

Date: 8 August 2011

To: All Members of the Planning Committee

Mr DM Gould (Chairman)	Mrs WA Hall
Mr R Mayne (Vice-Chairman)	Mr J Moore
Mr RG Allen	Mr K Nichols
Mr JG Bannister	Mr LJP O'Shea
Mr PR Batty	Mr BE Sutton
Mr CW Boothby	Miss DM Taylor
Mr DC Bill	Mr R Ward
Mrs T Chastney	Ms BM Witherford
Mr WJ Crooks	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor

There will be a meeting of the **PLANNING COMMITTEE** in the Council Chamber, Council Offices, Hinckley on **TUESDAY, 16 August 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

Becky Owen
Democratic Services Officer

PLANNING COMMITTEE

16 AUGUST 2011

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

RESOLVED

2. MINUTES

To confirm the minutes of the meeting held on 19 July 2011, attached marked 'P17'.

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 'P18' (pages 1 – 98).

8. AFFORDABLE RENT AND DISCOUNTED SALES HOUSING

Report of the Deputy Chief Executive (Community Direction) attached marked 'P19' (pages 99 - 106).

RESOLVED

9. APPEALS LODGED AND DETERMINED

Report of the Deputy Chief Executive (Community Direction) attached marked 'P20' (pages 107 – 114).

RESOLVED 10. APPEALS PROGRESS

Report of the Deputy Chief Executive (Community Direction) attached marked 'P21' (pages 115 – 117).

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

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

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

19 JULY 2011 AT 6.30 PM

PRESENT: MR DM GOULD - CHAIRMAN
MR R MAYNE - VICE-CHAIRMAN

Mr R Allen, Mr JG Bannister, Mr PR Batty, Mr DC Bill, Mr CW Boothby, Mr WJ Crooks, Mrs A Hall, Mr J Moore, Mr K Morrell, Mr K Nichols, Mr BE Sutton, Miss DM Taylor, Mr R Ward and Ms BM Witherford.

In accordance with Council Procedure Rule 4.2, Mrs L Hodgkins, Mr MS Hulbert and Mrs H Smith were also in attendance.

Officers in attendance: Mr A Bottomley, Ms T Miller, Miss R Owen, Mrs E Page and Mr S Wood.

64 **APOLOGIES**

Apologies for absence were submitted on behalf of Mrs T Chastney with the substitution of Mr Morrell authorised in accordance with Council Procedure Rule 4.1.

65 **MINUTES (P13)**

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

RESOLVED – the minutes of the meeting held on 22 June 2011 be confirmed and signed by the Chairman.

66 **DECLARATIONS OF INTEREST**

Mr Bannister wished it to be recorded that his wife was a member of Barwell Parish Council, which had objected to application 11/00377/FUL.

67 **DECISIONS DELEGATED AT PREVIOUS MEETING**

The Head of Planning reported on the following decision which had been delegated at the previous meeting:

11/00290/FUL – it was reported that the decision had been issued on 6 July.

68 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P14)

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

- (a) 11/00368/FUL – Erection of 84 dwellings incorporating access, public open space, balancing pond, pumping station and associated earthworks, landscaping, car parking and other ancillary works, Land adjacent to Greyhound Stadium, Nutts Lane, Hinckley – Taylor Wimpey UK Limited

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

- (b) 11/00377/FUL – Travellers Site for two pitches and the erection of a toilet / laundry room, Land adj Hissar House Farm, Leicester Road, Hinckley – Mr C Price

The Head of Planning verbally reported the views of David Tredinnick MP, which had not been included in the late items.

Notwithstanding the officer's recommendation that the application be permitted, Members expressed concern regarding loss of the green wedge, adverse effect on the countryside, development in the open countryside, distance from the settlement boundary and conflict with other policies. Mr Bannister, seconded by Mr Nichols, proposed that the application be refused as it was contrary to policies RES13, NE3, NE5, RES5 and policies 6 & 18 of the core strategy.

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

Mr Allen, Mr Bannister, Mr Batty, Mr Bill, Mr Boothby, Mr Crooks, Mr Gould, Mrs Hall, Mr Mayne, Mr Moore, Mr Morrell, Mr Nichols, Mr O'Shea, Mr Sutton, Miss Taylor, Mr Ward and Ms Witherford voted FOR the motion (17).

There were no votes against the motion and no abstentions.

The MOTION was therefore declared CARRIED.

RESOLVED – the application be refused for the following reasons:

In the opinion of the Local Planning Authority, the identified need of the proposed end users of the site is not considered to override the need to retain the functional requirements and visual appearance of the Green Wedge. Therefore the proposal represents an unwarranted and unacceptable intrusion of development in the Green Wedge and countryside and is

contrary to policies NE5 and RES5 of the adopted Hinckley and Bosworth Local Plan and Policy 6 and Policy 18 of the adopted Core Strategy.

Mr Hulbert and Mrs Smith left the meeting at 7.11pm.

- (c) 11/00329/FUL – Erection of two wind turbines including associated transformer and control compounds and formation of associated infrastructure, Park House Farm, Leicester Lane, Desford – Mr P Hilyer

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

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

- (d) 11/00389/CLU – Lawful Development Certificate for existing use of the Fishing Lodge as a dwelling, The Fishing Lodge, Wallace Drive, Groby – Mr & Mrs S Ansar

RESOLVED – the application for a Certificate of Lawful Existing Use be refused.

- (e) 11/00410/FUL – Retention of Static Caravan for agricultural purposes, Brascote Fields Farm, Brascote Lane, Newbold Verdon – Mr Jonathan Sanders

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

- (f) 11/00334/EXT – Extension of time for extant planning permission 08/00102/FUL for demolition of existing retail premises and bungalow and erection of 10 dwellings, The Bungalow, 47 Hinckley Road, Burbage – Mr G Pearson

RESOLVED – subject to a Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide the financial contributions towards the provision and maintenance of play and open space, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant planning permission subject to the conditions contained in the officer's report. Failure to complete the said agreement by 28 July 2011 might result in the application being refused.

- (g) 11/00423/FUL – Erection of mobile classroom, St Martins Catholic School, Hinckley Road, Stoke Golding – Governors of St Martins High School

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

- (h) 11/00216/LBC – Alterations to listed building, Atkins Building, Lower Bond Street, Hinckley – Hinckley & Bosworth Borough Council

RESOLVED – powers be delegated to the Deputy Chief Executive (Community Direction) to refer the application to the Secretary of State following the expiry of the consultation period on 21 July 2011 and resolution of matters that may arise, in accordance with Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990.

- (i) 11/00499/C – Re-use of derelict brownfield land for the purpose of windrow composting inside a building (county matter), Land South of Lindley Wood, Fenn Lanes, Fenny Drayton – Mr Zeeshan Aslam

On the motion of Mr Ward, seconded by Mr O’Shea, it was

RESOLVED – Leicestershire County Council be advised that Hinckley & Bosworth Borough Council has the following comments to make:

“It is considered that this revised submission does not address the previous objections raised and therefore the Borough Council objects to the application. Furthermore the proposed development at the nearby MIRA site should be fully considered in the assessment of this application”.

69 APPEALS LODGED AND DETERMINED (P15)

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

RESOLVED – the report be noted.

70 APPEALS – PROGRESS (P16)

A schedule was submitted indicating the stages that various appeals against planning decisions had reached. On the motion of Mr Nichols, seconded by Mr O’Shea, it was

RESOLVED – the report be noted.

(The meeting closed at 8.01pm)

REPORT P18

PLANNING COMMITTEE

16 August 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 - 16 August 2011 - NUMERIC INDEX

REF. NO.	APPLICANT	SITE	ITEM	PAGE
11/00029/OUT	Hallam Land Management Ltd	Land South of Newbold Road/ Manor Road Junction Desford	01	02
11/00431/FUL	Midlands Co-operative Society	The George Inn 78 Main Street Markfield	02	17
11/00455/CON	Midlands Co-Operative Society	The George Inn 78 Main Street Markfield	03	34
11/00353/FUL	Ideal Care Homes Ltd & Punch Partnership (PTL) Ltd	The Middlefield Inn Tudor Road Hinckley	04	40
11/00396/FUL	Mr Byron Pountney	333 Rugby Road Burbage	05	54
11/00471/FUL	Mrs Jayne Barnes	6 Boyslade Road East Burbage	06	64
11/00472/FUL	Sport In Desford	Sport In Desford Peckleton Lane Desford	07	73
11/00477/FUL	Mr John Cawrey	Land Adjacent M1 Ferndale Drive Ratby	08	82
11/00490/COU	Mrs Catharine Ruskin	27 Station Road Hinckley	09	87
11/00398/COU	Mr Keith Flude	Elohim Church Hub Newbold Road Barlestone	10	93

Item: 01
Reference: 11/00029/OUT
Applicant: Hallam Land Management Ltd
Location: Land South Of Newbold Road/ Manor Road Junction Desford
Proposal: ERECTION OF UP TO 135 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, PUBLIC OPEN SPACE AND PROVISION OF VEHICULAR AND PEDESTRIAN ACCESS.
Target Date: 18 April 2011

Introduction:-

Members will recall that this planning application was deferred from the planning committee meeting on 21 June 2011 (initial report appended to this update) in order for amendments to be made to the proposed scheme. Amended plans were received from the applicant's agent on 29 July 2011 showing the following amendments to the proposed development:-

- a) reduction in the number of proposed dwellings from 150 to 135 dwellings
- b) reduction in the red edge site area which removes the proposed allotments and large area of public open space from the south western corner of the site
- c) the re-siting of the play area and public open space into a central location towards the southern boundary of the site.
- d) the re-siting of the storm attenuation basin closer to dwellings in the south western corner of the amended site area.

Technical Documents

A covering letter was submitted with the amended plans on 29 July 2011 which confirmed the willingness of the applicant to reduce the number of dwellings to a total of 135. This letter also states that bungalows will be included within the proposed development. The illustrative masterplan has been updated to reflect the amended proposals for this residential development.

Consultations:-

Representations received in relation to the amended plans received on 29 July 2011

The consultation period remains open at the time of writing this report and expires on 15 August 2011. Any representations received before the closing date will be reported and appraised as a late item.

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

The Primary Care Trust has requested a developer contribution towards healthcare. They have put forward their request in line with CIL requirements and requested a total financial contribution of £71,975.53.

Neighbouring properties have been re-notified. One letter of objection has been received raising the following concerns:-

- q) Desford cannot sustain an additional 135 dwellings
- r) no further open space is required in Desford
- s) loss of green belt land
- t) the filling of empty council housing should be the first priority.

Appraisal:-

The main considerations with regards to this application are: housing need in Desford; impact on the character and appearance of the countryside; affordable housing; developer contributions, and other matters.

Housing Need in Desford

It has been demonstrated through the rigorous process of producing the Local Development Framework Core Strategy and the production of the Rural Housing Needs Methodology Paper that the allocation of land for 110 new dwellings in Desford has been based on a sound evidence base. This figure has been amended to 116 dwellings due to demolitions and less completions than assumed. Policy 8 of the Core Strategy requires land for the allocation for a minimum of 110 new dwellings and for new open space to be provided within Desford. Therefore the requirement for Desford to sustain new dwellings and open space has been soundly considered through the preparation of the Core Strategy. Whilst it is advantageous for existing council housing stock to be filled, this is not a material factor affecting the submission of a planning application for new residential development in Desford.

The proposed residential scheme has now been amended to a total of 135 dwellings. This is 19 additional dwellings above the baseline figure of 116 dwellings that was previously agreed with the developer. It is accepted that the total of 135 proposed dwellings exceeds the minimum allocation of 110 new homes for Desford as set out in Policy 8 of the Local Development Framework Core Strategy. However, taking into account the reduction of 15 dwellings from the original proposed scheme (150 dwellings) and the lack of 5 year housing land supply it is considered that the amended proposals will allow the spatial vision for rural areas, including Desford to be maintained so that the settlement can continue to act as a sustainable hub. It should be noted that the original scheme for 150 dwellings was not met with an in-principle objection by members at the planning committee meeting on 22 June 2011 and a reduced number of dwellings will place less pressure on local service provision.

Within their needs statement submitted in respect of the original proposal the applicant stated that a development of up to 116 dwellings would not enable them to include an over-provision of open space on the site. However it has since been confirmed by the Local Planning Authority that the over provision of open space is not CIL compliant and the applicant has subsequently reduced the amount of open space to be provided, which is reflected in the amended red edge development site plan received on 29 July 2011.

Character and Appearance of the Countryside

It should be noted that there are no areas of designated Green Belt land affected by the proposed development.

Affordable Housing

The covering letter received in conjunction with the amended plans on 29 July 2011 re-affirmed the applicant's commitment to provide 40% affordable housing for the proposed development, despite the marked reduction in the number of dwellings.

Developer Contributions

The financial contribution requested by the Primary Care Trust is not considered to be CIL compliant.

The provision and maintenance of the amended amount of open space would be included in a Section 106 Agreement. Further assessment of the amount of open space provided and contributions required will be addressed in the late item.

Conclusion

As set out in the planning committee report considered by members at the meeting on 21 June 2011 the Local Planning Authority is unable to demonstrate a five-year housing supply and therefore the 'in principle' refusal of development outside of the settlement boundary of Desford is overcome. Whilst there are comments awaited in relation to the amended proposals, the previous round of consultation responses showed that there were no technical objections to the proposals at that time.

It is considered that the reduction in the number of dwellings to a total of 135 would place less pressure on the capacity of local services to function effectively, the development proposes a residential scheme on a site that wasn't met with an 'in principle' objection for residential development by members at the committee meeting on 21 June 2011 and the reduction in housing units will not prejudice the capacity of Desford to retain its role as a sustainable hub for its own population and surrounding villages.

RECOMMENDATION: That members note the content of this report and indicate an in-principle approval to the amended residential scheme for 135 dwellings. A further report will be presented to the next available planning committee that addresses all consultation responses and issues fully.

Contact Officer:- Scott Jackson Ext 5929

APPENDIX TO ITEM 1

Report presented to planning committee on 21 June 2011

Introduction:-

This is an outline application for residential development at land south of Hunts Lane, Desford. The site is located in open countryside outside the defined settlement boundary for Desford. It is agricultural land abutting the western edge of Desford and existing dwellings on Manor Road, St Martins Drive, Cambridge Drive and Oxford Drive.

The application initially proposed the erection of up to 150 dwellings with associated infrastructure, public open space and the provision of vehicular and pedestrian access. It is an outline application with all detailed matters except access reserved for future consideration. The application initially proposed that allotments would form part of the public open space. Following questions about the need for allotments they have been omitted from the application.

The access is proposed from a new roundabout at the junction of Hunts Lane and Manor Road.

Technical Documents

A Design and Access Statement has been submitted which appraises the site and its context and the rationale for the proposed layout and design of the development.

The application is accompanied by a Transport Assessment (TA) which details the access provision and potential vehicle movements and concludes that the proposed access arrangements are considered to be appropriate for the level of development envisaged.

A desktop Archaeological Report and Heritage Assessment have been carried out to look into whether the site has any archaeological interest. This has been supported by a Geophysical Survey Report. The County Council has requested trial trenching works and further consideration is likely to be required and is discussed in more detail in the body of this report.

A Flood Risk Assessment has been carried out and confirms that the site is at a low risk of fluvial flooding and is considered to be acceptable development in this zone.

An Agricultural Land Classification survey concludes that the site is predominately Grade 3a land with some Grade 2. Grade 3a is the lowest category defined as best and most versatile.

A Habitat Survey Report identifies that there is no ecological interest within the site other than for the seasonal nesting of birds within the hedgerows. Any works to the hedgerows should be carried out at the appropriate times of the year.

The Tree Assessment Report notes that due to the agricultural use of the land trees are only located within or adjacent to hedgerows on the boundaries of the site. There are no TPOs or other protection of any of the trees. It identifies that one reasonable tree will unavoidably be lost to provide the new access, but other good species should be incorporated into the proposed structural landscaping which is shown on the masterplan.

An illustrative masterplan provides an indicative layout for the site with hedgerows and trees retained as far as possible and reinforced with structural landscaping; formal and informal open space provided within the site; a footpath connection is proposed from St Martins Drive;

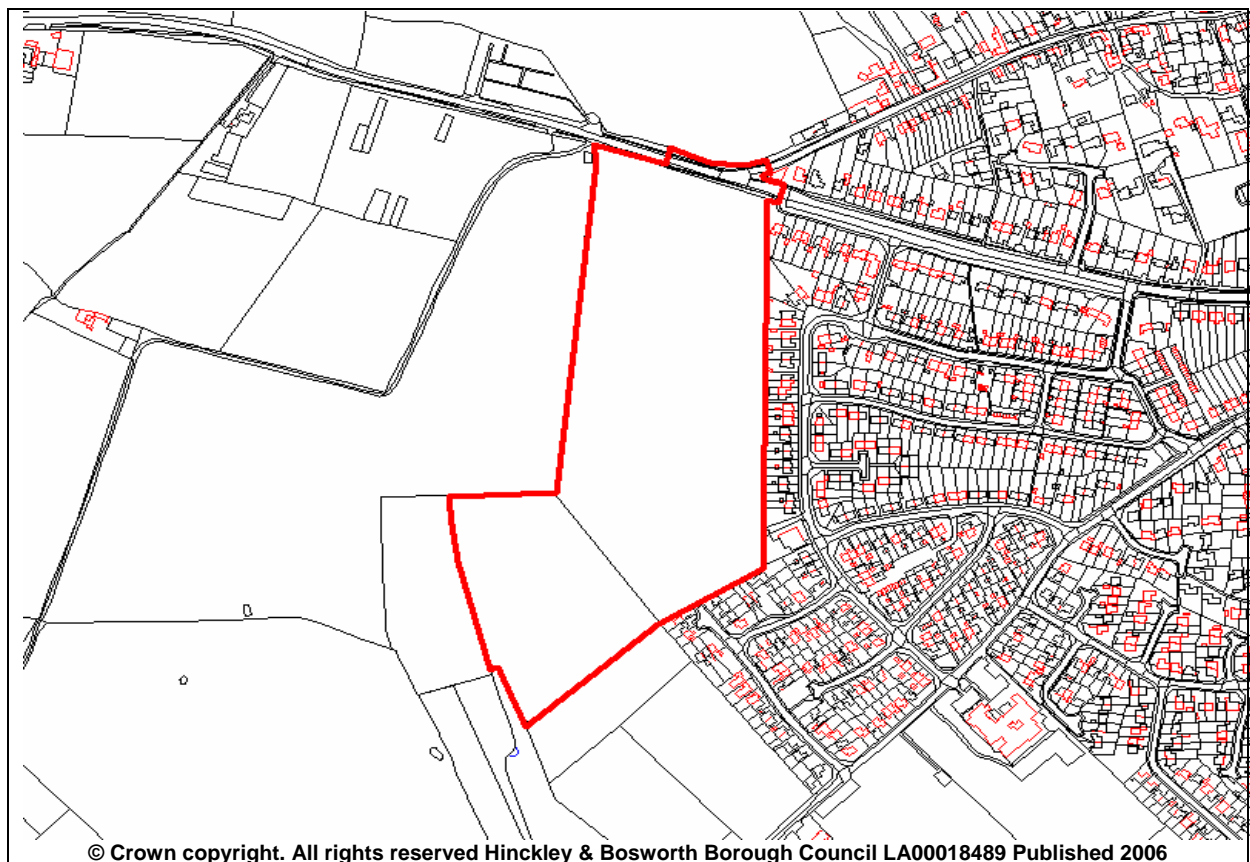
provision of a sustainable drainage (SUDs) system is planned and it indicates how the layout aims to provide a sense of character at the new entrance from Hunts Lane.

A planning statement provides an explanation of how the proposal seeks to satisfy Core Strategy Policies and 5 year land supply and provides general justification for the proposal given its countryside and edge of settlement location and its selection as a preferred option for the extension of Desford in the emerging Site Allocations DPD.

A Housing Needs Statement and Addendum have been produced to demonstrate the need in Desford for the proposed number of dwellings.

History:-

None relevant.



Consultations:-

No objections subject to conditions have been received from:-

- Head of Business Development and Street Scene Services (Waste Minimisation)
- Head of Community Services (Pollution)
- Directorate of Chief Executive, LCC (Ecology)
- Director of Environment and Transport (Highways)
- Severn Trent Water
- The Environment Agency
- The Leicestershire Constabulary Crime Reduction Officer
- Head of Corporate and Scrutiny Services (Green Spaces).

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

- | | | |
|----|---|-------------|
| a) | Director of Children and young Peoples Services (Education) | |
| | • Total contribution (Primary School Requirement) | £205,683.17 |
| b) | Director of Environment and Transport (Civic Amenity) | |
| | • Any unit | £45.19 |
| c) | Director of Adults and Communities (Libraries) | |
| | • 1 bed unit | £27.18 |
| | • 2 bed unit | £54.35 |
| | • 3 or more bed units | £63.41 |

The National Health Service has registered an interest in receiving a developer contribution towards healthcare. They note that any contribution must comply with CIL and state that they are realigning their justification to comply with CIL. However, no details of, or justification for, a contribution have been submitted.

Director of Chief Executive (Archaeology) having assessed the information submitted by the applicant have requested that field evaluation, including trial trenching, is undertaken before this application is determined.

Desford Parish Council has concerns about the maintenance of the open spaces and expects the developer to make a financial contribution to cover these costs. They question the need for additional allotments, noting that there is adequate local provision and no waiting list for allotments. Concerned that there provision could be a long term financial burden and would prefer to see the provision of other types of open space, such as informal mounds and hills for cycling or sledging.

Site notice and Press notice were displayed and neighbours notified.

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

- a) Adverse impact upon existing local infrastructure
- b) intrusion into open countryside which will spoil setting of Desford
- c) additional traffic and associated impact upon highway safety
- d) loss of existing vegetation
- e) contrary to planning policy and more dwellings than originally proposed
- f) adequate brownfield land suitable for development elsewhere
- g) overlooking and loss of privacy
- h) question future maintenance of hedgerows and ditches
- i) asking for clarification of details – distances to new dwellings, retention of trees and hedgerows and future of open space?
- j) loss of views
- k) reduction in property values
- l) noise, disturbance and dust associated with the construction of the development
- m) will exacerbate existing surface water drainage problems
- n) no need for proposed footpath link
- o) applicants will gain financially
- p) proposed bus stop will disturb neighbour and have an impact upon highway safety.

At the time of writing the report comments have not been received from Cyclists Touring Club.

Policy:-

National Policy

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

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

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

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

- a) Achieving high quality housing.
- b) ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- c) the suitability of a site for housing, including its environmental sustainability.
- d) using land effectively and efficiently.
- e) ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

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

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 Statement 25 – Development and Flood Risk aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate

development in areas at risk of flooding, and to direct development away from areas of highest risk.

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

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

Regional Policy

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

The Local Development Framework Core Strategy 2009

Policy 7 supports housing development in the Key Rural Centres, which include Desford.

Policy 8 allocates a minimum of 110 dwellings within Desford to allow for flexibility in the level of housing provision.

Policy 14 encourages the provision of a range of sustainable transport to support accessibility within rural areas.

Policy 15 seeks the provision of Affordable Housing on residential proposals at the rate of 40% with a tenure split of 75% social rented and 25% intermediate housing.

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

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

Hinckley and Bosworth Local Plan 2001

The site is outside the settlement boundary of Desford 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 refers to residential proposals on unallocated sites and states that residential proposals on such sites will be granted planning permission if they lie within the boundaries of a settlement area and the siting, design and layout does not conflict with the relevant plan policies.

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

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

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

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

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

Supplementary Planning Guidance/Documents

Supplementary Planning Guidance for Residential Development.

Supplementary Planning Documents concerning Play and Open Space and Sustainable Design.

Landscape Character Appraisal.

Other Material Considerations

The application site has recently been publicised as a preferred option for allocation for a residential development in the Draft Site Allocations and Generic Development Control DPD. This does not, by itself, provide justification for permitting development ahead of the plans adoption as explained in Para 17, of ODPM's Planning System General Principles guide and detailed above.

Appraisal:-

The main considerations with regards to this application are: the principle of development; the five year housing land supply; housing need in Desford; impact on the character and appearance of the countryside; impact on the highway network; affordable housing; developer contributions, flooding & drainage, ecology and archaeology and other matters.

There are a number of significant material considerations in the determination of this application and this report approaches and appraises each of the issues separately and then seeks to apportion material weight and draw conclusions on the proposals acceptability.

Principle of Development

The proposed development site is located on the western fringe of Desford adjacent to existing residential uses to the east ,open fields to the west and south and Hunts Lane to the north.

The site is reasonably accessible by bus and car, with a footway along Manor Road linking into the centre of Desford. A footpath link is proposed from St Martins Drive.

The site is outside the settlement boundary of Desford as defined by the Local Plan proposals map and is therefore considered as being in open countryside. Policy NE5 seeks to protect the countryside for its own sake and states that planning permission will only be granted for development that is important to the local economy, for the change of use of existing buildings or for sport and recreation.

The application is therefore contrary to this policy unless there are material planning considerations that indicate that it is acceptable on other grounds and that those considerations outweigh the harm caused to policy by the development.

The availability of land locally and the 5 year supply of land are considered in detail below.

Housing Supply

The East Midlands Regional Plan (March 2009) forms part of the statutory development plan providing the overarching policy context for the consideration of planning applications of strategic importance in the Region. The Secretary of State has recently written to local authorities stating that it is the Government's intention to abolish regional spatial strategies and return decision making powers on housing and planning to local councils. Consequently decisions on housing supply should be made by local planning authorities without the framework of regional numbers and plans. Local Planning Authorities and the Planning Inspectorate should have regard to his letter as a material planning consideration in any decisions they are currently taking.

However, the East Midlands Regional Plan has not been formally abolished until the Localism Bill has been enacted and therefore it still forms part of the statutory development plan, therefore its content in relation to housing figures is still relevant.

The Hinckley and Bosworth Core Strategy was adopted in December 2009 and the housing figures contained in the Core Strategy were based on the figures set in the East Midlands Regional Plan which are based on robust and reliable information relating to the local area. As part of the production of the Core Strategy the Borough Council took into account a number of evidence base documents which informed current and future levels of need and demand for housing.

The Council does not have a 5 year housing land supply; it currently stands at 4 years. With respect to PPS 3 the contribution which this site would make to that shortfall carries some weight.

Housing Need in Desford

Core Strategy Policy 8 states that land will be allocated in Desford for a minimum of 110 new homes. This application proposes the development of up to 150 dwellings. As part of the Core Strategy evidence base the Authority produced a Rural Housing Needs Methodology Paper which used the 2004 population projections as a baseline for the distribution of housing across the rural area.

On the basis of this methodology and subsequent completions the baseline figure which has been agreed with the applicant is 116 dwellings. This application would create an over provision of up to 34 dwellings. In accordance with Policy 8 applicants are expected to demonstrate that the number, type and mix of housing proposed will meet the needs of Desford.

The spatial vision for the rural areas is that services will be maintained so that centres such as Desford continue to act as sustainable hubs for their own populations and surrounding villages. This is to be achieved by maintaining 2004 population levels unless monitoring and review under paragraph 4.12 of the Core Strategy indicates that the maintenance of services requires a higher level of population growth and development. In April 2011 the Authority produced a policy advice note on Demonstrating Housing Need in Rural Areas, describing the evidence that is required where the proposed housing numbers exceed the minimum number of houses specified in the Core Strategy. In this case the applicants have submitted a Housing Needs Statement ,together with an addendum which was produced in response to the initial comments of officers to demonstrate the need for the erection of the number of dwellings proposed by this development. The previous comments from the Authority on the issue of housing need requested the applicant to identify whether the delivery of the additional dwellings (now agreed at 34 dwellings) would enable existing service provision to function more effectively. Services such as school enrolments, capacity for school expansion, surgery capacity and public transport services were given as a guide.

The applicant considers that their needs statement provides evidence which justifies the provision of up to 34 dwellings more than the agreed baseline. It states that a development of up to 116 dwellings would not bring forward many of the benefits of a development of up to 150 dwellings .It assesses public open space, education, health care, library provision and transport sustainability , all of which are considered below.

The applicant has stated that a development of up to 116 dwellings would not enable an over-provision of open space to be provided on site. While additional open space is advantageous to the community and adds to the sustainability credentials of the scheme, an over-provision is not a requirement of planning policy. It must also be noted that the over provision of open space would probably not accord with Circular 05/05 or the Community Infrastructure Regulations 2010 (CIL).

The applicants' needs statement identifies the local primary school is nearing capacity and that the school is taking steps toward creating additional capacity. In addition the statement also identifies that Desford Medical Centre is nearing capacity but can accommodate approximately 89 additional patients. It is appreciated that the development of a lower number of dwellings would result in reduced contributions, but less dwellings would also reduce the pressure on place provision at the school and medical centre. It is not therefore considered that the provision of an additional 34 dwellings would enhance the school and medical centre to enable them to function more effectively. These figures demonstrate that

these services are not at risk of closure and are in fact nearing capacity at this moment in time.

In relation to Desford Library, it is appreciated that the development of a lower number of dwellings would result in fewer new materials, but it would also result in reduced demand on the service. In addition there is no evidence to suggest that an increase of up to 34 dwellings above that prescribed by the Core Strategy would result in longer or additional opening hours.

In relation to transport sustainability, it is not clear why a pedestrian link in the south east corner of the site could not be delivered as part of a scheme for 116 dwellings opposed to 150 dwellings. It is also difficult to comment on an indicative design relating to connectivity and its benefits for 150 dwellings opposed to one for 116 dwellings because a revised illustrative plan for 116 dwellings has not been presented to the authority.

It is understood that a higher population can increase patronage for existing public transportation however there is no evidence to suggest that an additional 34 dwellings would result in an increased number or frequency of buses. In addition there is no evidence to suggest that these services are currently under threat.

The applicant has demonstrated that through contributions the impacts of the additional dwellings could be mitigated in relation to these services. It is considered however that these services would be maintained and enhanced to service the identified housing increase of 116 without the additional contributions supplied through the additional 34 dwellings. It is considered that the applicant has not adequately demonstrated that service provision would not function effectively without the additional 34 dwellings.

Character and Appearance of the Countryside

The site lies outside the defined settlement boundary for Desford and is within the Countryside.

It is a single, irregularly shaped arable field forming part of the setting of Desford . The site slopes away from Hunts Lane and is a significant feature when approaching Desford from Newbold Verdon. It is well defined by existing hedges and a few trees.

The application seeks to demonstrate that the development of the site will not result in any adverse visual impact on the character of the area. The open agricultural character will, inevitably, be lost through the developed and urban feel of a residential development. However the application has demonstrated that there will be opportunities to ensure the balance between providing homes and providing an attractive and green development of a high quality through the reserved matters process.

Whilst the current application is only in outline form, any reserved matters application would be required to demonstrate how the scale, layout, appearance and landscaping of the site further ensure the development assimilates within the site and does not have an adverse impact upon the adjacent countryside. Careful consideration will need to be given to the scale and layout of dwellings and the proposed structural landscaping will be a conditional requirement to ensure that an appropriate and high quality development is achieved.

The impact of the development of this site upon the character and appearance of the countryside was assessed during the production of the Core Strategy. While the proposal would have an impact it is not reasonable reason to resist the development on this basis.

Highways

The application proposes to create a vehicular access from a new roundabout on Hunts Lane.

The Director of Environment and Transport (Highways) has no objection to the proposal subject to conditions.

Impact on Neighbours

The impact on adjacent occupiers would be a primary consideration at the reserved matters stage when the scale, layout and appearance would be submitted.

Any reserved matters application would need to satisfy the requirements of the Council's Adopted Supplementary Planning Guidance on New Residential Development to ensure that the development accords with Local Plan Policy BE1.

A number of neighbour objections have been received on the grounds of privacy and overlooking and uncertainty about some of the details of the proposed development. These matters would be addressed at the reserved matters stage. In the current outline application there is no information or indication that the development will result in any adverse and material impact upon adjacent neighbours.

Arising issues of noise and pollution during construction are not considered to be material considerations in the determination of this application. Comments relating to loss of views and property values are also not considered to be relevant.

While the development will give rise to increased traffic there is no evidence that suggests this would be to the detriment of either existing residents or general highway safety.

Comments relating to impact upon existing vegetation and the future maintenance of landscaping could reasonably be addressed at the reserved matters stage.

The reference to surface water drainage is noted, but there is no evidence that the site would not be adequately drained.

Affordable Housing

The applicant has committed to providing 40% affordable housing within the draft Heads of Terms with tenure split which is in accordance with Core Strategy Policy 15. The likely number of affordable units and the mix of dwelling types has not been determined at this stage.

The provision of affordable units would be secured through a Section 106 Agreement.

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, 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 consultation responses set out in the above sections of this report specify the requests from Leicestershire County Council for contributions towards highways (public transport), libraries, Rights of Way and civic amenity per dwelling. An unspecified request has also been received from the National Health Service.

The contributions requested by the National Health Service, Amenity and Libraries fail to demonstrate the impact of the development and how this justifies the need for the contribution and or works and the value of it.

The request by LCC Education is believed to be CIL compliant.

The applicants have agreed to the provision of a mix of on site open space together with a contribution for the future maintenance of these areas, in accordance with relevant policies and the Play and Open Space Guide SPD (2008). The final adoption of these areas would be agreed before a legal agreement was completed.

The provision and maintenance of the open space would be included in a Section 106 Agreement.

The application has agreed heads of terms based upon the requested CIL compliant contributions that are discussed above.

Flood and Drainage

The Environment Agency have confirmed that they have no objection to the proposal, subject to conditions. Details of drainage would be submitted at the reserved matters stage and the Environment Agency would be consulted again at that point.

Severn Trent Water raises no objection to the proposal but have asked for a condition in respect of drainage details to be submitted. Historically the development control process has sought to control the design of drainage systems, however in more recent years further control is now delivered through the Building Regulations and by Severn Trent Water (as the service provider) and the drainage scheme that has been approved by the planning authority is usually subject to change. In line with recent appeal decisions and Planning Inspector opinion, drainage details should no longer be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary

Ecology

The submitted Habitat Survey Report confirms that there is no overarching ecological interest within the site other than that of the potential for nesting birds during certain times of the year. The indicative masterplan shows that the boundary hedgerows will be retained as far as possible to avoid unnecessary loss. The statutory controls of the Wildlife and Countryside Act and others will ensure no work can take place to the hedgerows during the nesting season.

Archaeology

The applicants have produced a desk based archaeological assessment and a geophysical assessment. These identify little of likely archaeological interest. The applicant has stated that they are prepared to dig trial trenches before submitting reserved matters and take

account of any findings in the final layout of the development. This approach has been accepted on another development elsewhere in the county .

The County Archaeologist does not accept this approach in this case and has requested that the trial trenching is undertaken before this outline application is determined. After careful consideration this is felt to be unreasonable in this case and it is proposed that if permission were to be granted a condition would be imposed to secure trial trenching before development commences.

Conclusion

The principal issue to consider in the determination of the application is the need for the additional dwellings above the agreed baseline of 116 dwellings. In accordance with Core Strategy Policy 8 the applicant was requested to demonstrate the need for these dwellings.

It should be noted that the aim of the Core Strategy is not to accommodate and mitigate a growing population in rural areas, but to maintain population levels and service provision. It is considered that the applicant has not adequately demonstrated that service provision would not function effectively without the additional 34 dwellings. Consequently, it is considered that the proposal would be contrary to Policy 8.

RECOMMENDATION:- REFUSE for the following reason:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reason:-

- 1 In the opinion of the Local Planning Authority, the applicant has failed to provide information which adequately demonstrates housing need in Desford in excess of the agreed baseline of 116 dwellings. The proposal would therefore fail to meet the requirements of Policy 8 of the adopted Core Strategy.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Scott Jackson Ext 5929

Item: 02
Reference: 11/00431/FUL
Applicant: Midlands Co-operative Society
Location: The George Inn 78 Main Street Markfield Leicestershire LE67 9UU
Proposal: DEMOLITION OF NO. 84 AND 86 MAIN STREET AND BUILDINGS TO REAR OF 78 AND ERECTION OF 6 NEW DWELLINGS AND 4890 SQUARE FOOT OF RETAIL.
Target Date: 31 August 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 a mixed use development comprising a new food retail unit to be located to the rear of the former George Inn public house together with 6 new dwellings and associated car parking and vehicular access.

This planning application is a resubmission of 11/00195/FUL which was withdrawn. This planning application proposes the following changes from the proposal which was withdrawn:-

- a) Three dwellings to front and three to rear opposed to two at front and four to the rear
- b) amendments to the car parking layout
- c) the inclusion of a gated access to differentiate between the private parking to the dwellings and the co-operative car park.

The proposed retail unit will replace (albeit in a different location) the existing Co-operative food store which will be demolished. The new retail unit will be constructed adjoining the rear wall of the former George Inn public house where there is currently located a range of single storey buildings that were used as a restaurant for the public house.

The existing Co-operative foodstore, fronting Main Street, will be replaced with 3 two-storey residential properties. A terrace of three two-storey residential properties is also proposed to the rear of the existing Co-operative food store and will be sited towards the northern boundary of the site.

The existing vehicular access located between the Co-operative food store and the George Inn public house will be widened to enable access to the rear of the store. 19 car parking spaces are proposed to the rear of the proposed retail unit, together with 3 disabled parking spaces, a cycle rack and a covered trolley bay. 12 parking spaces are proposed on the northern side of the site to serve the proposed residential properties. A gated access and tactile paving is proposed to differentiate between the private parking for the proposed dwellings and the public car park to serve the proposed food store.

The proposed replacement food store will provide 4890 square feet of retail floor space with associated loading area, bin storage and external plant equipment. The existing former

George Inn public house building fronting Main Street, will be retained and used for staff facilities in association with the new retail unit.

Members are advised that this application is read in conjunction with planning application 11/00455/CON for Conservation Area Consent to demolish 84-86 Main Street (existing Co-operative store) and buildings to the rear of the former George Inn public house, this application is also under consideration on this agenda.

The Site and Surrounding Area

The site is located within the centre of the settlement of Markfield, within the conservation area. The application site extends to some 0.35 hectares to the rear of Main Street and is occupied by the existing Co-operative food store and the former George Inn public house with adjoining ancillary buildings. The land to the rear of the site is vacant and relatively overgrown. There are a number of mature trees along the boundary of the site. The land slopes away from the highway from west to east.

The land surrounding the site is residential in nature and this largely consists of modern bungalows along the northern and eastern boundaries of the site. The residential properties to the north and east of the site are located on lower ground level than the application site. The street scene along the eastern side of Main Street is characterised by traditional two storey linked cottages with occasional breaks between properties and by the two storey former George Inn public house which is boarded up along Main Street.

Technical Documents submitted with application

The application is accompanied by a design and access statement, affordable housing statement, conservation statement, phasing statement, parking statement and a background noise survey. The design and access statement provides a policy appraisal to justify the proposed scheme and states that the proposed development pays good regard to the character of the surrounding area and would be a positive addition to the area, providing a scheme of high quality design.

The affordable housing statement states that 6 dwellings are proposed on the site and provision has been made for 2 no 2 bedroom social rented dwellings to included.

The conservation statement states that the development is designed to fit in with the Markfield conservation area and meets the aspirations of development for the site as set out in the Markfield Conservation Area Appraisal.

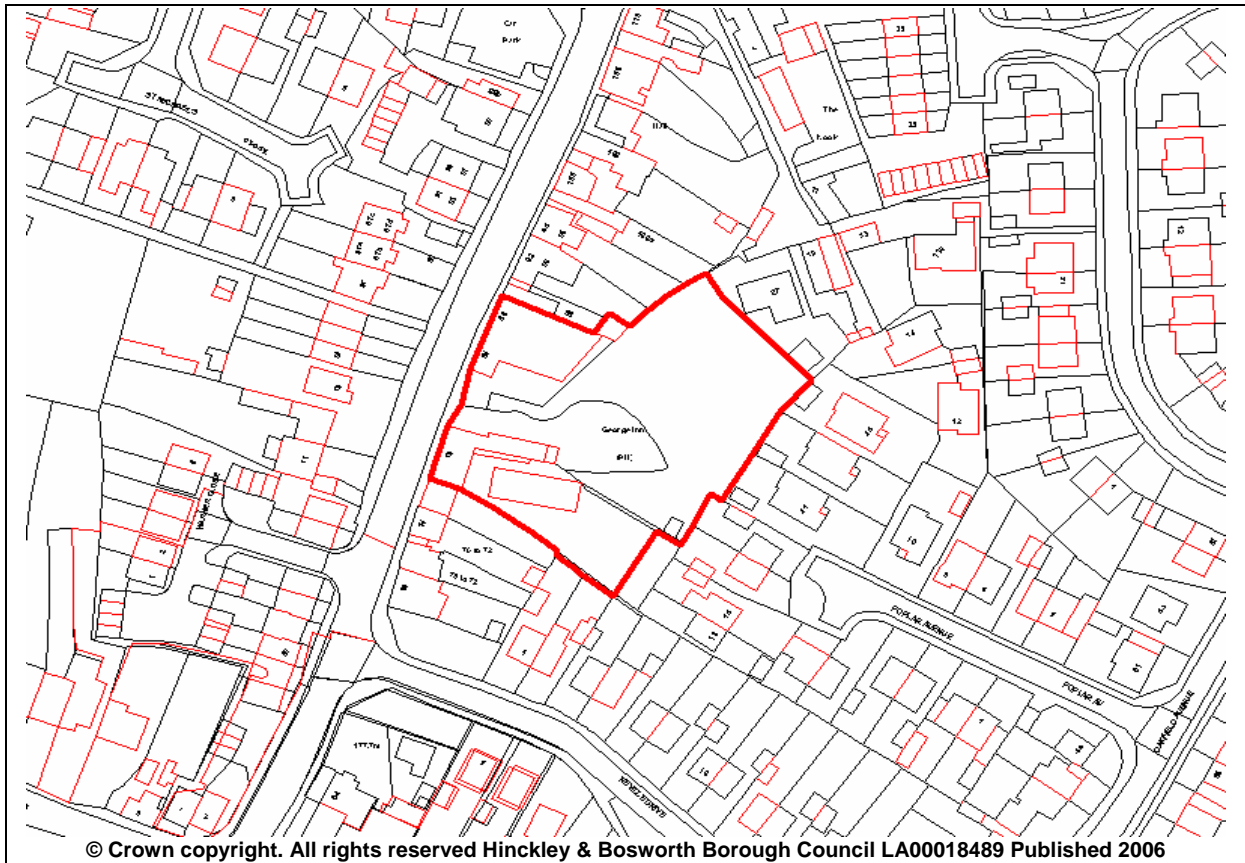
A phasing strategy has been provided which states that the buildings to the rear of the George Inn public house will be demolished first and then the conversion of the pub and construction of the new retail store will take place. The existing Co-operative food store will be demolished and the area tidied up until such time that the residential part of the scheme is constructed.

The parking statement sets out the number of parking spaces that are required for both the retail and residential elements of the scheme. It states that 19 customer parking spaces will be provided, 2 of which will be staff parking spaces, 3 disabled parking spaces, a cycle rack and 12 residential parking spaces based on 2 spaces per dwelling.

The Background Noise Survey was produced to monitor background noise at the application site and particularly during the night and evening. The report concluded that noise is considered marginal and that planning permission should not be refused on noise grounds.

History:-

11/00195/FUL	Demolition of 84 and 86 Main Street and buildings to rear of 78 Main Street and erection of 6 new dwellings and 4890 square feet of retail space.	Withdrawn	
11/00196/CON	Conservation Area Consent to demolish 84 and 86 Main Street and buildings to rear of 78 Main Street	Withdrawn	
08/00911/FUL	Resurfacing and landscaping of existing car park	Withdrawn	
08/00385/FUL	Enlarged car parking area	Withdrawn	
97/00296/FUL	Alterations and extensions to Public house	Approved	29.05.97



Consultations:-

No objection has been received from the Environment Agency.

No objection subject to notes to applicant has been received from the Directorate of Chief Executive (Ecology).

No objection subject to conditions have been received from:-

The Leicestershire Constabulary Crime Reduction Officer
Director of Environment and Transport (Highways)
Severn Trent Water Ltd.

The Head of Community Services (Pollution) has commented on noise and light pollution issues and requests further information regarding noise levels associated with the scissor lift and external plant, delivery hours, types of delivery vehicles, alternative locations for the bin store and potential additional uses of the external storage area. This information has been requested and will be reported as a late item.

A site notice was displayed and neighbours notified. Four letters of objection have been received raising the following issues:-

- a) Noise from fans and air conditioning units
- b) the delivery hours will result in noise pollution at unsocial times
- c) devaluation of property prices
- d) the proposed phasing of works will result in an empty site until such time that it is developed
- e) trees within the rear garden of 5 Neville Close have not been accounted for
- f) the ground levels have been built up over recent years and should be lowered to reflect land levels surrounding the site
- g) due to the elevated nature of the site an appropriate drainage system needs to be installed
- h) the local ecology has not been appropriately addressed
- i) the planting areas and species proposed are not adequate and does not include native species
- j) no development should take place under the existing large Ash tree
- k) the mixing of uses will result in anti-social behaviour problems
- l) no regard given to the mixing of pedestrians and vehicles at the site access point on Main Street
- m) impact on neighbours through increased noise and pollution
- n) impact on neighbours through noise from demolition and construction phases
- o) light pollution from external lighting
- p) light from car headlights into upper floor bedroom windows
- q) maintenance of planting area between public and private parking areas
- r) open site which encourages people to enter the car park once the retail store is closed
- s) no speed control measures included within the scheme
- t) vermin ingress in the bin store area
- u) overlooking to rear garden of 27 Poplar Avenue
- v) properties to the rear are located closer to the northern boundary.

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

Historic Buildings Panel Leicestershire Archaeological and Historic Building Unit
Cyclist Touring Club
Head of Community Services (Land Drainage)
Markfield Parish Council
Ward Members.

Policy:-

National Policy 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 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. It states that Local Planning Authorities should respond positively to planning applications for the extension of shops in local centres and villages which are designed to improve their viability.

Planning Policy Statement 5: Planning for the Historic Environment sets out the Government's objectives on the conservation of the historic environment. It states that Local Planning Authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal.

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.

Regional Policy

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

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.

Local Development Framework Core Strategy 2009

Policy 7 seeks to ensure that there is a range of employment opportunities within the Key Rural Centres and supports new retail development to meet local need providing it has no detrimental impact on Hinckley town centre.

Policy 8 supports the expansion of the local supermarket to provide more choice for local people, including an increase in car parking. It also requires new development to respect the character and appearance of the Markfield Conservation Area.

Policy 15 sets out the affordable housing targets for development according to a hierarchy of settlements. In rural areas such as Markfield development of 4 dwellings or more requires that 40% of affordable housing be provided on site.

Policy 21 states that all development within the National Forest should be appropriately sited and scaled according to its setting within the forest.

Policy 24 states that residential development within Key Rural Centres such as Markfield will be expected to meet the sustainability targets as set out in Building a Greener Future.

Hinckley and Bosworth Local Plan 2001

The site lies within the settlement boundary of Markfield 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 BE7 requires new development to preserve or enhance the character and appearance of the conservation area and to be in sympathy with the merits of neighbouring development.

Policy RETAIL 7 states that planning permission will be granted for retail development to serve the local community on Main Street in Markfield provided that development doesn't result in loss of residential amenity, utilise an inadequate vehicular access and result in under provision of off-street parking, access and servicing facilities.

Policy REC3: New Residential Development - Outdoor Play Space for Children requires the appropriate level of open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

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

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

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

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

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

Supplementary Planning Guidance

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.

The Markfield Conservation Area Appraisal 2010 states that the modern development along Main Street detracts from the prevailing scale, form and grain of the conservation area. In particular this appraisal identifies the land to the rear of the George public house and Co-op as being important to providing additional parking and seeks to ensure that new development contributes positively to the character or appearance of the conservation area.

Appraisal:-

The main considerations with regards to this application are the principle of development, impact on neighbour amenity, impact on the conservation area, highway issues, affordable housing provision, developer contributions and other matters.

Principle of development

The site consists of an existing retail use and a former public house. The proposals are to expand the existing retail store operations and convert the public house to provide staff facilities. The site in question also consists of an overgrown piece of car parking land to the rear of the public house. The public house has been vacant for a number of years and is identified as being a Significant Local Building within the Markfield conservation area appraisal. The proposed development will extend local shopping facilities and provide more choice to the local population. It will also provide additional employment opportunities and ensure that a Significant Local Building within the conservation area is retained. The proposal is located within the defined shopping area for Markfield where retail development is considered acceptable and seeks to provide housing to meet local needs. For these reasons the proposed development is considered acceptable in principle.

Impact on neighbour amenity

The proposed bin store, external plant equipment and delivery area to the proposed retail store will be located to the side and rear, thereby bringing it closer to residential properties along Neville Close to the south. There is the potential for loss of amenity to these neighbours through noise, odour and vermin. A request for further information has been made by The Head of Community Services (Pollution) in relation to delivery hours, types of delivery vehicles, types of external plant machinery to be installed and noise associated with the delivery operations, including the scissor lift. The information in relation to noise, delivery

hours, external plant and use of the scissor lift has been requested from the applicant's agent and will be assessed as a late item once it is received.

A code of practice adopted by the Midlands Co-operative Society has been submitted with the planning application. This code of practice is rolled out to all stores in the ownership of the applicant and addresses issues in relation to health, safety and environmental impacts including pest control and mitigation of nuisance. Therefore the applicant company has identified that they have a responsibility to guard against vermin ingress and issues associated with the correct storage and disposal of waste.

The mixing of residential and retail uses and the potential for anti-social behaviour has been assessed by The Leicestershire Constabulary Crime Reduction Officer and some minor amendments to the proposed scheme have been advised. This is in respect of the layout of the development and the potential for anti-social behaviour to occur and for it to be designed out as much as possible. However it should be noted that there is an existing food retail store on the site adjacent to residential properties. Therefore this situation should remain relatively unchanged. Whilst planning can seek to design out crime if anti-social behaviour was to occur then it would be the responsibility of the police to ensure it is dealt with.

It should be noted that no direct overlooking of habitable room windows to 27 Poplar Avenue will take place from the terrace of three properties proposed to the rear of the site as this will entail a two-storey dwelling overlooking a bungalow. The deletion of the fourth plot from the rear of the site removes the potential for overlooking from upper floor windows into the rear garden of 27 Poplar Avenue to the north. The existing bungalow (27 Poplar Avenue) will largely screen any potential for overlooking from plots 4-6 but it will not remove the perception of being overlooked from the ground floor windows of 27 Poplar Avenue. Plots 4-6 are located no closer to the northern boundary with 27 Poplar Avenue than the previous application proposed. Therefore, in terms of their siting the proposed terrace of three properties to the rear of the site is not considered to result in overlooking to the rear garden of 27 Poplar Avenue.

The existing trees within the rear garden of 5 Neville Close to the south will not be impacted upon by the proposed development and the existing trees along the southern boundary are to be retained.

In terms of noise and dust generation from demolition and construction this will be limited to a short period of time and the planning system is concerned with land use planning and long term impacts. There are other statutory controls which exist that control statutory noise, disturbance and pollution.

It is accepted that the existing site level is approximately 0.8m higher than the properties along Neville Close to the south. This difference in ground levels would not result in vehicle headlights being level with the first floor bedroom windows of 1 Neville Close. Therefore there is no potential for loss of residential amenity through light spill from vehicle users of the proposed Co-operative food store car park. The finished levels would have to be raised significantly to allow light spill from vehicles into upper floor bedroom windows to take place. A condition will be imposed requesting finished levels of the proposed development. The provision of a closed boarded fence to a height of 1.9m proposed along the southern boundary of the site will also remove the potential for light disturbance from vehicle headlights.

A condition will be imposed requesting details of all external lighting to be provided for consideration by the Local Planning Authority to ensure that it does not impact detrimentally on neighbouring properties.

Impact on the conservation area

The proposed development has been considered by the council's conservation officer and agreed as being acceptable in principle. No objections have been raised by the conservation officer in relation to the design and scale of the replacement food store or to the retention of the former George Inn public house. It should be noted that the retail food store will be located to the rear of the George Inn and will not be higher in its finished ridge height. A small section of the proposed food store will be visible from the public highway but the majority of the development will be screened behind the George Inn façade. The George Inn, identified as a Significant Local Building in the Markfield Conservation Area Appraisal will be retained within the conservation area and will be re-used as part of the proposals. The new food store has been designed with a low profile barrel roof and glazed canopy entrance, use of natural materials, including timber cladding and low level brickwork is considered to be in keeping with the character and appearance of the conservation area and provides a positive contrast between the proposed new retail store and the George Inn public house which is a traditional building within the Main Street frontage. A condition will be imposed requesting samples, colours and finishes of all materials of construction to ensure the development is in keeping with the character and appearance of the conservation area. The proposed retail food store will also occupy a similar built footprint to the ancillary buildings attached to the rear of the public house that it is set to replace.

The external material finishes proposed to the row of three terraced properties to the Main Street frontage include brickwork, render and stone cladding together with detailing such as stone lintels and cills, brick quoins and exposed brickwork to the corners. Such features and finishes will ensure the development assimilates into the conservation area and reflect more recent residential development along Main Street. The proposed terraced properties to the Main Street frontage will be of similar scale, height and depth to existing terrace properties along Main Street and for this reason are considered to reflect the character and appearance of the Markfield Conservation Area.

With regard to the dwellings proposed to the rear of the site these have been designed in a row of terraced houses to reflect the linked, uninterrupted pattern of development along the Main Street frontage. The brickwork detailing to the eaves and the use of brick cills and lintels with timber windows and doors will provide a contrast between the modern dwellings to the rear and the position of these dwellings facing onto the Markfield conservation area boundary to the west.

Taking into account the elevated nature of the site the proposed retail food store has been designed so that it sits below the ridge height of the George Inn public house, thereby significantly reducing its visual prominence within the street scene.

Highway issues

The Director of Environment and Transport (Highways) has raised no issues in relation to the parking, access, visibility and pedestrian arrangements for the proposed retail store and dwellings. The scheme provides a pedestrian access into the site alongside the northern elevation of the proposed retail food store which allows pedestrians to access the store on foot from Main Street without having to enter the rear car park. At the point where the vehicular access meets Main Street there is a highway path to either side of the access so pedestrians are able to view traffic entering and leaving the site from all directions before crossing the access to enter the retail food store.

In view of the size of the proposed retail food store and its location within the centre of Markfield the proposed vehicle and cycle parking provision is compliant with the parking

standards set out in the Design Guidance for new developments by Leicestershire County Council.

It is considered that there is no requirement to install traffic calming measures within the site as there is sufficient demarcation between public and private parking areas and provision of sufficient footpaths within the site to allow pedestrians to safely access the proposed retail store.

The unrestricted access to the site is reflective of many publicly accessible spaces such as public car parks, market places etc. and public buildings that contain car parking such as public houses, libraries, shopping parades etc. This site was previously accessible to the public when the George Inn car park was in use. Although there is no access to vehicles at present time, the opening up of the access will reflect the situation when the pub car park was in use.

Affordable Housing Provision

The Core Strategy, adopted in December 2009, confirmed that in rural areas the requirement would be for 40% affordable housing to be provided for sites of 4 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 40% affordable housing with a tenure split of 75% for social rent and 25% for intermediate use. This is considered to fulfil the requirement for affordable housing. The proposals are for 2 dwellings for social rent to be provided within the proposed development.

As the properties in the rural 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

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 to the development proposed.

As the application proposes less than 10 residential units there will be no requirement for contributions towards libraries, civic amenity, education, and Primary Care Trust.

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 Mayflower Close Recreation Ground. 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 Green Space Strategy Audits of Provision 2005 categorised Mayflower Close as a neighbourhood park and awarded the park a quality score of 55.2%.

The Green Space Strategy Quality and Accessibility Audit 2005 also makes recommendations as to what works are required to improve the quality of Green Spaces and provides a cost. It states that in order to protect and enhance the quality of existing provision for children and young people would cost approximately £40,000 in Markfield.

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 £7504.80 is sought: (£4906.80 for the provision and £2598.00 for maintenance).

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 (40% which equates to two units)
- b) Play and Open Space £7504.80.

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

Further consideration of the request towards CCTV will be provided as a late item.

Other matters

Trees and landscaping

The Ash tree located along the eastern boundary of the site is an important tree and is shown to be retained. There is no requirement for this tree to be removed. A condition will be imposed which ensures that the car parking shown under the canopy of this Ash tree will be of a no-dig design to prevent the roots of the tree from becoming damaged.

The landscaping plan provided with the planning application is not considered to be acceptable in its submitted form. A condition will be imposed to request a further landscaping plan for the site which includes screening along the eastern boundary of the site, the removal of a small Ash tree (classed as T8 in the submitted tree plan) and the inclusion of native species that don't have the potential to conflict with the proposed development.

The area of landscaping shown along the northern boundary of the public car park to serve the retail food store is sited within the public car parking area. Therefore it will be the responsibility of the applicant to maintain this landscaping strip.

Ecology

The Directorate of Chief Executive (Ecology) has raised no objections in relation to the proposed development upon local ecology. However a watching brief note to applicant will be provided to ensure that development ceases should any protected species be discovered during the demolition or construction process.

Demolition and Construction

Due to the siting of the development within the conservation area and the proposed phased schedule of works put forward with the application two conditions are proposed to be imposed to protect the character and appearance of the conservation area. These conditions shall request a contract for demolition and construction works to be entered into with the relevant development contractor and an agreed phasing management plan to be agreed with the Local Planning Authority prior to any development commencing. This will ensure that the timings of work are adhered to and that the site is developed within a reasonable timescale so that the site is not left in an untidy or unsafe state nor with a large undeveloped gap within the Conservation Area.

Changes to land levels

Whilst it is accepted that the site is generally higher than the surrounding residential properties there is no information being provided to suggest that the land levels will be altered to result in loss of residential amenity.

Severn Trent Water raise no objection to the proposal but have both asked for conditions in respect of drainage details to be submitted. Historically the development control process has sought to control the design of drainage systems, however in more recent years further control is now delivered through the Building Regulations, Severn Trent Water (as the service provider) and the Code for Sustainable Homes and the drainage scheme that has been approved by the planning authority is usually subject to change. In line with recent appeal decisions and Planning Inspector opinion, it has been agreed locally that drainage details will no longer be required to be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary.

Although the site is elevated it is considered that an appropriately designed drainage scheme will be considered through the Building Control Process.

Devaluation of property prices

The devaluation of property prices is not a material planning consideration and therefore not relevant to this case.

Conclusion

By virtue of its scale, height, massing, siting and use of materials the proposed development is not considered to be detrimental to the character and appearance of the Markfield Conservation Area and is not considered to result in loss of residential amenity to neighbouring properties. The proposed development ensures the retention and re-use of a key building within the conservation area and results in the expansion and extension to a local community facility, thereby improving the range of services within the settlement. Accordingly the application is recommended for approval subject to the imposition of planning conditions and a signed Section 106 agreement or unilateral undertaking.

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 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 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 31 August 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. By virtue of its scale, height, massing, siting and use of materials the proposed development is not considered to be detrimental to the character and appearance of the Markfield Conservation Area and is not considered to result in loss of residential amenity to neighbouring properties or result in highway safety issues.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE7, RETAIL7, REC2, REC3, RES5, T5, T9, NE2 and IMP1.

Hinckley & Bosworth Local Development Framework Core Strategy (2009) :- Policy 7, 8, 15, 21 and 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:

6671PO1A, 6671P02A, 6671P03, 6671P04, 6671P05B, 6671P06B, 6671P08A, 6671P09A, 6671P10A, 6671P11B, 6671P12A, 6671P13A, 6671P14B, 6671P15A, 6671P16, 6671P17, MCS/HMP/DHB/TS/01 and MCS/HMP/DHB/LP/02 received on 01 June 2011.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed retail store and dwellings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 The demolition hereby permitted shall not be undertaken before a contract for carrying out of the works of re-development of the site has been made and agreed with the Local Planning Authority and full planning permission has been granted for the re-development for which the contract provides.
- 5 No development shall take place until a timetable for the scheduling of demolition and construction works has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed timetable of works
- 6 Before development commences, full details of the window and door style, reveal, cill, header treatment and materials of construction shall be submitted to and approved in

writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

- 7 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 B and C to all plots and Part 2, Class A to plot 1 shall not be carried out to the proposed dwellings unless planning permission for such development has first been granted by the Local Planning Authority.
- 8 No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 9 Works to the Ash tree within the car park to the new retail store hereby permitted (T1 as recorded in the submitted Arboricultural Plan reference MCS/HMP/DHB/TS/01) shall be restricted to crown raising of three metres only above ground level. All work shall be in accordance with BS 3998:1989 Recommendations for Tree Work.
- 10 Notwithstanding the submitted landscaping scheme no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - (i) means of enclosure and boundary treatments, including the provision of a gated access between the private and public parking areas
 - (ii) hard surfacing materials for both the private and public parking areas
 - (iii) planting plans
 - (iv) written specifications
 - (v) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - (vi) implementation programme.
- 11 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority
- 12 Before development commences, full details of the eaves and verge treatment, guttering and down pipe (including materials and method of fixing) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.
- 13 Prior to commencement of development a construction management plan, including wheel cleansing facilities and vehicle parking facilities, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details

- 14 For the period of the demolition and construction of the development, vehicle parking facilities shall be provided within the site in accordance with the provisions of the construction management plan
- 15 No development shall take place until a scheme for targeting and utilising local people for 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
- 16 Demolition and Construction hours shall be limited to 07:30-18:00hrs Monday to Friday and 08:00-13:00hrs Saturdays with no working on Sundays or Bank Holidays
- 17 Before development commences on site details of the method of constructing the areas of car parking beneath the canopy of the T1 and T8 Ash Trees shall be submitted to and approved in writing by the Local Planning Authority. The method of construction shall be of a no-dig design. The works shall be implemented in accordance with the approved details.
- 18 Any windows or doors at ground floor level on the Main Street frontage shall be of a type other than outward opening and shall be so maintained in perpetuity
- 19 No part of the development, its supports or foundations shall be positioned in, on, over, upon, or within any part of the public highway.
- 20 The existing vehicular accesses shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the LPA in consultation with the Highway Authority.
- 21 No development shall take place until details of an acoustic fence to be provided along the southern boundary of the site has been submitted to and agreed in writing by the Local Planning Authority. The acoustic fence shall be installed in accordance with the agreed details and shall thereafter be retained.
- 22 No development shall take place until details of all external lighting has been submitted to and approved in writing by the Local Planning Authority. The details shall include a layout plan together with beam orientation and a schedule of equipment proposed in the design of the lighting including luminaire type, mounting height, aiming angles and luminaire profiles. The lighting shall be installed in accordance with the agreed details and shall thereafter be retained.
- 23 The proposed retail store hereby permitted shall only be open to the public between the hours of 7am-10pm Monday to Saturday and 9am-10pm on Sundays and Public Holidays.
- 24 No development shall take place until a scheme for the provision of refuse and recycling storage and collection has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include accessibility to storage facilities for residents and refuse collection workers and shall make provision for adequate collection space on the adopted public highway.

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 policies BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.
- 4&5 To protect the character and appearance of the conservation area in the interests of visual amenity to accord with policy BE7 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that the development has a satisfactory external appearance to accord with policy BE7 of the adopted Hinckley & Bosworth Local Plan.
- 7 To safeguard the character and appearance of the Markfield Conservation Area and in the interests of highway safety and residential amenity in accordance with the requirements of Policies BE1, BE7 and T5 of the Adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that the development has a satisfactory external appearance to accord with policy BE7 of the adopted Hinckley & Bosworth Local Plan.
- 9 This is an important conservation area tree that makes a positive contribution to the character and appearance of the conservation area. Any further works would adversely affect the appearance of the tree and therefore its impact on the conservation area. In accordance with the requirements of Policy BE7 of the Adopted Hinckley and Bosworth Local Plan.
- 10 To ensure that the development has a satisfactory external appearance to accord with policy BE7 of the adopted Hinckley & Bosworth Local Plan
- 11 To enhance the appearance of the development to accord with policy BE1 and BE7 of the adopted Hinckley & Bosworth Local Plan.
- 12 To ensure that the development has a satisfactory external appearance to accord with policy BE7 of the adopted Hinckley & Bosworth Local Plan
- 13 To protect the amenities of surrounding properties and in the interest of highway safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 14 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 15 To ensure that the benefits of the development to the local area can be maximised to accord with Planning Policy Statement 4
- 16 To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 of the adopted Local Plan.

- 17 To ensure that the protection of these important conservation area trees in accordance with the requirements of Policy BE7 of the Adopted Hinckley and Bosworth Local Plan
- 18 In the interests of pedestrian safety in accordance with policy BE1 of the adopted Local Plan.
- 19 In the interests of highway and pedestrian safety in accordance with policies BE1 and T5 of the adopted Local Plan.
- 20 To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points in accordance with policy T5 of the adopted Local Plan.
- 21&22 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.
- 23 To ensure that the use remains compatible with the surrounding area in the interests of residential amenity, in accordance with policy BE1 of the adopted Local Plan.
- 24 To ensure that an appropriate method of storing and collecting refuse is provided in accordance with policy BE1 of the adopted Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.
- 6 The submitted landscaping plan and tree protection plan is not considered to provide appropriate planting and tree works to this important site within the conservation area. In relation to condition 10 you are therefore advised to liaise with the Local Planning Authority to discuss works to trees and appropriate landscaping.
- 7 Bats, nesting birds, great crested newts and certain other species are protected by law. A watching brief (maintained by the applicant and all workers on site) for all

protected species should be maintained throughout the development. 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.

Contact Officer:- Scott Jackson Ext 5929

Item: 03

Reference: 11/00455/CON

Applicant: Midlands Co- Operative Society

Location: The George Inn 78 Main Street Markfield Leicestershire LE67 9UU

Proposal: DEMOLITION OF NO. 84 AND 86 MAIN STREET AND BUILDINGS TO REAR OF 78 AND ERECTION OF 6 NEW DWELLINGS AND 4890 SQUARE FOOT OF RETAIL.

Target Date: 31 August 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it raises local controversial issues. The application also accompanies an application for full permission which is major development.

Application Proposal

This application is for conservation area consent to demolish the existing Co-operative food store and the buildings that adjoin to the rear of the former George Inn Public House in Markfield.

This application is a resubmission of planning application 11/00185/CON which was withdrawn on 16 May 2011. Members are advised that this application is read in conjunction with planning application 11/00431/FUL for the erection of a new 4890 sq ft retail food store to be erected to the rear of the former George Inn Public House and to erect 6 dwellings to the side and rear of 78 Main Street, Markfield.

The Site and Surrounding Area

The site is located within the centre of the settlement of Markfield, within the conservation area. The application site extends to some 0.35 hectares to the rear of Main Street and is occupied by the existing Co-operative food store and the former George Inn Public House with adjoining ancillary buildings. The land to the rear of the site is vacant and relatively overgrown. There are a number of mature trees along the boundary of the site. The land slopes away from the highway from west to east.

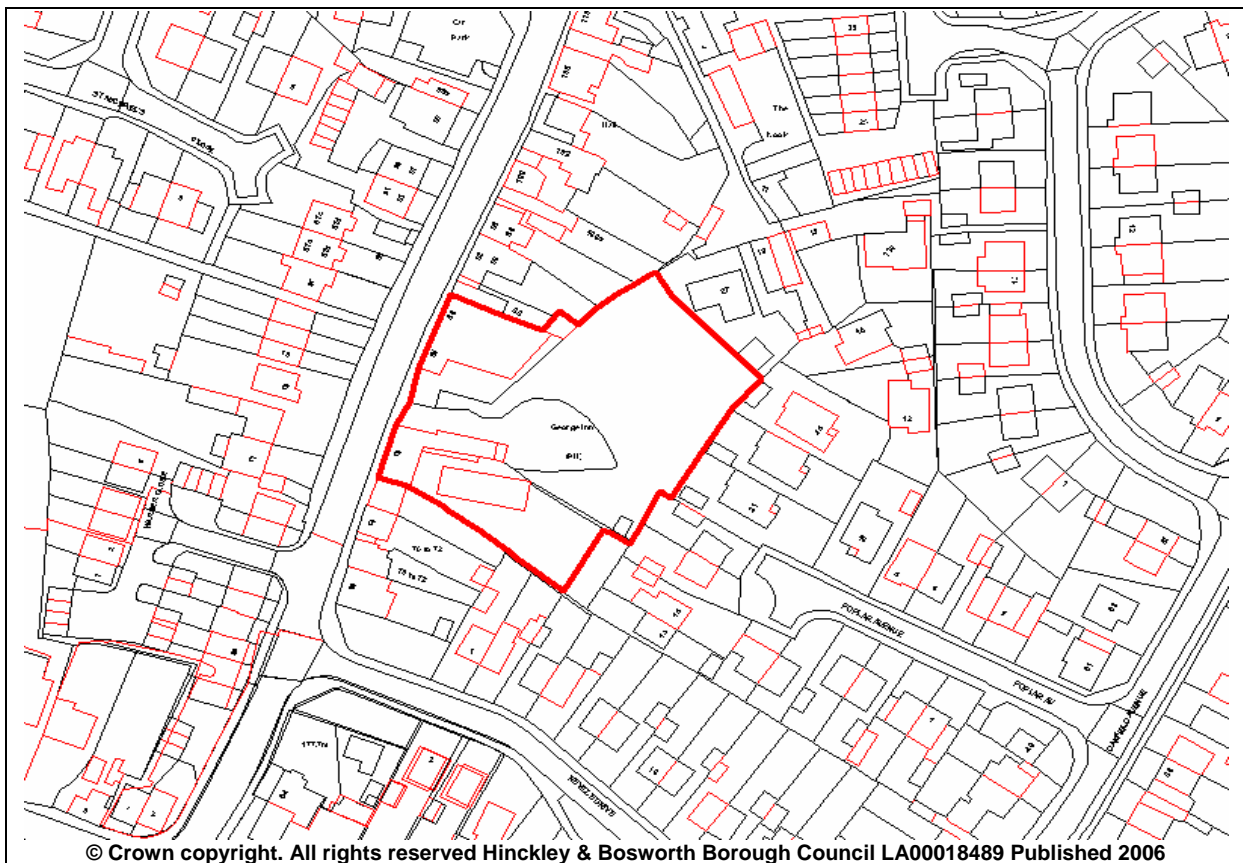
The land surrounding the site is residential in nature and this largely consists of modern bungalows along the northern and eastern boundaries of the site. The residential properties to the north and east of the site are located on lower ground level than the application site. The street scene along the eastern side of Main Street is characterised by traditional two storey linked cottages with occasional breaks between properties and by the two storey former George Inn Public House which is boarded up along Main Street.

Technical Documents submitted with application

The design and access statement provides a policy appraisal to justify the proposed scheme and states that the proposed demolition is required as the existing Co-operative store has a negative impact on the street scene and doesn't add to the character of the conservation area.

History:-

11/00195/FUL	Demolition of 84 and 86 Main Street and buildings to rear of 78 Main Street and erection of 6 new dwellings and 4890 square feet of retail space.	Withdrawn	
11/00196/CON	Conservation Area Consent to demolish 84 and 86 Main Street and buildings to rear of 78 Main Street	Withdrawn	
08/00911/FUL	Resurfacing and landscaping of existing car park	Withdrawn	
08/00385/FUL	Enlarged car parking area	Withdrawn	
97/00296/FUL	Alterations and extensions to Public house	Approved	29.05.97



Consultations:-

No objection has been received from:

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

No objection subject to note to applicant has been received from the Directorate of Chief Executive (Ecology).

A site notice was displayed and neighbours notified. Two letters were received raising no issues.

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

Directorate of Chief Executive (Archaeology)
Cyclist Touring Club
Markfield Parish Council
Ward Members.

Policy:-

National Planning Policy

Planning Policy Statement 5: Planning for the Historic Environment sets out the Government's objectives on the conservation of the historic environment. It states that Local Planning Authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal.

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

Regional Policy

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midland Regional Plan 2009

No relevant policies.

Local Policy

Local Development Framework Core Strategy 2009

No relevant policies.

Hinckley and Bosworth Local Plan 2001

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

Policy BE8 states that applications for the demolition of buildings in conservation areas will be refused except where it can be demonstrated that the loss of the building will not be detrimental to the character or appearance of the conservation area and that there are proposals for its replacement which would preserve or enhance the character or appearance of the conservation area.

Other Material Policy Guidance

The Markfield Conservation Area Appraisal 2010 states that the modern development along Main Street detracts from the prevailing scale, form and grain of the conservation area. In particular this appraisal identifies the land to the rear of the George public house and Co-op as being important to providing additional parking and seeks to ensure that new development contributes positively to the character or appearance of the conservation area. The photographic survey undertaken as part of the Markfield Conservation Area Appraisal identifies the Co-operative store as being 'brash and prominent' in its external appearance. It then states that consideration needs to be given to reduce its visual impact or its redevelopment as part of a comprehensive scheme involving the land to the rear.

Appraisal:-

The main considerations with regards to this application are the principle of demolition, impact of demolition upon the conservation area and the impact of demolition on neighbour amenity.

Principle of demolition

The proposed development involves the demolition of a building (Co-op store) within the conservation area that is identified within the Photographic Survey of the Markfield Conservation Area Appraisal as being to visually prominent within the street scene and should be redeveloped as part of a comprehensive scheme to the rear of the site. The proposal to demolish these buildings is considered acceptable in principle as the development ties in with planning application 11/00431/FUL which is for a replacement scheme that proposes development upon the areas of the site that are identified for demolition. It is therefore considered that there are proposals in place that would replace the demolished buildings and which would enhance the character and appearance of the conservation area.

Impact on the conservation area

It is noted that there is a replacement scheme in place that has been assessed under planning application 11/00195/FUL that is considered to enhance the character and appearance of the Markfield conservation area. However due to the siting of the development within the conservation area and the proposed phasing schedule of works put forward with the application two conditions are proposed to be imposed to protect the character and appearance of the conservation area. These conditions request a contract for demolition and construction works to be entered into with the relevant development contractor and an agreed phasing management plan to be agreed with the Local Planning Authority prior to any development commencing, this includes demolition. This will ensure that the timings of work are adhered to and that the site is developed within a reasonable

timescale so that the site is not left in an untidy or unsafe state nor with a large undeveloped gap within the Conservation Area.

Impact on neighbours

Noise and dust generated from the demolition and construction phases of development will be restricted to social hours of the day and will only take place for the duration of the works. Therefore noise will be expected during this time and will cease once development on the site is completed. Noise and disturbance from the demolition are considered to be temporary in nature and therefore do not warrant the refusal of the application. Construction and demolition parking can be accommodated in the large site to the rear. There are other statutory controls which exist that control statutory noise, disturbance and pollution. The imposition of conditions relating to demolition/construction timetables and phasing and parking to be provided within the site will ensure that there is no parking of vehicles on the surrounding highway and that demolition takes place within an agreed time frame to prevent continual disturbance to neighbouring residential properties.

Conclusion

The proposed demolition involves the removal of buildings that are considered to be detrimental to the character and appearance of the Markfield conservation area. There is a comprehensive replacement scheme under consideration that is considered to enhance the character and appearance of the conservation area. The impact of demolition upon the conservation area and the potential for construction to follow within a reasonable timeframe can be controlled by condition to ensure that the cleared site doesn't blight the conservation area for a long period of time. Furthermore the noise and disturbance from the demolition and construction are temporary in nature and doesn't warrant the refusal of planning permission, thereby meaning that the application is recommended for approval subject to conditions.

RECOMMENDATION: Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

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

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE8

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The demolition hereby permitted shall not be undertaken before a contract for carrying out of the works of re-development of the site has been made and agreed with the Local Planning Authority and full planning permission has been granted for the re-development for which the contract provides.
- 3 No development shall take place until a phasing scheme, which shall include a timetable for the scheduling of demolition and construction works for each phase, has been submitted to and agreed in writing by the Local Planning Authority. The

development shall be carried out in strict accordance with the agreed timetable of works.

- 4 Prior to commencement of development a construction management plan, including wheel cleansing facilities and vehicle parking facilities, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 5 For the period of the demolition and construction of the development, vehicle parking facilities shall be provided within the site in accordance with the provisions of the construction management plan
- 6 Demolition and Construction hours shall be limited to 07:30-18:00hrs Monday to Friday and 08:00-13:00hrs Saturdays with no working on Sundays or Bank Holidays.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004
- 2&3 To protect the character and appearance of the conservation area in the interests of visual amenity to accord with policy BE8 of the adopted Hinckley and Bosworth Local Plan.
- 4 To protect the amenities of surrounding properties and in the interest of highway safety to accord with policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of noise to accord with Policy BE1 of the adopted Local Plan.

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 Bats, nesting birds, great crested newts and certain other species are protected by law. A watching brief (maintained by the applicant and all workers on site) for all protected species should be maintained throughout the development. 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.

Contact Officer:- Scott Jackson Ext 5929

Item: 04

Reference: 11/00353/FUL

Applicant: Ideal Care Homes Ltd & Punch Partnership (PTL) Ltd

Location: The Middlefield Inn Tudor Road Hinckley Leicestershire LE10 0EH

Proposal: DEMOLITION OF PUBLIC HOUSE AND ERECTION OF RESIDENTIAL CARE HOME

Target Date: 1 September 2011

Introduction:-

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

Application Proposal

This is a full application for the demolition of the existing public house and the erection of a three storey 60 bed residential care home with associated car parking and communal gardens to the side and rear.

The proposed care home is an 'L' shape with the front elevation sited along the same building line as the existing Middlefield Inn public house which is proposed for demolition. The existing vehicular access to the west of the pub will be retained and will serve a car park to be located to the side of the proposed residential care home, in the 'L' The floor area of the proposed residential care home, including communal space is 2640 square metres.

An amended plan was received on 18 July 2011 showing the relocation of the proposed bin store 10m further north along the western boundary of the site and inclusion of two additional car parking spaces providing a total of 16 spaces and 2 disabled parking spaces.

The Site and Surrounding Area

The application site is currently occupied by the former Middlefield Inn public house which consists of the two storey building, beer garden to the rear, a large area of overgrown unused land to the rear and car parking to the front and side. There is level vehicle access across the majority of the site frontage facing onto Tudor Road. The site is located 1.5 miles to the north west of Hinckley Town centre within a residential area. There are retail uses immediately to the east of the site which consists of a convenience store, a hot food takeaway and an off licence. The land to the rear consists of the Hinckley Club for Young People and sports pitches. There are rows of terraced and semi-detached properties located to the west and opposite the site, these comprise two storey properties predominantly with hipped roofs.

The northern boundary of the site is bordered by a line of mature trees to a height in excess of 3m and a public footpath runs north to south adjacent to the western boundary. The line of mature trees also runs along the eastern boundary from north to south. There is a pedestrian crossing to the front of the site across Tudor Road located adjacent to the existing vehicular access. The site is a rectangular piece of land measuring 71m x 51m.

Technical Documents submitted with application

The planning application is supported by a number of technical documents including a Planning Statement, a Design and Access Statement, a Transport and Travel Plan, a Flood Risk Assessment and Drainage Strategy, a Contamination Report, a Tree Survey, a Site Waste Management Plan and a Ventilation/Extraction Statement and an ecological survey.

The planning statement provides a policy appraisal of all levels of planning policy and states that the proposed development is acceptable from a planning perspective. It concludes that the site constitutes brownfield land in a sustainable suburban location and that the development would positively enhance the character of the site and the surrounding area, whilst offering an important local community service which creates jobs and fulfils a social care need.

The Design and Access Statement provides a detailed overview of the site context and provides a design brief for the proposed development. It states that the aspirations for the site were to develop a contemporary and innovative care facility for older people which respects its setting and takes advantage of the site characteristics such as its wide highway frontage. In addition the document states that the layout of the proposed development provides a positive frontage onto Tudor Road with an attractive glazed gable feature and lively mix of materials. It concludes that the redevelopment of the site will have a positive impact on the area and will be sympathetic to the area in terms of its scale, design and use.

The Transport and Travel Plan Parts 1 and 2 examined the potential traffic attraction of the sites proposed use and its effects upon the local highway network. Its overall aim was to minimise the frequency of car trips to the site and reduce the use of cars as the preferred method of travel. Part 1 of this document concluded that the proposed use should result in a decrease in trip generation and a reduction in traffic impact on the local highway network. Part 2 of this document concluded that the site is located within a sustainable location, that there is sufficient provision for parking proposed within the site, that accessibility and provision for pedestrians and cyclists within the site is good and there are bus stops within reasonable walking distance of the site.

The Flood Risk Assessment provides a flood risk appraisal of the proposed development in line with Planning Policy Statement 25: Development and Flood Risk. It states that uses such as residential care homes are classified as 'More Vulnerable' uses and therefore should be located in areas of low flood risk only. The document states that the site is located within Zone 1 which is an area of lowest flood risk. The document assesses the existing topography and surface water regime of the site, assesses the proposed development and the implications for flooding this has. Recommendations are made to deal with surface water runoff and the report concludes that the proposal would not be flooded by adjacent sites nor exacerbate any existing flooding problems.

The Contamination Report undertook a historic development assessment of the site and accounted for its previous land uses. This was a desk study based exercise which states that ground investigation is required prior to redevelopment of the site and careful consideration needs to be given to the safe demolition and removal of material from the existing public

house. It concludes that the site is considered to represent a low risk in terms of its contaminated land liabilities.

The tree survey was undertaken to provide a detailed assessment of existing trees on the site in relation to the proposed development. It categorises them in relation to their health, structure, size and visual impact.

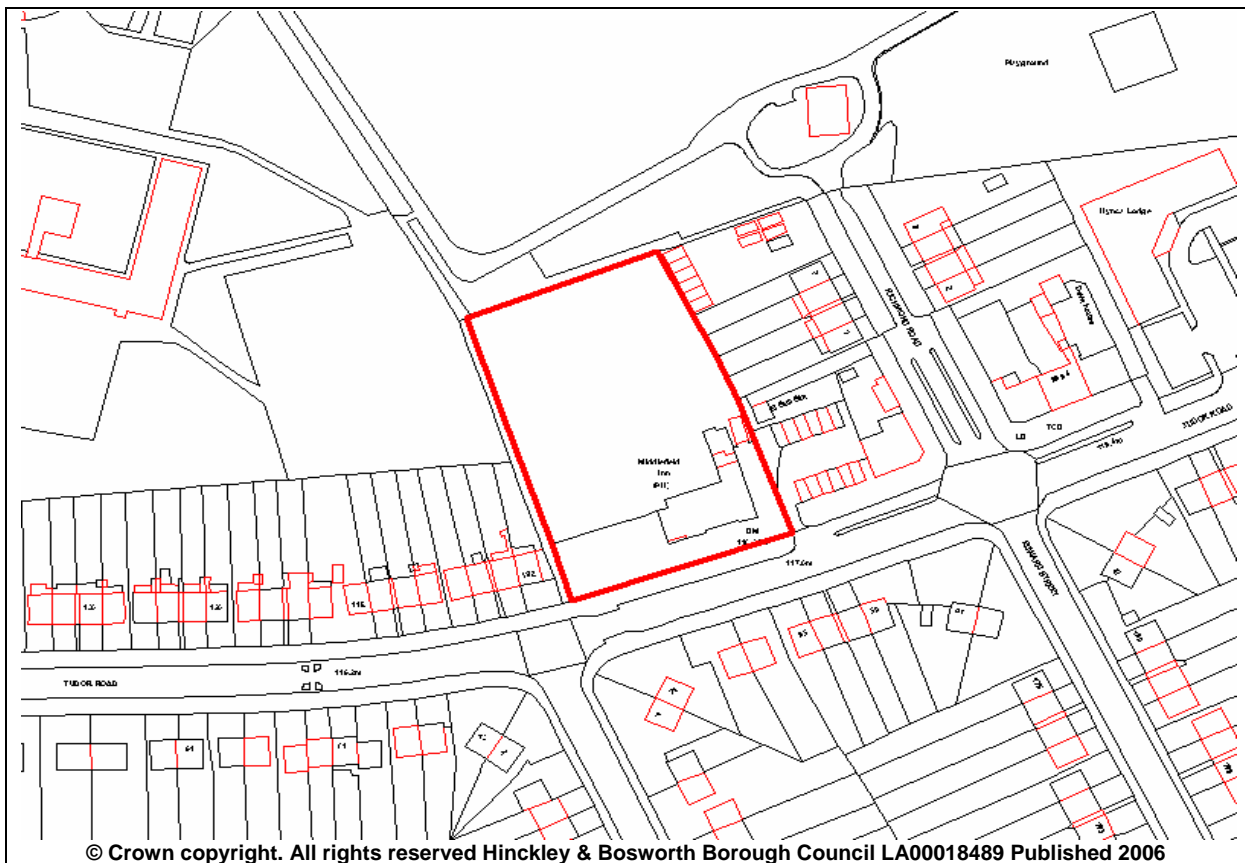
The Waste Management Plan provides a brief overview of the method of waste disposal from both the demolition/construction phase and when the development is complete and in operation.

The ventilation/extraction statement states that those facilities within the proposed development which generate emissions will be located away from residential properties and provides a brief overview of the type of extraction equipment to be installed to the kitchen and laundry areas.

The bat survey undertook a thorough inspection of the former public house for signs and evidence of bat roosting. The survey concluded that there is no evidence of bats within the existing buildings and that the site had limited foraging potential for bat activity.

History:-

11/00073/S215	Enforcement Enquiry- Untidy site	Pending	
08/00005/MAINOL	Enforcement Enquiry- Broken fence	Case Closed	
98/00736/OUT	Erection of eight dwellings	Refused	11.11.98



Consultations:-

No objection has been received from:-

Environment Agency
Directorate of Chief Executive (Ecology)
Head of Business Development and Street Scene Services.

No objection subject to conditions has been received from:-

Director of Environment and Transport (Highways)
Severn Trent Water Ltd
The Leicestershire Constabulary Crime Reduction Officer
Head of Community Services (Land Drainage)
Head of Community Services (Pollution).

No objection subject to notes to applicant has been received from the Director of Environment and Transport (Rights of Way).

The Director of Adults and Communities (Libraries) states that in respect of additional users of the existing library facilities at Hinckley Library a contribution of £1630.80 is sought.

A site notice was displayed and neighbours notified. Three letters of objection have been received raising the following concerns:-

- a) Proposed development is out of keeping
- b) conflict of uses with youth club to the rear
- c) overshadowing of gardens to 102 Tudor Road and 1 Richmond Road
- d) overlooking of gardens and properties at 102 Tudor Road and 1 Richmond Road
- e) loss of view
- f) removal of trees will create further overlooking to 1 Richmond Road
- g) noise/disruption from construction and demolition
- h) dust and debris
- i) overbearing impact
- j) wrong location for this use
- k) increase in traffic
- l) loss of parking location for public using local shops and picking up/dropping off school children.

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

Leicestershire Footpaths Association
Ramblers Association
Campaign For Real Ale (CAMRA)
Ward Members.

Policy:-

Central Government Guidance

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 1 on Sustainable Development lays out the general principle of the planning system and how it will facilitate the delivery of sustainable development.

Planning Policy Statement 3 on Housing underlines the Government's key objectives on ensuring everyone has a decent place to live.

Planning Policy Statement 4 on Sustainable Economic Growth sets out the Government's planning policies for economic development to achieve prosperous communities by improving the economic performance of towns and local areas.

Planning Policy Statement 9 on 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.

Planning Policy Guidance 13 on Transport outlines the Government's objectives to integrate transportation with the built environment and promote sustainable transport 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 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 Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan

Policy 2 – seeks development that takes account of the character of the surrounding area, minimises energy use and consumption, makes the most efficient use of land, takes account of highway safety, promotes other forms of transportation other than the private motor car, and design which helps reduce crime and fear of crime.

Local Development Framework Core Strategy 2009

No relevant policies.

Hinckley and Bosworth Local Plan 2001

The site is within the Hinckley Settlement Boundary as defined within the adopted Hinckley and Bosworth Local Plan.

Policy BE1 considers the design and siting of development and seeks a high standard of design through new development complementing or enhancing the character of the surrounding area by reference to mass, scale, height, materials and architectural features; development has regard to wheelchair users; does not detrimentally affect the amenities of neighbouring residents; and has adequate provision for off street parking.

Policy T5 considers Highway design and vehicle parking standards and seeks development to be designed in accordance with the County Councils 'Highways, Transportation and Development' (HtD) document.

Policy CF8 supports applications for residential care and nursing homes providing the proposal complements the character of the surrounding buildings and does not have a detrimental impact on the occupiers of nearby properties; the premises are of a suitable size and type; adequate gardens are provided; there is satisfactory car parking and service vehicle parking; easy access to shops and other public facilities for residents; and access for the elderly and infirm is considered.

Policy RET 7 states that planning permission will be granted for retail development along Tudor Road provided that it doesn't have an adverse effect on residential amenity, it doesn't involve the intensified use of an access or result in under provision of off street parking, access and servicing facilities.

Supplementary Planning Guidance

Supplementary Planning Guidance Note 1C Residential Care and Nursing Homes (1997) states that care homes should be located in residential areas where they can blend into the area without involving significant changes to existing walls, hedges or loss of trees. It also states that they should be located within walking distance of services and facilities.

The Hinckley and Bosworth Borough Council District, Local and Neighbourhood Centre Review (June 2010) identifies Tudor Road as a Neighbourhood Centre which has been downgraded from being a Local Centre. It identifies that the centre has a limited range of retail uses with only 2 general stores present.

Appraisal:-

The main considerations with regards to this application are the principle of development, the design, scale and layout of the proposal, impact of the development on the character and appearance of the area, the loss of the public house, the effect on the amenities of nearby residents, highway safety, ecology and developer contributions.

Principle of Development

The site lies within the settlement boundary for Hinckley where there is a presumption in favour of development. The Council's Supplementary Planning Guidance Note on Residential Care Homes acknowledges that residential care homes should be located in residential areas close to services and amenities and where the route between a care home and local facilities should be relatively flat and located within 400m. This Guidance Note also states that the residential care home should be located within 400m of transportation routes. The content of this Supplementary Planning Guidance Note is consistent with the criteria set

out in policy CF8 (Residential Care and Nursing Homes) of the Local Plan. The site is located within a residential area, there are local services within 40-70m (including a convenience store, newsagents, off licence and community centre) of the site, there is a Morrison's food store accessible via the public footpath located along the western boundary and there are bus stops located on Stanley Road and further along Tudor Road, both of which are within 400m and accessible via relatively flat highway footpaths. For these reasons the principle of development is considered acceptable.

Design, Scale and Layout

The development proposes to introduce a 3 storey residential care home into a residential area that is characterised by two storey dwellings. In terms of differences in ridge heights the proposed residential care home will be 2.2m higher than 102-108 Tudor Road to the west, 6m higher than the flat roof shops to the east and 1.8m higher than the public house it is to replace. The front elevation of the proposed residential care home will be visible in two parts when viewed from Tudor Road. There is a principal elevation measuring 14m wide that is set back 6.7m from the edge of the highway footpath and a secondary front elevation that measures 22m in width which is set back 37m from the edge of the highway footpath. Due to the L-shape layout of the building and the setting back of the secondary part of the front elevation from the highway means that the proposed residential care home in terms of its scale has a much less imposing impact on the street scene. A street scene drawing has been submitted with the planning application which clearly demonstrates that the most prominent part of the development within the street scene will be the 14m wide front elevation with subservient bay window projection. The impact of this principal elevation upon the street scene is reduced further when taking into consideration the separation distance with adjacent properties, this being 29m to 102 Tudor Road and 33m to the convenience store to the east. This results in sufficient breaks along Tudor Road for the proposed residential care home to assimilate into the street scene and to prevent a dominant and overbearing form of development being created. In addition, the hipped roof nature of the development reduces the impact upon the streetscene further.

Therefore in terms of its scale and height the proposed development is not considered to be detrimental to the character and appearance of the street scene.

The design features adopted within the proposed development include a bay window feature to all three storeys of the principal elevation, hipped roofs, a blend of brick and render finishes to the walls, contrasting coloured ridge tile detailing. These design features are reflective of dwellings within close proximity of the site. The inclusion of the render detail (finished in white, timber and grey) to all storeys ensures that the mass of brickwork is broken up and that texture and visual interest is added to the appearance of the residential care home. The inclusion of the bay window protrusion to the front elevation provides an important design feature to the scheme and emphasises this elevation as the principal elevation within the street scene.

The layout of the proposed building means that the main mass of the building is set back from the highway footpath by 37m or is screened behind the principal elevation facing onto the highway frontage. The siting of the principal front elevation respects the front building line of the buildings located to the east and west. The car parking area proposed to the western side of the site provides a buffer between the proposed residential care home and the existing terraced properties to the west. The setting in of the proposed residential care home from the boundaries at the side and the rear serves a dual purpose as it allows sufficient space for communal gardens and a parking area to be provided within the site and allows separation distance between the building and surrounding residential properties.

It should be noted that the site is wide and deep enough to accommodate a three storey residential care home with a floor area of 2640 square metres. Due to the plot dimensions the proposed development is considered to be commensurate to the character and appearance of the street scene and to the scale of the plot. To this end the proposed residential care home is not considered to constitute overdevelopment of the site.

Impact on the character/appearance of the area

The proposed development will retain the level of spacing that currently exists between the Middlefield Inn public house (to be demolished) and the properties located to either side of the side. For clarity purposes the proposed residential care home will be sited further away from these properties than the existing public house. The Middlefield Inn is 5.6m wider than the principal elevation of the proposed residential care home, it is set back a similar distance from the edge of the highway footpath and is 1.8m lower in its ridge height. As stated previously the remainder of the care home accommodation will either be screened behind the principal elevation or will be set back into the site 37m from the edge of the highway footpath. The existing public house is sited within a bend in the highway and partial views of the building are only visible within 100m of the site. This is due to a number of factors including the heights of existing dwellings, trees planted on the highway footpath, the bend in the highway, the setting back of the public house from the edge of the highway footpath and by highway signage.

All of the above factors will apply equally to the proposed residential care home and given its siting, design, scale, layout and appearance the development is not considered to be detrimental to the character and appearance of the street scene.

A point of further note is that the development will introduce a modern built frontage onto the street scene into an area of Tudor Road that is mixed in its use and appearance (residential and retail) and where there are existing modern developments consisting of a residential care home and community centre within close proximity of the site (approximately 80m to the east). The Hinckley Centre for Young People is located to the rear of the site is another example of a modern building within the locality that makes a positive contribution to the street scene in this part of Hinckley and where there is a mix of leisure use with residential dwellings in close proximity.

Loss of the public house

The District, Local and Neighbourhood Centre Review 2010 downgraded the Tudor Road Centre from a Local Centre to a Neighbourhood Centre thereby resulting in the shopping centre having less significance. Policy EC13 of Planning Policy Statement 4 (PPS4) states that planning applications which fail to protect existing facilities that provide for people's day-to-day needs, including public houses should be refused. It should be noted that the public house closed prior to the submission of the planning application and reflects the national pattern of ongoing pub closures. The supporting information submitted with the planning application states that a number of community events will be held at the proposed residential care home throughout the calendar year which will be open to the general public. Therefore the proposed residential care home will provide some community events throughout the calendar year.

On balance it is considered that the downgrading of the local shopping centre, the closure of the public house and the provision of a community function within the proposed residential care home mitigates the loss of the public house. There are other public houses within 750m and 1100m of the radius of the site, which are within reasonable walking distance of this residential area. A request was made to the applicant's agent on 03 August 2011 to provide evidence of when the public house closed and whether it has been actively marketed for

continued use as a public house. On receipt on this information it shall be reported and appraised as a late item.

Impact on residential amenity

The separation distance from the first and second floor habitable room windows in the eastern elevation of the proposed residential care home to the conservatories on the rear elevations of 1, 3 and 5 Richmond Road is 31m. The separation distance from the nearest habitable room window in the first and second floors of southern elevation of the proposed care home to the conservatory on the rear elevation of 102 Tudor Road is 25m. These separation distances are considered sufficient to remove the potential for overlooking into the rear gardens and rear windows of these adjacent properties and for the proposed development to have an overbearing impact on the residential amenity of these properties. There are windows proposed in the first and second floor of the west elevation of the proposed residential care home. The separation distance from these first and second floor windows to the eastern boundary of 102 Tudor Road to the west is 26m, thereby meaning that there is sufficient separation distance to remove the potential for the overlooking to its rear gardens and windows.

The setting in of the proposed residential care home from the boundaries, particularly along the southern (front) boundary by 6.7m and eastern boundary by 8.5m is considered to remove the potential for the development to result in an overbearing impact upon adjacent residential properties.

The four existing Common Ash trees along the eastern boundary of the site are proposed to be retained and have limited works undertaken to them. Therefore the existing screening along the eastern boundary will be retained and provide some screening along this boundary of the site. Notwithstanding the provisional landscaping plan submitted, a condition will be imposed requesting details of a full landscaping scheme for the development to be submitted. This will enable further consideration of planting details, in particular the planting to be provided along the eastern boundary of the site to provide further screening to residential properties along Richmond Road.

In terms of noise and dust generation from demolition and construction this will be limited to a short period of time and the planning system is concerned with land use planning and long term impacts. There are other statutory controls that exist that control statutory noise, disturbance, and pollution.

The mixing of the proposed residential care home use with the retail uses to the east and the Hinckley Club for Young People to the rear and the potential for anti-social behaviour to occur has been assessed by The Leicestershire Constabulary Crime Reduction Officer and comments have been made. This relates to ensuring that the site boundaries are made safe and secure and provision is made for secure exits and entrances. A condition relating to details and heights of boundary treatments will be imposed to ensure that the site is made secure and that the potential for anti-social behaviour can be designed out as much as possible. It should be noted that there is an existing residential care home located 80m to the east which is located adjacent to the local shopping area on Tudor Road, thereby demonstrating that the mix of uses can co-exist alongside one another.

The amended plan received on 18 July 2011 shows the re-siting of the proposed bin store 10m further to the north along the western boundary of the site. This will be an enclosed bin store which will be sited 18.4m from the rear elevation of 102 Tudor Road located to the west. It is considered that this separation distance removes the potential for loss of amenity to the occupants of 102 Tudor Road through noise disturbance or from odour. The Head of Community Services (Pollution) has raised no objections to the proposed re-siting of the bin

store in terms of its proximity to residential properties. Waste Minimisation have raised no objections to the provision and location of bin storage at the site.

In terms of its internal layout, the proposed residential care home has been designed so that there are no rooms where their use has the potential to create loss of amenity to residents through noise, light or general disturbance.

Loss of view is not a material planning consideration and therefore will not be appraised in this report.

Highway issues

The amended plan received on 18 July 2011 shows the provision of two additional car parking spaces, resulting in a total of 18 parking spaces. Based on the justification provided within the travel plan and the additional parking statement received on 18 July 2011 it is considered that the level of car parking provision is acceptable for the proposed 60-bed residential care home. The Director of Environment and Transport (Highways) has raised no objections to the proposed development in respect of parking provision, vehicle turning and visibility and formation of a vehicular access.

There is sufficient parking provided to meet the needs of both staff and visitors to the site. The additional information received from the applicant's agent on 18 July 2011 states that the company operates a policy of no restriction on visiting times and a staff shift working system which allows for reduced peaks in traffic generation and parking demand at the care homes. This evidence is based on the applicant's other care homes in the United Kingdom where a car parking ratio of 1 parking space per 4 residents has been regularly applied and considered adequate to meet visitor and staff demand. Therefore, based on the travel plan and additional information provided the proposed residential care home is not considered to generate significant traffic to the detriment of residential amenity or the highway network..

It is therefore considered that the proposal would not detrimentally affect highway safety and therefore complies with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

The loss of parking spaces for incidental parking for the purposes of school children drop off/pick up and for using the adjacent shops is not a material planning issue as this relates to off street parking which is on private land and should no longer be used by public vehicles as the public house has now ceased trading.

Ecology

A bat survey was submitted on 05 July 2011 which confirmed that no evidence of current or historic roosting was found within the former public house and that the site provided limited bat foraging activity. The Directorate of Chief Executive (Ecology) has confirmed that they are satisfied with the findings of the bat survey.

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, 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 consultation responses set out in the above sections of this report specify the requests from Leicestershire County Council for contributions towards libraries. The contributions requested by Libraries fail to demonstrate the impact of the development upon the service and how this justifies the need for the contribution and the value of it.

Other matters

Drainage

The Head of Community Services (Land Drainage) and Severn Trent Water raise no objection to the proposal but have both asked for conditions in respect of drainage details to be submitted. Historically the development control process has sought to control the design of drainage systems. However in more recent years further control is now delivered through the Building Regulations, Severn Trent Water (as the service provider) and the Code for Sustainable Homes and the drainage scheme that has been approved by the planning authority is usually subject to change. In line with recent appeal decisions and Planning Inspector opinion, it has been agreed locally that drainage details will no longer be required to be subject to a planning condition unless there is uncertainty over network capacity or connection availability. Accordingly, in this case no drainage conditions are considered necessary.

Conclusion

In conclusion it is considered that the design, scale and location of the proposed residential care home is in keeping with the character and appearance of the surrounding residential area and doesn't result in a form of development that results in loss of residential amenity, highway or pedestrian safety. The site is located within the settlement boundary for Hinckley, within a residential area where residential care homes are considered to be a compatible use. Whilst the loss of the public house is a pertinent issue it is considered that the downgrading of the local shopping centre, the closure of the public house and an acceptable comprehensive redevelopment scheme of the whole application site is sufficient to merit the loss of this public facility. It is also considered that the site is located within a sustainable location and local facilities are easily accessible. Therefore it is recommended that planning permission be granted subject to the imposition of planning conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development, by virtue of its massing, design, scale and appearance considered to positively contribute to the character and appearance of the street scene and would not detrimentally affect the amenities of neighbouring residents. The development has been assessed with regard to the effect upon ecological biodiversity and highway safety, and been found not to detrimentally affect either. The development proposes a residential care home within a residential area which is considered to be a compatible use. The proposal is therefore considered to be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001): - BE1, RET7, CF8, T5, NE2.

- 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: LE10 0EH-A-01, LE10 0EH-A-02, LE10 0EH-A-04, LE10 0EH-A-05, LE10 0EH-A-06 received on 09 May 2011 and LE10 0EH-03B received on 18 July 2011.
- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed residential care home shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall take place until details of all external lighting have been submitted to and approved in writing by the Local Planning Authority. The details shall include a layout plan together with beam orientation and a schedule of equipment proposed in the design of the lighting including luminaire type, mounting height, aiming angles and luminaire profiles. The lighting shall be installed in accordance with the agreed details and shall thereafter be retained.
- 5 Prior to the commencement of development details of the appearance of the proposed bin store proposed for the care home shall be submitted to and approved in writing by the Local Planning Authority.
- 6 For the period of the construction and demolition 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.
- 7 No development shall take place until a Risk Based Landfill Gas Assessment has been submitted to and agreed in writing by the Local Planning Authority. Should the Assessment identify any unacceptable risks then a Remedial Scheme and Verification Plan shall be prepared and submitted to and agreed in writing by the Local Planning Authority. If during development any previously unidentified landfill gas is found then work shall cease on the affected part of the site and reported to the Local Planning Authority within 10 working days. Prior to the recommencement of development an updated Risk Based Landfill Gas Assessment, including an amended Remedial Scheme and Verification Plan for the affected part of the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.
- 8 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.
- 9 For the period of the construction and demolition of the development, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the highway

- 10 Before the development hereby permitted is brought into use, the existing public house shall be demolished and all materials resulting from the demolition cleared from the site.
- 11 The access shall be 4.25 metres wide for at least the first 5 metres behind the Highway boundary and have 4 metres control radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times. 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.
- 12 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the Highway boundary and shall be hung so as to open inwards only.
- 13 Before any development is commenced on the site, including site works of any description, each of the trees as indicated on appendix 6: Tree Protection Plan of the arboricultural report shall be securely fenced off by protective fencing on a scaffolding framework in accordance with B. S. 5837 erected in a circle round each tree at a radius from the bole of 3 metres or to coincide with the extremity of the canopy of the tree, whichever is the greater. 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.
- 14 Notwithstanding the submitted landscaping scheme, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - (i) proposed finished levels or contours
 - (ii) means of enclosure
 - (iii) other vehicle and pedestrian access and circulation areas.
 - (iv) hard surfacing materials
 - (v) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
 - (vi) planting plans
 - (vii) written specifications
 - (viii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - (ix) implementation programme.
- 15 The approved hard and soft landscaping scheme submitted in accordance with condition 14 of this planning permission shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 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 that the proposed use does not become a source of annoyance to nearby residents to accord with policies BE1 and NE2 of the Hinckley and Bosworth Local Plan.
- 5 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction in accordance with Policy T5 of the Hinckley and Bosworth Local Plan
- 7 To ensure that risks from land contamination and landfill gas to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy NE2 of the Hinckley and Bosworth Local Plan.
- 8 To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of odour and noise to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 9 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users, and therefore in the interests of highway safety and Policy T5 of the Hinckley and Bosworth Local Plan.
- 10 In the interests of visual amenity in accordance with policy BE1 of the Hinckley and Bosworth Local Plan.
- 11 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway in accordance with policy T5 of the Hinckley and Bosworth Local Plan.
- 12 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with policy T5 of the Hinckley and Bosworth Local Plan.
- 13 The trees on this site form an important boundary feature 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 Hinckley and Bosworth Local Plan.
- 14 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan

- 15 To ensure that the work is carried out within a reasonable period and to protect the protected trees on the site, and thereafter maintained to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager- (telephone 0116 3050001.)
- 6 A public footpath abuts the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.
- 7 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the highway authority.

Contact Officer:- Scott Jackson Ext 5929

Item: 05

Reference: 11/00396/FUL

Applicant: Mr Byron Pountney

Location: 333 Rugby Road Burbage Leicestershire LE10 2NB

Proposal: CONVERSION OF EXISTING GARAGE INTO A DWELLING AND ALTERATIONS TO EXISTING PROPERTY TO FORM NEW GARAGE

Target Date: 1 August 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as more than 5 letters of objection have been received.

Application Proposal

This application seeks full planning permission for the conversion of an integral garage to the north of the dwelling (No. 333 Rugby Road) to a two bed-roomed house and alterations to the existing property to form a new garage.

The garage is pitched roof and has a flat roofed extension to the rear. The garage has a footprint of roughly 6.2m x 12.1m and a maximum height of 4.2m. The garage runs along the common boundary of the plot to the north (No 331) and adjoins the lounge of the main property. There are two garage doors to the front, which face Rugby Road. Externally the application seeks to replace the garage doors with two feature windows, and to the rear will replace a further garage door with patio doors and a window. The existing door will be blocked up. On the Southern elevation a small bathroom window will be added, and the existing door will be used as the main entrance. No openings are proposed in the northern elevation. Internally there will be two bedrooms at the front, a kitchen and bathroom in the middle and a lounge to the rear. The patio doors will lead to an enclosed amenity space with an area of 45 square meters. The proposal will be accessed off the existing access to the property, which is shared with the adjacent dwelling, number 331 Rugby Road. The existing front amenity space will be subdivided between number 333 Rugby Road and the proposed dwelling. Two parking spaces will be provided within the newly created plot.

The dining room, one bedroom and the study to number 333 Rugby Road is to be converted into a double integral garage. This property is a large detached, extended dormer bungalow, which incorporates a self contained annex. A new access is also proposed, which will feed into the access to the dwellings which have recently been permitted to the rear of the site (09/00506/FUL).

This application is a re-submission of refused scheme (10/00856/FUL). This scheme was refused on the grounds that there was inadequate provision of private amenity space and that the layout of the site and parking arrangements resulted in a contrived form of development which would have a detrimental impact on the residential amenity of both the residents of 333 Rugby Road and the future occupiers of the proposed dwelling.

This application seeks to address the previous reasons for refusal.

The Site and Surrounding Area

Rugby Road is characterised by large properties set back behind large mature and semi mature trees. The site is surrounded by residential properties with the rear gardens of St James Close backing on to the site to the north, John's Close to the west and properties fronting Rugby Road to the south. The site is flat apart from an artificial mound with a pond in the rear garden of 333. Mature vegetation surrounds the site.

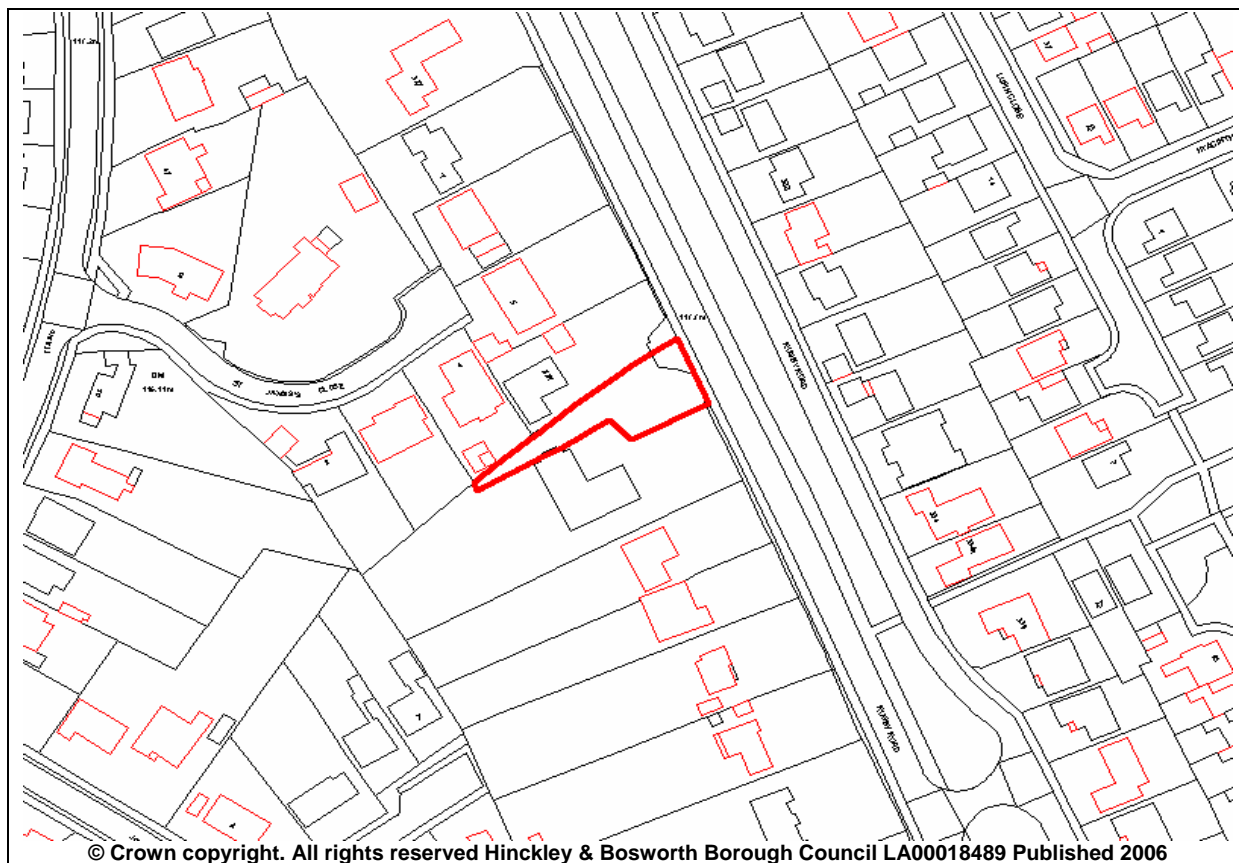
Technical Document submitted with application

A Design and Access Statement has been submitted with the application. This provides a description of the application and states:- The proposed dwelling will contribute towards creating new dwellings and improve the mix and type of property in Burbage whilst maintaining privacy and security with no impact on the character of the area.

History:-

10/00856/FUL	Conversion of existing garage into a dwelling And alterations to existing property to form New garage	Refused	21.02.11
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09/00506/FUL	Erection of three dwellings with associated garages and access	Permitted	01.09.09
04/00046/FUL	Extensions and alterations to dwelling	Permitted	09.03.04



Consultations:-

No objection has been received from:-

- Head of Business Development and Street Scene Services
- Head of Community Services (Pollution)
- Head of Community Services (Land Drainage).

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

Burbage Parish Council has objected to the application on the grounds that it could result in the creation of two separate dwellings. In response to this, the application will result in two separated dwellings. Burbage Parish Council have been notified of this. Any further comments will be reported as a late item.

Site notice and Press notice were displayed and neighbours notified.

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

- a) That inadequate amenity space has been provided

- b) the development is out of character with the local area
- c) highways issues
- d) over-development of the plot
- e) the development will result in overlooking of surrounding properties
- f) the development is too close to neighbouring properties
- g) the layout is compromised
- h) the plans do not illustrate the new development to the rear
- i) the development is contrary to the Burbage Village Design Statement.

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

Policy:-

National Policy 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 reflects policy 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. 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 Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

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 4 Development in Burbage seeks to allocate land for 295 new dwellings, diversify the range of existing housing stock to cater for a range of house types in line with Policy 16 and requires development to be of the highest environmental standard in line with policy 24.

Policy 19 sets out standards for the provision of green space and play provision and identifies where improvements are needed to existing green spaces and play areas and where new spaces are required to support existing and new residents and workers in the borough.

Policy 24 requires all development within Hinckley, Burbage, Barwell and Earl Shilton to meet code level 3 of the Code for Sustainable Homes unless it would make the development unviable.

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.

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.

Other material policy guidance

Burbage Village Design Statement

Paragraph GN2. 2.3 suggests that any future development should conserve the variety of housing which is characteristic of this village and should include an appropriate mix of units, in terms of size and tenure, to meet the needs of the community. In respect of conversions, paragraph 2.7 states that conversions and alterations should use materials and be of a design and scale compatible with original buildings.

Appraisal:-

The main considerations with regards to this application are the principle of development; residential amenity, highway safety, character of the area, design and appearance, and landscaping.

Principle of Development

The application site lies within the settlement boundary of Burbage as defined by the Hinckley and Bosworth Local Plan. Policy RES5 allows the principle of development within settlement boundaries, subject to the development complying with other policies within the documents. The principle of residential development on this site is therefore acceptable. Notwithstanding the advice within PPS3 concerning the use of gardens for residential development, this proposal does not conflict with this as the scheme proposes the conversion of an existing building and not the development of a new dwelling.

Residential Amenity

In order to protect the amenities of neighbouring properties, the New Residential Development SPG states that windows serving habitable rooms should be 25 metres apart with 14 metres between main windows and a two storey blank elevation. This can be reduced to 12 metres in the case of a single storey property. In this case as there are no windows serving habitable rooms in the side elevations, there will be no overlooking of adjacent properties.

In order to ensure sufficient amenity space for future residents, the SPG states that two bedroomed houses should have a rear garden area of 60 square meters and a depth of 12m. Further, Policy BE1 supports this, stating there should be sufficient garden area for the property proposed. The inadequate rear amenity space was one of the reasons for refusal of the previous application. The current scheme has sought to address this issue. The rear amenity space now comprises an area of approximately 45 square metres (as opposed to 22.5 square metres) and has a depth of 15m. Although this is still less than that advised within the SPG, when considered alongside the large area of amenity space provided to the front of the dwelling, the under-provision of amenity space to the rear would not substantiate a reason for refusal, and would not have a detrimental impact on the occupiers of the proposed dwelling.

The reason for refusal on the previous scheme also included impacts of the proposed parking layout on the amenity of the host property, number 333 Rugby Road in terms of noise and disturbance. The parking layout has now been revised. The two parking spaces are now situated a considerable distance (14m) from the front elevation of the host property and the subdivision of the plot has been denoted by the provision of a post and rail fence. However, notwithstanding the boundary treatment identified on the plan, a condition will be placed on the application requiring the erection of a 1.2 m close boarded fence along the common boundary. This will ensure that glare from car headlights using the identified parking spaces does not have an adverse impact on the amenities of 333 Rugby road. This is considered necessary as one of the windows in the principle elevation of number 333, which will be affected by the new vehicle movements serves a principal living room window. By virtue of the revised position of the parking spaces, resultant impacts of noise and disturbance on the occupants of both the proposed dwelling, and number 333 are not considered material.

The internal layout of the proposed dwelling and its proximity to 333 Rugby Road remains contrived and is not welcomed, however this issue alone would not substantiate a reason for refusal that could be defended at appeal.

The relationship between the proposed dwelling and the existing property has been improved through the re-subdivision of the curtilage to the front of the properties. The parking spaces have been re-sited in order to reduced impacts of noise, disturbance and glare on number 333 Rugby Road and thus the layout proposed is now considered acceptable.

Highways

Both properties can provide adequate off road parking provision and as the existing access will be used for the proposed dwelling, this is considered sufficient in terms of its design. A new access is proposed to serve the existing dwelling, number 333. This will join the access serving the recently approved properties to the rear and the adjacent property number 335 Rugby Road. The Director of Environment and Transport (Highways) has not objected to the application but has issued standing advice.

Design and Character

As the scheme comprises the conversion of an existing garage, the design is largely dictated by this. This said, the principal elevation has been enhanced through the provision of two decorative bay windows and a varied pallet of materials has been used, comprising both render and brick. The resultant impact is that the building appears more residential in character.

In terms of the proposal's impact on the character of the host property and wider area, as the building is existing and the site is well screened from Rugby Road to the front, there will be no further impacts on the character of the street scene. Further, the surrounding residential properties are varied in design and thus there is little in the way of definable character. From the street scene, the proposal will be viewed as a residential extension to the main property. Accordingly, in terms of its design and impacts on the character of the area, the proposal is considered acceptable.

Play and Open Space Contributions

The site is located within 400 metres of open space at Featherstone Drive recreational ground and as the proposal is for residential development, the proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Play and Open Space SPD.

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

Within the Green Space Strategy 2005-2010, Burbage was found to have a deficiency of equipped play space (-1.11) and deficiency of outdoor sports (-3.60) for its population when compared with the National Playing Fields Standard.

The Green Space Strategy Audits of Provision 2007 categorised Featherstone Drive Recreational Ground as a neighbourhood park and awarded the park a quality score of 56.7%.

The Green Space Strategy Quality and Accessibility Audit 2005 also makes recommendations as to what works are required to improve the quality of Green Spaces and provides a cost. It states that in order to improve the provision for children and young

people, the amount required to improve the quality of equipped children play and open space would cost approximately £350,000 in Burbage.

The Play and Open Space SPD sets out how the contribution is worked out commensurate with the scale of the development. In this instance a contribution of £1,250.80 for the new dwelling would be required.

It is considered that Burbage has a deficiency of both equipped play space and outdoor sports and Featherstone Drive Recreational Ground is considered to be of poor quality. The size of dwelling proposed would appeal to families and given the proximity of the application site to these open spaces it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance.

A Unilateral Undertaking is under negotiation to secure the play and open space contribution.

Other issues

The issues raised within the objection letters, which have not been addressed within the main body of the report will now be addressed.

It has been suggested that the development constitutes over-development of the plot and its layout is compromised. In response to this, whilst the proposed form of development is not considered ideal, the required space standards and adequate separation distances have been achieved between the dwelling and surrounding properties and the amenity space and parking provision is considered acceptable. Further, the development is of a scale proportional with the size of plot. Accordingly the development is not considered to constitute over-development. The layout of the proposed dwelling is dictated by the existing building. The internal layout has been designed to ensure that the principal rooms have natural light, and the best use has been made of the space available.

It has been stated that the plans do not illustrate the new development to the rear. The development referred to is not yet complete and thus is not illustrated on ordnance survey plans. The position of the dwelling is clearly indicated on the application that granted the permission and the position of these has been taken into consideration when assessing this application.

It has been stated that the development is contrary to the Burbage Village Design Statement. There are various design principles within the Burbage Village Design Statement. Whilst the development under consideration may not adhere to all these requirements, as the development comprises the conversion of an existing garage it will be in keeping with the scale of the main property. Further it will have no material impacts on the character or appearance of the area, and it provides a smaller, affordable unit which is needed within the local area. In this respect it does comply with the design statement. Accordingly it is necessary to consider all the design implications of the proposal.

Conclusion

The current scheme is considered to have addressed the reasons for refusal for the previous application. Additional private amenity space has been provided to the rear of the proposal and the parking, and site layout have been revised. Accordingly the proposal is considered to have no adverse impacts in terms of residential or visual amenity, highway safety and does not have a detrimental impact on the character of the area. Therefore the proposal will be

recommended for approval subject to conditions and a signed Unilateral Undertaking to secure the Play and Open Space Contribution.

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 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide 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 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 scale, siting and design of the proposal there are considered to be no material impacts on either visual or residential amenity on highway safety or on the character of the area. Therefore the development is considered acceptable.

Hinckley and Bosworth Local Plan (2001) BE1, T5, IMP1, RES5, REC3

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009):- Policy 4, Policy 19

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Notwithstanding the boundary treatment specified on the 'proposed fencing plan', prior to first occupation, a 1.2m high closed boarded fence should be erected along the common boundary to the north east of the site and this should be retained thereafter.
- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg No. 333_GC_01 received by the Local Planning Authority on the 6.6.11
- 4 The materials to be used on the external elevations of the proposed dwelling shall match the corresponding materials of the existing dwelling, number 333 Rugby Road, unless previously agreed in writing with the Local Planning Authority.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the proposal does not have an adverse impact on the residential amenity of number 333 Rugby Road, to accord with Policy BE1 of the adopted Local Plan.
- 3 For the avoidance of doubt and in the interests of proper planning
- 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 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: 06

Reference: 11/00471/FUL

Applicant: Mrs Jayne Barnes

Location: 6 Boyslade Road East Burbage Hinckley Leicestershire LE10 2RQ

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

Target Date: 16 August 2011

Introduction:-

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

Application Proposal

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

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

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

The current scheme proposes a 2.5 storey brick dwelling with two projecting front gables and a pitched roofed dormer. An integral double garage is situated with the western most gable,

and there is a chimney to the east. Feature double doors with stone canopy are situated within the central gable, forming the principle entrance and Georgian style fenestration with stone header and cill detail are arranged in a uniform alignment. The proposal has a staggered frontage and is set back from the street by approximately 7 metres. To the western side, and to front of the property there are three off road parking spaces. A 0.9m brick and stone wall is proposed along the front boundary.

To the rear there is a non-standard window arrangement, including a Juliette balcony and 7 high level Rooflights, the cill of which is approximately 2 metres above floor level. Externally there is a large enclosed garden.

This scheme follows a previously refused application 11/00056/FUL. This was refused based on the scale and design of the development as it was considered that the proposal would have an overbearing effect on neighbouring properties and would appear out of character in the street scene.

The Site and Surrounding Area

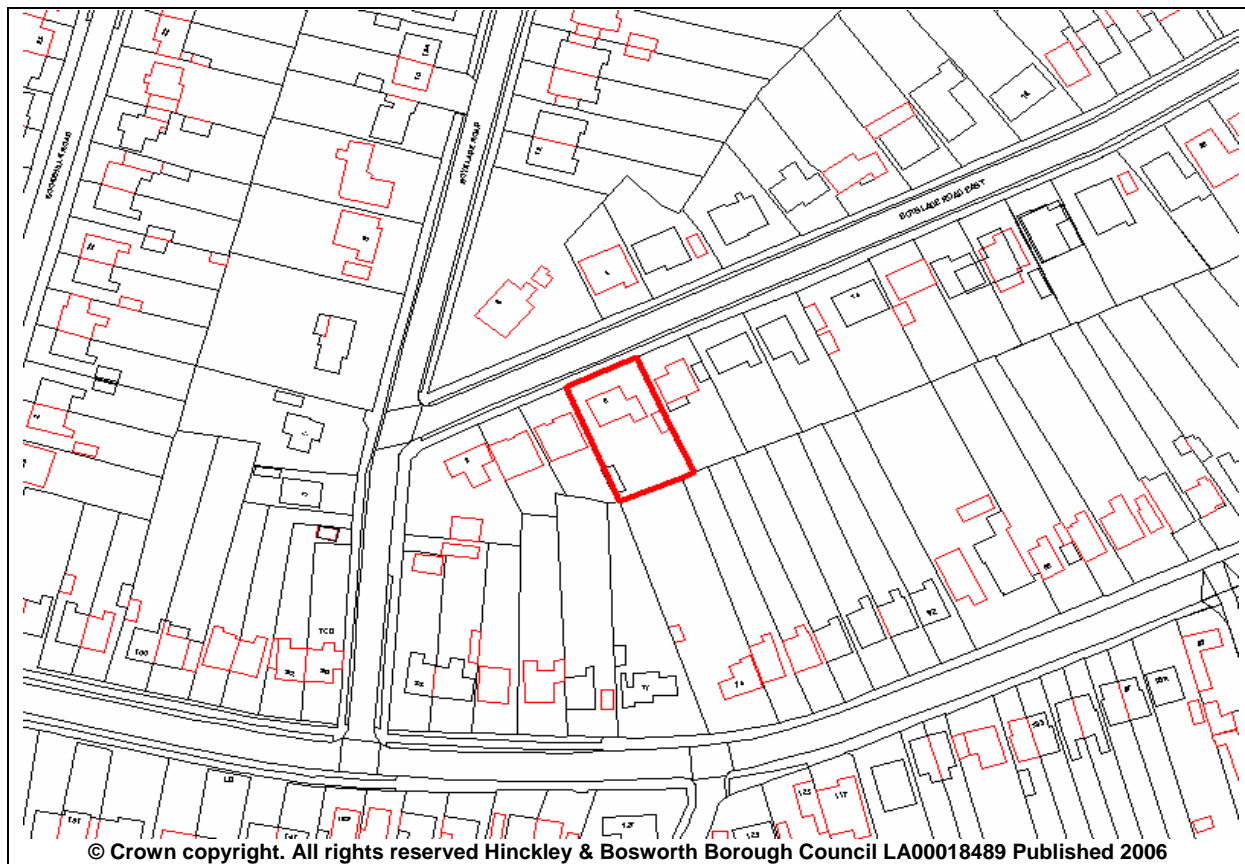
The street scene comprises predominantly large detached dwellings of 1930's style situated on large plots. The properties follow an established building line, but are of varying design, style and age and incorporate a range design features and materials. The area is residential with the plot bounding residential properties to all sides. The street scene is well vegetated with mature trees within the highway boundary. The sites frontage comprises a low level solid boundary . The site has an area of 548 square metres.

Technical Document submitted with application

A Design and Access Statement has been submitted with the application. This seeks to justify the size and scale of the proposal in relation to the existing street scene and surrounding area. In respect of the scale, it states that the replacement dwelling is similar to that of the neighbouring building, 4a Boyslade Road East, which is a two and half storey house. In respect of the appearance, it is stated that the front elevation of the proposed building has been designed to reflect a traditional Georgian House with a classical symmetrical language with central entrance portico and large vertical sash windows.

History:-

11/00056/FUL	Demolition of existing dwelling and Garage and the erection of a new Dwelling with associated access and Parking provision	Refused	30.03.11
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Consultations:-

No objection has been received from:-

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

Burbage Parish Council objects to the application on the grounds that the development is overbearing and is contrary to the intentions of The Burbage Design Statement adopted in 2006 which sets out the principles, design features and quality standards that should be adopted by those wishing to build, modify or extend properties in the village.

Site notice displayed and neighbours notified.

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

- a) the proposal constitutes overdevelopment of the site
- b) the height of the development is not in keeping with the street scene
- c) the development is out of character
- d) the development is over-bearing
- e) the development results in adverse impacts on residential amenity
- f) the design is poor
- g) the development is contrary to the intentions of policy BE1

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

Head of Business Development and Street Scene Services
 Ward Members

Development Plan Policies:-

National Policy 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 reflects policy 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 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.

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.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

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 4 Development in Burbage seeks to allocate land for 295 new dwellings, diversify the range of existing housing stock to cater for a range of house types in line with Policy 16 and requires development to be of the highest environmental standard in line with policy 24.

Policy 5 Transport Infrastructure in the Sub-regional Centre sets out transport interventions to support additional development in and around the sub-regional centre, 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 16 seeks residential development to provide a mix of housing types and tenures at a minimum density of 40 dwellings per hectare within and adjoining Hinckley, Burbage, Barwell and Earl Shilton.

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

Policy 24 requires all development within Hinckley, Burbage, Barwell and Earl Shilton to meet code level 3 of the Code for Sustainable Homes unless it would make the development unviable.

Hinckley and Bosworth Local Plan 2001

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

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

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

Supplementary Planning Guidance/Documents

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

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.

Other material policy guidance

Burbage Village Design Statement, this provides general design guidance for new development within Burbage. The application site is within Zone 4, as designated by the Design Statement. General design principles as outlined within the statement suggest that development of houses should be matched in terms of their design and scale with neighbouring properties and that the siting of new buildings should be examined from all directions. The aim of this is to consider how new development would appear in relation to their overall surroundings and adjacent properties.

Appraisal:-

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

The Principle of Development

The application site lies within the settlement boundary of Burbage as defined by the Hinckley and Bosworth Local Plan. Policy RES5 allows the principle of development within settlement boundaries, subject to the development complying with other policies within the plan. The principle of residential development on this site is therefore acceptable. Notwithstanding the advice within PPS3 concerning the use of gardens for residential development, this proposal does not conflict with this as the scheme proposes the replacement of an existing dwelling and not an additional dwelling.

Impact upon character of the Street Scene: Layout and Design

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

The scale, massing and bulk of the proposed dwelling is large, and thus the development will appear prominent within the street scene. However, since the refusal of previous scheme the principal elevation has been re-designed and the footprint, re-sited and slightly reduced. Further, the height of the building has been reduced to 9.2 metres and the dwelling has been sited 2.5m from the western boundary and 1m from the eastern boundary. Resultant of these changes, the massing and bulk of the property has been reduced, rendering it more characteristic in scale with surrounding properties, and by virtue of the front two front gables, the property now has a stepped appearance, which is more in keeping with the 1930's style of surrounding properties.

As the dwelling will be situated on a double plot, despite its large size, the required amenity and parking space can be provided, and thus the development is not considered to comprise overdevelopment. The property follows the uniform building line of adjacent properties and proposes similar front boundary treatment. In addition, architectural features, such as a pitched roofed dormer, a chimney stack and brick and fenestration detail common to the locality have been incorporated into the design, further aiding the properties assimilation into the street scene and improving its appearance. The area has a very mixed residential character, incorporating detached dwellings of varying size, age and style. Accordingly, although the design proposed is not replicated elsewhere on the street, on balance, due to the lack of established character within the area, the proposal is not considered to have a materially detrimental impact upon the street scene or character of the area which would warrant refusal of the application.

Design

The front elevation of the dwelling is well proportioned, with the fenestration arrangement aligned, thus resulting in a balanced appearance. Further, the detail incorporated provides an interesting frontage. The appearance is further improved through the use of stone header and cill detail, a chimney and a feature entrance. To the rear the design proposed is simple and there is limited architectural detail. This said, this elevation will not be visible from any public vantage points, and would not justify refusal of the application. Therefore, the design approach is considered acceptable.

Residential Amenity

There are various windows within the rear elevation serving principal rooms, including velux windows serving second floor bedrooms; however the separation distance between the proposed windows, including the velux windows which have a cill height of approximately 2 metres, and those on the facing elevations of the dwellings to the rear are well in excess of the 25m recommended within the SPG on New Residential Development. Therefore there are considered to be no adverse impacts in terms of overlooking or on the privacy of the properties to the rear. As the rear garden depth will only be 13.5m, there will be some views over the rear gardens of the properties to the rear, however as a result of the screening along the rear boundary and the distance of the principal amenity space to the rear of these properties, the overlooking is not considered material. There is one first floor window which will face the side elevation of number 4a Boyslade Road, however this will serve an ensuite bathroom and given the nature of the use of this room, will not result in any overlooking. Based on the above the proposal complies with the guidelines stipulated within the SPG in terms of separation distances between dwellings and proposed rear garden depths.

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

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

Access and Highway Issues

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

Other Matters

Sustainability

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

Play and Open Space Contributions

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

Burbage Village Design Statement

Policy GN2 suggests that houses should be matched in terms of design and scale with neighbouring properties. In this case, although the design proposed is not common within this street scene and the proposed dwelling is taller than the adjacent properties; the area has a very mixed character, in terms of house type, and since the ridge has been reduced, the proposal is a similar height to number 4a Boyslade Road. It continues that off the shelf suburban housing should incorporate features of the locality to aid assimilation into the area. In this case, a pitched roofed dormer window, projecting front gables, chimneys and fenestration detailing have been incorporated which are characteristic of the locality. Furthermore the front elevation design has been altered from the previous scheme to remove the traditional Georgian style of development that is uncharacteristic in the area and replaces it with an arrangement much more common within the streetscene.

Conclusion

In conclusion, despite the large scale and footprint of the dwelling, by virtue of its design, layout, use of materials and the mixed character of the street scene there are considered to be no material impacts in terms of visual or residential amenity or on the character of the street scene. Accordingly the proposal is considered to be in accordance with policy and therefore acceptable subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. As a result of the design, siting and layout of the proposal there are considered to be no material impacts on visual or residential amenity, on the character of the street scene or highway safety. Therefore the development is considered acceptable.

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

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the dwelling hereby approved can be constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority. In addition, prior to the first occupation of the dwelling hereby approved, a final certificate demonstrating that the dwelling has been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.
- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg ref:- 6415P - 11b received by the Local Planning Authority on the 29.7.11
- 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 shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reasons :-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 In the interests of sustainable development to accord with policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.
- 3 For the avoidance of doubt and in the interests of proper planning
- 4 To safeguard visual amenity and the character of the street scene 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: 07
Reference: 11/00472/FUL
Applicant: Sport In Desford
Location: Sport In Desford Peckleton Lane Desford Leicester Leicestershire
Proposal: EXTENSION TO EXISTING SPORTS HALL, CHANGE OF AGRICULTURAL FIELD TO SPORTS FIELD AND CREATION OF CAR PARKING.
Target Date: 17 August 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a new development for recreation and leisure uses.

Application Proposal

Planning permission is sought for change of use of the surrounding agricultural land to sports ground to provide a scout activity ground, new junior pitch and general recreational area, and erection of a single storey extension to the existing building. The application also involves the creation of three additional car parks; two to be created following the change of use and one within the existing sports complex to the south of the site, which borders Peckleton Lane.

The single storey extension would project from the south-east of the existing building to create an extension to the gym, a referee's room, an entrance foyer, an office, a meeting room, toilets, a lobby, a scouts hall, and store rooms.

The change of use of the land is to create a multiple sports recreation area, junior pitch, a secure area for scouts activities and two car parks.

Following concerns raised by officers, the applicant has provided further information during the course of the application, this includes:-

- a) Additional landscaping proposed along the northern boundary of the site with native species including lime, ash, holly, oak with post and rail fencing, with the eastern, southern and western boundaries hedgerows to be retained.
- b) Overflow parking materials
- c) No further lighting or cctv is proposed
- d) Provision will now be made for 12 cycle spaces.

The Site and Surrounding Area

The application relates to an existing sports complex located on the edge of Desford. The site is located to the east of Peckleton Lane and there are two residential dwellings located along Peckleton Lane to the west of the site. A footpath runs along the northern border of the site. The Caterpillar site is located opposite on the west of Peckleton Lane.

The site is located outside of the settlement boundary of Desford, with the existing sports complex designated as a Recreational Facility. The land seeking consent for a change of

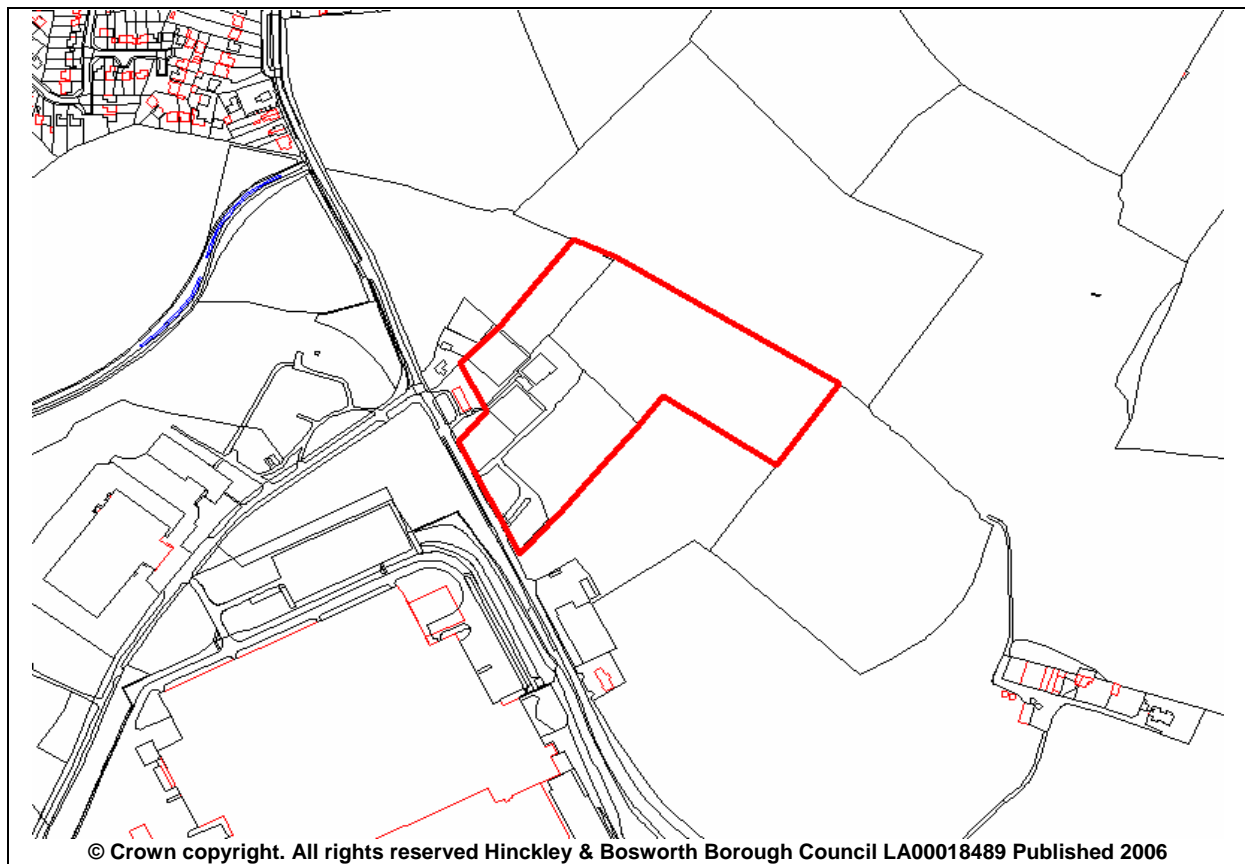
use is currently designated as countryside, as defined by the adopted Hinckley and Bosworth Local Plan.

Technical Documents submitted with application

The application is accompanied by a Design and Access Statement which states that general recreational facilities are now sought such as running tracks and field events not available within the existing development site.

History:-

08/00319/FUL	Extensions to existing sports hall and change of use of agricultural land to recreation use	Approved	22.05.08
06/00193/REM	Development of new sports and leisure facility (reserved matters)	Approved	24.05.06
03/01289/OUT	Development of new sports and leisure facility	Approved	13.01.04
01/01201/COU	Change of use of land to recreational and formation of access	Approved	31.01.02
00/00081/FUL	Alterations to existing buildings and erection of first floor link	Approved	06.08.00
99/00022/FUL	Relined roadway lighting and permanent retention of toilet block extension	Approved	04.02.99
98/00057/FUL	Installation of floodlights around multiple playing area	Approved	01.04.98
92/01117/4	Erection of clubhouse, changing rooms and squash courts	Approved	28.01.93
90/00530/4	Creation of bowls green, football pitch and associated car parking	Approved	08.10.91



Consultations:-

No objection has been received from:-

Sport England
Severn Trent Water
Central Networks
Head of Community Services (Land Drainage).

No objection subject to conditions has been received from:-

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

Sport England acknowledges the deficiency in junior pitch provision within the Borough and notes that the Football Association supports the provision of an additional pitch at this site and overall advises that 'Sport in Desford' should be encouraged to further develop community sport.

The Police Architectural Liaison Officer does not raise an objection but asks if the following points can be considered:-

- a) Types of windows, doors and locking mechanisms
- b) alarm systems and cctv
- c) security of the car parks; boundary treatments and cctv?
- d) the secure measures for the scout area
- e) the flat roof can be easily accessed
- f) external lighting.

Site notice displayed and neighbours notified.

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

Desford Parish Council
Neighbours.

Policy:-

National Policy 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 commitment to the need for sport and recreation development and seeks to deliver rural renewal, social and community inclusion, health and well-being and promotes sustainable development. The PPG encourages development for sport and recreation in appropriate locations.

Planning Policy Statement 7 (PPS7) 'Sustainable Development in Rural Areas' seeks to ensure that development in the countryside is sustainable, and that new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled.

The Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. It goes on to say that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness

Regional Policy

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

None relevant.

Local Development Framework Core Strategy 2009

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 lies outside of the settlement boundary of Desford, as defined in the adopted Hinckley and Bosworth Local Plan.

Policy REC1: 'Development on Recreational Sites' states that there is a presumption against development on land and buildings currently used for recreation and open space unless particular criteria can be met.

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

Supplementary Planning Guidance/Documents

The Council's Supplementary Planning 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; design, siting and impact upon the character and appearance of the countryside, impact upon residential amenity, highway considerations and other matters.

Principle of development

The site is designated as an existing recreation site in the adopted Hinckley and Bosworth Local Plan as such the proposal falls to be considered in terms of saved Policy REC4 and the overarching intentions of PPG17. Policy REC4 requires that the development satisfies the following criteria:-

- a) That large scale indoor facilities are located in or adjoining built up areas
- b) the facility does not have a detrimental effect on adjacent land uses or the amenities of adjacent dwellings
- c) the form, scale and design are in keeping with the area and do not detract from the character of the landscape
- d) adequate parking and access arrangements are provided and there is sufficient capacity in the local road network

- e) landscaping is provided as part of the proposal
- f) the proposal is not detrimental to the rights of way network and
- g) the proposal does not adversely affect sites of ecological, geological or archaeological significance.

For the reasons discussed later in this report it is not considered that there are any issues which would suggest that the scheme would be contrary to Policy REC4.

The site also lies outside the settlement boundary of Desford and within the countryside, as defined in the adopted Hinckley and Bosworth Local Plan as such the proposal falls to be considered in terms of saved Policy NE5 and overarching intentions of PPS7.

Both PPS7 and Policy NE5 are generally supportive of development in the countryside providing that it does not result in any material harm to the existing character of the landscape. Policy NE5 states that the countryside will be protected for its own sake and planning permission will be granted for built and other forms of development provided that the development is either:-

- a) important to the local economy and cannot be provided with or adjacent to an existing settlement; or
- b) for the change of use, re-use or extension of existing buildings, particularly those of historic value; or
- c) for sport and recreation purposes.

The principle of extending the area of the recreational field is for sport and recreation purposes and as such is in principle acceptable. The proposed extension meets criterion b) of Policy NE5 and is therefore also acceptable in principle.

It should also be noted that the principle of an extension to the existing sports club house and change of agricultural land to recreation use has already been established through the earlier grant of planning permission (ref: 08/00319/FUL), although this application has subsequently lapsed.

In summary, there is a no in-principle objection to the scheme providing that all other matters can be adequately addressed.

Design, Siting and Impacts upon the Character and Appearance of the Countryside.

The proposed extension is considered to be an acceptable size and appears subservient to the existing building, and is intending to be constructed and finished in matching materials ensuring a consistent appearance. In response to the concerns raised about the flat roof element, there is easy access to this area from the first floor of the existing building this will enable easy maintenance and could enable viewing over the football pitch.

The siting of any new building in the countryside is important in view of the visual impact it can have on the landscape. Wherever possible new buildings should be located close to existing buildings or landscape features. The extension is proposed to project from the existing club house and is located well within the existing site. Given the positioning of the extension it is not considered it will be visible from Peckleton Lane, and any views from here will be against the backdrop of the existing building. The extension is likely to be more visually prominent from the north of the site. When viewed from the north and south, however the single storey extension would not be visually prominent given the backdrop of the existing building and other leisure/recreation uses. Given the existing use of the site, the siting and the scale of the proposed extension, it is considered that the development would

not give rise to any significant impacts upon the character and appearance of the surrounding countryside setting.

By virtue of the low level nature of the multiple sports recreation area, junior pitch, scouts area and car parks it is not considered that they would appear visually prominent within this countryside setting. It is however considered necessary to secure additional planting where possible to screen and add to the aesthetic appearance of the site, through the imposition of a planning condition. The car park to the south would not be visible from Peckleton Lane due to the mature hedgerow along the southern border of the site.

In summary, the siting, scale and design of the extension is considered acceptable and is not considered to give rise to any significant visual impacts upon the wider landscape. The change of use of the land to recreational uses and associated works are of a low level nature and combined with the addition of landscaping are not considered to be to the detriment of this countryside setting. As such, the extensions are considered in accordance with Saved Local Plan Policy EC4 (c).

Impact upon Residential Amenity

The nearest residential dwellings are 'Oak View' and 'The Bungalow' located to the west of the application site. The proposals are located predominantly to the north and east of the site and would be screened by the presence of the existing building and bowling green. In addition, the presence of hedgerows screen the development. The development may give rise to additional traffic movements but as the access is located some 50 metres to the south of the nearest residential property it is not considered that there would be any detrimental impact upon neighbouring amenity. As such, it is not considered that the extension, change of use of the land and associated works would give rise to any significant material impacts. Accordingly the scheme is considered to be in accordance with Saved Local Plan Policies REC4 (b) and BE1.

Highway Considerations

The existing vehicular access will remain unchanged. The scheme proposes the creation of 3 car parks (1 for overflow) and the application form states that disability spaces and 2 cycle spaces will be provided. The scheme has been considered by the Director of Environment and Transport (Highways) who has no objection subject to the imposition of a condition to secure 10 cycle spaces. Following these comments, the applicant has submitted plans to show a bicycle rack for 12 spaces.

Accordingly, it is therefore considered that the scheme is considered to be in accordance with Saved Local Plan Policy T5 and Policy REC4, specifically in terms of requirement (d).

Other Matters

Additional planting has been proposed as part of the application, however it is considered necessary to impose a condition to confirm the species mix, density, implementation and maintenance. As such it is considered that the development will be in accordance with Saved Local Plan Policy REC4 (e).

The site is not known to have any ecological or historical interest and thus no further consideration of this matter is required. As such, the proposal does not adversely affect sites of ecological, geological or archaeological significance in accordance with Saved Local Plan Policy REC4 (g).

In response to the concerns raised by the Leicestershire Constabulary Crime Reduction Officer, the site will be enclosed by the post and rail fencing with planting, the standard of doors and windows will be secured through a Building Regulations Application and as such is not a material planning consideration.

Conclusion

In conclusion, the principle of recreational and leisure uses on this existing recreational site is considered acceptable and the principle of sport and recreational uses within the countryside is also supported. By reason of the siting, scale and design of the works proposed, they are not considered to result in any significant material impacts upon the wider landscape, residential amenity, highway safety or ecological or historical importance. Accordingly, it is recommended that the scheme be approved, subject to the imposition of planning conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as the extensions are considered acceptable within this existing recreation site, and the principle of sport and recreational use within the countryside is acceptable as it is not considered to give rise to any significant material impacts upon countryside, residential amenity, highway safety or ecological or historical importance.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies REC1, REC4, BE1, T5, NE5 and NE12.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policy 19.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the details: Location Plan Drawing No. 07/2072-02; Site Plan entitled Proposed Extension to Sports Facilities at Sport in Desford; Planning – Elevations & Floor Plans Drawing No. PL001 Rev C received by the Local Planning Authority on 22 June 2011 and Planning-Car Park Layout Drawing No PL002 received by the Local Planning Authority on 20 July 2011.
- 3 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.
- 4 Notwithstanding the submitted details, 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) car parking layouts
 - b) minor artefacts and structures (e.g. furniture, play equipment, signs, lighting, etc.)

- c) planting plans
- d) written specifications
- e) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- f) 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 car parking and turning facilities shown on drawing number PL002 shall be provided prior to the first use of the extension, hereby approved and shall permanently remain available for such use thereafter.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3&4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy BE1 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 6 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.

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: 08
Reference: 11/00477/FUL
Applicant: Mr John Cawrey
Location: Land Adjacent M1 Ferndale Drive Ratby Leicestershire
Proposal: ERECTION OF ELECTRICITY SUB STATION (RETROSPECTIVE)
Target Date: 17 August 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, following a call in by two members on the grounds of the impact of development upon the character and appearance of the open countryside and that it infringes on the green wedge.

Application Proposal

This application seeks full planning permission for the retention of a single storey electricity sub station to serve the housing estate under construction approved under planning application 09/00211/FUL. It is sited away from dwellings under construction to the south and west and consists of a single-storey brick built sub station measuring 4.04m x 4.04m with a ridge height of 4.2m. The roof is finished in a brown concrete tile and the wall are constructed from a red Clifton Mix brick.

The Site and Surrounding Area

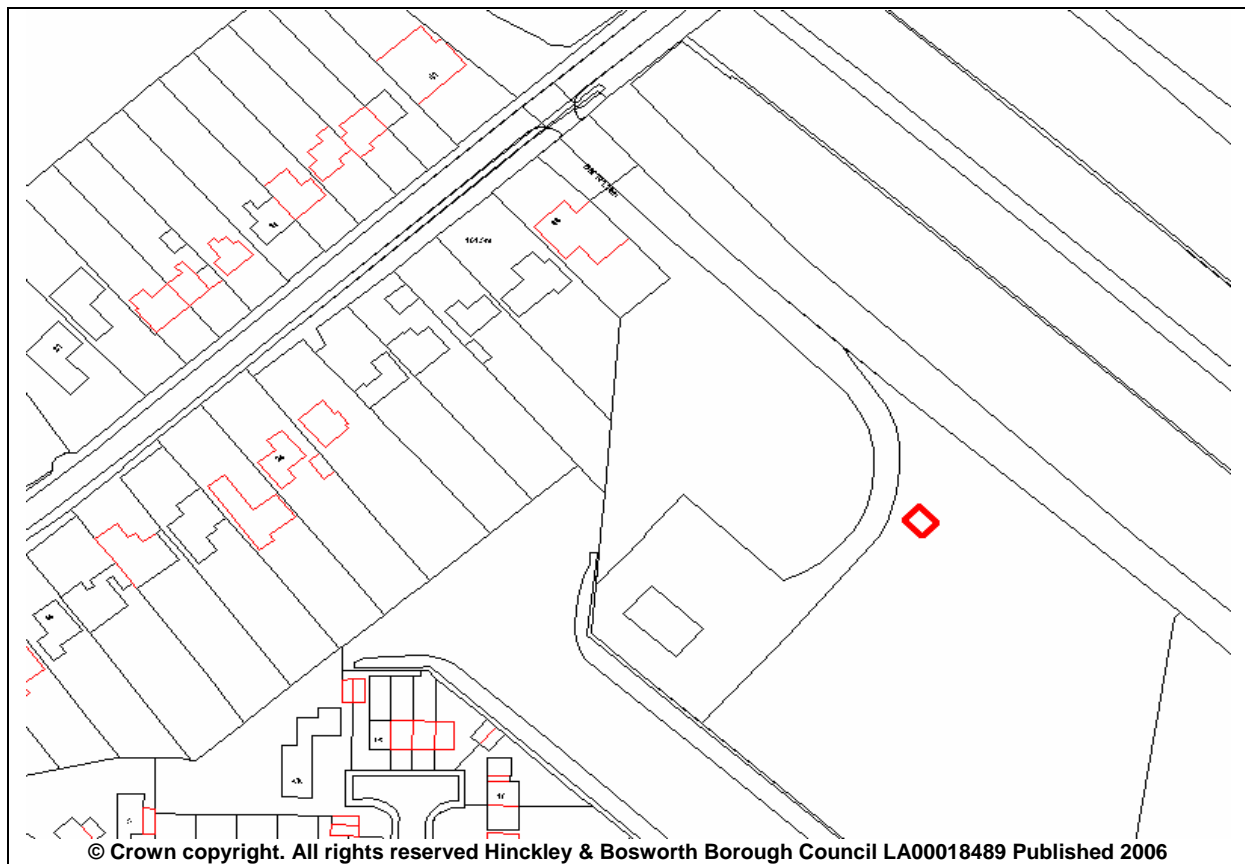
The application site forms part of the residential development currently under construction by Cawrey Homes. The site is accessed from Ferndale Drive to the south east and by a delivery track from Groby Road to the north which will eventually become a cycle path. The site is bordered by the M1 motorway immediately to the east and is screened by substantial highway planting in excess of 5m high along the eastern boundary. There are existing residential properties located 85m to the north on Groby Road and by residential properties to the west. The site is located outside the settlement boundary for Ratby, within the open countryside.

Technical Document submitted with application

A design and access statement has been provided with the planning application which states that the electricity sub-station is required as there is insufficient capacity at the existing sub-station on the junction of Nicholas Drive and Ferndale Drive which was constructed in 2000. It also states that the purpose of the sub-station in this location is to serve the additional dwellings approved under planning application 09/00211/FUL.

History:-

09/00211/FUL	Erection of 36 dwellings and 14 apartments	Approved	30.06.09
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Consultations:-

No objection has been received from:-

Director of Environment and Transport (Rights of Way)
The Leicestershire Constabulary Crime Reduction Officer
Environment Agency
Central Networks
Head of Community Services (Land Drainage).

A site notice was displayed and neighbours notified. No letters of comment or objection were received.

Ward Members Boothby and O'Shea have requested the application be reported to Planning Committee due to the visual impact of development and that the electricity sub-station is located in the green wedge.

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

Severn Trent Water Ltd
Ratby Parish Council
Ramblers Association
Head of Community Services (Pollution).

Policy:-

National Policy Guidance

Planning Policy Statement 7: 'Sustainable Development in Rural Areas' in paragraph 1 states that new building development in the open countryside away from existing settlements should be strictly controlled to protect the countryside for the sake of its character, beauty, diversity, heritage and wildlife so it may be enjoyed by all.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

No relevant policies.

Local Development Framework Core Strategy 2009

No relevant policies.

Hinckley and Bosworth Local Plan 2001

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

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

Policy NE3 refers to Green Wedges. The application site falls within the designed Green Wedge between Groby, Martinshaw Wood, Ratby and the Borough Boundary. The open character of these areas will be protected and wherever possible improved. Planning permission will only be granted for agriculture, forestry, sport and recreation, transport routes or mineral uses provided that the proposal does not have an adverse effect on the open character; does not undermine the physical separation or character of the settlements separated by the Green Wedge; and is in keeping with the scale and character of the surrounding area.

Policy NE5 states that the countryside will be protected for its own sake. Planning permission will be granted provided that the development is important to the local economy and cannot be provided within or adjacent to an existing settlement and where the proposal does not have an adverse effect on the character and appearance of the landscape; is in keeping with

the scale and character of existing buildings and the general surroundings, is effectively screened by landscaping and will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

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

Other Development Plan Documents and Supplementary Planning Guidance/Documents

The Site Allocations Preferred Options Document went out for public consultation between February and April 2009. This highlights the application site as a preferred option for future residential development. However, this document currently carries little weight as it is only part way through the adoption process with a further stage of consultation expected to take place between August and September 2012 with a view to being submitted for examination in August 2013.

Appraisal:-

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

Principle of Development

The site is located outside of the settlement boundary of Ratby, within the open countryside. The proposed development (retrospective) is required as essential infrastructure in connection with the residential development approved to the west and south of the site under planning application 09/00299/FUL and is located within the same red edged development site. The sub station can therefore be viewed as part of the comprehensive residential development approved on this site which has been accepted at this location, as such the principle of development in this instance is acceptable.

Impact on the countryside

The sub-station will be located within the countryside. However the sub-station is located within the same red edge development site for the 50 residential units approved under 09/00299/FUL and will be sited 10m to the east of the 14 unit apartment block. Therefore once the residential scheme approved under 09/00299/FUL is completed the sub-station will become incorporated into its overall built form and due to its close proximity to the apartment block (10m) it will not be viewed in isolation from the residential development.

In terms of its visual impact on the countryside the sub-station will eventually be screened by the residential development (under construction) to the south and west, by the approved apartment block to the west and by the existing dense highway planting along the eastern boundary. Partial views of the sub-station are only available from the current delivery access off Groby Road to the north, with the majority of the site being screened by the highway planting along the eastern boundary and by the existing dwellings along the south side of Groby Road. In terms of its scale and size the sub-station is 16.32m in area and has a ridge height of 4.2m. This results in the sub-station being 2.1m lower in its ridge height than the apartment block approved to the south west and it occupies a significantly smaller footprint than any of the residential units approved under 09/00211/FUL. Therefore in terms of its scale, siting and height the electricity sub-station is not considered to be detrimental to the character and appearance of the countryside or to the open character of the green wedge. The materials of construction match those agreed for the dwellings and apartments

being constructed in close proximity to the site, thereby allowing the sub-station to assimilate into the countryside alongside this residential development.

Important points of clarification concerning this planning is that the sub-station is sited wholly within the red edge development site considered for planning application 09/00211/FUL and it doesn't encroach into either the landscaping bund or the cycle route approved as part of the previous planning approval.

Impact on Residential Amenity

There are no existing residential properties within 85m of the site. The nearest proposed dwellings will be the permitted apartment block located 10m to the south west. Due to the scale of the sub-station (single storey) and the separation distances to proposed and existing residential properties it is not considered to give rise to any loss of residential amenity.

Conclusion

The proposed development respects the scale and character of the residential development currently being constructed to the west and south. The development doesn't result in loss of residential amenity and it constitutes essential infrastructure required in connection with the residential development approved under planning application 09/00211/FUL. By virtue of its siting, scale, height and materials of construction the electricity sub-station is not considered to be detrimental to the character and appearance of the countryside or to the open character of the green wedge. The application is considered to be in accordance with policies BE1 and NE5 of the Local Plan and is 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 sub station would not detrimentally impact on the amenities of neighbouring residents or the character and appearance of the open countryside and constitutes essential infrastructure in connection with the residential development under construction to the west and south and so would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE3, NE5

- 1 The development hereby permitted shall be completed in accordance with the submitted application details, as follows: Site Location Plan Ref A, Site Layout Plan Ref B and GTC-E-SS-0011_R1-5_1of_1 received on 22 June 2011.

Reason:-

- 1 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

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

- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 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: 09

Reference: 11/00490/COU

Applicant: Mrs Catharine Ruskin

Location: 27 Station Road Hinckley Leicestershire LE10 1AP

Proposal: CHANGE OF USE FROM OFFICES (B1a) TO D1 USE

Target Date: 18 August 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it comprises a D1 use.

Application Proposal

This application seeks full planning permission for the change of use of a redundant office building to a D1 use to provide a private tuition centre to cater for children and adults. Various courses will be offered, including basic skills in English and Maths, food hygiene, living skills and holistic relaxation therapy. Five off-road parking spaces are to be provided to the rear. The internal floor area, spread over two floors is 126 square metres and the opening hours proposed are as follows:-

Monday - Friday 8.30 – 10.00pm, Saturday 8.30 – 6pm, Sunday and Bank Holidays 10 – 5pm.

There will be 4 part-time staff employed.

The Site and Surrounding Area

The application site is situated in the town centre fringe and comprises of a large, detached, period, red brick property. The building is set back from the highway by an enclosed gravel garden and has 5 off road parking spaces to the rear. Adjacent buildings are commercial, with 25 Station Road comprising a traditional building, and 29 – 31 Station road comprising a modern building. There are a range of uses within the surrounding area, including residential.

The site sits to the south east of the 'bus station redevelopment site' which was granted permission for a mixed leisure and retail scheme earlier this year.

Technical Document submitted with application

A Planning Statement has been submitted with the application. This summarises the existing use and the parking and access arrangements. It states that there will be sufficient parking for both staff and visitors.

A Design and Access Statement has been submitted, this provides an overview of the proposed use and states that there will be no internal or external alterations to the building. It is suggested that the courses on offer will be available to individuals, schools and colleges.

History:-

02/01408/COU	Change of use to offices	Approved	04.03.03
96/00616/COU	Change of use from office to Residential	Approved	10.09.96
96/00351/COU	Change of use of offices to dwelling and Conversion of outbuildings to offices	Refused	25.07.96



Consultations:-

No objection has been received from:-

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

Head of Community Services (Pollution) requested clarification in respect of the use proposed. This has been provided and based on this they have no objections.

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

Ward Members
Neighbours.

Policy:-

National Policy 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' sets out the Government's objectives for prosperous economies which include improving the economic performance of both rural and urban areas, promoting regeneration and tackling deprivation, delivering more sustainable patterns of development, reducing the need to travel and promoting the vitality and viability of town and other centre uses. Policy EC2.1(d) seeks to make the most efficient and effective use of land, prioritising previously developed land which is suitable for re-use and reflects the different location requirements of businesses, such as the size of site required, site quality and access. Policy EC10: Determining Planning Applications for Economic Development" supports applications which secure sustainable economic growth.

Planning Policy Guidance 13 on Transport outlines the Government's objectives to integrate transportation with the built environment and promote sustainable transport choices.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

Policy 2 seeks development that takes account of the character of the surrounding area, minimise energy use and consumption, makes the most efficient use of land, takes account

of highway safety, promotes other forms of transportation other than the private motor car, and design which helps reduce crime and fear of crime.

Policy 3 directs development towards urban areas with Hinckley being defined as a Sub-Regional Centre and the main focus for development at the local level. Policy 3 also states that in assessing the suitability of sites for development priority should be given to making the best use of previously developed land in urban or other sustainable locations.

Local Development Framework Core Strategy 2009

Policy 1: 'Development in Hinckley' seeks to ensure that there is a range of employment opportunities within Hinckley.

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 safeguard and enhance the existing environment and states that planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties.

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

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 falls within the Hinckley Town Centre Area Action Plan boundary.

The Ministerial Statement: Planning for Growth (2011) seeks to reform the planning system to promote sustainable economic growth, stating that Local Planning Authorities should support enterprise and economic use and growth.

Appraisal:-

The main considerations with regards to this application are the principle of development, impacts on the amenities of neighbouring properties, highway considerations and other issues.

Principle of Development

The site falls within the settlement boundary of Hinckley and within the Hinckley Town Centre Area Action Plan (AAP).

There is a presumption in favour of development within the settlement boundary of Hinckley subject to all other planning matters being appropriately addressed.

Spatial Objective 5 of the AAP seeks to support the development of new leisure, cultural and education facilities to improve the quality of life and leisure within Hinckley, whilst adding

value and attractiveness to the town centre to encourage active recreation. It is also recognised that there is a need for a range of employment opportunities in the town centre.

The Ministerial Statement: Planning for Growth (2011) seeks to reform the planning system to promote sustainable economic growth, stating that Local Planning Authorities should support enterprise and economic use and growth. It continues that the range of likely economic, environmental and social benefits of proposals, including long term or in-direct benefits, such as increased consumer choice and a more robust local economy should be taken into consideration. In this case, the unit will be used for providing educational courses for all sections of the community. Accordingly this will have direct benefits in terms of job creation and indirect benefits through creating an improved local skills base which will be beneficial to the local economy in the long term. Accordingly the use proposed is considered in line with the guidance of the ministerial statement.

Finally, the development is considered in line with the intentions of PPS 4, as it will enhance the local economy and promote regeneration and sustainable forms of development through bringing back into use a vacant commercial building. Further, due to its proximity to the town centre, bus station and railway station it is considered to be a sustainable location.

Impact on Neighbours

The site is within the town centre fringe which is characterised by a mix of both commercial premises and residential properties. The nearest residential properties to the site are 6 Mount Road, which is approximately 34 metres from the site and 3 Priesthills Road which is approximately 52 metres from the property. The proposal seeks to use both the ground and first floor of the building for a D1 use. The first floor windows to the rear of the property will have views over the rear garden of 6 Mount Road, however as these windows will serve an office, a bathroom and an ICT room, and are a considerable distance from this property (30m) potential overlooking is not considered material and does not warrant refusal of the application. The application property will only have views over the very rear of the garden of 3 Priesthills Road.

The proposal is for change of use which is not anticipated to cause any significant alteration in current noise levels or footfall to the building, as such it is considered that the impact upon neighbouring residential properties will not be materially affected by the proposal. The Head of Community Services (Pollution) raised an initial enquiry as to whether amplified music would be used. The applicant has confirmed that there will be no amplified music at the premises, and that the proposed environment will be calm and tranquil to aid learning. This said, if a D1 (Non Residential Institution) use was granted, other uses could accommodate the building which may use amplified music, or would result in additional noise. However due to the distance of the property from surrounding residential properties, and the fact that the building is situated in the Town Centre Fringe, where a degree of noise and disturbance is expected, any impacts of noise and disturbance are not considered material.

The application refers to proposed hours of operation of Monday - Friday 8.30 – 10.00pm, Saturday 8.30 – 6pm, Sunday and Bank Holidays 10 – 5pm. Given the town centre fringe location, the fact that the adjacent commercial properties have an unrestricted use, and the distance from the nearest neighbours, the hours of operation proposed are considered to be acceptable and it is not considered necessary to impose a specific hours condition.

The D1 use proposed is therefore not considered to have any material impacts on the residential amenity of surrounding properties and accordingly is considered acceptable in this town centre fringe location.

Highway Considerations

The Director of Environment and Transport (Highways) has raised no objection to the proposal. Given the town centre fringe location and the number of car parks located within a short walking distance of the site, the proposed facility is not considered to give rise to traffic or parking issues and is considered a sustainable transport location.

Other issues

No changes are proposed externally and thus there will be no impacts on the character or visual amenity of the property or street scene.

Conclusion

The use proposed, in principle is considered acceptable and is in accordance with PPS4, the Hinckley Town Centre Area Action Plan and is in line with the intentions of The Ministerial Statement: Planning for Growth (2011). Further, the proposed D1 use will not give rise to any adverse impacts on the residential amenity of surrounding properties, by way of noise and disturbance or impacts on their privacy, and there are no adverse impacts in terms of highway safety. Therefore the proposal is considered compliant with national, regional and local planning policy and is therefore recommended for approval.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development by virtue of its use and its location within the Town Centre Fringe, is considered acceptable in principle and will not result in any material impacts in terms of highway safety or residential amenity. Therefore the development is considered acceptable.

Planning Policy Statement 4.

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

Core Strategy (2009):- Policy 1.

The Hinckley Town Centre Area Action Plan (2011).

- 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: Drg Ref: 'DCPLAN' Received by the Local Planning Authority on the 16/6/11

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

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: 10

Reference: 11/00398/COU

Applicant: Mr Keith Flude

Location: Elohim Church Hub Newbold Road Barlestone Nuneaton
Leicestershire

Proposal: CHANGE OF USE OF FIRST FLOOR FLAT TO MINISTRY ROOMS
ANCILLARY TO CHURCH (D1 USE)

Target Date: 29 August 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it comprises a D1 use.

Application Proposal

This application seeks full planning permission for the change of use of a first floor flat to a D1 use for ministry rooms ancillary to a church.

The application building was historically a public house, but was subject to an application for a change of use in 2009 (09/00276/COU). This application sought to change the use to a church ministry with first floor flat together with ministry rooms. Planning permission for this use was approved.

Details submitted with this application described the types of activities that would take place on site. Activities included praying, advice drop-in centre, various study groups, children's clubs and a Sunday tea club, along with other associated uses.

The Site and Surrounding Area

The application site is situated within the centre of Barlestone on the junction with Newbold Road, West End and Main Street. The building comprises a large two storey rendered building on the road frontage. To the rear there is a hard surfaced parking area and storage space. Residential properties surround the site to the north and south east. The area has a mixed character in terms of built form and comprises a range of uses including retail, commercial and residential.

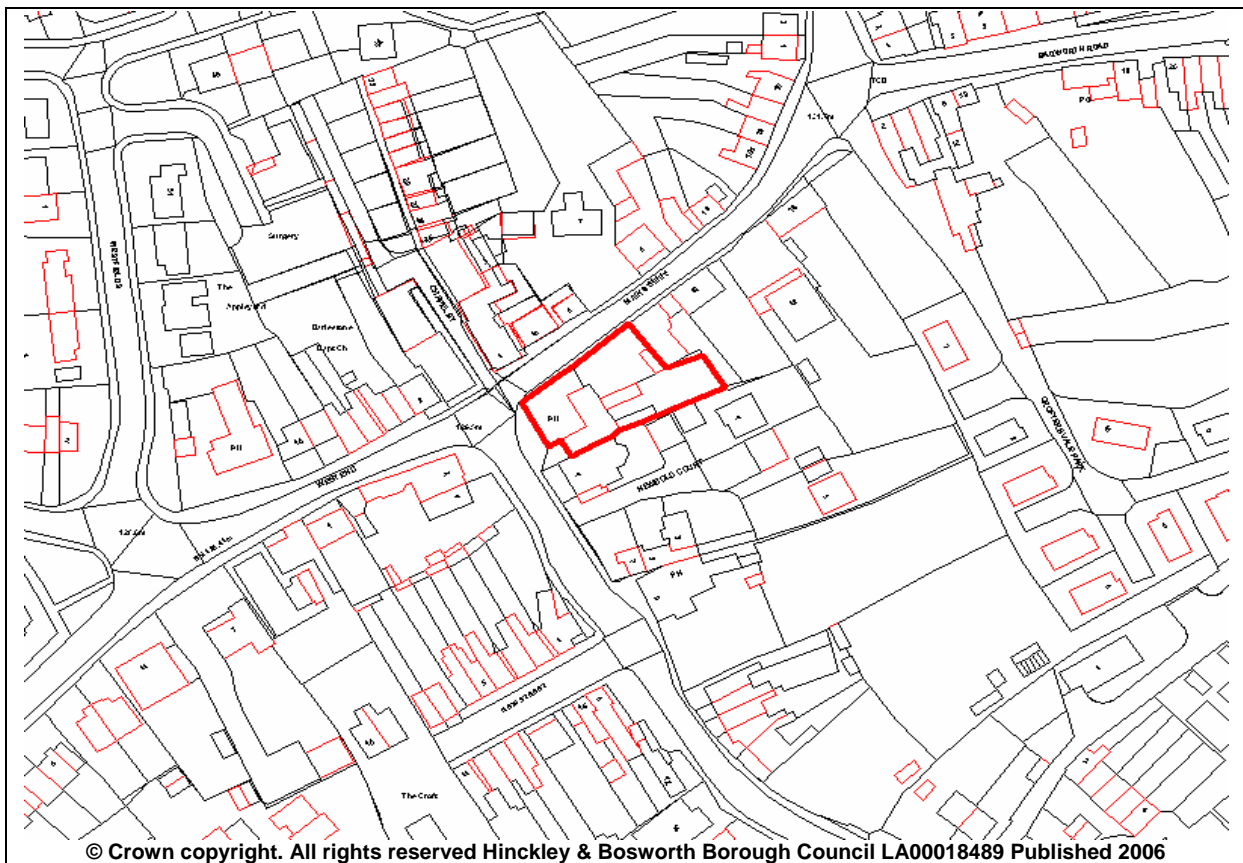
The site is within a designated retail area.

Technical Document submitted with application

None.

History:-

09/00276/COU	Change of use from Public House to Church with flat facility together with Ministry rooms	Approved	01.06.09
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Consultations:-

No objection has been received from:-

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

One letter of representation has been received. This requests that the rooms under consideration are suitably sound proofed as there are concerns that the proposal will result in additional noise.

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

Barlestone Parish Council
Ward Members.

Policy:-

National Policy 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 13 on Transport outlines the Government's objectives to integrate transportation with the built environment and promote sustainable transport choices.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

Policy 2 – seeks development that takes account of the character of the surrounding area, minimise energy use and consumption, makes the most efficient use of land, takes account of highway safety, promotes other forms of transportation other than the private motor car, and design which helps reduce crime and fear of crime.

Local Development Framework Core Strategy 2009

Policy 7 : Key Rural Centres seeks to support the key rural centres and ensure they can provide key services to their rural hinterland. The policy states that initiatives to establish local stores and facilities will be supported.

Hinckley and Bosworth Local Plan 2001

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

Policy BE1: 'Design and Siting of Development' seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout,

mass, design, materials and architectural features; 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; and does not adversely affect the occupiers of neighbouring properties.

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

Other material policy guidance

The Ministerial Statement: Planning for Growth (2011) this seeks to reform the planning system to promote sustainable economic growth, stating that Local Planning Authorities should support enterprise and economic use and growth. It continues that the range of likely economic, environmental and social benefits of proposals, including long term or in-direct benefits, such as increased consumer choice and a more robust local economy should be taken into consideration.

Appraisal:-

The main considerations with regards to this application are the principle of development, impacts on the amenities of neighbouring properties, impact upon highway network and other issues.

Principle of development

The site is situated within the Barlestone settlement boundary and the Local Shopping Centre as defined in the adopted Hinckley and Bosworth Local Plan. Accordingly, there is a presumption in favour of development providing all other policy matters and other material considerations are satisfied. In addition, the principle of a D1 use in this location has already been accepted by the previous application, 09/00276/COU.

Accordingly an extension of the existing D1 use in principle is considered acceptable as it is well related to the village centre and other local services adding to the vitality of the village centre.

Impact upon Highway Network

The application seeks to convert the existing residential use into 3 additional ministry rooms. Based on this the Director of Environment and Transport (Highways) has raised no objection to the proposal. Given the central location and the number of car parks located within a short walking distance of the site, the extension of the existing facility is not considered to give rise to traffic or parking issues and is considered a sustainable transport location.

Impact on residential amenity

Residential properties surround the site, with 10 Main Street and 1 Newbold Court being the closest. In terms of noise and disturbance, the proposal may result in some additional footfall over that of the residential flat, however as the building is situated within the village centre and is surrounded by other uses including a takeaway and pub, which have unrestricted uses, a degree of noise and disturbance already exists and is expected. Accordingly, the additional noise and disturbance generated by the proposal is not considered to exceed that from existing uses, and thus there will be no material impacts on the surrounding residential properties.

In terms of impacts on the privacy of surrounding properties, currently there is a first floor bedroom window facing the adjacent residential property (1 Newbold Court). However this window does not have any direct view into rooms of this property or over rear amenity space. Further, the types of use which would take place in the proposed ministry room are not considered to result in a further degree of overlooking than current levels. The first floor windows to the front of the property have views over the properties to the west and south west, on the opposite side of the road. However impacts on the privacy of these properties are no worse than those at present.

Accordingly there are considered to be no further impacts on the privacy of surrounding residential properties.

Other issues

Impact on character

This change of use application does not include any proposed external alterations to the building as such this application proposal will not impact on the character of the surrounding area.

Loss of Residential Use

As the proposal is situated within a designated Retail area, there are no policies to resist the loss of residential accommodation, and thus the loss of this unit is considered acceptable.

Changes within the Use Class Order

The Use Class Order allows a degree of flexibility within the D1 Use Class allowing the rooms to be changed from a place of religious instruction to any other use within that class without requiring planning permission. Other uses within this Use Class include church halls, public libraries, day nurseries etc. The site provides off-street parking facilities and is located in the village centre and the above uses within the rooms specified would likely be looked upon favourably by the Local Planning Authority. As such a condition restricting the use of this premises to a place of religious instruction only would, it is considered, be too onerous and unnecessary.

Finally the proposal will be in line with the intentions of the Ministerial Statement: Planning for Growth (2011), in that it will result in social benefits which will in-directly support the local economy.

Conclusion

The application proposes a small extension of an existing use within the existing building. Resultant of this the principle of the development is considered acceptable and there are considered to be no further material impacts in terms of residential amenity or highway safety. Therefore the proposal is considered acceptable.

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 its use and its location within the centre of Barlestone is considered

acceptable in principle and will not result in any material impacts in terms of highway safety or residential amenity. Therefore the development is considered acceptable.
Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, T5,
Core Strategy (2009):- Policy 7

- 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: Drg Ref:- 'Proposed First Floor Plan' received by the Local Planning Authority on the 4/07/11

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.

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

PLANNING COMMITTEE – 16 AUGUST 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)
RE: AFFORDABLE RENT AND DISCOUNTED SALE HOUSING.

1. PURPOSE OF REPORT

To inform members of:

- The new affordable rent product, introduced in April 2011;
- The discounted sale option for intermediate housing.

To request members approval to:

- Accept a proportion of affordable rent properties on a site by site basis under circumstances set out below;
- To decline to accept discounted sale properties as an acceptable affordable housing product.

2. RECOMMENDATION

That members consider the use of affordable rent on a site by site basis where:

- i. The Homes and Communities Agency is providing grant on site – in this instance, the Council is obliged to accept affordable rent as the total rented element of the site;
- ii. There is evidence that affordable rented properties will meet an identified housing need in that settlement;
- iii. In lieu of the intermediate provision where there are evidenced difficulties in providing a suitable intermediate product;
- iv. As a proportion of the rented element of affordable housing on section 106 sites, where this will provide an alternative to the reduction of the overall numbers of affordable housing due to viability issues.

That members confirm that the use of discounted sale products should not be accepted as affordable housing because:

- i. There is no guarantee that this product will continue to be affordable in the longer term;
- ii. There is no requirement for discounted sale properties to be owned or managed by a Registered Provider, unlike other affordable housing products.

3. BACKGROUND TO THE REPORT

- 3.1 The policy relating to affordable housing is set out in policy 15 of the Core Strategy, with further detail being outlined in the Affordable Housing Supplementary Planning Document. The policy position at the time of the adoption of the Core Strategy in December 2009 is that 75% of the affordable

housing provision should be for social rent and 25% for intermediate tenure. Affordable rents have been introduced since the adoption of this policy.

- 3.2 The Council is obliged to accept affordable rent properties instead of social rent properties on sites where the Homes and Communities Agency have provided grant under the Affordable Homes Programme 2011 – 15. On Section 106 and nil grant sites, developers and Registered Providers have assumed that affordable rents will be charged, but the local authority can decide to accept social rented properties only, or negotiate some or all of the rented properties to be affordable rented dwellings.
- 3.3 Intermediate tenure historically has been provided by way of shared ownership (part rent, part buy) units, sold to a Registered Provider, who in turn sell a percentage of the open market value to people who cannot afford to buy on the open market. The percentage sold can be adjusted up or down depending on local incomes and house prices.
- 3.4 However, this is not the only form of intermediate housing provision set out in Government guidance. Discounted Sale properties are increasingly being put forward by developers as an alternative option for providing intermediate tenure.

Government policy

- 3.5 Planning Policy Statement 3 was revised in June 2011 to include Affordable Rent as an affordable housing product. The definition of affordable housing now reads:
- 3.6 **“Affordable housing is:**
‘Affordable housing includes social rented, affordable rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should:
 - Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.
 - Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision’.

Affordable rented housing is:

“Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.”

Intermediate affordable housing is:

‘Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.’

The definition does not exclude homes provided by private sector bodies or provided without grant funding. Where such homes meet the definition above, they may be considered, for planning purposes, as affordable housing.”

- 3.7 The affordable housing policy statement “Delivering Affordable Homes” defines Discounted Sales in paragraph 38:
“**Discounted Sale** homes have a simple discount for the purchaser on its market price, so the purchaser buys the whole home at a reduced rate.”
- 3.8 People wishing to buy a Discounted Sale home therefore purchase a percentage of the property. Unlike shared ownership properties, where the purchaser pays rent to an RSL for the share they do not purchase, all the purchaser pays for is the percentage of property for sale.
- 3.9 Initially, this product looks very similar to low cost home ownership, which PPS3 clearly states is not to be considered as an affordable housing product. The difference is that Low Cost Home Ownership properties give a discount to the first purchaser; to qualify as an affordable housing product Discounted Sale homes give the same discount to future purchasers (in perpetuity). The conditions of the Discounted Sale are set out in the legal agreement between the Council and the developer, and in the deeds attached to the sale of the property.

4 **AFFORDABLE RENT.**

- 4.1 This is a new product which has been introduced for registered providers who have signed a contract with the Homes and Communities Agency to deliver new housing under the Affordable Homes Programme. Affordable rents:
- Can be charged at up to 80% of the full market rent in an area;
 - Cannot be lower than the target rent charged for social rents;
 - Registered providers should have regard to the Local Housing Allowance when setting the rent, as limits to Housing Benefit payments will apply to affordable rent tenancies.
- 4.2 Affordable rent tenancies will be subject to nomination agreements with the local authority, and advertised through the Choice Based Lettings process.
- 4.3 The Homes and Communities Agency have introduced affordable rents with the intention that the increased borrowing capacity from charging higher rents will be used by the Registered Provider to increase provision of affordable housing on new sites. It is not intended to improve viability on sites for developers, although in practice, the system is open to this type of use if the Registered Provider is prepared to offer more for affordable rent properties than social rent properties.
- 4.4 A balance needs to be struck therefore against how much affordable rent tenancies will be able to assist the least well off in our community against the undoubted benefits of increasing the supply of affordable housing in the Borough. For this reason, it is not suggested that all of the rented element of affordable housing should be affordable rent on any section 106 site.

- 4.5 As affordable rent products have their rent calculated by reference to open market rents, there may be variation across the borough on the level of affordable rent charged. More desirable areas such as rural villages may have higher market rents, and therefore, higher affordable rents. Where there are already issues with affordability it may be that affordable rents would not be an appropriate way of assisting those who cannot meet their needs in the open market.
- 4.6 There may be property types that are more attractive to Registered Providers for affordable rent tenancies. The calculation of the affordable rent includes any service charge that may be applied, which makes schemes such as apartments and supported housing less attractive. It is anticipated therefore that houses are more likely to be the preferred property type for affordable rents.
- 4.7 At present, there is little evidence to indicate how acceptable affordable rents may be as a social housing type. Once affordable rent tenancies are granted, it will be possible to gauge its place in the market by the number of bids through the Choice Based Lettings advertisements. This may be a reason to treat any affordable rent properties on sites with caution, whilst accepting a proportion of affordable rent to “test the water”. Current policy advocates a starting point of 75% social rented to 25% intermediate tenure on sites; where developers wish to negotiate away from this position, consideration may be given for affordable rent properties as part of the negotiations.
- 4.8 The purpose of this report is to set out clear and transparent guidance to the circumstances in which the LPA will consider the provision of affordable rent properties on site. However, the affordable rent product is one of a number of changes which the Affordable Homes Programme Framework introduces. This report therefore forms part of a larger document which will examine the wider implications for affordable housing in the Borough. A separate report will be presented to Members on the proposed changes set out in the Affordable Housing Framework 2011 – 15 and the consultation document, “Implementing Housing Reform: Directions to the Social Housing Regulator”.
- 4.9 The Affordable Homes Programme Framework for 2011 – 15 also includes the following:
- The ability for Registered Providers to convert existing social rented stock to affordable rents on relet.
 - The ability to offer fixed term tenancies, the shortest period being for two years.
 - Conversion of an affordable rent property to a shared ownership property at the end of a fixed term tenancy.
 - Allocation of selected properties to specific client groups as long as overall allocations comply with the reasonable preference criteria.
- 4.10 Possible effects of these changes are:
- Impact on sustainable communities as people move around more due to shorter tenancies;

- Pressure on council stock as the only tenure affordable for the least well off;
- Extra demands on housing options officers giving advice and support to those coming to the end of a fixed term tenancy, and a possible increase in homeless applications
- Continued depletion of affordable housing stock by conversion of social to affordable rents, and conversion of affordable rented properties to shared ownership.
- Increased workload for housing management staff due to the rehousing within council stock of the more complex high need cases as the supply of social rented RSL stock possibly reduces.

5 DISCOUNTED SALE

- 5.1 To work out the price of a discounted sale property, first of all, an open market value needs to be established. It is suggested that a valuation is obtained by an independent valuer, paid for by the developer, acceptable to both the developer and the Council, and an agreement entered into by both parties to abide by this valuation.
- 5.2 The level of discount needs to be set to ensure that the Discounted Sale property is sold at a discount level sufficient to enable people to buy who could not afford a property on the open market. This could be set by taking the average household income for the Borough, provided by CACI paycheck data, and a multiple to give the maximum to be borrowed by an average income household – 3 times the average salary is suggested.
- 5.3 This will then give the ceiling price which could be set to make sure the property is affordable. The open market valuation of a property needs to be discounted by a percentage that would bring the property price down to the affordable ceiling price.

5.4 EXAMPLE

Open market valuation of a house	£120,000
Average household income	£30,000
Multiplier for maximum borrowing	3 times average income
Ceiling for house price = 30,000 x 3	£90,000

To make this an affordable property, the sale price for Discounted Sale must come down to £90,000, which would give a 25% discount.

- 5.5 The legal agreement signed by the developer and the Council would therefore set the Discounted Sale properties at a discount of 25% of open market value for the first, and subsequent sales of the properties. It would also set out the criteria which the purchaser would need to fulfill in order to qualify as an acceptable affordable housing applicant. The deeds to the property will include a covenant which establishes that vendors must sell the property at 75% of open market value.

- 5.6 The responsibility for selling these properties remains with the developer or their marketing agent. There would need to be consideration as to what would happen to properties that the developer could not sell, in order to ensure that the site does not in consequence lose some of the affordable housing provision by the properties reverting to open market sale. There needs to be an incentive for developers to pro-actively market Discounted Sales products in order to avoid them reverting to the open market.
- 5.7 Developers are finding this option attractive as it may give them higher returns from the properties than selling them to a Registered Provider. Care needs to be taken therefore that the driver for the level of discount is to provide an affordable housing product and not just a level that makes a site more viable for developers. In expensive areas, up to 50% discount may be required to give an affordable price. Where Discounted Sale properties are to be considered, developers must accept that the level of discount is set by the Local Authority by the formula set out above.
- 5.8 There are currently few lenders prepared to lend to developers on this type of product. There may be issues with the wording of the legal agreement between the developer and the Council to make the clauses acceptable to lenders – for example, lenders may not like discount levels linked to local incomes, but it is difficult to see another way of ensuring these properties are affordable.
- 5.9 It might be harder for purchasers to obtain mortgages on such schemes, as lenders are less familiar with this type of product. This may in itself make Discounted Sale properties harder to sell. The same issues would then arise as set out in paragraph 5.6, where safeguards would be needed to ensure that these properties remain as affordable housing.
- 5.10 Future sales of shared ownership properties are reported to the Homes and Communities Agencies. There would need to be a mechanism for the Council to be notified when resales of Discounted Sale properties take place (as set out in the deeds) and the Council would need to monitor this and this could prove difficult.
- 5.11 If house prices begin to rise again, it may be that the discount level applied would no longer be sufficient to provide an affordable product, and therefore the property is lost to affordable housing provision.

6 FINANCIAL IMPLICATIONS [CB]

There are none arising directly from the report.

7. LEGAL IMPLICATIONS [AB]

Contained in the body of the report.

8 **CORPORATE PLAN IMPLICATIONS**

The consideration of Affordable Rent and Discounted Sale housing supports the following aims of the Corporate Plan 2009 – 2014:

- Strong and distinctive communities
- Decent, well managed & affordable housing

9. **CONSULTATION**

Officers from Planning Policy, Development Control and Housing have been consulted in the preparation of this report.

10 **RISK IMPLICATIONS**

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

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

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Discounted Sale products fail to sell and the properties revert to open market sale	Ensure that conditions to prevent open market sale are embedded in legal agreements	Valerie Bunting
The level of discount is not sufficient to maintain the affordable status in the future	Discount calculations have regard to local house prices and trends	Valerie Bunting
Future sales of the properties are sold on the open market	Inclusion in the deeds of sale of the discount level to be applied, with a requirement that the Council is notified if properties come up for sale	Valerie Bunting
Properties sold to speculators not to people in need.	The legal agreement between the developer and the Council would set out the qualifying criteria for purchasers.	Valerie Bunting
Affordable rent levels are above the Local Housing Allowance and	Include that rent will not be above local housing	Valerie Bunting

therefore too high for housing benefit applicants	allowance in section 106 agreement.	
Affordable rent will be out of the reach of people in work.	Acceptance of only a proportion of affordable rent on site so that low incomes are not excluded.	Valerie Bunting
Affordable rents will not be affordable in areas of high market rents	Consider on a case by case basis where it is appropriate to accept affordable rents.	Valerie Bunting
Affordable rent will be used to improve developer viability.	Affordable rent to be accepted at the Council's discretion	Valerie Bunting

11 **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

This report is concerned with ensuring that a supply of affordable housing is available in the Borough for people who cannot meet their needs through the open market. As rural areas of the Borough tend to be more expensive than the urban core, acceptance of affordable rent and discounted sale products may impact on the affordability of housing in rural areas.

12. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account: [if you require assistance in assessing these implications, please contact the person noted in parenthesis beside the item]

- Community Safety implications – None identified
- Environmental implications – None identified
- ICT implications – None identified
- Asset Management implications – None identified
- Human Resources implications – None identified
- Planning Implications – Contained within the report.
- Voluntary Sector – None identified

Background papers: Planning Policy Statement 3.
Delivering Affordable Homes.

Contact Officer: Valerie Bunting x5612

Executive Member: Councillor Stuart Bray.

PLANNING COMMITTEE – 16 AUGUST 2011

REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)
RE: APPEALS LODGED AND DETERMINED

1. PURPOSE OF REPORT

To inform Members of appeals lodged and determined since the last report.

2. RECOMMENDATION

That the report be noted.

3. BACKGROUND TO THE REPORT

Appeals Lodged

Appeal by Mr. K. McEwan against enforcement action (10/00176/UNAUTH) for the erection of a palisade fence along rear of 7 and 8 Keats Ave at 30-32 High Street, Earl Shilton.

Appeals Determined

Appeal by Flude Family Settlement 2004 against the refusal of outline planning permission (10/00661/OUT) for residential development (outline – access only) at land adjacent to Hinckley Golf Club, Leicester Road, Hinckley.

In relation to this appeal, the Inspector considered the main issue to be whether in light of material considerations there is a pressing need to release the site in terms of housing land supply.

The Inspector considered that since the decision was made to refuse this application in December 2010 there has been a downwards trend in housing supply in a very short period of time. The council has accepted that it is below the required five year housing land supply needed. When a local authority cannot demonstrate a five year supply of deliverable sites they should consider favourably planning applications for housing as stipulated in PPS 3.

The matter of housing land supply was considered by the Inspector in the final report on the examination into the Core Strategy. Although it was acknowledged there would be a shortfall, this would be made good in the years post 2017/18 when the Sustainable Urban Extensions (SUEs) would come fully on stream. However, delays in progressing the Site Allocations document and impediments to developing the Area

Action Plan for Earl Shilton and Barwell were noted by the appeal Inspector.

The Inspector considered that the need to overcome constraints regarding the uncertainty of decommissioning the Waste Water Treatment Works reduced the developable area for housing within the SUE. It was considered by the Inspector that there is a strong chance the SUEs will not deliver the projected 4150 dwellings in the plan period up to 2026.

With reference to the Core Strategy Inspector's report, it was always anticipated there would be a shortfall of housing land in the early years of the plan. Nevertheless, this period of shortfall looks to continue beyond that originally anticipated. When combined with the present situation of a falling housing land supply, the appeal Inspector noted that the issue starts to become more worrying.

The appeal site before the Inspector was considered to form a remedy as part of a wider contingency strategy reviewing sustainable sites identified in the SHLAA, where this site is identified as being achievable, available and deliverable.

The Inspector took the view that whilst recent appeal decisions have considered housing land supply issues in the borough and found the lack of housing to not be an overriding reason to permit further development, it was pointed out by the Inspector there have been a number of material changes in circumstances since then. These changes include the delay in delivering the SUEs, the shortfall of housing land supply that has increased dramatically over a short space of time and importantly it was stressed the other recent appeal sites are within areas defined in the development plan as lower order settlements.

The Inspector was of the opinion that this proposal would remedy the slippage in the Borough wide housing land supply. The proposal would accord with Core Strategy Policy 1 and the clear objectives of PPS3.

The need to release the land to make up the housing land supply was considered against the effect of development on the character and appearance of the surrounding area (including the Green Wedge). The appellants case, as presented to the Inspector, was that there is no material role of the appeal site in any of the defined functions of the Green Wedge as set out in Policy 6 of the Core Strategy. The appeal site currently contains crops and is not accessible to members of the public. It does not fulfil the functions of providing a 'green lung' or a recreational resource.

By contrast large parts of this Green Wedge do fulfil these roles including the adjacent golf course, sports ground, Sheepy Wood and Burbage Common which is accessible to the public. Development of

the site would not result in the coalescence of Hinckley, Barwell and Earl Shilton.

The Inspector drew upon the SHLAA review where it was concluded the site would provide a natural extension to the settlement boundary and took the view that the location of Hinckley Golf Club already acts as a green space between Hinckley and Barwell. Indeed, the Inspector agreed the proposal would extend housing out along Leicester Road to only a marginal degree, given the position of dwellings on the opposite side of the road. The development could be viewed as 'infilling' between existing built development and would be appropriately landscaped.

On balance the loss of this part of the Green Wedge would be acceptable and would not result in pressure to release other parts of it, which are materially different. A well designed housing scheme would not harm the character and appearance of the surrounding area, including the green wedge.

Other matters were then addressed by the Inspector regarding local concerns about loss of privacy, highway safety, and surface water drainage problems all of which were considered and could be mitigated. Noise and traffic resulting from the development will not be unduly harmful.

The Inspector considered that on the basis of the detailed evidence provided by the Council, the provisions in relation to affordable housing, footpath improvement works, public transport, library facilities, primary care trust, civic amenity, public open space, the provision of bus stops and raised kerb works and the education contribution are necessary, relevant to planning, directly related to the development and would fairly and reasonably relate in scale and kind to the development. As such, they meet the tests of Circular 5/05 and also those set out in CIL Regulations 122. However, the Inspector considered the travel pack contribution and bus passes unnecessary to make the development acceptable and these were not requested.

There is a noted difference in the assessment by this Inspector of the acceptability of contribution requests when judged against the tests in the CIL Regulations and when compared with previous decisions, particularly in relation to Library, Civic Amenity and PCT requests. Officers will need to review the approach to such requests in light of this decision and to assess whether the current approach and interpretation needs to be amended

In summary the proposal is not considered to harm the character and appearance of the surrounding area including the green wedge. Given the Council's lack of a demonstrable 5 year supply of housing land there is a pressing need to release this sustainable site for housing in Hinckley. It is important to note the Inspector's reference to the written

ministerial statement, 'Planning for Growth' which he gave substantial weight to.

Inspectors Decision

Appeal allowed (committee decision)

Appeal by Mr John Knapp against the refusal of outline planning permission (09/00915/OUT) for the erection of 62 dwellings and associated access at land south of 26-28 Britannia Road, Burbage.

The Inspector considered there were two main issues, the first was the effect of the proposal on highway safety and the second was whether in light of the prevailing housing supply situation in the Borough; the site should be brought forward for housing.

In relation to the first issue, there were two different aspects to the concerns expressed about the proposal in terms of highway safety. The first was the impact of additional traffic that would be generated by the proposal on Britannia Road and its environs.

With regards to the methodology employed by the appellant on measuring the volume of traffic on Britannia Road and Freemans Lane the Inspector went along with the Highways Authority's expressed satisfaction and saw no good reason to differ from their conclusions.

It was made clear by the Inspector that housing development of this kind will generate additional traffic passing along Britannia Road and the surrounding junctions. For this reason the Inspector addressed the concerns raised. After conducting on-site observations, it became evident to the Inspector that people do park vehicles awkwardly and this does restrict movement of vehicles. Nevertheless, this is not an unusual situation locally or nationally. Indeed, it was considered by the Inspector that this can have the positive effect of slowing down traffic, to the benefit of highway safety.

In relation to the concerns expressed about the adequacy of the proposed visibility splays at some of the junctions, the Inspector concurred with the appellants approach that junction improvements can be secured by condition. If the highway authority is satisfied that they could accept the additional traffic generated by the development without detriment to highways safety the Inspector saw no reason to disagree with their professional assessment.

The second aspect related to the access into the site from Britannia Road and circulation within the site. Concerns were raised at the appeal about the junction proposed with Britannia Road but the Highways Authority expressed their satisfaction with it and took the

view that having regard to technical documents (Manual for Streets), adequate visibility would be available.

The Inspector then had regard to what was termed a 'pinch point', which was used to describe the section where the access road narrows a little as it passes between existing dwellings. It was considered by the Inspector this would still be of a width adequate to allow the safe passage of pedestrians and traffic, including emergency vehicles or waste collection vehicles. Subject to suitably worded conditions, the proposal need cause no difficulties in terms of highway safety in the area around the site, or within the site itself.

As with the Leicester Road appeal decision, the second issue was the Councils lack of a 5 year supply of housing. Again the Inspector referred to PPS3 stating that if an up-to-date five year supply of deliverable sites cannot be demonstrated, planning applications should be considered favourably.

The decision was considered against whether the landscape structure of the land falls within Landscape Character F of the Councils Character Assessment, the weight to be given to development in the countryside and changes to village character. The following policies and documents were considered relevant; Core Strategy Policy 4, Local Plan policies NE5 and RES5 and the Burbage Village Design Statement.

Taking the above policies and documents into account, the Inspector considered the degree of harm would be limited. The site is on the urban fringe of the village with existing built development to the north and north east, and playing fields to the west. Development of the site for housing would not cause any significant harm to the setting of the village. The landscape character assessment acknowledges that sensitivity varies across the diverse urban fringe character area. For the reasons set out the appeal site is not considered to be particularly sensitive to change. If housing needs to be provided on land that is not previously developed, it is not an unsuitable site for that purpose.

Reference was then made to a significant development site at Sketchley Brook that still needed to be resolved. This site is on previously developed land and may include as many as 375 new homes meeting the figure of 295 dwellings as stipulated in Policy 4 of the Core Strategy. Nevertheless, it was pointed out by the Inspector that this is clearly expressed as a minimum. Based on a recent appeal decision (land East of Groby Village Cemetery, Groby Road, Ratby), it was important to consider whether the provision of 62 dwellings on the appeal site would prejudice the spatial vision of the Core Strategy.

If Sketchley Brook is implemented in the manner envisaged, it is not considered sufficient to prejudice the spatial vision. Whilst the appeal site would cause some harm in landscape terms it would not be

significant. This was then weighed against the existing housing supply position in the Borough, since the proposal would provide significant benefits, if brought forward now. In addition, the proposal provides for affordable housing as part of this proposal in excess of the requirements of CS Policy 15. This represents a significant benefit that weighed in favour of the proposal.

Other matters were then addressed by the Inspector with regards to flooding in the area and concern over drainage. The Inspector referred to professional judgements highlighting there was no objection from the Environment Agency on the basis of the revised Flood Risk Assessment (FRA) and, conditions can be applied to secure the measures needed.

The Inspector then addressed the issue of localism that has yet to come into force. In the opinion of the Inspector, the overriding factor is that a 5 year housing supply cannot be demonstrated and therefore planning applications should be considered favourably notwithstanding the evidence that local residents held very strong views.

A detailed account of the conditions and obligations that can be attached to the decision is then made in the final section of the Inspector report.

In summary the proposal would not cause any difficulties in terms of highway safety, there would be a degree of harm to the landscape and to the setting of the village, but nothing of great significance. The proposal would not prejudice the spatial vision for the area. Other impacts and aspect can be mitigated through the UU and controlled by conditions. On this basis and given the absence of a demonstrable five year supply of housing the proposal would provide great benefits in meeting the shortfall and the appeal is therefore allowed.

Inspectors Decision

Appeal allowed (committee decision)

Appeal by Ms. Dawn Stevens against the refusal of full planning permission (11/00010/FUL) for extensions and alterations at 64 Barrie Road, Hinckley.

The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the area. The proposal was for a half hipped roof and dormer window in the roof to the rear. The dwelling is one of a pair of hip-roofed semi-detached houses in a row of nine pairs of similar dwellings.

It was considered by the Inspector that the different roof profile of the proposed extension would remove the symmetry of the pair of semi-detached houses and would stand out awkwardly from its neighbours.

It would be an incongruous feature which would disrupt the harmony of the street scene. The Inspector stated that this would be contrary to Policy BE1 of the Local Plan and concluded, the proposed half hipped roof would be harmful to the character and appearance of the area.

Inspectors Decision

Appeal dismissed (delegated decision)

Appeal by Harbot Builders Ltd. against the refusal of full planning permission (10/00799/FUL) for the erection of a single storey dwelling at the rear of 132, 134 and 136 Main Street, Markfield.

In relation to this appeal, the Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the surrounding area, impact on neighbours and future occupiers residential amenities and whether the lack of financial contributions towards open space would lead to an unacceptable pressure on existing facilities.

The Inspector noted that the site is small and the proposal would be set back from the frontage, which would be entirely given to parking resulting in very limited rear garden space. It was noted by the Inspector there is no formal frontage relationship in the surrounding area. The design of the steep sloped roof would not reflect the character of the area.

The Inspector considered that the backland development of the proposal would not have an adverse impact on the character and appearance of the area, but the proposed layout and design would result in harm. This would be contrary to saved Policy BE1 of the Hinckley & Bosworth Local Plan 2001, PPS3 and guidance in the adopted New Residential Development SPG. These seek a high standard of design that will safeguard and enhance the existing environment.

Although the building is described as single storey, the dwelling would have a large and comparatively steeply sloping roof to accommodate rooms within the roof space. It was considered by the Inspector the building would have a significant overbearing and harmful impact on the outlook from properties no. 132, 134 and 136 Main Street. The proposal would be contrary to saved Local Plan Policy BE1 and guidance in the New Residential Development SPG that aims to ensure a high standard of design that does not adversely affect the occupiers of neighbouring properties.

The Inspector considered the lack of a suitable agreement to secure a financial contribution towards open space and play would put further pressure on existing facilities and would not comply with saved LP

Policies IMP1 and REC 3 or guidance in the Play and Open Space SPD.

Inspectors Decision

Appeal dismissed (delegated decision)

4. FINANCIAL IMPLICATIONS [CB]

Potential legal costs can be met from existing budgets.

5. LEGAL IMPLICATIONS [MR]

Contained in the body of the report

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 Planning Officer ext. 5919

PLANNING COMMITTEE - 16 AUGUST 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: 05.08.11

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
11/00014/ENF	LR	10/00176/UNAUTH	WR	Mr K McEwan	30-32 High Street Earl Shilton	Start Date Statement Final Comments	13.07.11 24.08.11 14.09.11
11/00013/CLD	NC	11/00279/CLU	WR	Mr David Durrant	15 Crownhill Road Burbage	Start Date Statement Final Comments	01.07.11 12.08.11 02.09.11
11/00011/VCON	EM	11/00108/CONDIT	WR	Mr Cemic Yavuz	11 Windsor Street Burbage	Start Date Awaiting Decision	03.05.11
11/00009/PP	EM	10/00908/FUL	WR	Mr Jogi Singh	The Pantry 102 Rugby Road Hinckley	Start Date Decision	Awaiting 29.03.11
09/00017/ENF	JC/ES	07/00031/BOC	PI	Mr P Godden	Land at Upper Grange Farm Ratby Lane Markfield	Start Date Statement of Case Public Inquiry (4 days) Temporarily Suspended	06.11.09 On hold pending JR

Decisions Received

11/00012/FTPP	LF	11/00010/FUL	WR	Ms Dawn Stevens	64 Barrie Road Hinckley	DISMISSED	12.07.11
10/00011/PP	RW	09/00915/OUT	PI	Mr John Knapp	26/28 Britannia Road Burbage	ALLOWED	21.07.11
11/00002/PP	JH	10/00661/OUT	PI	Flude Family Settlement 2004	Land Adjacent to Hinckley Golf Course Leicester Road Hinckley	ALLOWED	22.07.11
11/00010/PP	RW	10/00799/FUL	WR	Christopher Harbot	Rear of 132-136 Main Street Markfield	DISMISSED	25.07.11

Rolling 1 April - 25 July 2011

Planning

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision		
					Allow	Spt	Dis	Allow	Spt	Dis
10	2	5	0	3	1	0	5	1	0	0

Enforcement

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn