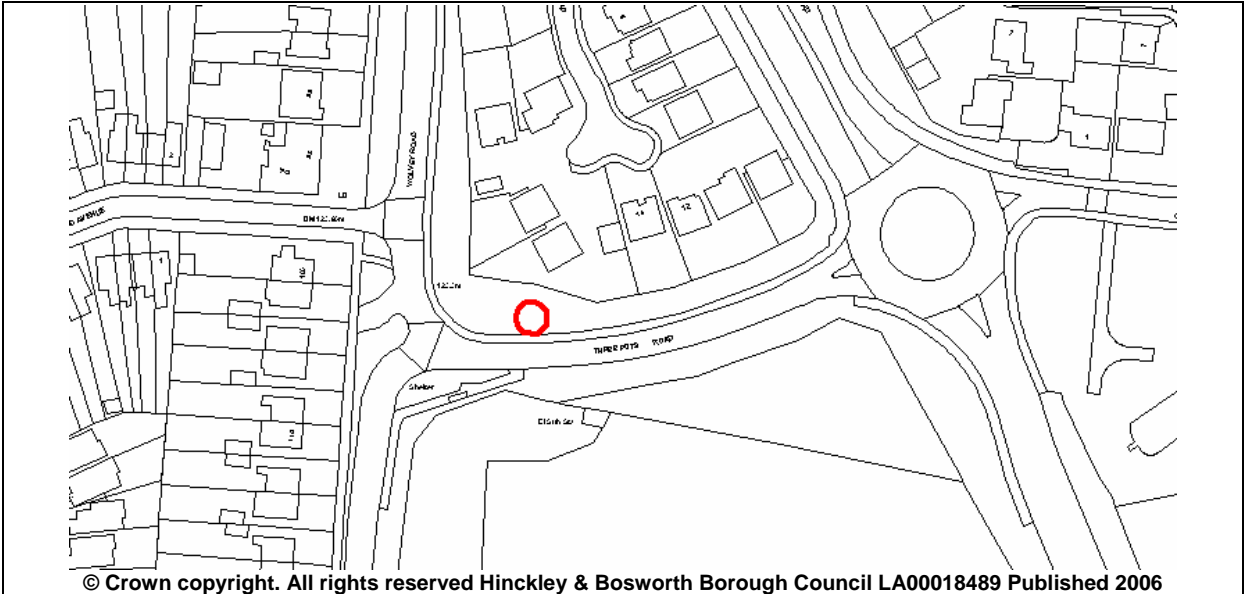
The supporting information refers to three sites which have been considered as potential alternative sites as follows:-

- Adjacent to The Harvester Inn, Watling Street - discounted on the grounds of 'too visually prominent'
- Adjacent Texaco Garage, Watling Street - discounted on grounds of inadequate room for installation
- South of A5 - discounted as inappropriate as designated as Green Belt land

The information concludes that, in terms of the site selection process, 'there is a clear need which does balance against any potential harm to amenity, provided harm is not unacceptable, prior approval can safely be allowed'.

History:-

None in relation to this specific site.



Consultations:-

No objection received from The Director of Environment and Transport (Highways).

The Police Architectural Liaison Officer raises concerns in terms of potential interference if the mast is within 30 metres of police electronic equipment.

A letter of objection has been received from Councillor Bray on the grounds of:-

- a) dominate the streetscene/prominent location
- b) within residential area
- c) against government advice
- d) close to schools and properties inhabited by elderly people
- e) should be located further from residential property on industrial estates or trunk roads.

A letter has been received from David Tredinnick MP on behalf of local residents referring to concerns over potential health issues and inaccuracies contained within the submitted information. In conclusion, he states that 'The Borough Council will be aware of the strength of feeling in the local community in opposing this application and I urge the Council to take this into consideration along with all other material planning issues weighing against this matter when this matter is deliberated'.

Burbage Parish Council objects to the proposal on the grounds of:-

- a) the proposal is within a residential area
- b) prominent and intrusive with adverse impact on the streetscene
- c) detrimental to visual amenity
- d) a more suitable site should be found away from residential property
- e) the size of the mast is very obtrusive
- f) unsuitable to residents within the area
- g) it will not be shielded by trees
- h) not demonstrated that mast sharing has been fully investigated.

Burbage Matters objects to the proposal on the following grounds:-

- a) applicant has failed to provide evidence of attempts to find alternative viable site
- b) more suitable sites should be considered
- c) Burbage can easily be served by masts in fields or on industrial sites way from residential dwellings
- d) proposal is out of keeping with area
- e) visually intrusive
- f) loss of visual amenity
- g) does not accord with Burbage Community Plan streetscene policy (BVDS)
- h) dangerous location in terms of highway safety
- i) too close to housing and school
- j) refers to government advice given in 2000 in relation to 'precautionary principles' in terms of schools and retirement homes
- k) potential health hazards referring to gaps in research and stances taken in other countries.

Site Notice displayed and neighbours notified.

37 letters of objection received together with a petition containing 17 names on the grounds of:-

- a) unsightly dominant eyesore
- b) blot on skyline and clutter within street
- c) will spoil residential area
- d) grassed area too small for proposed installation
- e) unsuitable in residential/highly populated area
- f) too close to dwellings and school
- g) currently desirable residential area
- h) too close to school, bus stop and local park
- i) should be on 'brownfield site'
- j) should use existing installations
- k) dangers to health
- l) highway safety issues
- m) parking already an issue in this area
- n) will obstruct sight line for motorists
- o) green area would be better used for bus 'pull-in' if necessary
- p) area will look less residential by the introduction of this type of infrastructure
- q) many young children and elderly people live locally
- r) may affect house prices/may apply for compensation if mast goes ahead
- s) should consider other locations away from residential property
- t) inaccurate information within application regarding 'tree cover'
- u) inaccurate information regarding the closest properties with a view of the mast
- v) other areas 'discounted' are no more prominent than this one
- w) all trees nearby are deciduous
- x) don't want phone masts in Burbage
- y) suggests more innovated designs to disguise masts are required
- z) no issue with mobile phone coverage within this area
- aa) lack of coverage is calculated by computerised model projections
- bb) refers to Stewart Report and Code of Best Practice
- cc) refers to lucrative fees for siting such installations
- dd) the reason for siting of this proposal is because there is no fee to pay on this land and reduce implementation costs
- ee) disregard for neighbours
- ff) asks if HBBC is looking after best interests and environment
- gg) local residents do not want this mast
- hh) suggest alternative sites.

Policy:-

Central Government Guidance

Planning Policy Guidance Note 8 - 'Telecommunications'. states that it is the Governments aim to facilitate the growth of existing telecommunications systems whilst keeping the environmental impact to a minimum. This document gives guidance on how this can be achieved through the planning system.

Local Policy

Local Development Framework Core Strategy 2009

No specific policy.

Hinckley and Bosworth Local Plan 2001

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

Policy BE1 considers the siting of development with regard given to the character and features of the area and amenities of local residents.

Supplementary Planning Documents

Burbage Village Design Statement- Defines the different characteristics of Burbage and provides guidance for new development. The statement refers to the Three Pots Estate as part of 'Zone 3' characterised by development mostly between 1920s and 1950s with a mixture of terraced, semi detached and detached houses and bungalows with larger than average back gardens. Guidance Note 3 The Street Scene (3.13) states that 'Wherever possible, an improvement in the quality and a reduction in the quantity of street furniture e.g. telecommunications terminal boxes, is encouraged throughout the village.'

Other Material Policy Guidance

Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001.

Code of Best Practice on Mobile Phone Network Development 2002 gives guidance to both Local Authorities and Code System Operators.

Electronic Communications Code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003.

Appraisal:-

The main considerations with regards to this application are whether it meets the criteria contained within Part 24, and whether the proposal is acceptable in terms of appearance and siting.

Criteria

Ground based apparatus such as a mast up to 15 metres in height above ground level (excluding any antenna) is dealt with by A.1. (a) Part 24, Schedule 2 of the General Permitted Development Order. The legislation states that radio equipment housing and ancillary works may be installed provided that it is ancillary to the telecommunications installation, not within a conservation area and the volume does not exceed 90 cubic metres (A.1.(I) ii of Part 24 of the Order.

In this case, the proposal consists of a 13 metre high galvanised steel monopole with dual user shrouded antennas to a maximum height of 17.5 metres. The radio equipment housing has a volume of 2.5 cubic metres. It is therefore considered that both the proposed monopole and equipment cabinet meet the criteria contained within Part 24.

As the application complies with the General Permitted Development Order, the Local Planning Authority is restricted to expressing opinions on matters of siting and appearance only.

Appearance

The matters to consider concerning the appearance of the mast and ancillary equipment include materials, colour and design. This covers the dimensions, overall shape and construction.

PPG8 states that 'in seeking to arrive at the best solution for an individual site, authorities and operators should use sympathetic design and camouflage to minimise the impact of development on the environment. Particularly in designated areas, the aim should be for apparatus to blend into the landscape'.

The pole is designed to appear functional, the top 4.5 metre section where the two shrouded antennas are located widens to approximately 0.5 metres in width. The overall height of the installation is 17.5 metres which is not of a scale in keeping with the residential area. The pole is constructed of galvanised steel, however the final colour can be agreed by a condition. It is however considered that even agreeing a suitable colour to aid assimilation of the mast to its surroundings, the proposal by virtue of its functional appearance and height, is still considered unacceptable in terms of appearance.

'Burbage Matters' have referred to the Burbage Village Design Statement and in particular, Guidance Note 3 The Street Scene (3.13) in terms of avoiding clutter and improving the streetscene. The ancillary equipment is a modest cabinet, similar in scale and design to others used by various service providers. It is considered that the appearance would be in keeping with other street furniture and would not look unduly out of place.

Siting

The proposal is located on a grass area which is generally triangular in shape, close to the junction of Three Pots Road and Wolvey Road. A clear view of the proposal will be available when approaching the site from Three Post Road, furthermore, the site will be highly visible from the southern end of Wolvey Road travelling northwards. There are some trees and planting within this area but not of a significant height that would fully screen the 17.5 metre proposal, particularly during the winter months. On the opposite corner of the junction, there is a similar green area which has a bus shelter located within it, the area has a pleasant appearance as the entrance to residential area and as such the mast installation is considered to be inappropriate.

Furthermore, there are residential properties located on Wolvey Road that will directly face the proposal at a distance of approximately 50 metres, however the nearest property, which is at angle to the site is located approximately 13 metres from the mast proposal. Local residents have raised concerns regarding the installation being too large for the area on which it is proposed. A number of other objections to the proposal have been received, the majority of which reflect residents concerns regarding their well-being. Whilst the grassed areas appears to be of a sufficient size to accommodate the proposed mast and cabinet, the proximity of the mast to existing residential properties along with the siting of the mast in view of these properties is considered to have a significant and adverse effect on neighbouring residents amenities.

Local residents have raised the issue of mast sharing. This proposal is for a shared mast containing two antennas for Vodafone and O2. It is not clear whether there are other suitable existing masts available where mast sharing could take place. The applicant has considered alternative sites within the local area. Local residents have commented that the discounted sites are no more prominent than the current proposal and have cited cost as a potential reason for choosing the current option. The applicant has given their reasons why these options have been discounted. However, it is not clear if there are other more appropriate locations for this proposal available or that other options have been fully considered.

Health

Local residents have raised concerns regarding health matters and have referred to children and elderly living within the residential area.

PPG8 refers to this issue and states that 'health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. In the Government's view 'if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a Local Planning Authority in processing an application for planning permission or prior approval to consider further the health aspects and concerns about them'. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the Local Planning Authority) to determine what weight to attach to such considerations in any particular case.

The applicant has confirmed the development is in full compliance with the requirements of the radio frequency public exposures guidelines of ICNIRP (The International Commission on Non-Ionising Radiation Protection).

Whilst it has to be accepted that the health considerations are a material consideration, the proposal, as shown by the ICNIRP compliance certificate submitted with the application, meets the required guidelines for public exposure and should not need to be considered further unless specific justification had been made in an exceptional case.

Following the Independent Expert group on Mobile Phones (Stewart Report) published in April 2000, which advocated a precautionary approach to mobile phone masts an independent Advisory Group on Non-Ionising Radiation (AGNIR) chaired by Professor A Swerdlow reported on the 15th January 2004 and concluded that "There is no biological evidence for mutation or tumour causation by RF exposure and epidemiological studies overall do not support any associations between exposures to RF and the risk of cancer, in particular from mobile phone use". Most recently, the independent Mobile Telecommunications and Health Research programme (MTHR), established in 2001 following the Stewart Report, published a report in 2007 describing research undertaken as part of its programme into widespread use of mobile phone technology.

The weight of evidence now available does not suggest that there are health effects from exposure to RF fields below guidelines levels, but the published research on RF exposure and health has limitations, and mobile phones have only been in widespread use for a relatively short time. The possibility therefore remains open that there could be health effects from exposure to RF fields below guideline levels; hence continued research is needed".

Clearly, members will need to consider carefully the weight given to public concern on the health issues. However, bearing in mind recent emergent case law the planning system is not considered to be the appropriate forum for determining health safeguards.

Property Prices

Local residents have raised concerns that property values in the area will decline; this is not a material planning consideration when determining planning applications.

Highway Safety

Local residents have raised concerns regarding highway safety in terms of the potential loss of sight line for motorists and existing parking issues, however, The Director of Environment and Transport (Highways) has raised no objection to the proposal.

Police Equipment

Further information regarding electronic installations used by the police within the local area has been requested and any further information received will be reported as a late item.

Other Neighbour Issues

Some residents have commented that they do not want phone masts within Burbage and have suggested that the site could be better utilised for a further bus 'pull in' area. The local planning authority is not in a position to refuse to consider such proposals within the Burbage parish boundary and must determine the proposal as set out within the application.

Conclusion

PPG8 states that in order to limit visual intrusion, the Government attaches considerable importance to keeping the numbers of radio and telecommunications masts, and of the sites for such installations, to the minimum consistent with the efficient operation of the network.

It is recognised that telecommunications improvements are of benefit to the local community and economy, subject to visual impact of the proposal being acceptable. In this case, it is considered that the proposal meets the criteria contained within Schedule 2 of Part 24, but is unacceptable because the proposed mast is of an unacceptable design and sited in a highly visible location within the streetscene, contrary to the aims of adopted Policy BE1. Furthermore, the applicant has failed to demonstrate that the potential for mast sharing and alternative sites within the local area have been fully investigated.

RECOMMENDATION: - REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Reasons:-

- 1 The proposal would, by reason of its height, insufficient screening and poor design, result in the proposed installation being unacceptably prominent within the streetscene and, on the skyline resulting in an unsatisfactory visual impact, detrimental to the character and appearance of the area and neighbours amenity, contrary to the requirements of policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 2 Due to the lack of detail relating to suitable alternative sites and site sharing options, the applicant has failed to demonstrate that he has adequately undertaken a satisfactory investigation of other sites, which may be technically suitable and would have less impact on the surrounding area and streetscene, in accordance with the Code of Best Practice on Mobile Phone Network Development 2002.

Notes to Applicant:-

- 1 List of plans used in the determination of this application: - Drawings 100, 200, 300, 400 and 500 received on 11 February 2011.

Contact Officer:- Louise Forman Ext 5682

Item: 14

Reference: 11/00100/CONDIT

Applicant: Westleigh Developments Ltd

Location: Flude House Rugby Road Hinckley

Proposal: VARIATION OF CONDITION 2 OF PLANNING PERMISSION 10/00847/FUL

Target Date: 18 May 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

Members may recall that planning permission (reference 10/00847/FUL) was approved for a mixed use development including retention, refurbishment and extension to existing buildings and demolition of factory buildings to create 48 dwellings and 6 apartments with associated parking. This application seeks a variation to Condition 2 of the permission which relates to the development being carried out in accordance with specific plans submitted with the application. This application seeks to substitute some of the approved plans to allow alterations to the residential element of the scheme in relation to:

- a) Plots 1-9 cladding removed, eaves height reduced, parapet wall removed, glazing light over front door removed, front elevation windows sizes altered; brick soldier course and brick cill included, contrasting brickwork to be used, french doors to rear elevation replaced with single door and larger windows;
- b) Plots 10-19 cladding removed, eaves height reduced, parapet wall removed, glazing light over front door removed, front elevation windows sizes altered; brick soldier course and brick cill included, contrasting brickwork to be used, french doors to rear elevation replaced with single door and larger window;
- c) Plot 19 moved forward 3 metres to provide a better garden area;
- d) Plot 20-29 cladding removed, eaves height reduced, glazing light over front door removed, front elevation windows sizes altered, brick soldier course and brick cill where indicated, contrasting brickwork to be used;
- e) Plots 30-40 cladding removed, eaves height reduced, glazing light over front door removed, front elevation windows sizes altered, brick soldier course and brick cill where indicated, contrasting brickwork to be used;
- f) Plots 41-46 eaves height reduced, parapet wall removed, contrasting brickwork to be used, balconies replaced with Juliette balconies, corner glazed section removed for

structural reasons and replaced with rendered section and full height windows with Juliette balconies.

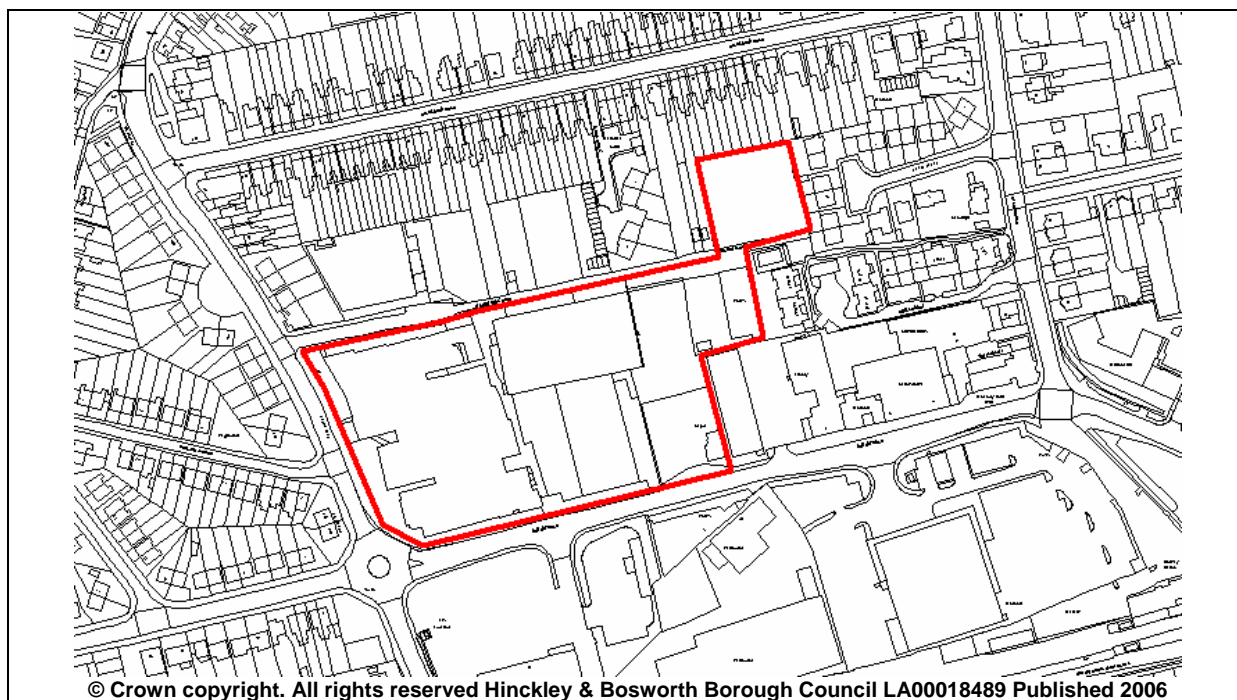
Amended plans have been received which provide further clarity with regard to cross referencing and plan substitution.

The Site and Surrounding Area

The application site is 2.14 hectares and lies on the south west of Hinckley Town Centre. The site occupies a prominent location on the gateway into the town centre. The site is predominantly vacant and currently comprises various buildings which previously provided 758sqm of office development, 9,778sqm industrial development and 1,914sqm of warehousing. A variety of uses including residential, commercial, and retail bound the site. The land levels across the entire site are varied with a rise of approximately 3 metres from west to east along Willowbank Road with the existing buildings constructed on a series of plateaus separated by retaining walls.

History:-

10/00847/FUL	Mixed use development including retention, refurbishment and extension to existing buildings and demolition of factory buildings to create 48 dwellings and 6 apartments with associated parking	Approved	25.01.11
09/00810/OUT	Mixed use development including retention, Refurbishment and extension to existing Buildings and demolition of factory buildings to create 50 dwellings with 6 apartments with associated parking	Approved	06.04.10
05/01207/OUT	Residential development and Associated works	Refused	25.01.06
98/00559/OUT	Erection of a food store with vehicular and pedestrian access, car park and service	Dismissed at Appeal	



Consultations:-

No objections have been received from:-

Environment Agency
E-On (Central Networks)
The Leicestershire Constabulary Crime Reduction Officer
Director of Environment and Transportation (Highways)
Chief Executive, LCC (Ecology)
Head of Community Services (Land Drainage)
Head of Community Services (Pollution).

Press and site Notices posted, neighbours notified. At the time of writing the report no comments had been received from:-

Chief Executive, LCC (Archaeology)
Leicestershire Fire and Rescue
Primary Care Trust
Severn Trent Water
Head of Business Development and Street Scene Services (Waste Minimisation).

Policy:-

Central Government Guidance

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

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

community facilities, with good access to jobs, key services and infrastructure. Paragraph 12 states that good design is fundamental to the development of high quality new housing. Paragraph 16 outlines matters to consider when assessing design quality and includes the extent to which the proposed development is easily accessible and well-connected to public transport and community facilities and services.

Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth incorporates the town centre and retail policy statements contained in PPS6 and the policies on economic development in urban and rural areas in PPG4, PPG5 and PPS7 into a single PPS. PPS4 places retail and other town centre development in a wider context, as 'economic development' which provides employment, generates wealth and/or economic growth.

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' includes the broad aim that development should have minimal impacts on biodiversity and enhance it where possible.

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

Planning Policy Statement 25 (PPS25): Development and Flood Risk sets out the Government's policy on development and flood risk.

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. Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS's intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration. In relation to the weight to be given to that intention as a material consideration the Court held that 'the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

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 Local Planning Authorities 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.

The East Midlands Regional Plan (adopted March 2009) provides the development strategy for the East Midlands up to 2026. Policy 2 promotes better design including highway and parking design that improves community safety. Policy 3 directs development towards urban areas with priority being given to making the best use of previously developed land. Policy 43 seeks to improve safety across the region and reduce congestion.

Local Policy

The site is identified in the adopted Hinckley and Bosworth Local Plan as an employment site, in The Hinckley Town Centre Renaissance Masterplan and the Submitted Hinckley Town Centre Area Action Plan (AAP) as a potential mixed use development site. The Area Action Plan has been through public examination and the document found sound. The document is to be reported to Full Council on 21 March 2011.

Local Development Framework Core Strategy 2009

Policy 1: Development in Hinckley supports Hinckley's role as a sub-regional centre and sets out the criteria to achieve this.

Policy 5: Transport Infrastructure requires interventions to support the additional development proposed in and around the Hinckley sub regional centre.

Policy 15: Affordable Housing sets the criteria for the proportion of affordable housing.

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

Policy 19: Green Space and Play Provision sets the standards for green space and play provision.

Policy 20: Green Infrastructure sets strategic interventions.

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

Hinckley and Bosworth Local Plan 2001

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

Policy EMP1 seeks to actively retain existing employment sites for employment purposes. The site is allocated as EMP1 (b) which considers other employment activities or alternative uses on their merits.

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 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 design guidance.

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

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

Supplementary Planning Guidance/Documents and Other Material Policy Guidance

The Hinckley Town Centre Renaissance Masterplan (Area 6) identifies the site for potential mixed use development incorporating new residential and commercial development providing a new gateway to the town centre.

Hinckley Town Centre Area Action Plan Policy 6 - Rugby Road/Hawley Road sets out the issues and opportunities and identifies the key aspirations for redevelopment of the site.

The Borough Council's Supplementary Planning Document: Hinckley Town Centre Strategic Transport Development Contributions provides guidance on infrastructure requirements. The Borough Council's Supplementary Planning Guidance on New Residential Development provides further guidance for developers on density, design, layout, space between buildings and landscaping/boundary treatments along with highways and parking.

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

The Employment Land and Premises Study 2010 identifies the site as a moderate/low grade employment area and recommends 25% retention for employment with 75% of other uses allowed.

Appraisal:-

The mixed use development of the site has been approved in principle; with the determination of the previous planning application (10/00847/FUL) therefore the main considerations with regards to this application are the impact of the proposed variations to the approved scheme on siting, design and external appearance of the site and neighbouring residential properties.

Impact on Siting, Design and Appearance

The most significant amendment contained within the scheme is the amended siting of Plot 19 which involves bringing the plot forwards by some 3 metres. This amendment is proposed to allow for a larger rear garden area to that plot and is not considered to have any significant material impact on the overall appearance of the site or street scene.

The other amendments to the external elevations of the residential units are not considered to have any significant material impact on the overall appearance of the site or the street scenes and are therefore acceptable in visual terms.

The amendments ensure that the scheme is achieving 100% compliance with Lifetime Homes Interiors criteria and Code for Sustainable Homes Level 3 as this is a requirement of the RSL.

The modifications to the scheme are considered to provide further enhancements to the scheme already approved.

Impact on Neighbouring Properties

Situated to the west of the site are properties on the opposite side of Rugby Road. Situated to the north and north eastern boundary of the site are the rear gardens to a number of properties on Clarendon Road, Fabius Close, Coley Close, Royal Court and Rugby Road. Willowbank Road and the car park serving the site separates the development from those properties.

Whilst the modifications include alterations to openings (window and door), the re-siting of Plot 19 and the reduction in eaves heights to all plots the proposed alterations to the siting, design and appearance of the residential units, given the proximity between the units, are not considered to have an adverse impact on the amenities of the occupiers of neighbouring dwellings.

Contributions

Permission reference 10/00847/FUL (the First Permission) was accompanied by both an agreement and a unilateral undertaking entered into pursuant to section 106 of the TCPA and dated 25 January 2011. These obligations sought mitigation in relation to the development proposed under the First Permission and without which the said development would not have been acceptable in planning terms.

The application the subject of this report is made pursuant to section 73 of the TCPA and approval of this application would result in a separate planning approval. In those circumstances the developer would have two extant planning permissions, either of which (but not both) would be capable of implementation.

The First Permission is subject to obligations, the obligations are tied in specifically to the First Permission. The obligations and the conditions attached to the First Permission remain appropriate in relation to the Second Application and it will be necessary to enter into a deed of variation to formally apply those obligations to the Second Application.

Conclusion

Overall, the amended proposals are considered to improve the design and appearance of the site and as a result will not have an adverse impact on the visual amenities of the site, street scene generally or neighbouring residential properties and are therefore acceptable.

Recommendation: - That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972 towards, the provision and maintenance of public play and open space facilities, education and affordable housing requirements; by 18 May 2011, the Director of Community and Planning Services be granted powers to issue full planning permission subject to the conditions below. Failure to do so by 18 May 2011 may result in the application being refused.

RECOMMENDATION: - Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission the proposed development would be in accordance with the development plan and would not be detrimental to the occupiers of neighbouring properties or highway safety. The site represents one of the key regeneration areas in the Town Centre, and its redevelopment, as part of a comprehensive scheme, would contribute significantly to the Council's vision and primary spatial objectives, bringing wide ranging benefits to Hinckley Town Centre and to the Borough as a whole. The site is in a sustainable location within the Hinckley Town Centre; would meet an identified need for affordable housing and employment development in Hinckley; and would enhance the character and appearance of the area.

Policy 1 of the Hinckley and Bosworth Core Strategy supports Hinckley's role as a sub-regional centre. In this case it is the opinion of the Local Planning Authority that the development satisfies the requirements of this policy as it provides a range of employment opportunities.

Policy 5 of the Hinckley and Bosworth Core Strategy proposes transport interventions to support additional development in and around the Hinckley sub-regional centre. In this case it is the opinion of the Local Planning Authority that the development satisfies the requirements of this policy as it provides adequate transport measures to support the development of the site.

Policy BE1 of the Hinckley and Bosworth Local Plan seeks a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. It is the opinion of the Local Planning Authority that the development satisfies the requirements of this policy through a well designed scheme that has regard to the character of the area and proposes a high quality design that contributes to the character of the environment.

Relevant provisions of the development plan include:-

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policies 1, 5, 15, 19, 20 and 24.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, EMP1, NE2, NE12, NE14, T5, IMP1, REC2, REC3.

- 1 This permission relates to the variation of Condition 2 of planning permission reference 10/00847/FUL [the previous application] dated 25 January.2011, a copy of which is appended hereto and the conditions imposed by the decision notice in relation to the previous application shall be deemed to apply to the grant of permission in respect of application 11/00100/CONDIT [the current application] save in so far as they are amended by virtue of the decision notice in relation to the current application or where variations subsequent to the previous application have been approved in writing by the local planning authority.
- 2 This permission relates to the amended application plans:- Site Plan drg. no. 4402/F1, Floor Plans and Elevations Plots 41-46 drg. no. 4402/E3, Floor Plans and Elevations Plots 10-19 drg. no. 4402/B5, Floor Plans and Elevations Plots 20-29 drg. no. 4402/C4, Floor Plans and Elevations Plots 30-40 drg. no. 4402/D5 and Floor

Plans and Elevations Plots 10-9 drg. no. 4402/A5 Floor Plans and Elevations Angus Site drg. no. 4402/H received by the local planning authority on 11 March 2011.

The following plans and documents approved under permission 10/00847/FUL remain unaltered:-

MRP/0750/Ppsd/10r, MRP/0750/Ppsd/11c, MRP/0750/Ppsd/12c,
MRP/0750/Ppsd/13c, MRP/0750/Ppsd/14c, MRP/0750/Ppsd/15c,
MRP/0750/Ppsd/16c, MRP/0750/Ppsd/43a, MRP/0750/Ppsd/44a,
MRP/0750/Ppsd/70, MRP/0750/Ppsd/101d, MRP/0750/Ppsd/102d,
MRP/0750/Ppsd/103d, MRP/0750/Ppsd/104d, MRP/0750/Ppsd/105d,
MRP/0750/Ppsd/106c, MRP/0750/Ppsd/73e, MRP/0750/Ppsd/74d,
MRP/0750/Ppsd/75c, Bir.3260_01, Bir.3260_02, Bir.3260_03 (1 of 2), Bir.3260_03 (2 of 2), Bir.3260_05, Bir.3260_06, Design and Access Support Statement, Phases I & II Environmental Risk Assessment by Geodyne Ltd, Transport Assessment and Travel Plan by Mayer Brown, Tree Assessment Report by FPCR Ltd,, Ecological Assessment by FPCR.

Reasons:-

- 1 To define the permission and to ensure that all other conditions attached to the original consent still apply.
- 2 To define the permission.

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).

Contact Officer:- Cathy Horton Ext 5605

Item: 15
Reference: 11/00117/EXT
Applicant: Mr Nick O'Donnell
Location: Lorry Park Stokes Industrial Park Merrylees Road Desford
Proposal: EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION 08/00344/FUL FOR ERECTION OF AN INDUSTRIAL UNIT
Target Date: 14 April 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it comprises a light industrial development where the proposed floor space is greater than 500m².

Application Proposal

This is an application for the extension of time for planning permission 08/00344/FUL for the erection of an industrial unit to provide four starter units on Merrylees Industrial Estate. The previous application expires on the 3 June 2011 however the extension of time application has been made prior to the expiry date.

The scheme proposed comprises a single industrial building divided into 4 separate units. The design and materials proposed replicate those of adjacent units. The bottom half of the building is brickwork, with cladding above. There are 5 roller shutter doors to the front and side elevation. The proposal measures 40m x 20m, with a maximum height of just over 6m to the ridge. 4 parking spaces, including one disabled is designated for each unit.

The Site and Surrounding Area

The site is predominantly surrounded by open countryside, with the ground gently sloping towards the east. The Ivan-Hoe freight railway line runs parallel to the eastern boundary. Merrylees Industrial Estate is divided into two sites, with one being dominant and larger in scale. The proposal will be situated on the smaller of the sites. Each is served by its own access leading from Merrylees Road. A row of 8 residential properties fronting Merrylees Road are located in-between the two access points. To the south are the Flo Gas Offices, and opposite is an industrial unit and large brick storage yard. The eastern boundary comprises a sporadic coverage of mature trees and hedging, permitting views over the railway and countryside beyond.

Technical Documents submitted with the Application

No amended Design and Access Statement has been submitted with this application; however the previously submitted Design and Access Statement supported the application suggesting that the development would be beneficial economically, both through increasing local employment and business formation and will be sustainable in respect of its local sourcing of materials. In addition a mixed forest landscaping scheme was proposed, equating to approximately 20% of the site, with wildlife and seating areas to the rear of the building.

History:-

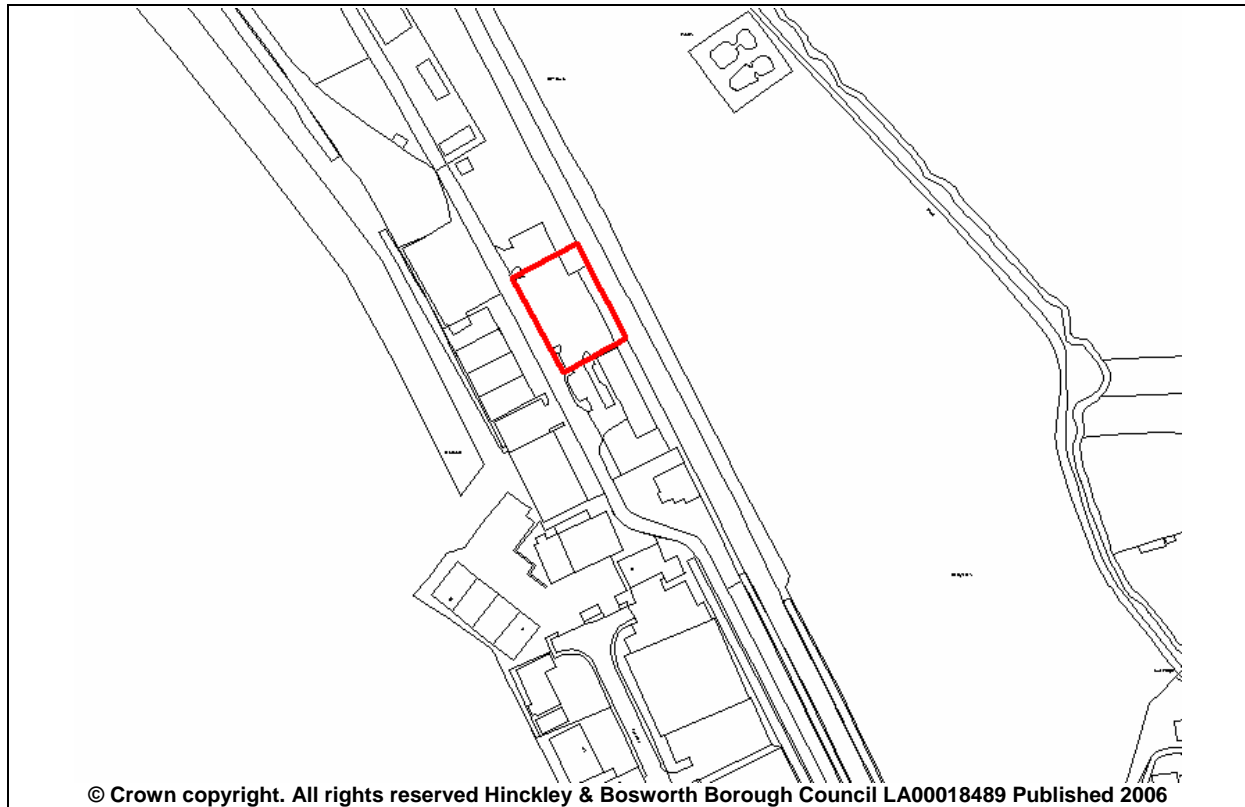
There are a range of planning applications relating to industrial development on the site, however only the former application relates to the specific parcel of land in question.

08/00344/FUL

Erection of an Industrial Unit

Approved

03.06.08



Consultations:-

No objection subject to comments has been received from:-

Network Rail
Head of Community Services (Drainage).

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

At the time of writing of writing the report no comments have been received from:-

Desford Parish Council
Environment Agency
Neighbours.

Policy:-

Central Government Guidance

Planning Policy Statement 1: Delivering Sustainable Development (PPS1) refers to the delivery of sustainable development through the planning system. It advises that planning

policies should protect and enhance the environment, promote high quality design and reinforce local distinctiveness.

Planning Policy Statement 4 (PPS4): 'Planning for Sustainable Economic Growth' sets out the government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

Policy EC2.1(d): seeks to make the most efficient and effective use of land, prioritising previously developed land which is suitable for re-use and reflects the different location requirements of businesses, such as the size of site required, site quality and access.

Policy EC10: supports applications which secure sustainable economic growth. Policy EC10.2 sets out five impact considerations which all applications for economic development have to be assessed against.

Policy EC12 (b): states that local planning authorities should support small scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport.

Planning Policy Statement (PPS7) 7: 'Sustainable Development in Rural Areas', sets out the Government's position on development in rural areas. Paragraph 5 states that planning authorities should support a wide range of economic activity in rural areas. This guidance recognises the pressures facing the rural economy and seeks to encourage sustainable rural diversification without harming the character of the countryside. It goes on to say that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

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. Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS's intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration. In relation to the weight to be given to that intention as a material consideration the Court held that 'the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. The following relevant policies apply to this proposal:

Policy 1 seeks to secure the delivery of sustainable development.

Policy 2 promotes better design including highway and parking design that improves community safety.

Policy 18 recognises the importance of raising skills, developing the service sectors and high value manufacturing and creating innovative businesses to ensure the region is better positioned to maintain economic competitiveness.

Policy 43 seeks to improve highway safety across the region and reduce congestion.

Local Development Framework Core Strategy 2009

Spatial Objective 1: 'Strong and Diverse Economy' identifies the need to strengthen and diversify the economy by providing sufficient, sustainably located, good quality land and premises alongside skills training.

Hinckley and Bosworth Local Plan 2001

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

Policy IMP1: 'Contributions Towards the Provision of Infrastructure and Facilities' requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

Policy BE1: 'Design and Siting of Development' seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features; have regard to the safety and security of both individuals and property; incorporate design features which reduce energy consumption; incorporate landscaping to a high standard; have regard to the needs of wheelchair users and other people with disabilities; ensure adequate highway visibility for road users and adequate provision for parking for residents and visitors together with manoeuvring facilities and should not adversely affect the occupiers of neighbouring properties.

Policy NE5: 'Development in the Countryside' states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is either: important to the local economy and cannot be provided within or adjacent to an existing settlement or is an extension of an existing building; 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 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 NE10: concerns designated landscape Improvement Areas and seeks to improve the quality of the landscape by providing a focus for environmental improvement measures.

Policy NE14: seeks to protect surface and groundwater quality and restrict developments which will have adverse impacts on such unless satisfactory arrangements are made to mitigate such impacts, including measures for the disposal of foul sewage, trade effluent and surface water.

Policy EMP1: concerns existing employment sites. In respect of those falling within rural areas it considers employment uses favourably so long as they are of an appropriate design when considered within their context.

Other material policy guidance

The Employment Land and Premises Study 2010 identifies Merrylees Industrial Estate as a category A site where 100% of employment uses should be retained as it is a key rural employment area.

The guidance document Greater Flexibility for Planning Permissions published in November 2009 states that in determining applications to extend the time limit for implementing planning permissions:-

"Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date".

The guidance continues:-

"Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission".

Appraisal:-

The main consideration with regards to this application is whether there have been any material changes in planning policy since the previous application that would affect the determination of the application. There are additional considerations such as if the originally imposed conditions are still required and whether additional conditions or financial contributions should be applied.

Changes to Policy

The original scheme was granted on the 6 June 2008, therefore it was considered in light of the current adopted Local Plan Policies.

In 2008 the scheme would have also been considered against the Leicester, Leicestershire and Rutland Structure Plan which has since been superseded by the Regional Spatial Strategy for the East Midlands. While this high level policy has changed it is considered that the scheme would also be in accordance with the broad policies of the RSS which still seek to direct new development to Brownfield land. Therefore while the development plan has changed since the original decision was reached it does not lead to a different conclusion on the acceptability of the application.

The other consideration is therefore whether any material consideration is now applicable that would not have been considered in 2008.

The Local Development Framework Core Strategy was adopted in 2009 and of relevance to the scheme is Spatial Objective 1 this identifies the importance of strengthening and diversifying the economic wellbeing of the area and does not raise issues that would now imply that the development would be unacceptable. Since the previous application the Councils updated Employment Land and Premises has been completed (May 2010). This

classifies the site as a category 'A' site where 100% of employment uses should be retained. Accordingly this is supportive of the current application.

Since 2008 National Planning Policy Statements have been issued on a number of topics including PPS4: Planning for Sustainable Economic Growth (2009).

It is considered that whilst PPS4 sets out new broad national planning policies that would be applicable, it does not raise issues that would now imply that the development would be unacceptable.

Therefore it is concluded that the development plan and other material considerations have not changed in a manner that would now lead to the application being refused.

Changes to Conditions

Given that the development plan and other material considerations have not changed in a manner that would now lead to the application being refused the other consideration is whether additional conditions or financial contributions should be applied.

In addition to the time condition attached to the original planning permission, Condition 2 required that a land contamination scheme be submitted and approved prior to commencement, and condition 3 required that all parking and turning spaces be hard surfaced. The time condition and condition 3, relating to hard surfacing are still considered valid and necessary, however condition 2 has been discharged, so the submission of a contamination report is no longer required.

Therefore only conditions 1 and 3 and their reasoning are considered valid and necessary and as such should be carried forward to this permission.

Financial Contributions

Since the determination of the previous application the Community Infrastructure Levy Regulations (CIL) 2010 has been brought in on 6 April 2010. In addition, 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.

It is not considered that the scheme requires a contribution towards the provision of necessary on-site and off site infrastructure and facilities to serve the development as it is considered that the requirements of Planning Obligations: necessary, directly related to the proposed development; fairly and reasonably related in scale and kind to the development proposed would not be satisfied.

Conclusion

The development plan and other material considerations have not changed in a manner that would now lead to a different conclusion on the acceptability of the application. It is considered that all other remaining conditions are necessary with the exception of the submission of a contamination report.

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 previous application and the changes in policy since the last permission would not result in a different decision being reached and therefore would be in accordance with the development plan.

Hinckley & Bosworth Local Plan (2001):- IMP1, BE1, NE5, NE10, EMP1, T5.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):
- Spatial Objective 1.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before first occupation of any industrial units hereby permitted, the access road, turning areas and car parking spaces shall be laid out and made available for first use, and shall be surfaced with tarmac, concrete, or similar hard bound material (not loose aggregate) and so shall be maintained thereafter.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure sufficient access, parking and turning provisions is provided in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan, in the interests of highway and pedestrian safety.

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).

Contact Officer:- Eleanor Shaw Ext 5680

Item: 16

Reference: 11/00160/GDOT

Applicant: Vodaphone UK LTD

Location: Queens Road Hinckley

Proposal: **PRIOR NOTIFICATION OF PROPOSED DEVELOPMENT BY TELECOMMUNICATIONS CODE SYSTEM OPERATORS FOR ERECTION OF STREETWORKS MONOPOLE (10.1M HEIGHT) SUPPORTING GRP SHROUDED ANTENNAS TO TOTAL HEIGHT OF 14.8 METRES PLUS GROUND BASED EQUIPMENT CABINET**

Target Date: 26 April 2011

Introduction:-

This prior approval application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a proposed development involving a telecommunications installation.

Application Proposal

This is a prior approval application for the erection of a telecommunications installation within the footway at Queens Road, Hinckley. The installation comprises a 10.1 metres high galvanised steel monopole with shrouded antennas attached to a maximum height of 14.8 metres, together with an associated equipment cabinet and pillar of 1.8 metres x 0.75 metres x 1.5 metres high dimensions. The application confirms that the finished colour is to be agreed.

This application is made under Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development)(Amendment)(England) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001 and in accordance with the Electronic Communications Code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003. There is a statutory period of 56 days in which to determine the application, otherwise the applicant has the right to carry out the development. When dealing with these notifications, the Local Planning Authority can consider the siting and appearance of the installation but not the principle of the development or any other related issues as this has already been agreed by national legislation.

The Site and Surrounding Area

The site is located within the highway on the north eastern side of Queens Road adjacent to the forecourt to an existing car repair garage business. The site lies to the east of Hinckley Town Centre and to the west of Queens Park within the Hinckley settlement boundary. The surrounding area is predominately terraced residential properties, although a small number of commercial and retail units exist at the northern end of Queens Road and surrounding streets.

Technical Documents submitted with the application

The application has been submitted with a Design and Access Statement which states that the scale massing and height of the proposed development has been considered in relation to that of the adjoining buildings, the topography and the general patterns of heights in the area, views, vistas and landmarks. The structure has a specific functionality as a joint use telecommunications base station. Its function reflects its plain and simple form and is therefore appropriate within the highway environment. The statement goes on to say that the development needs to be of the height specified due to the effect of local tree cover. It refers to the closest dwelling being some 25 metres from the proposal.

Information submitted on behalf of the applicant confirms that all Vodafone and Telefonía O2 UK installations are designed to be fully compliant with the public exposure guidelines established by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Certificates of ICNIRP compliance have been included with the submission.

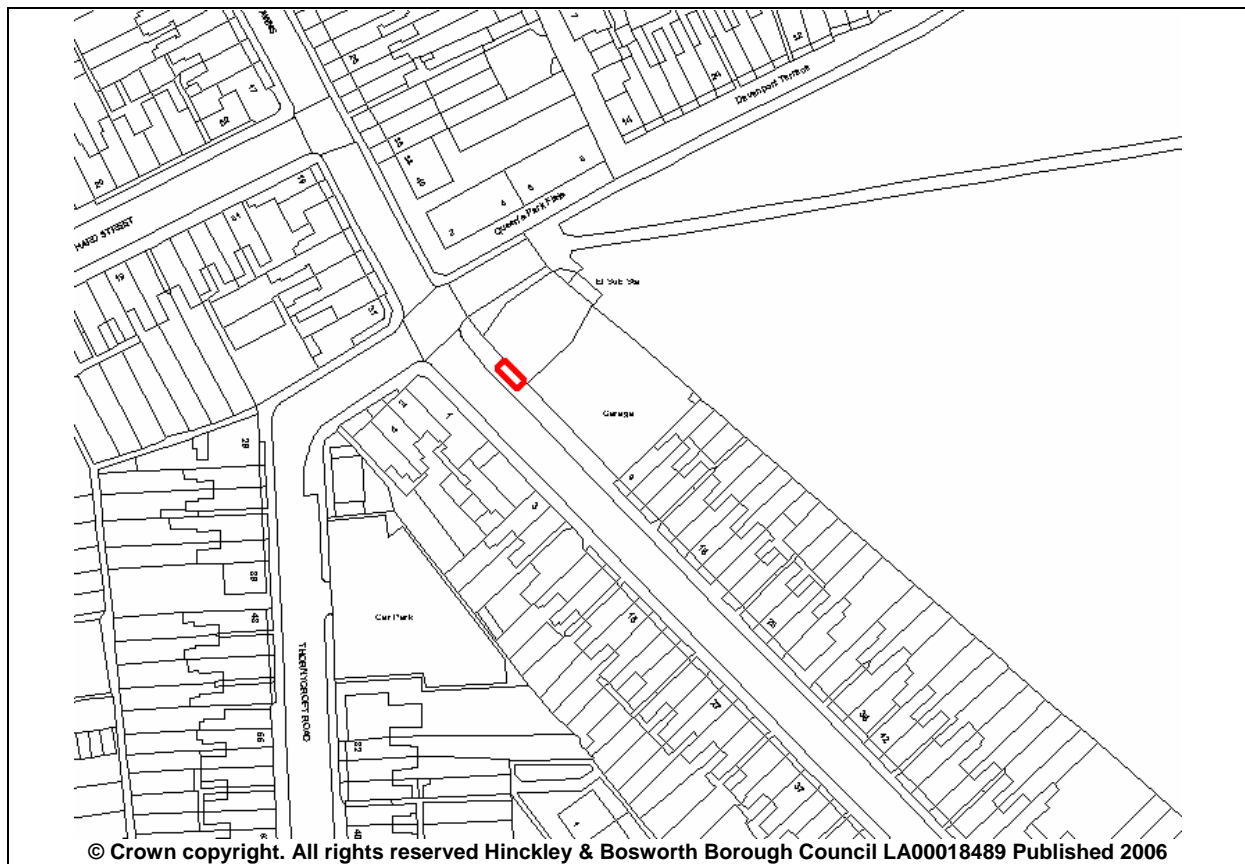
The application confirms that the applicant has had regard to the register of existing installations. A technical specification of the proposed installation with information on the current level of (3G) coverage provided by the Universal Mobile Telecommunications Services (UMTS) within the area has been submitted along with a joint statement from Vodafone and Telefonía O2 UK with general background information on Health and Mobile Phone Base Stations and on Radio Network Development.

