

Date: 15 April 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)

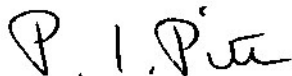
Dear Councillor

There will be a meeting of the **PLANNING COMMITTEE** in the Council Chamber, Council Offices, Hinckley on **WEDNESDAY, 27 APRIL 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

27 APRIL 2011

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

RESOLVED

2. MINUTES

To confirm the minutes of the meeting held on 29 March 2011, attached marked 'P60'.

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 'P61' (pages 1 – 170).

RESOLVED

8. APPEALS LODGED AND DETERMINED

Report of the Deputy Chief Executive (Community Direction) attached marked 'P62' (pages 171 – 173).

RESOLVED 9. APPEALS PROGRESS

Report of the Deputy Chief Executive (Community Direction) attached marked 'P63' (pages 174 – 176).

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

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

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

29 MARCH 2011 AT 6.35 PM

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

Mr JG Bannister, Mr CW Boothby, Mr JC Bown, Mr WJ Crooks, 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 Bray, Mr Cope, Mr Lynch and Mr Wright were also in attendance.

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

546 **APOLOGIES**

Apologies for absence were submitted on behalf of Mrs Aldridge and Mr Gould.

547 **MINUTES (P55)**

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

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

548 **DECLARATIONS OF INTEREST**

Mr Bannister, Mr Crooks, Mrs Hall, Mr Hall, Mr Inman, Mr Joyce, Mr Mayne, Mr Nichols and Ms Witherford declared a personal interest in application 10/00032/OUT.

549 **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) 10/00518/OUT– it was reported that the Secretary of State had been notified on 24 March;
- (ii) 11/00015/FUL – it was reported that the decision had been issued on 9 March;
- (iii) 10/00887/CONDIT – it was reported that the decision had been issued on 4 March.

550 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P56)

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

- (a) 10/00995/COU – Retrospective change of use from furniture factory (B2) to training area (D2), 25 Southfield Road, Hinckley – Miss Kerry-Anne Clarke

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

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

- (b) 11/00095/GDOT – Prior notification of proposed development by telecommunications code system operators for telecommunications installation, Rugby Road, Burbage – Vodaphone Telefonica O2

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

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

- (c) 11/00096/GDOT – Prior notification of proposed development by telecommunications code system operators for telecommunications installation, Three Pots Road, Burbage – Vodaphone Telefonica O2

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

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

- (d) 11/00160/GDOT – Prior notification of proposed development by telecommunications code system operators for erection of streetworks monopole (10.1m height) supporting GRP shrowded antennas to total height of 14.8 metres plus ground based equipment cabinet, Queens Road, Hinckley – Vodaphone UK LTD

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

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

- (e) 11/00156/GDOT – Prior notification of proposed development by telecommunications code system operators for erection of streetworks monopole (10.1m height) supporting GRP shrowded antennas to total height of 14.8 metres plus ground based equipment cabinet, Streetworks adj to 1 Stoke Road, Hinckley – Vodaphone UK and Telefonica O2

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

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

- (f) 10/01007/FUL – Alterations and refurbishment of premises and installation of prefabricated external cold rooms to enclosed yard area, The Gate Inn, Ashby Road, Osbaston – Marston’s Inns & Taverns

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

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

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

It was moved by Mr O’Shea, seconded by Mr Nichols and

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

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

Notwithstanding the officer’s recommendation that the application be approved, some Members felt that the proposed extension was inappropriate due to the impact of the open seating area on neighbouring properties. It was proposed by Mr O’Shea and seconded by Mr Boothby that the application be refused for this reason.

The Head of Planning requested that voting on this application be recorded. The vote was taken as follows:

Mr Boothby, Mr Crooks, Mr Hall, Mr Joyce, Mr Morrell, Mr O’Shea and Mr Ward voted FOR the motion (7);

Mr Bannister, Mr Bown and Mrs Hall voted AGAINST the motion (3);

Mr Mayne, Mr Inman, Mr Nichols, Mr Sutton and Ms Witherford abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED – the application be refused on grounds of detrimental impact upon neighbouring properties.

- (i) 10/00056/FUL – Demolition of existing dwelling and garage and the erection of new dwelling with associated access and parking provision, 6 Boyslade Road East, Burbage – Mrs Jayne Barnes

Notwithstanding the recommendation to approve the application, some Members felt that the proposed development would be overbearing on neighbouring properties and out of keeping with the streetscene. Mr Inman, seconded by Mr Crooks, proposed that the application be refused for these reasons. The Head of Planning requested that voting be recorded on this motion. The vote was taken as follows:

Mr Mayne, Mr Inman, Mr Bannister, Mr Crooks, Mrs Hall, Mr Hall, Mr Joyce, Mr Nichols and Ms Witherford voted FOR the motion (9);

Mr Boothby, Mr Bown and Mr O'Shea voted AGAINST the motion (3);

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

RESOLVED – the application be refused due to its overbearing nature and being out of keeping with the streetscene.

- (j) 11/00090/FUL – Erection of one dwelling, Land adjacent to 2 Croft Close, Barwell – Mr Toni Rennocks

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

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

At this juncture, having reached 9.23pm, it was moved by Mr Nichols, seconded by Mr Hall and

RESOLVED – the meeting be allowed to continue to 10pm.

- (k) 10/00834/EXT – Extension of time for extant planning permission APP/K2420/A/07/2056151 – demolition of existing hotel and 2 flats and erection of 24 residential apartments including vehicular access and car parking, Elm Lea, Ashby Road, Hinckley – Mr Roy Petty

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

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

- (l) 10/00843/FUL – Erection of single storey rear extension, dwarf wall, replacement porch and partially demolished garage, 287 Brookside, Burbage – Mr Edward Cooper

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

RESOLVED – the Planning Inspectorate be advised that the proposal is supported and would have been permitted subject to the conditions contained in the officer's report and late items in the absence of the appeal.

- (m) 10/00882/FUL – Construction of unmetalled test track, two storey instruction / welfare building, CCTV camera, security and safety fencing, bunding and concrete hardstandings, Mira Ltd, Watling Street, Lindley, Higham on the Hill – Mr Ian Osborne

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

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

- (n) 11/00063/OUT – Erection of up to 61 dwellings and 2800 square metres of employment floorspace (class B1) (outline – access and layout only), Dunlop Limited, Station Road, Bagworth – Johal and Kler Partnership

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

RESOLVED – the Deputy Chief Executive (Community Direction) be granted delegated powers to grant planning permission for the development subject to the conditions contained in the officer's report and late items and the execution of an agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards affordable housing and the provision and maintenance of public play and open space facilities. Failure to do so by 2 May 2011 might result in the application being refused.

- (o) 11/00077/C – 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), Wellsborough Road, Market Bosworth – Trivett Family

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

RESOLVED – Leicestershire County Council be advised that this authority has no objection to the proposal subject to the nine points in the concluding paragraph of the report.

- (p) 11/00100/CONDIT – Variation of condition 2 of planning permission 10/00847/FUL, Flude House, Rugby Road, Hinckley – Westleigh Developments Ltd

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

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

- (q) 11/00117/EXT – Extension of time for extant planning permission 08/00344/FUL for erection of an industrial unit, Lorry Park, Stokes Industrial Park, Merrylees Road, Desford – Mr Nick O'Donnell

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

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

551 LOCAL REQUIREMENTS FOR VALIDATING PLANNING APPLICATIONS (P57)

Members received a report which sought approval on the revisions to local requirements for validating planning applications, following consultation.

A Member expressed concern with regard to expecting members of the public to view planning applications on the website due to some areas having poor coverage. Officers suggested putting a copy in Parish Council offices and Members were happy with this.

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

RESOLVED –

- (i) approval be given to commence consultation before the end of April 2011 on the proposed list of local requirements for the validation of planning applications;
- (ii) the Deputy Chief Executive (Community Direction) be given delegated authority to make minor changes to, and then adopt, the validation requirements following consultation.

552 APPEALS LODGED AND DETERMINED (P58)

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

RESOLVED – the report be noted.

553 APPEALS – PROGRESS (P59)

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

RESOLVED – the report be noted.

(The meeting closed at 9.43pm)

REPORT P61

PLANNING COMMITTEE

27 April 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 - 27 April 2011 - NUMERIC INDEX

| REF. NO. | APPLICANT | SITE | ITEM | PAGE |
|---------------------|------------------------------------|--|-------------|-------------|
| 11/00046/FUL | Invista Foundation Hinckley Ltd | Jarvis Porter Coventry Road Hinckley | 01 | 02 |
| 11/00058/EXT | Mr Terry Poulton | Land Between Upper Bond Street, Druid Street And Neale's Yard Hinckley | 02 | 19 |
| 11/00070/FUL | Mr Andrew Pickup | Linton Farm Merrylees Road Thornton | 03 | 35 |
| 11/00082/REM | Mr Darren Pratt | North Warwickshire And Hinckley College London Road Hinckley | 04 | 41 |
| 11/00110/FUL | Mrs Eileen Hemsley | George Ward Centre Church Lane Barwell | 05 | 57 |
| 11/00132/FUL | Mr Gulam J Nabi | 42 Hill Street Hinckley | 06 | 63 |
| 10/00994/FUL | Mr C Price | Land Adj. Hissar House Farm Leicester Road Hinckley | 07 | 72 |
| 11/00159/FUL | Mr & Mrs Ian Sands | Land R/o 1 Thurlaston Lane Earl Shilton | 08 | 82 |
| 11/00178/FUL | Mr Alan Makin | 86 Leicester Road Hinckley | 09 | 92 |
| 11/00181/FUL | Mr Keith Lynch | 12 Salisbury Road Burbage | 10 | 105 |
| 11/00190/GDOT | Vodafone UK & Telefonica O2 | Hinckley Road Burbage | 11 | 110 |
| 11/00197/FUL | Mr Andrew Crowter | Unit A Nuffield Road Hinckley | 12 | 117 |
| 11/00207/DEEM | H B B C | Land Adj 7 Alexander Gardens Hinckley | 13 | 125 |
| 11/00211/FUL | Mr Stephen Hay | Charnwood Poultry Ltd Merrylees Road Thornton | 14 | 131 |
| 11/00222/CONDI T | Adept Care Ltd | Moat House New Road Burbage | 15 | 139 |
| 11/00249/FUL | Mr Martin Morris | Land Adjacent New House Farm Stapleton Lane Dadlington | 16 | 146 |
| 11/00224/FUL | Mr Frank Downes | 9 Spa Lane Hinckley | 17 | 158 |

Item: 01

Reference: 11/00046/FUL

Applicant: Invista Foundation Hinckley Ltd

Location: Jarvis Porter Coventry Road Hinckley

Proposal: MIXED USE DEVELOPMENT COMPRISING LIGHT INDUSTRIAL (B1c) STORAGE AND DISTRIBUTION (B8) AND RETAIL WAREHOUSING (A1) WITH ASSOCIATED PARKING AND ACCESS

Target Date: 28 April 2011

Introduction:-

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

Application Proposal

This is a full application for the development of a mixed use scheme comprising warehouse/storage units and retail warehouse units with associated parking and access at the former Jarvis Porter factory site at Coventry Road in Hinckley.

The three retail units have floor areas of 4473 square metres, 2393 square metres and 936 square metres, which includes a mezzanine floor in each unit. The largest unit is proposed to be occupied by an unspecified DIY retailer. In addition to a floor area of 4473 square metres this unit also incorporates an outdoor garden centre. The second unit is proposed to be occupied by Matalan with Pets at Home occupying the third unit. The total retail and ancillary floorspace is 9195 square metres.

The approved scheme for this site has a total retail floorspace of 9398 square metres which comprises eight retail units ranging in size from 617.5 to 1971 square metres (some of which include mezzanine floors) and a drive thru restaurant of 232 square metres.

The scheme proposes five industrial units ranging in size from 510 square metres to 974 square metres, with a total floorspace of 3524 square metres.

The approved scheme proposed ten warehouse/storage units ranging in size from 111 to 223 square metres with a total floorspace of 1782 square metres.

An improved vehicular access is proposed with a right turning lane from Coventry Road.

The layout proposes 340 car parking spaces for the retail units, plus 18 motorcycle and 32 bicycle spaces. The industrial units would have 80 parking spaces with 8 motorcycle and 12 bicycle spaces.

The Site and Surrounding Area

The application site extends to 3.7 hectares on Coventry Road, Hinckley. It is a vacant site which has recently been cleared. The concrete hard standing to the former buildings remain on the site. It is a relatively flat site, which sits lower than Coventry Road.

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

Technical Documents submitted with the application

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

A Travel Plan Framework document has been submitted to establish Travel Plan parameters which will be incorporated into Detailed Travel Plans prepared individually by each business occupying the separate units after implementation of the development.

The proposed commercial employment development report compares this site with other employment development in the area.

The Planning and Retail Statement states that the site benefits from an extant planning permission (expires April 2012) for a similar layout and quantum of retail floorspace. The proposal does not increase the amount of retail floorspace, but does significantly increase the amount of B Class Use and removes the previously authorised drive thru restaurant/takeaway.

The statement considers that this is a better and more deliverable scheme. It notes that the improved market, and a reconfiguration of the layout now makes this a viable scheme to build out. It notes that the site is an eyesore on a principal approach road into Hinckley. The statement considers that a retail based scheme is the only use likely to achieve the site's development in the foreseeable future. It will create approximately 200 jobs.

It notes that the extant permission was recommended for approval by officers with the support of the Council's retail consultants, and endorsed by Members. In their view there has been no in-principle material change in circumstances to justify a different decision. It states that at present the Hinckley catchment area continues to lose a very considerable amount of its comparison goods expenditure to Fosse Park, Leicester City and other towns. Like the Bus Station redevelopment, development of the Jarvis Porter site will help 'capture' some of this 'lost' expenditure making it more likely that residents will do the rest of their shopping in Hinckley. It would also lead to a sizeable reduction in journey lengths.

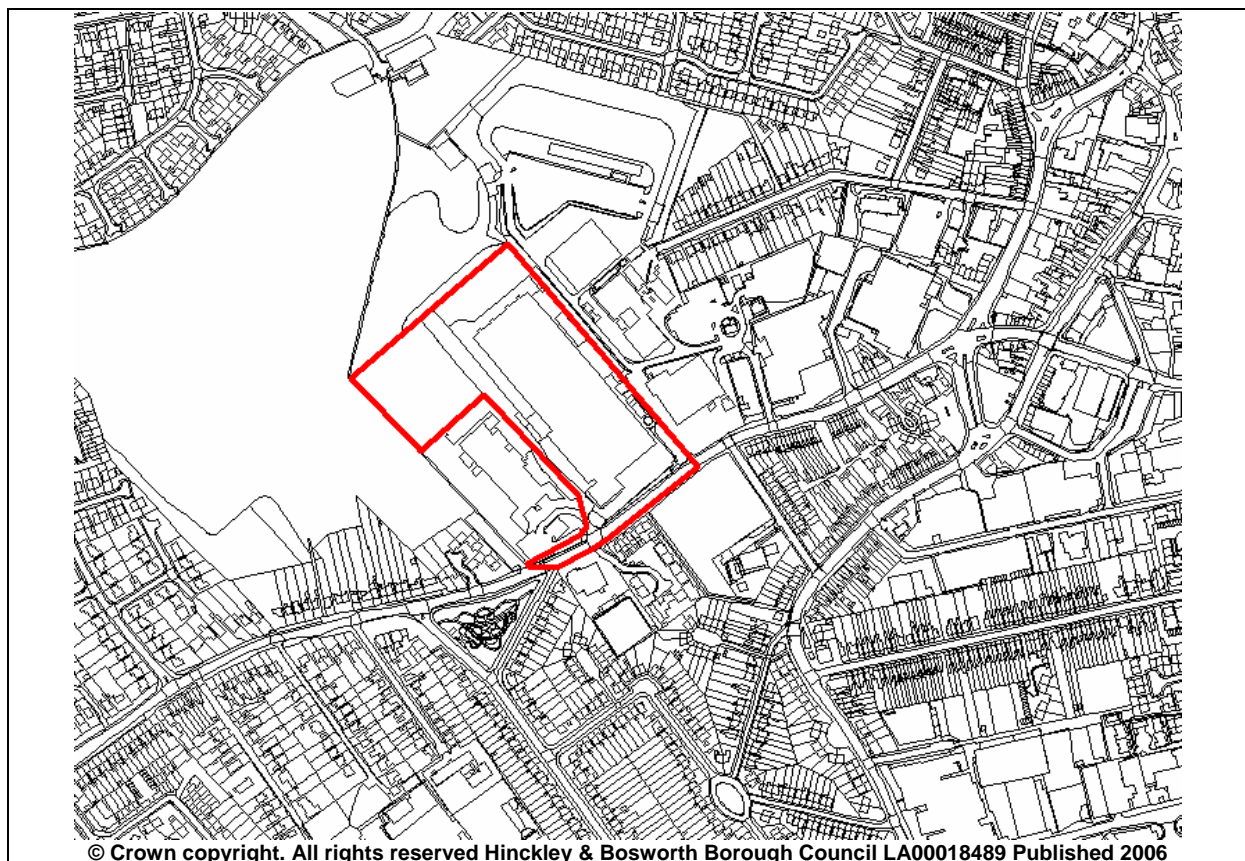
A viability report has been submitted by the developer which concludes that the development is unable to support previously agreed developer contributions.

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

History:-

| | | | |
|--------------|---|----------|----------|
| 97/00639/FUL | Erection of warehouse with office accommodation | Approved | 17.09.97 |
|--------------|---|----------|----------|

| | | | |
|--------------|---|-----------|----------|
| 06/01369/OUT | Erection of warehouse/ storage units, retail warehousing, drive-thru restaurant and associated parking | Withdrawn | 12.06.06 |
| 06/00850/OUT | Erection of warehouse/ storage units, retail warehousing, drive-thru restaurant and associated parking | Refused | 11.01.07 |
| 07/00231/OUT | Erection of warehouse/ storage units, retail warehousing, drive-thru restaurant and associated parking | Approved | 23.05.07 |
| 10/00051/REM | Approval of Reserved Matters of 07/00231/OUT for a mixed use development comprising warehouse/ storage units (use class B8), retail warehousing (use class A1) and drive-thru restaurant (use class A3/A5) with associated parking and access | Approved | 22.04.10 |



Consultations:-

No objection has been received from:-

Director of Chief Executive (Archaeology)

Director of Environment and Transport (Ecology)
The Leicestershire Constabulary Crime Reduction Officer
Blaby District Council
Nuneaton and Bedworth Borough Council.

No objection subject to conditions have been received from:-

Severn Trent Water
Head of Community Services (Land Drainage)
Head of Community Services (Pollution)
The Environment Agency.

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

- a) Director of Children and Young People's Services (Education) - Make no request as the scheme does not include residential development
- b) Head of Commercial and Support Services (Libraries) - Make no request as the scheme does not include residential development
- c) Director of Highways, Transportation and Waste Management (Civic Amenity) - No request only relates to business development which would have no impact upon the local civic amenity site.

Director of Highways, Transportation and Waste Management (Highways) has requested additional information relating to traffic generation.

Cyclists Touring Club has no objection subject to the provision of a cycle lane before the occupation of the first unit on the site.

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

- a) nearby residential parking areas may be used as overflow parking from this site
- b) if access is not traffic light controlled there will be difficulties for neighbours entering and leaving their properties
- c) increased level of traffic and associated noise pollution.

Site notice and Press notice were displayed and neighbours notified.

Policy:-

National Policy

Planning Policy Statement 1 - Delivering Sustainable Development sets out the Governments 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 4 - 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 - Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system.

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

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

Regional Policy

The 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 East Midlands Regional Plan provides a broad development strategy for the east Midlands. The following relevant policies apply to this proposal:-

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 20 lists the regional priorities for employment land.

Local Development Framework Core Strategy 2009

Policy 1 seeks to ensure a range of employment opportunities within Hinckley. It also supports the development of approximately 13,100 square metres of new comparison sector sales floorspace to 2021.

Hinckley and Bosworth Local Plan 2001

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

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

Hinckley Town Centre Action Area Plan (AAP)

This plan was adopted on 31 March 2011. It supplements and provides more detailed guidance and policies on development within and in close proximity to the town centre.

Policy 12b states that the Borough Council will actively seek to retain employment uses on this site. The supporting information to this policy notes that the site has an existing planning permission for a mixed use development including retail warehousing and that the remainder of the site (that falling outside the boundaries of this application) will be actively retained for employment.

Policy 14 Retail Development Outside Hinckley Town Centre states that within identified shopping centres, retail development will be permitted but must be of a type and size which will not have a significant adverse impact on the vitality and viability of the town centre's primary shopping area.

The AAP takes account of the comparison retail floorspace which has planning permission on the Jarvis Porter site,

Policy 15 – Transport Infrastructure Delivery and Developer Contributions requires developers to either make direct provision of infrastructure, or contribute towards the overall provision of measures by providing contributions through Section 106 agreements (or equivalent) to an overall pot for transportation improvements in the town centre.

Other Material Considerations

On 31 March 2011 the Government's Chief Planning Officer wrote to all local planning authorities drawing attention to announcements made in support of the Budget.

In relation to developer contributions one of the announcements states that " To further ensure that development can go ahead, all local authorities should reconsider, at developers' request, existing section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms". It will be for the decision-maker to gauge how much weight should be given to this announcement.

Retail Capacity Study (2007)
Retail Review Report (2010)

Appraisal:-

The main considerations with regard to this application are the principle of development, including relevant planning history of the site; regeneration and employment; the appearance of the development ; impact upon neighbours; highways; technical matters; phasing of development and the provision of developer contributions.

The Principle of Development

The application site is a short distance from the town centre and has been vacant and marketed for a number of years. Historically, it has been accepted that the redevelopment of the site would significantly contribute to the regeneration priorities of the Borough Council. It is necessary for applications to accord with National, Regional and Local policy and in this case there is also a relevant extant planning permission which does not expire until April 2012.

The extant permission is for a similar mixed use development of retail and industrial units. Since the principle of development was supported when outline planning permission was granted in 2007 there have been new national and local policies which should be taken into account.

Retail and Employment Development

The most significant changes to planning policy since outline planning permission was granted in 2007 are the publication of PPS 4: Planning for Sustainable Economic Growth (2009) and the adoption of the Core Strategy (2009) and Hinckley Town Centre Area Action Plan (2011). Other relevant policies are in the Local Plan (2001) and consideration must also be given to the Retail Capacity Study (2007), which was reviewed in 2010.

PPS 4 is a consolidation and update of guidance relating to economic development, including PPS 6 Planning for Town Centres (2005). PPS4 places retail and other town centre development in a wider context, as 'economic development' which provides employment, generates wealth and/or economic growth. PPS 4 and Policy 14 of the Hinckley Town Centre AAP require developers to undertake a sequential test to assess the impact of any new development upon existing town centres. The applicant has submitted a Planning and Retail Statement (January 2011) which examines local need, provides a retail impact assessment and a sequential site assessment and addresses the potential for disaggregation.

The site is considered on the edge of the town centre, an 'edge of centre location' and as such is a sequentially preferable site to an 'out of centre location' and is second only to the town centre. It is therefore up to the applicant to demonstrate that there are no available, suitable and viable sites within the town centre for the proposed retail element of the scheme.

The sequential sites assessment identifies two strategic development sites within the town centre with the potential for retail use, the Bus Station and Britannia Centre. The Town Centre Area Action Plan and retail study and review confirm this assertion.

In considering a sequential assessment PPS4 requires local authorities to:-

- a) ensure sites are assessed for their availability, suitability and viability
- b) ensure all in-centre options have been thoroughly assessed before less central sites have been considered

- c) ensure where there are no suitable town centre sites, preference is given to edge of centre locations, which are well connected to the centre
- d) ensure when considering sites in or on the edge of existing centres, developers have demonstrated flexibility in terms of:-
 - Scale: reducing the proposed floor space
 - Format: innovative site layouts and store configurations
 - Car parking provision; reducing car parking areas
 - The scope for disaggregating specific parts of a retail development on a sequentially preferable sites.

These elements are examined in turn:-

- a) The largest unit for comparison retailing within the bus station redevelopment is identified as 985 sq m which is considered by the applicant too small for the business model applied to the proposed stores. Disaggregation of the retail offer could result in the acceptability of these units however this has been discounted as unviable. In addition the development is not considered suitable for the purposes of bulky goods stores due to the lack of surface level parking which is stated as crucial to these stores. The Britannia Centre is identified to be in multiple ownership with the timescales for redevelopment between 2013-2016 but this could be extended due to tenant and market demand. In addition the applicant notes a lack of surface level parking in the town centre and a lack of larger available premises. The lack of larger premises is identified in both the Retail Capacity Study and the review and the position is supported.
- b) The Town Centre AAP clearly identifies that additional retail provision should be focused on the bus station redevelopment and the Britannia Centre however neither of these sites seem available, suitable or viable for the bulky goods stores identified. It is considered the applicant has assessed these sites before less central sites.
- c) The lack of suitable town centre sites means preference should firstly be given to edge of centre locations which are well connected to the centre. The application site is considered to be edge of centre as it stands less than 300 metres from the primary shopping area as defined by the Town Centre AAP. The site is well connected to the town centre via public transportation and on foot. There is one main road crossing point between the two areas but pelican crossings ensure safe access.
- d) The assessment examines the potential to disaggregate elements of the proposed provision on sequentially preferable sites such as the bus station and Britannia Centre. In regards to the DIY operator, it notes customers visit the store to buy a wide range of products for a particular project such as decorating a bathroom. If the range of products were disaggregated this would lead to increased journeys. The increased number of journeys and lengthier trips are also reasons given against disaggregation for the other two operators.

In addition the assessment states that the usual minimum size of retail warehouse parks is 500 sq m and can't effectively operate below that level. Therefore the scale of the proposed retail could not be realistically reduced.

In relation to the format of the stores the assessment notes the stores have significant areas of non or low sales generating floor space leading to a requirements for larger format stores.

The applicant also addresses retail impact in their supporting material looking at the proposals impact on the viability of the town centre for the three proposed operators.

Matalan is identified as a destination, volume value store with the primary retail impact being felt on other Matalan stores in Coventry and Leicester, which are currently overtrading. A small impact on clothes and shoe outlets in Hinckley Town Centre is identified but it is argued that these smaller stores do not compete with the Matalan model. In addition this potential impact is argued to be off-set by retained trade in Hinckley by shoppers which will no longer travel to other Matalan stores. A Matalan store was previously approved in the 2007 application and this was judged acceptable with appropriate conditions on limiting the floor space provision for clothes, shoes, household goods and furnishings. It is also noted that there is little difference in the health and vitality of the Town Centre today as compared to 2007. This assertion is supported by this Council's Retail Capacity Study (2007) and supporting Review (2010).

The DIY operator is a bulky goods store where surface level parking and accessible HGV access is required. The applicant states that the proposed store would have limited impact on the viability of the town centre due to a lack of DIY provision in the centre, noting B&Q and Focus as out of centre. This is however incorrect as B&Q stands on New Buildings and within the Town Centre boundary as defined by the Town Centre AAP.

Pets at Home is identified as a bulky goods store which in addition to pet products, also sells pets. There is an existing pet store within the town centre but this does not sell pets and is not easily accessible for transportation of bulky goods. Other pet products are provided within Hinckley supermarkets but these are not situated within the town centre. In addition the applicant indicates that Pets at Home operates a very different business model to a small town centre pet store which meets a top up requirement complimentary to the large format supermarkets.

This site is an identified employment area within the Local Plan and saved policy EMP1 applies to the development of the site. This policy identifies the site as an 'A' site which requires the employment site to be actively retained. However, the 2007 outline permission accepted the principle of warehouse retail development on the site. It should also be noted that the most up to date Employment and Premises Study Review (2010) reclassifies the site and identifies it as a 'B' site which is fit for employment which states "Regeneration policy may mean alternative development is appropriate, but to be resisted if possible".

Core Strategy Policy 1: Development in Hinckley seeks to ensure a range of employment opportunities within Hinckley. It also supports the development of approximately 13,100 Sq m of new comparison sector sales floor space up to 2021 but that this should be primarily located in a redeveloped Britannia Centre and on the bus station redevelopment site. In addition it supports the development of an additional 5,300 sq m of convenience floor space primarily located on the bus station redevelopment site.

This application proposes 3 retail units which are considered under the definition of development types provided in PPS4 as retail warehouses. The submitted Planning and Retail Statement indicates the potential retail occupiers as Matalan, Pets at Home and a national DIY operator, these are considered large stores specialising in the sale of household goods, with perhaps the exception of Matalan which provides a broader range of products including clothing and footwear. All three of these operators would however be considered to fall within the definition of Comparison Shopping.

Core Strategy Policy 1 is a supporting policy which allows comparison retail development outside of the two identified sites. However the proposed development represents approximately 60% of the overall comparison retail proposed in Hinckley up to 2021 which will not be provided on either the redeveloped Britannia Centre or on the bus station redevelopment site.

Whilst initially the scheme appears contrary to Core Strategy Policy 1, it is acknowledged that this element of the policy is based upon the findings of the Retail Capacity Study 2007 which took account of the retail provision proposed by the previously approved scheme. The comparison retail floor space proposed in this updated application is about the same as previously approved and as such the scheme is considered in compliance with Core Strategy Policy 1.

Regeneration and Employment

The scheme proposes the development of the site which will improve not only the appearance of the area but also the retail offer in the town and will contribute towards the overall regeneration aims of the adopted Core Strategy. The site is on a main approach into Hinckley and it's regeneration would improve the attractiveness of the town to invest, live, work and visit.

The proposal would provide up to 200 new jobs. To ensure that the scheme benefits local people a condition is proposed requiring a scheme to be submitted that targets and utilises local people for construction and post construction employment.

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

The Extant Planning Permission

The extant permission has eight retail units and a drive thru restaurant with a total floorspace of 9398 square metres and ten warehouse/storage units with a total floorspace of 1782 square metres. This application proposes three retail units with a total floorspace of 9195 square metres and five industrial units with a total floorspace of 3524 square metres. All of the retail development which is proposed by this application has been designed to meet the needs of specific tenants. Two of these, Matalan and Pets at Home, are named and the applicants state that they are in advanced negotiations with a DIY user who will occupy the other unit.

This 3.7 hectares site forms part of a larger area of 9.2 hectares where, in accordance with Policy 12b of the Hinckley Town Centre AAP, the Borough Council will actively seek to retain employment uses. During the adoption of the AAP it was accepted that part of this site would accommodate retail development. The current proposal would provide marginally less retail floorspace, but the employment floorspace is almost doubled, representing a significantly greater investment in employment provision than the extant planning permission.

Appearance of the Development

This is a large, prominent site on Coventry Road and this proposal represents a significant improvement in the appearance of this area. The development has successfully dealt with a series of large modern buildings on a site which slopes away from Coventry Road, down towards Clarendon Park.

The three retail buildings are typical in appearance to many other large retail stores. They are proposed to be finished in bath stone coloured blockwork to a height of 3 metres, with a mixture of silver and grey cladding with detailed flashings to the eaves and glazed features to the entrances. These buildings are between 7 and 9 metres to the eaves with overall heights of up to 11 metres.

The industrial buildings are proposed in two blocks at the rear of the site. They are finished in the same materials as the retail building, but with a more utilitarian style of design. They would be 7 metres high to the eaves and 9 metres to the ridge of the roof.

Due to the changes in site levels a retaining wall is necessary adjacent to the southwest boundary with the British Gas office. This would be finished and detailed in materials that match or compliment the palette of materials used elsewhere on the site.

The landscaping has been designed to reinforce the boundaries of the site and break up the mass of the car parking. Low shrubs and plants are proposed to the Coventry Road frontage. There would be substantial planting, including evergreens, to the rear, with some planting in the park. This should help to ensure that the impact of the development upon the park and neighbouring uses is acceptable.

The provision and maintenance of landscaping on Clarendon Park would be secured by a Section 106 legal agreement.

It is considered that due to change in levels, the proposed landscaping and the distance that the first retail building is set back from the road frontage, the development will have an acceptable appearance on Coventry Road. Overall, the development will create an attractive collection of buildings, with crisp contemporary design, that will create their own identity within this varied streetscene.

Impact upon Neighbours

The site is separated from the occupiers of nearby dwellings by either the busy Coventry Road or neighbouring commercial premises. It is not considered that either the traffic associated with the development or the proposed uses on the site would have an adverse impact upon the amenities of nearby residents.

Highways Considerations

The applicant submitted a Transport Appraisal with the planning application, which addresses the location and accessibility to the application site. It also addresses traffic generation and methods of sustainable transport. It states that there will be no adverse impact upon traffic on Coventry Road and other routes in the vicinity of the application site. The proposed highways works include the provision of a right hand turning lane, bus stop improvements and a safe pedestrian crossing.

The Highway Authority has asked for more details of traffic generation. The outcome of these discussions will be reported as a late item to committee.

The site would accommodate 420 parking spaces, which is below the Leicestershire County Council recommended maximum of 504 spaces for a development of this scale. Disabled parking spaces meet the standard and cycle parking exceeds those requirements. The applicant have stated that due to the number of linked trips which would occur and the accessible location of the site they consider that this level of parking would be adequate.

This approach is supported subject to a contribution to transportation improvements in the town centre. These are the highway improvements and town centre parking improvements identified in the Transport Framework Assessment report by White Young Green, commissioned by the Borough Council and County Council and previously agreed by this applicant. This is considered in more detail in the Viability and Phasing section below.

The Cyclists Touring Club has identified a need for additional cycle lane facilities to the front of the site, which were agreed as part of the previous scheme. However, the Highway Authority is no longer supporting the provision of these facilities because the dangers for cyclists entering and leaving this relatively short length of cycle path across the site frontage would outweigh any benefits.

Technical Matters

In their responses consultees have asked that conditions be applied to ensure that the site is adequately drained and does not either create water pollution or cause flooding. This is supported.

Some parts of the site may be contaminated. The extant permission is subject to conditions which require the applicants to undertake a site survey and investigation and, if necessary, implement mitigation works. It is proposed that the same conditions are applied to this application.

Viability and Phasing

The extant planning permission is subject to a Section 106 agreement which secures the delivery of substantial developer contributions of £532,500. These are £500,000 for transportation improvements (bus service improvements - £150,000; traffic signal improvements and traffic management - £100,000 and consolidated car parks £250,000) and £32,500 for landscape works to Clarendon Park.

Policy 15 of the recently adopted Hinckley Town Centre AAP aims to ensure that developers provide contributions to an overall pot for transportation improvements in the town centre. This is based on the WYG study detailed above.

In the current economic climate developers are stating that the contributions which they are able to provide are affecting the viability of development proposals. This issue was considered by Full Council on 15 December 2009 when a protocol was agreed which requires applicants to present the economic costs of a development to allow this authority to consider whether the costs and profit margins of the proposal are reasonable in the current depressed economy. In accordance with this proposal the developers have submitted a viability report which has been independently assessed by the Valuation Office Agency (VOA) on behalf of this authority.

The recent letter from the Government's Chief Planning Officer also expects planning authorities to reconsider the viability of proposed development.

In addition to the general viability of the proposal the developers consider that condition 10 of the outline planning permission, which states that "no more than 50% of the A1 retail floorspace shall be constructed until the B8 warehousing units have been completed and made available for occupation.", has an adverse impact upon the viability of the development. They have submitted a phasing of development which proposes that the two retail units on the front of the site (Matalan and Pets at Home) would be built first, with the DIY store built as the second phase and the industrial units built as phase three.

They have produced three appraisals using a standard residual development appraisal based upon three different scenarios:-

- a) assumes that the industrial is built out and obligations are as agreed
- b) assumes that the obligations are included, but that the industrial is excluded
- c) assumes that no obligations are included and that the industrial is excluded.

Their report concludes that none of these scenarios are viable with the following residual values:-

- a) minus £1,380,000
- b) minus £512,500
- c) £7,500

Negotiations are ongoing between your officers, VOA and the applicants and the outcome will be reported as a late item to committee. It may be that if a satisfactory conclusion cannot be reached then that may result in a recommendation of refusal.

Conclusion

The principle of the development continues to be acceptable. A similar scheme has been approved on this site and the extant planning permission does not expire until April 2012. There is no conflict between the principle of this mixed use proposal and new national and local policies which have been produced since the outline planning permission was granted in 2007.

The current application proposes similar retail floorspace to the extant permission, in a range of retail units which have been designed to meet the needs of specific tenants. It would provide significantly more industrial floorspace than the 2007 permission.

The scheme would provide a good quality development of modern buildings set in a well landscaped site. It would enhance the appearance of this part of the town and would not have a significant adverse impact upon either highway safety or the amenities of the occupiers and users of neighbouring properties.

All of the technical and other detailed matters have either been dealt with satisfactorily or would be addressed by the proposed conditions. The exception is the Highway Authority's request for additional information relating to traffic generation. The outcome of which will be reported as a late item.

The remaining outstanding matter is the viability of the development and the contribution which the applicants would make to the provision of transport improvements in the town and off-site landscaping. It was always envisaged that this development would make a significant contribution to these facilities and it was on this basis that this mixed use development continues to be supported. It is accepted that in the current economic climate it is necessary for local planning authorities to consider and where possible, adopt a flexible approach to the delivery of development. However, the applicant's current assertion that no contribution is possible is not accepted.

