

Steve Atkinson MA(Oxon) MBA FIoD FRSA
Chief Executive



Date: 3 October 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, 11 October 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
11 OCTOBER 2011
A G E N D A

1. APOLOGIES AND SUBSTITUTIONS
- RESOLVED 2. MINUTES
- To confirm the minutes of the meeting held on 13 September 2011, attached marked P28.
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.
- RESOLVED 6. DECISIONS DELEGATED AT PREVIOUS MEETING
- Deputy Chief Executive (Community Direction) to report on any decisions delegated at the previous meeting which have now been issued.
- RESOLVED 7. TOWN & COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED (Pages 1 - 126)
- Schedule of Planning Applications attached marked P29.
- RESOLVED 8. ST MARTINS CONVENT, HINCKLEY ROAD, STOKE GOLDING (Pages 127 - 132)
- Report of the Deputy Chief Executive (Community Direction) attached marked P30.
- RESOLVED 9. APPEALS LODGED AND DETERMINED (Pages 133 - 134)
- Report of the Deputy Chief Executive (Community Direction) attached marked P31.
- RESOLVED 10. APPEALS PROGRESS (Pages 135 - 137)
- Report of the Deputy Chief Executive (Community Direction) attached marked P32.
- RESOLVED 11. DELEGATED DECISIONS ISSUED (Pages 138 - 147)
- Report of the Deputy Chief Executive (Community Direction) attached marked P33.

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
13 SEPTEMBER 2011 AT 6.30PM

PRESENT: Mr DM Gould - Chairman

Mr R Allen, Mr JG Bannister, Mr PR Batty, Mr DC Bill, Mr CW Boothby, Mr MB Cartwright, Mrs T Chastney, Mr WJ Crooks, Mrs A Hall, Mrs L Hodgkins, Mr DW Inman, Mr J Moore, Mrs H Smith, Mr BE Sutton, Mr R Ward and Ms BM Witherford.

In accordance with Council Procedure Rule 4.2, Mr SL Bray and Mr MR Lay were also in attendance.

Officers in attendance: Mr S Atkinson, Ms C Horton, Miss R Owen, Mrs E Page, Mr M Rice, Ms E Shaw, Ms S Smith and Mr S Wood.

159 **APPOINTMENT OF VICE-CHAIRMAN FOR THIS MEETING ONLY**

In the absence of the Vice-Chairman it was moved by Mrs Hall, seconded by Mr Cartwright and

RESOLVED – Mr Crooks take the seat of the Vice-Chairman for this meeting only.

160 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Mr Mayne, Mr O'Shea and Miss Taylor, with the following substitutions authorised in accordance with Council Procedure Rule 4.1:

Mr Cartwright for Mr Mayne;
Mr Inman for Miss Taylor;
Mrs Smith for Mr O'Shea.

161 **MINUTES (P22)**

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

RESOLVED – the minutes of the meeting held on 16 August 2011 be confirmed and signed by the Chairman.

162 **ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES**

Whilst there was no urgent business to receive, it was reported that the decision with regard to the site at Sketchley Brook had been issued the previous week and discussions with the applicant in respect of the reserved matters were due to commence shortly.

163 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

164 DECISIONS DELEGATED AT PREVIOUS MEETING

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

- (i) 11/00334/EXT (considered at meeting on 19 July) – it was reported that the Unilateral Undertaking had been signed and the decision would be issued shortly;
- (ii) 11/00216/LBC (considered at meeting on 19 July) – it was reported that the decision had been issued on 2 September;
- (iii) 11/00029/OUT (considered at meeting on 16 August) – it was reported that the Section 106 agreement was currently being drawn up.

165 TOWN AND COUNTRY PLANNING ACT 1990 – APPLICATIONS TO BE DETERMINED (P23)

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) 11/00431/FUL – 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, The George Inn, 78 Main Street, Markfield – Midlands Co-operative Society

Whilst in support of the officer's recommendation, Members felt that a note to applicant should be added requesting that the applicant holds an annual meeting with residents, arranged through the local planning authority.

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

RESOLVED – 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) be delegated to grant planning permission subject to the conditions contained in the officer's report and the abovementioned note to applicant.

- (b) 11/00455/CON – 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, The George Inn, 78 Main Street, Markfield – Midlands Co-operative Society

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

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

Mr Lay left the meeting at 6.46pm.

- (c) 11/00489/FUL – Proposed demolition of no 71 Dragon Lane and erection of 94 dwellings with associated garages, car parking and infrastructure, 71 Dragon Lane, Newbold Verdon – Mr Lee Griffin

Whilst minded to approve the application, Members expressed concern that when the application had been considered by the parish council, it had been

reported that the affordable housing provided by the development would be spread across the site, whereas the plans now showed the affordable housing in one area.

It was moved by Mr Crooks and seconded by Mr Batty that the application be deferred for further discussion on the affordable housing aspect of the development.

Mr Cartwright, seconded by Mr Sutton, proposed an amendment that authority be delegated to the Deputy Chief Executive (Community Direction) to grant permission subject to securing acceptable terms regarding affordable housing, and should agreement to split the affordable housing into at least two areas not be achieved, the application be brought back to committee.

Upon being put to the vote the amendment was carried and it was therefore

RESOLVED - authority be delegated to the Deputy Chief Executive (Community Direction) to grant permission subject to:

- (i) securing acceptable terms regarding affordable housing;
- (ii) 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 public and open space facilities, landscaping, education and public transport provisions by 18 August 2011;
- (iii) the conditions contained in the officer's report and late items.

Failure to do so by 28 September 2011 might result in the application being refused. Should agreement to split the affordable housing into at least two areas not be achieved, the application be brought back to committee.

- (d) 11/00559/FUL – Proposed slurry store, Lindridge Farm, Lindridge Lane, Desford – Mr R Leedham

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

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

- (e) 11/00544/FUL – Erection of agricultural building, Lindridge Farm, Lindridge Lane, Desford – Mr R Leedham

On the motion of Mr Cartwright, seconded by Mr Bill, it was

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

- (f) 11/00583/FUL – Continued use and siting of a carbonaceous live fire training unit, Caterpillar UK Ltd, Peckleton Lane, Desford – Leicestershire Fire & Rescue Service

Whilst Members acknowledged the need for the facility, they expressed concern regarding the objections raised by local residents and emphasised

the need for residents to be notified of dates and times of training, and also of cancelled sessions where the cancellation occurs in advance of the planned start time as required in proposed condition 6 of the officer's report. It was also requested that a further condition be added preventing training on public holidays, including the Saturday preceding a 'bank holiday' Monday. On the motion of Mr Cartwright, seconded by Mr Crooks, it was

RESOLVED – subject to the completion of an acceptable Unilateral Undertaking under Section 106 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) be granted delegated powers to grant planning permission subject to the conditions contained in the officer's report and the abovementioned additional condition. Failure to complete the said agreement by 21 September 2011 might result in the application being refused.

The meeting adjourned at 8.27pm and reconvened at 8.45pm.

- (g) 11/00627/FUL – Erection of 7 dwellings with associated access, land rear of 31 and 33 Canning Street, Hinckley – Mr Richard Wheatley

Mr Ward left the meeting at 9.10pm.

Notwithstanding the officer's recommendation that the application be permitted subject to a Section 106 agreement and conditions, some Members felt that the application should be refused. It was moved by Mr Cartwright and seconded by Mr Bill that the application be refused as the development was not in keeping with the character of the area and did not meet the separation distances or parking guidelines.

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

Mr Bannister, Mr Batty, Mr Bill, Mr Cartwright, Mr Crooks, Mrs Hall, Mrs Hodgkins, Mr Inman, Mr Moore and Ms Witherford voted FOR the motion (10);

Mr Allen, Mr Boothby, Mrs Chastney, Mrs Smith and Mr Sutton voted AGAINST the motion (5);

Mr Gould abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED – the application be refused for the following reasons:

In the opinion of the Local Planning Authority, the proposal by virtue of the number of units proposed, their siting and layout, constitutes an overdevelopment of the site. The proposal fails to respect the pattern of development in the locality and would therefore not complement or enhance the surrounding area. The development would therefore be contrary to Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, the Council's Supplementary Planning Guidance on New Residential Development and the guidance contained within Planning Policy Statement 3: Housing.

Plots 5, 6 and 7 by virtue of their scale, layout and siting would be to the detriment of the amenities and privacy of future occupiers and adjoining residents (nos. 29 Canning Street and 35 Chessher Street), contrary to the requirements of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan and the Adopted Supplementary Planning Guidance on New Dwellings.

In the opinion of the local planning authority and having regard to the high level of on-street parking in the area, the applicant has failed to demonstrate that adequate off-street car parking provision can be provided within the curtilage of the site to serve the proposed development. As such the proposed development is considered contrary to saved policies BE1 and T5 of the adopted Hinckley and Bosworth Local Plan

At this juncture and having reached 9.30pm, it was moved by Mr Bannister, seconded by Mr Bill and

RESOLVED – The meeting be allowed to continue until 9.45pm in accordance with Council Procedure Rule 9.

- (h) 11/00557/FUL – Erection of hay barn and implement store, 1 Grange Road, Nailstone – Mrs Springthorpe

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

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

- (i) 11/00656/EXT – Extension of time for extant planning permission 08/00835/FUL for the erection of 3 industrial units, Former Emesite, Nutts Lane, Hinckley – AR Cartwright Ltd

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

RESOLVED – subject to no new significant objections being received by the end of the consultation period the application be permitted subject to the conditions contained in the officer's report and late items.

- (j) 11/00565/FUL – Erection of timber shed, 8 Market Place, Market Bosworth – Mr Raymond Fudge

Whilst in support of the officer's recommendation that the application be permitted, it was requested that a condition be added that no food or drink be stored or prepared in the shed. It was moved by Mrs Chastney, seconded by Mr Batty and

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

- (k) 11/00579/LBC – Erection of timber shed, 8 Market Place, Market Bosworth – Mr Raymond Fudge

It was moved by Mrs Chastney, seconded by Mr Batty and

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

166 LOCAL PLANNING REGULATIONS CONSULTATION (P24)

The Committee received a report which summarised the ‘Local Planning Regulations’ consultation document published by the DCLG and proposed a response to the consultation.

Members felt that they had not been fully briefed on the content and had not had sufficient opportunity to read the document. A Member reminded the Committee that it had been previously agreed that a cross-party working group would be set up to consider all consultations, and it was requested that an opportunity for full briefing, discussion and consideration be provided before a final response be composed.

At this juncture, having reached 9.45pm, it was moved by Mr Crooks, seconded by Ms Witherford and

RESOLVED – the meeting be allowed to continue until 10pm in accordance with Council Procedure Rule 9.

On returning to discussion on the Local Planning Regulations Consultation, it was moved by Mr Boothby, seconded by Mr Batty and

RESOLVED – the report be deferred for further discussion.

167 APPEALS LODGED AND DETERMINED (P25)

A summary was submitted of appeals lodged and determined since the last meeting. On the motion of Mr Crooks, seconded by Mr Batty, it was

RESOLVED – the report be noted.

168 APPEALS – PROGRESS (P26)

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

RESOLVED – the report be noted.

169 DELEGATED DECISIONS ISSUED (P27)

Details of delegated decisions issued were presented to Members. It was moved by Mr Bill, seconded by Mr Bannister and

RESOLVED – the report be noted.

(the meeting closed at 9.51pm)

REPORT P29

PLANNING COMMITTEE

11 October 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 - 11 October 2011 - NUMERIC INDEX

REF. NO.	APPLICANT	SITE	ITEM	PAGE
11/00709/HYB	Mr David Ward	Flutters Bingo Rugby Road Hinckley	01	2
11/00571/FUL	Mr Gary Goodwin	Hinckley Club For Young People Stoke Road Hinckley	02	29
11/00464/OUT	Mr James Smith	Land West Of Windycott Peckleton Road Kirkby Mallory	03	64
11/00435/EXT	Ms Lisa Jude	3 Cleveland Road Hinckley	04	79
11/00597/FUL	Mr And Mrs Rennocks	Land Adj To 2 Croft Close Barwell	05	92
11/00581/EXT	Lighthouse Properties Ltd	Beavers Bar London Road Hinckley	06	105
11/00635/FUL	Mr D Price	Land East Of Heath Road Bagworth	07	118

Item: 01

Reference: 11/00709/HYB

Applicant: Mr David Ward

Location: Flutters Bingo Rugby Road Hinckley

Proposal: DEMOLITION OF EXISTING BINGO HALL, RETAIL UNITS AND FORMER TOILET BLOCK. FULL APPLICATION FOR THE ERECTION OF A1 RETAIL UNIT AND ASSOCIATED SURFACE CAR PARKING WITH NEW VEHICULAR ACCESS FOR THE OVERALL SITE. OUTLINE APPLICATION FOR THE ERECTION OF D2 SQUASH CLUB AND SUI GENERIS TERRITORIAL ARMY DRILL HALL AND ASSOCIATED FACILITIES (WITH LAYOUT, APPEARANCE, SCALE AND LANDSCAPING ALL RESERVED FOR FUTURE CONSIDERATION)

Target Date: 5 December 2011

Introduction:-

This application is to be considered at planning committee, in accordance with the scheme of delegation as it is a major application.

Application Proposal

This is a hybrid application for the demolition of the existing Flutters Bingo Hall, retail units and toilet block and seeking:-

Full planning permission for the erection of an A1 (Use Class) retail unit, car parking and vehicular and service access together with public realm improvements. The retail unit will serve as a food store and is proposed to be occupied by Iceland, who will be relocating from within the bus station site. The proposed replacement food store will provide 730 square metres of retail floor space, measuring a minimum of 6.5 metres in height and a maximum of 8.5 metres in height. The contemporary design of the retail unit incorporates a dual entrance with canopy feature above, combining glazing, brick, and cladding for materials. A new vehicular access to accommodate both customer and delivery vehicles is proposed from Rugby Road, along with the formation of a new car park comprising a total of 35 no. spaces including 3 no. disabled spaces and 20 no. cycle racks. It is estimated that 20 employees will be employed within the retail unit. Public realm and landscaping improvements including wrought iron railings, tactile paving and tree planting are proposed across the full application site.

Outline planning permission is sought for the erection of a D2 (Use Class) Squash Club and Sui Generis (Use Class) Territorial Army drill hall (also referred to as the Hinckley Cadet Centre) and associated facilities. The application seeks consent for access only at this stage, with layout, scale, appearance and landscaping all reserved for approval at a later date. These units are to be provided for the re-location of the Squash Club and drill hall which currently operate from the bus station site. Whilst not formally seeking approval for scale at this stage, the application is accompanied by a horizontal deviation plan which shows the indicative footprints of the Squash Club and Territorial Army drill hall, with footprints estimated at 580 square metres and 561 square metres respectively. The application sets out the approximate scale parameters, which shows the units to be a minimum of 7.5 metres

in height, and a maximum of 10 metres in height, in line with the existing height of the bingo hall, which stands at approximately 10 metres. In respect of the 35 no. vehicular spaces; 8 no. are to be provided for the Squash Club and 1 no. is allocated for the Territorial Army drill hall and 10. no cycle racks are to be provided outside the squash club.

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

- Updated block plan, with area shown hatched for the outline application to differentiate between the outline and full applications on site, an additional plan showing the scheme in relation to the approved bus station development (once implemented); a feasibility assessment addressing the issue of the possible retention of some or all of the Flutters bingo hall façade and a plan showing the extent of potential facade retention.

Re-consultation has been undertaken with neighbouring properties and ward members.

- Tracking assessments to show the bus movements from Waterloo Road to Lancaster Road.

Re-consultation has been undertaken with the Director of Environment and Transport (Highways).

For the avoidance of doubt, the erection and installation of advertisements and signage do not form part of this application and would be subject to separate advertisement consent.

The Site and Surrounding Area

The whole site measures approximately 0.4 hectares in area and currently includes the Flutters bingo hall, a number of retail and other uses along Rugby Road, an unmade surface car park, and a disused toilet block along Waterloo Road. The application is bound to the north by Lancaster Road, east and south by Waterloo Street and to the west by Rugby Road. The Hinckley Library, Salvation Army Building and Regents House are the adjacent buildings which form the physical boundaries to the site.

The site is located within the town centre of Hinckley and within an area designated as a primary shopping frontage, with the units to the east along Rugby Road identified as secondary shopping frontages. It also lies to the south of the Town Centre Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan.

Technical Documents

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

Archaeological Desk Based Assessment

The assessment states that the site is considered to have a generally low archaeological potential for all past periods of human activity and combined with the impact of the existing development, no further archaeological mitigation measures are recommended in this case.

Design and Access Statement

The statement details the application site in its historic and current surroundings, and considers the proposed development in the context of national and local policy. The

statement describes in detail the modifications which have been undertaken over the years to the Flutters bingo hall, revealing:- the loss of the original wrought iron detailed entrance canopy and feature lighting; replacement and blocking up of original windows; that the original shop front has been lost and replaced with a 'mis-match' of signage, stall risers and coloured frames; the original rendered cornice detail to the parapet has been replaced and the original cornice design which articulates the round window has also been lost. The statement concludes that this development will transform the site, part of which is vacant and visually unattractive and provide a complementary development in accordance with the Council's priority regeneration objectives for Hinckley Town Centre.

Energy Strategy

The document states that the development will meet heating, cooling and electrical demands, whilst at the same time reducing its energy consumption and associated carbon emissions. The proposed energy strategy could allow the proposed development to save circa 15 tonnes of carbon emission per year, resulting in a reduction of 6.5% over the base line.

Flood Risk Assessment

The report states that the development is located in Flood Zone 1 and as such is categorised as an area with a 'low probability' of flooding. Foul water discharge is expected to be minimal and that surface water run off from the proposed development is not expected to increase.

Despite the site being identified in a BGS groundwater flooding susceptibility area, the assessment states that groundwater flooding is not considered a risk to the site due to the largely impermeable nature of the proposed site but recommends that:-

- a) the provision of mechanisms to protect infrastructure vulnerable to groundwater are employed
- b) requirements for dewatering and draining of groundwater are considered when developing the construction methodology.

Geo environmental Assessment

The assessment recommends that intrusive site investigation be undertaken to quantify the extent and type of contamination that may be present, foundation requirements should be confirmed using intrusive investigation methods and that all buildings are required to have an Asbestos Survey Report.

Habitat Survey

The survey concludes that the site is not designated for its nature conservation value and there are no statutory designated sites within 1 km. The site is considered to only be able to support a limited range of protected species; with low potential to support breeding birds and roosting bats but recommends further surveys and mitigation measures including an internal inspection of the toilet block and that further surveys or soft demolition methods may be required should the commencement of works be more than a year. Feral pigeons could be present and should be removed prior to demolition and works should be carried outside of the main bird nesting season. The survey also recommends that native tree and shrub species are planted to provide bird nesting and bat roosting opportunities.

Transport Statement

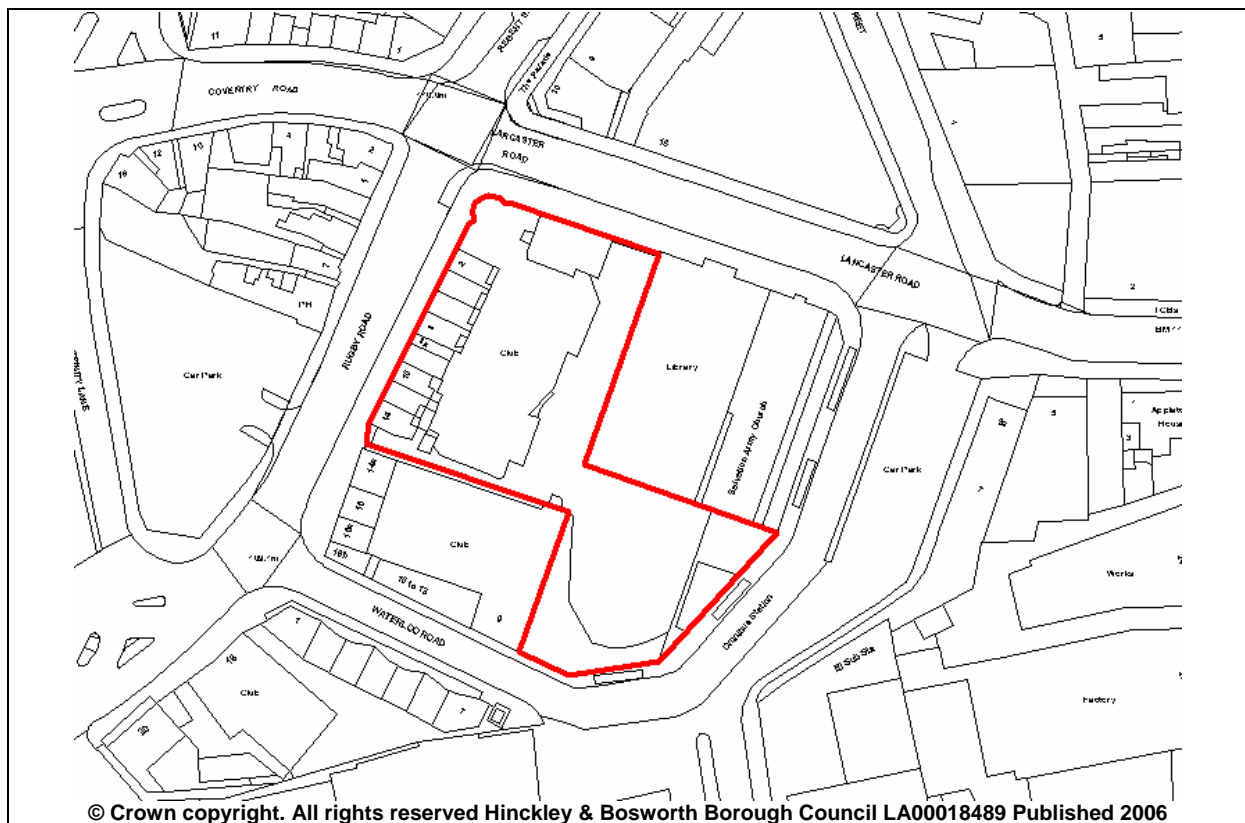
The statement refers to the introduction and use of a car park management plan and the possibility of 'pay and display' parking charges being brought into operation. The charge strategy and structure may well be in line with that of the approved undercroft car park for the bus station, crescent development. Thirty five car parking spaces are proposed, including three disabled spaces and two spaces for the delivery vehicles to avoid the risk of these vehicles blocking the car park area which is considered sufficient. The statement also states that in the unlikely event of there being a peak demand there would be spare capacity in the public car parks on Trinity Lane. Overall the statement concludes that the redevelopment will have suitable and appropriate access, parking and servicing arrangements.

History:-

No recent or relevant planning history on the site.

Given the fact that the proposal seeks to relocate properties from the bus station site, the following outline planning permission is considered relevant:-

10/00743/OUT	Outline application including access, layout and scale, for the erection of a mixed use-development comprising retail (A1-A3 uses) leisure (D2 Uses) and Offices (B1a Uses) together with all associated infrastructure and plant, public realm, landscaping and servicing. Works to include the provision of a part undercroft/part surface public car parking area and a new bus station	Approved	18.01.11
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Consultations:-

No comments/objections have been received from:-

Directorate of Chief Executive, LCC (Ecology)
Head of Business Development and Street Scene Services (Waste Minimisation)
Director of Environment and Transport (Rights of Way).

No objection subject to conditions from:-

Environment Agency
Severn Trent Water
Director of Environment and Transport (Highways)
Director of Chief Executive (Archaeology)
Head of Community Services (Pollution).

Site notice and Press notice were displayed and neighbours notified.

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

- a) the design of the proposed building is not in keeping with Rugby Road/Regent Street and does not complement the proposed bus station re-development
- b) a more sympathetic architectural statement is required; current design is too industrial.

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

Police Architectural Liaison Officer
Head of Community Services (Land Drainage).

The consultation period remains open at the time of writing and closes on 7 October 2011. Any further consultation response 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 and the delivery of sustainable development. The document states that high quality and inclusive design should be the aim of all those involved in the development process. The Planning System: General Principles forms a supplement to PPS1. This states that "planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging Development Plan Documents. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached".

Planning Policy Statement 4: Planning for Sustainable Economic Growth sets out the Government's national policies for economic development which includes employment, retail and community development. The Statement sets out the overarching objective of securing sustainable economic growth. Policies EC4 and EC10 are of key relevance to this application.

EC4 encourages LPAs to promote competitive town centre environments and enhance consumer choice. EC4.1b continues by advising LPAs to plan for a strong retail mix so that

the quality of the comparison and convenience retail offer meets the local catchment area requirements.

Policy EC10 sets out that “Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.” Policy EC10.1 supports applications which secure sustainable economic growth and Policy EC10.2 sets out 5 impact considerations which all applications for economic development have to be assessed against.

Finally the statement makes provision at Policy EC17 for proposals which are likely to lead to significant adverse impacts advising that such applications should be refused.

Annex B to PPS4 provides definitions for different types of locations. It defines town centres as ‘areas including the primary shopping area and areas of predominantly leisure, business and other main town centre uses within or adjacent to the primary shopping area’. It provides that the extent of the town centre should be defined on the proposals map. It defines the primary shopping area as an ‘area where retail development is concentrated’ and requires the extent of the primary shopping area to be defined on the proposals map. It defines edge of centre as ‘for retail purposes, a location that is well connected to and within easy walking distance of the primary shopping area.

The PPS4 ‘Practice Guidance on need, impact and the sequential approach’ provides further advice on the definition of ‘in centre’. At Para 6.4 it states “The ‘centre’ for retail development is defined by PPS4 as the primary shopping area. Key considerations will be the extent of existing primary frontages, as defined by prime rental levels, and/or pedestrian flows. The presence of key anchor stores and other main town centre uses (e.g. cinemas) may also help to identify the extent of the primary shopping area. Where specific proposals are identified, for example extensions to existing town centre shopping schemes, it may be appropriate to define these areas as planned extensions to the primary shopping area”.

Planning Policy Statement 9: Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity and geological conservation through the planning system.

Planning Policy Guidance Note 13: Transport sets out national transport planning policy. It seeks to provide sustainable transport choice, improve accessibility and reduce the need to travel by car. Local Planning Authorities are encouraged to maximise the use of accessible sites that are either in town centres or close to transport interchanges. The guidance advises on retail and leisure developments suggesting that such development should be concentrated in centres. With regards to parking provision this states that Local Authorities should ‘not require developers to provide more spaces than they themselves wish’ and that ‘reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices’.

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

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

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

Regional Policy

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

Policy 22 sets out priorities for town centres and retail development.

Local Development Framework Core Strategy 2009

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

Policy 1: Development in Hinckley highlights a number of policy objectives the Council will support in order to strengthen Hinckley's role as a sub-regional centre. This includes, amongst other things:-

- a) The provision of a redeveloped new bus station
- b) The development of additional comparison and convenience retail floorspace.

It specifically allocates land for office space within or adjoining the Hinckley Town Centre Area Action Plan boundary and supports the development of approximately 21,100 square metres (net) of new comparison sector sales floorspace (13,100sqm to 2011 and 8,000

square metres from 2021-2026), primarily located in a redeveloped Britannia Centre and on the bus station redevelopment site and the development of an additional 5,300 square metres (net) up to 2021 convenience floorspace, primarily located on the bus station redevelopment site. To do this the policy suggests the Borough Council will improve cycle routes, require new developments to respect the character and appearance of the Hinckley conservation areas, require new development to enhance poor public realm within the town centre and to be of the highest standards in line with Policy 24.

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

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

Hinckley Town Centre Area Action Plan

The Hinckley Town Centre Area Action Plan (AAP) was adopted through Full Council on 21st March 2011. As such it is a development plan document for Hinckley Town Centre within the Local Development Framework. The application site falls within the Hinckley Town Centre Area Action Plan boundary.

Spatial Objective 2 seeks to increase and improve accessibility within, to and from the town centre for pedestrians, cyclists and public transport and improve and rationalise car parking facilities in Hinckley town centre.

Spatial Objective 3 seeks to increase and improve the range of retail provision in the town centre to support Hinckley's role as a sub regional centre.

Spatial Objective 4 seeks to enhance Hinckley Town Centre's image to developers, retailers, residents and visitors by ensuring high quality, safe and well designed, environmentally friendly development in the town centre.

Spatial Objective 5 seeks to support the development of new, leisure, cultural and educational facilities to improve the quality of life and leisure within Hinckley, whilst adding value and attractiveness to the town centre to encourage active recreation.

Spatial Objective 8 seeks to retain and enhance employment opportunities in the Hinckley Town Centre Area Action Plan boundary.

Policy 9: 'Bus Station' sets out the key aspirations for the sites redevelopment which include an enhanced bus station, an exciting landmark development, a mixed use scheme anchored by a superstore, a cinema and other leisure uses, high quality public realm improvements including improved pedestrian connectivity to the town centre, improved links to Hinckley railway station and a consolidated car park of approximately 560 spaces. The toilet block falls within the area covered by Policy 9.

Policy 11: 'Public Realm Improvements' identifies Lancaster Road as an area for potential public realm improvements.

Policy 13: 'Hinckley Town Centre Shopping Areas' states that ground floor development along Primary Shopping Frontages will be restricted primarily to A1 uses to protect the vitality and retail integrity of town centre's retail core, and A1-5 and D2 uses will be acceptable in

the rest of the town centre. It also states that along primary and secondary shopping frontages, new development will retain, replace or create shop frontages as appropriate and that shop frontage must be designed to support the character and vitality of Hinckley Town Centre.

Hinckley and Bosworth Local Plan 2001

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

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

Policies BE13: 'Initial Assessment of Sites of Archaeological Interest and Potential' to BE16: 'Archaeological Investigation and Recording' concern archaeology and make provision for the assessment of sites of archaeological interest and potential, field evaluation, preservation of remains, and investigation and recording. The policies provide protection for archaeological remains and ensure archaeological matters are fully considered.

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

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

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

Policy NE14: 'Protection of Surface waters and Groundwater Quality' protects the water environment.

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

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

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

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

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

Other Material Policy Guidance

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

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

Retail Capacity Study

In the spring of 2007 Roger Tym & Partners (RTP) were appointed by the Borough Council to undertake a Retail Capacity Study of Hinckley Town Centre. The study concluded that Hinckley is generally healthy, with no signs of acute decline, with a recent improvement in the national retail rankings. However, Hinckley was considered to have some key deficiencies including limited convenience retail offer, with static retail rents. It was also considered to lack suitable, available premises to accommodate interested retailers.

Appraisal:-

The main considerations with regards to this hybrid application are the principle of development; layout, scale, design and appearance; impact upon residential amenity, highway considerations, ecology and biodiversity, drainage and flood risk, archaeology and other matters.

Given that part of the application is in outline only, layout, scale, appearance and landscaping do not form part of the outline application and will be considered at the reserved matters stage.

It should be noted that whilst the application relates to the re-location of 3 no. units from within the bus station site (often referred to as "The Crescent") this is a stand alone application which has to be considered on its own merits.

Principle of Development

The site is located within the settlement boundary of Hinckley, where there is a presumption in favour of development subject to all other planning matters being appropriately addressed.

The site falls within the settlement boundary of Hinckley and within the Town Centre Boundary. The Town Centre Boundary within the Hinckley Town Centre Area Action Plan (AAP) also reflects that of the Local Plan, and as such the sites fall within the Town Centre in both documents.

This scheme has a number of distinct physical elements; the demolition of the existing units; full consent for the erection of an A1 (Use Class) retail unit, car parking and vehicular access and outline consent for the erection of an D2 (Use Class) Squash Club and Sui Generis (Use Class) territorial army drill hall and associated facilities.

Loss of Existing Units

The consent relates to the possible demolition of elements of the Flutters bingo hall, units along Rugby Road and a disused toilet block. The units do not fall within the Conservation Area and are not listed.

The Flutters building has undergone a number of alterations over the years including the loss of the original wrought iron detailed entrance canopy and feature lighting; replacement and blocking up of original windows; the original shop front has been lost and replaced with a mix of signage, stall risers and coloured frames; the original rendered cornice detail to the parapet has been replaced and the original cornice design which articulates the round window has also been lost. It is acknowledged that the building occupies a prominent position in the town centre and has some historic interest locally.

Concern has been raised in respect of the loss of the façade of the Bingo Hall and requests have made for its retention within the re-development. During the course of the application, the applicant has provided a further detailed analysis of the current façade, and the construction challenges and financial implications of retaining it within the scheme. Notwithstanding these details the applicant has indicated that the retention of the main element of the Flutters façade at the corner is being considered and it is therefore suggested that a suitably worded condition be imposed within the outline decision. This would ensure that either the Flutters façade is retained within the re-development or that an alternative high quality scheme, which would be considered worthy of its replacement would be constructed.

This condition would need to be formally discharged through the submission of the reserved matters application and therefore full consideration would be given at that time by Members. It is however considered that any such replacement would need to ensure that a building of high quality will be provided at the prominent location on the corner of Rugby Road and Lancaster Road, as this is considered an important site within the town centre.

In respect of the loss of the use of the Bingo Hall facility, this is not a material planning consideration and is a matter for commercial arrangements should the bingo company wish to re-locate. Should this option be explored there is a D2 leisure (Use Class) unit permitted within the bus station scheme, approved under application ref: 10/00743/OUT.

The single storey brick built toilet block at Waterloo Road is not currently in operation and has fallen into a state of disrepair. There have been no issues identified with its demolition.

Having regard to the reasons detailed above it is considered that whilst there is no in principle objection to the demolition of the units, given the level of interest in the retention of the Flutters façade it is considered necessary to impose a condition to either ensure its retention or a suitably, worthy replacement.

Retail Impact: National Policy

The key national policy statement relating to this application is Planning Policy Statement 4: Planning for Sustainable Economic Growth.

Policy EC4 of this document states that Local Planning Authorities should plan to promote competitive town centre environments and provide consumer choice. The development of a retail unit in this location, in addition to those proposed at the forthcoming bus station redevelopment site, will strengthen Hinckley's retail offer and improve consumer choice.

Policy EC10 relates to the determination of planning applications for sustainable economic growth and states that local planning authorities should adopt a positive and constructive approach to such applications. It is considered that by enabling the development of the bus station site, as well as its own role of improving the public realm and retail offer in Hinckley, this application should be viewed positively.

Policy EC14 states the following: Paragraph EC14.3 requires a sequential assessment for planning applications for main town centre uses that are not in the existing centre; paragraph

EC14.4 requires impact assessment for retail and leisure developments over 2,500 square metres not in an existing centre; paragraph EC14.5 requires impact assessment for retail and leisure developments under 2,500 square metres not in an existing centre where the development plan has not been revised to reflect the Planning Policy Statement; paragraph EC14.6 requires impact assessment for planning apps in existing centres which are not in accordance with development plan.

In summary, as this site is within Hinckley town centre and the primary shopping area, it is the most sequentially appropriate location for retail development to take place. For the purposes of PPS4 it is therefore considered that this application is in an existing centre and is in accordance with an up to date development plan. It is therefore not considered necessary for the applicant's to provide a sequential site assessment for this application. The scheme is considered to comply with national retail policy contained in PPS4.

Retail Impact: Local Plan Policy

The APP recognises that there is a need for a range of employment opportunities in the town centre and confirms that Hinckley lacks suitable and available premises to accommodate interested retailers, as revealed within the Retail Capacity Study (2007).

The key policy relating to this site is also adopted Core Strategy Policy 1: Development in Hinckley. It specifically states that the council will support the development comparison and convenience retail floorspace, primarily located on the bus station redevelopment site.

This site is identified in the Town Centre Area Action Plan as being within the 'Primary Shopping Area'. Policy 13: 'Hinckley Town Centre Shopping Areas' of the adopted APP states that A1-5 and D2 (Use Classes) will be acceptable in the rest of the town centre, including secondary shopping frontages. This outline application seeks consent for D2 and Sui Generis (Use Class) (and A1 uses) and therefore would be in compliance with Policy 13 of the AAP.

Policy 13 of the adopted APP also states that new development will retain, replace or create shop frontages as appropriate within secondary shopping frontages, and that shop frontages must be designed to support the character and vitality of Hinckley town centre. As such this requires frontage development along Rugby Road. Although the Area Action Plan policy identifies that uses in the Secondary Shopping Frontage are more mixed in character and a range of uses could be acceptable there, this development would require the removal of a number of units within this frontage. It is, however considered that the loss of retail units on this small section of Rugby Road must be carefully balanced against the creation of an additional retail frontage to the southern boundary of the site through the approval of the full application - A1 (Use Class) retail unit and the longer term regeneration aims of the site, bus station and town centre.

This scheme allows the relocation of three units which currently exist on the bus station site and will therefore contribute towards bringing the bus station scheme forward. The scheme is also considered to bring wide ranging regeneration benefits to the town and will increase local employment opportunities. It is therefore considered that the loss of retail units on this small section of Rugby Road is significantly outweighed by the benefits of the development of this scheme, the redevelopment of the bus station as a whole and in turn the regeneration of Hinckley town centre.

In summary, the site is in a sustainable location within Hinckley town centre and would meet an identified need for retail and leisure development in Hinckley. The application site affords specific retail designation and as such there is identified policy support for the erection of the

food store retail unit (Use Class A1), within Policy 13 and Spatial Objective 3 of the adopted Hinckley Town Centre Area Action Plan.

The Squash Club D2 (Use Class) and Territorial Army drill hall Sui Generis (Use Class) also receive support through APP Spatial Objective 5 and Policy 13 although it is not considered to be in strict conformity with this policy as the development would result in the loss of part of a secondary shopping frontage along Rugby Road. It is, however considered that this loss is outweighed by the wider benefits that this development could bring to the local economy, consistent with the overall intentions of the Council's vision and Spatial objectives 3, 5 and 8 for Hinckley town centre and the overarching intentions of national planning policy PPS4.

Regeneration and Employment

The site is in a prominent location and it is considered that the re-development of this site will improve the visual appearance of this area which subsequently improves the attractiveness of the town as a place to invest, live, work and visit in line with the overall regeneration aims of the adopted Core Strategy and aspirations of Spatial Objective 8 of the adopted AAP.

The retail unit alone is considered to create an additional 10 no. jobs, on top of the existing 10 no. employees, whilst the other units are not yet know but it hoped that it would provide new employment opportunities within the Borough. To ensure that the scheme benefits local people, a condition is proposed requiring a scheme to be submitted that targets and utilises local people for construction and post construction employment.

It is acknowledged that this application relates to the loss of employment uses through the loss of the Flutters Bingo Hall and units along Rugby Road, however it is considered that there are other sites which are available within the town centre, namely a D2 (Use Class) unit available within the bus station development, for a leisure (including bingo) use, as previously discussed.

In summary, the site represents one of the key regeneration areas in the town centre and its redevelopment, together with the wider bus station redevelopment would contribute significantly to the Council's vision and primary spatial objectives, bringing wider ranging benefits to Hinckley town centre.

Overall, the site is in a sustainable location within the Hinckley town centre and would meet an identified need for retail and leisure development in Hinckley. For the reasons discussed later in this report it is considered that there are not any other material planning issues identified which would suggest that the development is not acceptable.

Layout/Scale/Design/Appearance

Full Application: Retail Unit

The retail food store will be sited on the corner of Waterloo Road, between the Snooker Club building to the west and Library and Salvation Army Building to the north.

It is considered that the layout of the scheme will improve the access for pedestrians and cyclists and provides opportunities to improve links between Waterloo Road and the town centre beyond.

The design of the scheme has carefully considered all units proposed, ensuring that there are no impacts upon the opportunity to comprehensively develop the rest of the site should it arise in the future.

The layout of the car park along Rugby Road allows for all end users of all of the units to benefit from vehicular and cycle parking.

During the course of the application, an additional plan has been received which shows the proposed development in light of the surrounding bus station development (once implemented). This shows the scheme within its wider context, which illustratively explains the design of the unit with a dual frontage.

The footprint of the food store, is similar to that of the same food store currently within the bus station site and is similar in footprint to that of adjacent units. The height of the retail unit rises from 6.5 metres to 8.5 metres; however this is smaller than adjacent units. As such the scale of the building is therefore considered acceptable in this setting.

In response to the letter of objection raising concerns over the appearance of the unit, the design of the scheme has been carefully considered to define and respect the street scene along Waterloo Road. The building is angular in design, with a gently sloping mono pitch roof canopy and projecting dual entrance feature. Both the contemporary design and use of materials has been employed to assist with the transition between Hinckley's existing traditional red brick architectural appearance and the proposed new contemporary appearance of the bus station site. As such it is considered the scheme has been designed in respect of its surrounding context.

The application sets out the signage zone, an area proposed for future signage; however the erection and installation of advertisements and signage do not form part of this application and would be subject to separate advertisement consent.

It is also considered that a high quality public realm will be created through varying surfacing and tree planting, all subject to the imposition of a planning condition to secure further details.

Outline Application: Other Units

In respect of the outline application, the Territorial Army drill hall is set to be sited on Lancaster Road adjacent to the Library building, with the Squash Club sited on the prominent corner position between Lancaster and Rugby Road.

Whilst the application is in outline only, details have been provided in respect of the horizontal and vertical deviations to provide an indication of the projections of the units and also enable architectural expression once a reserved matters application is submitted.

The information provided shows that the two units could be accommodated on site, and would measure between 7.5 and 10 metres in height, no higher than the existing Flutters building. It is considered that the siting and scale of these units is acceptable to ensure a frontage to the corner of Lancaster Road and Rugby Road.

It is considered that following the future considerations of scale, siting, appearance and landscaping within any subsequent reserved matters application that a suitably designed building of quality and prominence could be designed in this important location within the town centre.

In summary, it is considered that the layout of the scheme has been carefully considered and allows permeable routes for shoppers and pedestrians between the scheme, the wider bus station development and the town centre to accord with the aspirations with Spatial Objective 2 of the adopted AAP. The scale and materials of the retail unit has been influenced by the surrounding area and overall the external appearance, combined with improvements to the

public realm is considered to enhance the appearance of the area. As such the scheme is considered in accordance with the aspirations of Spatial Objective 4 and Policy 11 of the adopted AAP and Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Impact upon Residential Amenity

The residential dwellings most immediately impacted upon as a result of the development would be the flats and apartments located at first floor, above existing retail/mixed use units along Rugby Road, located to the west of the site. Given the proximity of these residential properties, the scheme therefore requires sensitive design to avoid any detrimental impacts.

Overshadowing, Overlooking and Overbearing Impacts

In respect of the full application for the retail unit, this is to be sited to the south of the site along Waterloo Road and would therefore be located at a sufficient distance away from the nearest residential properties to avoid overshadowing and overbearing impacts, and overlooking would not arise given the absence of high level windows.

In terms of the outline application, this is to be sited along Rugby Road/Lancaster Road and therefore in closer proximity to the residential properties. Given that the indicative vertical deviation plans show a building to a maximum height of 10 metres, the same height of the existing Flutters building, there would be no additional overshadowing, overlooking or overbearing impacts, over and above that already caused by the existing building. It is considered that following the future considerations of scale, siting, appearance and landscaping that a suitably designed building can be achieved on this site that will not detrimentally impact upon surrounding residential properties.

Vibration, Dust, Light and Noise

Vibration normally occurs through the demolition and construction phases of the development and therefore a condition requiring a scheme for the management of vibration has been suggested by the Head of Community Service (Pollution).

Air quality can be impacted upon by dust and emissions and as such conditions relating to the management of dust during demolition, site preparation and construction works have been recommended.

Full details of the proposed lighting are as yet also unknown and details of the external lighting to the site, including intensity of illumination for proposed lighting and lighting during construction works have been recommended as conditions.

The application has not been accompanied by a Noise Impact Assessment, and therefore in the absence of any specific details a number of conditions have been suggested requesting additional information first be submitted to the Local Planning Authority.

In addition, conditions limiting the hours of demolition and construction and routing of construction traffic for the whole scheme will help to ensure that there will be minimal impact upon the nearby properties.

Full details of the exact siting of a bin store and recycling facilities have not been received for either application and it is recommended that be dealt with by the imposition of appropriate conditions.

In summary, the proposal is considered to have minimal impacts upon amenity of neighbouring residents in terms of overshadowing, overlooking or overbearing impacts. Such conditions, requested by the Head of Community Services (Pollution) in respect of

vibration, dust, lighting and noise will enable full consideration and ensure that there are no detrimental impacts. Subject to the discharge of all conditions, the scheme is considered to be in accordance with Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
Highway Considerations; Access, Servicing and Parking Provision

A new vehicular access is proposed to accommodate both customer and delivery vehicles proposed from Rugby Road, along with the formation of a new car park comprising of 32 no. spaces and 3 no. disabled spaces and 20 no. cycle racks.

Access

A new vehicular access will be provided from Rugby Road and will require off site works to the existing Traffic Regulation Order, which will be secured by an Agreement under Section 278 of the Highways Act 1980.

Servicing

Servicing for the retail unit will be provided via the new access from Rugby Road, with servicing for the proposed Squash Club proposed from Rugby Road as per the existing retail units, the latter of which will also require changes to the existing Traffic Regulation Order.

The accompanying Transport Statement states that service access for the retail unit is required for three large vehicles trips in the morning, and two home delivery vehicles throughout the day and the time of these will be managed by Iceland, whilst servicing for the Squash Club and Territorial Army drill hall are both occasional and variable.

The application has been accompanied by tracking drawings appended to the Transport Statement which demonstrate that an articulated vehicle can enter and exit the site in a forward gear, to avoid reversing onto the road, in the interests of highway safety.

The servicing requirements have been fully assessed and the Director of Environment and Transport (Highways) has no objections subject to the imposition of a condition to secure the exact delivery, opening and trading times.

Parking Provision

The scheme proposes a total of 35 no. spaces, whilst the Leicestershire County Council's adopted highway design guidance requires that a maximum of 57 no. car parking spaces are provided; 4 no. for the squash club and 53 no. for the retail unit. However, it is considered that these are maximum standards that do not take into account linked trips within the town centre site where alternative parking provision is available. In addition, the site is adjacent to Hinckley bus station and within walking distance of the rail station. As such, the provision of 35 no. car parking spaces in this case is acceptable.

In addition, the maximum parking accumulation of a retail store of this size is estimated at reaching 27 no. between 14:00 and 15:00 on a Saturday, which would leave 8 no. spaces available for the use by the squash club and Territorial Army drill hall, which is considered to be adequate.

The scheme provides a pedestrian access between the proposed retail unit and the existing library and Salvation Army building along a route through to the car park and out onto Rugby Road and the scheme also makes provision for 20 no. cycle spaces; 10 no. outside the Squash Club and 10. outside the retail unit, in conformity with Policy T9 of the adopted Local Plan and the aspirations of Spatial Objective 2 of the adopted AAP.

In summary, the car parking spaces have been considered in light of the sites town centre location and proximity to public car parking areas and on this basis are considered acceptable. Both walking and cycling are encouraged through routes and the provision of facilities for cycle parking. The access and servicing arrangements have been considered by the Director of Environment and Transport (Highways) whom raises 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 Saved Policies T5, T9 and T11 of the adopted Hinckley and Bosworth Local Plan and achieves the aspirations of Spatial Objective 2 of the adopted AAP.

Ecology and Biodiversity

The accompanying Habitat Survey acknowledges that the site is considered to only be able to support a limited range of protected species and recommends that a bat emergence survey is undertaken. The scheme has been considered by the Directorate of Chief Executive (Ecology) whom states that the toilet block is of low potential for roosting bats and as such recommends that a watching brief is maintained for bats.

In summary, the Directorate of Chief Executive, (Ecology) accepts the report submitted with the application and concludes that this site is of low conservation value and will have no impact on any designated sites of ecological importance. Accordingly, it can be concluded that the proposal will not have any adverse impacts upon protected species, and as such is considered acceptable in relation to national planning policy PPS9.

Drainage and Flood Risk

The site is located within Flood Zone 1 and, as such is categorised as an area with a 'low probability' of flooding. The application has been accompanied by a Flood Risk Flood Risk Assessment which is being considered by statutory consultees.

Severn Trent Water has no objection to the scheme, subject to the imposition of a planning condition to secure drainage plans for the disposal of surface water and foul sewage. The Environment Agency has no objection to the scheme, subject to the imposition of a planning condition to install trapped gullies.

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 national planning policy PPS25.

Archaeology

Requests have been made for the photographic recording to be undertaken of the Flutters building prior to its demolition.

The application has been accompanied by an Archaeological Desk Based Assessment which revealed that the site has a generally low archaeological potential for all past periods of human activity and combined with the impact of the existing development, no further archaeological mitigation measures were recommended in this case.

Both the scheme and the requests have been considered by the Directorate of Chief Executive (Archaeology) whom considers that no archaeological mitigation measures are required, other than the historic building recording work. As such it is considered that a condition to secure photographic recording for heritage purposes is attached.

Other issues

Sustainability

It is considered that the development is intended to incorporate measures to improve sustainability, over and above requirements sought through the planning process and is therefore supported.

Security and Crime Measures

A scheme for crime prevention, including CCTV provision is considered appropriate and will be imposed by way of a suitably worded condition.

Conclusion

In conclusion, it has been considered that there is no in principle objection to the demolition of the Flutters building subject to the condition detailed below, the units along Rugby Road and the disused toilet block along Waterloo Road, for the reasons detailed above.

The site is located within Hinckley town centre, considered the most sequentially appropriate location for retail development and the scheme is considered to comply with national retail policy. There is specific local policy support for both retail and leisure uses proposed, and the loss of the secondary frontage at Rugby Road is considered to be outweighed by the overall gains to the town centre. The proposed development will extend local shopping facilities and provide more choice to the population whilst also providing additional employment opportunities.

As a result of the layout, scale, design and appearance of the retail unit and the indicative siting and scale of the Squash Club and Territorial Army drill hall, it is not considered that there would be any significant material impacts upon visual or residential amenity. Overall it is considered that the scheme would enhance the character and appearance of the area. Conditions have been imposed to address potential vibration, noise, air and lighting impacts in respect of residential amenity.

The proposed access and car parking arrangements are not considered to give rise to any highway safety issues and the scheme is considered to enhance walking and cycling routes.

No other issues have been identified to suggest there are any impacts upon protected species and a specific condition is requested in terms of photographic recording.

Overall the site represents one of the key regeneration areas in the town centre and its redevelopment, as part of the wider bus station redevelopment would contribute significantly to the Council's vision and primary spatial objectives, bringing wider ranging benefits to Hinckley town centre.

Accordingly, it is recommended that full and outline planning permission be granted, subject to the imposition of planning conditions.

RECOMMENDATION :- Permit subject to no new significant material objections being received prior to the expiry of the consultation period on 7 October the following conditions:-

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

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan and would not be detrimental to the occupiers of neighbouring properties, highway safety or protected species. The site represents one of the key regeneration areas in the town centre and its redevelopment, as part of the wider bus station redevelopment would contribute significantly to the Council's vision and primary spatial objectives, bringing wider ranging benefits to Hinckley town centre. The site is in a sustainable location within the Hinckley town centre and would meet a identified needs for retail and leisure development in Hinckley and would enhance the character and appearance of the area.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, BE13, BE26, NE2, NE12, NE14, T3, T5, T9, T11, Retail 1, Retail 2, Retail 3.

Hinckley and Bosworth Local Development Framework: Core Strategy (2009):- Strategic Objective 2, Policies 1, 5, 20.

Hinckley Town Centre Area Action Plan (2011):- Spatial Objectives 2, 3, 4, 5, 8, Policies, 9, 11, 13.

Conditions in respect of Full Application (F)

F1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

F2 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed development have been deposited with and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

F3 No development shall commence until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- i) means of enclosure and boundary treatments
- ii) treatment of hard surfacing materials for both the private and public areas
- iii) implementation programme.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

F4 No development shall commence until 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.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- F5 Prior to the first use of the retail unit hereby approved a Noise Impact Assessment shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include the sources of noise on the site, whether from fixed plant or equipment or noise generated from within the buildings and mitigation measures where appropriate. The retail unit shall not be occupied until the works are first installed in accordance with the approved details and shall be maintained and operated in accordance with the approved details thereafter.

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

- F6 Prior to the first use of the retail unit hereby approved details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The unit shall not be occupied until the lighting has been installed in accordance with the approved details and the lighting shall be maintained and operated in accordance with the approved details thereafter.

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

- F7 Prior to the first use of the retail unit hereby approved a scheme detailing the siting of a bin store and recycling facilities shall be submitted to and agreed in writing by the Local Planning Authority. The unit shall not be occupied until the works are first implemented in accordance with the approved details and shall be maintained in accordance with the approved details thereafter.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Conditions in respect of Outline Application (O)

- O1 An application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

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

- O2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:-

- i) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development in accordance with the horizontal deviation plan drawing no. D0020 P1

- ii) The scale of the building proposed in relation to its surroundings in accordance with the maximum building envelope drawing no. D0051 P1
- iii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes
- iv) The hard and soft landscaping of the site including a scheme and implementation programme for both private and public areas to enhance or protect the site's amenity.

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

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

O3 The reserved matters application shall include the following information for the prior approval by the Local Planning Authority.

- i) Means of enclosure and boundary treatments
- ii) The provision and siting of storage, refuse and/or recycling facilities
- iii) Implementation programme.

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

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

O4 No demolition of the Flutters Bingo Hall façade (as identified on drawing no. D 0113 Rev. P1) shall commence unless and until a replacement scheme is first submitted to and approved in writing by the Local Planning Authority. The details of the scheme shall include:-

- i) Justification of why the existing façade cannot be retained
- ii) A high quality alternative design.

Should the Local Planning Authority consider the proposed replacement scheme is not acceptable, no demolition can commence of the building as identified within the plan and the scheme shall be implemented in accordance with details to retain the façade as outlined within the Method Statement within Condition WS3. Should the Local Planning Authority consider the proposed replacement scheme acceptable, demolition will be implemented in accordance with the Method Statement as outlined within Condition WS3.

Reason: To ensure that the development has a satisfactory external appearance within this important setting within Hinckley town centre to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

O5 No development, excluding demolition, shall commence until the representative samples of the types and colours of materials to be used on the external elevations of the proposed development; shall be deposited with and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- O6 No development, excluding demolition, shall commence until 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.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- O7 Prior to the first use of the units hereby approved a Noise Impact Assessment shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include the sources of noise on the site, whether from fixed plant or equipment or noise generated from within the buildings and mitigation measures where appropriate. The unit shall not be occupied until the works are first installed in accordance with the approved details and shall be maintained and operated in accordance with the approved details thereafter.

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

- O8 Prior to the first use of the units hereby approved details of any external lighting of the site shall first be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The units shall not be occupied until the lighting shall be installed in accordance with the approved details and shall be maintained and operated in accordance with the approved details thereafter.

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

Conditions in respect of the Whole Scheme (WS)

- WS1 The development hereby permitted shall be carried out in complete accordance with the amended details: Existing Site Plan Drawing No D 0001 Rev. P1; Proposed Demolition Plan Drawing No D0010 Rev; P1; Proposed Building Block Plan Drawing No D0011 Rev. P1; Proposed Detailed Site Plan Drawing No D0012 Rev. P1; Proposed Ground Floor Plan Drawing No D0100 Rev.P1; Proposed Roof Plan Drawing No D0102 Rev. P1; Horizontal Deviation Plan Drawing No D0020 Rev. P1; Maximum Building Envelope Sections C_C & D_D Drawing No D0051 Rev. P1; Sections A_A & B_B Drawing No D0201 Rev. P1; North & East Elevations Drawing No D0152 Rev. P1; South & West Elevations Drawing No D0151 Rev. P1; Topographical Site Plan Drawing No D0013 Rev. P1 received by the Local Planning Authority on 12 September 2011 and additional details; Potential Extent of Retained Façade Drawing No D 0113 Rev. P1 received by the Local Planning Authority on 26 September 2011; Proposed Demolition of Bingo Club Drawing No D0014 Rev. P1.

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

- WS2 No demolition of buildings (shown hatched on drawing no. D0010 Rev. P1A) shall commence unless and until a Written Scheme of Investigation for photographic recording has first been submitted to and approved in writing by the Local Planning Authority.

The Written Scheme of Investigation shall include the following details:-

- i) The programme and methodology of the recording
- ii) Provision to be made for the publication and dissemination of the photographic recording
- iii) Nomination of a competent person or persons/organisations to undertake the recording
- iv) The implementation of the works proposed.

The Written Scheme of Investigation shall be carried out in accordance with the approved details.

Reason: To ensure the buildings to be demolished are recorded for heritage purposes to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan.

- WS3 No demolition of the buildings (shown hatched on drawing no. D0010 Rev. P1A) shall commence until a Method Statement detailing the method of demolition, including the structural requirements for the retention of the Flutters Bingo Hall façade (as identified on drawing no. D 0113 Rev. P1) has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance and character of the area is satisfactory to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

- WS4 No development shall commence until details of the site lighting during the demolition and construction works on site has first been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed, maintained and operated in accordance with the approved details during construction.

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

- WS5 No development shall commence until a scheme for protecting nearby dwellings from noise from the proposed demolition and construction has first been submitted to and approved by the Local Planning Authority. The scheme shall be fully operational during demolition and construction works and carried out in accordance with the approved details for the duration of the demolition and construction.

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

- WS6 No development shall commence until a scheme for the management of dust, light, noise and vibration during the demolition, site preparation and construction works has

first been submitted to and agreed in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details.

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

- WS7 Notwithstanding the recommendations of the submitted Geoenvironmental Assessment (Ref: XL02383/R1), received by the Local Planning Authority on 5 September 2011, no demolition or construction shall commence until a Risk Based Land Contamination Assessment has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details.

Reason: To quantify the contamination risks and 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 (Planning and Pollution Control).

- WS8 No development shall commence until a Risk Based Landfill Gas Assessment has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details.

Reason: 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 (Planning and Pollution Control).

- WS9 No development shall commence until a scheme to install trapped gullies or a suitable alternative have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme.

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

- WS10 No development shall commence until drainage plans for the disposal of surface water and foul sewage has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of crating or exacerbating a flooding problem and to minimise the risk of water pollution to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan and the aims and objective of PPS25 (Development and Flood Risk).

- WS11 No development shall commence until details of the routing of demolition and construction traffic has first been submitted to and approved in writing by the Local Planning Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

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

WS12 No development shall commence until a security scheme including details of how to address crime is first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details thereafter.

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

WS13 No development shall commence until a scheme of measures for targeting and utilising local people for construction employment have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. In the event that alternative sources are required, a revised scheme shall first be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the details thereafter.

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

WS14 For the period of demolition and construction of the development, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.

Reason: 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.

WS15 For the period of the demolition and construction of the development, vehicle parking facilities shall be provided within the site and all demolition and construction related vehicles shall be parked within the site.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

WS16 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.

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

WS17 Prior to the first use of any unit hereby approved, a Car Parking Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Car Parking Management Plan shall include the following details:-

- i) Details of the management and operation (including any vehicular access gates, barriers or other such obstructions)
- ii) Pricing structure (to discourage long stay parking)
- iii) Allocation of car parking spaces
- iv) Hours of Operations
- v) Hours of Customer Opening
- vi) Details of Servicing and Deliveries.

The development shall be implemented in accordance with the approved Car Parking Management Plan and maintained in full accordance with the approved details thereafter.

Reason: To reduce the possibilities of development of the site leading to on-street parking problems in the area and to reduce the possibilities of conflict between car park users and services vehicles, to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

WS18 Prior to the first use of any unit hereby approved, car parking and turning provision shall be made within the development site as shown drawing no. E1059-D0012-P1 received by the Local Planning Authority on 12 September 2011. The parking spaces and turning so provided shall not be obstructed and shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area, and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

WS19 The respective approved hard and soft landscaping schemes shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To enhance the appearance of the development to accord with Policy BE1 of the adopted Hinckley 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 Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the Highway works are commenced.

- 6 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.
- 7 The full cost of any changes to the existing Traffic Regulation Order on Rugby Road at the site frontage required to facilitate the development shall be borne by the Applicant.
- 8 Separate advertisement consent would be required for the erection or installation of any advertisements of signage. Should any be illuminated, the intensity of the illumination of any illuminated sign forming part of the development shall be within that recommended by the Institution of Lighting Engineers in their Technical Report Number 5 (3rd Edition) for a sign within zone E3 and upon completion of the development, a statement of a suitably qualified contractor would need to be submitted confirming the installation would be in full compliance with the Institution of Lighting Engineers Technical Report Number 5 (3rd Edition) for a sign within zone E3.
- 9 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.
- 10 Any works to trees or shrubs must be undertaken outside of the bird breeding period i.e. work to occur between September and the end of February.
- 11 In respect of Condition WS7 the Risk Based Land Contamination Assessment shall be carried out in accordance with current best practice. Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with current best practice. If, during the course of development, previously unidentified contamination is discovered, development must cease on the affected part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on the affected part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority.
- 12 In respect of Condition WS8 the Risk Based Landfill Gas Assessment shall be carried out in accordance with current best practice. Should any unacceptable risks be identified in the Risk Based Landfill Gas Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with current best practice. If, during the course of development, previously unidentified landfill gas is suspected, development must cease on the affected part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on the affected part of the site, a Risk Based Landfill Gas Assessment for the affected part of the site (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority.
- 13 Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach

involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach. Further information on SUDS can be found in paragraph F7 of Annex F of PPS25 Development and Flood risk and in the CIRIA C522 document Sustainable Urban Drainage Systems-design manual for England and Wales and the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on both the Environment Agency's web site at: www.environment-agency.gov.uk and CIRIA's web site at www.ciria.org.uk.

- 14 During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

Contact Officer:- Ebony Mattley Ext 5691

Item: 02

Reference: 11/00571/FUL

Applicant: Mr Gary Goodwin

Location: Hinckley Club For Young People Stoke Road Hinckley

Proposal: ERECTION OF 65 NEW DWELLINGS WITH ASSOCIATED ACCESS AND LANDSCAPING

Target Date: 24 October 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 erection of 65 dwellings including car parking, associated access and landscaping.

The application proposes 65 dwellings consisting of 6 two bedroomed units; 25 three bedroomed units and 34 four bedroomed units. The application includes 13 affordable units (a 20% contribution) consisting of 10 social rented and 2 shared ownership dwellings,

equating to 6 two bedroomed units and 7 three bedroomed units. There is a mix of detached, semi-detached and terraced dwellings of 2 storey proportions proposed on site.

A new vehicular access is proposed to Richmond Primary school to a width of 6.5 metres with an additional vehicular access proposed to plot 65 to the sites frontage. Car parking is predominantly allocated to dwellings within the site to provide at least 1 car parking space per dwelling, with landscaping interspersed within the site.

During the course of the application the following have been received:-

- Revised layout plan – showing the vehicular access connectivity with Richmond Primary School, additional details of the ditch to the Stoke Road frontage, lighting to the courtyard, alterations to the garage within Plot 58, staggering of plots 36-38, realignment and new vehicular access from Stoke Road at plot 65;
- Additional rear access track plan - showing the positioning of the existing track, legal boundary and proposed new fence line and additional widening of a rear access to Tudor Road dwellings.

Re-consultation has been undertaken with neighbouring dwellings and land owners, ward members, Director of Environment and Transport (Highways) and the Police Architectural Liaison Officer.

- Updated Flood Risk Assessment and additional drainage details and re-consultation has been undertaken with the Environment Agency
- Updated Transport Assessment providing further details of the Richmond Primary School access and parking arrangement and re-consultation has been undertaken with Environment and Transport (Highways)
- Further justification for loss of recreation site and re-consultation has been undertaken with Sport England
- Further justification in the respect of the siting of affordable units and re-consultation has been undertaken with The Council's Affordable Housing Officer
- Topographical survey indicating existing on site levels
- Phasing plan showing the delivery on the scheme in six phases.

The Site and Surrounding Area

The site is roughly rectangular in shape measuring approximately 2.02 hectares and was the site of the former Hinckley Club for Young People which included a sports pitch (now grass land) to the sites frontage and associated buildings to the rear. Two singular access drives serving the club and Richmond Primary School runs on an east to west axis. A hedgerow currently bounds this access route and divides the site between the club's site and allotments. A single track exists to the south of the site which serves the rear of the dwellings along Tudor Road.

The site is currently vacant and derelict and has fallen into disrepair.

The site is bound on all elevations by varying degrees of hedgerow and trees and is bordered to the north by industrial units, to the east by Richmond Primary School, to the south by residential dwellings along Tudor Road with Stoke Road bordering the site to the west.

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

Technical Documents

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: -

Affordable Housing Statement

This statement confirms that the applicant has embraced the requirement to provide 20% affordable housing and has carefully considered its delivery and procurement and that this will provide the greatest choice for residents. The applicant intends to provide the 75% rent and 25% intermediate affordable housing provision, in accordance with the Local Authority housing policy.

During the course of the application the applicant has provided additional justification to support the current siting of the affordable units. The applicant believes that if it wasn't for the notes on the layout then it would be difficult to locate the siting of the affordable houses in this scheme and that re-locating the units would just involve swapping the two storey mews type dwellings, which give the same kerb side appearance as other dwellings within the scheme. The information also states that the affordable housing units are not grouped together as they are split from one side of the road to the other and the scheme has developed from the creation of character areas which give a sense of place within the scheme itself, which utilise building forms and road layout to emphasise these and that the distribution of affordable housing comes after this process, not the other way round. The applicant also states that the Registered Social Landlord (RSL) has specifically requested the affordable housing units to be kept together.

Arboricultural Survey

The Survey revealed that the northern boundary consists of Ash saplings within a Hawthorn hedge and a young Black Poplar of low value but large growth potential. The access track to the school was considered to be an overgrown thorn hedge with ivy covered ash and several small dead elm trees which are all considered to be dead or of low value. In respect of the eastern boundary, the survey revealed three trees along the palisade between the school and the land including a young Sycamore, Ash and a twin stemmed early mature Birch all of which are considered to be of low value. The western boundary contains a 1.5 metre trimmed Thorn hedge adjacent to Stoke Road.

Design and Access Statement

This discusses the use, amount, layout, appearance, scale, landscaping, access and extensively evaluates the site in terms of strengths, weakness, constraints, and opportunities.

Flood Risk Assessment (Revision A)

The report states that the development is located in Flood Zone 1 with a minimal risk of flooding to the development. Sustainable drainage systems including new surface water drainage systems are to be included, with the required number of treatment drains all in accordance with the national standards.

Geotechnical and Contamination Assessment

The assessment concludes that the site is suitable for the proposed development, providing a number of recommendations and further investigation of gas monitoring, asbestos surveys, soil analysis, tree surveys and cable percussion boreholes.

Planning Statement

The statement firstly considers the site characteristics before turning to the proposed development in the context of national and local policy. The statement refers to the current facilities on site which are not considered fit for purpose, not available for public use and can be attributed only limited weight, as well as referring to the significant package of replacement facilities, that have arisen from this development proposal, which will help outweigh the loss of one private pitch and outdated facilities on the application site. This statement concludes that the principle and detail of development is acceptable and that the loss of open space is acceptable having regards to the limited contribution this makes to public amenity and also the significant package of measures which in both quantitative and qualitative terms far outweigh any loss of recreational land at the application site.

Transport Statement (Revision D)

The Statement considers the development in its context stating that the site is in walking distance to a choice of local bus services, which are accessible from Stoke Road and Tudor Road and within walking distance to a range of schools, shopping, employment and recreational facilities. It states that the proposed changes to the new access road to serve Richmond Primary School are considered to be an improvement over the existing. In terms of impact upon the local road network, the statement confirms that the development is not forecast to generate significant additional vehicle trips on the surrounding highway network and that capacity assessments have shown that the proposed site access junction would operate well within capacity at the development opening year, and would have significant reserve capacity to accommodate further traffic growth. In addition it cites recent accident data submitting that it provides no evidence of any road safety problems in the vicinity of the site.

Further Information

The applicant has provided additional information during the course of the application justifying the loss of the playing pitch at the Hinckley Club for Young People at Stoke Road. It states that significant facilities that have been created at Richmond Park, the cost of which is to a degree to be funded by the capital receipt arising from the Council's disposal of the Hinckley Club for Young People site on Stoke Road. The information also states that it is important to recognise that the Richmond Park facilities were always intended as a replacement for the Hinckley Club for Young People and that Hinckley Club for Young People submitted the application at Richmond Park as proposed replacement facilities for their existing club premises at Stoke Road. The information provided goes on to emphasise the improvements to Richmond Park in terms of the actual increase in the playable area and in particular comparisons are made between the usability of the all weather pitch at Richmond Park, to the existing on site grass pitch at Stoke Road. It concludes that the all weather pitch provides the ability for more intensive use per day to meet the demand for playing pitches in the area. The applicant has also provided an extract from the booking systems at Richmond Park to compare the usability of the all weather pitch at Richmond Park to the grass pitch on site.

Following Sport England maintaining their objection, the applicant has provided additional information. They state that Sport England are in support of the improvements made to

Richmond Park and the opportunities that they have created for sport, but state that it is regrettable that themselves and Sport England disagree with the interpretation of policy. The dispute relates to the interpretation of PPG`7 (Exception 5) and the Sport England’s Playing Field Policy. The applicant differs in opinion from Sport England asserting that whilst there is a loss of a playing field under PPG17 and the Playing Field Policy the detriment of such a loss is outweighed by the indoor/outdoor facility at Richmond Road. In disagreement with Sport England it supports its assertions stating that ‘there is nothing within PPG17, or Playing Field Policy which specifically states that the exception can only be acceptable in circumstances where the indoor or outdoor facility is on the same site as the playing field to be lost’. The applicant therefore urges that caution should be taken with attributing significant weight to the approach taken by Sport England.

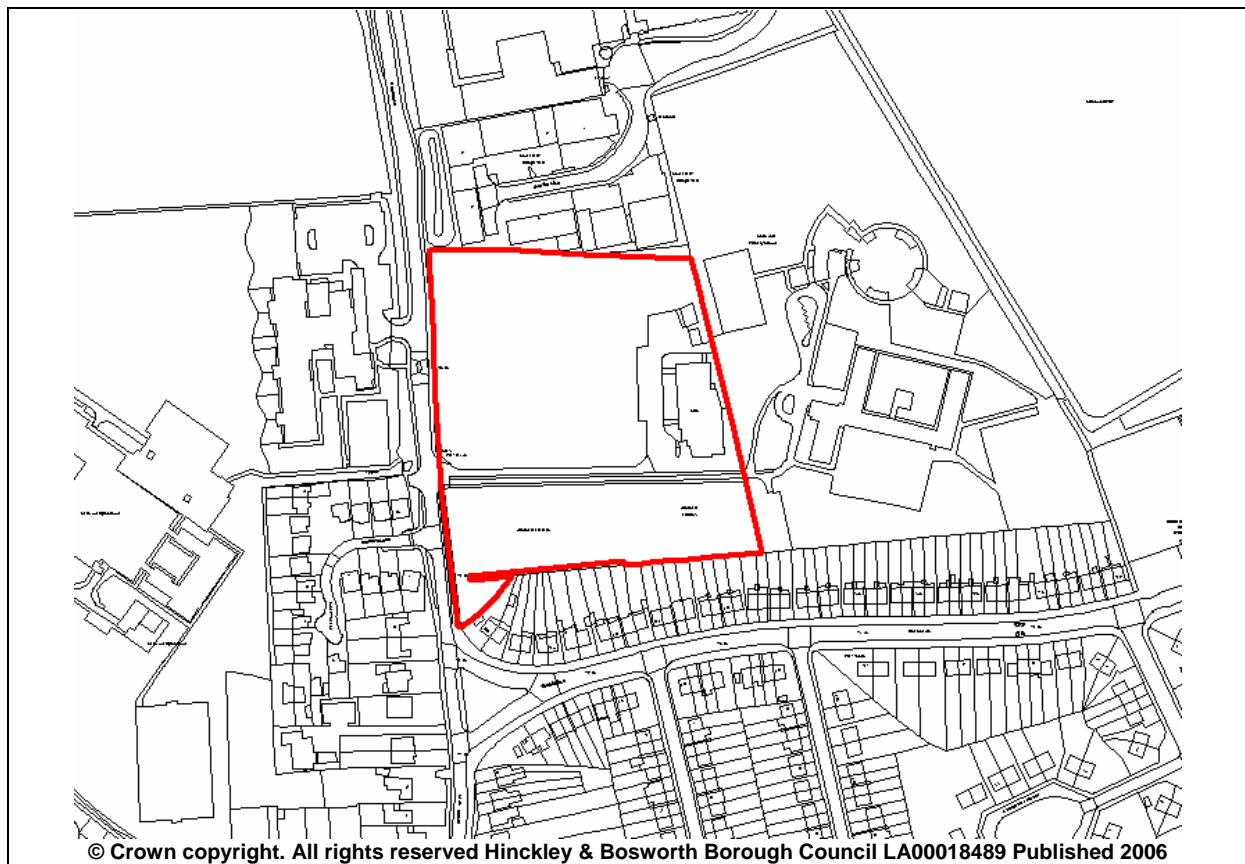
In addition, the applicant draws on the inter-relationship between the Stoke Road site and Richmond Park which are less than 200 metres apart and divided only by the provision of Richmond Primary School and its associated playing fields. In support the applicant provides a similar case in Solihull where a residential redevelopment of a playing field with the associated capital receipt providing funding for the provision of a Community Sports Foundation and associated indoor and outdoor sporting facilities not on the site. The applicant states that in this instance Sport England raised no objections to the proposal. As such the applicant considers it important to emphasise the wider benefits and linkages between the two sites and the specific working of these sporting policies.

History:-

93/00942/4	Retention of Storage Building	Approved	30.11.93
88/00676/4	Storage in Performed Concrete Garages	Approved	26.07.88
81/01010/4	Retention of Storage	Approved	24.11.81
76/01216/4	Retention of Storage Building	Approved	23.11.76

Whilst not relating to the application site, the following planning permission relates to the relocation of the Hinckley Club for Young People at Richmond Park and subsequent approvals have been permitted for drainage provision.

09/00080/FUL	Erection of Youth Centre and Community facilities including external activity areas and parking	Approved	07.05.09
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Consultations:-

Objections have been received from Sport England.

Following the submission of further information from the applicant, re-consultation was undertaken with Sport England whom has stated they wish to maintain their objection to the application.

No objection has been received from Head of Business Development and Street Scene Services (Waste Minimisation).

No objection subject to conditions have been received from:-

Environment Agency
Severn Trent Water
Central Networks
Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage)
Head of Community Services (Pollution).

The Leicestershire Constabulary Crime Reduction Officer has no objection in principle, but refers to amendments in the layout to improve the natural surveillance on site.

The Director of Environment and Transport (Highways) has stated that they are not in a position to comment on the application as there is insufficient detail to be able to make a detailed response.

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 no contribution is being sought for local primary or high schools, given an overall surplus for the area. In relation to upper schools, a deficit of 7 places is created by the development resulting in a contribution of £128,486.12.
- 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 £3,005.00 is sought.
- c) Director of Adults and Communities (Libraries) in respect of additional users of the existing library facilities at Hinckley Library on Lancaster Road a contribution of £4070.00 is sought.
- d) Director of Environment and Transport (Highways) states that travel packs at £50.18 can be supplied by Leicestershire County Council; the provision of 6-month bus passes (2 application forms to be included in each Travel Pack) to be funded by the County Council at £325.00 per pass with an estimated maximum 25% update and updated to the 2 nearest bus stops including raising and dropping kerbs at a cost of £3,852.00 per stop.
- e) Chief Executive (Ecology) does not request any financial contributions.

The Primary Care Trust requests a contribution of £47,599.37 towards the provision of health care facilities at the GP Practice at Stoke Golding, including extensions and alterations for additional consulting space.

Leicestershire Constabulary Crime Reduction Officer is not seeking a developer contribution.

The Head of Corporate and Scrutiny Services (Green Spaces) has requested a total of £124,611.50 for the provision and maintenance of formal recreation; equipped play space and informal play space at Richmond Park and Preston Road Open Space.

Site notice and Press notice were displayed and neighbours notified.

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

- a) lose the right of way to the rear of the properties along Tudor Road
- b) insufficient space to access the rear and turn into the properties' garage to the rear of Tudor Road, it proposes 3 metre and 6 metres is required
- c) loss of allotments; no notification that this will be lost; no-reinstatement or integration within the site
- d) loss of natural habitat and wildlife
- e) it should be preferential to access Tudor Road through the estate and take away one of the exists onto Stoke Road
- f) loss of privacy and loss of view
- g) devaluation of properties
- h) increase in level of traffic on Stoke Road and associated impacts
- i) safety of the three schools; why an additional access?
- j) plot 65 would lead to overlooking, impact upon privacy
- k) private land falls within the application site.

Councillor Michael Mullaney and County Councillor David Bill express concerns over the access drive to the neighbouring dwelling's 162-204 Tudor Road stating that there is insufficient space for them to drive out on.

At the time of writing the report comments have not been received from The Borough Council's Arboricultural Consultant.

Following re-consultation, the consultation period remains open at the time of writing and closes on 6 October 2011. Any further consultation response received before the closing date will be reported and appraised as a late item.

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 and 30 dwellings per hectare is no longer a national indicative minimum density to allow local planning authorities to develop their own range of policies whilst having regard to the continued need to develop land in the most efficient manner.

The 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 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. 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.

Paragraph 15 of PPG17 stipulates the approach local authorities should take when determining applications for development for playing fields. It states that in advance of an assessment of need, local authorities should give very careful consideration to any planning applications involving development on playing fields. Where a robust assessment of need in accordance with this guidance has not been undertaken, planning permission for such developments should not be allowed unless:-

- a) the proposed development is ancillary to the use of the site as a playing field (e.g. new changing rooms) and does not adversely affect the quantity or quality of pitches and their use
- b) the proposed development only affects land which is incapable of forming a playing pitch (or part of one)
- c) the playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality and in a suitable location (see paragraph 13 or)
- d) the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field

Paragraph 13 states that equally, development may provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility. The new land and facility should be at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality. Wherever possible, the aim should be to achieve qualitative improvements to open spaces, sports and recreational facilities. Local authorities should use planning obligations or conditions to secure the exchange land, ensure any necessary works are undertaken and that the new facilities are capable of being maintained adequately through management and maintenance agreements.

Paragraphs 16-17 of PPG17 stipulates the approach local authorities should take when determining applications for developments within open spaces. It states 'local authorities should weigh any benefits being offered to the community against the loss of open space that will occur.' In determining the application local authorities should; avoid any erosion of recreational function and maintain or enhance the character of open spaces; ensure that open spaces do not suffer from increased overlooking, traffic flows or other encroachment; protect and enhance those parts of the rights of way network that might benefit open space and; consider the impact of any development on biodiversity and nature conservation.

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

Spatial Objective 7: 'Healthier Active Communities' seeks to develop a healthier and stronger community by improving access to, and the provision of, community sports and cultural facilities.

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 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.

Policy 16: 'Housing Density, Mix and Design' seeks to ensure that all new residential development provides 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 lies within the settlement boundary of Hinckley, as defined in the adopted Hinckley and Bosworth Local Plan.

Policy REC1: 'Development on Recreational Sites' states that planning permission for alternative uses will not be granted for the development of land and buildings currently used for recreation and open space unless any one of the following criteria is met:-

- a) The developer provides an equivalent range of replacement facilities in an appropriate location or
- b) The developer provides adequate proof that there is a surplus of recreational land/facilities beyond the needs of the local community
- c) The development of a small part of a larger site in recreational use would result in the enhancement of facilities on the remainder of the site.

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 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 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

The National Planning Policy Framework (Draft)

The draft NPPF is the coalition Government's proposed replacement of planning policy statements in one document.

The Planning System: General Principles (2004) stipulates that 'emerging policies, in the form of draft policy statements or guidance, can be regarded as material considerations, depending on their context'.

- The NPPF provides an overarching presumption in favour of sustainable development, this is defined as
- Planning for prosperity - using the planning system to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation
- Planning for people - using the planning system to promote strong, vibrant and healthy communities, by providing an increased supply of housing to meet the needs of the present and future generations
- Planning for places - using the planning system to protect and enhance our natural, built and historic environment, to use natural resources prudently and to mitigate and adapt to climate change.

The NPPF stipulates local planning authorities 'should approve all individual proposals wherever possible' (pg 4, paragraph 14) and should 'attach significant weight to the benefits of economic and housing growth' (pg 15, paragraph 54).

In addition the NPPF stipulates that existing open spaces, sports and recreational buildings and land should not be built on unless;

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The need for and benefits of the development clearly outweigh the loss.

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. However, consideration should however also be given to Paragraph 72 of PPS 3, which indicates that local planning authorities should not refuse applications solely on the grounds of prematurity.

Given that this document is not adopted, at present the Site Allocations Document carries little weight.

Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update)

The Green Space Strategy and accompanying update has not identified the proposed development site within its assessment because, whilst the site is the ownership of the Council, it was only publicly accessible as a member of the on-site club.

The study does, however identify Richmond Park as a neighbourhood park as being within a catchment area of 600 metres and identifies that the park has a quality score of 41.2%. This stands significantly lower than the 75% quality score which is the required standard set by the Parks and Countryside Service. In addition, the study identifies that Hinckley specifically has a deficiency in the quality of existing pitch and ancillary provision. The key issues to address are identified as; the drainage of pitches; quality of pitch surface; quality of ancillary provision and facilitation of increased usage and capacity of existing pitches.

Appraisal:-

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

Principle of Development and Loss of a Recreation Site.

The Green Space Strategy 2005-2010 and accompanying Audits of Provision 2007 (Update) does not identify the proposed development site within its assessment because, whilst the site is the ownership of the Borough Council, it was only publicly accessible by members of the on-site club. The playing pitch is not, therefore, available for public use and being historically leased to the Hinckley Boys Football Club has only been used for their purposes. Despite this, the site is still designated as an existing recreation site in the adopted Hinckley and Bosworth Local Plan.

As such the proposal falls to be considered in terms of Policy REC1: Development of Recreation Sites and the overarching intentions of PPG17 and the draft NPPF.

Policy REC1 only permits the development of existing recreation sites if any one of the following criteria is met:-

- a) The developer provides an equivalent range of replacement facilities in an appropriate location or
- b) The developer provides adequate proof that there is a surplus of recreational land/facilities beyond the needs of the local community
- c) The development of a small part of a larger site in recreational use would result in the enhancement of facilities on the remainder of the site.

In this case it is considered that an equivalent range of replacement facilities in an appropriate location is being provided. The application is accompanied by a Planning Statement which discusses the replacement facilities which are currently being implemented at Richmond Park, the costs of which have been planned to be offset through the disposal of the application site.

Pre 2009 Richmond Park had the following facilities:-

- Two senior football pitches
- One cricket pitch

On completion of all new and improved facilities Richmond Park will have:-

- Three senior football pitches, new drainage improvements to all pitches are planned
- One 'up to 12 year old' football pitch
- Two indoor sports halls
- One cricket wicket
- One new toddler's play area
- One new MUGA
- One five-a-side synthetic pitch
- Climbing Wall
- Skate park
- BMX track
- Basketball 'one on one' court.

Whilst the developer has not provided this new facility directly, the proceeds from the anticipated disposal of the application site by the Borough Council is understood to have been earmarked in the Borough Council's Capital Programme to off-set the contribution made towards the new Hinckley Club for Young People re-located to Richmond Park and the further improvement to the football pitch facilities at Richmond Park. In addition, the improvements at Richmond Park facilitated by the site disposal are in line with those identified by the Green Space Strategy.

The Green Spaces Strategy Qualitative Audit in 2004 which was carried out in line with the recommendations made within PPS7 awarded Richmond Park a quality score of 41.2%. This audit was carried out in line with recommendations made within Planning Policy Guidance 17 and with these proposed improvements this score is set to rise to 73.5%. This Audit did not identify the application (Stoke Road) within its assessment because, whilst the site is the ownership of the Borough Council, it was only publicly accessible by members of the on-site club. It is considered that the anticipated disposal of the application site will allow capital that is to be contributed towards the new and improved facilities at Richmond Park. As such it is therefore considered that the re-development of Stoke Road directly relates to the proposed improvements at Richmond Park.

It should also be noted that within the planning permission for Richmond Park (ref: 09/00080/FUL) Sport England via their consultation response, agreed that the additional sporting facilities, including the qualitative improvements to the drainage of Richmond Park would be of sufficient benefit to the development of sport as a whole.

Richmond Park is given a catchment area of 600 metres within the Green Space Study which encompasses the proposed development site and is therefore considered to be within an appropriate location.

Accordingly, whilst the development is not in strict accordance with the requirements of the policy as the developer has not directly provided the equivalent range of facilities, it is considered that the improved Richmond Park provides enhanced facilities, within an appropriate location that are partially facilitated by this development. It is therefore considered that the development by virtue of its facilitation of the Richmond Park improvements is largely compliant with criterion a) of Policy REC1.

Within PGG17, paragraphs 16-17 stipulate the approach local authorities should take when determining applications for developments within open spaces. It states 'local authorities should weigh any benefits being offered to the community against the loss of open space that will occur.' In determining the application local authorities should; avoid any erosion of recreational function and maintain or enhance the character of open spaces; ensure that open spaces do not suffer from increased overlooking, traffic flows or other encroachment; protect and enhance those parts of the rights of way network that might benefit open space and; consider the impact of any development on biodiversity and nature conservation.

Paragraph 15 states in respect of existing sports facilities that re-development should not be allowed unless:-

- a) the playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality and in a suitable location (see paragraph 13 or;)
- b) the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field.

Paragraph 13 also states that equally, development may provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility. The new land and facility should be at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality. Wherever possible, the aim should be to achieve qualitative improvements to open spaces, sports and recreational facilities.

As previously identified the recreational function of the site is severely limited by the lack of public accessibility and the derelict nature of the on-site facilities. There are other grass pitches within close proximity of the site, including the ongoing upgrading of the facilities at Richmond Park. As such the proposed development site is considered suitable for residential development as the on-site facilities are being replaced by playing fields of better quantity and quality and in suitable location close by.

It is also considered necessary to consider the draft National Planning Policy Framework, which states that existing open spaces, sports and recreational buildings and land should not be built on unless one of several criteria is met, including:-

- The need for and benefits of the development clearly outweigh the loss.

In this case it is considered that the need for the benefits of the development clearly outweigh the loss. The need for the development is demonstrated through the Borough Council's inadequate five year housing land supply and the identification of the requirement for 1120 dwellings within Hinckley. This is supported, in part, through the proposed allocation of the site for residential development in the preferred options Site Allocations and Generic Development Control Policies DPD.

The benefits of the proposal include the provision of a mix of new housing within the urban area, affordable housing provision and section 106 contributions. In addition, the disposal of this site for residential development was in part driven by the need to off-set the costs of providing the replacement facility at Richmond Park. The facility, as previously identified, is currently unused and derelict and the site stands in close proximity to other grass pitches of a higher standard. The loss of this site as open space and recreation would therefore appear to be outweighed by the need for, and benefits of, the development. In addition, the proposal would contribute to the NPPF's overarching goals for sustainable development i.e. development which provides an increased supply of housing which (dependent of the exact mix of type and tenure) would meet the needs of the present and future generations.

Sport England's concerns at the time of writing are that the facilities provided at Richmond Park do not provide for any additional net gain in area for the playing of sport.

The applicant has already provided details in respect of the number of pitches and facilities gained and in response to these concerns has provided further information in support of its statement that there is an increase in suitable and useable number and area of playing pitches. The information states that prior to the investment in Richmond Park there were areas of both poor quality and un-useable pitches, due to land level changes and topographical issues. This was supported by Sport England within the 2009 application at Richmond Park (ref: 09/00080/FUL) whom recognised that the development of a new build facility on Richmond Park would add value to the surrounding site as the Park was under used at that time. According to the information provided, this resulted in the pitches being un-playable in wet conditions and particularly during the months of December and January. However, as part of the investment that has been made to Richmond Park, monies have been invested which will address the land levels and topographical constraints, so that areas that were once sloped will be available for use as playing pitches.

Thus, whilst the actual site of Richmond Park has not been increased, the playable area within it has been increased. This increase in playable area amounts to approximately 4,937 square metres, (including an all-weather pitch), which together with a further 14,850 square metres of pitches will result in an increase of approximately 10,000 square metres. This compares favourably with the loss of one playing pitch at Stoke Road which measures approximately 8,800 square metres and taking this into account there still remains an overall net increase in the pitch provision as a result of the additional capital generated by the development of this site.

Furthermore, the investment into Richmond Park includes an all-weather pitch and the applicant has provided an extract from the booking systems at Richmond Park to compare the usability of the all weather pitch at Richmond Park to the grass pitch on site. By virtue of the surfacing of such an all-weather pitch it is considered that this is likely to be utilised far more intensively since the surface does not deteriorate every time it is played upon.

It is therefore considered that the type of improvements and facilities proposed, currently under development and fully implemented at Richmond Park will, on a cumulative basis, ensure that there is an increase in the area of play. In addition, an all weather pitch provides facilities that are useable in all weathers and throughout the year. It is therefore considered that usability of the pitches at Richmond Park will have been increased as a result of the additional capital generated by the development of this site.

In summary, it is considered Policy REC1 and the overall intentions of PPG17 are to preserve existing recreational facilities, but that planning permission for alternative uses on open space can be granted if the development provides for an equivalent range of replacement facilities in an appropriate location serving the local community. It is also considered to demonstrate qualitative improvements to the open space and sport recreation within the locality as recommended in PPG17.

It is considered that the application site is not a conventional recreational facility, in the sense that the playing pitch has never been available for public use. This, combined with the significantly substandard, outdated facilities, provides an important background in terms of its existing limited contribution to sport in the locality. The loss should therefore be considered in this context.

Hinckley Club for Young People have re-located to Richmond Park and have received planning permission for a new youth centre, community facilities and a variety of pitch improvements, as discussed above. It is considered that more than adequate replacement

facilities will have been provided within close proximity to the application site, which will result in an enhanced publically available recreational area, as supported by the predicted increase in quality score of 73.5% which is considered to significantly contribute to sport in the locality.

The Green Spaces Strategy Qualitative Audit in 2004 which was carried out in line with the recommendations made within PPS7 awarded Richmond Park a quality score of 41.2%. This audit was carried out in line with recommendations made within Planning Policy Guidance 17 and with these proposed improvements this score is set to rise to 73.5%. This Audit did not identify the application (Stoke Road) within its assessment because, whilst the site is the ownership of the Borough Council, it was only publicly accessible by members of the on-site club. It is considered that the anticipated disposal of the application site will allow capital that is to be contributed towards the new and improved facilities at Richmond Park. As such it is therefore considered that the re-development of Stoke Road directly relates to the proposed improvements at Richmond Park.

The types of improvements proposed and facilities provided at Richmond Park, set to be facilitated as a result of the re-development of Stoke Road will also ensure that there will be an increase in the useable area of pitches throughout the year within the locality.

The policy framework thus makes clear that existing open space can be built upon provided that there is compensatory provision of at least an equivalent range for replacement facilities in an appropriate location to offset the loss of existing facilities. It is therefore considered that there has been an overall net gain in both the number of facilities and pitches available, but more importantly a gain in the accessibility and usability of these facilities at an appropriate nearby site. On balance, it is considered that the benefits of the development at Richmond Park outweigh the loss of the recreation pitch on the application site.

Five Year Housing Land Supply

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

The 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 that 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 East Midlands Regional Plan (March 2009) forms part of the statutory development plan, providing an overarching strategic policy context for the consideration of planning applications in the region. On the 6th July 2010 the Government announced that it was to abolish Regional Plans. A Judicial Review took place on the revocation of Regional Plans and on the 7th February 2011 a judgement was made by the High Court in favour of the Secretary of State, meaning that the intended scrapping of Regional Spatial Strategies is a 'material consideration', which can be considered by local planning authorities and planning inspectors when making decisions. This policy direction has been reflected in the emerging Localism Bill which was introduced to Parliament on 13th December 2010. However, the East Midlands Regional Plan has not yet been formally abolished and therefore remains a material consideration in determining planning applications.

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.

As the Council have recently adopted the Core Strategy, the Local Planning Authority will continue to 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 which is based upon the Core Strategy requirements.

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). The adopted Core Strategy has been adopted and allocated a minimum of 1120 dwellings within Hinckley.

In considering the shortfall in the land supply, Policy 1 of the Core Strategy allocates a minimum of 1120 dwellings to Hinckley to allow for flexibility in the level of housing provided. The proposal is for 65 dwellings and would count towards the housing requirement for Hinckley as set out in the Core Strategy.

PPS 3 sets out that Local Authorities should identify and maintain a rolling 5-year supply of deliverable land for housing. In particular at paragraph 71 the PPS states 'where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites'

they should consider favourably planning applications for housing, having regard to the policies in 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 site has been identified as a preferred option for residential development in the Draft Allocations and Generic Development Control Policies Plan Document (February 2009). The justification for this preferred option site was based on the replacement of the existing facility with the new facility at Richmond Park and that the residential development of this site was considered appropriate. This is in draft form only and has not yet been subject to independent examination by the Planning Inspectorate (and as such, no or little weight can be given to this, as it is not an adopted document). It therefore 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 must therefore be raised that permitting this site could be considered premature and potentially set a precedent for other sites coming forward, thus undermining the LDF process. Consideration should, however also be given to Paragraph 72 of PPS 3, which indicates that local planning authorities should not refuse applications solely on the grounds of prematurity.

The draft National Planning Policy Framework, whilst only in the draft stage and subject to amendment, should still be regarded as a material consideration. The NPPF speaks of a presumption in favour of sustainable development.

In summary, whilst it would be preferable for the site to be considered in line with the LDF process, it is considered that the approval of this application would bring forward 65 units and contribute towards the Core Strategy housing requirement for Hinckley; contribute towards addressing the shortfall in the overall five year housing land supply and the provision of 13 affordable housing units in an area of identified need. The Borough Council has an identified shortfall in its five year housing land supply and therefore this should be considered as a significant material consideration in favour of this proposed development. 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.

Overall Appearance

Density

Amendments to PPS3 in June 2010 removed the national minimum indicative density of 30 dph. Although Policy 16 of the adopted Core Strategy seeks a density of at least 40 dph within and adjoining Hinckley, it also states that in exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable. The application proposes 65 dwellings on a 2.02 hectare site equating to a net density of approximately 32 dwellings per hectare (dph).

Layout

The layout proposes one main access road off Stoke Road towards the east of the site at Richmond Primary School with 3 other cul de sac routes feeding from this, creating a series of clusters of development. Two smaller vehicular routes at the Stoke Road frontage are proposed create a linear form of development.

The proposed dwellings have all been designed to face onto the main road, with all amenity spaces provided to the rear of the plots. The layout to the west of the site has ensured that dwellings are facing onto Stoke Road, to create an aesthetical streetscene when viewing the

site from Stoke Road. Dwellings which occupy prominent positions when entering the site (plot 6) and those on corners plots (plots 7, 8, 58, 25, 47, 48, 46) have been carefully considered to ensure that there are no dull or blank frontages.

Car orientated spaces have been carefully positioned to the west of the site, where they would be well screened from outside of the site with planting and boundary treatments.

The rear amenity spaces are largely in conformity with the standards set down in the Council's SPG on New Residential Development, with some plots i.e. 50 – 55 proposing smaller sized gardens. It is considered that there are no issues identified with these sized rear gardens in respect of impact upon residential amenity and that overall on balance, some smaller sized gardens provide an element of choice for future occupiers.

The proposed two bed apartment (plot 42) fails to provide any private amenity space, and developments of this nature are normally expected to provide a degree of outside space. However, given the sites proximity to un-equipped, equipped and formal open space within the area, in addition to the fact that open space could only be provided at the loss of parking, in this case it is considered that there are greater planning gains to be had by the scheme currently proposed.

Following concerns raised by officers and the concerns outlined by the Leicestershire Constabulary Crime Reduction Officer, an amended scheme showing private lighting to the courtyard serving plots 42- 46 has been received.

There are no further details received in respect of the feature entrance proposed to the entrance at Stoke Road, as such it is considered necessary to attach a planning condition ensuring these details are submitted in due course.

Siting of Affordable Housing Units

Members should be aware that tenure split, design and location of affordable housing units within the scheme has been subject to extensive scrutiny. Both the Council's Affordable Housing Officer and the Registered Social Landlord (RSL), whom will be responsible for the future maintenance of the units are all in full agreement with the current siting of the affordable housing units you see here before you now.

Following a recent decision at September planning committee, the applicant has been made aware of issues raised in respect of the siting of affordable housing and has subsequently provided additional information in support of the current layout.

The applicant believes that if it wasn't for the notes provided on the layout plan identifying the affordable housing units, it would be difficult to locate the siting of the affordable houses in this scheme. Further it states that any re-location the units would just involve swapping the two storey mews type dwellings, which give the same kerb side appearance as other dwellings within the scheme. The information also states that the affordable housing units are not grouped together as they are split from one side of the road to the other and the scheme has developed from the creation of character areas which give a sense of place within the scheme itself, which utilise building forms and road layout to emphasise these and that the distribution of affordable housing comes after this process, not the other way round.

Additional consultation has also been undertaken with the Council's Affordable Housing Officer, whom states that the RSL has expressed preference to locate the affordable housing as shown in the plan to assist them in managing the properties once they are occupied and is prepared to depart from policy position on this occasion in order to accommodate the specific request of the RSL.

It is considered in this case, due to the high quality design of the affordable units which assimilate into the scheme, thus ensuring the affordable housing units are not easily recognisable, it is therefore not considered necessary that they be re-positioned or dispersed elsewhere within the site. It should also be noted that the RSL have specifically requested that affordable housing units be sited in one location, rather than spread throughout the site as this causes complications in terms of their maintenance. Accordingly it is considered that the current siting of the affordable housing units should receive full support in this case.

Scale

The surrounding area is characterised by detached and semi detached dwellings of two storey proportions. This scheme proposes detached, semi detached and terraced dwellings all of two storey proportions which occupy fairly similar footprints to that of neighbouring dwellings, ensuring that the scheme is within the character of the surrounding area.

Design

In relation to the visual appearance of the built environment, a varied range of house types proposed within the scheme. Each house type is simplistic in design but of differing footprints and scales containing differing design features such as chimney stacks, window detailing, brick arch headers, brick dental string courses and canopies over the front door. It is considered that the design approach has been carefully considered and the variation adds to the aesthetics of the overall scheme.

The scale of garages are subservient to dwellings and the design largely reflects that of the dwelling to which they serve.

In respect of materials, Ibstock Leicester Weathered Multi Red and Ibstock Leicester Multi Yellow bricks are proposed with a Cemex Grampian Slate Grey for the roof tiles. The acceptability of these external finishes has not been fully considered and the Local Planning Authority would request that samples are first submitted to them for subsequent approval, which can be secured by the imposition of a planning condition.

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Hard and Soft Landscaping

In respect of hard landscaping the scheme proposes:- 1.8 metre high concrete post and timber panel fencing; 1.8 metre high feather edged board screen fencing with capping details to the top; 1.8 metre high fencing with trellis above; 1.7 metre high brick wall, with buff stone capping above and 1.1 metre and 1.8 metre high railings and gates. The appearance of the fencing is considered appropriate in its appearance and will not be harmful to the overall design concept of the scheme and the character of the immediate area.

The application has been accompanied by a landscaping plan which details the location and species of trees, hedgerows and shrubs and grass turfed areas throughout the site which mainly fall to the fronts and sides of plots. The existing hedgerow to Stoke Road is to be retained, trimmed and tided, within new mature hedge and tree planting at the back of the

footpath along Stoke Road. To the south additional planting against new 1.8 metre high ornate green railings is proposed to provide security for the existing rear access to dwellings and new tree planting to site boundary to help screen the existing industrial estate. The level of planting is considered appropriate to contribute to the visual amenity of the development.

In summary, the range of terraced, semi detached and detached properties of 2, 3 and 4 bedroomed configuration combined with the 2 storey proportions adds variation and interest and provides strong attractive street scenes, softened by the variation in architectural detailing, materials, surfacing, boundary treatments and trees and landscaping. The existing hedgerows are set to be enhanced and the location of hedgerows and trees are set to screen the development from the industrial site to the north and residential dwellings to the south. The current siting of the affordable housing is not considered to give rise to any significant impact and with the backing of the Council's Affordable Housing Officer and RSL, it is considered that the scheme should receive full support in this case. Re-positioning and dispersal of the affordable housing units has already been explored during the course of the application and has not received support from the RSL. The specific details of the feature entrance are to be secured by condition. Accordingly the scheme is considered to be in accordance with Policy and BE1 of the Local Plan.

Impact upon Residential Amenity

The site is bordered by residential dwellings to the south of the site by dwellings on Tudor Road. Objections have been raised in respect of the loss of open aspects, privacy and overlooking.

The neighbouring residential dwellings most immediately impacted upon as a result of the proposal would be dwellings located along Tudor Road, to the south of the site.

With the exception of plots 64 and 65, there would be a distance of between 30-40 metres between the side walls of the proposed dwellings and the rear wall of the dwellings along Tudor Road. This distance exceeds the distances set down in the Council's SPG on New Residential Development and combined with the presence of boundary treatments and additional planting, it is not considered that there would be any significant overlooking, overshadowing or overbearing impacts.

In respect of plot 65, this has been re-orientated during the course of the application to ensure that any potential issues of direct overlooking have been mitigated against. Plot 64 would not give rise to any significant impacts given the distance from neighbouring dwellings and the presence of additional planting and boundary treatments providing screening.

Whilst there are residential dwellings to the west, beyond Stoke Road, it is considered that there are sufficient distances between the existing and proposed residential units resulting in no significant impact upon residential amenity. For the avoidance of doubt, there are no residential dwellings located to the north of east of the site.

There are a number of industrial units to the north of the site on Cloverfield. The scheme has been considered by the Head of Community Services (Pollution) whom has requested a condition to secure a scheme for the protection of the proposed dwellings from this industrial site. As such, it is considered that appropriate mitigation measures should be secured through the imposition of planning conditions.

Land ownership, a right to view and de-valuation of properties are not material planning considerations.

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.

Objections have predominantly been raised in respect of the access drive to the rear of the dwellings along Tudor Road, as well as the increase in the level of traffic on Stoke Road and associated impacts and the needs for an additional access to the school and associated safety impacts.

The proposed access arrangements include a new 6.5 metres wide estate road provided from the centre of the site to serve both the development and Richmond Primary School to the east of the site including 2 no. 2 metre wide footpaths. A separate new vehicular access is also proposed to specifically serve plot 65. All new dwellings are to be provided with at least one allocated car parking space. All spaces are allocated to dwellings, with the exception of some visitor spaces provided around plots 39-46 and there is a mixture of integral and single and double detached garages. Off site, along Stoke Road a new right hand turning facility has been provided.

The majority of the objections raised by neighbouring residents concern the inadequate width of the access drive which serves the rear of the dwellings along Tudor Road. To address these concerns, the applicant has provided an amended plan showing the re-positioning of the proposed new fencing ensuring that a minimum 3 metre width route will be achieved, which gives a width greater than the existing drive. It is considered that this rear access drive is not intended to be closed, obstructed or hindered in anyway and that residents will still be able to access the rear of their properties. It is also considered that the provision of fencing and lighting columns will enhance the appearance of this route.

In response to concerns of highway safety, the Director of Environment and Transport (Highways) states that the current access to Richmond Park is substandard and the new estate road would represent a significant improvement.

In terms of the level of congestion and associated impact ,the Director of Environment and Transport (Highways) considers that the proposed development would give rise to only a modest traffic generation, which is not expected to impact significantly upon the surrounding highway network.

In summary, 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 65 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

Policy 15 of the Core Strategy sets an affordable housing target of 20% on sites in the urban area of 15 dwellings or more. This scheme provides 13 out of the 65 dwellings as affordable units which equates to approximately 20% affordable housing provision which complies with this policy.

The applicant has committed to providing 20% affordable housing within the draft Heads of Terms with a tenure split of 75% for social rented and 25% for shared ownership, which is in accordance with Core Strategy Policy 15.

This equates to the provision of 13 affordable units; 10 for social rented and 3 for intermediate tenure. Of the 10 for social rented this equates to:- 5 two bedroomed dwellings, 1 two bedroomed apartment and 4 three bedroomed dwellings and for the Intermediate tenure:- 3 three bedroomed dwellings.

The latest Housing Register as of 4 August 2011, in Hinckley stated that 223 applicants were looking for 2 bedroomed properties, 80 looking for 3 bedroomed properties and 13 for 4 or more bedroomed properties. It is considered that there is a high demand within Hinckley and the provision in this development is welcomed.

It is considered that there is an identified need for a range of affordable units in Hinckley and as such it is considered necessary to provide them within this development. This scheme, falling within the settlement boundary of Hinckley, and providing a number of units which has triggered the request for affordable housing in line with Core Strategy Policy 15 are 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) 2010.

The provision of the affordable housing is being secured through the draft S106 agreement submitted with the application. The positioning of the affordable housing has already been discussed within this report. Accordingly the scheme would meet the requirements of Policies 15 of the adopted Core Strategy, supported by the Council's Supplementary Planning Document on Affordable Housing.

Play and Open Space Contributions

The scheme does not propose any on site useable public open space and as such the applicant will be required to provide off site contributions.

Informal Children's Play Space:- A shortfall in the required provision of on site informal play area means that an off site contribution is required. The application site falls within 400 metres of Richmond Park and as such financial contributions of £6,006.00 for the provision and £10,335.00 for the maintenance of play area is sought, particularly for the improvements to the drainage of these areas to ensure that the quality of the drainage of the land is improved to encourage play facilities throughout the year. The Quality and Accessibility Audit of 2005 seeks to ensure that the provision for children and young people in Hinckley meets the needs of all ages and provides opportunities for informal place.

Equipped Children's Play Space:- A shortfall in the required provision of on site equipped children's play area means that an off site contribution is required. It has been identified that the application site is located within 400 metres of equipped place space at Preston Road Open Space and as such a financial contribution will be secured against this site. A contribution of £47,151.00 is required for the provision of new equipped play space and

£22,977.50 for the maintenance of this new equipment. Within the Green Space Strategy 2005-2010, Hinckley was found to have a deficiency of equipped play space for its population, of -1.20 when compared with the National Playing Fields Standard. The quality of the space was considered within the Quality and Accessibility Audit of 2005 which awarded Preston Road local open space with 20.7%. The Audit also states that there is a shortfall in the quality and quantity of equipped children's play in Hinckley.

Formal Recreation Space:- Similarly off site contributions will also be required for formal open space. The application site falls within 1 kilometre of Richmond Park and as such financial contributions of £20,982.00 for the provision and £17,160.00 for the maintenance is sought. Within the Green Space Strategy 2005-2010, Hinckley was found to have a deficiency of outdoor sports (-12.50) for its population when compared with the National Playing Fields Standard. The quality of the space was considered within the Quality and Accessibility Audit of 2005 which awarded Richmond Park a quality score of 41.2%. In addition, the Head of Corporate and Scrutiny Services (Green Spaces) has requested financial contributions for the improvement to the drainage of the site to ensure that the site is useable throughout the year.

Accumulatively the development attracts contributions for play and open space of £124,611.50.

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 Preston Road Open Space and Richmond Park, 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 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 Policies 1 and 19 of the adopted Core Strategy, Policies REC2 and REC3 of the adopted Local Plan, supported by the Council's Play and Open Space SPD as well as meeting the tests within the CIL Regulations.

Other Developer Contributions

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

- Director of Children and young Peoples Services (Education) requests £128,486.12
- Director of Environment and Transport (Civic Amenity) requests £3,005.00
- Director of Adults and Communities (Libraries) requests £4070.00
- The Primary Care Trust requests £47,599.37
- The Head of Corporate and Scrutiny Services (Green Spaces) request £124,611.59.

On consideration of all of these requests received in respect of this application it is considered that the following meet the tests as set out in the CIL Regulations 2010:-

- Affordable Housing – (13 units)
- Play and Open Space – (£124,611.50)
- Education – (£128,486.12)
- Public Transport – Travel Packs at £50.18; Bus Passes at £325.00 per pass and £3,852.00 per bus stop.

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 Flood Zone 1 and, as such is categorised as an area with a 'low probability' of flooding. The application has been accompanied by a Flood Risk Assessment which states that new surface water drainage systems will be designed in accordance with national standards and will provide protection from surface flooding and sustainable drainage systems will be included within the development in accordance with the required number of treatment drains all in accordance with planning policy.

The scheme has been considered by the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage) all of whom have no objection 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 national planning policy PPS25.

Other Matters

Phasing of the Development

During the course of the application the applicant has provided a phasing plan that details six phases for the construction of the development.

Phase one proposes the construction of plots 53-60 (including Plot 65) to the west of the site; with phase two completing the dwellings across the Stoke Road frontage (plots 1-6). Phase three completes the south east corner of block plots 32-52 including the affordable housing units. Phase four is plots 7-12, with phase six proceeding with the construction of plots 24 to 14 in the northern corner of the site. During the construction, the compound, material store and car parking is set to be located in the northern corner of the site until completion of phase six.

In the current economic climate it is necessary for Local Planning Authorities to consider and where possible, adopt a flexible approach to the delivery of development. It is however, considered necessary to consider the level of affordable units providing throughout the phases. The total Number of affordable units by the end of each phase of the development are; Phase one: 0 units; Phase two: all 13 units.

The proposed phasing of this development seeks to deliver the development in six phases, providing a balance of privately owner/occupied and those owned by the Registered Social Landlord and is considered to be acceptable. It is not considered to result in any detriment to the visual amenity or the safe and functional use of the site. The phasing of the development is being secured within the draft S106 agreement.

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 outdoors waterbutts 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 scheme has been considered by Head of Business Development and Street Scene Services (Waste Minimisation) who has no objection to the scheme.

Conclusion

In conclusion, the site lies within the settlement boundary of Hinckley, where there is a presumption in favour of development, providing all other matters can be adequately addressed. It has been considered that the compensatory provision of replacement facilities and improvement of existing facilities at the nearby Richmond Park are comprehensive and significant and therefore sufficient to offset the loss of the existing facilities on site. It is considered that the lack of 5-year housing land supply is a significant material consideration in this application and this site would address part of the current shortfall of housing units within the Hinckley area, whilst also providing an contribution to the number of affordable housing units in the area, 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 including the affordable units is considered acceptable and will provide a high quality scheme with strong attractive street scenes. The access, parking, highway safety and impact upon the local network have all been considered by the Director of Environment and Transport (Highways) whom raises no objection to the scheme. There are no other issues identified which would suggest that the scheme would be contrary to development plan policies. Accordingly it is recommended that the proposed development is acceptable, subject to the imposition of planning conditions.

RECOMMENDATION:-

1) That, subject to no new material planning considerations being identified to the Council prior to the expiry of the consultation period on 6 October 2011, the Deputy Chief Executive (Community Direction) be authorised to notify the Secretary of State for Communities and Local Government of the application at the request of Sport England and that the Council does not propose to refuse it, and;

2) should the Secretary of State notify the Council in accordance with Circular 02/2009 that he does not intend to issue a Direction under Section 77 of the Town and Country Planning Act 1990 in respect of the application then subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 to provide affordable housing units and financial contributions towards play and open space, education, highway improvements and package and subject to the conditions outlined below the Deputy Chief Executive (Community Direction) be authorised to issue the decision accordingly:

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: benefits of the development at Richmond Park outweigh the loss of the recreation pitch on the application site, would contribute to the current shortfall in the five year housing land supply and to the shortfall of dwellings required in the Hinckley area; would not have an adverse impacts upon highway safety, residential amenity or flooding and would contribute to the provision of affordable housing and other infrastructure and services.

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

Hinckley and Bosworth Local Plan (2001):- Policies REC1, REC2, REC3, RES5, IMP1, BE1, NE14, T3, T5, T9, T11.

- 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 application details as follows:-

Location Plan Drawing No E876/P/LP01; Street Scenes Drawing No's E786/P/SS01; E786/P/SS02; Landscape Detail Plan Drawing No 03702 A; Appleton House Type Drawing No's E876/P/HTAPP/01; E876/P/HTAPP/02; E876/P/HTAPP/03; E876/P/HTAPP/04; Berrington House Type Drawing No's E876/P/HTBER/01; E876/P/HTBER/02; E876/P/HTBERSA/01; E876/P/HTBERSA/02; Bramhall House Type Drawing No's E876/P/HTBRA/01; E876/P/HTBRA/02; E876/P/HTBRA/03; E876/P/HTBRA/04; Budworth House Type Drawing No's E876/P/HTBU/01 Revision A; E876/P/HTBU/02 Revision A; E876/P/HTBU/03 Revision A; E876/P/HTBU/04 Revision A; Capesthorpe House Type Drawing No's E876/P/HTCAP/03 Revision A; E876/P/HTCAP/01 Revision A; E876/P/HTCAP/04; E876/P/HTCAP/02; E876/P/HTCHA/01; E876/P/HTCHA/02; E876/P/HTCHA/03; E876/P/HTCHA/04; Dalton House Type Drawing No's E876/P/HTDA/01; E876/P/HTDA/02; E876/P/HTDA/03; E876/P/HTDA/04; Didsbury House Type Drawing No's E876/P/HTDID/01; E876/P/HTDID/02; E876/P/HTDID/03; E876/P/HTDID/04; Dunham House Type Drawing No's E876/P/HTDUN/01; E876/P/HTDUN/02; E876/P/HTDUN/03; E876/P/HTDUN/04; Edgware Apartment Drawing No's E876/P/HTED/01; E876/P/HTED/02; Malham House Type Drawing No's E876/P/HTMAL/01; E876/P/HTMAL/02; E876/P/HTMAL/03; E876/P/HTMAL/04; Morton 2 House Type Drawing No's E876/P/HTMOR/01; E876/P/HTMOR/02; Staunton House Type Drawing No's E876/P/HTSTAU/01; E876/P/HTSTAU/02; E876/P/HTSTAU/03; E876/P/HTSTAU/04; Wharfdale House Type Drawing No's E876/P/HTWHA/01; E876/P/HTWHA/02; E876/P/HTWHA/03; E876/P/HTWHA/04; Winster House Type Drawing No's E876/P/HTWIN/01; E876/P/HTWIN/02; General Detached Garage Details Pyramid Garage Drawing No GR1 Revision; General Detached Garage Details Gable Roof Drawing No. GR2-1; General Standard Screen Fence Details 1 Drawing No. F1-1; General Standard Screen Wall Details 2 Drawing No. F2-3; General Wrought Iron Ball Top Details Drawing No. F3-1 received by the Local Planning Authority on 25 July 2011.

General Standard Screen Fence Details 2 Drawing No. F1-3 received by the Local Planning Authority on 24 August 2011.

Planning Layout Drawing No. E876/P/PL01 Revision G; Proposed Treatment to Existing Track Drawing No. E876_P_PO2 Revision A; Topographical Survey Drawing No. 14782 OGL Revision 1 received by the Local Planning Authority on 16 September 2011.

Phasing Plan Drawing No. E876/P/PHASE 01 Revision A received by the Local Planning Authority on 26 September 2011.

- 3 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed residential units 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 until 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 submitted plans, no development shall commence until a detailed scheme of the external appearance of the feature entrance is first submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in accordance with the approved scheme.
- 6 Notwithstanding the submitted plans no development shall take place until full details of hard and soft landscape works have been submitted to and approved the Local Planning Authority and the works shall be implemented in accordance with the approved details. These details shall include:-
 - a) Planting plans
 - b) Written specifications
 - c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - d) Treatment of hard surfaced areas
 - e) Implementation Programme
 - f) Maintenance schedule.
- 7 The approved soft and hard landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 8 No development shall commence until 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.
- 9 All windows serving rooms labelled En-suite, E.S, WC and/ or Bath, as identified on Drawings No.'s E876/P/HTAPP/01; E876/HTAPP/02; E876/P/HTAPP/03; LE876/HTAPP/04; E876/P/HTBER/01; E876/P/HTBER/02; E876/P/HTBERSA/01; E876/P/HTBERSA/02; E876/P/HTBRA/01; E876/P/HTBRA/02; E876/P/HTBRA/03; E876/P/HTBRA/04; E876/P/HTBU/01 Revision A; E876/P/HTBU/02 Revision A; E876/P/HTBU/03 Revision A; E876/P/HTBU/04 Revision A; E876/P/HTCAP/03 Revision A; E876/P/HTCAP/01 Revision A; E876/P/HTCAP/04; E876/P/HTCAP/02; E876/P/HTCHA/01; E876/P/HTCHA/02; E876/P/HTCHA/03; E876/P/HTCHA/04; E876/P/HTDA/01; E876/P/HTDA/02; E876/P/HTDA/03; E876/P/HTDA/04; E876/P/HTDID/01; E876/P/HTDID/02; E876/P/HTDID/03; E876/P/HTDID/04; E876/P/HTDUN/01; E876/P/HTDUN/02; E876/P/HTDUN/03; E876/P/HTDUN/04; E876/P/HTED/01; E876/P/HTED/02; E876/P/HTMAL/01; E876/P/HTMAL/02; E876/P/HTMAL/03; E876/P/HTMAL/04; E876/P/HTMOR/01; E876/P/HTMOR/02; E876/P/HTSTAU/01; E876/P/HTSTAU/02; E876/P/HTSTAU/03; E876/P/HTSTAU/04;

E876/P/HTWHA/01; E876/P/HTWHA/02; E876/P/HTWHA/03; E876/P/HTWHA/04; E876/P/HTWIN/01; E876/P/HTWIN/02; shall be fitted with obscure glass and be retained this way thereafter.

- 10 No development shall commence on site until details of the routing of construction traffic has first been submitted to and approved in writing by the Local Planning Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
- 11 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.
- 12 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all construction vehicles shall be parked within the site.
- 13 Before the first occupation of the respective dwelling hereby permitted, off-street car parking provision shall be made within the application site in accordance with the details shown on the Planning Layout Drawing No. No. E876/P/PL01 Revision G. The parking areas shall be surfaced, marked out prior to the development being brought into use and shall be so maintained that way thereafter.
- 14 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 15 metres behind the Highway boundary and shall be hung so as to open inwards only.
- 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 carriageway.
- 16 No development shall commence until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority 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 any residential units first being occupied.
- 17 If during development, contamination not previously identified is found to be present at the site the local authority must be notified immediately and no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unexpected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to any residential units first being occupied.
- 18 No development shall commence until a scheme for protecting the residential units on plots 1, 2, 11, 12, 12a, 14, 15, 16, 17, 18, hereby approved from the noise from the adjacent industrial/commercial premises has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be carried out prior to any of these specific residential units first being occupied.
- 19 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision A dated 7 September 2011, and Drawing Nos. 2 and 5 Revision A (including the following mitigation measures detailed within it).

Paragraphs 3.2.4, 3.2.7 and 3.2.8 - Limiting the surface water run-off generated by the all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed 11l/s.

- a) Paragraphs 3.2.2 and 3.2.10 - Provision of a minimum of 228m³ of surface water run-off attenuation storage in addition to that provided within the retention and re-use of the existing on-site ditch as part of the surface water scheme, SuDs, design elements.
- b) Paragraph 3.2.13 - Maintenance of the surface water attenuation features, including the ditch and cellular storage for the lifetime of the development.

20 Notwithstanding the information provided, no development shall commence until a detailed drainage scheme including the disposal of surface water and foul sewage have first been submitted to and approved by the Local Planning Authority and these works shall be implemented in accordance with the approved scheme. The details shall include but not be limited to:-

- a) An assessment of the hydrological and hydrogeological context of the development
- b) Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site
- c) Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm
- d) Detailed design (plans, cross sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements
- e) Implementation Programme
- f) Future adoption and management.

The scheme shall be implemented in accordance with the approved details.

21 No development shall commence until a scheme to install trapped gullies or a suitable alternative has first been submitted to and approved by the Local Planning Authority and the development shall be implemented in accordance with the approved scheme.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3&4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 To enable the Local Planning Authority to retain control over the external appearance, in the absence of submitted details to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 6&7 To ensure that the development has a satisfactory visual appearance to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

- 8 In the interests of sustainable development to accord with Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.
- 9 To safeguard amenities of neighbouring properties to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 10 To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 11 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.
- 12&13 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.
- 14 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 15 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 16&17 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 (Planning and Pollution Control).
- 18 The premises are close to industrial units and a noise attenuation measures are required to safeguard the amenities of future occupiers of the plots identified, to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 19 To prevent flooding by ensuring the satisfactory storage of/ disposal of surface water from the site; to reduce the impact of flooding on the proposed development and future occupants and to reduce the risk of flooding to the proposed development and future occupants to accord with Policy NE14 of the adopted Hinckley & Bosworth Local Plan and guidance contained within PPS25.
- 20 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, protect the water quality, minimise the risk of pollution and ensure future maintenance of the surface water drainage system to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan and guidance contained within PPS25.
- 21 To protected the water environment to accord with Policy NE14 of the adopted Hinckley & Bosworth Local Plan and guidance contained within PPS25.

Notes to Applicant:-

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

- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the highway authority.
- 6 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development.

If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

The following matters will need to be addressed as part of any s.38 submission:-

- Clarify what the design speed of the proposed roads is intended to be. All junction and forward visibility splays should be shown on an appropriate plan. These should be linked to the design speed/visibility requirements for access ways/roads as detailed in Leicestershire County Council's adopted design guidance 'The 6C's Design Guide - Highways, transportation and development' (Htd).
 - Traffic calming should be provided to HTD Part 3 Table DG8 on the main road to Richmond Primary School. As this is a school zone the design speed of the road should be 15mph and therefore there should be some form of traffic calming at least every 40m.
 - The plan should show a clear boundary line of what will be Section 278 and what will be Section 38 works.
 - Traffic Regulation Orders will be required on the estate road to protect frontagers from school related parking problems. Details will need to be submitted and agreed with the County Council's Network Management team prior to the submission of the s.38 documents.
 - The two eastern side roads should have traditional 2m hard surfaced footways as the Highway Authority will not accept grassed areas <10m squared.
- 7 The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority.

The Section 278 Agreement must be signed and all fees paid and surety set in place before the Highway works are commenced.

- 8 During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
- 9 It is 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. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.
- 10 In relation to conditions 16 and 17, advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
- 11 Any alteration, building or ground works proposed in the vicinity of Western Power network which may or may not directly affect the cables must notify in detail the Western Power Distribution.
- 12 This permission does not convey any authority to enter onto land or into any building not within the control of the applicant except for the circumstances provided for in The Party Wall etc Act 1996.
- 13 Any works to the hedgerow must be undertaken outside of the bird breeding period i.e. work to occur between September and the end of February. If this is not possible the, the hedgerow must be checked by a suitably experienced individual for nesting birds. Should nesting birds be present, work must be postponed until the young have left the nest.

Contact Officer:- Ebony Mattley Ext 5691

Item: 03
Reference: 11/00464/OUT
Applicant: Mr James Smith
Location: Land West Of Windycott Peckleton Road Kirkby Mallory
Proposal: ERECTION OF ONE DWELLING FOR OCCUPATION BY A GYPSY/TRAVELLER FAMILY (OUTLINE - ACCESS AND LAYOUT)
Target Date: 15 August 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has generated five or more objections.

Application Proposal

Outline planning permission is sought for the erection of a detached dwelling located on land adjacent to Windycot, Peckleton Road, Kirkby Mallory. Layout and access are the only matters for determination at this stage, with all other matters being reserved for approval at a later date.

Whilst not formally seeking approval for scale at this stage, the application sets out the approximate scale parameters; a max of 11.5 metres in length by 7.5 metres in width, with maximum dimensions of 5 and 9.7 metres to the eaves and ridge, respectively.

The development will be served by the creation of a new access from Peckleton Road and the indicative layout plan shows turning areas and the creation of 2 no. car parking spaces.

During the course of the application the description of development has been amended to include the reference 'for occupation by a Gypsy/Traveller family' and an additional statement justifying the need for the dwelling. Re-consultation has been undertaken.

The Site and Surrounding Area

The site is described as garden land within the submitted application form and is located within the countryside, as defined by the adopted Hinckley and Bosworth Local Plan.

Technical Documents submitted with application

The application is accompanied by a Design and Access Statement which states in their opinion that planning policies at national and local level all support the provision of adequate permanent facilities of a minimum health and safety standard for accommodation for travellers and gypsies, in order to prevent 'ad hoc' transitory parking area.

The Need Statement refers to the requirement for a permanent structure which is in keeping with the surrounding properties and in close proximity to local amenities including shops and schools for the occupation of one family. The statement compares the dwelling to a mobile home, which the applicant considers would withdraw from the streetscene, where a dwelling would enhance it. The applicant refers to their belief that there is a shortage of Gypsy and

Traveller sites available and the need to accommodate Gypsy and Travellers within permanent structure/dwellings within this statement.

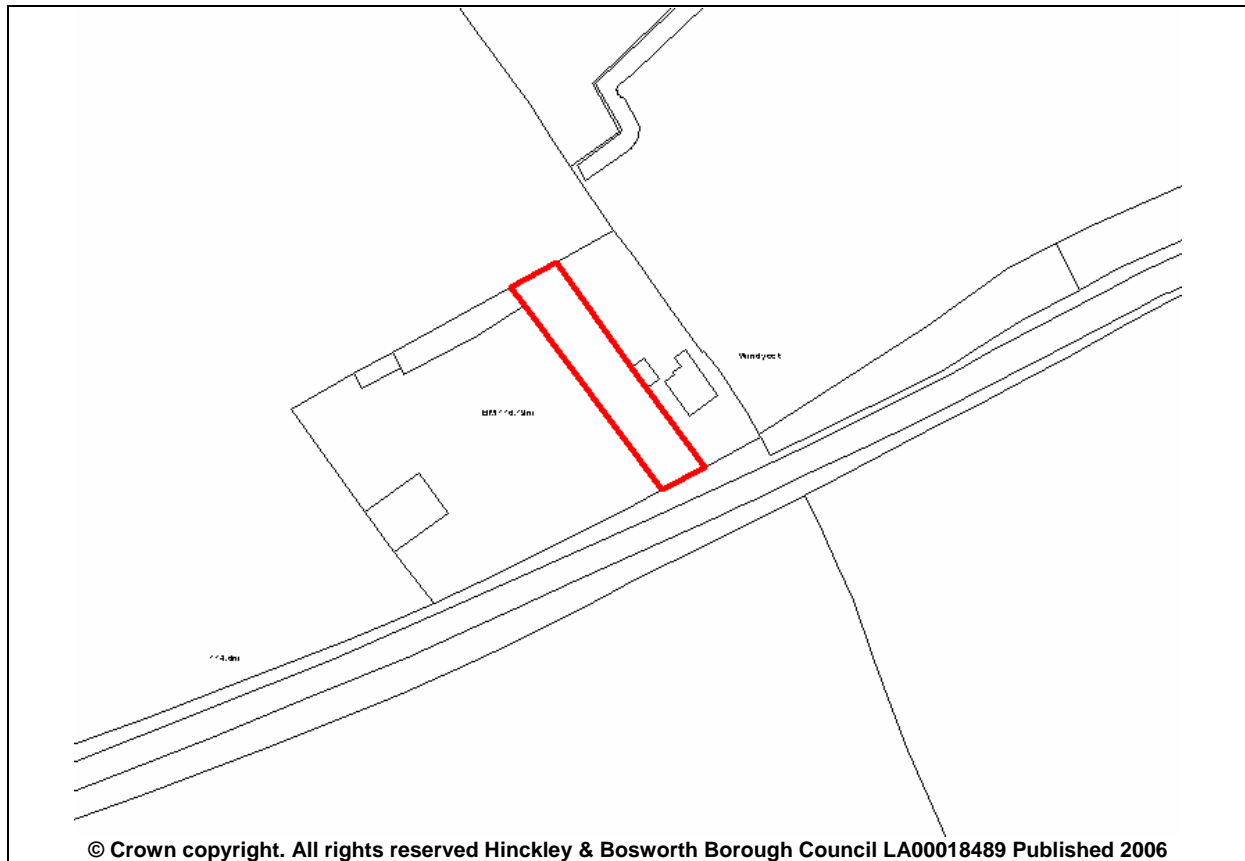
History:-

10/00874/OUT

Outline planning permission for
One detached house

Withdrawn

13.12.10



Consultations:-

Objections from:-

Director of Environment and Transport (Highways)
The Gypsy and Traveller Liaison Officer.

No objections have been received from Head of Community Services (Land Drainage).

No objection subject to conditions from:-

Head of Community Services (Pollution)
Head of Business Development and Street Scene Services (Waste Minimisation).

Director of Environment and Transport (Highways) recommends refusal on the ground that the proposal could result in an unacceptable increase in traffic using an access which lacks appropriate visibility for the speed of traffic on the main road which would lead to increase dangers for road users.

The Gypsy and Traveller Liaison Officer has confirmed that the application has been made by a long established Leicestershire Gypsy family and can therefore confirm their Gypsy status, but have failed to see the relevance of the families Gypsy status in determining this application, and states that this application is for a dwelling house and should be determined in the same way as any other dwelling house. The Officer considers that within the Gypsy and Traveller Accommodation Needs Assessment that additional housing for Gypsies and Travellers will be needed but that these figures should not be included into the general allocated need for housing within the Borough. Notwithstanding this point, the Officer has stated that it is a common aspiration for Gypsies and Travellers to live in rural of edge of settlement locations as their culture has a strong connection to the countryside, but that this is true of many different people.

Site notice displayed and neighbours notified.

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

- a) reason for the application is ambiguous
- b) why is the application restricted to a travelling family – it will not be close or at the edge of a community, it is in a rural location
- c) land is classified as Greenfield/open countryside and does not meet the criteria with local plan policy NE5
- d) same reasons for previous refusal should apply
- e) unsure of the difference between a family dwelling and a travellers dwelling – it should be the same reason for refusal
- f) site is within a rural hamlet which has no local amenities or services, and future occupiers would be dependent upon a vehicle; the need for access to local services is flawed, as there are no local services; will not facilitate the applicant's needs
- g) future occupiers could live in other traveller communities
- h) needs controls to ensure that it remains for the use of a single family and not caravans or expansion of the site
- i) will the Rag and Bone business be operational from the site; the site is not large enough to accommodate this
- j) the site is 'open land' and in a strip and not appropriate for development, outside settlement boundary where there are no justifiable grounds for allowing this proposal to proceed; the countryside should be protected
- k) a precedent could be set; a further 3 dwellings could be sought if this request is granted; could lead to other dwellings in the countryside; urbanisation of a quiet rural village
- l) Peckleton has a historic road and a full archaeology survey should be undertaken before any works commence
- m) de-valuation of property prices
- n) noise pollution from both construction and future occupiers
- o) impact upon residential amenity
- p) entrance is on the brow of a hill; narrows road; no footpath; no lighting; many accidents on this lane; road safety hazard; impact upon traffic flow; hedgerow removal required; no provision to state that the access to and from these properties will be better controlled; inadequate turning area.

Peckleton Parish Council raise the following concerns:-

- a) narrow strip
- b) rural, narrow road, difficult to enter the site in a forward direction, at the brow of a hill, no footpath of street lighting
- c) land is classified as Greenfield/open countryside and does not meet the criteria with local plan policy NE5
- d) outside development area and as such it is not within the local policy RES5

- e) the application is for domestic residence and it should be assessed on this basis only, and does not relate to Circular 01/2006
- f) previous planning permission have been refused
- g) this application could set a precedent.

MP David Tredinnick states that the application site is outside settlement boundary where there are no justifiable grounds for allowing this proposal to proceed.

Policy:-

National Policy Guidance

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

Planning Policy Statement 3 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives.

This document states at paragraph 12 that good design is fundamental to the development of high quality new housing.

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

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

Paragraph 21 of the document states that "Local Planning Authorities should plan for a mix of housing on the basis of the different types of households that are likely to require housing over the plan period. This will include having particular regard to...The diverse range of requirements across the area, including the need to accommodate Gypsies and Travellers".

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

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

Paragraph 71 states that where the LPA cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in PPS3 and considerations in paragraph 69.

Paragraph 69 requires the LPA to ensure that the proposed development is in line with planning for housing objectives, reflects the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives. In addition, development should provide high quality housing of a good mix and make effective and efficient use of land.

PPS3 was updated in June 2010 to specifically refer to garden land not being Brownfield land and Paragraph 47 has been amended and 30 dwellings per hectare is no longer a national indicative minimum density in order to allow local planning authorities to develop their own range of policies whilst having regard to the continued need to develop land in the most efficient manner.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' states that 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.

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

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

- a) recognise, protect and facilitate the traditional lifestyle of Gypsies and Travellers
- b) identify and make provision for the resultant land and accommodation requirements
- c) help or avoid Gypsies and Travellers becoming unintentionally homeless
- d) reflect the status of Gypsy and Traveller accommodation as a part of wider housing provision
- e) create and support sustainable, integrated communities where Gypsies and Travellers have equality of access to suitable accommodation, education, health and welfare provision, and where there is mutual respect between all communities for the rights and responsibilities of each community and individual
- f) promote more private Gypsy and Traveller site provision in appropriate locations through the planning system, while recognising that there will always be those who cannot provide their own sites
- g) underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively
- h) ensure that Development Plan Documents include fair, realistic and inclusive policies to ensure identified need is dealt with fairly and effectively
- i) reduce the number of un-authorized encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this circular.
- j) where there is unmet need but no available alternative gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, local planning authorities should give consideration to granting a temporary permission.

Paragraphs 47 – 55 of this document make specific reference to development of gypsy and traveller caravan sites within rural areas.

Paragraph 54 states that "rural settings, where not subject to special planning constraints, are acceptable in principle. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Sites should respect the scale of, and not dominate the nearest settled community".

The SoS announced on 29 August 2010 his intention to revoke Circular 01/2006. Whilst the current Circular 01/2006 has yet to be revoked, a recent appeal decision found that the substance of the consultation document gives a clear indication as to the Government's intended direction and is thus a significant material consideration. However the appeal decision also advises that because the consultation may prompt amendments to the draft

guidance and because the extant Circular remains in place, regard still has to be had to the existing Circular.

In a recent appeal (ref: APP/F4410/A/10/2142715) the Inspector acknowledged that there is a clear intention to revoke regional strategies but that this should be given limited weight in determining that case as it was considered that it was not certain when the Localism Bill will complete its passage through Parliament or what its final form will be. Regard was also had to the draft Planning Policy Statement on Planning for Traveller Sites to replace the Circular and the draft of the National Planning Policy Framework (NPPF) as material considerations, however it was decided that as these have been published for consultation and are therefore subject to amendments, the Inspector considered that only limited weight should be given to them.

Draft Circular 'Planning for Traveller Sites' - Consultation (April 2011)

In April 2011 the SoS published in Draft Circular 'Planning for Traveller Sites' which intends to align Gypsy and Traveller planning policy more closely with that applied to other forms of housing. This document sets out the context, background and reasons for replacing Circular 01/2006 and how it will seek to do this through a range of broader policy initiatives in relation to traveller communities, including publication of a new national Planning Policy Statement.

Draft Planning Policy Statement - The draft Planning Policy Statement is set out at Annex A of the consultation document.

Paragraph 4 states that the Government's overarching objective is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

Paragraph 5 states that the Government's objectives in respect of traveller sites include:-

- a) enable local planning authorities to make their own assessment of need for the purposes of planning
- b) ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- c) encourage local planning authorities to plan for sites over a reasonable timescale
- d) promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- e) increase the number of traveller sites, in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- f) reduce tensions between settled and traveller communities in plan making and planning decisions
- g) enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- h) have due regard to the protection of local amenity and local environment.

Policy C: sites in rural areas and the countryside

Paragraph 12 states that when assessing the suitability of sites in rural or semi-rural settings, local authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Policy H: determining planning applications for traveller sites

Paragraph 20 states that local planning authorities should consider the following issues when considering planning applications for traveller sites:-

- a) the existing level of local provision and need for sites

- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections.

Paragraph 22 states that local planning authorities should strictly limit new development in open countryside that is away from existing settlements or outside areas allocated in the development plan. However, they should recognise that some rural areas may be acceptable for some forms of traveller sites. Local authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

Paragraph 23 states that local planning authorities should look favourably upon applications that:-

- a) involve the development of previously developed (brownfield), untidy or derelict land
- b) are well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) ensure adequate landscaping and play areas for children
- d) do not enclose a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

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.

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.

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

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.

Regional Policy

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any

regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

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

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

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

Policy 16 outlines the regional priorities for the provision for Gypsies, Travellers and Travelling Showpeople. This policy states that Local Development Frameworks should make provision for the minimum number of additional pitches identified in Appendix 2 of the Regional Plan. The figures identified in this document were derived from the Leicester, Leicestershire and Rutland Accommodation Needs Assessment (2007), although the timescale for the provision of these sites was amended from the original study.

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

Local Development Framework Core Strategy 2009

Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showpeople states that the council will allocate land for residential pitches up to 2017. It states that planning permission for new Gypsy and Traveller sites will be granted providing the site is:-

- a) within or adjacent to the settlement boundary of Hinckley, Burbage, Barwell and Earl Shilton or
- b) within or adjacent to the settlement boundary of any of the Key Rural Centres/Rural Villages or
- c) is located within a reasonable distance of local services and facilities including shops, GP's and schools, even if the site is not directly adjacent to the settlement boundary, and
- d) has safe highway access, provision for parking and servicing
- e) can be capable of sympathetic assimilation into the surroundings and
- f) is appropriate to scale of the nearest settlement, its local services and infrastructure
- g) will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by movement of vehicles to and from the site
- h) appropriate to provide a safe and healthy environment for residents.

Hinckley and Bosworth Local Plan 2001

The site lies mid way between the settlement boundaries of both Peckleton and Kirkby Mallory, as defined in the adopted Hinckley and Bosworth Local Plan.

Policy NE5: Development in the Countryside states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is either: important to the local economy and cannot be provided within or adjacent to an existing settlement; is for the change of use, re-use or

extension of existing buildings; and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

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

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

Policy T5: 'Highway Design and Vehicle Parking Standards' states that in considering proposals for new development which involve new accesses the Local Planning Authority will apply the highway design standard set out within in the current edition of Leicestershire County Council's document 'Highways Requirements for Development'.

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

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

Supplementary Planning Guidance/Documents

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

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

Other Material Policy Guidance

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

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

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

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

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

Appraisal:-

This is an outline application for layout and access only; therefore appearance, landscaping and scale do not form part of the application and will be considered at the reserved matters stage.

The main considerations with regards to this application are the Principle of Development, Impact upon the Countryside, Gypsy and Traveller Considerations, Sustainability, Five Year Housing Land Supply, Impact upon Residential Amenity, Highway Considerations and Other Matters.

Principle of Development

PPS3 states housing developments should be located in suitable locations which offer a good range of community facilities. The revisions on 9th June 2010 also removed private residential gardens from the definition of previously developed land. The Council has considered that where development falls within this classification but is within a defined settlement boundary, that character density, mass, layout and design should be fundamental to the determination of the application alongside the development being carried out in accordance with relevant plan policies. However, the site in question falls outside the defined settlement boundary and as such countryside restraint policies apply.

Policy 13 of the Core Strategy defines the direction of development in Rural Hamlets with housing development supported within settlement boundaries. This site stands approximately half-way between Kirkby Mallory and Peckleton both of which are defined as rural hamlets in the core strategy. The site is not located within the settlement boundary of either of these hamlets, as such the scheme is considered contrary to this policy.

Saved Local Plan Policy RES5 states that on sites not specifically allocated in the plan for housing, planning permission will only be granted for new residential development if the site lies within a settlement boundary and the siting, design and layout of the proposal do not conflict with the relevant plan policies. This site is a Greenfield site situated outside development limits, as defined by the adopted proposals map of the local plan as such the proposal is contrary to Local Plan Policy RES5.

Gypsy and Traveller Considerations

The definition of Gypsies and Travellers, contained within Circular 01/2006 refers to persons of nomadic habit of life including those that have ceased to travel temporarily or permanently. The Gypsy Liaison Officer has confirmed that the applicant is known to them as a gypsy and therefore there is no evidence that suggests the applicant is not a gypsy, as per the Circular definition.

Notwithstanding this fact, paragraph 11 of the Circular states that the “This Circular applies equally to the development of public sites by local authorities or registered social landlords, to applications for planning permission from gypsies and travellers themselves or from others wishing to develop land for use as a gypsy and traveller caravan site.” In considering the wording of paragraph 11 and, given that this application relates to the provision of a dwelling and not a caravan or caravan site, the provisions of Circular 01/2006 are considered by officers not to be applicable and therefore not a material consideration in the determination of this application. It is considered therefore, in light of that view, that it is a moot point whether there is then a requirement to consider the personal needs of the applicant and his/her family in reaching a decision.

Nonetheless, the remainder of this section of the report identifies other planning policies and assesses the needs of the appellant and his/her family with the intention of presenting as full a picture as possible to members of potential issues for consideration in respect of this application.

Policy 18 of the Core Strategy is concerned with the provision of sites for Gypsies, Travellers and Travelling Showpeople and outlines the numerical requirement for the delivery of pitches within the Borough. The policy identifies that the Borough is required to provide 42 residential pitches (26 up to 2012, 16 from 2012 – 2017) and five transit pitches (to accommodate 10 transit caravans) to 2012.

Policy 18 refers to the provision of sites and pitches within the Borough and refers to capacity of these pitches in terms of caravans. There is no mention of or commitment to the provision of dwellings and as such it is the opinion of your officers that Policy 18 does not seek to deliver dwelling houses for the occupation by Gypsies. Accordingly, Policy 18 is not considered to be material in the determination of this application.

The Gypsy and Traveller Liaison Officer has confirmed that the application has been made by a long-established Leicestershire Gypsy family and can therefore confirm their Gypsy status. The applicant has stated that there is a need for a dwelling for a daughter of Gypsy status, in order to establish a permanent residence in order for her children to be able to attend a local school and that a site to house a mobile home has already been explored and a mobile home on the site have been considered but that the applicant now seeks consent for the erection of a dwelling.

Your officers have considered the case and considered that insufficient justification has been provided which adequately demonstrates that a dwelling in this location is necessary.

Firstly, the proposed dwelling is intended for the applicant’s daughter, who, based on the information provided, at the time of writing, does not have children of her own and therefore the justification which seeks need for a dwelling in proximity to schools, for a future family, represents a desire rather than a need.

In addition, there are no primary schools within either Peckleton or Kirby Mallory.

The applicant has provided limited information which has shown that alternative accommodation within existing open market housing stock has been considered. In line with the spatial vision of the Core Strategy, it is considered that there are more appropriate locations for the construction of dwelling houses, other than the application site.

In summary, the proposed dwelling does not constitute a gypsy and traveller caravan pitch or site. Accordingly the provisions of Circular 01/2006 are considered not to be applicable to this application. Policy 18 refers to the provision of gypsy and traveller sites and pitches within the Borough and refers to capacity of these pitches in terms of caravans. There is no mention of or commitment to the provision of dwellings and making the application of this policy inappropriate. In respect of Gypsy need, it is considered that no significant weight can be given to the fact that the dwelling is for the occupation of people of Gypsy origin and on this particular application site.

In addition, the Gypsy Liaison Officer is also of the opinion that this is an application for a dwelling house and therefore should be determined in the same way as any other dwelling house.

As such the application therefore falls to be considered against other local development plan policies.

Impact upon the Countryside

The proposed development is situated on land outside of the settlement boundary for Kirkby Mallory and therefore constitutes development in the countryside.

PPS7 advises that development outside existing settlements should be strictly controlled in order to protect the countryside for its own sake and that new dwellings require special justification. There are typically two circumstances where new dwellings can be justified in the countryside. Firstly, where a dwelling is required to enable an agricultural worker and certain other full time workers to live at or close to their place of work. Secondly, where a new dwelling of exceptional sustainable design is sought. The submitted details make no reference to justification in respect of either of these exemptions and as such no justification has been provided to meet the requirements of PPS7.

Saved Local Plan Policy NE5 states that the countryside will be protected for its own sake and planning permission will be granted for built and other forms of development provided that the development is either:-

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

It is accepted that some forms of development can be appropriate in a countryside location and help to sustain a healthy rural economy. For example, development that can be shown to be for the operational requirements of agriculture, horticulture, forestry, recreation, public utilities or tourism.

The applicant is proposing to build a new dwelling and has provided no evidence to suggest the development would fall within any of the policy criteria and therefore the development is not afforded support by Policy NE5.

In summary, the scheme proposes the erection of a dwelling outside the settlement boundary and provides no evidence to suggest the development is important to the local economy and as such the scheme is not afforded any policy support by PPS7 and Local Plan Policy NE5.

Sustainability

PPS1 states planning authorities should promote sustainable patterns of rural development.

Whilst the application site may be close in distance to two settlements Peckleton and Kirkby Mallory, there are minimal services within these settlements, with no schools, doctors or local shops such as a post office. Such amenities are available within Barwell (located approx. 2.9 miles away), Earl Shilton (2.3 miles) Desford (2.6 miles) and Newbold Verdon (2.7 miles) however access to these settlements would be via car.

In summary, the application is outside of the settlement boundary of Peckleton and Kirkby Mallory and as such located where services are not readily and safely accessible by walking, cycling or public transport. As such it is considered that future occupants would be overly, if not totally, reliant on car borne trips, contrary to spatial and sustainable objectives within the Core Strategy and guidance contained within PPS1.

Five Year Housing Land Supply

The Council currently does not have a five year housing supply with the shortfall being 750 dwellings at 1 April 2011 equating to a five year supply of 3 years and 7 months and as such the principles of PPS3 paragraph 71 applies. Paragraph 71 requires that where local authorities do not have a five year land supply proposals should be given favourable consideration.

However, this must be viewed on its merits in line with other policies and the criteria of paragraph 69. Paragraph 69 states that in deciding planning applications, Local Planning Authorities should have regard to a number of factors including 'ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives.'

The spatial vision for the area is defined through the policies within the Local Plan; in this case Policies RES5 and BE1 are relevant. Policy RES5 states that planning permission will only be granted for new residential development if the site lies within the settlement boundary and the siting, design and layout of the proposal does not conflict with the relevant plan policies. The site is not within the settlement boundary and therefore there is a presumption against development.

In summary, although the Council currently does not have a five year housing supply and, as such, this is a material consideration that should be given weight in the determination of this application it should be, noted however, that the lack of 5-year housing supply by itself does not necessarily mean the approval of inappropriate and non-preferable sites, and applications should be also be considered alongside a number of other material considerations.

Highway Considerations

A new access is proposed off Peckleton Road. The scheme has been considered by the Director of Environment and Transport (Highways) who recommends refusal on the ground that the proposal could result in an unacceptable increase in traffic using an access which

lacks appropriate visibility for the speed of traffic on the main road which would lead to increase dangers for road users.

In summary, it is therefore considered that the creation of the access would lead to an increase in dangers for road users. As such the scheme would be contrary Saved Policy T5 of the Local Plan.

Impact Upon Residential Amenity

The application is in outline and as such scale, landscaping and appearance are still to be considered.

The neighbouring dwelling most immediately impacted upon as a result of the dwelling would be Windycot located to the east of the application site. No letter of representation has been received from this neighbouring dwelling.

There is a distance of approximately 4.5 metres between the proposed and neighbouring dwelling. The western elevation of Windycot contains 4 no. habitable windows and the presence of single storey garage sited along the common boundary. Given the siting and footprint of the proposed dwelling it is not considered that the dwelling would create any significant material impacts upon residential amenity to warrant a refusal of permission. Other issues would be subject to further consideration under the reserved matters application when scale and design would be considered.

The nearest other neighbouring dwelling is 'The Bungalow' located to the west of the application site and there is a distance of some 35 metres between the proposed and neighbouring dwelling. This is considered a sufficient distance for there not to be any significant impacts upon the amenities of the occupiers of this neighbouring dwelling.

In summary, it is considered that the proposal does not result in any significant material impacts upon residential amenity and accords with Saved Policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Financial Contributions

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. In this instance, there is no existing open space within 400 metres of the site and as such a contribution cannot be requested under the terms of the current policy.

Other Matters

The Head of Community Services (Pollution) states that the Council's records show that the site is adjacent to an area labelled brickwork and there is a clay pit adjacent to Windycot and a condition would be required to secure a scheme for the monitoring of landfill gas.

Conclusion

The proposed dwelling does not in your officers' view constitute a gypsy and traveller caravan site in accordance with Paragraph 11 of Circular 01/2006 and therefore the Circular is not considered to be applicable or material to the determination of this application. Similarly adopted Core Strategy Policy 18 solely refers to the need for the Borough Council to deliver additional gypsy and traveller sites and caravans pitches, and not dwellings. As such it is considered that this policy is also inappropriate and again not material. It is

therefore considered that this application for the erection of a dwelling only and there is no evidence to suggest that this development should be accessed in line with Circular 01/2006 or Core Strategy Policy 18.

The applicant maintains that there is a need for a dwelling for a family of Gypsy status, as opposed to other forms of accommodation such as a caravan, to house a Gypsy family. In your officer's view the justification which seeks need for a dwelling in proximity to schools, for a future family, represents a desire rather than a need and there are no primary schools within either Peckleton or Kirby Mallory. Despite the claimed need it is considered that in light of the proposal being for a dwelling this need does not provide justification for the construction of a dwelling house in a location where both national and local policy would not support it. In addition, should there be a need for 'bricks and mortar' accommodation, there are considerably more appropriate locations for this development other than the application site.

The scheme proposes the erection of a dwelling outside the settlement boundary and provides no evidence to suggest the development would fall within any of the policy criteria and as such the proposal does not afford policy support through Saved Local Plan Policy NE5 and overarching guidance contained within PPS7. Furthermore, the application proposes a dwelling within the countryside contrary to sustainability objectives.

The Council does not have a 5-year housing land supply which should be given considerable weight. However, as stated in Paragraph 69 of PPS3 this should be balanced carefully against other policy provisions and consideration should be given to the number of dwellings proposed and the impact this will have on the housing supply and the design policy requirements. Only one dwelling is proposed which will have a negligible impact on the 5-year housing land supply position which combined with the conflict of the proposal with local plan and core strategy policies is considered to outweigh the 5-year housing land supply shortfall. The development would therefore be contrary to Planning Policy Statements 1, 3 and 7 and Saved Local Plan Policies RES5 and NE5 and Core Strategy Policy 13.

It is also considered that the proposed development would result in an unacceptable increase in traffic using an access which lacks appropriate visibility for the speed of traffic on the main road which would lead to increase dangers for road users. It is therefore considered that the development fails to meet the criteria as set out within Saved Local Plan Policy T5.

Accordingly it is recommended that the application be refused.

RECOMMENDATION:- REFUSE, for the following reasons:-

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

Reasons:-

- 1 In the opinion of the Local Planning Authority, the proposed scheme constitutes the creation of a new dwelling outside of a defined settlement boundary, with no special overriding justification and is therefore contrary to national guidance contained within Planning Policy Statements 1, 3 and 7 and Saved Policies RES5 and NE5 of the Adopted Hinckley and Bosworth Local Plan.
- 2 In the opinion of the Local Planning Authority, the proposed residential development would result in an unacceptable increase in traffic using an access which lacks appropriate visibility for the speed of traffic on the main road which would lead to

increase dangers for road users. As such the proposal is contrary to Adopted Saved Local Plan Policy T5.

Contact Officer:- Ebony Mattley Ext 5691

Item: 04

Reference: 11/00435/EXT

Applicant: Ms Lisa Jude

Location: 3 Cleveland Road Hinckley

Proposal: EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION APP/K2420/A/08/2080060 FOR DEMOLITION OF EXISTING DWELLING AND ERECTION OF 14 NO. APARTMENTS WITH ASSOCIATED WORKS (REVISED SCHEME)

Target Date: 21 October 2011

Introduction:-

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

Application Proposal

This application seeks an extension to the time limit for implementing the extant planning permission on planning application 08/00221/FUL for the demolition of an existing dwelling and the erection of 14 apartments with associated works. This is a full planning application for erection of 10 x 2 bedroom apartments and 4 x 1 bedroom apartments together with the provision of a vehicular access and 18 car parking spaces to the rear.

The proposed apartments would be contained within a two and a half storey frontage building, with a two-storey projecting rear wing. Access would be gained to a car parking area for 18 vehicles by a driveway on the northern side of the site adjacent to 5 Cleveland Road.

The previous planning application (08/00221/FUL) was allowed at appeal under appeal reference APP/K2420/A/08/2080060.

The Site and Surrounding Area

The site comprises a substantial detached house on a large plot in a mixed residential street. The house is constructed on 3 floors, with the top floor mainly contained within the roof space but expressed by a large forward projecting gable. On the southern side of the house is a detached double garage. The buildings occupy almost the entire frontage of the site to Cleveland Road.

The dwelling has an existing access off Cleveland Road which serves a driveway and the detached garage. The dwelling is constructed from a red pantile and finished in a smooth white render. To the rear of the dwelling is a large garden measuring in excess of 1000 square metres and is bordered on the southern boundary by a number of mature trees 5m in

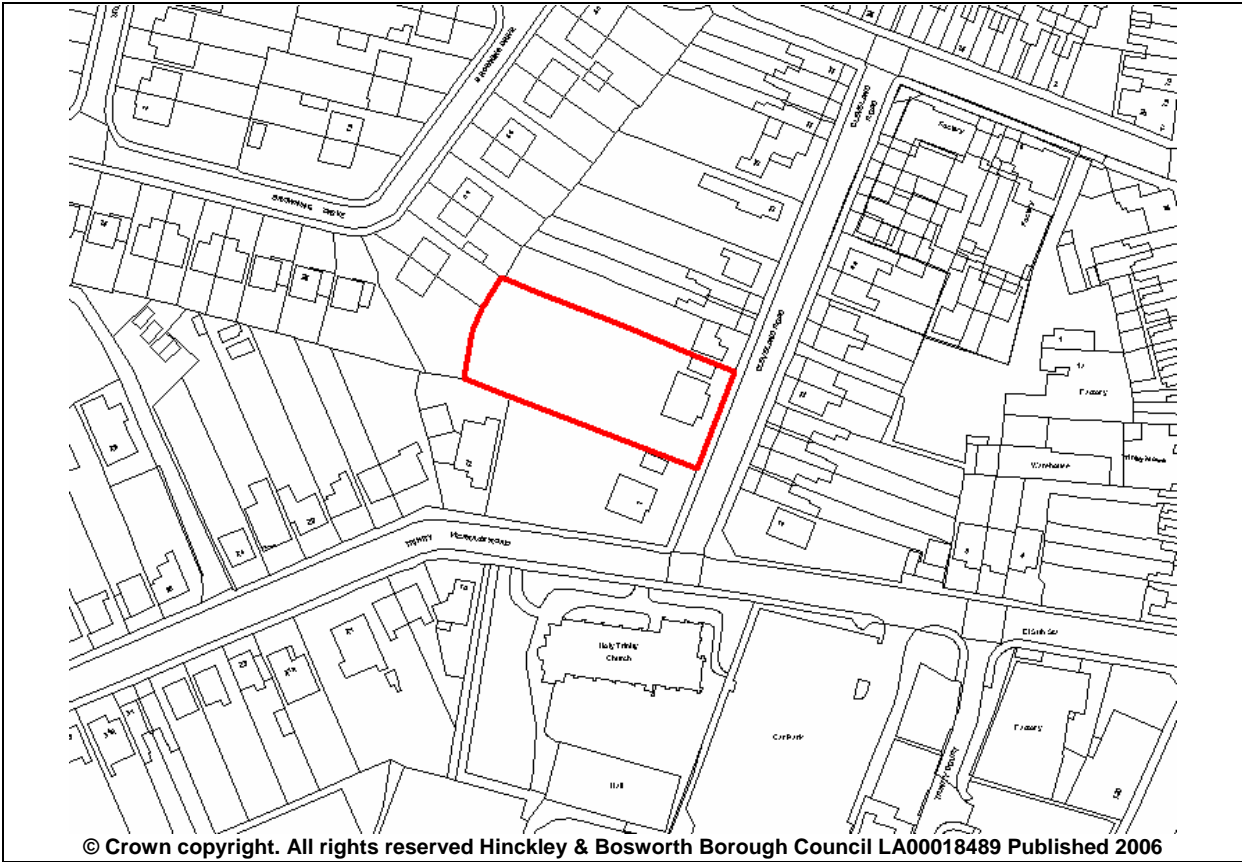
height. The dwelling is located to the west of Hinckley town centre, to the north of the Holy Trinity Church and the north west of Hinckley Leisure Centre.

Technical Document submitted with application

A viability appraisal has been submitted with the planning application which states that the residential property market has been badly affected by a number of factors and that the market is unlikely to see any significant changes for at least the next 12 months. The appraisal sets out the viability case for developing the site for 14 apartments and concludes that the proposed scheme would not be viable based on the financial contributions being sought in relation to the Section 106 legal agreement.

History:-

08/00221/FUL	Demolition of existing dwelling And erection of 14 no apartments With associated works (revised scheme)	Allowed Appeal	27.10.08
07/01021/FUL	Demolition of existing building And erection of 14 no apartments With associated works	Withdrawn	
07/00294/OUT	Outline planning permission for demolition of existing house and erection of 14 no apartments	Application returned	



Consultations:-

No objection has been received from The Head of Community Services (Pollution) and the Environment Agency.

No objection subject to conditions have been received from:-

Director of Environment and Transport (Highways)
The Head of Community Services (Land Drainage)
Severn Trent Water Ltd.

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 the Upper School sector there is a deficit of 86 pupil places, therefore a contribution of £18,355.16 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 £601 is sought
- c) Director of Adults and Communities (Libraries) has stated that the development would impact on library services at Hinckley Library and a contribution of £652 is sought
- d) Chief Executive (Ecology) does not request any financial contributions.

The Primary Care Trust requests a financial contribution of £6185.99. It is stated that the development would place additional pressures on the workload of GP's and associated professional staff. Details of how the contribution would be spent have been provided. This would contribute towards the extension and remodelling of the existing practice at Tilton Road, Burbage to provide additional patient space.

Councillor Bray has objected to the proposed development raising the following issues:-

- a) overdevelopment
- b) parking issues
- c) impact on neighbour amenity.

Site notice and Press notice were displayed and neighbours notified. 18 letters of objection have been received raising similar concerns to Councillor Bray together with the following issues:-

- a) trees blocking light to garden of 30 Browning Drive
- b) lights from car headlights accessing the proposed car park
- c) external lighting proposed to rear of site
- d) maintenance of existing conifer hedge to the rear boundary
- e) issue with drainage disposal due to the elevated ground level of the site
- f) maintenance of wall to rear boundary
- g) overlooking to rear garden of 30 Browning Drive
- h) overbearing impact
- i) devaluation of property prices
- j) existing parking issues along Cleveland Road and surrounding roads
- k) development will exacerbate existing parking issues in this part of Hinckley

- l) there are other developments which are also contributing to traffic and parking issues along local roads
- m) insufficient parking proposed within the development
- n) development out of character with the street scene
- o) wrong location for apartments
- p) overlooking to the lounge window of 14 Cleveland Road
- q) noise and disturbance from intensified residential use of site
- r) a day care centre located at 12 Trinity Vicarage Road has existing problems with parking and turning
- s) issue with irresponsible drivers speeding along local roads
- t) there are a number of empty flats in close proximity to the site
- u) volumes of traffic to be generated by the development
- v) recent developments for flats have resulted in vehicles being parked along local roads
- w) scale of development is out of keeping
- x) impact on the amenity of the bedroom window on rear wall elevation of 5 Cleveland Road
- y) there is a lack of existing space within the highway for residents to park their vehicles
- z) illegal parking of vehicles on surrounding roads is a recurring issue
- aa) the calculation for minimum parking standards for the development has been questioned
- bb) access for emergency vehicles may be compromised
- cc) additional traffic generation and the impact on pedestrian safety.

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

The Leicestershire Constabulary Crime Reduction Officer
Cycling Touring Club.

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 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.

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.

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 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

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 16: 'Housing Density, Mix and Design' seeks to ensure that all new residential development provides 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.

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 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 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

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".

In recent years it has become recognised that the economic viability of any development is a material consideration in the determination of any planning application. Recent appeal decisions have conformed that in light of the Ministerial Statement on Economic Growth economic viability is a determining factor in the deliverability and therefore the consent of schemes.

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, principle of development, impact upon residential amenity, other issues, development contributions and the viability case.

Changes to Policy

Central Government Guidance

Since 2008 National Planning Policy Statements have been both issued and amended on a number of topics. Planning Policy Statement 3 (PPS3) was revised on 9th June 2010 and removed private residential gardens from the definition of previously developed land and removed the national indicative minimum density of 30 dwellings per hectare.

Following the changes to PPS3, it is considered the development on this site now falls within a 'greenfield' classification.

Regional Policy

In 2008 the scheme would have also been considered against Leicester, Leicestershire and Rutland Structure Plan which has since been superseded by the Regional Spatial Strategy for the East Midlands. While this high level policy has changed it is considered that the scheme would also be in accordance with the broad policies of the RSS which still seek to direct new development to urban areas.

Core Strategy

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

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

Policy 16 - Housing Density, Mix and Design seeks to provide a mix of housing types and tenures. The scheme provides one and two bed apartments. The proposed development has a housing density of 93 dwellings per hectare which exceeds the minimum figure of 40 dwellings per hectare set for Hinckley, Burbage, Barwell and Earl Shilton.

Policy 19 - Green Space and Play Provision seeks high quality and accessible green spaces and play areas, whilst Policy 1 also sets out aspirations to address the existing deficiencies in the quantity, quality and accessibility of green space and play provision. It is considered that the site is located close to a number of green spaces within Hinckley which are accessible.

Policy 24 requires all new dwellings in Burbage to be built to a minimum of Level Three of the Code for Sustainable Homes. The Council is actively applying the requirements of Policy 24 unless material considerations indicate that it cannot be reasonably achieved. In this case there are no arising material considerations that suggest that Code Level 3 compliance cannot be achieved.

Local Plan Policy

The original scheme was granted at appeal on 27 October 2008, therefore it was considered in light of the current adopted Local Plan Policies.

In summary, the only change in policy terms is that relating to the definition of this site as a greenfield site. The change in PPS3 that took place in July 2010 was designed to protect the character of areas. This was an issue identified by the Inspector at the appeal and was found to be acceptable to him. It is therefore considered that this would not be a significant change in policy, having regard to the Inspectors conclusions, and does not justify an objection to the development on that basis.

Changes to Conditions

No planning conditions have been formally discharged on planning application 08/00221/FUL since being allowed at appeal in 2008. It is considered that the imposition of those conditions on planning permission 08/00221/FUL are still relevant and reasonable to be included on this planning application, together with the imposition of conditions relating to the development being carried out in accordance with the approved drawings, that the residential development be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes to meet the guidance set out in Policy 24 of the Local Development Framework Core Strategy and details of the external lighting to be provided within the development.

In accordance with the requirements of Policy 24 of the Adopted Core Strategy all new residential development in Hinckley is required to be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. Even though this was not a requirement of the earlier application, the adoption of the Core Strategy now makes this a formal development plan requirement which the proposal must satisfy. At the current time this is being delivered and secured by planning condition.

The imposition of the drawings adherence 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. The imposition of the condition relating to external lighting, particularly in

respect of the rear car park will ensure that the potential for loss of residential amenity through light disturbance is addressed.

Principle of Development

The principle of residential development on the site has been established with the granting of permission at appeal of 08/00221/FUL for which this application is seeking an extension to the time limit for implementation. The development proposes residential development on a greenfield site, within a residential area and within the settlement boundary for Hinckley. Having regard to the comments above in respect of PPS3 the principle of development is considered acceptable.

Impact on Residential Amenity

To address the issues raised in the representations received from neighbouring properties and Councillor Bray reference is made to the planning inspector's decision in respect of the previous planning approval; reference APP/K2420/A/08/2080060.

In respect of the issues raised in relation to parking, inadequate parking provision, minimum parking standards, issues with localised parking, the development exacerbating parking on local roads the Planning Inspectors report acknowledged that there is significant demand for on street parking which is compounded by town centre and leisure centre users but noted that parking control measures are in place to limit the impact of roadside parking on highway safety. The Planning Inspector concluded that the location of the site close to the town centre should reduce dependency on cars and that the level of parking provision is adequate to serve the scheme without adverse effect on on-street parking or highway safety. It should be noted that the proposed level of parking (18 spaces) meets the vehicle parking standards for flats with 2 bedrooms or less which is set at two spaces per 3 dwellings in accordance with the Vehicle Parking Guidelines in Appendix D of the adopted Hinckley and Bosworth Local Plan 2001. Therefore in this case it is considered that an adequate number of parking spaces are being provided to serve the 14 apartments, without the development resulting in additional pressures on on-street parking or being detrimental to highway or pedestrian safety. This conclusion takes into account the edge of centre location of the site and the inherent parking issues that are associated with these types of locations within urban areas.

It should be noted that each application is considered on its own individual merits and the potential of each development to contribute towards on-street parking issues in this area of Hinckley will be accounted for in each case.

The issues raised in respect of illegal parking and speeding vehicles is a matter for the police to deal with. The parking of vehicles in an unauthorised or illegal manner which could obstruct emergency vehicles is a matter for the emergency services to deal with.

The proposed development will result in additional traffic movements to and from the site due to its intensified residential use. These vehicles will be utilising a single vehicular access where visibility splays are shown to be set out at its junction with Cleveland Road, thereby allowing sufficient visibility for vehicles exiting the site. For this reason the increase in vehicular traffic is not considered to be detrimental to pedestrian safety.

The Inspector's decision imposed planning conditions relating to details of the levels and grading of the parking area and boundary treatments to be provided. The details submitted in accordance with these planning conditions would allow the Local Planning Authority the opportunity to ensure that the potential for loss of amenity to 30 Browning Drive through light disturbance from vehicle headlights is mitigated against.

The Inspector's decision considered the scale of the proposed block of apartments and concluded that the existing dwelling has an imposing presence in the street scene, the height of the proposal would be no greater than the existing house and would not appear over dominant. Furthermore the Inspector considered the location of the apartments and referred to existing and proposed apartment developments within the vicinity of the site and supported the proposals as it met national policy direction aimed at increasing housing provision in accessible locations. In light of the Inspectors decision the proposed development is not considered to be overbearing, out of character or sited in the wrong location for flats.

In respect of loss of residential amenity to adjacent properties through overlooking the Planning Inspector imposed a planning condition that the side windows in the front wing be obscure glazed with high level openings only and concluded that first floor windows in the rear wing will be located at a sufficient distance from the side boundaries and that existing screening along the northern and southern boundaries will ensure that no direct overlooking of adjacent gardens would occur.

The noise and general disturbance from the intensified residential use of the site was also considered by the Inspector who concluded that noise arising from the parking and manoeuvring of vehicles in the rear car park would be noticeable, but taking into account the edge of centre location it was considered that the 'impact would not be so great as to outweigh the benefits of the development to the supply of housing in the area'.

In the Decision Letter, the Planning Inspector accounted for the potential impact of development on the first floor bedroom window on the southern corner of 5 Cleveland Road and concluded that noise from the driveway and bin store area would be audible, but the provision of an acoustic fence along the northern boundary would help to mitigate the impact. The provision of an acoustic fence is imposed by way of planning condition on the Planning Inspectors decision.

14 Cleveland Road is located 18m to the north east of the proposed apartment block. Taking into account the offset position of this dwelling, the existing arrangement of windows in the front elevation of 3 Cleveland Road and the separation distance to 14 Cleveland Road the proposed development is not considered to result in loss of amenity through overlooking into the lounge window of this neighbouring property.

Other issues

Maintenance of boundaries

The issues raised in respect of heights and maintenance of conifer hedges to the rear boundary and the maintenance of a wall along the rear boundary is a civil matter to be resolved between the respective party boundary owners and not a planning matter.

Devaluation of property prices

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

Empty flats

It may be the case that there are a number of empty flats in this area of Hinckley. However no evidence has been provided to demonstrate this case. The economic viability of developing this site for apartments will be discussed in greater detail within a subsequent section of this report.

Drainage

Severn Trent Water raises no objection to the proposal but has asked for the imposition of a condition in respect of drainage details to be submitted. Historically the development control process has sought to control the design of drainage systems, however in more recent years further control is now delivered through the Building Regulations, 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.

Developer Contributions

Since the determination of the previous application the Community Infrastructure Levy Regulations (CIL) 2010 have been brought out. 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.

The site is located within 400 metres of Clarendon Park which acts as a neighbourhood park where there is a recognised need to improve infrastructure to equipped areas of play. In particular The Green Space Strategy 2005-2010 identifies that Clarendon Park has a poorly equipped children's play area and that future investment for equipped play should be targeted at this facility. The park currently has a quality score of 55.9% and as such there is a recognised need for improvement. In line with the Adopted Supplementary Planning Document: Play and Open Space a contribution of £15009.60 is required to partially fund these improvements. The size of the two-bedroom apartments proposed would appeal to families and given the proximity of the application site to this open space 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.

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) states that in respect of the Upper School sector there is a deficit of 86 pupil places, therefore a contribution of £18,355.16 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 £601 is sought
- c) Director of Adults and Communities (Libraries) has stated that the development would impact on library services at Hinckley Library and a contribution of £652 is sought
- d) Chief Executive (Ecology) does not request any financial contributions
- e) The Primary Care Trust requests a financial contribution of £6185.99. It is stated that the development would place additional pressures on the workload of GP's and associated professional staff. Details of how the contribution would be spent have been provided. This would contribute towards the extension and remodelling of the existing practice at Tilton Road, Burbage to provide additional patient space.

The contribution requested by the Director of Children and Young Peoples Services (Education) in respect of the Upper School sector states that there is a deficit of 86 places and the proposed development will contribute one school place at a contribution of £18,355.16. Developer contributions cannot be used to fund existing deficiencies in a service and it is difficult to conclude that the contribution is necessary to make the development acceptable in planning terms when there is an existing shortfall in places. To this end the contribution from the Director of Children and Young Peoples Services (Education) is not considered to be CIL compliant.

The requests from Director of Environment and Transport (Civic Amenity) Director of Adults and Communities (Libraries) fail to accurately assess how the proposed development will impact upon Barwell Civic Amenity Site or Hinckley Library and how the contributions will be used to address these issues. Therefore these requests are not considered to be CIL compliant.

The justification from the Primary Care Trust states that there is a lack of space in the existing doctor's surgery on Tilton Road in Burbage. In respect of the contribution for the surgery in Burbage, the contribution justification sets out capacity issues as a need for seeking a contribution, however the contribution is for an extension to provide services to an increased population. 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. Based on the information provided it is concluded that the request from the Primary Care Trust is not CIL compliant in this case.

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

a) Play and Open Space £15,009.60.

Economic Viability

The extant planning permission is subject to a Section 106 agreement which secures the delivery of developer contributions of £26776. These are £17,374 towards off-site public open space, £8162 towards health, £650 towards libraries and £590 towards civic amenity.

In the current economic climate developers are stating that the contributions which they are able to provide are affecting the viability of development proposals. This issue was considered by Full Council on 15 December 2009 when a protocol was agreed which requires applicants to present the economic costs of a development to allow this authority to consider whether the costs and profit margins of the proposal are reasonable in the current depressed economy. In accordance with this proposal the developers have submitted a viability statement which has been independently assessed on behalf of this authority. The outcome of this independent assessment was that the financial contributions being sought through a Section 106 agreement are at a very low level and the viability assessment shows that the cost of the financial contributions per residential unit is low in absolute terms and therefore a marginal factor in assessing the viability of the scheme.

The viability case put forward in the supporting statement is that the financial contributions being sought in respect of the Section 106 agreement are resulting in the proposed development being financially unviable and that the applicant is not committed to paying any financial contributions in respect of this application which would otherwise be secured through a Section 106 legal agreement. The viability appraisal presents two scenarios, these are based on the existing land use value without planning permission and existing land use value with the benefit of planning permission. The second scenario represents a fall-back position. In both scenarios the viability appraisal shows that the following losses are being made:-

- a) 30% loss based on existing land use value without planning permission
- b) 11% loss based on existing land use value with planning permission.

Therefore the proposed development would be making a significant loss regardless of whether the financial contributions in respect of the Section 106 agreement are paid. An important point of note is that the financial contributions being sought in respect of this extension of time limit planning application are £15,009.60, this represents a reduction of £11,766.40 in contributions from the previous planning application in 2008. In light of the significant reduction in financial contributions to be secured through a Section 106 Agreement it was considered prudent in this case to communicate this information back to the applicant's agent with a view to negotiating this matter. An email was received from the applicant's agent on 22 September 2011 confirming that the applicant wishes to proceed with the development being considered on the viability case alone, with no commitment to financial contributions towards public open space being secured from the applicant. It is therefore concluded that the open space contribution requested in respect of the proposal is necessary to make the development acceptable and the applicant's assertion that no contribution is possible is not accepted in this case.

Conclusion

The principle of residential development on this site has been established with the appeal being allowed under Appeal Reference APP/K2420/A/08/2080060 in 2008. By virtue of its siting, scale, design and layout the proposed development is considered to be proportionate to the scale of the dwelling it is to replace and reflects the spacing of dwellings on the western side of Cleveland Road. There is no conflict between the principle of this proposal and new national and local policies which have been produced since the permission was granted at appeal in 2008.

All of the technical and other detailed matters have either been dealt with satisfactorily or would be addressed by the proposed conditions recommended in the Planning Inspector's Decision, together with the conditions alluded to in the Conditions section of this report.

The remaining outstanding matter is the viability of the development and the contribution which the applicants would make to the provision of off-site public open space. It is accepted that in the current economic climate it is necessary for local planning authorities to consider and where possible, adopt a flexible approach to the delivery of development. However, the applicant's current assertion that no contribution is possible is not accepted in this case having regard to the need for this contribution in this instance. Therefore the play and open space contribution requested in respect of the proposal is considered necessary to make the development acceptable, to be directly related to the nature of the proposal and is reasonably related in scale and kind to the development. In the absence of a signed unilateral undertaking, there is no commitment that secures the provision of either on or off-site play and open space and is therefore recommended for refusal.

RECOMMENDATION:- REFUSE, for the following reasons:-

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

Reasons:-

- 1 The development fails to make any provision, either onsite or off site, for play and open space. Accordingly, the development is contrary to the requirements of Saved Policy REC3 and IMP1 of the Adopted Hinckley and Bosworth Local Plan and the Adopted Supplementary Planning Document: Play and Open Space 2008.

Contact Officer:- Scott Jackson Ext 5929

Item: 05
Reference: 11/00597/FUL
Applicant: Mr And Mrs Rennocks
Location: Land Adj To 2 Croft Close Barwell
Proposal: ERECTION OF ONE NEW DWELLING
Target Date: 1 November 2011

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is anticipated that five or more objections will be generated before the expiration of the consultation period and the site is currently the subject of an enforcement notice.

Application Proposal

Full planning permission is sought for the erection of one 2-storey, two-bed detached dwelling on land adjacent to No. 2 Croft Close at the junction with Dovecote Way. The dwelling is proposed to be served by a new access off Dovecote Way and there are two car parking spaces proposed.

The site history includes a planning permission (ref. 07/01238/FUL) for a similar detached two storey dwelling which was granted on 16 January 2008. This decision was based on a dwelling which measured approximately a maximum of 11.3 metres in length by a maximum of 6 metres in width and was considered to project from the rear wall of the neighbouring dwelling by approximately 2.6 metres, with a 1 metre separation distance between the application and neighbouring dwelling. Notwithstanding this permission, the accompanying block plan failed to accurately depict this projection, showing just a 1 metre rearward project from the rear wall of No.2. Since that permission was granted building works have been undertaken on the site that have resulted in a floor slab and external brick walls being constructed to damp proof course level. However, as a result of planning enforcement investigations, it is clear that the works undertaken are not in accordance with the previously approved plans for a dwelling in respect of the siting and scale of the footprint of the dwelling.

Members may recall that in March 2011, an application for the erection of a dwelling (ref: 11/00090/FUL) was submitted to obtain separate planning permission that addressed these above mentioned issues and regularised the position of the dwelling, but was refused on the following grounds:-

- a) In the opinion of the Local Planning Authority, the siting and layout proposed would result in a dwelling that does not relate well to neighbouring development, as such it is considered that the scheme is harmful to the character and appearance of the surrounding area. It is therefore considered contrary to Planning Policy Statement 3, Housing as revised June 2010; and Saved Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, supported by Supplementary Planning Guidance on New Residential Development.

- b) In the opinion of the Local Planning Authority, the proposed scheme is considered to result in a development that would have a significant adverse impact on the amenities of the occupiers of neighbouring properties in terms of overshadowing, loss of light and overbearing impact resulting from the siting and layout of the proposed dwelling. It is therefore considered contrary to Planning Policy Statement 3: Housing as revised in June 2010, and Saved Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, supported by Supplementary Planning Guidance on New Residential Development.
- c) In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed development would be built to Code Level 3 of the Code for Sustainable Homes. It is therefore considered contrary to Planning Policy 1, Delivering Sustainable Development, Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy, supported by Supplementary Planning Document on Sustainable Design.
- d) In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on play and open space facilities of the local area by the proposed development would not accord with Circular 5/05, Policies 3 and 19 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy, saved policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Document on Play and Open Space.

As such the applicant has attempted to address these issues within this application by re-siting and re-sizing the footprint of the proposed dwelling, and providing a Unilateral Undertaking to secure monies against a local area of play. Due to the history of the site and a number of inconsistencies found within previous applications, this application now seeks consent for a dwelling that measures a maximum of 10 metres in length and 5 metres in width. The dwelling will be sited 4.85 metres from the neighbouring No. 2 Croft Close.

The existing on site floor slab and external brick walls are currently subject to enforcement action (ref: 09/00468/UNUSE). This application, however, seeks permission to erect a dwelling on a revised footprint and not the unauthorised floorslab.

The Site and Surrounding Area

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

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

Technical Documents submitted with application

The application is accompanied by a Design and Access Statement which states that the scale and design and materials of the proposed dwelling intends to fit in with the adjacent and surrounding residential properties.

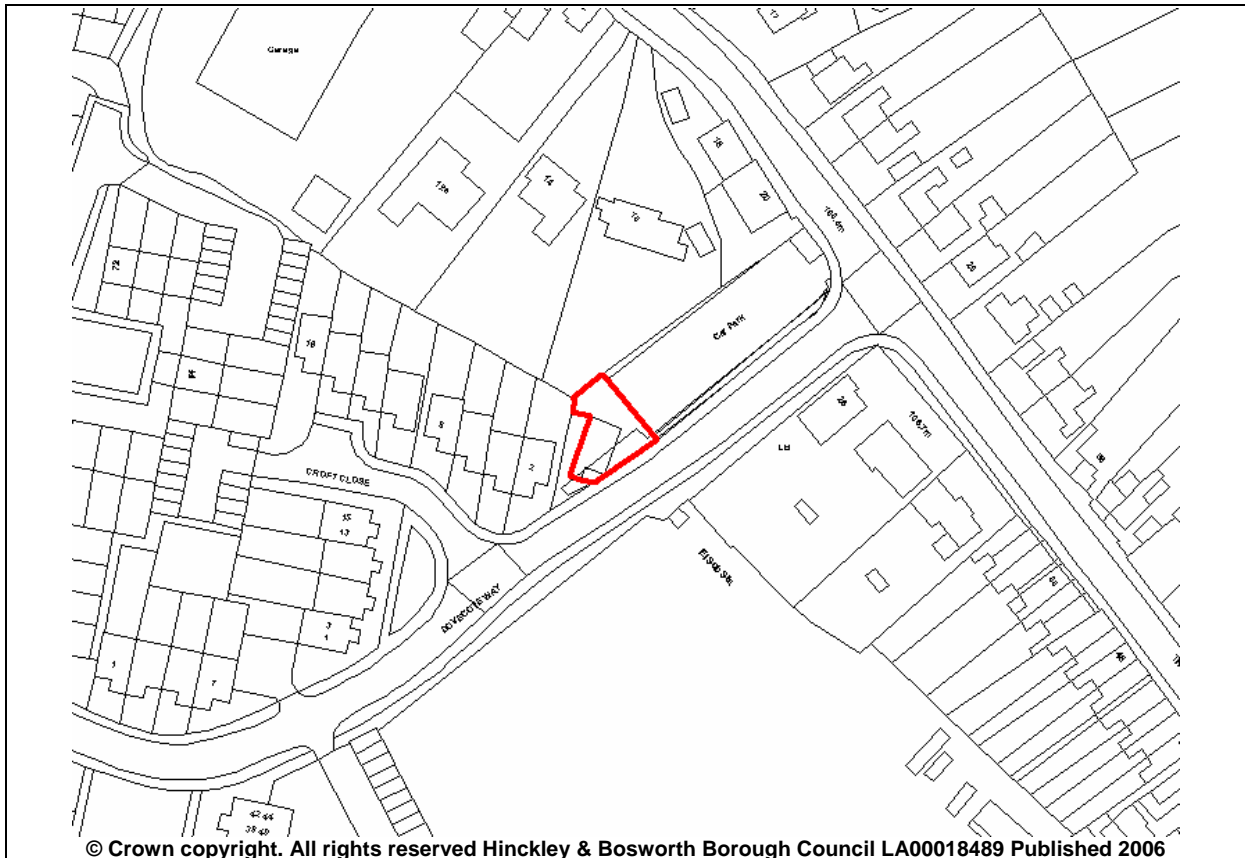
History:-

11/00090/FUL	Erection of One Dwelling	Refused	30.03.11
10/00447/FUL	Erection of One Dwelling	Withdrawn	25.10.10

07/01238/FUL	Erection of One Dwelling	Approved	16.01.08
07/00624/OUT	Erection of One Dwelling (Outline)	Withdrawn	06.07.07

Enforcement History

09/00468/UNUSE	Construction of unauthorised floorslab	Notice Served	14.07.11
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Consultations:-

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

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

Site notice displayed and neighbours notified.

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

- Barwell Parish Council
- Head of Community Services (Land Drainage)
- Head of Corporate and Scrutiny Services (Green Spaces)
- Head of Business Development and Street Scene Services (Waste Minimisation).

The consultation period remains open at the time of writing and closes on 11 October 2011. Any consultation responses received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

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

Planning Policy Statement 3 (PPS3): 'Housing' sets out the national planning policy framework for delivering the Government's housing objectives. 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 and 30 dwellings per hectare is no longer a national indicative minimum density to allow local planning authorities to develop their own range of policies whilst having regard to the continued need to develop land in the most efficient manner.

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

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

Regional Policy

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.

Local Development Framework Core Strategy 2009

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

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

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

Hinckley and Bosworth Local Plan 2001

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

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

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

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

Policy REC3: 'New Residential Development Outdoor Play Space for Children' requires the appropriate level of children's play space to be provided within development sites. Alternatively, a financial contribution can be negotiated towards the provision and maintenance of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

Supplementary Planning Guidance/Documents

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

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

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

Appraisal:-

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

Principle of Development

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

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

The application site comprises garden land and would, prior to the update to PPS3 have fallen into the category of brownfield land, however the update to PPS3 removed garden land from the 'brownfield' land classification. The Council has considered that where development falls within this classification, but is within a defined settlement boundary, that character density, mass, layout and design should be fundamental to the consideration and determination of the application alongside the development being carried out in accordance with relevant plan policies.

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

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

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

The principle of residential development has already been established through the previous grant of planning permission (ref: 07/01238/FUL) and work has already commenced. Notwithstanding this, the permission cannot be implemented because the work that has been carried out on site is not in accordance with the approved plans, nor have a number of pre-commencement conditions been complied. As such the permission lapsed on 16 January 2011.

In summary, the site lies within the settlement boundary of Barwell where the erection of a new dwelling on this plot would normally be acceptable in principle, subject to satisfactory siting, design and layout, as established by the previous planning permission granted on the site. As such the main issues in respect of this application are the siting and layout of the development and its impact on the character and appearance of the street scene and the impact upon the amenities of neighbouring properties. The development proposed in this application is for a single dwelling and for the reasons discussed further in this report is considered to be in accordance with central government guidance and local development plan policy.

Impact upon Character; Siting and Design

The previous application (ref: 11/00090/FUL) was refused for a number of reasons, one including:- 'In the opinion of the Local Planning Authority, the siting and layout proposed would result in a dwelling that does not relate well to neighbouring development, as such it is considered that the scheme is harmful to the character and appearance of the surrounding area. It is therefore considered contrary to Planning Policy Statement 3, Housing as revised June 2010; and Saved Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, supported by Supplementary Planning Guidance on New Residential Development.'

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

The site is located within a prominent location to the corner of Croft Close and Dovecote Way. The surrounding area is largely characterised by two storey dwellings with rear amenity spaces, with some located close to the road frontage and some set back from the roadside. Croft Close is characterised by a development of 16 two storey dwellings. The dwellings to the northern side of Croft Close are sited in two blocks of four dwellings and are staggered in siting such that both the front and rear walls step back further in to the development.

The dwelling is proposed to be set back from the road frontage of Croft Close such that the single storey front enclosed entrance porch is set back by approximately 1.6 metres and the footprint of the dwelling is similar, if not smaller in size to that of the surrounding dwellings. In respect of design, whilst the dwelling does not incorporate an integral garage in keeping with the remainder of the dwellings on this part of Croft Close, the design, which incorporates

a flat roof forward projecting front porch, is considered of a similar design to the existing dwellings on Croft Close, thus seeking to maintain the character of the surrounding area.

The proposed dwelling is set back from the road frontage of Croft Close, which is contrary to the pattern and grain of development of dwellings along Croft Close, which are sited closer to the road frontage running west to east. As such, ideally the dwelling would need to be sited closer to the road frontage to be in strict conformity with this pattern. However, the proposed dwelling has been re-angled and designed to orientate in the same parallel manner to that of the dwellings along Croft Close. This combined with the scale and design of the footprint of the dwelling reflects that of the adjacent dwelling, which in turn ensures that the dwelling appears in character with the immediate streetscene. It is considered that the siting of the dwelling now respects the orientation of existing development and shares a more assimilated relationship with the adjacent and surrounding development, and as such it is considered has overcome the previous reason for refusal.

The Council's SPG on 'New Residential Development' seeks that rear gardens should be a minimum of 12.5 metres in depth and create 60 square metres of amenity space for two bedroomed dwellings. As a result of the irregular shaped nature of the plot, it is not possible to achieve a minimum rear garden depth of 12.5 metres, however the SPG also states that in applying these standards the Local Planning Authority will also consider the amount of space provided as front and side gardens. As such, the side, rear and front amenity spaces accumulatively are in excess of the minimum 60 square metres.

In summary, it is considered that the proposed dwelling would be read in conjunction with the adjacent and surrounding dwellings and by virtue of the parallel siting, scale and design it is considered the development would be in keeping with the scale and character of the surrounding area. As such it is considered that the proposal would be in accordance with guidance contained with PPS3, and Saved Policies BE1, RES5 of the adopted Hinckley and Bosworth Local Plan supported by SPG on New Residential Development.

Impact upon Residential Amenity

The previous application (ref: 11/00090/FUL) was also refused for the following reason:- 'In the opinion of the Local Planning Authority, the proposed scheme is considered to result in a development that would have a significant adverse impact on the amenities of the occupiers of neighbouring properties in terms of overshadowing, loss of light and overbearing impact resulting from the siting and layout of the proposed dwelling. It is therefore considered contrary to Planning Policy Statement 3: Housing as revised in June 2010, and Saved Policies BE1 and RES5 of the adopted Hinckley and Bosworth Local Plan, supported by Supplementary Planning Guidance on New Residential Development.'

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

The previous application (ref: 11/00090/FUL) sought consent for a dwelling sited between 2.15 and 2.83 metres from the side wall of No. 2, which measured a maximum of 11.5 metres in length, which projected some 6.7 metres from the rear wall of No. 2.

This application proposes a dwelling sited approximately 4.85 metres away from the neighbouring dwelling, measuring a maximum of 10 metres in length and would project from the rear wall of No. 2 by approximately 3.3 metres. The Council's SPG on House Extensions only permits the extension of a two storey dwelling by 2 metres from the rear wall, when adjoining a common boundary. As this scheme proposes a separation distance of approximately 4.85 metres, it is not considered that the proposed dwelling would constitute adjoining a common boundary and therefore it is considered that an extension of more than 2

metres would be acceptable in principle, providing there were no significant impacts identified.

It is considered that due to the decrease in depth and increase in separation distance, that there is unlikely to be any significant loss of light, overshadowing or overbearing impacts upon the occupiers of No. 2 Croft Close. As such it is considered that the application has overcome one of the previous reasons for refusal.

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

There are no other surrounding residential dwellings that would be impacted upon as a result of the proposal.

In summary, as a result of the increased separation distance and reduction in the overall footprint of the dwelling and reduction in the projection from the rear wall of the neighbouring dwelling, the proposal is considered to have minimal impacts upon the amenity of neighbouring residents. As such, the scheme is considered to be in accordance with guidance contained within PSS3, Saved Policies, BE1 of the Local Plan and RES5 of the adopted Hinckley and Bosworth Local Plan and SPG on New Residential Development.

Highway Considerations

The proposals include a new access off Dovecote Way providing two car parking spaces within the site. The Director of Environment and Transport (Highways) has no objection to the proposals subject to a number of conditions to ensure that the access is provided with adequate pedestrian visibility splays and the parking to remain as shown on the submitted plans.

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

Other Matters

Play and Open Space Contributions

The previous application (ref: 11/00090/FUL) was also refused for the following reason:- 'In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on play and open space facilities of the local area by the proposed development would not accord with Circular 5/05, Policies 3 and 19 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy, saved policies REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Borough Council's Supplementary Planning Document on Play and Open Space.'

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

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

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

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

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

A Unilateral Undertaking is under negotiation to secure the play and open space contributions, which subject to an agreement would be able to overcome the original reason for refusal.

Sustainability

The previous application (ref: 11/00090/FUL) was also refused for the following reason:- 'In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed development would be built to Code Level 3 of the Code for Sustainable Homes. It is therefore considered contrary to Planning Policy 1, Delivering Sustainable Development, Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy, supported by Supplementary Planning Document on Sustainable Design.'

Notwithstanding this, the previous committee report stated that if the application were to be approved, this issue could be addressed by a suitably worded condition requiring details to be submitted for prior approval by the Local Planning Authority.

As such, 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 a condition and is considered to overcome a previous reason for refusal.

Conclusion

In conclusion, the site is within the settlement boundary of Barwell, where development is acceptable, providing all planning related matters are adequately addressed.

The outstanding Enforcement Notice in respect of this site relates to an unauthorised floorslab that was built in an attempt to implement the original planning permission (07/01238/FUL) but was constructed without compliance with the pre-commencement conditions and in the wrong position. As Member will be aware a subsequent retrospective planning application to retain the floorslab in its altered position was refused in March 2011 (11/00090/FUL). In July 2011, an Enforcement Notice was issued that seeks the removal of the unauthorised floorslab. The earliest compliance date is 17 November 2011. This application, however, seeks permission to erect a dwelling on a revised footprint and not the unauthorised floorslab. Should Members be minded to approve this application, the requirements of the Enforcement Notice would still stand in respect of the unauthorised floorslab.

As previously outlined an application (ref. 07/01238/FUL) was considered acceptable in 2007 as there was considered not to be any significant material impact upon the character and appearance of the streetscene or residential amenity. Since that time, works have been undertaken to implement this permission but such works are not in accordance with the approved plans in respect of the footprint, siting of the dwelling and the layout of the site. As a result it is considered that given the applicant has undertaken works that have not been carried out in accordance with the approved plans, the permission subsequently lapsed on 16 January 2011. A previous application this year (ref: 11/00090/FUL) was not considered acceptable due to the scheme having a detrimental impact upon the character and appearance of the street scene and the amenities of neighbouring properties in terms of loss of light, overshadowing and overbearing impacts, a lack of financial contribution towards the provision and maintenance of public play and open space and a lack of sustainable design or energy efficiency measures.

However, it is considered that the applicant has sought to address these issues by proposing a smaller footprint, re-alignment and re-positioning of the proposed dwelling within the site, as well as submitting a Unilateral Undertaking with the application, all to overcome the original reasons for refusal.

There is nothing to indicate that the scheme does not comply with the development plan policies; the scheme does not give rise to any significant material harm to residential amenity or highway safety and no material impacts have been identified. Accordingly, the application is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION:- That subject to no new significant material observations being received prior to the expiry of the consultation period on 11 October 2011, and subject to the receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 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 1 November 2011 may result in the application being refused:-

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

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed

development would be in accordance with the development plan as it is an acceptable dwelling within an existing residential setting that would not give rise to any significant materials impacts upon residential amenity or highway safety.

Hinckley and Bosworth Local Development Framework: Core Strategy (2009):- Policies 3, 19, 24.

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

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the details: Site Plan (Scale 1:1250); Survey and Layout (Scale 1:50); Plans and Elevations (Scale 1:100) received by the Local Planning Authority on 6 September 2011.
- 3 No development shall commence until 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 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the dwelling, hereby approved shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 No development shall take commence until full details of both hard and soft landscape works, including defined residential curtilage, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) Means of enclosure and boundary treatments
 - b) Hard surfacing materials
 - c) Schedules of plants, noting species, plant sizes, planting plans and proposed numbers/densities where appropriate.
 - d) Implementation programme.
- 6 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 7 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.

- 8 The window to be inserted in at first floor in west elevation shall be fitted with obscure glass and shall be retained this way thereafter.
- 9 Before the first occupation of the dwelling hereby approved, car parking provision shall be made within the curtilage in accordance with the approved plans. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking, unless otherwise agreed in writing by the Local Planning Authority.
- 10 Before the first occupation of the dwelling hereby approved, 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of all accesses with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway. These shall be in accordance with the standards contained in the Highways Transportation and Development design guide and shall be so maintained this way thereafter.
- 11 Before first occupation of the dwelling, hereby approved driveway shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) and shall be so maintained at all times.
- 12 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 Class A shall not be carried out unless planning permission for such development has first been granted 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 In the interests of sustainable development to accord with Policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.
- 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 & Bosworth Local Plan.
- 7 To ensure the development is compatible with the character and appearance of the existing streetscene, in accordance with the requirements of Policy BE1 of the Adopted Hinckley and Bosworth Local Plan.
- 8 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property, to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 9 To ensure that adequate off-street parking facilities are available to accord with policy T5 of the adopted Hinckley & Bosworth Local Plan.

- 10 In the interests of pedestrian safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 11 In the general interests of Highway Safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 12 To safeguard amenities of neighbouring properties to accord with Policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- Ebony Mattley Ext 5691

Item: 06

Reference: 11/00581/EXT

Applicant: Lighthouse Properties Ltd

Location: Beavers Bar London Road Hinckley

Proposal: EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION
08/00442/FUL FOR THE ERECTION OF 10 APARTMENTS

Target Date: 7 November 2011

Introduction:-

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

Application Proposal

This is an application for an extension of time for extant planning permission (ref: 08/00442/FUL) for the demolition of a commercial premises, known as Beavers Bar, and the erection of 10 x 2 bed apartments at London Road Hinckley. The previous application was a

full submission and expired on the 15 August 2011. The extension of time application has been made prior to the expiry date.

The Site and Surrounding Area

The site area is approximately 690 sq. metres and is located within the urban area of Hinckley in close proximity to the town centre. The surrounding area comprises a mix of uses including residential, community and retail. The site was previously occupied by Beavers Bar, a building used for A3 use. The original buildings on site were demolished prior to the determination of the previous application.

The character of the area is a mix of single, two and three storey properties either detached or forming a terrace. The town centre and associated facilities are within walking distance.

Technical Document submitted with application

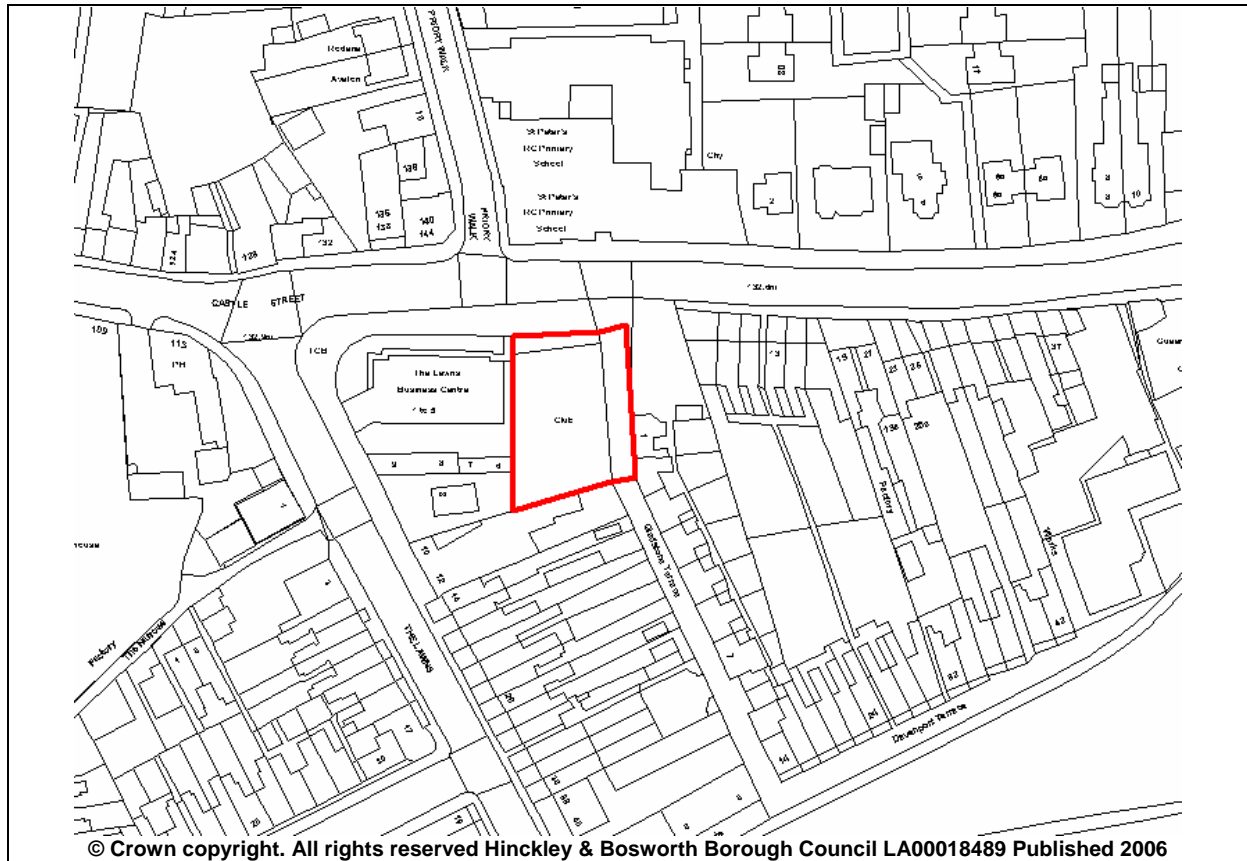
The following documents were submitted with the previous application:-

A design and access statement, heads of terms, street scene plans and a tree assessment.

An amended heads of terms has been submitted with this application.

History:-

08/00442/FUL	Erection of 10.No apartments	Approved	15.08. 08
07/00893/FUL	Demolition of existing bar and erection of 10 apartments	Withdrawn	20.09.07
05/01108/OUT	Demolition of existing bar and erection of 12 apartments (revised scheme)	Approved	16.01.06
05/00700/OUT	Demolition of existing bar and erection of 12 apartments	Withdrawn	06.09.05
01/01096/ADV	Retention of illuminated sign consent	Approved	24.04.03
00/01168/FUL	Elevation alterations and extension to roof	Approved	28.02.01



Consultations:-

No objection has been received from:-

Environment Agency
 Director of Environment and Transport (Highways).

No objection subject to conditions have been received from:-

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

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

- a) Directorate of Chief Executive (Ecology) has no requests
- b) Director of Children and young Peoples Services (Education) requests a contribution of £18 355.16 for Upper School Provision
- c) Director of Environment and Transport (Civic Amenity) has requested a contribution of £462
- d) Director of Adults and Communities (Libraries) have requested a contribution of £540.

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

- a) highway concerns in that there will be additional traffic that the unmade road will not be able to cope with and that there is inadequate off road parking within the vicinity of the site
- b) concerns that the design proposed and property type is not in keeping with that of surrounding properties and buildings
- c) concerns that the development will result in light pollution.

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

The Borough Council's Tree Officer

Primary Care Trust (in respect of developer contributions)

Leicestershire Constabulary Crime Reduction Officer (in respect of developer contributions).

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 3 - Housing, encourages the use of previously developed land within urban areas in preference to the development of greenfield sites for housing. The Policy states that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities.

Paragraphs 40 to 41 states that at least 60 per cent of new housing should be provided on previously developed land and that a key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed.

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

Planning Policy Guidance Note 13 - Transport sets out national transport planning policy. With regards to parking provision this states that Local Authorities should 'not require developers to provide more spaces than they themselves wish' and that 'reducing the amount of parking in new development is essential, as part of a package of planning and transport measures, to promote sustainable travel choices'.

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

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

Regional Policy Guidance

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

East Midlands Regional Plan 2009

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

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

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

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

Local Development Framework Core Strategy 2009

Policy 1 Development in Hinckley outlines 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 5 Transport Infrastructure in the Sub-regional Centre sets out transport interventions to support additional development in and around the sub-regional centre, to promote sustainable development. The interventions include improvements to the provision and management of car parking and public transport to support the increased use of Hinckley Town Centre.

Policy 16 seeks residential development to provide a mix of housing types and tenures at a minimum density of 40 dwellings per hectare within and adjoining Hinckley, Burbage, Barwell and Earl Shilton.

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

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

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

Hinckley 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.

The boundary within the Hinckley Town Centre Area Action Plan (AAP) also reflects that of the Local Plan, and as such the sites fall outside of the town centre and settlement boundary of Hinckley on both accounts.

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".

Hinckley and Bosworth Local Plan 2001

The site lies within the settlement boundary for Burbage as identified 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 T5: Highway Design and Vehicle Parking Standards refers to the application of appropriate standards for highway design and parking provision for new development.

Policy RES5 assesses proposals for residential development on unallocated sites. Planning permission will only be granted if the site lies within the boundaries of an urban area or rural settlement and the siting, design and layout of the proposal do not conflict with relevant plan policies.

Policy REC2 requires all new residential development to provide outdoor play space for formal recreation, or for a contribution to be sought in lieu.

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 T9: Facilities for cyclists and pedestrians encourages walking and cycling including facilities for cycle parking.

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

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

Supplementary Planning Guidance/Documents

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

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

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

Appraisal:-

The main consideration with regards to this application are 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.

Changes to Policy

Central Government Guidance

Since 2008 National Planning Policy Statements have been both issued and amended on a number of topics.

Planning Policy Statement 3 (PPS3) was revised on 9th June 2010 and removed private residential gardens from the definition of previously developed land and removed the national indicative minimum density of 30 dwellings per hectare.

The subsequent letter from the Chief Planning Officer on 15th June 2010 makes clear these amendments provide Local Authorities the opportunity to prevent over development and to determine for themselves the best locations and types of development. It is also interpreted that the changes are to primarily prevent over development within residential areas that are considered out of character.

As this site does not comprise of garden land and is instead a derelict brownfield site, the above changes in respect of the reclassification of garden land as Greenfield land do not apply.

Density

The application site measures 690 square metres, which with 10 apartments gives a density of around 147 dwellings per hectare. This said, the density proposed is similar to other approved apartment schemes in the town centre and is a lower density than the previously approved outline scheme on the site. Accordingly the proposed development will not appear uncharacteristic within its surrounds. Further, given the sustainable location of the site close to services and amenities the density is considered acceptable.

Based on the above it is considered that the character of the area would not be compromised and it is considered that the scheme would be in general conformity with PPS3. Whilst amendments have been made to PPS3, they do not raise issues that would now imply that the development would be unacceptable.

Regional Policy

In 2008 the scheme would have also been considered against Leicester, Leicestershire and Rutland Structure Plan which has since been superseded by the Regional Spatial Strategy for the East Midlands. While this high level policy has changed it is considered that the scheme would also be in accordance with the broad policies of the RSS which still seek to direct new development to urban areas.

Therefore while the development plan has changed since the original decision was reached it does not lead to a different conclusion on the acceptability of the application.

Core Strategy

The Local Development Framework Core Strategy was adopted in December 2009 and of relevance to the scheme is Policy 1. This is an overarching policy to guide development in Hinckley where there is support to deliver a minimum of 1120 new residential dwellings within the settlement boundary of Hinckley. As such, this proposal is considered in accordance with Policy 1.

Policy 24 requires all new dwellings in Hinckley to be built to a minimum of Level three of the Code for Sustainable Homes. The Council is actively applying the requirements of Policy 24 unless material considerations indicate that it cannot be reasonably achieved. In this case there are no arising material considerations that suggest that Code Level 3 compliance cannot be achieved.

Local Plan Policy

The original scheme was granted on the 15 August 2008 therefore it was considered in light of the current adopted Local Plan Policies.

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

Hinckley Town Centre Area Action Plan

The application site is not situated within the Area Action Plan boundary; however the roads adjacent to the site will be subject to a 20mph zone as suggested by the Action Plan. This will have no direct impacts on the acceptability of the scheme. There are no other proposals within the plan which will have any direct impacts on the development proposed.

Changes to Conditions

Given that the development plan and other material considerations have not changed in a manner that would now lead to the application being refused, the other consideration is whether additional conditions should be applied.

Since the determination of the previous application the Local Development Framework Core Strategy has been adopted (2009) and as discussed above Policy 24 requires that all new residential development within Hinckley, Burbage, Barwell and Earl Shilton will be constructed to a minimum of Code Level 3 of the Code for Sustainable Homes. As such it is considered necessary to attach an additional condition to secure this.

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.

Financial Contributions

Since the determination of the previous application the Community Infrastructure Levy Regulations (CIL) 2010 have been brought out. This requires the Borough Council to ensure that requested contributions are necessary, directly related and fairly and reasonably related in scale and kind the development proposed.

Play and Open Space Contributions

The site is located within 400 metres of open space Queens Park (Neighbourhood Park). 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).

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 2007 which awarded Queens Park a quality score of 32.4%. The Play and Open Space SPD sets out how the contribution is calculated in proportion to the size and scale of the development. As the scheme results in a net gain of 10 dwellings a total figure of £12,508 is sought; £8,178 for provision and £4,330 for maintenance.

It is considered that Hinckley has a deficit of both equipped and outdoor sports areas. 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 revised S106 Agreement is under negotiation to secure the play and open space contributions.

Director of Children and young Peoples Services (Education) requests a contribution of £18 355.16 for Upper School Provision, Director of Environment and Transport (Civic Amenity) has requested a contribution of £462, Director of Adults and Communities (Libraries) have requested a contribution of £540.

The above contribution requests have been consideration in respect of their CIL compliance:-

Libraries contribution

It has not been demonstrated whether the library likely to be used by the development has sufficient capacity for the 10 additional users generated, therefore the contribution cannot be shown to be necessary. No information has been provided indicating how exactly the contribution would be used. In addition, the justification fails to show any consideration of what (if any) problems the library currently has. In sum, it can not be illustrated that the contribution is necessary to the development.

Civic Amenity

A contribution has been requested on the basis it is required to mitigate the effects of the additional 3 tonnes waste per year arising from the development. The site currently accepts nearly 9000 tonnes of waste per year. The increase is considered insignificant when looked at in proportion to the total amount of waste received each year. No evidence has been provided to suggest that there is no capacity for this increase. It is therefore considered that it is difficult to conclude that the contribution is to make the development acceptable in planning terms.

Education

There is an existing deficit at the school the contribution is sought for of 86 pupils. This development is predicted to add to the deficit with a total of one pupil. As the existing deficiency is so great, it is not considered that the contribution is shown to be necessary. It cannot also be said to be directly related to the development as the issue is so significant and pre-existing.

Accordingly, the above contributions are not considered CIL compliant and will not be requested.

The other remaining original conditions and the reasoning for their imposition have been considered and it is concluded that they are necessary.

Other Considerations

Concerns have been raised that the design proposed and property type is not in keeping with that of surrounding properties and buildings. In respect of this the area comprise a mix of property styles and design and although surrounding properties are predominantly 2 storey,

two and half storey is not considered to be detrimental to the street scene and is in line with a previous scheme granted outline planning permission (05/01108/OUT).

It has been suggested that due to the height of the proposal it will result in light pollution. In respect of this, no external high level lighting has been proposed on the development, and the type of development proposed is not one which would normally be considered to result in light pollution. Although, additional light will be generated by the development, from the internal lighting of rooms, this is not considered to be of a scale to result in light pollution which would warrant refusal of the application.

It has been stated that to access the proposed development, private land will have to be crossed. No evidence has been provided to prove this is the case, and thus the application has been appraised against the documents submitted. If there is a dispute in respect of land ownership, this is a private issue which needs to be resolved between the parties involved. Land ownership is not a material planning consideration.

It has also been suggested that the private road which provides access to the surrounding properties is in a poor state of repair. Upgrading of this private road is not a consideration of the application. Highway improvements which are considered necessary for the development and which are directly related to it have been requested by way of condition.

Conclusion

The development plan and other material considerations have not changed in a manner that would now lead to a different conclusion on the acceptability of the application. It is considered that all other remaining conditions and additional conditions as stated for the reasons outlined in the report should be imposed. As such, the extension of the scheme for a further 3 year plan period is acceptable subject to the imposition of the planning conditions and subject to the signing of an Agreement under Section 106 of the Town and Country Planning Act 1990.

Recommendation:-

That subject to a Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide the financial contributions towards the provision and maintenance of play and open space the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission subject to the conditions below. Failure to complete the said agreement by 7 November 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, consultation responses, 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 and the Unilateral Undertaking, the proposed development would be in accordance with the development plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers and would be acceptable in terms of highway safety.

Hinckley and Bosworth Local Development Framework: Core Strategy (2009):- Policies1, 5, 16, 19, 24.

Hinckley and Bosworth Local Plan (2001):- Policies BE1, T5, RES5, REC3, T9, NE2, IMP1.

- 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 building 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 Notwithstanding the submitted details and before any development hereby permitted is commenced on site a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the treatment of all ground surfaces together with plant species, size and numbers and their disposition throughout the site and implementation programme. The development shall then be carried out in accordance with the approved details.
- 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 No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted and approved in writing by the planning authority.
- 6 The car parking and turning facilities shown within the curtilage of the site shall be provided before the development is brought into use and shall thereafter permanently remain available for use thereafter.
- 7 Notwithstanding the details submitted, prior to the commencement of development, a scheme of improvements including construction details and detailed design drawings of the Gladstone Terrace junction and the access to the site shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8 Notwithstanding the submitted details and prior to development commencing on site, details (including fixings and glazing) of the ground floor windows fronting London Road and windows facing Gladstone Terrace shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with those details.
- 9 Prior to the commencement of development, a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the development 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 any dwelling constructed as part of the development hereby approved, a final certificate demonstrating that the entirety of the development has been constructed to a minimum of Code Level 3 shall be provided to the Local Planning Authority.
- 10 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Nos:- 02B, 03B Received by the Local Planning Authority on the 28 April 2008.

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&4 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.
- 5 To ensure satisfactory archaeological investigation and recording to accord with policy BE13 of the Hinckley and Bosworth Local Plan.
- 6 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the Hinckley and Bosworth Local Plan.
- 7 To enable vehicles to enter and leave the highway in slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect and free and safe passage of traffic in the public highway to accord with policy T5 of the Hinckley and Bosworth Local Plan.
- 8 In the interests of the safety of users of the highway immediately adjacent to the front wall of the building and in the interests of residential amenity to accord with policy T5 and BE1 of the Hinckley and Bosworth Local Plan.
- 9 In the interests of sustainable development to accord with policy 24 of the adopted Hinckley and Bosworth Local Development Framework Core Strategy.
- 10 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

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

Contact Officer:- Eleanor Shaw Ext 5680

Item: 07
Reference: 11/00635/FUL
Applicant: Mr D Price
Location: Land East Of Heath Road Bagworth
Proposal: PROPOSED AGRICULTURAL BUILDING
Target Date: 14 October 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

This application seeks full planning permission for the erection of a new agricultural building on a roughly rectangular piece of land to the east of Heath Road, Bagworth. The proposed building is to be located close to the northern boundary of the application site and close to the existing field access off Heath Road to the west. The proposed building measures 18 metres x 12 metres (216 square metres of floor space) with a ridge height of 5.8 metres and eaves height of 3.8 metres. The proposals also involve the setting back of the gated access 10 m from the highway to the west. A plan has been submitted with the application that proposes that the building is to be constructed of steel frames with external walls of low level concrete blockwork with Yorkshire boarding over, green steel sheet roof panels, a feed trough to the west elevation and double steel access doors to the south elevation.

The Site and Surrounding Area

The application site is located in the countryside to the south west of Bagworth. The site extends to approximately 4.04 hectares and slopes from north to south. It consists of two fields divided by a post and wire fence and laid to grass. There is an existing lean-to type building constructed of timber frame and profiled cladding sheets located in the north-west corner of the site. This structure has open sides to the east and south elevations and appeared to be unused and somewhat dilapidated in its appearance at the time of the case officer's site visit. The building measures approximately 11 metres in length, 6 metres in depth and 3 metres in height. The site is bounded by a mature hedgerow to the west fronting Heath Road and by Heath Woods to the north and east. To the south of the site lies a small lake and wetland habitat. Vehicular access is via two existing field gates off Heath Road located along the western boundary of the site.

Technical Document submitted with application

This application is a resubmission of 10/0770/FUL that was previously refused by members at the planning committee meeting on 5 January 2011. The details submitted with this information are identical to that application with the exception of additional information to justify the proposed development.

A Planning Statement has been submitted to support the application. This information states that the proposed agricultural building will be sub-divided into pens, with three pens being

used for the storage of cattle or horses and the fourth pen to be utilised for the storage of feed. The Planning Statement also states that the purpose of the agricultural building is to allow a building which is flexible for the wintering of cattle and/or horses. The statement sets out the background of the applicant and states that their primary source of income is from the rearing and breeding of cattle and cob horses and that they either own or rent a total of 52.4 Hectares of agricultural land in the area. The statement provides a break down of the amount of land that the applicant and their relatives own and rent within Leicestershire. The land is detailed as the following:-

Owned

Heath Lane, Bagworth	12.5 acres
Barlestone Road, Bagworth	12 acres

Rented

Land near Lodge Farm, Barlestone	14 acres
Adjacent to racetrack, Mallory Park	22 acres
Adjacent to Park Farm, Ibstock	33 acres
Station Road, Ibstock	22 acres
Tollgate Farm, Osbaston	14 acres

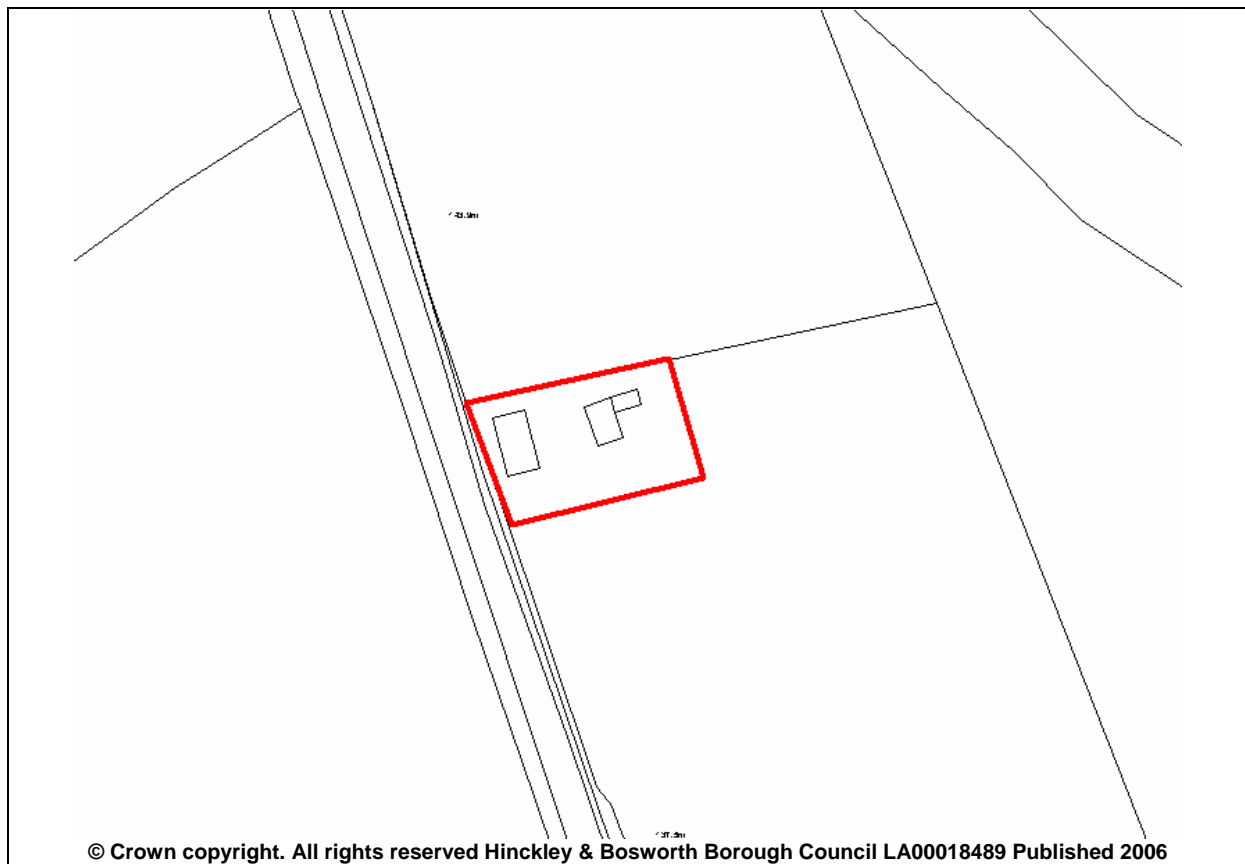
Total 129.5 acres or 52.4 hectares.

The statement concludes that the north western corner of the site is the most sheltered and well screened aspect and sited close to the existing site access.

An additional statement has been provided which states that the proposed agricultural building will provide an appropriate building which makes efficient use of the land and will contribute a significant improvement to the landscape in visual terms.

History:-

11/00166/FUL	Agricultural building for livestock and storage of hay	Withdrawn	19.05.11
10/00770/FUL	Erection of Agricultural Building	Refused	05.01.11
10/00650/FUL	Erection of Agricultural Building	Withdrawn	15.09.10
10/00448/GDO	Erection of Barn for the Purpose required of Storing Hay	Approved	23.07.10
10/00308/GDO	Erection of an Agricultural Building	Approved	20.05.10



Consultations:-

No objection has been received from:-

Environment Agency
Head of Community Services (Pollution)
Agricultural Consultant.

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

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

Head of Community Services (Land Drainage)
National Forest Company
Bagworth & Thornton Parish Council
Ward Members.

The consultation period remains open at the time of writing this report and expires on 3 October 2011. Any representations received before the end of the consultation period will be reported and appraised as a late item.

Policy:-

Central Government Guidance

Planning Policy Statement 7: Sustainable Development in Rural Areas' in paragraph 1 states that new building development in the open countryside away from existing settlements

should be strictly controlled to protect the countryside for the sake of its character, beauty, diversity, heritage and wildlife so it may be enjoyed by all. All development in rural areas should be well designed and inclusive, in keeping with its location, and sensitive to the character of the countryside. Paragraph 15 states that planning policies should provide a positive framework for facilitating sustainable development that supports traditional land based activities that require a countryside location but continue to ensure that the quality and character of the wider countryside is protected. 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 and other countryside based enterprises and activities which contribute to rural economies whilst also conserving sites of landscape value.

Regional Policy Guidance

The decision of the Secretary of State for Communities and Local Government ("SoS") on 6 July 2010 to revoke Regional Strategies using powers in section 79 of The Local Democracy, Economic Development and Construction Act 2009 was successfully challenged in the High Court and was quashed in a judgment handed down on 10 November 2010. Following the decision, the SoS has written to local planning authorities stating that the government will introduce the Localism Bill in November containing proposals to abolish Regional Strategies. The government's Chief Planning Officer has also written advising that local planning authorities should still have regard to the SoS's letter of 27 May 2010 and that it should still be regarded as a material consideration. Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS's intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration. In relation to the weight to be given to that intention as a material consideration the Court held that the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

East Midlands Regional Plan 2009

No relevant policies.

Local Policy

Local Development Framework Core Strategy 2009

There are no relevant policies within the Core Strategy.

Hinckley and Bosworth Local Plan 2001

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

Policy BE1: 'Design and Siting of Development' seeks to secure attractive development and to safeguard and enhance the existing environment. Planning permission will be granted where the development complements or enhances the character of the surrounding area with regard to scale, layout, design and materials; has regard to the safety and security of property; incorporates landscaping if necessary; ensures that there is adequate highway visibility for road users and adequate provision of parking and manoeuvring facilities.

Policy NE5: 'Development in the Countryside' states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is important to the local economy and cannot be provided within

or adjacent to an existing settlement and where it does not have an adverse effect on the appearance or character of the landscape; is in keeping with the character of the general surroundings; will not generate traffic likely to exceed the capacity of the highway network or impair road safety and where necessary is effectively screened by landscaping.

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

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

Other Documents

Leicestershire County Council document: 'Highways, transportation and development' provides further guidance to developers in respect of all highway issues and on the policies and objectives of the Highway Authority.

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

Appraisal:-

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

Principle of development

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

In this case, the planning history of the site includes two previously determined applications for a similar sized building for the storage of hay made under the prior notification procedures of Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) Order 1995. In determining these applications, consideration was given to the use of the land at the time for the grazing of the applicant's horses, rather than for any agricultural operation or activity and the lack of any substantive evidence to suggest that the building would be used for agricultural purposes or was reasonably necessary for such purposes. In both cases it was concluded that the building could not be classified as permitted development under the Order and planning permission was required for the proposed building as it did not relate to an agricultural operation and was not reasonably necessary for the purposes of agriculture at the time.

Members may recall that a planning application (10/00770/FUL) for the erection of an agricultural building was refused at this site at the committee meeting on 5 January 2011. This application is a resubmission of that application which was refused on the grounds that insufficient information was provided to justify the building in connection with agricultural purposes.

Notwithstanding the previous applications relating to the site, this application must be determined on its own merits and on the basis of the information submitted, including the additional information submitted in order to justify the proposed agricultural building. Whilst the erection of an agricultural building on the site may be generally acceptable in principle, in this case and on the information submitted, it is considered that the applicant has provided sufficient justification that the agricultural building is required on animal welfare and husbandry grounds.

Design and Layout

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. Furthermore the proposed materials of construction are reflective of most agricultural buildings found in the open countryside. The proposed building will be sited adjacent opposite an existing field shelter at the site which is located adjacent to the principal site access.

Highway Safety

The site has two accesses directly off a relatively straight stretch of Heath Road. The use of the site for agricultural purposes in itself, including the keeping of beasts, would not require planning permission. The existing field gate from Heath Road close to the north-west corner of the site will be used to access the building. The Director of Environment and Transport (Highways) does not object but recommends that improvements are made to the access to mitigate for any small increases in traffic to and from the site. However, given the potential unrestricted agricultural use of the land it is unlikely that it can be satisfactorily demonstrated that the proposed building will result in a significant increase in traffic to and from the site and that the recommended improvements are necessary and reasonable to make the proposed development acceptable in highway safety terms. In this case, the erection of the proposed building is considered unlikely to result in any significant adverse impact on highway safety.

Other issues

Loss of Residential Amenity

The nearest buildings used for residential purposes are in excess of 330 metres from the proposed building. Given this separation distance the proposed use of the building for accommodating livestock is considered unlikely to result in any adverse impact on the amenities of any residential properties.

Supporting Information

The planning statement submitted with the planning application sets out the applicant's case and states that their primary source of income is derived from the wintering of cattle which are sold on for fattening and for the rearing/breeding of horses for stock improvement purposes, this also involves the sale of horses for export. Therefore the case put forward in the planning statement is that the proposed agricultural building is required for the wintering of cattle and/or horses belonging to the applicant.

It is accepted that the proposed need for the building on the grounds of animal husbandry and welfare has been demonstrated in this case and that the proposals conform with best agricultural practice where buildings are necessary for protecting animals from severe weather or sickness, or to withdraw stock from the land in the interests of good animal husbandry. This is reflected in the consultation response from the Council's agricultural consultant who confirms that the agricultural building being proposed in this case is not unreasonable for the purposes being put forward in the supporting statement. In terms of the use of the proposed agricultural building it is considered prudent in this case to ensure that it is used for the purposes set out in the planning statement, this allows the Local Planning Authority to ensure that the proposed building is being used for agricultural purposes which are consistent with the open countryside location.

The planning statement sets out the amount and location of land that the applicant and their relatives own and rent. The supporting statement highlights that there has been an ongoing requirement for the applicant to find a suitable building for the wintering of the young livestock (horses) and that the applicant owns the land at Heath Road, Bagworth which is considered to be the 'only suitable permanent site where a building could be provided for over-wintering purposes'. The supporting information intimates that there is no permanent building at present that the applicant could utilise for the proposed purposes. The Council's agricultural consultant has advised that the building is proposed to be sited on a small part of the unit which is in the direct ownership and secure control of the applicant and not to be sited on rented land where investment in such a building might be considered less certain and secure.

As stated above the erection of an agricultural building on the site is considered acceptable in principle. The scale and height of the proposed agricultural building is not excessive and the accommodation being provided is consistent with the space requirements of the herd sizes of horses or cattle alluded to in the applicant's supporting statement, together with additional space being provided for the storage of bedding and feed. It is therefore concluded that the proposals represent a flexible agricultural building which meets the competing demands of the applicant's rural enterprises. The Council's agricultural consultant has confirmed that the proposed building is not excessive in size for the purposes put forward in the applicant's supporting statement.

Conclusion

In conclusion, taking into account the supporting information it is considered that sufficient justification for an agricultural building in this location has been provided, in accordance with PPS7 and policy NE5 of the adopted Local Plan. The proposed agricultural building is well related to the existing field shelter at the site in terms of its siting 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 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows: Floor plan and elevations received 3 August 2011, Site Location Plan and Block Plan received on 19 August 2011.
- 3 The development hereby permitted shall be carried out in complete accordance with the schedule of materials stated in the planning application.
- 4 Before the proposed agricultural building hereby approved is first brought into use the existing field shelter shall be removed from the site.
- 5 The proposed agricultural building hereby approved shall be strictly used for the purposes stated in the Planning Statement submitted with the planning application and for no other use 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 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.
- 4 In the interests of visual amenity and to protect the character and appearance of the countryside and the setting of the National Forest, in accordance with policies BE1, NE5 and NE21 of the Hinckley and Bosworth Local Plan.
- 5 To ensure that the proposed use is compatible with its open countryside location and to allow the Local Planning Authority to assess whether other uses would be compatible in the open countryside and National Forest, 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).

Contact Officer:- Scott Jackson Ext 5929

PLANNING COMMITTEE – 11 OCTOBER 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)
RE: ST. MARTINS CONVENT, HINCKLEY ROAD, STOKE GOLDING

1. PURPOSE OF REPORT

- 1.1 To request that Planning Committee consider a proposal to vary the terms of the Section 106 Agreement in relation to the grant of outline planning permission ref: 10/00358/OUT for the erection of up to 59 dwellings at St. Martins Convent, Hinckley Road, Stoke Golding.

2. RECOMMENDATIONS

- 2.1 That the Planning Committee agrees to the request for a variation of the S106 agreement dated 9 September 2010 and made between Hinckley and Bosworth Borough Council, Leicestershire County Council, Mar City Developments Limited and others (‘the Section 106’).
- 2.2 That the agreement be constructed in accordance with the conditions set out at para. 5.17 of this report.
- 2.3 That, if Planning Committee is minded to agree to the request then it be subject to:
- The applicants meeting the Council’s reasonable costs in concluding such an agreement.

3. BACKGROUND TO THE REPORT

- 3.1 Members may recall the above planning application being reported to Planning Committee on 3 August 2010. Members resolved to grant outline planning permission subject to conditions and the completion of the said Section 106 Agreement.
- 3.2 Members should also recall that at the meeting of the Planning Committee on 21 June 2011 they resolved to grant the associated reserved matters application in association with the outline consent previously granted and to which the Section 106 Agreement is attached.
- 3.3 The signed Section 106 Agreement secures the following planning obligations:

To the Borough Council:

Equipped Children’s Play Space: In accordance with the standards set down in the SPD Play and Open Space.

Informal Children’s Play Space: In accordance with the standards set down in the SPD Play and Open Space.

Affordable Housing: 40% of the total number of dwellings at a tenure mix of 75% social rent and 25% Intermediate

To the County Council:

Bus Stop Improvements: £14,610.00
Travel Pack/Bus Passes: 2 passes per dwelling

- 3.4 In order to consider such a request it is necessary to explore the reasons behind the request and the implications of the variation.
- 3.5 The applicant confirms that at the time of signing the S.106 Agreement they had not given consideration to the economic viability of their scheme. They claim the scheme was submitted in outline form to establish the principle of the redevelopment for residential purposes and was submitted with the support of the local community. They claim that until the reserved matters approval for the development had been formulated and approved there was no real understanding of the developments costs and therefore the viability of the scheme.
- 3.6 The applicant has submitted a viability appraisal that demonstrates the development costs including the committed developer contributions.
- 3.7 In accordance with current internal working arrangements the Homes and Communities Agency (HCA) have been consulted on the submitted viability appraisal and confirm that the applicant's appraisal is reasonable and confirms that the development with the committed contributions is not viable.
- 3.9 The resultant effect of the applicant's viability appraisal is an offer that proposes a total developer contribution fund (including affordable housing provision) of £521,680.

4. **Policy Considerations**

- 4.1 The play and open space contributions as secured in the Section 106 Agreement is compliant with the requirements of Saved Policy REC3 of the Adopted Hinckley and Bosworth Local Plan.
- 4.2 The affordable housing contribution (including the tenure mix) secured in the Section 106 Agreement is in accordance with the requirements of Policy 15 of the Adopted Hinckley and Bosworth Core Strategy.
- 4.3 Policy 15 confirms that the affordable housing figures will be negotiated on a site by site basis.
- 4.4 The Council's Housing Strategy and Enabling Officer confirms:

The Council's Housing Register at 3rd August for properties is as follows:

1 bed properties	100 applicants of which 12 have a local connection
2 bed properties	40 applicants of which 4 have a local connection
3 bed properties	27 applicants of which 2 have a local connection
4 bed properties	5 applicants of which 5 have a local connection

There is not a large supply of social rented properties in Stoke Golding. The Council owns 26 properties, which consist of 6 one bed roomed bungalows, 4 one bed roomed flats, 3 two bed roomed flats, 1 two bed roomed house and 12 three bed roomed houses. In addition, a Registered Provider has 2 one bed roomed bungalows and 1 three bed roomed house for social rent in Stoke Golding.

Stoke Golding is a popular village for applicants; the turnover of properties is very low. There have only been three vacancies in the last year. Any increase in the number of social rented homes would therefore be very welcome to help relieve the pressure on the waiting list and would seek to readdress the imbalance in affordable

housing provision within the village and the Borough as a whole in line with the objectives of Policy 15.

A supply of intermediate housing would help increase the choices for people wishing to become owner occupiers in Stoke Golding. The average house price in Stoke Golding in 2009 (the latest available figures) is £197,722, and the average price for a semi detached house in the village is £150,875. This puts ownership of open market sale housing out of reach for many people who would like to live in this area. Intermediate affordable housing therefore helps to fill a gap in the market which would bring opportunities for the lower waged in the village.

- 4.5 The Chief Planning Officer Letter: Ministerial Statement on Economic Growth confirms that sustainable forms of development should be actively considered to prompt economic growth.
- 4.6 The Draft National Planning Policy Framework confirms at Para 14 that *“At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking”*. Whilst it should be noted that at the moment this is only a consultation document and therefore does not carry substantial weight it does continue the Governments position of encouraging sustainable development and promoting housing growth.
- 4.7 In recent years it has become recognised that the economic viability of any development is a material consideration in the determination of any planning application. Recent appeal decisions have confirmed that in light of the Ministerial Statement on Economic Growth economic viability is a determining factor in the deliverability and therefore the consent of schemes.

5. **Appraisal and Consideration of the Issues and Offer**

- 5.1 The applicant demonstrates that the development is unviable as approved and seeks to make a revised offer that is affordable to the development. The viability appraisal confirms that a total developer contribution fund must be capped at £521,680 to make the development economically viable.
- 5.2 The applicant's viability offer needs to be considered alongside the development plan requirements for a development of this type. As such the options need to be considered alongside the requirements of Policies 11 and 15 of the Core Strategy and Policy REC3 of the Local Plan.
- 5.3 Policy 11 seeks to deliver a minimum of 60 new homes in Stoke Golding and the approved scheme provides 59 dwellings, therefore substantially meeting that target. The spatial vision of the Core Strategy would be compromised if significant over provision of housing was to occur and to this end the Council has been successful in defending the recent Morris Homes appeal in Stoke Golding.
- 5.4 Accordingly, against the backdrop of the recent appeal decision and alongside the fact that the development of the St Martins site substantially meets the needs of Policy 11 the development of the St Martins site is likely to be the only substantial housing delivery in Stoke Golding within the life of the Core Strategy. Furthermore, the development of the site will be the only substantial opportunity to achieve the affordable housing target of 40% within Stoke Golding within the life of the Core Strategy.
- 5.5 Therefore, it is the conclusion of officers that should the amount of affordable housing on the subject site be reduced there will be little opportunity to recover it in the future

and the Council would, following the recent appeal decision, be likely to resist further development in Stoke Golding as it would be contrary to the spatial vision of the Core Strategy. It should however be noted that Core Strategy Policy 15 does allow for affordable housing figures to be agreed on a site by site basis.

- 5.6 It is within this context that the viability of the scheme needs to be carefully considered. Whilst viability is a material consideration, the provisions of the development plan are also material considerations and the priorities of these conflicting positions needs to be explored.
- 5.7 In recent years officers have sought to take a pragmatic view towards the delivery of development whilst meeting policy objectives, therefore embracing the planning authority's role as a controller and enabler. From the time of the consideration of the outline application officers and Members have always been aware of the public support for the development of the subject site rather than any other within the village and it is within this context that officers are considering this matter and the applicant's request.
- 5.8 This pragmatic approach is now consolidated within the Ministerial Statement on Economic Growth which confirms that planning authorities should make a presumption in favour of sustainable development. Officers and Members agreed at the time of the determination of the outline application that the subject site and the proposal are sustainable in planning terms. Accordingly, there is a presumption in favour of the development of this site; however this is likely to be in conflict with development plan policy and at the cost of affordable housing provision and other contributions.
- 5.9 Within this proposed capped limit (the viable offer) the applicant has sought to provide a series of scenarios of various offers and combinations of contribution that they could provide.
- 5.10 In considering the various options available to them the applicant has sought to approach the matter as flexibly as possible to ensure the highest amount of affordable housing provision can be made. However, the fact that the development is not economically viable with a 40% affordable housing provision remains a material planning consideration.
- 5.11 One of the applicant's suggestions to write down the affordable housing offer and the other developer contributions (options 1-3) is not considered favourable to officers for the following reasons:

The reserved matters for the development is now granted and the layout of the site is based around the on site provision of open space. To reduce these contributions would inevitably compromise the development in terms of that provision to a significant degree that could be seen to be unacceptable and would amend the scheme beyond the scope of the planning permission granted.

Whilst being termed sustainable, this is upon the basis of the sites provisions and the omission of on site open space contributions would create a development that would not be sustainable and would result in children having to travel into Stoke Golding to make use of existing facilities.

The development is only acceptable and sustainable in highways terms on the basis of the highways provision to be delivered and any lesser contribution may render the development unsustainable.

The reduction proposed is approximately £21,000.00. This is a proportion of the original contributions (excluding the affordable housing provision) reduced as a result of the developments viability. This is not considered to make a significant impact on the overall deliverability of the affordable housing element of the scheme due to the inherent greater costs of affordable housing provision.

- 5.12 In light of the provisions of Policy 15, the Ministerial Statement and with the intention of delivering the scheme, it is officer's opinion that the most balanced and sustainable approach is to consider the developer's option of maintaining the developer contributions for open space, bus passes and travel packs as agreed but to negotiate the affordable housing provision and the tenure split of the agreed provision. This approach will ensure that the greatest amount and most appropriate affordable tenure will be provided within the development without the intentions of the scheme being compromised.
- 5.13 In maintaining the contributions towards open space, bus passes and travel packs as agreed the developers viable contribution towards affordable housing provision is reduced to £398,995.
- 5.14 To this end, it is officer's opinion that Members should agree to renegotiate the terms of the Section 106 Agreement to secure the most appropriate amount and mix of affordable housing within the capped limit of £398,995. This is based upon the assumption that should the application have been submitted with a lesser degree of affordable housing officers would have still recommended approval on the basis that the site will meet the housing need for Stoke Golding and contribute towards the delivery of housing within the Borough and therefore make a positive contribution to the 5 year housing supply.
- 5.15 It is proposed that the details of the negotiations should be delegated to officers to agree the most viable and appropriate provision for this site and settlement.
- 5.16 However, due to the fact that the negotiations on this application have already been carried out when the application was determined, your officers are not fully aware of Members immediate priorities for the delivery of housing and affordable housing in the current climate.
- 5.17 It is within this recommendation that the following conditions are attached:

Not less than 20% affordable housing provision will be accepted.

The agreed tenure split will be in agreement with the Council's Housing Strategy and Enabling Officer and will reflect the Council's Housing Register.

To ensure that any renegotiations are promptly concluded in accordance with the current economic climate, any new Section 106 Agreement should be signed within 2 months of Members resolution.

To ensure that the development is delivered in the current economic climate commencement on site will be within 1 year of the date of the decision to modify the Section 106 Agreement.

6 FINANCIAL IMPLICATIONS (CB)

- 6.1 As noted in the main body of the report the change to the original S106 agreement will only relate to the amount and/or mix of affordable housing that can be offered. As such whether the amendment is accepted or rejected will not have a direct financial impact on the Council.

7 LEGAL IMPLICATIONS (EP)

- 7.1 Section 106 of the TCPA 1990 permits the modification or discharge of a planning obligation at any time by agreement. This will require the consent of all the parties to the original agreement, however where any original party has disposed of their interest in the land their successor in title will be a party to the agreement and not the original party.

8. CORPORATE PLAN IMPLICATIONS

- 8.1 This document contributes to Strategic Aim 3 of the Corporate Plan: Safer and Healthier Borough.

9. CONSULTATION

- 7.1 None

10. RISK IMPLICATIONS

- 10.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 10.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision/project have been identified, assessed and that controls are in place to manage them effectively.
- 10.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks	
Risk Description	Mitigating actions
Reduced contribution (lower input to capital programme). Reduced contributions results in lower investment in the capital projects.	Reduce expectations on the level of investment. i.e. for play and open space, ensure land is provided but reduce the amount of equipment to be provided.

11. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 11.1 The renegotiations are seeking to ensure that the development is deliverable and therefore the affordable housing offer is also deliverable.

12. CORPORATE IMPLICATIONS

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

Community Safety Implications
Environmental Implications
ICT Implications
Asset Management Implications
Human Resources Implications

Background Papers: Planning application committee report 18 November 2008

Contact Officer: James Hicks, extension 5762

PLANNING COMMITTEE – 11 OCTOBER 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. F Downes against the refusal for full planning permission for the erection of five dwellings (10/00980/FUL) at 9 Spa Lane, Hinckley.

Appeal by Jaynes Barnes against the refusal for full planning permission for the demolition of existing dwelling and garage and the erection of new dwelling with associated access and parking provision (11/00471/FUL) at 6 Boyslade Road East, Burbage.

Appeal by SWIP LTD against condition(s) imposed on extension of time for application 06/00980/OUT for the redevelopment of former colliery site to include storage and distribution uses (class B8), small business units (classes B1(C), B2 AND B8), a country park, landscaping open space and the formation of a new access, (outline – with access) (10/00851/EXT) at Nailstone Colliery, Wood Road, Nailstone.

Appeals Determined

Appeal by Mr. J Singh against the refusal for full planning permission for the change of use from Retail (Class A1) to Hot Food Takeaway (Class A5) and the erection of external flue retrospectively (10/00908/FUL) at 102 Rugby Road, Hinckley, LE10 0QE

The Planning Inspector considered the single main issue for consideration is the effect of the proposal on the living conditions of neighbouring occupiers. The appellant has since sought to address the concerns of the previous Planning Inspector, principally reducing the opening hours and introducing soundproofing measures to the party wall with the adjoining residential property no. 100.

The appeal premises is in an edge of town location with shops, takeaways and a mixed use redevelopment site nearby therefore the areas character has a transitional element rather than completely residential.

Observing the comments made by the Councils Environmental Health Officer he was satisfied that the soundproofing now proposed would reduce noise to an acceptable level. It was also noted that the extraction system will be sufficient to deal with odours. The proposed change in closing time from 20:00 to 18:00 would address concerns about noise and general disturbance in the mid-evening. All the previous concerns are now considered to be satisfactorily addressed by the current proposal.

Whilst mitigation measures aim to overcome original concerns, the Council maintains that the issue in essence comes down to a non-conforming use in a residential area. As previously stated the area is not exclusively residential in the Inspectors opinion.

In light of suitably worded conditions the Planning Inspector believes the proposed use would not materially harm the living conditions of neighbouring occupiers with regards to the potential for noise and disturbance which would conflict with saved Policy BE1 of the Hinckley and Bosworth Local Plan 2001.

Reference was also made to the flue where it was considered by the Planning Inspector no material harm will arise to the outlook of neighbours and therefore to their living conditions. The Planning Inspector considers the change of use is acceptable and then recommends suitably worded conditions to be attached to the decision.

Inspectors Decision

Appeal allowed (committee decision)

4. **FINANCIAL IMPLICATIONS [MR]**

None

5. **LEGAL IMPLICATIONS [CB]**

The costs of the above appeals can be met from existing budgets.

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 - 11 OCTOBER 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: 30.09.11

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
	ES	11/00377/FUL	IH	C Price	Land Adj Hissar House Farm, Leicester Road, Hinckley	<i>Awaiting Start Date</i>	
11/00018/COND	RW	10/00851/EXT	PI	SWIP Ltd	Nailstone Colliery, Wood Road, Nailstone	<i>Start Date</i> Questionnaire Rule 6 Proof of Evidence Public Inquiry (2 days)	23.09.11 07.10.11 04.11.11 TBA TBA
11/00019/PP	ES	11/00471/FUL	WR	Jaynes Barnes	6 Boyslade Road East, Burbage	<i>Start Date</i> Questionnaire Statement of Case Final Comments	28.09.11 12.10.11 09.11.11 30.11.11
11/00017/PP	EM	10/00980/FUL	WR	Mr F Downes	9 Spa Lane, Hinckley	<i>Start Date</i> Statement Final Comments	09.09.11 21.10.11 11.11.11
11/00015/PP	SJ	11/00228/FUL	WR	Mr & Mrs J Hitchcock	Rear of 8 Sutton Lane Market Bosworth	<i>Start Date</i> Final Comments	11.08.11 13.10.11
11/00014/ENF	LR	10/00176/UNAUTH	WR	Mr K McEwan	30-32 High Street Earl Shilton	<i>Start Date</i> Awaiting Decision	13.07.11
11/00013/CLD	NC	11/00279/CLU	WR	Mr David Durrant	15 Crownhill Road Burbage	<i>Start Date</i> Awaiting Decision	01.07.11
09/00017/ENF	JC/ES	07/00031/BOC	PI	Mr P Godden	Land at Upper Grange Farm Ratby Lane Markfield	<i>Start Date</i> Statement of Case Public Inquiry (4 days) Temporarily Suspended	06.11.09 On hold pending JR

Decisions Received

11/00009/PP	EM	10/00908/FUL	WR	Mr Jogi Singh	The Pantry 102 Rugby Road Hinckley	ALLOWED	02.09.11
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Rolling 1 April - 30 September 2011

Planning

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision		
					Allow	Spt	Dis	Allow	Spt	Dis
12	3	6	0	3	2	0	6	1	0	0

Enforcement

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn

PLANNING COMMITTEE - 11 OCTOBER 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 01/09/2011 and 30/09/2011

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Ambion					
	11/00479/FUL	PLANNING PERMISSION	06/09/2011	Miss Suzanne Molyneux	14 Andrew Close Stoke Golding Nuneaton Leicestershire CV13 6EL
				ERECTION OF 10 SOLAR PHOTOVOLTAIC PANELS.	
	11/00590/FUL	PLANNING PERMISSION	21/09/2011	Mr Robert Panther	15 Andrew Close Stoke Golding Nuneaton Leicestershire CV13 6EL
				INSTALLATION OF PHOTOVOLTAIC PANELS	
	11/00683/TPO	Permit Conservation Area TPO works	23/09/2011	Mr FOS Wynne	The Hall Main Street Sutton Cheney Nuneaton Leicestershire CV13 0AG
				WORKS TO 1 WEEPING WILLOW, 3 NORWAY MAPLE, 1 COMMON ASH AND 1 APPLE TREE.	
Barlestone Nailstone And Osbasto					
	11/00566/FUL	PLANNING PERMISSION	05/09/2011	Mr □ Mrs D Grewcock	2 Brookside Barlestone Nuneaton Leicestershire CV13 0NL
				EXTENSIONS AND ALTERATIONS TO DWELLING.	
	11/00650/GDO	GENERAL DEVELOPMENT ORDER	06/09/2011	Mr Simon Tysoe	Meadow View Goatham Lane Osbaston Nuneaton Leicestershire CV13 0DR
				ERECTION OF GENERAL PURPOSE AGRICULTURAL BUILDING.	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Barwell					
	11/00576/FUL	PLANNING PERMISSION	13/09/2011	Mr And Mrs Pointon	128 Hinckley Road Barwell Leicester Leicestershire LE9 8DN
				EXTENSION AND ALTERATIONS TO DWELLING	
	11/00587/FUL	PLANNING PERMISSION	09/09/2011	Everything Everywhere	Barwell Water Tower Shilton Road Barwell Leicester Leicestershire LE9 8BQ
				INSTALLATION OF 2NO. ANTENNA DISHES	
	11/00595/FUL	Application Withdrawn	27/09/2011	Mr T Ward	The Brockey Farm Kirkby Road Barwell Leicester Leicestershire LE9 8FT
				ERECTION OF AGRICULTURAL BUILDING	
	11/00613/COU	PLANNING PERMISSION	30/09/2011	Mrs Jane Astley	Land Rear Of Brooklyn Leicester Road Hinckley Leicestershire
				CHANGE OF USE OF LAND AND ERECTION OF STABLE BLOCK	
	11/00621/FUL	PLANNING PERMISSION	30/09/2011	Mr Pickford	10 Hereford Close Barwell Leicester Leicestershire LE9 8HP
				EXTENSIONS AND ALTERATIONS TO DWELLING.	
	11/00633/FUL	PLANNING PERMISSION	29/09/2011	Mr S Earl	Swanbourne Dawsons Lane Barwell Leicester Leicestershire LE9 8BE
				EXTENSIONS AND ALTERATIONS TO DWELLING □	

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Burbage Sketchley & Stretton					
	11/00532/COU	PLANNING PERMISSION	27/09/2011	Mr Michael Anderson	12 Wellington Close Burbage Hinckley Leicestershire LE10 2GH
					CHANGE OF USE OF LAND FROM LANDSCAPING TO RESIDENTIAL CURTILAGE INCLUDING EXTENSIONS AND ALTERATIONS TO DWELLING.
	11/00534/FUL	PLANNING PERMISSION	01/09/2011	Mr John Dean	63 Greenmoor Road Burbage Hinckley Leicestershire LE10 2LS
					DEMOLITION OF EXISTING GARAGE, ERECTION OF REPLACEMENT GARAGE AND INSTALLATION OF NEW WINDOW TO DWELLING
	11/00592/FUL	PLANNING PERMISSION	19/09/2011	Mr John Newman	115 Coventry Road Burbage Hinckley Leicestershire LE10 2HN
					EXTENSION AND ALTERATIONS TO DWELLING
	11/00674/GDO	GENERAL DEVELOPMENT ORDER	16/09/2011	Mr R Coley	Hogue Hall Farm Lutterworth Road Burbage Hinckley Leicestershire LE10 3AH
					ERECTION OF AGRICULTURAL BUILDING FOR STORAGE AND LIVESTOCK
Burbage St Catherines & Lash Hill					
	11/00497/FUL	PLANNING PERMISSION	13/09/2011	Mr David Haigh	79 Sapcote Road Burbage Hinckley Leicestershire LE10 2AS
					ERECTION OF DORMER WINDOWS (RETROSPECTIVE)
	11/00617/COU	PLANNING PERMISSION	19/09/2011	Mr James Bailey	9 Hinckley Road Burbage Hinckley Leicestershire LE10 2AF
					CHANGE OF USE FROM OFFICE AND RESIDENTIAL TO SOLE RESIDENTIAL USE

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Cadeby CarltonM Bosworth & Sha					
	11/00274/CON	PLANNING PERMISSION	16/09/2011	Mr Nick Smart	The King William Iv 35 Station Road Market Bosworth Nuneaton Leicestershire CV13 0JS
					REMOVAL OF CONDITION NO.6 OF PLANNING PERMISSION 10/00232/FUL WHICH REQUIRES THAT THE DEVELOPMENT SHALL NOT COMMENCE UNTIL THE PROVISION AND MAINTENANCE OF OFF SITE OPEN SPACE (WHETHER BY PHYSICAL PROVISION OF FINANCIAL CONTRIBUTIONS) IS SECURED AND APPROVED IN WRITING BY THE LOCAL PLANNING AUTHORITY
	11/00301/OUT	PLANNING PERMISSION	06/09/2011	Mr r wyatt	45 Main Street Barton In The Beans Nuneaton Leicestershire CV13 0DJ
					ERECTION OF DWELLING (OUTLINE - SITING ONLY)
	11/00556/FUL	PLANNING PERMISSION	19/09/2011	Mr O Shephard	23 Shenton Lane Market Bosworth Nuneaton Leicestershire CV13 0LA
					EXTENSIONS AND ALTERATIONS TO DWELLING.
	11/00636/GDO	GENERAL DEVELOPMENT ORDER	08/09/2011	Mr Ian Brown	Odstone Barn Farm Ibstock Road Odstone Nuneaton Leicestershire CV13 0RE
					EXCAVATION OF GENERAL PURPOSE AGRICULTURAL SLURRY LAGOON.
Earl Shilton					
	11/00564/ADV	CONSENT TO DISPLAY AN ADVERTISEMENT	16/09/2011		The Co Operative Group Ltd Wood Street Earl Shilton Leicester Leicestershire LE9 7ND
					ERECTION OF ONE APEX FASCIA (RETROPSECTIVE) AND RECLADDING OF EXISTING TOTEM SIGN
	11/00567/FUL	PLANNING PERMISSION	13/09/2011	Mr R Mitchell	Melvona 12 Hurst Road Earl Shilton Leicester Leicestershire LE9 7FG
					EXTENSIONS AND ALTERATIONS TO DWELLING.
	11/00585/FUL	PLANNING PERMISSION	13/09/2011	Ms Jean Marriott	4 Almond Way Earl Shilton Leicester Leicestershire LE9 7HZ
					EXTENSION AND ALTERATIONS TO DWELLING AND ALTERATIONS TO GARAGE

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Groby					
	11/00520/FUL	PLANNING PERMISSION	08/09/2011	Mr D Kowalzuk	14 Pine Tree Avenue Groby Leicester Leicestershire LE6 0EQ
				EXTENSIONS AND ALTERATIONS TO DWELLING	
	11/00614/FUL	PLANNING PERMISSION	16/09/2011	Mr Richard Cook	133 Leicester Road Groby Leicester Leicestershire LE6 0DT
				EXTENSIONS AND ALTERATIONS TO DWELLING.	
Hinckley Castle					
	11/00516/FUL	PLANNING PERMISSION	20/09/2011	Mr Alan Parker	155 London Road Hinckley Leicestershire LE10 1HH
				CONVERSION AND ALTERATION OF DWELLING TO FORM TWO FLATS	
	11/00663/TPO	Permit Conservation Area TPO works	23/09/2011	Mr Kenneth Kennerson	5 Shakespeare Drive Hinckley Leicestershire LE10 0BG
				REMOVAL OF SILVER BIRCH	

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Hinckley Clarendon					
	11/00304/FUL	PLANNING PERMISSION	01/09/2011	Mr Paul Bennett	2B Dodwells Road Hinckley Leicestershire LE10 3BZ
					ALTERATIONS TO EXISTING INDUSTRIAL PREMISES TO INCLUDE INSTALLATION OF PLANT AND EXTRACTION / AIR INTAKE FACILITIES AND ENVIRONMENTAL PROTECTION MEASURES TO THE REAR PERIMETER
	11/00518/FUL	PLANNING PERMISSION	09/09/2011	Mr John Bullmore	6 Armadale Close Hinckley Leicestershire LE10 0SZ
					EXTENSIONS AND ALTERATIONS TO DWELLING
	11/00574/ADV	CONSENT TO DISPLAY AN ADVERTISEMENT	01/09/2011	Mr Paul Bennett	2B Dodwells Road Hinckley Leicestershire LE10 3BZ
					ERECTION OF SIGNAGE (RETROSPECTIVE)
Hinckley DeMontfort					
	11/00426/FUL	PLANNING PERMISSION	21/09/2011	Mr Terry Dunne	51 Leicester Road Hinckley Leicestershire LE10 1LW
					ERECTION OF EXTERNAL STAIRCASE AND CREATION OF SELF CONTAINED FLAT AT FIRST FLOOR
	11/00540/FUL	PLANNING PERMISSION	06/09/2011	Mr Roger Emmonds	21 Middlefield Close Hinckley Leicestershire LE10 0RJ
					EXTENSIONS AND ALTERATIONS TO DWELLING.
	11/00591/FUL	PLANNING PERMISSION	08/09/2011	Mr & Mrs G Raine	32 Glebe Road Hinckley Leicestershire LE10 1HG
					EXTENSIONS AND ALTERATIONS TO DWELLING.
	11/00607/ADV	CONSENT TO DISPLAY AN ADVERTISEMENT	16/09/2011	Mr Andrew Crowter	North Warwickshire And Hinckley College Lower Bond Street Hinckley Leicestershire LE10 1QU
					ERECTION OF TWO NON ILLUMINATED AND ONE ILLUMINATED ADVERTISEMENTS (RETROSPECTIVE).

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Hinckley Trinity					
	11/00421/FUL	PLANNING PERMISSION	15/09/2011	Mr & Mrs Gary Harrison	Wykin House Farm Higham Lane Wykin Hinckley Leicestershire LE10 3EF
				CONVERSION OF OUTBUILDING TO A GRANNY ANNEX AND EXTENSIONS AND ALTERATIONS TO DWELLING	
	11/00505/FUL	PLANNING PERMISSION	08/09/2011	Mr R.J. Dawson	Land Adj To Comfort Farm Rogues Lane Hinckley Leicestershire
				EXTENSION AND ALTERATIONS TO AGRICULTURAL BUILDING TO PROVIDE FIRST FLOOR ACCOMMODATION	
Newbold Verdon With Desford & P					
	11/00484/FUL	PLANNING PERMISSION	08/09/2011	Mr John Connell	4 The Close Kirkby Mallory Leicester Leicestershire LE9 7QD
				ERECTION OF GARAGE	
	11/00519/FUL	PLANNING PERMISSION	20/09/2011	Mr & Mrs M Clark	Alder Hall Peckleton Lane Desford Leicester Leicestershire LE9 9JU
				DEMOLITION OF EXISTING DWELLING AND WORKSHOP AND ERECTION OF 1 NO. DWELLING	
	11/00531/FUL	PLANNING PERMISSION	05/09/2011	Mr Carl Barnes	G T Morgan Desford Lane Kirby Muxloe Leicester Leicestershire LE9 2BE
				INSTALLATION OF SOLAR PANELS	
	11/00561/FUL	PLANNING PERMISSION	20/09/2011	Mr Gist	77 Main Street Newbold Verdon Leicester Leicestershire LE9 9NP
				ERECTION OF DETACHED BUNGALOW	
	11/00588/ADV	CONSENT TO DISPLAY AN ADVERTISEMENT	29/09/2011	Mr Hanish Chotai	18 Manor Road Desford Leicester Leicestershire LE9 9JR
				ERECTION OF 1 NON ILLUMINATED FASCIA SIGN AND NON ILLUMINATED FREE STANDING SIGN.	

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Ratby Bagworth And Thornton					
	11/00563/FUL	PLANNING PERMISSION	13/09/2011	Mr Dave Mullings	76 Station Road Ratby Leicester Leicestershire LE6 0JN
				EXTENSIONS AND ALTERATIONS TO DWELLING.	
	11/00645/FUL	PLANNING PERMISSION	30/09/2011	Mr & Mrs David & Linda Thompson	The Dovecott Old Hayes Farm Burroughs Road Ratby Leicester Leicestershire LE6 0XZ
				LISTED CHANGE OF USE OF PADDOCK TO MANEGE AND ERECTION OF STABLE BLOCK AND STORE ROOM	
	11/00646/LBC	LISTED BUILDING CONSENT	30/09/2011	Mr & Mrs David & Linda Thompson	The Dovecott Old Hayes Farm Burroughs Road Ratby Leicester Leicestershire LE6 0XZ
				ERECTION OF STABLE BLOCK AND STORE ROOM	

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Twycross Sheepy & Witherley					
	11/00504/FUL	PLANNING PERMISSION	19/09/2011	Mr John McGreevy	1 Ratcliffe House Lane Ratcliffe Culey Atherstone Leicestershire CV9 3LZ
				EXTENSIONS AND ALTERATIONS TO DWELLING.	
	11/00524/COU	PLANNING PERMISSION	01/09/2011	Mr And Mrs R. Parker	Hill Cottage Orton Lane Orton On The Hill Atherstone Leicestershire CV9 3NW
				CHANGE OF USE FROM OFFICE BLOCK TO GARAGES/STORES.	
	11/00525/LBC	LISTED BUILDING CONSENT	15/09/2011	Mr & Mrs B Williams	Hill Farm Fenn Lanes Fenny Drayton Nuneaton Leicestershire CV13 6BJ
				ALTERATIONS TO LISTED BUILDING	
	11/00543/FUL	PLANNING PERMISSION	07/09/2011	Mr Peter Jarvis	The Edge 2 Mythe Lane Witherley Atherstone Leicestershire CV9 3LS
				ERECTION OF A GARDEN ROOM	
	11/00545/FUL	PLANNING PERMISSION	15/09/2011	Mr Andrew Barden	1 Mill Cottages Mill Lane Sheepy Parva Atherstone Leicestershire CV9 3RL
				EXTENSIONS AND ALTERATIONS TO DWELLING	
	11/00562/EXT	PLANNING PERMISSION	06/09/2011	Mr John Watson	36 Old Forge Road Fenny Drayton Nuneaton Leicestershire CV13 6BD
				EXTENSION OF TIME FOR EXTANT PLANNING PERMISSION 08/00502/FUL FOR ERECTION OF ONE DWELLING WITH ASSOCIATED PARKING AND SHARED ACCESS.	
	11/00569/FUL	PLANNING PERMISSION	30/09/2011	Mrs Claire Lloyd	The Stables 7 Mill Lane Witherley Atherstone Leicestershire CV9 3LU
				CONVERSION OF OUTBUILDING TO DWELLING WITH EXTENSIONS AND ALTERATIONS, AND ASSOCIATED ACCESS	
	11/00608/GDO	REFUSAL OF PLANNING PERMISSION	27/09/2011	Mr Brian Greefield	Harris Bridge Farm Burton Road Sibson Nuneaton Leicestershire CV13 6LS
				EXCAVATION OF GENERAL PURPOSE AGRICULTURAL LAGOON.	