Information submitted with the application confirms that pre-application advice has been sought and that the Highway Authority have been notified of the application. The choice of design is consistent and appropriate to a highway environment. The application contains information regarding the investigation of an alternative sites with a reason for not choosing each is as follows:-

- Manchester Hosiery Ltd, Queens Road. - too close to adjacent cell
- Sparkenhoe Business Centre - owners did not wish to accommodate radio apparatus
- Parkview Garage rooftop - unsuitable building safe route for access
- Queens Road greenfield - too close to adjacent cell.

History:-

None in relation to this specific site.



Consultations:-

Site Notice displayed and neighbours notified.

Four letters of objection received on the following grounds:-

- a) eyesore within the streetscene
- b) better sited on an industrial estate
- c) should not be near to residential property, school and park
- d) proximity to dwellings where young children live
- e) close to park which has recently been improved
- f) health concerns
- g) refers to guidelines for masts to be away from residential areas
- h) devaluation of property.

The consultation period remains open at the time of writing and closes on 31 March 2011. Any consultation responses received before the closing date will be reported and appraised as a late item.

Policy:-

Central Government Guidance

Planning Policy Guidance Note 8 (published 2001) 'Telecommunications' states that it is the Government's aim to facilitate the growth of existing telecommunications systems whilst keeping the environmental impact to a minimum. This document gives guidance on how this can be achieved through the planning system.

Local Policy

Local Development Framework Core Strategy 2009

No specific policy.

Hinckley and Bosworth Local Plan 2001

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

Policy BE1 considers the siting of development with regard given to the character and features of the area and amenities of local residents.

Other Material Policy Guidance

Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001

Code of Best Practice on Mobile Phone Network Development 2002 gives guidance to both Local Authorities and Code System Operators.

Electronic Communications Code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003

Appraisal:-

The main considerations with regards to this application are whether it meets the criteria contained within Part 24, and whether the proposal is acceptable in terms of appearance and siting.

Criteria

Ground based apparatus such as a mast up to 15 metres in height above ground level (excluding any antenna) is dealt with by A.1. (a) Part 24, Schedule 2 of the General Permitted Development Order. The legislation states that radio equipment housing and ancillary works may be installed provided that it is ancillary to the telecommunications installation, not within a conservation area and the volume does not exceed 90 cubic metres (A.1.(I) ii of Part 24 of the Order.

In this case, the proposal consists of a pole and antennas to a maximum height of 14.8 metres. The radio equipment housing has a volume of 2.03 cubic metres. It is therefore considered that both the proposed monopole and equipment cabinet/pillar meet the criteria contained within Part 24.

As the application complies with the General Permitted Development Order, the Local Planning Authority is restricted to expressing opinions on matters of siting and appearance only.

Appearance

The matters to consider concerning the appearance of the mast and ancillary equipment include materials, colour and design. This covers the dimensions, overall shape and construction.

PPG8 states that 'in seeking to arrive at the best solution for an individual site, authorities and operators should use sympathetic design and camouflage to minimise the impact of development on the environment. Particularly in designated areas, the aim should be for apparatus to blend into the landscape'.

The design of the pole in this instance is, as described within the application is 'functional'. The top 4.3 metre section where the two shrouded antennas are located widens to approximately 0.5 metres in width. The pole is constructed of galvanised steel, however the final colour can be agreed by a condition. It is however considered that, even agreeing a suitable colour to aid assimilation of the mast into its surroundings, the proposal by virtue of its functional appearance, is still considered unacceptable in terms of appearance.

The ancillary equipment is a modest cabinet, similar in scale and design to others used by various service providers. It is considered that the appearance will be in keeping with other street furniture and will not look unduly out of place.

Siting

The site location is within the highway boundary, adjacent to the existing 1.4 metre high boundary wall to the adjacent garage forecourt. There are trees of a similar height to the proposal within the Queens Park boundary some 20 metres from the proposal, the view of the mast from Queens Park will therefore be screened to some extent particularly during summer months. There is also a tree within the highway boundary to the corner of Queens Road and the access road to Queens Park and Davenport Terrace. Again, this tree will provide some screening to view of the mast when looking southwards along Queens Road, particularly when the tree is in leaf.

It is considered that due to its scale, the mast will be a prominent feature at this location visible from many vantage points. It is accepted that there are some trees, lighting columns and street furniture within the vicinity. The mast will be highly visible when viewed from Queens Road, The Lawns, the northern end of Thornycroft Road and the Queens Park Flats located on the northern side of the Queens Park/Davenport Terrace access road.

Members should be aware that there is an extant planning permission in outline for redevelopment of the garage site by the demolition of the existing garage buildings and erection of 12 apartments (07/01222/OUT). If the permission was to be implemented, as indicated, the nearest dwellings would be within 1.4 metres of the proposal. The existing planning permission requires the submission of a reserved matters application by 1 May 2011.

This proposal is for a shared mast containing two antennas for Vodafone and O2. It is not clear whether there are other suitable existing masts available where mast sharing could take place. The applicant has considered alternative sites within the local area and has given reasons why these options have been discounted. It is not clear if there are other more appropriate locations for this proposal that are available.

A number of objections to the proposal have been received, the majority of which reflect residents concerns regarding their well-being. The nearest existing dwelling with a direct view is located 13 metres from the proposal. In view of these concerns, the proximity of the mast to existing and potential new residential properties, the siting of the mast in full view of these properties is considered to have a significant and adverse effect on neighbouring residents amenities.

Health

Local residents have raised concerns regarding health matters and have referred to children and elderly living within the residential area.

PPG8 refers to this issue and states that 'health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. In the Government's view 'if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a Local Planning Authority in processing an application for planning permission or prior approval to consider further the health aspects and concerns about them'. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the Local Planning Authority) to determine what weight to attach to such considerations in any particular case.

The applicant has confirmed the development is in full compliance with the requirements of the radio frequency public exposures guidelines of ICNIRP (The International Commission on Non-Ionising Radiation Protection).

Whilst it has to be accepted that the health considerations are a material consideration, the proposal, as shown by the ICNIRP compliance certificate submitted with the application, meets the required guidelines for public exposure and should not need to be considered further unless specific justification had been made in an exceptional case.

Following the Independent Expert group on Mobile Phones (Stewart Report) published in April 2000, which advocated a precautionary approach to mobile phone masts, an independent Advisory Group on Non-Ionising Radiation (AGNIR) chaired by Professor A Swerdlow reported on the 15th January 2004 and concluded that "There is no biological evidence for mutation or tumour causation by RF exposure and epidemiological studies overall do not support any associations between exposures to RF and the risk of cancer, in particular from mobile phone use". Most recently, the independent Mobile Telecommunications and Health Research programme (MTHR), established in 2001 following the Stewart Report, published a report in 2007 describing research undertaken as part of its programme into widespread use of mobile phone technology.

The weight of evidence now available does not suggest that there are health effects from exposure to RF fields below guideline levels, but the published research on RF exposure and health has limitations, and mobile phones have only been in widespread use for a relatively short time. The possibility therefore remains open that there could be health effects from exposure to RF fields below guideline levels; hence continued research is needed".

Clearly, members will need to consider carefully the weight given to public concern on the health issues. However, bearing in mind recent emergent case law the planning system is not considered to be the appropriate forum for determining health safeguards.

Property Prices

Local residents have raised concerns that property values in the area will decline, this is not a material planning consideration when determining planning applications.

Conclusion

PPG8 states that in order to limit visual intrusion, the Government attaches considerable importance to keeping the numbers of radio and telecommunications masts, and of the sites for such installations, to the minimum consistent with the efficient operation of the network.

It is recognised that telecommunications improvements are of benefit to the local community and economy, subject to visual impact of the proposal being acceptable. In this case, it is considered that that the proposal meets the criteria contained within Schedule 2 of Part 24, but is unacceptable because the proposed mast is of an unacceptable design sited in a highly visible location within the streetscene, contrary to the aims of adopted Policy BE1. Furthermore, the applicant has failed to demonstrate that the potential for mast sharing and alternative sites within the local area have been fully investigated.

RECOMMENDATION:- that subject to no significant objections being received prior to the expiry of the consultation period ending on 31 March 2011, the Deputy Chief Executive (Community Direction) be granted delegated powers to refuse the Prior Notification Approval for the following reasons.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Reasons:-

- 1 The proposal would, by reason of its height, insufficient screening and poor design, result in the proposed installation being unacceptably prominent within the streetscene and, on the skyline resulting in an unsatisfactory visual impact, detrimental to the character and appearance of the area, contrary to the requirements of policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 2 Due to the lack of detail relating alternative sites and site sharing options, the applicant has failed to adequately demonstrate that he has undertaken a satisfactory investigation of other sites, which may be technically suitable and would have less impact on the surrounding area and streetscene, in accordance with the Code of Best Practice on Mobile Phone Network Development 2002.

Notes to Applicant:-

- i) List of plans used in the determination of this application: - Drawings 100, 200, 300,400 and 500 received on 1 March 2011.

Contact Officer:- Louise Forman Ext 5682

Item: 17

Reference: 11/00156/GDOT

Applicant: Vodaphone Uk And Telefonica O2

Location: Streetworks Adj To 1 Stoke Road Hinckley Leicestershire LE10 0EA

Proposal: PRIOR NOTIFICATION OF PROPOSED DEVELOPMENT BY TELECOMMUNICATIONS CODE SYSTEM OPERATORS FOR ERECTION OF STREETWORKS MONOPOLE (10.1M HEIGHT) SUPPORTING GRP SHROUDED ANTENNAS TO TOTAL HEIGHT OF 14.8 METRES PLUS GROUND BASED EQUIPMENT CABINET

Target Date: 27 April 2011

Introduction:-

This prior approval application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a proposed development involving a telecommunications installation.

Application Proposal

This is a prior approval application for the erection of a telecommunications installation at the junction of Stoke Road, Wykin Road and Hollycroft. The installation comprises a 10.1 metre high galvanised steel pole with dual user shrouded antennas to a maximum height of 14.8 metres with an associated equipment cabinet of 1.8 metres x 0.44 metres x 1.4 metres high dimensions located to the south eastern side of the pole. The application confirms that the finished colour is to be agreed.

This application is made under Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development)(Amendment)(England) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001 and in accordance with the Electronic Communications Code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003. There is a statutory period of 56 days in which to determine the application, otherwise the applicant has the right to carry out the development. When dealing with these notifications, the Local Planning Authority can consider the siting and appearance of the installation but not the principle of the development or any other related issues as this has already been agreed by national legislation.

The Site and Surrounding Area

The site is located within the highway at the junction with Stoke Road, Wykin Road and Hollycroft within the Hinckley settlement boundary adjacent to the 'One Stop' shop forecourt which is used for customer parking and deliveries. The site is located within a predominantly residential area but there are industrial and commercial uses within the wider area, particularly along Stoke Road towards the ring road.

Technical Documents submitted with the application

The application has been submitted with a Design and Access Statement which states that the scale massing and height of the proposed development has been considered in relation to that of the adjoining buildings, the topography and the general patterns of heights in the area, views, vistas and landmarks. The structure has a specific functionality as a joint use telecommunications base station. Its function reflects its plain and simple form and is therefore appropriate within the highway environment. The statement goes on to say that the proposed development needs to be of the height specified due to the effects of local building clutter. It refers to the closest dwelling being some 20 metres from the proposal.

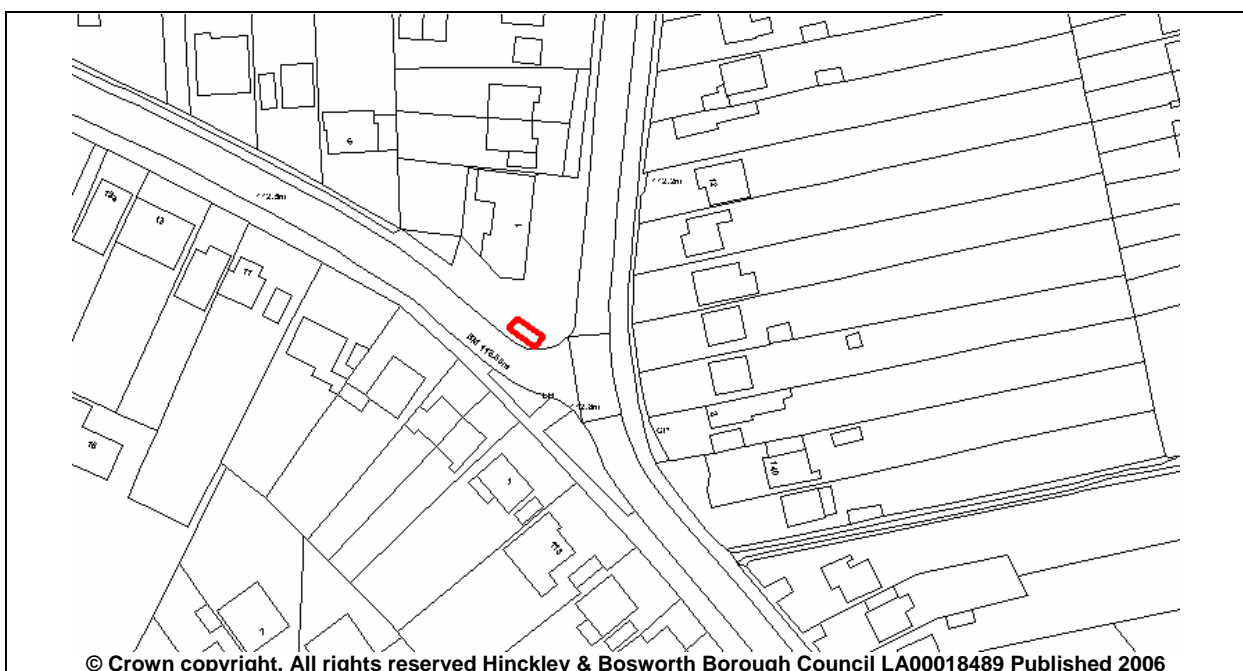
Information submitted on behalf of the applicant confirms that all Vodafone and Telefonía O2 UK installations are designed to be fully compliant with the public exposure guidelines established by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Certificates of ICNIRP compliance have been included with the submission.

The application confirms that the applicant has had regard to the register of existing installations. A technical specification of the proposed installation with information on the current level of (3G) coverage provided by the Universal Mobile Telecommunications Services (UMTS) within the area has been submitted along with a joint statement from Vodafone and Telefonía O2 UK with general background information on Health and Mobile Phone Base Stations and on Radio Network Development.

Information submitted with the application confirms that pre-application advice has been sought and that the Highway Authority have been notified of the application. The application contains information regarding the investigation of an alternative site, within the 'One Stop' shop site but the reason given within the supporting information for discounting the site is that the owner did not respond and that 'there is a clear need which does balance against any potential harm to amenity - provided harm is not unacceptable, prior approval can safely be allowed'.

History:-

None in relation to this specific site.



Consultations:-

No objection, subject to note to applicant received from The Director of Environment and Transport (Highways).

Site Notice displayed and neighbours notified.

Ten letters of objection received on the following grounds:-

- a) ugly eyesore
- b) visual impact - view of mast from neighbouring dwellings
- c) dominate streetscene and skyline
- d) take away views
- e) health risks - proximity to nursery, schools and residential area
- f) concern of psychological and emotional well being related to an oppressive mast
- g) young children and elderly living in this densely populated area
- h) busy junction - highway danger
- i) devaluation of property
- j) phone reception is fine within this area
- k) industrial estate or field would be more appropriate location
- l) no consultation letter received although mast will be visible from dwelling
- m) report of incidence of illness/cancer at Neilston in Ireland which may be due to a transmitter
- n) opposition by local residents
- o) reference to Stewart Report.

The consultation period remains open at the time of writing and closes on 31 March 2011. Any consultation responses received before the closing date will be reported and appraised as a late item.

Policy:-

Central Government Guidance

Planning Policy Guidance Note 8 (published 2001) 'Telecommunications' states that it is the Governments aim to facilitate the growth of existing telecommunications systems whilst keeping the environmental impact to a minimum. The aim of telecommunications policy is to ensure that people have a choice as to who provides their telecommunications service, a wider range of services from which to choose and equitable access to the latest technologies as they become available. This document gives guidance on how this can be achieved through the planning system.

Local Policy

Local Development Framework Core Strategy 2009

No specific policy.

Hinckley and Bosworth Local Plan 2001

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

Policy BE1 considers the siting of development with regard given to the character and features of the area and amenities of local residents.

Other Material Policy Guidance

Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001.

Code of Best Practice on Mobile Phone Network Development 2002 gives guidance to both Local Authorities and Code System Operators.

Electronic Communications Code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003.

Appraisal:-

The main considerations with regards to this application are whether it meets the criteria contained within Part 24, and whether the proposal is acceptable in terms of appearance and siting.

Criteria

Ground based apparatus such as a mast up to 15 metres in height above ground level (excluding any antenna) is dealt with by A.1. (a) Part 24, Schedule 2 of the General Permitted Development Order. The legislation states that radio equipment housing and ancillary works may be installed provided that it is ancillary to the telecommunications installation, not within a conservation area and the volume does not exceed 90 cubic metres (A.1.(I) ii of Part 24 of the Order.

In this case, the proposal consists of a pole and antennas to a maximum height of 14.8 metres. The radio equipment housing has a volume of 1.11 cubic metres. It is therefore considered that both the proposed monopole and equipment cabinet meet the criteria contained within Part 24.

As the application complies with the General Permitted Development Order, the local planning authority is restricted to expressing opinions on matters of siting and appearance only.

Appearance

The matters to consider concerning the appearance of the mast and ancillary equipment include materials, colour and design. This covers the dimensions, overall shape and construction.

PPG8 states that 'in seeking to arrive at the best solution for an individual site, authorities and operators should use sympathetic design and camouflage to minimise the impact of development on the environment. Particularly in designated areas, the aim should be for apparatus to blend into the landscape'.

The design of the pole in this instance is, as described within the application 'functional' . It has an awkward shape within the 4.4 metre top section where the two shrouded antennas are located. The pole is constructed of galvanised steel, however the final colour can be agreed by a condition and the agent has suggested a matt mid green colour. However, even agreeing a suitable colour which could help to assimilate the mast to some extent into its surroundings, the proposal by virtue of its functional appearance is still considered unacceptable in terms of appearance.

The ancillary equipment is a modest cabinet, similar in scale and design to others used by various service providers. It is considered that the appearance will be in keeping with other street furniture and will not look unduly out of place.

Siting

The structure will be prominent in an exposed position within the streetscene because it is proposed to be located at a junction of three roads which is generally flat and open in full view of a number of residential properties. It will be visible mainly due to its height rather than its general mass. It is considered that due to its scale, the mast will provide a prominent feature at this location visible from many vantage points. It is accepted that there are lighting columns and street furniture within the vicinity, but there are no natural screens provided by either nearby buildings of a significant scale or natural features such as large trees, which could help to soften its appearance. Whilst the area is not of special importance it does have a character derived from the form and scale of residential development and it is considered that the mast would appear incongruous within the landscape due to its prominence.

This proposal is for a shared mast containing two antennas for Vodafone and O2. It is not clear whether there are other suitable existing masts available where mast sharing could take place. The applicant has considered alternative sites within the 'One Stop Shop' site but the reason for not choosing these options is given as 'no response from landowner' and this site is supported by the statement that 'we consider that the selected option is reasonably well suited to its context in visual terms. There is a clear need which does balance against any potential harm to amenity.' Beyond this local area which is predominantly residential, there are industrial sites and open land which might provide a more acceptable location for a mast of these dimensions and design. It is considered that the applicant has not demonstrated that this is the most appropriate location for this proposal and that other options have been fully considered.

A number of objections to the proposal have been received, the majority of which reflect residents concerns regarding their well-being. In view of these concerns, the proximity of the mast to existing and potential new residential properties, the siting of the mast in full view of these properties is considered to have a significant and adverse effect on neighbouring residents amenities.

Other Issues

Health

Local residents have raised concerns regarding health matters and have referred to children and elderly living within the residential area.

PPG8 refers to this issue and states that 'health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval. In the Government's view 'if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a Local Planning Authority in processing an application for planning permission or prior approval to consider further the health aspects and concerns about them'. Whether such matters are material in a particular case is ultimately a matter for the courts. It is for the decision-maker (usually the Local Planning Authority) to determine what weight to attach to such considerations in any particular case.

The applicant has confirmed the development is in full compliance with the requirements of the radio frequency public exposures guidelines of ICNIRP (The International Commission on Non-Ionising Radiation Protection).

Whilst it has to be accepted that the health considerations are a material consideration, the proposal, as shown by the ICNIRP compliance certificate submitted with the application, meets the required guidelines for public exposure and should not need to be considered further unless specific justification had been made in an exceptional case.

Following the Independent Expert group on Mobile Phones (Stewart Report) published in April 2000, which advocated a precautionary approach to mobile phone masts, an independent Advisory Group on Non-Ionising Radiation (AGNIR) chaired by Professor A Swerdlow reported on the 15th January 2004 and concluded that "There is no biological evidence for mutation or tumour causation by RF exposure and epidemiological studies overall do not support any associations between exposures to RF and the risk of cancer, in particular from mobile phone use". Most recently, the independent Mobile Telecommunications and Health Research programme (MTHR), established in 2001 following the Stewart Report, published a report in 2007 describing research undertaken as part of its programme into widespread use of mobile phone technology.

The weight of evidence now available does not suggest that there are health effects from exposure to RF fields below guideline levels, but the published research on RF exposure and health has limitations, and mobile phones have only been in widespread use for a relatively short time. The possibility therefore remains open that there could be health effects from exposure to RF fields below guideline levels; hence continued research is needed".

Clearly, members will need to consider carefully the weight given to public concern on the health issues. Bearing in mind recent emergent case law the planning system is not considered to be the appropriate forum for determining health safeguards.

Property Prices

Local residents have raised concerns that property values in the area will decline; this is not a material planning consideration when determining planning applications.

Highway Safety

Local residents have raised concerns regarding highway safety, however, The Director of Environment and Transport (Highways) has raised no objection to the proposal.

Conclusion

PPG8 states that in order to limit visual intrusion, the Government attaches considerable importance to keeping the numbers of radio and telecommunications masts, and of the sites for such installations, to the minimum consistent with the efficient operation of the network.

It is recognised that telecommunications improvements are of benefit to the local community and economy, subject to visual impact of the proposal being acceptable. In this case, it is considered that that the proposal meets the criteria contained within Schedule 2 of Part 24, but is unacceptable because the proposed mast is of an unacceptable design sited in a highly visible location within the streetscene, contrary to the aims of adopted Policy BE1. Furthermore, the applicant has failed to demonstrate that the potential for mast sharing and alternative sites within the local area have been fully investigated.

