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Steve Atkinson MA(Oxon) MBA FIoD FRSA
Chief Executive

Date: 17 June 2013



Hinckley & Bosworth
Borough Council

A Borough to be proud of

To: Members of the Planning Committee

Mr R Mayne (Chairman)	Mr KWP Lynch
Miss DM Taylor (Vice-Chairman)	Mr JS Moore
Mr RG Allen	Mr K Morrell
Mr JG Bannister	Mr LJP O'Shea
Mrs T Chastney	Mrs H Smith
Mr WJ Crooks	Mr BE Sutton
Mrs WA Hall	Mr R Ward
Mr MS Hulbert	Ms BM Witherford
Mr DW Inman	

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 on **TUESDAY, 25 JUNE 2013 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

There will be a meeting for members of the Planning Committee in the annexe at 6.00pm.

PLEASE NOTE THAT THIS MEETING WILL TAKE PLACE IN THE COUNCIL CHAMBER, HINCKLEY HUB, RUGBY ROAD, HINCKLEY

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen
Democratic Services Officer

PLANNING COMMITTEE - 25 JUNE 2013

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 6)

To confirm the minutes of the meeting held on 21 May 2013.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 10.

6. DECISIONS DELEGATED AT PREVIOUS MEETING

The Deputy Chief Executive (Community Direction) to report progress on any decisions delegated at the previous meeting.

7. TOWN & COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED
(Pages 7 - 114)

Schedule of planning applications attached.

8. STATEMENT OF COMMUNITY INVOLVEMENT (Pages 115 - 158)

Report of the Deputy Chief Executive (Community Direction).

9. HINCKLEY & BOSWORTH LOCAL PLAN 2006-2026 EARL SHILTON & BARWELL AREA ACTION PLAN DEVELOPMENT PLAN DOCUMENT - PRE SUBMISSION DOCUMENT (Pages 159 - 170)

Report of the Deputy Chief Executive (Community Direction).

(copies of the Area Action Plan are not appended to the paper copies of the agenda but are available on the Council's website as part of the agenda documentation at www.hinckley-bosworth.gov.uk/planningcommittee)

10. THE IMPLICATIONS OF THE GENERAL PERMITTED DEVELOPMENT ORDER 2013
(Pages 171 - 176)

Report of the Deputy Chief Executive (Community Direction).

11. APPEALS LODGED AND DETERMINED (Pages 177 - 186)

Report of the Deputy Chief Executive (Community Direction) attached.

12. APPEALS PROGRESS (Pages 187 - 188)

Report of the Deputy Chief Executive (Community Direction) attached.

13. DELEGATED DECISIONS ISSUED (Pages 189 - 202)

Report of the Deputy Chief Executive (Community Direction) attached.

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

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Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

21 MAY 2013 AT 6.30 PM

PRESENT: Mr R Mayne - Chairman
Miss DM Taylor – Vice-Chairman
Mr JG Bannister, Mr PR Batty (for Mr RG Allen), Mrs T Chastney, Mr WJ Crooks,
Mr MS Hulbert, Mr DW Inman, Mr KWP Lynch, Mr JS Moore, Mr K Morrell,
Mr LJP O'Shea, Mrs H Smith, Mr BE Sutton, Mr R Ward and Ms BM Witherford

In accordance with Council Procedure Rule 4.2 Councillors Mr CW Boothby were also in attendance.

Officers in attendance: James Hicks, Tracy Miller, Rebecca Owen and Michael Rice

13 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillors Allen and Mrs Hall, with the substitution of Councillor Batty for Councillor Allen in accordance with Council Procedure Rule 4.

14 MINUTES

On the motion of Councillor Crooks, seconded by Councillor Hulbert, it was

RESOLVED – the minutes of the meeting held on 16 April 2013 be confirmed and signed by the Chairman.

On the motion of Councillor Crooks, seconded by Councillor Moore, it was

RESOLVED – the minutes of the meeting held on 23 April 2013 be confirmed and signed by the Chairman.

15 DECLARATIONS OF INTEREST

Councillor Batty sought advice regarding whether, as a Groby Parish Councillor, he should declare an interest in application 13/00138/FUL. He was advised that this did not constitute a pecuniary interest.

No interests were declared at this stage.

16 DECISIONS DELEGATED AT PREVIOUS MEETING

The Development Control Manager provided an update on the following decisions which had been delegated at the previous meeting:

- (a) 12/01119/OUT – it was reported that this was still to be issued;
- (b) 12/00935/REM – this decision had been issued on 23 April 2013;
- (c) 13/00090/FUL – this decision had been issued on 17 April 2013.

17 CHAIRMAN'S ANNOUNCEMENT

The Chairman informed members of the sad death of ex-Councillor and Planning Committee Chairman, Bob Furniss, who had passed away the previous week. It was agreed that condolences be sent to his family.

18 TOWN & COUNTRY PLANNING ACT 1990 - APPLICATIONS TO BE DETERMINED

- (a) 13/00086/FUL – Erection of eleven flats and one new dwelling, Beavers Bar, 5 London Road, Hinckley – Mr C Whitby

Notwithstanding the officer's recommendation that the application be approved subject to conditions and a Section 106 Agreement, it was moved by Councillor Witherford and seconded by Councillor Taylor that the application be refused on grounds of over-development, lack of parking for residents of the new development particularly in light of the lack of bus route, being out of keeping with the street scene and poor access.

The Development Control Manager requested that voting on the MOTION be recorded. The vote was taken as follows:

Councillors Taylor, Bannister, Batty, Chastney, Crooks, Hulbert, Inman, Lynch, Moore, Morrell, O'Shea, Smith, Sutton, Ward and Witherford voted FOR the motion (15);

There were no votes against the motion.

The MOTION was therefore declared CARRIED. It was

RESOLVED – the application be refused for the abovementioned reasons.

- (b) 12/01098/FUL – Installation of a single micro scale wind turbine, Oakwood Lodge, Thornton Lane, Markfield – Mr & Mrs Peter & Theresa Aspinall

Notwithstanding the officer's recommendation that the application be permitted subject to conditions, it was moved by Councillor O'Shea and seconded by Councillor Batty that the application be refused on grounds of impact on neighbours due to the siting of the turbine.

Upon being put to the vote, there were seven (7) votes FOR the MOTION and seven (7) AGAINST the MOTION. The Chairman then exercised his right to a casting vote under Council Procedure Rule 18.2. He voted AGAINST the MOTION.

The MOTION was therefore declared LOST.

It was moved by Councillor Bannister, seconded by Councillor Hulbert and

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

- (c) 12/01141/FUL – Erection of car service and repair centre and restaurant with drive-thru facilities and associated parking, access and landscaping, Unit A Dodwells Road, Hinckley – Plesvale Ltd

Notwithstanding the officer's recommendation that the application be permitted subject to conditions, Members felt that the development would exacerbate traffic problems on an already busy junction and would cause a danger. It was moved by Councillor Lynch and seconded by Councillor Taylor that the application be refused on this basis. The Development Control Manager requested that voting on the motion be recorded.

The vote was taken as follows:

Councillors Bannister, Crooks, Hulbert, Inman, Lynch, Moore, Morrell, Smith, Sutton, Taylor, Ward and Witherford voted FOR the motion (12);

Councillor Chastney voted AGAINST the motion (1);

Councillors Batty & O'Shea abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED – the application be refused owing to concerns about highway safety resulting from the increase in traffic on a dangerous junction.

- (d) 12/01045/EXT – Extension of time for planning permission 09/00797/FUL for the erection of 11 dwellings, 116 High Street, Barwell – Mr Jagtar Singh

It was moved by Councillor Crooks, seconded by Councillor Hulbert and

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

(Councillor Moore was absent from the meeting during the above item and the voting thereon).

- (e) 12/01121/FUL – Erection of 1 wind turbine measuring 24.6m to the hub and 34.2m to the tip and associated kiosk, Forest View Farm, Peckleton Lane, Desford – Mr Roger Neep

The Development Control Manager reported verbally on a further objection letter which had been received but not included in the late items.

Notwithstanding the officer's recommendation that the application be permitted, it was moved by Councillor Crooks and seconded by Councillor Sutton that the application be refused due to its proximity to residential properties and thereby the impact on neighbours.

The Development Control Manager requested that voting on the motion be recorded. The vote was taken as follows:

Councillors Bannister, Batty, Chastney, Crooks, Inman, Lynch, Moore, Morrell, O'Shea, Smith, Sutton, Taylor, Ward and Witherford voted FOR the motion (14);

Councillor Hulbert voted AGAINST the motion (1);

Councillor Mayne did not vote.

The motion was therefore declared CARRIED and it was

RESOLVED – the application be refused on grounds that the scale, mass and design will have an adverse visual impact and impact on residential amenity which cannot be made acceptable.

- (f) 13/00055/FUL – Erection of agricultural dwelling, Land at Leicester Lane, Desford – Mr Adam Preston

On the motion of Councillor O’Shea, seconded by Councillor Batty, it was

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

- (g) 13/00089/EXT – Redevelopment of existing derelict site into a 2.5 storey 38 bed residential carehome, 29 Moore Road, Barwell – Riverstone Estates

On the motion of Councillor Smith, seconded by Councillor Moore, it was

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

- (h) 13/00198/FUL – Erection of two goat sheds onto existing concrete hardstanding, Land Markfield Lane, Thornton – Mrs Margaret Ashby

Members expressed concern regarding the risk of over-proliferation of the site and the possibility of further structures being erected. It was therefore suggested that conditions be added to prevent further structures, including temporary structures, being erected on the site, and also restricting the use of the site to grazing. On the motion of Councillor Crooks, seconded by Councillor Taylor, it was

RESOLVED – the application be permitted subject to the conditions in the officer’s report and additional conditions preventing additional buildings and restricting use to grazing of animals.

- (i) 12/01125/REM – Approval of reserved matters (appearance, landscaping, layout and scale) for 135 dwellings granted under outline permission 11/00029/OUT, Land south of Newbold Road and Manor Road, Desford – Bellway Homes East Midlands

It was moved by Councillor Sutton, seconded by Councillor Crooks and

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

- (j) 13/00126/CONDIT – Variation of condition 1 of planning permission 11/01023/REM to amend the layout, Land adjacent Hinckley Golf Club, Leicester Road, Hinckley – Mr Mark Hutchinson

On the motion of Councillor Taylor, seconded by Councillor Morrell, it was

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

- (k) 13/00199/REM – Erection of 38 dwellings, community centre and formation of allotments and balancing pond with associated access (reserved matters – landscaping only), rear of 169 Main Street, Stanton Under Bardon – Charles Church North Midlands

On the motion of Councillor O’Shea, seconded by Councillor Crooks, it was

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

- (l) 13/00142/ADV – Display of internally illuminated estate signage board, land off Sketchley Meadows, Burbage – Hinckley & Bosworth Borough Council

On the motion of Councillor Taylor, seconded by Councillor Crooks, it was

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

- (m) 13/00143/ADV – Display of internally illuminated estate signage board, Sunnyside Park, Hinckley – Hinckley & Bosworth Borough Council

It was moved by Councillor Crooks, seconded by Councillor Taylor and

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

- (n) 13/00151/ADV – Display of internally illuminated estate signage board, Hinckley Business Park, Brindley Road, Hinckley – Hinckley & Bosworth Borough Council

On the motion of Councillor Crooks, seconded by Councillor Taylor, it was

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

- (o) 13/00138/FUL – Erection of composting toilet, Allotment Gardens, Ratby Road, Groby – Mrs Katharine Griffiths

Councillor Witherford left the meeting at 9.25pm.

On the motion of Councillor Taylor, seconded by Councillor Crooks, it was

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

- (p) 13/00227/FUL – Change of use from B2 to B8 storage / distribution, addition of internal first floor offices, insertion of additional windows at first floor level, Unit G Fleming Road, Hinckley – Mr T Clinton

On the motion of Councillor Crooks, seconded by Councillor O’Shea, it was

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

19 APPEALS LODGED AND DETERMINED

It was moved by Councillor Crooks, seconded by Councillor Taylor and

RESOLVED – the report be noted.

20 APPEALS PROGRESS

It was moved by Councillor Crooks, seconded by Councillor Taylor and

RESOLVED – the report be noted.

21 DELEGATED DECISIONS ISSUED

It was moved by Councillor Crooks, seconded by Councillor Taylor and

RESOLVED – the report be noted.

(The Meeting closed at 9.27 pm)

CHAIRMAN

PLANNING COMMITTEE

25 June 2013

RECOMMENDATIONS OF DEVELOPMENT CONTROL MANAGER

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 - 25 June 2013 - NUMERIC INDEX

REF. NO.	APPLICANT	SITE	ITEM	PAGE
13/00345/REM	Goodman Real Estate (UK) Limited	Land Bounded By The Ashby Canal, Railway Line And Bridge St Burbage	01	02
12/01029/FUL	Alexander Bruce Estates Ltd	Land Off Spinney Drive And South Of Brookside Barlestone	02	18
13/00094/FUL	David Wilson Homes & Andrew Granger & Company	Land Off Three Pots Road Burbage	03	39
13/00278/FUL	Mr Jonathan Read	Land At Brookland Farm Kirkby Road Barwell	04	54
13/00186/OUT	Konrad Skubala	Glebe Farm Kirkby Road Barwell	05	61
13/00338/LBC	Mrs Rita Finney	Atkins Building Lower Bond Street Hinckley	06	70
13/00308/FUL	Mr Jones	Bondman Hayes Farm Markfield Road Ratby	07	76
13/00395/COU	Miss Joanne Squires	Dalebrook Farm Leicester Road Earl Shilton	08	84

Item: 01

Reference: 13/00345/REM

Applicant: Goodman Real Estate (UK) Limited

Location: Land Bounded By The Ashby Canal, Railway Line And Bridge St Burbage

Proposal: Erection of a building to be used for class B8 (Storage and distribution) purposes with gatehouses, vehicle maintenance unit and vehicle wash, salt barn, tyre store and garage, smoking shelter, weighbridge, fuel tanks and pumps, generators, substation, bin stores, water storage (sprinkler) tank and pump house and associated parking and landscaping

Target Date: 31 July 2013

Introduction:-

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

Application Proposal

This application is the reserved matters submission for the provision of a B8 storage and distribution unit with associated gatehouses, vehicle maintenance unit and vehicle wash, salt barn, tyre store and garage, smoking shelter, weighbridge, fuel tanks and pumps, generators, substation, bin stores, water storage (sprinkler) tank and pump house and associated parking and landscaping.

The outline consent (including access), which was approved on 20 August 2011 under reference 10/00518/OUT, was for a mixed use development comprising up to 375 dwellings, an employment area (use classes B1a, B1c, B2 and B8), a local centre (use classes A1-A5 and D1), live-work units, works to Sketchley Brook corridor, remodelling of lake and associated open space, parking and accesses.

This proposal seeks approval of all outstanding reserved matters for this part of the wider development. For the avoidance of doubt the Sketchley Brook development is being delivered in phases with approval for outstanding reserved matters being sort as and when the development is ready to proceed.

The footprint of the main building is horizontally emphasised having a floor area of 34,300 m² this will sit centrally within the site. The principle gate house will be sited mid way along the front boundary, with the remainder of the ancillary buildings located along the rear boundary. The extent of the plot, aside from the landscaping on the perimeter and a tarmacadam length to the front of the site, will comprise a concrete slab. Extensive parking areas are proposed to the front and rear of the building, subdivided into car, van, tractor (lorry) and trailer bays. Three accesses are proposed along the north eastern boundary, two for commercial vehicles and one for customers. Due to the nature of use, the site is to be highly secure. The majority of the site will be enclosed by a 2.4 m high galvanised palisade fence, and the tarmacadam strip to the front, identified as the general car park will be enclose by a 2.4 m high paladin fence.

"The site will house DPD's 'parcel sortation hub'. DPD is the UK's fastest growing parcel company. Its growth can be partly attributed to the rapidly expanding e-commerce sector and the consequential need for home delivery services. DPD provides high quality services based on bespoke innovation such as the Predict delivery methodology utilising email and text for co-ordinated and efficient delivery. The hub will create over 700 jobs across a range of skills. This site has been chosen as it provides an optimum strategic location to serve the East midlands complementing the company's existing West midlands operations."

The Site and Surrounding Area

In its entirety, the original outline consent extended from Logix Park, to the west, to Rugby Road Park, to the east. It is bounded by the Birmingham to Leicester Railway line to the north, with properties on Westfield Road beyond. To the south is Severn Trent Water Waste Water Treatment Works (WWTW) and existing residential development on the edge of Burbage.

The parcel of land subject of this application has an area of approximately 14.11 hectares and is situated on the western part of the site. Further west is the remaining commercial plot which has recently secured planning permission for a manufacturing unit with associated parking and landscaping (13/00128/REM) and to the east is a parcel of land which has secured planning permission for residential development (12/00697/REM). 70m further to the west is the Ashby de la Zouch Canal. The re-instated Sketchley brook and landscaped corridor is on the opposite side of the spine road, running parallel to the southern boundary of the site. The site is Greenfield in nature, the levels drop from east to west and there are a number of trees along the boundaries of the site subject to Tree Preservation Orders (TPO).

Access to the site will be via the Logix Park estate road situated to the south of the site from Watling Street (A5). This road, along with the access points and highway improvement works to the whole site, were approved under the outline consent for the site. The internal spine road runs parallel to the southern boundary of the site.

A number of large employment buildings are situated to the south and west of the site.

Amended plans have been received which have been subject to a further re-consultation.

Technical Documents Submitted with the Application

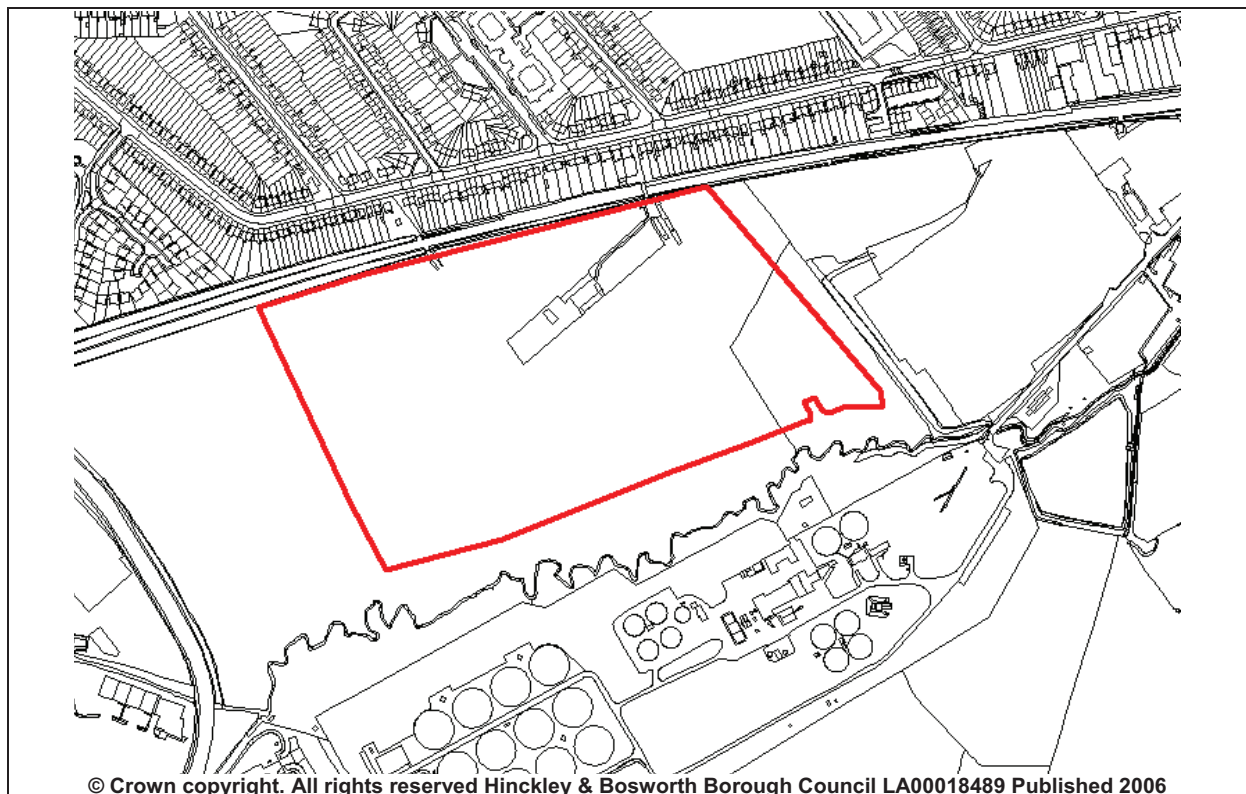
Noise Assessment

Lighting Scheme - notwithstanding the submission of these details, lighting is subject to control by condition on the outline consent

Relevant Planning History:-

10/00518/OUT	Mixed use development comprising up to 375 dwellings, employment (Use Classes B1a, B1c, B2 and B8), local centre (Use Classes A1-A5 and D1), live-work units works to Sketchley Brook Corridor, remodelling of lake and associated open space, parking and accesses (outline-access only)	Approved	30.08.11
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11/00856/REM	Primary physical and green a infrastructure details including Sketchley Brook Corridor, access road, structural landscape, open space and remodelling of lake	Approved	11.01.12
11/00857/CONDIT	Variation of conditions 2, 11, 20, 21, 28 and 29 to include the additional wording of 'The relevant part of the' before the word 'development' in each of the conditions	Approved	02.02.12
12/00697/REM	Erection of 212 dwellings with associated roads, open space	Approved	12.12.12
12/00698/REM	Erection of 133 dwellings with associated roads, open space	Approved	12.12.12
12/00698/REM	Erection of 133 dwellings with associated roads, open space	Approved	12.12.12
13/00128/REM	Approval of reserved matters application for the erection of manufacturing facility with associated parking and landscaping	Approved	15.05.13



Consultations:-

No objection has been received from:-

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

No objection subject to conditions has been received from:-

Severn Trent Water Limited
Environment Agency.

Network Rail has no objection subject to standard comments.

National Grid has provided standard advice.

Head of Community Services (Drainage) require details of how surface water runoff will be intercepted, treated for vehicle pollution and its flow-rate attenuated to pre-development values prior to discharge to Sketchley Brook.

David Tredinnick MP objects to the application on the following grounds:-

- a) scale and Nature
- b) increased Traffic
- c) noise, lighting and pollution
- d) Layout
- e) loss of View
- f) scepticism relating to the noise and pollution assessments.

Letters from 18 addresses of surrounding residential properties have been received, these raise the following concerns:-

Raising the following issues:-

- a) size, height and scale of the building is too large
- b) continual noise from the lorries reversing into loading bays
- c) light at night shining towards houses - light pollution
- d) pollution from vehicles using the site
- e) property de-valuation
- f) stress and sleeplessness caused to surrounding residents
- g) negative visual impact on the landscape
- h) adverse impacts on the residential amenity of surrounding properties
- i) water runoff and displacement resulting in flooding in the locality
- j) siting of the building is inappropriate
- k) lack of consultation with surrounding residential properties
- l) concerns with the methods employed and conclusions within the noise assessment
- m) increased traffic which will continue through the night
- n) inappropriate use so close to residential properties
- o) adverse odour from the use of the site
- p) adverse impact on wildlife and removal of trees
- q) difficulties viewing the plans
- r) alternative sites available within the area
- s) the measures proposed to reduce noise will not be effective
- t) the current proposal is different to that displayed at the open day

- u) extra traffic may be a risk to the local primary school
- v) people on site smoking and using inappropriate language
- w) adverse impact on view
- x) noise will effect local childminding business
- y) local bird population has reduced since development of the site has started
- z) flooding from lorry wash.
- aa) concerns that houses are being crammed onto site - what about the additional amenities required for residents, schools, doctors, shops, public and emergency services etc.

A petition has been received containing 16 names and addresses of local residents who object to the application on grounds of noise and light pollution.

At the time of writing the report no comments have been received from the Directorate of Chief Executive (Archaeology).

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

Policy 1: Development in Hinckley

Policy 4: Development in Burbage

Policy 5: Transport Infrastructure

Policy 20: Green Infrastructure

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy EMP1: Existing Employment Sites

Policy T5: Highway Design and Vehicle Parking Standard

Policy T9: Facilities for Cyclists and Pedestrians

Policy NE2: Pollution

Policy NE5: Development in the Countryside

Supplementary Planning Guidance

None relevant.

Other Material Policy Guidance

None relevant.

Appraisal:-

The principle of the development and access have been established by the grant of outline permission back in 2011. Further, application 11/00856/REM approved reserved matters for the entire site for a detailed concept for green infrastructure which included, in-part, structural landscape planting to the northern rail side boundary.

Therefore the issues for consideration in this application are layout, scale, appearance, landscaping, residential amenity, noise and vibration, flood risk and drainage, highways, ecology and other matters.

The use of the proposed building for a parcel sortation hub, falls within the B8 use class and as such is in conformity with the outline consent.

Layout

The layout proposed is reflective of the specific operation of the end user. The footprint of the principle building is sited centrally, is horizontally emphasised and spans the length of the site. Parallel to the southern elevation of the building, to the west of the central gatehouse is an expanse of hardstanding. This comprises 70 trailer bays and 29 tractor bays. To the east of the gatehouse there is a similar area of hardstanding comprising 91 tractor bays. Further south, parallel to the front boundary is the general parking area. This provides 496 parking spaces, including 6 disabled bays and a cycle store. Initially the Director of Environment and Transport (Highways) commented that there was insufficient cycle shelter provision and an inadequate number of disabled parking bays. The applicant has provided a revised plan indicating additional cycle shelter. In respect of the number of disabled parking bays the applicant has argued that due to the specific nature of their operations, disabled persons would not be able to be employed within the principle building, however they would be able to be employed within the offices, and thus the number of spaces provided is in accordance with the amount required for the office floor area proposed. In the south eastern corner of the site are a further 24 van parking bays and a customer collections area.

There are two secure commercial accesses and associated gate houses, and a less secure customer access along the front boundary.

The separate access for cars located towards the eastern tip of the site allows lorries to have dedicated delivery and despatch points. This layout allows safe segregation of both cars and lorries.

Parallel to the rear elevation of the hub is a further expanse of hardstanding. This provides 93 trailer bays west of the centre of the building and 46 trailer bays and 52 van bays to the east of the centre of the building. Further beyond this area of parking is the vehicle maintenance unit, the weigh bridge, the vehicle wash and the fuel pumps. Further ancillary buildings, comprising the salt barn, a tyre store and a garage for site vehicles are situated in the north western corner of the site.

The flow of operations on site is as follows: HGV's enter the site through the western most secure access, drop off the trailer in a loading bay (to the front of the hub building) and the cab decouples and parks with the engine off. A tractor collects the trailer and takes it to a bay to the rear of the building. After the trailer has been unloaded by placing parcels onto a conveyor within the depot, a tractor unit lifts the trailer and moves it to be loaded in a separate bay. When loaded, the tractor returns to take it to a cab, where it is attached and then departs via the secure access to the eastern end of the site.

Residential Amenity

The residential properties most likely to be impacted upon as a result of this proposal are those on Strathmore and Westfield Road and those on the recently approved residential development to the east of the site.

In terms of impacts of overshadowing, over dominance and privacy, although the height of the buildings will range from 4 metres to approximately 17.5 metres (to the highest part of the Hub) due to their distance from the properties on Westfield/Strathmore road (approximately 124 - 145 metres from the hub to rear garden boundaries, 50 metres from the vehicle maintenance unit to the rear garden boundaries and approximately 45 metres from the ancillary buildings in the western corner of the site to the rear garden boundaries) , combined

with the bunding and planting along the site's boundaries, there will be no material impacts on the residential amenity of these properties in respect of the above. The scheme will therefore be in accordance with Policy BE1 (criteria a) of the Hinckley and Bosworth Local Plan.

Concerns have been raised in respect of the layout of the operation, and specifically the siting of the parking areas and ancillary operations. The Masterplan and outline application approved the principle of commercial development across the plot, with the indicative plan proposing subdivision of the plot into a number of smaller units, which extended to the perimeters. The scheme under consideration proposes comprehensive development of the site. Accordingly the built development is positioned considerably further from the residential properties to the north of the site, than could have been the case under the parameters of the outline application. Accordingly, by virtue of the distance, impacts in terms of noise and disturbance on the residential properties to the north of the site will be reduced.

The layout is as proposed by the end user of the site and is reflective of its specific operations.

In order to assess the noise impacts of the proposal, both from vehicles and operations within and on the site, a noise assessment has been undertaken. Initially this did not cover the Vehicle Maintenance Unit (VMU) or the use of the Fuel Pumps. As such an additional assessments have been undertaken for these facilities along with the necessary re-consultation.

A number of concerns have been raised in respect of activities being undertaken from the VMU and the associated noise. For information, the VMU solely conducts minor vehicle maintenance through the use of computerised diagnostic systems. This reduces noise levels to a minimum. Any major maintenance, including historically 'disruptive' issues such as panel beating, re-sprays and tyre changing is outsourced.

The initial assessment concludes that whilst there will be an impact on the amenity of surrounding residential properties, both on those existing along the northern boundary and those proposed adjacent to the eastern boundary, from activities on site, mitigation measures can be put in place to ensure that the impacts are not materially detrimental. To reduce the predicted operational noise, to within an acceptable level, a noise bund is proposed along the northern boundary, and a combined bank and acoustic barrier is proposed on the eastern boundary. With these mitigation measures the predicted noise levels will comply with the World Health Organisation noise guidelines in the day and night-time periods and noise from the loading activities and fixed plant will meet the industry standard (BS4142:1997).

The additional assessment conducted, which assessed and covered the combined noise levels from all site activities, including HGV movements, unloading, Vehicle Maintenance Unit, vehicle wash and fuelling, concluded that, subject to further mitigation the predicted night time noise levels are at, or just below the WHO guidance value of LAeq,T 45dB at all receptor locations. The daytime noise levels are below the WHO threshold for serious annoyance of LAeq, T 55dB at all receptor locations. The additional mitigation comprises rising of the bund along the northern boundary from 3.7 metres to 3.9 metres and raising the combined bank and barrier along the eastern boundary from 6 metres to 6.3 metres.

In respect of the proposed development, taking into consideration the submitted noise assessments and mitigation proposed, the Head of Community Services (Pollution) raises no further objection.

Scale

The height, scale and massing of the principle hub building is extensive. The building is split into three sections. The middle section, which comprises roughly half of the floor area has an asymmetric shallow pitched roof with a height of 15m to the ridge, this will provide additional height for an internal mezzanine floor. The sections at either end of the building have a shallow pitched roof with a maximum height of 12.2 metres. In addition there are 4 stairwell stacks to facilitate the internal operations, positioned at regular intervals along the length of the building. These project approximately 17.5 metres in height. The building has a floor area of 34,300 m².

The scale parameters set within the Masterplan and the outline consent catered for buildings up to 21 metres in height on the western part of the employment area and up to 15 metres on the eastern half. Whilst two of the four proposed stairwell stacks are situated within the eastern part of the site, and thus, due to their height (17.5m), slightly exceed the scale parameters, the scheme is considered to be in general conformity with the outline application. Further, the minor projection above the approved height, is not considered to result in any material impacts in terms of visual amenity due to their distance inset within the site and away from the sites northern boundary, and further, these features add interest to the overall appearance of the building. Accordingly, their height is considered acceptable.

The scale of the proposed gatehouse, which will provide the 'consumer' face of the building is more modest and in keeping with the nearby units on Logix park. This will have a barrelled roof with a maximum height of 15 metres and a floor area of 816m². Its scale and massing will appear further reduced by its stepping on the south western elevation and the large glazed features and more extensive pallet of materials and colours used on the south west and south-eastern elevations. This building is well within the scale parameters set on the outline application.

The vehicle maintenance unit and the ancillary buildings within the north western corner of the site will be closest to residential properties along Strathmore and Westfield road. The maximum height of these buildings is 10 metres and thus their scale is considered acceptable.

Overall the buildings proposed are considered to be in general conformity with the Masterplan which was submitted and approved with the original outline consent.

Appearance

Gatehouse

A number of the large employment buildings at Logix Park have a modern appearance being predominantly metal clad with a curved roof structure. This is reflected in the proposed gatehouse building, which due to its siting will be the most visually prominent building on the site. This has large glazed elements to its southern and western elevations, which create a focal point, and a more varied and extensive pallet of materials and colours than used elsewhere on site. Accordingly this building will add visual interest to the site and thus its appearance is considered acceptable.

Hub

The hub has been designed to cater specifically for its intended use. Accordingly it comprises an extensive horizontal building, with regimented openings and details to both the front and rear elevations. Interest, albeit limited, is added by the 5 metres extending canopies to the front and rear, the projecting stacks and the variation in roof form and materials. Although

initially the Local Planning Authority sought to negotiate that a barrelled roof was provided, to render the building more in keeping with those on Logix park. Due to the weight of the internal structures which are to be suspended internally from the ceiling, this roof form would not have provided the strength required to support the structure. Whilst not having a barrelled roof, the building acts as a transition between the barrelled form of logix park and the wider non-commercial zones of the Sketchley brook development. Further, due to the position of the buildings set back within the site, they are not read within the context of the logix park development and thus the roof form is read independently and is therefore acceptable.

Ancillary Buildings and Structures

Various ancillary building and structures are proposed, the largest of these being the vehicle maintenance unit. The appearance of these, and the pallet of materials proposed are in conformity with those used elsewhere on site. Further, the smaller structures such as cycle stores and the smoking shelters are minor in scale and thus will have no material impacts in terms of visual amenity.

Perimeter Fencing

Due to the high security needs of the end user, two types of perimeter fence are proposed. The areas requiring the highest level of security, which constitute all areas other than the tarmacadam general parking area to the front of the site, are to be enclosed by a 2.4m high galvanised palisade security fence. Although this will have a slightly utilitarian appearance, this is pertinent to fulfil the security need on site and the end user. Although the fence will be visible from various public vantage points, the majority of the site frontage, which will be the most visible, will be enclosed by 2.4m high paladin fence. This is less harsh in appearance. Further, the appearance and prominence of the perimeter fencing will be further reduced through the additional landscaping along the site boundaries. Therefore on balance the proposed fencing is considered acceptable.

Materials

Samples of the proposed materials have been submitted for consideration these comprise:

Hub

Roof: profiled composite roof cladding in Goosewing Grey
Elevations: profiled composite cladding in Goosewing Grey
Canopy over loading bay: profiled steel cladding in Merlin Grey
Dock Surrounds: Flat panel composite cladding in Goosewing Grey
Stacks: profiled composite cladding in Merlin Grey.

Main Gatehouse

Roof: Profiled steel curved roof Goosewing Grey
Roof Elevation: profiled composite cladding Merlin Grey and Polyester powder coated aluminium louvers in Merlin Grey
Elevations: Flat panel composite cladding in Goosewing Grey
Glazing surround: flat panel composite cladding in Hamlet
Pressed metal flashing in RAL 3020
Window/door frames: powder coated aluminium in Anthracite.

Vehicle Maintenance Unit

Roof: Profiled composite roof cladding in Goosewing Grey
Elevations: profiled composite cladding in Goosewing Grey.

Salt Barn, Tyre Store, and Site Vehicle Garage

Roof: profiled steel cladding in Goosewing Grey
Elevations: profiled steel cladding in Goosewing Grey.

The perimeter fencing will be finished in powder coated black.

The use of the above materials, and the palette of colours chosen are considered acceptable for a commercial site and will reflect those used on nearby commercial units.

Although the buildings will be predominantly metal clad, on balance they have a functional and attractive appearance for this type of building and one that will assimilate well with other buildings within Logix Park and on the recently approved adjacent site. Other ancillary structures associated with the host building will only be viewed against the backdrop of the development and therefore no adverse visual impacts are likely to arise from these.

Landscaping

Reserved matters approval was granted for the primary and physical green infrastructure, which included the Sketchley Brook corridor, access road, structural landscaping, open space and remodelling of the lake under 11/00856/REM. In respect of the landscaping however, this consent solely related to the extremities of the site's boundaries.

Further landscaping within the application site has been submitted for the development. In response to comments raised by Head of Community Services (Pollution) the landscaping scheme has been amended. The heights of the bund along the northern boundary, and embankment along the eastern boundary have been raised. These amended details have been subject to further re-consultation.

The submitted details propose bunding along the northern boundary. This will vary in width from 20 metres at the western end of the site, adjacent to Strathmore Road, to 17 metres in the centre of the site adjacent to Strathmore Road, to 4 metres at the eastern end adjacent to Westfield road. The bunding will be planted with a range of both 'Extra Heavy' standard trees and 'Heavy' standard trees. In addition a woodland planting mix and a strip of close mown grass is proposed. The bund will vary between roughly 3.5m and 5 metres in height. This will both provide screening for the site and act as an acoustic barrier. Due to the variation in ground level between the properties along Strathmore and Westfield Road and the application site, the bund will not have an overly prominent appearance within its setting, and will enhance the 'green' character of the area.

Along the eastern boundary an embankment is proposed this will be roughly 4.3 metres in width, with an additional 6 metre strip of close mown grass to the front. The embankment will have a height of approximately 6.3 metres and will be planted with a shallow rooted thicket mix. 'Extra Heavy' and 'Heavy' standard trees will be planted sporadically along the embankment.

Along the front boundary both ornamental and formal clipped hedgerow is proposed, this will be inter-dispersed with 'Extra Heavy' standard trees at regular intervals. A small number of areas are also to be planted with specimen shrubs.

This proposed landscaping will both assist in softening the visual appearance of the building, will help screen the development and soften the appearance of the perimeter fencing and will provide an additional acoustic barrier. Therefore based on the submitted details it is considered that the proposed landscaping within the application site is acceptable.

Other Matters

Odour

An odour assessment of the fuel pumps and the fuel tanks to be used on site has been undertaken. This concluded that no odour could be detected from the bunded fuel tanks. The odour from the fuel pumps could not be detected until within 4 metres of the pumps. Accordingly, odour from these is not considered to be an issue in respect of impacts on residential amenity, as the nearest residential properties are located at a minimum of 70 metres from the fuel pumps.

Lighting

Concerns have also been raised in respect of the possible overspill from lighting on the site to nearby residential properties. Although lighting on the site is controlled by way of condition on the outline application. A comprehensive lighting scheme accompanies the application to provide further information. This indicates that the lighting proposed on site is controlled and shielded to ensure that there is virtually no light spill. This is confirmed by the figures on the submitted plans.

Flood Risk and Drainage

Sketchley Brook flows roughly adjacent to the south-eastern boundary of the site with Ashby Canal to the east. The surface water drainage strategy, which included sustainable urban drainage principles, formed part of the outline application and proposed the removal of the existing culvert in which the Sketchley Brook runs to create a more natural meandering watercourse and additional wetlands alongside the Ashby Canal. The Reserved Matters proposals already approved for the primary physical and green infrastructure provided detailed proposals for the opening up of the brook to provide improvements to flood risk associated with the site and the wider area and proposed the creation of a wetland and marsh habitats incorporating balancing ponds, reed beds and wet grasslands alongside the Ashby Canal as part of a new sustainable drainage system. These approved features will both manage surface water from the site and prevent flooding as well as contributing towards the aesthetics and amenity value of the site.

The Environment Agency consultation response acknowledges that A Flood Risk Assessment (FRA) and master drainage plan was received with the outline application for the wider site (your reference 10/00518/OUT). However, they state that detailed surface water drainage plans now need to be provided for each individual reserve matters application, as conditioned below.

The Environment Agency does not object to the proposal subject to including a number of conditions; however, a number of these conditions have been included within the previous outline consent. The suggested conditions are:-

- a) surface water drainage
- b) foul Water drainage
- c) installation of bunded tanks for the storage of fuel and chemicals
- d) disposal of surface water associated with lorry wash.

Severn Trent Water also raises no objections subject to the attachment of a standard surface water and foul drainage condition. This replicates those suggested by the Environment Agency.

Head of Community Services (Drainage) - require details showing how surface water runoff will be intercepted, treated for vehicle pollution and its flowrate attenuated to pre-development values prior to discharge into Sketchley Brook. However conditions covering such were included on the outline application (10/00518/OUT) and thus are not considered necessary at this stage.

Highways

Highways issues have been approved within the outline consent and the subsequent approval of Reserved Matters (11/00856/REM) for the primary physical and green infrastructure for the main spine road through the site. The Highway Authorities (Highways Agency and Director of Environment and Transport (Highways)) raised no objection subject to conditions. The proposed B8 use and the vehicle journeys generated by such a use have therefore been fully considered as being acceptable.

However, in respect of the layout, the Director of Environment and Transport (Highways) initially commented that additional provision needed to be provided for cycle storage, the number of disabled parking bays provided were inadequate and that it would be preferable if a pedestrianised access was provided in close proximity to the bus stop. Aside from increasing the disabled parking provision, the issues have been addressed and an additional plan submitted reflecting the changes. In respect of the number of disabled parking bays, the applicant has argued that due to the nature of the operations which take place in the main hub building, it would not be possible to employ disabled persons, and that the required number of spaces have been provided based on the office floor space applied for. In response to this the Director of Environment and Transport (Highways) now raises no objection to the application.

Accordingly, on balance there are considered to be no highways issues raised which would justify refusal of the application.

Ecology

The outline proposal contained a range of ecological mitigation and measures to ensure that there were no adverse impacts in this respect resultant of the development and that ecology of the locality was improved as a result of the development. This scheme will be developed in accordance with these principles, which are subject to conditions on the outline application.

The issues raised within the neighbour letters of representation, which have not been appraised elsewhere in the report will be considered below:-

Continual noise from the lorries reversing into loading bays. In order to minimise noise and disturbance, the HGV's and tractor units used on site do not have reverse beepers. The disturbance resultant of general vehicle movements on site has been assessed within the noise report.

Pollution from vehicles using the site. The magnitude of vehicles using this site, and the associated issues were considered, and found acceptable under the outline application. Further, the Head of Community Services (Pollution) raise no objection in respect of this scheme.

Property de-valuation. This is not a material planning consideration, and thus will have no bearing on the outcome of the application.

Lack of consultation with surrounding residential properties. The required statutory consultation has been undertaken for the application, along with additional consultations when amended plans have been received.

Concerns with the methods employed and conclusions within the noise assessment. The noise assessment submitted with the application and the methods used have been considered by the Head of Community Services (Pollution) and where necessary, additional information has been requested.

Alternative sites available within the area. The site benefits from outline planning permission and therefore is no requirement to assess the availability or suitability of alternative sites. The site applied for is that under consideration and thus has been appraised as such.

The current proposal is different to that displayed at the open day. To clarify, the open day was held by the developer and the Local Planning Authority had no involvement. The plans displayed were for illustrative purpose only and did not constitute those submitted for consideration with any planning application.

Extra traffic may be a risk to the local primary school. Impacts of additional vehicle movements to and from the site was comprehensively considered and found acceptable during the outline application. As a result, extensive highway improvements have been undertaken in the locality.

People on site smoking and using inappropriate language. The Local Planning Authority has no control over how private persons on the site conduct themselves. However in terms of noise and disturbance to surrounding residential properties, this has been considered within the main body of the report and has not been found materially detrimental.

Adverse impact on view. Loss of view is not a material planning consideration and thus will have no bearing on the outcome of the application.

Local bird population has reduced since development of the site has started. The ecological impacts of the development as a whole have been fully investigated and have been found acceptable. On completion, the ecological value of the site will be increased.

Concerns that houses are being crammed onto site - what about the additional amenities required for residents, schools, doctors, shops, public and emergency services etc. This is not a residential development and thus the above comments are not applicable to the application under consideration.

Conclusion

Based upon the above appraisal, although the development applied for is extensive, in terms of its scale, layout, appearance and landscaping it is considered acceptable. In terms of impacts on residential amenity; there will be a level of noise and disturbance generated resultant of the operations on site, however these can be appropriately mitigated against and controlled, as can impacts in terms of lighting, drainage and surface water runoff. Accordingly, subject to these controls, on balance none of the issues raised is considered to justify refusal of application. Therefore the development proposed is considered acceptable and in accordance with Policies BE1 (criteria a, c, e, g and i) EMP1, T5, T9, NE2 and NE5 (Criteria a).

RECOMMENDATION:- That the Development Control Manager shall be granted powers to grant planning permission for the development subject to no significant planning objections being received before the expiry of the consultation period on 19 June 2013 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 according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. The development by virtue of its siting, scale, landscaping and design will have no detrimental material impacts in terms of visual or residential amenity, on the character of the area, or in terms of highway safety, noise and odour, drainage and flood risk. The application is therefore recommended for approval subject to conditions.