This recommendation is made on the basis that the negotiations relating to the viability of the scheme and the developer contribution reach a satisfactory conclusion. The outcome will be reported as a late item.

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, there being no objection from the Highway Authority 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 transportation facilities and the provision and maintenance of landscaping. Failure to do so by 28 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, the relevant history of the site, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan and would not be to the detriment of visual or residential amenity or highway safety.

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

Local Development Framework Core Strategy (2009):- Policy 1.

Hinckley Town Centre Action Area Plan (2011):- Policy 12b, Policy 14, Policy 15.

- 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 accordance with the submitted application details as follows: site location plan 10392/TP/200; site layout 10392/TP/201; floor plans 10392/TP/202 & 10392/TP/203; sections 10392/TP/204; elevations 10392/TP/205, 10392/TP/206, 10392/TP/207, 10392/TP/208; roof plans 10392/TP/209 & 10392/TP/210; phasing diagram 10392/TP/211; details of walls and enclosures 10392/TP/212; materials sample board 10392/TP/213; landscaping and tree pit detail plans DLA-1444-P-01,02,03,04 & 05 and highway layout plan REDW-2970-10, all received 24 January 2011.
- 3 The development hereby permitted shall be constructed in accordance with the details as shown on the materials sample board submitted with the application (plan No.10392/TP/213), unless otherwise agreed in writing by the Local Planning Authority.
- 4 The overall amount of A1 floorspace shall not exceed 9,195 square metres in total, including mezzanine floors.
- 5 The A1 floorspace hereby permitted shall not be used for the sale of food.
- 6 The maximum quantum of floorspace used for the sale of clothing, footwear, household goods and furnishings shall not exceed 1,874 square metres gross.
- 7 The maximum quantum of floorspace (net sales area) used for the sale of clothing, footwear, household goods and furnishings shall not exceed 1,499 square metres, this being 80 percent of the maximum gross allowable.
- 8 The first occupier of any unit retailing all or any of the following items: clothing, footwear, household goods and furnishings shall be Matalan.
- 9 There shall be no storage of materials, plant, oil drums, tyres or waste materials of any description on the open area of the site, unless otherwise indicated on the approved plan.
- 10 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

- 11 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.
- 12 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.
- 13 Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The submitted details shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless approved otherwise in writing by the Local Planning Authority.
- 14 No development shall take place until details of measures to be taken to prevent the deposit of materials, i.e. mud from vehicles leaving the site during construction works being deposited on the public highway, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained and fully implemented for the duration of the construction period.
- 15 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.
- 16 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 17 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.
- 18 No development approved by this planning permission shall be commenced until:-
 - a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) of the site for all potential contaminant sources, pathways and receptors shall be produced.
 - b) A site investigation has been designed for the site using the information obtained from the desk study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning

Authority prior to that investigation being carried out on the site. The investigation must enable a risk assessment to be undertaken relating to ground and surface waters both on and off the site which may be affected, and refinement of the Conceptual Model, and the development of a Method Statement detailing the remediation requirements.

- c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been completed.
 - d) A Method Statement detailing remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site. Prior to the commencement of main site works the approved remediation works shall be completed in accordance with the approved method statement to the satisfaction of the Local Planning Authority. Appropriate validation of the remedial scheme shall be submitted to the Local Planning Authority for written approval.
- 19 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.
- 20 Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.
- 21 Notwithstanding the details shown on the approved plans, the development shall not commence until details of staff showering and changing facilities have been submitted to and approved in writing by the LPA. The details so approved shall be provided before the development is brought into use and shall thereafter be retained throughout the lifetime of the development.
- 22 In accordance with the details shown on the approved plans, before the development hereby permitted is brought into use, car and cycle parking provision shall be made to the satisfaction of the LPA and once provided shall be maintained and kept available for use in perpetuity.
- 23 Before any unit is occupied the off-site highway works as generally shown on drawing No. REDW-2970-100 shall be completed unless otherwise agreed in writing with the Local Planning Authority

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

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4-8 To protect the vitality and viability of Hinckley Town Centre to accord with Policy Retail 1 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that the site does not deteriorate into an untidy condition.
- 10-11 To avoid water pollution to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 12 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.
- 13 To protect the appearance of the area, the environment and local residents from nuisance from artificial light to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 14 In the interests of road safety to accord with policy BE1 of the Hinckley & Bosworth Local Plan.
- 15 To ensure adequate consideration is given to ground contamination issues to avoid the risk of contamination in connection with the new development to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 16 To ensure adequate consideration is given to ground contamination issues to avoid the risk of contamination in connection with the new development to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 17 To ensure adequate consideration is given to ground contamination issues to avoid the risk of contamination in connection with the new development to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 18 To ensure the site is suitable for its intended use, to protect the quality of the water environment to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 19 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.
- 20 To prevent pollution of the water environment to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- 21-22 In the interests of sustainability of the development and to encourage alternative transport choice to accord with Planning Policy Guidance Note 13: Transport and the requirements of Policy T5 of the Adopted Hinckley and Bosworth Local Plan.
- 23 In the interests of highway and pedestrian safety, and the operation of the highway network. To ensure compliance with Policy T5 of the Adopted Hinckley and Bosworth Local Plan.
- 24 To ensure that the benefits of the development to the local area can be maximised to accord with Planning Policy Statement 4.

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: 02

Reference: 11/00058/EXT

Applicant: Mr Terry Poulton

Location: Land Between Upper Bond Street, Druid Street And Neale's Yard
Hinckley

Proposal: EXTEND THE TIME LIMIT FOR IMPLEMENTATION OF THE EXTANT
PLANNING PERMISSION (08/00037/FUL)

Target Date: 28 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 to extend the time period for the commencement of extant planning permission 08/00037/FUL for a scheme for the demolition of a former hosiery factory on Druid Street, the conversion into seventeen apartments of a vacant former factory on Neale's Yard and the conversion into offices of a vacant factory at the corner of Upper Bond Street and Neale's Yard. The original application (08/00037/FUL) was granted on 24 April 2008. The application expires on 24 April 2011, however the extension of time application has been made prior to the expiry date.

The Site and Surrounding Area

The site area is 0.161 hectares and is relatively flat. It is located within the Druid Street Conservation Area. All of the factories within the application site have suffered from poor maintenance over many years and are in a very poor state of repair. They have rusting windows, broken glazing, bricked up openings and leaking gutters. Members will be aware of the many issues and the public concern about this site.

The application site extends between Upper Bond Street, Druid Street and Neale's Yard. The site consists of a range of former hosiery factories, which have been vacant for several years. The buildings include:-

The Ghia hosiery factory, which is located at the corner of Upper Bond Street and Neale's Yard. This is two storeys high and a landmark building on the main entry road into the town from the north.

The Puffer hosiery factory is three storeys high and the principle building on the site. It was constructed in 1911 and extends along both Neale's Yard and Druid Street. It has a cart entrance from Druid Street leading to a narrow passageway at the rear of the factory to link with Upper Bond Street beneath a further factory, which is not part of the application site. This factory is owned and occupied by Bond Street Glass who also has a right to use this passageway. Neale's Yard is an important pedestrian route into the town centre and is also well used by children attending Holliers Walk School.

The Laban Tansley needle factory is two storeys high and fronts Druid Street. This building has been constructed in two distinct parts, one of which abuts the Puffer building. The interior of this factory has been greatly changed and extended over many years and many of its original features have been lost.

Vehicular access onto the site is available from Upper Bond Street at its northwest corner. However this does not provide access to any of the factories within the application site. It is, used by Bond Street Glass who has a right of vehicular access and own land adjacent to their building for four car parking spaces.

Technical Documents submitted with the application

The application is submitted with a Design and Access Statement which 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 the contributions need to be in conformity with Circular 05/2005.

History:-

08/00068/CON Demolition of the Laban Tansley Building Approved 28.05.08

- c) The Director of Children and Young Peoples Services (Education) does not request any contributions
- d) The Directorate of the Chief Executive (Ecology) does not request any contributions.

The Primary Care Trust do not object subject to previous contribution of £9,911 towards health care services.

A copy letter has been received in relation to issues of copyright for the design drawings submitted with the original application.

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

The Historic Buildings Panel
Leicestershire Fire and Rescue
Severn Trent Water Limited
The Ramblers Association.

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 5 (PPS5): Planning for the Historic Environment published on 23 March 2010 replaced Planning Policy Guidance 15: Planning and the Historic Environment (PPG15). The document sets out the overarching planning policies on the conservation of the historic environment.

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.

The Town Centre Area Action Plan (2011) includes the site within the area of the Plan. It refers to Hinckley's historic development and confirms that heritage will continue to be a key driver of its regeneration in the future. It confirms the Borough Council's intention to review the Druid Quarter Regeneration Strategy and Masterplan, this together with a full appraisal of the Druid Street Conservation Area and a conservation area management plan to protect and enhance the industrial heritage will further promote the area. There are no directly related policies applicable to this site or the development proposed.

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 BE7: 'Development in Conservation Areas' seeks to preserve or enhance the special character of Conservation Areas including buildings, related spaces and views in and out of the area.

Policy BE16 Archaeological Investigation and Recording of Sites requires a satisfactory level of investigation and recording be carried out, in the area of archaeological interests.

Policy NE17: Contaminated Land relates to the protection of the water environment from the development of contaminated land.

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 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 2011 (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 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.

The Borough Council's Supplementary Planning Document (SPD): Hinckley Town Centre Strategic Transport Development Contributions provides a commitment for new development to contribute to planned infrastructure deficiencies and proposals within Hinckley Town Centre requirements and requires a flat rate tariff of £4500 per new apartment and £5500 per new dwelling house to deliver these infrastructure commitments.

Other Material Planning Documents

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

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

The guidance continues:-

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

Appraisal:-

The 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 B2 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. This proposal provides for 17 dwellings on a site of 0.161 hectares, which equates to a density of 105 dwellings per hectare. Although this is a high density development, given the site's proximity to the town centre and the range of services and transport choices that exist there this density is not considered to be unacceptable.

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.

In line with Policy 24 - Sustainable Design and Technology, new residential units to be provided on a site should now be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. Policy 24 of the Core Strategy now requires all new homes in Hinckley to be built to Code Level 3 of the Code for Sustainable Homes. This however, is not considered to be appropriate to the conversion of these historic buildings where it is most important to ensure that the heritage character and features of the buildings are not compromised and retained over and above sustainable design features. Accordingly, it is not considered appropriate to apply the requirements of Policy 24 in this case.

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 three 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. The scheme provides one and two bed apartments. Resultant of the progressions with the legal agreement, this would ensure a mix of housing tenures.

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 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.

The Borough Council's Town Centre Area Action Plan (2011) includes the site within the area of the Plan but there are no specific policies in relation to it.

Local Plan Policy

The original scheme was granted on the 24 April 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.

Supplementary Planning Documents

The issues relevant to the Borough Council's Supplementary Planning Document (SPD): Hinckley Town Centre Strategic Transport Development Contributions is considered below under the heading of Developer Contributions.

The Council's Supplementary Planning Document (SPD) on Hinckley Town Centre Strategic Transport Development, the County Council can request contributions via appropriate developments for infrastructure improvements within the Hinckley town centre. In this case, there has been no such request.

The Council's Supplementary Planning Document (SPD) on Affordable Housing reduced the threshold for affordable housing to 15 units and above. The requirement for affordable housing units is considered further elsewhere in the report.

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

Removal of Conditions

The Head of Community Services (Land Drainage) raises no objections to the proposal but requests a condition in respect of the submission 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 local planning authority is usually subject to change. In line with recent appeal decisions and the 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.

The Director of Environment and Transport (Highways) has recommended that the previous highways conditions are imposed on the determination of this application. However, it is not considered that there are any special circumstances with regard to this application which would require the imposition of conditions in relation to the deposit of materials onto the highway during the construction period, or for drainage into the highway following completion of the development. Therefore, these conditions have been omitted from the recommendation.

Additional Conditions

As previously discussed, since the determination of the original application, The Local Development Framework Core Strategy has been adopted (2009). In particular, Policy 24 requires new dwellings to be constructed to a minimum of Code Level 3. However because this scheme is for conversion of existing buildings, it is not considered that this requirement should be imposed in this case.

Affordable Housing Provision and Development Contributions

Affordable Housing Provision

This planning application is for 17 apartments in the centre of Hinckley. Under the original planning application this site did not cross the threshold for a requirement for affordable housing, However, the Affordable Housing Supplementary Planning Document adopted in April 2008 reduced the threshold for affordable housing to 15 units and above. The Core Strategy, adopted in December 2009, confirmed that in urban areas the requirement would

be for 20% affordable housing to be provided for sites of 15 dwellings and above. The split of tenure should be 75% of this provision to be for social rented properties and 25% for intermediate tenure.

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 3 affordable homes. Due to the small number of units required, the Council would accept either 3 units for social rent or 2 units for social rent and 1 for intermediate tenure, dependant on Registered Social Landlords partners preference.

The Council's waiting list has 337 people on the list for 1 bedroomed apartments and 44 people for 2 bedroomed apartments. As the properties in the urban areas are to meet the needs of applicants to the Borough as a whole, the connections criteria in the section 106 agreement should be a local connection to the Borough rather than to the settlement. The provision proposed is welcomed and is in accordance with the policy requirement.

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 17 residential units, which attracts infrastructure contributions.

The Borough Council's Supplementary Planning Document (SPD): Hinckley Town Centre Strategic Transport Development Contributions provides a commitment for new development to contribute to planned infrastructure deficiencies and proposals within Hinckley Town Centre and requires a flat rate tariff of £4,500 per new apartment and £5,500 per new dwelling house to deliver these infrastructure commitments. Accordingly, a total contribution of £76,500 is required.

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 these requests 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.

Furthermore, the flat rate tariff approach of the Hinckley Town Centre Strategic Transport Development Contributions SPD is not CIL compliant.

As the site does not make any provision for on site 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, Policy REC3 of the Local Plan suggests that direct or indirect (financial) contributions will be expected for open space provision (REC3) on developments of less than 20 dwellings.

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.

Financial contributions in terms of the Ashby Road Cemetery for public realm improvements in terms of landscaping of the woodland burial area are therefore sought. The Play and Open Space SPD sets out how the contribution is worked out proportionate to the size and scale of the development. A total of £2,664.45 is sought: (£1,432.20 for the provision and £1,232.25 for maintenance). Due to the proximity of the site to the Ashby Road Cemetery, it is considered that future occupiers would utilise the facilities.

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 the 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 three units)
- b) Play and Open Space £2,664.45

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

Other Issues

Correspondence has been received from architects who maintain that the copyright in the plans submitted by the applicant remains with them and that the applicant does not have their permission to use the plans in the making of this application.

Copyright law is complex and specialised and it is not clear what the Council's position is in such a situation. The Legal Section is exploring this issue further with a view to obtaining a definitive position, because, if there is an issue for the Council as Local Planning Authority in such circumstances, then it is a potential issue for all Local Planning Authorities. In the meantime, it is considered that the application should continue to be considered on its planning merits and any further information will be reported to the Committee as a late item.

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. As such, the extension of the scheme for a further three year period is acceptable subject to the imposition of conditions as considered within this report. The implementation of the planning permission will result in a positive enhancement to the character and appearance of the Conservation Area.

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 granted planning permission subject to the conditions below. Failure to complete the said agreement by 28 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 changes to policy since the last planning permission would not result in a different decision being reached and therefore would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies IMP1, RES3, RES5, BE1, BE7, BE16, T5, T9, REC3, NE17.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: plans 5921B-06B AND 08A received 10 March 08 by the Local Planning Authority and 02B received on 26 March 2008.
- 3 Demolition of the factory shall not take place until the applicant or their agents or successors in title have secured the implementation of a programme of historic building recording. This work shall be conducted in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.
- 4 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.
- 5 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site being first occupied.
- 6 If during development contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unexpected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 7 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
- 8 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees

or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

- 9 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 10 Notwithstanding the submitted drawings, detail drawings and specifications of the proposed windows, doors, surface treatment of the Puffer building north gable, car park lighting, bin storage and the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 11 Notwithstanding the submitted drawings, detail drawings and locations of the proposed pedestrian safety barriers and the separation bollards between the residential and commercial vehicle areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 12 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as to open inwards only.
- 13 No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.
- 14 For the period of the construction of the development the vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 15 Before the development commences details of, cycle parking provision shall be submitted to and agreed in writing by the Local Planning Authority and once provided shall be maintained and kept available for use in perpetuity. The agreed scheme shall be implemented prior to first occupation of the dwelling and shall be retained for these purposes thereafter.
- 16 Before first occupation of the dwellings hereby permitted, the access drive, car parking and turning space shall be surfaced with hard bound material (not loose aggregate) and so maintained at all times. The specification of the material to be agreed in writing with the Local Planning Authority.
- 17 Before first occupation of the dwellings hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant.
- 18 Each dwelling should be issued with a travel pack and 2x 3 monthly travel passes prior to the first occupation.
- 19 No more than 10 apartments shall be occupied before office scheme is completed.
- 20 Notwithstanding the submitted drawings, no gates shall be erected to the vehicular access to Druid Street.

- 21 Notwithstanding the submitted drawings, all doors and windows at ground floor on the road or footpath frontages shall be of a type other than outward opening and thereafter shall be so maintained.
- 22 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre control radii on both sides of the access.
- 23 Before the development hereby permitted is first used, off-street parking provision shall be made within the application site in accordance with the submitted plan. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.

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 satisfactory archaeological investigation and recording to accord with policy BE16 of the Hinckley & Bosworth Local Plan.
- 4 To ensure the site is safe and suitable for residential development to accord with policy NE17 of the adopted Hinckley and Bosworth Local Plan.
- 5&6 To ensure the site is safe and suitable for residential development to accord with policy NE17 of the adopted Hinckley and Bosworth Local Plan.
- 7&8 To safeguard the residential character of the area to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 9&10 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 11 In the interests of road safety and to ensure that the proposed use does not become a source of annoyance to future and nearby residents to accord with policy BE1 and T5 of the Hinckley & Bosworth Local Plan.
- 12&13 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 14 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy T5 of the Hinckley & Bosworth Local Plan.
- 15 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with policy BE1 of adopted Hinckley and Bosworth Local Plan.
- 16&17 In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 18 In the interests of the sustainability of the development and to encourage alternative transport choice to accord with policy BE1 of adopted Hinckley and Bosworth Local Plan.

- 19 To ensure the development is completed within a reasonable period of time to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 20 To enable a vehicle to stand clear of the Highway in order to protect the free and safe of traffic, including pedestrians, in the public highway and to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 21&22 In the interests of the safety of users of the public highway to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 23 To ensure that adequate off-street parking facilities are available and to accord with policies BE1 and T5 of adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The application site lies within the boundary of the Druid Street Conservation Area and the Local Authority will be anticipating that high quality traditional materials, such as granite sets, will be used for all ground surfacing.
- 6 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.

Contact Officer:- Louise Forman Ext 5682

Item: 03
Reference: 11/00070/FUL
Applicant: Mr Andrew Pickup
Location: Linton Farm Merrylees Road Thornton
Proposal: ERECTION OF AGRICULTURAL BUILDING
Target Date: 30 March 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, due to the size of the floor space of the proposed building being more than 500 square metres.

Application Proposal

This application seeks full planning permission for the erection of an agricultural building at Linton Farm, Merrylees Road, Thornton.

The building is a steel frame portal building with dimensions of 13 metres x 50.3 metres x 7 metres to ridge, it has an open side to the southern elevation and is proposed to be constructed of concrete panel walls to 3 metres high with treated timber boarding above. The roof is proposed to be constructed of corrugated fibre cement. due to the changes in levels of the site, the building is proposed to be cut in to the existing land level along the northern elevation.

The Site and Surroundings

Linton Farm is 47.52 hectares and located in the countryside to the south and southwest of Thornton on the west side of Merrylees Road and within the National Forest. There are isolated farmhouses and associated buildings to the east, further residential properties to the southernmost point of the landholding, Merrylees Industrial Estate to the southwest and Hanson brickworks to the west. The existing complex of farm buildings is located immediately to the west of Merrylees Road and is reached from an existing farm access to Merrylees Road.

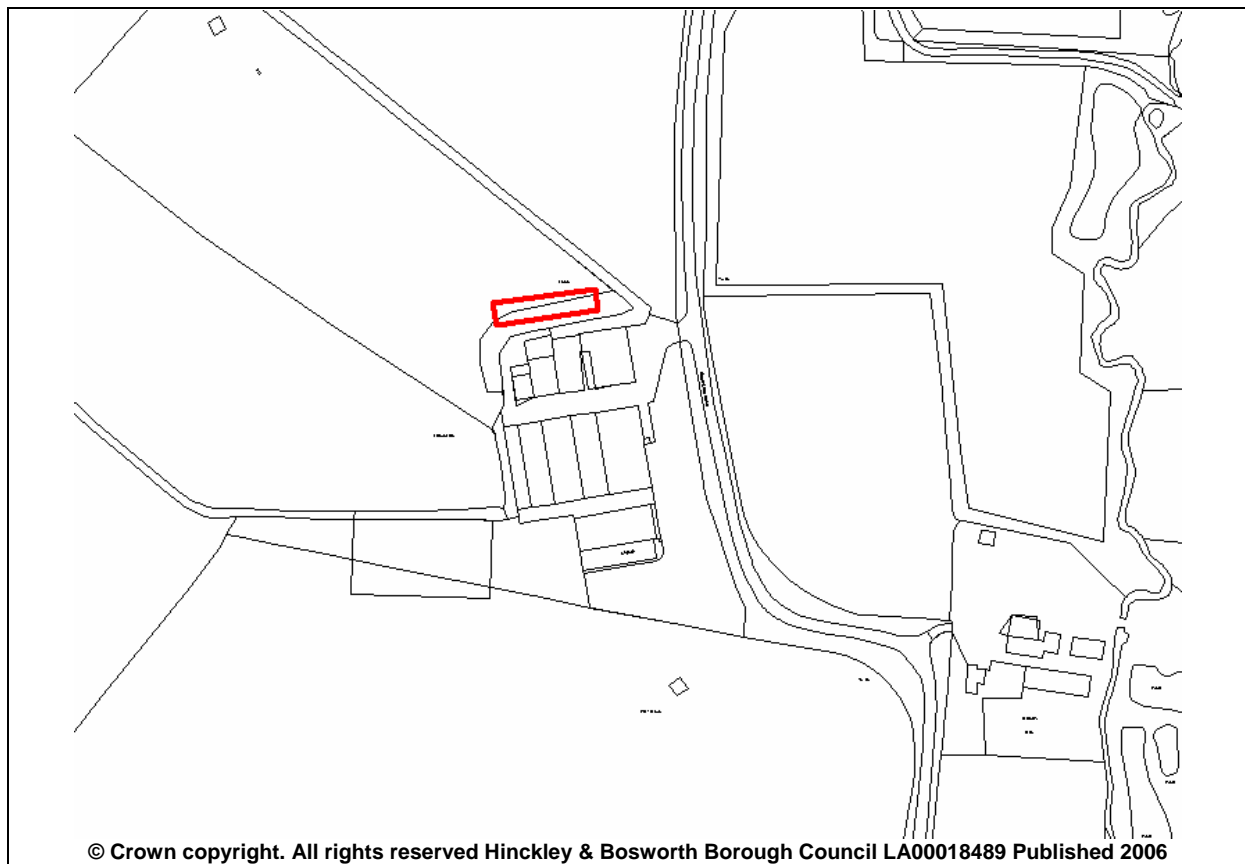
Technical documents submitted with the application

The Design and Access Statement submitted with the application states that the building will provide a building for hay and straw storage however, machinery and livestock may be housed within the building from time to time. The applicant is a livestock farmer rearing cattle and sheep. He currently has 400 breeding ewes and a herd of 100 suckler cattle. The current barn used for the storage of straw would be better utilised for housing livestock. The eaves height of the building has been limited to 4.88 metres and the roof has a shallow pitch to limit the effect of the overall building profile whilst still allowing access and providing sufficient storage.

A drawing has been submitted with the application which shows the change in ground levels and the proposed floor level of the building in relation to the nearest existing building.

History:-

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| 10/00957/FUL | Erection of an Agricultural Building | Withdrawn | 24.01.11 |
| 10/00174/NOMAT | No material amendment to 09/00717/FUL | Approved | 20.04.10 |
| 09/00717/FUL | Erection of Agricultural Workers Dwelling | Withdrawn | 27.10.09 |
| 09/00376/FUL | Erection of Agricultural Workers Dwelling | Withdrawn | 19.06.09 |
| 09/00177/FUL | Erection of General Purpose Agricultural Building | Approved | 29.04.09 |
| 07/01205/FUL | Erection of Agricultural Building | Withdrawn | 15.08.07 |
| 07/00023/COU | Change of Use of Land and Buildings to a mixed use of Agriculture and Equestrian | Approved | 06.06.07 |
| 07/00022/COU | Retrospective Application for the Siting of Agricultural Workers Caravan, Engineering Works to Create External Storage Areas and Exercise Areas for Animals and Change of Use of Land and Buildings to a Mixed Use of Agriculture and Equestrian | Approved | 06.06.07 |
| 02/00269/FUL | Erection of Steel Portal Framed Agricultural Building | Approved | 28.03.02 |
| 00/00413/REM | Erection of Agricultural Dwelling | Approved | 21.10.00 |
| 97/00881/OUT | Erection of Agricultural Dwelling | Approved | 07.01.98 |
| 94/00789/OUT | Erection of Agricultural Workers Dwelling | Approved | 14.12.94 |
| 83/0163/4 | Extension of Agricultural Dairy Unit Comprising Cubicle, Feeding Accommodation and Slurry Storage | Approved | 12.05.82 |
| 82/0123/4 | Retention of Temporary Dwelling | Withdrawn | 12.05.82 |
| 80/0278/4 | Erection of Agricultural Dairy Unit | Approved | 21.04.80 |
| 80/0277/4 | Standing of Temporary Mobile Home | Approval | 21.04.80 |



Consultations:-

No objections received from: -

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

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

At the time of writing, no responses have been received from:-

Severn Trent Water Limited
Parish Council.

Policy:-

Central Government Guidance

Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas identifies the Governments 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.

The PPS confirms that the Government recognises the important and varied roles of agriculture, including in the maintenance and management of the countryside and most of

our valued landscapes. The Government's objectives for rural areas are to promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity; contributes both directly and indirectly to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants.

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.

There are no policies within the East Midlands Regional Plan specific to this planning application.

Local Policy

Local Development Framework Core Strategy 2009

Policy 21 National Forest sets out the types of development that are appropriate within the National Forest and states that development is acceptable provided that the siting and scale is appropriately related to its setting in the Forest, the development respects the character and appearance of the wider countryside and it doesn't affect the existing facilities and working landscape of either the Forest or the wider countryside. This policy also states that within the National Forest new developments will be required to reflect the Forest context in their accompanying landscape proposals.

Hinckley and Bosworth Local Plan 2001

The site is in the countryside as defined on the proposals map of the adopted Local Plan.

Policy BE1: 'Design and Siting of Development' seeks to secure attractive development and to safeguard and enhance the existing environment. Planning permission will be granted where the development complements or enhances the character of the surrounding area with regard to scale, layout, design and materials; has regard to the safety and security of

property; incorporates landscaping if necessary; ensures that there is adequate highway visibility for road users and adequate provision of parking and manoeuvring facilities.

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

Other Documents

Supplementary Planning Guidance on the 'Design of Farm Buildings' advises that the position of a new farm building is usually dependant on its function and the space available. There are other factors that should be taken into account, such as the visual prominence of the building in the wider landscape. The function of the building will influence its size, scale, type and design. The long term agricultural requirements of the building should also be considered.

Appraisal:-

The main considerations with regards to this application are the principle of development, design, layout, and impact on the countryside, highway safety and other issues.

Principle

Whilst both central government guidance in Planning Policy Statement 7 and policy NE5 of the adopted Local Plan seek to protect the character and appearance of the countryside for its own sake and from unnecessary development, it is recognised that certain forms of development, including those in connection with agricultural land based activities which require a countryside location, are generally acceptable in principle.

The needs of the holding and agricultural operation are a material consideration in assessing such applications. The agricultural holding is 47.52 hectares. The applicant is a livestock farmer rearing cattle and sheep. He currently has 400 breeding ewes and a herd of 100 suckler cattle. The proposed structure is required in connection with a working farm for the storage of hay and straw, occasionally the building may be used for the storage of farm machinery and housing livestock.

The proposal will aid the future success of the farm and help to ensure continued employment on site and would therefore contribute towards the local economy. The principle of a building for agricultural purposes is therefore acceptable in this countryside location.

Siting, Scale and Design

The previous application was withdrawn because the proposed siting was not well related to the existing buildings and was therefore considered to be too prominent within the landscape. The proposed building will be located to the north of the existing farmyard in close proximity to existing agricultural buildings forming a tight cluster of farm buildings. This proposal therefore does not appear as an unnecessary intrusion into the rural landscape and has an acceptable siting when considering the existing layout of this site.

The existing buildings are modern farm buildings which vary in height. The proposed building is purpose designed for modern agricultural practice and therefore whilst being a large building it is appropriate to the scale of the agricultural holding, the adjacent buildings and the intended agricultural use. The height of the proposed roof is in keeping with other building on site. The buildings pitched roof form, materials of construction and the overall design is typical of those in the rural landscape. Control will need to be exercised over the colour of the elevations. The roofing material proposed is characteristic of other existing buildings on the site. Existing buildings on site are mainly weathered timber colour sides and the proposed building should be of a similar colour to ensure the proposed building is assimilated into the complex.

Highways

The building will be served by the existing farm access off Merrylees Road. The Director of Highways, Transportation and Waste Management (Highways) raises no objection to the proposal.

Conclusion

This agricultural building is appropriate in its design, scale and siting to not be to the visual detriment of the countryside. The use of the building will be in association with the existing farm use at the site and is therefore an acceptable form of development within the countryside.

RECOMMENDATION :- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

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

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

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policy 21.

SPG on the Design of New Agricultural Buildings.

- 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 be carried out in complete accordance with the submitted application details, as follows:- Site location plan, block plan and drawings 4 and 6 received 2 February 2011.
- 3 The development hereby permitted shall be carried out in complete accordance with the schedule of materials stated in the planning application form.

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 building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy 21 .of the Adopted Core Strategy 2009 and policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Louise Forman Ext 5682

Item: 04

Reference: 11/00082/REM

Applicant: Mr Darren Pratt

Location: North Warwickshire And Hinckley College London Road Hinckley

Proposal: APPROVAL OF RESERVED MATTERS FOR A RESIDENTIAL DEVELOPMENT CONSISTING OF 132 DWELLINGS AND ASSOCIATED WORKS

Target Date: 16 May 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 is the reserved matters submission for the development of 132 residential units previously approved in outline for 157 residential units at North Warwickshire and Hinckley College campus on London Road, Hinckley.

The outline consent provided approval for the access only and required reserved matters applications to be submitted for the layout, scale, appearance and landscaping to include the following details:-

- a) external building materials
- b) provision to be made for vehicle parking on the site
- c) provision to be made for vehicle turning within the site
- d) provision to be made for loading and unloading within the site
- e) method of disposal of surface and foul water drainage, which shall be on separate systems
- f) existing trees and hedges on the site, which are to be retained
- g) provision to be made for screening by walls and fences
- h) phasing of the development
- i) floor levels of the proposed dwelling; in relation to the existing ground level and the finished levels of the site.
- j) provision to be made for the storage of refuse and/or recycling facilities.

The Site and Surrounding Area

The site extends to 4.4 hectares and is bound by London Road to the south with residential properties and nursing homes facing the site. To the west the site is bound by College Lane with residential properties beyond. The north-western corner of the site is bound by Trevor Road which currently provides a secondary access to the site. The northern boundary is formed by the rear gardens of properties on Welwyn Road while the eastern boundary is formed by the rear gardens of properties on Glebe Road and the Peugeot Garage accessed from London Road.

Technical Documents submitted with application

The application is accompanied by a Design and Access Statement which states that the scheme will result in a quality residential development, reflecting a set of design principles that have been developed to reflect the characteristics of the site and its surroundings and that a range of house types and tenures have been provided to ensure that the development has a mixed community.

A schedule of proposed materials has also been submitted with the application and a package of materials submitted during the course of the application. These include Hanson Worcestershire red multi, Hanson Southwell Red; Ibstock Minister Beckstone Mixture for facing bricks, with rendering sections being finished in magnolia; with detailing bricks of Hanson heather Charnwood natural and Blue Engineering brick and smooth red engineering brick to be used as a splash course. The splash course is brickwork located between ground level and the damp proof course. The roof tiles proposed are Marley Edgemere; smooth grey and smooth brown.

Following concerns raised by officers, the applicant has provided further information/amendments to the following and re-consultation has been undertaken:-

- a) The proposed layout has altered, but relates to the same number of dwellings.

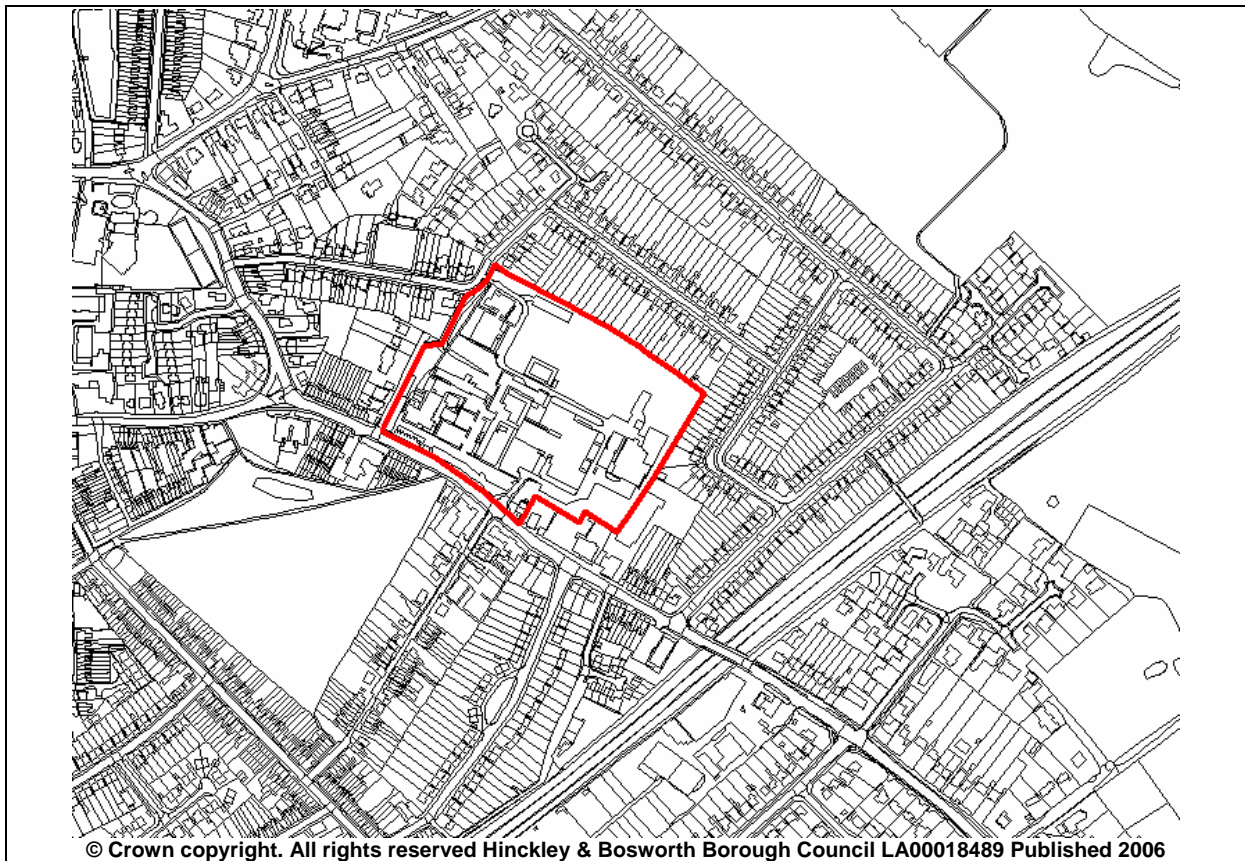
- b) The removable bollards to the north west of the site off Bowling Green Road has been omitted and replaced by a footpath and cycleway.
- c) Existing on site levels, proposed finished floor levels and neighbouring site levels.
- d) Brick samples have been submitted; Hanson Worcestershire red multi, Hanson Southwell Red; Ibstock Minister Beckstone Mixture.

It is considered that further information is still required in relation to the existing trees and hedges and the future ownership and maintenance of them, roof tile submissions and an update of revised house types, where applicable. In addition, both the Director of Environment and Transport (Highways) and the Environment Agency have requested further details and amendments. All information has been requested and will be reported on as a late item.

History:-

Numerous applications relating to the college from mid-1970's to mid-1990s.

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| 10/00505/OUT | Residential Development (Outline-Access Only) | Approved | 20.10.10 |
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Consultations:-

No comment has been received from:-

Directorate of Chief Executive, LCC (Ecology)
Director of Environment and Transport (Rights of Way)
Head of Community Services (Land Drainage).

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

The Environment Agency which states that the preliminary drainage strategy seems to infer that the original layout as detailed on drawing 2623-103 now differs with replacing above ground storage areas with a purely piped network and therefore Sustainable Urban Drainage System principles may have been compromised.

The Environment Agency has requested clarification and cannot approve the Reserved Matters applications until details are submitted showing the attenuation ponds as part of the development layout until these issues have been addressed.

Director of Environment and Transport (Highways) who objects to the current scheme and has requested that changes be implemented.

The Head of Corporate and Scrutiny Services (Tree Officer) comments that the proposed planting consists of only two species (Cherry and Pear) which is too restrictive. Greater diversity of tree species is required with varieties selected to provide structural impact, greater interest and a sustainable population, particularly in respect of climate changes. The Head of Corporate and Scrutiny Services (Tree Officer) has also requested additional tree planting to the north of plots 77-80, and that the trees to the north of plot 78 are unlikely to survive and should have been provided within the necessary space and that replacement planting should be with advanced nursery stock. The Head of Corporate and Scrutiny Services (Tree Officer) has also enquired as to whether a Tree Protection Plan has been submitted.

Head of Business Development and Street Scene Services (Waste Minimisation) states that the bin store for the apartments has been located behind vehicle spaces. This is unsuitable as the bin store must be adjacent to the public adopted highway and as such has requested that a condition be imposed.

The Leicestershire Constabulary Crime Reduction Officer has requested that boundary treatments, and layout of garages and parking areas, to be more carefully considered to allow natural surveillance and requests that the areas of open space will be covered by a suitable management strategy approved by the Local Authority.

Site notice and Press notice were displayed and neighbours notified.

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

- a) congestion on London Road
- b) do not want to live too close to a housing estate
- c) no current or future access from Bowling Green/Trevor Road
- d) 2.5 storey dwelling will overlook garden and result in a loss of light, loss of privacy
- e) drop in ground level from the college field to the gardens
- f) maintenance of the hedge on College Lane, ideally a boundary wall; how is this to be maintained and how will the development ensure that the new owners maintain the hedge.

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

Severn Trent Water
National Grid PLC
The Primary Care Trust
Ward Members
Head of Corporate and Scrutiny Services (Green Spaces).

Following the submission of amended plans re-consultation has been undertaken and remains open at the time of writing and closes on 18 April 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 - 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 41 states that at least 60 per cent of new housing should be provided on previously developed land and that a key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed.

Paragraph 71 states that where the LPA cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in PPS3 and considerations in paragraph 69. Paragraph 69 requires the LPA to ensure that the proposed development is in line with planning for housing objectives, reflects the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives. In addition, development should provide high quality housing of a good mix and make effective and efficient use of land.

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 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.

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 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 5 – Transport Infrastructure in the Sub-regional Centre sets out transport interventions to support additional development in and around the sub-regional centre, particularly the urban extensions at Barwell and Earl Shilton, to promote sustainable development. The

interventions include improvements to the provision and management of car parking and public transport to support the increased use of Hinckley Town Centre.

Policy 15 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 seeks residential development to provide a mix of housing types and tenures at a minimum density of 40 dwellings per hectare within Hinckley.

Policy 24 requires all new residential properties in Hinckley to meet Code Level 3 of the Code for Sustainable Homes.

Hinckley and Bosworth Local Plan 2001

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

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 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.

Policy CF2B concerns alternative uses of existing educational and community sites. This states that planning permission on land in existing education or community uses will not be granted unless: the developer provides an equivalent range of replacement facilities in an appropriate location serving the local community; or the developer provides adequate proof

that there is a surplus of educational and/or community facilities beyond the needs of the local community; or the development of a small part of a larger site in education or community use would result in the enhancement of facilities on the remainder of the site.

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 Policy Guidance

Hinckley Town Centre Area Action Plan was formally adopted in March 2011

Policy 10 North Warwickshire and Hinckley College Site identifies the site as having the potential for a mixed use scheme incorporating residential and office uses. The protection of important trees, provision of landscaped open space and potential retention of high quality buildings are also aspirations of this policy.

Appraisal:-

The principle of residential development on this site has already been established by the earlier grant of outline planning permission which was subject to conditions and a Section 106 agreement. The outline application was for access only.

The main considerations with regards to this application are those of layout, scale, appearance and landscaping, and the matters specifically detailed (as detailed in the introduction to this report) as needing to be submitted with the reserved matters application.

Layout

The submitted plans show a layout for 132 dwellings, a reduction of 25 residential units in comparison to the originally proposed. The indicative layout previously showed the Play Area to the sites frontage to London Road and a further area of open space including attenuation ponds to the south-eastern corner.

For the avoidance of doubt, the indicative layout plan submitted at the outline stage differs from that submitted as part of this application. The lower density has resulted in a scheme which is considered more spacious and does not result in overdevelopment of the site.

The layout proposes one main access road off London Road which then winds through the site creating a series of clusters and areas and two cul-de-sacs to the west and south of the site. The layout also incorporates a hierarchy of routes, created by variations in surfacing materials. A pedestrian and cycle route is also provided to the north west of the site which has been designed to create a permeable and legible layout.

The Play Area is created fairly centrally within the site, creating a focal point and is surrounded by a number of residential properties, ensuring natural surveillance and integration into the development.

The properties have been designed to face onto the road frontages with garaging and parking bays attached where possible, providing both natural surveillance and attractive street scenes. All dwellings to the peripheries are facing inwards towards the centre, addressing the road and creating gardens to the rear. Dwellings' occupying prominent positions on corners plots have been carefully considered to ensure that there are no dull or

blank frontages. The layout to the south of the site has ensured that dwellings are facing onto London Road, to ensure no detrimental impacts upon the streetscene of London Road.

Two, three and four bed dwellings propose appropriately sized gardens in accordance with the standards set down in the Council's SPG on New Residential Development.

Following concerns raised by the Leicestershire Constabulary Crime Reduction Officer the layout and surveillance of garages and courtyards has been carefully considered and amended plans have been received.

Scale

There are a range of house types within the immediate vicinity of the site consisting of semi detached properties to the north and east, terraced to the south and detached to the west. The scheme proposes a range of apartments, terraced, semi-detached and detached properties of 2, 3 and 4 bedrooms which occupy differing footprints within the scheme. It is considered that the differing scales add interest within the site and would not appear out of scale or character within the surrounding setting.

The site is bound to the north, east and west by predominantly two storey dwellings and to the south on the opposite side of London Road by both two storey dwellings and large nursing homes of varying heights. As such the proposal, showing both two and two and half storey properties is considered acceptable in this setting and in respect of this issue.

Appearance

In relation to the visual appearance of the built environment, there are a range of house types proposed within the scheme. Each house type proposes different materials and design features such as a hipped or gabled roof, chimneys, dormer windows and bay windows which adds interests to each dwelling and subsequently the external appearance of the site as a whole.

Given the range of apartments, terraced, semi-detached and detached properties of 2, 3 and 4 bedroom configuration within the site, there are also a number of differing footprints and heights within the site.

The apartment block proposed to the south of the site facing London Road has reflected the proportions and external appearance of the existing workhouse building and later buildings dating from 1911 which currently exist on the site.

In respect of other visual elements there is a mixture of frontage parking, and single and double garages which are subservient in scale and using similar materials to the proposed dwellings. In addition, whilst soft landscaping will be considered later in the report it is considered this adds aesthetics to the overall appearance of the site.

Accumulatively as a result of the differing styles, features, materials and sizes it is considered that an attractive scheme would be provided.

Landscaping and Play and Open Space

The application has been accompanied by three plans detailing the soft layout proposals for the plots. Whilst a number of trees are intended to be lost, additional trees are proposed and some trees are retained. In terms of the impact upon trees, it is considered that there is adequate separation distances to ensure that the retained trees will not be subject to

pressure for removal from future residents. It is considered that this will add to the articulation of the streetscape.

The soft layout proposals for the plots has been considered by the Head of Corporate and Scrutiny Services (Tree Officer) who considered that the species mix proposed is far too restrictive and that a greater diversity of tree species is required. The Head of Corporate and Scrutiny Services (Tree Officer) has also requested additional tree planting to the north of plots 77-80, and that the trees to the north of plot 78 are unlikely to survive and should have been provided with the necessary space to grow and that replacement planting should be with advanced nursery stock and has enquired as to whether a Tree Protection Plan has been submitted.

In response to the Head of Corporate and Scrutiny Services (Tree Officer) request for additional tree planting to the north of plots 77-80 it is considered that this would compromise the natural surveillance from the front of the properties over into the Local Plan Area. A Tree Protection Plan has not been submitted with this reserved matters application, as it was not a requirement to do so within the outline an application and as such the details cannot now be requested. In terms of the lack of species, overall it is considered that the level of trees is acceptable given the combination of the retention of existing trees and hedges on site, together with additional planting. The intention is to ensure that additional planting will not lead to future pressure for the removal of trees from the future residents of the site.

The previous outline application secured provision for onsite and/or offsite open space, together with a children's equipped area for play through an agreed Section 106 agreement. The details of the Children's Play Area are currently in negotiation and it is the intention that the design of the play area will have a more naturalistic approach in line with the latest National Playing Fields Association guidelines.

Impact Upon Residential Amenity

The site is predominantly bordered by residential dwellings.

The neighbouring residential dwellings most immediately impacted upon as a result of the scheme are No.'s 29 and 36 Bowling Green Road and No 2 Trevor Road sited to the north west corner of the site, given the proximity to proposed plot no's 28, 29 and 30.

There is a minimum distance of 6.5 metres between No. 36 Bowling Green Road and proposed plot no. 28, however there is the presence of a 2 metre high hedge and footpath between the properties which would screen some of the development. In addition, no. 28 does not propose any side windows and there are no habitable side windows within no 36's side elevation. As such, by virtue of the distance and absence of windows it is not considered that there would be any significant detrimental impacts as a result of the proposal.

The side elevation of No. 2 Trevor Road is located some 17 metres from the rear wall of proposed plot no. 29 which together with the retention of a tree offering screening leads to a conclusion that there would not be any material impacts upon the occupiers of the neighbouring dwelling. There is a distance of approximately 13 metres between No. 29 Bowling Green Road and proposed plot no. 29. This across-road separation distance is not uncommon in the locality and is not considered to result in any material detriment upon residential amenity.

Residential dwellings to the east along College Lane are sited between approximately 17 to 24 metres away and given the distance and across-road relationship would not give rise to any significant impacts upon the occupiers of the dwellings.

The northern boundary of the development adjoins the rear boundaries of Welwyn Road. In response to the neighbouring representations, given that there are no windows proposed above two storey level and all proposed dormer windows will be sited on the front roof slopes only, it is not considered that there would be any significant overlooking of the proposed dwellings from plots 32-94 inclusively. There is also a distance of between 48- 56 metres between the rear walls of the proposed and neighbouring dwellings. To the eastern boundary there are residential dwellings along Glebe Road which are sited at a minimum of approximately 25 metres away and as such it is considered an acceptable distance for the dwellings not to cause any material impacts upon residential amenity.

Other neighbouring dwellings to the south of London Road are located at a minimum of approximately 27.5 metres away from the proposed dwellings and across the road and as such it is considered that this is an acceptable distance for the proposed dwellings not to cause any significantly detrimental impacts upon residential amenity.

There are no residential dwellings impacted upon to the south west of the site.

Other Matters

As part of the outline approval and attached conditions, other details were also requested, of which some have been considered within the application thus far and the remainder will now be considered:-

- a) external building materials
- b) provision to be made for vehicle parking on the site
- c) provision to be made for vehicle turning within the site
- d) provision to be made for loading and unloading within the site
- e) method of disposal of surface and foul water drainage, which shall be on separate systems
- f) existing trees and hedges on the site, which are to be retained
- g) provision to be made for screening by walls and fences
- h) phasing of the development
- i) floor levels of the proposed dwelling; in relation to the existing ground level and the finished levels of the site
- j) provision to be made for the storage of refuse and/or recycling facilities.

External Building Materials

During the course of the application brick samples have been submitted. The bricks submitted include Hanson Worcestershire red multi, Hanson Southwell Red; Ibstock Minister Beckstone Mixture. Whilst the Worcestershire red multi is considered acceptable, the Minister Beckstone Mixture and Hanson Southwell Red have not been considered acceptable.

A request has been made to the applicant to ascertain if existing brick materials currently on site, used in the construction of the older buildings (in particular Block D shown on the existing site plan) can be re-used in the construction of the proposed apartment block on the frontage of London Road to the south of the site (Plot 09-116). Both further brick samples and roof tiles have also been requested and the suitability of the submitted materials will be appraised as a late item. Notwithstanding this it is considered necessary to impose a condition in the interim to ensure that these details will be submitted to and approved in writing by the Local Planning Authority.

The Provision for Vehicle parking and Turning

As part of the outline approval details were also requested for the provision to be made for vehicle parking and turning within the site.

Each dwelling and apartment has at least 1 designated car parking space. Parking has been divided up within the scheme so that some is within the highway, to the front or side of the dwelling and there are also more parking court style arrangements and private single and double detached garages. There is also adequate vehicle turning with the site.

Primary access to the site will be in the location of the existing junction to the College off London Road, as previously approved through the outline consent, however initial plans also show a removable bollard to the Trevor Road/Bowling Green Road former access, which would be removed for emergency purposes only.

Initial observations from the Director of Environment and Transport (Highways) objected to the proposal as the applicant considered that there was no requirement for a removable bollard and emergency access from Trevor Road / Bowling Green Road and re-iterated their concerns that there should just be a single point of access from London Road.

Amended plans have been submitted showing the removal of the vehicular access to the site from Trevor Road / Bowling Green Road and the provision of a pedestrian and cycle entrance only at this point. Further information has also been provided showing the available visibility at the London Road junction.

Revised comments are awaited from the Director of Environment and Transport (Highways) and will be reported on as a late item.

The majority of the comments raised by neighbouring residents concerned the access at Bowling Green Road/Trevor Road and the suitability of the surrounding residential road network and junctions to handle the additional traffic. The removal of the proposed access at this point would appear to address these concerns and the suitability of the access from London Road and highway capacity has already been considered and agreed in principle through the earlier grant of outlining planning approval.

Loading and unloading within the site

Whilst the provision to be made for loading and unloading within the site was requested through a condition as part of the outline application it is not considered that it should have been added as an additional matter to discharge as it does not hold relevance to a residential scheme. (It is relevant to retail/commercial schemes that require deliveries). As such, no further consideration on this matter is required.

Surface and foul water drainage

As part of the outline approval details were also requested for the method of disposal of surface and foul water drainage, which shall be on separate systems. The application has been accompanied by a preliminary drainage strategy.

The Environment Agency is not in a position to confirm that the reserved matters application is acceptable until details are submitted showing the attenuation ponds as part of the development layout and confirmation as to whether replacing above ground storage areas with a purely piped network has compromises principles of Sustainable Urban Drainage systems.

A revision of the preliminary drainage strategy has been submitted and re-consultation has been undertaken with the Environment Agency. Its' comments will be reported on as a late item.

Retention of Existing trees and hedges

The site plan denotes both the trees and hedges which are to be retained, the mature Lime trees to the frontage of the site which are considered to be of particular amenity value are set to be retained and six additional Lime trees are proposed to be planted along the gaps in London Road street frontage to complement the existing trees and complete this important landscape feature.

The amended site plan also denotes number of trees set to be retained in the rear amenity spaces of Plots 95-108 to the east of the site, and a number to the south of the site around the pumping station and proposed swale. In terms of hedges, the hedge to the west of the site standing at approximately 2 metres in height, which runs the length of the footpath is also set to be retained.

The accompanying Design and Access Statement states that both the existing and new limes will be transferred to and maintained by a separate Management Company to guarantee their long term protection. Notwithstanding this, the applicant has been asked to submit a further plan clearly depicting the different area of landscaping and which areas are intended to be maintained and by whom. It is considered that on receipt of this information, re-consultation will be undertaken with the Head of Corporate and Scrutiny Services (Green Spaces) and any comments reported as a late item.

Provision for screening by walls and fences

The application shows a mixture of 1.8 metre high close board fencing, 1.8 metre high screen brick wall, 0.9 metre high low level brick wall, as well as and fencing which is set to border the bin store and knee railings encompassing the proposed Play Area. The appearance of the fencing is appropriate in its appearance and will not be harmful to the overall design concept of the scheme and the character of the immediate area. The proposed walls and fences together with planting provide further screening and softens the appearance of the overall scheme.

Phasing of the Development

The application is accompanied by a phasing and construction plan that details that the development will be constructed in four phases. Phase one proposes the construction of the plots to the west of the site. Phase two proposes the affordable dwellings and plots more centrally and to the east of the site. Phase three proposes the plots to the north east of the site and finally phase four the plots to the north west of the site.

During the construction, car parking, materials store and a compound will be provided to the north west of the site, and a show area and sales parking is proposed to the frontage of London Road around plots 1-3.

In the current economic climate it is necessary for Local Planning Authorities to consider and where possible, adopt a flexible approach to the delivery of development. The proposed phasing of this development seeks to deliver the development in four phases, providing a balance of privately owner/occupied and those owned by the Registered Social Landlord and is considered to be acceptable. It is not considered to result in any detriment to the visual amenity or the safe and functional use of the site.

Floor levels

Whilst the application has been accompanied by preliminary road and house floor plans, in response to objections raised by neighbouring objections officers have requested that further details be submitted. In response to this, the applicant has provided further details of on-site levels, finished floor levels and spot levels from peripheral neighbouring dwellings in order to fully understand the existing and proposed site levels in comparison to neighbouring properties.

The submitted plan shows that on site finished floor levels will be lower to the north west of the site in comparison to neighbouring dwellings on the corner of Trevor Road/Bowling Green Road and the proposed dwellings to the northern periphery are considerably lower than the nearest neighbouring dwellings to Welwyn Road. The proposed dwellings to the sites frontage would also be lower than the dwellings across the road on London Road and slope commensurately west to east across the sites frontage.

In response to a neighbour objection regarding the drop in ground level from the college field to the gardens of Glebe Road the information submitted shows that the dwellings on site would be approximately 1 metre higher in comparison to the dwellings. Whilst the proposed dwellings would be sited higher, it is considered that given the distance of approximately 25 metres away this is considered an acceptable distance for the dwellings not to cause any material impacts upon residential amenity.

Storage of Refuse/Recycling Facilities

The scheme has been considered by Head of Business Development and Street Scene Services (Waste Minimisation) who states that the bin store for the apartments has been located behind vehicle spaces which is unsuitable as the bin store must be adjacent to the public adopted highway and as such has requested that a condition be imposed. The applicant has been requested to address these issues, however in the interim a condition is proposed ensuring that details for waste and recycling storage across the site will first be agreed in writing by the Local Planning Authority.

Developer Contributions and Affordable Housing

A Section 106 agreement was completed at the outline stage to secure developer contributions for affordable housing, on and off-site public play and open space and bus passes and bus pass contributions. A total of 26 affordable housing units are to be provided on site (Plots 109-116; Plots 53- 63; Plots 64 – 67; 106-108) in line with Core Strategy Policy 15.

This application is for the approval of reserved matters following that outline approval and therefore no further legal agreement is required in this case.

Conclusions

The principle of residential development on this site has already been established by the previous outline planning consent. The scheme is considered to be acceptable in terms of layout, scale, appearance, landscaping and other matters and does not give rise to any significant impacts upon residential amenity.

It is considered that amended plans already submitted and further details to be submitted should clarify the future ownership and maintenance of the existing and proposed landscaping on the site and resolve the initial highway and drainage concerns, however the

suitability of the scheme in relation to highway safety and drainage and floodrisk has yet to be comprehensively considered and will be presented as a late items.

Accordingly, it is considered that this reserved matters application be recommended for approval, subject to the previous conditions attached to the outline application and additional conditions as suggested.

RECOMMENDATION :- Subject to no significant material objections being received prior to the expiry of the consultation period on 18 April 2011 to grant planning permission for the development subject to the following conditions;

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

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

Hinckley & Bosworth Local Plan (2001):- Policies; BE1, REC2, REC3, RES5, T5, T9, NE2, CF2B, 1MP1.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):
- Policies; 1, 5, 15, 16, 24.

- 1 The development shall be carried out strictly in accordance with the conditions set out in the outline planning permission 10/00505/OUT except as may be modified herein.
- 2 The development hereby permitted shall be carried out in complete accordance with the details:-

Site Plan Drawing No HINCKLEY_02F received 8 April 2011

Preliminary Drainage Strategy Drawing No 20147_02_001 (Rev a) received 7 April 2011

Road and House Finished Floor Levels Drawing No. 20147_03_001 (Rev A) received 7 April 2011

Phasing and Construction Plan Drawing No PH_CON_01 received 14 February 2011

Detailed Soft Layout Proposals for Plots Drawing No's 11/21-01; 11/21-02; 11/21-02; received 14 February 2011

House Types received 14 February 2011:-

House Type Apartments V1 (Variant 1) Drawing No; 1BF01-04 V1

House Type Apartments V1 Drawing No; 1BF01-03 V1

House Type 2 Bed Social Unit Drawing No; 68.08/2B4P/733

House Type 2 Bed House Drawing No; 2B4P/2B4P_SP_01

House Type 3 Bed Social Unit Drawing No; 82.20/3B5P/884

House Type Allbrook Drawing No's; 118.09/4254/1271 and Allbrook Handed,

House Type Arden Drawing No's; 91.25/3254/982 and Arden Handed, Scale 1:100

House Type Bampton Drawing No's; 77.08/3250/830 and Bampton Handed,

House Type Bampton/Langley Drawing No; 3250/3253_01

House Type Didbrook Drawing No's; 161.88/4260/1742 and 4260_01

House Type Dursley V1 (Variant 1) Drawing No's; 4251_V1_01 Rev A (Plots 3, 79, 80 &116)

and 4251_V1_01 Rev A (Plots 39 &131)

House Type Dursley V2 (Variant 2) Drawing No's; 4251_V2_01 Rev A (Plots 42 & 81) and 4251_V2_01 Rev A (Plot 34)
 House Type Dursley V3 (Variant 3) Drawing No; 4251_V3_01 (Plot 132)
 House Type Dursley V4 (Variant 4) Drawing No; 4251_V4_01 (Plot 82)
 House Type Farnham Drawing No; 2251_01 Rev A
 House Type Fenwick Drawing No's; 4253_01; 114.69/4253/1235; Fenwick Handed
 House Type Hamilton Drawing No; 119.20/4262/1283
 House Type Hanbury V1 (Variant 1) Drawing No; 4252-03V1 Rev B
 House Type Hanbury V1 Handed Drawing No; 4252-03 V1 H Rev B
 House Type Laceby Drawing No's; 152.94/4259/1646; Laceby Handed
 House Type Langley Drawing No's 77.98/3253/830; Langley Handed
 House Type Marford Drawing No's; 61.32/2254/660; Marford Handed
 House Type Oxbridge Drawing No; 3350_01
 House Type Oxbridge V1 (Variant 1) Drawing No; 3350-02 V1 Rev B
 House Type Queensbury Drawing No's; 107.51/4250/1157; Queensbury Handed,
 House Type Sedgley Drawing No; 77.08/3252/830
 House Type Shenstone Drawing No's; 133.70/4255/1439; Shenstone Handed
 House Type Somerby Drawing No's; 111.02/4256/1195 Somerby Handed
 House Type Rangemore Drawing No's; 5351_02; 5351_01
 House Type Willerby Drawing No's; 5352_02 Rev A; (Plots 84 & 115); 5352_01 Rev A (Plots 84 & 115)
 5352_02 Rev A; (Plots 32 & 38); 5352_01 Rev A; (Plots 32 & 38)
 Garages Drawing No; LCG_01
 Streetscene of London Road plots 1, 2, 3, 131, 132, 117, 118 and 109-116 received 6 April 2011

- 3 Notwithstanding the submitted, details, no development shall take place until representative samples of the types and colours of materials to be used on the external elevations of the proposed plots shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 Notwithstanding the submitted details, no development shall take place until a scheme that makes provision for waste and recycling storage across the site has been submitted to and approved in writing to the Local Planning Authority. The details must address accessibility to storage facilities for residents/collections crews and adequate collection point space at the adopted public highway.

Reasons:-

- 1&2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 4 In the interests of visual amenity, 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: 11/00110/FUL

Applicant: Mrs Eileen Hemsley

Location: George Ward Centre Church Lane Barwell

Proposal: **FORMATION OF A PAVED GARDEN AND CHESS SET INCLUDING THE ERECTION OF A GAZEBO**

Target Date: 6 May 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is an application for recreation and leisure uses to be used in conjunction with education and community facilities.

Application Proposal

Full planning permission is sought for the erection of a gazebo and formation of a paved garden and chess set at the George Ward Centre.

The gazebo set to be located in south west of the proposed site and would measure 3.6 by 3.6 metres to a maximum height of approximately 4 metres with two of the sides infilled. The gazebo would be constructed in pressure treated timber with green felt roof tiles.

A chess board is also proposed more centrally within the site, along with six seating areas, tarmac paths edged in timber and a mixture of trees, ornamental shrub planting, tall shrub planting, ground cover planting and grassed areas. A series of 2 by 2 metre art boards are also proposed along the main access path.

The Site and Surrounding Area

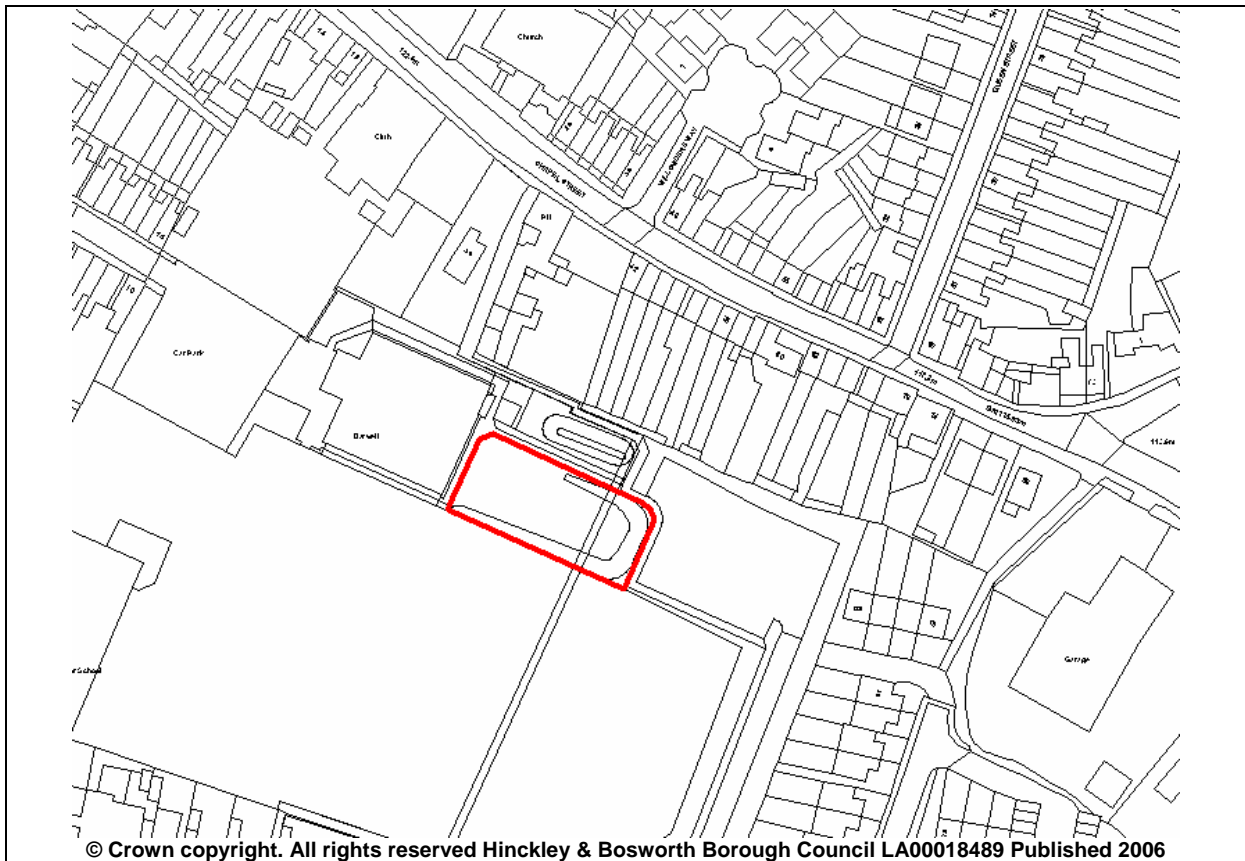
The area of land is currently overgrown shrub land situated to between the existing Community centre and eastern car park and to the north of the playing fields. The site is within the settlement boundary of Barwell, close to the centre of the village and specifically designated as a community facility.

Technical Documents submitted with application

The application is accompanied by a document which details the materials of the proposed Gazebo.

History:-

| | | |
|------------|---|------------------------------------|
| 08/00854/C | Erection of community centre and other Works (amended scheme) | Recommendation to approve 18.09.08 |
| 07/00096/C | Erection of community centre and other Works | Recommendation to approve 21.02.07 |



Consultations:-

The Head of Community Services (Land Drainage) has no adverse comments.

Site notice displayed and neighbours notified.

At the time of writing the report comments have not been received from:-
Barwell Parish Council
Ward Members.

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 Guidance 17 (PPG17): Planning for Open Space, Sport and Recreation sets out the Government's objectives in terms of planning and 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.

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

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 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.

Hinckley and Bosworth Local Plan 2001

The site is located within the settlement boundary of Barwell as defined on the proposals map of 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 the character of the surrounding area; avoids the loss of open spaces which contribute to the quality of the local environment; has regard to the safety and security of individuals and property; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; does not adversely affect the occupiers of neighbouring properties.

Policy CF2A 'Development on Allocated Education Sites' states that the Local Planning Authority will generally support proposals related to the operational needs of the education system, particularly where this will result in better education facilities.

Policy REC4 'Proposals for Recreational Facilities' states that planning permission will be granted for new recreation facilities provided that large scale indoor facilities are located in or adjoining built up areas, the facility does not have a detrimental effect on adjacent land uses or the amenities of adjacent dwellings, the form scale and design are in keeping with the area and do not detract from the character of the landscape, adequate parking and access arrangements are provided and there is sufficient capacity in the local road network, landscaping is provided as part of the proposal, the proposal is not detrimental to the rights of way network and the proposal does not adversely affect sites of ecological, geological or archaeological significance.

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

Supplementary Planning Guidance/Documents

The Council's Supplementary Planning Document on Play and Open Space provides further guidance on open space provisions for development.

Appraisal:-

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

Principle of Development

The principle of a new community centre on the site has already been established through the previous grant of planning permission (ref: 08/00854/C). The proposal is intended to create an additional recreation/landscaped area to be used in conjunction with the existing use.

For the reasons discussed in the report, it is not considered that there are any issues which would suggest that the scheme would be contrary to policies CF2A and REC4 the Local Plan or other relevant Saved Local Plan Policies and the overarching intentions of PPG17. In summary, there is no in-principle objection to the proposal subject to all other planning matters being adequately addressed.

Siting and Design

The area of land is sited in a currently unused site to the east of the community centre. By virtue of the siting, design and mixture of landscaping proposals, it is considered that the proposed changes would represent a visual improvement over that of the existing shrub area.

In summary, the proposal is considered to have enhanced the character and appearance of the existing area. Accordingly the scheme is considered to be in accordance with Saved Local Plan Policies REC4 (c) and BE1.

Impact on upon Residential Amenity

The residential dwellings most immediately impacted upon as a result of the proposal would be the residential dwellings to the north along Chapel Street. Given the rise in land levels it is considered that the gazebo would be visible. However, given the distance of some 40 metres, complete with the presence of a brick built wall of approximately 3 metres in height it is not considered that the proposal would give rise to any significant detrimental impacts.

The other nearest residential dwellings are those located to the east, however there is the car park area between and it is not considered that there would be any other residential dwellings impacted upon as a result of the proposal.

It is considered that given the variation of land levels on site, that details should first be submitted to and approved in writing by the Local Planning Authority in order to fully understand the existing and proposed levels in the interests of visual appearance and impact upon residential amenity. As such, a condition is suggested to secure this.

In summary, the proposal is considered to have minimal impacts upon the amenity of neighbouring residents. Accordingly the scheme is considered to be in accordance with Saved Local Plan Policies REC4 (b) and BE1.

Other Considerations

Highway Considerations

The scheme does not propose any alterations to the main pedestrian access path or vehicular access and parking arrangements and thus no further consideration of this matter is required.

Conclusion

In conclusion, the site is an established community use and the creation of a landscaped area and erection of a gazebo would not give rise to any significant material impacts that would indicate that the proposal is not in compliance with development plan policies. Accordingly the application is recommended for approval subject to the imposition of a relevant planning condition.

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 associated with an established use, and is not considered detrimental to residential or visual amenity or highway safety.

Hinckley & Bosworth Local Plan (2001):- Policies BE1; CF2A; REC4; T5.

Hinckley & Bosworth Borough Council Local Development Framework: Core Strategy (2009):
- Policies 3; 19.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the details: OS Sitemap (1:1250); Sketch Landscape Scheme for Garden Area Drawing No. 4/23/106 (1:200) and Gazebo Elevated View received by the Local Planning Authority on 11 March 2011.
- 3 The external materials to be used in the gazebo, hereby permitted shall be in strict accordance with those set out in the accompanying documentation received by the Local Planning Authority on 11 March 2011, unless alternative materials are first agreed in writing with the Local Planning Authority.
- 4 No development shall commence on site until such time as the existing and proposed ground levels of the site, have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels shall then be implemented 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 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure the development has a satisfactory visual appearance and to safeguard the residential amenities of the locality, in accordance with the requirements of Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 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: 06

Reference: 11/00132/FUL

Applicant: Mr Gulam J Nabi

Location: 42 Hill Street Hinckley

Proposal: CHANGE OF USE FROM RESIDENTIAL (C3 USE) TO DISPENSING PHARMACY (SUI GENERIS USE) AND EXTENSION TO PROPERTY

Target Date: 19 April 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has been called in at the request of a local ward member.

Application Proposal

Planning Permission is sought for the change of use from an existing dwelling (Use Class C3) to a dispensing pharmacy (Use Class Sui Generis) and extension to the property.

The pharmacy is intended to operate for a period of 100 hours over the week with opening hours from 07:30 to 23:00 Monday to Saturday and 10:00 to 16:00 on Sundays and Bank Holidays.

The alterations to the front of the premises including the removal of the existing door and window and front extension of 0.4 metres to create a new shop front canopy and entrance complete with external hand railings.

Alterations are also proposed internally to create a waiting area, private consultation room, dispensing counters and wheelchair accessible and toilet.

The Site and Surrounding Area

The application property is a mid Victorian terrace immediately adjoined to the north by No.44 and to the south by No. 48 Hill Street. A footpath can be accessed between No. 62 and 64 Hill Street which runs to the rear of the site and adjoins with Thornycroft Road.

The site is located with a predominantly residential setting with commercial properties interspersed.

The site is located to the eastern side of Hill Street and is located within the settlement boundary of Hinckley, but located outside the town centre boundary as defined by the Hinckley and Bosworth Local Plan and Hinckley Town Centre Area Action Plan.

Technical Documents submitted with application

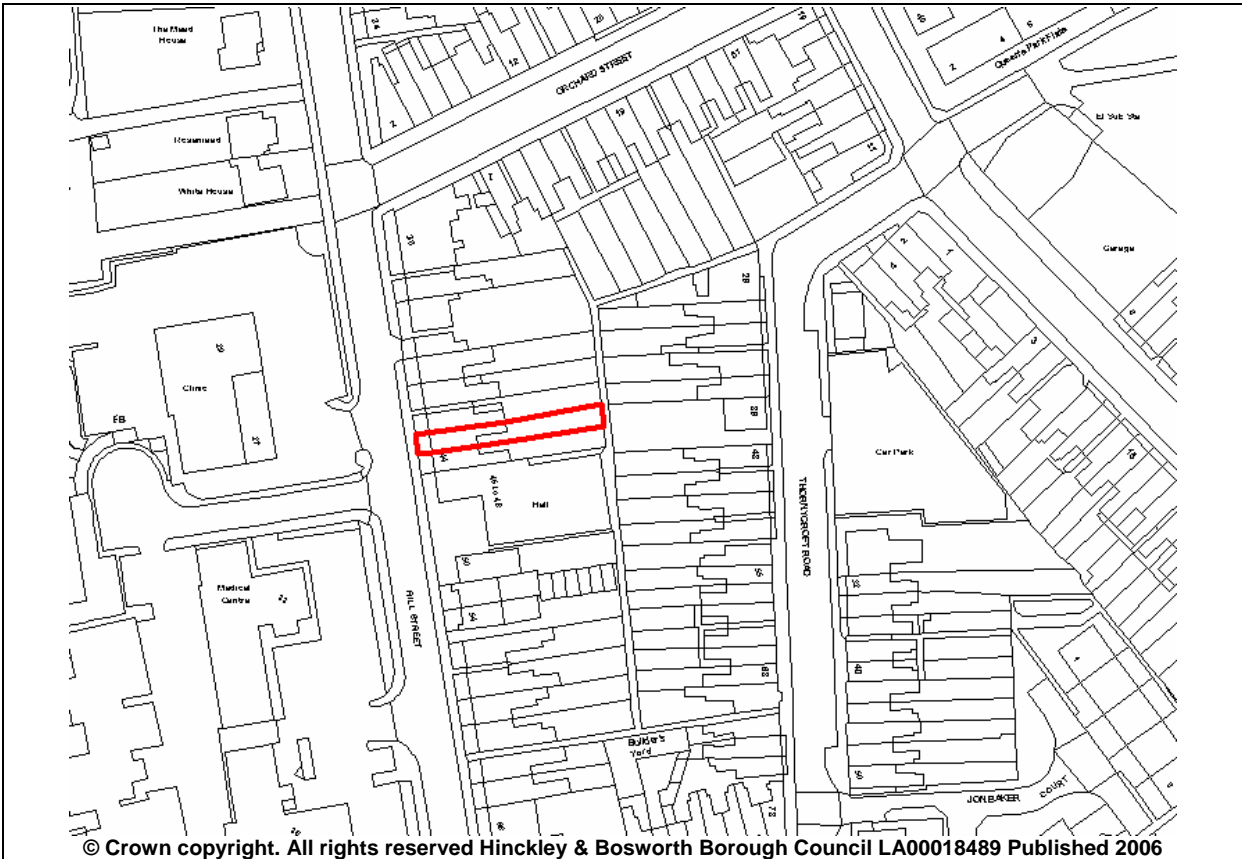
The application is accompanied by a Design and Access Statement which states that the site is centrally located and very close to the principle shopping areas of the town centre and will have little impact on the surrounding area. It is anticipated that deliveries will make their way to the facility on foot either through the front door or via the rear door accessed along the shared access entry way.

The application is also accompanied by a footfall survey of other '100 hours' pharmacies in various types of locations across the country throughout the day to give an indication of the number of customers and times of their visits.

Following concerns raised by officers, further information has been provided in respect of staff shifts in comparison to the proposed opening hours. The applicant has confirmed that the premises would be staffed by one full time qualified pharmacist at all time when open and up to five part time staff, and that no more than two members of staff will be present at anyone time.

History:-

11/00133/ADV Erection of non-illuminated signage Pending consideration



Consultations:-

No comments from:-

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

No objections from:-

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

Site notice and Press notice were displayed and neighbours notified.

12 letters of objection including one from a ward member have been received raising the following concerns:-

- a) existing pharmacies in close proximity; density of medical uses
- b) vacant site available in the town centre
- c) property is a mid terrace and not suitable for commercial use
- d) opening hours are excessive in this location; 7 days a week and 100 hours
- e) noise and disturbance on neighbours; slamming of car doors; late night opening; contrary to Policy BE1
- f) lead to traffic congestion
- g) limited parking; all off road parking is privately owned on Hill Street
- h) unlikely that customers or staff will visit by foot or cycle at night; majority will arrive by car
- i) deliveries; unsuitable location for delivery of goods; deliveries by footpath compromising security
- j) no crime prevention and security risks
- k) no provision for trade waste or recycling
- l) layout does not comply with Part M of the Building Regulations
- m) use is prevented by restrictive covenant.

At the time of writing the report comments have not been received from Ramblers Association.

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'.

Policy EC10.2 stipulates the impact considerations which all applications for economic development should be assessed against:-

- a) whether the proposal has been planned over its lifetime to limit carbon dioxide and minimise vulnerability to climate change
- b) accessibility of the proposal by a choice of means of transport
- c) whether the proposal secures a high quality and inclusive design which takes the opportunities for improving the character and quality of the area and way it functions

- d) the impact on economic and physical regeneration
- e) the impact on local employment.

Policy EC14.3 requires applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan should be accompanied by a sequential site assessment prescribed by Policy EC15.

Policy EC15 sets out the considerations a local planning authority should have when assessing a sequential site assessment as:-

- a) Ensure sites are assessed for their availability, suitability and viability
- b) Ensure all in-centre options have been thoroughly assessed before less central sites are considered
- c) Ensure where there are no town centre sites, preference is given to edge of centre sites which are easily accessible to the centre by pedestrian access
- d) Ensure when considering sites in or on the edge of existing centres, applicants have demonstrated flexibility in terms of:-
 - Scale
 - Format
 - Car parking provision
 - The scope for disaggregation

Policy EC17 supports policies EC14.3 and EC15 by stipulating when an application for a main town centre use which is not in an existing centre and not in accordance with an up-to-date development plan should be refused:-

- a) Where compliance with the requirements of the sequential approach have not been demonstrated (in line with EC15) or
- b) Where there is clear evidence the proposal is likely to lead to significant adverse impacts in terms of any one of the impacts set out in policy EC10.2.

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.

Local Development Framework Core Strategy 2009

Policy 1: 'Development in Hinckley' seeks to ensure there is a range of employment opportunities within Hinckley and to allocate land for new office development within or adjoining the Hinckley Town Centre Area Action Plan boundary.

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 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 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. Development should also have regard to the safety and security of both intervals and property.

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

None relevant.

Other material policy guidance

The Hinckley Town Centre Area Action Plan (AAP) was adopted through Full Council on 21st March 2011, as such, it currently forms a formal development plan document for Hinckley Town Centre as part of the Local Development Framework. The application site stands outside of the Hinckley Town Centre Area Action Plan boundaries

Appraisal:-

The main considerations with regards to this application are the principle of development, sequential test, impact upon residential amenity and other considerations.

Principle of Development

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

reasons discussed later in this report it is not considered that the development is in compliance with development plan policy.

Whilst the site falls within the settlement boundary of Hinckley, it is located outside of the Town Centre Boundary. For the avoidance of doubt the boundary for the town centre runs north to south along Hill Street and as such land to the west falls within the Hinckley Town Centre Boundary and land to the east falls outside the town centre. The Town Centre Boundary within the Hinckley Town Centre Area Action Plan also reflects that of the Local Plan, and as such the sites falls outside the Town Centre on both accounts.

It should be noted that there are other examples of commercial premises that exist on the eastern side of Hill Street, which by virtue of their siting on this side of the road also fall outside the Town Centre Boundary. In addition, a pharmacy exists on the opposite side of Hill Street, but as stated above this falls within the Hinckley Town Centre Boundary. Members should recall that in August 2010 planning permission was granted for a pharmacy at the Castlemead Medical Centre on the west side of Hill Street.

Policy 14 of the Area Action Plan provides guidance on retail development outside Hinckley Town Centre, however the application site is not considered to fall within either of these existing shopping centres. Policy Retail 7 is a partly saved Local Plan policy, applicable to retail development outside the Area Action Plan boundary and seeks to grant planning permission for retail development in a number of named local shopping centres. However, the application site does not fall within one of these identified local shopping centres. Policy Retail 11 is also a saved policy and seeks to grant planning permission for small local shops in settlements without existing local provision. The application site stands on the edge of the town centre boundary and within a short walking distance of both the town centre and other pharmacies and as such this policy is not considered to apply to this application.

As such, the application for a pharmacy on Hill Street does not fall within the remit of Town Centre AAP Policy 14 or Local Plan Policy Retail 11 and is contrary to partly Saved Local Plan Policy Retail 7 and is therefore not in accordance with the development plan. This particular part of Hill Street does not afford commercial designation and there is no identified policy support within either the adopted Hinckley and Bosworth Local Plan or recently adopted Hinckley Town Centre Area Action Plan.

Sequential Test

The site stands outside, but on the edge of the town centre and is considered not to be in accordance with the most up-to-date development plan, the Town Centre Area Action plan and Local Plan, as detailed above. Therefore it is considered that this application requires a sequential site assessment in line with Policy EC14.3 and in accordance with the requirements of Policy EC15. The sequential site assessment should examine town centre sites before the selection of an edge of centre site such as the proposed scheme.

Where applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan, Policy EC14.3 of PPS4 states that an application should be accompanied by a sequential site assessment. The assessment seeks to locate new retail development first and foremost within existing town centres to maintain its viability and vitality and where this is not possible or reasonable, in edge of centre locations with out of centre locations the least sequentially preferable sites. This policy provides a size threshold of 200 sqm gross floorspace for extensions to retail for the application of a sequential assessment, but no such threshold is provided for the creation of or change of use to retail.

Policy EC15 sets out the considerations a local planning authority should have when assessing a sequential site assessment as:-

- a) Ensure sites are assessed for their availability, suitability and viability
- b) Ensure all in-centre options have been thoroughly assessed before less central sites are considered
- c) Ensure where there are no town centre sites, preference is given to edge of centre sites which are easily accessible to the centre by pedestrian access
- d) Ensure when considering sites in or on the edge of existing centres, applicants have demonstrated flexibility in terms of:-
 - Scale
 - Format
 - Car parking provision
 - The scope for disaggregation

Policy EC17 supports policies EC14.3 and EC15 by stipulating when an application for a main town centre use which is not in an existing centre and not in accordance with an up to-date development plan should be refused where compliance with the requirements of the sequential approach have not been demonstrated (in line with EC15) or where there is clear evidence the proposal is likely to lead to significant adverse impacts in terms of any one of the impacts set out in policy EC10.2.

Whilst this application is accompanied by a Design and Access Statement which makes reference to the sites proximity to the primary shopping area, other nearby non-residential uses and existing medical provision the application has not been accompanied by a sequential site assessment.

A letter of objection has been received stating that there are other empty shops within town which could be used. The existence or non existence of alternatives sites is a consideration relating to the use and development of land and the extent to which it is relevant in any case will depend on all the circumstances, particularly on the degree to which the application causes harm or conflict with policy. It is only acceptable to request that a sequential test be undertaken which would then identify vacant sites which would be considered acceptable from a planning policy perspective only, and may not necessarily be in accordance with all other relevant development plan policy.

In summary, it is considered that the applicant has failed to provide a sequential site assessment and as such is considered contrary to the requirements of Policy EC14.3 and by virtue of its failure to demonstrate would also be contrary to Policy EC15 and Policy EC17 in PPS4.

Impact upon Residential Amenity

It is considered that there are terraced residential premises adjoining and in close proximity to the premises that will be impacted upon as a result of this application. The properties most immediately affected as a result of the proposal would be the two adjoining terraced dwellings located to either side of the premises.

The conversion of the premises from residential to a pharmacy would lead to an increase in general disturbance of people coming and going to and from the site. This is intended to be from walking, cycling and the starting and stopping of vehicles and the noise associated with the closure of car doors from staff members, customers and deliveries. It is also considered that the two adjoining neighbouring dwellings would experience disruption from customers,

staff and delivery comings and goings from both the front and rear of the premises. It is considered that this would result in an un-acceptable amount of general disturbance to the adjoining and surrounding neighbouring properties. As such the proposal would be to the detriment of residential amenity and therefore contrary to the provisions of Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Concerns have been raised by residents in respect of safety and security. Saved Policy BE1 seeks that development has regard to the safety and security of both individuals and property. It is considered that as result of some deliveries that are to be made to the rear door via a shared access entry way and/or by a footpath from Thorneycroft Road that this would compromise the security of the two properties adjoining the site and also other properties within the vicinity.

Whilst the site is located with a predominantly residential setting, it should be noted that there are commercial premises located to the eastern side of Hill Street which include:-

- 68-81 Hill Street – A social Club
- 60 Hill Street – A chiropractic clinic
- 46-48 and 50 Hill Street – Mencap Centre and shop attached
- 30 Hill Street – A Dance Academy

Both the chiropractic clinic and Mencap centre are uses which operate within the day time only. There are two examples of later opening hours within the street No's 68-81 a Social Club, however this is only immediately adjoined by one neighbour and No. 30 a Dance Academy which has consent to operate until 10pm, however this is not a terraced property and is not immediately adjoined to the east or south in the same way that the application property does.

It is therefore considered that whilst there are examples of commercial premises which fall outside the town centre boundary, the impacts upon neighbouring dwellings are not considered to be as detrimental given the hours of use and proximity to adjoining neighbouring dwellings.

In summary, accumulatively the increase in comings and goings of pedestrians, cyclists and cars, and associated starting and stopping of vehicles generally and additional into the late hours of the night is considered detrimental to the amenities and security of the occupiers of surrounding residential properties.

It is in the opinion of the Local Planning Authority that the proposal would be to the detriment of residential amenity and therefore contrary to the provisions of Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Highway Considerations

The accompanying Design and Access Statement states that there is parking on both sides of the carriageway for residential and commercial properties and a public car park on Hill Street and Thorneycroft Road, and that a large number of customers will arrive on foot as the street is close to the town centre and other transport links.

The volume of neighbour objection to this proposal is significant and issues concerning the impact of additional traffic and lack of parking. However, there is no consensus of opinion with the comments supplied by the Director of Environment and Transport (Highways) whom feels that whilst the medical centre parking is private it would not doubt be used by patients from the medical centre and therefore customers could be parked there quite legitimately

when using the proposed pharmacy across the road. As such it is not considered that the lack of parking would sustain a reason for refusal on this basis. Given the sites proximity close to the town centre it is considered that there are alternative modes of transport such as walking cycling and bus routes and as such additional traffic and impacts upon the road capacity cannot be used as a reason for refusal in this case. Accordingly, it is considered that the proposal accords with Saved Policy T5 of the adopted Hinckley and Bosworth Local Plan.

Other Considerations

Objections have been received expressing concerns about the waste generated from the use and the lack of provision for recycling and refuse facilities. The application states that the plans do not incorporate areas to store and aid the collection of waste or arrangements for the separate storage and collection of recyclable waste. There are also concerns that there may be insufficient space for access to the rear for trade bin. It is considered that this could result in waste and recycling not be properly stored and collected to the detriment of the character of the area and to the amenities of neighbouring residents. However, it is not considered that a reason for refusal could be sustained on these grounds.

One letter of objection also referred to the layout not complying with Part M of the Building Regulations. The ramp should have a maximum gradient of 1:20 and be 1.2 metres wide with the new entrance door must have 775mm clear opening at 90 degree opening and there must be visibility to the new door of between 500mm and 1500mm in the door. Given that there is a new shop front being installed there is a requirement to comply with Part M of the Building Regulations, however this will be properly assessed through the separate Building Regulations Application and does not form part of this planning application.

In respect of the covenant, this prevents alternative uses without the prior approval of planning permission. Primarily this is not a material planning consideration, however the applicant has sought to address this through the submission of this change of use application.

Conclusion

In conclusion, whilst the site is located within the settlement boundary of Hinckley where there is a presumption in favour of development it is considered the material impacts identified would be sufficient to outweigh this favour in this case. By virtue of the sites positioning outside of the Town Centre Boundary, there is a distinct lack of policy support for commercial uses in this location.

It is considered that the applicant has failed to provide a sequential site assessment and as such is considered contrary to the requirements of Policy EC14.3 and by virtue of its failure to provide this information would also be contrary to Policy EC15 and EC17 in PPS4.

On balance by way of the increase in level of general disturbance combined with late night opening hours and the potential impacts of a loss of security to both adjoining neighbours and surrounding dwellings it is considered that the change of use would have a significantly detrimental impact upon the occupiers of surrounding residential properties, contrary to Saved Local Plan Policy BE1.

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 site falls outside the Town Centre, as such in accordance with Planning Policy Statement 4 it is necessary for the applicant to provide a sequential site assessment. The application has not been accompanied by a sequential site assessment to demonstrate whether the application site is the most sequentially preferable as such the proposal is considered to be contrary to Policies EC14, EC15 and EC17 of Planning Policy Statement 4: Planning for Sustainable Economic Growth.
- 2 In the opinion of the Local Planning Authority the proposed change of use and associated late opening times would lead to a level of general disturbance that is likely to be significantly detrimental to the amenities of neighbouring residents contrary to Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- Ebony Mattley Ext 5691

Item: **07**

Reference: **10/00994/FUL**

Applicant: **Mr C Price**

Location: **Land Adj. Hissar House Farm Leicester Road Hinckley**

Proposal: **TRAVELLERS SITE FOR 2 MOBILE HOMES AND TWO TRANSIT CARAVANS AND ERECTION OF A TOILET/LAUNDRY ROOM**

Target Date: **25 April 2011**

Introduction:-

This is a full application for the creation of pitches for two transit caravans and two permanent mobile homes with an amenity block for families that fall under the definition of a Gypsy for the purposes of Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites. The site is located on the eastern side of Leicester Road on the outskirts of Hinckley, opposite the Rugby Club.

The site is 1.25 hectares and currently comprises part of a larger 7 acre agricultural field also owned by the applicant. The site has a shared access with the adjacent smallholding to the south. The site is bounded to the road frontage by dense native hedgerow. The site is defined within the adopted local plan as Green Wedge. Further north east of the site is Hissar House Farm with agricultural land bounding the site to the remaining elevations.

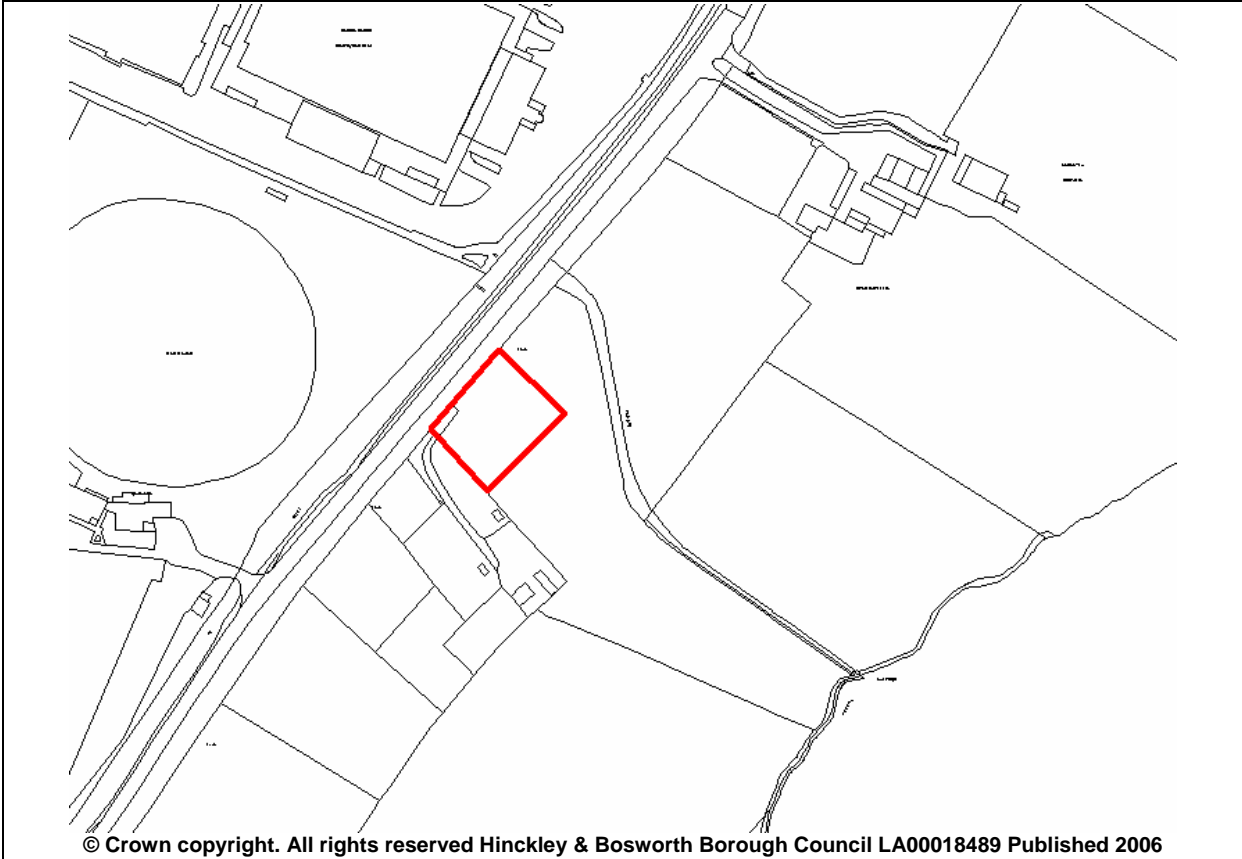
The hardstanding for the mobile homes will be sited fairly centrally within the site. To the north of the mobile homes will be an area of hardstanding for parking and for the transit caravans. The amenity block will be situated within the north eastern corner of the site. Further screening is proposed to define the site.

The Design and Access Statement states that the site is well screened and that additional screening is also proposed. It goes on that the site will require little alteration due to its existing access and that it is located within close proximity to a range of local services.

A Statement of need has been submitted by the agent this confirms the intended end users of the site and that there is an urgent need for the pitches under consideration.

History:-

09/00405/UNUSE The erection of new gates, hard surface and the use of buildings in connection with an engineering business. This was an anonymous complaint and the case was closed in October 2010 as it was not considered expedient to take enforcement action.



Consultations:-

No objections received from The Head of Community Services (Pollution Control).

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

No objection received from The Director of Property Services (Gypsy Liaison).

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

Barwell Parish Council object to the application on the following grounds:-

- a) application form has not been fully completed
- b) insufficient detail has been submitted with the application
- c) local residents have not been consulted
- d) site is contrary to the gypsy and traveller site allocation policy
- e) site is within a defied Green Wedge.

MP David Tredinnick has objected to the application on the grounds that the development will be on Green Wedge land, that it will be on agricultural land and will thus have a detrimental impact on the open countryside; that the planning system should operate on a level playing field, that the site is located outside of the settlement boundary; and that the site is within close proximity of Burbage Common, which is an area of amenity and great biodiversity.

Cllr Bill has objected to the application on the grounds that the site falls within a Green Wedge and Open Space, on road safety grounds and on the fact that it will set a precedent for future applications.

Cllr Franks has objected to the application on the grounds that the development creates an unacceptable intrusion into the green wedge.

Neighbours notified and site notice posted.

Hinckley Rugby Club have objected on the grounds that the residential development intended is not compatible with the non-residential nature of the area or the long term intention to establish a sports hub, and on grounds of highway safety.

Fourteen letters of objection received on the following grounds:-

- a) not identified as a gypsy allocation in the LDF
- b) land is agricultural should not become residential
- c) it is Green Wedge land
- d) Highway safety concerns on fast road and will lead to further congestion
- e) too close to Burbage Common and the Rugby Club
- f) will increase the local crime rate
- g) that the site will escalate into a larger Travellers site
- h) future increase in buildings on the site
- i) no waste effluent disposal or other refuse disposal proposed on the plan
- j) no information as to the disposal of surface water submitted
- k) will decrease the value of surrounding homes
- l) concerns about pressures on existing services
- m) unacceptable form of development for green wedge land
- n) concerns over the numbers of vehicles parked on site
- o) concern over increases in antisocial behaviours within the area
- p) lack of need for additional sites within the borough.

A petition containing 47 Signatures objecting to the application has been received.

Policy:-

Central Government Guidance

Planning Policy Statement 3: Housing (PPS3) sets out the Government's national planning policy framework for delivering its housing objectives. Paragraphs 12-19 of PPS3 stress the

importance of good design in developing high quality new housing and identify the key issues which must be considered to achieve this. Paragraphs 20 to 24 identify the key characteristics of a mixed community and make it clear that this can only be secured by achieving a good mix of housing, including accommodation for Gypsies and Travellers.

Planning Policy Guidance Note 13: 'Transport' seeks to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices.

Circular 01/2006 - Planning for Gypsy and Traveller Sites replaces Circular 01/94. Its main intentions are:-

To significantly increase the number of Gypsy and Traveller sites with planning permission in order to address under-provision:-

- a) recognise, protect and facilitate the traditional lifestyle of Gypsies and Travellers
- b) identify and make provision for the resultant land and accommodation requirements
- c) help or avoid Gypsies and Travellers becoming unintentionally homeless
- d) reflect the status of Gypsy and Traveller accommodation as a part of wider housing provision
- e) create and support sustainable, integrated communities where Gypsies and Travellers have equality of access to suitable accommodation, education, health and welfare provision, and where there is mutual respect between all communities for the rights and responsibilities of each community and individual
- f) promote more private Gypsy and Traveller site provision in appropriate locations through the planning system, while recognising that there will always be those who cannot provide their own sites
- g) underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively
- h) ensure that Development Plan Documents include fair, realistic and inclusive policies to ensure identified need is dealt with fairly and effectively
- i) reduce the number of un-authorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this circular.

On 29 August 2010 the Secretary of State for Communities and Local Government announced the Government's intention to revoke Circulars 01/2006 and 04/2007. To date this revocation has not happened however a draft replacement Planning Policy Statement has been issued for consultation and this will be reported to Planning Committee on 21 June 2011. At the present time Circular 01/2006 remains in force as the primary policy guidance.

The Housing Act requires Local Authorities to take account of the accommodation needs of Gypsies and Travellers and to create strategies for meeting those needs in the same way as they do for the settled community.

Local Development Framework Core Strategy 2009

Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Show People states that the council will allocate land for 42 residential pitches, and planning permission for sites will be granted where certain criteria are met including siting adjacent to the settlement boundary of any Key Rural Centre or Rural Village or the site is located within a reasonable distance of local services and has safe highway access.

Policy 20: Green Infrastructure, Hinckley/ Earl Shilton/Burbage Green Wedge seeks to maintain the green wedge between Hinckley and Barwell as it plays an important environmental and landscape protection role. It also looks to develop it into a large scale recreational asset to service the Sustainable Urban Extensions and residents living in North Hinckley.

Hinckley and Bosworth Local Plan 2001

The site lies outside of any settlement boundary, within the countryside where policy NE5 of the Local Plan seeks to protect the countryside for its own sake and any development having a significant adverse effect on the appearance or character of the landscape will not normally be appropriate.

Policy T5 of the Local Plan relates to highway design and vehicle parking standards. The policy states development that involves the creation of a new access will be subject to the highway design standards.

Policy RES13 has been 'saved ' but is superseded by Policy 18 of the Core Strategy.

Supplementary Planning Guidance/Documents

Designing Gypsy and Traveller Sites: Good Practice Guide is primarily intended to cover social site provision and states that there is no single, appropriate design for sites, and that it is important to ensure that sites.

- a) are sustainable, safe and easy to manage and maintain
- b) are of a decent standard, equitable to that which would be expected for social housing in the settled community
- c) support harmonious relations between Gypsies and Travellers and the settled community.

The Guide states that it will not be possible to meet all aspects of this guidance in every respect on every site. Local authorities and registered social landlords will need to take decisions on design on a case by case basis, taking into account local circumstances such as the size, geographical and other characteristics of the site or prospective site and the particular needs of the prospective residents and their families. In the case of small private site development there will be similarities but it should be recognised that those sites are designed to meet the individual and personal preferences of the owner and may contain elements which are not appropriate or popular for wider application in respect of social provision. It would not therefore be appropriate to use the good practice guidance in isolation to decide whether a private application for site development should or should not be given planning permission.

The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2016 identifies the needs for gypsy and travellers within the Borough up until 2016.

The Black and Minority Ethnic Communities Housing in the East Midlands: A Strategy for the Region, recommendation 8 states that ' It is imperative that local authorities make immediate progress in site identification to meet the needs of Gypsies and Travellers rather than relying on the development of policies through the local development framework.'

Appraisal:-

Information has been submitted suggesting that the development is for a transit and residential site for Gypsy families, in accordance with the Circular definition (however further information in respect of the intended end users of the site has been requested, and only verbal confirmation has been received that this is the case from The County Council Gypsy Liaison Officer). Based on the assumption that the site is in accordance with the Circular definition, the issue for consideration are whether the needs of the gypsy families and the development satisfies the criteria of Core Strategy Policy 18 and Policy RES13 of the Adopted Hinckley and Bosworth Local Plan, the principle of development, effect on the countryside and the Green Wedge, neighbours issues and highway safety.

Principle and Policy Considerations

The site proposed is situated within the open countryside and within an identified Green Wedge. Accordingly a proposal for further development within this area would normally be contrary to policies NE5 of the adopted Local Plan and Policy 20 of the Core Strategy, unacceptable in principal and so resisted. However this said, as the application is for a travellers site, the needs of the proposed end users of the site must be weighed against the need to resist the development and protect the green wedge and the countryside.

Gypsy and Traveller Need

The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2016 identifies a need for 42 residential pitches for the period up until 2016 within the Borough, this figure has been adopted with the Core Strategy. Since the Accommodation Needs Assessment was adopted in April 2007, a total of four sites have received permanent planning permission within the Borough, two pitches at The Paddock, Higham on the Hill, one pitch at Stoke Lane Higham on the Hill, three permanent pitches and eight transit caravans at Hydes Lane, Hinckley and one pitch at Heath Road, Bagworth (allowed on appeal). Accordingly, the approval of these pitches has reduced the Borough Council's requirements to 35 permanent pitches. Furthermore, 10 temporary pitches have been allowed on appeal at the Good Friday site at Barlestone. Approval of this site for one family would go towards meeting the current shortfall in permanent sites.

Policy 18 of the Core Strategy seeks to permit sites for Gypsy and Travellers subject to compliance with a number of criteria.

Proximity to Settlement/Services

The application site is on Leicester Road which is located approximately 1.1km beyond the Hinckley settlement boundary and 2.4 km from the town centre. This is considered to be 'reasonable' and will provide accessibility to local services and facilities as required by the policy. Another consideration is scale of the site, the proposal is for 2 transit caravans which equates to 1 pitch, and 2 permanent pitches, giving a total of 3 pitches. It is considered that this is not excessive in terms of scale located close to Hinckley urban area.

It is a requirement of the policy that sites are located either adjacent to existing settlements or located within a 'reasonable' distance.

Circular 01/2006 which places an onus on the Local Planning Authority to allocate sufficient sites for gypsy and travellers, states that 'sites should be based on a number of criteria including the sustainability of the site which includes the integration between the site and the local community, access to health and GP services, children attending school on a regular basis, the provision of a settled base that reduces the need for long distance travelling and

the possible environmental damage caused by unauthorised encampments. Priority should be given to locations in or near existing settlements that have access to local services. This application, due to its close proximity to Barwell, Hinckley and Earl Shilton is considered to meet the criteria in this case with regard to the proximity of adjacent settlements.

Highway Safety

Criteria 4 of Policy 18 of the Core Strategy requires gypsy and traveller sites to have a safe highway access as well as provision for parking and servicing.

The Director of Environment and Transport (Highways) has no objections to the site proposed as there is an existing access to the site and the existing visibility is considered acceptable, thus the proposal is considered to have no adverse impacts in terms of highway safety and is therefore considered acceptable.

Sympathetic Assimilation, Green Wedge and Character of the Countryside.

The site is situated within the Hinckley/ Barwell/Earl Shilton/ Burbage Green Wedge as outlined by Policy 20 of the Core Strategy and within the open countryside and subject to Policy NE5 of the Local Plan. Both of these policies are restrictive of new development within this area, with policy 20 seeking to maintain the green wedge as it is considered to play an important environmental and landscape protection role. Further the site is defined within the Landscape Character Assessment 2006 (LCA) which states that this area of land should be preserved, protected and enhanced. The area is also summarised as being a strategically significant landscape of high sensitivity located close to principal urban areas. This said, the need to protect the Green Wedge and Countryside must be weighed against the need to provide additional Gypsies and Travellers Accommodation. As identified by the figures included above, there is clearly a need for additional pitches within the borough. In respect of the specific 'need' for the site in question, a needs assessment has been submitted by the agent, which identifies the proposed end users of the site as two families, one having three young children, whom have been displaced by the closure of the 'Bens Hut' site in Ratby. This confirms that despite efforts made these families have found no permanent site on which to reside. Although the above information provides some justification in respect of the need for the site, additional, more detailed information has been requested to confirm the current residence of the family and whether there are any specific health or educational requirements. The agent has verbally confirmed that there is a need for the site and based on this, and the submission of further information to clarify the above, on balance it is considered that the need for the pitches provided by this site outweighs the need to protect the Green Wedge.

The policy requires 'sympathetic assimilation' of such sites into their surroundings. The character of the site is rolling open countryside, bounded by a mature dense native hedgerow along the front boundary. Further landscaping has been proposed to define the site, which over time will help screen it from the surrounding countryside. Accordingly only fleeting views of the site will be available from the public highway and the surrounding open countryside.

Noise and Disturbance

There are no close residents to the site. The nearest dwelling is that at Hissar House Farm located approximately 40m from the site to the north east and is unlikely to be detrimentally affected by the development. Similarly, it is considered that users of Hinckley Rugby Club, situated opposite the site will not be significantly affected.

Safe and Healthy Environment of Residents

Policy 18 requires the proposal to be considered in line with the design guidelines detailed in the National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide). It states that many Gypsies and Travellers express a preference for a rural location which is on the edge of or closely located to a large town or city consistent with traditional lifestyles and means of employment. This site would meet this aspiration. It goes on to say that sites should not be situated near refuse sites, industrial processes or other hazardous places, as this will obviously have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. There are no known hazardous places as highlighted. The site is flat (not exposed) and not located on contaminated land nor within an area of flood risk. It is not considered that a separate vehicular and pedestrian access can be achieved but, this is not considered necessary in this case. Emergency vehicles could access the site.

The guide says that essential services (mains water, electricity drainage and sanitation) should be available and although the provision of the above services has not been specifically identified within the application, there is the capacity to provide these services within the site. Sewerage in this case is by a private system which will be subject to Building Regulations approval.

Design and Layout

The guide goes on to say that sites of various sizes, layouts and pitch numbers operate successfully today and work best when they take account of the size of the site and the needs and demographics of the families resident on them with the safety and protection of children in mind. The site has clear demarcation of its boundaries and has a gate to the access with Leicester Road. The permanent pitches proposed on this site are for extended family members and the guide makes reference to this as a positive approach and can be advantageous in making good use of small plots of land.

When assessing the proposal against the guide criteria, with reference to size and layout of sites, it suggests that consultation with the gypsy and traveller community should be undertaken. In this case this is a private site. The design of the site affords amenity space and some degree of privacy for the individual pitches whilst providing natural surveillance. The guidance suggests that smaller permanent pitches should have sufficient space for one large trailer, an amenity building, drying space and parking for at least one vehicle and goes on to say that amenity buildings for each pitch are essential. In this case an amenity block providing a toilet and laundry facilities will be provided, which is considered acceptable. The 6 metre separation between each caravan is met on the current plan, as advised within the policy. The guidance for transit pitches is the same as for permanent pitches in most respects, it recommends that each transit pitch is of a size sufficient to accommodate two touring caravans, two parking spaces and private amenities. Although the specific siting of the transit pitches has not been denoted on the plan, the standards identified can be accommodated within the site. The proposal will require a separate site licence issued by Head of Community Services (Pollution) which will deal with this issue. The licence is an appropriate mechanism to secure satisfactory internal arrangements.

Other Considerations

Sustainability

The proposed site is considered to be within a reasonable distance of the settlement providing accessibility to local services.

Conclusions

On balance based on the submitted statement of need and the submission of further details, and the requirement to provide Gypsy & Traveller Sites as identified within Policy 18 of the Core Strategy, the 'need' for the site in question is considered to outweigh the protection of the Green Wedge and the character of the Countryside and therefore in principal is considered acceptable. Further the proposal will not have a detrimental impact upon residential amenity or highway safety and is considered to meet the criteria of Policy 18 of the Core Strategy and be acceptable in terms of all material considerations. The proposal goes some way to meet an established need for transit and permanent provision within the Borough as identified within the Site Allocations Preferred Options Document and the aims of Circular 01/2006.

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 Circular 01/2006. Based on the submitted statement of need and the requirement to provide Gypsy & Traveller Sites as identified within Policy 18 of the Core Strategy, the 'need' for the site in question is considered to outweigh the protection of the Green Wedge and the character of the Countryside and therefore in principal is considered acceptable. Further the proposal will not have a detrimental impact upon residential amenity or highway safety and is considered to meet the criteria of Policy 18 of the Core Strategy and be acceptable in terms of all material considerations. The proposal goes some way to meet an established need for transit and permanent provision within the Borough as identified within the Site Allocations Preferred Options Document and the aims of Circular 01/2006.

Hinckley & Bosworth Borough Council Core Strategy (2009) Policy 18, Policy 20.

Hinckley & Bosworth Borough Council Local Plan (2001):- NE5, T5, RES13, BE1.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- 'DCAMDPLN scale 1:500' 'DCAMDPLN' received by the Local Planning Authority on the 6 April 2011, 'DCPLAN' 'TOILET AND LAUNDRY ROOM' received by the Local Planning Authority on the 16 December 2010.
- 3 The permanent and transit site hereby approved shall not be used by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.
- 4 No commercial activities shall take place on the land, including the storage of materials.
- 5 No additional caravans and/or mobile homes, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan and Sites Act 1968, other than those approved by this permission, whether for storage or human habitation shall be

placed onto the land whether for temporary or permanent purposes without the prior written approval of the Local Planning Authority.

- 6 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) surfacing materials
 - b) planting plans (including existing planting (trees and hedgerow)
 - c) written specifications
 - d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - e) implementation programme.
- 7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 8 No burning of materials shall take place on the site at any time.

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 The site lies in an area within which the Local Planning Authority would not normally grant permission for residential development. To accord with Policy 18 of the Hinckley and Bosworth Core Strategy and Circular 01/2006.
- 4 To ensure that the use remains compatible with the surrounding area and to ensure compliance with Policy NE5 of the adopted Hinckley and Bosworth Local Plan.
- 5 For the avoidance of doubt and to ensure that the use remains compatible with the surrounding area, in compliance with Policy NE5 of the adopted Hinckley and Bosworth Local Plan and Circular 01/2006.
- 6&7 To enhance the appearance of the development to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 8 To safeguard the amenities of neighbouring properties 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:- Eleanor Shaw Ext 5680

Item: 08

Reference: 11/00159/FUL

Applicant: Mr & Mrs Ian Sands

Location: Land R/o 1 Thurlaston Lane Earl Shilton

Proposal: ERECTION OF ONE NEW DWELLING

Target Date: 4 May 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.

Proposal

This application proposes the erection of a detached 3 bed dwelling on the rear garden of No.1 Thurlaston Lane. The scheme involves the demolition of a single detached garage currently situated on the plot.

The dwelling proposed comprises a 7 m high pitched roofed, part brick part rendered elevations with a pitched roofed canopy porch to the front door. The proposal is of simple design with brick coins and low level brickwork to the principal elevation and simple fenestration arrangement. To the rear is a pitched roofed gable which projects 3 m from the property and spans half its width. The property is set back 5 m from the service road to the front and proposes two off road parking spaces. An enclosed garden is proposed to the rear, having a depth of 12 m and an area of 80 square metres. There are windows in all elevations but the south west.

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.

Site and Surrounding Area

The plot comprises part of the rear garden of No.1 Thurlaston Lane. It is accessed via a service road leading from King Richards Hill which gives rear access to the properties on Thurlaston Lane. The site slopes to the north. No.1 Thurlaston Lane, the host property, comprises a semi-detached, extended dwelling situated on a long narrow plot on a uniform building line, set back from the highway by 12 m. Through the proposed sub-division of the plot the host property will have a site area of 83.75 square metres and a rear garden depth of 8 m.

To the east of the application site is a modern detached dwelling fronting the service road but built adjacent to King Richards Hill. On the opposite side of the access road are two further detached brick dwellings of simple design. The gardens of adjacent properties are long and narrow and well screened from the access road by mature vegetation and detached single garages which are accessed via the service road. The area is well landscaped and there are a number of mature trees within the vicinity of the site. Further south of the site are the properties on Bosworth Green, however these are completely screened from the site by mature, dense conifer hedging.

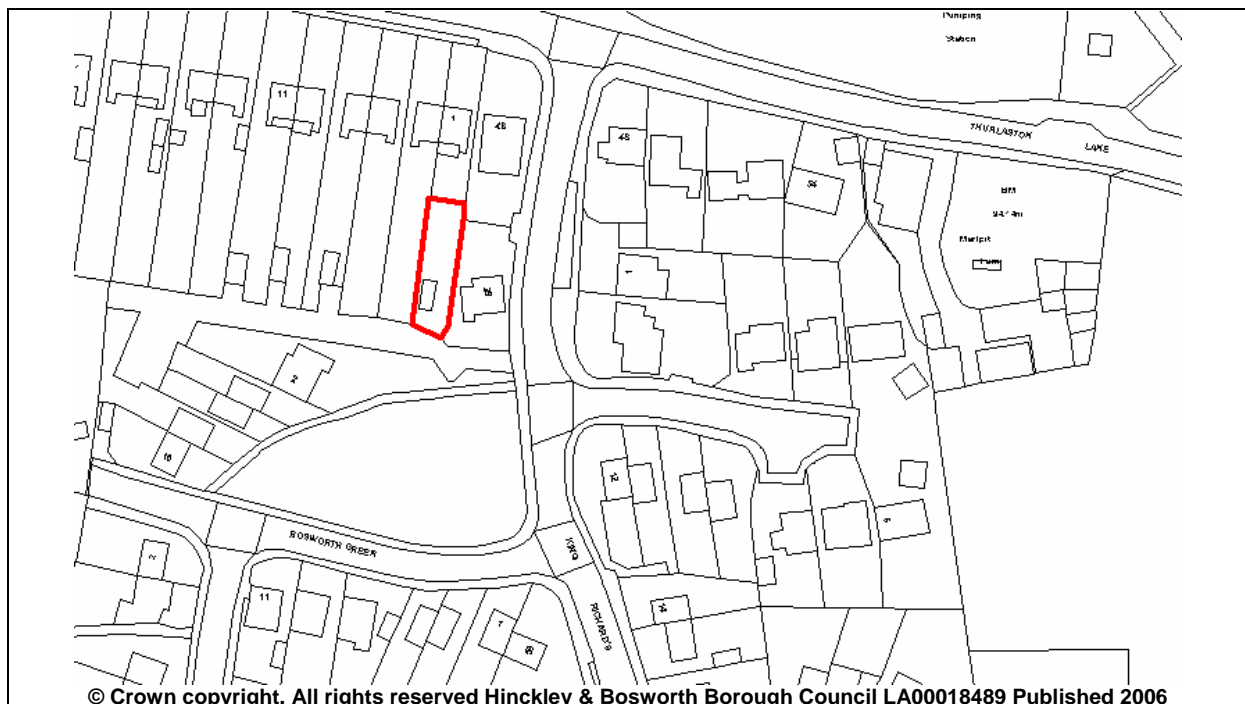
There is no definable architectural character within the immediate vicinity of the site.

Technical Documents

The application is accompanied by a design and access statement that is supportive of the design stating that the proposal is well informed by the existing built form and has been carefully designed, such that it will not detrimentally affect the amenities of neighbouring properties nor compromise highway safety. It is concluded that the proposal represents an integrated, sustainable and sensitive residential development that is appropriate within the local context.

History:-

None relevant.



Consultations:-

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

No objection subject to a note to applicant has been received from Head of Community Services (Drainage).

The Director of Environment and Transport (Highways) has issued Standing Advice. Earl Shilton Town Council object to the application on the grounds that the service road is insufficient to cater for residential development and that they are concerned that adjacent properties will want to develop their gardens in the same way.

Four letters of neighbour objection have been received these raise the following concerns:-

- a) harm to the character of the area
- b) inadequate access and parking
- c) noise and disturbance
- d) overshadowing and overbearing impact
- e) increase traffic
- f) insufficient parking
- g) set a precedent for further development of adjacent plots
- h) loss of privacy/view
- i) inadequate drainage.

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.

Paragraph 12 states 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.

Paragraph 41 states that at least 60 per cent of new housing should be provided on previously developed land and that a key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed.

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.

Paragraph 49 states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate.

Paragraph 71 states that where the LPA cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in PPS3 and considerations in paragraph 69. Paragraph 69 requires the LPA to ensure that the proposed development is in line with planning for housing objectives, reflects the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives. In addition, development should provide high quality housing of a good mix and make effective and efficient use of land.

PPS3 was updated in June 2010 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 in order 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.

Planning Policy Guidance Note 13 (PPG13): 'Transport' sets out national transport planning policy. Paragraph 6 states that Local Planning Authorities should accommodate housing principally within urban areas and promotes accessibility to services by public transport, walking and cycling and reduces the need to travel. Paragraph 29 states that when thinking about new development the needs and safety of the community should be considered and addressed in accompanying Transport Assessments.

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.

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 2: 'Development in Earl Shilton' amongst other things, 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 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 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 within the area.

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.

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

Policy NE14: 'Protection of Surface Waters and Groundwater Quality' protects the water environment. potential sources of air and soil pollution.

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.

Supplementary Planning Document: 'Sustainable Design' seeks to ensure that new developments are designed in such a way to achieve the highest levels in terms of sustainability and suggests various ways in which to do so.

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 within the settlement boundary of Earl Shilton therefore Local Plan Policy RES5 states that residential development is acceptable subject to siting, design, layout and providing it is in accordance with other plan policies. However, Planning Policy Statement 3 (PPS3) has recently been revised to remove residential gardens and curtilage from the definition of brownfield land. Ministerial advice provides clarification on this change, stating that this is to primarily prevent overdevelopment within residential areas that is out of character.

The character of the surrounding area is one of predominantly detached and semi-detached dwellings, situated on relatively large plots with road frontages. The proposed site comprises part of the rear garden of number 1 Thurlaston Lane and thus is considered Greenfield development. Although the site has frontage to the service road which runs adjacent to the rear gardens of properties on Thurlaston Lane, there is no frontage to any adopted public highway and therefore fails to reflect the local pattern and layout of development.

Furthermore, through the subdivision of the site, neither the host property nor the proposed will have sufficient rear amenity space and the small plots proposed are uncharacteristic of the surrounding area. Accordingly the sub division of the host plot will result in two smaller plots which would result in an un-characteristic overdevelopment of the site which would fail to reflect the pattern of development and therefore the character of the surrounding area and is therefore contrary to advice within Local Plan Policy BE1 and the intentions of PPS3 and is unacceptable in principal.

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, 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 modest, resultant of its height of only 7m and its footprint of 45 square metres, and due to its set back from the access road. By virtue of its siting further back than the adjacent property to the east, the dwelling will appear inconspicuous within the wider street scene and will be screened from King Richards Hill.

The sub-division of the host plot (1 Thurlaston Lane) results in two smaller plots; the application site will have an area of 175 square metres and the host property an area of 210 square metres. In respect of rear amenity space, the SPG on New Residential Development states that three bed properties should have an area of 80 square metres and a depth of 12.5 m to ensure sufficient separation distance between facing properties and to ensure adequate usable amenity space. In this case the proposed property will have an area of 80 square meters, but will only have a depth of 10m and the host property will be left with a rear garden area of approximately 56 square metres and a depth of 8 m. Accordingly, due to this, the proposal is considered to result in over development of the site and will provide inadequate amenity space to the detriment of occupiers of both properties in question.

Although there will be frontage parking, which is not generally encouraged due to the visual impact it results in, this is characteristic of the adjacent property to the east and in the wider locality and will not form part of any established street scene due to the backland nature of the plot, thus on balance is not considered detrimental to the visual amenity of the area and to warrant refusal of the application.

The front elevation of the dwelling has a balanced appearance with the fenestration being aligned and of a simple, standard design. The pitched roofed canopy porch and the brick detail adds interest to the front elevation and emphasises the front door. The side elevations have large expanses of brickwork resulting in a bland appearance, however to the east the side elevation will be screened from King Richards Hill by the adjacent property to the east, and as the service road is a dead end, only its users will view the western elevation of the proposal, accordingly the level of harm caused to visual amenity is very minimal. To the rear the design proposed is bland and there is limited architectural detail. This said, this is typical of rear elevations of residential properties in the locality and given that there will only be slight views of this elevation from King Richards Hill, in this respect the scheme is considered acceptable.

Residential Amenity

In order to protect the amenities of surrounding properties, in terms of overlooking and privacy the SPG on House Extensions states that there should be 25 m between facing elevations containing principal windows and a greater distance where there is a change in ground level. These standards are applied as they are relevant to the issues that arise in new dwelling house proposals.

In this case the proposed dwelling is elevated from the host property due to the rising ground level to the south. The rear elevation of the gable will be a distance of approximately 21 m

from the rear elevation of the host property and the principal rear elevation a distance of approximately 23 m from the rear, with both elevations containing first floor bedroom windows. Accordingly the separation distances do not comply with those recommended within the SPG.

The first floor bedroom windows within the rear elevation of the proposal will have direct views into the rear garden of the host property and rear windows of the host dwelling, with the impacts on the privacy of the occupiers of this property compounded by the elevated position of the proposed dwelling in relation to the host property, the lack of any natural screening and the close proximity of the garden of the host property by virtue of its inadequate depth.

In respect of the first floor side facing bedroom window, although this is a secondary bedroom window, it will only be a distance of 7m from the principal rear amenity space of the adjacent property and thus is considered to cause an unacceptable level of overlooking.

As the proposed property is situated to the west of the adjacent property, there will be the possibility for some loss of light and overshadowing to the rear of the property during the afternoon, particularly to the conservatory attached to the rear elevation. By virtue of the proposed dwelling being set back further than the adjacent dwelling, there will be a significant two storey mass to the west of the rear elevation which would result in overbearing and overshadowing impacts to this property, to the detriment of the adjacent occupiers.

Accordingly, the proposal is considered to have an unacceptable impact in terms of overlooking, overshadowing and on the privacy of surrounding residential properties and is thus contrary to the intentions of Policy BE1 and the SPG on New Residential Development.

Highway Issues - Parking

The scheme proposes to provide two car parking spaces to the front of the site which is considered sufficient for a three bedroomed dwelling. Standing Advice has been issued by the Director of Environment and Transport (Highways) with a further note stating that the parking spaces should be 5m in length.

Other issues

Policy 24 of the Core Strategy requires new residential developments in Earl Shilton to be constructed to Code Level 3 of the Code for Sustainable Homes. No information has been supplied with the application that demonstrates that this has been considered or can be achieved and therefore fails to satisfy the requirements of Policy 24 of the Core Strategy.

Developer Contributions

The general approach to developer contributions must be considered alongside the guidance contained within Circular 05/05 and more recently in the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, 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.

The site is located within 400 m of The Hall Field recreational ground and therefore 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.

Within the Green Space Strategy 2005-2010, Earl Shilton was found to have inadequate provision for children and young people and the quality of existing space is considered poor. The quality of the space was considered within the Quality and Accessibility Audit of 2005 which awarded the Hall Field a score of 46.7% suggesting that additional works are required to improve the quality of the space. The document makes recommendations to what works are required to improve the quality and provides a cost. With regard to the provision for children and young people, these include improving the quality and provision and improving the quality of the green space.

Given the low quality score it is considered a contribution is justified in this instance.

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 is required with £817.80 towards the provision of equipment and facilities, and £433.00 towards maintenance on a 10 year period.

There is no commitment submitted with the application that such a contribution will be offered and as such the proposal is contrary to the requirements of Policies IMP1 and REC3 of the Adopted Local Plan and the SPG on Play and Open Space.

Loss of View

A letter of objection has been received from a neighbouring property raising concerns that the proposal will result in a loss of view. Regardless of whether or not this will be the case, loss of a view is not a material planning consideration and therefore can not be taken into consideration during the decision making process.

Drainage

Concerns have also been raised by neighbouring properties that the proposal will exacerbate existing drainage issues within the vicinity of the site.

The Head of Community Services (Land Drainage) raise no objection to the proposal but has 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, 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.

Conclusion

By virtue of the subdivision of the host plot and the lack of a conventional road frontage, the two resultant plots are not considered to reflect the size of surrounding plots and the existing pattern of development in the locality. The rear amenity space of both the proposed property and the host property is considered inadequate and does not comply with the standards outlined within the SPG in terms of minimum requirements that developments should

achieve. The proximity of the windows within the rear elevations of both the proposal and the host dwelling are considered too close, resulting in an unacceptable impact on the privacy of occupiers, to the detriment of their residential amenity and by virtue of the proposed dwelling being set back further than the adjacent dwelling, there will be a significant two storey mass to the west of the rear elevation of the adjacent property, resulting in overshadowing and overbearing impacts to the detriment of the occupiers of this property.

Accordingly the scheme is considered to constitute overdevelopment of this small site and will result in a contrived form of development which is uncharacteristic of the locality and contrary to the intentions of PPS3, Policy BE1 of the adopted Local Plan and the adopted SPG on New Residential Development. Therefore, on balance the proposal is considered unacceptable.

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 proposal constitutes an uncharacteristic form of development of this greenfield residential garden site. By virtue of its position, layout and scale, the proposal fails to respect the established character of the surrounding area and would therefore not complement or enhance the surrounding area. Therefore the development would be contrary to Planning Policy Statement 3: Housing and Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, the Council's Supplementary Planning Guidance on New Residential Development.
- 2 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, and is therefore contrary to requirements of Policy 24 of the Adopted Hinckley and Bosworth Local Development Framework Core Strategy (2009).
- 3 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.

Contact Officer:- Eleanor Shaw Ext 5680

Item: 09
Reference: 11/00178/FUL
Applicant: Mr Alan Makin
Location: 86 Leicester Road Hinckley
Proposal: DEMOLITION OF EXISTING DETACHED GARAGE AND ERECTION OF SINGLE STOREY DWELLING
Target Date: 2 May 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has generated above 5 objections and the consultation period has not yet expired.

Application Proposal

Full planning permission is sought for the erection of a single storey dwelling to the rear of No. 86 Leicester Road, Hinckley. The proposed bungalow of four bed configuration intends to utilise the existing access from Leicester Road and the host and proposed dwelling will share the access drive, with parking for both dwellings to the rear.

The Site and Surrounding Area

The dwelling will be sited within the rear garden of No. 86 Leicester Road. The site is largely bounded by residential development. There are a group of trees located to the bottom of the neighbouring garden (No. 84) which are subject to a Tree Preservation Order.

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

Technical Documents submitted with application

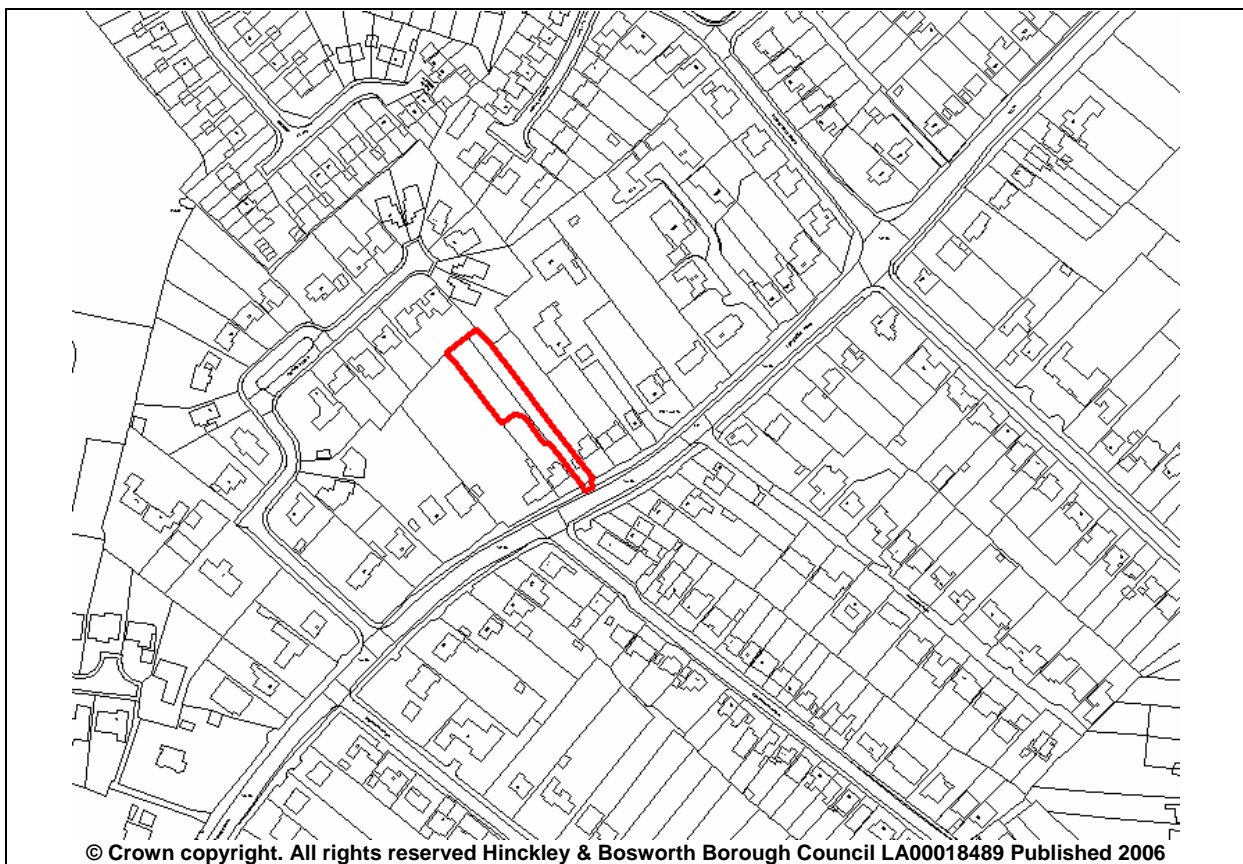
The application is accompanied by a Design and Access Statement which states that the new dwelling has been designed to avoid any overlooking or privacy issues with the surrounding properties and lists specific details of drainage designs and solar heating measures.

Following concerns raised by officers, amended plans have been received showing a reduction in the roof pitch from 35 to 25 degrees. Re-consultation has been undertaken with both objectors and the occupiers of surrounding residential properties.

During the course of the application, the applicant has also provided documentation with correspondence with Severn Trent Water and confirmation from them that the solution to the surface water is acceptable and will not impact on the existing public sewerage system and that the foul water from the proposed dwelling is a very nominal discharge.

History:-

| | | | |
|--------------|---|---------|----------|
| 08/00780/FUL | Demolition of two dwellings (No.84 and No.86Leicester Road) and erection of ten dwellings and associated garages and access | Refused | 19.11.08 |
| 07/01486/FUL | Demolition of two dwellings (No.84 and No.86Leicester Road) and erection of ten dwellings and associated garages and access | Refused | 12.03.08 |
| 80/00457/4 | Erection of a bungalow | Refused | 24.06.80 |
| 78/00441/4 | Erection of 1 dwelling and garage | Refused | 25.04.78 |



Consultations:-

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

No objection subject to conditions have been received from:-

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

Head of Community Services (Land Drainage) states that planning consent should be conditional upon the execution of the sustainable drainage proposals described in the Design

and Access Statement – i.e. permeable construction of parking, turning and access surfaces, rainwater harvesting and the sustainable management of hard-surface rain runoff.

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

- a) three new parking spaces may at a future time be used to provide an access to any proposed development to serve the garden area of No. 84 Leicester Road
- b) roadway created close to boundary; choice of surfacing materials creating gravel spray
- c) three car parking spaces is excessive; should be reduced and bungalow re-sited closer to host dwelling
- d) dwelling will be sited in an elevated position
- e) replace restrictions/conditions to ensure that no car parking or garaging shall be erected
- f) valuable amenity area will be affected
- g) 35 degree roof will have a visual impact; high ridge line does not relate well; other infill bungalows have been restricted to a roof pitch of 22 degrees; reduction in roof pitch would lessen the impact on surrounding properties
- h) drainage; soakaways are not suitable
- i) removal of trees will cause further drainage problems
- j) the applicant cannot rely on any screening to be provided by the existing hedges on the eastern boundary
- k) impact upon wildlife/biodiversity.

Following re-consultation, the consultation period remains open at the time of writing and closes on 18 April 2011. Any further consultation response received before the closing date will be reported and appraised as a late item.

At the time of writing the report comments have not been received from Head of Corporate and Scrutiny Services (Tree Officer).

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 41 states that at least 60 per cent of new housing should be provided on previously developed land and that a key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed.

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.

Paragraph 49 states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate.

Paragraph 71 states that where the LPA cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in PPS3 and considerations in paragraph 69. Paragraph 69 requires the LPA to ensure that the proposed development is in line with planning for housing objectives, reflects the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives. In addition, development should provide high quality housing of a good mix and make effective and efficient use of land.

PPS3 was updated in June 2010 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 in order 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.

Planning Policy Guidance Note 13 (PPG13): 'Transport' sets out national transport planning policy. Paragraph 6 states that Local Planning Authorities should accommodate housing principally within urban areas and promotes accessibility to services by public transport, walking and cycling and reduces the need to travel. Paragraph 29 states that when thinking about new development the needs and safety of the community should be considered and addressed in accompanying Transport Assessments.

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.

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.

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 1: 'Development in Hinckley' seeks to diversify the existing housing stock in the town centre to cater for a range of house types and sizes, to ensure there is a range of employment opportunities within Hinckley and to allocate land for new office development within or adjoining the Hinckley Town Centre Area Action Plan boundary.

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' requires new residential developments in Hinckley to meet a minimum 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 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 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 targets for new developments. Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance and parking targets.

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.

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.

Supplementary Planning Document: 'Play and Open Space', provides further information on the policy supporting play and open space provision including a breakdown of the cost to maintain and provide various types of formal and informal open space.

Other material guidance

None relevant; for the avoidance of doubt the site falls outside of the Hinckley Town Centre Area Action Plan area.

Appraisal:-

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

Principle of Development

The site is located within the settlement boundary of Hinckley, 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.

The application site comprises garden land and would prior to the update to PPS3 have fallen into the category of brownfield land, however the update to PPS3 removed garden land from the 'brownfield' land classification. It is considered that where development is proposed on garden land within the defined settlement boundary the 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 relevant plan policies include PPS3 which states that 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 should be considered.

This approach 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, 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 development proposed in this application is for 1 dwelling and for the reasons discussed further in this report are not considered to be in conflict with adopted development plan policy.

Impact upon Character: 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 area to the south of the proposed dwelling is largely characterised by large two storey detached dwellings set close to the road frontages with large gardens to the rear. To the north of the site are properties on Island Close which comprise of mainly single storey or dormer bungalows which again are predominantly located close to the road frontage. There are also 2 no. dwellings to the east of the site (No's 94 and 94A) which do not front the road frontage, and as such backland development has already taken place within the immediate area. In addition, the dwelling is proposed to be sited in a similar location to the dwellings which already exist at depth and therefore adds to this select cluster of backland dwellings in the locality. As such the siting of the dwelling is considered acceptable.

Whilst the proposed dwelling would have a larger footprint than that of the existing host dwelling, the scheme proposes an appropriately sized rear garden in accordance with the standards set down in the Borough Council's SPG which gives a spacious, low-density development. By virtue of the single storey nature of the proposal and size of the plot, the overall scale and density of the scheme is considered acceptable in this location. Two storey proportions are common to the south of the site, whilst dwellings to the north and east are of detached bungalows. As such it is considered that the footprint of the dwelling with single storey proportions is considered acceptable in this location.

Following the submission of amended plans the scheme now shows a reduction in the roof pitch and the proposed dwelling proposes to incorporate velux solar powered windows, solar hot water collectors and a roof overhang for solar shading to fully maximise daylight and enhance solar gain. As a result of the improvement to the roof, single storey proportions and incorporation of sustainable design measures, the design approach is considered acceptable.

In summary, given that there is already the existence of development at depth, the proposed development accords with the general siting and scale of existing dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of existing dwellings and the design approach is considered acceptable. As such, the scheme is considered to be in accordance with guidance contained with PPS3, Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan and with the principles outlined in the Council's SPG on New Residential Development.

Impact Upon Residential Amenity

The residential dwellings most immediately impacted upon as a result of the proposal would be No. 19 Island Close located due north and Nos. 94, 96 and 98 Leicester Road, located due east, given the proximity of the proposal.

No. 19 Island Close has a rear garden of approximately 15 metres and there is a distance of approximately 17 metres between the shared rear boundary wall with No. 19 and the rear wall of the proposed dwelling. Therefore accumulatively there is a distance of approximately 32 metres between the rear walls of the proposed and neighbouring dwelling. The Council's SPG on New Residential Development seeks a minimum distance of 25 metres between principal windows of habitable rooms to similar windows in neighbouring dwellings. As such it is considered that there is sufficient distance between the dwellings to ensure that there would not be any significant overlooking, overshadowing or overbearing impacts as a result of the scheme.

The side wall of No. 94 Leicester Road located to the east of the site is sited approximately 24 metres from the side wall of the proposed dwelling and the distance is occupied by the rear garden of No. 98. As such there are boundary treatments occupying both boundaries to No.98 which offers a level of screening between the proposed and neighbouring dwelling. Overall given the distance and existence of boundary treatments offering some screening, it is not considered that the scheme would give rise to a significant detrimental impacts upon the amenities of the occupying dwelling.

Given the distance between the host and proposed dwelling, and by virtue of the proposed dwelling's positioning due north and of a single storey scale it is not considered that there would be any material impacts upon the host dwelling.

It is not considered that there are any other neighbouring dwellings impacts upon as a result of the proposal.

In response to letters of neighbouring objections the roof pitch has been reduced from 35 to 25 degrees. It is considered that the reduction has reduced the visual impact and any potential impacts upon residential amenity. A further reduction would compromise the design and a pitch of 25 degree would be sufficient to ensure first floor accommodation cannot be easily incorporated. Notwithstanding this, it is considered that it is important to impose a condition to restrict future permitted development rights that may allow for unacceptable modifications to the roof.

Given the available separation distances, it is not considered that re-siting the dwelling, (at the loss of car parking space) further towards the south of the site would be necessary. Whilst the site is fairly flat there are variations in land levels around the site and a number of letters have referred to the changes in land levels. As such it is considered necessary to impose a condition to ensure that the correct levels are first submitted to and approved in writing by the Local Planning Authority.

In response to a neighbouring objection received regarding an existing hedge, and any long terms issues regarding damage or retention would be a civil matter between the owner of the hedge and future owner of the dwelling.

In summary, the proposal is considered to have minimal impacts upon the amenity of neighbouring residents. Accordingly the scheme is considered to be in accordance with Saved Policy BE1 of the Local Plan.

Drainage and Flood Risk

The site, in conjunction with land to the rear of No. 94 Leicester Road, has previously been subject to planning applications for the erection of 10 no. dwellings, one reason for the refusal of which included the failure to. In light of the previous planning history both Severn Trent Water and the Head of Community Services (Land Drainage) have been formally consulted on this application for 1 no. dwelling.

The application form states that surface water will be disposed of by a Sustainable Drainage System and all surfaces are to be pervious Sustainable Urban Drainage System finishes. The accompanying Design and Access Statement also confirms that no rainwater is to be connected into the public sewer, and the new vehicle access is to have a pervious gravel finish without rainwater gullies to avoid rainwater being collected and deposited into the existing sewer. The new dwelling is also to have a below ground soft water storage tank so that the stored filtered water can be re-used for flushing toilets, laundry etc.

The Head of Community Services (Land Drainage) states that planning consent should be conditional upon the execution of the sustainable drainage proposals. Severn Trent Water has no objection to the scheme but has requested that a condition be imposed to ensure drainage plans are first submitted to and approved in writing by the Local Planning Authority. Accordingly it is considered necessary to impose a planning condition to this affect.

In summary, Severn Trent Water raise no objection, subject to the imposition of a condition to secure drainage details. As such it is considered that no increase in flood risk in anticipated and accordingly the development is considered acceptable in relation to guidance contained in PPS25 and subject to the imposition of a condition would also be in conformity with Saved Local Planning Policy NE14 of the Local Plan.

Highway Considerations

The development proposes to utilise the existing access from Leicester Road, following the demolition of the existing garage and propose 3 no. off street car parking spaces for the proposed development and 3 no. off street car parking spaces for the host dwelling to the rear of the site.

In response to the letters of objection, the number of off street car parking spaces, trips generated, and types of materials have been considered by the Director of Environment and Transport (Highways) who has no objection to the scheme subject to the imposition of a planning condition.

In summary, it is not considered that there would be any significant impacts upon highways safety. Accordingly the development accords with Saved Policy T5 of the Local Plan.

Other Matters

Impact Upon Trees

There are also a number of conifer and fir trees to the front of the site which are set to be removed to allow access to the site. It is not considered that these trees are worthy of protection.

There are a group of trees located to the bottom of the garden of No. 84 which are subject to a Tree Preservation Order and it is not considered that the trees will be impacted upon as a result of the development.

Representations have not yet been received from the Head of Corporate and Scrutiny Services (Tree Officer) but will be reported on as a late item.

Sustainability

The site is located within Hinckley and therefore benefits from a good degree of public transport links and services.

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 schemes compliance with this standard will be subject to the imposition of a planning condition.

The Head of Business Development and Street Scene Services (Waste Minimisation) states that it is important to allow space for placement of containers at the adopted highway and as such recommends a condition to secure a scheme for the provision for waste and recycling storage across the site.

Play and Open Space Contributions

The site is located within 400 metres of open space Kirfield Drive (amenity green space - informal). 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 to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

The quality of the Kirfield Drive play area has been considered within the Quality and Accessibility Audit of 2005 which awarded it a quality score of 42% within the Green Space Strategy 2005-2010. Hinckley, however was found to have sufficiency of 3.83 hectares for its population when compared with the National Playing Fields Standard. As such it is considered that the Local Planning Authority would be unable to put a case forward to suggest that there was a need for financial contributions to help improvements to amenity green spaces in Hinckley that would comply with the tests sets out in the CIL.

Biodiversity

It is not considered that there are any protected species on site and as such no further consideration on this matter is required. A neighbouring response has states that they wish

to replace some of the lost habitat for amphibians and invertebrates, however this is not a planning consideration and is a private matter.

Conclusion

The principle of residential development in this location is considered acceptable. The scheme is considered characteristic of the area and is not considered to create any significant material harm to residential amenity, highway safety or protected species. In conclusion, no material impacts have been identified, that would indicate that the proposal is not in compliance with development plan policies. Accordingly, the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION :- Subject to no significant material objections being received prior to the expiry of the consultation period on 18 April 2011 to grant planning permission for the development subject to the following conditions;

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it is an acceptable dwelling within an existing residential setting that would not give rise to any significant materials impacts upon residential amenity, highway safety or protected species.

Hinckley & Bosworth Local Plan (2001):- Policies IMP1, RES5, REC3, BE1, NE14, T5, REC3.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the details: OS Sitemap (1:1250); OS Sitemap (1:500) and drawing no. B10/10/P01 received by the Local Planning Authority on 7 March 2011 and amended details drawing no B10/10/P02A received by the Local Planning Authority on 8 April 2011.
- 3 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling have been deposited with, and approved in writing by, the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall take place until full details of both hard and soft landscape works, including defined residential curtilage, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) Means of enclosure and boundary treatments.
 - b) Hard surfacing materials
 - c) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
 - d) Implementation programme.

- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 6 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. The dwelling constructed pursuant to this permission shall not be occupied until a final certificate demonstrating that it has been constructed to a minimum of Code Level 3 has been provided to the Local Planning Authority.
- 7 The dwelling hereby approved shall not be occupied until the shared access drive has been fully laid out in accordance with the details shown on the submitted plan (B10/10/P01) and be available that way thereafter.
- 8 The dwelling hereby approved shall not be occupied until the car parking and turning facilities shown on drawing number B10/10/PO1 have been provided. Thereafter, such facilities shall remain permanently available for such use.
- 9 The dwelling hereby approved shall not be occupied until:-
 - a) a scheme that makes provision for refuse and recycling storage, and collection, across the site has been submitted to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities for the residents/collection crews across the site, and adequate collection point space at? the adopted public highway.
 - b) the approved details have been fully installed and made available for use.
- 10 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first occupied.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A, B, C shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 12 No development shall commence until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

Reasons:-

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

- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4&5 In the interests of visual amenity to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan
- 6 In the interests of sustainable development to accord with Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.
- 7 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 to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 8 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 9 In the interests of visual amenity, to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 10 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy NE14 of the adopted Hinckley & Bosworth Local Plan and guidance contained within Planning Policy Statement 25 'Development and Flood Risk'.
- 11 To ensure that existing standards or privacy and visual amenity are maintained in accordance with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 12 To ensure the development has a satisfactory visual appearance and to safeguard the residential amenities of the locality, in accordance with the requirements of Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 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: 10
Reference: 11/00181/FUL
Applicant: Mr Keith Lynch
Location: 12 Salisbury Road Burbage
Proposal: EXTENSIONS AND ALTERATIONS TO DWELLING
Target Date: 9 May 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation as the applicant is an elected Member of the Council.

Application Proposal

This application seeks full planning permission for the erection of a single storey flat roof extension to the rear of this detached dwelling.

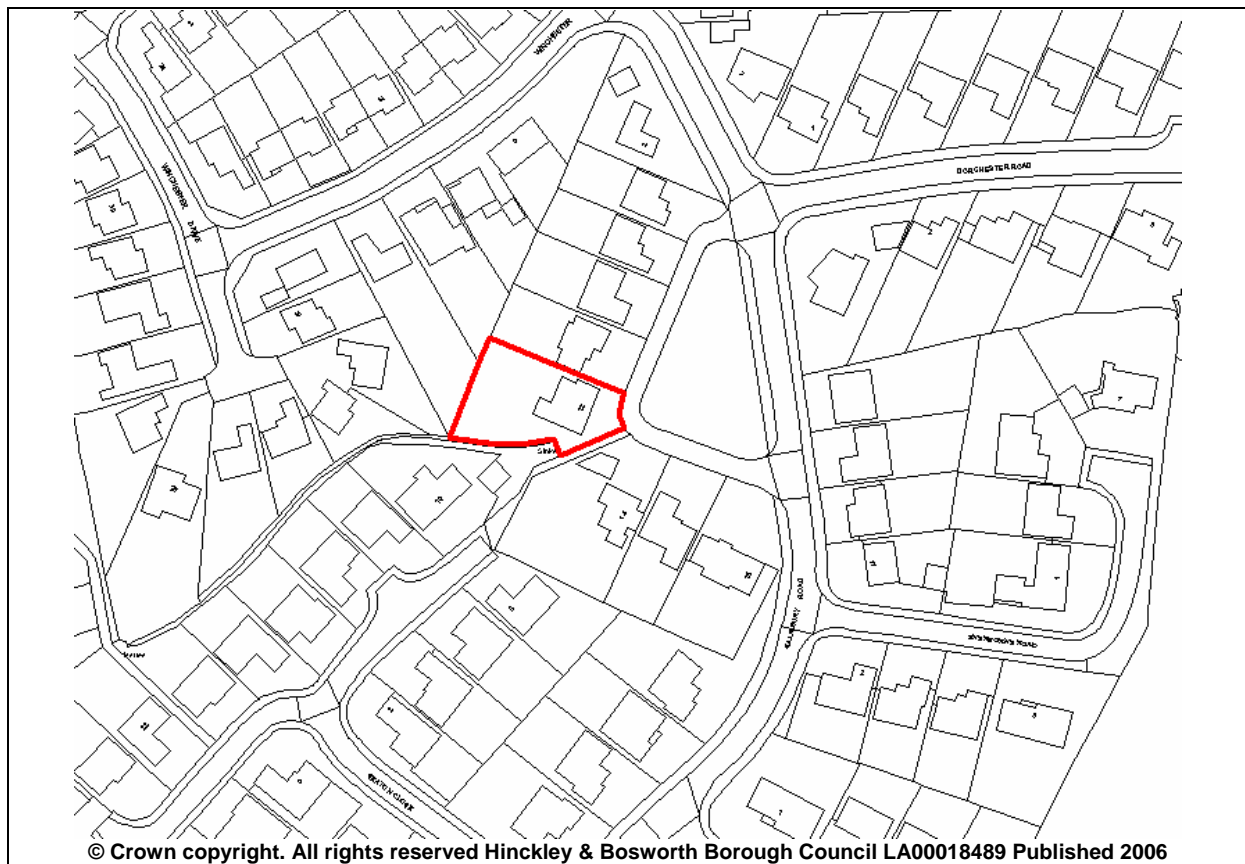
The Site and Surrounding Area

The property is located within a stretch of Salisbury Road where there is a mix of detached dwellings set back from the road frontage. Existing boundary treatments consists of a 2 metre high boundary fence between 10 Salisbury Road along with a mature hedgerow approximately 2.5 metres in height and planting between 10 Seaton Road and 13 and 15 Winchester Drive.

The dwelling is constructed from red brick with brown concrete roof tiles. There is an existing single storey flat roof rear extension.

History:-

| | | | |
|--------------|--|----------|----------|
| 00/00990/FUL | Single Storey Side Extension | Approved | 08.11.00 |
| 10/00062/FUL | Extensions and Alterations to Dwelling | Approved | 23.03.10 |



Consultations:-

No objection has been received from: -

Head of Community Services (Land Drainage)
Burbage Parish Council.

Site notice and Press notice were displayed and neighbours notified.

At the time of writing the report comments have not been received from Ward Members.

The consultation period remains open at the time of writing and closes on 15 April 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.

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.

Local Development Framework Core Strategy 2009

There are no relevant policies within the Core Strategy.

Hinckley and Bosworth Local Plan 2001

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 not adversely affect the occupiers of neighbouring properties.

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance: House Extensions provides a series of design and technical separation standards that all new house extensions should strive to meet to be acceptable.

Burbage Village Design Statement: (Adopted June 2006) specifically policy GN2 which relates to general design principles.

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact of the proposed extension on the character and appearance of the existing dwelling and on the amenities of the occupiers of neighbouring properties.

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 on Character and Appearance

The proposed extension has been designed to reflect the simplistic flat roof character of the adjacent and existing flat roof single storey extension to the rear of the dwelling. Given the location, at the rear of the property and its small scale that reflects that of the existing extension, the extension will not have any adverse impact on the street scene or the character of the existing dwelling and is therefore acceptable in design terms.

Impact on Neighbours

The proposed extension projects 3.5 meters from the existing rear elevation and will be attached to an existing flat roof sun room. No. 10 Seaton Close is located to the south west of the application dwelling. By way of the proposed extension position to the north of the existing sun room extension, there is no opportunity for any overlooking or arising amenity issues between the two dwellings. No.10 Seaton Close is also separated from the proposed extension by a mature hedgerow which is approximately 2.5 meters in height.

No. 10 Salisbury Close is located to the north of the application site and is a detached dwelling. There are no side windows which will be affected by the proposed extension.

Nos.13 and 15 Winchester Drive are located to the west, however a separation distance of at least 36 metres exists here between the rear elevation of the neighbouring dwellings and the rear elevation of the proposed extension, no adverse impact on residential amenity will arise.

Although the proposed extension exceeds the guidance contained in the SPG by 0.5 metres by projecting 3.5 metres from the rear elevation of the dwelling, given the design of the extension, its position inset off from the boundary and the height of the existing boundary treatment it is not expected that this will have an impact on the amenities of the occupiers of 10 Seaton Close and 10 Salisbury Close.

Conclusion

The proposal would respect the scale and character of the existing dwelling and would not adversely affect the amenities of the occupiers of neighbouring properties. The application is considered to be in accordance with policies BE1 of the Local Plan and the Council SPG on House Extensions and is therefore recommended for approval subject to conditions.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development by virtue of the scale, mass and design of the proposed extension would not detrimentally impact on the amenities of neighbouring residents or the character and appearance of the street scene and would be in accordance with the development plan.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing dwelling unless previously agreed in writing with the Local Planning Authority.
- 3 The proposed development hereby permitted shall not be carried out unless in accordance with the application details: - Site Location Plan to a scale of 1:1250 and Site Block Plan to a scale of 1:500 received 14 March 2011; Existing Elevations and Floor Plans to a scale of 1:100 received 7 March 2011; Proposed Elevations and Floor Plans to a scale of 1:50 received 7 March 2011.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 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:- Joanne Orton Ext 5666

Item: 11

Reference: 11/00190/GDOT

Applicant: Vodafone UK & Telefonica O2

Location: Hinckley Road Burbage

Proposal: **STREETWORKS MONOPOLE SUPPORTING ANTENNAS TO PROVIDE 3G RADIO SERVICE FOR VODAPHONE AND TELEFONICA O2 ALSO GROUND BASED EQUIPMENT CABINET**

Target Date: 4 May 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 adjacent to Hinckley 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 northern 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 on the western side of Hinckley Road adjacent to the Hastings High School playing field. The site is separated from the playing field by a mature hedge and semi mature trees. Along Hinckley Road to the south is a gas pumping station and bus shelter. On the opposite site of Hinckley Road are residential properties. Hinckley Road is one of the main routes into Burbage village but this part is mainly residential in character.

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. It goes on to say that the structure has a specific functionality as a joint use telecommunications base station. Its function is reflected in its plain and simple form appropriate to a highway environment. The development needs to be of the height specified due to the effect of local tree cover. It states that the site is screened from the nearest house and that the closest dwelling is 15 metres distance. The monopole is proposed to be positioned in line with the southern gable end of the property so that views should be oblique. Properties in the Stocking Leys development should not generally be in direct line of sight.

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.

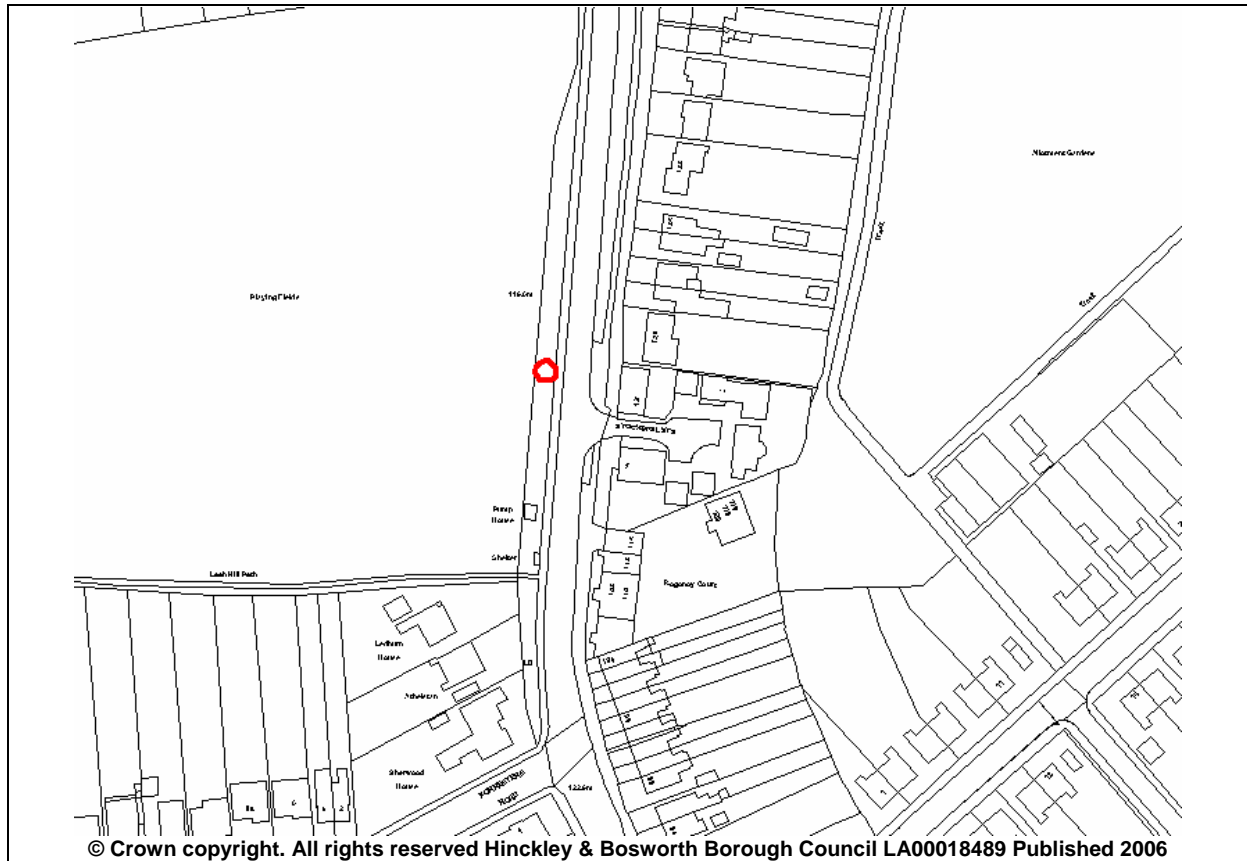
Information submitted with the application confirms that pre-application advice has been sought and that the Highway Authority has been notified of the application. Further documentation submitted states that the Hastings High School building is located at a distance of 500 metres from the proposal. Other documents submitted include letters of consultation sent out by the company prior to submission of the application and letters of objection received from neighbours.

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

- a) multi Industrial Doors, Sapcote Road Industrial Estate - discounted as owner did not wish to proceed
- b) junction of Sapcote Road, Burbage Road and Hinckley - discounted as the low ground level would result in poor coverage
- c) opposite 154 Hinckley Road - discounted likely harm to residential amenity and proximity to day nursery.

History:-

None relevant.



Consultations:-

No objections subject to note to applicant received from The Director of Environment and Transport (Highways).

The Police Architectural Liaison Officer has confirmed that the police installations are at some distance from the proposal and therefore unlikely to interfere with their installations.

Site Notice displayed and neighbours notified.

One petition containing 346 names and 27 letters of objection received on the following grounds:-

- a) health reasons
- b) not in keeping with Burbage
- c) Loss of amenity in residential area
- d) visually obtrusive
- e) oppressive effect on neighbours
- f) dominant eyesore
- g) spoil attractive area
- h) mast is higher than trees
- i) nearby trees are deciduous/more prominent in winter months
- j) proximity to school and playing field
- k) proximity to nursery
- l) too close to residential dwellings
- m) area is where children/elderly persons live
- n) highly populated area
- o) should be sited on industrial estate or in field

- p) other sites have not been fully investigated
- q) the application does not demonstrate that the mast is required in terms of coverage
- r) suggests mast sharing on existing installations
- s) loss in property value
- t) will add to downturn in property market
- u) raises Human Rights Article 8 concerns.

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. 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 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 design of the pole in this instance is, as described within the application as 'functional'. It has an awkward shape within the 4.5 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 proposal is located on a strip of grass where there is some tree cover along the boundary with the playing field. However, the pole will be taller than the trees nearby and will be highly visible within the streetscene, with a clear view from both the south and north along Hinckley Road. There is other street furniture within the area therefore the cabinet will assimilate with others along Hinckley road. The 14.8 metres pole and antennas are considered to provide an incongruous feature in an otherwise pleasant residential area and as such the installation is considered to be inappropriate.

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 three alternative sites within the local area but reasons for discounting the alternative sites have been given within the application information. One site was discounted due to ground level, one due to likely harm to residential amenity and proximity to a day nursery and one site was discounted because the owner was unwilling to proceed. However, it is not clear if there are other more appropriate locations for this proposal available or that other options have been fully considered.

The Borough Council's Arboricultural Consultant has been requested to comment on the proposal in terms of the potential affect on the trees located on the boundary with the school playing field and his comments will be reported as a late item.

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. 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 and that if this development goes ahead, it will result in further stagnation of the housing market in the area, this is not a material planning consideration when determining planning applications.

Other Neighbour Issues

Local residents have commented that the proposal is not in keeping with Burbage village 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 provide justification that their current service needs to be improved.

A neighbour has referred to an infringement of their Human Rights in terms of Article 8 of the Human Rights Act 1998 by the proposal. Article 8 of the Convention states that 'Everyone has the right to respect for his privacy and family life, his home and his correspondence interference is justified however, if it is in accordance with the law and necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.' The European Court of Human Rights has recognised that, in the context of Article 1 of the First Protocol that 'regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole'. Both public and private interests are to be taken into account in the exercise of the Council's powers and duties. Similarly, any interference with Article 8 rights must be 'necessary in the democratic society' i.e. proportionate. In this case, it is considered that the proposal is unacceptable and is therefore recommended for refusal in terms of siting and appearance, but not in terms of the Human Rights Act, as its impact is not considered to be unreasonable in terms privacy, family life or the home of a particular resident or residents of the area.

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 unacceptably 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 :- 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 received on 10 March 2011.

Contact Officer:- Louise Forman Ext 5682

Item: 12

Reference: 11/00197/FUL

Applicant: Mr Andrew Crowter

Location: Unit A Nuffield Road Hinckley

Proposal: CHANGE OF USE FROM WAREHOUSE TO EDUCATIONAL USE (USE CLASS D1) AND MINOR ALTERATIONS TO BUILDING

Target Date: 11 May 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is an application for a change of use to a Institutional use (D1) associated with North Warwickshire and Hinckley College.

Application Proposal

This application seeks change of use of a vacant industrial warehouse and office unit located on Nuffield Road, Hinckley, to use as an educational/training facility (Class D1 use) for a Construction Skills Centre in connection with the North Warwickshire and Hinckley College. The Centre will specifically provide vocational construction skills courses including brickwork, carpentry, painting and decorating, electrical and plumbing courses. The site is approximately 0.8 hectares. To the east of the site is a yard area which is proposed to be used for on site parking.

The application includes a number of elevational changes to the building including additional windows within the north elevation, the blocking up of four of the existing loading bays in the eastern elevation and additional cladding to the southern elevation in order to match the other elevations.

The proposal is for four traditional classrooms within the warehouse building and the existing office space on the first floor to be converted to a computer training suite for 20 students. On the ground floor it is proposed to create a reception area, offices, social room, canteen and toilets. There will be a maximum of 500 students enrolled at the facility with 30 staff but it is envisaged that a maximum of 250 people will be on site at any one time. Classes will commence at 09:00 and end no later than 21:00. Staff would arrive from 07:00 and leave by 21:30. There would be no classes on Sunday.

The Site and Surrounding Area

The site consists of a warehouse and office building located on the southern side of Nuffield Way within an established (Harrowbrook) industrial estate. The building has a steel portal frame in two bays which has 4,000 square metres floorspace. In addition, it has 340 square metres office space located on the ground and first floor. To the east of the site is the existing access from Nuffield Road leading onto the existing yard area. There are industrial/warehouse units to the west and east of the site and also to the north on the opposite side of Nuffield Road. The units to the west are small car repair type units, the unit to the east is currently vacant. Housing is located to the south of the site, along Coventry Road, and separated from the site by a belt of trees on an embankment. there is tree planting within the site to the frontage (north) and western sides of the site. the boundary treatment is general 1.8 metre chain link or mesh fencing, some of which has barbed wire located on the top of it.

Technical Documents submitted with the application

The Design and Access Statement submitted with the application states that due to space constraints the construction Skills Courses offered by the North Warwickshire and Hinckley college cannot be accommodated within the new town centre campus, therefore, there is a need to relocate the construction skills courses from the old London Road campus to a separate facility, which needs to be available for the start of the new academic year starting in September 2011 and needs to be located within an industrial/warehouse building. To improve operational efficiency and enhance the construction skills curriculum offer, the new construction skills centre will also include some of the courses currently provided at the Nuneaton, Bedworth and Polesworth campuses.

The statement goes on to say that the changes to the external elevations of the building will not involve significant changes that will alter the character of the building but they will improve the appearance of the building and would be in keeping with the wider industrial area. The proposal will retain the existing soft landscaping on site. There are no proposed changes to the existing access arrangements. The statement goes on to say that establishing the Construction Skills Centre in this location would offer the potential to build direct and close links to nearby compatible employment uses and businesses, with the scope to improve the prospects of students for accessing local employment opportunities.

The application has been submitted with parking layout and a Transport Statement which states that the access was constructed to accommodate heavy goods vehicles, therefore access and visibility are adequate for the proposed use. The Statement goes on to say that the site is a sustainable location less than 500 metres from bus stops for two bus routes. In addition, the college will operate a free shuttle bus service that will run between the two main campuses in Hinckley and Nuneaton and the application site. There is a cycle route that runs within 300 metres of the site, there will be secure cycle parking within the site. Provision will be made for the parking of powered two wheeled vehicles within the site. The canteen will enable students to eat on site without having to travel.

A Framework Travel Plan has also been submitted which seeks to minimise the number of single occupancy car journeys and promote a shift towards more sustainable modes of transport.

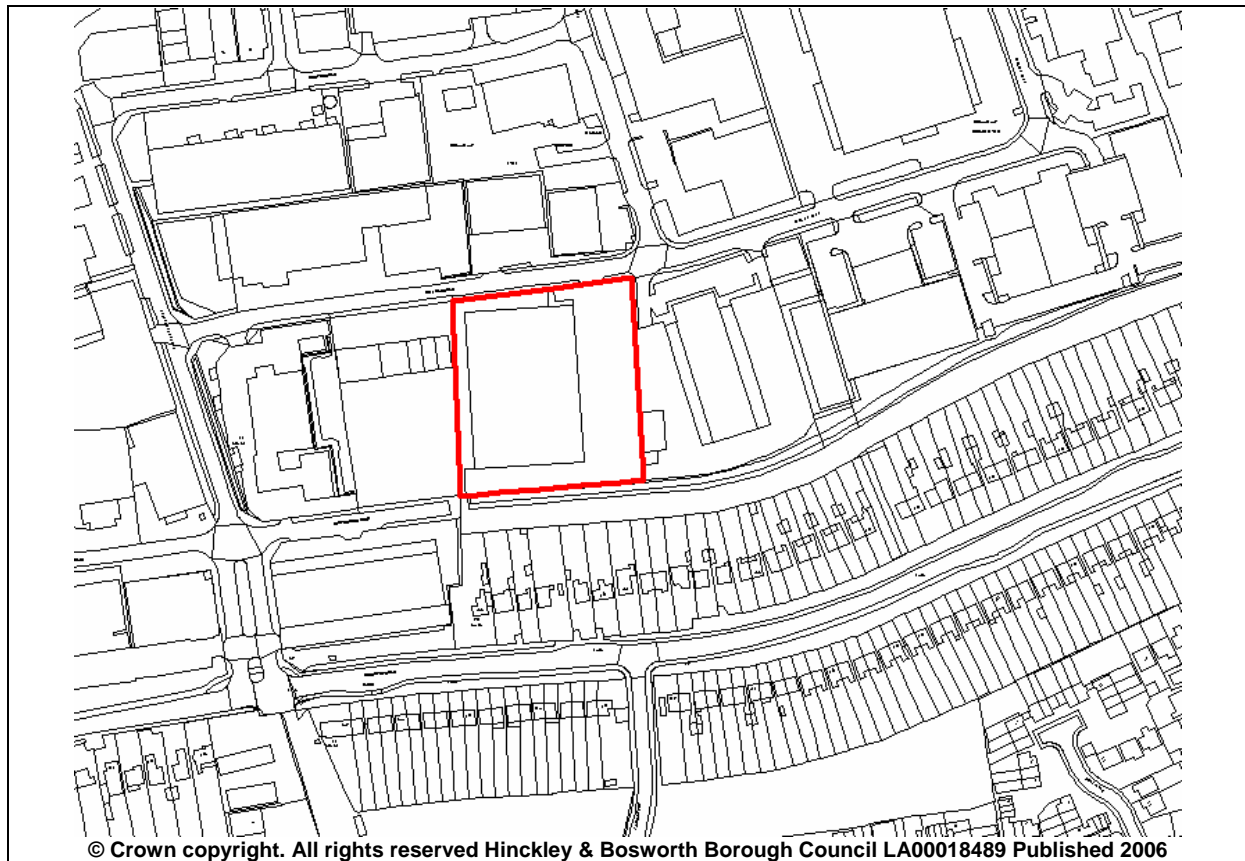
The application has been submitted with an existing landscaping plan showing the existing trees and confirming that it is intended that these will be retained.

The application has been submitted with marketing particulars together with details of the sequential test approach which had been adopted in order to identify a suitable site for the

proposal. The details submitted confirm that the unit has been marketed since January 2009 and that there have been five expressions of interest in the period, the reasons that the other parties did not pursue the letting are given within the submitted information.

History:-

None relevant.



Consultations:-

No objections received from:-

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

No objections subject to conditions and note to applicant received from The Director of Environment and Transport (Highways).

A letter in support of the application has been received from Councillor Bill but requesting that the boundary treatment to the rear of the site is considered to ensure that there is no security risk at night to residential properties.

Site notice displayed and neighbours notified.

The consultation period remains open at the time of writing and closes on 22 April 2011. Any consultation responses received before the closing date will be reported and appraised as a late item.

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

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.

Planning Policy Statement (PPS) 4 - Planning for Sustainable Economic Growth. Sets out the Government's objectives to achieve sustainable economic growth through improving economic performance, reducing the gap in economic growth rates between regions, tackling deprivation and delivering more sustainable patterns of development.

Planning Policy Statement (PPS) 13 - Transport. Sets out the Government's objectives to reduce the reliance on the use of the car whilst promoting other means of travel.

Planning Policy Statement (PPS) 25 - Development and Flood Risk. Requires developers to consider the flood risk implications of their proposals and incorporate suitable measures in mitigation.

Local Planning Policy

Local Development Framework Core Strategy 2009

The Core Strategy, part of the Local Development Framework, sets out the strategic policies that will guide development within the district until 2026.

Spatial Objective 1: Strong and Diverse Economy, seeks to strengthen and diversify the economy by providing sufficient, sustainably-located, good quality land and premises and other support programmes, including skills training, to encourage appropriate sectors with growth potential.

Spatial Objective 13: Transportation and Need to Travel, seeks to reduce the high reliance on car travel in the Borough and to increase the opportunities for other forms of transport by focusing the majority of development in the Hinckley Urban Area where there is a range of transport options available.

Policy 1: Development in Hinckley, notes that to support Hinckley's role as a subregional centre, key priorities include ensuring that there is a range of employment opportunities within Hinckley and supporting the expansion of the creative industries job market. The supporting text (paragraph 4.16) states that new employment opportunities, focusing on creative industries and innovation, will be supported by close links with higher education providers.

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 EMP1 - Existing Employment Sites, which states that the Local Planning Authority will actively seek to retain the Harrowbrook Industrial Estate in Hinckley for employment purposes during the Plan period.

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

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.

Policies T9 and T10 encourages the provision of facilities for cyclists and pedestrians and secured cycle parking facilities.

Policy T11 relates to the requirement for a Traffic Impact Assessment where the development is a major development or expected to give rise to over 250 vehicle movements per day or 50 vehicle movements in the peak hour, where the generated traffic exceeds 10% of the adjoining highway or 5% where traffic congestion exists or will exist, or if the proposal would result in a large proportion of additional heavy goods vehicles.

Other material considerations

The Employment Land and Premises Study (May 2010) provides an assessment of existing employment sites within Local Plan Policy EMP1. The report assesses the supply, need and demand for employment land. It has been commissioned to provide robust evidence to underpin and inform the Local Development Framework (LDF). The report makes reference to national regional policy and various studies. The key aims of the study are to consider the supply and future need for employment land, assess the viability and future of employment areas, review the impact of small and medium enterprises, consider land and property market supply and demand, consider the needs of the ten key rural centres identified in the Core Strategy DPD and analyse the new employment allocations identified in the development plan documents. Harrowbrook Industrial Estate is referred to as being an 'A' type employment site which should be retained for employment uses.

Appraisal:-

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

Principle

The site is identified in the Local Plan as being within the existing Harrowbrook Industrial Estate employment area. Policy EMP1 states that the Council will actively seek to retain the estate for employment purposes within the Plan period. The Employment Land and Premises Study reaffirmed policy EMP1 in terms of this site. However, the Local Plan does not define 'employment purposes' and PPS4 (paragraph 4) defines economic development as not just development within the B Use Classes, but also including public and community uses. The proposed Construction Skills Centre for an educational institution, which will employ 30 staff, can therefore be considered as an employment use and a form of economic

development in accordance with PPS4 and EMP1. The proposed employment numbers is also considered to be consistent with the current use of the site for warehousing, which can be a low employment generator. Information submitted with the application states that, in addition to providing direct employment opportunities, the site will be used for vocational training of a type which is similar in character to a traditional B Class employment use. This use is appropriately carried out in an employment area. Premises of this size and type would be needed to cater for this type of training.

In support of the application, information has been submitted regarding other sites that have been considered for the proposal. It states that the College's requirements in terms of the proposed Construction Skills Centre, due to size required has resulted in the need to focus on the re-use of an existing industrial/warehouse building within Hinckley and the required amount of floorspace led to available and vacant units on general employment areas being investigated. Whilst the most sequentially preferable potential sites would be within Hinckley Town Centre, education is not generally considered to be a town centre use and therefore there is no policy requirement for sequential testing. Core Strategy paragraph 3.2.2 notes that the most prevalent sources of deprivation in the Borough include: education, skills, training and employment.

It is considered that the proposal is consistent with EMP1 and that in granting this application would not preclude other industrial businesses from moving into the estate, or would detrimentally affect the character of the industrial estate.

Elevational Changes

The application proposes four additional windows within the north elevation at ground floor level, the blocking up of four of the existing loading bays in the eastern elevation and additional cladding to the southern elevation in order to match the other elevations. The additional windows match in terms of design those already located on this elevation. The proposed elevational changes to the building are considered to be minor and will not change the overall character of the building.

Highway Safety

The proposed on site parking plan submitted shows a total of 51 parking spaces, one disabled space, 3 mini bus parking spaces, 30 motorbikes spaces and 2 x 10 cycle stores.

The application has been submitted with a Traffic Impact Assessment. The Transport Assessment demonstrates that whilst there will be some on site car parking available within the site, the site is within a sustainable location with a number of sustainable transport facilities within the vicinity of the proposed development. In addition, the College will operate a free shuttle bus service between the two main college sites in Hinckley and Nuneaton and this site. The applicant would also provide secured cycle parking within the site. The Director of Environment and Transport (Highways) does not object to the proposal and has suggested conditions in terms of the parking provision shown on the submitted plans being provided prior to the site being brought into use and the submission of details for a Green Commuter Plan. He has further suggested a condition in terms of providing staff and pupil showering and changing facilities on site to comply with sustainable objectives. However, it is considered that such a condition is too onerous and should not be imposed.

Neighbours Amenity

The nearest residential properties to the site are located along Coventry Road. Their rear garden boundaries run along the far side of the embankment which is planted with trees. The trees and embankment provide a good screen along this boundary of the site and given that

the buildings are existing, there is not considered to be any significant material impact on residential amenity.

Councillor Bill has raised the issue of boundary treatment to the southern boundary in order to protect neighbours in terms of security risk and to ensure that students are not tempted to climb up the embankment with the potential to overlook neighbouring dwellings. It is clear that there is a fence in existence along this boundary but it has not been possible to check the condition of the fence along the whole of the boundary. A condition requiring this boundary to be provide with a 1.8 metre chain link/mesh fence has been proposed to ensure that an adequate boundary treatment is maintained.

Sustainability

The site is located within an established industrial estate, on the edge of the settlement of Hinckley, in terms of sustainability, there are no issues.

Other Issues

It is not considered that further planting is required in order to provide an acceptable form of development.

Conclusion

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. The proposed Construction Skills Centre will retain the site within an employment purposes use albeit not traditional industrial or warehouse type employment. The proposal is considered to be an acceptable use of the site under EMP1, subject to no objections being received from The Director of Environment and Transport (Highways). 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.

Local Development Framework: Core Strategy (2009):- policy 1.

Hinckley & Bosworth Local Plan (2001):- policies BE1, EMP1, NE12, T5, T9, T10.

- 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 be carried out in complete accordance with the submitted application details, as follows: Scheme BMBC 218955 Drawings 01 to 09 received on 11 March 2011.
- 3 No Development shall commence until, the southern (rear) boundary to the site has been provided with a 1.8 metre chain link or mesh fence for the whole of its length and which shall be thereafter be so maintained.

- 4 The materials to be used on the external elevations of the proposed extension and alteration shall match the corresponding materials of the existing building unless previously agreed in writing with the Local Planning Authority.
- 5 The use of the development hereby permitted shall not commence until the car park shown on the approved plans has been provided and marked out in accordance with the scheme shown on Drawing BMBC 218955. Once provided, the car park shall thereafter remain available for that purpose for the occupiers of and visitors to the development.
- 6 No part of the development shall be brought into use until details of a Green Commuter Plan containing a travel to work, car use and car parking management strategy for the site as a whole has been submitted to and agreed in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the agreed details on commencement of the use hereby approved and shall remain in operation unless otherwise 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 is not detrimental to the privacy and amenity of the neighbouring property, to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 In connection with Condition 6, The Green Commuter plan shall comprise proposals to reduce car dependence and vehicle emissions and to establish and encourage the use of alternative transport modes for journeys to and from work and during working hours. Details of the proposals shall include measures to secure increases in car sharing, public transport use, cycling and walking, proposals for car parking restrictions and controls and details of on-site facilities to promote alternative modes of travel to the site.
- 6 If it is intended to provide directional signing to the proposed development within the Highway, you must ensure that prior approval is obtained from the County Council's Area Manager for the size, design and location of any sign. It is likely that any sign erected in the Highway without prior approval will be removed.

Before a scheme is drawn up, the Area Managers' staff (contacts as below) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work. Tel: 0116 3052202.

Contact Officer:- Louise Forman Ext 5682

Item: 13

Reference: 11/00207/DEEM

Applicant: H B B C

Location: Land Adj 7 Alexander Gardens Hinckley

Proposal: VARIATION OF CONDITIONS 1 AND 5 OF PLANNING PERMISSION 10/00195/DEEM RELATING TO MATERIALS AND DRAWING DETAILS

Target Date: 19 May 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the scheme of Delegation as it is an application made by Hinckley and Bosworth Borough Council.

Application Proposal

Planning permission is sought for the variation of Conditions 1 and 5 attached to planning permission ref: 10/00195/DEEM which granted permission for the erection of a pair of semi detached dwellings in May 2010.

Condition 1 refers to facing bricks, roof tiles and header and cills and approved Redland Antique Brown tiles for the construction of the roof. This current application now proposes Redland DuoPlain Rustic Brown tiles. This change has arisen as a result of the approved roof facing materials generating a ridge height substantially above the adjacent dwellings. The proposed change to the roof materials would allow a lower pitch whilst maintaining a plain tile appearance.

Condition 5 refers to the development being carried out in accordance with the approved plans. The current application proposes the following changes:-

- a) location of pv/solar panels to the rear elevation
- b) removal of the air source heat pumps from the scheme
- c) increase in height of the enclosing fence from 1.5 metres to 1.8 metres
- d) the removal of the visibility splay from the eastern side of the access, adjacent to No. 6
- e) the replacement of the radius kerb at each side of the entrance with an extension of the existing dropped kerb.

The Site and Surrounding Area

No. 7 Alexander Gardens shares the site's northern boundary and 6 Alexander Gardens shares its eastern boundary. The site is surrounded by residential properties with the rear gardens of 76 and 78 Burleigh Road adjoining the sites western boundary and the rear gardens of 33, 35 and 39 King Richard Road adjoining the southern boundary. The properties on Alexander Gardens are 1950s, two-storey, hipped-roof, semi-detached and terraced properties set back from the road.

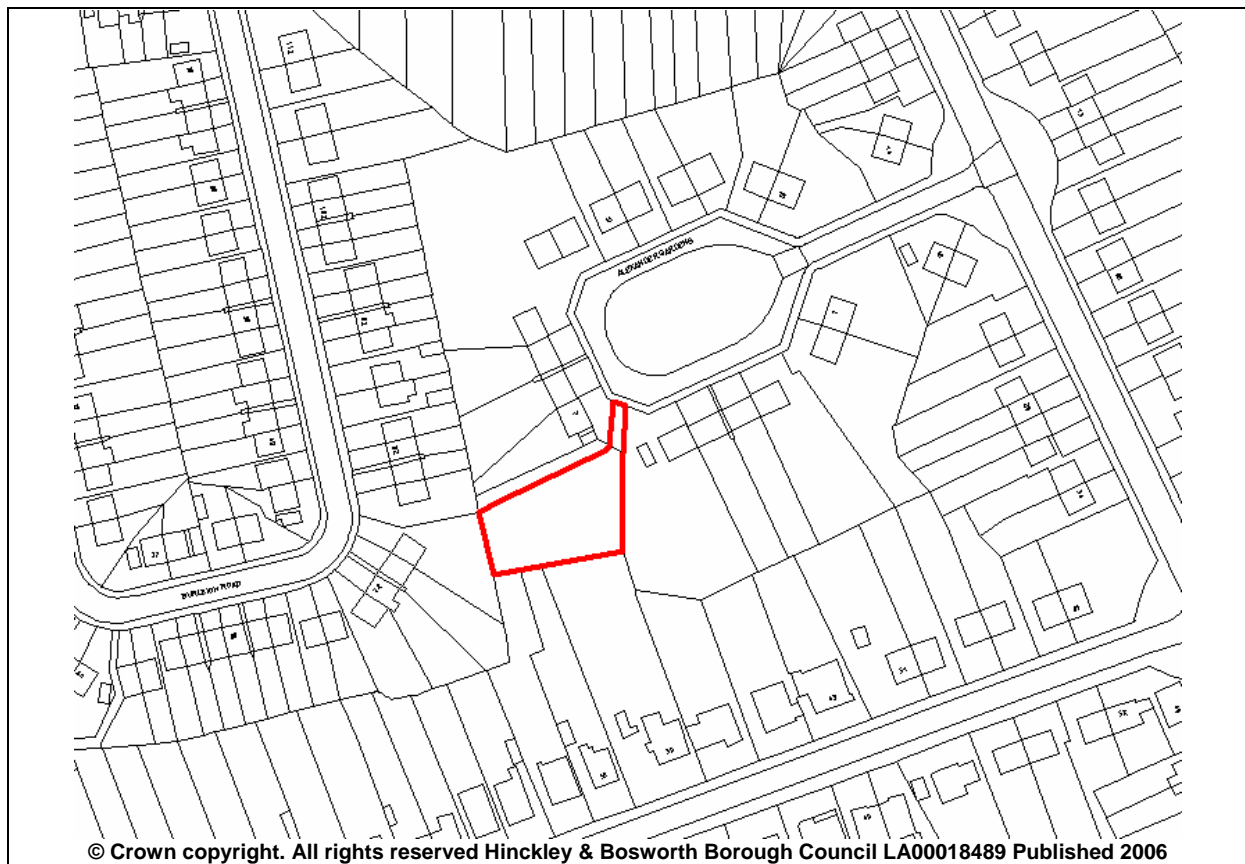
The site is located within the settlement boundary of Hinckley, as defined by the adopted Hinckley and Bosworth Local Plan (2001).

Technical Documents submitted with application

No documents accompany the submission of this application.

History:-

| | | | |
|-----------------|--|-----------|----------|
| 11/00170/CONDIT | Variation of Condition No's 1 and 5 of planning Permission 10/00195/DEEM relating to materials and drawing details | Withdrawn | 14.04.11 |
| 10/00195/DEEM | Residential Development (Reserved Matters) | Approved | 12.05.10 |
| 09/00587/DEEM | Residential Development (Outline – all matters reserved) | Approved | 30.09.09 |
| 09/00526/DEEM | Erection of 2 no. dwellings | Returned | 31.07.09 |



Consultations:-

No objection has been received from:-

The Director of Highways, Transportation and Waste Management (Highways)
Director of Community Services (Ecology)
The Environment Agency.

At the time of writing the report no comments have been received from:-

Head of Community Services (Land Drainage)
Head of Business Development and Street Scene Services (Waste Minimisation)
Severn Trent Water
Neighbours.

The consultation period remains open at the time of writing and closes on 22 April 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): 'Sustainable Development and Climate Change', outlines the government's objectives for the land use planning system with a focus on protecting the environment.

Planning Policy Statement 3 (PPS3): 'Housing' explains how the government's objectives on housing such as providing housing in suitable locations which offer a good range of community facilities with access to jobs and key services can be delivered through the planning system. Planning Policy Statement 3 states this can be achieved through the effective use of land which includes the opportunity for housing provision on surplus public sector land. It states priority for development should be given to previously developed land, in particular vacant and derelict sites.

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

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

Policy 24 requires all new residential development in Hinckley to be built to Code Level 3 of the Code for Sustainable Homes.

Hinckley and Bosworth Local Plan 2001

The site lies within the Hinckley settlement boundary as defined within the adopted Hinckley and Bosworth Local Plan.

Policy RES5 relates to residential development on unallocated sites and supports the principle of development providing the site is within the settlement boundary and complies with other policies of the Local Plan.

Policy BE1 requires the design and siting of new development to be of a high standard of design, incorporate a high quality landscaping scheme, have regard to highway safety and the amenities of neighbouring residents.

Policy IMP1 requires new developments to contribute towards infrastructure and facilities to serve the development commensurate with the scale and nature of the proposal.

Policy REC3 ensures that there is an adequate standard of play and open space to serve new residential development.

Policy T5 requires new development to apply the highway design standards as published by Leicestershire County Council.

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.

Supplementary Planning Guidance/Documents

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

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 principle of the development has already been established through the earlier grant of planning permission (ref: 10/00195/DEEM) therefore the main considerations with regards to this application are the impact of the proposed variations to the approved scheme on the design and character of the area and highway safety.

Design, Visual Amenity, Character of the Street Scene

The variation of condition one involves the replacement of the approved Redland Antique Brown tiles with Redland Duo Plain Rustic Brown tiles. The use of the proposed tiles will ensure the development will have a ridge height similar to adjacent properties and further the tiles proposed have a similar appearance to those already approved. Accordingly the change in approved material will have no detrimental impacts on the visual amenity or character of the street scene. Two of the solar panels which were originally situated on the south eastern roof plane have been re-sited to the rear roof plane (western elevation) adjacent to the proposed solar panels on the adjoining property. Accordingly the re-sited solar panels will not be visible from the street scene and will therefore have no further impacts on visual amenity and are considered acceptable.

The increase in the height of the side fences from 1.5m to 1.8m and the repositioning of the solar panels to the rear elevation are considered to have no material impacts in terms of visual amenity, and thus are considered acceptable.

Highways

In respect of the removal of the visibility splay to the eastern side of the access and the replacement of the radius kerb with a conventional dropped kerb, the Director of Environment and Transport (Highways) raises no objections. Accordingly the changes proposed are not considered to have a detrimental impact in terms of Highway safety and are considered compliant with the requirements of Policy T5 of the adopted Local Plan.

Other Matters

The removal of the air source heat pump is unfortunate and it will result in a loss of on site sustainable technology. However, the dwellings are still being constructed to Code Level 3 of the Code for Sustainable Homes and are therefore compliant with the requirements of Policy 24 of the Core Strategy.

Conclusion

The proposed modifications to this scheme will ensure a viable and appropriate sustainable development can be delivered and therefore the variation of conditions 1 and 5 are considered acceptable as they will have no further material impacts in terms of visual amenity or highway safety.

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 materials proposed and the minor amendments made to the scheme there are considered no adverse material impacts in terms of either visual amenity, highway safety or on the character of the street scene. Therefore the proposal is considered acceptable.

Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, T5, NE2.

Hinckley and Bosworth Borough Council Local Development Framework Core Strategy (2009) Policy 1, Policy 24.

- 1 This permission relates to the variation of Conditions 1 and 5 of planning permission reference 10/00195/DEEM dated 15 March 2010, 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 11/0207/CONDIT 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 The development hereby permitted shall be carried out in complete accordance with the submitted application details, as follows: Drawing No's: 6338/11C and 12B received by the Local Planning Authority on 17 March 2011.

Reasons:-

- 1 To define the permission and to ensure that all other conditions attached to the original consent still apply.
- 2 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 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: 14

Reference: 11/00211/FUL

Applicant: Mr Stephen Hay

Location: Charnwood Poultry Ltd Merrylees Road Thornton

Proposal: ERECTION OF AGRICULTURAL BUILDING

Target Date: 17 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

This application seeks full planning permission for the erection of an agricultural building for the storage of machinery, grain and bedding material. The dimensions of the proposed agricultural building are 36m x 18.7m with a ridge height of 8.4m. The height to the eaves is 6.3m. This provides an internal floor area of 648m². This agricultural building will be sited 40m to the west of the existing poultry sheds that are established at the site. It is also proposed to provide a concrete apron measuring 162m² immediately to the south of the agricultural building.

The Site and Surrounding Area

The application site is arable land located to the west of the poultry houses and to the east of the railway line. There are 5 large poultry sheds of varying sizes established at the site which are constructed from grey block work and timber boarding.

With the exception of the on-site agricultural workers dwelling the nearest residential property is Merry Lees Farm located 75m to the south east of the proposed agricultural building. The land slopes sharply by 2.5m from west to east towards Merrylees Road. The site is well screened by mature trees along the Merrylees Road frontage and by approximately 5m high hedges along the eastern boundary with the poultry sheds. There is a mature hedge line along the western boundary with the railway line. The land to the west of the proposed agricultural building, beyond the railway line is the site of the Merrylees Industrial Estate. There are two existing vehicular accesses to the site, both of which are sited off Merrylees Road, these accesses serve the on-site dwelling and the poultry sheds.

The site is located within the Nation Forest.

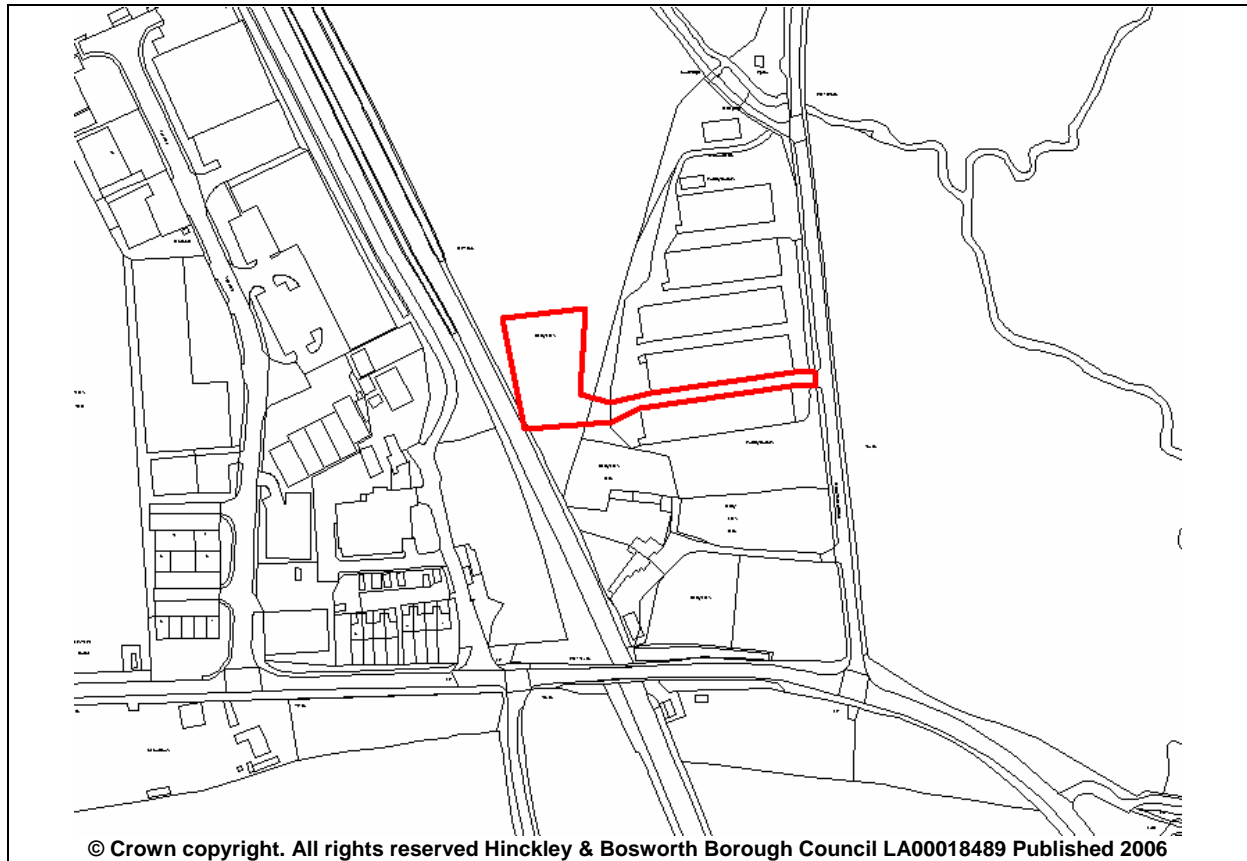
Technical Documents submitted with application

The submitted design and access statement explains that the proposed building will be used for bedding, feed, machinery and general storage. It states that these items are currently located at several locations around the farm, and due to weather conditions an agricultural storage building is required. The proposed building will be built into the ground, thereby resulting in it being 0.5m below existing ground level.

It also states that the existing poultry farm uses in excess of 35 tonnes of saw dust for bedding on a weekly basis. Therefore half the floor area of the proposed agricultural building will be used for the storage of bedding, thereby allowing for bedding to be purchased and stored in bulk. The materials of construction have been selected to reflect an agricultural appearance, to blend the building into its surroundings and to guard against rodent infestation. Finally the statement confirms that there will be no increase in commercial vehicle movements to and from the site.

History:-

| | | | |
|--------------|--|----------|----------|
| 96/00671/FUL | Erection of agricultural workers bungalow and relocation of existing office and building | Approved | 30.9.96 |
| 95/00724/OUT | Erection of house and garage for poultry unit manager | Approved | 13.12.95 |
| 89/00734/4 | Continued site use for one caravan | Approved | 24.10.89 |
| 79/00046/4 | Siting of mobile home for site for site managers use | Approved | 30.05.79 |



Consultations:-

No objection has been received from:-

Head of Community Services (Pollution)
Environment Agency.

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

No objection subject to notes to applicant Head of Community Services (Land Drainage).

Site notice was displayed and neighbours notified.

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

- a) the proposed development poses a health hazard
- b) visual pollution- impact on the landscape
- c) noise pollution from HGV's and mechanical feed process
- d) overbearing impact upon objector's property
- e) pollution from vehicles
- f) infringement on human rights
- g) the agricultural building will be used an incinerator
- h) proposed building is too close to residential properties
- i) light pollution
- j) increase in vermin
- k) not an agricultural building in terms of its appearance and use

- l) no Environmental Impact Assessment has been undertaken
- m) no rationale given for the storage of feed at the site.

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

Bagworth and Thornton Parish Council
Severn Trent Water
Ramblers Association.

The consultation period remains open at the time of writing and closes on 22 April 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 7 (PPS7): 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.

The PPS confirms that the Government recognises the important and varied roles of agriculture, including in the maintenance and management of the countryside and most of our valued landscapes. The Government's objectives for rural areas are to promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity; contributes both directly and indirectly to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants.

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.

Central Government Guidance

Planning Policy Statement 7 (PPS7): 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.

The PPS confirms that the Government recognises the important and varied roles of agriculture, including in the maintenance and management of the countryside and most of our valued landscapes. The Government's objectives for rural areas are to promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity; contributes both directly and indirectly to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants.

East Midlands Regional Plan 2009

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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.

Appraisal:-

The main considerations with regards to this application are the principle of development, impact on the countryside, impact on neighbours and highway implications.

Principle of Development

Whilst both central government guidance in Planning Policy Statement 7 and policy NE5 of the adopted Local Plan seek to protect the character and appearance of the countryside for its own sake and from unnecessary development, it is recognised that certain forms of development, including those in connection with agricultural land based activities which require a countryside location, are generally acceptable in principle. Therefore the principle of siting the proposed agricultural building within the open countryside is considered

acceptable. The existing poultry farm is well established and the proposed agricultural building will support existing operations at the site.

Impact upon the countryside

The site is located within the National Forest. Policy N21 of the adopted Local Plan states that development should be of a high quality and materials of construction and layout should reflect the setting of the proposal in the forest. Policy 21 of the adopted Core Strategy requires landscaping proposals to accompany new developments. Due to the density, height and siting of existing landscaping at the site it is considered that the proposed agricultural building will be effectively screened within the National Forest and that no further landscaping proposals are required as part of the proposed development.

The proposed agricultural building has been sited within 34m of the existing poultry sheds to the east and will be used in connection with existing operations at the site. The built footprint of the proposed agricultural building will be significantly less than the existing 5 poultry sheds and it will be served from the existing internal access road. The proposed materials of construction consist of part concrete block work, part metal sheeted walls with metal sheeted profile roofing. The metal sheeted exterior will be finished in a green colour. These materials are similar to most agricultural buildings found in the open countryside throughout the Borough and to agricultural sites located within the National Forest. Accordingly, in terms of its scale, function and external appearance the proposed agricultural building is not considered to be detrimental to the character and appearance of the open countryside or to its setting within the National Forest.

Due to the siting of the existing building's within the holding there is a limited amount of space for further development in the area immediately surrounding the poultry sheds (i.e. to the south) and the proposed agricultural building has been sited in the next available piece of agricultural land to the west. It is considered that the proposed agricultural building is sited within suitable distance of the existing poultry sheds for it to be viewed as part of the same agricultural complex.

The main issue to consider is the ridge height of the proposed agricultural building. The difference in ground levels at the site means that the ridge height of the proposed building will be between 3 and 4m higher than the ridge height of the 2 poultry sheds that are sited to the east. Notwithstanding this point, there is existing screening along the eastern boundary between the proposed building and the poultry sheds to a height of 5m, this consists of a line of mature trees.

Whilst it is a matter of fact that the upper parts of the proposed building will be visible from within the site, it is considered that the existing boundary vegetation will help to screen the visual impact of the proposed development and significantly reduce its impact upon the open countryside and upon its setting within the National Forest. Therefore the proposed development is considered to comply with the SPG for farm buildings as it has been sited close to the existing complex of farm buildings and to take advantage of the existing screening along the boundaries of the site.

Impact on neighbour amenity

The first matter to consider is the proposed function of the building, which will be for agricultural storage. Therefore the potential for noise disruption is considered to be minimal. The proposed building has been sited along the western edge of the site, away from the nearest residential property sited 75m to the south east. Therefore, taking into account the proposed function of the agricultural building and the separation distance to the nearest residential property the potential for loss of residential amenity is considered to be negligible.

Merry Lees Farm Cottage is located 85m to the south east of the proposed agricultural storage building. To the rear of this property is a line of mature trees more than 3m in height. Therefore taking into account the proposed function of the agricultural building and the separation distance to the nearest residential property the potential for loss of residential amenity is considered to be negligible.

No supporting information has been provided with the planning application that shows the installation of external lighting columns. The design and access statement states that there won't be an increase in vehicle movements to and from the site. Vehicle movements will be required for the delivery of feed and bedding to serve the existing poultry sheds. There is no proposed increase in poultry stock or the number of sheds at the site. Therefore there will be no marked increase in the number of HGV and delivery vehicles to deliver feed and bedding. The proposed agricultural building will serve the function of a feed and bedding store for the existing business and HGV movements will be directed to this building. With regards to noise generated from vehicle movements this will remain unchanged. Therefore there is no perceived loss of amenity to neighbouring properties through either light or noise pollution as a result of the proposed development.

The proposed agricultural building will not be sited adjacent to existing residential properties. The storage of machinery, feed and bedding will take place within the proposed building and not externally. Therefore there is no perceived loss of amenity through the proposed development posing a hazard to health.

Highway issues

It should be noted that no alterations are proposed to the existing vehicular accesses to the site and both are to be retained. Accordingly no objections have been received from the Director of Environment and Transport (Highways) and thus there are no adverse impacts upon highway or pedestrian safety.

Other matters

Vermin

The proposed development (poultry bedding and feed) will need to be built and operated in accordance with current DEFRA and HSE guidance. This will also take into account the potential for vermin infestation and the measures required in order to prevent the feed and bedding becoming contaminated by vermin. The possibility of vermin infestation is not a material planning consideration and is subject to control under separate legislation.

Incinerator

It has been locally speculated, including the objector that the proposed agricultural building will be used as an incinerator. It should be noted that the proposed agricultural building will be used for the storage of machinery, feed and bedding in connection with an existing poultry business established at the site. No information has been provided with the planning application to demonstrate an alternative use of this building. A separate planning application would be required for the erection of an incinerator at the site and such an application would be considered on its individual merits.

Absence of an EIA (Environmental Impact Assessment)

It should be noted that the proposed development doesn't fall within the specific criteria to make it EIA development. Therefore an EIA is not a requirement in the determination of this planning application.

Conclusion

In conclusion and by virtue of its siting, materials of construction and taking into account existing screening and the poultry sheds at the site the proposed development is not considered to be harmful to the character and appearance of the open countryside, it is for agricultural purposes and will not be harmful to residential amenity or highway safety. Accordingly the proposed development is considered to be in accordance with policies NE2, NE21 and BE5 of the adopted local plan and with the SPG on Farm Buildings.

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, scale, siting and materials proposed, there are considered to be no material impacts on visual or residential amenity, on the character of the countryside or on highway safety. Accordingly the scheme is considered acceptable.

Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, NE5 and NE21.

- 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 be carried out in complete accordance with the submitted application details, as follows: Drg Nos 01219-00-B (Location and Block Plan), 01219-00-B (Site Plan), 01219-01-C (Elevations) and 01219-01-C (Plans).
- 3 The development hereby permitted shall be carried out in complete accordance with the schedule of materials stated in the planning application form.

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 building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy 21 .of the Adopted Core Strategy 2009 and policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.

Contact Officer:- Scott Jackson Ext 5929

Item: 15

Reference: 11/00222/CONDIT

Applicant: Adept Care Ltd

Location: Moat House New Road Burbage

Proposal: VARIATION OF CONDITION NO. 3, 15 AND 16 OF PLANNING PERMISSION 09/00922/FUL TO CARRY OUT THE DEVELOPMENT IN ACCORDANCE WITH ALTERNATIVE PLANS AND DETAILS

Target Date: 23 June 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 (09/00922/FUL) was approved in April 2010 for the demolition of the existing residential care home and the erection of a new care home and eight residential units with associated parking. This application seeks a variation to conditions 3, 15 and 16 of the permission which relates to the development being carried out in accordance with specific plans submitted with the application, including the implementation of the method of tree protection and landscaping. This application seeks to substitute some of the approved plans to allow alterations to the landscaping and trees:-

- a) reduced planting to the northern elevation of the proposed residential care home
- b) details of the method and extent of protecting existing trees.

The Site and Surrounding Area

The site is located within the Burbage Conservation Area, to the north-west of Pughes Close and south of Grove Road occupying an area of 1.255 Hectares. The northern and western boundary of the site contain a number of mature trees and shrubs which form a dense

screen to this side of the proposal and separate the site from Pughes Paddock. The area is predominantly residential in character; there are two detached dwellings, 25 Grove Road and The Rectory, located adjacent to part of the northern boundary, with residential properties located to the east and south of the site. The properties to the east are two storey terraced properties set back from the highway. To the south the properties are modern brick bungalows sited within Pughes Close. The land is generally flat with the exception of a hollow which runs east to west close to the northern boundary of the site.

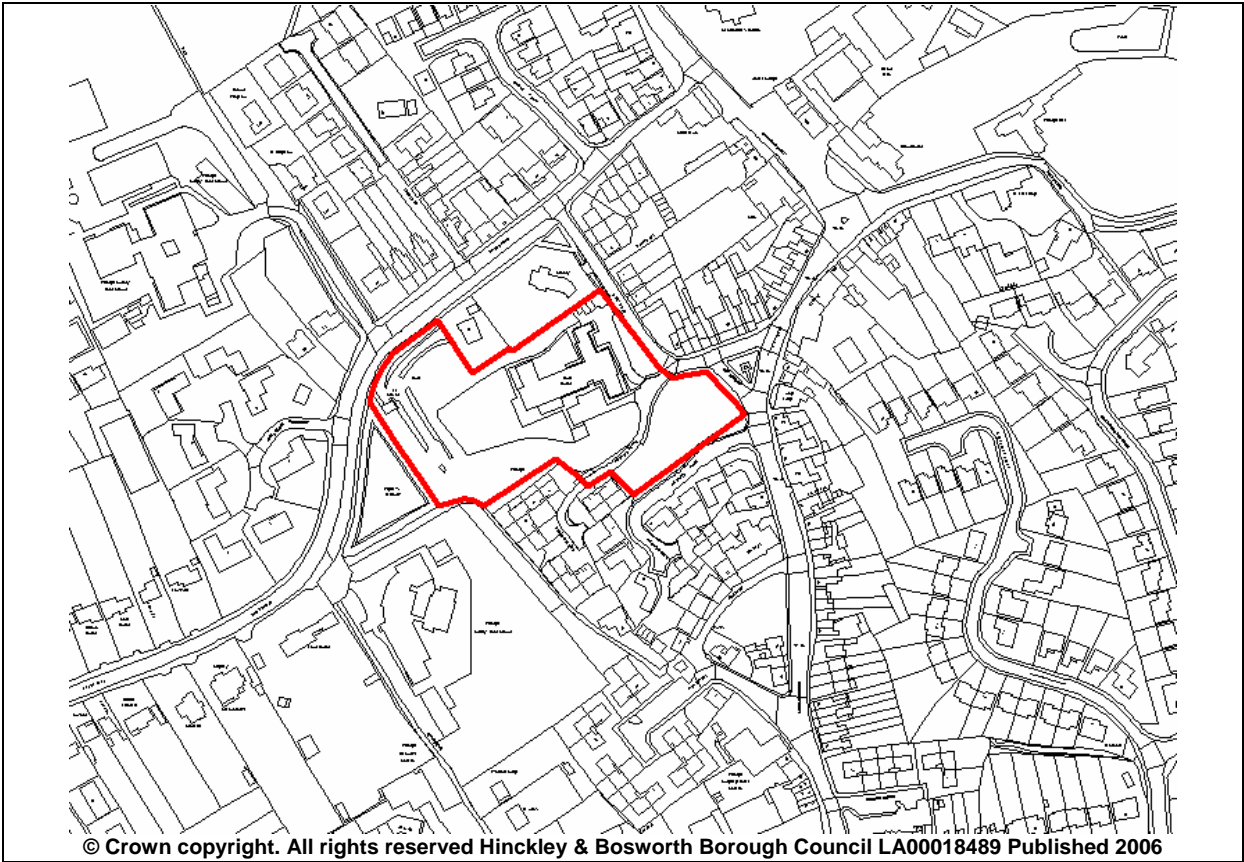
Technical Documents submitted with application

No documents were submitted with this application.

History:-

| | | | |
|--------------|--|----------|----------|
| 09/00922/FUL | Demolition of existing care home and erection of new care home and eight residential units | Approved | 16.04.10 |
| 08/00536/FUL | Erection of residential care home (resubmission of 07/0166/FUL) | Approved | 22.08.08 |
| 07/01066/FUL | Erection of residential care home | Refused | 16.01.08 |
| 07/00333/FUL | Retention of training room | Approved | 08.05.07 |

Various works to trees within the grounds.



Consultations:-

Site notice and Press notice were displayed and neighbours notified.

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

Burbage Parish Council
The Borough Council's Arboricultural Consultant.

Any responses received will be reported as a late item.

Policy:-

Central Government Guidance

Planning Policy Statement 5: Planning for the Historic Environment lays out guidance on the identification and protection of listed buildings, conservation areas and the historic environment.

Circular 06/2005: Biodiversity and Geological Conservation provides guidance on the application of the law relating to planning and nature conservation as it applies in England. The circular complements the expression of National Planning Policy found in PPS9.

Planning Policy Statement 9: Biodiversity and geological conservation sets out how the planning system will help deliver the Government's aim that construction, development and regeneration should have minimal impact on biodiversity and where possible enhance it.

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 27: Regional Priorities for the Historic Environment states that the historic environment should be understood, conserved and enhanced, in recognition of its own intrinsic value.

Local Policy

Local Development Framework: adopted Core Strategy 2009

Policy 4 requires development to respect the character and appearance of the Burbage Conservation Area by incorporating locally distinctive features of the Conservation Area into the development.

Hinckley and Bosworth Local Plan 2001

The site falls within the settlement boundary of Burbage and Burbage Conservation Area as defined in the Local Plan, the site is also protected by a group Tree Preservation Order. The following policies are therefore considered relevant.

Policy IMP1 requires contributions towards the provision of infrastructure and facilities on and off site required to serve the development.

Policy BE1 considers the design and siting of development and seeks that development enhances the character of the surrounding area, avoids loss of open spaces and protects the amenity of neighbouring residents.

Development in Conservation Areas is considered under Policy BE7 which seeks to preserve or enhance the special character of the conservation area having regard to the buildings, views into and out of the area, vegetation and spaces.

Policy REC3 seeks the provision and maintenance of informal play and open space.

Policies BE13, BE14, BE15 and BE16 considers the effect of development on possible archaeological remains and requires relevant studies and investigation works to be submitted.

Policy NE12 states that proposals for development should take into account the existing landscape features of the site and should make provision for further landscaping where appropriate. Applications should be accompanied by a plan for the protection of trees and other nature conservation features on site.

Other Policy Guidance

Burbage Village Design Statement (adopted June 2006) sets out the principles, design features and quality standards that should be adopted by those wishing to build in Burbage. Within the document the application site is considered to be within Zone 1: Conservation Area which forms the centre of the old village. Its character is defined as comprising two or three storey properties in short terraces with chimneys a key feature of the roofscape. The document also defines mature areas within Burbage as 'high quality residential areas, in terms of design, layout and landscaping that ensure a more attractive and sustainable residential environment'. New developments are expected to contribute in terms of design and landscaping to the enhancement of the village's environment and the Statement identifies vegetation as having a fundamental impact on the character of an area.

Play and Open Space Supplementary Planning Document (SPD) adopted September 2008 provides background information and justification for the provision and maintenance of informal and formal play and open space provision across the Borough.

Appraisal:-

Principle

The redevelopment of the site for a residential care home and eight dwellings and associated parking has been established in principle with the determination of the previous planning application (09/00922/FUL). Therefore the main considerations with regards to this application are whether the amended landscaping scheme is acceptable and whether the extent of tree removal and protection is acceptable.

Landscaping

The amended landscaping scheme (plan 01902F) submitted with this application shows the removal of a further tree (tree 105 Sycamore) from the northern boundary and it being replaced by less mature trees. The landscaping plan also shows the removal of an existing cluster of trees (trees 108-110 Cotoneaster) from the northern elevation of the proposed residential care home to be replaced by a grassed area and low level planting. These trees were previously shown to be retained as part of the landscaping scheme. There are other minor changes proposed to the landscaping scheme including the siting of additional garden features including a water feature and gazebo in the main garden area in the centre of the proposed care home, inclusion of additional garden seating and re-alignment of the communal grassed areas. With the exception of the removal of the cluster of trees to the north of the proposed residential care home, which will be discussed in the subsequent section of this report, the amended landscaping scheme is considered to be acceptable.

Tree removal and protection

Two further plans have been submitted with this application which show the method and extent of tree protection and the trees which are to be removed and retained. It is considered that the extent of tree protection is acceptable as it covers all of the trees that will be retained as part of the landscaping scheme whilst affording sufficient space within the site for the replacement residential care home and 8 dwellings to be physically constructed.

The main issue to consider is the removal of trees 108-110 which are Cotoneaster trees. It is considered that the removal of these trees will open up the site and result in the proposed residential care home being visible from Grove Road to the north. Whilst it is conceded that the removal of these trees is necessary due to their proximity to the proposed care home, there is a requirement for a replacement tree to be planted within the void left by their removal. A request was made to the applicant's agent on 30 March 2011 for an amended landscaping and tree plan showing the inclusion of a replacement tree in the area of land to the northern elevation of the proposed care home.

An amended landscaping plan was received on 12 April 2011 showing the planting of a heavy standard Copper Beech Tree in the void left by the removal of trees 108-110. Whilst this tree will screen the northern elevation of the replacement care home it is considered that additional medium to low level planting will be required to the north of the proposed Copper Beech tree to screen the development immediately after construction is completed to allow the Copper Beech Tree to establish itself. A request for an amended plan will be made to the applicant's agent to show this additional planting. Once this plan is received it will be reported as a late item.

Contributions

Permission reference 09/00922/FUL (the First Permission) was accompanied by an agreement entered into pursuant to section 106 of the TCPA and dated 15 April 2010.

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 effectively screen and landscape the site. Furthermore the inclusion of an additional tree to the northern elevation of the proposed residential care home will screen it when viewed from Grove Road. It is considered that the method and extent of tree protection is sufficient to mitigate against the potential impact of development upon the trees to be retained at the site, and which have protected status.

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, health, highways and library requirements; by 23 June 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 23 June 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 would be in accordance with the development plan and would not be detrimental to the occupiers of neighbouring properties or to the character and appearance of the Burbage conservation area. Therefore the development is considered acceptable.

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

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, BE7, BE13, BE14, BE15, BE16, REC3, IMP1 and NE12.

- 1 This permission relates to the variation of Conditions 3, 15 and 16 of planning permission reference 09/00922/FUL [the previous application] dated 16 April 2010, 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 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted details as follows:- 09102G received 12 April 2011.
- 3 The development hereby permitted shall be carried out in strict accordance with the method and extent of tree protection measures shown on submitted plan AP09026/1001 C received 24 March 2011 and these tree protection measures shall be retained for the duration of the works. Within the areas so fenced off, the existing ground level shall be neither raised or lowered, (except as may be approved by the Local Planning Authority as part of the development) and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.
- 4 The approved hard and soft landscaping scheme, including the details submitted on drawing 01092 F received 21 March 2011, 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 define the permission and to ensure that all other conditions attached to the original consent still apply.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 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 in accordance with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

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:- Scott Jackson Ext 5929

Item: 16
Reference: 11/00249/FUL
Applicant: Mr Martin Morris
Location: Land Adjacent New House Farm Stapleton Lane Dadlington
Proposal: ERECTION OF AGRICULTURAL WORKERS DWELLING AND DETACHED GARAGE
Target Date: 20 May 2011

Introduction:-

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

Application Proposal

This application seeks full planning permission for the erection of a two storey permanent agricultural workers dwelling and detached garage on land at New House Farm, Stapleton Lane, Dadlington. The proposal would provide a three bedroomed dwelling with a detached garage within the garden area.

Previous applications have been submitted in relation to a permanent agricultural workers dwelling on this site. An outline application for an agricultural workers dwelling on the site was approved in 2003 and the reserved matters application was approved in 2007. These applications have now expired. Two further applications were submitted in 2009 but both were withdrawn as it was considered that the proposal at the time failed both the financial and functional tests. Two further applications for an agricultural workers dwelling on the site were submitted in 2010 but refused due to them failing the functional test as outlined in Annex A of PPS7. The last refused application is currently pending an appeal and the associated informal hearing is scheduled to be heard on 9 June 2011.

The Site and Surrounding Area

The site is located within the countryside between the settlements of Stapleton and Dadlington. The proposal site measures 1015 square metres and currently comprises an agricultural field and grass verge to the road frontage. There is an existing access to the site from Stapleton Lane.

There are a cluster of agricultural buildings associated with the holding located to the north and west of the site. There is other land associated with the applicant's ownership to the north and east of the site. The total holding of land at New House Farm is 11.3 hectares.

The nearest neighbours to the site are the occupants of the original New House farmhouse which is in separate ownership and is located on the opposite side of the farm track to the west.

The wider area is countryside with isolated dwellings and farmsteads along this stretch of the lane.

There is a public footpath which has recently been diverted which crosses the field to the east of the site.

Technical Documents submitted with the application

A Design and Access Statement has been submitted with the application which states that the applicant and/or employees are required to visit the site on a daily basis to attend to the needs of the farm. The proposed new dwelling will allow an agricultural worker to live on the site facilitating its day to day management. The applicant is currently able to fund the construction of the new dwelling. The dwelling has a traditional external appearance of a converted barn in order to be acceptable within the area. Construction materials have been influenced by the surrounding dwellings. The new garage is sited so as to be screened by existing planting. The dwelling has been amended in design from the previous application in order to provide a larger boot/utility room.

The application has been submitted with a Supporting Planning Statement which states that the proposal seeks to provide a modest two storey, three bedroom dwelling and associated double garage for a person working in agriculture. The site is well screened from Stapleton Lane by mature hedges and trees. This site forms part of a larger agricultural unit which is operated from three sites: Mulberry Farm, Brook Farm and the application site. In light of the unintended expiration of planning permission 03/00316/OUT; the subsequent unsuccessful attempts to re-establish planning permission; the increased numbers in livestock; and, the unsuitability of existing buildings at Mulberry Farm, the applicant has been left with little choice but to relocate the lambing ewes and calves for rearing (as well as those weaned for further rearing) to New House Farm as originally planned. In order to protect the stock and to meet with animal welfare standards the applicant has occupied a mobile home on the site. Currently occupied on a seasonal basis, the mobile home does not have planning permission. The statement concludes that a full time worker is required to reside on site at New House Farm in order to be on hand at short notice to attend to: issues surrounding lambing; illness and disease relevant to the ewe stock and dairy calves; DEFRA standards relating to bio-security; and, to be able to respond in the case of emergency i.e. in the event of a fire. In light of the clear animal welfare issues relevant to the livestock managed at New House Farm, it is considered the applicant would not be able to discharge his legal obligations under the Animal Welfare legislation were he not able to reside permanently on site.

The application has been submitted with an Agricultural Statement which sets out stock levels, buildings and ownership of the overall agricultural holding. The current stock levels at New House Farm are 130-150 store cattle, 820 lambing ewes, with bucket fed calves (300 - 400 per year). 465 laying hens and 1000 seasonal turkeys are to be relocated to the site later this year. The land holding is 42.48 hectares with 828.81 hectares rented. It states that the farm business as a whole has expanded significantly since the lapsed 2003 approval (ewe numbers have risen by 32% and store and fattening cattle have increased by 70%) and the relocation of part of the stock to New House Farm requires a full time stockman to be housed permanently on the unit. The welfare requirements of the stock already held at New House Farm together with the stock it is proposed to relocate there constitute a functional need for a full time presence on the unit. Meeting the welfare requirements of the stock is critical to the success of the farm business. To comply with current welfare standards the cattle housed at New House Farm must be inspected three times a day. The requirement for new inspection regimes for all stock has been put in place to improve bio-security following the Foot and Mouth Disease (FMD) outbreak in 2001. The applicant is mindful of his responsibilities in relation to this advice, particularly as during the 2001 FMD outbreak stock on two farms close to farm business's land holding were compulsorily slaughtered. The high numbers of stock held at New House Farm renders them at risk of disease outbreak and

injuries. The lack of a 24 hour presence on the farm increases such risks, to the detriment of the farm business.

The statement goes on to say that bucket reared calves have also been relocated to New House Farm. The care of young calves newly removed from their mothers is particularly labour intensive. Attention to detail and close observation of the young calves is critical, particularly during the first few weeks following separation from their mothers. Each year the farm business rears over 400 calves, principally from local dairy farmers. The ability for a stockman to be on hand close to the rearing facilities will allow any disease symptoms or injuries to be observed and dealt with promptly; this will not only improve animal welfare but, by lowering mortality, it will improve the economics of the farm business. It is proposed to bring a mobile 465 bird laying house to New House Farm for the egg laying flock, and to erect a stock building to house turkeys and cockerels for the Christmas trade (outside the rearing periods for the turkeys and cockerels, i.e. January to June, this building will be utilised for housing sheep and cattle). The turkeys and cockerels are bought in as day old chicks and reared under artificial heat sources. For the first week the temperature must be maintained at 36 degrees centigrade and then reduced to 25 to 27 degrees centigrade for two more weeks until the chicks are able to tolerate lower temperatures as they become feathered. DEFRA codes of welfare for poultry are particularly stringent, centring on the need for regular inspections to assess flock health and to deal promptly with any issues arising.

The application has been submitted with copies of the financial accounts for the business for the last three trading years.

Also submitted is a copy of a plan which denotes the agricultural buildings which are currently erected on the site and those approved but not yet erected at the site.

History:-

| | | | |
|--------------|--|---------------------------|----------|
| 11/00194/FUL | Erection of link building for agricultural Storage | Pending decision | |
| 10/00968/FUL | Erection of two agricultural buildings | Approved | 16.02.11 |
| 10/00916/GDO | Erection of Agricultural building | Approved | 22.12.10 |
| 10/00816/FUL | Erection of Agricultural Dwelling with double garage | Refused Appeal pending | 07.12.10 |
| 10/00623/FUL | New Agricultural Building | Approved | 15.11.10 |
| 10/00594/GDO | Portal Framed Livestock/ Poultry Building | Application returned | 17.08.10 |
| 10/00148/FUL | Erection of Agricultural Dwelling with double garage | Refused | 14.04.10 |
| 09/00791/FUL | Erection of Agricultural Dwelling with double garage | Withdrawn | 24.11.09 |
| 09/00456/FUL | Erection of Agricultural Dwelling with double garage | Withdrawn | 27.07.09 |
| 08/00943/GDO | Extension to agricultural building | Approved | 04.11.08 |

- b) the scale and nature of the enterprises have a total labour requirement of in excess of 5 full-time workers
- c) the livestock activity associated with the New House Farm site generates a requirement for 2.5 workers, the ready availability of one is necessary to ensure its proper management
- d) the farm business is profitable at a level which gives appropriate remuneration to its principles and an ability to fund a dwelling
- e) the proposed dwelling is a substantial property, but well within an acceptable size range for agricultural dwellings according to national experience
- f) existing dwellings associated with the farm business, and alternative housing in the locality of New House Farm, are not sufficiently close to provide an appropriate supervisory base for a readily available key worker.

Site notice displayed and neighbours notified.

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

The Ramblers Association
Parish Council.

The consultation period remains open at the time of writing the report and closes on 28 April 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' sets out the overarching planning policies on the delivery of sustainable development through the planning system. Paragraph 5 states that planning should facilitate and promote sustainable and inclusive patterns of rural development by protecting and enhancing the natural environment and the quality and the character of the countryside.

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

Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth provides guidance in respect of the Government's sustainable economic growth objectives.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's planning policies for rural areas. Paragraph 1 advises that new building development in the open countryside outside existing settlements should be strictly controlled in order to protect the countryside for its intrinsic beauty. Paragraph 10 makes it clear that isolated new dwellings in the countryside require special justification for planning permission to be granted. Further advice is provided in Annex A to PPS7 which states that one of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural and certain other full time workers to live at, or in the immediate vicinity of, their place of work. In assessing planning applications for new dwellings in the countryside Annex A requires a functional and financial test to be applied in order to give consideration to: the nature of the holding and the functional need/necessity for the person to live on site, having regard to the security and efficient operation of the holding, (e.g. if a worker is needed day and night to provide essential care at short notice and deal quickly with emergencies that could otherwise cause serious loss); the

financial viability of the holding to sustain the worker in full time employment; the availability of suitable existing accommodation nearby. In addition, the agricultural dwelling should be of a size commensurate with the established functional requirement and be well related to existing farm buildings. Dwellings that are unusually large in relation to the needs of the unit or expensive to construct in terms of the income it can sustain in the long term should not be permitted. It is the requirements of the enterprise not those of the owner or occupier that is relevant in determining the size of the dwelling that is appropriate.

Local Development Framework Core Strategy 2009

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

Hinckley and Bosworth Local Plan 2001

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

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

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

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping. Policy NE12 states that proposals for development should make provision for further landscaping where appropriate. Policy NE14 requires satisfactory arrangements to be made for the disposal of foul sewage and surface water. Policy NE12 seeks to ensure that development proposals take into account the existing features of the site and make provision for further landscaping where appropriate.

Supplementary Planning Guidance/Documents

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

Appraisal:-

The main considerations with regards to this application are the principle of residential development in the countryside, the layout and design of the dwelling, impact on the amenity of the occupiers of the neighbouring property and its impact on the character and appearance of the surrounding landscape and highway safety.

Principle of Development

One of the few circumstances in which isolated residential development may be justified in the countryside is when accommodation is essential to enable a full-time agricultural worker to live at their place of work and special justification can be provided in both functional and financial terms. An agricultural dwelling has previously been approved for this site but planning permission has now expired, and up to date information has been submitted to justify the current application. The Borough Council's Agricultural Appraisal Consultant has confirmed that New House Farm is actively being developed as the principal operational centre of the farm business and there has been recent investment in new buildings and planning permission has been secured for further buildings. The availability of the latest buildings has enabled the transfer of stock, notably a calf rearing enterprise and a lambing ewe flock to New House Farm from the previous farm centre at Mulberry Farm, Stoke Golding. The transfer of poultry activity is anticipated in the near future. Existing dwellings associated with the farm business, and alternative housing in the locality of New House Farm, are not sufficiently close to provide an appropriate supervisory base for a readily available key worker. Furthermore, the farm business is profitable at a level which gives appropriate remuneration to its principles and an ability to fund a dwelling. Therefore, there is now support for an agricultural workers dwelling on the site.

It is noted that as part of the approval of the 2003 outline application, a condition was imposed to ensure that the occupation of Brook Farm remained as an agricultural dwelling and was not sold separately on the open market as it could give rise to pressure for an application for an additional dwelling within the countryside. Information contained within the current agricultural appraisal refers to a dwelling at Brook Farm and states that it is soon to be occupied by the retired partner to the business. It would therefore not be appropriate to apply a condition in relation to Brook Farm in connection with this application. However, as agricultural operations are to continue at Mulberry Farm, it is suggested that a condition requiring that dwelling to be occupied by an agricultural worker is appropriate to ensure that there is no further pressure for additional dwellings in future.

Furthermore, a condition is suggested in order to ensure that the erection of the buildings recently approved in connection with the relocation of the farm business takes place prior to the occupation of this dwelling.

Layout, Design and Impact on the Countryside

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

This current proposal, as submitted, is calculated to provide a two storey dwelling of approximately 140 square metres floorspace with a height of 9 metres to the main ridge which is reasonable in terms of scale. The Council's Agricultural Appraisal Consultant has

confirmed that the proposed dwelling is substantial but well within an acceptable size range for agricultural dwellings according to national experience and that the proposed dwelling is sited in a position from which the functional need can be properly met and adequate security surveillance of the farmstead can be delivered.

The design proposed incorporates features often found on converted barns and similar to the design approved in 2006. The dwelling is now proposed to face the farm track rather than Stapleton Lane which results in a lesser mass facing the lane. The main part of the dwelling will be facing brick with a clay tiled roof and wooden windows. The northern elevation consists of a timber clad element at first floor level which contains a small balcony to a bedroom. The east elevation incorporates a full height glazed screen detail which is reminiscent of a converted barn.

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

Neighbours Amenity

The nearest adjacent dwelling to the proposal is the original New House Farmhouse which is in separate ownership and is located to the west of the site and beyond the farm track. There is a mature hedge to the property's eastern garden boundary. This hedge, the farm track and proposed siting will ensure that the proposal does not result in any significant impact on the neighbouring amenity. The proposal is considered to be acceptable.

Highway Safety

The Director of Environment and Transport (Highways) has referred to standing advice and conditions have been included which ensure that adequate parking and surfacing is provided within the site and that the existing access is improved to ensure that it meets current highway safety standards.

Other Considerations

The previous issues in respect of the diversion of footpath T65 have now been resolved in that a Diversion Order has been made and will be implemented in the near future. The Director of Environment and Transport (Footpaths) has suggested notes to the applicant to ensure that no damage or obstruction is caused to the public footpath.

The Head of Community Services (Land Drainage) has suggested notes to applicants which have been included.

Conclusion

The Council's Agricultural Appraisal Consultant response confirms that the evidence submitted with the application is sufficient and that the new agricultural workers dwelling in this location satisfies the tests of PPS7 and local plan policy RES12, the design of the dwelling is considered appropriate to this sensitive countryside location and as such the application is considered to be acceptable. It is proposed to control the occupation and further expansion of the dwelling by way of conditions within the decision to ensure that the dwelling remains necessary for agriculture and of a size that is commensurate with the agricultural unit. Furthermore conditions are suggested to control the occupancy of Mulberry Farm and to ensure that this dwelling is not occupied until the buildings previously approved in connection with the relocation of the farm business to the site are completed.

RECOMMENDATION :- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of government guidance and the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it passes the functional and financial tests of Annex A of Planning Policy Statement 7 and given the design and layout would not have an adverse impact upon the character or appearance of the countryside.

Local Development Framework - Core Strategy:- 13.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry or a widow or widower of such a person, and to any resident dependants.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A to C and E inclusive shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 4 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling and garage shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) proposed finished levels or contours
 - b) means of enclosure
 - c) car parking layouts
 - d) hard surfacing materials
 - e) planting plans
 - f) written specifications
 - g) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - h) implementation programme.
- 6 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs

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

- 7 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Drawings 02H, 04Q, 05O, 06C, 08A and 10C.
- 8 Before the first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.
- 9 Notwithstanding the submitted plans, the vehicular access serving the development hereby approved, shall be a minimum of 6.0 metres wide for at least the first 5 metres behind the highway boundary and have 10 metres controlled radii at its junction with the adopted road carriageway. The access drive shall be provided prior to first occupation of the dwelling hereby approved and shall be so maintained at all times thereafter. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.
- 10 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.
- 11 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 12 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 13 Notification of the commencement of development should be given in writing not less than 14 days before development commences.
- 14 The dwelling at Mulberry Farm, Stoke Golding shall not be occupied other than by a person wholly or mainly employed, or last employed locally in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or in forestry or a dependent of such a person residing with him, or a widow or widower of such a person.
- 15 The dwelling hereby approved shall not be occupied until the agricultural buildings approved under references 10/00623/FUL and 10/00968/FUL have been erected and are available for their approved use.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The site lies within an area of countryside where the Local Planning Authority would not normally grant permission for residential development. And, to ensure that the existing dwellings associated with the farm holding are used for agricultural purposes, to avoid the proliferation of new agricultural dwellings to accord with Planning Policy Statement 7 and policies RES12 and NE5 of the adopted Hinckley and Bosworth Local Plan.
- 3 The site lies within an area where the Local Planning Authority would not normally grant permission for residential development. The dwelling hereby permitted has been justified by the agricultural needs of the applicant and the dwelling is proportionate to the needs of the applicant and the agricultural unit. Further extensions would create a disproportionate dwelling and would be unacceptable in terms of Planning Policy Statement 7 and policy RES12 of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 7 For the avoidance of doubt and in the interests of proper planning.
- 8 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.
- 9 To ensure that vehicle entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway, to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'
- 10 To ensure that the site is not contaminated and to safeguard the health of future occupiers to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 11&12 To ensure safe development of the site and to protect the amenities of future occupiers of the site to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan.
- 13 To ensure that the site is not contaminated and to safeguard the health of future occupiers to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- 14 To ensure that existing dwellings associated with the farm holding are used for agricultural purposes and to avoid proliferation of new agricultural dwellings, in accordance with Annex I of Planning Policy Guidance Note 7.
- 15 To ensure that the proposed relocation of the farm business to the site is in full operation prior to occupation of the dwelling, in accordance with Annex I of Planning Policy Guidance Note 7.

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 Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid the necessity of discharging some surface water off-site, flow attenuation methods should be employed, either alone or, if practicable, in combination with infiltration systems and/or rainwater harvesting systems.
- 6 Access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet.
- 7 You are reminded that you would not be entitled to carry out any works directly affecting the existing route of footpath T65 as shown by a solid black line on the attached plan. In addition, you will be responsible for ensuring that free access can be exercised safely by pedestrians at all times along the existing path. If it is necessary for works to be carried out within the confines of the existing footpath, the County Council's consent to these should be obtained before they are commenced. The applicant should contact the Rights of Way Inspector for the area, Mr. A. Perry, who is based at the County Council's Area Highways Office, Mountsorrel and can be contacted on 0116 305 0001. Any damage that may be caused to the surface of the existing footpath prior to the confirmation of the Diversion Order will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority. The applicant will be responsible for ensuring that no additional structures are installed either on a temporary or a permanent basis across the existing footpath without the written consent of the Highway Authority having been

obtained. Unless a structure has been authorised by the Authority, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to seek its immediate removal.

Contact Officer:- Louise Forman Ext 5682

Item: 17
Reference: 11/00224/FUL
Applicant: Mr Frank Downes
Location: 9 Spa Lane Hinckley
Proposal: ERECTION OF FOUR DWELLINGS
Target Date: 24 May 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the scheme of delegation as it was previously an application which raised local controversial issues.

Application Proposal

Members may recall that an application for the erection of five two storey dwellings (ref: 10/00980/FUL) was refused at committee on 1 March 2011 on the basis of overdevelopment and impact upon trees. However, the principle of residential development on this site was accepted by Members.

Full planning permission is now sought for the erection of four two storey, four bed detached dwellings. The development proposes both integral and detached garaging with gardens proposed to the rear of each dwelling.

The overall ridge heights range from 7.8 – 8 metres with the design of each dwelling differing with projecting gables, dormer windows, porches and mock tudor architectural features. The development will be served by an existing access to Spa Lane which currently serves No. 9 Spa Lane.

The Site and Surrounding Area

The site has an area of 0.22 hectares and is currently occupied by a tennis court which has been used in conjunction with Bala House, College Lane is located to the east. The site is bounded on all sides by residential curtilages: the site is adjoined to the north by residential dwellings on Bowling Green Road, to the east by residential dwellings on College Lane, and to the south and west by residential dwellings on London Road and Spa Lane, respectively. The site is located within the settlement boundary of Hinckley as defined on the Adopted Hinckley and Bosworth Local Plan proposals map (2001). The existing use of the application site is described by the applicant within his submission as being orchard/garden.

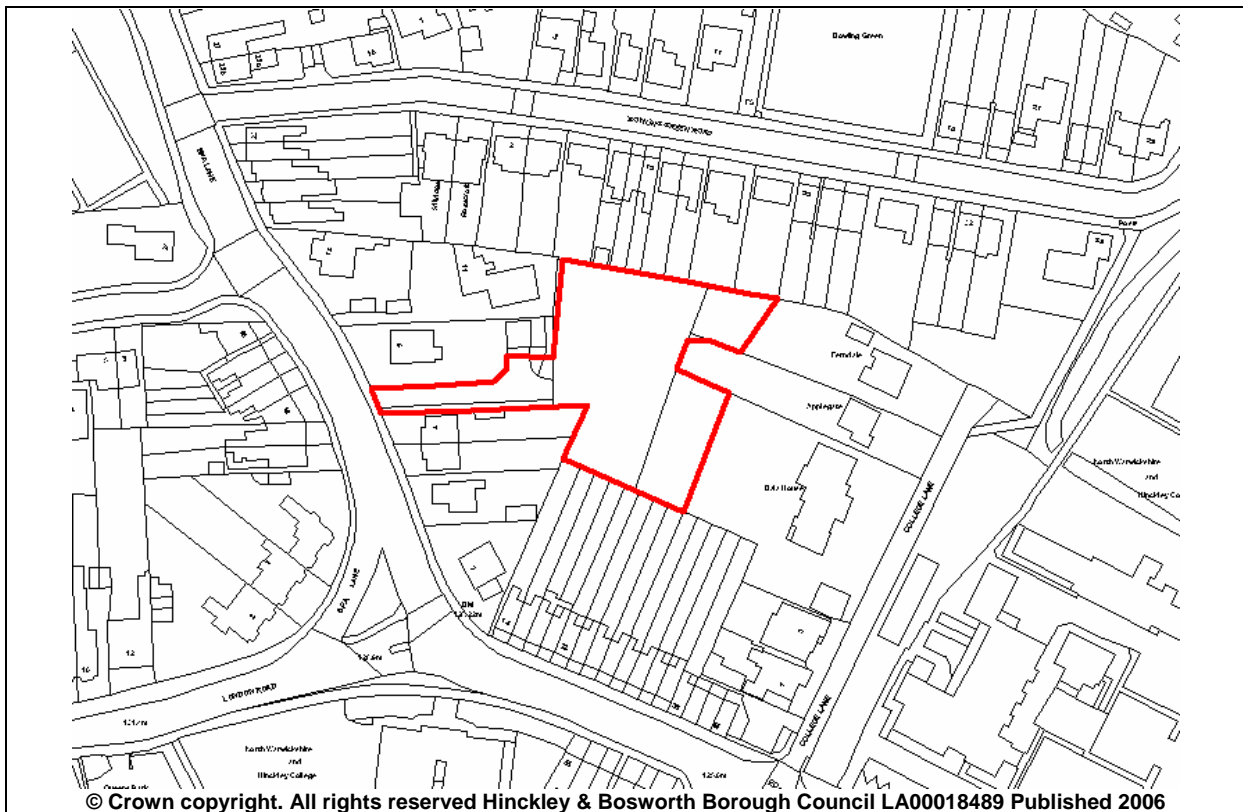
Technical Documents submitted with application

The application is accompanied by a Design and Access Statement which states that the design and scheme was informed and influenced by the existing built form and pattern of development thus creating a fully integrated design solution which will not detrimentally affect the amenities of neighbouring properties or compromise highway safety.

History:-

| | | | |
|-------------------|---|-----------|----------|
| 10/00980/FUL | Erection of 5 dwellings | Refused | 02.03.11 |
| 94/00067/FUL | Alterations and Extensions | Approved | 01.03.94 |
| 93/00788/4 | Erection of Double Garage | Approved | 13.10.93 |
| 91/01026/4 | Alterations and Extensions to Dwelling | Approved | 02.12.91 |
| 89/00693/4 | Alterations to Existing Residence | Approved | 07.07.89 |
| 82/00527/4 | Alterations to house for new bedroom and bathroom | Approved | 30.06.82 |
| 71/5407 (Outline) | Erection of 4 Dwellings and formation of Access | Permitted | 14.07.72 |

This Outline planning permission was granted for four dwellings, one fronting Spa Lane which became No. 9 Spa Lane with a further three dwellings on the land to the rear. However, no reserved matters consent was granted.



Consultations:-

No comments from Environment Agency.

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

No objection subject to conditions have 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).

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

- a) no different from previous application
- b) overlooking and invasion on privacy
- c) overshadowing/loss of light
- d) noise/smell implications
- e) additional traffic and implications on road network and junction
- f) de-value the overall sale value of the surrounding properties
- g) impact upon trees and wildlife
- h) too big for plot of land.

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

Head of Corporate and Scrutiny Services (Tree Officer)

Severn Trent Water

Ward Members.

The consultation period remains open at the time of writing and closes on 21 April 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

compliments the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

Paragraph 41 states that at least 60 per cent of new housing should be provided on previously developed land and that a key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed.

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.

Paragraph 49 states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate.

Paragraph 71 states that where the LPA cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in PPS3 and considerations in paragraph 69. Paragraph 69 requires the LPA to ensure that the proposed development is in line with planning for housing objectives, reflects the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives. In addition, development should provide high quality housing of a good mix and make effective and efficient use of land.

PPS3 was updated in June 2010 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 in order 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.

Planning Policy Guidance Note 13 (PPG13): 'Transport' sets out national transport planning policy. Paragraph 6 states that Local Planning Authorities should accommodate housing principally within urban areas and promotes accessibility to services by public transport, walking and cycling and reduces the need to travel. Paragraph 29 states that when thinking about new development the needs and safety of the community should be considered and addressed in accompanying Transport Assessments.

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 to make the development acceptable in planning terms, 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.

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 1: 'Development in Hinckley' seeks to diversify the existing housing stock in the town centre to cater for a range of house types and sizes, to ensure there is a range of employment opportunities within Hinckley and to allocate land for new office development within or adjoining the Hinckley Town Centre Area Action Plan boundary.

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

Policy 24: 'Sustainable Design and Technology' expects residential developments in Hinckley to meet a minimum 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 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.

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.

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.

Supplementary Planning Document: 'Play and Open Space', provides further information on the policy supporting play and open space provision including a breakdown of the cost to maintain and provide various types of formal and informal open space.

Other Material Guidance

The site falls outside of the Hinckley Town Centre Area Action Plan area.

The Green Space Strategy confirms that Queens Park local open space falls within 400 metres of the site and as such would attract a contribution from this development.

Appraisal:-

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

The Principle of Development

The site is located within the settlement boundary of Hinckley, 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.

The application site comprises garden land and would prior to the update to PPS3 have fallen into the category of Brownfield land, however the update to PPS3 removed garden land from the 'Brownfield' land classification. It is considered that where development is proposed on garden land within the defined settlement boundary the 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 relevant plan policies include PPS3 which states that 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 should be considered.

This approach 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, 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 development proposed in this application is for 4 dwellings and for the reasons discussed further in this report is not considered to be in conflict with adopted development plan policy.

Impact upon the character of the area: Siting and Design

The consideration of the impact on the character of the area 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.

As discussed above it falls to be considered whether the proposed development would have an adverse impact upon the character and appearance of the area.

The current pattern and grain of the development in the immediate locality is development situated on road frontages. The area immediately adjoining to the south is characterised by terraced dwellings forming the frontage development and the area to the north of the site is characterised by both detached and semi detached dwellings which also form frontage development. In addition, the area to the east is characterised by large detached dwellings in large plots, which again form frontage development. There is however, a plot to the north west of the application which is sited back from the road frontage (No. 11 Spa Lane). Whilst it is acknowledged that the predominant character comprises frontage development, there is already the existence of development at depth,

The scheme now proposes a reduction in the number of dwellings in comparison to the previous application. This allows greater separation between the proposed dwellings themselves and between the proposed and neighbouring dwellings, thus creating a scheme which is less dense and allows more of the open character of the site to be retained. Each dwelling proposes appropriately sized rear gardens in accordance with the standards set down in the Borough Council's SPG which adds to the spacious, low-density development.

There are a range of property sizes and scales within the vicinity with most being two storey dwellings. It is considered that the footprints are similar to those to the east and west of the application site and proposed two storey dwellings are considered acceptable in this setting.

Each of the four dwellings of two storey proportions are individually designed with a mixture of architectural features which are replicated in each dwelling such as projecting gables, dormer windows and porches and mock tudor designs. It is considered that this adds character and interest to the elevations, reflecting the range of character of the surrounding dwellings. The design approach is therefore considered acceptable. In addition, the design

of the detached garages are considered acceptable and are subservient in scale to the main dwellings.

In summary, whilst the proposed development does not accord with the predominant siting of the dwellings within the vicinity, given the existence of backland development and by virtue of the reduction in density and acceptable design, it is considered that the scheme does not overdevelop the site and is in accordance with Saved Policy BE1 of the Local Plan and within the principles outlined in the Council's SPG on New Residential Development.

The previous scheme for five, two storey dwellings was not considered acceptable as it constituted a scheme which overdeveloped the site by virtue of the density, layout, footprint and scale. The proposal failed to respect the established character of the surrounding area and was therefore considered not to complement or enhance the surrounding area. It is now considered that following a reduction in the number of proposed dwellings from five to four that the original reason for refusal has now been overcome.

Impact Upon Residential Amenity

The Council's SPG on New Residential Development seeks a minimum distance of 25 metres between principal windows of habitable rooms to similar windows in neighbouring dwellings.

Plot 1 would be located at approximately 29 metres from the rear of No.9 Spa Lane, with plots 1 at a minimum of 26 metres from the rear of the dwellings along Bowling Green Lane. In terms of plot 2, there is a distance of some 18 metres between the dwelling and neighbouring dwellings along Bowling Green Lane and 30 metres from the neighbouring 'Ferndale' along College Lane. The nearest residential dwelling to plot 3 would be Bala House located some 30 metres away. There is approximately 34 metres between the proposed plot 4 and rear wall of the dwellings along London Road.

All dwellings adhere to the distances, set out within the SPG on New Residential Development with the exception of Plot 2. However, there is only 1 window in the side elevation at ground floor level serving an ensuite-cloakroom in Plot 2 and as such a distance of a minimum of 14 metres is sought in line with the Council's SPG. In addition it is considered that a distance of 18 metres would be sufficient to mitigate against any significant loss of light, overshadowing and overbearing impacts.

Given the re-siting of Plot 1 further from the boundary with neighbouring No. 11 combined with the physical relationship of the two dwellings, it is not considered that there would be any significant direct overlooking from all proposed bedroom windows over and above that expected from dwellings within built up areas.

In response to neighbouring objections it is not considered that there would be any significant overlooking, overshadowing/loss of light or noise and smell implications exerted from the future occupiers of the proposed dwellings, over and above that expected within a built up area given the distances between the proposed neighbouring dwellings. As a result of the reduction in number of proposed dwellings, the separation distance between the proposed and neighbouring dwellings has increased and has reduced any potential impacts. In addition, the de-valuation of properties is not a material planning consideration.

In summary, the proposal is considered to have minimal impacts upon the amenity of neighbouring residents. Accordingly the scheme is considered to be in accordance with Saved Policy BE1 of the Local Plan.

Highway Considerations

The Director of Environment and Transport (Highways) states that both the Design and Access Statement and submitted plans show that the access will be widened to 5 metres which is more than sufficient to accommodate two-way flow and that visibility onto Spa Lane can be provided to the appropriate standard.

Accordingly it is considered that the development accords with Saved Policy T5 of the Local Plan.

Other Matters

Impact upon Trees

Within the previous application it was considered that the Arboricultural report had failed to demonstrate that the willow trees would not be adversely affected as a result of the proposed scheme and was therefore considered that this was sufficient to sustain a reason of refusal at that time. Within this application plots 2 and 3 have been re-sited further away from the two trees in question and will be sited 8 metres away from the canopies. Representations from the Head of Corporate and Scrutiny Services (Tree Officer) have not yet been received but will be reported on as a late item.

Sustainability

The site is located within Hinckley and therefore benefits from a good degree of public transport links and services.

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 has indicated that all dwellings will be constructed to Code Level 3 and the details of the schemes compliance with this standard will be subject to the imposition of a planning condition.

The Head of Business Development and Street Scene Services (Waste Minimisation) states that it is important to allow space for placement of containers at the adopted highway and as such recommends a condition to secure a scheme for the provision for waste and recycling storage across the site.

Play and Open Space Contributions

The site is located within 400 metres of open space Queens Park (local open space). 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 Council's SPD on Play and Open Space.

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

Within the Green Space Strategy 2005-2010, Hinckley was found to have a deficiency of both equipped open space (-1.20) and outdoor sports (-12.50) for its population when compared with the National Playing Fields Standard.

The quality of the space has been considered within the Quality and Accessibility Audit of 2005 which awarded Queens Park a low quality score of 32.4%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. As the scheme results in a net gain of 4 dwellings a total figure of £5003.20 is sought; £3271.20 for provision and £1732.00 for maintenance.

It is considered that Hinckley has a deficit of both equipped and outdoor sports areas and Queens Park has been shown to have a quality deficit relating to facilities. The size of units proposed would appeal to families and given the proximity of the application site to 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.

A Unilateral Undertaking is under negotiation to secure the play and open space contributions.

Conclusion

In conclusion, as the site is within the settlement boundary of Hinckley, where development is acceptable, providing all planning related matters are adequately addressed.

As previously outlined the previous application for five dwellings was not considered acceptable due to the scheme overdeveloping the site by virtue of the density, layout, footprint and scale. As such it was considered that the scheme failed to respect the established character of the surrounding area and was therefore considered not to complement or enhance the surrounding area. However, it is considered that the applicant has sought to address these issues by proposing a reduction in the number of dwellings to overcome the original reason for refusal.

The scheme does not give rise to any significant material harm to residential amenity, highway safety or impacts upon the existing trees. In conclusion, no material impacts have been identified, that would indicate that the scheme is not in compliance with the development plan policies. Accordingly, the application is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION:- That subject to no significant material objections being received prior to the expiry of the consultation period on 21 April and 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 off-site 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 24 May 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 would be in accordance with the development plan as it is an acceptable dwelling within an existing residential setting that would not give rise to any significant materials impacts upon residential amenity or highway safety.

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

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the details: M1210/16a; M1210/1g; Plot 1; M1210/7a; M1210/4c; M1210/8a; M1210/3c; M1210/17; M1210/18; M1210/11; M1210/2c; M1210/15a; M1210/15b received by the Local Planning Authority on 4 April 2011.
- 3 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling and garage have been deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall commence until full details of both hard and soft landscape works, including defined residential curtilage, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) Means of enclosure and boundary treatments
 - b) Hard surfacing materials
 - c) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
 - d) Implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 6 The following windows shall be fitted with obscure glass and be non-opening and retained as such this way thereafter:-
 - a) within plot 1 the ground floor window serving an en-suite in the side elevation and first floor windows serving a bathroom and en-suite windows the side elevation
 - b) within plot 2 the ground floor window serving an en-suite in the side elevation and first floor windows serving a bathroom and en-suite in the side elevation
 - c) within plot 3 the ground floor window serving a wc in the front elevation and first floor windows serving a wc, en-suite and bathroom in sides and rear elevation
 - d) within plot 4 the ground floor windows serving a wc in the front elevation and first floor windows serving a wc, en-suite and bathroom in the sides and rear elevation.
- 7 No development shall commence until a Code for Sustainable Homes Design Stage Assessment demonstrating that the dwellings hereby approved can be constructed to a minimum of Code Level 3 has been provided to the Local Planning Authority. No

dwelling 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.

- 8 The proposed access shall have a useable width of a minimum of 4.8 metres for a distance of at least 5 metres behind the Highway boundary. No dwelling hereby approved shall be occupied until the access has been provided. The said access shall thereafter be maintained for vehicular use.
- 9 The car parking facilities, including the garages, shall permanently remain available for car parking.
- 10 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.
- 11 No dwelling hereby approved shall be occupied until.
 - a) A scheme that makes provision for refuse and recycling storage, and collection, across the site has been submitted to and approved in writing by the Local Planning Authority. The details should address to accessibility to storage facilities for the residents/collection crews across the site, and adequate collection point space as the adopted public highway.
 - b) The approved details should be fully installed and made available for use before the dwelling is first occupied.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 4&5 In the interests of visual amenity to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6 To safeguard amenities of neighbouring properties to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 7 In the interests of sustainable development to accord with Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.
- 8 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 to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan.
- 9 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley & Bosworth Local Plan.

- 10 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 & Bosworth Local Plan.
- 11 In the interests of visual amenity, to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge **MUST** be made before building commences.

Contact Officer:- Ebony Mattley Ext 5691

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 Mr Jogi Singh against the refusal of full planning permission for the change of use from Retail (Class A1) to Hot Food Takeaway (Class A5) and retention of an external extractor flue (retrospective) (10/00908/FUL) at the Pantry, 102 Rugby Road, Hinckley.

Appeal by Christopher Harbot against the refusal of full planning permission for the erection of a single storey dwelling (10/00799/FUL) at the rear of 132-136 Main Street, Markfield.

Appeals Withdrawn

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.

Appeals Determined

Appeal by Mr. Lee Cannings against the refusal of full planning permission (10/00867/FUL) for extensions and alterations to dwelling at 62 Lychgate, Burbage, Hinckley.

In relation to this appeal, the Planning Inspector considered the main issue to be the effect of the proposal on the character and appearance of the house and its surroundings.

It was noted and considered by the Planning Inspector that the group of semi-detached houses located towards the eastern end of Lychgate Lane share a similar overall design, with the balanced arrangement of the central door and windows to either side being a particularly attractive feature.

A proposed extension with a pitched roof joined at a point just below the first floor windows and a width that extends across the front of the door and one of the windows was considered to appear unduly prominent in relation to the

house. In addition, the Planning Inspector stated that its position to one side of the front elevation would also disrupt the balance of the original design.

The Inspector made the comments that by failing to respect the character of the house, it would also diminish the shared characteristics of the group to which the house belongs. It was therefore considered that the proposal would detract from the quality of the surroundings even when the Inspector took into account the range of house styles in the locality as a whole.

Overall the Inspector considered that the proposal would be contrary to Local Plan Policy BE1, which seeks a high standard of design and expects, among other things, that development will complement the character of the surrounding area.

Careful attention was made by the Planning Inspector to the various developments nearby including those affecting the adjoining property which was pointed out by the Appellant. With regards to this matter it was considered by the Inspector that changes on properties have an effect on their surroundings, however, each proposal must be considered on its own merits. The merits in relation to this proposal turn to the prominence of the extension in relation to the house, so referring to other developments was not a good reason to allow this appeal.

Inspectors Decision

Appeal dismissed (delegated decision)

4. FINANCIAL IMPLICATIONS (CB)

Potential legal costs can be met from existing budgets.

5. LEGAL IMPLICATIONS (MR)

None

6. CORPORATE PLAN IMPLICATIONS

This document contributes to Strategic Aim 3 of the Corporate Plan

- Safer and Healthier Borough.

7. CONSULTATION

None

8. RISK IMPLICATIONS

None

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

None

10. **CORPORATE IMPLICATIONS**

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

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

Background papers: Appeal Decisions

Contact Officer: Kevin Roeton Graduate Planning Officer ext. 5919

PLANNING COMMITTEE - 27 APRIL 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: 15.04.11

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

| FILE REF | CASE OFFICER | APPLICATION NO | TYPE | APPELLANT | DEVELOPMENT | SITUATION | DATES |
|-----------------|--------------|----------------|------|---|--|---|--|
| 11/00010/PP | RW | 10/00799/FUL | WR | Christopher Harbot | Rear of 132-136 Main Street Markfield | <i>Start Date</i> Questionnaire Statement of Case Final Comments | 05.04.11 19.04.11 17.05.11 07.06.11 |
| 11/00009/PP | EM | 10/00908/FUL | WR | Mr Jogi Singh | The Pantry 102 Rugby Road Hinckley | <i>Start Date</i> Statement of Case Final Comments | 29.03.11 10.05.11 31.05.11 |
| 11/00007/ADV | LF | 10/00678/ADV | WR | Primesight Ltd | Eastwoods Service Station Ashby Road Stapleton | <i>Start Date</i> <i>Awaiting Decision</i> | 01.03.11 |
| 11/00004/PP | LF | 10/00816/FUL | IH | Mr Martin Morris | Land Adjacent New House Farm Stapleton Lane Dadlington | <i>Start Date</i> Hearing Date | 10.02.11 09.06.11 |
| 11/00005/NONDET | EM | 10/00843/FUL | WR | Mr & Miss E Cooper & K Wykes | 287 Brookside Burbage Hinckley | <i>Start Date</i> Final Comments | 18.02.11 22.04.11 |
| 11/00001/PP | EM | 10/00693/FUL | WR | Phillip Racheal 24 Went Road Birstall | 8 Mill Lane Earl Shilton | <i>Start Date</i> <i>Awaiting Decision</i> | 18.01.11 |
| 11/00002/PP | JH | 10/00661/OUT | PI | Flude Family Settlement 2004 | Land Adjacent to Hinckley Golf Course Leicester Road Hinckley | <i>Start Date</i> Proof of Evidence Public Inquiry (4 days) | 02.02.11 10.05.11 14-17.06.11 |
| 10/00020/PP | JH | 10/00408/OUT | PI | Morris Homes - East Ltd | Land Off Hinckley Road Stoke Golding | <i>Start Date</i> <i>Awaiting Decision</i> | 16.11.10 |
| 10/00011/PP | RW | 09/00915/OUT | PI | Mr John Knapp | 26/28 Britannia Road Burbage | <i>Start Date</i> <i>Awaiting</i> Decision | 15.11.10 |

| | | | | | | | |
|--------------|-------|--------------|----|-------------|--|--|-----------------------------------|
| 09/00017/ENF | JC/ES | 07/00031/BOC | PI | Mr P Godden | Land at Upper Grange Farm Ratby Lane Markfield | <i>Start Date</i> Statement of Case Public Inquiry (4 days) Temporarily Suspended | 06.11.09 On hold pending JR |
|--------------|-------|--------------|----|-------------|--|--|-----------------------------------|

Decisions Received

| | | | | | | | |
|---------------|----|--------------|----|--|---|------------------|-----------------|
| 11/00003/FTPP | KR | 10/00867/FUL | WR | Mr Lee Canning | 62 Lychgate Lane Burbage Hinckley | DISMISSED | 23.03.11 |
| 11/00006/PP | LF | 10/00969/OUT | WR | Brenmar Developments (Hinckley) Ltd | Land Off Eastwoods Road Hinckley | WITHDRAWN | 01.04.11 |

Rolling 1 April 2011 - 15 April 2011

Planning

| No of Appeal Decisions | Allowed | Dismissed | Split | Withdrawn | Officer Decision | | | Councillor Decision | | |
|------------------------|---------|-----------|-------|-----------|------------------|-----|-----|---------------------|-----|-----|
| | | | | | Allow | Spt | Dis | Allow | Spt | Dis |
| 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |

Enforcement

| No of Appeal Decisions | Allowed | Dismissed | Split | Withdrawn |
|------------------------|---------|-----------|-------|-----------|
| | | | | |