RECOMMENDATION: - that subject to no significant objections being received prior to the expiry of the consultation period ending on 31 March 2011, the Deputy Chief Executive (Community Direction) be granted delegated powers to refuse Prior Notification Approval for the following reasons.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Reasons:-

- 1 The proposal would, by reason of its height, insufficient screening and poor design, result in the proposed installation being unacceptably prominent within the streetscene and, on the skyline resulting in an unsatisfactory visual impact, detriment to the character and appearance of the area, contrary to the requirements of policy BE1 of the adopted Hinckley and Bosworth Local Plan
- 2 Due to the lack of detail relating to suitable alternative sites and site sharing options, the applicant has failed to demonstrate that he has undertaken a satisfactory investigation of other sites, which may be technically suitable and would have less impact on the surrounding area and streetscene, in accordance with the Code of Best Practice on Mobile Phone Network Development 2002.

Notes to Applicant:-

- 1 List of plans used in the determination of this application: - Drawings 100, 200, 300,400 and 500 received on 3 March 2011.

Contact Officer:- Louise Forman Ext 5682

PLANNING COMMITTEE – 29 MARCH 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)
RE: LOCAL REQUIREMENTS FOR VALIDATING PLANNING APPLICATIONS

1. PURPOSE OF REPORT

- 1.1 To seek Members approval on the revisions to local requirements for validating planning applications, following consultation.

2. RECOMMENDATION

- 2.1 That approval is given to commence consultation before the end of April 2011 on the proposed list of local requirements for the validation of planning applications attached at the Appendix, in accordance with the advice of the Department for Communities and Local Government, upon the proposed revised list of local requirements supplementing the prescribed national requirements for the validation of planning applications to ensure effective delivery of the planning service, and robust decision making.
- 2.2 That the Deputy Chief Executive (Community Direction) be given delegated authority to make minor changes to, and then adopt, the validation requirements following consultation.

3. BACKGROUND TO THE REPORT

- 3.1 In 2008 the standard '1APP' form and validation requirements was introduced. Hinckley and Bosworth Borough Council together with other local authorities adopted a local list of requirements.
- 3.2 In March 2010 the government issued revised guidance on information requirements and validation. This stated that where local authorities wished to maintain a distinct 'local list' (in addition to the 'national list') of information, this should be reviewed, consulted on and adopted. Therefore this revised document has been published to take account of these requirements, as well as other changes in national, regional and local planning policy as applicable to Leicestershire and Rutland.
- 3.3 In response to the revised guidance a group of Leicestershire and Rutland Planning Authorities has worked in collaboration to set down a consistent and proportionate approach to the information that is required for all different types of applications. In setting out these requirements, we are seeking to minimise the number of applications (previously around 80%) which have to be returned as invalid due to insufficient information or being wrongly completed. This figure will be kept under review to ensure that it is meeting its objectives.
- 3.4 This revised document takes full account of the Department of Communities and Local Government document 'Guidance on Information Requirements and Validation'. The key principles which include: Necessity, Precision, Proportionality, Fitness for Purpose and Assistance have been carefully

considered. The proposed revisions to the list are proposed to simplify the local requirements. It includes items that have been taken out of the national requirements which are considered necessary in the determination of applications but removes items that are not proportionate or necessary. This does not prevent the authority from requesting information not in the list in order to assess the application fully or from refusing permission on the basis of a lack of evidence.

3.5 The requirement for consultation is a minimum of 8 weeks on the local list. Any delay in the adoption may result in applications being received without the necessary information in which to determine the application and thus cause delays in the service or result in more applications being refused. Adopting a local list with other local authorities in the area provides a consistent approach and service to our customers, particularly agents and consultees.

4. **FINANCIAL IMPLICATIONS [CB]**

4.1 There are no financial implications arising directly from this report.

5. **LEGAL IMPLICATIONS [MR]**

5.1 Set out in report

6. **CORPORATE PLAN IMPLICATIONS**

6.1 None

7. **CONSULTATION**

7.1 To be carried out via the Leicestershire, Leicester and Rutland Group upon agreement by all relevant committees.

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.

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

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Inconsistent information being received on	Applications would take longer to determine because it would lead to additional information being	Simon Wood

applications	requested or the refusal of permission.	
Service provided to customer would reduce	Increased use of staff resources to identify and explain information that maybe required	Simon Wood
Not adopting list with other authorities	The customer would be required to follow separate lists depending on authority. This maybe confusing and lead to increase use of staff resources to explain differences	Simon Wood
Delay in adopting list	May result in applications being received without necessary information leading to additional information being requested or the refusal of permission.	Simon Wood

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

- 9.1 Applicants will only be required to submit a level of information which is appropriate and proportionate to the development, and which is consistent with other Local Authorities throughout Leicestershire.
- 9.2 Consultees, including Parish Councils, will have less technical documentation to review when consulted on minor planning applications. This will allow for a more efficient responsive process.
- 9.3 Environmental Impact is a material consideration of the planning process and where necessary, applicants will still be required to submit the relevant technical reports which assess the impact of the development on the environment.
- 9.4 The revised list of Local Requirements and guidance documents will be available to view electronically through the corporate website as well as in hardcopy at the Council Offices.

10. **CORPORATE IMPLICATIONS**

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

- Community Safety implications [ext 5832]
- Environmental implications [Jane Neachell, ext 5968]
- ICT implications [Paul Langham, ext 5995]
- Asset Management implications [Malcolm Evans, ext 5614]
- Human Resources implications [Julie Stay, ext 5688]
- Voluntary Sector [VAHB]

Background papers: Guidance on information requirements and validation March 2010 Department for Communities and Local Government

Contact Officer: Cathy Horton Extension 5605



Oadby & Wigston



Hinckley & Bosworth
Borough Council



VALIDATION REQUIREMENTS FOR PLANNING AND OTHER APPLICATIONS SUBMITTED UNDER THE TOWN AND COUNTRY PLANNING ACTS

For the above Leicestershire Local Authorities

2nd Draft Feb 2011

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Introduction

1. In 2008 an amendment to the Town and Country Planning (General Development Procedure) Order 1995 introduced a mandatory standard national application form and associated information requirements for the validation of planning applications and other applications submitted under the Town and Country Planning Acts. The standard '1APP' form is now available online via the planning portal. In March 2010 the government issued revised guidance on information requirements and validation. This stated that where local authorities wish to maintain their own distinct 'local list' (in addition to the 'national list') of information, this should be reviewed, consulted on and adopted. Therefore this revised document has been published to take account of these requirements, as well as other changes in national, regional and local planning policy as applicable to Leicestershire and Rutland.
2. The purpose of the validation arrangements is to:
 - provide a guide to the information that may be required at the outset;
 - enable the Local Planning Authority to provide applicants with certainty as to the information required;
 - enable the Local Planning Authority to have all the necessary information to determine the application and to draft the planning permission and all conditions;
 - minimise the need for further submission of additional information in order to allow Local Planning Authorities a reasonable opportunity to determine applications within the National Indicator (NI)159 targets; and,
 - ensure consistency in the approach taken by different Local Planning Authorities in registering and validating applications, whilst recognising the need for variation appropriate to local circumstances.
3. With this in mind, a group of the Leicestershire and Rutland Planning Authorities has sought through this document to set down a consistent and proportionate approach to the information that is required for all different types of applications. This will be kept under review every three years to ensure that it is meeting the above objectives in practice. In setting out these requirements, we are seeking to minimise the number of applications (previously around 50%) which have to be returned as invalid due to insufficient information or being wrongly completed.
4. This revised document takes full account of the Department of Communities and Local Government document '[Guidance on Information Requirements and Validation](#)'. In line with its recommendations the local list of application requirements are now presented in tabular form. In drawing up these lists the key principles set out in the DCLG document have been carefully considered. In summary, these principles are:
 - Necessity
 - Precision
 - Proportionality
 - Fitness for Purpose
 - Assistance
5. Section 2 of this document explains the approach to the submission and validation of applications. Section 3 provides a list of requirements for each of the main types of application made under the Town and Country Planning Acts. Where "combination" applications are made, then reference should be made to both of the individual requirements. Section 4 provides explanatory guidance to the terms used. We hope that you find this document useful.

Protocol for Submission and Validation of Applications Pre-Application consultation

6. Applicants are invited to have pre-application consultation with a Planning Officer prior to the formal submission of an application to:
 - confirm the scope of the information in the application;
 - address whether the proposal may need to be amended to comply with the Council's policies in the Development Plan and other Officer advice; and,
 - to seek a view on whether planning permission is likely to be granted.
7. This advice is given without prejudice to the final recommendation on the proposal, which will be made in the light of consultation responses and detailed consideration of the application.
8. It is recognised that for reasons of urgency some applications may be submitted without the benefit of pre-application advice. The Council will vet applications on receipt and inform the agent/applicant if the plans and supporting information is sufficient to register the application. It will be necessary to submit all required documents with the application as set out in the Council's published validation criteria for the application to be formally accepted and registered.
9. It may be necessary in relation to some supporting information to carry out pre-submission consultation with technical consultees, for example, the Environment Agency, Severn Trent Water, Natural England,

Leicestershire County Council or English Heritage as appropriate, prior to the formal registration of the application. It is expected that such consultation will automatically be part of the pre-application process for all major applications¹ and that applicants for other application types will carry out such consultation where particular technical issues are identified at the pre-application stage.

10. For some particularly complex cases, the Council will set up a “Development Team” to involve some of the above Services and Agencies in dealing with the application. For larger scale strategic schemes the applicant may decide to enter into a Planning Performance Agreement (PPA) with the Council. In such circumstances, the contents of this document remain valid although the precise form and content of applications would be subject to more bespoke requirements to be agreed as part of the PPA with the Council.
11. All applicants, but particularly those bringing forward major development schemes, are encouraged to carry out public consultation with appropriate sections of the public (e.g. neighbours directly affected, Parish/Town Council or specific interest groups) in accordance with the Council’s published “Statement of Community Involvement”.

Validation of Applications

12. The Council will not register or validate an application if it is incomplete i.e. if all information listed in the appropriate validation criteria is not provided in a complete form.
13. Under the provisions of Regulation 4 of the Town and Country Planning (Applications) Regulations the Council also has power in the course of dealing with an application to require an applicant to :
 - (a) supply any further information, and accept outline applications, plans and drawings necessary to enable them to determine the application; or
 - (b) provide one of their officers with any evidence in respect of the application as is reasonable for them to call for to verify any particulars of information given to them.
14. If an application is subsequently found to be invalid following registration, the time period for determination will be suspended until such time as it becomes valid and the period for determination of the application reset. However, where information is found to be insufficient the Council is more likely to follow the course of action set out in paragraphs 15 to 17 below.

Processing the Application

15. The opportunity to make significant changes to an application, after validation, is severely limited. Significant changes, i.e. revised plans which require re-consultation, may not be accepted, because the re-consultation may not be able to be carried out and a decision made inside the 8 or 13 week target. Applicants may, however, be able to make changes to plans to address issues raised by Officers and consultants, if time permits during the process of consideration. In every case the submission of revised details must be accompanied by a schedule clearly setting out the proposed changes.
16. Fresh drawings or modifications that significantly alter the nature or description of the proposal will not normally be accepted after validation. If such a change is unavoidable, the Council will ask for a fresh application.
17. Where an application has been validated but needs significant alteration to make it acceptable, or where pre-application advice to overcome problems has not been followed, the Council will consider the application as submitted and this may result in a recommendation of refusal. The applicant may, however, withdraw the application and submit a new application for a revised scheme before a decision is made. There is normally no fee for the first such resubmission.

Legal Agreements

18. These are legal undertakings under Section 106 of the Town & Country Planning Act 1990 and either take the form of a Planning Agreement between the applicant, the Council and possibly other parties, or alternatively a Unilateral Undertaking made by the applicant alone. They are normally used to secure infrastructural improvements required in connection with the development, such as those relating to schools, highways, open space or affordable housing. Whenever possible, conditions will be used in preference to planning obligations, but there are circumstances (such as where commuted payments towards infrastructure are required) where they are unavoidable. Where possible, applicants are requested to use Unilateral Undertakings rather than entering into Section 106 Planning Agreements to meet planning obligations associated with development proposals.
19. Unilateral Undertakings and Planning Agreements should be substantially drafted during the preparation of the application or, where possible, should be included as part of the formal submission of the application. As a minimum, draft Heads of Terms outlining the key contents of a proposed Planning Obligation, where one is deemed likely to be necessary should be submitted with the application. Standard pro-formas for common Undertakings and Agreements can be provided.

¹ “Major” developments comprise proposals for ten or more dwellings; an outline application for residential development on a site of more than 0.5 hectare; new building(s) of more than 1,000 sq. m. floorspace; or development on a site of more than 1 hectare.

20. Where Undertakings or Agreements are not completed in time to allow approval of a development within the target timescale of 8 or 13 weeks and the delay lies with the applicant, planning permission may be refused on the grounds of failure to meet a necessary obligation.

Summary

21. The key elements of the Protocol for submission and validation of applications are:
- Compile a full application before formal submission.
 - Consult the Local Planning Authority and key consultees before formal submission.
 - “Front load” the application process by taking into account the views of other parties who will be involved in commenting on and considering the application.
 - Significant alterations to applications cannot be made after registration/validation.
 - The Council will make decisions in most cases within the relevant target of 8 or 13 weeks. Applicants/agents will be advised as soon as practicable if any application is to be recommended for refusal.
 - Advance preparation of documents for Unilateral Undertakings or Planning Agreements will assist a prompt and favourable outcome.

Information Requirements for Applications by Main Application Type

22. The relevant validation requirements for each type of application are set out in tabular form as a series of individual proformas for each type of proposal. These reflect any particular local requirements for the particular authority concerned and cover the following types of proposal :
- **Householder Application for Planning Permission**
 - **Application for Outline or Full Planning Permission**
 - **Application for Approval of Reserved Matters**
 - **Application for Listed Building Consent**
 - **Application for Advertisement Consent**
 - **Application for Lawful Development Certificate**
 - **Application for Conservation Area Consent**
 - **Application for Prior Notification of Proposed Development by Telecommunications Code System Operators**
 - **Application for Prior Notification of Agricultural or Forestry Development (including proposed buildings, roads, excavation/deposit of waste material from the farm and fish tanks)**
 - **Application for Prior Notification of Proposed Demolition**
 - **Application for Tree Works : Works to Trees Subject of a Tree Preservation Order (TPO) or Notification of Proposed Works to Trees in a Conservation Area**
 - **Application for Approval of Details Reserved by Condition**
 - **Application for Removal or Variation of a Condition Following the Grant of Planning Permission (Section 73 of the Town and Country Planning Act 1990)**
 - **Applications for Non material amendments**
 - **Applications to extend the time period for commencing development**
 - **Application for Hedgerow Removal Notice**
 - **Application for Minerals or Waste Development**

Please refer to Appendices attached to the list of National and Local Requirements for a detailed explanatory guidance of terms used.

NATIONAL AND LOCAL REQUIREMENTS

Page	Application type
2	Householder application for planning permission for works or extension to a dwelling
3	Householder Application for planning permission for works or extension to a dwelling and Conservation Area consent for demolition in a Conservation Area
4	Householder Application for planning permission for works or extension to a dwelling and Listed Building consent
5	Application for Planning Permission
7	Application for Outline Planning Permission with some matters reserved
9	Application for Outline Planning Permission with all matters reserved
11	Application for Planning Permission and Conservation Area consent for demolition
13	Application for Planning Permission and Listed Building consent
15	Application for Planning Permission and Advertisement consent
17	Conservation Area consent for demolition in a Conservation Area
18	Listed Building consent for alterations, extension or demolition of a listed Building
19	Application for Advertisement consent
20	Listed Building consent for alterations, extension or demolition of a listed building and advertisement consent
21	Application for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning condition
22	Application for a Lawful Development Certificate for a proposed use or development
23	Application for prior notification of proposed agricultural development – proposed building
23	Application for prior notification of proposed agricultural development – proposed road
23	Application for prior notification of proposed agricultural development – proposed excavation/deposit of waste material from the farm
24	Application for prior notification of proposed agricultural development – proposed fish tank
24	Application for prior notification of proposed development in respect of permitted development by electronic communications code operators
24	Application for Hedgerow Removal Notice
24	Application for prior notification – proposed demolition
25	Application for Approval of Reserved Matters following outline approval
26	Application for removal or variation of a condition following grant of planning permission (Section 73 of the Town and Country Planning Act 1990)
	Extension of time applications
	Non-material minor amendment
27	Useful Supporting Information – Application for Approval of Details Reserved by Condition
27	Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO) or Notification of Proposed Works to Trees in Conservation Areas (CA)

Appendices

28	I	Explanation of requirements of National Validation Requirement
	II	Explanation of requirements of Local Validation Requirements
32	III	Biodiversity Survey and Report / Ecological Survey / Protected Species Survey and Report
32		o PART I - Protected Species
33		o Table 1 - Protected Species: (Trigger List)
35		o PART II - Designated Sites and Priority Habitats
36		o Table 2 - Designated Sites and Priority Habitats (Trigger List)
37		o TABLE 3 - Designated Geodiversity Sites (Trigger List)
38		o Figure 1 Ecological Survey Seasons

Householder application for planning permission for works or extension to a dwelling

NOTE For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Design and access statement	Development in conservation area
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Ownership Certificates	All applications – included in 1APP form
Notices	As required depending on ownership of site
Agricultural Land declarations	All applications – included in 1APP form
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Existing and proposed elevations	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and proposed floor plans	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and Proposed Site Sections, Finished Floor and Site Levels	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Roof Plan	Where the roof design is not simple single dual or mono pitches, to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

[Explanation of requirements of Validation](#)

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Householder Application for planning permission for works or extension to a dwelling and Conservation Area consent for demolition in a Conservation Area

NOTE For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Design and access statement	All applications
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Ownership Certificates	All applications – included in 1APP form
Notices	As required depending on ownership of site
Agricultural Land declarations	All applications – included in 1APP form
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Existing and proposed elevations	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and proposed floor plans	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and Proposed Site Sections, Finished Floor and Site Levels	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Roof Plan	Where the roof design is not simple single dual or mono pitches, to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Heritage Statement (including Historical, archaeological features and Scheduled Ancient Monuments)	All applications - may be included in Design and Access Statement (Should be clearly identified)
Structural Survey	When the justification for demolition is based on structural condition / soundness
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

[Explanation of requirements of Validation](#)
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Householder Application for planning permission for works or extension to a dwelling and Listed Building consent

NOTE For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Design and access statement	All applications
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Ownership Certificates	All applications – included in 1APP form
Notices	As required depending on ownership of site
Agricultural Land declarations	All applications – included in 1APP form
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Existing and proposed elevations	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and proposed floor plans	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and Proposed Site Sections, Finished Floor and Site Levels	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Roof Plan	Where the roof design is not simple single dual or mono pitches, to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Heritage Statement (including Historical, archaeological features and Scheduled Ancient Monuments)	All applications - may be included in Design and Access Statement. (Should be clearly identified)
Structural Survey	When the justification for demolition is based on structural condition / soundness
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

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Application for Planning Permission

NOTE For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Design and access statement	Where required by Article 4C of the GDPO
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Ownership Certificates	All applications – included in 1APP form
Notices	As required depending on ownership of site
Agricultural Land declarations	All applications – included in 1APP form
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Existing and proposed elevations	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and proposed floor plans	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and Proposed Site Sections, Finished Floor and Site Levels	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Roof Plan	Where the roof design is not simple single dual or mono pitches, to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Affordable housing statement	If development meets Local Planning Authority threshold. A Housing Market Assessment is also required where specified in LPA's DPD's.
Air quality assessment	Where the development is proposed inside, or adjacent to an air quality management area (AQMA),
Biodiversity survey and report (Ecology Report)	Where the proposed development may have possible impacts on protected species, designated sites and important habitats. See table 1 for more information. Applications which include – any demolition, works to a roof, cellar, bridge, tunnel, cave, mine or culvert Any conversion of a Barn, stable or outbuilding Any development which has an affect on mature trees, trees in a conservation area or subject to a TPO.
Building for life assessment	All major residential developments in Charnwood and North West Leicestershire areas
Economic statement	Where viability is an issue. This may be included where appropriate in the Design and Access Statement. (Should be clearly identified)
Environmental statement	Environmental Impact Assessment is required for schedule 1 developments and maybe required for schedule 2 developments as specified by the Environmental Impact Regulations 1990.
Town Centre Uses –Evidence to accompany applications	Retail Assessment Evidence to accompany all applications for retail development over 250 sq. m including extensions, or developments not in accordance with the development plan as required by the advice in PPS4
Flood risk assessment	Where the development is proposed within Main river bye-law distance or where the development is within flood zones 2 & 3 or the site is greater than 1 hectare within Flood Zone 1. (see Environment Agency's www.environment-agency.gov.uk website for further information on Flood Risk Standing Advice and Flood Risk assessments) In accordance with PPS25.
Heritage Statement (including Historical, archaeological features and Scheduled Ancient Monuments)	All Major applications and any site with an entry in the Leicestershire and Rutland Historic Environment Record. This may be included in the Design and Access Statement. (Should be clearly identified)
Land Contamination assessment	Where contamination is known or suspected.
Landfill statement	Only required in respect of a County Matter Application

Lighting assessment	Where proposal includes floodlighting or where illumination is proposed for particularly sensitive proposals (e.g. illumination of carparks)
Noise impact assessment	Where developments are close to existing sources of noise or proposal will generate significant noise levels.
Open Space assessment	All major applications. This may be included where appropriate in the Design and Access Statement (Should be clearly identified)
Planning obligations – Unilateral undertaking or Draft agreement or Heads of Terms for S106 agreement required	If development triggers contributions within Development Plan Documents and/or the developer wishes to either: <ul style="list-style-type: none"> • Voluntarily propose contributions • Present a case for an exception from a triggered requirement
Planning Statement	All major applications. This may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Statement of Community Involvement	All major applications. This may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Structural Survey	Barn conversions or demolition and rebuild or when the justification for demolition is based on structural condition / soundness
Telecommunications Development – supplementary information	All developments proposing telecommunications development (see Prior notification application)
Transport assessment	Leicestershire County Council Highways define the different types of transport statement needed depending on the size of development - see their web site http://www.leics.gov.uk/index/highways/road_improvements/htd/highway_req_development_part2.htm which contains a table indicating which type of statement is required
Travel Plan – Draft required	Leicestershire County Council Highways define when a Travel Plan is required depending on the size of development - see their web site http://www.leics.gov.uk/index/highways/road_improvements/htd/highway_req_development_part2.htm
Ventilation/Extraction statement and design.	For all A3/A4/A5 uses and any retail, business, industrial or leisure or other developments where ventilation or extraction equipment is proposed. This may be included where appropriate within the Design and Access Statement. (Should be clearly identified)
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

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Application for Outline Planning Permission with some matters reserved

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Design and access statement	Where required by Article 4C of the GDPO
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Ownership Certificates	All applications – included in 1APP form
Notices	As required depending on ownership of site
Agricultural Land declarations	All applications – included in 1APP form
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Existing and proposed elevations	If appearance or scale not reserved for future approval. As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and proposed floor plans	If appearance or scale not reserved for future approval. As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and Proposed Site Sections, Finished Floor and Site Levels	If appearance, scale, layout or landscaping not reserved for future approval As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Roof Plan	If appearance or scale not reserved for future approval. Where the roof design is not simple single dual or mono pitches, to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Affordable housing statement	If development meets Local Planning Authority threshold. A Housing Market Assessment is also required where specified in LPA's DPD's.
Air quality assessment	Where the development is proposed inside, or adjacent to an air quality management area (AQMA),
Building for life assessment	All major residential developments in Charnwood and North West Leicestershire areas
Biodiversity survey and report (Ecology Report)	Where the proposed development may have possible impacts on protected species, designated sites and important habitats. See table 1 for more information. Applications which include – any demolition, works to a roof, cellar, bridge, tunnel, cave, mine or culvert Any development which has an affect on mature trees, trees in a conservation area or subject to a TPO.
Economic statement	Where viability is an issue. This may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Environmental Statement	Environmental Impact Assessment is required for schedule 1 developments and maybe required for schedule 2 developments as specified by the Environmental Impact Regulations 1990
Town Centre Uses –Evidence to accompany applications	Retail Assessment Evidence to accompany all applications for retail development over 250 sq. m including extensions, or developments not in accordance with the development plan as required by the advice in PPS4
Flood risk assessment	Where the development is proposed within Main river bye-law distance or where the development is within flood zones 2 & 3 or the site is greater than 1 hectare within Flood Zone 1. (see Environment Agency's www.environment-agency.gov.uk website for further information on Flood Risk Standing Advice and Flood Risk assessments) In accordance with PPS25
Heritage Statement (including Historical, archaeological features and Scheduled Ancient Monuments)	All Major applications and any site with an entry in the Leicestershire and Rutland Historic Environment Record. This may be included in the Design and Access Statement (Should be clearly identified)