Hinckley and Bosworth Local Plan 2001:- Policies BE1, EMP1, T5, T9, NE2 and NE5.

Local Plan 2006-2026: Core Strategy 2009:- Policies 1, 4, 5 and 20.

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development shall be carried out strictly in accordance with the conditions set out in the outline planning permission 10/00518/OUT except as may be modified herein.
- 2 The development hereby permitted shall be carried out in complete accordance with the following materials, unless otherwise agreed in writing by the Local Planning Authority:-

Hub

Roof: profiled composite roof cladding in Goosewing Grey
Elevations: profiled composite cladding in Goosewing Grey
Canopy over loading bay: profiled steel cladding in Merlin Grey
Dock Surrounds: Flat panel composite cladding in Goosewing Grey
Stacks: profiled composite cladding in Merlin Grey

Main Gatehouse

Roof: Profiled steel curved roof Goosewing Grey
Roof Elevation: profiled composite cladding Merlin Grey and Polyester powder coated aluminium louvers in Merlin Grey
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Pressed metal flashing in RAL 3020
Window/door frames: powder coated aluminium in Anthracite

Vehicle Maintenance Unit

Roof: Profiled composite roof cladding in Goosewing Grey
Elevations: profiled composite cladding in Goosewing Grey

Salt Barn, Tyre Store, and Site Vehicle Garage

Roof: profiled steel cladding in Goosewing Grey
Elevations: profiled steel cladding in Goosewing Grey

The Perimeter fencing finished in powder coated black

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Dwg Nos:- 1338-13-01 Rev F received 7 June 2013, M1671-E-24-01 Rev P3 received 23 May 2013, Drg No:- P002 Rev E Received 10.05.13, Dwg Nos:- P012, P013, GEP01LD, EE712/A, 8411-004, P001 Rev A, 8411-004, P009, P004 Rev B, 103, 01 Rev C3, 16 Rev P2, 17 Rev P2, 17 Rev P2, 18 REV P1, 20 Rev P1, 21 Rev P1, P003 Rev A, P005 Rev A, P006 Rev B, P007 Rev B, P008 Rev B, P010 Rev A, P011 Received by the Local Planning Authority on the 1May 2013.
- 4 The development hereby permitted shall not be commenced until such time as a scheme to dispose of waste water associated with the lorry wash has been submitted to, and approved in writing by, the local planning authority. Prior to first occupation, the scheme shall be implemented as approved.
- 5 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is brought into use.
- 6 The approved landscaping scheme as shown on plan No: 1338-13-01 Rev D shall be carried out within the first planting season following the first use of the sortation hub hereby approved. The 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.

Reasons:-

- 1 For the avoidance of doubt and in the interests of proper planning.
- 2 To ensure that the development has a satisfactory external appearance to accord with criteria a Policy BE1 of the adopted Hinckley and Bosworth Local Plan.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4&5 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise risk of pollution to accord with Policies NE2 (criterion a) and NE14 of the adopted Hinckley and Bosworth Local Plan
- 6 To ensure that the landscaping scheme is carried out within a reasonable period and thereafter maintained to accord with Policy BE1 criteria e 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 Due to the use of detergents in the lorry wash process, the wastewater will need to be collected in either a sealed system for reuse, discharged to the public foul sewer (with the prior permission of the local sewer provider) or collected in a sealed system for authorised disposal. No waste water from the process can be allowed to enter any drainage system which incorporates an oil/petrol separator as detergents may cause it to become ineffective. The surface water of the washing area must be non-permeable and isolated.
- 6 Severn Trent advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
- 7 The applicant should consider SuDS alternatives in preference to the more traditional methods for the design of the on plot surface water drainage scheme, and following the SUDs Management Train Hierarchy detailed in CIRIA document C697 - SUDs Manual, in association with CIRIA Document C687 - Planning for SUDs making it happen.

With reference to the above we therefore recommend that the car park shown as a 'Tarmacadam' area on Drawing No. 8411-004-P002 Revision B is replaced by permeable paving with under storage so flows are routed to the tree line and hedge boundary proposed to the on-site main road. This is provide one of the treatment trains required for car parks by the SUDs manual, but also to provide a source of irrigation to the trees and hedge.

- 8 A land drain may exist on the northern boundary adjacent to the screening bund / railway. The proposals to alter these bunds and incorporate retaining walls, as shown on Drawing Nos. CDA-2100 20 Revision P1 and CDA-2100 21 Revision P1, should therefore consider and mitigate any potential impact from these walls on any existing land drainage system.
- 9 To encourage modal shift set-out in the travel plan, the Highway Authority would like to see the bike store facility to be closer to the Gate House. It is most likely that cyclist are likely to travel from the residential development, namely to/from Rugby Road

direction. The location of secured bike stand closer to the Gate House would save time and journey for those who arrive on their bikes.

- 10 Any further plant or equipment introduced to the site should be designed so that noise levels are not increased further.

Contact Officer:- Eleanor Overton Ext 5680

Item: 02

Reference: 12/01029/FUL

Applicant: Alexander Bruce Estates Ltd

Location: Land Off Spinney Drive And South Of Brookside Barlestone

Proposal: Erection of 49 new dwellings, landscaped public open space and creation of a formal wetland habitat with access.

Target Date: 9 May 2013

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 49 new dwellings, landscaped public open space, a formal wetland habitat, alterations to a watercourse and new and altered public footpaths on land off Spinney Drive and Brookside to the southern edge of Barlestone. The proposed development includes a mix of detached, semi-detached and terraced dwellings comprising 2 x one bedroom maisonettes, 5 x two bedroom houses, 30 x three bedroom houses, 2 x four bedroom houses and 6 x five bedroom houses, all two storeys in height and 4 x two 2 bedroom bungalows. A total of 37 open market units (75.5%) and 12 affordable units (24.5%) are proposed with the affordable units split into 9 x social rented (75%) and 3 x intermediate housing (25%). The proposed dwellings are to be split into two areas measuring approximately 1.71 hectares, the western part (0.76 hectares) accessed off Spinney Drive and incorporating 19 open market units and 6 affordable units and the eastern part (0.95 hectares) accessed off Brookside and incorporating 18 open market units and 6 affordable units. The dwellings are arranged off extended existing estate roads and shared surface private driveways. Off street car parking is proposed in garages, on private driveways and within parking courts.

The proposals include areas of informal public open space (0.17 hectares), an area of managed wetland habitat for community benefit (1.4 hectares) and retained farmland (2.7 hectares) within the layout. Additional tree planting and landscaping is also proposed. The two existing public rights of way through the application site are to be incorporated into the proposed development (subject to a diversion order) together with the provision of new public footpaths providing additional pedestrian links through the site.

The Site and Surrounding Area

The application site is located on the southern edge of Barlestone approximately 300 metres from the village centre and covers an area of approximately 6 hectares in total. The site is currently a combination of cropped farmland, open grassed fields and paddocks. Ground levels within the application site fall generally from the west and east boundaries forming a lower central area through which an open tree lined watercourse runs north to south and gives rise to an overgrown wetland/marshy area on its western side. There are residential properties to the north and west of the site on Spinney Drive, Ferrers Croft, Rushey Close, Brookside, Newbold Road and Bosworth Road. To the southern and eastern boundaries lie a sewage treatment works and open farmland. The site is currently accessed from the adopted highways of Spinney Drive and Brookside. The boundaries to the site are varied and include mature field boundary hedgerows and trees around the eastern and southern boundaries, hedging along the western boundary and a mix of hedgerows interspersed with a variety of fences to the northern boundaries.

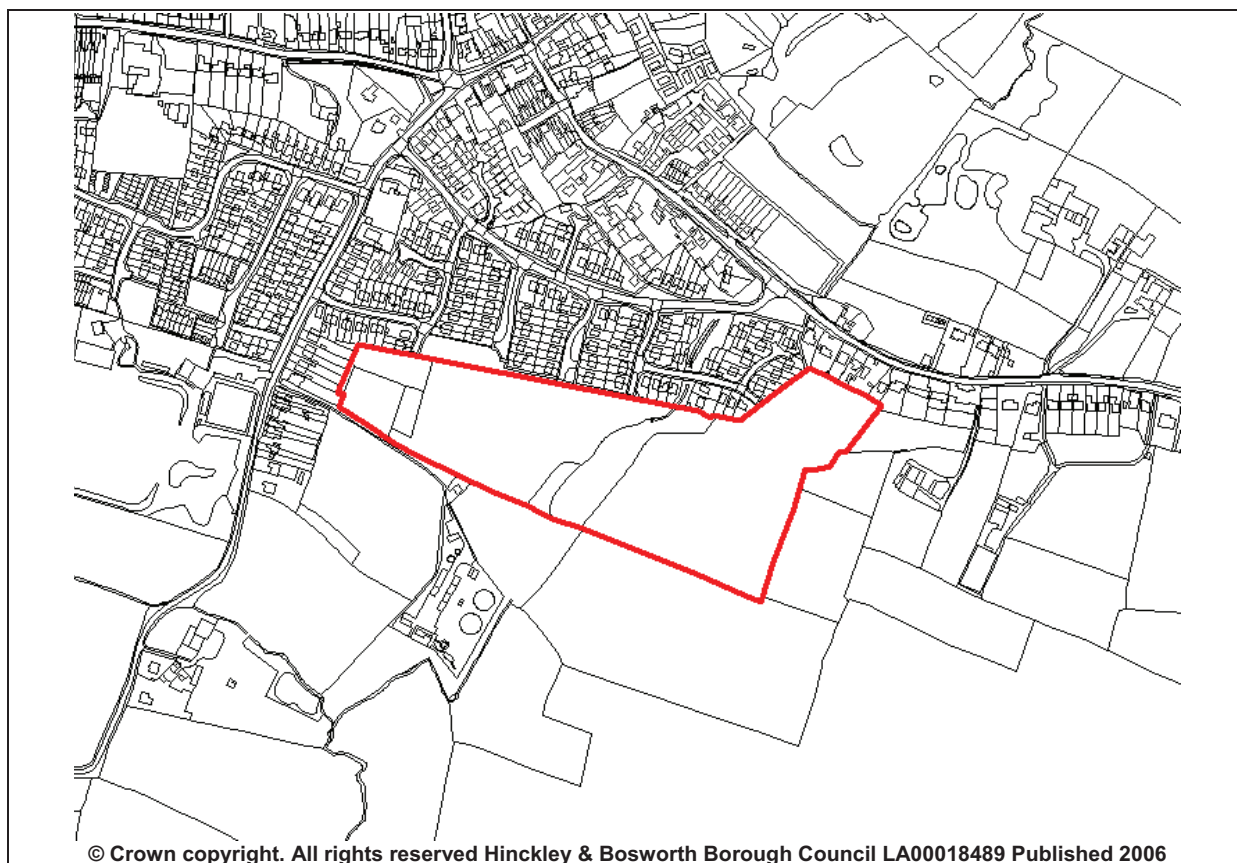
During the course of the application amended plans have been submitted including amendments to the layout, road design, the mix and design of a number of the proposed house types, the numbers, mix and distribution of the affordable housing units and the provision of additional parking spaces. Re-consultation has been undertaken.

Technical Documents submitted with application

Planning Statement
Design and Access Statement
Statement of Community Involvement
Transport Statement
Flood Risk Assessment
Preliminary Ground Investigation Report
Landscape and Visual Appraisal
Archaeological Assessment & Geophysical Survey
Ecological Assessment
Arboricultural Assessment
Viability Assessment
Draft Heads of Terms

Relevant Planning History:-

99/00735/FUL	Erection of 25 Dwellings	Withdrawn	04.12.00
81/00058/4	Residential Development	Refused Appeal Dismissed	24.02.81



Consultations:-

No objection has been received from Borough Council's Arboricultural Consultant.

No objection subject to conditions has been received from:-

Director of Environment and Transport (Highways)
Director of Environment and Transport (Rights of Way)
Directorate of Chief Executive (Ecology)
Environment Agency
Severn Trent Water Limited
Head of Business Development and Street Scene Services (Waste Minimisation)
Head of Community Services (Pollution)
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) requests no contribution
- b) Director of Children and Young Peoples Services (Education) requests a total contribution of £170,287.25 to mitigate the additional demand from the development on the High School Sector (Market Bosworth High School £84,018) and Upper School Sector (Bosworth Academy £86,269.25) to address capacity issues as a result of the proposed development
- c) Director of Environment and Transport (Civic Amenity) requests a contribution of £2305 to mitigate additional demands on the Civic Amenity site at Barwell as a result of the proposed development
- d) Director of Adults and Communities (Libraries) requests no contribution

- e) Leicestershire Constabulary Crime Reduction Officer requests a contribution of £17,322 to mitigate additional impacts on policing infrastructure/capacity as a result of the development. In the absence of the contribution, a formal objection is raised to the application on the grounds that there does not appear to be a commitment to mitigating policing impacts.

Directorate of Chief Executive (Archaeology) recommends that determination of the application is deferred to enable an archaeological impact assessment to be completed including field evaluation by appropriate techniques prior to determination of the application to ensure that an informed decision can be made.

Barlestone Parish Council object to the application and are opposed to any future development in the village and raise concerns in respect of traffic flow through the village centre which is narrow and congested.

Site notice and press notice were displayed and neighbours notified. Letters from 63 different addresses have been received (together with an additional 14 without specific addresses) raising the following objections and/or concerns:-

- a) unsustainable greenfield site outside settlement boundary of Barlestone contrary to the Development Plan
- b) site is not a preferred option and there are other, more suitable, sites around the village for future development
- c) no need for additional housing as 5 year housing land supply has been achieved
- d) no demand for additional housing in Barlestone as over 100 existing properties are currently on the market and remain unsold
- e) there is enough residential development occurring within neighbouring villages
- f) similar applications have been refused in the past
- g) inadequate infrastructure/services to support additional housing (schools, doctors, shops etc.)
- h) inadequate surface water drainage, flooding problems on and within the vicinity of the site due to high water table
- i) contamination of surface water
- j) inadequate sewerage infrastructure leading to capacity issues, back ups within the system and pollution of homes and gardens of neighbouring properties and increased sewer smells
- k) encroachment into cordon sanitaire around sewerage works
- l) inadequate parking within the proposed development
- m) detrimental to highway safety (pedestrians and children) due to increase in traffic, on-street parking and additional congestion on access roads and within the village centre
- n) lack of access for emergency vehicles as a result of on-street parking congestion
- o) detrimental impact on existing footpaths through change in character and diversion
- p) detrimental to Conservation Area
- q) detrimental to site of special ecological interest and existing wildlife
- r) loss of damage to trees
- s) who will maintain the proposed wetland habitat/boardwalk in the future
- t) construction on unstable soils
- u) poor design
- v) detrimental to the amenities of neighbouring properties due to overbearing/overshadowing impact, loss of privacy, loss of light, loss of open aspect
- w) detrimental to the amenities of neighbouring occupiers due to noise disturbance and air pollution (dust/fumes)
- x) lack of public play and open space within the site
- y) loss of property values
- z) antisocial behaviour on footpath and detriment to amenity.

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

National Grid
Primary Care Trust
Ramblers Association
Head of Corporate and Scrutiny Services (Green Spaces).

The consultation period remains open at the time of writing and closes on 15 June 2013. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

National Policy Guidance

National Planning Policy Framework March 2012
Community Infrastructure Levy (CIL) Regulations 2010

Local Plan 2006-2026: Core Strategy

Policy 7: Key Rural Centres
Policy 11: Key Rural Centres Stand Alone
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 17: Rural Needs
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy BE14: Archaeological Field Evaluation of Sites
Policy BE16: Archaeological Investigation and Recording
Policy NE2: Pollution
Policy NE5: Development in the Countryside
Policy NE12: Landscaping Schemes
Policy NE13: The Effects of Development on Natural Watercourses
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards
Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
Policy REC2: New Residential Development: Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development: Outdoor Play Space for Children

Supplementary Planning Guidance/Documents

Affordable Housing (SPD)
Play and Open Space (SPD)
Sustainable Design (SPD)
New Residential Development (SPG).

Appraisal:-

The main considerations in respect of this application are: the principle of development; the five-year housing land supply; impact on the character and appearance of the countryside; design and layout; access and highway safety issues; impact on residential amenity; developer contributions and economic viability; drainage/flooding; ground contamination/investigation; biodiversity; archaeology, sustainable design and other issues.

Principle of Development and Impact on Character of the Area

The National Planning Policy Framework (NPPF) was published in March 2012 and provides a presumption in favour of sustainable development. However, paragraph 12 of the document states that it 'does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise'.

The Local Plan 2006-2026: Core Strategy was adopted in 2009 and can be considered to be up to date in respect of the NPPF. As at October 2012 the Borough Council could demonstrate a five year supply of housing land (5.37 years) including a 5% buffer in accordance with paragraph 47 of the NPPF and therefore all policies relevant to the supply of housing are up to date.

The application site is within the countryside and therefore outside of, but adjacent to the settlement boundary of Barlestone. Policy 11 of the Core Strategy sets a requirement for a minimum of 40 new dwellings to be delivered in Barlestone over the plan period to 2026. Since the adoption of the Core Strategy in 2009, the residual housing requirement for the village has fluctuated, rising to 49 new dwellings in January 2012 (when pre-application discussions were held in respect of this site) and has since fallen again to 46 (at October 2012). The proposed scheme would therefore meet the housing requirement for the village and an additional 3 dwellings would not have a significant impact on the spatial vision for the village. The level of proposed provision is therefore considered to be in accordance with Policy 11 of the adopted Core Strategy.

Policy NE5 (criterion i and ii) require that development in the countryside does not have an adverse effect on the appearance or character of the landscape and is in keeping with the scale and character of existing buildings and the general surroundings. The site currently comprises a combination of arable farmland, open grassed fields and paddocks, an overgrown wetland/marshy area and belt of trees. The proposed scheme would clearly change the open, rural character of the areas proposed for housing development. Notwithstanding this, despite being a greenfield site lying outside the defined settlement boundary of Barlestone, the areas proposed for housing within the application site represent good locations for the housing requirement for the village identified in Policy 11 of the adopted Core Strategy, particularly as they lie adjacent to the settlement boundary and are within walking distance of the village centre and given the lack of deliverable sites within the settlement boundary. Although the Council is able to demonstrate a five year supply of housing land, the Strategic Housing Land Availability Assessment (SHLAA) (2010) classed both of the two areas proposed for housing as 'developable'. The Brookside part of the proposal (SHLAA site BARL02) is located predominantly within a larger site that was identified as a preferred option for housing and the Spinney Drive part (SHLAA site AS42) is located on part of a much larger site that was identified as an alternative at the Preferred Options stage of the Site Allocations and Generic Development Control Policies DPD. The two sites proposed for housing are deliverable and when combined will meet the Core Strategy residual housing requirement for Barlestone. The development of the two sites for

housing is therefore considered to be acceptable in principle subject to all other planning matters being appropriately addressed.

Layout, Design and Mix

Paragraphs 17 of the NPPF seeks a high standard of design and good standard of amenity for existing and future occupiers of land and buildings and in paragraph 58 supports development that will function well and add to the overall quality of the area, creates attractive places to live, responds to local character, are visually attractive as a result of good architecture and incorporates green and other public spaces and supports local facilities. Policy BE1 (criterion a) of the adopted Local Plan requires that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. The adopted SPG on New Residential Development gives additional design guidance to developers.

The 1.71 hectares of the site that are proposed for the development of 49 dwellings will achieve a density of 29 dwellings per hectare which is marginally short of the minimum of 30 dwellings per hectare for development in Key Rural Centres required by Core Strategy Policy 16, however, the density is considered to be appropriate for the edge of village location and in keeping with adjacent development.

Amended plans have been received to address some of the concerns raised in respect of the housing layout of the site including the mix of dwellings, the distribution of affordable housing units within the site and the routes and treatment of the public footpaths. Overall, the proposed housing layout provides a number of shared surface roads leading off from the main access roads creating a character in keeping with the vernacular style of the proposed house types. Visual interest will be provided throughout the development by virtue of the varied house types and building lines and the position of the dwellings in relation to the streets and vistas. A good mix and variety of house types is proposed along with adequate private amenity areas and the varied approach to parking, providing a majority to the side and rear of the dwellings and in a parking court will ensure that the development will not be car dominated. The affordable housing provision is to be split into two clusters between the two sites and given the small number of units being provided, the distribution is now considered to be acceptable. Adequate separation distances are provided between the proposed and existing properties. The amended layout is considered to complement the character of the adjacent built form in accordance with Policy BE1 (criterion a) of the adopted Local Plan.

In contrast to the uniform appearance of the adjacent housing development which dates mainly from the 1970s, the applicant seeks to provide a development that generates its own character and it is considered that the proposed local vernacular-inspired bespoke-house-type designs provide an attractive scheme of exceptionally high quality. The proposed house types can be divided into two general styles, 'Cottage' and 'Victorian' to give an appearance of an evolving development. Although predominantly two storeys in height, the two styles have different ridge and eaves height, roof pitches and window styles and benefit from a wealth of architectural features spread throughout the different house types including feature chimneys, exposed eaves, brick corbels, brick plinths, bay windows, a variety of open porches, string courses, headers and cills and timber doors and windows.

Policy 16 of the adopted Core Strategy requires developments of 10 or more dwellings to provide a mix of housing types and tenures. The amended proposals include the provision of a good mix of 1, 2, 3, 4 and 5 bedroom properties with a split of 77.5% medium and larger family units and 22.5% small and medium units. The demand for affordable housing in Barlestone taken from the housing register is as follows: 207 applicants for 1 bedroom properties, 150 applicants for 2 bedroom properties, 63 applicants for 3 bedroom properties

and 20 applicants for 4 or more bedroom properties. The proposals include 2 x 1 bed affordable maisonettes, 2 x two bedroom affordable bungalows, 5 x affordable two bedroom houses and 3 x affordable three bedroom house and will contribute towards identified shortfalls in such accommodation within Barlestone.

The existing public footpaths running through the site will be incorporated into the overall layout and new footpaths created through the application site will promote permeability and links to the surrounding countryside and local sports facilities. Public Footpath S38 will be subject to a diversion order and is proposed to run across the rear of the dwellings fronting Newbold Road as recommended by the Director of Environment and Transport (Rights of Way). The footpath would be set within a 3 metres wide green corridor. The proposals also include the creation of a wetland area for community benefit in the central area of the application site and the diversion of public footpath S36 and the provision of a tarmac surface through the tree belt and wetland area. The Director of Environment and Transport (Rights of Way) raises no objections subject to formal diversion orders being obtained, satisfactory surfacing of the paths and satisfactory treatment of the public rights of way during the construction phase and beyond.

Overall, the amended layout and design of the scheme and the proposed dwelling types are considered to enhance the built form of the area in accordance with Policy BE1 (criterion a) of the adopted Local Plan.

Access and Highway Safety

Policies BE1 (criterion g), NE5 (criterion iv) and T5 of the adopted Local Plan require that new developments do not generate traffic that would exceed the highway network or adversely affect highway safety, provide adequate visibility for road users and adequate manoeuvring and off street parking facilities.

Objections have been received on the grounds that the existing estate roads leading to the development are too narrow and constricted by on-street parked vehicles to enable safe access to be gained (including for emergency vehicles), that the additional traffic generated by the development would be detrimental to highway and pedestrian safety and that there is inadequate parking within the proposed development.

A Transport Statement has been submitted to support the application. The statement concludes that the development would be adequately served and accessible to more sustainable modes of transport and is within walking distance of local facilities and given the scale of development will not have an adverse impact on the surrounding highway infrastructure.

The proposals include the extension of two existing adopted estate roads, Brookside and Spinney Drive together with their pedestrian footways to access the sites. Thereafter private shared surface roads run through the developments leading to private driveways, garages and parking courts providing adequate off-street parking for the dwellings that they serve. The applicant cannot be held responsible for any inconsiderate car parking that may occur within the existing estate. The roads are adopted public highway and capable of serving the proposed development of an additional 25 dwellings (Spinney Drive) and 24 dwellings (Brookside). The amended plans propose that all of the houses would have a minimum of two off-street car parking spaces with one space provided for the bungalows and one bedroom maisonettes. This level of provision is adequate to serve the development and would not therefore result in any additional on-street car parking within the public highway. Accordingly the proposals are considered to be in accordance with Policies BE1 (criterion g), NE5 (criterion iv) and T5 of the adopted Local Plan.

The Director of Environment and Transport (Highways) has no objection to the means of access through existing estate roads which are considered to be adequate to serve the proposed development. A number of standard highway related conditions are recommended relating to the internal road layout and design, parking provision and garage sizes. Of the five conditions recommended, the submitted amended plans address four of the conditions and they are not therefore necessary to make the development acceptable in planning terms. A condition is included to ensure the provision of the access and parking spaces for each dwelling before its occupation.

Impact on Neighbours

BE1 (criterion i) and the Council's Supplementary Planning Guidance on New Residential Development requires that new residential development does not adversely affect the amenities of the occupiers of neighbouring properties.

Objections have been received on the grounds that the proposals will be detrimental to the amenities of neighbouring properties due to overbearing/overshadowing impact, loss of privacy, loss of light, loss of open aspect and noise disturbance and air pollution (dust/fumes).

The amended proposed layout generally provides adequate separation distances of 25 metres or above between the main elevations of existing and proposed dwellings in accordance with the Council's adopted SPG on New Residential Development. In a small number of cases where the separation distance is slightly less (Plots 4 and 5 at 24 metres and 23 metres respectively) these are bungalows therefore a reduced distance is acceptable, and in the case of Plot 28 which is approximately 19 metres from an existing house on Brookside the proposed house is offset such that it does not face squarely onto the existing house. Consequently, it is considered that the development will not result in any adverse overbearing/overshadowing impacts or loss of privacy to the occupiers of neighbouring properties. The loss of an open aspect is not a material planning consideration and any potential adverse noise disturbance or air pollution that may result from development would be limited to the construction phase of the development. Overall, the proposals are considered to be in general accordance with Policy BE1 (criterion i) of the adopted Local Plan and SPG on New Residential Development.

Developer Contributions

Policy IMP1 of the adopted Local Plan requires developers to provide contributions towards the provision of the necessary on-site and off-site infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed and requires developers to enter into planning obligations to ensure that provision. The request for any developer contributions must be assessed against the tests in the Community Infrastructure Levy (CIL) Regulations 2010. 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.

Objections have been received that there is inadequate infrastructure/services (schools, doctors, shops etc.) to support additional housing in the village. The applicant has submitted a draft Heads of Terms letter with the application with a view towards the completion of an agreement under section 106 to secure a proportion of affordable housing units within the site and a lump sum financial contribution towards any other infrastructure requirements. To support the proposed level of contributions a Viability Assessment has also been submitted with the application.

Affordable Housing

Policy 15 of the adopted Core Strategy requires that in rural areas on sites of 4 or more dwellings the starting point for affordable housing is a target of 40% affordable dwellings on site with a tenure split of 75% social rented and 25% intermediate housing. The policy further states that figures may be negotiated on a site by site basis taking into account local need, existing provision, characteristics of the site and viability. In this case, the policy requirement would equate to 20 affordable units comprising 15 social rented and 5 intermediate housing. The amended proposed scheme has increased the number of affordable units proposed from 10 to 12 affordable units (24.5%) comprising 9 social rented units and 3 intermediate housing units. However, this is still less than the provision sought by Policy 15. In this case, the applicant has submitted a viability assessment which has been considered independently on behalf of the Council to determine the level of contributions that the proposed development could sustain. Viability and the level of proposed contributions are discussed later in this report.

Play and Open Space

Developer contributions towards the provision and maintenance of formal and informal public play and open space will be required to mitigate the impact of additional residential dwellings on the use of such facilities and to comply with Policies IMP1, REC2 and REC3 of the adopted Local Plan and the Council's Supplementary Planning Document on Play and Open Space, together with the objectives of the Green Space Strategy (2005-2010) and the Quantity/Accessibility Audits of Provision (2007).

Within the Green Spaces Quantity/Accessibility Audit 2007 Barlestone was found to have an adequate provision of equipped play areas and informal amenity green space, however, the quality of the facilities provided was found to be poor and reducing its capacity to meet the needs of residents. Cost estimates in the audit for improvements to the facilities were estimated at £175,000 for equipped children's play areas and £60,000 for amenity green space within Barlestone. In the Audits of Provision 2007, Bosworth Road was given a quality score of just 61.7% and May Meadow just 38%.

A contribution can be requested on the basis that the size of the units proposed will appeal to families who are likely to use the existing facilities and increase the wear and tear of the equipment and land. They are likely to use the facilities due to their close proximity to the application site. Any contribution being secured would help to mitigate impact from the future occupiers of the development upon the existing facilities. As a result, it is considered that a contribution request is necessary and directly, fairly and reasonably related in kind to this development and is therefore compliant with the CIL Regulations. It can be used to enhance and maintain both formal and informal play and open space facilities and children's play equipment at Bosworth Road, May Meadow and Spinney Drive which are all located within 400 metres of the proposed development.

In this case, based on the calculations within the adopted SPD on Play and Open Space, the total contribution required including the future maintenance of the wetland area would be £247,206.45 (split between a capital sum £50,837.70 and a future maintenance sum £196,368.75) or excluding the wetland area would be £98,806.45 (split between a capital sum £50,837.70 and a future maintenance sum £47,968.75).

Education

Director of Children and Young Peoples Services (Education) requests a total contribution of £170,287.25 to mitigate the additional demand from the development on the High School Sector (Market Bosworth High School £84,018) and Upper School Sector (Bosworth

Academy £86,269.25) to address capacity issues as a result of the proposed development. In this case due to the scale of the assessed impact, the contribution is considered to be necessary and directly, fairly and reasonably related in kind to this development to make the development acceptable in planning terms and it is therefore compliant with the CIL Regulations.

Civic Amenity

Director of Environment and Transport (Civic Amenity) requests a contribution of £2305 to mitigate additional demands on the Civic Amenity site at Barwell as a result of the proposed development. In this case due to the limited scale of the assessed impact, the contribution is not considered to be necessary to make the development acceptable in planning terms and it is not therefore compliant with the CIL Regulations.

Police

Leicestershire Constabulary request a contribution of £17,322 to mitigate additional impacts on policing infrastructure/capacity as a result of the development. In the absence of the contribution, a formal objection is raised to the application. In this case due to the limited scale of the assessed impact, the contribution is not considered to be necessary to make the development acceptable in planning terms and it is not therefore compliant with the CIL Regulations.

Of the contribution requests received, the following are considered to be justified in terms of CIL compliance:-

Affordable Housing
Play and Open Space
Education.

Viability Assessment

In more recent years it has become recognised that the economic viability of any development plays a fundamental role in the delivery of development. Recent appeal decisions have confirmed that economic viability is a determining factor in deliverability and should be a material consideration in the determination of any planning application. The applicant's viability offer needs to be considered alongside national government guidance and the development plan requirements for a development of this type.

The NPPF, in paragraph 173, suggests that sites and the scale of development identified in the development plan should not be subject to a scale of obligations and policy burdens such that their ability to be developed viably is threatened. To ensure viability, the costs of any infrastructure or other requirements should, when taking account of normal costs of development and mitigation, provide competitive returns to a willing landowner and developer to enable the development to be deliverable. Paragraph 205 also states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. Core Strategy Policy 15 states that the starting point for the level and target for affordable housing in this location would be 40%, but that this figure may be negotiated on a site by site basis taking into account a number of factors including viability.

The proposals include the provision of 12 affordable housing units (24.5% affordable, a shortfall of 8 units) and a lump sum contribution of £367,500 (£7,500 per unit) towards other infrastructure and facilities. The other infrastructure contributions for education and play and

open space amount to either £417,493.70 including for future maintenance of the wetland area (a shortfall of £49,993.70), or £269,093.70 excluding the wetland area (a residual amount of £98,406.30 from the total sum offered). The proposed wetland area would require more specialised maintenance than standard informal open space and, should Members be minded to approve the application, the residual contribution of £98,406.30 could be used by the developer to secure the future maintenance of the wetland area by a private management company for the benefit of the wider community. A condition requiring the submission of a scheme for its future maintenance would therefore be considered reasonable and necessary in such case.

A Viability Assessment has been submitted to support the proposed level of contributions and has been subject to an independent review in accordance with current working arrangements with Coventry City Council. The independent review concludes that the submitted appraisal details are reasonable and that the proposed development would not be viable or therefore deliverable if the full level of CIL compliant contribution requests, including 40% affordable housing units, were to be provided. 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. This has been reinforced through the implementation of the NPPF.

Based upon the evidence provided and in view of the conclusions of the independent review, and having regard to paragraph 173 of the NPPF which requires decision makers to have regard to the need to provide competitive returns to developers and landowners it is considered that there is a case for a reduction in the level of contributions being requested in this case in order to enable delivery of the development to meet the housing requirement for Barlestone identified in the adopted Core Strategy. On this basis only it is considered that a 24.5 % affordable housing provision is acceptable in this case. The agent has confirmed that the developer considers that the scheme is deliverable at the level of contributions being offered. However, should Members be minded to approve the application, as viability can change rapidly as a result of changes in the economy, it is considered to be reasonable to include a clause in any section 106 agreement making provision for reassessment of the viability of the scheme if it has not been commenced within one year of the issue of planning permission. This approach has been taken on a previous application where the viability assessment has reduced the value of contributions.

Drainage/Flooding

Policy NE13 of the adopted Local Plan requires that adequate protection, alleviation or mitigation works are undertaken to ensure that the drainage functions of the natural watercourse system is not inhibited. Policy 14 of the adopted Local Plan requires that satisfactory arrangements are made for the disposal of foul sewage and surface water to reduce the risk of pollution of the water environment and flood risk.

Objections have been received on the grounds that: there is inadequate surface water drainage in the area leading to flooding problems on and within the vicinity of the site due to a high water table; that there is inadequate capacity for sewerage disposal that will result in back ups within the system and the pollution of surface water, homes and gardens.

A Flood Risk Assessment has been submitted to support the application. In respect of surface/storm water drainage of the site, the use of infiltration techniques along with underground storage tanks to provide attenuation (where infiltration is not viable) together with controlled flow into the existing natural watercourse system is proposed in order to alleviate the potential and risk of flooding as a result of the development. In respect of foul water disposal, it is proposed that the development will connect to the existing Severn Trent sewer network in Spinney Drive, Brookside and or the public sewer crossing the site.

Notwithstanding the objections received in respect of capacity issues, neither the Environment Agency nor Severn Trent Water Limited raise any objections to the development subject to a number of conditions requiring the implementation of flood risk mitigation measures, the submission of additional details in respect of the proposed diversion and opening up of the (currently culverted) watercourse and a surface water drainage scheme for prior approval. The conditions are considered to be reasonable and necessary to accord with Policies 13 and 14 of the adopted Local Plan and to make the development acceptable in planning terms.

Ground Investigation/Contamination

Policy NE2 of the adopted Local Plan states that planning permission will not be granted for development which would be likely to suffer material harm from existing or potential sources of air or soil pollution. The NPPF in paragraph 120 seeks to prevent unacceptable risks from pollution and land instability by ensuring that development is appropriate for its location.

Objections have been received on the grounds that the development encroaches into the 'cordon sanitaire' around the sewerage works to the south of the site and that there are unstable soils within the site unsuitable for construction.

A Preliminary Ground Investigation Report has been submitted to support the application. Whilst this does not identify any barriers to the development of the site, it recommends that further intrusive investigation is undertaken to determine the bearing capacities for foundations, the feasibility of using infiltration systems for the development, assessment/testing of the soils and the risk of potential chemical contamination (for example from the historical use of pesticides and any potential migration to the site from the sewage works to the south).

The Head of Community Services does not object to the application subject to standard conditions requiring further ground investigation works and the submission of additional information for prior assessment and approval. The conditions are considered to be reasonable and necessary to accord with Policy NE2 of the adopted Local Plan and to make the development acceptable in planning terms.

Biodiversity

The NPPF, in paragraph 118, aims to conserve and enhance biodiversity and encourages the opportunity to incorporate biodiversity within or around developments.

Objections have been received on the grounds that the development would be detrimental to a site of special ecological interest and existing wildlife and result in loss or damage to trees.

An Ecological Assessment and Arboricultural Assessment have been submitted to support the application. The Ecological Assessment states that there are no statutory or non-statutory sites of nature conservation interest within the proposed developments potential zone of influence, but it identifies opportunities for mitigation, a management strategy and enhancement of existing habitats within the site that would provide a net gain for biodiversity. It also recommends that the strategy could be secured by appropriate planning conditions and/or Section 106 agreement. The Directorate of Chief Executive (Ecology) considers that the report is satisfactory and raises no objection to the scheme subject to a condition requiring the submission of a long term management plan for the stream, woodland and marsh in the centre of the site for prior approval with a requirement for 5-year reviews of management for further approval. The condition is considered to be reasonable and necessary to accord with paragraph 118 of the NPPF and to make the development acceptable in planning terms.

The Arboricultural Assessment concludes that the proposals retain all of the mature trees with the exception of one Common Ash (T3) which is unsuitable for retention due to significant damage to the stem. Some tree surgery will be required in localised areas to prevent future conflict with occupiers. Despite the minor losses, proposed new planting will increase the amount of tree cover overall and the future of the woodland strip and surrounding vegetation can be secured by the implementation of a structured management plan that would benefit wildlife and occupants of the village. The Borough Council's Tree Officer confirms that the development has no adverse implications for trees within the site.

Archaeology

Policy 14 of the adopted Local Plan states that where archaeological remains may exist, field evaluation is to be carried out and the results made available prior to the determination of the application. Policy BE16 of the adopted Local Plan requires satisfactory investigation and recording of any important archaeological remains to be undertaken before development commences. On sites with archaeological interest the NPPF, in paragraph 128, requires developers to submit appropriate archaeological desk-based assessments and field evaluation where necessary.

An Archaeological Assessment has been submitted to support the application. This concludes that whilst there are no known sites or other heritage assets within the development area this is likely to be due to an absence of previous archaeological fieldwork. The Historic Environment Record for Leicestershire shows that it is within an area of archaeological and historical significance and there is a potential for remains to be preserved. Following the assessment a Geophysical Survey Report has also been submitted which identifies a number of anomalies within the site.

As a result of the assessment and survey the Directorate of Chief Executive (Archaeology) requires further archaeological impact assessment to be completed including field evaluation by appropriate techniques prior to determination of the application to ensure that an informed decision can be made. The developer has already undertaken additional field evaluation works on the site and produced a draft archaeological evaluation report. At the time of writing this report the final report is awaited along with the further consultation response of the Directorate of Chief Executive (Archaeology) which will be reported as a late item to the agenda.

Sustainable Design

Policy 24 of the adopted Core Strategy requires residential developments in Key Rural Centres to meet the sustainability targets set out in 'Building a Greener Future' rather than any policy requirement to meet any Code for Sustainable Homes standard. However, it is the applicant's intention that the dwellings will be constructed to Code Level 3 of the Code for Sustainable Homes in excess of policy requirements. This can be secured by condition.

Other Issues

The application site is not within a Conservation Area.

Loss of property values is not a material planning consideration.

The proposals for the diversion and treatment of the public footpaths that run through the site are acceptable to the Director of Environment and Transport (Rights of Way) and do not encourage antisocial behaviour. If any should occur this would be addressed by the relevant authority.

Conclusion

The two sites proposed for housing development within the wider application site lie outside of, but adjacent to, the settlement boundary of Barlestone and the proposed scheme would clearly change the open, rural character of those two areas. Notwithstanding this, those areas represent good locations for the current residual housing requirement of 46 dwellings for Barlestone which would meet the minimum requirements of Policy 11 of the adopted Core Strategy, particularly given the lack of deliverable sites within the settlement boundary. The development is therefore considered to be acceptable in principle in this case.

The proposed scheme provides a good layout and mix of well designed house types constructed in excess of Policy 24 requirements to Code Level 3 of the Code for Sustainable Homes and would result in a high quality development with interesting street scenes that would complement adjacent residential development and enhance the built form of the area. Adequate access and parking provision would be provided to serve the development therefore the scheme would not result in any adverse impact on highway safety. Adequate separation distances would be provided to ensure that the development would not result in any material adverse impact on the amenities of the occupiers of neighbouring properties.

Subject to the approval of additional details to be secured by conditions, satisfactory measures can be implemented to ensure that there would be no adverse impact on surface or foul water drainage, ground pollution or biodiversity and that the central wetland area would be maintained for the future benefit of the wider community.

Whilst the scheme falls short of providing the full level of affordable housing required by Policy 15 of the adopted Core Strategy, the current viability of the scheme has been independently assessed and confirms that the scheme would not be deliverable without some reduction in overall contributions. However, viability is subject to fluctuation and therefore it would not be unreasonable to include a clause within any section 106 agreement requiring viability to be reassessed in the future if the scheme does not commence within a reasonable time period. The developer has indicated that such a clause would be acceptable.

Subject to satisfactory resolution of the outstanding archaeology issues, the scheme is generally considered to meet the requirements of relevant national planning guidance, adopted Core Strategy and adopted Local Plan policies and guidance and is therefore recommended for approval subject to conditions and the completion of a section 106 agreement to secure the proposed level of developer contributions towards affordable housing, education and play and open space infrastructure and facilities. The application is accompanied by a Planning Performance Agreement allowing a 3 month timeframe to complete the S106 agreement from the date of committee.

RECOMMENDATION:- That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide affordable housing and public open space together with financial contributions towards public play and open space and education, and subject to the satisfactory resolution of the outstanding archaeology considerations and no new significant material objections being received prior to the expiry of the consultation period on 15 June 2013, the Development Control Manager shall be granted delegated powers to grant planning permission subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. By virtue of the location of the site and the residual housing requirements for Barlestone the proposals are acceptable in principle. By virtue of the layout, scale, design and appearance of the scheme the proposals will not have any adverse impact on the character or appearance of the area, highway safety, residential amenity, drainage of the site, biodiversity or archaeology. In addition the development will incorporate sustainable design measures and contribute to local infrastructure and facilities.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a, e, g and i), BE14, BE16, NE2 (criteria a and b), NE5 (criteria i, ii, iii and iv), NE12 (criteria a, b, c and d), NE13 (criteria a, b and c), NE14, T5, IMP1, REC2 and REC3.

Local Plan 2006-2026: Core Strategy (2009):- Policies 7, 11, 15, 16, 17 and 24.

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan DWG No. LLC918_100 received by the Local Planning Authority on 7 February 2013; Garage Type Floor Plans and Elevations Dwg Nos. LLC918_152A, 154A, 172, 185 and 186 received by the Local; Planning Authority on 30 April 2013; House Type Floor Plans and Elevations Drawing Nos. LLC918_132B, 135A, 137A, 138A, 139B, 140A, 141A, 142A, 144B, 147, 148B, 156, 157A, 158A, 159B, 162B, 163B, 164C, 166A, 168B, 169A, 170A, 173A, 175A, 180, 183 and 184 received by the Local Planning Authority on 7 May 2013; Masterplan Dwg No. LLC918_95 Revision D received by the Local Planning Authority on 16 May 2013; House Type Floor Plans and Elevations Dwg Nos. LLC918_151C, 174B and 182 received by the Local Planning Authority on 4 June 2013; Site Layout Spinney Drive Dwg No. LLC918_102 Revision J, Site Layout Brookside Dwg No. LLC918_103 Revision J received by the Local Planning Authority on 11 June 2013.
- 3 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.
- 4 No development shall commence unless and until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 No development shall commence unless and until a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the dwellings hereby approved can be constructed to a minimum of Code Level 3

has been provided in writing to the Local Planning Authority. In addition, within 3 months of the first occupation of each 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.

- 6 No development shall commence until details, including samples where necessary, of the means of construction of the access road and its surfacing material(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7 No development shall commence until details of the boundary treatment design and materials and a timetable for their erection, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8 No development shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:-
 - a) proposed finished levels or contours
 - b) hard surfacing materials
 - c) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc).
 - d) planting plans
 - e) written specifications
 - f) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - g) implementation programme.
- 9 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this five year 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.
- 10 The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision A, dated April 2013, Ref R-FRA-Q6253PP-01-A, undertaken by JPP consulting and the following mitigation measures detailed within the FRA:
 - a) Limiting the surface water run-off generated by the critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site - Section 5.0, and as shown on the plan in Appendix C.
 - b) Confirmation of the diversion and opening up of any culverted watercourse (East drainage ditch) crossing the site - Section 6.0, and as shown on the plan Drawing No. FRA04 in Appendix H, and RDC Drawing No. LLC9018_103.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

- 11 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in

writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:-

- a) Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
- b) Limiting the discharge rate and storing 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, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- e) Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

- 12 No development shall commence until a scheme for the detailed design of the diversion and opening up of the existing culverted watercourse (East drainage ditch), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the commencement of the Eastern Plots (Brookside area) development.

The scheme shall include:

- a) Diversion and opening up of the existing watercourse (East drainage ditch) where it currently runs in culvert underneath the area proposed for plots 42, 43, 48 and 49 (the inlet being identified by the word sink on the OS Map), and where it runs in a 300mm diameter culvert under the field on the western side of the eastern development area, as shown on the plan Drawing No. FRA04 in Appendix H of the FRA, and RDC Drawing No. LLC9018_103.
- b) Watercourse crossings required for the provision of access eg roads, should in preference be clear spanning bank top to bank top structures, or where culverting is necessary, these will need to be designed in accordance with CIRIA C689, the culvert design manual.
- c) Provision of the proposed diverted watercourse within a minimum 5m wide watercourse corridor/easement (2m wide either side of the watercourse channel (assuming a channel width of 1m).
- d) A minimum 2m buffer/maintenance strip shall be provided between any building or other fixed above ground equipment/fence/retaining structure, and the top of the bank of the existing and proposed watercourse (East drainage ditch).

- e) Details of how the proposed watercourse (East drainage ditch) shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
- 13 No development shall commence until a working method statement to cover all channel/bank works to the watercourse (East drainage ditch) has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme.
- The working method statement to cover the following requirements:-
- a) timing of works
 - b) methods used for all channel, bankside water margin works
 - c) machinery (location and storage of plant, materials and fuel, access routes, access to banks etc)
 - d) protection of areas ecological sensitivity and importance
 - e) site supervision.
- 14 The access, turning and car parking facilities indicated on the Site Layout Plans Dwg Nos. LLC918_102 Revision J and LLC918_103 Revision J shall be provided before the associated dwelling(s) is/are first occupied and once provided shall remain available for such use at all times thereafter.
- 15 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 16 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 17 No development shall commence until a scheme for the long term management and maintenance of the stream, woodland and wetland area, including provision for the submission of five year reviews for further approval, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.
- 18 No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought in to use.

Reasons:-

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

- 3 To ensure that the development does not have an adverse impact on the residential amenity or character of the area to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.
- 4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley & Bosworth Local Plan.
- 5 To secure the sustainable credentials of the development in accordance with the merits of the scheme as submitted and to ensure overall compliance with the intentions of the delivery of sustainable new homes in accordance with the intentions of Policy 24 of the adopted Local Plan (2006-2026) Core Strategy and the National Planning Policy Framework.
- 6 To ensure a satisfactory form of development in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To ensure that the development has a satisfactory appearance in the interests of visual amenity, to protect the privacy and amenity of future occupiers of the site and to ensure that the work is carried out within a reasonable period to accord with Policy BE1 (criterion a and i) of the adopted Hinckley and Bosworth Local Plan.
- 8 To enhance the appearance of the development to accord with Policies BE1 (criterion e), NE5 (criterion iii) and NE12 (criteria a, b, c and d) of the adopted Hinckley & Bosworth Local Plan.
- 9 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policies NE5 (criterion iii) and NE12 (criterion d) of the adopted Hinckley & Bosworth Local Plan.
- 10 To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and by diverting and opening up the existing culverted watercourse (East drainage ditch) and to reduce the risk of flooding from blockages to the existing/proposed access culverts and to the proposed development and future occupants in accordance with Policy 13 of the adopted Hinckley and Bosworth Local Plan and the National Planning Policy Framework.
- 11 To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity to accord with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan and the National Planning Policy Framework.
- 12 To ensure the structural integrity of the existing and proposed watercourse bank slopes, to ensure future maintenance of the watercourse, fluvial drainage system, to prevent the increased risk of flooding to the proposed development and future occupants and to improve and protect water quality, improve habitat and amenity, of the watercourse to accord with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan and the National Planning Policy Framework.
- 13 To ensure that the construction phase of the development hereby permitted does not adversely affect the bank or channel of a watercourse or pose a significant risk of silt pollution to accord with the National Planning Policy Framework.
- 14 To ensure that satisfactory access, turning and off-street car parking facilities are available to serve the dwellings hereby permitted in the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 15&16 To ensure the protection of controlled waters and the safety and amenities of the future occupiers of the site to accord with Policies NE14 and BE1 (criteria b and i) of the Hinckley and Bosworth Local Plan.
- 17 To conserve and enhance the biodiversity value of the site and ensure its long term maintenance in accordance with paragraph 118 of the National Planning Policy Framework.
- 18 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise risk of pollution to accord with Policy NE14 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 Under the terms of the Land Drainage Act 1991, the prior written consent of Lead Local Flood Authority (Leicestershire County Council) is required for any proposed works affecting the flow of any ordinary watercourse or to any existing or proposed structure forming part of the ordinary watercourse drainage system. This includes diversions of the watercourse and/or alterations to existing and/or proposed crossings of the watercourse to provide vehicular or pedestrian access, e.g. culverts or bridges. To discuss this position with the Environment Agency, please contact Sarah Mallett, Flood Risk Management - Partnerships and Strategic Overview Officer (Tel: 01543 405029).
- 6 In relation to Conditions 15 and 16, advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
- 7 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.

Public footpaths cross the site and these must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

- 8 Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without first obtaining separate consent. You are advised to contact Severn Trent Water to discuss your proposals who will seek to assist in obtaining a solution which protects both the public sewer and the proposed development.

Contact Officer:- Richard Wright Ext 5894

Item: 03

Reference: 13/00094/FUL

Applicant: David Wilson Homes and Andrew Granger and Company

Location: Land Off Three Pots Road Burbage

Proposal: Erection of 34 Dwellings and Associated Infrastructure

Target Date: 16 May 2013

Introduction:-

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

Application Proposal

This application seeks full planning permission for the erection of 34 dwellings with associated infrastructure. The proposed dwellings consist of 2 x five bed, 16 x four bed, 14 x three bed and 2 x two bed properties all developed at 2 and 2.5 storey proportions. The majority of these properties will have private garages. The submitted scheme includes 7 affordable housing units dispersed in two areas within the development.

Access to the site will be via Three Pots Road on the north-western edge of the site.

During the course of the application the applicant has submitted an amended layout plan that improves the relationship between some of the plots. Some of the garages have also been widened. No further consultation was considered necessary as the number of plots and general layout did not change.

The Site and Surrounding Area

The application site extends to over 2 hectares in size and is situated on the southern edge of the settlement of Burbage. Rugby Road runs along the north-eastern boundary of the site with Three Pots Lane, which is the location of the access point into the site, to the north-

western boundary. To the south-western aspect are three dwellings on relatively large plots that back onto the application area. Further estate-type dwellings are located further to the north and west.

The application site is a relatively flat grassland area that has mature hedging and trees along almost the entirety of its boundary.

The site is defined as being outside the settlement limits of Burbage and almost the whole site has a designation as a Site of Ecological Interest.

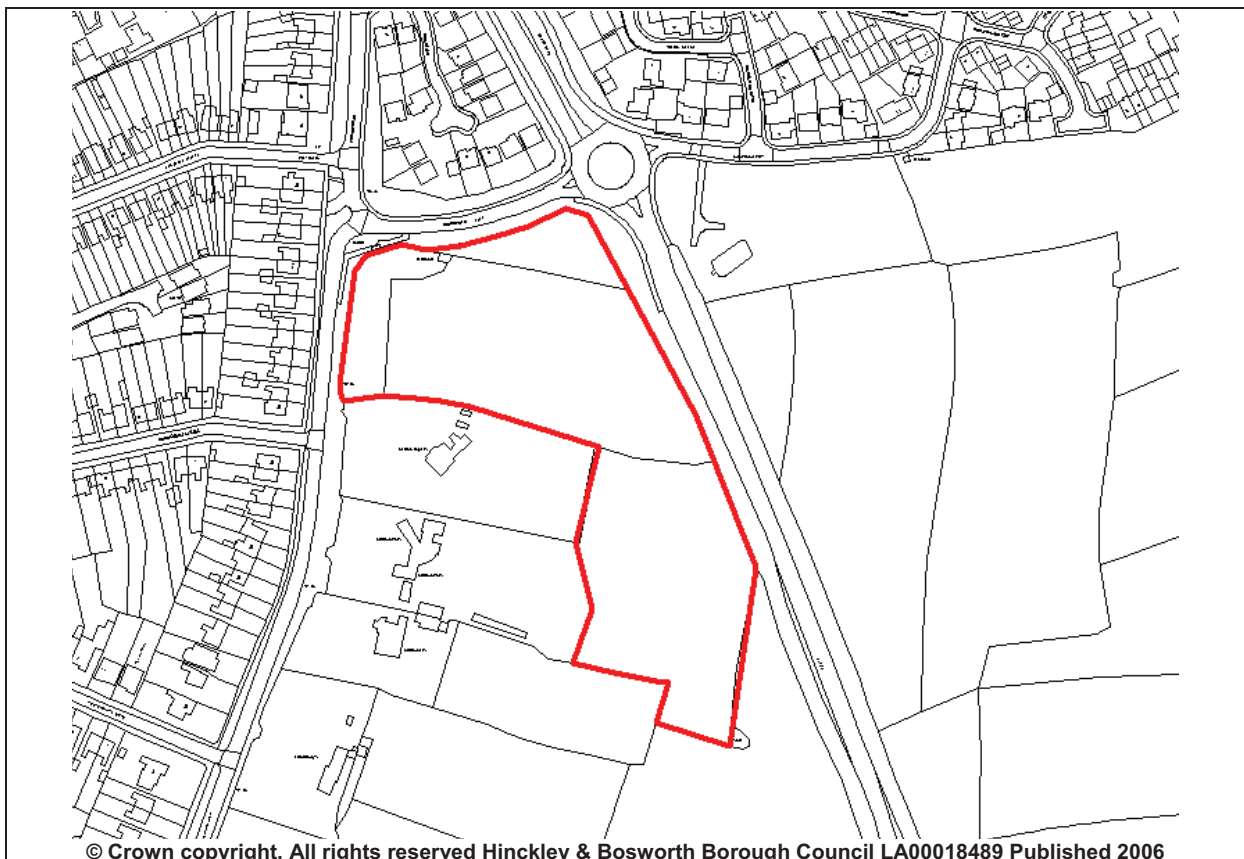
Technical Documents submitted with application

- Affordable Housing Statement
- Arboriculture Survey
- Noise Impact Assessment
- Highway Report
- Flood Risk Assessment
- Ecological Report
- Archaeology Heritage Assessment
- Planning Statement
- Design and Access Statement

The application is also accompanied by a Planning Performance Agreement and Drafts Heads of Terms S106 Agreement.

Relevant Planning History:-

None relevant.



Consultations:-

No objection has been received from:-

Natural England
Planning Policy.

No objections subject to conditions have been received from:-

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

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

- a) Director of Environment and Transport (Civic Amenity) requests a contribution of £1,600.00 towards mitigating the impacts arising from the increased use of Barwell Civic Amenity site as a result of the new development
- b) Director of Adults and Communities (Libraries) requests a contribution of £2,140.00 towards providing additional capacity for Burbage library, Church Street Burbage
- c) Director of Children and Young Peoples Services (Education) request a contribution of £62,407.54 for the Upper School sector for John Cleveland College
- d) Director of Environment and Transport (Highways) requests travel packs (which can be supplied by Leicestershire County Council at £52.85 per pack) and 2 bus passes per dwelling (325.00 per pass) to encourage sustainable modes of transport.

Burbage Parish Council objects on the following grounds:-

- a) the site being a Greenfield site located outside of the settlement boundary
- b) the individual character of the village should be maintained
- c) the rural vista should be protected to meet the recreational and leisure needs of the community
- d) the development would result in the loss of a high value ecological site (some years ago) and with appropriate management it could be again
- e) overdevelopment
- f) creation of a polluted area surrounded by roads unsatisfactory for habitation
- g) impact on highway safety
- h) congestion arising from single access point for the estate
- i) impact of construction traffic
- j) development could be a car park for commuters who access other forms of transport from this location
- k) impact on the security of neighbouring properties
- l) concerns over the long term upkeep of the land
- m) a 2m high security fence should be erected to the southern end of the site to ensure safety and security of all residents.

A site notice has been displayed and neighbours notified. As a result of the publicity 18 letters of objection have been received raising the following concerns:-

- a) overdevelopment of a Greenfield site
- b) too many cars for this busy road
- c) the area is already overdeveloped and no further development should be allowed in this area
- d) development is outside the settlement boundary
- e) proposal does not accord with Core Strategy
- f) brownfield sites should be developed rather than this site
- g) the number of houses exceed the 5 year land supply
- h) lack of infrastructure to cope with the development
- i) impact on highway network
- j) visual intrusion
- k) risk to highway safety
- l) development will have a detrimental impact on the adjoining property
- m) inadequate access for the development
- n) loss of trees
- o) detriment to Conservation Area and listed building
- p) dust/fumes
- q) flooding/washland
- r) inadequate drainage
- s) loss of privacy
- t) noise and disturbance
- u) overshadowing/overbearing
- v) poor design.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012
The Community Infrastructure Levy (CIL) Regulations 2010

Local Plan 2006-2026: Core Strategy 2009

Policy 4: Development in Burbage
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions towards the Provision of Infrastructure and Facilities
Policy BE1: Design and Siting of Development
Policy BE16: Archaeological Investigating and Recording
Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy RES5: Residential Proposals on Unallocated Sites
Policy NE5: Development in the Countryside
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T3: New Development and Public Transport
Policy T5: Highway Design and Vehicle Parking Standards

Policy T9: Facilities for Cyclists and Pedestrians
Policy T11: Traffic Impact Assessment

Supplementary Planning Guidance/Documents

Play and Open Space (SPD)
Affordable Housing (SPD)
Sustainable Design (SPD)
New Residential Development (SPG)

Other Material Guidance

Burbage Village Design Statement

Appraisal:-

This application seeks full planning permission for 34 dwellings on a Greenfield site. The main considerations for the proposal are the principle of development, the layout, scale and appearance of the development, highway safety, ecological impacts, and the impact on neighbour's private amenity.

Principle of Development

National Planning Policy Framework

The NPPF introduces the 'presumption in favour of sustainable development'; paragraph 12 states that the NPPF 'does not change the statutory status of the development plan as a starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved unless other material considerations indicate otherwise'. The NPPF constitutes guidance as a material consideration in determining applications.

Housing applications should be considered in the context of the presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay and where relevant policies are out of date planning permission should be granted unless the adverse impact of doing so significantly and demonstrably outweigh the benefits.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing. The NPPF goes further than PPS3 by stating that there should be an additional 5% buffer and where there is a persistent under delivery of housing the buffer should be increased to 20%.

Core Strategy

Policy 4 (Development in Burbage) makes provision for a minimum of 295 dwellings in Burbage over the plan period to 2026. The policy identifies that the primary focus for new development is to the north of the settlement and permissions have been granted to enable these to be progressed. Paragraph 4.5 of the Core Strategy acknowledges that to identify land to meet the Core Strategy requirements the authority will identify brownfield / greenfield sites within settlement boundaries followed by land adjacent to settlement boundaries where there is a need to do so.

Policy 4 of the Core Strategy notes the need to protect and preserve the open landscape to the east of Burbage and seek to enhance the landscape structure which separates the

village from the M69 corridor which was informed by the Council's Landscape Character Assessment (July 2006). Although in this parcel of land boarded by Wolvey Road, Three Pots Road and Rugby Road there is sporadic development leading from the Burbage residential estates almost to the M69 roundabout, this proposed development would intensify this to the north of this parcel.

Policy 15 of the Core Strategy sets out the Council's requirements for Affordable Housing in new development. The policy sets a starting target of 20% affordable units on developments of 15 dwellings or 0.5ha and over in urban areas. The applicant has indicated that the full 20% requirement will be delivered.

Housing Supply

In their planning statement the applicant concludes that the Council does not have a five year supply at 1 April 2012 and states that this has been demonstrated through appeal decisions. The Council does not accept this position and maintains that as of October 2012 the housing supply equates to 5.37 years, which includes a 5% buffer taken from later in the plan period.

Even with a five year supply of housing decision takers should consider housing applications in the context of the presumption in favour of sustainable development (para 14; NPPF). The current housing supply needs to be considered in the context of making provision for a residual housing requirement of 116 dwellings to be delivered in Burbage to meet the requirements of the Core Strategy. At this moment in time the entire residual housing requirement for Burbage could not be allocated on previously developed land and therefore suitable Greenfield sites which conform to Policy 4 will need to be identified to allocate the necessary provision.

It is acknowledged that Policy 4 also encourages the protection and preservation of land to the east of Burbage; however, given the decline in the ecological quality of the application site, which has been confirmed within the response from Directorate of Chief Executive (Ecology), and the fact that new housing within Burbage cannot be wholly be accommodated on previously developed sites it is considered that, on balance, the proposal would be generally in accordance with the aforementioned policies and would contribute to the required 5 year housing land supply in the settlement of Burbage. Therefore, subject to all other matters being acceptable, the principle of development on this site is justified.

Highway Safety

Saved Policies T5, T9 and BE1 (criterion g) are considered to have limited conflict with the intentions of the NPPF and are therefore given weight in the determination of this application. Policy T11 is not considered to be wholly consistent and therefore carries little weight in the determination of this application.

The Director of Environment and Transport (Highways) has recommended conditions in respect of the provision of footways, the retention of parking spaces for the dwellings, the retention of garage spaces for vehicles and for the site to remain free of mud and debris during construction. The suggested conditions are considered appropriate and therefore should be attached to any forthcoming approval.

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 BE1 (criterion g), T5, T9 of the adopted Hinckley and Bosworth Local Plan 2001 and overarching intentions of the NPPF.

Density/Layout/Design/Scale

The application proposes 34 dwellings on a 2.1 hectare site equating to a net density of 17 dwellings per hectare (dph). Paragraph 47 within the NPPF states that local planning authorities should set out their own approach to housing density to reflect local circumstances. Policy 16 of the adopted Core Strategy seeks at least 40 dwellings per hectares within and adjoining Hinckley, Burbage, Barwell and Earl Shilton and states that in exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable. This site was defined in the 1980s at County level as being of ecological importance; however, the submitted ecological report states that much of the site has been in decline in terms of its quality. This decline in the quality of the land has been confirmed by the Directorate of Chief Executive (Ecology). The proposed layout does however contain a large area of marshy grassland that is to be conserved for nature purposes within the scheme. Given that this area is to be retained and made a feature within the site this has resulted in a reduced density for the number of dwellings that can be accommodated. Based on the unusual nature of the site it is considered that the reduced density would be acceptable in this instance.

The layout identifies two groups of dwellings that are separated by the grassland marsh. The majority of the dwellings are detached houses with detached garages. There are also five pairs of semi-detached dwellings and a terrace of three dwellings. The terrace group of three and one pair of the semi-detached dwellings have been identified as affordable housing. The dwellings predominantly front the access road that has been taken from Three Pots Lane. The terrace dwellings are the only properties that have a parking courtyard area rather than conventional parking areas at the side of the associated houses.

The scale of the dwellings are of typical domestic proportions and will have ridge heights of between 7.9m and 9.5m. The proposed dwellings will be two-storey with eight of the 34 dwellings being two and a half storey buildings; the latter of which will all have dormer windows to their primary frontages. The two and a half storey dwellings predominantly face the access road for the estate; however, it is considered that these dwellings would complement rather than dominate the street scene.

In terms of the appearance of the properties, the dwellings will all have dual pitched roofs with a number having chimneys. A variation of house types have been used within the development and these have been dispersed across the site to provide an improved visual mix for the types of properties. The boundary treatments are typically 1.8m high screen fencing for the rear garden boundaries and where properties are sited to overlook the marsh grassland and balancing pond areas a 1.2m high post and rail fence has been used resulting in a more rural, open appearance that will be of benefit to the general street scene.

The dwellings are to be constructed using three variations of Ibstock bricks ('Northern Buff', 'Welbeck Village Blend' and 'New Cavendish Stock') and two colours of roof tiles ('Russell Lothian Cottage Red' and 'Russell Lothian Slate Grey'). Three of the dwellings are to have a white rendered finish.

In conclusion it is considered that the density, layout, design and scale of the dwellings is acceptable.

Impact on Residential Amenity

Criterion i) of Saved Policy BE1 states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties, this policy is considered to have limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

The application site is a green field site that is somewhat isolated from the residential estate dwellings that are located to the north and west of the site, this is largely due to Three Pots Lane acting as a buffer between the application site and these properties. The impact of the development on these dwellings is further reduced due to the mature landscaping (in the form of trees and hedging) that exists to the boundaries of the site. It is therefore considered that the development will have little impact on the private amenity of the occupiers of these dwellings.

Situated closer to and bordering the application site are a further three detached dwellings. These dwellings are situated on oversized plots that have a range of 60m to 120m deep garden areas. Mature hedging and a number of mature trees are positioned along the boundary that separates the application site and the garden areas to these dwellings. There will be a separation distance of over 22m between the dwelling known as Stretton Poplars and plot 27; a distance that is considered acceptable given the high degree of mature landscaping that exists.

Based on the location of the site and its relationship with nearby dwellings, and taking into account the existing mature landscaping that is to be retained within the scheme it is considered that the development will not adversely impact on the private amenities of occupiers of nearby dwellings by way of overlooking/loss of privacy, visual intrusion, loss of sunlight and noise and disturbance. Accordingly the scheme appears to be in accordance with Saved Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.

Drainage and Flood Risk

Saved Policy NE14 is generally consistent with the NPPF and therefore remains relevant to the determination of this application. The applicants have submitted a flood risk assessment (FRA) and the scheme has been considered by the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage) who all raise no objections subject to the imposition of planning conditions relating to conditions for drainage plans for the disposal of surface water and foul sewage and a condition for drainage details which incorporate sustainable drainage principles. The drainage conditions should also be suitably worded to incorporate the mitigation measures proposed within the submitted FRA as per the Environment Agencies recommendations. It is considered that in the absence of full details and in the interests of drainage and flood risk that such conditions be imposed.

In summary, the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage) have no objection to the scheme, subject to the imposition of planning conditions. Accordingly it is considered that the proposed scheme will be in accordance with Saved Policy NE14 of the Local Plan and overarching intentions of the NPPF.

Ecology

The site was originally designated in the 1980s as being of County-level importance due to its marshy grassland; however, the Directorate of Chief Executive (Ecology) states that the site has declined in quality since. They state that there is an area of marshy grassland that is still of value within the site and this area is to be retained within the scheme.

An ecology report has been submitted with the application, which has been considered by the Directorate of Chief Executive (Ecology). They raise no objection to the proposal and conclude that the submitted ecology report is satisfactory. They do however recommend a condition to be attached requiring a biodiversity management plan for the retained marshy grassland area that should be submitted to and approved prior to the commencement of any

development. It is considered that this condition would ensure that the area of marshy grassland is suitably protected.

In summary, subject to the imposition of a planning condition in respect of the biodiversity management plan, the scheme is not considered to have any significant detrimental impacts upon ecological importance or protected species and is therefore in accordance with the overarching intentions of the NPPF.

Developer Contributions and Affordable Housing Provision

The application proposes 34 residential units which attracts infrastructure contributions.

Developer contribution requests must be considered against the statutory tests contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL confirms that where developer contributions are requested they need to be necessary, directly related to the development and fairly and reasonably related in scale and kind to the development proposed.

Affordable Housing

Policy 15 of the adopted Core Strategy is considered to be consistent with the NPPF which seeks to identify the size, type, tenure and range of housing that is required and plan housing development to reflect local needs, particularly for affordable housing. The NPPF states that Local Planning Authorities should where they have identified that affordable housing is needed, set policies for meeting this need on site. Notwithstanding the fact that affordable rent is now within the definition of affordable housing at a national level, Policy 15 is considered to remain relevant to the consideration of this application.

This application is for the provision of 34 dwellings in Burbage. Affordable housing policy, as set out in policy 15 of the Core Strategy requires 20% provision to be for affordable housing; 75% for social rented and 25% for intermediate tenure.

This application offers the policy requirement of 20% affordable housing. The tenure follows guidance and offers 75% social rented and 25% intermediate tenure. The affordable housing offered is 2 x 2 bedroom houses, 2 x 3 bedroom houses and 1 x 4 bedroom house for rent, and 2 x 3 bedroom houses for Intermediate tenure.

Burbage is an area of high demand in the Borough, and there are currently the following numbers on the Councils Housing Register for Burbage:-

1 bed properties	496
2 bed properties	346
3 bed properties	109
4 or more bed properties	27

As this scheme consists of family houses the mix and tenure offered for affordable housing on the site is acceptable, as is the clustering of the affordable housing on site.

Since this development is in the urban area, it is requested that any local connection criteria included in the section 106 agreement is to the Borough of Hinckley and Bosworth.

This scheme has triggered the request for affordable housing, in line with Core Strategy Policy 15. It is considered that there is an identified need for a range of affordable units in Hinckley as such it is considered necessary to provide them within this development and therefore is 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 affordable housing is to be secured through a S106 agreement and has been identified by the applicant within the submitted heads of terms. Accordingly the scheme would meet the requirements of Policy 15 of the adopted Core Strategy, supported by the Council's Supplementary Planning Document on Affordable Housing.

Play and Open Space Contributions

Core Strategy Policy 19 and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update). In time it is intended that Policies REC2 and REC3 will be superseded by Core Strategy Policy 19 and the evidence base of the Open Space, Sport & Recreation Facilities Study once the Green Spaces Delivery Plan has been completed. To date only the Open Space, Sport & Recreation Facilities Study has been completed and as such the evidence base is not complete to complement Policy 19. Developer contributions towards the provision and maintenance of formal and informal public play and open space will be required to mitigate the impact of additional residential dwellings on the use of such facilities and to comply with policies IMP1, REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan and the Council's Supplementary Planning Document on Play and Open Space, together with the objectives of the Green Space Strategy (2005-2010) and the Quantity/Accessibility Audits of Provision (2007).

Within the Green Spaces Quantity/Accessibility Audit 2007 Burbage was found to be relatively well served by formal outdoor sports facilities with good access to equipped children's play areas and informal amenity green space, however, the quality of the facilities provided in all cases was found to be poor and reducing its capacity to meet the needs of residents. Cost estimates in the audit for improvements to the facilities were estimated at £350,000 for equipped children's play areas and £150,000 for amenity green space within Burbage. In the Audits of Provision 2007, Colts Close (1) and Colts Close (2) (both local open space) were given quality scores of 66.7% and 29.6% respectively.

A contribution can be requested on the basis that the size of the units proposed will appeal to families who are likely to use the existing facilities and increase the wear and tear of the equipment and land. They are likely to use this facility due to its close proximity and linked relationship to the application site; the site falls within the catchment area of 400m of a locally equipped area of play and is within 1km of Britannia Road recreation ground. The contribution being secured will help to mitigate the impact from the future occupiers of the development upon the existing facilities by providing additional facilities and maintaining them. As a result, it is considered that a contribution request is necessary and directly, fairly and reasonably related in kind to this development and can be used to enhance and maintain both formal and informal play and open space facilities at Colts Close located close to the site and the recreation ground at Britannia Road.

In this case the total contribution required will be £62,478.40 (£1,837.60 per dwelling). This equates to a capital sum of £38,780.40 (£10,975.20 for formal open space, £24,633.60 for children's equipped play space and £3,141.60 for informal children's play space equating to £1,140.60 per dwelling). The maintenance contribution equates to £23,698.00 (£8,976.00 for formal open space, £12,019.00 for children's equipped play space and £2,703.00 for informal children's play space equating to £697.00 per dwelling).

It is considered that the play and open space contribution is necessary to make the development acceptable in planning terms, 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 Policy 19 of the adopted Core Strategy, Policies REC2 and REC3 of the adopted Hinckley and Bosworth Local Plan 2001, supported by the Council's Play and Open Space SPD.

Other Developer Contributions

As a result of the Developer Contributions consultation, the following contributions have been requested:-

- a) Director of Environment and Transport (Civic Amenity) requests a contribution of £1,600.00
- b) Director of Adults and Communities (Libraries) requests a contribution of £2,140.00
- c) Director of Children and Young Peoples Services (Education) request a contribution of £62,407.54 for the Upper School sector for John Cleveland College
- d) Director of Environment and Transport (Highways) requests travel packs (which can be supplied by Leicestershire County Council at £52.85 per pack) and 2 bus passes per dwelling (325.00 per pass).

On consideration 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:-

- Education (£62,407.54)
- Highways - Travel Packs (£52.85 per pack) and 6 months bus passes (£325.00 - 2 per household)

In terms of the request from the Director of Environment and Transport (Civic Amenity) for a contribution of £1,600.00, the development is estimated to produce an additional 9 tonnes per annum on an existing tonnage of 8,200 at 11/12 figures. This equates to an increase of 0.1% and it is difficult to see that test (i) of Regulation 122 is met and that the contribution is necessary to make the development acceptable in planning terms. It is therefore considered that this request cannot be justified.

In terms of the request from the Director of Adults and Communities (Libraries) for a contribution of £2,140.00, the library affected by the development has an active borrower base of 1,143 but serves a population of 14,650. The development is estimated to produce an additional 57 users. However, it is unlikely that these users will all use the library services and therefore it is unlikely that the borrower base for the library will greatly increase. It is therefore concluded that test (i) of Regulation 122 has not been met and that the contribution is not necessary to make the development acceptable in planning terms. It is therefore considered that this request cannot be justified.

Sustainability

Policy 24 of the Core Strategy is concerned with Sustainable Design and Technology. It states that all residential developments within Hinckley will be required to comply with Code Level 4 of the Code for Sustainable Homes from 2013 - 2016. A condition to this affect is recommended.

Letters of Representation

A total of 18 letters of representation have been received raising a number of concerns with the proposal. These concerns have been taken into account; however, it is considered that,

on balance, these concerns do not outweigh the merits of the proposal and the proposal is generally considered to be in conformity with the policies referred to.

Conclusion

In conclusion, the adopted Core Strategy Policy 4 (Development in Burbage) makes provision for a minimum of 295 dwellings in Burbage over the plan period to 2026 and this development would make a significant contribution to this requirement. The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The proposed access arrangements are considered acceptable and there is no material harm to highway safety, and there are no ecological, drainage, flooding or archaeological concerns. The development will contribute to the provision of affordable housing, public play and open space facilities, education and travel packs. It is recommended that full planning permission be granted, subject to the imposition of planning conditions and a S106 agreement.

RECOMMENDATION:- That subject to 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 open space facilities, education and travel packs the Development Control Manager be granted powers to issue full planning consent, subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies:

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would contribute to the aim of the core strategy providing 34 new homes in Burbage, be of an acceptable design, would not have an adverse impact upon neighbour's private amenity, flooding, ecology and archaeology and provides the provision of affordable housing and other infrastructure and services. Therefore, subject to the recommended conditions, the proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policies RES5, IMP1, BE1, BE16, REC2, REC3, RES5, NE5, NE14, T3, T5, T9 and T11.

Local Plan 2006-2026: Core Strategy (2009):- Policies 4, 15, 16, 19, and 24.

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby approved shall not be carried out otherwise than in complete accordance with the following details received on 7 June 2013:- Planning

layout - chimney deposition plan drawing no. S0000_100_05 Rev B; Planning layout - material schedule drawing no. S0000_100_03 Rev B; Planning layout - boundary treatment plan drawing no. S0000_100_02 Rev B; Planning layout - surface finishes plan drawing no. S0000_100_04 Rev B; Garage type drawing no. E07W.

Details received on 29 April 2013:- Planning layout drawing no. S0000_100_01 Rev E.

Details received 14 February 2013:- Location plan drawing no. S0000/100/03; Arboricultural Survey drawing no. DWH/TPLB/01 Rev A; House type drawing nos. H433.04 (OPP); H433.03 (OPP); H421.01 (AS); H421.02 (AS); H455.01 (AS); H455.02 (AS); H597.03 (OPP); H597.04 (OPP); H421.03 (OPP); H421.04 (OPP); T307.02 (AS); T307.01 (AS); T307.04 (OPP); . T307.03 (OPP); P341.03 (OPP); P341.04 (OPP); P383.02 (AS); P383.01 (AS); P206.BI.02 (AS); P206.BI.01 (AS); P206.04 (OPP); P206.03 (OPP); P383/SH41.02 (AS); P383/SH41.01 (AS); H404.04 (OPP); H404.03 (OPP); H455.03 (OPP); H455.04 (OPP); H469.05 (AS); H469.06 (AS); H469.08 (OPP); H469.07 (OPP); H341.10 (AS); H341.09 (AS); P341.11 (OPP); P341.12 (OPP); P383.01 (AS); P383.02 (AS); P383.04 (OPP); P383.03 (OPP); Garage type drawing nos. G2A; E51W.01; G3C; G2C; G2D; G1B.

Design and Access Statement

- 3 Prior to the occupation of the first dwelling within the development hereby permitted, a footway shall be completed from the existing footways located adjacent to northern edge of the site (situated on the corner of Rugby Road/Three Pots Lane) and the north-western edge of the site (situated on the corner of Three Pots Lane) to the point of the new access to the development.
- 4 Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be available for use.
- 5 The use of the garages hereby approved shall remain at all times for the purpose of parking a motor vehicle and shall not be converted to additional living accommodation, unless otherwise agreed in writing with the Local Planning Authority.
- 6 No development shall take place until details of measures to be taken to prevent the deposit of materials, i.e. mud from vehicles leaving the site during construction works being deposited on the public highway, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be retained and fully implemented for the duration of the construction period.
- 7 No development shall commence until full drainage details, which shall incorporate sustainable drainage principles and an assessment of the hydrological and hydroeological context of the development, have been submitted in writing to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the first dwelling.
- 8 The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) dated January 2013: Rev 0 compiled by EWE Associates Ltd and the following mitigation methods within the FRA:

- a) A scheme for the provision and implementation of a Sustainable Drainage (SuDs) System with two treatment trains and the utilisation of holding sustainable drainage techniques
- b) The limitation of surface water run-off to equivalent greenfield rates
- c) The ability to accommodate surface water run-off on site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based on the submission of drainage calculations
- d) Finished floor levels within the southern parcel are set no lower than 200mm above the adjacent external ground level.

The mitigation measures shall be fully implemented prior to occupation of the dwellings and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

- 9 No development shall commence unless and until a Code for Sustainable Homes Design Stage Assessment, carried out by a qualified code assessor, demonstrating that the dwellings hereby approved can be constructed to a minimum of Code Level 4 has been provided to the Local Planning Authority. In addition, prior to the first occupation of the dwellings hereby approved, a final certificate demonstrating that the dwellings have been constructed to a minimum of Code Level 4 shall be provided to the Local Planning Authority.
- 10 No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and:-
 - The programme and methodology of site investigation and recording
 - The programme for post investigation assessment
 - Provision to be made for analysis of the site investigation and recording investigation, including a timetable
 - Provision to be made for archive deposition of the analysis and records of the site investigation, including a timetable
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 11 No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 10.
- 12 The site investigation and post investigation assessment and the provision made for analysis, publication and dissemination of results and archive deposition shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 10.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 The highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the highway. The footway is therefore required for the safety of pedestrians. To accord with Policies T5 and T9 of the adopted Hinckley and Bosworth Local Plan.

- 4&5 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policies T5 and T9 of the adopted Hinckley and Bosworth Local Plan.
- 6 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.
- 7 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 8 To prevent flooding by ensuring the satisfactory storage and disposal of surface water via sustainable drainage techniques from the site to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan.
- 9 In the interests of sustainable development to accord with Policy 24 of the adopted Local Plan 2006-2026: Core Strategy 2009.
- 10-12 To ensure satisfactory archaeological investigation and recording to accord with Policy BE16 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

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

Contact Officer:- John Taylor Ext 5680

Item: 04

Reference: 13/00278/FUL

Applicant: Mr Jonathan Read

Location: Land At Brookland Farm Kirkby Road Barwell

Proposal: Change of use from a residential dwelling to an Independent Special School for children and use of buildings and land for education purposes including keeping ponies, chickens etc.

Target Date: 6 June 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the site area exceeds 0.5 hectares.

Application Proposal

This application seeks full planning permission for the change of use from a dwelling to a non-residential independent special school (Class D1) for children (aged 5 - 11 years) together with the use of an associated outbuilding and land for education purposes including the keeping of livestock (ponies, sheep, chickens etc). The school would be for primary aged children with social and emotional difficulties as well as Autism and speech and communication difficulties. Up to 20 children would be placed at the school from Leicestershire local authorities. The application indicates that there would be between 11 and 13 full time employees and 2 part time employees and would operate between the hours of 8:00am and 5:00pm Mondays to Fridays. Children would be transported to and from the school by taxi with some sharing.

The dwelling would be converted to provide a teaching block with dining room, kitchens, bathroom facilities at ground floor and staff and administration facilities on the first floor. The outbuilding would be converted into two additional classrooms and a storage area. The walled enclosure to the rear of the outbuilding would be used as an outdoor play area and the grassed paddock beyond for the keeping of livestock. The vegetable patch to the west of the outbuilding and the orchard to the north of the dwelling would be used to grow vegetables and fruit and to keep chickens. The courtyard between the house and outbuilding would be used for parking and a drop off point for taxis providing transportation for the children. The application proposes only minor alterations to the external courtyard elevation of the outbuilding and new metal railings to a height of 2 metres on top of the existing courtyard boundary wall.

The Site and Surrounding Area

The application site measures approximately 1.27 hectares and is located in the open countryside. Kirkby Road abuts the western edge of the site and this road connects the nearest settlements of Barwell and Kirkby Mallory. The two storey dwelling and single storey outbuilding are constructed with white painted render and brown concrete roof tiles and a concrete surfaced courtyard separates the dwelling and stable block. There is a breeze block walled enclosure to the south of the outbuilding, a vegetable garden to the west of the stable block and an orchard enclosed by post and rail fencing to the north of the dwelling. An irregular shaped grassed paddock lies to the south of the buildings complex that is enclosed

by field boundary hedgerows, mature trees and a watercourse. There are two access points to the site, one directly into the courtyard area and another to the north of the orchard providing access to a parking area and the buildings located immediately to the east of the application site. These buildings are used as an equestrian livery and riding school operation comprising an indoor riding arena together with stable and storage blocks. The building complex is surrounded by agricultural fields.

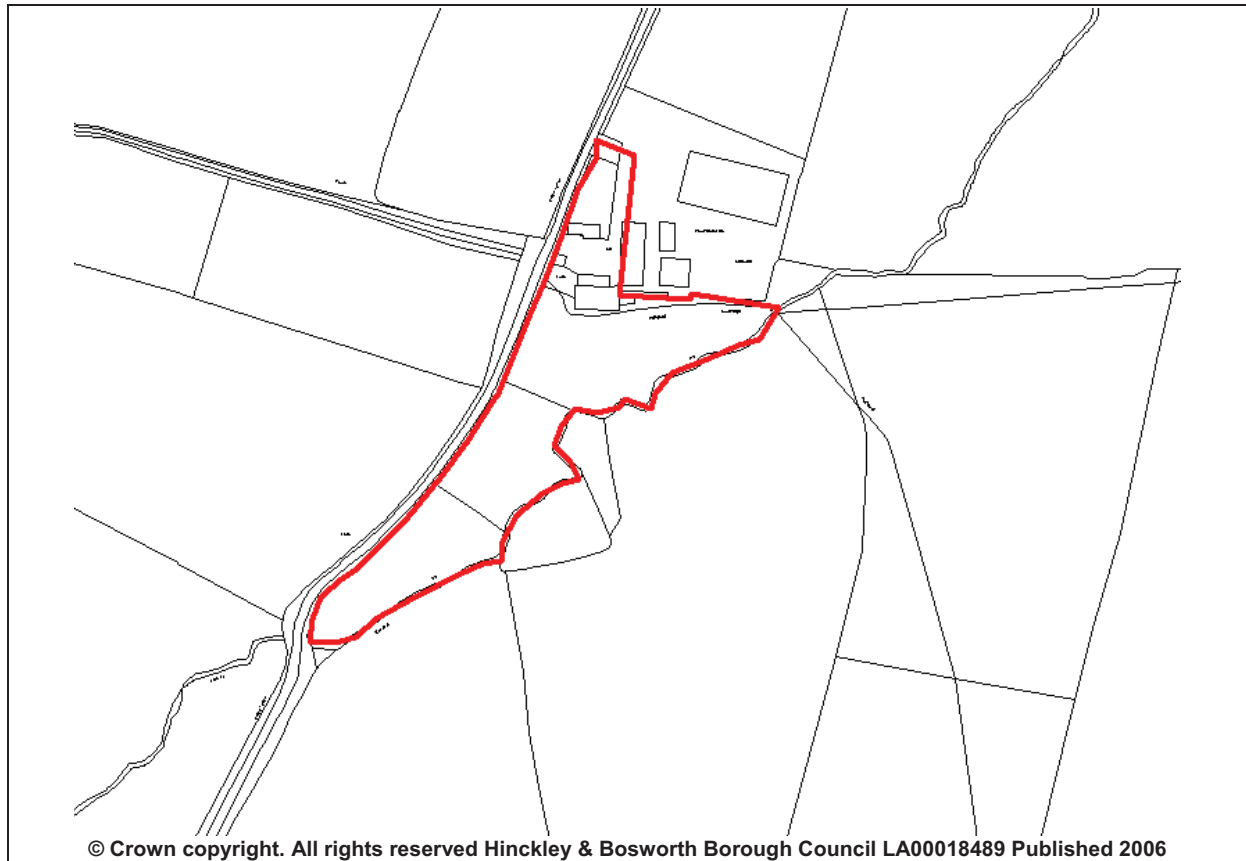
Technical Documents submitted with Application

Planning Statement
 Design and Access Statement
 Travel Plan/Parking Provision Statement
 Landscaping Statement
 Sustainability Statement

Relevant Planning History:-

There are a number of previous planning permissions on the site. Whilst those detailed below are not directly relevant to the current proposal they provide an indication of the previous uses of the site and adjacent land and buildings.

12/01051/COU	Change of use from residential dwelling to an independent school for primary age children (5-11 years) and use of buildings and land for educational purposes including the keeping of ponies, chickens etc	Withdrawn	11.03.13
95/00674/COU	Change o use of Agricultural Building to Motor Vehicle Repairs & Tyre Fitting	Approved	18.10.95
83/00502/4	Erection of Riding School Building & Use of Existing Buildings & Land as a Riding School	Approved	19.07.83
79/02585/4M	Erection of Outbuildings Comprising Calf Rearing Pens, Stores, Tack Room and Tractor and Implement Store	Approved	21.04.80
77/01780/4M	Erection of Garage & Stables	Approved	21.02.78



Consultations:-

No objection has been received from:-

Directorate of Chief Executive (Ecology)
Barwell Parish Council
Head of Community Services (Land Drainage).

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

The Director of Environment and Transport (Rights of Way) does not object subject to the applicant making an application to divert the public bridleway (T95) that crosses the site.

The application was advertised and a site notice was displayed. As a result of the publicity one representation was received in support of the application. The reasons for support include that the proposal will provide much needed specialist education locally for children living in the borough that are currently being transported at great expense to provision at the other side of the County.

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

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012

Local Plan 2006-2026: Core Strategy 2009

None relevant.

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy NE5: Development in the Countryside

Policy BE20: Re-Use and Adaptation of Rural Buildings

Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

Conversion of Rural Buildings (SPG)

Appraisal:-

The main issues for consideration within this application are the principle of development in this countryside location, the impact on residential amenity, the impact of the alterations on the character and appearance of the area, highway safety and other matters.

Principle of Development

The proposal is for the change of use of the existing dwelling and stable block to a specialist school for children aged between 5 and 11 years old. The children suffer with social and emotional difficulties and autism. This application (if approved) will see the relocation of the existing specialist school in Sileby to this site.

The specialist school works closely with educational needs departments, children's services and educational psychology departments that deal with the most vulnerable children across the city and county.

The hours of opening for the school are from 0900 hours to 1500 hours during the weekdays and the school will be closed during normal school holiday periods.

The allowance of this application would see the relocation of the 15 children that the existing school accommodates and it is the applicant's intention to increase this number to 20 pupils. The application will not greatly alter the character of the existing building as it proposes only minor alterations to the exterior form of the buildings. The internal arrangement of the existing dwelling will remain virtually unaltered.

The stable block that is to be converted will involve the removal of a garage door replacing this with a window and conventional doorway, the removal of a further doorway and the insertion of a window in its place, the reopening of a blocked doorway and making good all walls to match the existing character of the stable block. Internally the stable blocks will accommodate two classrooms and a store room.

Policy BE1 (criterion a) of the adopted Local Plan generally supports developments that complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It is considered that the proposal, in terms of the physical alterations to the buildings, would appear to be in accordance with this policy. Policy NE5 (criterion b) supports the change of use of rural buildings if there is no adverse impact on the character and appearance of the landscape, is in-keeping with the scale and character of the buildings and the resulting traffic does not exceed the capacity of the highway network. It is considered that the proposal also complies with the criteria within

this policy. Furthermore, the proposal appears to be compliant with policy BE20 'Reuse and Adaptation of Rural Buildings'.

The applicant has submitted a sustainability appraisal of the site in relation to the proposed use for a specialist school. The submitted information states that the applicants work closely with Special Educational Needs Transport (SEN Transport) to make sure that taxi journeys to the site are kept to a minimum. The children would not be able to use public transport due to their needs and ages and most students will share taxis to and from the school. The school will be open between the hours of 0900 and 1500 hours during normal term time only and there will be little or no traffic to and from the school at the weekends or in the school holidays.

Members of staff are encouraged to share transport whenever possible and cycle spaces and on-site shower facilities for staff are to be provided to encourage cycle use. Student's journeys are planned and taxis are shared by the children in most cases. The sustainability appraisal therefore appears to be sound by supporting sustainable methods of transport (in the form of car sharing and cycling) for this type of use in this rural location.

It is concluded that, on balance, the proposal is a sustainable form of development and is a use that would provide specialised educational support for children who have special needs.

Impact on Neighbour's Private Amenity

The nearest dwelling to the application site is located some 250m northwest of Brooklands Farm and it is therefore unlikely that the alterations to the buildings or any impacts arising from the new use would adversely impact on neighbour's private amenity.

Highway Safety

The existing property has a large area of hardstanding that can accommodate up to 20 cars. The proposal will see a reduction in these spaces down to 12 parking spaces and 2 disabled parking spaces. Cycle spaces also form part of the application. The applicants state that during the day there will be very few car trips to and from the site and, given the nature of the use and taking into account the submitted information in the sustainability report, I consider there that is little reason to dispute this. The Director of Environment and Transport (Highways) does not object subject to conditions being attached relating to the revised access being completed prior to the site being used as a school and retaining visibility within the splay areas. A further condition is recommended requiring the provision of the cycle spaces and staff showering facilities to be in place prior to the commencement of the proposed use. The suggested conditions recommended by The Director of Environment and Transport (Highways) appear reasonable as they will ensure that highway safety is not compromised and that sustainable modes of transport have been encouraged.

It is therefore concluded that the proposal accords with policy T5 of the Local Plan and is therefore acceptable.

Other Matters

Landscaping

The pupils at the school will use outdoor space as an integral part of their curriculum. Currently the site offers level paddocks, a vegetable garden with established hedging and mature trees running almost continuously along the south-eastern boundary of the site.

Whilst a site of this nature and character would not normally require any further landscaping the applicant seeks to extend the vegetable garden area and flower growing area and the applicants state that further landscaping is planned within the site (no plans have been submitted). It is considered that no landscaping conditions are required given the character and rural appearance of the site. Future landscaping is unlikely to require an application.

Diversion of the Bridleway

A public bridleway (T95) dissects the site running along the southern boundary of the existing stable block. The Director of Environment and Transport (Rights of Way) does not object to the application subject to the applicant making an application to divert the public bridleway (T95) that crosses the site. The applicants have submitted a statement confirming that an application would be submitted to divert the footpath in line with their recommendations. A note to applicant has been attached advising that the applicant must obtain separate consent for the diversion of the footpath as diversions or stopping up rights of way is covered under separate legislation.

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 according to their degree of consistency with the National Planning Policy Framework, 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.

Hinckley and Bosworth Local Plan (2001):- policies BE1, NE5, BE10 and T5.

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:- Site location plan, Site Plan (annotated), Plan no Doc 4 2529367V1 (parking provision), Proposed elevations of stable building, Proposed floor plans of stable building, Proposed ground floor plans of dwelling, Proposed first floor plans of dwelling, and Plan no.1209 (Revised access details) dated 11 April 2013.
- 3 Before the use hereby permitted is first brought into use, the access works shown on drawing no. 1209 shall be completed to the satisfaction of the Local Planning Authority and thereafter maintained.
- 4 No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway.
- 5 Before the development hereby permitted is first used, cycle parking provision together with staff showering and changing facilities shall be made to the satisfaction of the Local Planning Authority and once provided shall be thereafter maintained and kept available for use.

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 highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 4 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.
- 5 In the interests of the sustainability of the development and to encourage alternative transport choice.

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 applicant is advised that this permission does not grant approval for the diversion of the footpath (T95) that crosses the site for which a separate application will be required. You are advised to contact the Development Services.

Contact Officer:- John Taylor Ext 5680

Item: 05
Reference: 13/00186/OUT
Applicant: Konrad Skubala
Location: Glebe Farm Kirkby Road Barwell
Proposal: Erection of a bespoke carehome with 35 bedrooms and associated amenities (outline - access, layout, appearance and scale)
Target Date: 16 July 2013

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

The application is for demolition of the existing dwelling and erection of a 35 bedroom care home at Glebe Farm, Kirkby Road, Barwell. This is an outline application, with all matters to be considered excluding landscaping.

It is proposed to demolish the existing farm house and construct a 35 bedroom care home which would include associated facilities, including communal lounge and dining areas, staff accommodation, and a landscaped garden. The proposed building takes the form of two farm houses connected by a range of buildings, sited in an 'L' shaped form, adjacent to the northern and western boundaries. The development would be two storey in height with projecting gable features and single storey elements resulting in a variation in scale and ridge height. Chimneys are sited within the centre of the farmhouse elements.

The proposed building would have access from Kirkby Road via the existing bell-mouth junction to the south of the site, with 19 car parking spaces provided in a linear fashion to the south of the site. The building would be sited with amenity space to the east with the building forming two sides of a courtyard.

Amended plans have been received that raise the height of the two 'farmhouse' elements so the linking elements have a subservient relationship.

The Site and Surrounding Area

Glebe Farm currently consists of a three storey dwelling house and associated amenity area. The farm house has been renovated and is currently used as a private dwelling house. The outbuildings associated with the farm house have been demolished and the site cleared.

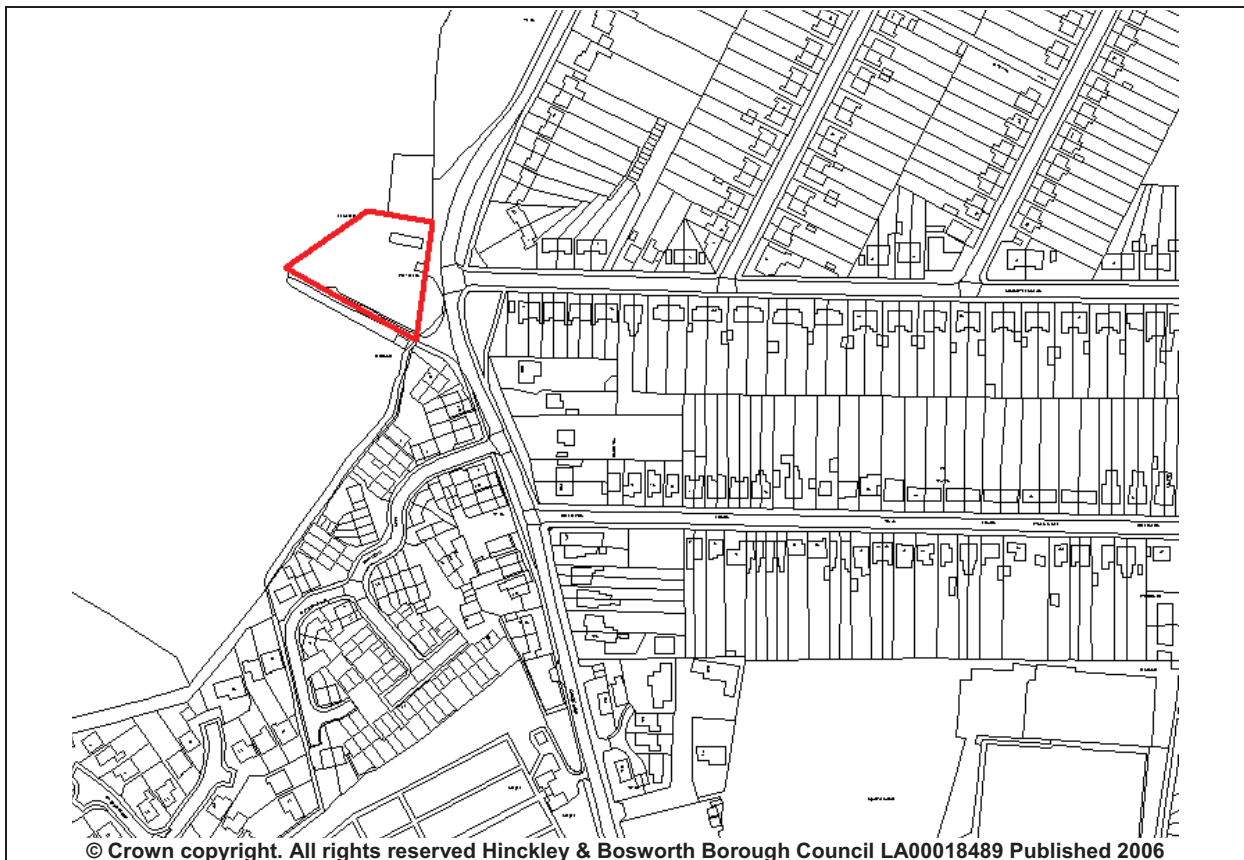
Glebe Farm is located on the west side of Kirkby Road, opposite the junction with Charnwood Road. The site is located adjacent to but outside the settlement boundary of Barwell which lies to the east. There are residential properties to the east and south and farmland adjoins the site to the north, west and south west.

Technical Documents submitted with application

Transport Statement
Design and Access statement
Ecological Report.

Relevant Planning History:-

12/00540/EXT	Extension of time of planning permission 09/00017/COU for change of use to residential care home	Approved	16.08.12
11/00791/OUT	Erection of bespoke care home with 48 bedrooms, associated amenities and staff facilities (outline- layout, siting, appearance, and access for approval)	Refused	08.05.12
10/00025/OUT	Residential care home with associated parking	Withdrawn	07.07.10
09/00017/COU	Change of use to residential care home	Approved	29.06.09



Consultations:-

No objection has been received from:-

Directorate of Chief Executive (Ecology)
Director of Environment and Transport (Rights of Way).

No objection subject to conditions have been received from:-

Director of Environment and Transport (Highways)
Head of Community Services (Pollution)
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) no contribution requested
- b) Director of Children and Young Peoples Services (Education) no contribution requested
- c) Director of Environment and Transport (Civic Amenity) no contribution requested
- d) Director of Adults and Communities (Libraries) no contribution requested
- e) Director of Environment and Transport (Highways) has requested one travel pack per resident at £50.18, and improvements to the nearest bus stops (including raised and dropped kerbs to allow level access) at £3,210.00 per stop and bus shelter at the nearest bus stop at £4,000 per stop.

Barwell Parish Council has no objection however requests a play and open space contribution towards Kirkby Road Recreation Ground.

Site notice and Press notice were displayed and neighbours notified.

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

The Primary Care Trust
The Leicestershire Constabulary Crime Reduction Officer
Neighbours.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012
The Community Infrastructure Levy (CIL) Regulations 2010

Local Plan 2006-2026: Core Strategy (2009)

Policy 3: Development in Barwell

Hinckley and Bosworth Local Plan 2001

Policy IMP1: Contributions towards the provision of Infrastructure and Facilities
Policy NE5: Development within the Countryside
Policy BE1: Design and Siting of Development
Policy T5: Highway Design and Vehicle Parking Standards
Policy CF8: Residential Care and Nursing Homes

Supplementary Planning Guidance / Documents

None relevant.

Appraisal:-

The main considerations with regards to this application are: the principle of development; the design, scale and appearance of the proposed residential home, the effect on the Barwell Sustainable Urban Extension (SUE), highway safety, infrastructure improvements, landscape, pollution and neighbours amenities.

Principle of Development

The National Planning Policy Framework (NPPF) in paragraph 12 makes it clear that it does not change the statutory status of the development plan as the starting point for decision making as required by Section 38 of the Planning and Compulsory Purchase Act 2004. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The application site lies outside, but adjacent to, the settlement boundary of Barwell as defined in the adopted Hinckley and Bosworth Local Plan Proposals Map and therefore is in an area designated as countryside. Policy NE5 (criteria a, b and c) of the adopted Local Plan seek to restrict development in such areas and are therefore in conflict with the NPPF which provides a presumption in favour of sustainable development. Criteria a, b and c of Policy NE5 can therefore be given little weight in the determination of the application. However, the design criteria (i, ii, iii and iv) of Policy NE5 are considered to be in general conformity with the NPPF and can be given weight. These require that development in the countryside does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of existing buildings and the general surroundings, is adequately screened by landscaping and does not adversely affect highway safety.

The proposed care home would provide a significant increase in floor space and built form within the site than the existing farmhouse and would therefore have a degree of conflict with the design criteria i and ii of Policy NE5 of the adopted Local Plan. However, Members may recall that a similar proposal for a care home came before planning committee in February and May last year where Members refused the application only on design grounds therefore resulting in an implication that the principle of development for the proposed use in this location was considered acceptable. This decision is a material consideration in respect of the determination of the current application. In addition, since the previous refusal of planning permission, the Planning Committee has resolved to grant outline planning permission for the Barwell Sustainable Urban Extension (SUE) which would surround the application site to the north, west and south.

The NPPF in paragraph 14 provides a presumption in favour of sustainable development and in paragraph 7 identifies three dimensions to sustainable development as being economic, social and environmental. The proposed scheme would contribute to the economic role by providing additional employment opportunities within the facility and to the social role by providing residential care accommodation for future generations. In addition, the site is located adjacent to the settlement boundary within 100m of a bus stop that has a service every 20 minutes to Barwell village centre and Hinckley town centre and therefore is considered to be in a sustainable location.

In summary, whilst the proposal has a degree of conflict with the design criteria i and ii of Policy NE5 of the adopted Local Plan due to its location outside the settlement boundary and

its impact on the character of the site and surrounding landscape, there are other material planning considerations that outweigh that policy conflict including the determination of the previous application, the resolution to approve the Barwell SUE application which will surround the application site to three sides and the location and sustainable development credentials of the scheme. As a result, the current scheme is considered to be acceptable in principle subject to all other planning matters being appropriately addressed.

Design, Scale and Appearance

The NPPF in paragraph 56 identifies good design as being a key aspect of sustainable development. Paragraphs 17 and 57 seek to secure high quality design and good standard of amenity. Policies BE1 (criterion a) and CF8 of the Local Plan require development (including care homes) to complement or enhance the character of the surrounding area with regard to scale, layout, design, mass, materials and architectural features. Policies BE1 and CF8 are considered to be in accordance with the principles of the NPPF and therefore carry significant weight.

There is residential development along both sides of Kirkby Road to the south of the application site and along the east side northwards where development comprises semi-detached 1930's dwellings set back from the highway edge. These dwellings are typical of their time with hipped roofs, projecting gables some bay windows and chimneys. The existing dwelling within the application site has the appearance of a traditional farm house and presents the gable end to Kirkby Road, with the principle elevation facing south. From the application site northwards the west side of Kirkby Road has a rural character as the formal footway ends and the highway edge takes on a softer appearance with grassed verge and a thick hedgerow.

The proposed care home has been designed to have the character of a range of country properties. The buildings take the form of two farmhouse sized dwellings with a subservient range of buildings between, with feature gable details. Amended plans have been submitted, that raise the two 'farmhouse' elements to ensure that the range of buildings connecting these elements would be subservient to the two dominant feature buildings. No additional floor space has been created but the eaves height has been raised to incorporate a blank area above the windows, a traditional feature of some Leicestershire farm houses.

The main 'farmhouse' elevations facing Kirkby Road and the countryside to the south, would have a length of 23m and 24.5 metres respectively with a two storey element (height to ridge of 9.5 metres and height to eaves of 6.3 metres) with subservient elements to the sides providing a staggered roof line and breaking up the mass and scale of the proposal. The main elements would have central chimneys, which would assist in breaking up the ridge line. The majority of the mass of the proposal would be sited behind these elements which would reduce the impact of the scheme when viewed from Kirkby Road to the east and the countryside to the south. The elevations facing the countryside to the north and west have a more uniform ridge line broken by two gable features and the gable ends of the 'farmhouse' elements. These elevations have the character of a large country property and reflect the rural character of the location and would not have any adverse impact on the proposed green buffer within the Barwell SUE that would surround the site to the north, west and south.

The overall character of the scheme is considered to reflect the former agricultural use of the site and its location in the countryside adjacent to the settlement boundary. The scheme incorporates features from the surrounding properties with the inclusion of gables and chimneys and changes in the height and form of the various elements of the buildings enhances the design by breaking up the mass and scale of the proposal. As a result, the scheme is considered to be acceptable in design terms and subject to an appropriate landscaping scheme being approved at the reserved matters stage would complement the

character and appearance of the area in accordance with Policies BE1 (criterion a) and CF8 of the adopted Local Plan.

Effect on Proposed Sustainable Urban Extension

The site is located adjacent to land that is allocated as part of the Sustainable Urban Extension to Barwell. The emerging Earl Shilton and Barwell SUE Area Action Plan (AAP), is currently at the preferred options stage and was informed by a master planning exercise. Regard was given to the wishes of Barwell residents that a green buffer be maintained between the existing and proposed urban form. The area of the SUE that would surround the application site to the north, west and south west is within the AAP as outdoor sports provision. Whilst the AAP is currently only at the preferred options stage, the impact of the proposal is still a material consideration in light of the resolution to approve outline planning permission. The application site would project into the proposed green buffer but as a result of the small size of the application site in relation to the proposed green buffer within the SUE, subject to an appropriate landscaping scheme being approved at the reserved matters stage approval of the scheme would not adversely affect the provision of the green buffer between the existing and proposed urban form. As a result the proposals are considered to have an acceptable relationship to the proposed Barwell SUE.

Highway Safety

The Local Highways Authority has referred the case officer to comments made on the previous application which proposed 10 more rooms than now under consideration. The previous application submitted details regarding works to the highway entrance which included continuing the pedestrian footpath from the west side of Kirkby Road to the public footpath (U34) that joins Kirkby Road at the site entrance, the widths and radii of the access. The plans have been submitted with the current application, however have been amended to accord with the revised design. It is considered that given the increased number of vehicular movements potentially generated by the proposal the condition requiring the footway to be extended to ensure users of the footpath a safe access is reasonable and necessary for the development.

Other conditions requested seek to restrict obstructions across the entrance within 5m of the highway, a drainage scheme to prevent water draining onto the highway, a scheme to prevent mud and stones being deposited within the highway during construction, and car parking and access to be hard surfaced and appropriately marked out. The Head of Community Services (Drainage) has requested that drainage details be sought by condition and these would incorporate the information required by The Director of Environment and Transport (Highways). The other conditions requested by Director of Environment and Transport (Highways) are considered to be necessary to ensure the safety of users of the public highway.

Infrastructure Improvement

The Director of Environment and Transport (Highways) has requested that through an agreement under S106 of the Town and Country Planning Act 1990, that the provision of travel packs be provided for each resident, and improvements are carried out to the nearest bus stops including raising and dropping of the kerbs to allow level access and the erection of shelters. This is in the interests of encouraging sustainable travel to and from the site.

The request for any developer must be considered alongside the guidance contained within 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.

In this case, it is considered that in view of the nature of the development and the likely health and mobility of future occupants, it is highly unlikely that the requested contribution could be said to be necessary in relation to the development and therefore the contribution would not be compliant with the CIL Regulations and should not be pursued.

Leicestershire County Council has not requested contributions towards libraries, civic amenity, landscape or ecology.

Policy REC2 only seeks contributions towards play and open space as a result of new dwelling houses. It is therefore not possible to request contributions towards Kirkby Road recreation site in this instance.

Landscape

Details of the landscaping proposal are reserved for later consideration as part of a reserved matters application and therefore are not for consideration at the current time. The site layout provides scope for the provision of high quality landscaping and garden areas within the site to enhance the appearance of the development and provide residential amenity in accordance with Policies NE5 (criterion iii), BE1 (criterion e), and CF8 of the adopted Local Plan.

Pollution

Due to the former use of the site, should planning permission be granted, the Head of Community Services (Pollution) has requested that conditions be imposed to ensure that there is no contamination remaining on the site that could be harmful to future residents.

Impact on Neighbours

It is considered that given the separation distance between the proposal and neighbouring dwellings, in excess of 40m to the nearest residential properties (156 and 261 Kirkby Road and 1 and 4 Charnwood Road), the proposal would not detrimentally affect the amenities of nearby neighbours.

Conclusion

Since the previous application, the scheme has been redesigned and is now considered to result in a proposal that respects and does not harm the character or appearance of the area. The proposal is considered to be in a sustainable location, adjacent to the edge of Barwell and surrounded by the proposed SUE. The access, appearance, layout and scale are considered to be acceptable and in accordance with Policy 3 of the Core Strategy, and policies IMP1, NE5, BE1, T5 and CF8 of the Hinckley and Bosworth Local Plan.

RECOMMENDATION:- That the Development Control Manager shall be granted powers to grant outline planning permission for the development subject to no new significant planning objections being received before the expiry of the consultation period on 16 June 2013, 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 according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed care

home would be in accordance with the development plan, by virtue of the scale, siting and design the proposal is not considered to detrimentally affect the character or appearance of the area or streetscene and would not detrimentally affect the amenities of the neighbouring residents. The proposal is considered acceptable.

Hinckley and Bosworth Local Plan (2001):- Policy 3.

Local Plan 2006-2026: Core Strategy (2009):- Policies IMP1, BE1, NE5, NE2, T5 and CF8.

In dealing with the application, through ongoing negotiation and the receipt of amended plans the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 1 Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced:
 - a) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details. There shall be no amendments or variations to the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan (scale 1:1250) received 16 April 2013; Site Layout Plan, ADG - 001 received 16 April 2013; Highways Entrance Detail, ADG-000 received 24 May 2013; Proposed Ground Floor Plan, ADG 010 received 16 April 2013; Proposed First Floor Plan, ADG 011 received 16 April 2013; Proposed Roof Plan, ADG 013 received 16 April 2013; Proposed Elevations, ADG 101 Rev A received 6 June 2013; Proposed Sections, ADG 201 Rev A received 6 June 2013.
- 4 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed care home shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.
- 6 Before first use of the development hereby permitted, a new pedestrian footway shall be completed from the existing footway to the fore of 259 Kirkby Road around the southern side of the new access to the point of the entrance to the site in accordance with the details shown on Plan no. ADG-000 (Highway entrance) received 24 May 2013.
- 7 Prior to the commencement of development details of how the highway will be kept free of mud, water, stones etc for the period of the construction, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented for the period of the construction.

- 8 Before first use of the development hereby permitted the access drive from its junction with Kirkby Road including the car park shall be surfaced with a hard bound material porous material.
- 9 Development shall not commence until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 10 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 11 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination as submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reasons:-

- 1 To comply with the requirements of Section 92 of the Town & Country Planning Act 1990 (as amended).
- 2 This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.
- 3 For the avoidance of doubt and in the interests of proper planning.
- 4 To ensure that the development has a satisfactory external appearance to accord with policy BE1 (a) of the adopted Hinckley & Bosworth Local Plan.
- 5 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway in accordance with policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 6 The highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the highway. The footway is therefore required for the safety of pedestrians in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 7 To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users to comply with Policy T5 of the adopted Hinckley and Bosworth Local Plan.
- 8 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan.

- 9 To ensure that the drainage from the site is dealt with in a sustainable manner that does not exacerbate or result in flooding in accordance with Policy NE14 and the objectives of the NPPF.
- 10&11 To prevent material harm through pollution of the soil to future occupiers of the site in accordance with Policy NE2 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).
- 5 In relation to condition 10 advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

Contact Officer:- Sarah Fryer Ext 5682

Item: 06

Reference: 13/00338/LBC

Applicant: Mrs Rita Finney

Location: Atkins Building Lower Bond Street Hinckley

Proposal: Alterations to listed building

Target Date: 17 June 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application has been submitted by the Council for its own development.

Application Proposal

Listed Building Consent is sought for internal alterations to a current open plan space to create 3 separate meeting rooms within the basement of Building 2.

The office spaces will be created by 2.7 metre high timber partitions with a plasterboard ceiling finished in white vinyl matt emulsion with ply wood doors. The materials proposed are to match those used elsewhere within the building.

The remainder of the room will remain as open plan as per existing.

For the avoidance of doubt there are no external works proposed to the exterior of the building.

The Site and Surrounding Area

Atkins Brothers (Hosiery) Factory also known as the Goddard Building is a Grade II Listed Building. The site previously consisted of a range of buildings used in the hosiery industry. The site is bounded by three roads: Lower Bond Street, Baines Lane and Druid Street, a public footpath links Lower Bond Street to Druid Street. Its principal frontage is to Lower Bond Street.

The site is located within the settlement boundary of Hinckley and located within Hinckley Town Centre Conservation Area, and is also located within an employment site, as defined by Hinckley and Bosworth's Local Plan (2001).

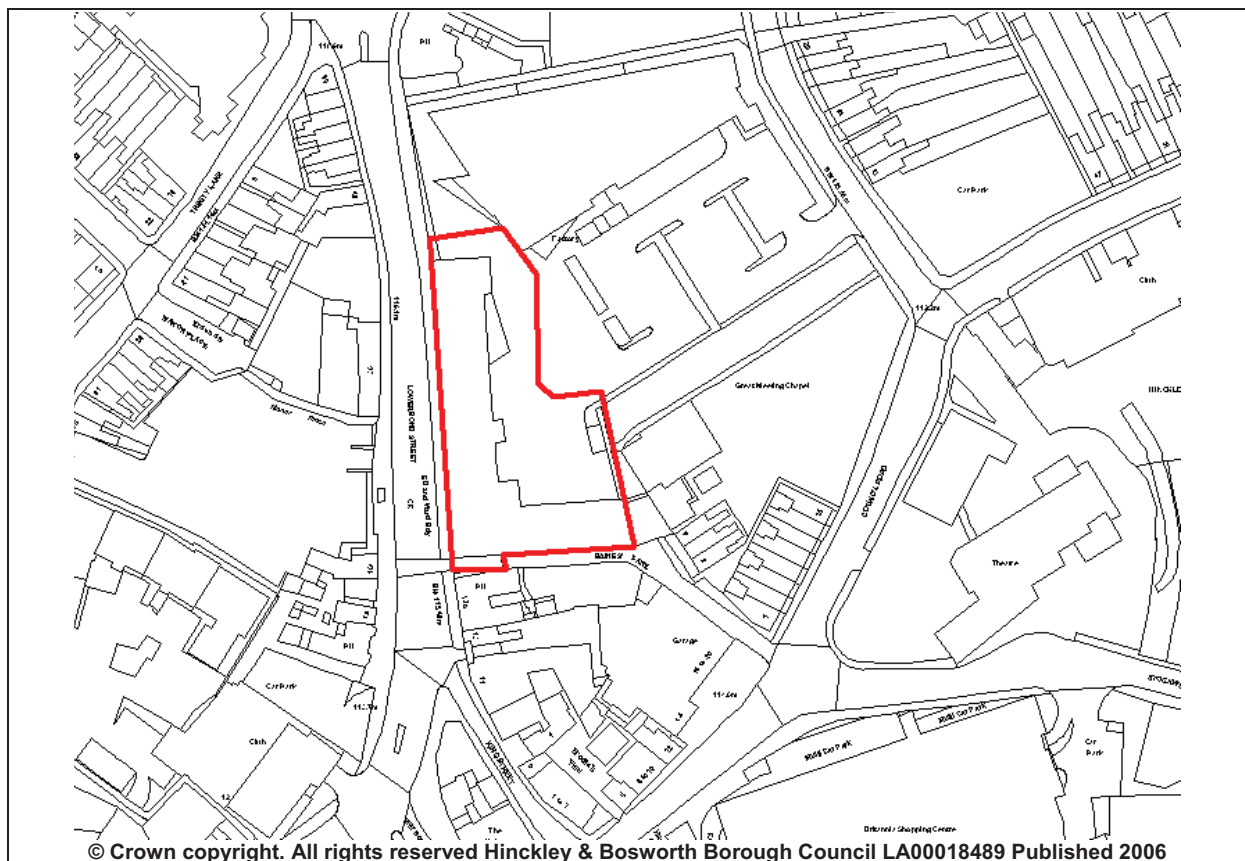
Technical Documents submitted with application

Design and Access Statement
Heritage Statement

Relevant Planning History:-

12/00008/LBC	Formation of a meeting Room and partitioning two open plan offices	Approved	02.04.12
11/00216/LBC	Alterations to Listed Building	Approved	02.09.11
10/00450/LBC	Amendments to Listed Building Consent 09/00142/LBC	Approved	15.11.10
10/00271/DEEM	Variation of condition No.2 of Planning Permission 09/00141/DEEM to allow minor material alterations	Approved	11.06.10
10/00264/DEEM	Variation of condition No.2 of Listed Building Consent 09/00142/LBC to allow external alterations	Withdrawn	26.05.10

09/00141/DEEM	Re-development of the former Atkins factory site for a mixed use development comprising of a new college building and the change of use and conversion of the existing Goddard building for use as a creative industries centre, including associated car parking and public realm improvement	Approved	04.09.09
09/00142/LBC	Conversion and adaptation of the Existing Grade II Listed Goddard building to facilitate use as a creative industries centre	Approved	12.05.09
09/00003/LBC	Works to windows/openings (including replacement), flat roof covering, upgrade lightning protection, brickwork and timber cleaning and removal of redundant building services	Approved	30.03.09



Consultations:-

No objection has been received from:-

Head of Community Services (Land Drainage)

The Council's Conservation Officer.
Site notice and Press notice were displayed and neighbours notified.

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

Historic Buildings Panel
Ancient Monuments Society
The Society for the Protection of Ancient Buildings
Georgian Group
The Victorian Society
Council for British Archaeology
Neighbours.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990

Local Plan 2006 - 2026: Core Strategy (2009)

None relevant.

Hinckley & Bosworth Local Plan (2001)

Policy BE4: Alterations to Listed Buildings

Supplementary Planning Guidance/Documents

None relevant.

Other Material Policy Guidance

None relevant.

Appraisal:-

The main consideration in the determination of the application relates to whether the works proposed preserve the architectural or historical character of the building and therefore accord with Policy BE4 of the adopted Hinckley and Bosworth Local Plan and the overarching guidance contained within Chapter 12 of the NPPF. Policy BE4 is considered to be in compliance with the intentions of the NPPF.

Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 provides that where an area is designated as a conservation area "...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" in the exercise of any of the provisions of the Planning Acts.

The accompanying Design and Access Statement sets out the justification for the proposed alterations stating that the basement of the building is currently vacant and un-used. The creation of 3 meeting room spaces within this area allows privacy and would appeal to existing and future tenants and lead to a used space.

Impacts on the Fabric and Character of the Listed Building

The scheme seeks to subdivide an existing open plan building to create 3 no. meeting rooms.

Timber partitioning by virtue of its design will not result in any significant harm to the original fabric of the building. A suspended ceiling is proposed for each of the office spaces in order to aid in acoustic performance, which will allow for lighting systems without harming the historic fabric of the building.

The partitioning can be easily removed and therefore does not impose a lasting material change within the building.

The building is already subject to works and alterations which have allowed modern finishes and the materials and finishes proposed are set to match those used in the existing Atkins building. It is not considered that the addition of these would harm any special architectural fabric.

The remainder of the room will remain as open plan as per existing.

For the avoidance of doubt there will be no impact on the external appearance of the building.

In conclusion, the works represent a scheme of modifications that will facilitate the re-use of the important and historic building with only minimal intervention to the historic fabric. It is considered that the works proposed to the listed building has adequately demonstrated that they would not significantly detract from the architectural or historical character or appearance of the building and the proposal will help protect the heritage asset by improving the financial viability of the development. Accordingly it is considered the works proposed would be compliant with Saved Local Plan Policy BE4 and the overarching principles of guidance contained within the NPPF and is therefore recommended for approval subject to the imposition of planning conditions.

Section 82 of the Act and Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 requires that applications by a Local Planning Authority on its own land for Listed Building consent are to be made to the Secretary of State following the committee resolution

RECOMMENDATION-that the Development Control Manager be authorised to make application to the Secretary of State, in accordance with Regulation 13 of the Planning (Listed Building and Conservation Areas) Regulations 1990 (1519) for consent to the proposals.

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 according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as the scheme and would not be to the detriment of the special architectural or historic interest of this Listed Building.

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

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 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: Location Plan (Scale 1:1000); Block Plan (Scale 1:500) and Lower Ground Floor Plan drawing no. 0121 Rev. H received by the Local Planning Authority on 22 April 2013.
- 3 Before any works commence, representative samples of the types and colours of materials to be used internally shall first be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reasons:-

- 1 To comply with the requirements of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory appearance and does not detract from the special architectural or historic interest of this Listed Building to accord with Policy BE4 of the adopted Hinckley & Bosworth Local Plan 2001.

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: 07
Reference: 13/00308/FUL
Applicant: Mr Jones
Location: Bondman Hayes Farm Markfield Road Ratby
Proposal: Demolition of three existing stables and the erection of two 2-bed holiday units
Target Date: 3 July 2013

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has been called in by Councillor O' Shea on grounds that it is development in the open countryside, located outside of the settlement boundary and there are highway concerns.

Application Proposal

This application seeks full planning permission for the demolition of existing stables and the erection of two holiday units.

The building proposed would be a part one and a half storey and part single storey building containing two, two bedroom holiday units each with a bathroom, kitchen and living area.

Plot 1 would have a floor space of 57m² and Plot 2 68m².

The proposed building aims to provide holiday accommodation for up to eight people. The building proposed is of a contemporary design utilising a timber clad finish and larch shingles to the roof. Private external amenity space is proposed to the south and rear of the holiday units. Vehicle access is proposed to be obtained by extending the private driveway serving the existing dwelling.

The Site and Surrounding Area

The site is located to the rear of the property known as Bondman Hayes, Cow Lane, Ratby and is approximately 578m² in size. The site is located approximately 1.7km from the centre of Ratby and is located within the countryside and within the National Forest.

The site currently consists of three timber stables and a hay store set on concrete hardstanding. The stables are separated from the curtilage of the dwelling by a 2.7 metre high close boarded fence and soft landscaping. The stables have previously been operated as a livery with associated vehicle movements for a number of horses.

To the south of the site is an area defined by a post and rail fence approximately 1.5 metres high, used for the storage of horse boxes, a tractor and associated equestrian equipment. Immediately to the south of this area is an equestrian manège/riding arena bounded by a post and rail fence.

The site is bounded to the east by a mature hedgerow interspersed with trees. Adjacent to this boundary is a private unmade access road designated as a public right of way (bridleway). The Ivanhoe Trail (footpath/bridleway) is located approximately 700 metres to the south of the site.

To the east of the unmade access road is further landscape screening in the form of a tall mature hedgerow and trees. The land to the west of the site is used as an open paddock for the grazing of horses.

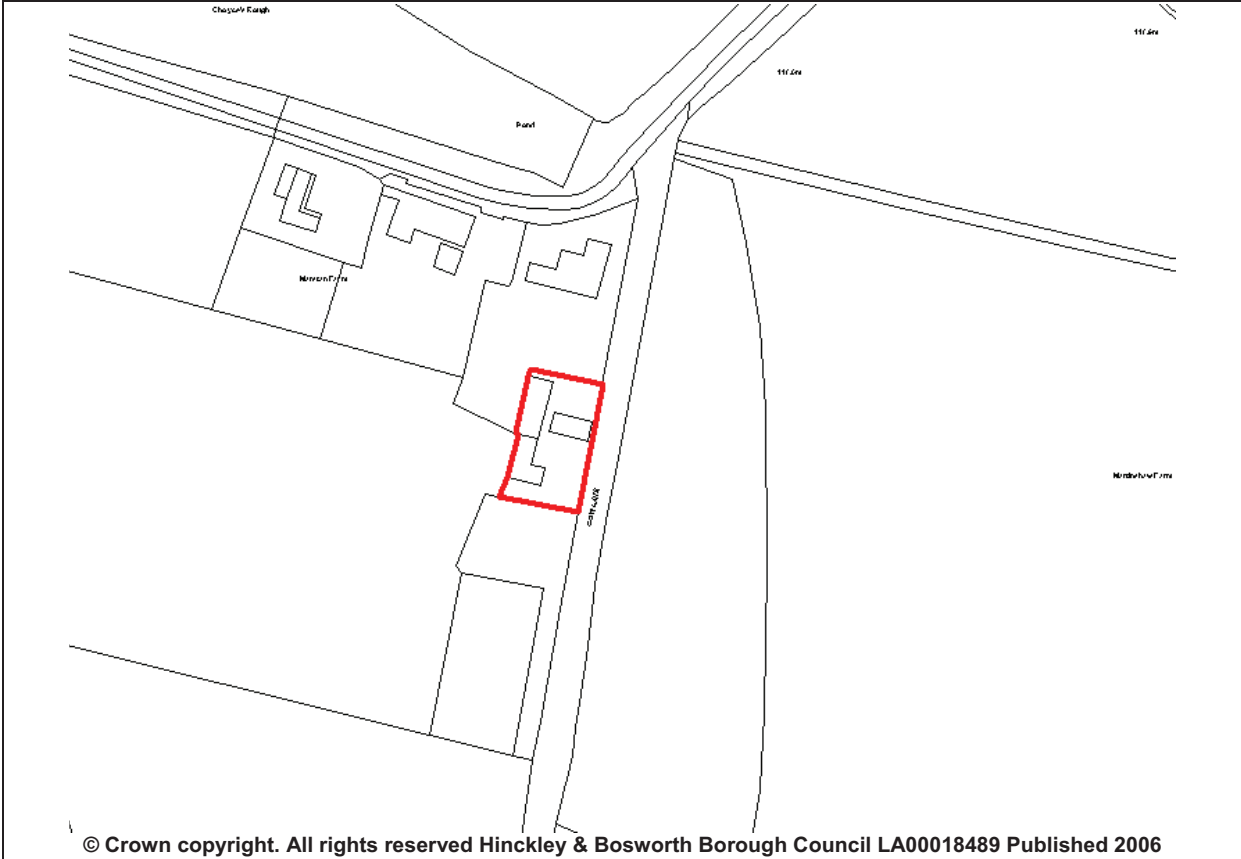
The site is flat and level.

Technical Documents submitted with application

Design and Access Statement
Planning Statement

Relevant Planning History:-

None relevant.



Consultations:-

No objection received from:-

- Director of Environment and Transport (Public Rights of Way)
- Head of Community Services (Land Drainage)
- Head of Community Services (Pollution).

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

Ratby Parish Council objects to the application due to its location outside of the settlement boundary and due to the increase of traffic on a narrow country lane.

Site notice was displayed and neighbours notified.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

Local Plan 2006 - 2026: Core Strategy 2009

Policy 21: National Forest

Policy 23: Tourism Development

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development

Policy NE5: Development in the Countryside

Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

The main considerations in respect of this application are the principle of development, the siting and design of the buildings and their impact on the visual amenities of the site, the surrounding countryside and National Forest, impact on highway safety and residential amenity.

Principle of Development

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. Paragraph 14 of the NPPF states that for decision taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent or silent, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Paragraph 17 of the NPPF promotes sustainable economic development that is of a high quality design that conserves and enhances the natural environment. Paragraph 28 supports economic growth in rural areas and promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through the conversion of existing buildings and well designed new buildings. In addition, sustainable rural tourism developments that benefit business in rural areas, communities and visitors and which respect the character of the countryside should be supported. This includes supporting the provision and expansion of tourist facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

Policy 23 of the Core Strategy supports tourism development for holiday accommodation in suitable locations where the development can help support existing local community services and facilities, is of a design and scale which is appropriate to minimise impact and would assimilate well with the character of the surrounding area with acceptable landscaping. The

development should add to the Borough's local distinctiveness, complementing the tourism themes of the Borough and add to the economic wellbeing of the area.

Policy 21 of the Core Strategy supports tourism developments and especially overnight quality accommodation linked to tourism in the Forest.

The site is located within the countryside where Policy NE5 of the adopted Local Plan applies. Whilst now having only limited weight following the release of the NPPF and its presumption in favour of sustainable development, Policy NE5 (criteria i, ii and iii) of the Local Plan provide a presumption in favour of development in the countryside that is either important to the local economy and cannot be provided within or adjacent to existing settlements, for the extension of existing buildings in the countryside or for recreation purposes subject to a number of design criteria being satisfied.

The NPPF and Core Strategy support tourism accommodation proposals of this nature in rural areas. As such it is considered that the development is acceptable in principle subject to all other planning matters being appropriately addressed and appropriate conditional controls to ensure that the development remains for holiday accommodation only.

Siting, Design and Impact on the Surrounding Countryside and National Forest

Paragraphs 56 and 58 of the NPPF identify good design as a key aspect of sustainable development. The NPPF seeks to ensure that development is visually attractive as a result of good architecture and appropriate landscaping. The design criteria of Policy NE5 of the Local Plan is in conformity with the NPPF and states that development in the countryside should not have an adverse impact on the character or appearance of the landscape. It should be in keeping with the scale and character of existing buildings and general surroundings and be effectively screened by landscaping.

Policy BE1 (criteria a and c) of the adopted Local Plan require development to complement the character of the surrounding area with regard to scale, layout, design and materials with landscaping incorporated to a high standard where it would add to the quality of the design and siting of the development. Policy 21 of the adopted Core Strategy requires development to respect the character and appearance of the wider countryside and National Forest.

The proposal would be set behind and to the rear of the dwelling known as Bondman Hayes. The proposal would not be visible from the frontage or street scene of Cow Lane. The site is flat and level and is bounded to the east by a mature hedgerow interspersed with trees. Adjacent to this boundary is a private unmade access road designated as a public right of way (bridleway). To the east of the access road is further screening in the form of a tall mature hedgerow and trees. The land immediately to the south of the application site features an equestrian manege/riding arena. Beyond this to the south are views of the wider open countryside and agricultural fields. The land to the west of the site is used as an open paddock for the grazing of horses. A belt of mature trees breaks the continuation of view further to the west. As the proposed holiday units have no direct road frontage, are located to the rear of the existing dwelling and would be well screened from the wider landscape by trees to the west and a mature hedgerow and trees to the east, the only prominent view of the building would be from the open countryside to the south. It is therefore not considered that the proposal would have a significantly detrimental harmful impact to the immediate or wider landscape setting.

The proposal would feature two distinct one and a half storey and single storey elements with pitched roofs to give the visual appearance of barns through the use of strong gable end features connected through the use of a flat roof linked section in the centre. The entrance facade of the building responds to the proposed access driveway entering the site from the

north which allows for private outdoor amenity space to be created to south and west of the building. The tall and narrow profile of the fenestration proposed reinforces and adds to the overall impression of the design and adds a somewhat contemporary element to the traditionally inspired approach of the barn design.

The scale of the proposal would be relatively modest when compared to the existing surrounding built form in the context of the existing two storey dwelling Bondman Hayes and the neighbouring detached chalet. The southerly most barn element would be one and a half storeys in height and the northern most barn element would be one storey with a pitched roof. The height of the proposed structure is therefore lower and would appear subservient, in the form and appearance of associated outbuildings, to the existing dwelling to the north Bondman Hayes.

The use of timber cladding as a building material will weather and overtime, soften to blend naturally into the surrounding context. The roof is proposed to be constructed from larch shingles which is considered to be an appropriate choice which will weather naturally to give a natural and soft finish to the building. A condition has been imposed requiring material samples prior to the commencement of development to ensure the final details will relate appropriately to the surrounding context. It is therefore considered that the design of the proposal has been considered to reflect and blend in with the character and setting of the surrounding countryside and National Forest.

Given the location of the proposal, in the context of the National Forest and surrounding rural character of the area, a condition has been imposed requiring a landscaping scheme to be submitted and approved prior to the commencement of the scheme. Appropriate soft landscaping will soften the introduction of the building within the surrounding landscape. The flat roof single storey connecting element in the centre of the building is proposed to feature a green roof. This will contribute to the visual appearance of the proposal and its setting whilst increasing the opportunity for biodiversity.

Overall it is not considered that the siting, design, form and layout of the proposal would visually conflict or harm the rural character and nature of the surrounding area. The proposal is therefore considered to be in accordance with Policy BE1 (criteria a and g) and NE5 (criteria i and ii) of the Local Plan.

Impact on Residential Amenity

Policy BE1 (criterion i) of the Local Plan states that development should not adversely affect the occupiers of neighbouring properties.

The nearest neighbouring residential property is located approximately 40 metres to the north west. As a result of the distance between this property and the proposed holiday lets it is not considered that proposal would give rise to overlooking or disturbance to the amenity of this property. As such it is not considered that the proposal would have an adverse impact on residential amenity and as is considered to be in accordance with Policy BE1 (criterion i) of the Local Plan.

Impact on Highway Safety and Public Rights of Way

The Highway Authority has raised no objection to the proposal subject to conditions. Given the previous use of the stables as a livery with associated vehicle movements towing horseboxes to and from the site it is considered that two holiday units would result in less vehicle traffic movements than the existing use of the site. An unmade vehicle access road exists adjacent to the east of the application site which is classed as a public bridleway. Whilst access to the stables is currently obtained via this unmade road, the holiday units are

proposed to be accessed from the existing private vehicle driveway running to the east of Bondman Hayes. This driveway would be enlarged and extended to the rear of the site to serve the holiday units. A condition has been requested by the Highway Authority which is considered reasonable to impose to ensure the existing vehicular access point from the unmade access road to the stables is closed up to ensure there is no direct form of vehicular access between the site and the bridleway. Vehicle parking for four parking spaces would be provided adjacent to the holiday units which is considered to be acceptable in relation to the adopted parking standards and a conditions have been imposed requiring this to be provided and surfaced in hardbound material prior to first occupation. It is therefore considered that the proposal would not impact upon highway safety, the public right of way or the satisfactory functioning of the local highway network and is in accordance with Policy T5 of the Local Plan.

Conclusion

In conclusion, the principle of development has been demonstrated to be in compliance with the adopted Local Plan policies and is compliant with the overarching intentions of the National Planning Policy Framework.

The NPPF and Core Strategy supports the development of tourist accommodation proposals in rural areas. As a result of the siting, scale and design together with the materials proposed it is considered that the proposal would not have any adverse impact on the character or visual amenity of the site, the surrounding countryside or the National Forest. Given the existing use of the site as a livery it is not considered that there would be a material increase in traffic to or from the site that would adversely affect highway safety. The proposal would be sufficient distance from the nearest neighbouring property to not have a detrimental impact upon residential amenity. The proposals are therefore in accordance with adopted Core Strategy Policies 21 and 23 and Local Plan Policies NE5 (criteria i, ii and iv), BE1 (criteria a, g and i) and T5 together with the overarching principles of the NPPF and 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 according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as the principle of development is considered to be acceptable, the proposal would not have any adverse impact on the character or visual amenity of the site, the surrounding countryside or the National Forest, highway safety or residential amenity.

Hinckley and Bosworth Local Plan (2001):- Policies NE5 (criteria i, ii and iv), BE1 (criteria a and g) and T5.

Local Plan 2006-2026: Core Strategy (2009):- Policies 21 and 23.

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

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

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the submitted applications details, as follows: Dwg No. 1220 P01 Site Location Plan (1:1250), Dwg No. 1220 P02 Block Plan (1:200) and Floor Plan (1:100) and Dwg No. 1220 P03 Elevations (1:100) received by the Local Planning Authority received 8 May 2013.
- 3 The holiday accommodation units shall be for holiday purposes only and shall not be used as the sole or main residence of the occupiers. No person shall occupy any part of the accommodation for a period exceeding eight weeks. Furthermore, no person shall occupy the accommodation within a period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names and main home addresses of all the individual occupiers and shall make this information available for inspection at all reasonable times to the Local Planning Authority following prior written notification.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (amended) or any order revoking or re-enacting that Order, no development permitted by Classes A, B or C of Part 1 of Schedule 2 of that Order shall not be carried out without the prior consent of the Local Planning Authority.
- 5 Prior to the commencement of development, details of all external materials (including samples) to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
- 6 Prior to the commencement of development full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details should include:-
 - Means of enclosure and boundary treatments
 - Hard surfacing materials
 - Schedules of plants, species, sizes, planting plans and densities; and
 - An implementation programme.
- 7 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 8 Prior to the first use of the development hereby permitted, the redundant existing vehicular crossings and the verge shall be reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority; there shall be no direct form of vehicular access between the site and the bridleway.
- 9 Prior to the first use of the development hereby permitted, off-street car parking provision shall be made within the application site in accordance with the details shown on the Dwg No. 1220/P02. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.

- 10 Prior to the first use of the development hereby permitted, the access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To prevent the occupation of holiday accommodation on a permanent basis which would be considered unsustainable as per Paragraph 55 of the National Planning Policy Framework.
- 4 To allow the Local Planning Authority to retain control of the bespoke design, siting and external appearance of the development in accordance with the criteria specified in Policy BE1 of the Hinckley and Bosworth Local Plan 2001 and Policy 23 of the Core Strategy.
- 5 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan.
- 6 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 In the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 10 In the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

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:- Simon Atha Ext 5919

Item: 08

Reference: 13/00395/COU

Applicant: Miss Joanne Squires

Location: Dalebrook Farm Leicester Road Earl Shilton

Proposal: Change of use to a ten pitch caravan site and part demolition of buildings

Target Date: 10 July 2013

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 full planning permission for the change of use to a ten pitch caravan site and part demolition of buildings. The application confirms that the site is to provide occupation for gypsies.

Each pitch will accommodate two caravans and will have a minimum area of 304m² and will have a gravelled finish. The proposal includes a landscaped earth bund, 3 metres wide and 1 metre in height running along the western and part northern boundary of the site. An internal access road, leading from and existing access with Leicester Road will run throughout the site. This has a width of 5.5 metres 40 metres back from the highway. A 'Give Way' sign and a passing place is proposed. A large area of coppicing is proposed between the southern side of the access road and the southern boundary. Eight standard lampposts, are proposed at various locations around the site.

The Site and Surrounding Area

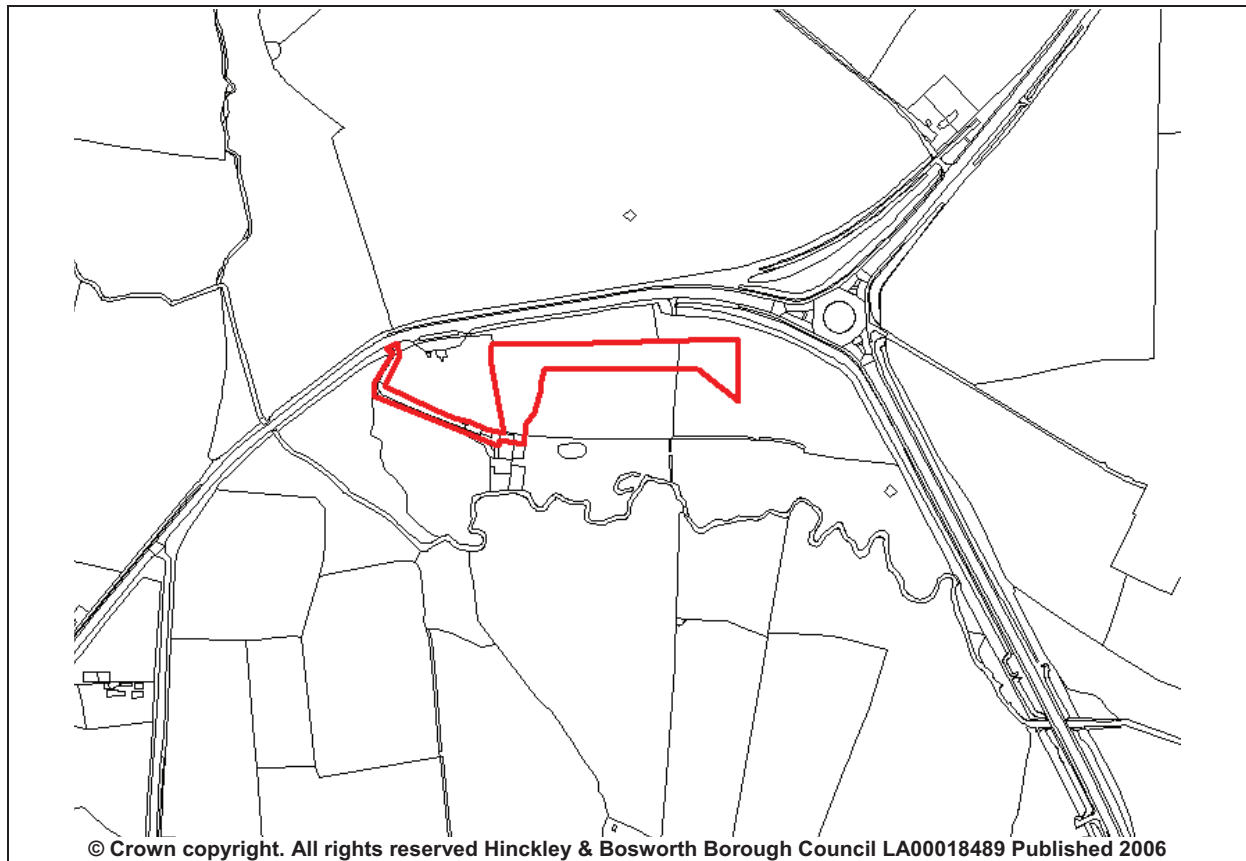
The application site comprises of a smallholding known as Dalebrook Farm. This is located to the north of Earl Shilton. Built development on site comprises a bungalow and a number of agricultural outbuildings. The site has an area of 17 acres, is within the countryside and the land is currently used for the grazing of livestock. To the north west of the site there is a detached dwelling, which was formerly a petrol filling station, with open fields around the remainder of the land holding. There is an existing vehicular access off the Leicester Road to the west of the former filling station. The site partially falls within Flood Zones 2 and 3.

Technical Documents submitted with application

Design and Access Statement
Flood Risk Assessment

Relevant Planning History:-

11/00158/COU	Change of use of land to gypsy site for four caravans	Withdrawn	04.05.11
08/00332/COU	Change of Use of Agricultural Building to Dwelling	Withdrawn	19.06.08



Consultations:-

No objection has been received from:-

National Grid
Head of Community Services (Pollution).

Director of Property Services (Travellers Sites and Liaison Officer) has submitted a letter of support that outlines the need for and benefit of the provision of traveller sites in the area and support for such sites in national guidance and good practice documents.

No objection subject to conditions has been received from:-

Director of Environment and Transport (Highways)
Environment Agency.

Earl Shilton Town Council do not object to the principle of the development, but raise the following concerns:-

- a) flood Risk
- b) prematurely
- c) drainage
- d) biodiversity
- e) highways
- f) procedure

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

- a) highway safety Concerns
- b) flooding concerns- risk that part of the access road falls within flood zone 3, and parts of the site fall within flood zone 2. This requires special consideration and application of the 'Exception Test'
- c) clarification on type of caravan, occupation and number of caravans per pitch
- d) site too large
- e) adverse impacts on nearby footpath
- f) adverse impact on view
- g) local amenities will be stretched
- h) deleterious effect on neighbouring farms and house prices
- i) impacts on wildlife
- j) waste concerns.

No response has been received from Head of Community Services (Land Drainage).

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) March 2012
Planning Policy for Traveller Sites (March 2012)

Local Plan 2006-2026: Core Strategy 2009

Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showpeople

Hinckley and Bosworth Local Plan 2001

Policy BE1; Design and Siting of Development
Policy NE5: Development in the Countryside
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy T5: Highway Design and Vehicle Parking Standards

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 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.

Appraisal:-

The proposed development is for the change of use to a ten pitch caravan site and part demolition of buildings for occupation by Gypsy and Traveller families. The County Council Traveller Sites and Liaison Officer has submitted a letter supporting the application and confirming that the proposed site will be used and occupied by persons defined as Gypsies and Travellers in accordance with the definition contained within the Planning Policy for Traveller Sites document. The Officer also verifies the applicant's details and the need for the site. Therefore, the main issues for consideration in respect of the application are the principle of development, whether the development satisfies the criteria within the NPPF, Planning Policy for Traveller Sites and Policy 18 of the Core Strategy, and its impact on the surrounding countryside, neighbours and highway safety.

Planning Policy for Traveller's Sites (March 2012)

'Planning Policy for Traveller's Sites' came into effect on the 27 March 2012, and must be read in conjunction with the National Planning Policy Framework (NPPF). As such, in accordance with Section 38(1) of the Planning and Compulsory Purchase Act 2004, this application should be determined against the policies in these documents. Policy H of the new traveller sites policy (in paragraph 22) states that local planning authorities should consider a number of issues amongst other relevant matters when considering planning applications for traveller sites. These issues are discussed below:-

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

The Leicestershire, Leicester and Rutland Gypsies and Travellers Accommodation Needs Assessment 2006-2016 identifies a need for 42 residential pitches for the period up until 2016 within the Borough. The assessment informed the requirement for 42 pitches included within Policy 18 of the adopted Core Strategy.

Since the Accommodation Needs Assessment was adopted in April 2007, a total of four sites have received permanent planning permission within the Borough, a total of eight pitches at Winter Oaks (formerly The Paddock), Higham on the Hill, one pitch at Stoke Lane, Higham on the Hill, three permanent pitches and eight transit caravans at Hydes Lane, Hinckley and one pitch at Heath Road, Bagworth (allowed on appeal). Accordingly, the approval of these pitches has reduced the Borough Council's requirements to 29 permanent pitches. Furthermore, ten temporary pitches have been allowed on appeal for a temporary period at the Good Friday site at Barlestone.

As there is a deficit of 29 permanent pitches within the borough, there is clearly an insufficient level of local provision and a need for this site having regard to the requirement within the Core Strategy. Furthermore, in the absence of meeting the Core Strategy Requirement for pitch provision the Borough Council does not have a 5 year supply of Gypsy and Traveller Pitch Provision. Approval of this application would go towards meeting the current shortfall in pitches and will significantly improve the access to services such as health and education for any families residing on the site and will provide a more stable environment for their children's development.

- b) the availability (or lack) of alternative accommodation for the applicant

The Aston Firs Caravan Site, which is owned and managed by the County Council and provides accommodation for Gypsies and Travellers, is currently full with a waiting list of 14 families. In addition, there are a number of families living on site that have grown up children who would like to start their own families with nowhere to move to. Approval of this application would go towards meeting the current shortfall in pitches and relieving the strain on such a site.

- c) other personal circumstances of the applicant

The County Council Traveller Sites and Liaison Officer have submitted a letter of support of the application. The letter confirms the proposed site would be open to all Gypsies & Travellers regardless of their ethnic origin or family background and that Mr Smith - Agent (who would be the site manager) has indicated that he would be prepared to work with the Multi Agency Travellers Unit to accommodate Gypsies and Travellers in need of housing (at his own discretion). The applicant wishes to provide a site to accommodate some of the increasing number of Gypsies and Travellers who have no legal place to live. In addition the applicant state that he is local traveller who is well known and respected in the community.

- 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

The locally specific criteria in this case is adopted Local Plan 2006-2026: Core Strategy Policy 18: Provision of Sites for Gypsies, Travellers and Travelling Showpeople, and the application is assessed against this policy further below in this report.

- e) that Local Planning Authorities should determine applications for sites from any travellers and not just those with local connections

The origins of the proposed end users of the site are unknown; however the site has been owned by the applicant for 6 years.

Although paragraph 23 of Planning Policy for Traveller's Sites states that Local planning authorities should strictly limit new traveller site development in open countryside, however it is considered that this stance could only be taken once the Borough Council has identified sufficient sites to satisfy the evidenced need. This should not therefore be used as a reason for refusal for this application. Paragraph 23 also requires that the scale of a proposed site should not be of such a size as to dominate the nearest settled community and should avoid placing an undue pressure on the local community. In this respect, the issues of scale and the availability of local services will be discussed in further detail below, as these are locally specific policy criteria contained within Policy 18 of the adopted Core Strategy.

Finally within paragraph 24 of the Planning Policy for Traveller Sites, the policy requires local planning authorities to attach weight to the following matters:-

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment
- c) promote opportunities for healthy lifestyles such as providing adequate play areas for children
- d) not enclosing the site with hard landscaping to isolate the occupants from the rest of the community.

Whilst the application site is not previously developed, untidy or derelict, it offers the opportunity for a well planned site on the outskirts of 3 large settlements; Barwell, Earl Shilton and Hinckley and in sustainability terms is there sequentially preferable. The proposal provides a layout that offers additional hard and soft landscaping measures to complement the existing mature landscaping around the site and an abundance of space, providing amenity/play areas for future occupiers and their children. Aside from the bungalow on site, there is only one other property within the vicinity of the site. This is the Former Fuel Station which is situated between the access and the western boundary of the site. There will be a landscaped bund along the western boundary, however this is not considered to result in isolation of the sites occupants from the surrounding communities.

In summary it is considered that the proposal is in general conformity with the overarching principles of Planning Policy for Traveller Sites.

Local Plan 2006-2026: Core Strategy Policy 18

Policy 18 of the adopted Core Strategy confirms the Council's commitment to provide residential and transit site gypsy pitches within the context of the policy's criterion and as such implies a presumption in favour of such development. This is generally consistent with the intentions of the Planning Policy for Traveller Sites.

Proximity to Settlement/Local Services (Sustainability)

Policy 18 states that where a proposed site is not within or adjacent to a settlement boundary, it should be located within a 'reasonable' distance of local services and facilities (including shops, schools and healthcare), although what constitutes a 'reasonable' distance is not quantified.

The application site is located off Leicester Road Earl Shilton and is approximately 1.14km from the centre of Earl Shilton and 7km from the Centre of Hinckley. Although there is not a continuous footpath from the site to the centre of Earl Shilton, one is present 200 metres to the south west of the site which then extends into the town. Alternatively, a footway and cycleway is available on Clickers Way which links the site into Hinckley Town Centre. Notwithstanding this, although the residents of the site would not have to use a vehicle to travel to these settlements, it is likely that the majority of journeys would be made by car. Based on the above, the site is considered to be within a 'reasonable' distance of Earl Shilton and the services and facilities provided, as required by Policy 18.

Sympathetic Assimilation within the Countryside

The Policy requires that gypsy and traveller sites should be capable of sympathetic assimilation to their surroundings. The site occupies a slightly lower ground level than Leicester Road and is enclosed on the northern boundary by a mature hedgerow. The remaining boundaries however are either sparsely vegetated or are open. In order to assimilate the stark utilitarian urbanising impact that caravans might create in an undeveloped rural landscape, a landscaped bund is proposed along the western, and part northern boundary and an area of coppicing is proposed to the south of the internal access road. Accordingly the site will be well assimilated within the surrounding countryside, particularly during the spring and summer months, and the formation of the earth bund will not be prominent or have any significant adverse impact on the character or appearance of the countryside. On balance, and having regard to the current shortfall in pitches within the Borough, the proposals are considered to meet the requirements of Policy 18 of the adopted Core Strategy.

Scale

The Policy requires the proposal to be appropriate to the scale of the nearest settlement, its services and infrastructure. In this case, the proposal is for 10 pitches and when considered against a settled population of Earl Shilton, which is a large settlement, it is considered appropriate and proportionate. Therefore, on balance it is considered that the proposal is not excessive in terms of scale and meets the requirements of Policy 18 in this respect.

Safe and Healthy Environment for Residents

The Policy requires proposed sites to provide a safe and healthy environment for residents in line with the design guidelines detailed in the National Guidance (Designing Gypsy & Traveller Sites, Good Practice Guide). This states that many Gypsies and Travellers express a preference for a rural location which is on the edge of, or closely located to a large town or city consistent with traditional lifestyles and means of employment. This site would meet this aspiration. It goes on to say that sites should not be situated near hazardous places as this will have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. The site is flat (not exposed) and not located on contaminated land.

The Borough Council's Strategic Flood Risk Assessment (2007) identifies that this site is partially situated within the flood zone.

Chapter 10 of the National Planning Policy Framework (NPPF) is concerned with climate change, flooding and coastal change. Paragraph 100 states that local plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk. This is to be done by, amongst other things, applying the Sequential and Exception Tests.

Caravans which are to be used as permanent residential bases are classed as 'highly vulnerable' in the Technical Guidance to the National Planning Policy Framework and their inclusion within Flood Zone 2 should only be permitted if the Exception Test is satisfied. Paragraph 102 of the NPPF state that for the Exception Test to be passed:-

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and,
- A site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In this case a short section of the access route falls within Flood Zone 2 and 3. However the site has been carefully laid out to ensure that the pitches do not fall within an area of flood risk. Accordingly, the Environment Agency have confirmed, based on their best available data that in the event of a flood, the pitches would remain dry and that there is land available for dry egress if required.

As only a small part of the access falls within flood zones 2 and 3 the likely harm to the future occupiers, when balanced against the 'need' for the site, is considered minimal and would not warrant refusal of the scheme.

Separate vehicular and pedestrian access is not provided in this case and is not considered to be achievable in any event. Emergency vehicles could access the site.

The Good Practice Guide stipulates that essential services (mains water, electricity, drainage and sanitation) should be available. The dwelling at the site benefits from basic facilities of electric, water and drainage and the applicant has confirmed that the foul effluent resulting from the proposal is to be drained to an existing septic tank which currently serves a bungalow on site. Notwithstanding this information, as no details of the existing Septic Tank have been provided, the Environment Agency have raised concerns in respect of its size, suggesting that it may not be large enough to cater for the requirements of the development. In the absence of these details, a condition has been suggested to secure such. This is considered a reasonable and necessary request and will be imposed if the application is recommended for approval.

Overall, based on the above, the site is considered to be compliant with policy 18 in respect of providing a safe and healthy environment for the future occupants of the site.

Design and Layout

The Good Practice guide states that sites of various sizes, layouts and pitch numbers operate successfully. In this case, this is a private site, meaning there are no defined standards in terms of design. The guidance suggests that permanent pitches should have sufficient space for one large trailer, an amenity building, drying space and parking for at least one vehicle. The proposed pitches will each have a minimum area of approximately 304m² and a maximum area of approximately 486m². Although the parking spaces and amenity buildings are not illustrated on the plans, there is adequate space for their provision. The design and layout affords individual pitches, open amenity/play space and parking spaces whilst providing natural surveillance. The internal access road runs to the front of the pitches, not between them, thus reducing noise and disturbance. The 6 metre separation between each caravan is met on the current plan, as advised within the policy. The proposal will require a separate site licence issued by Head of Community Services (Pollution) which will secure satisfactory internal arrangements.

The proposal also includes a landscaped earth bund along the western and part northern boundary of the site. This will both provide privacy and will act as an acoustic barrier from traffic travelling along Leicester Road.

Accordingly the internal layout is considered to be acceptable in terms of its design and siting.

Neighbours Amenities

Policy 18 suggests that sites should not cause an unacceptable nuisance to existing neighbours by virtue of noise or other disturbance caused by vehicle movements. As the proposal will result in ten pitches, there will be increased activity on site and more vehicle movements. However, the nearest residential property to the site is the Old Filing Station which is roughly 40 metres from the access and roughly 46 metres from the nearest pitch. As a result of the scale of the proposed development, the provision of the landscaped bund and the separation distances, on balance, the level of noise and disturbance created is not considered to be materially harmful to this properties residential amenity.

Highway Safety

Policy 18 requires Gypsy and Traveller sites to have a safe highway access as well as adequate provision for parking and servicing.

The Director of Environment and Transport (Highways) have responded as follows:- "whilst the access is on the inside arm of a sweeping bend, there is a wide verge on the south side

of Leicester Road which helps to improve visibility. Whilst the 160 metre splay requirement can be met in the critical (right hand) direction, the left hand splay measures around 140 metres which represents a 20 metre or 12.5 per cent shortfall. Whilst this may be material, it is more doubtful whether the shortfall is "severe", which is the test of materiality set out in the NPPF.

There have been no recorded accidents along this part of Leicester Road in the last 5 years and surveys have shown a dramatic decline in traffic volumes since the opening of the Earl Shilton bypass.

Taking into account all the matters above, it is considered, on balance, that a refusal on highway safety grounds would be difficult to justify. As such, the proposals are considered acceptable from a highway point of view, subject to the conditions."

Other Considerations

Lighting

It is stated on the application forms that the site will be lit by lighting columns; however no specific details of these have been submitted with the application. Accordingly these details will be requested by condition if the application is recommended for approval.

Part Demolition of the Agricultural Building

The building in question comprises a corrugated panelled building in a poor state of repair. Its partial demolition will enhance the local setting and the visual amenity and character of the surrounding countryside and is therefore considered acceptable. Its demolition is required to facilitate the most preferable route of vehicle access to the pitches.

Issues raised within the neighbour letters of representation not addressed elsewhere in the report, will be considered below:-

The Gypsy and Traveller Site Allocations process has not yet begun, and is not expected to commence until early 2014. The Borough Council in its capacity as the Local Planning Authority has a duty to determine any planning application submitted. Given the need for Gypsy site provision as identified by policy 18, there is no case for the borough Council to delay the determination of the application until the completion of the site allocations process.

Concerns have been raised that the site will have an adverse impact on biodiversity. The site has no known protected or priority species does not comprise a designated site, important habitat or have any other biodiversity features and has no features of geological conservation importance. Accordingly no further ecology surveys or investigations have been required for the site, and no objections have been raised by Directorate of Chief Executive (Ecology) from the 'weekly list' consultation.

It has been suggested that the site has already been granted delegated approval. This is not the case. From the outset, the application has been designated to be determined by the planning committee due to the wider controversial issues it raises. No recommendation is made until a full appraisal of the scheme has been undertaken.

Clarification has been required on the number of caravans per pitch. A pitch can accommodate up to 3 caravans.

As the site is situated roughly 200 metres from the public footpath, there is no reason or evidence to suggest that the development would have an adverse impact on the footpath.

Impact on, or loss of view is not a material planning consideration.
Impact on land or property value is not a material planning consideration

Waste concerns - there is no reason or evidence to suggest that the development would have an adverse impact in respect of waste, and thus this will have no impact on the outcome of the application.

Conclusion

Based on the identified shortfall in pitch provision and need for the site, which has been confirmed by the County Councils Gypsy Liaison Officer and the requirement to provide Gypsy & Traveller Sites as identified within Policy 18 of the Core Strategy and national planning policy for Traveller sites, the 'need' for the site and therefore the principle of development is considered to be acceptable. Further, the criteria listed within the national guidance and Policy 18 is considered to have been met. The site is considered to be a reasonable distance from local services and infrastructure, will be compatible with the scale of the nearest service centres, will result in no adverse impacts in terms of highway safety or residential amenity, will sympathetically assimilate into the surroundings, and will provide a safe and healthy environment to residents. Accordingly the proposal is considered acceptable and will be recommended for approval subject to conditions.

RECOMMENDATION: That the Development Control Manager shall be granted delegated powers to grant planning permission for the development subject to no significant planning objections being received before the expiry of the consultation period on 20 June 2013 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 according to their degree of consistency with the National Planning Policy Framework 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. Based on the confirmed, specific need for the site, and the requirement to provide Gypsy & Traveller Sites as identified within National Planning Policy for Traveller Sites and Policy 18 of the Core Strategy, the 'need' for the site in question is considered to be justified and the requirement to provide sites, considered paramount. Therefore in principal, the development is considered acceptable. Further, the proposal will not have a detrimental impact in terms of visual or residential amenity, flooding or flood risk, on the character of the countryside or highway safety and is considered to meet the criteria of Policy 18 of the Core Strategy and be acceptable in terms of all other material considerations. The proposal goes some way to meet an established need for transit and permanent provision within the Borough and is in line with the aims of NPPF and the Planning Policy for Traveller Sites.

Hinckley and Bosworth Local Plan (2001):- Policies BE1 (criteria a and i), NE5, T5 and NE10.

Local Plan 2006-2026: Core Strategy 2009:- Policy 18.

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

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

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Refs:- 'Location Plan', 'Proposed Caravan Site and Barn Extension Dalebrook Farm' received by the Local Planning Authority on the 15 May 2013.
- 3 The approved soft landscaping scheme shall be carried out and completed in accordance with the details as included on Drg Ref: 'Proposed Caravan Site and Barn Extension Dalebrook Farm' received by the Local Planning Authority on the 15 May 2013 and shall be implemented within the first planting season following the development. 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.
- 4 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary to the 'Planning policy for travellers sites'.
- 5 Before first occupation of the site hereby permitted, the existing gates to the vehicular access shall be removed. Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 10 metres behind the Highway boundary and shall be hung so as to open inwards only.
- 6 Before first occupation of the site hereby permitted, its access drive, any turning space and junction radii shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and shall be so maintained at all times.
- 7 The access road shall be a minimum of 5 metres wide for at least the first 10 metres behind the Highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.
- 8 Before the first occupation of the site hereby permitted, visibility splays of 2.4 metres by 140 metres shall be provided to the left of the access at the junction with Leicester Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.
- 9 Prior to first occupation of the site hereby approved, full details of the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following:-
 - A plan illustrating the positions of the lighting columns
 - A scaled plan indicating the height of the lighting columns
 - The candela of the light source
 - Any measures to reduce glare
 - Implementation programme

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 work is carried out within a reasonable period and thereafter maintained to accord with policies BE1 (criteria a) and NE5 of the adopted Hinckley & Bosworth Local Plan.
- 4 It is only because of the justification supplied in respect of the needs of gypsies and travellers, and the guidance contained in the Planning Policy for Traveller Sites, that planning permission has been granted for this use therefore this condition is required to ensure that the site is occupied for the justified purposes.
- 5 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway. In accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 6 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) In accordance with Policy T5 of the Hinckley and Bosworth Local Plan
- 7 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway In accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 8 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. In accordance with Policy T5 of the Hinckley and Bosworth Local Plan.
- 9 In the interests of residential amenity and to protect the character of the countryside. In accordance with criteria i of policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 In order to provide the visibility splays detailed in condition 8 above, it may be necessary to trim the hedge back to and maintain it at the highway boundary.

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).

The Highway boundary is the hedge fronting the premises and not the edge of the carriageway/road.

This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Adoptions team or the Area Manager.

For further information, including contact details, you are advised to visit the County Council website as follows: - For 'major' accesses - see Part 6 of the "6Cs Guide" (Htd) at www.leics.gov.uk/Htd.

Contact Officer:- Eleanor Overton Ext 5680

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National Policy Guidance	
National Planning Policy Framework 2012	<p>The NPPF reiterates the statutory requirement that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.</p> <p>It also states that the document should be read in conjunction with the newly released policy statement on Gypsies and Travellers.</p> <p>The purpose of the planning system is to contribute to the achievement of sustainable development. There are 3 dimensions to sustainable development:</p> <ul style="list-style-type: none"> • An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation • A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services; • An environmental role – contributing to protecting and enhancing our natural, built and historic environment. <p>At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision making. For decision making this means:</p> <ul style="list-style-type: none"> • Approving development proposals that accord with the development plan without delay; and • Where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted. (Para 14). <p>Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision making and plan-making should be seamless, translating plans into high quality development on the ground. (Para 186). They should seek for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.</p> <p>Early engagement in pre-application discussions is encouraged where it is offered. Developers should be encouraged to engage with the community.</p>

	<p>The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions. (Para 196)</p> <p>In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development (Para 197).</p> <p><u>Implementation</u></p> <p>The policies in the NPPF apply from the day of publication (27th March 2012).</p> <p>For 12 months from the day of publication, decision makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the Framework.</p> <p>The Hinckley and Bosworth Local Plan was adopted in February 2001, as such it is necessary to review all saved local plan policies according to their consistency with the framework. Due weight must then be given according to their consistency with the NPPF. These are appraised within each application late item.</p> <p>For clarity it should be noted that the following national policy guidance documents referred to in the main agenda are superseded by the NPPF:</p> <p>Circular 05/05 Circular 01/06 NPPF (Draft) All Planning Policy Guidance and Statements</p>
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.

Local Development Framework Core Strategy 2009	
Policy 1	Development in Hinckley: supports Hinckley's role as a sub-regional centre and sets out the criteria to achieve this. It makes provision for a minimum of 1120 new residential dwellings, seeks to diversify the existing housing stock in the town centre to cater for a range of house types and sizes, seeks to ensure there is a range of employment opportunities within Hinckley and to allocate land for new office development within or adjoining the Hinckley Town Centre Area Action Plan boundary. It supports the expansion of the creative industries job market, the provision of new retail space, the redevelopment of the railway station to deliver a transport interchange, the provision of a new bus station, transport improvements, tourism development and the development of new leisure facilities.

Policy 3	Development in Barwell: supports the regeneration of Barwell. It makes provision for a minimum of 45 new residential dwellings, seeks to diversify the existing housing stock to cater for a range of house types and sizes, allocates land for the development of a mixed use sustainable urban extension to the west of Barwell, seeks to ensure there is a range of employment opportunities within Barwell, supports the regeneration of Barwell local centre including public realm improvements, traffic calming measures and provision of additional retail floorspace. It supports the development of new leisure facilities and sporting hub on land off the A47 in the vicinity of the Hinckley United Football Stadium. It requires transport improvements and supports the development of the tourism industry.
Policy 4	Development in Burbage: makes provision for the allocation of land for a minimum of 295 new residential dwellings focused primarily to the north of Burbage, 10ha of B8 employment land and 4ha of B2 employment land adjacent to the railway line as an extension to Logix Park. It supports the provision of additional retail floorspace within the defined Burbage local centre, transport improvements, tourism development and infrastructure to support the new development including an extension to the GP surgery, play and open space, and cycling routes.
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 7	Key Rural Centres: supports key rural centres to ensure they can provide key services to their rural hinterland. It supports housing development in settlement boundaries that provide a mix of housing types and tenures and meets local need; seeks to ensure there is a range of employment opportunities within Key Rural Centres; supports new retail development to meet local need within defined local centre boundaries; resists the loss of local shops and facilities in Key Rural Centres unless it is demonstrated that the business or facilities can no longer operate in a viable manner; requires transport improvements; supports development of the tourism industry and requires development to be of the highest environmental standards.
Policy 11	<p>Key Rural Centres Stand Alone: supports local services and seeks to maintain rural population levels.</p> <p>Barlestone – allocates land for a minimum of 40 new homes; supports additional employment provision to meet local needs; supports the improvement of GP facilities; address existing deficiencies in green space and play provision; implement strategic green infrastructure; deliver safe cycle routes; allocate land for a new cemetery; and support improvements in the quality of facilities.</p> <p>Market Bosworth – allocates land for a minimum of 100 new homes; supports additional employment provision to meet local needs; support the role of Market Bosworth as a tourist</p>

	<p>destination; support the improvement of GP facilities; address existing deficiencies in green space and play provision; implement strategic green infrastructure; deliver safe cycle routes; protect green open land which penetrates towards the market place; seek improvements to the high school indoor sports facilities, outdoor pool and playing fields near Bosworth Water Trust; support the provision of new car parking at Dixie Grammar School; and require new development to respect the character and appearance of the Market Bosworth Conservation Area.</p> <p>Newbold Verdon – allocates land for a minimum of 110 new homes; support additional employment provision to meet local needs; support the improvement of the GP facilities; address existing deficiencies in green space and play provision; implement green infrastructure; deliver safe cycle routes; seek improvements in the quality of the community centre; support the provision of a car park for the church and cemetery; and require new development to respect the character and appearance of the Conservation Area.</p> <p>Stoke Golding – allocates land for minimum of 60 new homes; support additional employment provision to meet local needs; support the improvement of the GP facilities; address existing deficiencies in green space and play provision; implement green infrastructure; deliver safe cycle routes; encourage tourism; seek improvements in the quality of the village hall, playing fields and pavilion; improve connections with the neighbouring villages of Dadlington and Higham on the Hill; and require new development to respect the character and appearance of the Conservation Area.</p>
Policy 15	Affordable Housing: seeks the provision of affordable housing on residential proposals in the urban areas at a rate of 20% on schemes of 15 dwellings or more or 0.5ha or more and rural area at a rate of 40% on schemes of 4 dwellings or more of 0.13ha or more with a tenure split of 75% social rented and 25% intermediate housing. The affordable housing figure can be negotiated on a site by site basis taking into account identified need, existing provision, characteristics of the site, and viability.
Policy 16	Housing Density, Mix and Design: seeks to ensure that all new residential developments provide a mix of types and tenures appropriate to the applicable household type projections.
Policy 17	<p>Rural Needs: seeks to provide small scale developments that meet a 'local need' either through Local Choice or a Rural Exceptions Site for housing employment or community facilities adjacent the settlement boundary in Key Rural Centres, Rural Villages and Rural Hamlets providing that: the 'local need' has been clearly identified in an up to date Needs Survey or Parish Plan; it cannot be met within the settlement boundary of the village; it is of a scale and design that respects the character of the settlement; for Rural Exception it should be small scale (10 dwellings or less) and exclusively for the provision of affordable housing; a legal agreement secures exclusive occupation in perpetuity.</p> <p>A local need for housing is defined as people: who are resident at</p>

	the date of allocation in the village, parish or local areas which the development is intended to serve; and who have an existing family or employment connection in the village, parish or local area which the development is intended to serve.
Policy 18	Provision of Sites for Gypsies, Travellers and Travelling Showpeople: states that the council will allocate land for 42 residential pitches, and planning permission for sites will be granted where certain criteria are met including siting adjacent to the settlement boundary of any Key Rural Centre or Rural Village or the site is located within a reasonable distance of local services and has safe highway access.
Policy 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 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.
Policy 21	National Forest: supports: the implementation of the National Forest to the north east of the borough; enhancing biodiversity; developing a new woodland economy for timber products and wood fuel energy; outdoor recreational and sports provision; and tourism developments subject to the siting and scale of the development being related to its setting within the Forest; reflecting the character and appearance of the wider countryside and not adversely affecting the existing facilities and working landscape of either the Forest or the wider countryside.
Policy 23	Tourism Development: tourism development for new and extended visitor attractions including major facilities will be encouraged in suitable locations where: the development can help support the existing local community services and facilities; and is of a design and scale which is appropriate to the character of the surrounding area; and it adds to Hinckley and Bosworth's local distinctiveness; and it complements the tourism themes of the borough; and it adds to the economic well being of the area.
Policy 24	Sustainable Design and Technology: seeks to ensure all new development meets specified sustainable design and technology standards.

Hinckley and Bosworth Local Plan 2001	
INFRASTRUCTURE	
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. <i>This policy is consistent with the intentions of the NPPF.</i>
HOUSING	
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 does not conflict with the relevant plan policies. <i>This policy is consistent with the intentions of the NPPF if the</i>

	<i>development is within the settlement boundary but has limited consistency in all other locations.</i>
EMPLOYMENT	
Policy EMP1	Existing Employment Sites: seeks to actively retain existing identified employment sites for employment purposes. <i>This policy is consistent with the intentions of the NPPF but should be read in conjunction with the Employment Land and Premises Study.</i>
CONSERVATION AND BUILT ENVIRONMENT	
Policy BE1	Design and Siting of Development: requires that planning permission for development proposals will be granted where they: complement or enhance the character of the surrounding area with regards to scale, layout, density, materials and architectural features; avoid loss of open spaces; has regard to safety; incorporates design features which reduce energy consumption, encourages recycling and minimises impact on local environment; incorporates a high standard of landscaping; meets DDA requirements where necessary; ensure adequate highway visibility and parking standards and manoeuvring facilities; do not adversely affect the amenities of neighbouring properties; and would not be prejudicial to the comprehensive development of a larger area of land of which the development forms part. For residential proposes development should incorporate urban design standards, ensure adequate degree of amenity and privacy and provide sufficient amenity space. <i>Criteria a - i of this policy are consistent with the NPPF and as such the policy should be given weight.</i>
Policy BE4	Alterations to Listed Buildings: requires it to be demonstrated that additions or alterations to listed buildings would not detract from the architectural or historical character of the building. Consideration will be given to scale, form, siting, materials, features and details which contribute to the character and fabric of the building. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy BE14	Archaeological Field Evaluation of Sites: requires that where archaeological remains may exist, there is a need for an archaeological field evaluation to be carried out by a professionally qualified archaeological organisation or archaeologist. <i>This policy is consistent with the intentions of the NPP but NPPF offers more precise guidance.</i>
Policy BE16	Archaeological Investigation and Recording: states that the Local Planning Authority can impose conditions requiring that satisfactory archaeological investigation and recording be carried out. <i>This policy is consistent with the intentions of the NPPF but NPPF offers more precise guidance.</i>
Policy BE20	Reuse and Adaptation of Rural Buildings: supports reuse and adaptation of rural buildings providing the use will not have an adverse effect on the appearance or character of the landscape; it is structurally sound and capable of conversion without significant adaptation and rebuilding; it will not be detrimental to the design, character, appearance and setting of the building; it would not involve extensions that would significantly alter the form and

	<p>general design of the building which would detract from its character and appearance; there would be no adverse impact through noise, smell or other disturbance; it would not adversely affect highway safety; would not adversely affect any protected wildlife habitat; it meets highway standards for layout and design; does not involve significant areas being utilised for external storage.</p> <p><i>This policy is consistent with the intentions of the NPPF unless the proposal is for residential and then it has limited consistency.</i></p>
THE NATURAL ENVIRONMENT	
Policy NE2	<p>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.</p> <p><i>This policy is consistent with the intentions of the NPPF.</i></p>
Policy NE5	<p>Development in the Countryside: states that the countryside will be protected for its own sake and that planning permission will be granted for built and other forms of development in the countryside provided that the development is either:-</p> <ol style="list-style-type: none"> a) Important to the local economy and cannot be provided within or adjacent to an existing settlement; or b) For the change of use, reuse or extension of existing buildings, particularly those of historic value; or c) For sport or recreation purposes. <p>And only where the following criteria are met:-</p> <ol style="list-style-type: none"> i) It does not have an adverse effect on the appearance or character of the landscape. ii) It is in keeping with the scale and character of existing buildings and the general surroundings. iii) Where necessary it is effectively screened by landscaping or other methods. iv) The proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety. <p><i>This policy is consistent with the intentions of the NPPF for rural enterprise proposals but has limited consistency in all other respects</i></p>
Policy NE12	<p>Landscaping Schemes: requires proposals for development to make provision for further landscaping where appropriate.</p> <p><i>This policy is partially consistent with the intentions of the NPPF.</i></p>
Policy NE13	<p>The Effects of Development on Natural Watercourses: protects the drainage functions of the natural watercourse system and seeks adequate on or off site protection, alleviation or mitigation where it is affected. This includes development in the floodplain; preventing access to watercourses for maintenance; giving rise to substantial changes in the characteristics of surface water run off; causing adverse effects upon the integrity of fluvial defences.</p> <p><i>This policy is consistent with the intentions of the NPPF but NPPF provides more guidance on process</i></p>

Policy NE14	Protection of Surface Waters and Groundwater Quality: seeks to ensure that developments do not compromise the quality of the water environment. <i>This policy has limited consistency with the intentions of the NPPF as it is too specific</i>
TRANSPORTATION	
Policy T3	New Development and Public Transport: requires that where planning permission is granted for major new development provision will be made for bus access and appropriate supporting infrastructure. <i>This policy is consistent with the intentions of the NPPF</i>
Policy T5	Highway Design and Vehicle Parking Standards: refers to the application of appropriate standards for highway design and parking provision for new development <i>This policy is consistent with the intentions of the NPPF.</i>
Policy T9	Facilities for Cyclists and Pedestrians: encourages walking and cycling including facilities for cycle parking. <i>This policy is consistent with the intentions of the NPPF.</i>
Policy T11	Traffic Impact Assessment: requires developers to provide a traffic impact assessment for development likely to generate significant traffic flows. <i>This policy is consistent with the intentions of the NPPF but NPPF doesn't reference HGVs</i>
RECREATION AND TOURISM	
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. <i>This policy is consistent with the intentions of the NPPF.</i>
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. <i>This policy is consistent with the intentions of the NPPF.</i>
COMMUNITY FACILITIES	
Policy CF8	Residential Care and Nursing Homes: supports proposals for new development or extensions to existing buildings to provide residential care homes and nursing homes where they complement and enhance the character of the surrounding area; the premises are of a suitable size and type; adequate gardens are provided to protect and enhance the amenity of residents; provide satisfactory car parking and areas for service vehicles; have easy access to shops, public facilities and public transport and the design of the buildings should accommodate easy access by the elderly and the infirm. <i>This policy is consistent with the intentions of the NPPF but duplicates BE1.</i>

Supplementary Planning Guidance / Documents	
New Residential Development SPG	Provides guidance on design issues to ensure new developments are well integrated into their surroundings, offer a good standard of security and amenity to future residents, protect amenity of existing occupiers and are locally distinctive in their appearance.

Play and Open Space Guide 2008 SPD	Sets out the Boroughs approach when considering applications for development likely to generate a demand for open space and play facilities.
Sustainable Design 2008 SPD	Promotes sustainable development to contribute towards a greener future. It offers best practice guidance to developers in the design process, and requires an effective contribution of sustainable energy on each new building across the Borough.
Conversion of Rural Buildings 2004 SPG	The guidance sets the council's policy and approach to the conversion of existing farm buildings to alternative commercial uses; seeks to maintain the existing agricultural character of traditional farm buildings in new proposals, including retention of external and internal details; seeks to preserve the agricultural character to the setting of the traditional farm buildings; seek to protect wildlife and habitat; and advice of what information should be submitted with proposals to enable proper consideration.
Affordable Housing SPD	This expands upon policies contained with the Core Strategy and provides guidance on the thresholds, targets, tenure and mix, local need, design and layout of affordable housing and how the provision should be delivered.
Burbage Village Design Statement	Sets out the principles, design features and quality standards that should be adopted by those wishing to building, modify or extend buildings in the settlement.

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PLANNING COMMITTEE– 25 JUNE 2013

STATEMENT OF COMMUNITY INVOLVEMENT REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)



Hinckley & Bosworth
Borough Council

A Borough to be proud of

WARDS AFFECTED: ALL WARDS

1. PURPOSE OF REPORT

- 1.1 To seek Members' comments on proposals to amend Section 6 ('Planning Applications') of the Council's adopted Statement of Community Interest prior to their submission to Full Council.

2. RECOMMENDATION

- 2.1 Members comment on the proposed amendments and refer the proposals to Full Council with a recommendation that appropriate consultation, as outlined in the body of the report, be undertaken.

3. BACKGROUND TO THE REPORT

- 3.1 The Hinckley and Bosworth Statement of Community Involvement ("SCI") was adopted in November 2006. It forms part of the Local Development Framework and sets out how the Borough Council will engage and consult on the plan-making process.
- 3.2 Since the adoption of the SCI in 2006, the Town and Country Planning (Development Management Procedure) Order 2010 ("the Regulations") has come into force and the current position is that the procedures to be followed under the provisions of the SCI exceed those required in the Regulations and the SCI imposes a significant additional burden on the Council's planning decision-making process on top of that required by the Regulations.
- 3.3 The amendments proposed in the annex to the report are intended to bring the SCI provisions in line with the requirements of the Regulations.

4. FINANCIAL IMPLICATIONS [KB]

This is a procedural change and as such there are no specific financial implications to consider.

5. LEGAL IMPLICATIONS [MR]

- 5.1 The Planning and Compulsory Purchase Act 2004 provides that a SCI is a local development document but is not to be specified as such in the local development scheme ("LDS") An SCI is not therefore subject to independent examination as if it were part of the LDS. More particularly, the SCI is not treated as part of the Local Plan so there is no requirement to consult under Part 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Nor is the SCI subject to consultation under the public participation provisions relating to supplementary planning documents.
- 5.2 If Full Council is minded to amend the SCI it will need to give notice to the

public and to statutory consultees of its intention to do so, publish, and consult on, its proposed amendments to the document (giving the public adequate time to respond), take account of any representations that it receives, and formally adopt an amended SCI.

- 5.3 The Council's Constitution at paragraph 3 on page 38 does not provide for any delegation of a decision to amend the SCI but acknowledges that the proposed amendments will be considered first by the Planning Committee. The recommendation reflects the constitutional position and requests that the Planning Committee should consider the proposed amendments and comment on them to Full Council.

6. **CORPORATE PLAN IMPLICATIONS**

7. **CONSULTATION**

- 7.1 The planning department will consult on the amendments with statutory consultees and relevant stakeholders on the Planning Policy database.

8. **RISK IMPLICATIONS**

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

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

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

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Judicial Review – failure to comply with consultation requirements contained in Part 6 of document	Limit detail contained in part 6 to ensure that it is not too prescribed to future proof the document from changes nationally.	Tracy Miller

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

The Statement of Community Involvement will continue to provide a framework for how the Borough Council will engage and encourage community participation from communities across the Borough.

10. **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
- Planning Implications
- Voluntary Sector

Background papers: Hinckley and Bosworth Statement of Community Involvement
2006 (Attached)

Contact Officer: Cathy Horton, Ext 5605
Executive Member: Stuart Bray

6.0 Planning Applications

The Borough Council deals with approximately 1,500 planning applications each year, ranging from householder and minor applications, where people are extending their homes or businesses, to major applications where developers propose new housing, employment or retail developments. This section explains how these applications are dealt with and outlines the Borough Council's consultation arrangements.

Most planning applications are determined by delegated powers, however major applications and those that are particularly controversial are presented to the Borough Council's Planning Committee and elected Members decide on the basis of the Local Plan which is the legal basis for all decisions unless other considerations can be shown to override these policies.

The following steps show how the Borough Council deals with planning applications:

Step 1: Submit an application

Application forms and guidance notes are available on the Planning Portal www.planningportal.gov.uk via the Council's Website www.hinckley-bosworth.gov.uk.

Applications should be submitted with the necessary documents required by the guidance.

Step 2: Decision Making Process

The Borough Council endeavours to meet the Government's targets. During this period the planning team will undertake the following process:

Validation

This process is aligned with the latest guidance on information requirements and validation and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 or any Order re-enacting or revoking that Order.

Consultation

This process will be carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 or any Order re-enacting or revoking that Order.

Site Visit

A site visit assists in the assessment of the proposal. Under the provisions of the Town and Country Planning Act (Section 196A) officers have a right of access to the site.

Consideration of comments

Officers will consider comments received in respect of a planning application. Only material planning considerations can be taken into account in the determination of a planning application. Guidance on material considerations can be found on the Planning Portal www.planningportal.gov.uk.

Recommendation under delegated powers or to Planning Committee Officers will consider whether the proposals are acceptable in planning terms i.e whether it complies with planning policy or there are other material considerations that override that policy.

A decision may be made either by Planning Committee or by delegated powers. The Council's Constitution sets out the criteria for decision making.

Decision Notice

A decision notice will be sent out to the applicant/agent. The decision notice can be viewed on the Borough Council's website.

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Hinckley & Bosworth
Borough Council

A Borough to be proud of

Adopted November 2006

Local Development Framework

Statement of Community Involvement

Planning... moving forward together



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1.0 Introduction

What is a Statement of Community Involvement?

- 1.1 This document is called the Hinckley and Bosworth Statement of Community Involvement. It explains how you can be involved in influencing the future development of the Borough.
- 1.2 This document forms part of the new plan for the Borough called a Local Development Framework and sets out how the Borough Council will engage and consult with you in producing this plan.
- 1.3 In preparing this document, the Council will aim to build on consultation and the understanding gained from previous engagement with the community. It is important that you get involved at an early stage in the planning process so that your views can influence the way we plan for the future from the very beginning. Our aim is that everyone in the community feels that the plan belongs to them and that it reflects everyone's needs. With your input the Borough Council can make better plans for the future.
- 1.4 This document has been written so that plain English is used as much as possible. There is a glossary that gives straightforward explanations of terms used in this document.

How Can I Influence Future Development?

- 1.5 You can influence development in two ways:
- 1.6 Firstly, by getting involved in the longer term process of drawing up plans for the future, on what gets built and where. This is known as **planning policy and guidance**. The Council wants to build up a picture of the community's thoughts and concerns about proposals as future plans are prepared. This will help us understand what the future needs of the Borough's community are and how these can be met.
- 1.7 Secondly, the community can be involved in the more day to day ways that decisions are made on individual **planning applications**. Most new buildings or major changes to existing buildings, or the local environment need planning permission. The views of the local community are important to making good decisions on planning applications.
- 1.8 The level and type of involvement will be different between planning policy and planning applications. Influencing development through planning policy takes place over a longer period of time, and often can deal with themes as well as definite proposals. Community involvement in planning applications deals with specific proposals and the timescales involved tend to be shorter. This Statement of Community Involvement addresses differences between planning policy and planning applications and sets out community involvement that is appropriate to each.

How Is This Statement Set Out?

1.9 The following four sections of this Statement will focus on consultation and engagement that will be used to develop **planning policy and guidance** for the future development of the Borough:

- Section 2: **WHAT** types of policy and guidance will be consulted on;
- Section 3: **WHEN**, within the process, consultation and engagement will happen;
- Section 4: **HOW** this consultation will be conducted; and
- Section 5: **WHO** will be consulted.

Section 6 will then outline how planning applications are dealt with, who is consulted and how you can make comments.

Section 7 will then focus on the resources that are available to deliver this Statement.

2.0 WHAT Planning Policy and Guidance can you influence?

Influencing Planning Policy

2.1 This is important because when the Council makes a decision on whether or not to permit development, planning policy lies at the heart of the decision made. Currently this policy is set out in a Local Plan, which covers the Borough of Hinckley and Bosworth, a Structure Plan, which sets out the wider planning policies for Leicestershire and the East Midlands Regional Spatial Strategy. Local policies are influenced by government policies and by guidance produced at a regional level.

The New Planning System

2.2 The planning system described above is being replaced by a new planning system, which will also have two levels.

2.3 Each region is preparing a Regional Spatial Strategy and in the East Midlands this is known as the East Midlands Regional Plan. This sets out how many homes are needed in each Borough to meet the future needs of people in the region, or whether the region needs a major new shopping centre or transport route. This will eventually replace the Structure Plan produced by the County Council.

2.4 At a local level, there is a plan called the Local Development Framework. This will be a collection of documents that sets out how your local area may change over the next few years. Local Development Frameworks are prepared by the local planning authority, which for the Hinckley and Bosworth area is the Borough Council. The Local Development Framework will eventually replace the Local Plan.



2.5 This Statement of Community Involvement is the second document to be produced for the new Local Development Framework for the Borough. A Local Development Scheme, which outlines the three year timetable for production of documents, has already been published and is available on the Council's website or from local libraries and the Borough Council offices.



What documents will be consulted on?

2.6 The new planning system has introduced many new terms for the different types of document that are produced. This table sets out the three types of document that the Council will consult the community on, and explains more about each document

Types of Planning Documents	
Development Plan Documents	<p>Development Plan Documents (DPDs) outline the Borough Council's policies for development within the Borough. DPDs, along with the Regional Spatial Strategy (RSS) form the legal basis for all planning decisions and therefore carry the most weight.</p> <p>DPDs will be prepared for the following:</p> <ul style="list-style-type: none"> • Outlining an overall strategy for the Borough • Allocating land (e.g. for housing or employment) • Outlining policies or standards on particular issues e.g. retail policies or parking standards. • Area Action Plans for areas of change or conservation
Supplementary Planning Documents	<p>Supplementary Planning Documents (SPDs) are intended to expand upon policies in Development Plan Documents, but do not carry the same weight in determining planning applications.</p> <p>SPDs could be prepared for the following where they supplement policy in an adopted DPD or the saved Local Plan:</p> <ul style="list-style-type: none"> • Explaining policies where further detailed guidance is helpful e.g. on calculating the financial contribution developers should make to local facilities or on the design and layout of development. • Development briefs for a particularly large or complicated site. • Village Design Statements prepared by communities.
Statement of Community Involvement	<p>This document sets out the standards to which the Local Planning Authority will engage and consult the public and other interested parties during the production of DPDs or SPDs and when dealing with planning applications.</p>

What is Sustainability?

2.7 Sustainability or sustainable development is about creating communities or environments where people want to live and work, now and in the future. Sustainable development should meet the varied needs of existing and future residents, be sensitive to the environment and contribute to a high quality of life.

2.8 As set out in *Securing the Future- UK Government Sustainable Development Strategy 2005* the Government defines Sustainable Development as:

- **Living within environmental limits**

Respecting the limits of the planet's environment, resources and biodiversity - to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations.

- **Ensuring a Strong, Healthy and Just Society**

Meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion, and creating equal opportunity for all.

- **Achieving a Sustainable Economy**

Building a strong, stable and sustainable economy which provides prosperity and opportunities for all, and in which environmental and social costs fall on those who impose them, and efficient resource use is incentivised.

- **Promoting good governance**

Actively promoting effective, participative systems of governance in all levels of society - engaging people's creativity, energy and diversity.

- **Using Sound Science Responsibly**

Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty as well as public attitudes and values.

From the findings of this study the four priority areas for action across the UK are agreed as Sustainable Consumption and Production, Climate Change and Energy, Natural Resource protection and environmental enhancement and Sustainable Communities.

Sustainability Appraisals

2.9 A key aim of the Local Development Framework is to contribute to delivering sustainable development. All planning documents produced by the Council will have to show how sustainability has been considered at every stage in the production of planning policy or guidance. This will be outlined in a Sustainability Appraisal, which will be carried out for all planning documents, with the exception of the Statement of Community Involvement.

2.10 The Sustainability Appraisal seeks to inform decision-making by providing information on the potential implications of policies. Decisions about sustainability can however be complicated. For example development that improves some peoples' quality of life may make someone else's quality of life worse or be insensitive to the environment.

3.0 WHEN can you get involved?

3.1 The process of preparing the planning documents described in the previous section can be broken into a number of stages. These stages are explained in detail in the diagrams in Appendix 1 for the three types of documents:

- Development Plan Documents
- Statement of Community Involvement
- Supplementary Planning Documents

3.2 Each of the different types of document has a slightly different process of production, but community involvement is an important part of preparing all documents. It is essential that those people who will be affected by the policies or will be involved in delivering them have the opportunity to have their say, as this ensures all the issues have been considered fully. This means involving all those organisations, bodies or individuals who have an interest in the planning process, including, for example, parish councils, local interest groups, developers, agents and landowners.

3.3 The Statement of Community Involvement is not a stand-alone document. It underpins all the documents that are produced. The statement explains the different levels of involvement stakeholders can expect for each key document stages. This is so that everyone who may have an interest in them is aware of the consultation stages involved in their preparation.

3.4 The opportunities for people to get involved in consultations on each type of document are highlighted in the diagrams in Appendix 1. The difference between these types of consultation is explained in the next section.

Timetable

3.5 There is a separate document, which provides a timetable of the documents that are being prepared by the Borough Council over the next three years. This timetable is known as the Local Development Scheme. The Scheme is available from the Council's website or from local libraries and the Council offices. It clearly shows what documents are being prepared and when you can get involved in this preparation.

4.0 HOW will the Borough Council consult on proposals?

4.1 Through consultation the Borough Council wants to reach out to as many people as possible. It is our aim to publicise opportunities as widely as possible for people to comment on or get involved in decision making and be open to people's views. We realise that to get the true benefits of consultation we need to go beyond this and not wait for people to come to us. We must go out to people and discuss the issues so that it is a two way learning process, where we can find out what our community needs.

Types of Consultation

4.2 There are two broad types of consultation set out in this document: informal and formal. These are explained below:

- **Formal consultation** is where the Borough Council publishes a draft document for a six week period and invites people to comment on it. There are periods of formal consultation during the preparation of all the key types of documents, these consultations are required by law (statutory). The diagrams in Appendix 1 highlight the formal consultation periods for each type of document.
- **Informal consultation** is where the Borough Council discusses those issues that are important to people. There is an opportunity to find out what ideas people have and to identify any alternative options available. The first stage of consultation on the Development Plan Documents is an informal process of consultation. Informal consultation is an on-going process for all documents during and in-between formal consultations. Informal consultation is also highlighted in Appendix 1.

4.3 There are three sides to consultation, the first is providing people with information about proposals, the second is asking people to comment on proposals and the third is asking people to participate in decision making by discussing proposals. The Borough Council recognises the importance of all these elements of consultation and will ensure an appropriate mixture of approaches is used.

Feedback

4.4 By feedback we mean showing people how their views have been taken into account. The Borough Council recognises that feedback is important because people can then have more trust that they have made a difference by getting involved. At the end of every consultation period all the comments the Borough Council has received and the results of all the events will be written up, analysed and published. This information will then be used in the next stage of policy or guidance preparation.

Methods of Consultation

4.5 It is important that the methods of involving people during consultations are appropriate. Methods need to be relevant to the people involved, for example young people may prefer questionnaires to be online.

4.6 They also need to be appropriate for the type of consultation (i.e. the subject and the stage in the process). For example when the Borough Council consults on the general principle of where development should go there will need to be much wider consultation than when proposals are prepared for a specific issue or specific part of the Borough (i.e. Area Action Plans or Supplementary Planning Documents). For specific proposals it will be important to focus consultations by informing and consulting primarily with people that are interested in the particular area or subject, for example the people that use the town centre, if that is the focus of the policy.

4.7 The following tables describe the methods that are used for consultation and feedback. They are spilt into two tables showing:

- Table 1 - the minimum that the Borough Council will do to consult/feedback.
- Table 2 - a menu of other consultation methods that can be used to go beyond this minimum.

The aim of this menu approach is to provide some flexibility to tailor the consultation methods to the particular issue, or to help engage with a particular part of the community.

TABLE 1 - MINIMUM CONSULTATION ARRANGEMENTS

Type of Consultation	Method	Description & Advantages	Considerations & Disadvantages	Resources
Formal Feedback	All documents and associated matters will be available for consultation at Hinckley & Bosworth Borough Council offices and at libraries throughout the Borough.	Statutory Requirement	There is a need to ensure full accessibility throughout the Borough for as many people as possible - other media will also be required to achieve this, for example the Borough Council website.	Medium
Formal / Informal	Notification of the consultation will be sent to all interested parties.	A notification letter informing people of consultations will be sent to all the relevant people on the LDF database unless they have specified otherwise. This will ensure that those that have expressed an interest in planning issues are kept up to date on the LDF. To be included on this list contact the Forward Planning Team on 01455 238141.	Need to ensure that stakeholders are given the opportunity to be taken off the database or update their details. Please note: The LDF database is not yet available to view on the website. This is one of several e-Government projects being developed in relation to Planning Online. Details of when this will be available will be advertised on the council's website in due course. Individuals and organisations may not be aware of the database.	Medium
Formal / Informal Feedback	Interactive Website. Information, documents and forms for commenting on will be available on the Council's website.	The following will be made available on the Council's website www.hinckley-bosworth.gov.uk : There is currently a dedicated LDF webpage with all the listed documents available to download. There is also the potential for email alerts, which is being developed. <ul style="list-style-type: none"> • consultation and feedback documents, • description of the documents and how to comment on them, • where/when documents can be viewed, • forms/questionnaires to comment on available online, This is an easy and cost effective way of keeping people informed.	This should be available for the full consultation period and where possible there should be a link from the front page. Not everyone has access to the internet or feels comfortable using it.	Low

Table 1 - Minimum consultation arrangements continued

Type of Consultation	Method	Description & Advantages	Considerations & Disadvantages	Resources
Formal / Informal	Posters will advertise the consultation, exhibitions and events.	Posters will be designed and displayed to advertise consultations. Posters are cheap and easy to produce and can get a message across to a large number of people.	Need to consider where posters are displayed and ensure a wide range of people see the adverts and make them eye catching. Posters can be removed.	Low
Formal / Informal	Press. A press release will be published and where appropriate a Press Launch will be held.	Press releases/launches will be used to provide wide publicity for consultations, raising awareness across the area. Local radio stations will also be approached to advertise events	Consider using the letters page of newspapers to raise awareness. Some people do not read local papers or listen to local radio stations.	Low
Formal / Informal Feedback	Local Advertisement, notice of consultations and how to view and comment on them.	Adverts will be published in the Hinckley Times outlining details of the consultation including where it can be viewed, when and where comments should be made. This will provide wide publicity of the consultation.	Need to ensure adverts are appropriately timed and provided to the newspaper to meet their deadline. Many people do not read adverts in local papers.	Low-Medium
Formal	Questionnaire or Forms will be made available with the document for respondents to make their comments on.	Questionnaires or forms will encourage readers to make comments and express their views. These can be made available widely including electronically and could be filled out during interviews.	Consider using software such as MerlinPlus available through Rural Community Council and Snap available from the County Council. Only provides limited information.	Low-Medium
Formal/Informal	Email. A general email address will be available for enquiries and responses to consultations.	An email address has been set up to receive enquires, electronic forms, questionnaires and responses: ldf@hinckley-bosworth.gov.uk This address is checked regularly and will not change when individual officers do.	Need to ensure this is regularly checked and acknowledgements sent in response to all emails.	Low

Table 1 - Minimum consultation arrangements continued

Type of Consultation	Method	Description & Advantages	Considerations & Disadvantages	Resources
Formal / Informal	Meetings, public meetings, meetings with specific stakeholder groups or one to one meetings will be held as and when requested.	Officers will meet with individuals, groups, developers/landowners and other organisations to explain the consultation and answer any questions when requested to. This will help officers understand the detailed views of different rural and urban communities and interest groups. Meetings may also promote word of mouth advertisement of consultations.	Meetings could be held with Parish Councils, Parish Plan groups or any interest group or individual. Could lead to some groups having more input or understanding than others. A different approach may need to be adopted to involve 'hard to reach' groups and those members of the public not comfortable using the suggested consultation process.	Low
Formal / Informal	Youth Council will be attended to discuss consultations, with agreement from the Chair.	Hinckley and Bosworth Youth Council will consider consultation documents or proposals from the point of view of young people in the Borough and provide feedback. Youth Council could also consider documents before being published to ensure relevant to young people.	Opportunities to use the 'Jitty' website will be considered www.thejitty.com The Youth Council has a busy agenda and may not have time to consider documents. As a result there is a need to consult the Youth Council as early as possible to maximise their involvement. Leicestershire County Council Youth Service will also be encouraged to participate in the consultation to ensure wide involvement.	Low

Menu of Further Consultation Methods

4.8 Table 2 identifies a menu of other methods of involving people. These go beyond those outlined in the previous table. The additional methods of consulting people will allow the Council to be flexible and to choose the best method for the situation.

4.9 Again it is important that the methods selected from the list below are appropriate and relevant for:

- the stage of consultation;
- the type of document; and
- the community concerned.

TABLE 2 - MENU OF FURTHER OPTIONAL CONSULTATION METHODS

Type of Consultation	Method	Description & Advantages	Considerations & Disadvantages	Resources
Formal/ Informal Feedback	Leaflets to explain consultations or feedback on them and how to get involved.	Leaflets can be distributed to a wide audience to raise awareness of the consultation and give a flavour of the issues or provide feedback. Leaflets should be colourful, informative and easy to read.	Need to ensure leaflets are distributed widely. Can be sent out with other mailouts. People may not pick them up.	Medium
Formal / Informal	Advertisements can be used to inform people of consultations.	Adverts can be used to raise awareness of consultations and events.	Should consider using opportunities such as space on the back of car parking tickets, on local pub/village notice boards or using village/area directories/websites. May not be read or noticed.	Medium
Formal/Informal	Citizens Panel, send a questionnaire to the Hinckley and Bosworth and/or Leicestershire Citizens' Panels.	The Citizens Panel is a representative group who have previously agreed to take part in consultations. The results can be analysed against the characteristics of the respondent e.g. their age. Can consider holding a focus group with a particular group from the Panel to discuss issues further.	Agreement to use the Panel will need to be sought from the Council's Strategic Leadership Board. Limited amount of information can be gained from a questionnaire and limited by the number of people that respond.	Medium - High
Formal/Informal	Borough Bulletin can be used to publicise consultation and feedback.	The Borough Council's newsletter, which goes to every household in the Borough, will be used to publicise events, provide details of consultations and generally raise awareness of the process. It can also be used to distribute questionnaires.	Articles should be easy to read, not too long and avoid jargon. May not coincide with the timing of newsletter as it is quarterly.	High
Formal/Informal	Roadshows, staffed exhibitions or stalls in public areas or at public events.	Roadshows could include an interactive element that captures people's views and will be used to raise awareness. Roadshows are a good opportunity to talk to a lot of people and they give people an opportunity to talk to officers directly.	Important to consider taking advantage of successful public events e.g. carnivals Other venues that should be considered include; supermarkets, empty retail units, big employers, community buildings or shopping centres. People may not stop or feel comfortable to approach officers.	Low

Table 2 - Menu of Further Optional Consultation Methods continued

Type of Consultation	Method	Description & Advantages	Considerations & Disadvantages	Resources
Formal/ Informal	Focus Groups with an interest group or volunteers.	Usually facilitated by an independent person, this is an opportunity to hear the detailed opinions and responses of a small group on issues or proposals. There is also the opportunity to raise awareness of the planning system.	The group could be an existing group or recruited from the Citizens Panel, Community Plan groups, the LDF database or the general public. May need to consider incentives to encourage people to attend. People may not be comfortable talking at this type of event.	Low - Medium
Formal / Informal	Developers Forum Workshops with existing groups or volunteers.	The Borough Council's Agents Forum and Countywide Builders Forum are existing groups that the Borough Council will continue to consult on planning matters.	Potential for results to be affected if there are a limited number of participants. Care must be taken to ensure invitations are as wide as possible. Careful planning is needed for each event, so that participants have opportunity to contribute, and results not distorted by small number of individuals and/or organisations.	Low - Medium
Formal / Informal	Workshops with existing groups or volunteers.	Often facilitated by an independent person. This is a meeting where those that attend take part in activities designed to open up discussion, outline the key issues and establish what people's views are.	Need to consider using a variety of activities appropriate for the people attending. People may not be comfortable talking at this type of event and be put off.	Low - Medium
Formal / Informal	Walking Tours of a site or area.	Where a particular site or area is under discussion a walking tour could bring the issues to life and increase everyone's understanding of the issues.	Tours will need to be carefully organised to avoid raising positive or negative expectations.	Low
Formal / Informal	Vox Pop provides the opportunity for people to record their views on film.	Recording the spontaneous opinions or responses from people from the general public. It provides an opportunity to hear a cross section of views and reactions.	Important that the location of filming is considered. May not get a good cross section of people interviewed or relevant comments. There may be difficulties with gaining permission to use the footage.	Low - Medium

Table 2 - Menu of Further Optional Consultation Methods continued

Type of Consultation	Method	Description & Advantages	Considerations & Disadvantages	Resources
Formal/ Informal	Film & Photography , ask volunteers to film or photograph consultation events or use film/ photography to record their views of the issues.	Filming at events and exhibitions means all the discussions can be considered after the event. Can also be used to record the views of those behind the camera. This could be a less intimidating way of making your views known.	Need to ensure those attending understand the purpose of the recording and are happy to be filmed. Need to consider supplying the equipment/training and viewings of the film/photography. Some people may not feel comfortable with being recorded. There may be difficulties with gaining permission to use the footage.	Low - Medium
Formal / Informal	Electronic and interactive information , which people can respond to.	Electronic and interactive information provides people with an opportunity to interact with and visualise the options and respond to them. Could include maps, video clips, photographs and sketches.	Need to consider software requirements and availability of computers in public locations. Need to consider the technical support users will need. Not everyone will be confident or comfortable with the technology.	Medium- High
Formal / Informal	Schools/Colleges invited to take part in organised events.	Holding events with a school or college provides the opportunity to involve young people in the consultation using activities suitable for their age and interests. May also offer an opportunity to consult with parents.	Need to consider the timing and fit with the curriculum. May not get permission or agreement from schools or parents.	Low
Formal / Informal	Art Work to capture people's ideas and views.	Working closely with community artists, people of all ages, backgrounds and abilities can be involved in expressing their views through art.	Need to involve local artists to help encourage participants. Need suitable venue. Not everyone will feel comfortable with this approach.	Low
Formal / Informal	Performance , ask actors and/or volunteers to use performance to highlight people's views.	Participants are invited to either create a performance themselves or use actors to demonstrate the opinions and ideas they have. This should get people talking about the options and help build consensus.	Important that actors/performers are used to facilitate the activities. Not everyone will feel comfortable with this approach	Medium- High

Table 2 - Menu of Further Optional Consultation Methods continued

Type of Consultation	Method	Description & Advantages	Considerations & Disadvantages	Resources
Formal/ Informal	Competitions to encourage people to take part in consultations.	Incentives and prizes can be used to encourage people to respond. Community groups or the Youth Council could be rewarded for assistance. For example by rewarding groups with money for a community project if they undertake survey work on our behalf.	Need to ensure the prize/reward is suitable for those taking part. Youth Council could be particularly useful for getting other young people involved. May not get responses.	Medium
Formal/ Informal	Phonecalls to target a percentage of the population in the Borough.	By telephoning a random sample of residents and businesses. This method can target a wide and varied audience across the Borough.	'Cold calling' - this may receive a hostile response from the public. 'Staff capacity' - intensive and time consuming, therefore medium-high resource implications. If outsourced there will be financial implications for service.	High
Formal/ Informal	Canvassing of occupiers to arrange more in depth interviews.	By calling at a sample of residents in areas in the Borough.	Time/Staff resources - very intensive. This approach is considered coercive rather than instilling a partnership approach.	High
Formal/ Informal	Local Strategic Partnerships, send a questionnaire to Leicestershire Together and Hinckley and Bosworth Local Strategic Partnerships.	The LSP is a representative group who hold responsibility for the Community Plan which would ensure consistency over a number of strategies and initiatives in the Borough and wider County.	This method is easy to achieve, low cost and resources low.	Low

* **Resources Key:**

- Low: = Less than £1,000
- Medium = £1,000 - £5,000
- High = More than £5,000

Working with Other Organisations

4.11 For many of the methods identified in the above table, the Borough Council will need to work with other organisations that can provide particular skills, provide independent help or means of contacting people. These other organisations will include Parish Councils, the Rural Community Council, schools and colleges, libraries, Age Concern and consultants. For example the Rural Community Council has good links with many rural community groups and skills in engaging with people. The Council will endeavour to utilise existing links that other departments, such as housing, have with particular groups in the borough. Also, the development industry has considerable skills and knowledge which could be used during the consultation and preparation of the Local Development Framework.

4.12 There may also be an opportunity to work with North Warwickshire and Hinckley College Media department. The college's students already have the equipment and skills to help with the creative elements of consultations, for example where photography or film is used to capture people's views.

4.13 The Borough Council will also continue to work jointly with other local authorities and Leicestershire County Council where it benefits the Borough. For example initial work on a Sustainability Appraisal framework (see Section 2) has been undertaken jointly with Blaby and Oadby & Wigston Councils. This has allowed all three Council's to share skills and save resources. The Borough Council also has established links with the County Council related to research and monitoring, education, highways, minerals and waste and accessibility.

Links with the Community Plan

4.14 The Community Plan outlines the joint priorities of organisations who deliver services in the Borough of Hinckley and Bosworth. These organisations form a group known as the Local Strategic Partnership. It will be important that this partnership and the groups that it works with are involved when planning documents are prepared. This will help ensure there are meaningful links between the Community Plan and the Local Development Framework documents.

Learning from Experience

4.15 The Borough Council wants the flexibility to adapt and to learn from experiences, and to develop new approaches when the current ways of doing things could be working better. The menu of approaches that are outlined in this section allows the Council to adapt our approach to consultation to respond to different circumstances.

4.16 The Borough Council will learn from the experience of undertaking consultation, by reviewing what went well and what could be improved. The views of participants will be particularly useful and will help in this assessment. There is a commitment to undertake regular surveys of consultees to ascertain whether they feel able to influence the Local Development Framework process. This on-going review process will help inform a comprehensive review of the Statement of Community Involvement between 2-3 years after it is adopted. This will be programmed into the Local Development Scheme, a three year timetable for the Local Development Framework. The success and effectiveness of the SCI will also be reviewed through the Annual Monitoring Report (AMR) which is prepared by the Council to monitor progress in preparing the LDF.

5.0 WHO will be involved?

Hinckley and Bosworth Borough's Community

- 5.1** The Borough Council is committed to ensuring that everyone within the community is given the opportunity to be involved in the planning process. To do this, it is important to firstly find out what groups make up the Borough's community. This will ensure the needs of these different groups are considered and taken into account. The County Council has assisted the Borough Council by producing a profile of the Borough's communities, the box below provides a brief overview of this profile.

Hinckley & Bosworth Profile

The Borough is 29,735 hectares in size and covers a diverse area from Hinckley in the south of the Borough to Twycross in the north west and Markfield in the north east. The Borough is predominantly rural but over 50% of the population live in the more urban areas around Hinckley and on the border of Leicester.

The population is estimated to be 101,500 (ONS mid year estimate 2003). The 2001 census showed that 18.6% of the population are under the age of 16 and 19.2% are of pension age. Within the rest of the population there is a low proportion of 20-29 year olds and a high proportion between the ages of 35 and 59. Birth rates fell by 16.7% between 1998 and 2002 and show a trend which is likely to continue. The census also showed that there are 3,535 people within the Borough that are from Black and Minority Ethnic groups, this is 3.5% of the overall population.

There are 63,000 people of working age within the Borough, of which 84.1% are economically active. The majority (64%) of people that work within the Borough also live here and 36% travel from outside, mainly from Nuneaton and Bedworth, North West Leicestershire and Blaby districts. As much as 47% of the Borough's population travel outside the Borough for work, most travelling in Leicester. The majority of jobs in Hinckley and Bosworth are within the service sector, although the Borough also has a higher proportion of it's workforce working in manufacturing than the rest of the region. It is also worth noting that 85% of businesses employ less than 10 people.

Source: Leicestershire County Council

- 5.2** The Hinckley and Bosworth community profile, summarised in the box above, helps identify what groups make up the Borough's community. This will be useful information that will help the Council organise consultations that are relevant to as many people as possible. It will also help the Council ensure these different groups are aware of their opportunity to get involved in consultation.

Groups to be Consulted

- 5.3** Appendix 2 sets out a list of the types of groups and organisations the Borough Council will consult, in writing, for each planning document published. These groups will be consulted unless they have asked not to be for a particular subject. This list also relates to successor bodies where reorganisations occur.

Reaching Specific Groups

- 5.4** There are particular groups and communities in the Borough that have been identified as disadvantaged or 'hard to reach'. These include Black and Minority Ethnic Groups, gypsies and traveller communities, those with physical disabilities, those with mental illness and learning disabilities, young people and older people and people on a low income and the unemployed.
- 5.5** Different methods will need to be used to reach different groups, for example online consultations might be the best way to reach some people but others might be put off if they are not comfortable with computers or do not have access to one. Libraries may be able to assist those using public access computers, who are not confident with IT. Hard copies will also be available in libraries. A key to engaging with groups such Black and Minority Ethnic Groups, travelling communities or young people is to discuss our ideas for consultation with someone that fully understands that part of the community. For example when young people are the focus, it will be important to speak to the Borough's Youth Council. When consulting Black and Minority Ethnic groups, or Gypsies and other travelling communities, it is important to acknowledge cultural and/or language differences. This is to ensure consultation methods used are the most accessible for these communities.
- 5.6** The voluntary and community sector provide an important link to the Borough's communities that are particularly excluded or are harder reach. The Hinckley and Bosworth Local Compact agreed in March 2004, with Hinckley and Bosworth Primary Care Trust and the Voluntary and Community Sector, provides a formal partnership agreement with the Borough Council. Involving these partner organisations in the planning and development of policies and services will be important to represent the interests of excluded groups.

Independent Advice

- 5.7** Planning Aid is a free, independent and professional advice service for town and country planning issues for community groups and individuals who cannot afford to pay a planning consultant. Planning Aid also works with communities to help them understand and play a role in the planning process.
- 5.8** Hinckley and Bosworth Borough is covered by East Midlands Planning Aid Branch, their support includes helping people to:
- Comment on planning applications;
 - Apply for planning permission or appeal against refusal of permission;
 - Appear at Public Inquiries;
 - Understand and use the planning system;
 - Be involved in preparing plans; and
 - Develop plans for the future of your community.
- 5.9** Planning Aid's Advice Helpline is 0870 850 9802, their office hours are 8.30am - 4.30pm on Monday, Wednesday and Friday. Alternatively you can email them on emcw@planningaid.rtpi.org.uk.

6.0 Planning Applications

6.1 The Borough Council deals with approximately 1,500 planning applications each year, ranging from householder and minor applications, where people are extending their homes or businesses, to major applications where developers propose new housing, employment or retail developments. This section explains how these applications are dealt with and outlines the Borough Council's consultation arrangements.

6.2 Most planning applications are determined by officers, however major applications and those that are particularly controversial are presented to the Borough Council's monthly Planning Committee and elected Members decide whether those planning applications can be permitted. Planning decisions are made on the basis of the Local Plan and Structure Plan policies, which are the legal basis for all decisions unless other considerations can be shown to override these policies. In the future Local Development Framework and Regional Spatial Strategy policies will be the basis for decisions.

6.3 The following steps show how the Borough Council deals with planning applications:

Step 1: Do you require planning permission?

6.4 The Borough Council has a leaflet to help you decide whether you require planning permission, this is available from the planning department and the main reception of the Borough Council. Advice is also available on the national planning portal website www.planningportal.gov.uk.

6.5 If you are unsure whether you require planning permission it is important that you put in writing what you are proposing to do. This should ideally be done by filling out an inquiry form, available from the Borough Council. We will then endeavour to reply to you within 10 working days.

6.6 If you do require permission, officers will send you the relevant forms and guidance you require. Where the proposal is clearly unacceptable in planning terms we will advise you of this. If you do not require permission it could be useful to keep confirmation of this from the Council for when you come to sell your property.

6.7 Whether or not you require permission we would encourage you to discuss your proposals with your neighbours.

Step 2: Pre-application discussions

6.8 The Borough Council encourages prospective applicants to have pre-application discussions with officers, particularly for major applications. It is advisable to book an appointment with an officer and Table 3 on the next page outlines when officers are generally available. Pre-application discussions at this stage remain confidential unless agreed with the developer and/or landowner.

6.9 The Borough Council's target is to respond to any correspondence received within 10 working days. Planning officers will endeavour to meet this target when dealing with pre-application

submissions, but where the submission relates to a large proposal this period may be extended, preferably with the agreement of the potential applicant.

6.10 For large applications, the Borough Council also advises that prospective applicants contact relevant consultees who will provide input into the application process. These include the Local Highway Authority, Primary Care Trust, the County Council for developer contributions towards education facilities, library facilities and civic amenity sites, and the Environment Agency. Where the application also relates to a waterway, it is also advisable to contact British Waterways at the pre-application stage. Planning and Development in the Historic Environment - A Charter for English Heritage Advisory Services (April 2005) underlines the value of pre-application discussions where important heritage assets are affected.

6.11 For major or controversial applications, applicants may also be encouraged to involve the community affected by the proposed development. Officers will advise during pre-application discussions whether this would be appropriate and can advise how to achieve this. Although the Council will not be able to refuse to accept a valid application because of concerns about the way in which a developer has consulted the community, failure by the developer to consult may lead to objections being made which could be material considerations to the determination. The aim of the process should be to encourage discussion before a formal application is made and therefore help to avoid unnecessary objections being made at a later stage. As part of the Statement of Community Involvement the Council will introduce this process by asking applicants/developers to provide details of any pre-application consultation already undertaken with the local community.

Table 3 - Officer Availability

To discuss current and prospective planning applications

Planning Officers are available to take telephone calls and meet people during the office hours of 8.30am - 5.00pm Monday - Thursday, and between 8.30am - 4.30pm on Fridays.

However, it should be noted that each officer has a dedicated 'site day' during the week to allow them time to undertake their site visits, prepare committee reports and determine applications. As a result to ensure a particular officer is available it is important to make an appointment in advance.

Step 3: Submit an application

6.12 Application forms and guidance notes are available from the Borough Council planning department and main reception and are also available online on the planning portal website www.planningportal.gov.uk.

6.13 Applications should be submitted following the guidelines and include a location map, site plan, block plan, elevations, floor plans and any other documents required by the guidance.

Stage 4: Decision Making Process

6.14 The Borough Council endeavours to meet the Government's targets of eight weeks for a decision on a minor application and the thirteen weeks for major applications. During this period the planning officers will undertake the following process:

6.15 Validation and Consultation

- a** Applications are first validated, this means a planning technician ensures the appropriate fees, plans and information have been provided for a decision to be made.
- b** A letter of acknowledgment is then sent to the applicant/agent and will include an application number and the name of the case officer dealing with the application.

- c Consultation is undertaken in line with the requirements set out in the table below.
- d Anyone can make comments on the applications being considered by the Borough Council. Comments should be made in writing to the Borough Council within 21 days of the start of the consultation period. You can make comments by:
 - Writing to Hinckley and Bosworth Borough Council, Argents Mead, Hinckley, Leics LE10 1BZ;
 - Emailing planning@hinckley-bosworth.gov.uk
 - Online through the Borough Council's Public Access pages on its website www.hinckley-bosworth.gov.uk
- e Details of the applications are made available on www.hinckley-bosworth.gov.uk and their progress can be tracked.
- f Where plans need to be amended in negotiation with planning officers, the consultation arrangements set out in the table below will be repeated giving people a further 10 days to comment.
- g Notification of major applications are sent to statutory consultees such as the Highways Agency and the Highways Authority (Leicestershire County Council), and to non-statutory consultees such as the Crime Reduction Officer.

Minimum Consultation	Additional Consultation
<p>The Borough Council will meet the statutory requirements for consultation by undertaking the following consultations:</p> <p>For all applications:</p> <ul style="list-style-type: none"> • Consultation letters will be sent to statutory consultees and relevant non-statutory consultees as appropriate to the consultation. They will also be sent to neighbours, owners /occupiers of properties and land (where known) that immediately adjoin the boundary of the application site to inform them of what is proposed and of their right to make comments within 21 days. Where adjacent landowners are not known a site notice is displayed. • Copies of applications are made available at the Borough Council offices in Hinckley, from the relevant Parish Councils and online through the Borough Council's Public Access pages on its website www.hinckley-bosworth.gov.uk. Copies of the weekly list of planning applications are also available from libraries in the Borough. <p>Applications for major applications and those that involve a major departure from the Development Plan or require an Environmental Assessment:</p> <ul style="list-style-type: none"> • A site notice is put up on or near the site. • A local press notice is placed in the local paper inviting comments within 21 days. <p>Applications which affect trees with Tree Preservation Orders and Public Rights of Way</p> <ul style="list-style-type: none"> • A site notice is put up on or near the site. <p>Applications for Listed Buildings or Conservation Areas Consent</p> <ul style="list-style-type: none"> • A local press notice is placed in the local paper inviting comments within 21 days. • Either display a site notice or notify neighbours and adjacent owners inviting comments within 21 days 	<ul style="list-style-type: none"> • A weekly list is available from the Borough Council. This list is sent to the local papers and available on the Borough Council's Public Access pages on www.hinckley-bosworth.gov.uk. • Public Meeting may be held where there is substantial community interest or concern. • Meetings may be held with stakeholder groups or individuals where there are specific issues (e.g. Parish Council, Primary Care Trust, Community Groups). • Press releases could be made to inform people of proposals or processes. • The Public Access pages allow the public to track the planning applications that the Borough council is dealing with and submit comments online. • An Agents Forum is held regularly to discuss issues agents have and keep them informed of changes to the planning process. • A Customer Survey is undertaken by the Council to find out if customers experience of the planning process is satisfactory. • Notification and meetings with special interest groups.

Site Visits

6.16 The Case Officer will visit the site (sometimes on more than one occasion) to assist in the assessment of the proposals. Under section 324 of the Town and Country Planning Act 1990 planning officers have right of access to the site and may request to meet applicants or objectors on site if they can not get the access they require or need to discuss the proposals. Objectors and applicants should only enter the site with the express permission of the landowner.

Consideration of Comments

6.17 Officers will then consider any objections or comments in support of proposals and where necessary revisit the site and meet with applicants or those that have made comments.

6.18 Officers will consider whether the proposals are acceptable in planning terms i.e. whether it complies with planning policy or there are other considerations, highlighted by the comments received, that override that policy.

Decisions and Planning Committee

6.19 Under Section 70 (i) a & b and Section 72 of Town and Country Planning Act 1990 most minor applications and some more complicated applications are dealt with under delegated powers, which mean officers are able to make a decision on behalf of the Borough Council as the Local Planning Authority.

6.20 If the application falls within any of the following categories* they will be considered in public at a Planning Committee and Elected Members will make the decision whether to permit or refuse the application (these categories are subject to change):

- Major applications.
- Where the Borough Council has received five or more letters of objections.
- Where the application raises local or wider controversial issues.
- Where an Environmental Impact Assessment is required.
- Where planning obligations are required.
- Where a Councillor requests it to be considered and the Chair of the Committee agrees.
- Where it relates to a Borough Councillor or council employee.
- All agricultural buildings on 10 hectares or less.

* Categories such as 'major applications' are defined by ODPM Document Best Practice Guidelines on the "Validation of Planning Applications March" 2005.

6.21 Planning Committee is held once a month and the dates and details of meetings are published on the Borough Council's website www.hinckley-bosworth.gov.uk. Copies of the agendas and reports are available from the Borough Council offices and website five working days before the date of the meeting.

6.22 Public speaking by applicants, agents and interested parties is permitted at Hinckley and Bosworth Planning Committee. Those associated with planning applications are notified in writing and provided with an explanatory leaflet which details the procedures involved.

6.23 At the Planning Committee, which is open to anyone to observe, officers present a detailed report to elected Members on each application with a recommendation on whether they think it should be approved or refused.

Decision Notices

6.24

A decision notice will then be sent out to the applicant/agent either granting permission subject to conditions or refusing permission with reasons for that refusal. The Borough Council will also notify all people that have either supported or objected to the application. The decision to permit or refuse applications can be viewed on the Borough Council's website www.hinckley-bosworth.gov.uk.

7.0 Resources

- 7.1** In relation to financial resources, the Borough Council, since the Local Plan was adopted, has made annual contributions from its revenue budget to an earmarked reserve to ensure that sufficient resources are available to fund the Local Development Framework. In addition annual growth bids are captured in a Business Delivery Plan to progress the work of the section. These resources will be used to fund studies, evidence gathering, consultations, examinations and publications.
- 7.2** The preparation of planning documents and consultation arrangements will be co-ordinated by a Local Development Framework Project Team, overseen by the Strategy and Regeneration Manager and comprising one principal officer, one senior officer, two officers and a trainee graduate planner. The Senior Economic Regeneration Officer also supports this team and the team works closely with colleagues from other departments and organisations. The Local Development Framework has been identified as a priority for these officers in the department's Business Delivery Plan. Where necessary consultants will be engaged on specific projects to provide specific technical expertise or where there is a need for independent facilitation or a lack of in house capacity.
- 7.3** The Development Control section deals with planning applications. The section is split into two teams overseen by a the Planning and Building Control Manager and comprises a section head, one senior officer, one Urban Design Officer, six officers and a trainee graduate planner. An Administration section and technical staff support this section.
- 7.4** For each Development Plan Document, Supplementary Planning Document and the Statement of Community Involvement, a cross party Member Working Party will oversee the preparation and the process of consultation and feedback and will make recommendations to the Planning Committee for decisions.

Getting the Most out of Consultation

- 7.5** The Borough Council regularly consults on a whole range of issues from recycling to housing. It is important that consultations carried out on these issues use resources efficiently and similar groups of consultees are not consulted in close succession. The Borough Council's consultation strategy (adopted in 2002) identifies the benefits of combining consultations across its range of services.
- 7.6** As stated in 4.14 the Borough Council already works with a wide range of organisations on the Local Strategic Partnership to produce the Borough's Community Plan. The Council has realised the benefit of taking the opportunity to combine consultation on planning documents and the Community Plan as many of the objectives will be shared.

Appendix 1 - Stages of document preparation

Preparation of Development Plan Documents

Evidence Gathering

The collection of evidence before consulting the community is important so that people can form views that are based on accurate information. It is at this stage that a framework is considered to be used to assess the sustainability of the proposals put forward as the document is prepared.

Issues and Options Consultation

This is the first stage of consultation, and will be conducted over a longer period of time than the usual six-week period. The aim will be to informally discuss what the evidence has highlighted as the issues, and what the realistic options are for addressing them through a Development Plan Document. Regulation 25* refers to this stage in the process.

Preferred Options Consultation

At this stage the Borough Council sets out its suggested policy direction based on the Issues and Options consultation and the evidence that has been gathered. A report will be produced which will outline any relevant issues, proposals and alternative approaches, where this is appropriate. This will be accompanied by a Sustainability Report appraising the preferred option and any alternatives. Regulations 26 and 27* refers to this stage in the process. Formal consultation in line with Regulations 26 and 27, will take the form of making copies of the document and associated matters available at the Borough Council offices and other appropriate locations throughout the Borough, publishing on the Borough Council website, sending to DPD bodies (statutory consultees) and local advertisement. Opportunities will also be made for informal consultation with the general public through a variety of events and exhibitions.

Submission and Consultation

The responses received to the preferred options report will be used to inform a draft document outlining proposed policies. This draft will be submitted to the Secretary of State for consideration and there will be a further six week formal consultation. A Sustainability Report will also be published to outline the social, economic and environmental implications of the policies. A consultation statement is published at this time and sets out key information which may be of interest to consultees Regulations 28 and 29* refers to this stage in the process.

Advertising Additional Sites

This applies only to those Development Plan Documents that allocate sites (e.g. for employment or housing). Where responses have been received that propose alternative sites or suggest an alteration of a site allocation policy, the Borough Council will advertise these sites as soon as possible after the consultation period for a further six weeks. Formal consultation in line with Regulations 32 and 33, will include making copies of the document and associated matters available at Council offices and other locations throughout the Borough, publishing on the Council website, sending to DPD bodies (statutory consultees) and local advertisement. Opportunities will also be made for informal consultation with the general public through a variety of events and exhibitions.

Examination

An Examination will be held to test the soundness (see glossary) of the proposed policies. The representations made on the Submission Document will be considered by an independent Inspector and where necessary a hearing will be held to hear the views of those who wish to exercise their right to be heard. A binding report will then be provided by the Inspector, which means the Borough Council must make the changes recommended by the Inspector.

Adoption

The document is formally brought into effect, and the Council can use the policies it contains to make decisions. The document will be adopted in line with the recommendations of the Inspector. A statement of how the sustainability appraisal process has been taken into account should be made available to the public.

* *The Town and Country Planning (Local Development) (England) Regulations 2004*

Preparation of a Statement of Community Involvement

Scoping and Initial Consultation

A draft Statement is prepared by the Borough Council and as part of this preparation some initial discussion of the issues is undertaken to help inform the Statement. This will include consulting key bodies such as the Regional Assembly, Highways Agency, Leicestershire County Council, Parish Councils and adjoining local authorities and parishes on a draft of the Statement. Regulations 25 refers to this stage of the preparation

Consultation on Draft Statement

A draft Statement is then published and a six week consultation undertaken inviting people to make comments on the draft. Regulations 26 and 27* refer to this stage in the process

Submission of the Statement

The comments received on the draft statement will be considered by the Borough Council and used to inform changes to the Statement before it is submitted to the Secretary of State for consideration. There will then be a further six week consultation. Regulations 28 and 29 refer to this stage in the process

Examination

An Examination will be held to test the soundness (see glossary) of the Statement. The representations made on the Submission Statement will be considered by an independent Inspector and where necessary a hearing will be held to hear the views of those who wish to exercise their right to be heard. A binding report will then be provided by the Inspector, which means the Borough Council must make the changes recommended by the Inspector.

Adoption

The Statement is then formally brought into effect, and the Council will be required to meet the standards set out in the Statement when preparing planning policy and guidance.

* *The Town and Country Planning (Local Development) (England) Regulations 2004*

Preparation of Supplementary Planning Documents

Evidence Gathering

The collection of evidence before consulting the community is important so that people can form views that are based on accurate information.

Consultation on Draft Document

A draft of the Supplementary Planning Document will be prepared and published for a six-week consultation and people are invited to make comments on the document. Regulation 17 of The Town and Country Planning (Local Development) (England) Regulations 2004 is relevant to this stage. During this period a Sustainability Appraisal report will be produced alongside the SPD and available for consultation. A consultation statement is published at this time and sets out key information which may be of interest to consultees.

Adoption

The responses to the document are considered by the Borough Council and changes made to reflect these comments. The Supplementary Planning Document is then formally brought into effect, and the Council can use the guidance to inform decision on planning applications.

Appendix 2 - Organisations to be consulted

Specific Consultation Bodies

The following bodies and their successor bodies where reorganisations occur must be consulted in accordance with Planning and Compulsory Purchase Act 2004 and Town and Country Planning (Local Development) (England) Regulations 2004:

- Regional Planning Board;
- Leicestershire County Council;
- Highways Authority;
- Local Authorities adjoining the Borough;
- The Countryside Agency;
- The Environment Agency;
- Highways Agency;
- The Historic Buildings and Monuments Commission for England (English Heritage);
- Natural England;
- Network Rail;
- East Midlands Development Agency;
- Advantage West Midlands;
- Leicestershire, Northampton and Rutland Strategic Health Authority;
- Relevant Water Authority;
- National Grid;
- Mobile Operators Association;
- Electricity, gas and telecoms undertakers;
- Parish Councils within or adjoining the Borough.
- Sewerage Undertakers

Other Consultees

The Borough Council will also consult the following agencies and organisations in the preparation of local development documents:

- Government Office for the East Midlands
- Government departments or agencies that have large land holdings in the Borough
- Borough and County Councillors
- Voluntary Bodies
- Bodies representing the interests of
 - business
 - different racial or ethnic groups
 - people with disabilities
 - young or older people
 - religious groups
- Developers, Agents and Landowners
- Schools and Colleges
- Transport Providers
- Charities
- Community groups including Parish Plan groups and Resident Associations
- Equal Opportunities groups
- Housing bodies and groups
- Sports bodies and groups
- Environmental bodies and groups
- Women's Group
- Other Special Interest Groups
- Design advice bodies
- Health providers
- Local Strategic Partnerships covering the Borough, namely Leicestershire Together and Hinckley and Bosworth Local Strategic Partnership.
- National Forest Company
- Rural Issues Groups
 - Individuals that express an interest

It should be noted that this list is not exhaustive and will be updated as necessary.

Appendix 3 - Preparing this Statement of Community Involvement

Initial consultation and informal discussion on the Statement started in April 2005 and included the following process:

- A meeting was held between officers involved in the production of the Local Development Framework, the Community Plan and other corporate consultation to discuss the Statement and the process of preparing it.
- The Borough Council sent a questionnaire to anyone that had expressed an interest in planning issues to ask what issues they would like to be consulted on, to help tailor future consultation mailouts.
- Planning Officers held a number of informal discussions on consultation techniques and the best ways to reach people, with the following groups:
 - Burbage Village Design Statement group;
 - A local agent's forum;
 - An internal officer's workshop to identify links between departments of the Borough Council and the wider community and to ensure these are used to full potential during consultations;
 - Leicestershire and Rutland Rural Community Council; and
 - Hinckley and Bosworth Youth Council.
- A working draft was sent to key bodies such as the Regional Assembly, Highways Agency, Parish Councils and adjoining authorities ahead of this publication to obtain initial feedback.
- The Borough Council's Local Development Framework Members Working Party discussed the proposed draft Statement.
- The Borough Council's Planning Committee has considered the draft Statement.
- The Planning Inspectorate has considered the Submission draft of the Statement
- The Borough Council formally adopted the final Statement at 1st November 2006 Cabinet.

Appendix 4 - Glossary

AAP	Area Action Plan	These site-specific plans will provide the planning policy framework for key areas of opportunity, change and/or conservation.
AMR	Annual Monitoring Report	This is a document to be produced each year to assess the implementation of the LDS and relevant targets set out in LDDs.
Community Plan	Community Strategy	Local Authorities are required by the Local Government Act 2000 to prepare Community Strategies, with the aim of improving the social, environmental and economic well being of their areas. Through the Community Plan, authorities are expected to co-ordinate the actions of the local public, private, voluntary and community sectors through the establishment of a Local Strategic Partnership.
Consultant	Consultants	A company employed by the Borough Council to undertake work in accordance to a brief.
Consultee	Consultees	Individuals and organisations that the Borough Council will consult about proposals.
DPD	Development Plan Document	Any part of the LDF that forms part of the statutory development plan e.g. the Core Strategy, site-specific allocations of land, area action plans and the proposals map.
Early Stakeholder and Community Engagement	Early Stakeholder and Community Engagement	Raising awareness of the LDF process and establishing relationships with stakeholders in order to engage them in the preparation of LDDs. The LPA will seek the views of stakeholders on the key issues, which should be considered during the LDF preparation.
Examination	Independent Public Examination	An examination chaired by an independent Planning Inspector into the soundness of the DPDs and SCI.
GOEM	Government Office for the East Midlands	Regional Government office (based in Nottingham) responsible for implementing national policy in the region and ensuring LPA policies and plans accord with national guidance.
Issues & Options Consultation /Stage	Issues and Options	Before a draft DPD is prepared the Borough Council will consult stakeholders on the issues that need to be considered & the possible options available for inclusion in the DPD. This process will be informed by the evidence base studies undertaken by the LPA , the strategic planning framework and the need to ensure the resultant DPD is sound in terms of sustainable development.

LDD	Local Development Document	The individual documents that set out planning policies and guidance for the Borough for specific topics or for geographical areas.
LDF	Local Development Framework	The collective name given to all those policies and documents forming the planning framework for the Borough including DPDs, SPDs, The Proposals Map, SCI, LDS and AMR.
LDS	Local Development Scheme	The project management document setting out the programme for preparing the LDDs and proposals for monitoring and review.
LP	Local Plan	The existing adopted statutory plan for the Borough, Hinckley and Bosworth Local Plan 1991-2006, which sets out the policies for development and its control and proposals for particular areas/sites. As DPDs are adopted they will replace parts of this Plan.
LPA	Local Planning Authority	The name given to the Council that has responsibility for local planning matters. In Hinckley and Bosworth this is the Borough Council.
LSP	Local Strategic Partnership	A cross sector partnership including service providers, voluntary organisations, community groups, and residents. The aim of the partnership is to plan and deliver a joint programme for improving quality of life. In Hinckley and Bosworth this programme is called the Community Plan, but there is also a Leicestershire Community Strategy prepared by a Countywide LSP.
Planning obligations	Section 106 agreements	An agreement under section 106 of the Town and Country Planning Act, made between the local planning authority and a developer. The agreement outlines the infrastructure elements that the developer has agreed to provide as part of a development.
PPG/PPS	Planning Policy Guidance/Statement	These are subject specific Government advice and policies on national land-use in England. PPSs are being phased in to supersede PPGs. These can be viewed online: www.communities.gov.uk
Preferred Options Report/ Consultation Stage	Preferred Options Report	A report and Initial Sustainability Appraisal will be prepared by the Borough Council outlining the 'Preferred Options' of the Council on the particular topic/geographical area covered by the Development Plan Document being prepared. It can only be prepared once the LPA has undertaken detailed consultation on the 'Issues and Options' available. It will be published for consultation for six weeks before a submission document is prepared taking account of the representations made.
RPB	Regional Planning Body	The regional body responsible for preparing the Regional Spatial Strategy, which forms part of the statutory development plan. For Hinckley and Bosworth this is the East Midlands Regional Assembly.

RSS	Regional Spatial Strategy	Overarching strategy document produced by the Regional Planning Body. The RSS provides a spatial framework to inform the preparation of the LDF and will form part of the statutory development plan.
SA	Sustainability Appraisal	An assessment of the social, economic and environmental impacts of the policies and proposals of each LDD.
SCI	Statement of Community Involvement	A document that sets out the standards to which the LPA will engage and consult the public and other stakeholders during the production of the LDF and when dealing with planning applications.
Soundness	Soundness	All Local Development Documents will have to be tested for 'soundness' as part of the examination process. For LDDs to be 'sound' they must meet minimum standards of community involvement as are laid down in regulations, have been properly appraised for sustainability and conform with national planning policy and the Regional Spatial Strategy. They must also be coherent and consistent with the core strategy & effective, so they are able to deliver results.
SPD	Supplementary Planning Document	SPDs are intended to elaborate upon the policies and proposals contained in DPDs but do not have their statutory status. SPD is subject to a Sustainability Appraisal.
Stakeholders	Stakeholders	Stakeholders are any organisations, bodies or individuals affected or interested in the LDF preparation. This will involve members of the public, developers, landowners, interest groups and organisations such as the Environment Agency.
Structure Plan	Leicestershire, Leicester and Rutland Structure Plan 1996-2016	The strategic planning document under the previous planning system, which provided the housing and employment provisions for the Borough and strategic policy framework for the Local Plan production. The current Structure Plan 1996-2016 was adopted in March 2005. The Structure Plan will remain part of the statutory planning system for three years within the new system or until a comprehensive RSS is adopted to replace it.
Submission Document/Stage	Submission Document	Submission of a Local Development Document and Final Sustainability Appraisal to the Secretary of State for examination by an Independent Inspector. This will follow consultation on a 'Preferred Options Report' by the Borough Council and consideration of the representations received. Once prepared the submitted document will be published for further consultation for six weeks and the Inspector will consider the representations made.
Sustainable Development	Sustainability	The simple idea of ensuring a better quality of life for everyone, now and for generations to come. A widely-used international definition is 'development which meets the needs of the present without compromising the ability of future generations to meet their own needs'.

Further copies, versions in alternative languages and larger print or audio versions are available from the following address:

Corporate Performance and Strategy Team, Hinckley and Bosworth Borough Council, Argents Mead, Hinckley, Leicestershire, LE10 1BZ.

Telephone: 01455 238141. Email: ldf@hinckley-bosworth.gov.uk

অন্যান্য ভাষায় অনুবাদ এবং বড় ছাপা অক্ষর বা অডিও'তে আরো কপি নিম্নের ঠিকানায় পাওয়া যায় :
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Argents Mead, Hinckley, Leicestershire, LE10 1BZ. টেলিফোন : 01455 238141. ই-মেইল :
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બીજી ભાષાઓના ભાષાંતરમાં અને મોટા અક્ષરોમાં અથવા ઓડિઓના રૂપમાં વધારાની નકલો
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متبادل زبانوں میں ترجمہ اور بڑے حروف یا آڈیو میں ترجمہ کی مزید کاپیاں درج ذیل پتے سے حاصل کی جاسکتی ہیں:

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Dalsze kopie, wersie w innych jezykach i drukowane wiekszymi literami lub wersie audio
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Illustrations by local illustrator Paul Hainsworth

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PLANNING COMMITTEE –

REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

HINCKLEY & BOSWORTH LOCAL PLAN (2006 – 2026): EARL SHILTON AND BARWELL AREA ACTION PLAN DEVELOPMENT PLAN DOCUMENT – PRE SUBMISSION DOCUMENT

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek endorsement of the Pre-submission draft Earl Shilton and Barwell Area Action Plan (the 'AAP'); Strategic Transport Assessment and Viability Assessment and approval that the AAP be presented at Council on 16 July 2013.

2. RECOMMENDATION

- 2.1 That Planning Committee endorse the pre-submission draft Earl Shilton and Barwell Area Action Plan, The Earl Shilton and Barwell AAP Strategic Transport Assessment and The Earl Shilton and Barwell AAP Viability and Deliverability Assessment and agree that the documents be presented to Council for approval.

3. BACKGROUND TO THE REPORT

- 3.1 The overarching strategy for the Hinckley & Bosworth Local Plan (2006 – 2026) is the adopted Core Strategy. This sets out the spatial objectives, directions for growth and strategic core policies for Hinckley and Bosworth and forms the basis for subsequent Local Plan documents. The intention to prepare an Area Action Plan to shape proposed growth in Earl Shilton and Barwell is set out within the Core Strategy through policies 2 and 3.
- 3.2 The Earl Shilton and Barwell AAP will provide the development framework for the Sustainable Urban Extensions (SUE) at Earl Shilton and Barwell to guide the Council, developers and others in investing in the future of the settlements over the period to 2026. The AAP seeks to ensure that the detailed proposals for the SUEs are located in the most appropriate areas (through the implementation of the masterplans); the necessary infrastructure to support the level of population growth generated by the SUEs is delivered and that the SUEs act as a catalyst for the regeneration of the existing settlement centres of Earl Shilton and Barwell.

4. THE PREPARATION OF THE EARL SHILTON AND BARWELL AAP

- 4.1 In December 2010, Council approved a Preferred Options draft of the AAP which was subject to a six-week consultation period, inviting representations and comments from residents, stakeholders and other interested parties.
- 4.2 To inform the preparation of the Preferred Options draft AAP, including the SUE masterplans within it, a number of consultation methods were used to ensure a wide range of views were considered from stakeholders and residents. In summary these methods and processes included:

- A forum with landowners and developers within the SUE areas to inform them of the project's progress and accommodate inputs into the masterplan proposals at key stages;
- The masterplan options for both SUEs were presented at public exhibitions to seek views from the public and stakeholder organisations during the early planning stages;
- Consultation events with key stakeholder organisations to inform the design process and the preparation of a 'preferred option' for each SUE;
- The preferred options AAP was subject to an initial consultation via manned public exhibitions in both settlements during October 2010.

4.3 In response to the preferred Options Draft AAP, the Council received written representations from a total of 80 respondents made up of:

- 41 from members of the public;
- 16 representations from various organisations such as government agencies and service providers;
- 12 responses from or on behalf of the development industry or land owners;
- 4 representations from Parish or Town Councils;
- 3 from individual Councillors;
- 3 responses from Local Authorities; and
- 1 representation from a local community group.

4.4 Furthermore, a total of 103 people signed into the public exhibitions at Earl Shilton and 70 at Barwell held in January 2011.

4.5 A Consultation Statement has been prepared and is included in the background documents to this Report. This will be published alongside the Pre-submission draft AAP, outlining key information that may be of interest to consultees. In summary the main issues raised were:

Table 1 – summary of main issues raised during consultation

Issue raised	Summary response
The level of housing proposed is not justified within the AAP	The principle for the SUE developments is an integral part of the Council's adopted Core Strategy which sets the housing requirement for the Borough for the period 2006 to 2026. The AAP provides a policy framework within which these schemes are to be implemented.
The need for the delivery of an appropriate mix of housing type and tenure	The AAP reaffirms that the SUEs will be required to comply with Core Strategy policy 16 with regards to housing mix. In addition, Core Strategy Policy 15 includes a requirement for 20% affordable housing in urban areas. The reaffirms that contributions can be sought to secure the delivery of part of this affordable housing requirement 'off-site'.

(Table 1 continued)	
Issues Raised	Summary response
The reduction in housing provision within the Earl Shilton SUE from 2000 to 1600 homes.	The AAP sets out a requirement for 1600 homes within the Earl Shilton SUE. The adopted Core Strategy included a contingency to absorb a shortfall of this scale should it arise during the masterplanning of the SUEs.
Employment land provision has been reduced from the level set out in the Core Strategy	The AAP sets out a level of employment land that reflects the outcome of the Earl Shilton and Barwell Employment Land Assessment (King Sturge) which was published alongside the preferred options version of the AAP in January/February 2011.
Severn Trent Water – Earl Shilton Waste Water Treatment Works	The AAP has been prepared in consultation with Severn Trent Water to assess the development implications on the waste water treatment works in terms of capacity and its proximity to sensitive land uses.
Transport infrastructure will not be able to cope with the impact of the developments.	The AAP provides a framework of policies to ensure that the SUE developments contribute towards appropriate infrastructure upgrades. A Strategic Transport Assessment has been prepared which sets out the transport infrastructure strategy for the SUEs. This has been prepared following detailed analysis using the Leicester and Leicestershire Integrated Transport Model and sets out requirements for highways, public transport, walking and cycling. (see paragraph 5.3 below)
Impact on infrastructure, including: education, sport and recreation, open space health care, community buildings, recycling and household waste sites, policing and libraries.	The AAP includes a framework of policies that relate to the infrastructure required to support the delivery of the SUEs. An infrastructure schedule within the AAP provides further details in relation to these infrastructure requirements, including indicative costs and phasing. (see paragraph 5.4 below)
Consultation on the preparation of the AAP has not been adequate.	The AAP is being prepared to provide planning policies that will help shape the successful delivery of SUEs that were identified in the Council's adopted Core Strategy. Consultation has been undertaken in line with the requirements of the Town and Country Planning Act 2004. This has included engagement through a masterplanning process (issues and options) and on a consultation draft version of the AAP document (Preferred Options). The comments received by the Council during these consultations have helped shape the policies contained within the AAP. (see section 9 below)

5. EARL SHILTON AND BARWELL AREA ACTION PLAN - PRE SUBMISSION DOCUMENT

- 5.1 All draft Local Plan documents are subject to periods of public consultation in accordance with the Town and Country Planning Regulations (Local Development) (England) 2004 (as amended). These consultations should also follow the procedures set out in the Borough Council's Statement of Community Involvement. The AAP is now at the pre-submission stage and a

further six-week consultation period is required prior to the document being submitted to the Secretary of State for independent Examination. It is proposed that this consultation will be undertaken during a 6 week period in August and September 2013. Any changes suggested through this consultation period will be assessed and considered. Following this, it is anticipated that the document will be submitted to the Secretary of State in November 2013. An independent inspector will then test the 'soundness' of the document at a public examination. It is anticipated that the document will be adopted in May 2014. The Earl Shilton and Barwell Area Action Plan programme and approval process is provided in Appendix A.

5.2 Since the Preferred Options consultation in 2011, Officers have been preparing the 'pre-submission' draft of the AAP and the supporting technical evidence to inform its content. Officers have sought to address the issues and concerns raised during the previous consultation period to inform the Pre-submission draft, including addressing matters relating to the provision of strategic and on-site infrastructure. Officers responsible for preparing the AAP have also been heavily involved in matters relating to the outline planning application for the Barwell SUE to ensure that the emerging development framework within the AAP informed and shaped the outline proposals. The Pre-submission draft AAP is presented as a background paper to this report. A summary of the headline policy changes from the Consultation draft (2010) to the pre-submission document is appended to this Report.

5.3 ***Strategic Transport Assessment***

The Borough Council commissioned the consultant Capita Symonds to undertake a Strategic Transport Assessment (STA) to assess the travel impacts and needs of the two SUEs. The purpose of the STA is to inform the movement and access strategies and infrastructure implementation plan for all modes of travel including private vehicles, public transport, walking and cycling. The STA identifies a provisional list of transport infrastructure schemes required to support the two SUEs, informed by the work undertaken in conjunction with the Highways Authority to assess the impacts of development on the local and strategic transport network. The STA has been informed by the Leicester and Leicestershire Integrated Transport Model (LLITM) and the Hinckley and Nuneaton Paramics Model (HNPM) as advised by the Highways Authority. A full and highly detailed assessment has been undertaken considering the opportunities and constraints to access and connectivity between the existing settlements and the SUEs, and the wider strategic networks and surrounding towns such as Hinckley. The STA is provided as a background paper to this report and the indicative list of schemes and associated estimated costs are also provided in the AAP Infrastructure Schedule (Section 10 of the AAP).

5.4 ***Infrastructure provision – assessing viability and deliverability***

In response to the Consultation Draft AAP, concerns were raised that the necessary infrastructure to support the growth in the local population will not be delivered. The AAP includes a range of policies to support the delivery of appropriate infrastructure and Officers have undertaken further work with a range of infrastructure and service providers to identify an indicative schedule of infrastructure requirements considered necessary to support the delivery of the two SUEs. The Infrastructure Schedule is included in Section 10 of the AAP. The infrastructure in the AAP Infrastructure Schedule includes:

- Provision of new primary and increasing capacity at existing secondary and upper education facilities;
 - Strategic and local transport infrastructure schemes;
 - Health facilities (provision of new and / or increasing existing capacity of GP surgeries);
 - Play and Open Space provision;
 - Indoor Sports and Leisure facilities;
 - Libraries (increased capacity);
 - Increased capacity and improved efficiency at the Barwell Recycling and Household Waste Site;
 - Provision of community facilities;
 - Capacity to support neighbourhood policing;
 - Contributions towards improvements of the public realm for the existing centres.
- 5.5 The Council commissioned consultant DTZ to undertake a Viability and Deliverability Assessment of the AAP (background paper to this report). The assessment takes into account the cost of development and mitigation that will ensure the sustainability of the developments, together with the consideration of competitive returns to land owners and developers will enable the development to be deliverable. The appraisals undertaken as part of the assessment show that both SUE developments are deliverable, whilst providing the infrastructure requirements associated with the AAP and a competitive return to a willing land owner and a willing developer.

6. FINANCIAL IMPLICATIONS (DM)

- 6.1 A total of £15,000 has been drawn down from the LDF reserve into the Planning Policy cost code baseline budget as part of the carry forward request for the Earl Shilton and Barwell AAP. This will cover the costs associated with consultation materials including press notices for both the pre-submission consultation and submission stages.

7. LEGAL IMPLICATIONS (AB)

- 7.1 The proposed programme and approval process meets the requirement for independent examination required by S20(1) of the Planning and Compulsory Purchase Act 2004.

8. CORPORATE PLAN IMPLICATIONS

- 8.1 The Earl Shilton and Barwell Area Action Plan supports the following aims of the Corporate Plan 2009 – 2014:
- Cleaner & greener neighbourhoods
 - Thriving economy
 - Safer and healthier borough
 - Strong and distinctive communities
 - Decent, well managed & affordable housing

9. CONSULTATION

- 9.1 In summary, the following stages of consultation have been carried out in the preparation of the AAP:

- The Area Action Plan Options for Earl Shilton and Barwell settlement centres and sustainable urban extensions were presented at a series of public exhibitions in Barwell on the 4th and 5th of December 2009 and in Earl Shilton on the 11th and 12th December 2009. The exhibition material was then displayed at the Borough Council Offices until 8th January 2010. Feedback was requested during these sessions and was taken into account when refining the Masterplan Options.
- Stakeholder Design Workshops were held on 2nd and 3rd March 2010. The purpose of these events was to bring key stakeholders together and engage them in the design process through a series of interrelated masterplanning exercises in order to inform the preparation of the preferred option for each masterplan.
- The Area Action Plan Preferred Options for Earl Shilton and Barwell settlement centres and sustainable urban extensions were presented at a series of public exhibitions in Barwell on 8th and 9th October 2010 and at Earl Shilton on 15th and 16th October 2010. Feedback was requested during these sessions and is being taken into account in the development of the Area Action Plan.
- The Earl Shilton and Barwell Area Action Plan Preferred Options Document was the subject of a six week period of consultation in January and February 2011.

- 9.2 A six week period of consultation on the Area Action Plan will be carried out, as set out in paragraph 5.1 above.
- 9.3 On completion of the Pre-submission AAP consultation, Officers will collate all responses and prepare the relevant material for the submission to the Secretary of State (SoS) for Examination by a Planning Inspector.
- 9.4 The Pre-submission AAP is the version which will be submitted to the SoS and no changes can be made to the document itself. If the Council wishes to propose minor changes (such as factual / spelling correction) it is permitted to submit a schedule of proposed changes to the Inspector as part of the submission material. If 'main modifications' are required i.e. changes which relate to the soundness of the document, the Council will be required to consult on the proposed changes for a further statutory 6-week period prior to submission.

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.

Management of Significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Consultation not undertaken in conformity with the statutory requirements.	Ensure consultation undertaken in conformity with the Statement of Community Involvement (SCI).	Sally Smith
Publication of the AAP legally compliant and conforms to the 'Tests of Soundness'.	Undertake legal compliance self-assessment prior to submission of the AAP to the Secretary of State.	Sally Smith
Risk of piecemeal development proposals within the proposed SUEs.	Proceed with the finalisation of the AAP in accordance with the recommendation of this Report.	Sally Smith

11. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

11.1 The Earl Shilton and Barwell Area Action Plan Preferred Options document proposes the allocation of land adjoining Earl Shilton and Barwell for the development of two mixed use sustainable urban extensions. The current land use in these locations is largely agricultural. The allocations are proposed to support the delivery of requirements set out in policies 2 and 3 of the adopted Core Strategy.

12. CORPORATE IMPLICATIONS

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

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

Contact Officer: Richard Crosthwaite – Principal Planning Officer (x5695)

Executive Member: Councillor Stuart Bray

Due to the size of the documents the following background papers are available to view on the Council's intranet page: <http://intranet/groups/earlshiltonbarwellaap>

Background Papers:

- The Pre-submission draft Earl Shilton and Barwell Area Action Plan
- Earl Shilton and Barwell AAP – Consultation Statement
- Earl Shilton and Barwell AAP Viability and Deliverability Assessment
- Earl Shilton and Barwell AAP Strategic Transport Assessment

Appendix A – Earl Shilton and Barwell Area Action Plan Programme and Approval process

Stage	Date
Pre-submission AAP presented to Planning Committee for endorsement.	25 June 2013
Pre-submission AAP presented to Council to seek endorsement of the Plan and approval to consult on the pre-submission draft AAP and subsequently submit to the Secretary of State for Examination.	16 July 2013
Pre-submission consultation (6-week period).	August / September 2013
Submission of the AAP to Secretary of State for Examination.	November 2013

Appendix B: Summary of Policy Changes from Consultation draft to the Pre-submission draft Earl Shilton and Barwell Area Action Plan

Consultation Draft	Change / Comment
Policy 1: Settlement Boundary	Merged with Policy 2 (revised Policy 1)
Policy 2: Sustainable Urban Extensions	Merged with Policy 1 (revised Policy 1)
Policy 3a: Highway Requirements	Replaced with respective SUE policies (Policies 10 & 16)
Policy 3b: Pedestrian and Cycle Requirements	Replaced with respective SUE policies (Policies 11 & 17)
Policy 3c: Public Transport Requirements	Replaced with respective SUE policies (Policies 10 & 16)
Policy 4: Overall Utilities Requirements	Removed. Not required, upgrades will be required through utility companies' capital programmes.
Policy 5: Overall Green Infrastructure Requirements	Removed. Conformity will be required with the respective SUE Development Frameworks and policies 19 and 20 of the adopted Core Strategy which focus on 'Green Space and play provision' and 'Green Infrastructure'.
Policy 6: Overall Sports and Leisure Facilities	Revised to reflect the change in strategy seeking off-site financial contributions towards the 'sporting hub' to seeking contributions to fund indoor sports facilities elsewhere in the Borough which would accommodate the additional need arising from the SUEs (for example towards providing the additional facilities at a new facility within the urban area).
Policy 7: Skills Development	No change (now Policy 19).
Policy 8: District Centres	Revised to be more flexible to accommodate other proposals which differ to the opportunity sites or other schemes which contribute towards the objectives of regeneration of the district centres. New Policy 19: Regeneration of the District Centres
Policy 9: Earl Shilton and Barwell District Centres – Protection of Existing Uses	Removed. Replaced by Policy 26: Vitalising District, Local and Neighbourhood Centres and by Policy 24: Safeguarding Community Facilities

Policy 10: Earl Shilton and Barwell District Centres – Hot Food Takeaways	Removed. Replaced by Policy 26: Vitalising District, Local and Neighbourhood Centres
Policy 11: Earl Shilton Urban Extension	Revised to Policy 5. Minor wording revision.
Policy 12: Housing in Earl Shilton Urban Extension	Revised to Policy 7. Revised to reflect the strategy of accommodating a minimum of 1600 units, with the WWTW remaining.
Policy 13: Employment in Earl Shilton Urban Extension	Revised to Policy 8. Revised to accommodate 0.5ha of B1 use as per the Employment Land Assessment.
Policy 14: Community Hub in Earl Shilton Urban Extension	Revised to Policy 9. Revised to ensure that retail provision does not compromise the regeneration of ES district centre; reference to community facilities; off-site contributions and other potential uses.
Policy 15: Green Infrastructure in Earl Shilton Urban Extension	Removed. Policy not considered necessary – proposals assessed against the masterplan and Policies 19 and 20 of the Core Strategy.
Policy 16: General Highways Provision for Earl Shilton Urban Extension	Revised to Policy 10. Addition of flexibility to allow for detailed proposals at the planning application stage within the framework of the policy requirements.
Policy 17: Walking and Cycling in Earl Shilton Urban Extension	Revised to Policy 11. Slight reordering of criteria and addition to accommodate detailed proposals at the planning application stage.
Policy 18: Utilities in Earl Shilton Urban Extension	Removed. Proposals required to include utilities to be delivered by the relevant utility provider.
Policy 19: Barwell Urban Extension	Revised to Policy 12. Minor wording revision.
Policy 20: Housing in	Revised to Policy 7.

Barwell Urban Extension	Small revision to accommodate any slight revision in units delivered subject to detailed proposals.
Policy 21: Employment in Barwell Urban Extension	Revised to Policy 14. Slight revisions to wording to clarify an 'appropriate' buffer (type and distance) between new and existing employment uses. Clarified that a landscape buffer is 'required' rather than maintained, to be delivered by the developers, to protect the amenity of residents north of Hinckley Road from all development proposals (as opposed to only the employment land).
Policy 22: Community Hub in Barwell Urban Extension	Revised to Policy 15. Revised to ensure that retail provision does not compromise the regeneration of Barwell district centre; reference to community facilities; off-site contributions and other potential uses.
Policy 23: Green Infrastructure in Barwell Urban Extension	Removed. Policy not considered necessary – proposals assessed against the masterplan and Policies 19 and 20 of the Core Strategy.
Policy 24: General Highways Provision for Barwell Urban Extension	Revised to Policy 16. Addition of flexibility to allow for detailed proposals at the planning application stage conforming to the policy framework.
Policy 25: Walking and Cycling in Barwell Urban Extension	Revised to Policy 17. Slight reordering of criteria and addition to accommodate detailed proposals at the planning application stage.
Policy 26: Utilities in Barwell Urban Extension	Removed. Proposals required including utilities to be delivered by the relevant utility provider.
Policy 27: Carousel Park	Revised to delete reference to 3 pitches to accommodate a change in the need for pitched in the emerging revised GTAA.
Policy 28: Developer Contributions	Replaced by Policy 21: Infrastructure and Delivery
Policy 29: Design	Replaced by Policy 22: Development and Design

Policy 30: Existing Employment Areas	Replaced by Policy 23: Existing Employment Sites
Policy 31: Residential Development	Policy removed as it is a repetition of content within Core Strategy policies 2 & 3
Policy 32: Existing Educational and Community Sites	Replaced by Policy 24: Safeguarding Community Facilities (which include educational sites)
Policy 33: Green Space, Recreation and allotment uses	Replaced by Policy 25: Safeguarding Open Space, Sport and Recreational Facilities (including allotments)
Policy 34: Local and Neighbourhood Centres in Earl Shilton and Barwell	Replaced by Policy 26: Vitalising District, Local and Neighbourhood Centres

PLANNING COMMITTEE – 25 JUNE 2013

REPORT ON THE IMPLICATIONS OF THE GENERAL PERMITTED DEVELOPMENT ORDER 2013

REPORT OF THE DEPUTY CHIEF EXECUTIVE – COMMUNITY DIRECTION

WARDS AFFECTED: ALL WARDS



Hinckley & Bosworth
Borough Council

A Borough to be proud of

1. PURPOSE OF REPORT

To inform members of the amendments to the Town and Country Planning (General Permitted Development) Order 1995 brought about by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

2. RECOMMENDATION

To note the amendments in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 (hereafter "the 2013 Order").

3. BACKGROUND TO THE REPORT

General

The 2013 Order amends the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") in England only.

The 2013 Order came into effect on 30 May 2013.

Home extensions

Article 4 of the 2013 Order allows larger home extensions to be built until 30th May 2016.

Extensions up to 8 metres beyond the rear wall of the original house if detached and 6 metres for all other types of home and a limit of 4 metres in height.

This temporary permitted development right is subject to a new procedure:

- Before beginning the development the person relying on the right must notify the local planning authority with various details regarding the development and themselves
- The authority will then notify neighbouring properties (and a copy to the developer)
- If neighbours object to the proposed development the authority must consider whether the extension should be approved.
- The development may not be started until the authority has notified the person of their decision (or that the approval of the authority is not required if no objections received) **or until the expiry of 42 days without such a notification being issued.**
- Developer must serve a completion notice on the authority.

Minor operations

Article 5 of the 2013 Order allows schools to build a higher boundary fence or wall adjacent to a highway (2 metres), provided it does not create an obstruction which is likely to be a danger for highway users. "School" is defined as a state-funded school.

Amendments in relation to change of use

Article 6(2) of the 2013 Order creates a new permitted development right to change the use of offices within Use Class B1(a) to Class C3 (residential) with no restriction on the amount of floor space.

This new permitted development right is **temporary and will expire on 30th May 2016** but this does not mean that changes of use under this permitted development right will have to revert to the previous use, only that no further changes of use will qualify after that date. This new right does not apply on military sites, safety hazard areas and listed buildings.

This new permitted development right is subject to the developer applying to the Local Planning Authority for a determination whether the prior approval of the authority will be required as to Highways, contamination and flooding impacts of the development.

The procedure for the developer application is as follows:

- Developer must apply for determination with a description of the development, plan, developer's contact details **together with a fee**
- If:
 1. **in the opinion of the LPA** the development is likely to result in a material increase or change in traffic to consult County Highways and the Secretary of State for Transport with 21 days notice to respond
 2. the application relates to an area within Flood Zone 2/3 or is in Flood Zone 1 and the Environment Agency has notified the local planning authority of critical drainage problems in that area then the local planning authority must consult the Environment Agency, with 21 days notice to respond
- LPA to place a sign at the site for at least 21 days with the relevant information about the development
- Acquire any further reasonably required information from the developer.
- The LPA must determine the application with reference to any representations from consultees, NPPF (as if it were a planning application) and contamination risks.

The development shall not commence until one of the following:

1. Written notice from LPA that prior approval is not required
2. Written notice from LPA giving their approval (please note that conditions can not be imposed with such approval)
3. **The expiry of 56 days** from the date on which the application was received by the LPA without receiving a notice as outlined in 1 or 2 above.

Schools

Article 6(2) also creates a new permitted development right enabling various types of building to change use to a state-funded school, subject to the approval of the local planning authority regarding transport and highways, noise impacts and contamination. The 2013 Order also provides for a reversion back to the original use.

Article 7 inserts a new temporary permitted development right allowing any building to change use to a state-funded school for a single period of one academic year, provided the building has been approved for school use by the relevant Minister, the Secretary of State responsible for schools.

Agricultural Buildings

Article 6(2) also allows existing agricultural buildings to change use to a flexible use falling within use class A1 (shops), A2 (professional services), A3 (restaurants and cafes), B1 (general offices), B8 (storage), C1 (hotels) or D2 (assembly and leisure) in the Schedule to the Use Classes Order.

To qualify the building must have been solely in agricultural use since at least 3 July 2012, or if the use began later than that 3 July 2012, then to qualify the building must have been in agricultural use for a period of at least 10 years.

No more than 500 square metres of floor space in the building can be converted to a new use under the new right.

Before beginning the development the person relying on the right must notify the local planning authority.

If the change of use relates to more than 150 square metres of floor space the new permitted development right is subject to prior approval of the local planning authority in relation to transport and highways, noise impacts, contamination and flooding (please refer to the procedure under the heading "Amendments relating to change of use" above).

Temporary change of use

Article 7 also creates a new permitted development right allowing any building within use classes A1 (shops), A2 (professional services), A3 (restaurants and cafes), A4 (drinking establishments), A5 (hot foods), B1 (general offices), D1 (non-residential institutions) and D2 (assembly and leisure) in the Schedule to the Use Classes Order to change to a flexible use falling within either use class A1, A2, A3 or B1.

The new use may only be for a single continuous period of up to 2 years. The change of use may only relate to a floor space of no more than 150 square metres.

Amendments to existing permitted development rights

The 2013 Order makes the following amendments:

- Article 6(1) allows an increase in the size of floor space in business premises which may change use from use classes B1 (general offices) or B2 (general industrial) to use class B8 (storage and distribution), or from use classes B2 (general offices) or B8 (storage and distribution) to use class B1, from 235 square metres to 500 square metres. This change is not temporary.
- Article 8 permits an increase of the permitted development right to erect, extend or alter industrial and warehouse premises from 25% of gross floor space or 100 square metres (whichever is the lesser) to 50% or 200 square metres. The new permitted development right is temporary and will expire on 30th May 2016.
- Article 11 permits an increase to the permitted development right to extend or alter an office building from 25% of gross floor space or 50 square metres (whichever is the lesser) to 50% or 100 square metres (whichever is the lesser). The new permitted development right is temporary and will expire on 30th May 2016.
- Article 12 amends Part 42 of Schedule 2 to the 1995 Order to increase the permitted development right to extend or alter a shop, catering, professional or financial services establishment from 25% of gross floor space or 50 square metres (whichever is the lesser) to 50% or 100 square metres (whichever is the lesser). The new permitted development right is temporary and will expire on 30th May 2016. The

exclusion of development within 2 metres of the boundary of the curtilage is removed during the same period except in relation to premises which adjoin land or buildings in residential use.

Fees

With regard to fees that can be charged in relation to the above applications relating to the new rights, the **draft** legislation (The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2013) quoted below, appears to place a cap of £80.00 on fees chargeable. Please note that this is still draft legislation.

This fee would be unlikely to cover the costs incurred by Hinckley & Bosworth Borough Council in fulfilling the obligations placed on LPAs by the 2013 Order.

“Amendment in relation to fees for certain applications under the General Permitted Development Order

6.—(1) Regulation 14 of the 2012 Regulations is amended as follows.

(2) In paragraph (1), before sub-paragraph (a) insert—

“(za)for an application under any Part of that Schedule relating to development which involves the making of any material change in the use of any buildings or other land, **£80;**”

(3) After paragraph (1), insert—

“(1A) This regulation shall not apply to impose a fee in relation to an application of a type described in paragraph (1)(za) (“the approval application”) where—

(a)a fee is payable under these Regulations for an application for planning permission made in respect of proposals for development of a site which includes buildings or other land which are the subject of the approval application, and

(b)that application for planning permission is made on the same date and by or on behalf of the same applicant as the approval application.”

Potential Impacts

The amendments under Article 6(2) allowing the change of use of offices within Use Class B1(a) to Class C3 (residential) will enable the creation of new residential dwellings without the need to meet infrastructure costs such as financial contributions towards play and open space. This will not only result in more pressure on such infrastructure but will also result in a reduced income to provide and maintain such infrastructure. Furthermore this amendment could result in the loss of the employment provision within the Borough.

Article 6(2) also allows existing agricultural buildings to change use to a flexible use falling within use class A1 (shops), A2 (professional services), A3 (restaurants and cafes), B1 (general offices), B8 (storage), C1 (hotels) or D2 (assembly and leisure) in the Schedule to the Use Classes Order. Whilst this only relates to buildings up to 500 square metres it could result in inappropriate uses being located in unsustainable locations and impacting upon urban and rural centres where such uses should be located.

Article 7 creates a new permitted development right allowing any building within use classes A1 (shops), A2 (professional services), A3 (restaurants and cafes), A4 (drinking establishments), A5 (hot foods), B1 (general offices), D1 (non-residential institutions) and D2 (assembly and leisure) in the Schedule to the Use Classes Order to change to a flexible use falling within either use class A1, A2, A3 or B1. Whilst this is only for a temporary period and relates only to buildings up to 150 square metres local policy in the form of the Town Centre Area Action Plan seeks to protect the vitality and retail integrity of the town through restricting uses in the primary shopping frontage to primarily A1. This new permitted development right could therefore allow A1 uses in the primary shopping frontage to change to A2, A3 or B1 which could impact adversely on the vitality and retail integrity of the town centre.

Currently if a developer or home owner is seeking the Local Planning Authorities opinion as to whether a development required planning permission a Certificate of Lawful Proposed Use is submitted with a fee of £86, this process does not require any consultation with neighbours. The proposed application process incurs either no fee or a fee of £80 depending upon the type of development and requires consultation. As such the new process not only results in a reduction of fee but also results in an increase on workload impacting upon resources.

The introduction of the amendments and new provisions is highly likely to result in an increased number of enforcement complaints. Where a complaint is received the enforcement officer will have to carry out a site visit in order to ascertain whether the works are permitted development or not resulting in pressure on the Local Planning Authority's Enforcement resource. Furthermore there will be an impact from the requirement for the Local Planning Authority to monitor the receipt of completion notices and a further impact upon enforcement should the required notices not be received.

4. FINANCIAL IMPLICATIONS [DMe]

The proposed draft amendments will allow the Council to charge a capped fee of £80.00 which would come into effect from October this year. This may result in a minimal amount of additional income to the Council. As stated in the report if the fee is capped at £80.00 it is unlikely to cover the costs incurred by the Council.

Furthermore, the amendments to permitted development applications to residential extensions would mean further loss of income as these will be on a no fee basis and previously these applications were chargeable to the householder.

The overall impact to the council for the amendments to the Town and Country Planning will be loss of fee income

5. LEGAL IMPLICATIONS [EC]

Contained within the body of the report.

6. CORPORATE PLAN IMPLICATIONS

None

7. CONSULTATION

Not applicable

8. RISK IMPLICATIONS

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

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

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

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Loss of income from: <ul style="list-style-type: none"> • S106 contributions • reduction in application fee for Certificate applications. • Reduction in householder and small business applications 	Monitor impact on planning fee income and look at alternative funding where appropriate and level of resourcing given that the rules are proposed to be temporary	Tracy Miller
Pressure on enforcement section through additional complaints and monitoring throughout the time periods and particularly when time periods end	Monitor enforcement workloads and impact and address with additional resource if required	Tracy Miller
Loss of employment land	Monitor conversions and loss of employment premises and address through LDF reviews	Sally Smith
Loss of A1 retail units in the Town Centre	Monitor conversions and loss of A1 retail units and address through LDF reviews	Sally Smith

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

The report is for noting only and does not effect any group differently to any other.

The legislative change to allow changes of use within agricultural buildings will have a greater effect in the rural areas of the borough.

10. **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
- Planning Implications
- Voluntary Sector

Background papers: Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

Contact Officer: Edward Costerton – Legal Services
 Executive Member: Stuart Bray

PLANNING COMMITTEE – 25th June 2013

REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

RE: APPEALS LODGED AND DETERMINED



Hinckley & Bosworth
Borough Council

A Borough to be proud of

Wards affected – Market Bosworth, Groby, Kirkby Mallory, Barwell, Ratby, Burbage, Stoke Golding, Hinckley.

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

- 3.1 **Appeal by Mr Peter Mayne** against refusal for the erection of solar panel field and associated infrastructure at The Stables, Pine Close, Stoke Golding.

Format: Written Representations

- 3.2 **Appeal by David Wilson Homes East Midlands** against refusal for the erection of 9 dwellings and associated infrastructure at Land South of 26 to 28 Britannia Road, Burbage.

Format: Informal Hearing.

- 3.3 **Appeal by Mr Patrick Godden** against refusal for variation of condition No 4 of planning permission 09/00770/COU to amend the hours of operation at Upper Grange Farm, Ratby Lane, Markfield.

Format: Written Representations.

- 3.4 **Appeal by Alan Jones** against refusal of variation of condition of planning permission 03/00247/CONDIT to vary opening hours at Asda, Barwell Lane, Hinckley.

Format: Written Representations.

Appeals Determined

- 3.5 **Appeal by Mr Roy Jarvis** against the refusal to grant planning for the conversion of barn to dwelling including replacement of upper walls and roof at 33 Newbold Road, Kirkby Mallory.

The application was originally reported to Planning Committee for refusal and was subsequently refused by Members for the following reasons:

1. The proposed development is incapable of conversion without significant adaptation and thus is tantamount to the building of a new dwelling in the countryside, contrary to Para 55 of the NPPF.
2. The proposed development results in un-sympathetic alterations and additions, detrimental to the character and appearance of that building and of the surrounding countryside, contrary to BE1 of the Local Plan and NPPF.
3. The proposed development would have an unacceptable adverse impact on the amenities of the occupiers of No. 33 Newbold Road in terms of overlooking, contrary to BE1 of the Local Plan.
4. The proposed development would lead to an increase in traffic using an unsuitable access resulting in increased dangers for road users, contrary to T5 and BE1 of the Local Plan.

The Inspector considered the main issues were the effect on the character and appearance of the countryside, the effect on highway safety and the effect on the living conditions and privacy of the occupiers of No 33 Newbold Road.

Countryside

The barn lies adjacent to No 33 Newbold Road, along with the adjoining paddock to which it is in conjunction with, both currently occupied. At the time of the Inspectors site visit, the building was being used for storage of an assortment of domestic items and in the Inspector's view, the building was of little aesthetic merit. There were also some unoccupied buildings on site and a ménage and paddock, all to be removed, allowing the proposed residential curtilage to cut through where the existing ménage stood and allowing the front paddock to revert to agricultural use.

In the view of the Inspector, the conversion would be located within the countryside, contrary to National Planning Policy Framework (The NPPF), which identifies that new isolated development should be avoided. The few existing dwellings in the locality are sporadic and within a rural setting, the Inspector concluded that the new dwelling would be some way away from any settlement with services and would also result in an increase in length and number of motorised journeys. With this and the lack of footpaths or street lighting, the Inspector considered the site an unsuitable location.

The Inspector considered that the NPPF does allow for new isolated homes in the countryside but only where development would re-use redundant buildings, enhancing the immediate setting; however, in this instance only the steel framework and the lower block work of the building would remain, creating a rebuilding rather than a conversion.

The Inspector noted that although the appellant's personal circumstances no longer require the use of the building as stabling in association with the dwelling, it has not been demonstrated that the building is no longer suitable for equestrian use.

In the view of the Inspector, the removal of the ménage and railings and landscaping the frontage, would have a limited enhancement to the area, but

would not result in a substantial improvement to the appearance of the area, the character of which would be harmed by the increased domestic occupation.

The Inspector noted the presence of other examples of barn conversions in the area, but clarifies that they all relate to traditional barn structures which were of some merit. The Inspector concluded that the development would harm the character and appearance of the countryside, contrary to policy BE1 of the Hinckley and Bosworth Local Plan.

Highway Safety

In the view of the Inspector, the access would be via an existing drive onto Newbold Road and therefore policy T5 of the Hinckley and Bosworth Local Plan would not apply; however, the Design and Access Statement specifies that over recent years, the barn has had little use with the equestrian activities principally undertaken by the appellant's children. The Inspector concluded that for this reason, little extra traffic would have been generated since its use in association with the dwelling, as apposed to the contrast in the conversion to a four bedroom dwelling, which would generate additional traffic movements, making it reasonable to consider the adequacy of the access.

The Highway Authority judged that visibility splays would be necessary, 2.4m by 38m to the left and 2.4m by 60m visibility to the right. The Inspector commented that the visibility to the left could be achieved; however, it was not demonstrated that the visibility to the right would be provided and in the absence of that evidence it could not be concluded that adequate visibility could be provided, contrary to policy BE1 of the Hinckley and Bosworth Local Plan. The Inspector also noted that although there have been no accidents as a direct result of the access and that horse related activity may cease, it does not justify putting additional drivers at risk, the development would be harmful to highway safety.

Living Conditions

The orientation of the building would be north/south, meaning that the dwelling would face towards No 33 Newbold Road. There would be first floor bedroom windows facing the rear garden of No. 33 and first floor glazing serving the landing, however the landing would be set back. The garden separating the building from the common boundary with No 33 would be 16m in length, exceeding the minimum length of 12.5m specified in the Council's New Residential Development Design Guide. Due to the orientation of No 33, there would be no overlooking and therefore the Inspector concluded that the development would not harm the living conditions of the occupiers of No 33 in respect of privacy, in line with policy BE1 of the Hinckley and Bosworth Local Plan.

Conclusion

The Inspector concluded in favour of the Local Planning Authority and agreed that the development would be contrary to policy BE1 of the Hinckley and Bosworth Local Plan and that notwithstanding the conclusion on the living conditions, the appeal be dismissed for the first two main reasons.

APPEAL DISMISSED

3.6 **Appeal by Miss Julie Hogben** against refusal of the change of use for flat 2 to accommodate treatment rooms at 1B Newtown Linford Lane, Groby.

The application was originally recommended for approval by officers but was subsequently overturned by Members at Planning Committee and refused for the following reasons:

1. The comings and goings associated with the use will lead to a level of noise and general disturbance likely to be detrimental to the amenities of the neighbouring occupiers, contrary to BE1 of the Local Plan.
2. The applicant has failed to demonstrate that an appropriate level of on-site parking would be made to serve the development causing a detriment to highway and pedestrian safety contrary to T5 of the Local Plan.

The Inspector considered that the main issues of the appeal were the effect on the living conditions of the occupiers of adjacent residential properties and the adequacy of on-site parking provision.

Living Conditions

The Inspector noted that policy BE1 of the Hinckley and Bosworth Local Plan seeks to ensure development does not adversely affect the amenities of neighbouring properties. No 1B is located above an existing hairdressers and pedestrian access would be via an external staircase serving only the premises and the existing first floor flat, No 1A. The stairway is a shared existing access and due to the small size of the proposed unit, the Inspector considered that it would not be likely to generate substantial footfall by customers or staff.

The use has been in place for some time, during which, the occupant of the flat has experienced no inconvenience or disturbance from the use, the same goes for the occupiers of No 3, the adjacent property. The Inspector concluded that through the control of the intensity of the use and a condition to ensure the compliance with approved plans, that the use would not harm the living conditions of the occupiers of the adjacent residential properties.

Car Parking

The Inspector concluded that there are three existing parking spaces on the forecourt, with one more space for staff parking, along with on-street parking not too far away. There is the Village Hall car park nearby and the Groby ex-Servicemen's Social Club have given permission for the use of their car park by customers, although that is not secured through a Legal agreement. This accords with the County Council Parking Standards, one space per 50 square metres, with a minimum of two spaces.

The Inspector also noted that the provision of double yellow lines in the vicinity of the premises, prevents on-street parking which could be prejudicial to highway safety. Therefore, the development complies with policy T5 of the Hinckley and Bosworth Local Plan.

Conclusion

The Inspector agreed with the original recommendation of officers and considered that the appeal be allowed, granting planning permission for the change of use of flat above hairdressers to accommodate treatment rooms in accordance with the terms of the application reference 12/00900/COU, subject to conditions relating to accordance with approved plans and the restriction of the use in conjunction with the hairdressers only, not as a separate retail unit.

APPEAL ALLOWED

- 3.7 **Appeal by David Wilson Homes East Midlands** against refusal of planning permission for the erection of 24 dwellings and associated infrastructure at Land at Shilton Road, Barwell.

The application originally went to Planning Committee with a recommendation for refusal by officers and was subsequently refused by Members for the following reasons:

1. The proposed development is outside of the settlement boundary and within the Green Wedge resulting in a loss of Green Wedge, contrary to Policies 3 and 6 of the Core Strategy and principles of the NPPF.
2. The applicant has failed to demonstrate that the development will not result in the loss of an identified ecological asset, contrary to BE1 of the Local Plan and Section 11 of the NPPF.

Preliminaries

The Inspector noted that a Statement of Common ground was agreed between the principal parties and submitted at the hearing detailing the matters of the appeal and including a list of draft conditions and appendices. An obligation made under Section 106 of the Act was also submitted in the form of a Planning Agreement at the hearing. Within the Agreement, provision is made for 5 affordable houses and the payment of a number of contributions. The Inspector took account of both documents in the determination of the appeal.

The Inspector considered that the main issues of the appeal were whether a 5 year supply of deliverable housing land is locally available and the impact of the proposed development on the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge.

Five Year Housing Land Supply

Paragraph 47 of the National Planning Policy Framework is in place to boost the supply of housing by identifying and updating a supply of specific deliverable sites available to deliver 5 years worth of housing. The Council's Core Strategy records the requirement in the Borough to be 9000 between 2006-2012 – equivalent to 450 houses per year. Between the period 2008/9, the amount was achieved in a single year when 474 were built; however, other periods varied between 227 and 438 per year. The dispute between the parties is over the most appropriate way to deliver the shortfall, the appellant argued that it should be made up as rapidly as possible by adding 526 units

to the current 5 year requirement, the Council argued that the more appropriate method would be to spread the shortfall across the rest of the plan period. The appellant's approach results in a current 5 year supply of 2,776 dwellings, the Council's approach results in 2,445.

The Inspector noted that that the Framework expresses no preference for a particular method and attention was drawn to previous alternatives adopted from two recent appeals – Stanton under Bardon for 28 dwellings, which favoured the Sedgefield approach, meeting the shortfall earlier in the plan and – Groby for 91 dwellings, which favoured the Liverpool approach, concluding that a 5 years supply of land was deliverable.

In the view of the Inspector, there is little purpose in aspiring to a target that would be undeliverable and unrealistic in the current economic climate. The Inspector considered that a more realistic and preferred approach would be to anticipate a slow and steady recovery over a protracted period, and noted that in the respect of the two recent appeals, the Liverpool approach for the Groby site was a preferred and more cautious adoption for the calculation of the requirement.

The Inspector noted that not only does Paragraph 47 identify the requirement, but also requires an increase by either a 5% or a 20% buffer. This is to ensure choice and competition in the market for land and to provide a realistic prospect of achieving the planned supply and should be applied where there is persistent under delivery. The Council favours the 5%, but the appellant favours the 20% addition. The Inspector concluded that the rate of building cannot be dictated entirely on the result of planning decisions, there is potential for achieving the planned supply in a buoyant economy with an increase of 20%; however, at present it does not appear to be a realistic prospect. The Inspector also noted that the Council do not appear to have been obstinate in relation to the under-delivery and that the persistence referred to in Paragraph 47 has not been demonstrated. The Inspector concluded that a 5% buffer would be the favoured option in this case.

The Inspector noted that the appellant referred to several sites where it is considered the dwellings are unlikely to come forward as predicted and refers to the depressed state of the housing market. The Parties disagree in the estimate of the supply of housing land, the appellant estimates 2,548 dwellings are deliverable, whilst the Council estimate 2,757.

The Inspector concluded that although the Site Allocations and Generic Development Control Policies DPD is available in draft form only, significant progress has been made on the Earl Shilton and Barwell Area Action Plan to deliver 2,500 houses and the proposal is being actively pursued by means of an outline application. In light of the evident effort already applied to the site, the Inspector saw no reason why the prediction of 505 dwellings over the next 5 years would not be attained by the Barwell SUE. In that respect, the Inspector considered in agreement with the Stanton under Bardon case.

The Inspector concluded that the calculation of land supply is not an exact science and that a 5 year supply of deliverable housing has been demonstrated and is locally available, all policies relevant to the supply of housing continue to attract their full weight.

Green Wedge

The Inspector considered Policy 6 of the Core Strategy, which seeks encouragement of the appropriate recreational facilities and positive management of the land to maintain or enhance the green wedge. Specific uses are identified, not including housing, to retain the functions of the green wedge and the visual appearance of the area. The appellant considered that the scheme would have no material impact on the green wedge as it would occupy under 0.3% of the total area and is not included in the recently issued Green Wedge Review as a sensitive area. The Inspector's attention was drawn to a recent successful appeal for 4 dwellings at St. Mary's Court, Barwell, which was also located within the green wedge.

The Inspector considered the appeal site against the criteria for designation of the green wedge and made reference to Paragraph 9.2.3 of the Green Wedge Review, which recognises the argument that Barwell and Earl Shilton have already been merged, and agreed with the appellant that the scheme would have little consequence in preserving their differences. Notwithstanding that, the Inspector also recognised that green wedges have a significant effect on guiding the overall form of the growth of settlements and that the existence of the green wedge has played a significant part in forming the planned expansion of Barwell to the north-west and Earl Shilton to the south-west. The current scheme would have proposed the expansion of Barwell to the south-east and the Inspector considered that although a small project in comparison, there would be limited conflict with the purpose of the designation.

The Inspector considered that given the conclusions in relation to the above purposes, the purpose of providing a green lung to urban areas would be adversely affected by the scheme. The undeveloped land acts as a particularly attractive extension of the countryside into the built-up area. Paragraphs 9.4.3 and 10.4.2 of the Green Wedge Review refer to the importance of topography and lengthy views from Shilton Road and the Inspector considered that the scheme would extinguish this important aspect of the green wedge. The Inspector concluded that although the land has no particular recreational use, the contribution to local residents who can overlook the site and enjoy the countryside views would be denied this amenity should it be developed.

Conclusion

The Inspector took into consideration the matters raised by both parties including the sustainable location of the site, the benefits of the scheme and provision of affordable housing; however, no matters outweigh the harm to the green wedge. The Inspector clarified that had the opposite conclusion been made regarding the first main issue, the scheme would still have been in breach of Policy 6 of the Core Strategy, and the appeal was therefore dismissed.

APPEAL DISMISSED

- 3.8 **Appeal made by Mr and Mrs J Hitchcock** against the refusal of planning permission for the erection of dwelling with detached garage and formation of associated vehicular access at Land Between 3 and 15 Shenton Lane, Market Bosworth.

The application originally went to Planning Committee with a recommendation of refusal by officers and was subsequently refused by Members for the following reason:

1. The applicant has failed to demonstrate that an appropriate and safe vehicular access would be provided, which could result in dangers to road users, contrary to T5 of the Local Plan.

The Inspector considered the first main issue with the appeal to be the fact that the site is within the Conservation Area but agreed with the Council's opinion that the design, mass and materials of the proposal would enhance and preserve the character and appearance of the area. The second issue raised by the Inspector was the effect of the proposed development on highway safety and free flow traffic along Shenton Lane.

Highway Safety

In the view of the Inspector, Shenton Road is a narrow Class III highway with a speed limit of 30mph with vehicles parked along both sides, particularly in front of the appeal site and adjacent dwellings. The Inspector applied great weight to Saved Policy T5 of the Hinckley and Bosworth Local Plan, National Planning Policy Framework and the Leicestershire County Council's 'The 6C's Design Guide' in relation to the requirements for new development requiring new access, in that they comply with the current highway standards.

"Manual For Streets" (MFS1) and the updated (MFS2) make reference to development in built-up areas, which applies to the appeal site. Standard visibility is set out in these documents and in this case should be 2.4m (x) by 43m (y). The (x) distance should normally be used in built-up areas as this represents a reasonable maximum distance between the front of a car and a driver's eye. The (y) distance is calculated by the traffic speeds and safe stopping distances. Based on the speed limit of Shenton Lane, 30mph, 43m is the relevant safe stopping distance. However, the appellant undertook a Classified Automatic Traffic Count which confirmed that the average speed was 25mph, allowing the (y) distance to be reduced to 33m. The Inspector noted that although the appellant stated that the visibility splays could be achieved, it was not taken into account the regular parking that occurs within the visibility splays. However, MFS1 and MFS2 state that parking in visibility splays within built-up areas is common and in some circumstances, where the speeds are slow, some encroachment may be possible.

The Inspector considered that although there would be sufficient turning space within the site for vehicles to turn and exit forward from the site, the existing ground level would be lowered by 1m, not allowing the driver to see above parked vehicles as indicated by the appellant. This would therefore be hazardous. The Inspector also considered that there would be further risk to road users and pedestrians as the carriageway width is 5.3m adjacent to the proposed access, meaning only one vehicle can proceed along the road when cars are parked along one side of the road, resulting in the likeliness of vehicles having to reverse up the road or back over the footway into the appeal site should they be emerging from the site.

In consideration of Paragraph 7.8.5 of MFS1 and 10.7.1 of MFS2 indicating that defined parking bays should be provided outside the visibility splay, the

Inspector considered that there is a lack of parking bays along Shenton Lane and that it would be difficult to negotiate the proposed entrance or see pedestrians on the footway, should there be vehicles parked close to the proposed entrance. Taking this and other points into account, the Inspector concluded that the (y) distance is compromised, making visibility in both directions inadequate.

The appellant argued that the proposed access close to the existing access to No 3 could provide a passing place, however the submitted drawing did not make it clear that a car would not park between the two accesses and therefore was given little weight. The Inspector noted that there have been no accidents and that there are other existing vehicular accesses onto Shenton Lane close to the on-street parking; however it was concluded that the existence of other accesses is not a good reason to introduce another access which would be unsatisfactory and hazardous.

Several previous appeal decisions were referred to by the appellant; however, the Inspector considered that the appeal would be determined on its own merits and therefore little weight was given to the other decisions.

Conclusion

The Inspector considered that the appeal proposal would not have a detrimental impact on the character or appearance of the conservation area; however no matter outweighs the main issue in respect of highway safety, which the Inspector concluded to be contrary to MSF1, MSF2 and Saved Policy T5 of the Hinckley and Bosworth Local Plan and the appeal was therefore dismissed.

Costs

An application for full costs was made by the appellant for the reason of unreasonable behaviour by the Council, resulting in unnecessary expense, as described in Circular 03/2009. The Inspector concluded that there had been no evidence demonstrated to confirm this and the full award for costs was found unjustified..

APPEAL DISMISSED

4. FINANCIAL IMPLICATIONS [DMe]

None arising directly from this report.

5. LEGAL IMPLICATIONS [MR]

There are no legal implications arising from this report as the report is for noting only.

6. CORPORATE PLAN IMPLICATIONS

This document contributes to Strategic Aim 3 of the Corporate Plan

- Safer and Healthier Borough.

7. CONSULTATION

PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 14.06.13

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	SITUATION	DATES
	SF	13/00025/FUL (PINS 2198578)	WR	Mrs Sophie Johnson	1A Tithe Close Stoke Golding	Awaiting Start Date	
13/00012/PP	EM	12/00873/FUL (PINS 2198127)	WR	Mr Peter Mayne	The Stables Pine Close Stoke Golding	Start Date Statement of Case Final Comments	03.06.13 15.07.13 05.08.13
	RW	12/01114/FUL	WR	Miss Susan Johnson	3 Markfield Lane Botcheston	Awaiting Start Date	
13/00011/PP	EM	12/00878/CONDIT (PINS No 2197904)	WR	Alan Jones (Asda Stores Ltd)	Asda Barwell Lane Hinckley	Start Date Statement of Case Final Comments	30.05.13 11.07.13 01.08.13
13/00014/PP	RW	12/01026/FUL (PINS No 2197652)	IH	David Wilson Homes	Land South Of 26 To 28 Britannia Road Burbage	Start Date Statement of Case Hearing Date	04.06.13 16.07.13 TBA
13/00013/PP	RW	12/01079/FUL (PINS No 2197648)	IH	David Wilson Homes	Land South Of 26 To 28 Britannia Road Burbage	Start Date Statement of Case Hearing Date	04.06.13 16.07.13 TBA
13/00010/PP	EO	12/00762/CONDIT (PINS Ref 2197085)	WR	Mr Patrick Godden	Upper Grange Farm Ratby Lane Markfield	Start Date Statement of Case Final Comments	14.05.13 25.06.13 16.07.13
13/00008/PP	EO	12/01094/FUL (PINS Ref 2195984)	WR	Mr H Chotai	Desford Dental Practice 18 Manor Road Desford	Start Date Final Comments	15.04.13 17.06.13
13/00009/FTPP	AW	13/00047/HOU (PINS Ref 2196704)	WR	Mr & Mrs S Adcock	Barons Park Leicester Lane Desford	Start Date Awaiting Decision	23.04.13
13/00007/PP	JH	12/00657/FUL (PINS Ref 2192640)	WR	Mr G Wragg	Barn B Common Farm Barton Road Carlton	Start Date Awaiting Decision	21.02.13

13/00005/PP	SF	11/00976/COU (PINS Ref 2189756)	WR	Mr A Ingram	Gnarley Farm Ashby Road Osbaston	Start Date Awaiting Decision	15.01.13
13/00002/PP	EM	12/00810/FUL (PINS Ref 2189935)	WR	Mr Henry Egerton	Elms Farm Atherstone Road Appleby Parva	Start Date Awaiting Decision	14.01.13
12/00027/PP	EM	12/00157/FUL (PINS Ref 2186305)	WR	Mr D Martin	Land South Of Leicester Lane Desford	Start Date Awaiting Decision	05.11.12
	CH/AK	PINS Ref 2179915	PI	Rugby District Council Call in Application (HBBC Rule 6 Party)	Stretton Croft Burbage	Start Date Awaiting Decision	23.08.12 Expected 27.08.13

Decisions Received

13/00006/PP	RM	12/00900/COU (PINS Ref 2192402)	WR	Julie Hogben	1B Newtown Linford Lane Groby	ALLOWED	10.05.13
12/00031/PP	EM	12/00713/FUL (PINS Ref 2189548)	WR	Mr Roy Jarvis	33 Newbold Road Kirkby Mallory	DISMISSED	15.05.13
12/00030/PP	RW	12/00452/FUL (PINS Ref 2188915)	IH	David Wilson Homes	Land Adj 108 Shilton Road Barwell	DISMISSED	17.05.13
12/00025/PP	EM	12/00167/FUL (PINS Ref 2185544)	IH	Mr John Hitchcock	Land between 3-15 Shenton Lane Market Bosworth	DISMISSED	30.05.13

Rolling 1 April - 14 June 2013

No of Appeal Decisions					Officer Decision			Councillor Decision		
	Allowed	Dismissed	Split	Withdrawn	Allow	Spt	Dis	Allow	Spt	Dis
8	5	3	0	0	2	0	3	3	0	0

Enforcement

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn

Delegated Applications determined between 13/05/2013 and 14/06/2013

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Ambion	13/00203/FUL	PLANNING PERMISSION	03/06/2013	Leicestershire Independent Educational Trust	The Dixie Grammar Junior School Temple Hall Farm Bosworth Road Wellsborough Nuneaton Leicestershire CV13 6PA
				Conversion of barn used as a store at the school into a music room	
	13/00204/FUL	PLANNING PERMISSION	22/05/2013	Mr Paul Davis	Land At 331 Watling Street Higham On The Hill Leicestershire
				Change of use of land and erection of detached garage	
	13/00205/FUL	PLANNING PERMISSION	16/05/2013	Mr James Baxter	Valley Farm Tinsel Lane Wellsborough Nuneaton Leicestershire CV13 6LL
				Extension and alterations to two agricultural buildings	
	13/00218/HOU	PLANNING PERMISSION	12/06/2013	Mr Steve Martin	53 Arnold Road Stoke Golding Nuneaton Leicestershire CV13 6JG
				Extensions and alterations to dwelling	
	13/00257/CLU	CERTIFICATE OF LAWFUL EXISTING USE	21/05/2013	Mr Brian Stain	Higham Fields Farm Higham Fields Lane Higham On The Hill Nuneaton Leicestershire CV13 6ET
				Certificate of lawful use (existing) for a plant and machinery hire business	
	13/00296/HOU	PLANNING PERMISSION	24/05/2013	Mr & Mrs C Fairchild	66 Sherwood Road Stoke Golding Nuneaton Leicestershire CV13 6EE
				Extensions and alterations to dwelling.	
	13/00306/FUL	PLANNING PERMISSION	03/06/2013	J Davenport	Barr Lane Higham On The Hill Leicestershire
				Formation of menage	
	13/00358/HOU	PLANNING PERMISSION	12/06/2013	Mr Matthew Briddick	Manor Farm Cottages 2 Main Road Upton Nuneaton Leicestershire CV13 6JX
				Erection of two storey side extension and single storey rear extension	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Barlestone Nailstone And Osbasto	13/00149/HOU	PLANNING PERMISSION	28/05/2013	Mr Toni ODonnell	13 Barton Road Barlestone Nuneaton Leicestershire CV13 0ER
	13/00188/HOU	PLANNING PERMISSION	14/05/2013	Mr J May	25A Barton Road Barlestone Nuneaton Leicestershire CV13 0ER
	13/00294/OUT	PLANNING PERMISSION	29/05/2013	Mr & Mrs D Statham	77 Newbold Road Barlestone Nuneaton Leicestershire CV13 0DT
Barwell	13/00264/HOU	REFUSAL OF PLANNING PERMISSION	17/05/2013	Mrs Maddy Kennedy	The Brockey Farmhouse Kirkby Road Barwell Leicester Leicestershire LE9 8FT
					EXTENSIONS AND ALTERATIONS TO DWELLING

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Burbage Sketchley & Stretton	13/00214/REM	APPROVAL OF RESERVED MATTERS	15/05/2013	Mr & Mrs M Healey	Plot 7 Land Rear Of 68 Britannia Road Burbage Leicestershire
	13/00216/REM	APPROVAL OF RESERVED MATTERS	15/05/2013	Mr & Mrs K Davies	Plot 6 Land Rear Of 68 Britannia Road Burbage Leicestershire
	13/00285/HOU	PLANNING PERMISSION	03/06/2013	Mr Justin Armstrong	Stretton Pines Wolvey Road Burbage Hinckley Leicestershire LE10 2JN
Burbage St Catherines & Lash Hill	13/00295/HOU	PLANNING PERMISSION	24/05/2013	Mrs N Nichols	16 Newstead Avenue Burbage Hinckley Leicestershire LE10 2JB
	13/00332/HOU	PLANNING PERMISSION	13/06/2013	Mr Tony Dadley	166 Wolvey Road Burbage Hinckley Leicestershire LE10 2JJ
	13/00201/HOU	PLANNING PERMISSION	03/06/2013	Mr N Thompson	5B Brookside Burbage Hinckley Leicestershire LE10 2TG

Ward	Reference	Decision	Date of Decision	Applicants Name	Address
Cadeby CarltonM Bosworth & Sha	13/00165/FUL	PLANNING PERMISSION	23/05/2013	Mr Charles Glen Parkinson	Unit 8 Station Road Industrial Estate Station Road Market Bosworth Nuneaton Leicestershire CV13 0PG
	13/00195/FUL	PLANNING PERMISSION	06/06/2013	Mr Richard Dolman	Change of use to B2, installation of spray booth and chimney for extraction 36 Main Street Carlton Nuneaton Leicestershire CV13 0EZ
	13/00209/CON	PLANNING PERMISSION	14/05/2013	Mr Neil Bayley	Demolition of dwelling and garage/office block and erection of replacement dwelling and garage with alterations and change of use of agricultural building to B1 (Office) Use including access works and provision of associated parking and landscaping West End Sewage Works West End Barton In The Beans Nuneaton Leicestershire CV13 0DG
	13/00224/OUT	REFUSAL OF PLANNING PERMISSION	07/06/2013	Mr & Mrs A Birch	Variation of condition no's. 2, 3 and 4 of planning permission 10/00427/COU for the change of use of land to holiday park and siting of 6 log cabins 1 Hall Lane Odstone Nuneaton Leicestershire CV13 0QS
	13/00262/HOU	PLANNING PERMISSION	05/06/2013	Ms Susan Millward	Erection of one dwelling (outline - all matters reserved) The Old Rectory Church Lane Cadeby Nuneaton Leicestershire CV13 0AT
	13/00263/CON	CONSERVATION AREA CONSENT	05/06/2013	Ms Susan Millward	Demolition of existing garage, outbuilding and alterations to dwelling to form granny annexe and erection of detached garage and workshop The Old Rectory Church Lane Cadeby Nuneaton Leicestershire CV13 0AT
	13/00266/HOU	PLANNING PERMISSION	06/06/2013	Mr Robert McWhirter	Demolition of existing garage, outbuilding and conservatory 27 Barton Road Market Bosworth Nuneaton Leicestershire CV13 0LQ Extension and alterations to dwelling and erection of detached double garage

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
	13/00271/FUL	PLANNING PERMISSION	29/05/2013	Mr & Mrs R Jackson	Sutton Ridge House Sutton Lane Cadeby Nuneaton Leicestershire CV13 0AR
	13/00301/TPO	PERMIT CONSERVATION AREA TPO WORKS	20/05/2013	Mr P Mills	Drove House Main Road Bilstone Nuneaton Leicestershire CV13 6NG
Change of use of building to residential dwelling					
Works to trees					
Earl Shilton					
	13/00035/ADV	CONSENT TO DISPLAY AN ADVERTISEMENT	04/06/2013	Mr Colin Johnson	The Heathfield Academy Belle Vue Road Earl Shilton Leicester Leicestershire LE9 7PA
	13/00122/CLU	REFUSAL OF CERT OF LAWFUL PROPOSED USE	13/05/2013	Miss Adriana Sucha	123 High Street Earl Shilton Leicester Leicestershire LE9 7LR
	13/00238/EXT	OUTLINE PLANNING PERMISSION	16/05/2013		117 High Street Earl Shilton Leicester Leicestershire LE9 7LR
Certificate of lawful proposed use for a bootcamp exercise retreat					
Extension of time application for outline planning permission 09/01006/OUT for the erection of three dwellings with creation of access, parking and garaging (Layout and Access)					
	13/00282/CON	PLANNING PERMISSION	06/06/2013	Richard Fox	The Elms Bungalow 96 Mill Lane Earl Shilton Leicester Leicestershire LE9 7AX
Variation of condition no. 3 of planning permission 11/00068/EXT for demolition of bungalow and erection of 8 dwellings					
	13/00300/TPO	PERMIT TREE PRESERVATION ORDER WORKS	04/06/2013	Mina Freeman	12 Equity Road Earl Shilton Leicester Leicestershire LE9 7FD
Works to three trees					

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Hinckley Castle					
	13/00045/FUL	PLANNING PERMISSION	13/05/2013	Mr Trevor Low	Hinckley Gym Club Roston Drive Hinckley Leicestershire LE10 0XP
	13/00267/FUL	PLANNING PERMISSION	23/05/2013	Mr Richard Knibbs	39 Castle Street Hinckley Leicestershire LE10 1DA
	13/00268/ADV	CONSENT TO DISPLAY AN ADVERTISEMENT	23/05/2013	Mr Richard Knibbs	39 Castle Street Hinckley Leicestershire LE10 1DA
	13/00274/CLU	REFUSAL OF CERT OF LAWFUL PROPOSED USE	06/06/2013	Mrs Paula Burton	21 Station Road Hinckley Leicestershire LE10 1AW
	13/00275/HOU	PLANNING PERMISSION	14/05/2013	Ms S Parish	91 Priesthills Road Hinckley Leicestershire LE10 1AH
	13/00316/FUL	PLANNING PERMISSION	06/06/2013	Mrs Patricia Parkin	104 Northfield Road Hinckley Leicestershire LE10 0LJ
	13/00356/LBC	LISTED BUILDING CONSENT	06/06/2013	Mr Stewart Heeley	37 Castle Street Hinckley Leicestershire LE10 1DA

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Hinckley Clarendon					
	13/00132/COU	PLANNING PERMISSION	07/06/2013	Mr Dean Parry	31 Lochmore Drive Hinckley Leicestershire LE10 0TZ
	13/00206/CON	PLANNING PERMISSION	06/06/2013		Change of use to residential curtilage and erection of fence 5 Jacknell Road Hinckley Leicestershire LE10 3BS
	13/00210/HOU	PLANNING PERMISSION	20/05/2013	Mr And Mrs Shepherd	4 Ferndale Grove Hinckley Leicestershire LE10 0PH
	13/00270/CLU	CERTIFICATE OF LAWFUL EXISTING USE	20/05/2013	Mr James McArdle	180 Coventry Road Hinckley Leicestershire LE10 0NG
	13/00330/HOU	PLANNING PERMISSION	12/06/2013	Mr & Mrs N & S F Mayne	30 Beaumont Avenue Hinckley Leicestershire LE10 0JN
					Extension and alterations to dwelling Extension and alterations to dwelling Certificate of lawful existing use for the operation of a garden machinery repair and service business Extension and alterations to dwelling

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Hinckley DeMontfort					
	13/00211/HOU	PLANNING PERMISSION	14/05/2013	Mr Adrian Stevens	15 Portland Drive Hinckley Leicestershire LE10 1SE
	13/00225/FUL	REFUSAL OF PLANNING PERMISSION	15/05/2013	Ms Jane Mathews	25 Woodland Road Hinckley Leicestershire LE10 1JF
	13/00226/EXT	PLANNING PERMISSION	06/06/2013	Mr T Taylor	23 Bradgate Road Hinckley Leicestershire LE10 1LA
	13/00248/HOU	PLANNING PERMISSION	13/05/2013	Mr & Mrs Wilbur	117 Leicester Road Hinckley Leicestershire LE10 1LR
	13/00289/HED	NOT IMPORTANT HEDGEROW REMOVAL	03/06/2013	Mr Timothy Payne	11 Bradgate Road Hinckley Leicestershire LE10 1LA
	13/00302/HOU	PLANNING PERMISSION	28/05/2013	Mrs Jane Carrara Chambers	86 Leicester Road Hinckley Leicestershire LE10 1LU
	13/00309/HOU	PLANNING PERMISSION	04/06/2013	Mr G Alcock	105 Ashby Road Hinckley Leicestershire LE10 1SQ
	13/00326/HOU	PLANNING PERMISSION	12/06/2013	Mr & Mrs N Marston	19 Trevor Road Hinckley Leicestershire LE10 1JD

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Hinckley Trinity					
	13/00265/HED	NOT IMPORTANT HEDGEROW REMOVAL	31/05/2013	Mr Gary Harrison	Wykin House Farm Higham Lane Wykin Hinckley Leicestershire LE10 3EF
	13/00286/HOU	PLANNING PERMISSION	04/06/2013	Hedgerow removal Mr D Short	6 Linwood Close Hinckley Leicestershire LE10 0XG
	13/00422/CTP	RECOMMENDATION ONLY	03/06/2013	Extension and alterations to dwelling Andrew Shaw	72 Hollycroft Hinckley Leicestershire LE10 0HQ
				Works to Trees	

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Markfield Stanton & Fieldhead					
	13/00187/HOU	PLANNING PERMISSION	28/05/2013	Mr Alan Coules	30 Preston Close Stanton Under Bardon Markfield Leicestershire LE67 9TX
	13/00197/COU	PLANNING PERMISSION	06/06/2013	Mr Mujibur Rahman	The Red Lion 123 Main Street Markfield Leicestershire LE67 9UW
	13/00200/ADV	CONSENT TO DISPLAY AN ADVERTISEMENT	22/05/2013	Miss Amy Watts	Rear Of 169 Main Street Stanton Under Bardon Leicestershire
	13/00208/HOU	PLANNING PERMISSION	16/05/2013	Mr & Mrs Chung	7 Wesley Way Markfield Leicestershire LE67 9NA
	13/00215/OUT	PLANNING PERMISSION	22/05/2013	T Hull, S Hull, M Page, S Robotham, S Stanif 9RJ	9 Ratby Lane Markfield Leicestershire LE67 9RJ
	13/00258/EXT	PLANNING PERMISSION	03/06/2013	Dr Julie Sherwin	50 Ashby Road Markfield Leicestershire LE67 9UD
	13/00269/HOU	PLANNING PERMISSION	20/05/2013	Mr N Rushton	17 Ashby Road Markfield Leicestershire LE67 9UB

Newbold Verdon With Desford & P

13/00166/HOU	PLANNING PERMISSION	14/05/2013	Mrs Rita Denise Ladkin	5 Ringwood Close Desford Leicester Leicestershire LE9 9HZ
13/00212/HOU	PLANNING PERMISSION	13/05/2013	Miss Diane Warner	Brook Dale Cottage Kirkby Lane Peckleton Leicester Leicestershire LE9 7RD
13/00242/HOU	PLANNING PERMISSION	29/05/2013	Mr Bobby Dhanjal	Manor Farm 18 School Lane Stapleton Leicester Leicestershire LE9 8JR
13/00243/LBC	LISTED BUILDING CONSENT	29/05/2013	Mr Bobby Dhanjal	Manor Farm 18 School Lane Stapleton Leicester Leicestershire LE9 8JR
13/00276/TPO	PERMIT TREE PRESERVATION ORDER WORKS	22/05/2013	Mr James Rowell	The Spinneys Station Road Desford Leicester Leicestershire LE9 9FP
13/00279/TPO	PERMIT TREE PRESERVATION ORDER WORKS	23/05/2013	Mr Gill	The Cottage Station Road Desford Leicester Leicestershire LE9 9FN
13/00281/HOU	PLANNING PERMISSION	13/06/2013	Mr N Fairbrother	9 Berrington Close Botcheston Leicester Leicestershire LE9 9FQ
13/00290/HOU	PLANNING PERMISSION	21/05/2013	Mr Jonathan Derbyshire	12 Goulton Crescent Desford Leicester Leicestershire LE9 9DR

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
	13/00320/TPO	PERMIT TREE PRESERVATION ORDER WORKS	04/06/2013	Mr David Rhodes	4 Main Street Newbold Verdon Leicester Leicestershire LE9 9NL
	13/00321/TPO	PERMIT TREE PRESERVATION ORDER WORKS	04/06/2013	Ms Diane Guoger	6 Grange Court Desford Leicester Leicestershire LE9 9QY
Ratby Bagworth And Thornton					
	13/00244/HOU	PLANNING PERMISSION	16/05/2013	Mr R Pasch	168 Markfield Road Ratby Leicester Leicestershire LE6 0LS
	13/00298/TPO	PERMIT TREE PRESERVATION ORDER WORKS	31/05/2013	Mr James Dale	46 Berrys Lane Ratby Leicester Leicestershire LE6 0JA
	13/00304/HOU	PLANNING PERMISSION	29/05/2013	D Wooley	188 Markfield Road Ratby Leicester Leicestershire LE6 0LS
	13/00364/CTP	RECOMMENDATION ONLY	30/05/2013	Andrew Shaw	23 Groby Road Service Road Ratby Leicester Leicestershire LE6 0LJ
					T1 T2 T3 Pine Trees Rear Garden - Proposed works: Remove to Ground Reason Likelihood of failure of T1 and T2 Removal of the trees will increase wind loading of tthird tree

<i>Ward</i>	<i>Reference</i>	<i>Decision</i>	<i>Date of Decision</i>	<i>Applicants Name</i>	<i>Address</i>
Twycross Sheepy & Witherley					
	13/00277/HOU	PLANNING PERMISSION	06/06/2013	Mr Michael Banks	Brookfield House Kennel Lane Witherley Atherstone Leicestershire CV9 3LJ
				Extensions and alterations to dwelling	
	13/00324/FUL	PLANNING PERMISSION	06/06/2013	Mr I Davenport	The Old Rectory 19 Church Road Witherley Atherstone Leicestershire CV9 3NA
				Change of use of land for the creation of tennis court	

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