

Steve Atkinson MA(Oxon) MBA FIoD FRSA
Chief Executive



Date: 5 September 2011

Hinckley & Bosworth
Borough Council

A Borough to be proud of
Borough Council

To: All Members of the Planning Committee

A Borough to be proud of

Mr DM Gould (Chairman)
Mr R Mayne (Vice-Chairman)
Mr RG Allen
Mr JG Bannister
Mr PR Batty
Mr CW Boothby
Mr DC Bill
Mrs T Chastney
Mr WJ Crooks

Mrs WA Hall
Mrs L Hodgkins
Mr J Moore
Mr LJP O'Shea
Mr BE Sutton
Miss DM Taylor
Mr R Ward
Ms BM Witherford

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, 13 September 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

Rebecca Owen
Democratic Services Officer

PLANNING COMMITTEE
13 SEPTEMBER 2011
A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

RESOLVED

2. MINUTES

To confirm the minutes of the meeting held on 16 August 2011, attached marked 'P22'.

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 'P23' (pages 1 – 123).

8. LOCAL PLANNING REGULATIONS CONSULTATION

Report of the Deputy Chief Executive (Community Direction) attached marked 'P24' (pages 124 - 130).

- RESOLVED 9. APPEALS LODGED AND DETERMINED
Report of the Deputy Chief Executive (Community Direction) attached marked 'P25' (pages 131 – 132).
- RESOLVED 10. APPEALS PROGRESS
Report of the Deputy Chief Executive (Community Direction) attached marked 'P26' (pages 133 – 134).
- RESOLVED 11. DELEGATED DECISIONS ISSUED
Report of the Deputy Chief Executive (Community Direction) attached marked 'P27' (pages 135 - 146).
- RESOLVED 12. 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

16 AUGUST 2011 AT 6.30 PM

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

Mr R Allen, Mr DC Bill, Mr CW Boothby, Mr WJ Crooks, Mrs A Hall, Mr DW Inman, Mr J Moore, Mr K Nichols, Mr LJP O'Shea, Mrs H Smith, Mr BE Sutton, Miss DM Taylor, Mr R Ward and Ms BM Witherford.

In accordance with Council Procedure Rule 4.2, Mr SL Bray, Mr DS Cope and Mr MT Mullaney were also in attendance.

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

102 **APOLOGIES**

Apologies for absence were submitted on behalf of Mr Bannister and Mr Batty with the following substitutions authorised in accordance with Council Procedure Rule 4.1:

Mr Inman for Mr Bannister;
Mrs Smith for Mr Batty.

103 **MINUTES (P17)**

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

RESOLVED – the minutes of the meeting held on 19 July 2011 be confirmed and signed by the Chairman.

104 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

105 **DECISIONS DELEGATED AT PREVIOUS MEETING**

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

- (i) 11/00334/EXT – it was noted that the decision would be issued shortly;
- (ii) 11/00216/LBC – it was reported that the Secretary of State had indicated that a decision would be issued by 5 October 2011.

106 AFFORDABLE RENT AND DISCOUNTED SALES HOUSING (P19)

The Committee received a report which informed Members of the new affordable rent product and the discounted sale option for intermediate housing.

Members expressed concern about such major changes and asked that further information be provided. It was agreed that a workshop would be arranged to discuss the matter in more detail, before bringing a report back to the Planning Committee.

RESOLVED – a workshop be held for all Members and the report be brought back to a future meeting of the Committee.

107 TOWN AND COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (P18)

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) 11/00029/OUT – Erection of up to 135 dwellings with associated infrastructure, public open space and provision of vehicular and pedestrian access, Land south of Newbold Road / Manor Road Junction, Desford – Hallam Land Management Ltd

On the motion of Mr Sutton seconded by Mr Crooks it was

RESOLVED – subject to no objections being raised from the outstanding consultees, the Deputy Chief Executive (Community Direction) be granted delegated powers to grant outline planning permission subject to the conditions contained in the officers report and late items and the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision of affordable housing, the provision and maintenance of on-site and off-site public play and open space facilities and towards education.

- (b) 11/00431/FUL – Demolition of nos 84 and 86 Main Street and buildings to the rear of 78 and erection of six new dwellings and 4890 square foot of retail, The George Inn, 78 Main Street, Markfield – Midlands Co-operative Society

Notwithstanding the officer's recommendation that the application be permitted, Members were concerned about the impact on a nearby property and asked that the application be deferred for further discussion with the applicant regarding the objections raised relating to the location of the bin store and air conditioning units. On the motion of Mr Inman, seconded by Mr O'Shea it was

RESOLVED – the application be deferred for further discussion with the applicant.

- (c) 11/00455/CON – Demolition of nos 84 and 86 Main Street and buildings to the rear of 78 and erection of six new dwellings and 4890 square foot of retail, The George Inn, 78 Main Street, Markfield – Midlands Co-operative Society

It was decided to defer this application so it could be considered jointly with application 11/00431/FUL. On the motion of Mr Inman, seconded by Mr O’Shea, it was

RESOLVED – the application be deferred so it could be considered jointly with application 11/00431/FUL.

- (d) 11/00353/FUL – Demolition of public house and erection of residential care home, The Middlefield Inn, Tudor Road, Hinckley – Ideal Care Homes Ltd & Punch Partnership (PTL) Ltd

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

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

Mr Cope and Mr Mullaney left the meeting at 8.01pm.

- (e) 11/00471/FUL – Demolition of existing dwelling and garage and the erection of new dwelling with associated access and parking provision, 6 Boyslade Road East, Burbage – Mrs Jayne Barnes

Notwithstanding the officer’s recommendation that the application be permitted, it was moved by Mr Inman and seconded by Mr Moore that the application be refused due to its overbearing nature on nearby properties and the streetscene.

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

Mr Bill, Mr Crooks, Mr Inman, Mr Mayne, Mr Moore, Mr Nichols, Miss Taylor, Mr Ward and Ms Witherford voted FOR the motion (9);

Mr Allen, Mr Boothby, Mr Gould, Mr O’Shea, Mrs Smith and Mr Sutton voted AGAINST the motion (6);

Mrs Hall abstained from voting (1).

The motion was therefore declared CARRIED.

RESOLVED – the application be refused on the grounds of its overbearing nature on nearby properties and the streetscene.

- (f) 11/00477/FUL – Erection of electricity sub station (retrospective), Land adjacent M1, Ferndale Drive, Ratby – Mr John Cawrey

Some Members felt that the sub station was in an inappropriate location and it was moved by Mr Boothby and seconded by Mr Allen that the application be refused.

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

Mr Allen, Mr Boothby, Mr Nichols, Mr O'Shea and Mr Ward voted FOR the motion (5);

Mr Bill, Mr Crooks, Mr Gould, Mrs Hall, Mr Inman, Mr Moore, Mrs Smith, Mr Sutton, Miss Taylor and Ms Witherford voted AGAINST the motion (10);

Mr Mayne abstained from voting (1).

The motion was therefore declared LOST.

Mr Inman seconded by Mrs Hall moved that the application be permitted with a strict condition regarding landscaping.

RESOLVED – the application be permitted subject to the conditions contained in the officer's report and an additional condition requiring a landscaping scheme together with an implementation programme to be submitted within 28 days of the decision date.

- (g) 11/00490/FUL – Change of use from offices (B1a) to D1 use, 27 Station Road, Hinckley – Mrs Catharine Ruskin

On the motion of Ms Witherford, seconded by Mr Bill it was

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

Mr Boothby and Mr O'Shea left the meeting at 9.01pm.

- (h) 11/00396/FUL – Conversion of existing garage into a dwelling and alterations to existing property to form new garage, 333 Rugby Road, Burbage – Mr Byron Pountney

Notwithstanding the officer's recommendation that the application be permitted, it was moved by Mr Inman and seconded by Mr Moore that the application be refused due to the layout of the site resulting in a contrived form of development. The Head of Planning requested that voting on this motion be recorded.

The vote was taken as follows:

Mr Allen, Mr Bill, Mr Crooks, Mrs Hall, Mr Inman, Mr Mayne, Mr Moore, Mr Nichols, Mrs Smith, Mr Sutton, Miss Taylor, Mr Ward and Ms Witherford voted FOR the motion (13);

There were no votes AGAINST the motion (0);

Mr Gould abstained from voting (1).

The motion was therefore declared CARRIED.

RESOLVED – the application be refused on the grounds that the layout of the site resulted in a contrived form of development.

- (i) 11/00472/FUL – Extension to existing sports hall, change of agricultural field to sports field and creation of car parking, Sport in Desford, Peckleton Lane, Desford – Sport In Desford

Whilst in support of the application a Member requested that officers discuss with the applicant the possibility of widening the visibility splays. It was

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

- (j) 11/00398/COU – Change of use of first floor flat to ministry rooms ancillary to church (D1 use), Elohim Church Hub, Newbold Road, Barlestone – Mr Keith Flude

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

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

108 APPEALS LODGED AND DETERMINED (P20)

A summary was submitted of appeals lodged and determined since the last meeting. Particular attention was drawn to the appeals with regard to applications 10/00661/OUT (land adjacent to Hinckley Golf Club, Leicester Road, Hinckley) and 09/00915/OUT (land south of 26-28 Britannia Road, Burbage), which had been allowed.

At this juncture, Mr Nichols expressed his disillusionment with the planning system and the lack of support or understanding of local issues by central government. He also expressed disappointment at having written to the Secretary of State for Communities and Local Government last year regarding his concerns but having received no response or even acknowledgement. He announced his resignation from the Planning Committee with effect from the close of this meeting.

At this juncture, having reached 9.30pm, it was moved by Mr Inman, seconded by Mr Crooks and

RESOLVED - the meeting be allowed to continue until all business on the agenda had been transacted.

On returning to discussion on report P20, other Members expressed their disappointment in the appeal outcomes. It was requested that the views expressed by Mr Nichols be put into a letter to the Secretary of State from the Committee, and that the Head of Planning, Chief Executive and Deputy Chief Executives also be asked to write to him.

Mr Nichols also drew attention to the relevant section of the Council's Constitution which required a sample of planning applications to be revisited to examine the quality of the decision. He requested that this now be actioned.

Members thanked Mr Nichols for his work on the Planning Committee and urged him to reconsider his resignation from the Committee.

It was requested that when the workshop on affordable housing is held, this also be coupled with a presentation on changing policies.

RESOLVED –

- (i) letters be sent to the Secretary of State from the Planning Committee, the Chairman, the Head of Planning, the Chief Executive and Deputy Chief Executives;
- (ii) a sample of planning decisions be revisited as stated in the Constitution;
- (iii) new policies be discussed in the workshop which has been agreed to look at affordable housing.

109 APPEALS – PROGRESS (P21)

A schedule was submitted indicating the stages that various appeals against planning decisions had reached. On the motion of Mr Crooks, seconded by Miss Taylor, it was

RESOLVED – the report be noted.

(The meeting closed at 9.45pm)

REPORT P23

PLANNING COMMITTEE

13 September 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 - 13 September 2011 - NUMERIC INDEX

REF. NO.	APPLICANT	SITE	ITEM	PAGE
11/00431/FUL	Midlands Co-operative Society	The George Inn 78 Main Street Markfield	01	02
11/00455/CON	Midlands Co-Operative Society	The George Inn 78 Main Street Markfield	02	22
11/00489/FUL	Mr Lee Griffin	71 Dragon Lane Newbold Verdon	03	29
11/00559/FUL	Mr R Leedham	Lindridge Farm Lindridge Lane Desford	04	60
11/00544/FUL	Mr R Leedham	Lindridge Farm Lindridge Lane Desford	05	68
11/00583/FUL	Leicestershire Fire & Rescue Service	Caterpillar Uk Ltd Peckleton Lane Desford	06	74
11/00557/FUL	Mrs Springthorpe	1 Grange Road Nailstone	07	83
11/00656/EXT	A R Cartwright Ltd	Former Emesite Nutts Lane Hinckley	08	89
11/00627/FUL	Mr Richard Wheatley	Land Rear Of 31 And 33 Canning Street Hinckley	09	97
11/00565/FUL	Mr Raymond Fudge	8 Market Place Market Bosworth	10	112
11/00579/LBC	Mr Raymond Fudge	8 Market Place Market Bosworth	11	119

Item: 01

Reference: 11/00431/FUL

Applicant: Midlands Co-operative Society

Location: The George Inn 78 Main Street Markfield

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.

Additional information was received via email from the applicant's agent on 05 August 2011 in respect of noise from external plant and machinery, bin storage, deliveries and additional uses of the external storage area.

Amended plans were received on 05 August 2011 showing alterations to the southern elevation of Plot 1 proposed to the terraced houses along the Main Street frontage. The plans show the stepping in of the end gable on the southern elevation to Plot 1 to provide distinction between the front and rear sections of the dwelling.

Amended plans were received on 16 August 2011 from the applicant's agent showing alterations to the first floor layout of dwelling 4 proposed to the rear of the site. These proposals involve the re-siting of bedroom 3 to the front of the dwelling and it being replaced with a bathroom to the rear. The amended plans also show the removal of the window to serve bedroom 2 from the rear elevation of the dwelling and it to be replaced by a new bedroom window positioned in the eastern elevation of dwelling 4.

Further amended plans were received on 31 August 2011 from the applicant's agent showing the installation of a bricked enclosure around the bin store and refrigeration and air conditioning units sited along the southern elevation of the proposed retail food store. The sections of brick work will be broken up by acoustic louvered walls and doors and the amended plans also make provision for flat roofs to be installed to the enclosures.

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 be 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.

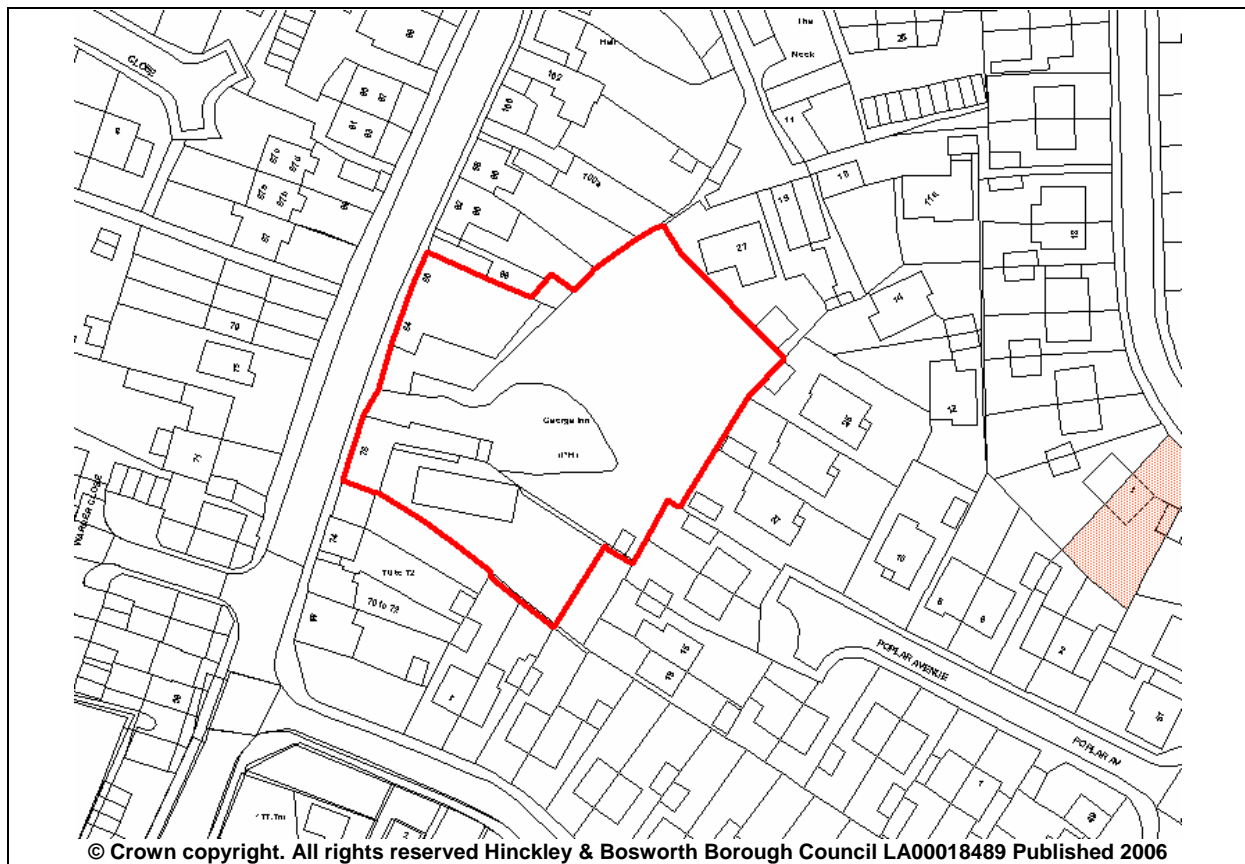
A phasing strategy has been provided which states that the buildings to the rear of the George Inn public house will be demolished first and then the conversion of the pub and construction of the new retail store will take place. The existing Co-operative food store will be demolished and the area tidied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

Following receipt of the additional information on 5 August 2011 in respect of noise from external plant and machinery, bin storage, deliveries and additional uses of the external storage area the Head of Community Services (Pollution) has raised no objections subject to conditions being imposed.

Following receipt of the amended plan on 16 August 2011 showing alterations to Plot 4 two letters of objection from the same objector have been received raising similar issues to those already stated, together with the following issues:-

- w) no parking to be provided for existing properties on Main Street, thereby resulting in illegal parking
- x) the design of the proposed retail store is out of keeping with the listed George Inn public house within the conservation area
- y) noise and smells from bins, refrigeration and air conditioning units will prevent the use of the garden.

Following receipt of the amended plans on 31 August 2011 additional reconsultation has taken place. The consultation period remains open at the time of writing this report and expires on 09 September 2011. Any representations received before the closing date will be reported and appraised as a late item.

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 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

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 Policy

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. The additional information received from the applicant's agent on 05 August 2011 states that the bin storage area will be sited away from residential properties on Main Street and closer to dwellings on Neville Drive. The Head of Community Services (Pollution) has commented that the impact on residential amenity

through odour can be addressed through good management. This is reinforced in the code of practice document submitted with this planning application which is adopted by the Midlands Co-operative Society in all of its stores.

In respect of noise and deliveries the additional information provided on 5 August 2011 states that refrigeration and air conditioning equipment is to be installed and a noise assessment was submitted with the planning application. The information states that the use of the scissor lift will be dependent upon the size and type of deliveries and that a typical delivery schedule for Co-operative food stores was submitted for consideration with the planning application. It should be noted that the delivery schedule submitted with the planning application is a typical delivery schedule and is not specific to these proposals. Following receipt of the additional information The Head of Community Services (Pollution) has recommended conditions in respect of deliveries and noise from delivery vehicles and the scissor lift.

The typical delivery hours schedule submitted with the planning application states that newspapers are delivered between 4am-6am on a daily basis and that all other deliveries typically take place after 6am. As the delivery area to the proposed food retail store is to be sited to the rear, this will bring delivery vehicles and noise associated with unloading these vehicles closer to a number of residential properties bordering the site. Therefore careful consideration of the delivery hours is required in this case. As the majority of deliveries take place after 6am on a daily basis, and only two deliveries take place on a Sunday it is considered that in order to protect residential amenity the following delivery times are considered reasonable:-

7am - 6pm Monday to Saturday
9am - 12pm Sundays and Bank Holidays.

These delivery hours are consistent with condition recommended by the Head of Community Services (Pollution). Therefore a condition will be imposed ensuring that these delivery hours are adhered to.

In terms of the refrigeration equipment, air conditioning units and scissor lift a condition will be imposed for a scheme for the protection of dwellings from noise disturbance to be submitted prior to development commencing on site. The proximity of the bin storage area and externally located plant equipment to residential properties was raised as an issue for concern by members at the previous planning committee meeting on 16 August 2011 where this application was deferred. Amended plans were received from the applicant's agent on 31 August 2011 showing the enclosure of the bin storage and refrigeration and air conditioning units within a brick and acoustic louvered wall system with a flat roof over. The siting of the bin storage and air conditioning/refrigeration units along the southern elevation of the site will bring this equipment closer to the private amenity spaces of 76 Main Street and 1 Neville Drive. The external plant and bin store will be located 22m from the rear elevation of 1 Neville Drive to the south. Taking into account this separation distance, the provision of an acoustic fence to be agreed by planning condition along the southern boundary and the additional enclosure/acoustic proposals put forward in the amended plans it is considered that the applicant has taken all necessary measures to mitigate against noise and vibration from the plant area to 1 Neville Drive. The plant area and bin store will be located adjacent to the boundary with 76 Main Street. Again taking into account the provision of an acoustic fence and the enclosure/acoustic walls to the plant equipment and bin store it is considered that the potential for loss of residential amenity to the rear garden area of 76 Main Street has been sufficiently mitigated against.

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. The amended plans received on 16 August 2011 show alterations to the first floor layout of dwelling 4. The substitution of the bedroom window for a bathroom window in the first floor rear elevation of dwelling 4 will ensure that there will be no overlooking from this window to 27 Poplar Avenue to the rear. A condition will be imposed requesting that this bathroom window be obscure glazed and to ensure no overlooking to 27 Poplar Avenue can occur. The removal of the window serving bedroom 2 in the first floor rear elevation of dwelling 4 and it being re-positioned in the eastern elevation will remove the potential for overlooking to the lounge of No 27 Poplar Avenue to the rear. There will be separation distances of 23m and 24m to the rear elevations of numbers 23 and 25 Poplar Avenue from the re-positioned bedroom window in the eastern elevation of dwelling 4, it is considered that this separation distance is sufficient to mitigate the potential for overlooking to the rear elevations of these neighbouring properties.

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 George Inn public house is not a listed building and careful consideration has been given to the siting of the proposed retail food store to ensure it is effectively screened behind this existing building within the conservation area. 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.

The amended plans received from the applicant's agent on 5 August 2011 show the stepping back of the gable projection to plot 1. These amendments are consistent with the comments made by the council's conservation officer in respect of the southern elevation to plot 1 to allow distinction between the front and rear sections of this dwelling to be made. It is considered that this amendment to the southern elevation of plot 1 preserves the character and appearance of the Markfield conservation area.

The removal of the bedroom window to the rear elevation of dwelling 4 and its re-positioning within the eastern elevation will ensure that the mass of brick in the gable of this property is broken up by a further window opening. This amendment to dwelling 4 will preserve the character and appearance of the Markfield conservation area.

The amended plans received on 31 August show the retention of the bin storage and plant equipment to the southern area of the site to be located to the rear of the proposed food retail store. It is considered that the relocation of this equipment elsewhere within the site would have resulted in it being to the detriment of the character and appearance of the Markfield conservation area. Additionally the nature of this equipment is such that it is advisable for it to be located away from the areas of the site that will be frequented by the public (i.e. the car park) and where it would potentially conflict with the overall aspirations for this site as set out in the Markfield Conservation Area Appraisal which seeks a comprehensive redevelopment scheme that positively contributes to the character and appearance of the conservation area.

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. There is sufficient off-street parking to be provided within the proposed development to serve the customers to the proposed retail food store which will reduce the requirement for customers to park their vehicles on Main Street, this is the present situation. Whilst it is advantageous for the applicant to bear the cost of providing parking spaces to serve 72-76 Main Street it is not a requirement as part of this planning application. The parking of vehicles illegally within the highway on Main Street is a matter for parking enforcement to address.

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.

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.

CCTV Provision

With regard to the comments made by The Leicestershire Constabulary Crime Reduction Officer in respect of CCTV Coverage a condition will be imposed requesting that a scheme for crime prevention, including CCTV provision be submitted for consideration prior to development commencing.

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 grant planning permission subject to the conditions below:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. 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 and Bosworth Borough Council Local Plan (2001) :- Policies BE1, BE7, RETAIL7, REC2, REC3, RES5, T5, T9, NE2 and IMP1.

Hinckley and 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, 6671P12A, 6671P15A, 6671P16, 6671P17, MCS/HMP/DHB/TS/01 and MCS/HMP/DHB/LP/02 received on 1 June 201, amended plans 6671P09B 6674P10B, 6671P11C received on 5 August 2011, amended plans 6671P13B and 6671P14C received on 16 August 2011, amended plans 6671P07B and 6671P08B received on 31 August 2011 and amended plan 6671P06C received on 1 September 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 rising of 3 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:-

- a) means of enclosure and boundary treatments, including the provision of a gated access between the private and public parking areas
- b) hard surfacing materials for both the private and public parking areas
- c) planting plans
- d) written specifications
- e) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- f) 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 Notwithstanding the submitted plans 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.
- 25 No deliveries shall be made to the proposed food retail store between the hours of 6pm and 7am Monday to Saturday and 12pm and 9am on Sundays and Public Holidays.
- 26 Development shall not commence until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and agreed in writing by the Local Planning Authority and all works which form part of the approved scheme shall be completed in their entirety before the proposed food retail store is first brought into use. The scheme shall include noise mitigation measures associated with the use of the scissor lift and refrigeration and air conditioning units as designed specifically for the proposed development.
- 27 Prior to commencement of the development hereby permitted full details of the measures to address crime and terrorism, with particular regard to CCTV shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out with the approved details.
- 28 The bathroom window to be inserted in the northern elevation of Dwelling 4 shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the bathroom in which the window is installed and retained as such at all times 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 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.
- 25 To define the terms of the permission and to avoid unacceptable loss of amenity through noise disturbance to residential properties located within the vicinity of the site in accordance with policy BE1 of the Hinckley and Bosworth Local Plan.
- 26 For the avoidance of doubt and to ensure that the proposed use does not become a source of annoyance to surrounding residential properties in accordance with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 27 To ensure the development provides a safe and secure environment to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 28 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring properties.

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: 02

Reference: 11/00455/CON

Applicant: Midlands Co- Operative Society

Location: The George Inn 78 Main Street Markfield

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.

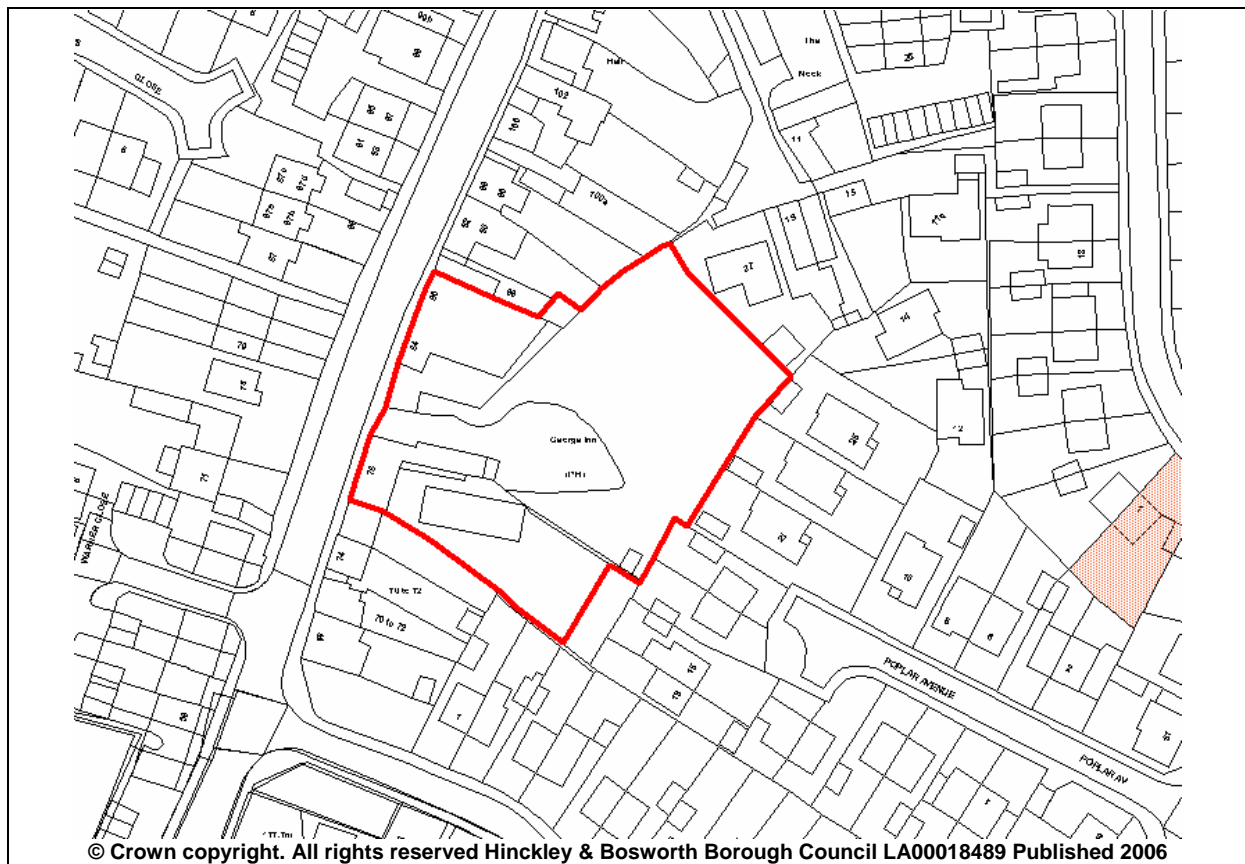
The land surrounding the site is residential in nature and this largely consists of modern bungalows along the northern and eastern boundaries of the site. The residential properties to the north and east of the site are located on lower ground level than the application site. The street scene along 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 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 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 and Bosworth Borough Council Local Plan (2001) :-Policy 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: 03

Reference: 11/00489/FUL

Applicant: Mr Lee Griffin

Location: 71 Dragon Lane Newbold Verdon

Proposal: PROPOSED DEMOLITION OF NO 71 DRAGON LANE AND ERECTION OF 94 DWELLINGS WITH ASSOCIATED GARAGES, CAR PARKING AND INFRASTRUCTURE

Target Date: 28 September 2011

Introduction:-

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

Application Proposal

This application seeks full planning permission for the demolition of 71 Dragon Lane and the erection of 94 dwellings and associated infrastructure, including public open space, a new access, landscaping and car parking.

The application proposes 94 dwellings consisting of 12 one bed roomed flats; 25 two bed roomed units; 14 three bed roomed units and 40 four bed roomed units and 3 five bed roomed units. The application includes 37 affordable units (a 35% contribution). The tenure split of the affordable housing remains to be agreed and will be reported as a late item. The scheme proposes a mix of properties, mainly two storey in height with a limited number of 2 ½ storey properties. The properties are arranged in short terraces, semi-detached and detached arrangements. The 1 bed flats are to be accommodated within three 'Quarter Houses' which are two storey house types adapted to provide four single occupancy independently accessed flats.

A new site access is proposed through the demolition of 71 Dragon Lane. This will serve vehicles, cyclists and pedestrians. Car parking has been interspersed through the site to provide at least 1 car parking space per dwelling. Public open space is proposed centrally within the site, this comprises an equipped play space and an area of informal open space. The scheme has been sub-divided into 5 'character' areas, comprising of the following:- 'Country Lane Character', 'Village Street Character', 'Main Street Character', 'Mews and Courtyard Character', and 'Open Space Character'. The landscaping proposed within each is reflective of the specific character.

During the course of the application the following amended plans and documents have been received:-

- a) Site layout plan
- b) Amended elevations for the Corbridge, Didbrook, Eastcote, Rearsby, Hollington and Laceby House types.

Given the relatively minor alterations to the layout and house types, no re-consultation has been undertaken.

The Site and Surrounding Area

The application site is located on the north western side of Newbold Verdon, and comprises a single dwelling house with a frontage onto Dragon Lane and part of an arable Field. The total site area is approximately 7 hectares. The principal part of the site is roughly triangular in shape with an area of 3.12 hectares. The eastern boundary is defined by a service track to the rear of existing properties along Dragon Lane. The south western boundary is defined by a managed hedge and the northern boundary is undefined by any physical features. The site is generally level with a gradual downward slope from south to north.

Views of the site are available from Bosworth Lane and Barlestone Road, which is the principal vehicular route to Newbold Verdon from the west. These views are at present set against the rear of properties along Dragon Lane, which back onto the application site.

In terms of built character adjacent to the application site, properties along Dragon Lane to the west of the site are two storey detached and semi-detached relatively modern red brick properties of a functional and uniform appearance. These dwellings are associated with the post war expansion of the settlement. Red facing brick is the predominant material used, with examples of light coloured painted render on some buildings.

Technical Document submitted with application

The application has been accompanied by a draft S106 agreement.

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

Design and Access Statement

The statement details the application site and its surroundings. It considers the proposed development in the context of national and local policy and includes an opportunities and constraints assessment. A building for Life Assessment is also included. This concludes that the scheme will result in a quality residential development, reflecting a clear set of design principles that have been developed having regard to the characteristics of the site and its surroundings and relevant planning policy.

Flood Risk Assessment

This has been provided in line with the guidance contained within PPS25: Development and Flood Risk. The site is situated within Flood Zone 1 and as such is categorised as an area with a 'low probability' of flooding from the nearby water course and that there are no known records of flooding on the site. The assessment acknowledges additional generation of storm run off and identifies that the most likely risk of flooding is from the on-site drainage system. The report concludes that the ground within the site is suitable for a soakaway for the disposal of surface water. It goes on that surface water measurement within the proposed development will be designed to sustain principles with the aim of not increasing and where practical reducing surface water run-off. The site is therefore presented as sustainable in terms of flood risk.

Transport Assessment

This contains the following four sections:- 'Transport policy and accessibility issues', 'existing traffic conditions within the vicinity of the site', 'transport implications of the proposed development', 'summary and conclusions'.

In respect of section one, the assessment concludes that the development is generally consistent with relevant national and local transport related policy guidance. It indicates that walking, cycling and the use of public transport will be realistic options for local trips by residents and visitors, that a range of shops, schools and community facilities are available within easy walking distance of the site and regular bus services pass the site. A travel plan is to be implemented as an integral part of the development to promote the use of more sustainable modes of transport.

In relation to section 2, the analysis provided demonstrates that the local highway network operates in a safe and satisfactory manner and existing traffic flows are well within capacity.

Section three states that the development will generate a modest level of trip making and that existing facilities for pedestrians, cyclists and public transport users available in the local area will provide adequately for anticipated trip making by these modes of transport. Access to the site will be provided in accordance with normal standards, and the development will improve access to rear parking areas to the west of Dragon Lane. Operational analysis demonstrates that the proposed site access arrangement will operate satisfactorily in the 2016 assessment year, with no discernable congestion or delay.

The assessment concludes that the proposal is acceptable from a transport viewpoint.

Supporting Planning Statement

The statement provides an explanation of how the proposal seeks to satisfy the relevant national and local development plan policies and 5 year housing land supply and provides general justification for the proposal given its countryside and edge of settlement location. This concludes that the lack of a five year housing and land supply in the borough and the need to increase the supply of both market and affordable housing in the area represents a significant material consideration which overrides any conflict with the development plan.

Coal Mining Subsidence Assessment

This contains a coal mining report which identifies how and when the site was mined, geological information concerning soil composition, historical ground movement data and abandonment plans, which indicate when the site was last mined and its present classification. This concludes that there is substantive evidence to indicate that coal mining subsidence has impacted on the land and surface stability at the site within living memory. The Coal Authority's coal mining report indicates that any ground movements from the coal mining activities should have stopped by now. Therefore the foundations to the proposed development proposed can be designed without the need to address shallow mining issues. Recommendations have been made for the construction of traditional strip/trench fill foundations at the site. Only if ground conditions are encountered which prevent this solution being implemented, should an alternative foundation solution be sought.

Ecological Appraisal

This provides a phase 1 habitat survey and protected species survey, and an extended phase 1 habitat assessment and preliminary protected species survey. The site was classified as an intensively managed arable field with limited margins and was not considered to be of botanical significance or of a significant value to nature conservation. The mature trees within the site were considered to be of low potential to roosting bats. Habitats suitable to reptile activity were limited to the site edges and thus would not be affected by the development proposed. There were considered to be some habitats for nesting birds, with the recommendation that expert advice should be sought if nests were discovered. No suitable habitat was identified for Great Crested Newts. No evidence of any

other protected species was identified and thus there is not considered to be a statutory constraint against the development from an ecological point of view.

Archaeological Evaluation

A desk-based assessment of the site and its environs has been undertaken and is incorporated into the document and a geophysical survey of the site was completed in January 2011, and its methodology and results have been incorporated.

This report concludes that a very limited amount of possible archaeological features have been identified. These are in the form of three weak positive area anomalies, representing cut features of a possible archaeological origin. However, these features could be of natural origin. A former field boundary can be seen within the data crossing from south west to north east of the site. Several small discrete positive anomalies which may be pits of an archaeological origin are also present around the site. Agricultural marks are present within the south west of the of the survey area. Magnetic debris, caused by brick and ferrous debris, and magnetic disturbance can be seen spread around the site.

Affordable Housing Statement

This outlines the policy requirements in terms of affordable housing and tenure split. In relation to the policy, it is stated that of the 94 dwellings proposed, 37 will be affordable. This equates to approximately 35%. In terms of tenure split, this is subject to further discussions and negotiation. It is suggested that the Councils policy will be used as a starting point, but agreement will need to be reached as to the proportion of affordable rent to be included, given its recent introduction into the definition of affordable housing. The phased delivery of the affordable units is also subject to agreement.

Finally, it is noted that these proposals are based on the best currently available information, and may alter as new information emerges.

Draft Section 106 Heads of Terms

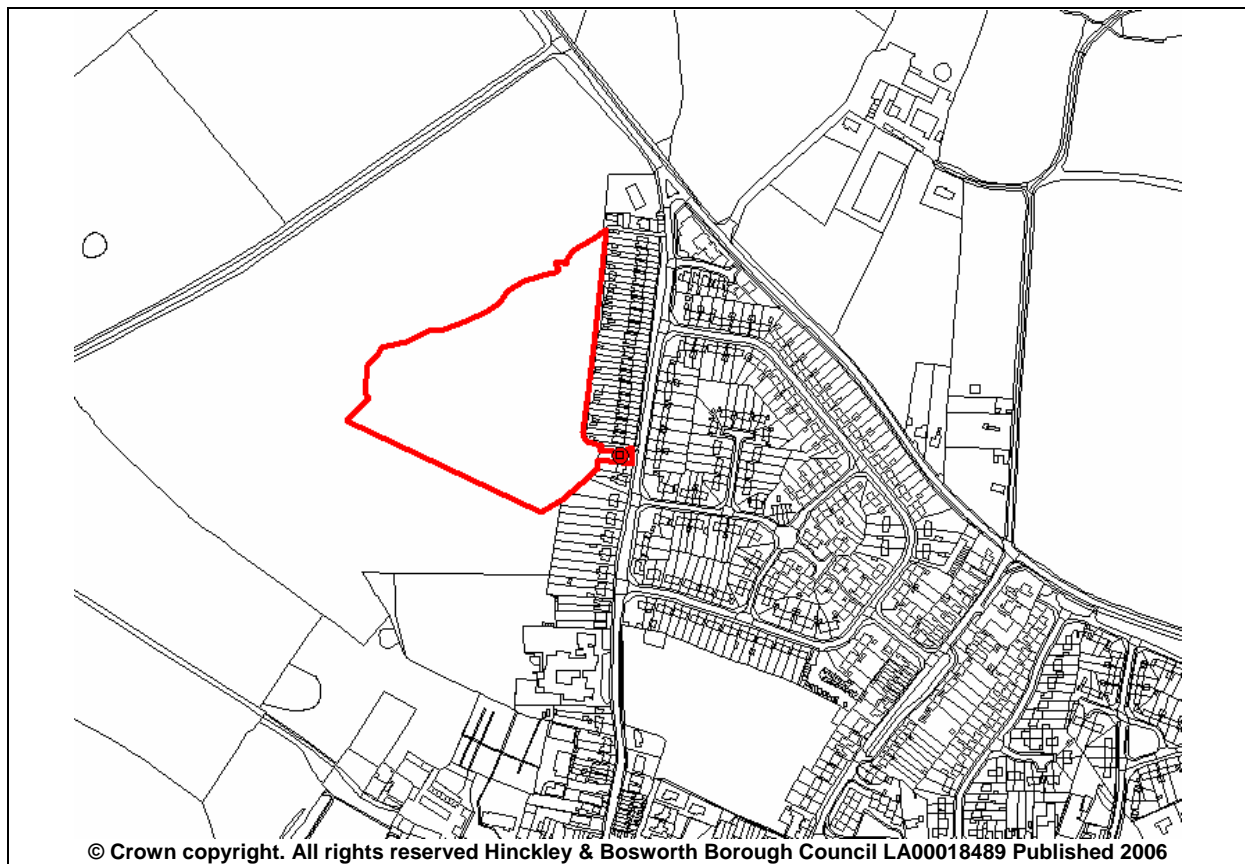
This provides details of the likely contributions sought in respect of affordable housing, healthcare, public open space, civic amenity and libraries.

Statement of Community Involvement

The Statement demonstrates the ways in which the applicants have engaged with the local community and reviews the comments received.

History:-

None relevant.



Consultations:-

No objection has been received from:-

Directorate of Chief Executive (Ecology)
Head of Community Services (Land Drainage)
Central Networks.

No objection subject to a note to applicant has been received from The Coal Authority.

No objection subject to conditions have been received from:-

Environment Agency
Severn Trent
Director of Environment and Transport (Highways)
Head of Business Development and Street Scene Services
Head of Community Services (Pollution).

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

- a) Director of Children and Young Peoples Services (Education) states that in respect of primary schools there is an overall surplus of 10 places after taking into account the 20 pupils generated by this development. No education contribution is therefore requested for this sector. In respect of the High School Sector, there is a requirement for a contribution of £160,885.53. There is a deficit of 9 pupil places. In respect of Upper Schools, there is a surplus of 29 places and thus, no contribution is required.

- b) Director of Environment and Transport (Civic Amenity) states that the development would generate additional civic amenity waste at the Barwell Civic Amenity site a contribution of £4299 is sought.
- c) Director of Adults and Communities (Libraries) has stated that as Newbold has received a substantial award of Big Lottery Funding to provide a new Library and associated facilities, no contribution is required.
- d) Director of Environment and Transport (Highways) has requested the following contributions to comply with Government guidance in PPG13, PPS1 and circular 05/05, in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use :-
 - Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £50.18 per pack).
 - Six month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £331.20 per pass.
- e) Chief Executive (Ecology) does not request any financial contributions.

The Primary Care Trust requests a contribution of £15,087.60. It is stated that the development would place additional pressures on the workload of GP'S and associated professionals. Details of how the contribution would be spent have been provided. This would include the purchase of two patient self check-in machines and a blood pressure monitoring machine.

The Leicestershire Constabulary Crime Reduction Officer is seeking no contribution in this case.

Site notice and Press notice were displayed and neighbours notified.

Ten letters of representation have been received, these raise the following issues:-

- a) that the development will have a negative impact on the local educational facilities
- b) that the development will have a negative impact on Newbold Verdon Surgery
- c) that the proposal will increase traffic in the area
- d) the development will have a negative impact on the character of the village
- e) objections to the lack of consultation in respect of the scheme
- f) unnatural extension to the village and an intrusion into the open countryside
- g) queries over who the new access is proposed for and concerns that it is inadequate
- h) too few affordable properties and those provided are poorly designed
- i) loss of view and degradation of property values
- j) increased pressure on local amenities
- k) concerns that the ground is still dropping, from the historic mining operations
- l) concerns that the development will cause disruption to the users of the service road to the rear of Dragon Lane
- m) Highway concerns
- n) the village will no longer constitute a village following the development
- o) development of Greenbelt Land
- p) supportive of the application, but improvements are needed to improve transportation and access to the primary school.

A petition containing 250 signatures has been received, the intention of this is to try and prevent the development. This does not contain details of the specific reasons for objection.

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

The Historical and Natural Environment Team
The Inland Waterway Association
Osbaston Parish Council
Newbold Verdon Parish Council.

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.

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 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives.

This document states at paragraph 12 that good design is fundamental to the development of high quality new housing. Paragraph 13 reflecting policy in PPS1 states that good design should contribute positively towards 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.

PPS3 has very recently been updated, of relevance to this development is Paragraph 47 which has been amended so that 30 dwellings per hectare is no longer a national indicative minimum density and allowing local planning authorities to develop their own range of policies whilst having regard to the continued need to develop land in the most efficient manner.

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

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.

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' requires Local Authorities to fully consider the effect of planning decisions on biodiversity including protected species and biodiversity interests in the wider environment. The broad aim is that development should have minimal impacts on biodiversity and enhance it where possible.

Planning Policy Guidance Note 13 (PPG13): 'Transport' set out the Government's commitment to transport and planning and confirms that highway safety is a paramount consideration in the determination of any planning application. 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 reducing the need to travel. Paragraph 29 states that when thinking about new development the needs and safety of the community should be considered and addressed in accompanying Transport Assessments.

Planning Policy 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 rural locations.

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

Planning Policy Guidance Note 24 (PPG24): 'Planning and Noise' guides Local Authorities on the use of planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

Planning Policy Statement 25 (PPS25): 'Development and Flood Risk' aims to ensure that flood risk is taken into account at all stages in the planning process and to reduce flood risk to and from new development through location, layout and design incorporating sustainable drainage systems (SUDS).

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 it 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 1 seeks to secure the delivery of sustainable development.

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

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

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

Local Development Framework Core Strategy 2009

Policy 7: 'Key Rural Centres' this seeks to support such areas to ensure they can provide key services to their rural hinterland. This requires transport improvements in line with policy 14 and requires development to be of the highest environmental standards in line with Policy 24.

Policy 11 refers to development in Key Rural Centres and with regards to Newbold Verdon states that the council will: allocate land for the development of a minimum of 110 new homes; support additional employment provision; support the improvement of GP facilities; address the existing deficiencies in green space and deliver safe cycle routes.

Policy 15: 'Affordable Housing' seeks the provision of Affordable Housing on residential proposals within rural areas of 40% with a tenure split of 75% social rented and 25% intermediate housing.

Policy 16: 'Housing Density, Mix and Design' seeks to ensure that all new residential development provide a mix of types and tenures appropriate to the applicable household type projections. A minimum of 40 dwellings per hectare is required within and adjoining Hinckley.

Policy 14: 'Rural Areas: Transport' this supports the delivery of viable, high quality public transport network between the Key Rural Centres and to deliver safe cycle paths as detailed in the Hinckley and Bosworth Council's Rural Parishes Cycling Network Plan. This seeks to deliver safe routes to school, residential and employment areas, key rural centres, community and leisure facilities and into the countryside. Developers will be required to contribute towards these facilities through developer contributions.

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

Policy 24: 'Sustainable Design and Technology' seeks to ensure that all new homes within Key Rural Centres will be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes in line with the guidance set out in Building a Greener Future.

Hinckley and Bosworth Local Plan 2001

The site is outside the settlement boundary of Newbold Verdon as defined in the adopted Hinckley and Bosworth Local Plan and is therefore within open countryside.

Policy NE5: 'Development in the Countryside' 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 RES5: 'Residential Proposals on Unallocated Sites' states that on sites that are not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies.

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

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

Policy REC2: 'New Residential Development – Outdoor Open Space Provision for Formal Recreation' 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 NE14: 'Protection of Surface Waters and Groundwater Quality' seeks to protect the water environment.

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

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

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

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

Supplementary Planning Guidance/Documents

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

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

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

The Council's Supplementary Planning Document (SPD): 'Affordable Housing' provides the background and approach to the Borough Councils delivery of affordable housing.

Other Material Policy Guidance

Draft Site Allocations and Generic Development Control Policies DPD 2009

The application site was publicised as a preferred option for residential development in the Draft Site Allocations and Generic Development Control DPD (February 2009). The Site Allocations Preferred Options Document was subject to public consultation during 2009. This does not however, provide justification for permitting development ahead of the plans adoption as explained in Para 17, of ODPM's Planning System General Principles guide. Concern is raised that permitting this site could be considered premature and potentially set a precedent for other sites coming forward, thus undermining the LDF process. It is considered that at present the Site Allocations Document carries little weight.

Strategic Housing Land Availability Assessment (SHLAA) Review 2010

The SHLAA Review 2010 was published in April 2011. This document provided evidence to underpin the deliverability of the Core Strategy, in particular to justify that sufficient deliverable land can be provided on a variety of sustainable sites across the Borough. The application site (AS436) was assessed through this process. The site was identified as non-developable as Grade II agricultural land covers a large portion of the site which is regarded as a red constraint. However the SHLAA is considered to provide a list of potential sites in which various constraints are identified. It is the role of the Site Allocations and Generic Development Control Policies Development Plan Document (DPD) to balance the identified constraints within the SHLAA to determine the most appropriate sites within a settlement for development.

Leicester and Leicestershire Strategic Housing Market Assessment (SHMA). This is an continually evolving document that monitors housing need, and markets within the borough. As a result the SHMA provides robust and up to date evidence of housing need in the Borough.

Landscape Character Assessment (2006)

This states that the bulk of the 20th century development lacks local distinctiveness, with different layout and materials used. However just beyond the Conservation Area Boundary to the south, more recent development has been constructed in a more appropriate style. The recommendations for the settlement is to build upon and improve Newbold Verdon's sense of place and individual identity.

The Landscape Character Appraisal identified the site as being within Stoke Golding Vales Character Area E. Area E covering Stoke Golding, Higham on the Hill, Dadlington and Stapleton is described as being distinctly rural and largely tranquil, of high sensitivity with limited capacity for change.

Ministerial Statements

Planning For Growth (2011) This suggests that the planning system has a key role to play in ensuring that the sustainable development needed to support economic growth is able to proceed as quickly as possible. When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. This statement confirms that particular weight will be attached to the need to secure economic growth and employment.

Appraisal:-

The main considerations in the determination of this application are the principle of development; five year housing land supply; impact upon the character and appearance of the countryside; overall appearance; impact upon residential amenity; highway considerations, development contributions and affordable housing, drainage and flood risk and other matters.

Principle of Development

The application site lies outside of the settlement boundary of Newbold Verdon, as defined on the proposals map of the adopted Local Plan and is therefore within an area designated as countryside.

Both policy NE5 and RES5 of the adopted Local Plan seek to protect the countryside for its own sake and state that planning permission will only be granted for development that is important to the local economy, for the change of use of existing buildings or for sport and recreation. The proposed residential development does not meet any of these criteria.

In summary, accordance with Policies NE5 and RES5, residential development is not supported outside the settlement boundary. The application is therefore contrary to this policy unless there are material planning considerations that indicate that it is acceptable on other grounds and those considerations outweigh the harm caused to policy by the development.

Five Year Housing Land Supply

The Hinckley and Bosworth Core Strategy was adopted in December 2009 and the housing figures contained within it were based on the figures set in the East Midlands Regional Plan. As part of the production of the Core Strategy, in addition to the housing figures within the Regional Plan, 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 Leicester and Leicestershire Strategic Housing Market Assessment (SHMA) was one document that was used as part of the Core Strategy evidence base, and the Core Strategy reflects the findings of the SHMA process. However, it reflects not just the document itself, which is fixed in time, but the ongoing process of understanding local housing markets, gathering evidence and data, and developing tools and models, which are likely to continue to evolve.

As a result of the need for flexibility in response to housing market conditions, and in different housing markets within the Local Authority area, the SHMA provides robust and up to date evidence of housing need in the Borough. The Borough Council were part of the steering group for the production of this document and the authority provided a range of data sets to inform the assessment. The findings of the SHMA reflect the findings of the Regional Plan.

Another document that informed the Core Strategy was the Strategic Housing Land Availability Assessment (SHLAA). The SHLAA provided background evidence on the potential supply of housing land within the Borough. This document provided evidence to underpin the deliverability of the Core Strategy, in particular to justify that sufficient deliverable land can be provided on a variety of sustainable sites across the Borough. It is the quantum of deliverable housing land that is critical in underpinning the housing strategy outlined in the Core Strategy. It provides evidence, in general terms, that sufficient deliverable housing land can be provided to meet the Council's preferred approach to future housing growth. This approach allows for all residents of the Borough to have access to a suitable home which they can afford in a range of sustainable locations (when combined with the other spatial objectives of the Core Strategy). Whilst the SHLAA forms a single evidence strand in pulling together a preferred housing strategy, which is considered deliverable for the Core Strategy it is important to recognise that it provides vital information in a number of areas. It provides a quantum of available and deliverable land in a range of settlements which have been assessed against a number of constraints (i.e. environmental, topographical, access and ownership). Importantly it also considers a timeframe for potential development.

The Regional Strategy has not been abolished and still forms part of the development plan. No transitional arrangements have been produced and therefore the housing figures contained within the recently adopted Core Strategy should still apply. As an Authority, a pick and choose approach to the contents of the Core Strategy cannot be adopted at this stage, as this would leave the Authority with voids in policy.

The Government has not removed the requirement for a 5 year housing land supply from PPS3 in their recent amendments, therefore elements of the Regional Plan must be utilised until transitional arrangements have been formulated.

As the Council have recently adopted the Core Strategy, the Local Planning Authority should use the housing figures contained in the adopted Core Strategy. The housing figures contained in the Core Strategy have been independently inspected and were found to be sound through public examination. In light of the above, it is considered that the housing figures contained within the adopted Core Strategy are based on robust evidence and should continue to be used as part of the Borough Council's Adopted Development Plan.

As highlighted above, the requirement for a five year supply of housing land was not removed from PPS3 in its recent revisions published in June 2011. As a result, the five year supply of housing land should still be considered as part of this planning application and the Core Strategy requirements utilised for the reasons outlined above. With regards to the matter of housing supply, it is accepted that Hinckley & Bosworth Borough Council are unable to secure a 5-year land supply identified by the monitoring figures set out below, which are based upon the Core Strategy requirements.

PPS 3 requires Local Authorities to identify and maintain a rolling 5-year supply of deliverable land for housing. In particular paragraph 71 of the PPS states 'where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites' they should consider favourably planning applications for housing, having regard to the policies in PPS3 including the considerations in Paragraph 69'. This sets out the key criteria for considering applications including high quality design, mix, sustainability and efficient use of land.

The Local Authority is currently unable to secure a five year housing land supply of deliverable and developable sites. As of 1 April 2011, the cumulative shortfall of dwellings was identified as 750 dwellings (equating to 3 years and 7 months of supply).

In considering the shortfall in the land supply position, Policy 11 of the Core Strategy allocates a minimum of 110 dwellings to Newbold Verdon to allow for flexibility in the level of housing provided. The proposal is for 94 dwellings. The latest monitoring information suggests that there have been 11 new dwelling completions in the period April 2009 – March 2011 and there are 5 outstanding new dwelling commitments at March 2011. Accordingly the proposal would fulfil the minimum housing numbers required for Newbold Verdon as set out in the Core Strategy.

The SHLAA Review 2010 was published in April 2011 and the application site (AS436) was assessed through this process. The site was identified as non-developable for it comprised a large area of Grade II agricultural land, which is regarded as a red constraint. However, this said, there is not sufficient land within the settlements boundary of Newbold Verdon to accommodate the housing numbers identified within the Core Strategy. Therefore land adjacent to or outside of the settlement boundary needs to be developed. The application site was publicised as one of two large scale preferred option sites for residential development in the Draft Site Allocations and Generic Development Control DPD (February 2009). This site was identified, despite the findings of the SHLAA, as available sites to accommodate the necessary housing numbers were limited, and this site provided one of the best options in terms of its relationship to the existing settlement form and character.

Whilst this site is identified as a potential development site for housing within the village, the Site Allocations document is currently at the preferred options stage and has not undergone independent examination by the planning inspector. Accordingly this document is un-adopted and as such carries little weight in the consideration of this application.

As such this does not provide justification for permitting development ahead of the plans adoption as explained in Para 17, of ODPM's Planning System General Principles guide. Concern is raised that permitting this site could be considered premature and potentially set a precedent for other sites coming forward, thus undermining the LDF process.

In summary, this application proposes to fulfil the residual housing requirement of 94 dwellings identified in the five year housing supply and updated residual housing requirements in April 2011. However the construction of the access requires the demolition of a dwelling which means the residual housing requirement for Newbold Verdon would be 1 dwelling after the construction of this development. This would fulfil the minimum housing numbers (with the exception of 1 dwelling) for Newbold Verdon to consolidate and improve existing services, in-line with Core Strategy Policy 11, up to 2026. This provision must be considered in light of the Boroughs overall shortfall in the 5 year housing land supply and that this application will serve to reduce to this shortfall.

It should be noted however, that the lack of 5 year housing supply alone does not legitimise the approval of inappropriate and non-preferable sites, and should be considered alongside a number of other material considerations, which are considered later in this report.

Impact upon the Character and Appearance of the Countryside

As discussed earlier in this report the application site in policy terms lies outside of the defined settlement boundary for Newbold Verdon and is within the countryside. The development will encroach into the open countryside, however policy NE5 states that development may be acceptable where it is important to the Local Economy and cannot be provided within an existing settlement. As discussed above, the site is adjacent to the settlement boundary and the development is necessary to provide the housing numbers identified within the Core Strategy for Newbold Verdon. Accordingly, this accepted the following, additional criteria must be met:-

- a) the proposal should not have an adverse effect on the appearance or character of the landscape
- b) the proposal should be in keeping with the scale and character of the existing buildings and general surroundings
- c) where necessary, the proposal should be effectively screened by landscaping
- d) the proposal will not generate traffic likely to exceed the capacity of the highway network.

The site is situated to the west of the settlement boundary, and to the properties along Dragon Lane. The site is to be subdivided, with only the eastern half being developed and the western portion retained as open land. The site will be visible from Bosworth Lane, to the west and Barlestone Lane to the north east. This said, the development will be seen against the backdrop of properties on Dragon Lane, and the settlement as a whole, and thus will appear as a natural extension to the village. Adjacent to the western boundary there is open countryside with the common boundary comprising a mature native hedge. This is to be retained and will offer an element of screening to the development. Accordingly, although visible, the development is not considered to have a materially detrimental impact on the character of the countryside from this elevation. From Dragon Lane, views of the development will be screened by the existing properties.

The density, layout and appearance, landscaping and highway impacts of the proposed development are discussed later in this report but it is considered that there is no identified harm upon the character and appearance of the countryside.

Given the current shortfall in housing supply and the significant weight placed on maintaining a rolling five year-housing land supply as set out in PPS3, this is considered a significant

material consideration in the determination of this application and one which would outweigh the objection in principle, of the development being situated within this 'countryside' setting (providing that all other planning matters can be adequately addressed). For the reasons discussed later in this report, it is considered that the development would be carried out in accordance with the relevant development plan policies and central government guidance.

Overall Appearance

Density

The application proposes 94 dwellings on a 3.12 hectare site equating to a net density of 30 dwellings per hectare (dph) excluding the public open space. Amendments to PPS3 in June 2010 removed the national minimum indicative of 30 dph, although Policy 16 of the adopted Core Strategy seeks a density of at least 30 dph within and adjoining the Key Rural Centres, Rural Centres and Rural Hamlets. The development satisfies this criteria, whilst also remaining in keeping with the nature of the surrounding built development and edge of settlement location.

Layout

Following concerns raised by officers in respect of the original layout, an amended layout has been provided.

The layout proposes one main access road off Dragon Lane, this will be achieved through the demolition of 71 Dragon Lane. The internal access road will initially bear to the right and run parallel to the existing service road to the rear of properties on Dragon Lane; this will be a no through route running the entire length of the eastern boundary of the site. Two private drives will be situated at the end of this, one providing pedestrian access to the remaining half of the development and the other leading to a parking court and a 'Quarter House'. The pedestrian link to the remaining half of the development was not shown on the original plans. This was requested to provide access to the play and open space for the residents of the affordable units, this has improved connectivity throughout the development. The affordable housing is positioned along this road and the private driveways which lead from it. This comprises of both semi-detached properties and detached 'Quarter Houses' providing 1 bed flats. The grouping of this in one area of the development is not considered ideal and it would have been better to disperse it throughout the development. However its original linear layout has been improved through the introduction of the private driveway, which results in improved integration and connectivity with the rest of the development.

Off road parking is provided to the side of the semi-detached properties, and to the front and within parking courts to the front and rear of the 'Quarter Houses'. This is an improvement on the original layout which resulted in a higher level of frontage parking. Accordingly the parking spaces proposed will all now benefit from natural surveillance and the appearance of the street will be softer, as a result of the landscaping to the front of properties. Rear amenity space for some of the plots (55 & 56) is below that advised within the SPD on New Residential Development, which suggests an area of 60 meters squared for 2 bed properties. However, due to the plots proximity to the play and open space, this shortfall would not warrant refusal of the scheme. In respect of the 'Quarter Houses', originally they had no private amenity space. Following the amended layout, each has a designated communal space which is above that required within the SPG.

The main route through the site then sweeps round to the north, forking in a 'U' shape to the north and west. A number of private drives are proposed off the main route.

A central open space, including an equipped play space has been provided on the site. This will benefit from natural surveillance from surrounding properties and will provide a focal point. Dwellings originally facing onto this (plots 8, 9 & 10) have been repositioned to improve access to their designated garages and parking areas. This has resulted in reduced areas of rear amenity space for these plots; however the area provided remains in excess of the 80 meters squared as suggested within the SPG.

The dwellings positioned along the main access roads and which occupy prominent positions within the site have been designed with their principle elevations facing onto the main road, and dwellings occupying corner plots have been designed to ensure interesting frontages to both aspects. This is to ensure that there are no dull or blank elevations. Dwellings on the cul-de-sacs face inwardly. Dwellings adjacent to the northern boundary of the site face outwardly to take advantage of the open views, whilst dwellings adjacent to the south western boundary (an arable field) have been positioned with their rear gardens adjacent to the boundary, to allow for additional planting and strengthening of this boundary. Where the rear elevations of dwellings are parallel to one another, amenity space separates.

All parking spaces on the remainder of the development are either to the side or rear of dwellings. This ensures parking areas do not dominate when travelling through the site. Parking for plots 41, 52, 83 and 85 are detached from the dwellings, although this is not ideal, they are a short walking distance away and thus do not warrant refusal of the scheme. Despite them being detached these spaces benefit from natural surveillance from adjacent properties.

With the absence of plot 75, the remaining dwellings propose appropriately sized gardens in accordance with the standards set out in the Council's SPG on New Residential Development. Plot 75 proposes an amenity space of approximately 48 meters squared, this is well below that advised within the SPD. However, due to the plots proximity to the open space, the under provision is not considered to be of material harm.

Overall, the revised layout is much improved and results in well connected, aesthetically pleasing development.

Scale

Generally neighbouring dwellings to the site are two storey in scale. This has been largely reflected throughout the current scheme. Interest and diversity in the street scene and roofscape is provided by the variation in house types proposed and the introduction of three 2.5 storey properties. Dormer windows in the roofspace of these have been included to soften the impact of the increased height of these plots. The remaining properties are terraced, semi-detached and detached, reflecting the pattern of development within the wider area.

Accordingly, it is considered that the scale of the dwellings proposed is in keeping with that of the existing properties within the vicinity of the site.

Design

In relation to the visual appearance of the built environment, there are a range of house types proposed within the scheme. The house types proposed are reflective of the different character areas adopted. Predominantly the houses are traditionally designed, with bay windows, gables, and porches to add interest. Further, on selected plots additional details such as stone cills, brick segmental arches, brick corbelling at verge and eaves, exposed rafter feet and multi bar style windows have been employed. This helps reflect the rural location of the site.

A limited palette of materials has been proposed, with brickwork being predominantly red and brindled red colours, to reflect surrounding development. A selection of rendered and part-rendered properties has also been proposed, to reinforce focal buildings, provide legibility and add interest. Roof materials proposed are flat profile tiles in gray and brown tones. Notwithstanding the above, a sample submission will be required by condition to ensure appropriate texture and colour.

Following officer concerns, a number of the house types propped have been re-designed, or additional elevational detail has been incorporated. Of particular concern was the quarter house, of which there are three dispersed through the eastern half of the development. These originally had a hipped roof, which was a unique feature of the scheme, and were commercial in appearance. Their design has now been improved. They have a pitched roof and their fenestration size and detail, and central gable have been revised. This results in a more balanced and detailed principle elevation which is more in keeping with the 'Rural' scheme.

Officers also raised concern over the design of the executive homes to the north western side of the development, within the "Rural Lane "Character area. These dwellings were considered too large and too limited in detail and accordingly did not relate well to the remaining development. Accordingly, the projections have been removed from the front elevations of the Corbridge and Laceby House types and their elevations amended. Accordingly they are now of a more acceptable appearance.

Additional fenestration and fenestration detail has been added to the side elevations of the Didbrook, Eastcote, Rearsby and Hollington house types. This adds interest and provides surveillance where parking spaces are to the sides of dwellings.

Hard and Soft Landscaping

In general, the key objectives of the landscaping are to:-

- a) maximise the ecological potential of the site, whilst fulfilling the urban design objectives of the development
- b) provide screening along the north west and south west boundaries, utilising large stock native and ornamental trees planted within the proposed boundary hedge
- c) provide clearly delineated public and private spaces
- d) provide a safe and permeable neighbourhood
- e) provide public open space with natural surveillance
- f) create active frontages
- g) provide new tree planting to improve legibility, define 'place' and identify the different character areas.

As mentioned, the development has been subdivided into 5 character areas. The landscaping of each is reflective of the theme adopted and will be discussed below:-

"Country Lane" this comprises the strip of development around the perimeter of the site, to the north, and part way along the western boundary. This has views over the agricultural land. As such a more natural character has been adopted. The area will be dominated by soft landscaping, with wider spaces between plots. Larger landmark, native trees, including Lime and Hornbeam are proposed to provide focal points. Plots will be subdivided by native hedgerow, and the existing perimeter hedgerow will be strengthened through the use of native trees including Ash and Cherry. The fronts will be grassed, with shrub planting.

"Village Street" this comprises a row of inwardly looking dwellings on a private drive. This will be distinguished from the main road through the use of alternative surface material, such as

unit paving, comprising either concrete blocks or sets. The dwellings will be closer to the street, and thus narrow bands of planting are proposed to their frontages, comprising ornamental and herbaceous plants. On wider frontages, ornamental trees are proposed. It is considered that this approach will result in a quiet village feeling.

“Mews and Courtyards” these constitute four areas spread through the development. Landscaping within these areas has been designed to give a softer appearance than that of the village street. They will be surfaced in concrete blocks or similar. Hard boundaries are to be softened by climbing shrubs and native plants are to be set in the narrow gravelled boundaries fronting dwellings. Parking blocks will be delineated using differing surface material. Trees will be overhanging of courtyard walls, providing shade and softening and aiding the developments assimilation into its surrounds. A larger proportion of ornamental and deciduous species and evergreen formal shrubs will be used in borders.

“Main Street” this predominantly comprises the eastern half of the development. This will be more urban in style. The dwelling frontages will either be solidly planted, or separated from the footpath by a formal hedge, with timber edging, a gravelled surface, or lawn, depending on the distance between the footpath and the building. The planting will comprise ‘hardy’, formally shaped street trees where frontages are wide enough. Hedge planting species will include ornamental non-native species, with formal character, with shrubs also comprising formal evergreen species. For structural and textural contrast, some flowering plants have been proposed.

“Open Space and Surrounds”

The open space is naturalist and rural in character. Native hedgerow interspersed with native trees will flank the open space to the west and south, with the north and eastern boundary emphasised by bold blocks or ornamental semi-native planting. Bulb planting is also proposed to enhance biodiversity and provide seasonal interest. A circular footpath will surround the play area, with designated seating areas. The open space will be planted with larger landmark trees to provide focal points and dwellings fronting the open space will have larger front gardens enclosed by native hedgerow. To continue the ‘rural’ character of the area, the play equipment proposed comprises natural features, including large boulders and logs.

In terms of hard boundaries, the application proposes a mixture of 1.8 metre high brick wall, 1.8 metre high close boarded fence; 1.8 metre high timber panel larch lap fence; 1.2 metre high post and wire fence and 1.2m high post and rail fence. Where hard boundaries are proposed, the appearance of these will be softened through the use of planting to the front. Accordingly, the boundary treatments identified are considered in keeping with the different character areas proposed.

The Parish Council have been requested to adopt the open space, however this has not yet been confirmed and will be reported as a late item. If the Parish Council are not willing to adopt the open space, the agent has confirmed that they would be willing to appoint a management company. If this was agreed as the way forward, the specific details and requirements of this company would be included within the Section 106.

The level and type of planting proposed is considered acceptable and in keeping with the different character areas proposed, with it becoming more urban in nature when closer to the settlement of Newbold Verdon. Accordingly the development will be assimilated into its rural surrounds and will be pleasing to the eye in terms of visual amenity. The landscaping approach will contribute to the visual amenity and overall character of the development.

In summary, it is considered that following the amendments to the layout of the scheme this is now a well balanced scheme, with property types and sizes well dispersed throughout. Architectural details, such as chimneys and header and footer detail and the use of render on key plots will add a distinctive edge to the development and the range of character areas proposed will result in interesting, visually appealing street scenes. Hard boundaries will be softened through tailored, soft landscaping solutions and the central open space will provide a well defined public focal point. It is however, as discussed above, necessary to secure the specific details of the public realm through the S106 agreement in order to control the external appearance of this important area (TBC).

Accordingly the scheme is considered to be in accordance with Policies NE5 and BE1 of the Local Plan.

Impact upon Residential Amenity

The residential properties closest to the scheme are numbers 57 – 143 Dragon Lane. A service road runs along the rear of these properties, providing access to their garages. Planting is proposed along the common boundary between the service road and the new road along the eastern boundary of the application site. The properties served by the new road are approximately 60 meters from the rear of properties along Dragon Lane. The SPG on New Residential Development suggests a separation distance of 23 meters between elevations containing principle windows; this is to ensure there are no material impacts in terms of privacy and overlooking. In this case, as a result of the layout proposed, the separation distance will be well in excess of this and thus there are considered to be no impacts on the privacy of these properties.

Within the development, plots have been designed and orientated to ensure that either the recommended separation distances are achieved, or where they are not achieved, that elevations are staggered to ensure there is no direct overlooking. Generally rear gardens back onto open countryside, or face onto one another, ensuring that private amenity spaces and elevations are an adequate distance apart, or are not directly overlooked.

In terms of rear amenity space, the SPG advises that 2 bedrooomed properties should provide an area of 60 meters squared and properties with three or more bedrooms should provide an area of 80 meters squared or more. In addition the rear gardens should have a minimum length of 12.5m. In this case, all plots, aside from plot 75, which has been discussed above provide the required amount of amenity space.

The dwellings proposed are situated along relatively uniform building lines, thus there are no issues in respect of overshadowing of adjacent plots and there is adequate spacing between dwellings, and uniform heights, ensuring there are no impacts in terms of over dominance.

In summary, the scheme is considered to have minimal impacts upon the amenity of surrounding neighbouring residents and future occupiers of the site. Accordingly the scheme is considered to be in accordance with Policy BE1 of the Local Plan.

Highway Considerations; Access, Parking Provision and Impact on the Local Highway Network.

A new vehicular access is to be created through the demolition of 71 Dragon Lane and following comments from the Director of Environment and Transport (Highways) a secondary access point will be provided to the access track to the rear of properties on Dragon Lane residents. This will provide users of this track a second, and improved access onto Dragon Lane.

All new dwellings are to be provided with at least one allocated car parking space, with two spaces being provided on over 50% of the plots. The parking layouts are discussed in the previous, 'Layout' section of the report. In line with comments from the Director of Environment and Transport (Highways) garage sizes have been enlarged to 6m x 3m for single and 6m x 6m for double garages, and thus are now acceptable. Where these are detached, it was suggested that they be physically linked to the dwelling, through the use of boundary treatment, such as a brick wall, or that they have a pedestrian access to their rear. This has been reflected on the amended layout plan. This will reduce the likelihood of these being targeted for crime.

On recommendation from the Director of Environment and Transport (Highways) the configuration of plot numbers 74, 75 and 76 have been amended to ensure the forward visibility splay can be provided.

Following an amended layout being submitted, Director of Environment and Transport (Highways) raises no objections to the scheme and has recommended approval subject to conditions and the following contributions:-

To comply with Government guidance in PPG13, PPS1 and circular 05/05 the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use :

- a) Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £50.18 per pack).
- b) 6 month bus passes (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £331.20 per pass (NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).

A large portion of the neighbour objections received raise parking or highway related issues. Specifically that the scheme would result in increased traffic, and would be to the detriment of highway safety. These issues have been considered by the Director of Environment and Transport (Highways) and based upon the findings of the transport assessment, it is considered that although the development will result in additional traffic, this would not be to a level that would exceed the capacity of the local highway network, and thus, would not warrant refusal of the application. In respect of the development resulting in additional highway safety issues, the access and roads within the development have been designed in accordance with specific highway guidance, and thus there will be no specific highway safety issues resulting from the proposed development.

In summary, the Highways Agency has no objection to the scheme with regards to the impact upon any Trunk Road within the vicinity of the site, and the Director of Environment and Transport (Highways) has no objection subject to the imposition of planning conditions. Accordingly, subject to the imposition of planning conditions the scheme is considered to be in accordance with Policies T5, T9 and T11 of the adopted Local Plan.

Developer Contributions and Affordable Housing Provision

The application proposes 84 residential units which attracts infrastructure 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.

Affordable Housing

As the site falls within the 'Rural Area' the proposal should provide 40% affordable housing with a tenure split of 75% social rented and 25% intermediate housing. Throughout the course of the application the developer has been in negotiations with the Local Planning Authority in respect of the tenure split. Following discussions it has been confirmed that the split will be 50% for social rent and 50% for intermediate tenure. Despite the shortfall in the provision of social rented accommodation, this split has been considered acceptable.

In addition the scheme proposes 35% affordable housing, whilst lower than the 40% prescribed by Core Strategy Policy 15; this policy is flexible in its approach, taking account of site and settlement characteristics as well as viability. The proposed level of affordable housing would be considered to be in general conformity with the policy upon successful negotiations between the developer and the Borough Councils Affordable Housing Strategy and Enabling Officer which should take account of these considerations. The acceptability and details of the final affordable housing package will be reported as a late item.

Based on 35% this equates to the provision of 37 affordable units. 50% of these will be for social rent and 50% for intermediate tenure. This housing comprises either 2 bed terraced or semi-detached units, or 1 bed flats arranged in quarter houses.

The demand for affordable housing in Newbold Verdon is taken from the housing register, which shows the following numbers registered:-

For 1 bedroomed properties	108 applicants
For 2 bedroomed properties	49 applicants
For 3 bedroomed properties	18 applicants
For 4 or more bedroomed properties	7 applicants

Thus, it is considered that there is a high demand for a range of affordable housing within Newbold Verdon and the provision in this development is therefore welcomed. This scheme, falling on the outskirts of Newbold Verdon, and providing a number of units which has triggered the request for affordable housing in line with Core Strategy Policy 15 is considered to be directly related. The amount and type requested is also considered fairly and reasonably related in scale and kind to the development proposed. It is therefore considered that the request for affordable housing requirements meets the requirements of the Community Infrastructure Levy (CIL) Regulations 2010.

The provision of the affordable housing is being secured through the draft S106 agreement submitted with the application. Accordingly although the scheme falls just short of the 40% required by policy 15, in this case due to the identified need, the level of provision is considered acceptable.

Play and Open Space Contributions

The application proposes to create an area of informal and equipped public open space within the centre of the site. An equipped children's play space of 400m2 is to be provided and an informal children's play space of 1502m2 is to be provided. The equipped play space attracts a capital contribution of £7254 and a 20yr maintenance contribution of £63,630. In respect of the informal play space; for each dwelling an area of 15 Sq m of space should be provided. Based on 93 residential units this would result in a total area of 1395 Sq m. In this case an area of 1502 Sq m is to be provided, thus there will be an overprovision. Accordingly

no capital contribution will be required for informal children's play space. The maintenance sum required for this space, based on 20 years maintenance would be £15,921.20.

As the site is situated within 1km of Alan's Way Recreational Ground, and proposes more than 20 dwellings, offsite contributions in line with Local Plan policy REC2 will also be required for formal open space. A financial contribution of £29,052 for provision and £23,760 for maintenance over a 10 year period is sought. Within the Green Space Strategy Audits of provision (2007), the Alan's Way recreational ground received a quality score of 40.7%.

Given the size of the units proposed it is considered that these would appeal to families and given the proximity of the application site to Alan's Way Recreation Area, it is considered that the future occupiers would use the facilities and increase the wear and tear of the equipment and facilities on these sites. It has also been found that Newbold Verdon has a deficiency of outdoor sports facilities and that there are specific works required to improve the quality of the Recreation Area relating to this development. The Parish Council have been requested to provide justification as to what this contribution would be used for. This will be reported as a late item.

Accumulatively the development attracts contributions for play and open space of £139,617.20.

It is considered that the play and open space contributions 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 case. Accordingly the scheme would meet the requirements of Policy19 of the adopted Core Strategy, Policies REC2 and REC3 of the adopted Local Plan, supported by the Council's Play and Open Space SPD.

Other Developer Contributions

The consultation responses as set out in the above sections of this report specify the requests from:-

- a) Director of Children and young Peoples Services (Education) requests of £160,885.53 for the High School sector
- b) Director of Environment and Transport (Civic Amenity) requests £4,299.00
- c) The Primary Care Trust requests £15,087.60
- d) Director of Environment and Transport (Highways) requests (Travel Packs) (can be supplied by LCC at £50.18 per pack); and (6 month bus passes) (can be supplied through LCC at (average) £331.20 per pass).

The contribution requested by the Primary Care Trust has been considered against the Community Infrastructure Levy, to ensure that it can be justified. In this case it is considered that this contribution can not be justified for the following reasons, and so the contribution of £15,087.60 will not be requested.

The justification submitted states that the main surgery the residents will use will be the Newbold Verdon surgery on St Georges Close, however a request for a contribution towards equipment at the Market Bosworth surgery has been made. No evidence has been put forth to show that the development would increase the number of patients attending the Market Bosworth surgery. The only justification/evidence provided for this part of the contribution is that the patients at Newbold Verdon may be encouraged to use Market Bosworth. It does not demonstrate that the obligation would be directly related to the development.

In respect of the contribution for the Newbold Verdon Surgery; The contribution justification sets out capacity issues as a need for seeking a contribution, however the contribution is for

the monies to fund a check in, and blood pressure machine. The justification provided does not directly relate to the contribution requested. Even if the contribution was justified the Primary Care Trust states that it has existing capacity issues. In order to provide adequate justification the Council would require the PCT to state why the 228 new patients justify the purchase of two whole new machines. There has been no information provided to support the need for these machines based on this particular development.

On the above basis, the contribution requested would not be justifiable as a s.106 obligation.

To make the request CIL compliant the PCT would need to exclude the contribution for the machine at Market Bosworth and provide clearer, more specific and detailed justification for the Newbold Verdon Surgery. Figures would be required, illustrating the existing patient base, to show how the 228 new patients would result in the requirement for the surgery to purchase the above mentioned equipment.

Aside from the Primary Care Trusts request, all other requests received in respect of this application are considered to meet the tests as set out in the CIL 2010:-

- a) Affordable Housing – (37 units)
- b) Play and Open Space – (£139,617.20)
- c) Education – (£160,885.53)
- d) Public Transport - (Travel Packs) (6 month bus passes)

A Section 106 agreement is under negotiation to secure the above mentioned financial contributions and provision of affordable housing units.

Drainage and Flood Risk

The site is located within designated Flood Zone 1, where the risk of fluvial flooding to the site is less than 0.1% in any one year and the site lies outside the 1 in 1000 year floodplain. Generally this means that the chance of flooding each year from rivers or the sea is 0.1% (1 in 1000) or less.

The scheme proposes a soakaway, positioned towards the north western corner of the site to manage the surface water runoff resulting from the large areas of hard surfacing. Foul sewage is to be disposed of via connection to an existing mains sewer system. The accompanying Flood Risk Assessment has been considered by the statutory consultees, all of whom have no objections, subject to the imposition of planning conditions.

The Environment Agency have requested that no development shall be commenced until a scheme for the improvement of the combined sewage overflow on the existing sewerage system has been submitted to and approved in writing by the local planning authority. This has been requested as there is an existing problem with a combined sewer overflow (CSO) which this development would exacerbate in the absence of improvements to the sewer system. Accordingly, a condition to secure such is considered reasonable.

It has also been requested that the following measures identified within the flood risk assessment be implemented and secured by way of a planning condition:-

- a) A scheme for the provision and implementation of surface water run-off limitation to existing greenfield run-off rates as detailed in Section 15.1: Residual Risk assessment & Mitigation;

- b) Provision, implementation and maintenance of a Sustainable Drainage (SuDs) system with storage provided up to the 100 year plus 30% climate change allowance as detailed in section 15;
- c) Finished floor levels should be set no lower than 150mm above ground levels as detailed in section 15.2.

These measures are required to prevent flooding elsewhere by ensuring the satisfactory disposal of surface water from the site at greenfield run-off rates and to prevent flooding elsewhere by ensuring the satisfactory storage of surface water from the site. This will also reduce the risk of overland flow and flooding to the proposed development and future occupants.

As such it is considered necessary to attach a condition to ensure that the development is carried out in accordance with the accompanying Flood Risk Assessment and a scheme to install trapped gullies will also be required to first be submitted to and approved by the Local Planning Authority. The reason for this being to protect the water environment.

Severn Trent has requested a condition requiring the submission of drainage plans detailing the disposal of surface water and foul sewage. This is to reduce the risks of causing or exacerbating a flooding problem and to avoid pollution. This request is similar to that made by the Environment Agency, and thus these details will be requested.

In terms of adoption, as a detailed SUDS scheme has not yet been submitted and is to be requested by way of condition, the specific details are unknown. Accordingly it is not yet possible to determine who will manage and adopt the proposed scheme. This issue will be discussed further with the Head of Community Services (Land Drainage) and will be reported as a late item.

In summary, both the Environment Agency and Severn Trent Water have no objection to the scheme, subject to the imposition of planning conditions. Accordingly it is considered that the proposed works will be in accordance with Policy NE14 of the Local Plan and guidance contained within PPS25.

Other Matters

Subsidence

A number of letters have been received stating that as the site was historically used for coal mining, the ground level is falling. It has been suggested that within the last two months, since the field has been cropped, the land has dropped by a further 2 meters in places. The Coal Authority has not objected to the application, they have stated that there is no requirement for them to consider coal mining issues for the site in question, but have requested that their Standing Advice Note be imposed. However, as a result of the number of objections received relating to this issue, the Coal Authority was contacted to confirm that there were no outstanding issues with this site. The Mining Information Manager has confirmed that the site was last mined in 1969 and that movement and settlement should have taken place over the 2 years following extraction. Following the end of the mining on the site, there was then a 6 year time period in which to make claims concerning subsidence. For this site, no claims of this type were made. Accordingly, based on this, the Council is satisfied that there will be no further subsidence on the site, and that the site is safe to develop.

Archaeology

The application has been accompanied by an Archaeological Desk Based Assessment which revealed that the site did not hold any designated heritage assets of archaeological interest. As such no further consideration on this matter is required.

Sustainability

The Environment Agency has recommended that the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom are installed. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoor water butts and rainwater harvesting system the Environment Agency considered that simple treatment systems exist that allow rainwater to be used to supply WC's within the home. In line with Policy 24 of the Adopted Core Strategy, the residential units to be constructed on this site will need to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. The details of the schemes compliance with this standard will be subject to the imposition of a planning condition. As such it is considered that the recommendation by the Environment Agency will be covered by the development being constructed to this Code Level 3 standard.

Storage of Refuse/Recycling Facilities

The applicant has stated that the storage of waste and recycling facilities will be within private garden areas. The scheme has been considered by Head of Business Development and Street Scene Services (Waste Minimisation) who initially objected, stating that there was inadequate spaces for bins to be stored for collection, that collection points adjacent to the highway need to be provided for the properties accessed off private drives. Further concern was raised that there may not be adequate turning area for refuse vehicles outside adjacent to plot 15. As such, Head of Business Development and Street Scene Services (Waste Minimisation) has requested that a condition is proposed ensuring that details for waste and recycling storage across the site will first be agreed in writing by the Local Planning Authority. It is considered, however that the submitted plan shows the bin collection points at the highway and not from courtyards, shared access etc and as such it is not considered necessary to impose a condition for these details.

Phasing of the Development

It has been stated within the Planning Statement that the development will be delivered solely by the applicant over a period of no more than three years. Accordingly the development will be able to contribute to the provision of both market and affordable housing within the short term, to the benefit of the 5 year housing land supply.

Concerns raised within the letters of representation received, not addressed elsewhere in the report will now be considered:-

It has been suggested that the proposal will have a negative impact on local educational facilities. The Director of Children and Young Peoples Services (Education) has confirmed that there is a surplus of student spaces at both primary, and upper school level, and thus no contribution has been requested towards these. In respect of the High School Sector, it has been stated that the development will result in a deficit of 9 pupil places. Accordingly a contribution of £160,885.53 has been requested to fund these places. Accordingly, it has been proven that the local educational facility will be able to meet the demands of the development proposed.

Concerns have been raised that the development will have a negative impact on Newbold Verdon Surgery. The Primary Care Trust has considered the additional pressure the development will place on the local health facilities, and thus has requested a contribution of £15,087.60 to provide additional facilities required.

It is stated that the development will have a negative impact on the character of the village and will encroach into the open countryside. The development proposed is on the outskirts of the village, within open countryside. It is to be well screened and has been designed to be in keeping with the character of existing development within Newbold Verdon. As there is a requirement within Newbold Verdon to provide 110 new homes, through the development of these there will be some impacts on the character of the existing settlement, however in this case the impacts are not considered detrimental, or to warrant refusal of the application. In respect of the developments siting within the open countryside. There is not adequate space within the settlement boundary of Newbold Verdon to provide the housing numbers inline with the Core Strategy requirement.

It has been mentioned that there has been a lack of consultation with local residents in respect of the proposal. The applicant has identified within the Statement of Community Involvement there have been a number of public exhibitions and consultation exercises and that the scheme has been designed in accordance with some of the suggestions made. In respect of consultation by the Local Planning Authority, throughout the application process; the Council has consulted with neighbours in line with its statutory requirements, and three site notices have been displayed at various points surrounding the development site.

Objections have been received in respect of loss of view and degradation of property values. These are not material planning considerations and will not be appraised within this report.

Concerns have been received that the development will increase pressure on local amenities. Impacts on local amenities, including play and open space, civic amenity, libraries, health and education facilities have all been considered, and where a shortfall has been identified, contributions have been requested to provide for this.

Concerns that the development will cause disruption to the users of the service road to the rear of Dragon Lane have been raised. There should be no disruption to the service road, as the development will be served by a separate access.

Conclusion

In conclusion, whilst the application site is outside the settlement boundary of Hinckley, where policies RES5 and NE5 apply, it is considered that the lack of 5-year housing land supply is a significant material consideration which could overcome these policy based objections. This site would provide all but one of the housing numbers for Newbold Verdon and it is therefore considered that the site is currently acceptable for residential development.

It is considered that the layout, design and mix of housing is considered acceptable and will provide a high quality scheme with strong attractive street scenes, a well defined public focal point and architectural detailing and the use of materials which reflects the locality. Further clarification is required as to whether the scheme is acceptable from a highway point of view and the S106 agreement is currently under negotiation.

Subject to the acceptability of these it is recommended that planning permission be granted, subject to the imposition of planning conditions.

RECOMMENDATION:-

That subject to the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section III of the Local Government Act 1972 towards the provision of affordable housing, the provision and maintenance of public and open space facilities, landscaping, education, canal towpath improvements; public transport provisions and public realm specifications by 18 August 2011, the Deputy Chief Executive (Community Direction) be granted powers to issue full planning permission, subject to the conditions below. Failure to do so by 28th September 2011 may result in the application being refused.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it: would contribute to the current shortfall in the five year housing land supply and to the shortfall of dwellings required in Newbold Verdon; would not have an adverse impact upon the character and appearance of the countryside; would not have an adverse impact upon highway safety, flooding, ecology, and archaeology or residential amenity; and would contribute to the provision of affordable housing and other infrastructure and services.

Hinckley and Bosworth Local Plan (2001):- Policies NE5, REC6, BE7, RES5, IMP1, BE1, REC2, REC3, NE14, T3, T5, T9, T11.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policies 7, 14, 16, 19, 24.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The application hereby permitted shall not be carried out otherwise than in complete accordance with the amended application details as follows:-

Site Location Plan Drg No V141_EM_02 Received by the Local Planning Authority on the 14/6/11

Site Layout Drg No V141_EM_01A Received by the Local Planning Authority on the 23/8/11

Landscape Sketch Drg No 11/174 – 01 Received by the Local Planning Authority on the 28/6/11

Front Entrance Wall Detail Drg No V141_D_01 Received by the Local Planning Authority on the 14/6/11

Boundary Details Drg No V141_D_02 Received by the Local Planning Authority on the 14/6/11

Flood Risk Assessment Ref:- 'June 2011 – Final' Received by the Local Planning Authority on the 14/6/11

House Type Refs:- 2B4P – SK01, 3250 – SK08, 3250 – SK10, 3252- SK08, 3252-SK10, 3253-SK08, 3253H-SK08, 3255-SK08, 3255-SK08H, 4252-SK08, 4252H-SK08, 4252_SK10, 4253-SK08, 4253H-SK08, 4253H-SK10, 4256-SK05, 4257-SK05, 4257-SK07, 4257H-SK05, 4258-SK05, 4258H-SK05, 4259-SK05, 4262-SK05, 4266-SK08, 4266-SK08H, 4260-SK05, 4260-SK07, 4260H-SK05, 5351-SK01, 5351_SK06, 06.4213, SKG01 (SG)01, SKG02.P(SG) 01 Received by the Local Planning Authority on the 14/6/11

- 3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall commence on site until such time as the 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.
- 5 Notwithstanding the details submitted no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - a) proposed finished levels or contours
 - b) means of enclosure
 - c) car parking layouts
 - d) other vehicle and pedestrian access and circulation areas.
 - e) hard surfacing materials
 - f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
 - g) planting plans
 - h) written specifications
 - i) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - j) implementation programme.
- 6 The hard and soft landscaping scheme shall be carried out in accordance with the details provided. The soft landscaping shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 7 Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment demonstrating that the residential units 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 residential units hereby approved, a final certificate demonstrating that the residential units have been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.
- 8 For the period of the construction of the development within the site, 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.
- 9 Before the first occupation of any dwelling hereby approved, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times.

- 10 No development approved by this permission shall be commenced until a scheme for the improvement of the combined sewage overflow on the existing sewerage system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until the scheme for improvement of the combined sewage overflow on the existing sewerage system has been completed.
- 11 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated June 2011, reference number V141-AR, compiled by Bloor Homes and the following mitigation measures detailed within the FRA:
- a) A scheme for the provision and implementation of surface water run-off limitation to existing greenfield run-off rates as detailed in Section 15.1: Residual Risk assessment & Mitigation;
 - b) Provision, implementation and maintenance of a Sustainable Drainage (SuDs) system with storage provided up to the 100 year plus 30% climate change allowance as detailed in section 15;
- The SuDS scheme shall:-
- Incorporate the utilisation of soakaway and / or above ground permanently wetted balancing areas or other sustainable drainage techniques;
 - Have the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations;
 - Address responsibility for the future maintenance of drainage features.
- c) Finished floor levels should be set no lower than 150mm above ground levels as detailed in section 15.2.
- 12 The development hereby permitted shall not be commenced until such time as a scheme to install trapped gullies has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- 13 No development shall take place until a scheme that makes provision for waste and recycling storage across the site has been submitted to and approved in writing by the Local Planning Authority.
- 14 The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the Highway boundary.
- 15 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.
- 16 Any garages, once provided, shall thereafter permanently remain available for car parking.
- 17 Before development commences a scheme of improvements to Public Footpath S21/22 shall be submitted to and agreed in writing with the Local Planning Authority. The scheme so approved shall be provided prior to first occupation of any dwelling.

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&6 In the interests of visual amenity to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 7 In the interests of sustainable development to accord with Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.
- 8&9 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 10 There is an existing problem with a combined sewer overflow (CSO) which this development would exacerbate in the absence of improvements to the sewer system in accordance with policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 11 To prevent flooding elsewhere by ensuring the satisfactory disposal of surface water from the site at greenfield run-off rates. To prevent flooding elsewhere by ensuring the satisfactory storage of surface water from the site. To reduce the risk of overland flow flooding to the proposed development and future occupants. In accordance with PPS25: Development and Flood Risk.
- 12 Protect the water environment in accordance with policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 13 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety to accord with Policy T5 of the Adopted Hinckley and Bosworth Local Plan.
- 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 in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 15 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area. To accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 16 To encourage alternative modes of transport such as walking in accordance with the Council's sustainable travel objectives set out in LTP3.
- 17 In the interests of sustainable development to accord with Policy T5 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by

law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Eleanor Shaw Ext 5680

Item: 04

Reference: 11/00559/FUL

Applicant: Mr R Leedham

Location: Lindridge Farm Lindridge Lane Desford

Proposal: PROPOSED SLURRY STORE

Target Date: 1 September 2011

Introduction:-

This application is being reported to Committee in accordance with the Scheme of Delegation, as the proposed site area is greater than 0.5 hectares.

Application Proposal

This application seeks full planning permission for the construction of a lagoon for the storage of farm slurry on land at Lindridge Farm, Lindridge Lane, Desford. The proposal includes a total earthworks area of approximately 8400 square metres. Due to the topography of the land the earth works will consist of a cut and fill engineering operation to provide earth retaining banks up to 4 metres in height from the existing ground level with a clay filled core to retain the slurry and prevent leakage. The proposed slurry lagoon within the earth banks measures approximately 110 metres x 30 metres, a surface area of approximately 3,300 square metres, and will be up to 3 metres deep with a total capacity of approximately 7500 cubic metres.

This is a resubmitted scheme following withdrawal of a similar application in 2010 to address previous concerns raised in respect of the siting of the slurry store and to allow additional information to be provided in relation to the control of odour, land contamination, pests and leachate. An application for the erection of an agricultural building on the farm is to be considered as a separate item on this agenda.

The Site and Surroundings

The site is located in the countryside, to the north of the village of Desford, it is accessed by a farm track from Lindridge Lane. Lindridge Farm comprises of approximately 240 acres (97 hectares) and operates as a commercial dairy farm milking around 200 cows and rearing young stock replacements for the herd. The farm complex comprises of a farmhouse and a number of agricultural buildings of varying size and scale. The proposed slurry lagoon is located to the south of the complex on land which is currently a grassed field.

There are residential properties unrelated to the farm located approximately 320 metres to the east of the slurry lagoon along Lindridge Lane.

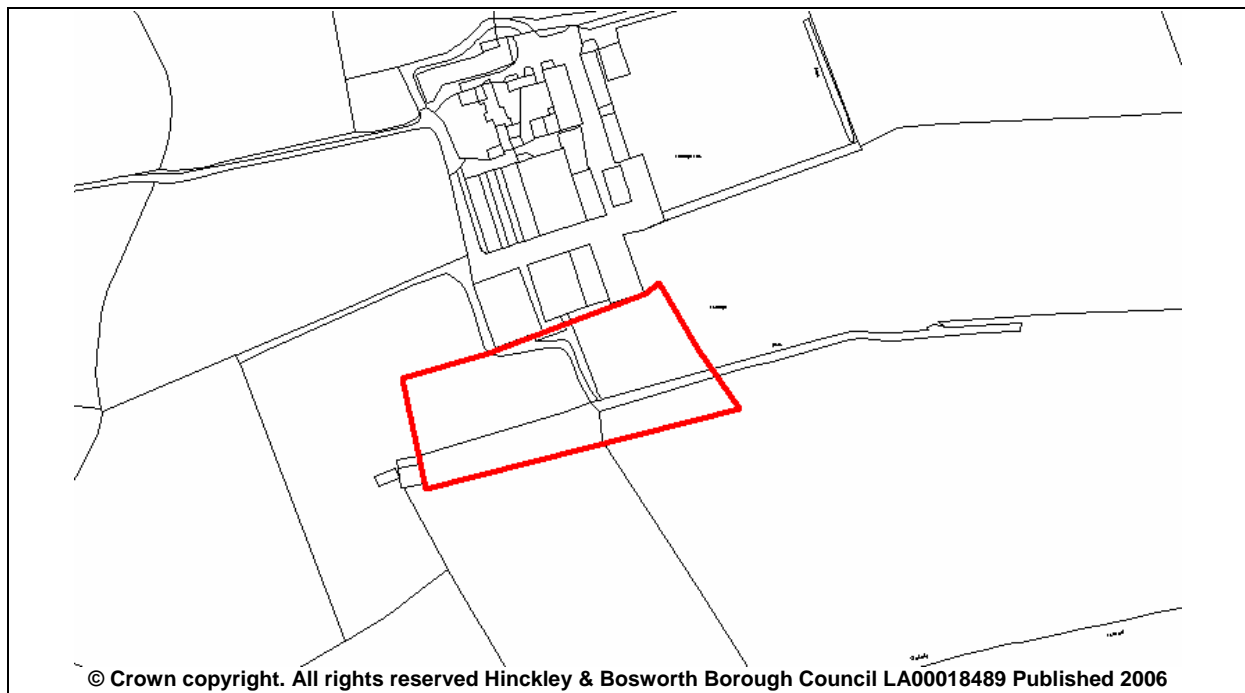
Technical Documents submitted with the application

A Design and Access Statement has been submitted with the application which states that the proposed lagoon is to be excavated into the ground in a cut and fill operation and will be as inconspicuous as possible. It is intended that the banks will be grassed with post and rail perimeter fence and potential for additional tree planting in order that it blend with its surroundings.

Further information has been submitted with the application in order to clarify the background and need for the proposed slurry store and calculations to justify its capacity. It states that Nitrate Vulnerable Zones (NVZ) now cover 70% of the land area in England and Lindridge Farm was designated as an NVZ in 2008. Under the regulations relating to NVZ by 1st January 2012 there will be a requirement for storage capacity of a minimum of 22 weeks production of cattle slurry and dirty water. The current slurry store at the farm has capacity for only two to three weeks slurry storage. The proposed slurry lagoon is therefore required to enable the applicant to comply with the NVZ regulations. Non-compliance with the regulations would mean that the business would be unable to function as a dairy farm and make the business uneconomic and unviable. It also advises that good practices will be used to control odour, pests and leachate.

History:-

11/00544/FUL	Erection of Agricultural Building	Pending Decision
10/00860/FUL	Proposed Slurry Store	Withdrawn 16.12.10



Consultations:-

No objections have been received from:-

Environment Agency
Severn Trent Water Limited
Director of Environment and Transport (Highways)
Directorate of Chief Executive (Ecology)
Head of Community Services (Land Drainage).

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

A site notice was displayed and neighbours notified, one letter of objection has been received raising the following issues/concerns:-

- a) too close to residential dwellings
- b) potential for pollution to water courses
- c) detrimental to residential amenity due to potential odours and flies
- d) removal of trees, hedgerows and wildlife habitat
- e) that there are more suitable sites available within the landholding.

Ward Members have made no comments in respect of this application.

No response has been received at the time of writing this report from:-

Directorate of Chief Executive (Waste)
Desford Parish Council
Bagworth & Thornton Parish Council.

Policy:-

National Planning Guidance

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's planning policies for rural areas. One of its objectives is to promote sustainable, diverse and adaptable agriculture sectors where farming contributes both directly and indirectly to rural economic diversity. Paragraph 1 states that all development in rural areas should be well designed, in keeping and scale with its location and sensitive to the character of the countryside. Paragraph 16 states that when determining planning applications for development in the countryside, local planning authorities should support development that delivers diverse and sustainable farming enterprises. Paragraph 27 states that support should be given to development proposals that will enable farmers to comply with changing legislation and associated guidance.

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 policies are directly relevant to this application.

Local Policy

Local Development Framework: Core Strategy 2009

No policies are directly relevant to this application.

Hinckley and Bosworth Local Plan 2001

The site lies within the countryside as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and safeguard and enhance the existing environment. Planning permission will be granted for development that: compliments or enhances the character of the surrounding area; avoids the loss of vegetation and features that contribute to the quality of the local environment; incorporates design features that minimise the impact of the development on the local environment; incorporates landscaping to a high standard and does not adversely affect the occupiers of neighbouring properties.

Policy NE2 states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil.

Policy NE5 states that the countryside will be protected for its own sake, however, planning permission will be granted for development in the countryside provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement.

Policy NE12 states that development proposals should take into account the existing landscaping features of the site and make provision for further landscaping where appropriate to replace or reinstate the nature conservation value of any features lost.

Policy NE14 seeks to protect surface water and ground water quality.

Other Legislation

The 'Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991' has provisions enforced by the Environment Agency in relation to the construction and operation of slurry stores.

DEFRA Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers.

Guidance for Farmers in Nitrate Vulnerable Zones. Various leaflets have been produced by DEFRA and the Environment Agency to help farmers in NVZ understand the requirements, and implement and comply with the new Action Programme measures.

Appraisal:-

The main considerations in respect of this application are: the principle of development and the impact of the development upon: the character and appearance of the countryside; the environment and biodiversity and the amenities of neighbouring residential properties.

Principle of Development

The proposed slurry store involves significant engineering operations and is within 400 metres of a number of dwellings unrelated to the agricultural holding. In this case, the development cannot be undertaken under the prior notification procedure and full planning permission is therefore required. The proposed slurry lagoon is required in connection with the agricultural operations of the farm and to allow the dairy farm business to comply with the regulations relating to Nitrate Vulnerable Zones (NVZ) by demonstrating storage capacity of 22 weeks production of slurry and dirty water from its livestock. The proposed development is therefore important to the viability of the dairy farm operations and could not reasonably be expected to be located within or adjacent to a settlement boundary. As a result, the development is considered to comply with policy NE5 and therefore be acceptable in principle in this case.

Impact on the Character and Appearance of the Countryside

The proposed slurry lagoon is to be located immediately to the south of the existing farm complex and is therefore well related to existing farm buildings. Whilst the slurry lagoon will have a surface area of approximately 3,300 square metres and a capacity of almost 7,500 cubic metres, the topography of the site will enable an engineering operation to cut it into the landscape and create earth banks to the east and south sides to retain the slurry and screen it from view. Whilst the earth banks will be up to 4 metres higher than the existing ground level in places, it is proposed that these will be graded and grassed to assimilate them into the landscape and, subject to appropriate landscaping and fencing which can be controlled by condition, any adverse impact on the character or visual appearance of the countryside can be minimised and mitigated such that the proposals comply with policy NE5.

Impact on the Environment and Biodiversity

The applicant has confirmed that no materials are to be imported to the site to enable the construction of the slurry store, therefore there will be no import of any potentially unsuitable materials that would result in contamination of the land. The slurry store is to be built using well established techniques including the use of clay to prevent leakage. The proposals also include the re-alignment of an existing culvert to provide a 10 metres minimum clearance from the base of the proposed retaining bund. As a result the proposals are unlikely to pose a significant threat to pollution of any watercourses. The Environment Agency has not raised any concerns in respect of the application. The Head of Community Services has no objection in respect of the control of leachate or potential land contamination.

Although no trees will be directly affected, the proposals will result in the loss of some sections of hedgerow and therefore potential wildlife habitat. The applicant has indicated a willingness to provide some landscaping within the site to mitigate any impact of the slurry store on, and enhance the visual appearance of, the landscape. Replacement hedgerows can be secured by condition to mitigate any loss of wildlife habitat. The Directorate of Chief Executive (Ecology) has no objection subject to the proposed hedgerow removal being undertaken outside of the bird nesting season.

Impact on Residential Amenity

The previously withdrawn scheme proposed a slurry lagoon to the east of the farm complex and resulted in a recommendation of refusal from the Head of Community Services (Pollution) on impact on residential amenity grounds as it was within 200 metres of residential properties. The proposed slurry lagoon is to be located immediately to the south of the existing farm complex and is therefore still well related to existing dairy farm buildings where it is reasonable to expect a degree of noise, odour, flies and rodents, issues which are commonly associated with agricultural operations. The proposed slurry lagoon will be sited further away at approximately 320 metres to the west of the nearest residential properties which are located on Lindridge Lane. Additional information submitted to support this application advises that a number of mitigation measures are available that could reduce the likelihood of problems with odour occurring from spreading activities including the frequency of spreading and times of the year, the method of spreading, and the use of slurry additives to control crusting on lagoons and reduce odour through enzymatic activity. However, an objection has been received in respect of the proximity of the slurry store to residential properties and its potential impact on residential amenity from odour, flies and pests.

The Head of Community Services (Pollution) does not object to the siting of the relocated slurry lagoon or its separation from residential properties in this case, however, notwithstanding the additional information submitted it is recommended that full details of a management plan in respect of the control of odour, flies and rodents resulting from the proposed development should be submitted for prior approval in order to minimise any potential impact on residential amenity. These details can be secured by the imposition of an appropriately worded condition.

Conclusion

The construction of a slurry lagoon is essential to the continued operation of the dairy operations on the farm to comply with legislation in respect of Nitrate Vulnerable Zones and its proposed location is well related to the existing farm complex. The topography of the land and proposed landscaping will screen the store and assimilate it into the landscape and will not result in an adverse impact on the character or visual appearance of the countryside, the environment or biodiversity. Given the separation distance of over 300 metres to the nearest residential properties and the existing dairy farming operations on the site, subject to an

appropriate management plan to control odour, flies and rodents the proposal will not have an adverse impact on residential amenity. Overall the proposal is considered to comply with policies BE1, NE2, NE5, NE12 and NE14 of the adopted Local Plan and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development constitutes essential works associated with agricultural operations and by virtue of its siting, design and appearance would not have an adverse impact on the character or appearance of the countryside, the environment, biodiversity or the amenities of neighbouring residents and would therefore be in accordance with the development plan.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:5000 scale; Location Plan and Proposed Slurry Lagoon Plan and Profiles Drawing No. 850A/02 received by the local planning authority on 7 July 2011.
- 3 Notwithstanding the submitted information, no development shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-
 - a) means of enclosure
 - b) planting plans
 - c) schedules of plants, noting species, plant sizes and proposed numbers where appropriate
 - d) implementation programme.
- 4 The approved soft landscaping scheme shall be carried out in accordance with the approved details and 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.
- 5 Notwithstanding the submitted details, prior to the commencement of development, full details of a management plan to control odour, flies and rodents on the site shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out and used in accordance with the approved management plan details at all times 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 To enhance the appearance of the development and ensure that the work is carried out within a reasonable period and thereafter maintained, in the interests of visual amenity to accord with policies NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policies NE5 and NE12 of the adopted Hinckley & Bosworth Local Plan.
- 5 To safeguard the amenities of neighbouring properties to accord with policies BE1 and NE2 of the adopted Hinckley and Bosworth Local Plan

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 In relation to condition 3, the landscaping scheme should include the grassing of the earth banks, details of the post and rail fencing, replacement hedgerows and trees of native species appropriate to the area.
- 6 In relation to condition 5, the management plan should provide full details of the measures that will be undertaken to minimise the risk of odour, flies and rodents resulting from the development and its use including details of operational controls e.g. bioactive products and how they will be used, frequency and method of slurry spreading activity, maintenance of the crust etc. and how flies and rodents will be controlled within the site.

Contact Officer:- Richard Wright Ext 5894

Item: 05
Reference: 11/00544/FUL
Applicant: Mr R Leedham
Location: Lindridge Farm Lindridge Lane Desford
Proposal: ERECTION OF AGRICULTURAL BUILDING
Target Date: 13 September 2011

Introduction:-

This application is being reported to Committee in accordance with the Scheme of Delegation, as the proposed agricultural building has a floor space of over 500 square metres.

Application Proposal

This application seeks full planning permission for the erection of an agricultural building at Lindridge Farm, Lindridge Lane, Desford to be used as a cubicle house for the keeping of livestock, in particular cattle. The approximate dimensions of the proposed agricultural building are 38.1 metres wide x 48.8 metres long with an eaves height of 4.3 metres and a ridge height of 9.4 metres. This provides an internal floor area of 1859 square metres. The building will be sited 6 metres from existing cattle buildings at the south west corner of the farm complex. The building is to be constructed of concrete panels with Yorkshire boarding over and cement fibre sheet roof panels and will have 5 x galvanised steel cattle gates in both the south and north elevations. It is intended that the proposed building will be cut into the ground to provide a similar finished floor level to the adjacent cattle building and that the excavated earth will then be used in the construction of the proposed slurry store at the farm, an application for which is to be considered as a separate item on this agenda.

The Site and Surroundings

The site is located in the countryside, to the north of the village of Desford, it is accessed by a farm track from Lindridge Lane. Lindridge Farm comprises of approximately 240 acres (97 hectares) and operates as a commercial dairy farm currently milking around 200 cows and rearing young stock replacements for the herd. The farm complex comprises of a farmhouse and a number of agricultural buildings of varying size and scale located within agricultural fields. The land levels fall towards the south and east from the farm complex.

There are residential properties unrelated to the farm located approximately 380 metres to the east of the proposed building along Lindridge Lane.

Technical Documents submitted with the application

A Design and Access Statement has been submitted with the application which states that the proposed building will be used as a cubicle house for keeping cattle. It will blend in with its surroundings being located to the west of and viewed as part of the farm building complex, particularly from Lindridge Lane. The existing vehicular access from Lindridge lane will be used. No landscaping is proposed.

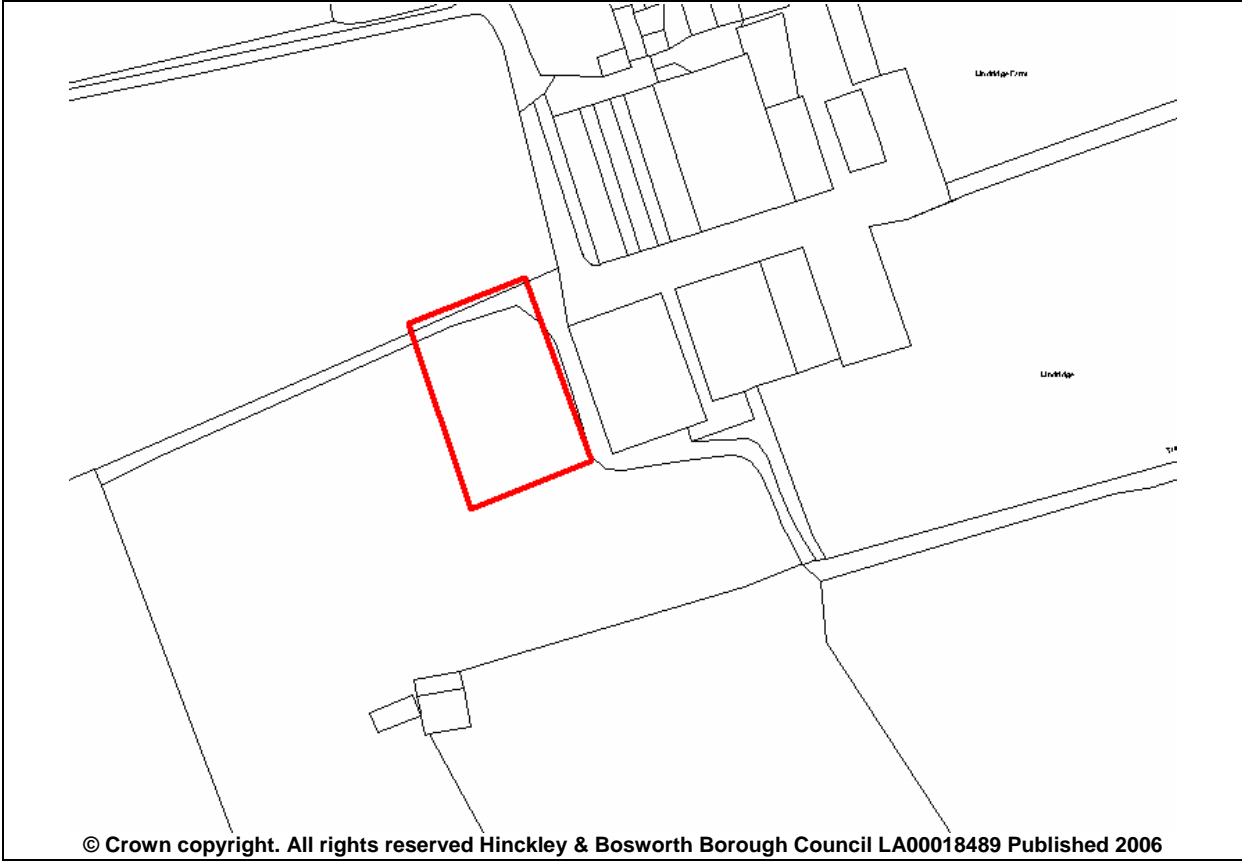
Further information has been submitted by the agent that outlines the use and capacity of the existing and proposed agricultural buildings on the site and the existing and proposed cattle stock levels and sheep stock on the farm. It is the applicant's intention to increase the dairy herd from 200 to 250 milking cows and to provide additional cattle accommodation. The agent states that the new building is required to address a current shortfall in sheltered livestock accommodation within the holding and in response to the ever increasing demands of the food industry in respect of hygiene and welfare standards. It is the applicant's intention to utilise the new building for the keeping of the increased dairy herd and to allow for its further expansion and to utilise the existing cattle buildings for the keeping of young stock (i.e. day old up to 2 years old of which there are currently 180) to replenish the herd. Some of these are currently housed in small traditional brick barns unfavoured by modern farming. In addition to cattle there are 40 sheep within the livestock kept on the farm.

History:-

11/00559/FUL

Proposed Slurry Store

Pending Decision



Consultations:-

No objections have been received from:-

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

No objection subject to notes to applicant regarding contaminated water has been received from the Head of Community Services (Land Drainage).

Ward Members have made no comments in respect of this application.

No response has been received at the time of writing this report from:-

Desford Parish Council
Bagworth & Thornton Parish Council
Site Notice
Neighbours.

Policy:-

National Planning Guidance

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's planning policies for rural areas. One of its objectives is to promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, contributes both directly and indirectly to rural economic diversity and is itself competitive and profitable. Paragraph 1 states that all development in rural areas should be well designed, in keeping and scale with its location and sensitive to the character of the countryside. Paragraph 16 states that when determining planning applications for development in the countryside, local planning authorities should support development that delivers diverse and sustainable farming enterprises. Paragraph 27 states that support should be given to development proposals that will enable farmers to become more competitive, sustainable and environmentally friendly and comply with changing legislation and associated guidance.

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

There are no policies specific to this application.

Local Policy

Local Development Framework Core Strategy 2009

There are no policies specific to this application.

Hinckley and Bosworth Local Plan 2001

The site lies within the countryside as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and safeguard and enhance the existing environment. Planning permission will be granted for development that: compliments or enhances the character of the surrounding

area with regard to scale, layout, mass, design and materials; has regard to the safety and security of both individuals and property; incorporates landscaping to a high standard and does not adversely affect the occupiers of neighbouring properties.

Policy NE5 states that the countryside will be protected for its own sake, however, planning permission will be granted for development in the countryside provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of existing buildings and the general surroundings and where necessary is effectively screened by landscaping.

Other Policy Documents

Design of Farm Buildings, Supplementary Planning Guidance (SPG) (2004) states that the position of a new farm building or structure is usually dependant upon its function and the space available. There are other factors that should be taken into account, such as the visual importance of the building, both in the wider landscape, and within the farm complex itself. The function of building will influence the scale and type of building and the long term agricultural requirements of the building should also be considered.

Appraisal:-

The main considerations in respect of this application are: the principle of development and its impact on: the character and appearance of the countryside, the amenities of neighbouring residential properties and highway implications.

Principle of Development

Whilst both Planning Policy Statement 7 (PPS7) and policy NE5 of the Local Plan seek to protect the countryside for its own sake, they are generally supportive of agricultural development in the countryside providing that it is necessary for the operational requirements of the holding and that it does not result in any material harm to the existing character or appearance of the landscape. In addition, PPS7 supports development that delivers sustainable farming enterprises and the proposed building will improve, and allow expansion of, the dairy farming operation and will contribute to the viability of the agricultural holding and consequently contribute to the rural economy.

Given that the farm holding comprises approximately 97 hectares (240 acres) of agricultural land it is not unreasonable that a range of buildings will be required for the successful running of the business. To support the application, a breakdown of the use of the existing buildings within the farm complex has been submitted together with the proposals to substantially increase the dairy herd as justification for a new building of this scale. As a result of the existing and proposed agricultural business, the erection of an agricultural building on this operational dairy farm is considered to be acceptable in principle and to comply with PPS7 and policy NE5 subject to all other planning matters being adequately addressed.

Design and Impact on the Character and Appearance of the Countryside

The site is located in a rural landscape that is largely characterised by open and closed fields with hedge planting to the boundaries and occasional trees. The proposed agricultural building is sited to the west of the existing farm complex adjacent to, and in line with, existing agricultural buildings. The siting also takes into account ease of slurry management from the building being positioned adjacent to the proposed slurry store immediately to the south to be considered under a separate report on this agenda (reference 11/00559/FUL). The Council's

SPG on Design of Farm Buildings recognises that on the whole, modern farm buildings tend to be larger than their traditional counter-parts due to the introduction of new agricultural practices and machinery resulting in higher, larger span buildings. The design, scale, massing and materials of the proposed agricultural building are characteristic of many modern agricultural buildings with walls constructed of concrete block work with Yorkshire boarding over and cement fibre sheets on a low profile roof.

The main issue is the impact that a building of the proposed scale in this location will have on the character and appearance of the landscape. The land slopes down to the south, east and north from the Lindridge Farm complex such that the buildings are viewed against the skyline. The dimensions of the proposed agricultural building are approximately 38.1 metres wide x 48.8 metres long with an eaves height of 4.3 metres and a ridge height of 9.4 metres. The existing farm building adjacent to that proposed is more modest in scale measuring approximately 24 metres x 31 metres with a ridge height of approximately 8 metres. Given the sloping topography of the site, it is proposed that the new agricultural building will be cut into the existing slope and constructed with a finished floor level 1.5 metres higher than the adjacent building. Combined with the higher ridge height this will result in the building being approximately 3 metres higher than the existing building and therefore visible from the surrounding countryside. However, given the siting of the building it will be substantially screened by the existing farm complex and viewed as part of the complex. As a result of its siting and design and notwithstanding its scale, the proposed building will not have a significant adverse impact on the character or appearance of the landscape over and above that of the existing agricultural buildings on site and is therefore considered to comply with policy NE5 of the adopted Local Plan.

Impact on Residential Amenity

The proposed agricultural building will be sited approximately 380 metres to the west of the nearest residential properties which are located on Lindridge Lane and further away than existing agricultural buildings used for the keeping of cattle within the farm complex. Given the nature of the proposal there is the potential for odour and noise to be generated however this would largely be contained within the proposed agricultural building. As Lindridge Lane Farm is a working dairy farm it is reasonable to expect a degree of noise and odour, associated with the agricultural operations on the site. As a result of the siting of the building, separation distances and existing agricultural operations within the site, the proposals will not have an adverse impact on the amenities of the occupiers of neighbouring properties in respect of noise, odour or visual amenity and are therefore considered to comply with policy BE1 of the adopted Hinckley and Bosworth Local Plan. In addition, the Head of Community Services (Pollution) has raised no objection to the proposal.

Highway issues

The existing farm track from Lindridge Lane will be used to access the proposed building and there are no proposed changes to it. The Director of Environment and Transport (Highways) has raised no objection to the proposal.

Conclusion

In conclusion, the principle of a building for agricultural use in this location is considered acceptable in line with PPS7 and policy NE5 of the adopted Local Plan. The proposed agricultural building is well related to the existing farm complex. Whilst it will be visible against the skyline, the topography of the land will enable the building to be cut into the land to minimise its impact and its larger scale will produce a varied and staggered roof line behind the existing agricultural building complex. Its design and proposed materials are characteristic of typical modern farm buildings and it is considered that the proposals will not

result in any adverse impact on the character or visual appearance of the countryside. Given the separation distance of over 380 metres to the nearest residential properties and the existing dairy farming operations on the site the proposal will not have an adverse impact on residential amenity. Overall the proposal is considered to comply with Planning Policy Statement 7 and policies BE1 and NE5 of the adopted Local Plan and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development is associated with agricultural operations and by virtue of its siting, scale, design and appearance would not have an adverse impact on the character or appearance of the countryside, the amenities of neighbouring residents or highway safety and would therefore be in accordance with the development plan.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1 and NE5

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:2500 scale/Plans and Elevations at 1:200 scale and Earthworks and Levels Drawing No. 850A/04 received by the local planning authority on 12 July 2011.
- 3 The external materials to be used in the construction of agricultural building hereby approved shall be in strict accordance with the submitted details in the application form unless otherwise agreed 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 in the interests of visual amenity to accord with policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 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:- Richard Wright Ext 5894

Item: 06

Reference: 11/00583/FUL

Applicant: Leicestershire Fire & Rescue Service

Location: Caterpillar Uk Ltd Peckleton Lane Desford

Proposal: CONTINUED USE AND SITING OF A CARBONACEOUS LIVE FIRE TRAINING UNIT

Target Date: 21 September 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, at the request of a local member as it raises local controversial issues.

Application Proposal

Members may recall that planning permission (ref: 11/00015/FUL) was approved for the continued siting and use of a carbonaceous live fire training unit for the period of an additional six months at committee in March 2011. This application seeks full planning permission for the continued siting and use of the Carbonaceous Fire Training Unit which comprises of three 'shipping' container style units arranged in an 'H' shape to the north east of an existing building, and two smaller units, measuring 5.9 metres by 3 metres and a height of 2.3 metres, sited to the north west of the 'H' block, providing storage for the materials to be burnt in one and a room scenario in the other. The units forming the 'H' block measure 12 metres by 12 metres in overall footprint and stand 3.3 metres high. Another smaller unit, 3 metres square with a height of 2.3 metres, is located adjacent to the existing warehouse which has a power supply to a compressor used to charge the breathing equipment used in the training exercises.

The units provide a training facility for the fire officers of the Combined Leicester, Leicestershire and Rutland Fire Authority only. The unit is used to demonstrate how fire behaves in certain circumstances and conditions and to train fire officers how to deal with the different scenarios and reduce potential risk and loss of life. Fires of dry white timber and paper are lit in the containers and vents control how the fire behaves allowing operators to simulate different conditions fire officers may face when tackling real life situations.

The Site and Surrounding Area

Caterpillar is located within a designated employment site, outside the settlement boundary of Desford, as defined by the adopted Hinckley and Bosworth Local Plan (2001). The containers are sited on a piece of land located in the Caterpillar compound at the northern side, close to a pressurised water hydrant on an existing area of hard standing to accommodate the weight of the units and provide space for fire appliances. There is a large warehouse building located to the south west of the application site with other buildings that form part of the Caterpillar complex to the south of the site. The units are separated from the edge of Desford by an area of open space. The nearest residential property is located due east of the application site, approximately 250 metres in distance. Other properties forming the edge of the main built up area of Desford are located 330 metres to the north.

Technical Documents submitted with application

The application is accompanied by a Design and Access Statement and Supplementary Information document which outlines the composition of the units and their use. The submitted details indicate that the unit will be managed in accordance with the following guidance rules:-

- a) The units will be used on three set days during the week - Tuesdays, Thursdays and Saturdays. Use on a Saturday is necessary to train staff who are on a Retained Duty System and have alternative primary employment from which they are subject to employers permission to attend training.
- b) On training days involving a live burn the units will be used for two burning sessions limited to 45 minutes each in duration, the first will take place between 12:00 - 13:30 and the second between 14:30 - 16:00. The actual start time is dependent upon such factors as weather and time of arrival of fire officers.
- c) A daily log will be kept to record start and finish times of the training and to note climatic conditions at the time of the live burns.
- d) The local community is to be notified of the live fire training to be taking place via the applicant's website and the Parish Council website along with direct arrangements with the owner of Oak View, Peckleton Lane.

The Supplementary Information document submitted advises that the fire authority has a legal obligation under the Health and Safety at Work etc. Act 1974 to ensure adequate training to their staff and reduce the risk of loss of life. The need for the training that the unit provides is highlighted by the loss of life of 18 fire-fighters in active duty, mostly in similar situations to those which the training unit tries to simulate. It further advises that clean, dry white timber pallets are burnt, together with Sterling Board and paper is burnt in the unit as it is more environmentally friendly than standard chip board and produces little or no ash residue. To accommodate training needs, the applicant makes an assumption that 124 potential training days per year will be required in order to account for cancellations due to adverse weather, absences or operational requirements. The numbers and composition of the fulltime and retained staff will result in a requirement for a minimum of 82 training days per year and a worst case scenario of 100 training days in order to cover training requirements, an average of 90 actual training days per year including, ideally 20 Saturdays each year to accommodate Retained staff. It is proposed that 90 days actual training be split over the months of September to June, with no burns during the main summer months of July and August. Of the 44 weeks over which burns can potentially take place it is proposed that 24 weeks will have burns only on weekdays, 12 weeks will have burns on two weekdays and a Saturday and that 8 weeks will have burns on a weekday and a Saturday. Any training

that cannot be carried out as a result of restrictions in the use of the unit would result in the fire authority having to source training externally and result not only in added costs to the service but also the removal of the staff and their fire appliances from their local operational duties, although cross-border arrangements with regional neighbours may be available. It is estimated that if the training unit was not available to train its staff, the additional costs to the service would be in excess of £170, 000 per year.

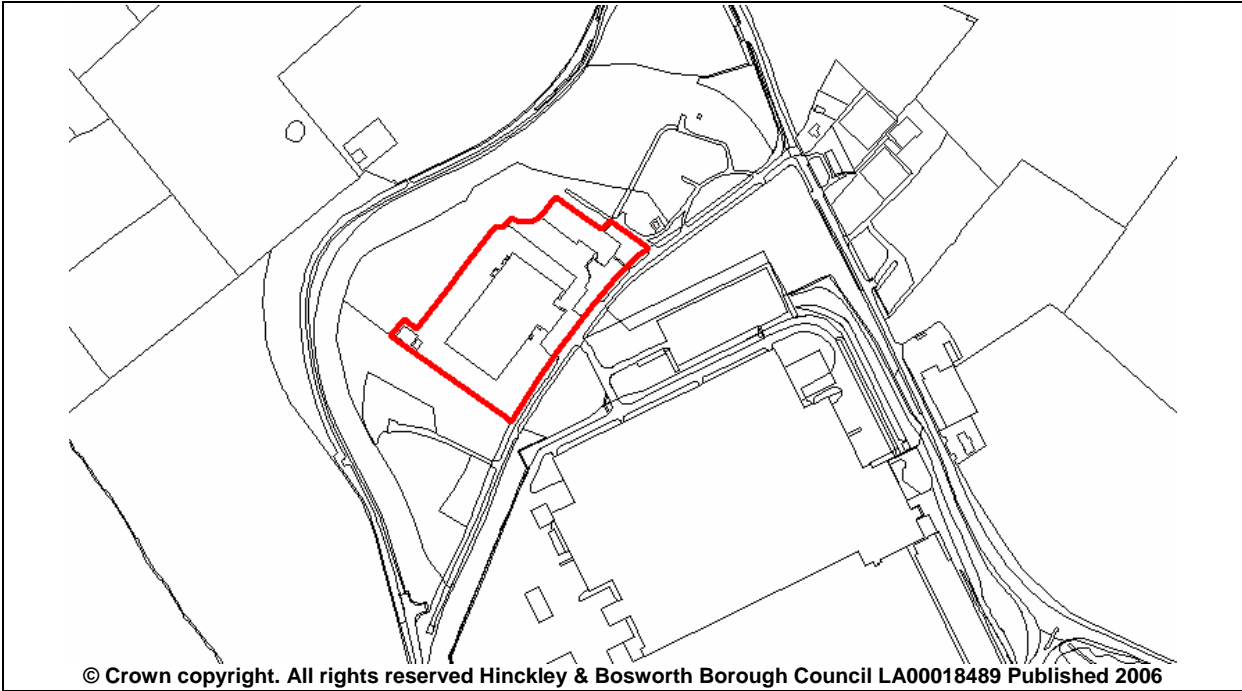
A draft Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 has been submitted to restrict the use of the unit to the training of the staff of the Combined Leicester, Leicestershire and Rutland Fire Authority only.

History:-

The wider Caterpillar site benefits from numerous planning applications granted to enable the site to adjust to changes to manufacturing processes. The following applications relate directly to the fire training unit.

11/00015/FUL	Continued Use & Siting of a Carbonaceous Live Fire Training Unit	Approved	09.03.11
10/00040/FUL	Installation of a Carbonaceous Live Fire Training Unit	Approved	17.03.10
09/00476/FUL	Installation of a Carbonaceous Live Fire Training Unit	Refused	17.08.09

The proposal was initially refused in August 2009 (ref: 09/00476/FUL) due to insufficient information to demonstrate that the proposal would not harm the amenities of nearby residents. Since this refusal and subsequent grant of temporary permission the Head of Community Services (Pollution) has visited a similar training unit located at Birmingham International Airport and has been monitoring the use of the unit that is the subject of this application to further understand the impact that its use may have on residential amenity.



Consultations:-

No objection has been received from:-

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

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

Site notice posted and neighbours notified. Five letters of objection have been received raising the following concerns:-

- a) detrimental impact on health; inhalation of smoke, fumes and pollution
- b) serious nuisance/inconvenience, strong acrid smell, have to keep doors and windows closed
- c) unsuitable site, no alternative sites explored
- d) too close to housing, day nursery, school and sports centre
- e) large amounts of smoke affecting people using gardens, the bridle path and public right of way.

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

Desford Parish Council
Peckleton Parish Council.

The consultation period remains open at the time of writing this report and closes on 13 September 2011. Any further consultation responses received before the closing date will be reported and appraised as a late item.

Policy:-

National Planning Guidance

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

Regional Policy Guidance

The Court of Appeal, in April 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 it 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. There are no relevant policies that apply to this proposal.

Local Development Framework Core Strategy 2009

There are no relevant policies that apply to this proposal.

Hinckley and Bosworth Local Plan 2001

The site is located outside the settlement boundary of Desford but within a designated employment site as defined in the adopted Hinckley and Bosworth Local Plan.

Policy EMP1 considers existing employment sites throughout the borough. The Caterpillar site falls under criterion a) of the policy which seeks to retain these sites for employment purposes.

Policy BE1 considers the design and siting of development and seeks development that safeguards the existing environment, complements the character of the surrounding area, and does not adversely affect the occupiers of neighbouring properties.

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

Policy NE5 considers development within the countryside and seeks to protect the countryside for its own sake however supports development where it is important for the local economy and cannot be provided within or adjacent to existing settlements, and where it would not have an adverse impact on the appearance or character of the landscape.

Other Material Policy Documents

The Employment Land and Premises Study undertaken in May 2010 identifies Caterpillar as a key/flagship employment area which it seeks to retain for employment uses.

Appraisal:-

The main considerations with regards to this application are the impacts of the development on the amenities of nearby residents, the character and appearance of the surrounding area and other issues.

Impact upon Residential Amenity

The unit is used to train fire officers by imitating fire emergencies. To do this timber is set alight without any accelerants within the units to demonstrate the behaviour of fire under different circumstances and to train fire officers on how to deal with the different scenarios. As a result of the training 'burns' some steam and smoke is expelled into the environment through vents designed to control airflow through the containers to create the different fire scenarios. Two different training 'burns' were carried out on 23 August 2011 that were attended by a number of the members of the Planning Committee and the Head of Planning. Whilst some steam and smoke was observed during the training exercise, the applicant's advised that a majority of this was steam (white smoke), with a significant amount of the smoke produced by the fire being burnt within the unit itself which acts in a similar fashion to a catalytic converter on a normal road car and results in cleaner emissions. Little ash or residue was seen to be emitted from the unit.

Whilst a small degree of pollution may occur as a result of the proposal, how much material harm this will cause will be influenced by a number of factors including the materials being burnt, the distance of the development to residential properties, the strength and direction of

the wind at the time of burning, the number and duration of burnings and any landscape features between the proposal and residential properties. The nearest residential dwelling is Oak View, Peckleton Lane located approximately 250 metres to the east of the application site. Other properties forming the edge of the main built up area of Desford are located 330 metres to the north. It is considered that the distance between the fire training unit and the nearest residential properties will allow for the majority of the steam and smoke to disperse naturally, with the open area of planting between the unit and Peckleton Lane assisting in the dispersal of emissions blown in this direction. However, this is largely dependent upon the strength and direction of the wind at the time. For the smoke to carry to the residential properties a strong southerly or westerly wind blowing at the time of the training burns would be required and it is unlikely that this will be the case on every occasion.

The Head of Community Services (Pollution) recommended that the previous applications be granted on a temporary basis and restricted by conditions in order to enable monitoring of the impact from the development on the amenities of local residents to take place. Four complaints from three complainants have been received since operation of the unit began approximately 12 months ago, relating to the impact of smoke on health, the adjacent bridle path, wildlife and Desford in general. Similar issues have been raised in the five letters of objection that have been received in relation to the current application. The Head of Community Services (Pollution) has undertaken selective monitoring of the use of the unit occurring either on a Tuesday or Thursday since March 2011. Since then 75% (9 out of 12) scheduled training days have been monitored to assess the impact on the surrounding area. Monitoring was also carried out on 30 August which was not on the schedule but the unit was being used. None of the monitoring showed burns taking place outside the permitted hours with the exception of 30 August where smoke was noted between 13:50 and 14:00. Monitoring has been carried out during this period as this time of year is likely to be more sensitive to residents because people are more likely to have windows open and use garden areas than during the colder months. Monitoring was also undertaken in response to the complaints received in February and March regarding smoke from the unit potentially affecting residential properties. Based on the evidence from these monitoring visits no significant impact on the residents of Desford in respect of air pollution has been identified from the operation of the training unit. In addition, Air Quality has been monitored for many years in Desford and levels of Nitrogen Dioxide (a gas associated with combustion processes) remain well within current Air Quality Objective Limits set by legislation. Information submitted in previous applications shows that the expected emissions of Formaldehyde from the unit are well below the limits that would be applied, through an Environmental Permit, to an industrial process carrying out a similar operation.

Notwithstanding this, it is recognised that the prevailing wind direction is south westerly and that burning on such occasions has the potential to impact on the behavioural patterns of the occupiers of Oak View on Peckleton Lane to some degree. Therefore, in the event that planning permission is granted, the Head of Community Services (Pollution) recommends the imposition of a number of conditions in order to minimise any potential impact on residential amenity. The recommended conditions relate to the restriction of the total number of days, days of operation, times and duration of the burns, together with the time of year of the burns and monitoring of burn time weather conditions (wind direction/speed). Since the consultation response of the Head of Community Services was received, additional information has been submitted by the applicant's to demonstrate that more training days are required than the recommended conditions would allow. This matter is ongoing and therefore the outcome of any further discussions will be reported as a late item to this agenda.

The Head of Community Services (Pollution) also comments that it is disappointing that no alternative sites appear to have been considered by the Fire Authority and that consideration should be given to whether there are more suitable sites within the Caterpillar complex. The current application has to be considered on its merits and the site is the only one being

offered by Caterpillar and has sufficient areas of hard-standing to support the weight of the fire training unit and the two fire appliances required together with access to a pressurised water hydrant and power supply to enable the breathing apparatus to be re-charged by compressor.

The issuing of temporary planning permissions is subject to advice contained within Circular 11/95 which generally suggests that a temporary permission should only be used when there is sound justification to do so and should be set sufficiently long to indicate at the end of that period whether the development is acceptable in planning terms or not. The fire training unit has now been operating for approximately 12 months and there is no evidence from the monitoring that has taken place that the operation of the training unit has a significant impact on residential amenity. Subject to appropriate control of the use of the unit through the imposition of the conditions, it is considered that the nature and degree of nuisance would not be sufficient enough to warrant refusal of the application on residential amenity grounds.

Visual Impact on Character and Appearance of the Area

The application site relates to a small section of an existing industrial complex occupied by Caterpillar which consists of a number of large industrial warehouse buildings with associated areas of hard standing between them. The site contains other shipping and portacabin type accommodation, providing temporary and flexible accommodation. Due to its location and association with the Caterpillar site, it is considered that the compartment fire training unit and associated storage containers required for the fire training facility would not be out of character with other buildings on the site. It is therefore considered that the proposed development would not have an adverse visual impact on the character or appearance of the area.

Other Issues

The proposal will help fire officers train to deal with fire scenarios so that they minimise the risk to themselves and others in the event of a real emergency. To comply with government legislation all fire officers must undertake training of the nature provided by the proposed fire training unit on a regular and ongoing basis. Whilst there are similar facilities located in the West Midlands, to attend these would remove the fire appliances and their crews from the local area and they would be unable to respond to operational requirements. In addition, the service would incur significant additional costs to use the facilities of another authority. As a result the current facility provides an invaluable resource to the Fire Authority which serves the local community.

Whilst objections have been received to the application on the basis of impact on users of the bridleway located approximately 120 metres to the north west of the unit, this is likely to be occasional and transient and it is considered that any adverse impact would not be sufficient to warrant refusal of the application on that basis.

The application is located within a designated Employment site. The operation of the fire training unit does not affect the employment use or capabilities of the site which remains in the control of Caterpillar by lease and the use is therefore considered to be acceptable.

Conclusion

The Fire Authority needs to comply with government legislation in respect of the training of its fire officers and this fire training facility provides a valuable resource to the service and the community it serves. There are concerns expressed by a number of residents regarding the effect of smoke and fumes generated by the compartment fire training unit on the amenities of neighbouring residents. However, given the separation distances, the completion of a

Unilateral Undertaking and the imposition of appropriate conditions to control the way in which the unit is to be operated it is considered unlikely that the use would have a material adverse impact on the amenities of neighbouring residents on a regular or sustained basis. Given its location within an industrial site and proximity to existing warehouse buildings the unit will not have an adverse impact on the character or appearance of the surrounding area. The application is considered to comply with policies BE1, EMP1, NE2 and NE5 of the adopted Local Plan and therefore recommended for approval subject to conditions.

RECOMMENDATION:- That subject to the completion of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to restrict the use of the fire training unit to train the staff of the Leicester, Leicestershire and Rutland Combined Fire Authority only, the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission subject to the conditions below. Failure to complete the said agreement by 21 September 2011 may result in the application being refused.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development by virtue of the limited periods of its use, the separation distance from residential properties and appropriate appearance together with the benefits to the wider community identify above, the proposal would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies EMP1, BE1, NE2, NE5.

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: CAT/P/09/104 B received 27 July 2011.
- 2 The compartment fire training unit hereby permitted shall only be used for a maximum of 80 days per year and shall not be used during the calendar months of July or August in any year.
- 3 The compartment fire training unit hereby permitted shall only be used on Tuesdays, Thursdays and Saturdays.
- 4 The compartment fire training unit hereby permitted shall only be used on a maximum of 12 Saturdays per year in total and limited to a maximum of once per calendar month during the months of March, April, May, June, September and/or October each year and twice per calendar month during November, December, January and/or February each year.
- 5 The compartment fire training unit hereby permitted shall only be used on the permitted days: once between 12:00 noon to 13:30 hours and once between 14:30 to 16:00 hours and each session shall be limited to 45 minutes of burning time with all fire extinguished at the end of each session.
- 6 The use of the compartment fire training unit shall not begin until a scheme for monitoring the proposed activity has been submitted to and approved in writing by the local planning authority; and all works which form part of the approved monitoring scheme shall be installed and be fully operational prior to first use and shall be maintained in use at all times thereafter.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2-5 To mitigate any impact of the development hereby permitted on the amenities of local residents in accordance with policies BE1 and NE2 of the adopted Hinckley and Bosworth Local Plan.
- 6 To safeguard the amenities of neighbouring properties to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 The Fire Authority is advised that an action plan to inform local residents, the Desford and Peckleton Parish Council's and Caterpillar Community Liaison Group of all upcoming fire training dates in advance together with any cancellations should be drawn up and thereafter regularly published in an appropriate manner in order to ensure that all reasonable steps are taken to keep the public informed of the active training days.
- 6 With reference to condition No. 6 of this permission the on-site weather station should be used to document weather conditions during the use of the training units and details placed in a daily log.

Contact Officer:- Richard Wright Ext 5894

Item: 07
Reference: 11/00557/FUL
Applicant: Mrs Springthorpe
Location: 1 Grange Road Nailstone
Proposal: ERECTION OF HAY BARN AND IMPLEMENT STORE
Target Date: 22 September 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it constitutes the erection of an agricultural building on a holding of 10 hectares or less.

Application Proposal

This application seeks full planning permission for the erection of a hay barn/implement store for the storage of hay, grass, machinery, implements, compost and logs. The dimensions of the proposed building are 13.6 metres x 18.25 metres with a ridge height of 6.5 metres. The height to the eaves is 2.2 metres. This provides an internal floor area of 248 square metres. The building will be sited 25 metres to the north of an existing agricultural building and three poly tunnels at the site.

The Site and Surrounding Area

The land is generally flat. The applicants holding consists of a detached dwelling located on the frontage to Grange Road with a detached garage block to the rear of the property. An agricultural building and three large poly tunnels are located along the northern boundary to the dwelling. The site is well screened by a line of mature trees to a height of 2.5 metres along the northern and eastern boundaries of the site and by a 2m high hedge along the southern boundary. The existing vehicular access to the site is to the east of the applicant's dwelling off Grange Road.

With the exception of the applicant's property the nearest residential properties are 3-5 Grange Road which are a pair of semi-detached houses located 85 metres to the south of the proposed building. The applicant's agricultural holding extends to 2.97 hectares. The site is located within the National Forest.

Technical Document submitted with application

A design and access statement has been submitted with the application which states that the proposed building is required for the storage of grass/hay, machinery, compost, fence posts and logs cut from the National Forest. The statement briefly sets out the applicant's case stating that the site is used for the growing of hay which is sold on for use as fodder and the growing of plants within the poly tunnels. It goes on to state that the proposed agricultural building is utilitarian in its use and the materials of construction have been chosen to allow the building to assimilate into the countryside.

Additional information was received from the applicant's agent on 25 August 2011 providing further clarity in respect of the agricultural operations at the site and justification for the scale of building. The information provided includes an outline of the use and capacity of the existing and proposed agricultural buildings together with a breakdown of the agricultural operations.

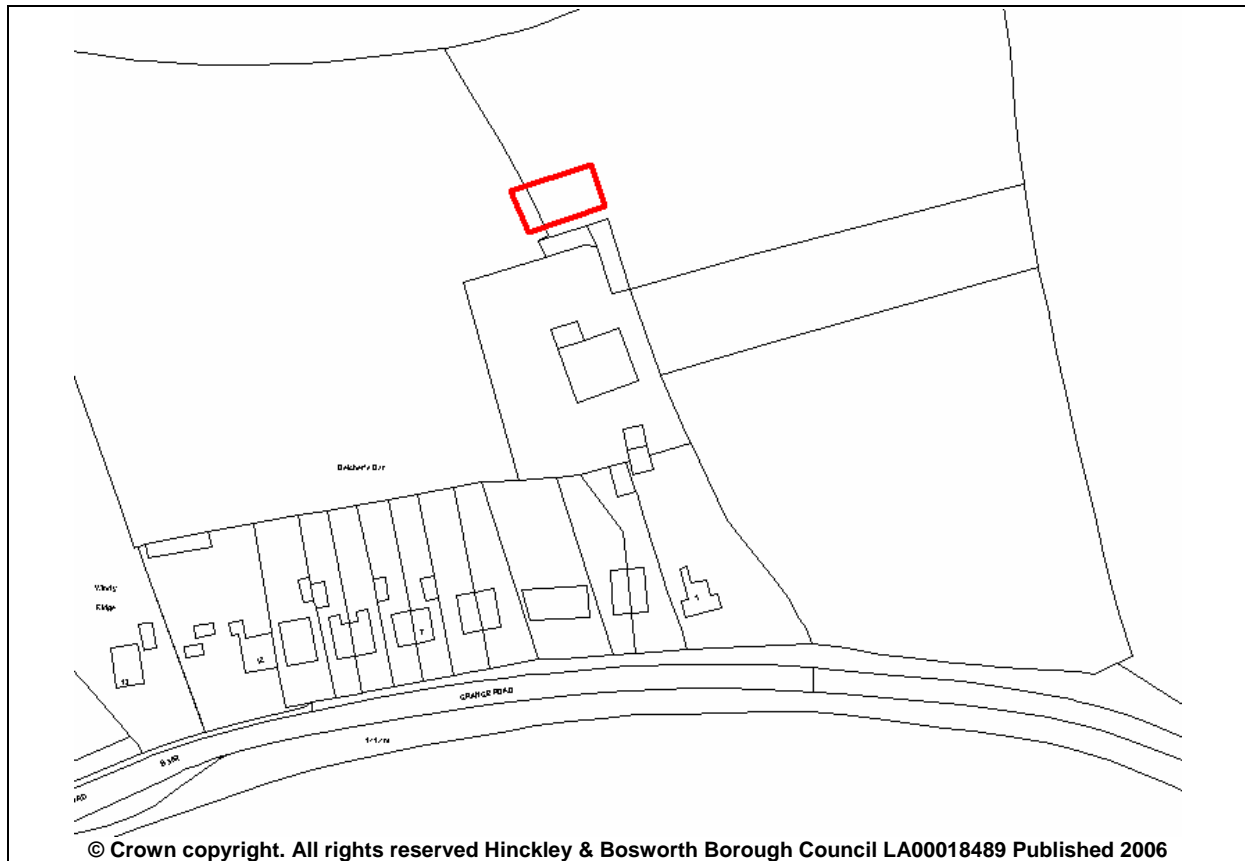
History:-

11/00138/GDO

Erection of Portal framed Agricultural building

Refused

03.05.11



Consultations:-

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

A site notice was displayed and neighbours notified.

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

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

Policy:-

National Policy Guidance

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's planning policies for rural areas. One of its objectives is to promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, contributes both directly and indirectly to rural economic diversity and is itself competitive and profitable. Paragraph 1 states that all development in rural areas should be well designed, in keeping and scale with its location and sensitive to the character of the countryside. Paragraph 16 states that when determining planning applications for development in the countryside, local planning authorities should support development that delivers diverse and sustainable farming enterprises. Paragraph 27 states that support should be given to development proposals that will enable farmers to become more competitive, sustainable and environmentally friendly and comply with changing legislation and associated guidance.

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

There are no policies specific to this planning application.

Local Policy

Local Development Framework Core Strategy 2009

There are no policies specific to this planning application.

Hinckley and Bosworth Local Plan 2001

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

Policy NE21 states that permission will only be granted for built development in the National Forest where development is of a high quality. The design and materials of construction of buildings and the layout and planting of open space between them should reflect the local architecture and the setting of the proposal in the forest.

Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features; avoids the loss of open spaces, important gaps in development and features which contribute to the quality of the local environment; has regard to the safety and security of individuals and property; incorporates landscaping to a high standard where this would add to the quality of the design and siting; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties.

Other Policy Documents

Design of Farm Buildings Supplementary Planning Guidance (SPG) (2004) states that the position of a new farm building or structure is usually dependant on its function and the space available. There are other factors that should be taken into account, such as the visual importance of the building, both in the wider landscape, and within the farm complex itself. The function of building will influence the scale and type of building and the long term agricultural requirements of the building should also be considered.

Appraisal:-

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

Principle of development

Whilst both Planning Policy Statement 7 (PPS7) and policy NE5 of the adopted Local Plan seek to protect the character and appearance of the countryside for its own sake, they are generally supportive of agricultural development in the countryside providing that it is necessary for the operational requirements of the holding and that it does not result in any material harm to the existing character or appearance of the landscape.

Whilst the applicants holding is relatively small, comprising 2.97 hectares the additional information submitted by the applicant's agent on 25 August 2011 provides the justification for the use of the proposed building for agricultural storage. The information states that the hay is currently stored externally at the site and that in the past year 75 bales were derived from agricultural contracting work and 45 bales from on site activities. A break down of the implements and machinery that are stored at the site has also been provided and the supporting statement highlights the requirement for 2 tractors and a tele-handler to be re-located within the proposed building as they are currently stored outside, where they pose a security risk. The storage of the compost within the proposed building is considered acceptable in principle as this material is used in connection with the existing horticultural operations established at the site. It should be noted that horticulture is included within the definition of agriculture.

Whilst some of the justification put forward for the erection of the agricultural building is related to the applicant's contracting work of cutting grass within the National Forest it is considered that these operations are of a quasi-agricultural nature and it is reasonable in this case for them to be considered as a form of agricultural diversification which helps to sustain the agricultural enterprise established at the site. Therefore based on the additional information provided it is considered that sufficient justification has been put forward to demonstrate that the proposed building will be used in connection with existing agricultural operations at the site, including the horticultural activities and with the farm diversification

activities taking place within the National Forest. As a result, the proposed development is considered to comply with the guidance within Planning Policy Statement 7 and policy NE5 of the adopted Local Plan.

Design and Impact upon the Character and Appearance of the Countryside

The site is located in a rural landscape and is largely characterised by a mix of open and closed fields with hedge planting to the boundaries. The design, scale, massing and proposed materials of the proposed agricultural building is characteristic of most modern agricultural buildings with concrete block work and metal profile sheeting to the upper floors and roof. The design has a low pitched roof and an appearance not untypical of modern agricultural buildings and is therefore consistent with advice contained in the Council's Supplementary Planning Guidance on the Design of Agricultural Buildings. Therefore in terms of its design and appearance the proposed agricultural building is not considered to be detrimental to the character and appearance of the countryside or to its setting within the National Forest therefore is considered to comply with policy NE5 and NE21 of the adopted Local Plan.

In terms of its siting the proposed agricultural building will be positioned 25 metres to the north of the existing agricultural building and poly tunnels. This will result in the proposed agricultural building being screened to an extent by the existing buildings to the south when viewing the site from Grange Road. It is considered that the proposed agricultural building will be sited within suitable distance of the existing buildings for it to be viewed as being part of the same agricultural complex. The supporting information received from the applicant's agent on 25 August 2011 stated that the reason for siting the proposed building 25 metres to the north is that the area to the north of the existing agricultural building is used for the turning of vehicles and for the hardening of plants.

Neighbour amenity

With the exception of the applicant's property, the nearest residential properties to the site are 3-5 Grange Road located 85 metres to the south. As a result of the siting of the building, separation distances and existing agricultural operations within the site, the proposals will not have an adverse impact on the amenities of the occupiers of neighbouring properties in respect of noise, odour or visual amenity and are therefore considered to comply with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Highway issues

The site is accessed from Grange Road via a gated access which is set back 5 metres from the edge of the highway. No alterations are proposed to the existing vehicular access to the site.

Conclusion

In conclusion, taking into account the additional supporting information the principle of a building for agricultural use in this location is considered acceptable in line with PPS7 and policy NE5 of the adopted Local Plan. The proposed agricultural building is well related to the existing farm holding and its design and proposed materials are characteristic of typical modern farm buildings and it is considered that the proposals will not result in any adverse impact on the character or visual appearance of the countryside. Given the separation distance to the nearest residential properties and the existing farming operations on the site the proposal will not have an adverse impact on residential amenity. Overall the proposal is considered to comply with Planning Policy Statement 7 and policies BE1 and NE5 of the adopted Local Plan and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. Resultant of the design, scale, siting and materials proposed, there are considered to be no material impacts on visual or residential amenity, on the character of the countryside or on highway safety. Accordingly the scheme is considered acceptable.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1, NE5 and NE21

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the submitted application details, as follows:- Drawing 27/1/2011 and site location plan received on 28 July 2011.
- 3 The development hereby permitted shall be carried out in complete accordance with the schedule of materials stated in the planning application form.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with Policies BE1, NE5 and NE21 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 No contaminated water shall pass to a watercourse.

Contact Officer:- Scott Jackson Ext 5929

Item: 08

Reference: 11/00656/EXT

Applicant: A R Cartwright Ltd

Location: Former Emesite Nutts Lane Hinckley

Proposal: EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION 08/00835/FUL FOR THE ERECTION OF 3 INDUSTRIAL UNITS

Target Date: 5 October 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it constitutes industrial development with floor space greater than 500 square metres.

Application Proposal

This planning application seeks an extension to the time limit for implementing the extant planning permission on planning application 08/00835/FUL for the erection of three industrial units. The previous application was a full submission and was granted consent on 21 November 2008. The scheme proposes the erection of three industrial units with ancillary office and associated car parking on land off Nutts Lane, Hinckley.

The Site and Surrounding Area

The overall site originally consisted of two fields of open pasture of approximately 3.05 hectares. It is bounded to the north by an industrial use, an EME compound to the west, the Ashby canal to the east and the A5 Watling Street to the south. Along each of the boundaries are hedging and some trees which are to be retained. The Ashby Canal Conservation Area is located to the east of the site. The site is located outside the settlement boundary for Hinckley.

Direct access to the site is available from the A5 and Coventry Road along Nutts Lane. The first phase of the estate's road system has been completed providing direct access to plots 1 - 6 off the first cul-de-sac to the south of the site entrance. Plots 2 - 6, which back onto Sketchley Brook, have been constructed and planning permission has been granted for plot 1 immediately adjacent to the site entrance, although it has not yet been constructed.

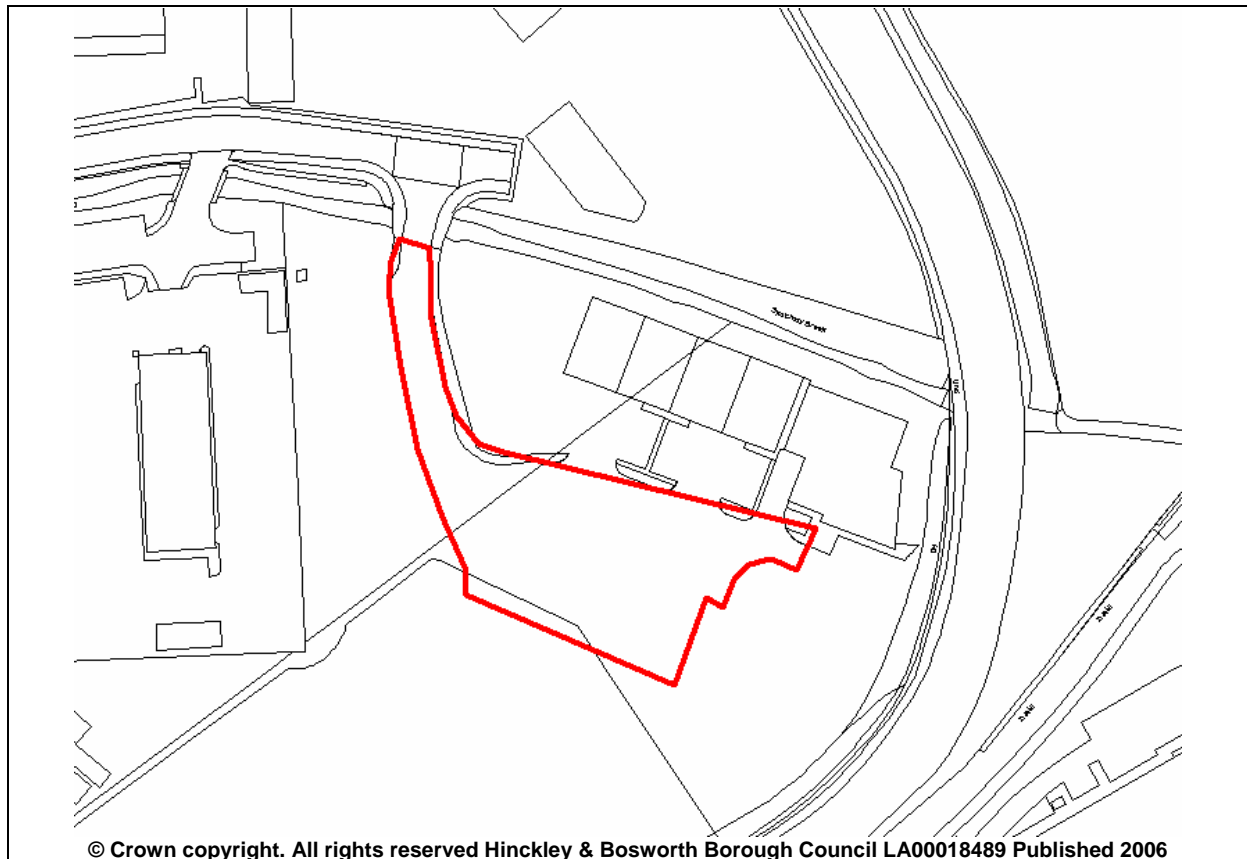
Technical Document submitted with application

No updated documents have been submitted with the planning application.

History:-

08/00835/FUL	Erection of three industrial units	Approved	21.11.08
07/00759/REM	Industrial unit & associated offices (Resubmission)	Approved	20.08.07

06/01252/REM	Industrial unit with two storey offices	Approved	04.01.07
06/01212/REM	Erection of Industrial Unit (B2 & B8)	Approved	04.01.07
05/00865/REM	Erection of 4 Industrial Units	Approved	05.10.05
04/01316/OUT	Industrial Development & Associated works	Approved	05.07.05
01/00604/OUT	General industry (B2) and storage and distribution (B8)	Approved	09.01.02



Consultations:-

No objection has been received from:-

Environment Agency
Ashby Canal Association
Inland Waterways Association
Director of Environment and Transport (Highways).

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

Site notice and Press notice were displayed and neighbours notified.

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

Policy:-

Central Government Guidance

Planning Policy Statement 4: Planning for Sustainable Economic Growth sets out planning policies for economic development. The guidance seeks to achieve the Government's objectives for sustainable economic growth.

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 policy for new developments. The guidance seeks to ensure that development creating employment opportunities offers a realistic choice of access by public transport, walking, and cycling, and to reduce the need to travel especially by car.

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

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 it 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

There are no relevant policies.

Local Development Framework Core Strategy 2009

There are no relevant policies.

Hinckley and Bosworth Local Plan 2001

The site is identified in the adopted Hinckley and Bosworth Local Plan as an employment site following modifications to the Local Plan.

Policy EMP1 identifies the site as an employment site which actively seeks to retain employment uses.

Policy BE1 relates to the design and siting of development. It seeks a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment.

Policy BE7 seeks to preserve the special character of the conservation area including views in and out of the area.

Policy REC6 also seeks to protect the Ashby canal and the area adjacent as a wild life corridor

Policy T5 requires the development to comply with Highway Design Standards

Supplementary Planning Guidance/Documents

The Ashby Canal Conservation Area Appraisal 2009 states that within Hinckley the Ashby Canal gives an impression of a semi-rural navigation with green fields and hedgerows on either side. It goes on to state that the length of its navigation is characterised by its embankments and cuttings which give rise to long views over rolling countryside.

The 6Cs Design Guide produced by Leicestershire County Council Highways sets out in paragraph 3.169 the maximum vehicular parking standards for off street parking. It states that in out of town locations that one space should be provided for every 30 square metres of B1 office use and that one space for every 120 square metres of B8 Warehousing use.

The guidance document Greater Flexibility for Planning Permissions published in November 2009 states that in determining applications to extend the time limit for implementing planning permissions "Local Planning Authorities should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date". The guidance continues "Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission".

Appraisal:-

The main considerations with regards to this application is whether there have been any material changes in planning policy since the previous application that would affect the determination of the application and if the originally imposed conditions or additional conditions are required, the principle of development, the layout and design, the impact on the Ashby Canal Conservation Area and highway issues.

Changes in Policy

Since the granting of planning permission for the previous planning application (08/00835/FUL) Planning Policy Statement 4 (PPS4) has been introduced which seeks to achieve the Government's overarching objective of sustainable economic growth. Policy

EC10 of PPS4 states that all planning applications for economic development should be assessed against a criterion of impact considerations. It is considered that the proposed development complies with this policy in that it is accessible by a means of transport including walking, cycling, car, it seeks a quality design which improves the character of the area and will provide local employment opportunities.

Relevance of conditions

No planning conditions have been formally discharged on planning application 08/00835 since its approval in 2008. It is considered that the imposition of those conditions on planning permission 08/00835 are still relevant and reasonable to be included on this planning application, together with the imposition of a condition relating to the proposed development being carried out in accordance with the approved drawings. The imposition of this condition will allow the applicant to make non-material or material amendments to the scheme should they decide to alter aspects of the approved scheme.

Principle of development

The principle of industrial development on the site has been established with the granting of planning permission for three industrial units under planning application 08/00835, for which this application is seeking an extension to the time limit for implementation. Furthermore the development is proposed on a site that is identified in the local plan for employment use under policy EMP1. Therefore the principle of development is acceptable.

Layout and Design

The layout of the current proposed industrial units is a simplification of the original approved proposal. A single rectangular block of three attached units is proposed on the southern side of the first cul-de-sac off the site entrance. These units replaced a block of two and a block of four units, which were proposed on the outline permission in 2004. The layout reflects that of the existing industrial units (numbers 2-6) where they are set back from the estate road with parking provided to the front of each unit.

The treatment of the elevations fronting the access roads uses a combination of metal sheeting and brickwork in equal measures to provide a high quality image. This approach is reflective of the design and appearance of units 2-6 located opposite the site. The western elevation of unit 10 is proposed to be constructed from facing brickwork with metal cladding to the eaves area with a small 1m brick projection in the centre. The inclusion of door and window openings and glazing to the upper area of the brick projection adds visual interest to this prominent elevation and breaks up the massing of brickwork. The front elevation (north) will be broken up with detailing such as canopied entrances, roller shutter doors, window and door openings and metal cladding panels to add visual interest.

The rear elevations to the east and the south will be concealed by future development and are comparatively modest in comparison with the public elevations. They incorporate limited openings and standard steel cladding.

In terms of its layout and design the proposed industrial units are considered to be in keeping with the character and appearance of the area and reflective of the design principle adopted on existing industrial units on this estate.

Ashby Canal Conservation Area

The proposed units are of the same height as those units that have already been constructed on the site. The proposed industrial units will be sited 50 metres to the west of the Ashby canal. There is existing screening along the eastern boundary of the site in the form of 3

metre high mature trees. Taking into account the existing screening at the site and the separation distance to the Ashby canal the proposed development is considered to preserve the setting of the Ashby canal conservation area.

Highways

The proposed industrial units will be served by 22 car parking spaces in total. Taking into account the proposed B1 and B8 use of the units it is considered that the development complies with the parking standards set out in 6Cs Design Guide for off-street parking spaces in an out of town location. The vehicle service areas and car parking are directly accessed from the estate roads. These areas include soft landscaping which will break up the hard paved areas.

Conclusion

The principle of development on this site has been established with the granting of planning permission for three industrial units under planning permission 08/00835/FUL. By virtue of its design, layout and siting the proposed development is considered to reflect the character and appearance of the existing industrial units on the site and preserves the setting of the Ashby canal conservation area. Therefore the planning application is recommended for approval subject to conditions.

RECOMMENDATION:- That subject to no new significant objections being received from the consultation process Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to representations received and the 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 siting, scale, height and design the proposed development is not considered to be out of keeping with the character and appearance of the street scene or to the setting of the Ashby canal conservation area or detrimental to highway safety. The principle of industrial development on the site has been previously established with the granting of planning permission on planning application 08/00835/FUL.

Hinckley & Bosworth Borough Council Local Plan (2001) :- Policies EMP1, BE1, BE7, REC6 and T5.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission
- 2 Before any works commence, representative samples of the types and colours of the materials to be used on the external elevations of the proposed buildings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with the approved material.
- 3 No development shall take place until full details of both hard and soft landscaping works, including implementation timetables, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
- 4 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs,

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

- 5 There shall be no storage of materials plant oil drums tyres or waste materials of any description on the open area of the site
- 6 None of the units hereby approved shall be occupied until a cycle-way link from the Ashby canal to the adopted highway on the A5 Watling Street to the west of the site has been implemented in accordance with details to be approved in writing by the Local Planning Authority, in consultation with the Highways Agency.
- 7 Before development commences a preliminary site investigation and desktop study shall be carried out to establish whether there is any contamination. Any mitigation measures resulting from this shall be implemented in accordance with the agreed works.
- 8 The development hereby permitted shall not be occupied until the drainage works for the disposal of both surface water and foul sewage have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Agency. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 9 Prior to the development commencing the applicant shall submit details of directional signing to the development, which will be required from Nutts Lane. These shall be implemented in accordance with the approved scheme.
- 10 Before the development commences details of, cycle parking provision shall be submitted to and agreed in writing by the Local Planning Authority and once provided shall be maintained and kept available for use in perpetuity. The agreed scheme shall be implemented prior to first occupation of an industrial unit and shall be retained for these purposes thereafter.
- 11 Before the development hereby permitted is first used, off-street parking shall be provided within the application site as shown on the submitted details. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.
- 12 Before first occupation of the units hereby permitted, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above ground level and shall be so maintained in perpetuity, where in the control of the applicant
- 13 The proposed accesses shall have an effective width of a minimum of 6.0 metres for a distance of at least 5 metres behind the highway boundary. The access drive shall be so maintained at all times.
- 14 Notwithstanding the submitted details, before first use of the development hereby permitted, each vehicular access to the site shall be provided with 6 metre control radii on both sides of the access. Details of the intended access arrangements to unit 10 shall be submitted to the Local Planning Authority for approval prior to the development commencing

- 15 No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent highway
- 16 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: 8/9/10_01, 8/9/10_02, 8/9/10_03, 8/9/10_04 received on 21 August 2008.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2&3 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan
- 4 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 5 To ensure the site does not deteriorate into an untidy condition to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure the site can be safely developed to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 8 To avoid unnecessarily taking up capacity within the public sewage system specifically provided for the essential disposal of foul sewage
- 9-15 In the interests of road safety to accord with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 16 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: 11/00627/FUL
Applicant: Mr Richard Wheatley
Location: Land Rear Of 31 And 33 Canning Street Hinckley
Proposal: ERECTION OF 7 DWELLINGS WITH ASSOCIATED ACCESS
Target Date: 8 October 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, at the request of a Member.

Application Proposal

The proposal seeks planning permission for the construction of 3, three bed and 4, four bedroom houses. These will be sited in two parcels. A terrace of three properties will be sited adjacent to 28 Chessher Street to the south east and two blocks of semi detached houses will be sited along the Mill Hill road frontage to the north east of the site. The scheme proposes a mix of designs, reflecting those of surrounding properties.

Vehicular and pedestrian access is provided off Chessher Street to the terrace of three properties, with two parking spaces provided for each dwelling. These parking spaces measure 5m x 2.5m. A turning head for these properties is also provided adjacent to the southern boundary. Individual access points off Mill Hill Road and Canning Street are proposed to serve the remainder of the dwellings.

The Site and Surrounding Area

The site sits within the settlement boundary of Hinckley, close to Hollycroft Park and within walking distance of the town centre. It is surrounded on the south east side by existing housing and the south west by redundant workshops. The north-west corner of the site fronts Mill Hill Road and Chessher Street and sits opposite the corner of Hollycroft Park, close to an access point off Shakespeare Drive. This portion of the site lies within the Hollycroft Conservation Area. The site is generally level, with a slight lowering of the ground from the crossroad junction and along Mill Hill Road.

The site currently comprises a parcel of derelict overgrown land. The north-west section of the site is covered with a combination of self seeded trees, brambles and weeds. To the south-west, the majority of the site is overgrown, with one historic workshop building and a parking area. This parcel of land has outline planning permission for the erection to two detached dwellings.

The area immediately surrounding the site is a combination of high density terraced housing (Canning Street, Chessher Street & the south-east section of Mill Hill Road) and a more open arrangement of semi-detached dwellings (Shakespeare Drive, St George's Avenue & the north-west section of Mill Hill Road).

At the north-west corner there is an existing crossroad junction, of which the through route is a combination of Mill Hill Road running into Shakespeare Drive. Hollycroft Park is situated on the opposite side of the cross road.

Technical Document submitted with application

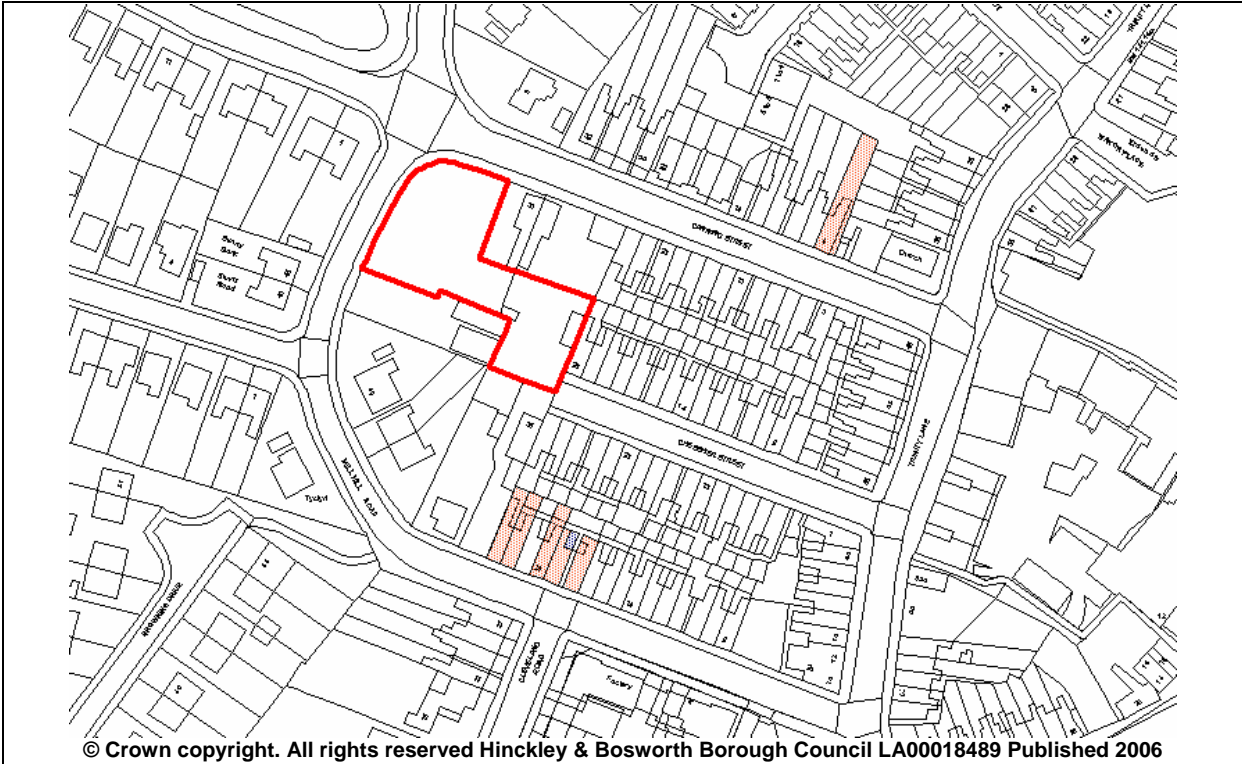
A Design and Access Statement has been submitted in support of the application. This comprehensively considers the opportunities and constraints of the site and includes an appraisal of how the final scheme has been developed, taking into consideration the design of surrounding dwellings. The design proposed is then appraised and justified.

As part of the site falls within the Hollycroft Conservation Area, a Heritage Statement has also been submitted.

This considers that the proposal will have no adverse impact on the character of the conservation area and will be beneficial as the site is currently overgrown.

History:-

10/00746/FUL	Construction of 13 apartments with Associated access and landscaping	Withdrawn	
08/00609/OUT	Erection of 2 no. dwellings	Approved	01.09.08
03/00628/FUL	First floor Extension and alteration to Dwelling	Approved	07.07.03
02/005344/FUL	Workshop Extension	Approved	12.06.02
03/01090/OUT	Erection of Three Dwellings	Approved	02.02.94



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Consultations:-

No objection has been received from:-

The Environment Agency
The Leicestershire Constabulary Crime Reduction Officer.

No objection subject to conditions have been received from:-

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

Site notice and Press notice were displayed and neighbours notified.

Three letters of representation have been received, these raise the following issues:-

- a) insufficient parking and access
- b) concerns about future occupants causing more antisocial behaviour in the area
- c) impacts on the privacy of surrounding properties
- d) increased noise and disturbance
- e) additional dangers to playing children from traffic associated with the development
- f) loss of light to adjacent properties
- g) concerns over the proposed alleyway which could result in antisocial behaviour.

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

Severn Trent Water
Director of Environment and Transport (Highways)
The Borough Council's Arboricultural Consultant.

No responses have yet been received as a result of the Developer Contributions consultation.

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.

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 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives.

This document states at paragraph 12 that good design is fundamental to the development of high quality new housing. Paragraph 13 reflecting policy in PPS1 states that good design should contribute positively to making places better for people. Design which is inappropriate

in its context, or which fails to improve the character and quality of an area and the way it functions, should not be accepted. Paragraph 16 lists matters to be considered when assessing design quality; this includes assessing the extent to which the proposed development is well integrated with and compliments, the neighbouring buildings and the local area more generally in terms of scale, density layout and access.

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

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

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' requires Local Authorities to fully consider the effect of planning decisions on biodiversity including protected species and biodiversity interests in the wider environment. The broad aim is that development should have minimal impacts on biodiversity and enhance it where possible.

Planning Policy Guidance Note 13 (PPG13): 'Transport' set out the Government's commitment to transport and planning and confirms that highway safety is a paramount consideration in the determination of any planning application. 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.

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 rural locations.

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

Planning Policy Statement 25 (PPS25): 'Development and Flood Risk' aims to ensure that flood risk is taken into account at all stages in the planning process and to reduce flood risk to and from new development through location, layout and design incorporating sustainable drainage systems (SUDS).

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 1 seeks to secure the delivery of sustainable development.

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

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

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

Local Development Framework Core Strategy 2009

Policy 1: 'Development in Hinckley' set the development intentions for Hinckley, which includes the allocation of land for the development of a minimum of 1120 new residential dwellings and address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Hinckley as detailed in the Council's most up to date strategy and the play strategy, particularly in the south west and north east of Hinckley. New green space and play provision will be provided where necessary to meet to meet the standards set out in Policy 19.

Policy 15: 'Affordable Housing' seeks the provision of Affordable Housing on residential proposals within urban at the rate of 20% with a tenure split of 75% social rented and 25% intermediate housing. Affordable housing is required on developments proposing 10 or more dwellings.

Policy 16: 'Housing Density, Mix and Design' seeks to ensure that all new residential development provide a mix of types and tenures appropriate to the applicable household type projections. A minimum of 40 dwellings per hectare is required within and adjoining in Hinckley.

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

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

Hinckley and Bosworth Local Plan 2001

The site is situated within the settlement boundary of Hinckley.

The site lies partially within the Hollycroft Conservation Area and is afforded protection through Policy BE7 of the Local Plan. The primary concern of this policy is the preservation or enhancement of the special character of this area and its appearance. Planning permission for proposals which would harm their special character or appearance will not be granted.

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

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

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

Policy BE7: 'Development in Conservation Areas' the aim of this policy is to preserve or enhance the special character of these areas. This states that development within and on land adjoining Conservation Areas should be sited and designed to preserve or enhance the character or appearance of the area.

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 NE14: 'Protection of Surface Waters and Groundwater Quality' seeks to protect the water environment.

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

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

Supplementary Planning Guidance/Documents

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

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

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

Other material policy guidance

Hinckley Town Centre Area Action Plan 2011

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 is within the Town Centre boundary as identified within the Hinckley Town Centre Area Action Plan (AAP). It is not identified as a key site.

Hollycroft Conservation Area Appraisal (2011) The Hollycroft Conservation Area was declared in January 1998. The designation seeks to protect Hollycroft Park, one of the finest inter-war parks in the Midland Region, and properties in the adjoining streets which were developed at the same time. The dominant feature of the conservation area is Hollycroft Park. Its edges are tightly defined by privet hedges and period railings, and its stylised 1930's curvilinear design extends its influence to the streets nearby. This has produced an informal residential layout which is in sharp contrast to the regular grid iron pattern of the core of the settlement. The Conservation Area retains a significant amount of mature vegetation. This, coupled with the gentle sweeping and quiet nature of the roads themselves, act to provide a sense of enclosure and seclusion in the area.

Appraisal:-

The main considerations in the determination of this application are the principle of development, impact on the character of the area and the character and preservation of the Hollycroft Conservation Area, siting and design, highway considerations and other matters.

The Principle of Development

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

The application site comprises a derelict plot of land. Historically there were workshops and associated parking spaces on the land. Accordingly the land can be classified Brownfield land. Within PPS3 there is a presumption in favour of development on previously developed land, subject to all other planning considerations being satisfied.

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

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

The development proposed in this application is for 7 dwellings and for the reasons discussed further in this report is not considered to be in conflict with adopted development plan policy.

Impact upon the character of the area and Hollycroft Conservation Area, Siting and Design Impacts on the Conservation Area.

As mentioned the north western corner of the site is situated within the Hollycroft Conservation Area. The semi-detached dwellings positioned within this corner of the site (plots 3 and 4) and the adjacent pair of properties (plots 1 and 2) have been designed to be in keeping with the character of the conservation area and surrounding properties. The position and siting of both sets of properties and the space between the buildings are reflective of the semi-detached properties further west and south west, and their scale, design and proportions is also in keeping. Further, architectural features common of the locality, including chimneys and decorative brickwork have been incorporated and materials and finished matching those of adjacent properties are to be used. In addition, boundary treatments including the use of railings and maintained privet hedges are to be used to enclose the front of properties. Accordingly, based on the above, the development is considered to preserve the character of the Conservation Area and is considered in accordance with the intentions of Policy BE7 of the Local Plan.

Siting

The site has been subdivided into two separate parcels of development. The terrace of three properties adjacent to the south east of the site has been designed to reflect the smaller and slimmer widths, characteristic of properties on Chessher Street. They occupy the same front building line and thus appear as a continuation of the existing street scene. This row of properties is accessed off Chessher Street and have their parking in a parking court, situated adjacent to the boundary of plot 5. A specified area for bin storage is provided facing the properties, on the opposite side of the driveway. Each property has an enclosed garden to the rear. The rear amenity space proposed is less than that defined within the SPG on New

Residential Development, which suggests an area of 80 square meters for 3 bed properties. However, in this case, the Victorian terrace of properties to the east are of a very high density, having small amenity spaces. Accordingly, the development proposed is not out of keeping with the plots in this area. Further, as the site is situated within a town centre location, within close proximity of the Hollycroft Recreation Ground, the inadequate amenity spaces proposed would not warrant refusal of the scheme. Whilst the parking layout proposed is detached from the dwellings it benefits from natural surveillance from plots 5, 1, 2 and 3 and numbers 31 and 33 Canning Street, and as it is integral to the development will have no adverse impacts on the character of the street scene. Further, the parking area is contained within the site and there will be no through route leading to Mill Hill Road. Accordingly, the development will not result in a cut through for vehicles and pedestrian to the wider area.

The remaining parcel of development comprises two blocks of semi-detached dwellings, one fronting Mill Hill Road, and the other on the corner of the site between Mill Hill Road and Canning Street. The two prominent dwellings at this point have been turned 45deg to give a suitable appearance on the approach via both streets. Accordingly the dwellings proposed provide a focal point in the street. The dwellings are set back from the street with enclosed front gardens. Tandem parking spaces are provided to the side of plots 3 and 4, and a parking space and integral garage is provided to the sides of plots 1 and 2. Enclosed rear gardens are provided to the dwellings. To the rear, these are adjacent to the parking spaces for plots 5-7 and number 33 Canning Street. Although there is some provision of amenity space to the side and rear of these properties, this is limited, and the rear amenity space provided is not in accordance with that advised within the SPG. However, for the reasons outlined above, in that the site is situated within the centre of Hinckley, in close proximity of a recreation ground, this shortfall, would not warrant refusal of the scheme.

Accordingly, the layout proposed is considered acceptable.

Design

Given that the site has been effectively split between Chessher Street and the Mill Hill Road/Canning Street elements, each area has been designed accordingly. The Chessher Street portion of the site proposes a terrace of three properties. These have incorporated architectural detail common of the locality including chimney stacks and fenestration detail. Further, the properties comprise smaller units with narrow frontages, similar to adjacent dwellings. The buildings are of a traditional tiled roof and brick construction, to sit within the existing streetscene.

Plots 3 and 4 are designed to appear as a single, traditionally designed, detached dwelling. The design incorporates a central chimney stack and a double height, pitched roofed bay. To the rear two roof lights and two pitched roofed dormers are proposed. The building is part brick, part render. Given that this building is situated at an angle in the road, interest to its side elevations has been achieved through the introduction of brickwork quoins, brick detailing, side paches and bay windows.

Plots 1 and 2 appear as a pair of extended semi-detached dwellings. There is a central gable and chimney stack, and the elevation has a well balanced symmetrical appearance. The semi-detached properties make design references to surrounding dwellings, including those permitted by the outline scheme on land adjacent to the south. Box bay windows, lead detailing, render and brickwork quoins common of the locality have been incorporated within the scheme. Accordingly the design proposed is of is acceptable in scale and in keeping with the design of surrounding properties.

Within the Design and Access statement it is suggested that the front gardens of plots 1 – 4 are to be enclosed by railings and a maintained privet hedge. This is reflective of the boundary treatments surrounding Hollycroft Park opposite and would enhance the visual appearance of the properties. To ensure this, these specific details will be required as part of the landscaping condition.

In summary, the design incorporates sufficient detailing, resulting in interesting elevations which conserve and enhance the appearance of the adjacent Conservation Area. Thus, the scheme is in accordance with Policies BE1 and BE6 of the Local Plan.

Impact Upon Residential Amenity

The Council's SPG on New Residential Development seeks a minimum distance of 25 metres between principal windows of habitable rooms to similar windows in neighbouring dwellings.

The rear of plots 5, 6 and 7 will face the rear elevation and rear garden of number 29 Canning Street. The separation distances between these elevations will be approximately 22m. Further, roof lights serving the third bedroom are also proposed in the roof space of these properties. Although the separation distance falls slightly short of that advised within the SPG, given the dense pattern of surrounding development, the proposed development is characteristic of the area the short fall is not considered to result in a significant material impact in the privacy of this property. Further the distance of 22 metres would be sufficient to mitigate against any significant loss of light, overshadowing and overbearing impacts.

The front elevations of plots 6 and 7 will face the front elevation of 35 Chessher Street. This property has two narrow, high level windows on its front elevation at ground and first floor. There is a separation distance of approximately 13m between these properties. This distance is well below that advised within the SPG, however as there will be an access road between the proposed dwellings and 35 Chessher Street, and due to the fenestration configuration, this relationship is considered acceptable and will not give rise to any material impacts in terms of privacy, over dominance or loss of light. Further, the character of development to the south east of the site is that of highly dense, Victorian terraced properties, which have similar separation distance to those proposed by the development. Accordingly the development proposed is considered characteristic of the area.

Concerns have been raised that plot 7 will result in a loss of light to the side windows of 28 Chessher Street. Whilst plot 7 will be adjacent to the side elevation of this property, the only window in this elevation serves a bathroom. As this room is not considered a habitable room, impacts on loss of light are not considered material and would not warrant refusal of the application. To ensure there is no overlooking from the side windows proposed in plots 7, which serve a bathroom and en-suite, it would be reasonable to impose a condition requiring these to be obscure glazed.

Second floor dormer windows are proposed in the rear elevation of plots 1 and 2. These will serve bedrooms and en-suites. These will have views over the communal parking area serving plots 5 – 7 and over the rear garden of plot 5. This said however, the separation distance between the dormer windows and the rear garden of plot 5 is 26m. Accordingly there will be no material impacts in terms of overlooking of this property.

Plot 4 is proposed adjacent to number 33 Canning Street. However as this property is sited at an angle, the windows on its side elevation will have no direct views over 33 Canning Street.

The rear elevation of plot 5 will face the side and rear amenity space of 31 Canning Street. There is however considered to be adequate separation between these properties to negate any material impacts in terms of overlooking.

In terms of noise and disturbance, tandem parking spaces are proposed adjacent to the common boundary of number 33 Canning Street and between plots 2 and 3. In both cases, the parking proposed will be parallel to the parking areas for the adjacent properties and thus they are not considered to result in a material level of noise and disturbance. Accordingly, their siting is considered acceptable.

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

Highway Considerations

No comments have yet been received from The Director of Environment and Transport (Highways). Any comments will be reported as a Late Item. This said the required number and size of off road parking spaces have been provided for each dwelling along with adequate visibility. Further, the scheme will not exacerbate existing parking problems in the Chessher Street area, as a designated self contained parking court has been provided within the site for plots 5 – 7. The parking arrangement for plots 1 – 4 have been positioned adjacent to the properties which is a common arrangement within the locality.

Other Matters

Impact upon Trees

The north eastern corner of the site is densely vegetated, with a range of shrubs and trees. The majority of this vegetation is however self-seeded and has been left to grow unmanaged. Through the development this existing greenery will be lost. This section of the site falls within the Hollycroft Conservation Area, which is characterised by its green frontages and maturely vegetated plots. However this said, the appropriate landscaping of the scheme is considered within the Design and Access Statement. This suggests that additional planting and trees will be introduced throughout the site, along with pockets of landscaping to soften the appearance of the development. Additional planting will be required to ensure the development is assimilated into its setting and ensure it does not have an adverse impact on the character of the Conservation Area. As specific planting details have not been included within the submission, a landscaping condition will be required in this instance. On balance, the loss of the vegetation is not considered to outweigh the need for additional housing within Hinckley and would thus, not warrant refusal of the scheme.

Sustainability

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

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

Play and Open Space Contributions

The site is located within 400 metres of open space Hollycroft Park (local open space). The proposal triggers a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Policy REC3 supported by the Council's SPD on Play and Open Space.

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

Within the Green Space Strategy 2005-2010, Hinckley was found to have a deficiency of both equipped open space (-1.20) and outdoor sports (-12.50) for its population when compared with the National Playing Fields Standard.

The quality of the space has been considered within the Quality and Accessibility Audit of 2005 which awarded Hollycroft Park a quality score of 60.3%. The Play and Open Space SPD sets out how the contribution is worked out in proportion to the size and scale of the development. As the scheme results in a net gain of 7 dwellings a total figure of £8755.60 is sought; £5031 for provision and £3031.60 for maintenance.

It is considered that Hinckley has a deficit of both equipped and outdoor sports areas and Hollycroft Park has been shown to have no formal Play Provision. The size of units proposed would appeal to families and given the proximity of the application site to these open spaces it is considered that the future occupiers would use the facility, increasing wear and tear and requiring more equipment. It is considered that the Council has demonstrated that the proposal is required for a planning purpose, it is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this instance.

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

Drainage

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

Storage of Refuse/Recycling Facilities

The scheme has been considered by Head of Business Development and Street Scene Services (Waste Minimisation) has commented that the proposed bin storage areas are too small and that collection will not be from the private driveway and that residents will need to take their refuse to the highway boundary. A condition requiring details of a scheme that makes provision for waste and recycling collection points at the adopted highway boundary

has been requested. In response to this it is considered that there is adequate space on site for refuse storage within the plots and that the distance from the private driveway to the adopted highway is minimal. Accordingly, the condition requested is considered unreasonable in this case and the waste storage facilities proposed, acceptable.

Conclusion

In conclusion, as the site is within the settlement boundary of Hinckley, in principle the development is considered acceptable.

The Layout and Design proposed has been carefully considered to ensure it is keeping with the surrounding development and architectural details and materials common of the locality have been incorporated to aid the developments assimilation within the area and to conserve and preserve the character of the Hollycroft Conservation Area.

The scheme does not give rise to any significant material harm to residential amenity, visual amenity or impacts upon the existing trees. In conclusion, no material impacts have been identified, that would indicate that the scheme is not in compliance with the development plan policies. Accordingly, the application is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION:- That subject to no significant material objections being received prior to the expiry of the consultation period on 8th October and subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 to provide off-site financial contributions towards play and open space, the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission subject to the conditions below. Failure to complete the said agreement by the 8 October 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. The development would contribute to the current shortfall in the five year housing land supply, would not have an adverse impact upon the character and appearance of the surrounding area or Conservation Area, would preserve the character of the conservation area and would not have an adverse impact in terms of highway safety or residential amenity. Therefore the proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies NE5, REC6, BE7, RES5, IMP1, BE1, BE7, REC3, T5, T9,

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed 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.

- 3 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.
- 4 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Nos:- 008, 050 Rev B, 054, Rev C, 054, 053 Rev C Received by the Local Planning Authority on the 1 August 2011.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1; Classes A, D and E shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.
- 6 The windows to be inserted in the south east elevation of plot 7 shall be obscure glazed and retained as such at all times thereafter.
- 7 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 8 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) proposed finished levels or contours
 - b) means of enclosure
 - c) car parking layouts
 - d) other vehicle and pedestrian access and circulation areas.
 - e) hard surfacing materials
 - f) planting plans
 - g) written specifications
 - h) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - i) implementation programme.
- 9 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 3 In the interests of sustainable development to accord with policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.
- 4 For the avoidance of doubt and in the interests of proper planning
- 5 In the interests of visual and residential amenity to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 6 In the interests of the residential amenity of the adjacent property in accordance with policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that risks from land contamination to future users of the site and neighbouring sites are minimised thus ensuring that the land is fit for purpose and to accord with the aims and objectives of PPS23.
- 8 In the interests of visual amenity to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 9 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Eleanor Shaw Ext 5680

Item: 10
Reference: 11/00565/FUL
Applicant: Mr Raymond Fudge
Location: 8 Market Place Market Bosworth
Proposal: ERECTION OF TIMBER SHED
Target Date: 12 September 2011

Introduction:-

This application is to be considered at Planning Committee at the request of the Head of Service as a former employee is connected with the business.

Application Proposal

Members may recall that an application for retrospective planning permission for the change of use from Delicatessen (Use Class A1) with tea room to Café (Use Class A3) including outbuilding was considered at the June 2011 committee and subsequently approved on 29 June 2011. The timber shed, which was previously erected was taken down during the course of that application and removed from the description of development.

This application now seeks consent for the timber shed. The shed measures approximately 2.1 x 2.1 metres with a gently sloping roof which would measure a maximum of 2.15 metres, with double doors to the front. The materials are horizontal feather edge boarding, already stained to match the existing fencing, with a felt roof.

The shed would be laid on to an existing paved patio area to the rear of the site, between the existing outbuildings and café.

An application for Listed Building Consent (ref: 11/00579/LBC) has also been submitted for the erection of a timber shed and is subject to a separate report on this committee agenda.

The Site and Surrounding Area

The premises are situated in the corner of Market Place which is interspersed with commercial and residential premises. The site is adjoined to the east by No. 10 Market Place, a residential property, and to the north west by No.6 Market Place which is a clock shop.

The building is a Grade II Listed Building and is located within Market Bosworth's Local Shopping Centre and falls within Market Bosworth Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan.

Technical Documents submitted with Application

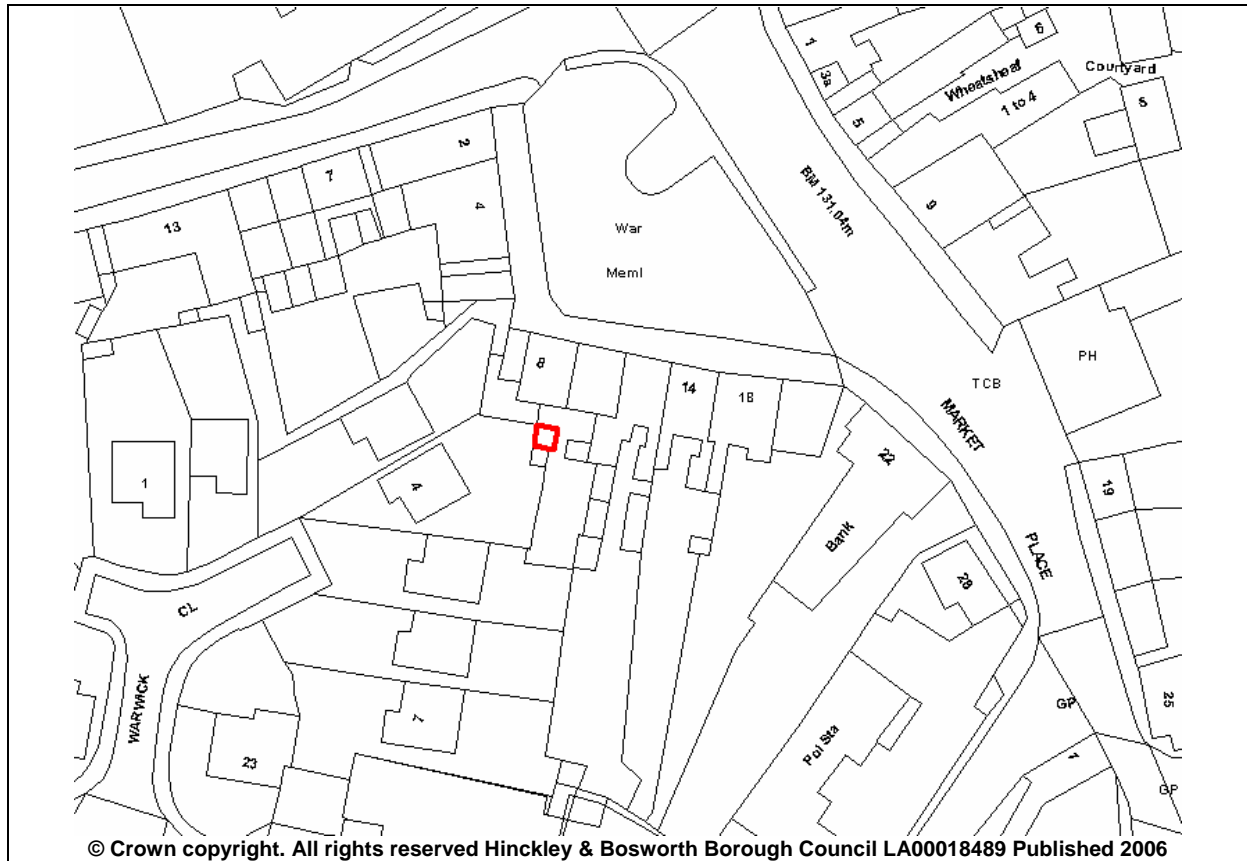
The application is accompanied by a Design and Access Statement and a Heritage Statement.

The Design and Access Statement confirms that the purpose of the shed is for the secure storage of the outside patio tables, chairs, parasols and gardening and maintenance equipment, all associated with the cafe use, and that it the shed would be set away from the footpath ensuring that it does not impinge on the access to the property at No.10.

The Heritage Statement states that the shed will have no impact on the structure of the main building, will not be visible from the front of the property and will not be detrimental in any way to the character of the building or its surroundings and area. The statement claims that the shed has been on site in this position since 2003 until it was removed recently and this application is to regularise the re-erection of it.

History:-

11/00579/LBC	Erection of timber shed	Pending	
11/00402/COU	Retrospective change of use from A1(Delicatessen) to A3 (Café) including outbuilding	Approved	29.06.11
11/00173/COU	Retrospective change of use from A1 (Delicatessen) to A3 (Café)	Withdrawn	19.05.11
06/00894/CON	Partial Demolition of Property	Returned	13.09.06
06/01002/LBC	Demolition of existing stairwell and erection of new stairwell with alterations to dwelling	Approved	01.11.06
06/00893/FUL	Demolition of existing stairwell and erection of new stairwell with alterations to dwelling	Approved	01.11.06
02/00442/COU	Change of use of part of shop to eating area	Approved	17.06.02
01/01151/LBC	Extension and alterations to premises	Approved	04.01.02
01/01160/FUL	Extension and alterations to premises	Approved	07.01.02
98/00681/LBC	Alterations and extension to Provide ground floor shop and first floor flat	Approved	11.11.98
98/00682/COU	Alterations and extension to Provide ground floor shop and first floor flat	Approved	11.11.98



Consultations:-

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

Market Bosworth Parish Council has no objections to the proposed shed as long as it does not obstruct neighbouring properties access and is not a fire hazard.

Site notice and Press notice were displayed and neighbours notified.

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

Market Bosworth Society
 Leicestershire County Council Conservation Officer
 Historic Buildings Panel.

Policy:-

Central Government Guidance

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

Planning Policy Statement 4 (PPS4): 'Planning for Sustainable Economic Growth' 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.

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

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 it 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

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

Policy 1 seeks to secure the delivery of sustainable development.

Local Development Framework Core Strategy 2009

Policy 11: 'Key Rural Centres Stand Alone' states that the focus is to consolidate and improve existing services within the village. More specifically to Market Bosworth it states that additional employment provision and tourism will be supported and that all new development should respect the character and appearance of the Market Bosworth Conservation Area.

Hinckley and Bosworth Local Plan 2001

Policy Retail 7: 'Local Shopping Centres' is a partly saved Local Plan policy, applicable to retail development outside of Hinckley Town Centre boundary and seeks to grant planning permission for retail development in a number of named local shopping centres including Market Place in Market Bosworth.

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

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

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

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

Appraisal:-

The main considerations with regard to this application are the principle of development, impact upon residential amenity and impact on the Historic Fabric, Character, Appearance and Setting of the Listed Building and the Market Bosworth Conservation Area.

Principle of Development

The timber shed will predominantly be taken up with the storage of tables, chairs and parasols which are then erected to the front of the site, outside of the café, dependent upon the weather. The accompanying documentation also refers to the storage of gardening and maintenance equipment in association with the café, as there are hanging baskets on site.

Following the recent grant of planning permission (ref: 11/00402/COU) the site now has consent for an A3 (Use Class) Café use. As such it is considered that the principle of the use of the site as a café has already been established and as such there is no in principle objection to the erection of a timber shed for the storage of equipment to be used in conjunction with the café use.

In summary, it is considered that there is no in-principle objection to the proposed erection of the timber shed, providing that all other matters can be adequately addressed. For the reasons discussed in this report, it is not considered that there are any issues which would suggest that the scheme would be contrary to development plan policies.

Impact upon Residential Amenity

The neighbouring residential property No. 10 Market Place adjoins the site to the east and access to the rear of this property is gained via a gated entrance in the corner of Market Place which follows round to the rear of the application premises. There are both ground and first floor windows in No's 10's rear elevation serving habitable rooms and there is a 1.8 metre close boarded fence with a gate.

Given the siting and scale of the timber shed proposed, it would be largely screened by the presence of the 1.8 metre fence occupying the common boundary. As such it is not considered that there would be any significant overlooking, overshadowing or overbearing impacts.

Given the proposed use of the timber shed for the storage of chairs, tables and parasols it is considered that it is unlikely there would be a significant number of comings and goings to the shed throughout the day, as it is likely that the trips generated would be at the start and end of the day to put out the tables and chairs and return them at the end of the day, and this again would be subject to the weather conditions. It is therefore considered unlikely that a

comings and goings to the shed would give rise to an unacceptable disturbance to the neighbouring No.10.

It is not considered that there would be any significant impacts upon No. 4 Warwick Close located to the west of the application site, given the distance from this neighbouring dwelling together with the presence of a 1.8 metre brick wall and screening provided by an existing tree.

In response to Market Bosworth Parish Council's request to ensure that the access to No.10's dwelling is not obstructed, a private access right is not a material planning consideration. Notwithstanding this point, it is considered that the siting of the timber shed is unlikely to give rise to an obstruction to this access route in any case.

In summary, it is considered that the proposed timber shed would not give rise to any significant material impact upon the amenities of the occupiers of any of the neighbouring dwellings. It is therefore considered that this is in accordance with Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Impact on the Historic Fabric, Character, Appearance and Setting of the Listed Building and the Market Bosworth Conservation Area.

The property is a Grade II Listed Building and located within the Market Bosworth Conservation Area. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area, as stated within Local Plan Policy BE7.

For the avoidance of doubt a Listed Building application has been submitted and is subject to a separate report.

The shed is proposed to be sited to the rear of the site and is to be constructed in timber, which is already stained to match the existing fence, and the overall scale of the shed is subservient to the main building. By reason of the siting, scale and materials proposed it is not considered that the timber shed would impact upon the architectural or historical structure of the listed building or detract from its setting or impact upon the character and appearance of Market Bosworth Conservation Area.

In summary, it is considered that the proposed timber shed would not result in any adverse impact upon the architectural or historical structure of the listed building or detract from its setting and at the very least preserves the character of Market Bosworth Conservation Area. It is therefore considered that this is in accordance with guidance within PPS5 and Saved Policies BE4 and BE7 of the adopted Hinckley and Bosworth Local Plan.

Conclusion

In conclusion, there is no-in principle objection to the erection of a shed within the curtilage of the café for the storage of ancillary equipment for the café. The proposed timber shed it not considered to give rise to any significant material impacts upon residential amenity or impacts upon the architectural or historical structure of the listed building or detract from its setting and the shed it considered to preserve the character of Market Bosworth Conservation Area.

It is not considered that there are any issues which suggest that the scheme would be contrary to development plan policies, accordingly the proposal is recommended for approval subject to the imposition of relevant planning conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of siting, scale and design, the erection of the timber shed would not give rise to any significant impacts upon residential amenity, impacts upon the architectural or historical structure of the listed building or detract from its setting and would preserve the character of Market Bosworth Conservation Area.

Hinckley and Bosworth Borough Council Local Development Framework: Core Strategy (2009): - Policy 11.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies Retail 7; BE1; BE4; BE5; BE7.

- 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: Drawings entitled; Ordnance Survey Map (Scale 1:500); Indicative Layout of Shed; Front Elevation (Scale 1:20); Side elevation fronting No.4 Warwick Close (Scale 1:20); Side elevation fronting fence with No.10 (Scale 1:20); Back elevation (Scale 1:20); Floor Plan (Scale 1:50) received by the Local Planning Authority 18 July 2011.

Reasons:-

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

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 You are reminded to comply with the conditions of Listed Building Consent ref: 11/00579/LBC.

Contact Officer:- Ebony Mattley Ext 5691

Item: 11

Reference: 11/00579/LBC

Applicant: Mr Raymond Fudge

Location: 8 Market Place Market Bosworth

Proposal: ERECTION OF TIMBER SHED

Target Date: 12 September 2011

Introduction:-

This application is to be considered at Planning Committee at the request of the Head of Service.

Application Proposal

Members may recall that an application for retrospective planning permission for the change of use from Delicatessen (Use Class A1) with tea room to Café (Use Class A3) including outbuilding was considered at the June 2011 committee and subsequently approved on 29 June 2011. The timber shed, which was previously erected was taken down during the course of that application and removed from the description of development.

This application seeks Listed Building Consent for the erection of the timber shed. The shed measures approximately 2.1 x 2.1 metres with a gently sloping roof which would measure a maximum of 2.15 metres, with double doors to the front. The materials are horizontal feather edge boarding, already stained to match the existing fencing, with a felt roof.

The shed would be laid on to an existing paved patio area to the rear of the site, between the existing outbuildings and café.

An application for full planning permission (ref: 11/00565/FUL) has also been submitted for the erection of a timber shed and is subject to a separate report on this committee agenda.

The Site and Surrounding Area

The premises are situated in the corner of Market Place which is interspersed with commercial and residential premises. The site is adjoined to the east by No. 10 Market Place, a residential property, and to the north west by No.6 Market Place which is a clock shop.

The building is a Grade II Listed Building and is located within Market Bosworth's Local Shopping Centre and falls within Market Bosworth Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan.

Technical Documents submitted with the application

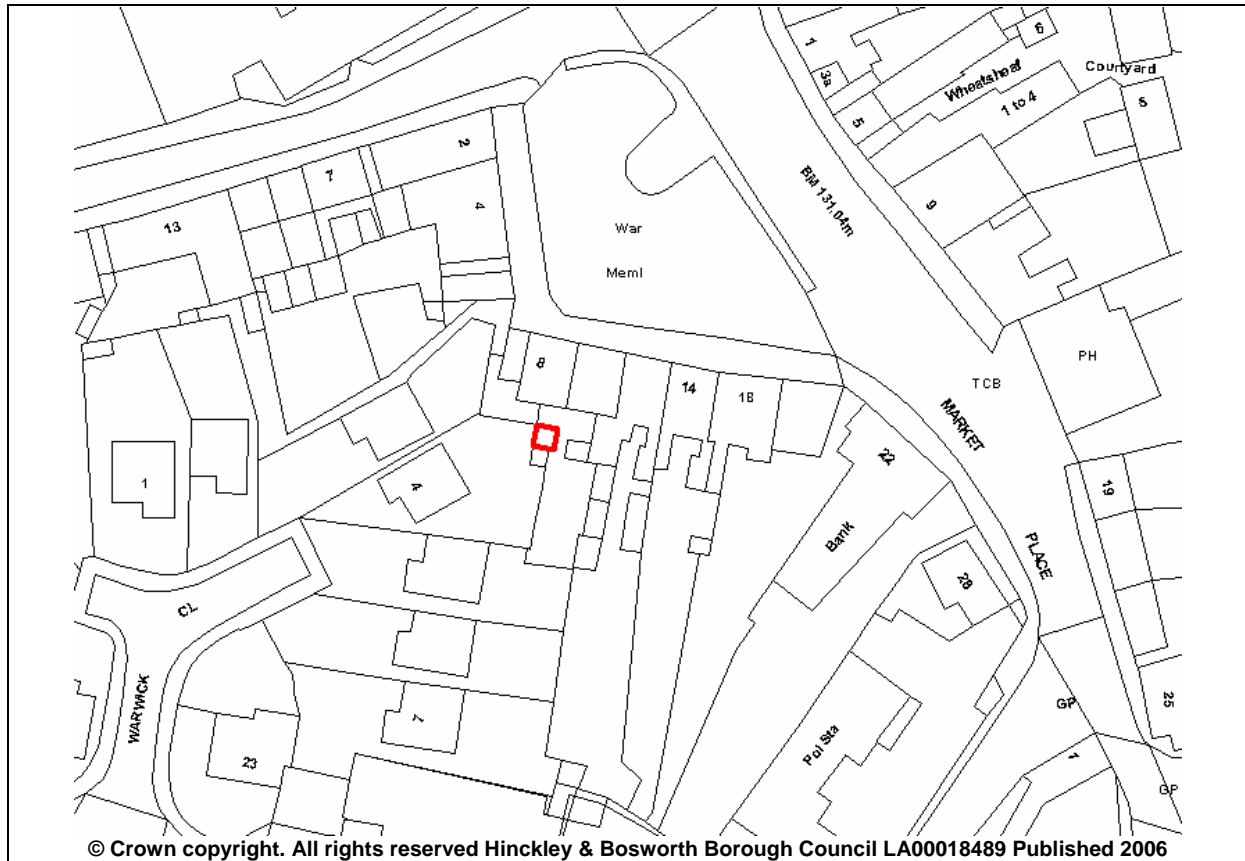
The application is accompanied by a Design and Access Statement and a Heritage Statement.

The Design and Access Statement confirms that the purpose of the shed is for the secure storage of gardening and maintenance equipment, outside patio tables, chairs and parasols and that it the shed would be set away from the footpath ensuring that it does not impinge on the access to the property at No.10.

The Heritage Statement states that the shed will have no impact on the structure of the main building, will not be visible from the front of the property and will not be detrimental in any way to the character of the building or its surroundings and area. The statement claims that the shed has been on site in this position since 2003 until it was removed recently and this application is to regularise the re-erection of it.

History:-

11/00565/FUL	Erection of timber shed	Pending	
11/00402/COU	Retrospective change of use from A1(Delicatessen) to A3 (Café) including outbuilding	Approved	29.06.11
11/00173/COU	Retrospective change of use from A1 (Delicatessen) to A3 (Café)	Withdrawn	19.05.11
06/00894/CON	Partial Demolition of Property	Returned	13.09.06
06/01002/LBC	Demolition of existing stairwell and erection of new stairwell with alterations to dwelling	Approved	01.11.06
06/00893/FUL	Demolition of existing stairwell and erection of new stairwell with alterations to dwelling	Approved	01.11.06
02/00442/COU	Change of use of part of shop to eating area	Approved	17.06.02
01/01151/LBC	Extension and alterations to premises	Approved	04.01.02
01/01160/FUL	Extension and alterations to premises	Approved	07.01.02
98/00681/LBC	Alterations and extension to Provide ground floor shop and first floor flat	Approved	11.11.98
98/00682/COU	Alterations and extension to Provide ground	Approved	11.11.98



Consultations:-

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

Market Bosworth Parish Council has no objections to the proposed shed as long as it does not obstruct neighbouring properties access and is not a fire hazard.

Site notice and Press notice were displayed and neighbours notified.

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

Market Bosworth Society
 Leicestershire County Council Conservation Officer
 Historic Buildings Panel.

Policy:-

National Policy Guidance

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

Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 provides that where an area is designated as a conservation area "...special attention shall be paid to

the desirability of preserving or enhancing the character or appearance of that area” in the exercise of any of the provisions of the Planning Acts.

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 it 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 in the determination of this application.

Local Development Framework Core Strategy 2009

No relevant policies in the determination of this application.

Hinckley and Bosworth Local Plan 2001

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

Appraisal:-

The sole consideration in the determination of this application for Listed Building Consent relates to whether the works proposed accord with Policy BE4 of the Adopted Hinckley and Bosworth Local Plan and the overarching guidance contained within PPS5.

It is not considered the siting of the timber shed to the rear would give rise to any detrimental impacts and the minor scale is similar to that of the existing outbuildings, ensuring that it does not dominate or detract from the existing building. The materials proposed and the stained finish is the same as the existing boundary treatments, ensuring the external appearance is compatible.

Conclusion

In conclusion, it is considered that the proposal represents an appropriate form of development for this listed building and does not detract from the historic and architectural character. Accordingly it is considered the development proposed would be compliant with Saved Local Plan Policy BE4 and the overarching principles of guidance contained within PPS5.

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 works would be in accordance with the development plan and would not be to the detriment of the special architectural or historic interest of this Listed Building.

Hinckley and Bosworth Local Plan (2001):- Policy BE4.

- 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: Drawings entitled; Ordnance Survey Map (Scale 1:500); Indicative Layout of Shed; Front Elevation (Scale 1:20); Side elevation fronting No.4 Warwick Close (Scale 1:20); Side elevation fronting fence with No.10 (Scale 1:20); Back elevation (Scale 1:20); Floor Plan (Scale 1:50) received by the Local Planning Authority 18 July 2011.

Reasons:-

- 1 To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 To ensure the work accords with Policy BE4 and 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).
- 5 You are reminded to comply with the conditions of planning permission ref: 11/00565/FUL.

Contact Officer:- Ebony Mattley Ext 5691

PLANNING COMMITTEE – 13 SEPTEMBER 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

RE: LOCAL PLANNING REGULATIONS CONSULTATION

1. PURPOSE OF REPORT

To notify Planning Committee of the 'Local Planning Regulations' Consultation Document published by CLG on 15 July 2011.

To seek Planning Committees approval to submit Appendix 1 as the Borough Council's response to the 'Local Planning Regulations' consultation. The closing date for submitting comments on the document is 7 October 2011.

2. RECOMMENDATION

That Planning Committee agrees Appendix 1 as this Council's response to the Consultation document.

3. BACKGROUND TO THE REPORT

3.1 The 'Local Planning Regulations' Consultation Document seeks views on the proposed new planning regulations governing process by which local council's prepare their development plan and associated documents.

3.2 The regulations will replace those set out in the Town and Country Planning (Local Development) (England) Regulations 2004, as amended.

3.3 The regulations are being revised by the Government in response to the reforms set out in the Localism Bill, and to consolidate changes made to the 2004 regulations into a single document, with the aim to make them as '*effective and simple as possible*'. Once the regulations are adopted they will apply to the preparation of the Borough Council's planning policy documents.

3.4 The basic process of plan preparation will largely remain unchanged to ensure that they meet EU requirements. Some of the key changes to the regulations and comments on these are set out below.

3.5 The Localism Bill introduces the 'duty to cooperate', which will require councils and other public bodies to work together on planning issues. Part 2 of the regulations lists those bodies to which this applies and requires these bodies to take account the views of local enterprise partnerships. In the consultation response set out in the appendix, the Borough Council are requesting that the 'duty to cooperate' is expanded to include Local Authorities within the Housing Market Area and neighbouring authorities where they are not part of the housing

market area and the County Council. This is to ensure cross-boundary issues are considered and strategic issues further afield are addressed.

- 3.6 The regulations (Part 3, paragraph 7) sets out a reduced definition of development plan documents, removing reference to Local Development Frameworks, Core Strategies and Area Action Plans. It is unclear from this definition whether Neighbourhood Development Plans (NDP) falls under this new definition. The Borough Council's response seeks clarification on this matter as it conflicts with the National Planning Policy Framework (NPPF). Concern is raised that removing the detailed description of a DPD from the regulations could create confusion, as Local Authorities may use different terminology and it is suggested that consistency is required.
- 3.7 Part 3 of the regulations also amends the process of producing Local Development Schemes to give the local authority greater freedom to report local information, while maintaining the requirement to keep the public informed on the status of planning documents.
- 3.8 Part 6 streamlines the Secretary of States powers of intervention and removes the need to seek compliance with Regional Spatial Strategies due to their intended abolition. It also removes the detailed prescription for public participation in the preparation of the Statement of Community Involvement.
- 3.9 Part 8 introduces a new monitoring report which requires the local authority to produce a report for local people on key issues to be determined locally. It also sets out that it should include information in the monitoring report on affordable housing, Community Infrastructure Levy receipts, adopted neighbourhood plans, and action taken under the duty to cooperate.
- 3.10 One of the aims of the regulations is to streamline and speed up the preparation of preparing development plans. However, the Localism Bill introduces Neighbourhood Development Plans, an additional tier at the local level taking additional time and resources to prepare, thereby not speeding up the process of plan preparation particularly at the local level.
- 3.11 The Localism Bill proposes to remove the previously binding nature of the inspectors report; the regulations do not reflect this and this is raised in the Council's response.
- 3.12 It appears in the regulations that the requirement to produce proposal matters, supplementary planning document matters, and to advertise locally has been removed, although regulation 40 (5) references 'notices' and 'matters'. Clarification is needed as to whether this means the above documents and local advertisements.
- 3.13 There is inconsistency within the document as to the challenge periods to the High Court on the adoption of development plan documents and supplementary planning documents and the Borough Council's comments requests that the regulations are amended to ensure consistency.

- 3.14 There were no Impact Assessments produced for this consultation document.
- 3.15 Appendix 1 sets out the Borough Council's response to the consultation set out in the requested format by CLG.

4. **FINANCIAL IMPLICATIONS**

There are no financial implications arising directly from this report.

5. **LEGAL IMPLICATIONS**

All legal implications are contained within the body of the report.

6. **CORPORATE PLAN IMPLICATIONS**

The subject of this report does not directly support the aims of the Corporate Plan 2009-2014. However, the documents produced in line with the regulations which are the subject of this report support all the following aims of the Corporate Plan 2009 – 2014;

- Cleaner & greener neighbourhoods
- Thriving economy
- Safer and healthier borough
- Strong and distinctive communities
- Decent, well managed & affordable housing

7. **CONSULTATION**

Comments have been sought from Planning Policy Officers.

8. **RISK IMPLICATIONS**

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

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

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

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to respond to the consultation will lead to the concerns raised by the Borough Council not being addressed. This would have implications for the Borough Council producing development plan documents as the comments request a number of points of clarification.	Response to the consultation raising areas of concern in the consultation document.	Rachel Dexter/ Sally Smith

9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

A number of Development Plan Documents produced are Borough-Wide and it will therefore impact both urban and rural areas. Neighbourhood Development Plans will be produced at a local level.

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications - None arising directly from this report
- Environmental implications - None arising directly from this report
- ICT implications - None arising directly from this report
- Asset Management implications - None arising directly from this report
- Human Resources implications - None arising directly from this report
- Planning Implications - Contained within the body of the report
- Voluntary Sector - None arising directly from this report

Background papers: Local Planning Regulations: Consultation (July 2011), CLG

Appendices: Appendix 1. Local Planning Regulations Consultation Form

Contact Officer: Rachel Dexter ext. 5749
Sally Smith ext. 5792

Appendix 1. Local Planning Regulations Consultation Form

Consultation questions

1(a) - Do you agree that the revised regulations effectively reflect the changes proposed in the Localism Bill?

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

1(b) If you have any comments please enter these below

There needs to be further clarification how Neighbourhood Development Plans which are set out In the Localism Bill fit within these regulations.

The Localism Bill intends to 'streamline the process of preparing local plans'; none of the changes proposed within these regulations will speed up the process of plan making at the local level. If Neighbourhood Development Plans are added to the regulations then this is an additional requirement at the local level taking additional time and resources to prepare, thereby not speeding up the process of plan preparation particularly at the local level.

The Localism Bill proposes to remove the previously binding nature of the inspectors report, should the Regulations reflect this proposal?

2(a) Do you agree with the list of bodies included in the duty to cooperate?

- | | |
|---------------------------|-------------------------------------|
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |

2(b) If you have any comments please enter these below

The list should also include Local Authorities within the Housing Market Area and neighbouring authorities where they are not part of the housing market area and the County Council (suggest replacing 6(1)(L) with County Council), and utility companies.

3(a) Do you agree the revised regulations effectively consolidate the 2004 regulations with the revisions in 2008 and 2009?

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

3(b) If you have any comments please enter these below

Can it be clarified whether the previous requirement to advertise locally is no longer a requirement?

4(a) Are there any ways in which the regulations should be changed in order to improve the process of preparing local plans, within the powers set out in the Planning and Compulsory Purchase Act 2004 and the Localism Bill?

- Yes
- No

4(b) If 'Yes', please specify below.

The requirement to advertise locally has been removed from certain sections of the regulations although 'notices' is referenced in regulation 40(5). What is meant by 'notices' is this an advertisement?

Regulation 40(5) makes reference to 'matters', the requirements for 'SPD Matters' and 'Proposals Matters' has been removed from the regulations, so does this wording need to be amended.

Regulations 12 (2) (c) makes reference to the period within which an application to the High Court can be made for a

judicial review of three months for SPD's, and Regulation 18 (1) (iii) makes reference to a High Court Challenge on DPD's but there isn't a period referenced. Regulation 40 (3) (b) references timescales for DPD's of 6 weeks and three months for SPD's. It is suggested that the Regulations are amended to be consistent in where the relevant information is presented and to avoid jumping around within the regulations. Therefore, Regulation 12(2)(c) remains the same, and Regulation 18 (1) (iii) references the correct High Court Challenge period for DPD's of 6 weeks as per section 113 (4) of the Planning and Compulsory Purchase Act 2004, and Regulation 40 (3) (b) is removed.

If the above amendment is not made, a wording change is requested to provide certainty in regulation 40 (3) from, 'The time mentioned in paragraph (3)', to 'The time mentioned in this paragraph (3)'

It is recognised that the description of a 'development plan document' (DPD) has been removed from the regulations. It is unclear however how, Neighbourhood Development Plans (NDP) fit into these regulations. In Part 3, Paragraph 7 of the regulations sets out what should be considered to form a development plan document. When comparing this with the second bullet point in paragraph 49 of the Draft National Planning Policy Framework (NPPF) it appears that NDPs will fall under the classification of a DPD and will therefore have to be produced in line with these regulations. There needs to be clarification on this either within the regulations or NPPF. Also by removing the description of a DPD from the regulations confusion could be created, as Local Authorities may use different terminology and it is suggested that consistency is required.

PLANNING COMMITTEE – 13 SEPTEMBER 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. and Mrs. J Hitchcock against the refusal for full planning permission for the erection of one dwelling, detached garage and formation of access (11/00228/FUL) at the rear of 8 Sutton Lane, Market Bosworth.

Appeals Determined

Appeal by Mr. Cemil Yavuz against the refusal for the variation of condition 2 of planning permission 10/00565/COU to extend the opening hours to 23:30 on Thursday and 00:00 on Fridays and Saturdays (11/00108/CONDIT) at Burbage Star Pizza, 11 Windsor Street, Burbage.

The Inspector considered the main issue to be whether the disputed condition is necessary and reasonable, having regard to the living conditions of neighbouring occupiers.

It was noted by the Inspector that Windsor Street has a range of commercial properties, but the commercial activity in this village setting did not result in a defined local shopping centre comparable to a town centre location. Surrounding opening times and the type of drinking establishments were also observed which suggests the area quietens down around 23:00.

Car parking for the premises is on-street close to the front rooms of houses along the terrace where third party representations suggest noise and disturbance to occupiers from people using it (having been drinking) causes disturbance at unsociable hours. More of this activity would result after 23:00 as customers leave the public houses. Given the circumstances and its locality, the associated noise would be unduly intrusive and would give rise to a greater degree of disturbance.

The Inspector then considered the claims put forward by the appellant over the nearby Chinese and Indian take aways remaining open beyond 23:00. The Inspector noted no express consent has been granted for extra hours at the Chinese and in relation to the Indian restaurant, this has its own dedicated

car park to the rear and the appellant's claims regarding activity after 23:00 is not supported by other evidence.

The Inspector came to the conclusion that the proposed extension of the opening hours would unacceptably harm the living conditions of neighbouring occupiers in conflict with Policy BE1 of the Local Plan. It was considered by the Inspector that the condition limiting them to 23:00 is necessary and reasonable.

Inspectors Decision

Appeal dismissed (delegated decision)

4. FINANCIAL IMPLICATIONS [CB]

Potential legal costs can be met from existing budgets.

5. LEGAL IMPLICATIONS [EP]

This report is for information only – there are no legal implications.

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 - 13 SEPTEMBER 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: 02.09.11

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
	EM	10/00980/FUL	WR	Mr F Downes	9 Spa Lane, Hinckley	Awaiting Start Date	
11/00015/PP	SJ	11/00228/FUL	WR	Mr & Mrs J Hitchcock	Rear of 8 Sutton Lane Market Bosworth	Start Date Statement Final Comments	11.08.11 22.09.11 13.10.11
11/00014/ENF	LR	10/00176/UNAUTH	WR	Mr K McEwan	30-32 High Street Earl Shilton	Start Date Final Comments	13.07.11 14.09.11
11/00013/CLD	NC	11/00279/CLU	WR	Mr David Durrant	15 Crownhill Road Burbage	Start Date Awaiting Decision	01.07.11
11/00009/PP	EM	10/00908/FUL	WR	Mr Jogi Singh	The Pantry 102 Rugby Road Hinckley	Start Date Awaiting Decision	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

11/00011/VCON	EM	11/00108/CONDIT	WR	Mr Cemic Yavuz	11 Windsor Street Burbage	DISMISSED	23.08.11
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Rolling 1 April - 2 September 2011

Planning

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision		
					Allow	Spt	Dis	Allow	Spt	Dis
11	2	6	0	3	1	0	6	1	0	0

PLANNING COMMITTEE - 13 SEPTEMBER 2011

REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

RE: DELEGATED DECISIONS ISSUED

1. PURPOSE OF REPORT

1.1 To inform Members of delegated decisions issued – 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

Delegated Applications determined between 01/08/2011 and 31/08/2011

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Ambion					
	11/00467/FUL	PLANNING PERMISSION	08/08/2011	Mr J Davenport	West Hall Barr Lane Higham On The Hill Nuneaton Leicestershire CV13 6AN
					DEMOLITION OF EXISTING STORE AND THE ERECTION OF A NEW STORE.
	11/00468/LBC	LISTED BUILDING CONSENT	08/08/2011	Mr J Davenport	West Hall Barr Lane Higham On The Hill Nuneaton Leicestershire CV13 6AN
					DEMOLITION OF EXISTING STORE AND THE ERECTION OF A NEW STORE.
	11/00542/FUL	PLANNING PERMISSION	31/08/2011	Mr Nick Clifford	20 Crown Hill Close Stoke Golding Nuneaton Leicestershire CV13 6EW
					EXTENSIONS AND ALTERATIONS TO DWELLING.
	11/00568/TPO	Permit Conservation Area TPO works	19/08/2011	Mrs Lawson	12 Station Road Stoke Golding Nuneaton Leicestershire CV13 6EZ
					WORKS TO ONE SYCAMORE AND ONE HORSECHESTNUT
Barlestone Nailstone And Osbasto					
	11/00391/FUL	PLANNING PERMISSION	17/08/2011	Mr Chris Elwell	Glebe Farm 1 Rectory Lane Nailstone Nuneaton Leicestershire CV13 0QQ
					EXTENSIONS AND ALTERATIONS TO DWELLING.
	11/00465/FUL	PLANNING PERMISSION	05/08/2011	Miss C Lewin	18 Ferrers Croft Barlestone Nuneaton Leicestershire CV13 0JL
					EXTENSIONS AND ALTERATIONS TO DWELLING

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Barwell					
	11/00457/FUL	PLANNING PERMISSION	02/08/2011	Mr C Bunyan	15 Red Hall Drive Barwell Leicester Leicestershire LE9 8BX
				EXTENSIONS AND ALTERATIONS TO DWELLING.	
	11/00502/FUL	PLANNING PERMISSION	30/08/2011	Mr Thomas Marriott	38 High Street Barwell Leicester Leicestershire LE9 8DQ
				EXTENSIONS AND ALTERATIONS TO DWELLING.	
	11/00536/FUL	PLANNING PERMISSION	25/08/2011	Mr K Colven	29 Cumberland Way Barwell Leicester Leicestershire LE9 8HX
				EXTENSIONS AND ALTERATIONS TO DWELLING.	
Burbage Sketchley & Stretton					
	11/00414/CON	PLANNING PERMISSION	19/08/2011	Sketchley Grange Hotel LTD	Sketchley Grange Hotel Sketchley Lane Burbage Hinckley Leicestershire LE10 3HU
				VARIATION OF CONDITION NO'S 2 AND 8 OF PLANNING PERMISSION 07/01230/FUL TO MAKE AMENDMENTS TO CAR PARKING LAYOUT (RETROSPECTIVE).	
	11/00429/TPO	Permit Tree Preservation Order Works	01/08/2011	Mr Steve Nichols	1G Welbeck Avenue Burbage Hinckley Leicestershire LE10 2JH
				REMOVAL OF SCOTS PINE	
	11/00515/FUL	PLANNING PERMISSION	19/08/2011	Mr Christopher Nichols	109 Sketchley Road Burbage Hinckley Leicestershire LE10 2DX
				EXTENSIONS AND ALTERATIONS TO DWELLING.	
	11/00526/FUL	PLANNING PERMISSION	19/08/2011	Ms Sarah Barker	10 Crossways Burbage Hinckley Leicestershire LE10 2HY
				EXTENSIONS AND ALTERATIONS TO DWELLING.	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Burbage St Catherines & Lash Hill					
	11/00442/FUL	PLANNING PERMISSION	03/08/2011	Mr Barry Laws	30 Lucas Road Burbage Hinckley Leicestershire LE10 2NA
				EXTENSIONS AND ALTERATIONS TO DWELLING.	
	11/00506/FUL	PLANNING PERMISSION	23/08/2011	Mr & Mrs Philip Bird	64 Duport Road Burbage Hinckley Leicestershire LE10 2RW
				EXTENSION AND ALTERATIONS TO DWELLING	
	11/00548/FUL	PLANNING PERMISSION	30/08/2011	Mr M.J. Tunnicliffe	57 Sapcote Road Burbage Hinckley Leicestershire LE10 2AS
				EXTENSIONS AND ALTERATIONS TO DWELLING	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Cadeby CarltonM Bosworth & Sha					
	11/00460/FUL	PLANNING PERMISSION	02/08/2011	Mr Parkinson	Unit 8 Station Road Industrial Estate Station Road Market Bosworth Nuneaton Leicestershire CV13 0PG
					DEMOLITION OF EXISTING AND ERECTION OF REPLACEMENT INDUSTRIAL UNIT.
	11/00481/TPO	Permit Tree Preservation Order Works	17/08/2011	Mr B Wilson	The Old Rectory 8 Rectory Lane Market Bosworth Nuneaton Leicestershire CV13 0LS
					REMOVAL OF HORSECHESTNUT TREE
	11/00482/FUL	PLANNING PERMISSION	19/08/2011	Mr & Mrs P Leeson	The Malt House Main Street Congerstone Nuneaton Leicestershire CV13 6LZ
					DEMOLITION OF EXISTING CONSERVATORY AND ERECTION OF REPLACEMENT GARDEN ROOM
	11/00491/FUL	PLANNING PERMISSION	08/08/2011	Mr Simon Rowland	117 Station Road Market Bosworth Nuneaton Leicestershire CV13 0NR
					EXTENSION AND ALTERATIONS TO DWELLING
	11/00498/FUL	PLANNING PERMISSION	30/08/2011	Mr & Mrs D Bates	38 Park Street Market Bosworth Nuneaton Leicestershire CV13 0LL
					ALTERATIONS TO DWELLING
	11/00523/FUL	PLANNING PERMISSION	23/08/2011	M & L Builders (Atherstone) Ltd	Land Adj Church Cottage Wood Lane Cadeby Nuneaton Leicestershire CV13 0AU
					ERECTION OF DETACHED DWELLING AND GARAGE AND CREATION OF VEHICULAR ACCESS (REVISED SCHEME)

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Earl Shilton					
	11/00448/FUL	PLANNING PERMISSION	31/08/2011	Mr John Baker	44 Equity Road East Earl Shilton Leicester Leicestershire LE9 7FY
				EXTENSIONS AND ALTERATIONS TO DWELLING.	
	11/00529/NOM	Permit Non Material Amendments	08/08/2011	Mr Phil Racheal	8 Mill Lane Earl Shilton Leicester Leicestershire LE9 7AW
				NON MATERIAL AMENDMENT TO PLANNING PERMISSION 08/00923/FUL FOR ERECTION OF 2 FLATS AND ASSOCIATED ACCESS	
Groby					
	11/00459/FUL	PLANNING PERMISSION	02/08/2011	Mr James Everson Crane	Pool House Cottage From A50 Markfield Road To Pool House To Newtown Linford Lane Newtown Linford Lane Groby Leicester Leicestershire LE6 0FR
				ERECTION OF TWO PAIRS OF ENTRANCE PILLARS AND GATES.	
	11/00521/FUL	PLANNING PERMISSION	30/08/2011	Mrs A Tory	195 Markfield Road Groby Leicester Leicestershire LE6 0FT
				EXTENSIONS AND ALTERATIONS TO DWELLING.	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Hinckley Castle					
	11/00480/FUL	PLANNING PERMISSION	09/08/2011	Mr Matt Chilton	14 Lower Bond Street Hinckley Leicestershire LE10 1QU ALTERATIONS TO GROUND FLOOR RETAIL UNIT, AND FIRST FLOOR ACCOMMODATION, CHANGE OF USE TO FROM RETAIL/RESIDENTIAL TO RESIDENTIAL AND ERECTION OF SINGLE STOREY REAR EXTENSION.
	11/00509/FUL	PLANNING PERMISSION	26/08/2011	Mr Rob Middleton	63 Clarence Road Hinckley Leicestershire LE10 1DP ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSIONS AND FORMATION OF TERRACE.
	11/00546/FUL	PLANNING PERMISSION	26/08/2011	Katherine Aucott	55 Station Road Hinckley Leicestershire LE10 1AP CHANGE OF USE FROM OFFICES (B1) TO RESIDENTIAL DWELLING (C3).
Hinckley Clarendon					
	11/00476/ADV	CONSENT TO DISPLAY AN ADVERTISEMENT	16/08/2011	Mr Richard Nikolic	Garage Rear Of Wharf Farm Service Station Coventry Road Hinckley Leicestershire INSTALLATION OF ILLUMINATED AND NON ILLUMINATED FACIA AND FREE STANDING SIGNS
	11/00513/FUL	PLANNING PERMISSION	18/08/2011	Mr & Mrs Keith Maddox	560 Coventry Road Hinckley Leicestershire LE10 0NJ EXTENSION AND ALTERATIONS TO DWELLING

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Hinckley DeMontfort					
	11/00493/FUL	PLANNING PERMISSION	17/08/2011	Mr & Mrs Dennis Nind	85 Leicester Road Hinckley Leicestershire LE10 1LP
				EXTENSION AND ALTERATIONS TO DWELLING	
	11/00507/FUL	PLANNING PERMISSION	18/08/2011	Mr & Mrs S Lewis	32 Bradgate Road Hinckley Leicestershire LE10 1LA
				EXTENSION AND ALTERATIONS TO DWELLING	
	11/00510/FUL	PLANNING PERMISSION	15/08/2011	Mr Malcolm Upton	23 Welwyn Road Hinckley Leicestershire LE10 1JE
				EXTENSION AND ALTERATIONS TO DWELLING	
	11/00511/FUL	PLANNING PERMISSION	17/08/2011	Mr Andrew Moore	27 Trafford Road Hinckley Leicestershire LE10 1LY
				DEMOLITION OF EXISTING GARAGES AND ERECTION OF DWELLING	
	11/00554/CON	PLANNING PERMISSION	30/08/2011	Mr Chris Smith	24 Frobisher Close Hinckley Leicestershire LE10 1UP
				VARIATION OF CONDITION 3 OF PLANNING PERMISSION 11/00352/FUL FOR EXTENSIONS AND ALTERATIONS TO DWELLING.	
Hinckley Trinity					
	11/00422/FUL	PLANNING PERMISSION	12/08/2011	Mr Steven Price	20 Clifton Way Hinckley Leicestershire LE10 0XN
				FORMATION OF NEW SHOP FRONT TO CREATE ADDITIONAL RETAIL UNIT	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Markfield Stanton & Fieldhead					
	11/00478/FUL	PLANNING PERMISSION	09/08/2011	Ms B Haddon	39 Jacqueline Road Field Head Markfield Leicestershire LE67 9RD
				EXTENSIONS AND ALTERATIONS TO DWELLING.	
	11/00485/FUL	PLANNING PERMISSION	24/08/2011	Mrs Dorothy Windram	45 Jacqueline Road Field Head Markfield Leicestershire LE67 9RD
				EXTENSION AND ALTERATIONS TO DWELLING	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Newbold Verdon With Desford & P					
	11/00376/ADV	CONSENT TO DISPLAY AN ADVERTISEMENT	02/08/2011		Co-Op 103 Main Street Newbold Verdon Leicester Leicestershire LE9 9NP
					RETENTION OF ONE ILLUMINATED AND ONE NON ILLUMINATED ADVERTISEMENT
	11/00397/FUL	PLANNING PERMISSION	16/08/2011	Mr Nigel Smith	68 Mill Lane Newbold Verdon Leicester Leicestershire LE9 9PU
					ERECTION OF FOUR DWELLINGS AND ONE APARTMENT
	11/00419/FUL	PLANNING PERMISSION	02/08/2011	Mr Scott McEwan	10 Alans Way Newbold Verdon Leicester Leicestershire LE9 9LB
					EXTENSIONS AND ALTERATIONS TO DWELLING.
	11/00487/TPO	Permit Conservation Area TPO works	18/08/2011	Mrs Elizebeth Fifer	22 Cottage Lane Desford Leicester Leicestershire LE9 9GF
					REMOVAL OF NINE LEYLANDII
	11/00492/FUL	PLANNING PERMISSION	26/08/2011	Mr Francis Hollier	66 High Street Desford Leicester Leicestershire LE9 9JF
					EXTENSION AND ALTERATIONS TO DWELLING
	11/00522/FUL	PLANNING PERMISSION	26/08/2011	Mr Gordon Tinch	Newtown Croft Desford Road Newtown Unthank Desford Leicester Leicestershire LE9 9FL
					EXTENSIONS AND ALTERATIONS TO DWELLING
	11/00530/FUL	PLANNING PERMISSION	18/08/2011	Mr & Mrs C.P. Maloney	4 School Lane Stapleton Leicester Leicestershire LE9 8JR
					EXTENSION AND ALTERATIONS TO DWELLING
	11/00550/FUL	PLANNING PERMISSION	31/08/2011	Mr J Fairall	59 Merrylees Road Newbold Heath Newbold Verdon Leicester Leicestershire LE9 9NR
					EXTENSIONS AND ALTERATIONS TO DWELLING.

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Ratby Bagworth And Thornton					
	11/00537/GDO	General Development Order Tele	23/08/2011		3 Stamford Street Ratby Leicester Leicestershire LE6 0JT
				INSTALLATION OF DSLAM CABINET	
	11/00541/FUL	PLANNING PERMISSION	26/08/2011	Mrs J Jones	35 Nicholas Drive Ratby Leicester Leicestershire LE6 0NJ
				EXTENSIONS AND ALTERATIONS TO DWELLING.	
	11/00553/FUL	PLANNING PERMISSION	31/08/2011	Mr G Swain	7 Church Lane Ratby Leicester Leicestershire LE6 0JF
				EXTENSIONS AND ALTERATIONS TO DWELLING.	
	11/00580/C	RECOMMENDATION ONLY	03/08/2011	Leicestershire County Council	Thornton Community Primary School Main Street Thornton Coalville Leicestershire LE67 1AH
				PROPOSED CLASSROOM (2011/L531/04)	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Twycross Sheepy & Witherley					
	11/00439/FUL	PLANNING PERMISSION	10/08/2011	Mr Mathew Jones & Emily Hall	16 Atterton Lane Witherley Atherstone Leicestershire CV9 3LP
				EXTENSIONS AND ALTERATIONS TO DWELLING.	
	11/00443/FUL	PLANNING PERMISSION	23/08/2011	Mr William Trivett	Manor Farm 6 Main Road Ratcliffe Culey Atherstone Leicestershire CV9 3NY
				CONSTRUCTION OF LAGOON FOR STORAGE OF FARM SLURRY AND DIRTY WATER	
	11/00486/EXT	PLANNING PERMISSION	09/08/2011	Mr Robert Wale	32 Atterton Lane Witherley Atherstone Leicestershire CV9 3LP
				EXTENSION OF TIME APPLICATION FOR PLANNING PERMISSION 08/00792/FUL FOR EXTENSIONS AND ALTERATIONS TO DWELLING	
	11/00512/FUL	PLANNING PERMISSION	26/08/2011	Mrs H Woodward	Heath Cottage Sheepy Road Pinwall Atherstone Leicestershire CV9 3NH
				EXTENSIONS AND ALTERATIONS TO DWELLING	
	11/00552/EXT	PLANNING PERMISSION	30/08/2011	Mrs Suzanne Boardman	Twycross Zoological Park Burton Road Norton Juxta Twycross Atherstone Leicestershire CV9 3PX
				EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION 08/01042/FUL FOR PROPOSED JUNCTION ACCESS IMPROVEMENTS.	