Land Contamination assessment	Where contamination is known or suspected
Landfill statement	Only required in respect of a County Matter Application
Lighting assessment	Where proposal includes floodlighting or where illumination is proposed for particularly sensitive proposals (e.g. illumination of carparks)
Noise impact assessment	Where noise sensitive developments are close to existing sources of noise or the proposal will generate significant noise levels.
Open Space assessment	All major applications this may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Planning obligations – Unilateral undertaking or Draft agreement or Heads of Terms for S106 agreement required	If development triggers contributions within Development Plan Documents and/or the developer wishes to either: <ul style="list-style-type: none"> • Voluntarily propose contributions • Present a case for an exception from a triggered requirement
Planning Statement	All major applications this may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Statement of Community Involvement	All major applications this may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Telecommunications Development – supplementary information	All developments proposing telecommunications development (see Prior notification application)
Transport assessment	Leicestershire County Council Highways define the different types of transport statement needed depending on the size of development - see their web site http://www.leics.gov.uk/index/highways/road_improvements/htd/highway_req_development_part2.htm which contains a table indicating which type of statement is required
Travel Plan	Leicestershire County Council Highways define when a Travel Plan is required depending on the size of development - see their web site http://www.leics.gov.uk/index/highways/road_improvements/htd/highway_req_development_part2.htm
Ventilation/Extraction statement	For all A3/A4/A5 uses and any retail, business, industrial or leisure or other developments where ventilation or extraction equipment is proposed. This may be included where appropriate within the Design and Access Statement. (Should be clearly identified)
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

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Application for Outline Planning Permission with all matters reserved

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Design and access statement	Where required by Article 4C of the GDPO
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Ownership Certificates	All applications – included in 1APP form
Notices	As required depending on ownership of site
Agricultural Land declarations	All applications – included in 1APP form
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Affordable housing statement	If development meets Local Planning Authority threshold. A Housing Market Assessment is also required where specified in LPA's DPD's
Air quality assessment	Where the development is proposed inside, or adjacent to an air quality management area (AQMA),
Building for life assessment	All major residential developments in Charnwood and North West Leicestershire areas
Biodiversity survey and report (Ecology Report)	Where the proposed development may have possible impacts on protected species, designated sites and important habitats. See table 1 for more information. Applications which include – any demolition, works to a roof, cellar, bridge, tunnel, cave, mine or culvert Any development which has an affect on mature trees, trees in a conservation area or subject to a TPO.
Economic statement	Where viability is an issue. This may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Environmental Statement	Environmental Impact Assessment is required for schedule 1 developments and maybe required for schedule 2 developments as specified by the Environmental Impact Regulations 1990
Town Centre Uses –Evidence to accompany applications	Retail Assessment Evidence to accompany all applications for retail development over 250 sq. m including extensions, or developments not in accordance with the development plan as required by the advice in PPS4
Flood risk assessment	Where the development is proposed within Main river bye-law distance or where the development is within flood zones 2 & 3 or the site is greater than 1 hectare within Flood Zone 1. (see Environment Agency's www.environment-agency.gov.uk website for further information on Flood Risk Standing Advice and Flood Risk assessments) In accordance with PPS25
Heritage Statement (including Historical, archaeological features and Scheduled Ancient Monuments)	All Major applications and any site with an entry in the Leicestershire and Rutland Historic Environment Record. This may be included in the Design and Access Statement (Should be clearly identified)
Land Contamination assessment	Where contamination is known or suspected
Landfill statement	Only required in respect of a County Matter Application
Lighting assessment	Where proposal includes floodlighting or where illumination is proposed for particularly sensitive proposals (e.g. illumination of carparks)
Noise impact assessment	Where noise sensitive developments are close to existing sources of noise or the proposal will generate significant noise levels.
Open Space assessment	All major applications this may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Planning obligations – Unilateral undertaking or Draft agreement or Heads of Terms for S106 agreement required	If development triggers contributions within Development Plan Documents and/or the developer wishes to either: <ul style="list-style-type: none"> • Voluntarily propose contributions • Present a case for an exception from a triggered requirement

Planning Statement	All major applications this may be included where appropriate within the Design and Access Statement(Should be clearly identified)
Statement of Community Involvement	All major applications this may be included where appropriate within the Design and Access Statement(Should be clearly identified)
Telecommunications Development – supplementary information	All developments proposing telecommunications development (see Prior notification application)
Transport assessment	Leicestershire County Council Highways define the different types of transport statement needed depending on the size of development - see their web site http://www.leics.gov.uk/index/highways/road_improvements/htd/highway_req_development_part2.htm which contains a table indicating which type of statement is required
Travel Plan	Leicestershire County Council Highways define when a Travel Plan is required depending on the size of development - see their web site http://www.leics.gov.uk/index/highways/road_improvements/htd/highway_req_development_part2.htm
Ventilation/Extraction statement	For all A3/A4/A5 uses and any retail, business, industrial or leisure or other developments where ventilation or extraction equipment is proposed. This may be included where appropriate within the Design and Access Statement. (Should be clearly identified)
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

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Application for Planning Permission and Conservation Area consent for demolition

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Design and access statement	Where required by Article 4C of the GDPO
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Ownership Certificates	All applications – included in 1APP form
Notices	As required depending on ownership of site
Agricultural Land declarations	All applications – included in 1APP form
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Existing and proposed elevations	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and proposed floor plans	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and Proposed Site Sections, Finished Floor and Site Levels	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Roof Plan	Where the roof design is not simple single dual or mono pitches, to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Affordable housing statement	If development meets Local Planning Authority threshold. A Housing Market Assessment is also required where specified in LPA's DPD's
Air quality assessment	Where the development is proposed inside, or adjacent to an air quality management area (AQMA),
Biodiversity survey and report (Ecology Report)	Where the proposed development may have possible impacts on protected species, designated sites and important habitats. See table 1 for more information. Applications which include – any demolition, works to a roof, cellar, bridge, tunnel, cave, mine or culvert Any conversion of a Barn, stable or outbuilding Any development which has an affect on mature trees, trees in a conservation area or subject to a TPO.
Building for life assessment	All major residential developments in Charnwood and North West Leicestershire areas
Economic statement	Where viability is an issue. This may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Environmental Statement	Environmental Impact Assessment is required for schedule 1 developments and maybe required for schedule 2 developments as specified by the Environmental Impact Regulations 1990
Town Centre Uses –Evidence to accompany applications	Retail Assessment Evidence to accompany all applications for retail development over 250 sq. m including extensions, or developments not in accordance with the development plan as required by the advice in PPS4
Flood risk assessment	Where the development is proposed within Main river bye-law distance or where the development is within flood zones 2 & 3 or the site is greater than 1 hectare within Flood Zone 1. (see Environment Agency's www.environment-agency.gov.uk website for further information on Flood Risk Standing Advice and Flood Risk assessments) In accordance with PPS25
Heritage Statement (including Historical, archaeological features and Scheduled Ancient Monuments)	All applications this may be included within the Design and Access Statement (Should be clearly identified)
Land Contamination assessment	Where contamination is known or suspected

Lighting assessment	Where proposal includes floodlighting or where illumination is proposed for particularly sensitive proposals (e.g. illumination of carparks)
Noise impact assessment	Where noise sensitive developments are close to existing sources of noise or proposal will generate significant noise levels.
Open Space assessment	All major applications this may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Photos/Photomontages	All applications
Planning obligations – Unilateral undertaking or Draft agreement or Heads of Terms for S106 agreement required	If development triggers contributions within Development Plan Documents and/or the developer wishes to either: <ul style="list-style-type: none"> • Voluntarily propose contributions • Present a case for an exception from a triggered requirement
Planning Statement	All major applications this may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Statement of Community Involvement	All major applications this may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Telecommunications Development – supplementary information	All developments proposing telecommunications development (see Prior notification application)
Structural Survey	When the justification for demolition is based on structural condition / soundness
Transport assessment	Leicestershire County Council Highways define the different types of transport statement needed depending on the size of development - see their web site http://www.leics.gov.uk/index/highways/road_improvements/htd/highway_req_development_part2.htm which contains a table indicating which type of statement is required
Travel Plan	Leicestershire County Council Highways define when a Travel Plan is required depending on the size of development - see their web site http://www.leics.gov.uk/index/highways/road_improvements/htd/highway_req_development_part2.htm
Ventilation/Extraction statement	For all A3/A4/A5 uses and any retail, business, industrial or leisure or other developments where ventilation or extraction equipment is proposed. This may be included where appropriate within the Design and Access Statement. (Should be clearly identified)
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

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Application for Planning Permission and Listed Building consent

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Design and access statement	Where required by Article 4C of the GDPO
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Ownership Certificates	All applications – included in 1APP form
Notices	As required depending on ownership of site
Agricultural Land declarations	All applications – included in 1APP form
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Existing and proposed elevations	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and proposed floor plans	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and Proposed Site Sections, Finished Floor and Site Levels	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Roof Plan	Where the roof design is not simple single dual or mono pitches, to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Affordable housing statement	If development meets Local Planning Authority threshold. A Housing Market Assessment is also required where specified in LPA's DPD's
Air quality assessment	Where the development is proposed inside, or adjacent to an air quality management area (AQMA),
Biodiversity survey and report (Ecology Report)	Where the proposed development may have possible impacts on protected species, designated sites and important habitats. See table 1 for more information. Applications which include – any demolition, works to a roof, cellar, bridge, tunnel, cave, mine or culvert Any conversion of a Barn, stable or outbuilding Any development which has an affect on mature trees, trees in a conservation area or subject to a TPO.
Building for life assessment	All major residential developments in Charnwood and North West Leicestershire areas
Economic statement	Where viability is an issue. This may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Environmental Statement	Environmental Impact Assessment is required for schedule 1 developments and maybe required for schedule 2 developments as specified by the Environmental Impact Regulations 1990.
Town Centre Uses –Evidence to accompany applications	Retail Assessment Evidence to accompany all applications for retail development over 250 sq. m including extensions, or developments not in accordance with the development plan as required by the advice in PPS4
Flood risk assessment	Where the development is proposed within Main river bye-law distance or where the development is within flood zones 2 & 3 or the site is greater than 1 hectare within Flood Zone 1. (see Environment Agency's www.environment-agency.gov.uk website for further information on Flood Risk Standing Advice and Flood Risk assessments) In accordance with PPS25
Heritage Statement (including Historical, archaeological features and Scheduled Ancient Monuments)	All applications. This may be included in the Design and Access Statement (Should be clearly identified)
Land Contamination assessment	Where contamination is known or suspected
Lighting assessment	Where proposal includes floodlighting or where illumination is proposed for particularly sensitive proposals (e.g. illumination of carparks)

Noise impact assessment	Where noise sensitive developments are close to existing sources of noise or proposal will generate significant noise levels.
Open Space assessment	All major applications this may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Photos/Photomontages	All applications
Planning obligations – Unilateral undertaking or Draft agreement or Heads of Terms for S106 agreement required	If development triggers contributions within Development Plan Documents and/or the developer wishes to either: <ul style="list-style-type: none"> • Voluntarily propose contributions • Present a case for an exception from a triggered requirement
Planning Statement	All major applications this may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Statement of Community Involvement	All major applications this may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Structural Survey	When the justification for demolition is based on structural condition / soundness
Telecommunications Development – supplementary information	All developments proposing telecommunications development (see Prior notification application)
Transport assessment	Leicestershire County Council Highways define the different types of transport statement needed depending on the size of development - see their web site http://www.leics.gov.uk/index/highways/road_improvements/htd/highway_req_development_part2.htm which contains a table indicating which type of statement is required
Travel Plan	Leicestershire County Council Highways define when a Travel Plan is required depending on the size of development - see their web site http://www.leics.gov.uk/index/highways/road_improvements/htd/highway_req_development_part2.htm
Ventilation/Extraction statement	For all A3/A4/A5 uses and any retail, business, industrial or leisure or other developments where ventilation or extraction equipment is proposed. This may be included where appropriate within the Design and Access Statement. (Should be clearly identified)
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

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Application for Planning Permission and Advertisement consent

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Design and access statement	Where required by Article 4C of the GDPO
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Ownership Certificates	All applications – included in 1APP form
Notices	As required depending on ownership of site
Agricultural Land declarations	All applications – included in 1APP form
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Existing and proposed elevations	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and proposed floor plans	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and Proposed Site Sections, Finished Floor and Site Levels	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Roof Plan	Where the roof design is not simple single dual or mono pitches, to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Affordable housing statement	If development meets Local Planning Authority threshold. A Housing Market Assessment is also required where specified in LPA's DPD's
Air quality assessment	Where the development is proposed inside, or adjacent to an air quality management area (AQMA)
Biodiversity survey and report (Ecology Report)	Where the proposed development may have possible impacts on protected species, designated sites and important habitats. See table 1 for more information. Applications which include – any demolition, works to a roof, cellar, bridge, tunnel, cave, mine or culvert Any conversion of a Barn, stable or outbuilding Any development which has an affect on mature trees, trees in a conservation area or subject to a TPO.
Economic statement	Where viability is an issue. This may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Environmental Statement	Environmental Impact Assessment is required for schedule 1 developments and maybe required for schedule 2 developments as specified by the Environmental Impact Regulations 1990
Town Centre Uses –Evidence to accompany applications	Retail Assessment Evidence to accompany all applications for retail development over 250 sq. m including extensions, or developments not in accordance with the development plan as required by the advice in PPS4
Flood risk assessment	Where the development is proposed within Main river bye-law distance or where the development is within flood zones 2 & 3 or the site is greater than 1 hectare within Flood Zone 1. (see Environment Agency's www.environment-agency.gov.uk website for further information on Flood Risk Standing Advice and Flood Risk assessments) In accordance with PPS25
Heritage Statement (including Historical, archaeological features and Scheduled Ancient Monuments)	All Major applications and any site with an entry in the Leicestershire and Rutland Historic Environment Record. This may be included in the Design and Access Statement
Land Contamination assessment	Where contamination is known or suspected
Lighting assessment	Where proposal includes Illuminated advertisements/signs or where the proposal includes floodlighting or where illumination is proposed for particularly sensitive proposals (e.g. illumination of carparks)

Noise impact assessment	Where noise sensitive developments are close to existing sources of noise or proposal will generate significant noise levels.
<i>Photographs/Photomontages</i>	If proposal for Hoardings
Planning obligations – Unilateral undertaking or Draft agreement or Heads of Terms for S106 agreement required	If development triggers contributions within Development Plan Documents and/or the developer wishes to either: <ul style="list-style-type: none"> • Voluntarily propose contributions • Present a case for an exception from a triggered requirement
Planning Statement	All major applications this may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Statement of Community Involvement	All major applications this may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Structural Survey	Barn conversions or demolition and rebuild
Transport assessment	Leicestershire County Council Highways define the different types of transport statement needed depending on the size of development - see their web site http://www.leics.gov.uk/index/highways/road_improvements/htd/highway_req_development_part2.htm which contains a table indicating which type of statement is required
Travel Plan	Leicestershire County Council Highways define when a Travel Plan is required depending on the size of development - see their web site http://www.leics.gov.uk/index/highways/road_improvements/htd/highway_req_development_part2.htm
Ventilation/Extraction statement	For all A3/A4/A5 uses and any retail, business, industrial or leisure or other developments where ventilation or extraction equipment is proposed. This may be included where appropriate within the Design and Access Statement. (Should be clearly identified)
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

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Conservation Area consent for demolition in a Conservation Area

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Design and access statement	Where required by Article 4C of the GDPO
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Ownership Certificates	All applications – included in 1APP form
Notices	As required depending on ownership of site
Agricultural Land declarations	All applications – included in 1APP form
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Heritage Statement (including Historical, archaeological features and Scheduled Ancient Monuments)	All applications this may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Photographs/photomontages showing the whole building and its setting and/ or the particular section of the building affected by the proposals	All applications
Structural Survey	When the justification for demolition is based on structural condition / soundness
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

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Listed Building consent for alterations, extension or demolition of a listed Building

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Design and access statement	Where required by Article 4C of the GDPO
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Ownership Certificates	All applications – included in 1APP form
Notices	As required depending on ownership of site
Agricultural Land declarations	All applications – included in 1APP form
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Existing and proposed elevations	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and proposed floor plans	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and Proposed Site Sections, Finished Floor and Site Levels	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Roof Plan	Where the roof design is not simple single dual or mono pitches, to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Heritage Statement (including Historical, archaeological features and Scheduled Ancient Monuments)	All applications this may be included where appropriate within the Design and Access Statement (Should be clearly identified)
Photographs/photomontages showing the whole building and its setting and/ or the particular section of the building affected by the proposals	All applications
Structural Survey	When the justification for demolition is based on structural condition / soundness
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

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Application for Advertisement consent

Note: For clarification

- the Site plan shall include existing and proposed signage.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Design and access statement	Where required by Article 4C of the GDPO
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Existing and proposed elevations	As necessary to clearly show the proposed advertisement in relation to what is already there. Scale 1:50 or 1:100
Existing and Proposed Sections	As necessary to clearly show the proposed advertisements projection/depth in relation to what is already there. Scale 1:50 or 1:100
Lighting assessment	When illuminated advertisements are proposed
Photographs and Photomontages	When hoardings are proposed

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Listed Building consent for alterations, extension or demolition of a listed building and advertisement consent

Note: For clarification

- the Site plan shall include both existing and proposed development and existing and proposed signage.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Design and access statement	Where required by Article 4C of the GDPO
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Ownership Certificates	All applications – included in 1APP form
Notices	As required depending on ownership of site
Agricultural Land declarations	All applications – included in 1APP form
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Existing and proposed elevations	As necessary to clearly show the proposed advertisement and buildings works in relation to what is already there. Scale 1:50 or 1:100
Existing and proposed floor plans	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and Proposed Site Sections, Finished Floor and Site Levels	As necessary to clearly show the proposed advertisements projection/depth and buildings works in relation to what is already there. Scale 1:50 or 1:100
Roof Plan	Where the roof design is not simple single dual or mono pitches, to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Heritage Statement (including Historical, archaeological features and Scheduled Ancient Monuments)	All applications. This may be included in the Design and Access Statement (Should be clearly identified)
Lighting assessment	Where illuminated advertisements are proposed
Photographs and photomontages showing the whole building and its setting and/or the particular section of the building affected by the proposals	All applications
Structural Survey	Barn conversions or demolition and rebuild or when the justification for demolition is based on structural condition / soundness
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

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Application for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning condition

Note: For clarification

- the Site plan shall show all existing development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Existing elevations (e.g. at a scale of 1:50 or 1:100)	If development included alterations to elevations
Existing floor plans (e.g. at a scale of 1:50 or 1:100)	If development included alterations to the floor layout or the use or activity is different in different parts of the building/site
Existing site survey plan (e.g. at a scale of 1:50 or 1:100)	All applications
Lawful Development Certificate supporting information (e.g. sworn affidavit(s) from people with personal knowledge of the existing use) and any records or information to substantiate the application.	All applications

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Application for a Lawful Development Certificate for a proposed use or development

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Existing and proposed elevations	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and proposed floor plans	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and Proposed Site Sections, Finished Floor and Site Levels	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Planning Statement	All applications - to fully explain the existing and proposed developments

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Application for prior notification of proposed agricultural development – proposed building

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

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Application for prior notification of proposed agricultural development – proposed road

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

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Application for prior notification of proposed agricultural development – proposed excavation/deposit of waste material from the farm

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

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Application for prior notification of proposed agricultural development – proposed fish tank

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

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Application for prior notification of proposed development in respect of permitted development by electronic communications code operators

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions
- It would also be of assistance to aid the local planning authorities decision process to received detailed drawings of the proposal at the time of the submission of the application

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Supplementary Information Template (as set out in Annex F of the Code of Best Practice on Mobile Phone Network Development)	All notifications
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

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Application for Hedgerow Removal Notice

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
NONE	

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Application for prior notification – proposed demolition

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Photographs/Photomontages	All applications - to record development proposed to be demolished
Structural Survey	When the justification for demolition is based on structural condition / soundness
SAC report	Any proposal located in River Mease Special Area of Conservation(SAC) North West Leicestershire District.

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Application for Approval of Reserved Matters following outline approval

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Most application – recognised metric scale
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Existing and proposed elevations	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and proposed floor plans	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Existing and Proposed Site Sections, Finished Floor and Site Levels	As necessary to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Roof Plan	Where the roof design is not simple single dual or mono pitches, to clearly show the proposed works in relation to what is already there. Scale 1:50 or 1:100
Environmental Statement	Environmental Impact Assessment is required for schedule 1 developments and maybe required for schedule 2 developments as specified by the Environmental Impact Regulations 1990

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Application for removal or variation of a condition following grant of planning permission (Section 73 of the Town and Country Planning Act 1990)

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Design and access statement	Where scheme revised which affects originally submitted statement
Location Plan	All applications – scale 1:1250 or 1:2500
Site Plan	Where scheme revised which affects originally submitted plan
Ownership Certificates	All applications – included in 1APP form
Notices	As required depending on ownership of site
Agricultural Land declarations	All applications – included in 1APP form
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Any plan, Statement, document, assessment or report taken into account in the original decision where revision is necessary. Amendments to be clearly identified.	Only when the variation of the condition affects the details originally submitted, or where time elapsed results in the original documents being out of date

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Application to replace an extant permission, in order to extend the time limit for implementation

(Original permission must be extant at the time of this application, was extant on 1 October 2009, and development has not already commenced.)

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Ownership Certificates	All applications – included in 1APP form
Notices	As required depending on ownership of site
Agricultural Land declarations	All applications – included in 1APP form
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Any plan, Statement, document, assessment or report identified in this list associated with the original application.	Where time elapsed results in the original documents being out of date or that it had not been submitted on original application.

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Application for a non-material amendment following a grant of planning permission.

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL REQUIREMENTS	
Requirement	Threshold
Standard application form	All applications
Fee	All applications
LOCAL REQUIREMENTS	
Requirement	Threshold
Any plan, Statement, document, assessment or report taken into account in the original decision where revision is necessary. Amendments to be clearly identified.	Only when the variation of the condition affects the details originally submitted, or where time elapsed results in the original documents being out of date

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Useful Supporting Information – Application for Approval of Details Reserved by Condition

Note: For clarification

- Any Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

Requirement	Threshold
NONE	The condition should clearly state the information required. Failure to submit clear and concise information may result in the details being refused.

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Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO) or Notification of Proposed Works to Trees in Conservation Areas (CA)

Note: For clarification

- the Site plan shall include both existing and proposed development.
- All plans shall include critical dimensions

NATIONAL AND LOCAL REQUIREMENTS	
Requirement	Threshold
None (however see standard application form which identifies information required)	Without the information specified in standard application form it may be difficult to fully assess your proposal and may therefore result in the application being refused

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Explanation of application requirements National and Local

National

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Explanation of National Validation Requirements

<p>1.</p>	<p>Design and access Statement</p> <p>A Design and Access Statement must accompany applications for both outline and full planning permission unless they relate to one of the following :</p> <ul style="list-style-type: none"> ▪ A material change of use of land and buildings, (unless it also involves operational development); ▪ Engineering or mining operations; ▪ Extension to the time limit for implementing an existing planning permission; ▪ Development of land pursuant to Section 73 of the Town and Country Planning Act 1990 (determination of applications to develop land without conditions previously attached); <p>Except where the site is wholly or partially within a designated Conservation Area, Design and Access Statements are not required for the following :</p> <ul style="list-style-type: none"> ▪ Householder developments. ▪ Development of an existing flat for purposes incidental to its use as a flat. ▪ The extension of an existing building used for non-domestic purposes where the floorspace created does not exceed 100 square metres. ▪ The erection or alteration of a gate, fence, wall or other means of enclosure, up to 2m high (or the height of the existing means of enclosure, whichever is the higher), except where it is within a the curtilage of a Listed Building. ▪ Development on operational land, consisting of the erection of a building or structure up to 100 cubic metres in volume and 15m in height. ▪ The provision of plant or machinery where, as a result of the development, the height of the plant or machinery would not exceed the greater of 15 metres above ground level, or its original height. <p>A Design and Access Statement is a short report accompanying and supporting a planning application that should seek to explain and justify the proposal in a structured non-technical way which can easily be understood by local communities. The level of detail required in a Design and Access Statement will depend on the scale and complexity of the application and be proportionate to the type of development proposed, but need not be long. The Design and Access Statement should cover both the design principles and concepts that have been applied to the proposed development and how issues relating to access to the development have been dealt with, including how relevant planning policies have been taken into consideration together with security and crime prevention. It also needs to consider how the scheme can help to mitigate climate change and adapt to the climate that the development is likely to experience over the course of its expected lifetime. This should include the approach to the sustainable design and construction of buildings, together with provision for on-site renewable energy generation.</p> <p>Applications for Listed Building Consent (or a combined application for Listed Building Consent and planning permission) will also be required to be accompanied by a Design and Access Statement. The required content varies to some extent from a Statement relating to development not requiring Listed Building Consent and such a statement should particularly address :</p> <ol style="list-style-type: none"> i. the special architectural or historic interest of the building and how this is to be preserved or enhanced; ii. the particular physical features of the building that justify its designation as a Listed Building; iii. the building’s setting; and, iv. where appropriate, how the proposed approach to access has balanced the duties imposed by the Disability Discrimination Act and the particular historical/architectural significance of the building. <p>The legislative requirements are set out in regulation 3A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.</p> <p>A more detailed explanation of what is required in a Design and Access Statement is set out in Article 4C of the GDPO, the Department for Communities and Local Government document “Guidance on Information Requirements and Validation” and Circular 01/2006. Further advice can be found in “Design and access statements: how to write, read and use them” by CABE</p> <p>See web site http://www.cabe.org.uk/default.aspx?contentitemid=1334</p>
<p>2.</p>	<p>Standard application form</p> <p>Since April 2008, all applications have had to be presented on the standard “<u>IAPP</u>” application form, which is available electronically. Applicants are encouraged to submit applications electronically wherever possible, as this provides opportunities for improved efficiency and reduced costs for both applicants and the Council. However, the submission of a paper based application is still possible but the statutory requirement for a valid application requires one original and three additional copies of the completed standard application form and documents to be submitted. In some circumstances you may be requested to submit more than four sets of document copies (At Charnwood only one Paper copy is required, but more are requested depending on the complexity of the application.)</p>
<p>3.</p>	<p>Location Plan</p> <p>All applications must include copies of a location plan based on an up-to-date map. This should be at a</p>

	<p>scale of 1:1250 or 1:2500 and normally on A4 or A5 sized paper. In exceptional circumstances plans of other scales may also be required. Plans should wherever possible show at least two named roads and surrounding buildings. The properties shown should be numbered or named to ensure that the exact location of the application site is clear.</p> <p>The application site should be edged clearly with a red line. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings. A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.</p>
4.	Site Plan
	<p>The site/block plan should be drawn at a scale of 1:100 or 1:200. On larger sites a master plan may be submitted at a scale of 1:500 or similar. All such plans should accurately show :</p> <ol style="list-style-type: none"> The direction of North. The proposed development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the boundaries <p>and the following, unless these would NOT influence or be affected by the proposed development :</p> <ol style="list-style-type: none"> All the buildings, roads and footpaths on land adjoining the site including access arrangements. All Public Rights of Way crossing or adjoining the site. The position of all trees on the site, and those on adjacent land that could influence or be affected by the development. The extent and type of any hard surfacing. Boundary treatment including the type and height of walls or fencing where this is proposed. The position of any river, pond or other water feature on or adjacent to the site. <p>Local planning authorities need to take a proportionate approach. Where it is clear that information would not be relevant to the determination of the application, it should not be required from the applicant. For example, it should not be necessary for an applicant to provide detailed information on elevations of existing buildings on the site if these will not be altered by the development proposal, or detailed information on site boundary treatments if these are entirely unaffected by the development.</p>
5.	Ownership Certificates
	<p>Under section 65(5) of the Town and Country Planning Act 1990, read in conjunction with Article 7 of the GDPO, the local planning authority must not entertain an application for planning permission unless the relevant certificates concerning the ownership of the application site have been completed. All applications for planning permission must therefore include the appropriate certificate of ownership. An ownership certificate A, B, C or D must be completed stating the ownership of the property. For this purpose an ‘owner’ is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than seven years. Ownership certificates must also be completed for applications for listed building consent, and conservation area consent for demolition.</p> <p>These ownership certificates are part of the standard application form.</p>
6.	Notice(s)
	<p>A notice to all owners of the application site must be completed and served in accordance with Article 6 of the GDPO. Site owners are freeholders and leaseholders with at least seven years of the leasehold left unexpired.</p>
7.	Agricultural Land Declaration
	<p>All agricultural tenants on a site must be notified prior to the submission of a planning application. This is required by Article 7 of the GDPO. Applicants must certify that they have notified any agricultural tenants about their application, or that there are no agricultural tenants on the site. The certificate is required whether or not the site includes an agricultural holding. It is incorporated into the standard application form, and must be signed in order for the application to be valid.</p> <p>No agricultural land declaration is required if the applicant is making an application for the approval of reserved matters, renewal of temporary planning permission, discharge or variation of conditions, tree preservation orders, conservation area consent for demolition, listed building consent, a lawful development certificate, prior notification of proposed agricultural or forestry development, a non-material amendment to an existing planning permission, or express consent to display an advertisement.</p>
8.	Fee
	<p>Planning applications incur a fee. These are described in CLG circular 04/2008, Planning-Related Fees. The Planning Portal includes a fee calculator for applicants. Each local planning authority is also able to advise applicants on specific cases.</p>

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Explanation of Local Validation Requirements

9	Existing and Proposed Elevations
	<p>These should be drawn to a scale of 1:50 or 1:100, include critical external dimensions (heights/ width/length etc.) and clearly show the proposed works in relation to what is already there. All sides of the proposal must be shown and these should indicate, where possible, the proposed building materials and the style, materials and finish of windows and doors. Blank elevations must also be included; if only to show that this is in fact the case.</p> <p>Where a proposed elevation adjoins another building or is in close proximity, the drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property. It will not be necessary for an applicant to provide detailed information on elevations of existing buildings on the site if these will not be altered by the development proposal.</p>
10	Existing and Proposed Floor Plans
	<p>These should be drawn to a scale of 1:50 or 1:100, include critical external dimensions (width /length etc.) and should explain the proposal in detail. Where existing buildings or walls are to be demolished these should be clearly shown. The drawings submitted should show details of the existing building(s) as well as those for the proposed development. New buildings should also be shown in context with adjacent buildings (including property numbers where applicable).</p>
11	Existing and Proposed Site Sections, Finished Floor and Site Levels
	<p>These should be drawn at a scale of 1:50 or 1:100, include critical dimensions and should show a cross section(s) through the proposed building(s). In all cases where a proposal involves a change in ground levels, illustrative drawings should be submitted to show both existing and finished levels to include details of foundations and eaves and how encroachment onto adjoining land is to be avoided.</p> <p>Full information should also be submitted to demonstrate how proposed buildings relate to existing site levels and neighbouring development. Such plans should show existing site levels and finished floor levels (with levels related to a fixed datum point off site) and also show the proposals in relation to adjoining buildings. This will be required for all applications involving new buildings.</p> <p>In the case of extensions to existing buildings, the levels may be evident from floor plans and elevations, but particularly in the case of sloping sites it will be necessary to show how proposals relate to existing ground levels or where ground levels outside the extension would be modified. Levels should also be taken into account in the formulation of Design and Access Statements.</p>
12	Roof Plan
	<p>This should be drawn at a scale of 1:50 or 1:100, include critical dimensions and is used to show the shape of the roof. It is typically drawn at a scale smaller than the scale used for the floor plans. Details such as the roofing material, vents and their location are typically specified on the roof plan.</p>
13	Access Arrangements
	<p>All accesses should be in accordance with the Highway Authorities design guidelines. (http://www.leics.gov.uk/index/highways/road_improvements/htd.htm)</p> <p>Temporary accesses, turning and impact on pedestrian movements should be assessed during the life of the development and construction period.</p>
14	Affordable Housing Market Assessment
	<p>Assessment of the housing market need in the location of the development and how the development would contribute to identified housing needs</p>
15	Affordable Housing Statement
	<p>Where local plan policies or Supplementary Planning Document (SPD) guidance requires the provision of affordable housing the Local Planning Authority may require information concerning both the affordable housing and any market housing e.g. the numbers of residential units, the mix of units with numbers of habitable rooms and/or bedrooms, or the floor space of habitable areas of residential units, plans showing the location of units and their number of habitable rooms and/or bedrooms, and/or the floor space of the units. If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained. The affordable housing statement should also include details of any Registered Social Landlords acting as partners in the development.</p> <p>In the event that the applicant is seeking to make an exception to the established policies of the Local Plan/Local Development Framework or other SPD guidance on the provision of affordable housing, this will need to be fully justified. Where this is based on a financial case a Viability Assessment shall be carried out by a suitably qualified valuer. Establishing the appropriate level of affordable housing having regard to both financial viability constraints and the expectations of the Council's policies can be a complex and time consuming process which cannot be accommodated within the normal timescale of a planning application. The applicant should therefore seek to agree the scope and methodology of the Viability Assessment with the Council and complete any discussions, as well as the finalised document prior to the submission of the planning application.</p>
16	Air Quality
	<p>Where the development is proposed inside, or adjacent to an air quality management area (AQMA), or where</p>

	the development could in itself result in the designation of an AQMA or where the grant of planning permission would conflict with, or render unworkable, elements of the Local Authority's Air Quality Action Plan, applications should be supported by such information as is necessary to allow a full consideration of the impact of the proposal on the air quality of the area. Where AQMAs cover regeneration areas, developers should provide an Air Quality Assessment as part of the planning application. Further advice is available in <i>Planning Policy Statement 23: Planning and Pollution Control</i> . (November 2004). PPS23
17	Biodiversity Survey and Report
	The application site should be assessed and information provided on existing biodiversity and possible impacts, mitigation measures and future enhancement. See guidance below on where, when, how and what to include in a survey and report.
18	Building for life assessment
	All major residential developments in Charnwood and North West Leicestershire areas require an assessment following the Building for Life national standard for well-designed homes and neighbourhoods. Further details on the criteria and assessment requirements can be found on the CABE web site http://www.buildingforlife.org/about
19	Conservation Area Character Appraisal
	Produced by local authorities can be used to assist in producing Heritage Statement
20	Daylight / Sunlight Assessment
	In circumstances where there is a potential adverse impact upon the current levels of sunlight/daylight enjoyed by adjoining properties or building(s), including associated gardens or amenity space then applications may be assessed taking account of BRE guidelines on daylight assessments or requirements of the Local development plan. It is therefore recommended that applications with such an impact be accompanied by a daylight/sunlight assessment. It should be noted that the grant of planning permission would not confer any immunity on those whose works infringe another's property rights, and which might be subject to action under the Rights of Light Act 1959 . See Building Research Establishments web site
21	Ecological Survey
	A proposed development should assess the local / national ecological value of the proposed application area. Proposed development should mitigate and enhance ecological value of the land through the proposed development. Please see PPS9 . See guidance below on where, when, how and what to include in a survey and report.
22	Economic statement
	Where the viability of a scheme is considered to be a material consideration then such information should accompany the application. Applications may need to be accompanied by a supporting statement identifying any regeneration benefits from the proposed development, including: details of any new jobs that might be created or supported; the relative floor space totals for each proposed use (where known); any community benefits; and reference to any regeneration strategies that might lie behind or be supported by the proposal. In many cases the Economic Statement may be incorporated within other submitted documents, such as the Planning Statement or Environmental Statement, this should be clearly indicated.
23	Environmental Impact Assessment
	The Town and Country Planning (Environmental Impact Assessment) Regulations (1999) sets out the circumstances in which an Environmental Impact assessment is required. An assessment is required for schedule 1 developments and maybe required for schedule 2 developments. Where EIA is required, Schedule 4 to the Regulations sets out the information that should be included in an Environmental Statement. The information in the Environmental Statement has to be taken into consideration when the Local Planning Authority decides whether to grant planning consent. It may be helpful for a developer to request a 'screening opinion' (i.e. to determine whether EIA is required) from the Local Planning Authority before submitting a planning application. Where EIA is necessary, a 'scoping letter' shall also be sent to the Local Planning Authority in accordance with the 1999 Regulations in order to agree the methodology and broad content of the Environmental Statement. In cases where a full EIA is not required, the Local Planning Authority may still require environmental information to be provided.
24	Flood risk assessment
	A Flood Risk Assessment (FRA) will be required for development proposals of 1 hectare or greater in Flood Zone 1 and all proposals for new development located in Flood Zones 2 and 3 as designated by the Environment Agency. A FRA will also be required for any development other than minor development in a designated critical drainage area which has been notified to the Local Planning Authority by the Environment Agency. In areas vulnerable to non-fluvial flooding a Flood Risk Assessment may be required in some cases even if outside a designated Flood Zone. see PPS25 The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should include the design of surface water management systems including Sustainable Drainage Systems (SUD's) and address

	<p>the requirements for safe access to and from the development in areas at risk of flooding. The FRA should be prepared by an applicant in consultation with the Local Planning Authority with reference to their published local development documents and any Strategic Flood Risk Assessment. The FRA should form part of an Environmental Statement when one is required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended. Planning Policy Statement 25: 'Development and Flood Risk' (March 2010) PPS25 provides comprehensive guidance in relation to the undertaking of flood risk assessments and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere. It is recommended that applicants view the Environment Agency's Flood Risk Standing Advice website www.environment-agency.gov.uk for further advice on Flood Risk assessments and requirements of the Environment Agency.</p>
25	<p>Foul Sewerage and Utilities Assessment</p> <p>Most new development require connections to existing utility services, including electricity and gas supplies, telecommunications, water supply, foul and surface water drainage and disposal. If an application proposes to connect a development to existing facilities then details of the existing system should be shown on the application drawing(s). It should be noted that in most circumstances surface water is not permitted to be connected to the public foul sewers.</p> <p>Where the development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer, then a fuller foul drainage assessment will be required including details of the method of storage, treatment and disposal. A foul drainage assessment should include a full assessment of the site, its location and suitability for storing, transporting and treating sewage. Where connection to the mains sewer is not practical, then the foul/non-mains drainage assessment will be required to demonstrate why the development cannot connect to the public mains sewer system and show that the alternative means of disposal are satisfactory. Guidance on what should be included in a non-mains drainage assessment is given in DETR Circular 03/99; <i>Building Regulations Approved Document Part H</i>; and in <i>BS6297</i>.</p> <p>If connection to any of the above requires crossing land that is not in the applicant's ownership, other than on a public highway, then notice may need to be served on the owners of that land. Two planning issues arise; firstly, whether the existing services and infrastructure have sufficient capacity to accommodate the supply/service demands which would arise from the completed development, and secondly, whether the provision of services on site would give rise to any environmental impacts, for example, excavations in the vicinity of trees or archaeological remains.</p> <p>The applicant may be required to demonstrate:</p> <ol style="list-style-type: none"> that, following consultation with the service provider, the availability of utility services has been examined and that the proposals would not result in undue stress on the delivery of those services to the wider community; that proposals incorporate any utility company requirements for substations, telecommunications equipment or similar structures; that service routes have been planned to avoid as far as possible the potential for damage to trees and archaeological remains; and, where the development impinges on existing infrastructure the provisions for relocating or protecting that infrastructure have been agreed with the service provider.
26	<p>Geotechnical Survey/Stability Report</p> <p>This is likely to be the required where the development would affect or be affected by unstable land. This includes sites subject to effects of underground cavities, unstable slopes and ground compression. Planning Policy Guidance Note 14: Development on Unstable Land provides general guidance, while its two Annexes relating to landslides and subsidence provide more detailed guidance relating to the form and content of information required as part of a planning application.</p>
27	<p>Heritage Statement (including historical, archaeological features and Schedule Ancient Monument)</p> <p>Heritage Statements are required for applications that affect</p> <ul style="list-style-type: none"> Listed Buildings Conservation Areas Scheduled Monuments Registered Parks & Gardens Registered Battlefields <p>And involve the disturbance of the ground or is located in an area of archaeological potential or subject of major development proposals, please see PPS5 or guidance and refer to the Leicestershire and Rutland Historic Environment Record.</p> <p>A Heritage Statement is required where appropriate to address the particular circumstances of each application. The level of detail required for each application should be informed by pre application advice, together with Government guidance in PPS5, and the following publications:-</p> <p>English Heritage publications (see www.english-heritage.org.uk)</p> <ul style="list-style-type: none"> • 'A Charter for English Heritage Advisory Services' • 'Informed Conservation'

	<ul style="list-style-type: none"> • ‘Understanding Historic Buildings: A guide to good recording practice.’ English Historic Towns Forum’s (see www.ehtf.org.uk) • ‘Making Better Applications for Listed Building Consent’ <p>Photos of those parts of the building affected by the proposed works should be included. Photos/photomontages may be required to view a proposal in its setting. The scope and degree of detail necessary in a Heritage Statement will vary according to the particular circumstances of each application. The following is a guide to the sort of information that may be required for different types of application.</p> <p>23. For applications for Listed Building Consent, a written statement that includes a schedule of works to the Listed Building(s), an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the Listed Building or structure, its setting and the setting of adjacent Listed Buildings may be required. A structural survey may be required in support of an application for Listed Building Consent.</p> <p>24. For applications for Conservation Area Consent, a written statement that includes a structural survey, an analysis of the character and appearance of the building/structure, the principles of and justification for the proposed demolition and its impact on the special character of the area may be required.</p> <p>25. For applications either related to or impacting on the setting of heritage assets a written statement that includes plans showing historic features that may exist on or adjacent to the application site including Listed Buildings and structures, historic parks and gardens, historic battlefields and Scheduled Ancient Monuments and an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the Listed Building or structure, its setting and the setting of adjacent Listed Buildings may be required.</p> <p>26. For all applications involving the disturbance of ground within an Area of Archaeological Significance as defined in local policies, or in other areas the subject of major development proposals or significant infrastructure works, an applicant may need to commission an assessment of existing archaeological information and submit the results as part of the Heritage Statement.</p> <p>27. The character and nature of a Heritage Statement should reflect both the particular heritage interest of the site and its surroundings as well as the nature of the proposal itself.</p> <p>Further advice on Heritage Assets is provided in <i>Planning Policy Statement 5 ‘Planning and the Historic Environment’</i>, (March 2010).</p>
28	Land Contamination Assessment
	Should the proposed development area be known to be contaminated or suspected the applicant shall provide additional information, see <i>Planning Policy Statement 23 ‘Planning and Pollution Control’</i> (November 2004) PPS23 . Sufficient information should be provided to determine the existence or otherwise of contamination, its nature and the risks that it may pose and whether these can be satisfactorily reduced to an acceptable level. Where contamination is known or suspected or the proposed use would be particularly vulnerable, the applicant should provide such information with the application as is necessary to determine whether the proposed development can proceed.
29	Landfill Statement
	<p>“Applicants should provide sufficient information to enable the waste planning authority to fulfil its requirements under the Landfill (England and Wales) Regulations 2002”</p> <p>A planning permission may be granted for a landfill only if the requirement of paragraph 1(1) of Schedule 2 to these Regulations have been taken into consideration</p> <ol style="list-style-type: none"> 1) The distances from the boundary of the site to residential and recreational areas, waterways, water bodies and other agricultural or urban sites; 2) The existence of groundwater, coastal water or nature protection zones in the area; 3) the geological or hydrological conditions in the area 4) risk of flooding, subsidence, landslide or avalanches on the site: and 5) the protection of the natural or cultural heritage in the area <p>Additionally</p> <p>Information is required on the types and quantities of waste both in tonnages and volumes. Pre-settlement / post settlement contours for landraising / landfill. Relevant leachate and gas management systems, litter management, health impact assessment, origin of waste and locations, type and location of the pre-treatment of the wastes by waste – type.</p>
30	Lighting Assessment
	Proposals involving the provision of publicly accessible developments, in the vicinity of residential property, a Listed Building or a Conservation Area, or open countryside, where external lighting would be provided or made necessary by the development, should be accompanied by details of the proposed external lighting and the hours when the lighting would be switched on. These details should include a layout plan with beam orientation and a schedule of the equipment in the design. Submission of an ‘isolux’ or similar drawings

	showing the luminance at specified heights above ground level may also be requested for particularly sensitive proposals or sites, such as sports floodlighting in rural or residential areas. ‘Lighting in the Countryside: Towards Good Practice’ (1997) is a valuable guide for local planning authorities, planners, highway engineers and members of the public. It demonstrates what can be done to lessen the effects of external lighting, including street lighting and security lighting. The advice is applicable in towns as well as the countryside.
31	National Forest and Charnwood Forest area
	Proposal within these areas should take into consideration relevant strategies and planning policies
32	Noise Impact Assessment
	Application proposals that raise issues of disturbance by noise to the occupants of nearby existing buildings, and for developments that are considered to be noise sensitive and which are close to existing sources of noise should be supported by a noise impact assessment prepared by a suitably qualified acoustician. Further guidance is provided in <i>Planning Policy Guidance Note 24: Planning and Noise</i> (September 1994). PPG24
33	Open Space assessment
	For development within open spaces, application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. Planning permission is not normally given for development of existing open spaces which local communities need. However, in the absence of a robust and up-to-date assessment by the Local Authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements. Any such evidence should accompany the planning application. National planning policy is set out in <i>Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation</i> (July 2002). PPG17
34	Parking Provision
	Applications may be required to provide details of existing and proposed parking provision. These details should be shown on a site layout plan. Where appropriate, provision should be made for parking spaces for the disabled and visitors. Where parking provision is above or below the standards recommended by the Local Highway Authority (or where there are no standards), the level of provision may need to be justified, taking account of the particularly circumstances relating to the proposed development and site. http://www.leics.gov.uk/index/highways/road_improvements/htd.htm
35	Photographs and Photomontages
	These provide useful background information and can help to show how developments can be satisfactorily integrated within the street scene. Photographs should be provided if the proposal involves the demolition of an existing building or development affecting a Conservation Area or a Listed Building. They may form part of the Design and Access Statement or the Heritage Statement.
36	Planning Obligations and Draft Heads of Terms
	Planning Obligations (or “Section 106 Agreements”) are private agreements negotiated between Local Planning Authorities and persons with an interest in a piece of land (or “developers”), and are intended to make acceptable development which would otherwise be unacceptable in planning terms. Whilst they form a vital part of the Development Management framework, they can cause considerable delay to the approval of a planning application. Where they are required it is strongly recommended that a draft Section 106 Agreement or Unilateral Undertaking is submitted with the planning application. If this not possible, a minimum requirement for validation will be the submission of a statement of the proposed draft Heads of Terms, summarising the key obligations within a proposed Agreement or Undertaking. A model Draft Heads of Terms is available. Local Development Plan Documents may contain policies that give details of likely Planning Obligation requirements. Further advice on Planning Obligations is available in Circular 05/2005 Planning Obligations and a model Section 106 Agreement is available on the Communities and Local Government website.
37	Planning Statement
	A Planning Statement identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national, regional and local planning policies. This is particularly important where a proposal does not accord with adopted policies. It may also include details of consultations with the Local Planning Authority and wider community/statutory consultees undertaken prior to submission. Alternatively, a separate Statement of Community Involvement may also be appropriate. Sustainability should be addressed within the statement, including sustainable design and construction of buildings together with provision for on-site renewable energy generation.
38	Protected Species Survey and Report

	Should the proposed development impact on any protected species a full assessment and survey should be undertaken and mitigation measures identified. Please refer to the Conservation (Natural Habitat) Regulations 1994 , ODPM Circular 06/2005 (Defra Circular 01/2005) and PPS 9 . See guidance below on where, when, how and what to include in a survey and report.
39	Refuse Storage and Recycling facilities
	All proposals involving the creation of new dwellings or new retail, business, industrial or leisure or other similar developments will be required to be accompanied by details of proposed facilities for the storage and collection of refuse, including access for refuse collection vehicles and recycling facilities.
40	SAC's (River Mease Catchment Area)
	<p>River Mease Special Area of Conservation(SAC)is a European designation, part of which falls within the administrative district of North West Leicestershire. Special Areas of Conservation (SACs) are strictly protected sites designated under the EC Habitats Directive and the designation includes the River Mease and its tributaries. This SAC is also a site of Special Scientific Interest (SSSI).</p> <p>Where development is proposed within the SAC designation in its administrative area, the District Council as the competent authority under the EC Habitats Directive is required to prepare an Appropriate Assessment to assess the impact on the integrity of the European site. Part I B of ODPM Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System describes the procedure for the consideration of plans and projects likely to affect European and Ramsar sites. The procedure is summarised in the flow chart in Figure 1 of ODPM Circular 06/2005 .</p> <p>In order to prepare the necessary Appropriate Assessment the District Council requires (Under Regulation 48(2) of the Conservation (Natural Habitats & C) Regulations 1994) that in relation to any development within the River Mease Special Area of Conservation Designation, that all applications are accompanied by a report demonstrating that the proposed development would have no adverse impact on the integrity alone of the River Mease SAC or in combination with other proposals. Any applicant is likely to need to appoint expertise in ecology, drainage, water quality and or hydrology to assist in the preparation of such a report. The scope of the report should address the following matters:</p> <ul style="list-style-type: none"> - Water Quality (in relation to the relevant targets in the sites conservation objectives) - Water Volumes (in relation to the relevant targets in the sites conservation objectives) <p>For further information go to http://www.nwleics.gov.uk/pages/developments_within_the_catchment_area_of_the_river_mease_special_area_of_conservation</p>
41	Site Waste Management Plan
	<p>Proposed new development should be supported by Site Waste Management Plans of the type encouraged by the code of practice published in 2008 by DEFRA entitled ‘Guidance for Site Waste Management Plans’. These do not require formal approval by the planning authority, but are intended to encourage the identification of the volume and type of material to be demolished and/or excavated, opportunities for the reuse and recovery of materials and to demonstrate how off-site disposal of waste will be minimised and managed.</p> <p>All proposed Major developments should aim to reduce the volume of waste provided and landfilled. The waste management plan should identify opportunities for the reuse, recycling, recovery and how off site disposal of waste would be reduced</p>
42	Statement of Community Involvement
	Applications may need to be supported by a statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the Council’s adopted Statement of Community Involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.
43	Structural Survey
	A structural survey will be required in support of an application if the proposal involves substantial demolition, or for example, barn conversion applications or development which may affect the structural stability of buildings/structures
44	Summaries of Planning Applications
	The principal aim of a summary is to introduce the scheme to parties who are not familiar with the details of the proposed development and to assist in community involvement in the planning process. Where the supporting information for a major application exceeds 100 pages (excluding the application form itself), applicants should submit a summary of the whole scheme. This summary should be no more than 20 pages long and should provide an overview of the proposal and a clear description of its key impacts. If a development proposal is already subject to Environmental Impact Assessment (EIA), the non-technical summary of the resulting Environmental Statement is likely to provide most of the necessary information. Applicants should simply summarise any other key topics that are outside the scope of EIA. To avoid

	unnecessary duplication the summary may form part of the Design & Access Statement or Planning Statement, but to assist with validation procedures it should be clearly identified within the document.
45	Sustainability
	It is recommended that a sustainability statement is submitted for all major planning applications to demonstrate the sustainability principles of the proposed development, including the positive environmental, social and economic considerations.
46	Telecommunications Development– supplementary information
	Planning applications and applications for prior notification by telecommunications code operators for masts and antenna development should be accompanied by a range of supplementary information including the area of search, details of any consultation undertaken, details of the proposed structure, and technical justification and information about the proposed development. Applications shall also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio-frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Further guidance on the information that may be required is set out in the Code of Best Practice on Mobile Phone Network Development (2002) .
47	Town Centre Uses –Evidence to accompany applications
	<i>Planning Policy Statement 4 : Planning for Sustainable Economic Growth (December 2009)</i> , sets out the main town centre uses to which the policy applies, including retail, leisure, office, cultural and tourist uses. Policies EC14 to EC17, in particular, set out the key considerations for which applicants should present evidence. The level and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal. Retail Assessment Evidence to accompany all applications for retail development over 250 sq. m including extensions, or developments not in accordance with the development plan as required by the advice in PPS4
48	Transport assessment
	Should be submitted where the proposed development has significant transport implications and should be proportionate to the proposal. It should cover accessibility, sustainability and mitigation measures. Please see Circular Department of Transport Circular 2/07 and related guidance. Leicestershire County Council Highways define the different types of transport statement needed depending on the size of development - see their web site http://www.leics.gov.uk/index/highways/road_improvements/htd/highway_req_development_part2.htm which contains a table indicating which type of statement is required.
49	Travel Plan
	A travel plan is a package of measures or agreed outcomes aimed at reducing reliance on the private motor vehicle and reducing congestion. If the Transport assessment identifies a need for a travel plan a draft should be submitted alongside planning applications, as advised by <i>Planning Policy Guidance Note 13 : Transport (as amended Jan 2011)</i> , PPG13 paragraphs 86-90. Leicestershire County Council Highways also define when a Travel Plan is required depending on the size of development - see their web site http://www.leics.gov.uk/index/highways/road_improvements/htd/highway_req_development_part2.htm Further advice is available in Good Practice Guidelines : Delivering Travel Plans Through the Planning Process (CLG and DfT, 2009), also Travel Plans and Planning
50	Tree Survey and Arboricultural implications
	Where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees), information is required by the IAPP forms on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a suitably qualified and experienced arboriculturist. Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837 ‘Trees in Relation to Construction – Recommendations’. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.
51	Ventilation/Extraction statement
	Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications for the use of premises for purposes within Use Classes A3 (i.e. restaurants and cafes - use for the sale of food and drink for consumption on the premises), A4 (i.e. drinking establishments – use as a public house, wine-bar or other

	drinking establishment) and A5 (i.e. hot food takeaways - use for the sale of hot food for consumption off the premises). This information (excluding odour abatement techniques unless specifically required) will also be required for significant retail, business, industrial or leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.
52	Visual Impact Assessment / Landscape Character Assessment
	A visual impact of the development should be assessed taking into consideration the existing landscape character and how the proposed development would integrate within the local landscape and environment.

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Biodiversity Survey and Report / Ecological Survey / Protected Species Survey and Report

PART I LOCAL REQUIREMENTS FOR PROTECTED SPECIES

Where a proposed development is likely to affect species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Badgers Act 1992, the applicant must submit an up-to-date *Protected Species Survey and Assessment*.

Please refer to **Table 1** (Column 1) which provides guidance on when a survey is needed for particular species. Please note that this table is intended to assist the identification of a proposal for which a protected species survey will be required. It should be noted that there may be instances which fall outside those described where a protected species survey is required.

Protected species surveys and assessments **must be submitted up-front** with a planning application. Planning applications cannot be determined until surveys have been done to an acceptable standard, in accordance with paragraph 99 of ODPM Circular 06/2005. Further guidance is available in *Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9)* (August 2005), PPS9 is accompanied by a Government Circular: *Biodiversity and Geological Conservation – Statutory Obligations and their Impact Within the Planning System* (ODPM Circular 06/2005, Defra Circular 01/2005) and *Planning for Biodiversity and Geological Conservation: A Guide to Good Practice*.

The **Survey** should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available.

Further information on appropriate survey methods can be found in *Guidance on Survey Methodology* published by the Institute of Ecology and Environmental Management; available at: <http://www.ieem.org.uk/Guidelines%20for%20Survey%20Methodology.htm>

The survey may be informed by the results of a search for ecological data from a local environmental records centre. The survey must be to an appropriate level of scope and detail and must:

- Record which species are present and identify their numbers (may be approximate);
- Map their distribution and use of the area, site, structure or feature (*e.g.* for feeding, shelter, breeding).

The **Assessment** must identify and describe potential development impacts likely to harm the protected species and/or their habitats identified by the survey (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated;
- How species numbers are likely to change, if at all, after development *e.g.* whether there will be a net loss or gain;
- How features or habitats used by protected species can be enhanced, restored or added to.

It is illegal to disturb protected species or the places in which they live; further information is available from www.jncc.gov.uk. Licences may be needed to carry out work that could affect protected species – further information and downloadable forms are available from Natural England on <http://www.naturalengland.org.uk>.

The information provided in response to the above requirements are consistent with those required for an application to Natural England for a European Protected Species Licence. A protected species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment.

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TABLE 1
Local Requirement for Protected Species: Criteria and Indicative Thresholds
(Trigger List) for when a Survey and Assessment is Required

Column 1 Proposals for Development That Will Trigger a Protected Species Survey	Species Likely To Be Affected And For Which A Survey Will Be Required										
	Bats	Barn Owls	Breeding Birds	Gt. Crested Newt	Otters	Dormouse	Kingfisher	Water Vole	Badger	Reptiles	White-cld crayfish
<p>Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving the following:</p> <ul style="list-style-type: none"> all agricultural buildings (e.g. farmhouses and barns) particularly of traditional brick or stone construction and/or with wooden beams; buildings and structures close to woodland, trees and/or water, particularly those with weather boarding, hanging tiles and/or gable ends; all tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures; all bridge structures, aqueducts and viaducts (especially over water and wet ground). <p>Proposals involving lighting of churches and listed buildings or flood lighting of green space close to woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.</p>											
Proposals affecting woodland, parkland, large gardens with trees or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.											
<p>Proposed tree work (felling or lopping) and/or development affecting:</p> <ul style="list-style-type: none"> mature and veteran trees; trees with obvious holes, cracks or cavities. 											
Proposals affecting gravel pits or quarries and natural cliff faces and rock outcrops with crevices or caves.											
Major proposals within 500m of a pond or Minor proposals within 100m of pond (Note: A major proposals is one that is more than 10 dwellings or more than 0.5 hectares or for non-residential development is more than 1000m ² floor area or more than 1 hectare)											
Proposals adjacent to or affecting rivers, streams, canals, lakes, or other aquatic habitats.											
Proposals affecting 'derelict' land (brownfield sites), allotments and railway land.											
Proposed development affecting any buildings, structures, feature or locations where protected species are known to be present*.											
<p>* Confirmed as present by either a data search (for instance via the local environmental records centre) or as notified to the developer by the local planning authority, and/or by Natural England, the Environment Agency or other nature conservation organisation.</p>	Bats	Barn Owls	Breeding Birds	Great Crested Newt	Otters	Dormouse	Kingfisher	Water Vole	Badgers	Reptiles	White-cld crayfish

Exceptions for When a Full Species Survey and Assessment may not be Required

- Following consultation by the applicant at the pre-application stage, the LPA has stated in writing that no protected species surveys and assessments are required.

- b. If it is clear that no protected species are present, despite the guidance in the above table indicating that they are likely, the applicant should provide evidence with the planning application to demonstrate that such species are absent (*e.g.* this might be in the form of a letter or brief report from a suitably qualified and experienced person, or a relevant local nature conservation organisation).
- c. If it is clear that the development proposal will not affect any protected species present, then only limited information needs to be submitted. This information should, however, (i) demonstrate that there will be no significant affect on any protected species present and (ii) include a statement acknowledging that the applicant is aware that it is a criminal offence to disturb or harm protected species should they subsequently be found or disturbed.

In some situations, it may be appropriate for an applicant to provide a protected species survey and report for only one or a few of the species shown in the Table above *e.g.* those that are likely to be affected by a particular activity. Applicants should make clear which species are included in the report and which are not because exceptions apply.

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PART II LOCAL REQUIREMENTS FOR DESIGNATED SITES AND PRIORITY HABITATS

Where a proposed development is likely to affect designated sites and priority habitats, the applicant must submit an *Ecological/Geological Survey and Assessment*.

Please refer to **Table 2** and **Table 3**.

The **Survey** should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available.

Further information on appropriate survey methods can be found in *Guidance on Survey Methodology* published by the Institute of Ecology and Environmental Management; available at: <http://www.ieem.org.uk/Guidelines%20for%20Survey%20Methodology.htm>

The survey may be informed by the results of a search for ecological and/or geological data from a local environmental records centre. The survey must be to an appropriate level of scope and detail and must:

- Record which habitats and features are present on and, where appropriate, around the site;
- Identify the extent/area/length present;
- Map their distribution on site and/or in the surrounding area shown on an appropriate scale plan.

The **Assessment** should identify and describe potential development impacts likely to harm designated sites and priority habitats (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated;
- How area (hectares) of priority habitat on the site are likely to change after development *e.g.* whether there will be a net loss or gain;
- How designated sites and priority habitats can be enhanced, restored or added to.

Existing environmental information may be available from Local Record Centres, Wildlife Trusts, and Local RIGS Groups *etc.* Also online information on internationally and nationally designated sites can be found at: www.natureonthemap.org.uk

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TABLE 2
Local Requirements for Designated Sites and Priority Habitats
Criteria (Trigger List) for When a Survey and Assessment are Required

1. DESIGNATED SITES (as shown on the Council's Development Plan Proposals Map)	
Internationally designated sites	Special Protection Area (SPA) Special Area of Conservation (SAC) Ramsar Site
Nationally designated sites	Site of Special Scientific Interest (SSSI) National Nature Reserve (NNR)
Regionally and locally designated sites	Local Wildlife Sites (<i>e.g.</i> Site of Importance for Nature Conservation) Local Nature Reserve (LNR)
2. PRIORITY HABITATS (Habitats of Principal Importance for Biodiversity under S.41 of the NERC Act 2006)	
<ul style="list-style-type: none"> ▪ Arable field margins ▪ Eutrophic standing waters ▪ Hedgerows ▪ Inland rock outcrop ▪ Floodplain grazing marsh ▪ Lowland calcareous grassland ▪ Lowland dry acid grassland ▪ Lowland fens ▪ Lowland heathland ▪ Lowland meadows ▪ Lowland mixed deciduous woodland ▪ Mesotrophic lakes ▪ Open mosaic habitats on previously developed land ▪ Ponds ▪ Reedbeds ▪ Rivers ▪ Wet woodland ▪ Wood-pasture and parkland 	
3. OTHER BIODIVERSITY HABITATS	
(as identified by the Local Biodiversity Partnership - see paragraph 84 ODPM Circular 06/2005))	
<ul style="list-style-type: none"> ▪ Mature Trees ▪ Fast-flowing streams ▪ Spring and flushes ▪ Sphagnum ponds 	

Exceptions When a Full Survey and Assessment May Not Be Required

International and National Sites: A survey and assessment will not be required where the applicant is able to provide copies of pre-application correspondence with Natural England, where the latter confirms in writing that they are satisfied that the proposed development will not affect any statutory sites designated for their national or international importance.

Regional and Local Sites and Priority Habitats: A survey and assessment will not be required where the applicant is able to provide copies of pre-application correspondence with the Local Planning Authority's ecologist (where employed), or ecological advisor and/or the local Wildlife Trust that they are satisfied that the proposed development will not affect any regional or local sites designated for their local nature conservation importance or any other priority habitats or listed features.

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TABLE 3
Local Requirements For Designated Geodiversity Sites
Criteria (Trigger List) for when an Assessment is Required

1. DESIGNATED SITES (as shown on the Council's Development Plan Proposals Map)

Nationally designated sites	Site of Special Scientific Interest (SSSI) National Nature Reserves (NNRs)
Regionally and locally designated sites	Regionally Important Geological Sites (RIGS) Local Nature Reserves (LNRs)

Exceptions When a Full Survey and Assessment May Not Be Required

International and National Sites: A survey and report will not be required where the applicant is able to provide copies of pre-application correspondence with Natural England, where the latter confirms in writing that they are satisfied that the proposed development will not affect any statutory sites designated for their national importance.

Regional and Local Sites: A survey and report will not be required where the applicant is able to provide copies of pre-application correspondence with appropriate local geological experts (such as the Local RIGS Group) that they are satisfied that the proposed development will not affect any regional or local sites designated for their local nature conservation importance.

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Figure 1 ECOLOGICAL SURVEY SEASONS Key: Optimal Survey Time ■
Extending into ■

	JA N	FE B	MA R	AP R	MA Y	JUN E	JUL Y	AU G	SEP T	OC T	NO V	DE C
Badgers												
Bats Hibernation Roosts												
Bats Summer Roosts												
Bats Foraging/ Commuting												
Birds Breeding												
Birds Over Wintering												
Dormice												
Great-Crested Newts												
Otters												
Reptiles												
Water Voles												
White-Clawed Crayfish												
Habitats/Vegetation												

Points to note regarding surveys are as follows:

- For certain species and habitats surveys can be carried out at any time of year, but for other species, particular times of year are required to give the most reliable results, as indicated in Figure 2
- Surveys conducted outside of optimal times (Figure 2) may be unreliable. For certain species (*e.g.* Great Crested Newt) surveys over the winter period are unlikely to yield any useful information. Similarly negative results gained outside the optimal period should not be interpreted as absence of a species and further survey work may be required during the optimal survey season. This is especially important where existing surveys and records show the species has been found previously on site or in the surrounding area. An application may not be valid until survey information is gathered from an optimum time of year.
- Species surveys are also very weather dependent so it may be necessary to delay a survey or to carry out more than one survey if the weather is not suitable, *e.g.* heavy rain is not good for surveying for otters, as it washes away their spraint (droppings). Likewise bat surveys carried out in wet or cold weather may not yield accurate results.
- Absence of evidence of a species does not necessarily mean that the species is not there, nor that its habitat is not protected (*e.g.* a bat roost is protected whether any bats are present or not).
- Local Biological / Environmental Records Centre may have useful existing information and records.
- Only competent ecologists should carry out any surveys. Where surveys involve disturbance, capture or handling of a protected species, then only a licensed person can undertake such surveys (*e.g.* issued by Natural England). Surveys should follow published national or local methodologies. Further details may be found on the following web sites:

IEEM at: (<http://www.ieem.org.uk/Publications.htm> - Guidelines for Survey Methodology)

Natural England: <http://www.naturalengland.org.uk/publications/default.htm>

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LOCAL PLANNING APPLICATION REQUIREMENTS (2nd Draft Feb 2011)

Local List Item	Justification, which should include details of policy driver (national, regional or adopted local policy)	Thresholds and Triggers		Where to find further information & help
		Type of application or development	Constraint – geographical or built	Web links
Affordable Housing statement	Planning Policy Statement 3 – Housing	Residential or mixed use development	Triggers set out in local policies	Planning Policy Statement 3 Housing
Air Quality Assessment	Planning Policy Statement 23 – Planning and Pollution Control	All Major operational development Unlikely to be required for householder applications	Inside or adjacent to an AQMA (Air Quality Management Area)	Planning Policy Statement 23: Planning & Pollution DEFRA - Air Quality Management Areas
Biodiversity Survey and report	Planning Policy Statement 9 – Biodiversity and Geological Conservation 06/2005 ODPM Circular 01/2005 DEFRA Circular Wildlife and Countryside Act 1981 NERC Act 2006	Likely requirement for rural building conversions. Major operational development	In or adjacent to SSSI In or adjacent to National Nature reserve In or adjacent to Site of Nature Conservation Interest (SNCI) In or adjacent to Regionally Important Geological Sites (RIGS) In or adjacent to a Local Nature Reserve (LNR) Where the site will affect a nationally or internationally protected species or their habitat (listed in national, regional or local biodiversity action plans)	Leicestershire and Rutland Environmental Records Centre (LRERC) Holly Hayes, 216 Birstall Road, Birstall, Leicestershire. LE4 4DG Tel: 0116 267 1950 ext 28 NERC Act 2006 Natural England
Environmental Impact Assessment	Town and Country Planning (Environmental Impact Assessment) Regulations 1999	In accordance with the 1999 Regulations (Schedules 1 and 2 type development)		EIA circulars and further information EIA Regulations
Evidence to accompany applications for town centre uses	Planning Policy Statement 4 - Planning for Sustainable Economic Growth	Retail and Leisure development not proposed in a town centre comprising 2500 square metres of floor space and not in accordance with an up-to-date development plan; or less than 2500 square metres where this is likely to have a significant effect upon a town centre.		Planning Policy Statement 4: Planning for Sustainable Economic Growth Planning for Town Centres: Practice guidance on need, impact and the sequential approach

Local List Item	Justification, which should include details of policy driver (national, regional or adopted local policy)	Thresholds and Triggers		Where to find further information & help
		Type of application or development	Constraint – geographical or built	Web links
Flood Risk Assessment	Planning Policy Statement 25 – Development and Flood Risk	In line with matrix issued by Environment Agency – See Environment Agency Flood Risk Matrix		Policy Statement and Practice Guide to PPS25 FRA & general advice to applicants and agents Environment Agency - Planning resources Flood Risk Standing Advice
Foul sewerage assessment	Circular 03/99	Where non-mains sewerage is proposed and all major residential development		Circular 03/99 Environment Agency - Planning resources
Heritage Statement (including Historical, Archaeological features and scheduled Ancient Monuments)	Planning Policy Statement 5 – Planning for the Historic Environment	<p>Applications affecting a nationally or locally listed building or their setting (including applications for listed building consent)</p> <p>Applications in and affecting a conservation area</p> <p>Application affecting a registered Historic Battlefield</p> <p>Applications affecting nationally and locally designated parks and gardens</p> <p>Application affecting a Scheduled Ancient Monument</p> <p>Applications affecting archaeological sites –including Scheduled Ancient Monuments</p>	<p>Listed Buildings</p> <p>Locally Listed Buildings</p> <p>Conservation Areas</p> <p>Scheduled Ancient Monuments</p> <p>Nationally and locally designated parks and gardens</p> <p>Historic Battlefields</p>	Policy Statement & Practice Guide to PPS5

Local List Item	Justification, which should include details of policy driver (national, regional or adopted local policy)	Thresholds and Triggers		Where to find further information & help
		Type of application or development	Constraint – geographical or built	Web links
Land contamination assessment	Planning Policy Statement 23 – Planning and Pollution Control.	Applications for sites where historical or current use of land or nearby land may have resulted in contamination of the land, such as industrial, agricultural, landfill etc. Examples may include Rural building conversions to other uses. Conversion or redevelopment of petrol filling stations Redevelopment of industrial and manufacturing sites, including factories and spray works, Mineral and Waste applications Applications for sites where previous or proposed alteration to the topography of the land or nearby land, for instance through infilling of the land, may result in the land being contaminated.	Sites where there is known/suspected contamination issues with land and/or previous uses.	Planning Policy Statement 23: Planning & Pollution Advice on Land contamination from Environment Agency
Lighting assessment	Planning Policy Statement 1 – Delivering Sustainable development	Applications including/for floodlighting, or a significant amount of external lighting		Lighting in the Countryside: Towards Best Practice
Noise Impact assessment	Planning Policy Guidance Note 24 – Planning and Noise	Applications for noise sensitive development adjacent to major road/transport infrastructure. Applications for uses that involve activities that may generate significant levels of noise.		PPG 24 Planning & Noise
Open Space assessment	Planning Policy Guidance Note 17 – Planning for Open Space, Sport and Recreation	Major residential or mixed development		PPG 17 - Planning for Open Space, Sport and Recreation
Planning obligations / draft Head(s) of Terms	Circular 05/05 Community Infrastructure Levy Regulations 2010 (Part II)	Major residential development		Planning Obligations - Best Practice Circular 05/05 - Planning Obligations

Local List Item	Justification, which should include details of policy driver (national, regional or adopted local policy)	Thresholds and Triggers		Where to find further information & help
		Type of application or development	Constraint – geographical or built	Web links
Structural survey	Planning Policy Statement 4 and 7	Conversion of rural buildings outside of settlement boundaries to other uses		PPS7 – Sustainable Development in Rural Areas Planning Policy Statement 4: Planning for Sustainable Economic Growth
Transport assessment	Planning Policy Guidance Note 13 – Transport	All development where there are likely to be significant transportation implications. All major development that would require full planning permission or where details submitted as part of reserved matters submission All minor development that would require full planning permission or where details submitted as part of reserved matters submission		PPG 13 - Transport DFT - Guidance on Transport Assessment DFT guidance on Travel Plans A Guide on Travel Plans for Developers Good Practice Guidelines - Delivering Travel Plans through the Planning Process Circular 02/2007 - Planning and Strategic Road Network
Tree survey / arboricultural implications	Planning Policy Statement 9 – Biodiversity and Geological Conservation	All sites where a protected tree(s), or other significant tree(s) may be affected by the proposals.	Sites with Tree preservation orders	Planning Policy Statement 9 - Biodiversity & Geological Conservation
Landscaping survey and plans	Planning Policy Statement 1 – delivering sustainable development	All operational development excluding householder applications.		
Energy statement	Planning Policy Statement 1 – delivering sustainable development Planning Policy Statement 22 – Renewable Energy	All stand-alone renewable energy installations and major development for residential, mixed use, commercial, retail, community or leisure uses. Please note: This information is best contained within the Design and Access Statement, Please ensure clear labelling within DAS as to avoid the application be declared invalid where Energy Statement required.		Building Research Establishment BREEAM Companion Guide to PPS 22

Local List Item	Justification, which should include details of policy driver (national, regional or adopted local policy)	Thresholds and Triggers		Where to find further information & help
		Type of application or development	Constraint – geographical or built	Web links
Statement on Sustainable Construction	Planning Policy Statement 1 – delivering sustainable development	All major development for residential, mixed use, commercial, retail, community or leisure uses. Please note: That whilst this information can be contained in a separate document the information is best contained within the Design and Access Statement. Please ensure clear labelling within DAS as to avoid the application be declared invalid where a Statement on Sustainable Construction is required.		Building Research Establishment BREEAM Companion Guide to PPS 22
Assessment against Building For Life Criteria (whether by an accredited BFL assessor or not)	Planning Policy Statement 1 – delivering sustainable development	All major residential development (This information is best contained within the Design and Access Statement)		CABE Building For Life.

Local List Item	Justification, which should include details of policy driver (national, regional or adopted local policy)	Thresholds and Triggers		Where to find further information & help
		Type of application or development	Constraint – geographical or built	Web links
<p>Telecommunication information as follows:</p> <ol style="list-style-type: none"> 1. Acoustic report 2. Area of search details 3. Details of alternative sites 4. Relationship to schools and other electronic communications equipment 5. ICNIRP declaration 6. Supplementary information template (Annex F of Code of Best Practice) 7. Technical information (frequency modulation characteristics, power output) 8. Technical justification 9. Visual impact assessment 	<p>Planning Policy Guidance Note 8 – Telecommunications Code of Practice on Mobile Network Development</p>	<p>All Telecoms development</p>		<p>Code of Best Practice on Mobile Phone Network Development</p>

PLANNING COMMITTEE – 29 MARCH 2011

REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)
RE: APPEALS LODGED AND DETERMINED

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

That the report be noted.

3. BACKGROUND TO THE REPORT

Appeals Lodged

Appeal by Brenmar Developments (Hinckley) Ltd. against the refusal of outline planning permission for the erection of two dwellings – access and layout only (10/00969/OUT) at Land Off Eastwoods Road, Hinckley (Written Representation)

Appeal by Primesight Ltd. against the refusal of advertising consent for retention of an internally illuminated pole mounted display unit (10/00678/ADV) at Eastwoods Service Station, Ashby Road Stapleton (Written Representation)

Appeals Determined

Appeal by JS Bloor (Measham) Ltd. against the refusal of full planning permission (09/00798/FUL) for the erection of 133 dwellings with garages and car parking and construction of roads and sewers on land East of Groby Village Cemetery, Groby Road, Ratby, Leicestershire.

An important procedural matter raised at the beginning of the report documented how the Appellant pursued various amendments to the original scheme with the intention of addressing some of the reasons for refusal. Amendments included revised site access arrangements, an updated flood risk assessment, and a flood compensation scheme.

Having regard to the Planning Inspectorates Good Practice Advice Note 09/2009, what is considered by the Planning Inspector is essentially what was considered by the LPA and the appeal process should not be seen as a chance to amend a scheme so as to overcome reasons for refusal. However, it is noted there may be occasions where amendments could be made to a scheme without prejudice.

Where amendments were proposed, the Inspector examined those amendments having regard to the *Bernard Wheatcroft Ltd Vs SSE [JPL, 1982 P37]* referred to as the ‘Wheatcroft’ principle, which established that “*the main, but not the only, criterion on which...judgement should be exercised is*

whether the development is so changed that to grant it would be to deprive those who should have been consulted on the changed development of the opportunity of such consultation". Reference was also made to the Planning Inspectorate's Good Practice Advice Note 09/2009 on "Accepting amendments to schemes at appeal" emphasising that amendments at appeal should be seen as away of overcoming refusal they will be accepted if not fundamentally change the scheme and does not cause prejudice.

Another important procedural matter was the status of Regional Strategies and the Localism Bill. The Planning Inquiry took place prior to the CALA Homes judgement that concluded that the Government acted unlawfully in the decision to revoke Regional Spatial Strategies (RSSs). To reflect the High Court Judgement, the Inspector wrote to the main parties to seek views on whether that judgement affected the Inquiry. Only Leicestershire County Council made a comment which the Inspector felt had little weight.

The Planning Inspector notes that the intention to revoke RSSs is identified within the Localism Bill and concludes that as the Localism Bill is not enacted the intention can be afforded little weight.

The Inspector considered the main issues to be the effect of the proposed development on the character and appearance of the area including the Rothley Brook Meadow Green Wedge; the supply of housing, including affordable housing; flood risk and drainage; highway and pedestrian safety; and whether or not the proposal makes appropriate provisions for contributions to local infrastructure and facilities.

The site falls within the Rothley Brook Meadows Green Wedge and this was identified as a main issue by the Inspector, in particular the effect of development on the character and appearance of the Green Wedge.

It was described that the appeal site has an open and largely rural aspect; however he also recognises that it is surrounded by formal managed areas surrounding the site in relation to the cemetery and school playing fields. At the same time he identifies the site as being semi-rural.

The Inspector refers to the Inspectors Report on the Core Strategy where the Inspector found that the Rothley Brooks Meadows Core Strategy policy (Policy 9) was sound and takes a functional approach. The report notes that the planning application is contrary to Policy. The Inspector gives weight to Local Plan policy RES5.

The Inspector refers to the supporting text to Policy 9 of the Core Strategy that identifies that a review of the green wedge is to take place to inform the Site Allocations and Generic Development Control Policies DPD. The Inspector gives little weight to the green wedge assessment made by the LPA and the Appellant as part of the planning application. He identifies that *'neither appears to have included a stage 4 consultation'*. This refers to Appendix 36 of the defendant's proof of evidence which is the Leicester and Leicestershire Green Wedge Review Methodology Paper.

Whilst it was noted that the site is contained within the draft Site Allocations DPD as a preferred option and despite the delay of the production of this

document this carries weight to the proposal. However, the Inspector also considers that any weight given must be tempered with by the early stage in its preparation and fact that consultation is ongoing..

In relation to the supply of housing, the Inspector notes that the Borough Council recently wrote to the Secretary of State indicating that they wish to reduce the requirement from 450 dwellings per annum to 430 dwellings per annum. The inspector concludes that the Council's proposal is afforded very little weight in his deliberations.

In relation to the five year supply of housing the inspector acknowledges the differing approaches taken. The Inspector explains that neither the appellant or LPA included an allowance for large sites approved post April 2010. If this were the case the appellants view would be that there would be a supply of approximately 3.89 years and the Council's view would be around 4.79 years.

The Appeal decision recognises that the Core Strategy Inspector acknowledged that in certain years (2006-2008, 2009-2010, and in 2012-2017) there would be some shortfall in delivery, but they would be made up in future years (post 2017-2018) when the major developments in the sustainable urban extensions begin to be developed. While the Inspector takes a similar approach as the Core Strategy Inspector he identifies that in the appellants view the supply would be 4.12 years and the Borough Council 5.08 years. He acknowledges though that due to the difficulties in forecasting levels of delivery on a wide range of sites and in the current uncertain housing market this would not be robust.

The Inspector agrees with the stance that the Borough Council does not have a five year supply of housing and notes that the shortfall should be considered as a significant material consideration.

Core Strategy Policy 15 sets an affordable housing target of 40% with a tenure split of 75% social rented and 25% intermediate housing allowing for negotiation to take place on a site by site basis taking into account matters such as identified local need and viability. As part of the examination the local housing needs assessment for Groby and Field Head was discussed. The Inspector noted that the report was produced in 2006 and it made clear the need was for the immediate future. As a result the Inspector concluded that the detailed numbers could carry little weight due to the study being four years old. The Inspector noted that the number of housing applicants on the housing register was evidence to show demand.

A Statement of Common Ground was produced on Affordable Housing and Financial Viability which set out the quantum and mix of affordable housing. The Inspector identified that there was still need to have further regard to the evidence. The remaining area of disagreement was the residual land value. The Inspector notes that the key driver for residual land value is build costs and associated external works. The Borough Council's input assumptions were based on the BCIS (Builds Cost Information Service) whereas the appellant used data from their internal cost team. The Inspector acknowledges there are criticisms of both approaches but if there is deviation from the industry wide benchmarks it needs to be carefully explained. It was

found that this was a shortcoming and he noted that a number of other approvals had reached agreement at or close to 40%.

The Inspector concludes that there is not sufficient affordable housing provision within the proposal and it does not accord with the development plan (Core Strategy Policy 15). The affordable housing figure equated to 25% (40% target in Core Strategy) and the tenure split was 50/50 (75/25 target in Core Strategy). The Inspector noted that the application would provide significant housing delivery in Groby over the plan period and therefore affordable housing is an important issue.

In response to the issue of flood risk and drainage, the Inspector noted a revised flood risk assessment established that part of the appeal site in the north east corner will flood from the ordinary watercourse during a 1:100 year flood event plus a climate change allowance. In the opinion of the Planning Inspector the most important considerations were the maintenance of and access to the northern watercourse, floodplain compensation and site drainage.

Turning first to the northern watercourse, the Inspector refers to the Statement of Common Ground (SOCG) that notes there was no agreement between the Environment Agency, Council and appellant as to the matter of access to the watercourse. During the Inquiry, the inspector noted there was a general acceptance that access at some stage is likely to be required. For this reason, it seemed reasonable to seek provision of an unobstructed access. Whilst the Inspector accepted that an easement or other legislative powers could be used to secure access over any rear gardens for emergencies or maintenance, this is likely to involve both cost and disruption.

A different size of access was submitted to the Inspector before and during the Inquiry. The Council pointed out that the proposed works to the watercourse do not appear to have been taken into account, and indeed the inspector raised concerns over the effect on trees that are shown as separating the development from Brookvale Cottages which was unclear.

In order to cope with these issues the Inspector believes the position of any access could be different to that shown on the 'sketch' and it may be that some of the plot boundaries would also need to be moved. Given these findings the inspector disagreed with the Appellant's view that the s106 obligation allied to the boundary details required by proposed condition No. 9 would be sufficient to deal with this matter.

Turning next to the matters of site drainage and flood plain compensation, the Planning Inspector notes that in this instance there was agreement by the SOCG on how it is theoretically possible to incorporate Sustainable Urban Drainage Systems (SUDS) and to deliver the required floodplain compensation on site. However, the EA and the Council did not accept that the illustrative schemes put forward delivered a practicable solution and did not consider that the issues relating to adoption have been appropriately addressed.

The Council contend that despite a number of iterations to the illustrative SUDS and floodplain compensation proposals, it has not yet been

demonstrated that concerns in respect of health and safety, archaeology and ecology can be satisfactorily addressed. As such the Planning Inspector basically just echoes the valid comments made by the Council who argued that it would not be appropriate to seek to deal with these matters by condition.

Due to the identified difficulties of confirming adoption arrangements for a SUDS scheme, permission was sought during the Inquiry based on a subterranean water attenuation scheme. Although it was acknowledged that such a scheme may be successful in controlling the rate of run-off, the Inspector did however agree with the Council, it would do little for water quality. The Planning Inspector then refers to PPS1 and PPS25 which both state that local planning authorities should promote the use of sustainable drainage systems in the management of run-off. When it is theoretically possible to incorporate a Sustainable Drainage Scheme on the site, the Inspector decided to weigh this against the proposal.

Even if the matter of drainage was satisfactorily addressed, this would still have left the floodplain compensation scheme to be dealt with by condition. The Planning Inspector accepted the Council's concerns that in order to achieve a satisfactory floodplain compensation scheme, it is possible that elements of the proposed layout may need to be altered. Against this background, and having regard to the Planning Inspectorate's Good Practice Advice Note 09/2009 and the Wheatcroft principle, the Inspector did not consider it appropriate to try and deal with the matter of flood compensation through the imposition of a condition.

With regard to highway considerations, access amendments were submitted, and the Inspector found that the revised scheme which included more extensive highway realignment and the creation of a 'ghost' island did not include a fundamental change to access. It was noted that the location is similar and it will still serve the same number of properties. The Planning Inspector's view on more procedural matters was that the changes were not so significant as to preclude them being secured by condition.

Both the Council and the Highway Authority have had an opportunity to examine and comment on the revised proposal and as a result neither now sustains an objection to the access arrangement. Whilst the objections of other parties remain, given the access plan were circulated to all those who had responded to the appeal and were addressed fully at the Inquiry, the Inspector considered no party would be prejudiced were the Inspector to base his determination on the revised access proposals. The Planning Inspector based his assessment on amended access plan NTP-9016-03 Rev C.

With regard to contributions towards local infrastructure and facilities, the Inspector assessed the submitted Undertaking in light of the Community Infrastructure Levy Regulations 2010 and Circular 05/2005: Planning Obligations. Whilst the appeal was dismissed it is still important to reflect on the Inspector's views on the contributions made.

The undertaking made provision for contributions towards civic amenity, education, health contribution, library facilities, offsite open space, transportation and affordable housing.

In relation to the civic amenity contribution, it was unclear on the exact nature of such improvements. Consequently it was not demonstrated that any such improvements are directly related to the development or indeed necessary to make it acceptable in planning terms. Contributions sought by the local Primary Care Trust (PCT) towards improvements in local GP surgeries in the Groby and Ratby practices are similarly unspecific and again the Inspector does not consider that the contributions have been shown to be directly related to the proposed development.

No specific project was identified for the off-site open space contribution. In this instance, the Inspector does not see the improvements as necessary to make the development acceptable in planning terms nor considered that the direct relationship required by the CIL regulations has been demonstrated. The Transportation contribution would have been used to improve the two nearest bus stops providing shelters and real time passenger information. In order to achieve the sustainability aims inherent in national policy, the Inspector considered this improvement would have been necessary in planning terms, driven by and directly related to the development. It was also reasonable in scale and kind.

The Education contribution would have funded the provision and enhancement of educational facilities at two local schools (Primary and High) both of which are likely to be used by children from the proposed development and both of which are currently full and forecast to remain so. It was considered by the Inspector that the preferred educational contributions were necessary, reasonable in scale and directly related to the proposed development. The planning Inspector did not consider that the contributions to fund expansion of Hinckley Station have been demonstrated necessary to make this housing development acceptable in planning terms.

In summary, it was considered the development would be on land outside the settlement boundary and within the designated Green Wedge. As such it would not only be contrary to LP Policy RES5, but also to CS Policy 9. The development would also fail to deliver the 40% affordable housing sought by CS Policy 15.

The proposal includes only illustrative proposals for a flood compensation scheme and did not, in the Inspectors view, incorporate satisfactory arrangements for access to the northern watercourse. The Inspector considered it would not be appropriate to seek to deal with these matters by conditions and the absence of satisfactory solutions means that the flood risk to the development may not be appropriately managed or controlled. This in itself carried considerable weight against the proposal, added to by the absence of a sustainable drainage scheme.

These factors were considered to outweigh the delivery of 133 new dwellings which would make an appreciable contribution towards the acknowledged shortfall in the Council's overall five year supply of developable sites.

Inspectors Decision

Appeal dismissed (committee decision)

Appeal by Persimmon Homes North Midlands Ltd. against the refusal of full planning permission (10/00401/FUL) for the erection of 200 residential units with associated landscaping, access and public open space on Land north of Mill Lane, Earl Shilton, Leicestershire

Firstly the Inspector referred to highway considerations, which was the third reason for refusal but it was noted that this was no longer being pursued by the Council in light of provisions for off-site highway and access works.

The Inspector considered the main issue was whether the development would undermine the emerging proposals for an urban extension, including the provision of the necessary infrastructure and, if so, whether the harm would be outweighed by the need for housing land in the area.

The site is outside the settlement boundary defined in the Local Plan where policies of restraint apply, including RES5 and NE5. Nevertheless, the Inspector considered the Core Strategy which identifies land to the south and east of Earl Shilton as the location of a Sustainable Urban Extension where the boundary will be set within the Barwell and Earl Shilton Area Action Plan. The principle of development of the site for housing was largely accepted.

With regards to the schemes design, it was considered it was generally consistent with the spatial vision in the emerging AAP and there was no substantial case to show that the appeal scheme would be inconsistent with the design guidance as stipulated in appendix 3 of the APP.

Despite these conformities, additional facilities will be required to support the SUE. The appeal proposal was thought to go some way towards meeting the identified infrastructure requirements in the Core Strategy and further details in the AAP; however other requirements, including those relating to the wider highway network, educational facilities, and improved utility services were not included in the proposal.

There was concern that a number of the contributions which have been offered would not meet the CIL Regulations test through lack of supporting evidence. It was thought that the deficit would be likely to result in a greater burden on later development, contrary to the integrated concept of the urban extension and raising the prospect of a shortfall in the funding of necessary infrastructure, or reduced commercial viability.

There was no infrastructure plan and for this reason it was considered by the Inspector it was not possible to conclude that the contributions would represent a fair proportion of the overall cost.

The Inspector noted the delay in the production of the APP that was raised by the Appellant, and lack of information about progress towards highways and utilities provision, but likewise there is no clear indication that the programme will not be met.

It was interpreted during the enquiry that piecemeal development is that which does not conform to the AAP, but that there may be circumstances where the emerging plans would provide sufficient information to make the assessment.

There was insufficient detail about the infrastructure provision to allow a realistic assessment and apportionment of costs. The Inspector reiterated infrastructure provision is a significant component of the information necessary to meet the objectives of the Area Action Plan, and, in its absence, it is not possible to confirm that the appeal scheme conforms to the plan. The Inspector considered the scheme represents piecemeal development in terms of CS Policy 2.

In order for the development to be justifiable the Inspector stated that it must form part of the SUE. To do this it must make provision for an apportionment of infrastructure cost, an implicit objective of CS Policies 2 and 5, and the emerging AAP. This is to ensure a planned approach to the imposition of obligations.

Local Plan policy BE1 includes the requirement that development of a site should not be prejudicial to the comprehensive development of the larger area of which it forms a part. The Inspector emphasised that the proposal would not be in accordance with these requirements and would be piecemeal development discouraged by CS Policy 2. It was therefore concluded on this matter that the development would undermine the emerging proposals for an urban extension.

The second major issue raised at the Inquiry was the need for housing in the area. The fact that there is a current under supply of deliverable sites against the Regional Plan housing targets over a five year period was noted and this entitled the proposal to favourable consideration in accordance with PPS 3. However there are other criteria in PPS3 that must be met. It was considered the development would undermine wider policy objectives which would include the integrity of the infrastructure proposals for the SUE. Policy support in the development plan for comprehensive treatment of the SUE, and the progress towards detailed proposals in the AAP, indicated the wider policy objective should take precedence over the benefit of contributing to the five year housing requirements.

The effect of piecemeal development on the planning of the larger area was considered significant. It was considered the harm caused by undermining the emerging proposals for an urban extension would not be outweighed by the need for housing land in the area.

It was considered by the Inspector that the measure to extend bus services would encourage non-car modes of transport and would be necessary if the development were to proceed. The Undertaking made provision for the maintenance of the balancing pond and the open area on the site including road improvements with contributions towards police, civic amenities, health services, and libraries which were noted to be a likely requirement in order to serve the increased population of the SUE. The contributions did not meet the recommendations of Circular 05/2005, and neither did they meet the tests in the CIL Regulations, and therefore weight could not be attributed to them.

Other matters were addressed such as local concern about the impact of the development on the local road system, and whilst the issues were recognised reference was made to the Highway Authority who is satisfied that the contribution towards road improvement measures would overcome any loss of

safety arising out of the increased traffic. It was also recognised that the construction of housing in the farmland will lead to a change in the character of the area, however not to an unacceptable loss of amenity and the estates layout was considered to take adequate measures to avoid harm to living conditions.

Inspectors Decision

Appeal dismissed (committee decision)

4. FINANCIAL IMPLICATIONS (CB)

Potential legal costs can be met from existing budgets.

5. LEGAL IMPLICATIONS (MR)

No comments

6. CORPORATE PLAN IMPLICATIONS

This document contributes to Strategic Aim 3 of the Corporate Plan

- Safer and Healthier Borough.

7. CONSULTATION

None

8. RISK IMPLICATIONS

None

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

None

10. CORPORATE IMPLICATIONS

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

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

Background papers: Appeal Decisions

Contact Officer: Kevin Roeton Graduate Planning Officer ext. 5919

PLANNING COMMITTEE - 29 MARCH 2011

REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

RE: APPEALS PROGRESS

1. PURPOSE OF REPORT

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

2. RECOMMENDATION

- 2.1 The report be noted.

3. FINANCIAL IMPLICATIONS

- 3.1 None.

Background Papers:

Contact Officer: Simon Wood, extension 5692

PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 18.03.11

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
11/00007/ADV	LF	10/00678/ADV	WR	Primesight Ltd	Eastwoods Service Station Ashby Road Stapleton	Start Date Statement	01.03.11 21.03.11
11/00006/PP	LF	10/00969/OUT	WR	Brenmar Developments (Hinckley) Ltd	Land Off Eastwoods Road Hinckley	Start Date Statement of Case Final Comments	18.02.11 15.04.11 22.04.11
11/00003/FTPP	KR	10/00867/FUL	WR	Mr Lee Canning	62 Lychgate Lane Burbage Hinckley	Start Date Awaiting Decision	08.02.11
11/00004/PP	LF	10/00816/FUL	IH	Mr Martin Morris	Land Adjacent New House Farm Stapleton Lane Dadlington	Start Date Statement of Case Final Comments Hearing Date (tbc)	10.02.11 24.03.11 14.04.11 09.06.11
11/00005/NONDET	EM	10/00843/FUL	WR	Mr & Miss E Cooper & K Wykes	287 Brookside Burbage Hinckley	Start Date Statement of Case Final Comments	18.02.11 01.04.11 22.04.11
11/00001/PP	EM	10/00693/FUL	WR	Phillip Racheal 24 Went Road Birstall	8 Mill Lane Earl Shilton	Start Date Final Comments	18.01.11 22.03.11
11/00002/PP	JH	10/00661/OUT	PI	Flude Family Settlement 2004	Land Adjacent to Hinckley Golf Course Leicester Road Hinckley	Start Date Rule 6 Proof of Evidence Public Inquiry (3 days)	02.02.11 23.03.11 10.05.11 14-16.06.11
10/00020/PP	JH	10/00408/OUT	PI	Morris Homes - East Ltd	Land Off Hinckley Road Stoke Golding	Start Date Inquiry Date	16.11.10 22/23.03.11
10/00011/PP	RW	09/00915/OUT	PI	Mr John Knapp	26/28 Britannia Road Burbage	Start Date Public Inquiry (Additional day)	15.11.10 29.03.11

09/00017/ENF	JC/ES	07/00031/BOC	PI	Mr P Godden	Land at Upper Grange Farm Ratby Lane Markfield	<i>Start Date</i> Statement of Case Public Inquiry (4 days) Temporarily Suspended	06.11.09 On hold pending JR
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Decisions Received

10/00014/PP	SF	09/00798/FUL	PI	JS Bloor	Land East of Groby Cemetery Groby Road Ratby	DISMISSED	24.02.11
10/00019/PP	TM	10/00401/FUL	PI	Persimmon Homes North Midlands Ltd	Land bound by Mill Lane Thurlaston Lane and Clickers Way Earl Shilton	DISMISSED	11.03.11

Rolling 1 April 2010 to 18 March 2011

Planning

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision		
					Allow	Spt	Dis	Allow	Spt	Dis
20	8	8	2	2	6	2	6	2	0	2

Enforcement

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn